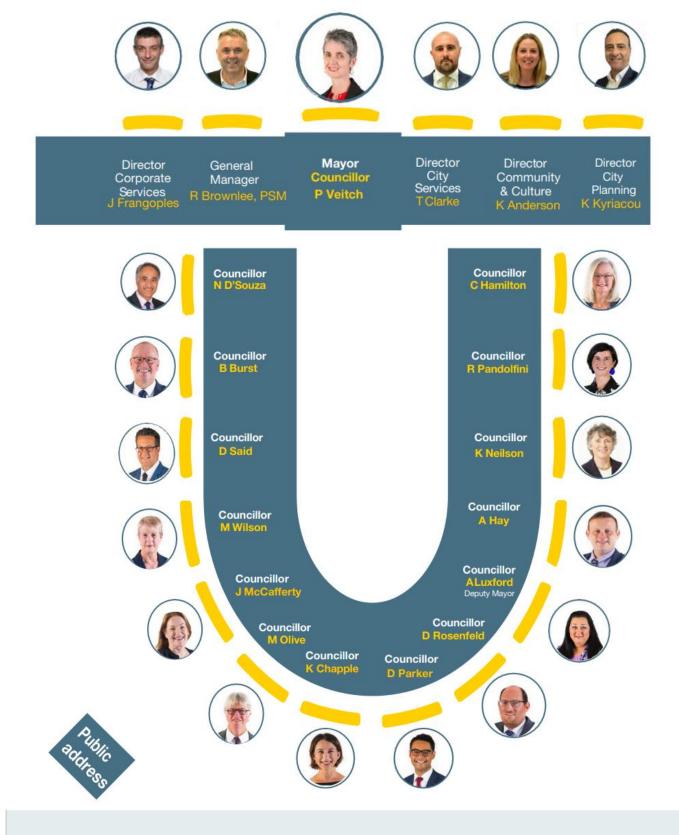
Ordinary Council Meeting

Tuesday 26 March 2024



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

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.

The Councillor must not be present at, or in sight of, the meeting:

- a) at any time during which the matter is being considered or discussed, or
- b) 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 nonpecuniary 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 nonpecuniary 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.

Ordinary Council meeting 26 March 2024



ORDINARY COUNCIL

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, 26 March 2024 at 7:00pm

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."

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"

Apologies/Granting of Leave of Absences

Requests to attend meeting by audio-visual link

Confirmation of the Minutes

Ordinary Council - 27 February 2024 Extraordinary Council - 11 March 2024

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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CS12/24	Wildlife Information and Rescue Services (WIRES) Facility Construction - Tender No. T2024-21

Ordinary Council meeting 26 March 2024

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. (Tender/ Procurement)

CS13/24 Footpath Cleaning Machines Supply and Maintenance Tender No. T2024-23

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.

GM2/24 Audit, Risk & Improvement Committee - Chairman's Annual Performance Report

This matter is considered to be confidential under Section 10A(2) (f) Of the Local

Government Act, as it deals with matters affecting the security of the Council, Councillors, Council staff or Council property.

Petitions

Notice of Rescission Motions

Nil

Ray Brownlee, PSM **GENERAL MANAGER**

Mayoral Minute No. MM9/24

Subject: Financial Assistance and Donations - January - February

2024

Motion:

That Council:

 contribute towards the waiver of fees associated with the Community Gardens Gathering to be held on 15 June 2024 totaling \$1155.00 and donate seedlings from Council's Nursery to the value of \$250.00

- donate 200 plants to the value of \$1360.00 from its Nursery to Chifley Public School for their Mother's Day stall.
- c) donate \$1000.00 to the Rotary to support local mental health charities and an animal/dog charity.
- d) contribute an additional \$10000.00 from the Mayor's Contingency Fund to the annual Block Party delivered by Weave for Youth Week.
- e) donate plants to the value of \$1000.00 from Council's Nursery for the Mother's Day Stall being held by St Aidan's Primary School, Parents and Friends Association in May to support the fundraising efforts for the school.

Background:

a) Community Gardens Australia

Community Gardens Australia is planning a gathering of NSW community gardens this June 15 at the Randwick Sustainability Hub. This is part of the strategy to deliver annual networking and educational opportunities in each state and territory in 2024.

This location was chosen as it is a leading-edge hub for sustainable living and therefore the perfect site for the event. The demonstration gardens, children's activities and hall are all perfectly designed for what is planned. Council has received a request to support the event through the provision of hall hire for the day.

Community Gardens Australia also requests seedlings from the Council's nursery to run hands on activities with the children.

The aim is to deliver a great day for community gardeners to network with each other, have fun and take home some learnings. The plan is to run two concurrent streams throughout the day, one for the kids and one for the adult kids so that it becomes a super fun and educational day for the whole family. Both groups will come together for a MasterChef style cook off in the middle of the day to prepare a healthy, vegetarian lunch together.

b) Chifley Public School

The school currently needs updated educational resources and a new computer bank to replace an outdated class set.

The school is planning a Mother's Day stall on the 9th May where each child will be able to purchase a plant at a nominal cost. This will serve to raise funds for the school but more importantly, build the sense of community that is so important and allow students to take something home to their mothers or maternal figures.

The school has approximately 200 students and would like each child to buy a gift to take home for their mother. The school will provide a plant to the students who are unable to purchase one.

c) Rotary Dog Fun Day

The first Dog Fun Day will be held at Arthur Byrne Reserve on Sunday 7 April 2024 from 10am – 2pm which is organised by the Dog Fun Day Organising Committee of Rotary Clubs of Botany, Randwick and Maroubra. For the first-year funds will be raised for local mental health charities and an animal/dog charity.

There will be 20 stalls with dog related products and services, a sausage sizzle, raffle and a range of fun competitions for the community. There will also be events eg best dressed dog, cutest puppy and more.

d) South East Block Party for Youth Week

Council has a partnership arrangement with Weave Youth and Community Services to deliver an annual event for Youth Week, the South East Block Party. The funding agreement has been endorsed for 2022 – 2025 for \$40, 000.00 / year. Weave have met with me and provided a breakdown of the increase in costs that they are facing to hold this event. They are requesting an additional \$25 000.00 in 2023/24 to be able to deliver the South East Block party in April 2024. The additional \$25 000.00 can be funded via \$15 000.00 from the Community Development budget (via a mix of savings in other projects and projects that have had grant funding) and \$10 000.00 from the Mayor's Contingency.

This annual event is free to the community and showcases local First Nation's musicians and performers. It also engages a young audience of 8-18 year olds and supports members of socially disadvantaged communities through a free event with food provided. If Council were to deliver this event ourselves not only would it be unlikely that we would get the same levels of engagement with these sections of the community, it would also cost upwards of \$150 000.00 to deliver and resource.

Requests for future support in 2024/25 would need to be considered separately. The South East Block Party is a significant event that brings all areas of our community together and importantly provides opportunities for marginalised young people to aspire for a better life. The increase in supplier costs are evidenced by Weave and considered a reasonable request of Council as a partner agency.

The Block Party is scheduled to be held on Wednesday 24 April 3pm – 7pm at Coral Sea Park, Maroubra.

e) St Aidan's Primary School Mother's Day Stall

St Aiden's Primary School in Maroubra, through their Parents and Friends Association, has requested a donation of plants from the Council Nursery for their Mother's Day stall being held in May in support of fundraising efforts for the school.

Source of funding:

The financial implications to Council will be \$14,765.00 funded from the 2023-24 Contingency Fund.

Attachment/s:

Nil

Submitted by: The Mayor, Cr Philipa Veitch

File Reference: F2024/06574

Mayoral Minute No. MM10/24

Subject: Request for report - Fundraising at the Step Out Speak Out

Walk

Motion:

That Council calls for a report outlining possibilities for fundraising activities to be held in conjunction with the Step Out Speak Out Walk, to support local domestic violence services.

Background:

Randwick Council in partnership with the Eastern Beaches Police Area Command hold an annual walk for community to come together to say no to domestic violence.

This great event attracts thousands of community members from diverse backgrounds and is held during the 16 days of Activism of Gender-Based Violence, as a walk from High Cross Park Randwick to Coogee Beach where local students, the Mayor and Police speak on Domestic and Family Violence issues.

There is an opportunity for Council to consider fundraising at this event for local domestic and family violence services, leveraging the community participation to raise funds.

Source of funding:

To be determined as part of a report back.

Attachment/s:

Nil

Submitted by: The Mayor, Cr Philipa Veitch

File Reference: F2023/00441

Mayoral Minute No. MM11/24

Subject: Motion for the 2024 National General Assembly of Local

Government seeking significant additional funding to be made directly to local government for the purposes of public

housing.

Motion:

That Randwick City Council endorses the following motion to be submitted to the 2024 National General Assembly of Local Government.

This National General Assembly of Local Government calls on the Australian Government to amend the Housing Australia Future Fund Facility (HAFFF) funding program to:

- provide significant funds directly to Local Government for the purposes of building public housing, with priority given to projects that utilise existing Local Government landholdings; and
- remove the limitations on loans to 30% of the project cost for less than 75 dwellings and for larger proposals a limit to 10% and instead provide interest free loans up to 50% of the project cost.

National Objective:

- 1. This motion focusses on housing and homelessness which is one of the twelve priority areas in the NGA 2024 discussion paper; and
- 2. This motion is consistent with ALGA's objective to support and strengthen the role of local government in population management, land use planning and building.

Background:

The Housing Australia Future Fund Facility (HAFFF) and National Housing Accord Facility (NHAF) are Federal Government initiatives to increase the provision of social and affordable housing.

Specifically, the HAFFF, aims to deliver 20,000 new social and 10,000 new affordable homes over five years while the NHAF supports the Federal Government's commitment to deliver 10,000 new affordable homes over five years from 2024. Both programs are administered by Housing Australia and are funded by deploying returns from future fund investments.

Under the National Housing Accord, the NSW Government has committed to providing 377,000 new homes by 2029. The recent planning changes that the NSW Government has sought to introduce will do nothing to improve housing affordability and there has not been any serious commitment to increase the amount of public housing to address long waiting lists. Local councils are well placed to deliver public housing given their strategic approach to housing and knowledge of community needs. The current restrictions on the funding available through the HAFFF unreasonably limit the capacity for local government for deliver public housing.

Source of funding:

NA

Attachment/s:

Nil

Submitted by: The Mayor, Cr Philipa Veitch

File Reference: F2014/00272

Mayoral Minute No. MM12/24

Subject: Cost Shifting on to Local Government

Motion:

That:

- a) Council receive and note the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year;
- a copy of the cost shifting report be placed on Council's website so that our communities can access it; and
- c) Council write to the Premier, the NSW Treasurer and the NSW Minister for Local Government seeking that they urgently seek to address these costs through a combination of regulatory reform, budgetary provision and appropriate funding

Background:

The pressure on councils to continue to provide services of appropriate standard to our communities is now extraordinary. The growth of cost shifting to councils, coupled with rate pegging, is increasingly eroding any possibility of financially sustainable local government and risking the capacity of councils to deliver tailored, grassroots services to their communities and properly deliver and maintain vital local infrastructure.

As shown in the latest cost shifting report produced by independent consultants Morrison Low on behalf of LGNSW for the 2021/2022 financial year (www.lgnsw.org.au/costshifting), an amount of \$1.36 billion of expense has been passed on to councils to fund. This is an increase of \$540 million since the last report from the 2017/2018 financial year and represents lost services, lost opportunity and lost amenity for all our residents and businesses. On average, this represents an additional cost of \$460.67 for every ratepayer across the state.

Councils across New South Wales and Australia, together with Local Government industry bodies, have for decades unsuccessfully advocated for the removal of the cost shifting from other levels of government to local councils. As a result, direct and indirect cost shifting remains a burden on the finances of councils and Randwick City Council is no exception. In 2023 the State Government increased Randwick Council's Emergency Services Levy by a massive 23% or \$750K in monetary terms. This cost shifting resulted in Council having to defer and reduce some capital works to mitigate this funding loss.

Now in 2024, it is important to councils and communities that the NSW Government urgently seek to address cost shifting through a combination of regulatory reform, budgetary provision and appropriate funding.

Attachment/s:

Nil

Submitted by: David Kelly, Manager Customer and Compliance

File Reference: F2006/00588

Director City Planning Report No. CP7/24

Subject: Compliance and Enforcement Policy

Executive Summary

- Council's current Compliance and Enforcement Policy was adopted in 2018 has been reviewed and updated.
- A Compliance and Enforcement Policy provides legal and administrative framework to assist Council in undertaking its regulatory, compliance and enforcement functions and services.
- The Policy includes information about Council's key regulatory functions and processes, as well as matters for consideration and enforcement options.
- The attached draft Policy has been updated to cover a number of legislative changes and associated processes.

Recommendation

That:

- a) the draft *Compliance and Enforcement Policy* be placed on public exhibition for community consultation for a period of 28 days.
- a report be provided to Council following consultation for consideration and adoption of a reviewed and updated Compliance and Enforcement Policy.

Attachment/s:

1,1 Compliance and Enforcement Policy - Review 2024-1 highlighted key changes

Purpose

Council's current Enforcement Policy was adopted by Council on 25 September 2018 and it is proposed to update the policy to incorporate a number of amendments to legislation and associated regulatory processes.

The purpose of Council's Compliance and Enforcement Policy is to assist and guide Council's regulatory officers and provide a framework which aims to ensure that Council's regulatory, compliance and enforcement functions are implemented in an appropriate, consistent and effective manner.

The policy mainly applies to Council's regulatory officers, but also provides information about Council's compliance and enforcement activities, matters for consideration and regulatory options and actions. However, the policy may also be referenced in reviews and audits of Council's processes and in relevant Court proceedings or actions.

The attached draft policy is principally the same as Council's current Compliance and Enforcement Policy, with amendments to cover new legislative provisions and processes, including the Public Spaces (Unattended Property) Act 2021 and also Building Regulation and Certification related provisions.

Discussion

Aims, objectives and purpose of Council's Compliance and Enforcement Policy

The adoption and implementation of the proposed policy aims to satisfy Council's obligations and charter under section 8 of the Local Government Act 1993, ".... to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected...".

The adoption and implementation of a Council Enforcement Policy is also highly recommended by the NSW Ombudsman and the proposed policy has been developed having regard to the NSW Ombudsman Enforcement Guidelines for Councils published in December 2015.

Councils are responsible for a diverse range of compliance and enforcement functions, with a wide range of regulatory options, ranging from taking no action (i.e. in relation a minor or technical breach), to the issue of a penalty notice (on-the-spot fine) to various types of Court proceedings. An Enforcement Policy provides assistance and guidance to Council's regulatory officers who deal with these regulatory functions on a day-to-day basis.

The draft policy includes details on relevant legislation; investigation processes; matters for consideration, enforcement options, determining appropriate enforcement action, legal options and issue of penalty notices or fines.

The draft policy also provides information on key regulatory processes including; exempt and complying development, unattended vehicles and other articles (e.g. shared devices), certification of development and neighbour disputes.

The draft policy also takes into consideration the scale, severity and impacts of regulatory breaches and offences, enforcement objectives, priorities and regulatory resources.

The adoption of an updated Compliance and Enforcement Policy will help ensure that Randwick City Council implements its regulatory functions appropriately, consistently and effectively across the Council area.

New provisions

The attached draft Policy has been updated to cover changes to various Acts and Regulations, including:

Public Spaces (Unattended Property) Act 2018

- Public Spaces (Unattended Property) Regulation 2022
- Environmental Planning and Assessment Regulation 2021
- Environmental Planning and Assessment (Development, Certification & Fire safety)
 Regulation 2021
- Building & Development Certifiers Act 2018.

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	Regulation and Compliance			
Delivery program commitment	Implement Council's key regulatory functions, responsibilities and services relating to public health, environmental protection and building and development compliance.			

Resourcing Strategy implications

Implementation of Council's Compliance and Enforcement Policy and associated regulatory functions and services is provided within Council's operational budget.

Policy and legislative requirements

- Local Government Act 1993
- Environmental Planning and Assessment Act 1979
- Food Act 2003
- Protection of the Environment Operations Act 1997
- Public Health Act 2010
- Boarding Houses Act 2012
- Swimming Pools Act 1992
- Building & Development Certifiers Act 2018
- Companion Animals Act 1998
- Roads Act 1993
- Road Transport Act 2013
- Public Spaces (Unattended Property) Act 2018
- Crown Land Management Act 2016
- Rock Fishing Act 2016.

Conclusion

The attached draft Compliance and Enforcement Policy has been updated to incorporate a number of legislative changes and regulatory functions carried out by Council's authorised officers.

The draft policy also includes helpful information which explains the regulatory provisions and processes which apply to specific types of regulatory matters.

The draft policy aims to fulfil Council's regulatory obligations and charter under the *Local Government Act 1993*, as well as providing a framework for the implementation of Council's regulatory functions and services in a consistent, appropriate and accountable manner.

Responsible officer: Roman Wereszczynski, Manager Health, Building & Regulatory

Services

File Reference: F2004/06770

CITY PLANNING

Compliance and Enforcement Policy

Draft Review

Adoption Date: Click or tap to enter a date.

Review Date: Click or tap to enter a date.

Version:

1.0 (March 2024)

Responsible Department: Health, Building & Regulatory Services

TRIM Document Number: **D05193958**



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1. Introduction

The purpose of the policy is to assist Council staff to undertake Council's regulatory and compliance functions in an appropriate, consistent and effective manner.

In the context of this policy unlawful activity means any regulatory requirement, activity or work that has been or is being carried out;

- contrary to a requirement of an Act, Regulation or associated provision regulating a particular activity, work or matter;
- contrary to an environmental planning instrument that regulates the activities or work that can be carried out:
- · without a required development consent, approval, permit, certificate or licence; and/or
- contrary to the conditions or requirements of a development consent, approval, permit, certificate or licence

Council is strongly opposed to unlawful activities and regulatory breaches and Council will undertake regulatory action in accordance with this policy and relevant Acts, Regulations and associated requirements.

Randwick City Council also acknowledges that it has an obligation under section 8 of the *Local Government Act 1993* to ensure that the exercise of its regulatory power is carried out with consistency and without bias.

The policy provides clear guidelines, including the appropriate exercise of discretion that Council will use in investigating and assessing unlawful activities, taking into account all relevant information including the available evidence; environmental, amenity and safety impacts; cost to the community; circumstances of the case and the public interest.

The policy outlines the process and matters to be considered, from receipt or identification of an allegation about an unlawful activity through to enforcement action and any relevant appeals process.

2. Policy Objectives

This policy provides a legal and administrative framework to assist Council in its regulatory, compliance and enforcement functions, providing guidelines on:

The investigation and response to customer action requests relating to regulatory matters

- Options for dealing with unlawful activities
- Matters for consideration in the investigation of alleged unlawful activities
- Facilitating a proportional approach to compliance and enforcement
- · Determining the most appropriate regulatory and enforcement response.

The policy also provides information about Council's regulatory activities and processes.

3. Application of the Policy

The policy applies to the investigation and enforcement of regulatory matters and unlawful activities associated with:

Compliance and Enforcement Policy

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- · Consents, approvals, applications, certificates, permits and orders
- Air, noise and water pollution
- · Fire safety
- · Food safety
- · Public health and safety
- · Control over animals
- Roads, footpaths, parks and reserves
- Parking control
- Tree preservation
- Waste disposal and littering

4. Relevant Legislation

This policy applies to the enforcement of all Acts and their associated Regulations, Standards and Rules administered by Council, including, but not limited to:

- Local Government Act 1993
- Environmental Planning and Assessment Act 1979
- Food Act 2003
- Protection of the Environment Operations Act 1997
- Public Health Act 2010
- Boarding Houses Act 2012
- Swimming Pools Act 1992
- Building & Development Certifiers Act 2018
- Companion Animals Act 1998
- Roads Act 1993
- Road Transport Act 2013
- Public Spaces (Unattended Property) Act 2018
- Crown Land Management Act 2016
- Rock Fishing Act 2016

5. Responsibility

All Council staff who receive and respond to reports about alleged unlawful activities and regulatory matters are responsible for implementing this policy and a range of staff are authorised by Council's General Manager to undertake these functions, including Council's Environmental Health Officers, Building Surveyors, Compliance Officers, Rangers, Parking Officers, Tree Preservation Officers and other Authorised Officers.

6. Investigation of Alleged Offences and Breaches

Council receives information about alleged unlawful activities from members of the public, business operators or government agencies. Reports about alleged unlawful activities may also be reported by Council officers when undertaking inspections or patrols of an area.

While Council is proactive in the detection of unlawful activities, not all offences are readily discernible and early detection can only be achieved with the support and direct reporting of our community.

Reports alleging unlawful activities will be entered into Council's customer request system and will be allocated a reference number. The request will be referred to the relevant team or officer for investigation and action

Reports about alleged unlawful activities or breaches must include accurate and complete information, and an indication of the impacts or harm arising from the activity.

The name, address and contact details of the person submitting the report will also be recorded. This information is important as Council may need to rely on evidence from the person to prove any alleged offence and to commence enforcement action.

Except in the case of urgent matters, reports or concerns relating to privately-owned premises are encouraged to be provided in writing, to enable the investigating officer to better understand the issues and to determine whether or not the matter falls within Council's jurisdiction and warrants investigation. Also, to facilitate a full and proper investigation of the matter and gathering of evidence of any unlawful activity.

Council staff will:

- Investigate matters in accordance with relevant Acts, Regulations, Council policies and procedures
- Provide information about the alleged breach to any alleged offender
- · Consider all submissions made about the matter
- Make reasonable enquiries or investigations before making a decision
- Make records of the investigations and reasons for decisions
- Provide information to the parties about the investigation, matters for consideration and relevant regulatory requirements
- Communicate with relevant parties and advise of the action to be taken or has been taken in the
 particular matter
- Make decisions and take enforcement action which is proportionate and appropriate for the severity
 of the offence or unlawful activity
- Advise parties of any rights of review or appeal
- Act fairly and without bias

6.1. Neighbour issues

To promote good neighbourly relations neighbours are encouraged to talk with each other to resolve their concerns prior to making any complaints to Council.

Reporting matters to Council without first talking with your neighbour may cause unnecessary friction and impact on long-term neighbourly relations.

Council is unable to take action or intervene in neighbour disputes relating to the activities or behaviour of a neighbour or other matters which are of a private or civil nature e.g. dividing fence or retaining wall disputes, trespass, building encroachments, damage to private properties, property/land disputes or actions resulting from the behaviour of a person.

Other dispute resolution processes or legislative provisions may also be available for the resolution of neighbour nuisances and issues.

The NSW Community Justice Centres may also be able to assist with the resolution of neighbour complaints and for more information visit www.cjc.justice.nsw.gov.au.

6.2. Council's jurisdiction

Whilst Councils have regulatory powers under a wide range of Acts and Regulations, Councils do not have jurisdiction in all matters or unlawful activities.

A number of NSW government departments and other authorised agencies or persons are responsible for the investigation, enforcement or resolution of disputes and alleged unlawful activities, including:

- NSW Health
- NSW Police
- NSW Fair Trading
- NSW Building Commission
- NSW Liquor & Gaming
- SafeWork NSW
- NSW Environment Protection Authority
- NSW Department of Planning and Environment
- Registered (Accredited) Certifiers

If Council is not the appropriate regulatory authority for a particular matter, Council will advise the customer accordingly and provide any necessary assistance to the regulatory authority.

6.3. Prioritisation of investigations

Council officers will undertake investigations into alleged unlawful activities or breaches as soon as practicable. However, it is also recognised that Council does not have unlimited resources to investigate and action all reports immediately or within specific timeframes. In addition, not all reports and allegations made to Council will require an investigation (as outlined in section 6.4).

Upon receipt of reports or requests for investigation, Council officers will carry out a preliminary assessment of the matter to determine if an investigation is required and/or the priority for the investigation.

Generally, reports relating to public and occupant safety and environmental harm will be given a higher priority, as detailed in the examples below:

Urgent

- Major water pollution incident
- Immediate threat to public health or safety
- Multiple food poisoning incident
- Asbestos incident
- Sewer blockage/leak
- Unauthorised demolition of a heritage item or building in a heritage conservation area
- Dog attack

High

- Building safety
- Fire safety
- Swimming pool safety
- Public health and safety
- Unauthorised development (significant impact or in progress)
- Significant tree removal
- Food safety
- Single food poisoning incident
- Dangerous illegal parking

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Medium

- Construction site management
- Unauthorised development (general)
- Noise complaints (major)
- · Air or water quality
- Abandoned vehicles
- · Roads, reserves & footpaths
- Stormwater drainage
- Animal control (general)
- Waste dumping
- Trees

Low

- Animal nuisances
- Food labelling
- Overgrown vegetation
- Unauthorised activity / development (minor nature / scale)
- Noxious weeds
- Noise complaints (minor)
- Health and amenity (minor)
- Waste storage
- · Aesthetic issues
- Neighbour nuisances
- Historical alleged activities or breaches
- Minor issues, technical or administrative breaches

consideration, including the extent and nature of the alleged breach or activity and the material impacts arising from the activity.

When prioritising and undertaking investigations, Council officers will take all relevant matters into

Some investigations may take some time to action or complete, particularly where the investigation or issues are complex or where applications may be submitted to council for consideration (e.g. an application for development consent or modification of a consent).

It is also acknowledged that Council does not have unlimited resources to investigate and enforce all alleged unlawful activities or to intervene in neighbour issues and civil disputes. In some cases, the extent of investigation and enforcement action may also be limited, due to the absence of sufficient evidence or resources required for lengthy or detailed investigations or surveillance and priority will be given to other current urgent or significant matters.

6.4. Reports which may not be investigated

All reports regarding alleged unlawful activities will be investigated, except where:

- Advice has been provided to relevant parties and no further investigation is necessary
- The activity is considered to be lawful without further investigation
- The matter has already been investigated and addressed to the satisfaction of the relevant Manager, Director or General Manager
- The report is not supported with sufficient details or evidence or it appears to have no substance
- Council is not the most appropriate authority and/or has no jurisdiction to take action in the matter (e.g. matters under the jurisdiction of a State authority such as SafeWork NSW, NSW Health, NSW Environmental Protection Authority, NSW Office of Fair Trading or Building Commissioners Office)

- The matter may be resolved via alternative dispute resolution processes i.e. strata by-law or tenancy
 matters which may be resolved between the parties or through the NSW Civil and Administrative
 Tribunal (NCAT)
- The matter principally relates to a private dispute or nuisance or serves to progress a private interest, or should be resolved between the parties or through mediation or civil proceedings
- The complaint is considered to be trivial, frivolous, vexatious or of a retaliatory nature
- The complaint or report relates to the behaviour of a person or neighbour dispute
- The relevant Manager, Director or General Manager has determined that investigation and/or
 regulatory action is not warranted or feasible e.g. having regard to the extent of time and/or
 resources that would be involved in the matter and/or impact upon other current urgent or higher
 priority cases or the taking of regulatory action would be unreasonable or not in the public interest).

Council must consider a range of factors when determining whether the particular matter will warrant further investigation, but if a decision is made not to investigate or act upon a complaint or matter, the decision must be recorded with clear reasons why. The customer must be advised of the decision and the reasons for not taking further action.

6.5. Alleged unlawful activities outside standard operating hours

Council may receive reports about alleged unlawful activities which occur outside of standard operating hours and on weekends (e.g. alleged failure to comply with conditions relating to operating hours or use of plant or equipment at night). Council officers aim to investigate all alleged unlawful activities, however due to operational and resource constraints investigations outside of standard operating hours will be limited and based on an assessment of the risk of harm to public health, safety and the environment and the public interest.

6.6. Anonymous reports

Anonymous reports will be recorded and assessed in accordance with this policy. However, because it is not possible to contact the person making the report for clarification or information about the issue or associated impacts, it may not be feasible to investigate the allegation, evaluate the impacts or obtain evidence of a breach or take enforcement action. Therefore, Council may determine that anonymous reports relating to low-impact, historical alleged breaches or other matters may not warrant an investigation.

6.7. Confidentiality

Council officers will not disclose confidential or personal and private information. However, the identity of the person making the report to Council may be apparent, due to the nature and location of the matter being investigated. The identity of the person making the report may be disclosed in the following cases:

- The identity has already been disclosed to the subject of the report directly
- The identity has already been disclosed in a publicly available document or report
- The disclosure has been made after determination of an application made under the Government Information (Public Access) Act 2009
- The individual consents to the their identity being disclosed
- The disclosure is required to comply with principles of procedural fairness
- The disclosure is necessary to properly investigate the matter
- The matter is the subject of a Subpoena or Court proceedings.

6.8. Complaints about Council staff or actions

Any complaint about Council staff and the handling of reports or investigations of alleged unlawful activities will be recorded and processed separately, in accordance with Council's Complaints Handling Policy and Code of Conduct.

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7. Options for Enforcement

There are a range of possible options available to Council, depending on the nature and extent of the alleged offence or breach, relevant legislative provisions, available evidence, circumstances of the case and the appropriate desired outcome.

Importantly, the enforcement action taken in a particular case should be commensurate with the nature, scale, severity of the offence and associated impacts on the community and environment.

Regulatory action and enforcement options may include:

- Take no action because the activity is not unlawful
- · Take no further action due to the lack of evidence of an offence or breach
- Take no further action having regard to the minor nature of the offence or breach and/or the circumstances of the case
- · Counsel the person investigated to educate them on the relevant Council or regulatory requirements
- Referring parties to the NSW Community Justice Centres (CJC) for mediation (i.e. in instances where it is considered that mediation would be more appropriate to resolve a particular matter rather than taking enforcement action)
- Issue a warning and advise the person that any further breaches may result in possible regulatory action or penalties
- Direct the person, or issue a letter requiring the person, to; cease specified activities; carry out specified works; provide specified information, documentation or certification; or obtain necessary approvals, within a specified timeframe
- Consult and negotiate with the parties and/or obtain undertakings, to achieve a reasonable outcome and resolution of a particular matter
- Issue a formal Notice of Intention to serve an Order under relevant legislation, which allows the
 person to make representations to Council, prior to determining any appropriate action
- Issue a formal Order or Notice under relevant legislation, requiring specified work to be undertaken
 or, to cease specified activities or, to provide specified documentation, certification or the like to
 Council
- Issue a formal 'caution' for the offence or breach
- Issue a Penalty Notice (fine) for the offence or breach
- Take legal proceedings for the offence or breach (i.e. Local Court or Land & Environment Court)
- Advise the relevant parties to consider implementing civil enforcement proceedings to obtain a
 Court Order or Injunction (i.e. to remedy or restrain a breach of relevant legislative provisions or to
 seek a Court order or direction)
- Council may carry out the works specified in a Council Order under relevant legislation, at the
 expense of the person served with the Order.

8. Discretion

Council's compliance and enforcement officers regularly encounter matters in which they are required to exercise independent professional judgement and make decisions, as authorised delegated Council officers to determine whether or not to take enforcement action and what enforcement action is appropriate in the particular case, which often involves complex considerations and weighing up of many factors.

The taking of regulatory or enforcement action by Council and its officers is a discretionary power. This means that, whilst Council is provided with the authority to enforce a law, this does not mean that there is legal obligation to do so, not even at the insistence of a third party.

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Council's decision whether or not to take regulatory action is determined, essentially, by the following criteria:

- there is sufficient evidence to prove that the offence has occurred and the person/s responsible for the offence;
- it must be evident from the facts and the circumstances of the case, that the taking of regulatory
 action would be appropriate (having regard to the matters for consideration as outlined in this
 policy);
- the taking of enforcement action would be appropriate and proportionate to the offence or unlawful activity; and
- the action is in the public interest.

When exercising discretion, Councils are obliged to:

- use discretionary powers in good faith, including for the intended and authorised purpose;
- base their decisions on facts and findings supported by evidence, only relevant considerations and not irrelevant ones:
- give proper, genuine and realistic consideration to the merits of the case, including weighing-up the importance of relevant factors;
- exercise discretion independently and not under the direction of a third party or body;
- · make decisions in accordance with relevant rules or policies but not inflexibly; and
- observe the basic rules of natural justice and procedural fairness.

The decision to pursue regulatory action will also be made impartially and will not be influenced by any inappropriate reference to race, religion, sex, national origin or political association, nor will it be influenced by matters that are of a civil nature or a private dispute.

Further details on the use of discretion by regulatory authorities can be found in the Enforcement Guidelines for Councils published by the NSW Ombudsman.

9. When will Council Commence Enforcement Action?

Council will decide whether to take enforcement action after it has considered, among other things, the following matters:

9.1. Nature and seriousness of the breach

Council will have regard to the impact the unlawful activity is causing on amenity or harm to the environment. If action is required, Council will consider what is reasonable in the circumstances and ensure the action is not disproportionate to the level of harm or damage arising from the breach.

9.2. Evidence of the offence or breach

To be able to take enforcement action Council must have sufficient evidence of the alleged offence (which can be substantiated in Court if necessary), including evidence of the person/s responsible for the offence.

9.3. Balancing of public interest and cost to Council

Council will weigh up the public interest or benefits that will be served against the cost to the Council, and the community, of taking enforcement action.

In considering the 'public interest' Council will have regard to whether the unlawful activity:

• will impact on a significant number of people;

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- will impact on disadvantaged or marginalised groups;
- is indicative of a systemic flaw;
- is individual in nature but often occurs;
- has attracted sustained public attention and no alternative resolution is proposed or likely; and
- · significantly undermines the integrity of the relevant regulatory provisions.

Council will also consider whether more effective means of rectifying an unlawful activity are available before formal legal proceedings are initiated. This may include one or a combination of the following:

- Reporting a breach to the relevant Federal or NSW government department or professional association; and
- · Use of statutory powers such as;
 - granting consent to a relevant application;
 - making an order under relevant legislation; or
 - issuing a building certificate under the Environmental Planning and Assessment Act 1979.

In some cases, a person may submit an application to the Council, to seek approval or consent for the activity which commenced or was carried out without the required consent or approval. A person may also submit an application to the Council for a 'building certificate', which, if issued, 'regularises' the subject unauthorised building work and prevents Council from issuing certain orders or taking further regulatory action in relation to the unauthorised work.

If an application is made to Council seeking approval or acceptance of a previous unauthorised activity or building work, it is generally appropriate to properly consider and determine the application, before taking further enforcement action which seeks to remedy the breach (i.e. except in the case of a serious breach or significant environmental harm/impact or public safety issue).

9.4. The available methods of enforcement

If formal proceedings are considered to be the best option, the decision on which court to bring proceedings in will be informed by considerations such as the following:

- · Likely cost and resources associated with the proceedings;
- Prospects of recovery of those costs from the respondent or defendant;
- Objectives and remedies available;
- Available methods of enforcement; and
- · Circumstances of each case.

9.5. The circumstances of each case

In prosecution and enforcement matters, Council consideration will be given to the following matters (as applicable):

- Whether the unlawful activity has caused a breach which is technical in nature and does not cause harm to amenity or to the environment
- Whether the unlawful activity is ongoing. If it has ceased, Council must consider the length of time that has expired
- The nature, scale, severity and impacts associated with the activity or breach
- Whether the impact of the unlawful activity on the natural or built environment and on health, safety and amenity
- Whether development consent or other approval would have been granted by Council if the appropriate application had been submitted prior to the unlawful activity being undertaken
- Whether the person(s) who committed the breach has shown contrition and, where possible, has remedied the unlawful activity

- Whether the person(s) who committed the breach has made submissions to the Council that
 provide reasonable grounds for the Council to conclude that the person was under a genuine
 mistaken belief as to a relevant factual or legal matter
- Whether the person(s) who committed the breach has shown deliberate or wilful conduct in their actions
- Whether the person(s) who committed the breach should have been aware of their obligations because they have:
 - particular knowledge e.g. a builder or company that regularly carries out work and is generally aware of the relevant Council or other requirements;
 - received a previous warning; or
 - been subject to previous formal legal action
- Whether or not the person has cooperated with Council and assisted in the prompt and effective resolution of the matter
- Whether the unlawful activity was unavoidable
- Whether or not the issue relates to public or private nuisance or matter which may be resolved between the affected parties
- Personal hardship, health or well-being considerations which may have contributed to the unlawful
 activity
- Such other matters that may appear to be relevant to the individual case.

10. Determining Appropriate Action and Enforcement

Council is not required to take enforcement action in every instance of unlawful activity, offence or breach of a relevant Act, Regulation or other statutory provision.

The type of enforcement action should be proportionate to the level of risk and seriousness of the breach, with more severe breaches attracting a more severe action.

Importantly, to be able to take any enforcement action and if necessary, to prove the offence in Court, Council must have sufficient evidence of the offence) and be able to identify the person responsible for the offence or breach.

Council and its officers will exercise professional judgement and discretion to determine whether or not enforcement action should be taken and what type of enforcement action should be taken.

Enforcement action should:

- · Aim to change the behaviour of the offender
- Aim to eliminate any financial gain or benefit from the offence
- Be responsive and consider what is appropriate for the particular offence and issue
- Be proportionate to the nature of the offence and level of harm caused
- · Aim to rectify or minimise the harm where appropriate
- Aim to deter future non-compliance
- Aim to achieve a balance between the public interest, the benefits of enforcement action and cost to Council.

A range of matters may be taken into consideration when determining the appropriate enforcement response to any unlawful activity including:

- a. The nature, extent and severity of the offence or breach
- b. The impact or potential impact of the offence or breach upon the natural or built environment

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- The impact or potential impact of the offence or breach upon the health, safety and amenity of the locality and community
- d. Whether or not the breach is of a technical, inconsequential or minor nature
- e. Whether or not Council is legally prevented from taking action
- f. The time period that has lapsed since the date of the offence or breach
- g. Whether or not the breach has been or can be remedied or rectified
- h. Whether or not an informal warning, a formal caution or provision of education would be appropriate in the circumstances
- Whether or not the particular matter satisfies relevant regulations, standards and requirements (i.e. Building Code of Australia)
- Whether or not the person has demonstrated genuine mitigating circumstances, hardship or contrition
- k. Whether or not the person has been proactive in the resolution of the matter and assisted with any Council requirements and instructions
- Whether or not a relevant development consent has been or can be obtained or sought for the particular matter (i.e. a variation to a development consent)
- m. The extent, level and nature of the matter and comparison with other provisions and criteria (e.g. comparison of unauthorised development against relevant or similar provisions for exempt or complying development)
- n. Whether or not any previous warnings, instructions or advice was provided which has not been followed
- o. Whether or not it is likely that consent would have been issued for the particular matter if consent had been sought
- Whether or not any modifications or works have or may be carried out to reasonably address or minimise potential impacts of the particular matter (i.e. removal of part of unauthorised works having the greatest impacts)
- q. Whether or not it was likely that the person was aware or should have been aware of the relevant regulatory provisions and requirements
- r. Whether or not the proposed action would be reasonable and proportionate in the particular case
- s. Whether or not the issue relates to a private, neighbour or civil dispute between other parties
- Whether or not the Council has sufficient admissible evidence to prove each element of the offence or breach
- u. The likely chances of success if the enforcement action was challenged in Court and relevant
- v. The costs and benefits of further investigating a particular matter, taking enforcement action or implementing proceedings (i.e. resources and cost of lengthy investigations, enforcement action or legal action would be excessive and/or outweigh the likely benefits or outcomes)
- w. Whether or not there are available alternative disputes resolution options, including the availability of options to resolve the matter that do not require the involvement of Council (e.g. resolution of disputes relating to defective building work; damage to premises; tenancy/property disputes, strata by-laws disputes, contracts or agreements or other matters which may be resolved via negotiation or mediation between the parties, relevant Tribunals or Court proceedings)
- x. The circumstances of the particular case
- y. The public interest (i.e. having regard to the extent and degree of impact, upon the broader community).

Annexure A contains a summary of a number of unlawful activities and typical courses of action which may be appropriate for the offence.

11. Legislative Provisions and Requirements

Specific provisions are contained within each piece of legislation relating to the appointment of Authorised Officers, Powers of Entry, Inspections & Investigations, Search Warrants, Issuing of Notices & Orders, Issuing Penalty Infringement Notices, Legal Proceedings, Appeals, Court Orders, Penalties, Compensation and other associated activities.

Specific provisions are also contained in most legislation to restrict Authorised Officers' access to residential premises, unless permission has been obtained or the inspection relates to a current approval or Council has obtained a Search Warrant.

Although Councils are provided with a range of Acts and Regulations to regulate and enforce, the provisions are, in most cases, very specific and action may only be taken if certain matters or circumstances are evident and can be demonstrated by the Authorised Council Officer.

The Acts and Regulations do not provide Council with unfettered powers to take action in matters which are not specifically provided for in the legislation (e.g. actions or behaviour of parties and neighbour nuisances).

Council officers are required to be duly authorised and carry out their regulatory functions fully in accordance with these provisions. Failure to do so may affect any potential proceedings or appeal and could result in a determination against Council or possible compensation.

12. Legal Proceedings - General

Prior to taking enforcement action, Council must have sufficient evidence of the offence (under the relevant Act or Regulation) and the person responsible for the offence or breach.

12.1. Criminal Proceedings

The commencement of legal proceedings or issue of penalty notices in relation to an offence or breach of an Act or Regulation are identified as 'criminal proceedings'.

In criminal proceedings, Council must be able to prove the particular offence 'beyond reasonable doubt'.

These types of proceedings are 'punitive' and may result in the issue of a fine by the Court, if the case is proven. In criminal proceedings, there is generally no provision which enables the Court to issue an order requiring the offender to remedy the breach or restrain the unlawful activity.

In some cases, it may be clearly evident that an unlawful activity has occurred. However, Council may not have sufficient evidence to prove, that a particular person has committed the offence, which would prevent Council from commencing proceedings or issuing a penalty notice for the offence.

12.2. Civil Proceedings

In some cases (i.e. cases of a significant breach, environmental harm, life safety or ongoing offence), Council may commence 'civil proceedings' in the Land & Environment Court, seeking an order from the Court requiring the offender to do or refrain from doing something.

In civil proceedings (e.g. Land & Environment Court class 4 proceedings), the level of proof is based on the 'balance of probability', which is less onerous than that in the criminal jurisdiction. However, even if the breach is established, the Court has the discretion as to whether or not an order will be issued.

In civil proceedings, the costs of litigation may be substantial and the Court may order the parties to pay their own legal costs or may order one party to pay the other parties legal costs in addition to their own costs.

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12.3. Criminal or Civil Proceedings?

Deciding whether to commence criminal or civil proceedings depends on the outcome that is being sought. If Council were willing, retrospectively, to accept the results of the unlawful activity or if the unlawful activity cannot be undone or is not ongoing and Council wishes to punish the offender, criminal proceedings may be preferred subject to the considerations detailed below.

Conversely, if Council is not willing to accept the unlawful activity (e.g. for alleged major offences against the *Environmental Planning and Assessment Act 1979* where the court may not have any jurisdiction to make an ancillary order requiring rectification of the unlawful activity), it is often more appropriate for Council to commence civil proceedings.

In general terms, the type of enforcement action and proceedings should be proportionate to the severity of the offence and harm. For example:

- General offence or breach issue of a penalty notice or fine by Council
- Substantial breach or offence Local Court (criminal proceedings)
- Major breach or ongoing offence or significant harm/impact (civil proceedings).

In determining appropriate type of proceedings, Council will have regards to the matters for consideration in this policy and any advice from Council's legal advisors.

If Council decides not to commence proceedings under the *Environmental Planning and Assessment Act*, *Local Government Act* or *Protection of the Environment Operations Act*, any person may commence their own proceedings for an order to remedy or restrain a relevant breach.

12.4. Recovery of Legal Costs

In the event of any legal proceedings in the Local Court or Land & Environment Court, Council may seek to recover any penalty imposed by the Court.

Council may also seek to recover its fair and reasonable costs in all matters where costs are recoverable, either by consent or order of the Court.

Council may agree to settle or agree to legal costs (i.e. based on the advice of its Solicitors), having regard to the circumstances of the case and to prevent incurring further unnecessary costs.

13. Notices, Orders & Appeals

Most legislation administered by Council has provisions which offer Council the option of the issuing of Orders. These provisions provide Council with a formal cost effective mechanism to direct land owners and occupiers to do or refrain from doing something that is unlawful or, contrary to particular provisions, requirements or standards.

Generally such provisions operate on the 'principles of natural justice' and require Council to issue a 'Notice of Intention to Give an Order', prior to an Order being issued. A 'Notice of Intention' is not required in cases of an emergency.

A person who receives a 'Notice of Intention' has a period of time in which they can make submissions on the proposed Order or the proposed timeframe in which the Order is to be complied with. Any representation made to Council will be considered prior to determining the appropriate course of action.

The relevant legislation contains provisions by which a person may lodge a formal appeal against an Order in the Land & Environment Court or Local Court within a specified timeframe (generally 28 days from the date the Order served). The appeal provisions will be outlined in Council's Orders.

14. Penalty Notices - Fines

A number of the Acts and Regulations which Council administer provide the ability for Council officers to issue Penalty Notices (i.e. a Fine) for certain offences. The Penalty Notice system was introduced to provide an effective and efficient means to deal with those offences which are generally not serious enough to warrant instituting Court proceedings.

The payment of a penalty notice does not result in the recording of a criminal conviction. Non-payment of a penalty notice is not dealt with by way of criminal sanctions, but is recoverable as a civil debt by Revenue NSW. However, a person may elect to have the matter heard in proceedings in the criminal iurisdiction of the Local Court.

Penalty notices may be issued by designated authorised officers under the relevant legislation. In many instances, authorised officers are not only Council officers, but include officers from other agencies such as the Police, Roads & Maritime Services, Environment Protection Authority, NSW Department Planning & Environment, NSW Health, SafeWork NSW, NSW Fair Trading and Building Commissioners Office.

Penalty notices are generally most appropriate where:

- · the breach is relatively minor,
- the facts are apparently indisputable,
- the penalty is proportionate and appropriate for the particular offence or breach;
- the breach is a one-off situation that can be remedied easily, and
- the issue of a penalty notice is likely to be a practical and viable deterrent.

It may not be appropriate to issue penalty notices where:

- · the breach is on-going,
- the penalty prescribed in the penalty notice would be clearly inadequate for the severity of the
 offence,
- the extent of impact or the harm to the environment or locality cannot be assessed immediately,
- the evidence may be insufficient or controversial and the matter may be unlikely to succeed in the event of a Court hearing.
- a significant period of time has elapsed since the alleged breach,
- negotiations to find a resolution to the problem which is the subject of the breach are being conducted
- a direction has been issued to perform specified work (i.e. via a Notice of Intention to serve an Order) within a timeframe and the time limit for such performance has not expired,
- multiple breaches have occurred.

Penalty notices are generally most suitable for immediate and straight-forward offences or breaches, to uphold the objectives of the relevant regulatory requirements and to act as a deterrent against further similar breaches, including:

- Public place offences
- · Roads, traffic and parking offences
- Waste and littering offences
- Failure to comply with public notices
- Certain animal control offences
- Most development control offences
- Low-impact pollution incidents
- General fire safety offences
- Failure to comply with fire safety statement requirements.

15. Review of a Penalty Notice (Fine)

To ensure that Council manages the penalty notice process and enforcement action in a consistent, transparent, accountable and unbiased manner, any requests or representations seeking reconsideration or waiving of a penalty notice are to be made directly with Revenue NSW.

Revenue NSW have in place specific guidelines (Revenue NSW Review Guidelines), to assist and guide them when considering requests for the review of a penalty notice, in a consistent and transparent manner, as recommended by the NSW Ombudsman.

When reviewing a penalty notice, Revenue NSW may seek further information or refer the representations regarding the issue of the penalty notice to the Council for comment and advice.

Where representations seeking reconsideration or waiving of a penalty notice, are made to Council via Revenue NSW, the General Manager's delegate will have due regard to upholding the integrity of the Council's regulatory and enforcement functions.

Council will generally not support the waiving of a penalty infringement notice unless:

- it is evident that an error has been made in the issuing of the penalty notice; or
- documentary evidence is provided from a registered Health Practitioner that the offence occurred due to the result of a medical emergency or incident; or
- the extent of evidence or circumstances may affect the successful prosecution of the offence the subject of the penalty notice in the event of a Court hearing or appeal; or
- it is evident that Council has acted unreasonably or inappropriately in the issuing of the penalty notice: or
- after consideration of legal advice or the exceptional circumstances of the case and it considered appropriate to do so.

Where representations are made to Revenue NSW seeking reconsideration or waiving of a penalty notice, the decision to waive a penalty notice is a matter for Revenue NSW alone.

15.1. Penalty Notice - Caution Guidelines

In certain circumstances it may be appropriate for Council to give an official 'Caution' to an offender, instead of issuing a penalty notice.

Council may give an official Caution for minor or inconsequential breaches or in other exceptional circumstances (e.g. in circumstances where there has been no environmental impact or harm and there are no safety concerns or material impact upon the community or environment).

An official Caution should be given by Council's Authorised Officer in accordance with the Caution Guidelines approved by the NSW Attorney General.

16. Certification of Development

The Legislative Framework in NSW

The 'certification' of development in NSW is carried out by building certifiers known as Registered (Accredited) Certifiers. Registered Certifiers can be private certifiers or Council certifiers.

The private-certification regime was introduced in 1998 and the extent of development which is certified by private-sector Building Certifiers and other Registered Certifiers has progressively increased since the provisions were introduced, to the extent that most developments in Sydney, other cities and major towns are now certified by private-sector Registered Certifiers.

NSW Fair Trading and the Building Commissioners Office are the responsible authorities for the regulation of building certifiers under the *Building and Development Certifiers Act 2018*.

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Registered Certificates are responsible for the issue of Construction Certificates and Complying Development Certificates and other Certificates under the *Environmental Planning and Assessment Act* 1979 and associated Regulations.

Registered Certifiers are also required to be appointed (e.g. by the building owner) as the Principal Certifier for the subject development, to assess compliance with relevant development consent, Construction Certificate or Complying Development Certificate (as applicable) and to issue an Occupation Certificate upon completion of the development.

The Building Commissioners Office is responsible for the investigation of complaints about all Registered Certifiers and they also undertake audits of development and compliance with relevant building regulations and standards.

Councils do not have any powers to investigate, audit or discipline Registered Certifiers. Registered Certifiers are required to comply with the conditions of their registration and they are also subject to a Code of Conduct. If necessary, any person may lodge a complaint with the Building Commissioners Office if it is considered that the certifier is in breach of their registration or any regulatory provisions or, if the certifier is not reasonably acting upon or responding to concerns about the development.

Customer enquiries and complaints about development

The legislative framework in NSW provides Registered Certifiers with prime responsibility to ensure compliance with relevant consents, certificates and building regulations. Together with the ability for the Building Commissioner or Council to step-in and take appropriate regulatory action where it is necessary to do so.

All reports, enquiries or concerns relating to building or development compliance (i.e. alleged non-compliance with a development consent, construction certificate or complying development certificate) should be referred directly to the appointed certifier for investigation and appropriate action.

The appointed Principal Certifier for the particular development is required to appropriately act upon any reports about the building work or development and to respond to the customer accordingly, as outlined in the Practice Standards for Registered Certifiers and the Certifiers Code of Conduct.

Principal Certifiers are responsible for ensuring that the development is 'consistent' with the relevant development consent or complying development certificate and Certifiers are able to exercise professional judgement to determine whether or not the development is 'consistent' with the consent.

Principal Certifiers also have the authority to determine whether or not a range of ancillary matters associated with the development have been satisfied (e.g. earthworks, structural work, stormwater drainage, building finishes and landscaping work).

If the Principal Certifier for the development identifies that the building is not being carried out in accordance with the relevant consent or other requirements, the certifier is required to issue a Written Direction Notice to the owner or builder, which outlines the non-compliance and specifies a period of time in which to remedy or resolve the non-compliance. If the requirements specified in a Written Direction Notice are not satisfied within the specified period, the certifier is required to notify Council accordingly.

Upon receipt of notification of the non-compliance with a Written Direction Notice, Council officers will undertake their own investigation and assessment of the matter and Council may issue a Notice of Intention to Serve an Order if the development is not being carried out in accordance with the development consent (or a complying development certificate). Following the issue of a Notice of Intention to serve an Order, Council is required to consider any representations which may be made by or on behalf of the person served with the Notice and to determine any appropriate regulatory action (e.g. issue of an Order or Penalty Notice (fine) for a breach of consent).

Council also does not carry out any assessment or review of construction certificates, complying development certificates or other certificates issued by Registered Certifiers and any enquiries or concerns regarding the certificates and development encompassed in the certificates must be referred directly to the certifier for assessment and response.

Whilst all reports relating to the building work or development should be referred directly to the appointed certifier for the development, matters relating to 'off-site' environmental or amenity impacts (i.e. pollution incident, breach of working hours, public safety or other urgent matters) may also be referred to Council for investigation and appropriate regulatory action by Council.

In the case of an emergency or urgent matter (e.g. unsafe building or collapse of adjoining land), the report should be provided to both the Council and certifier as soon as possible, to facilitate a prompt investigation of the matter.

17. Exempt & Complying Development

Exempt Development relates to specified minor development, building work and renovations which do not require any approval from Council or an accredited certifier, subject to compliance with specified limitations and requirements.

Exempt development does not require any notification to Council or any approval from Council. The owner or builder is responsible to ensure compliance with the relevant requirements specified in the applicable planning instrument for exempt development.

Further information about Exempt Development can be found on Council's website and the NSW Planning & Environment website.

Complying development relates to a wide range of development types including new dwellings, alterations and additions to dwellings, granny flats, dual-occupancy developments, outbuildings, swimming pools, use of premises, shop or office fit-outs, alterations and additions to commercial and industrial development and other development.

Applications for a Complying Development Certificate are required to be assessed and determined by a Registered Certifier and they are assessed against specified prescriptive requirements and development standards. If the application meets these requirements, the application must be approved by the Certifier.

Councils do not have any authority to review or change the determination of a Complying Development Certificate and the validity of a Complying Development Certificate may only be challenged in the Land & Environment Court.

Any queries and concerns relating to complying development should be referred directly to the relevant Registered Certifier for assessment and response. The accredited certifier has an obligation to investigate the matter and to take appropriate action.

Further information about Complying Development can be found on Council's website and the NSW Planning & Environment website.

18. Parking

The NSW Road Rules 2014 establish the driving, traffic and parking laws which apply throughout NSW. These rules and restrictions are intended to promote safe driving and parking practices, assist with traffic flow and encourage an equitable use of a limited number of parking spaces.

Parking restrictions may be of a statutory type (which apply without specific signage being in place) or sign-posted. In accordance with the Road Rules all drivers are required to comply with statutory rules and regulations. Drivers must also comply with all sign-posted parking restrictions.

The enforcement of parking offences can, at times, cause concerns to drivers, residents and businesses. It is necessary to consider the rationale and importance of the road rules and why parking restrictions are in place.

Compliance and Enforcement Policy

The penalty amounts for parking offences are set by the NSW Government and Council is unable to vary these amounts.

Council's officers enforce parking offences in accordance with the NSW Road Rules. Council officers are required to be diligent and complete their assigned tasks and patrols in a professional, appropriate, consistent, unbiased and accountable manner in accordance with Council's policies and procedures. Council officers do not receive any benefits from the issue of penalty notices.

Further information about Parking permits, rules and fines can be found on Council's website.

19. Unattended Items

Council's Rangers are authorised under the *Public Spaces* (*Unattended Property*) *Act 2021*, - to help manage unattended property in public places. It does this by allowing authorised officers of councils to take possession of unattended items in public places in specified circumstances, such as shopping trolleys, vehicles, shared devices, animals (other than companion animals), and other items. It also gives Councils directions on how property taken into possession can be reclaimed, sold or disposed of. Council Rangers may also issue fines if the provisions or requirements are not satisfied.

Under the legislation, authorised officers are able to:

- Take possession or move unattended property left in public
- Take enforcement action for offences e.g. issue warnings, notices and penalty notices (fines) or court proceedings
- Temporarily store unattended property
- Recover costs for dealing with unattended property
- Care for animals to ensure their welfare

The Act classifies items into three classes – personal items (class 1), sharing service items (class 2) and vehicles (class 3).

Class 1 (personal) items are small or medium-sized things capable of ownership that can ordinarily be collected by 1 or 2 people without the need for machinery to lift, tow or move them. Examples include baggage or personal recreational equipment such as bicycles or kayaks.

Class 2 (sharing service) items are available for the use of the public at large, whether on payment of a fee or other benefit, including as part of a 'sharing service'. Examples are shopping trolleys and share-bikes. Share e-scooters (where legally able to be used) are also regarded as Class 2 items.

Class 3 items (vehicles) are motor vehicles, which have the same meaning as that of the Road Transport Act 2013, and include caravans, boat trailers or other trailers, whether or not attached to a motor vehicle. The Public Spaces (Unattended Property) Act and associated Regulation specifies both the circumstances and the processes to be followed during an investigation, impoundment, and disposal of an unattended item.

Under the legislation, an authorised officer may only take possession of an item if the officer believes the item is unattended, **and** the item:

- Obstructing access to or within a public place
- Poses a risk to persons, animals, or the environment.
- Is interfering with public amenity (subsequent guidelines set out the tangible aspects of 'amenity'
 that may be considered and include things like traffic, noise, odour, dust and light).
- has been in the same or substantially the same place for the period prescribed by the regulations.

Prescribed periods to remove unattended items

The Act and Regulations provide specific, risk-based timeframes for items to be managed by the person responsible prior to regulatory action commencing.

Compliance and Enforcement Policy

If the Item is observed obstructing access or posing a safety risk, the following period of notice must be given in which to remove the item:

- Class 1 (personal item) 3 hours notice to remove
- Class 2 (Shared service item) 3 hours notice to remove
- Class 3 (Motor vehicle) No notice required if posing a safety risk / obstructing access

If the Item is causing an amenity impact or exceeds prescribed period, the following periods must be provided in the notice to remove the item:

- Class 1 (Personal item) 7 days (7 days notice required)
- Class 2 (Shared service item) 7 days (4 days notice required)
- Class 3 (Motor vehicle registered) 28 days (15 days notice required)
- Class 3 (Motor vehicle unregistered/defective) 15 days (3 days notice required)

When assessing a vehicle which may be *unattended* Council's authorised officer will take the following matters into consideration:

- The location of the vehicle
- If the vehicle is causing or likely to cause an obstruction to traffic or danger to the public
- The impact upon vehicular and pedestrian safety
- If the vehicle is parked legally or otherwise
- If the vehicle is currently 'registered' or not
- The size, condition and appearance of the vehicle
- The impact of the vehicle/s upon the amenity of the area.
- The timeframe in which the vehicle has been present in the same or approximately the same location.

Steps in the regulatory process

If an item is found to be obstructing access or causing a safety risk to persons, animals and the environment an authorised officer may take possession of the item and take it to a place of storage or move the item to a safe location nearby.

If the item is causing an amenity issue or has been left in one location for a length of time prescribed in the regulations, Council officers will seek to identify and notify the owner of the regulatory action to be taken if the item is not removed by the specified notice period. Notices may be affixed directly to the item or sent to a specified residential or commercial address.

If an unattended item is not removed by the specified notice period Council may take possession of the item and arrange for it to be taken to a secure place of storage.

Once Council is in possession of the item, further attempts to identify, contact and notify the owner will be taken by the officer.

Council's authorised officer may also issue a Penalty Notice (fine) for the offence and the relevant towing and impounding fees and charges contained in Council's Pricing Policy are also required to be paid to Council if a vehicle is impounded. Council will proceed to sell or dispose of the vehicle if it is not claimed by the owner beforehand.

In relation to reports relating to unattended vehicles, Council will investigate requests from residents and the community about possible unattended or abandoned vehicles. However, should the vehicle in question be found to be in a satisfactory condition, legally parked, duly registered, and not posing any obstruction, danger, or public safety risk, nor significantly impacting the amenity of the area for an extended period, Council may defer proceeding with an investigation until a period of 28 days following the vehicle being reported Council.

It is also important to acknowledge that even after a comprehensive 28-day investigation period, it may not be appropriate to proceed with the impoundment of a vehicle if the vehicle in question is found to be parked legally, currently registered, and has not been identified as causing an obstruction, hazard, or significantly impacting the amenity of the area. There may be extenuating circumstances, such as a family or medical emergency, overseas travel or another legitimate reason which could justify the vehicle being parked for an extended period, our policy emphasises the necessity of a balanced and considerate

evaluation of each individual case to ensure that enforcement actions are just and proportionate. This policy is designed to ensure the judicious use of Council resources while balancing the need to maintain public safety and order within our community, respecting the circumstances of vehicle owners.

It should also be noted that the 'registration' status of a vehicle is not necessarily related to the determination of an unattended item. In some cases, a vehicle may be parked on a street for a long period of time and it may not be currently 'registered', but this does not enable Council to declare the vehicle to be unattended merely because the vehicle is not currently registered.

However, if the vehicle is not currently 'registered' with the Roads Authority, Council may issue a Penalty Notice under the *Road Transport Act 2013* which allows Council authorised officers to issue fines to vehicles left on a public road 15 days past the expiration of their registration.

With regard to Class 2 items, the NSW Department of Planning and Environment has developed a code of practice for class 2 sharing items including shopping trolleys and other items. This code of practice, which has been made pursuant to the act, sets out required standards for sharing service operators regarding safe management of sharing service items in public places as well as expected standards of communication between authorities and operators.

Council is committed to working proactively with shared service item operators to ensure the safe and responsible management of their items in public places.

Investigations into class 1 and 2 items may be resource intensive in nature, in recognition of this investigations will be prioritised to ensure the most effective use of Council resources. The criteria which will be considered include the risk to public and environmental safety, the level of obstruction caused, the impact on the amenity of the area, and the availability of necessary resources. This approach will allow Council to address the most pressing issues promptly while maintaining our commitment to community health and safety.

20. Neighbour and Private Disputes

Council encourages positive relationships between neighbours but recognises that disputes can occur for various reasons. In some circumstances people complain to Council about their neighbour's behaviour or actions without discussing the issue with their neighbour beforehand.

Many neighbour disputes may relate to noise, trees, fences, retaining walls, nuisances, trespass, pets, work or structures on or near property boundaries or the alleged behaviour or actions of a person.

Neighbour disputes and nuisances are best resolved by neighbours engaging in constructive discussion and implementation of reasonable and amicable solutions. Involving Council in these types of disputes before attempting to resolve the issue with your neighbour may also be counter-productive and detrimental to on-going neighbourly relations.

Before referring reports about neighbour issues to Council, reasonable efforts should be made to resolving the matter between the parties beforehand.

Council has limited powers and resources and is unable to intervene in neighbour issues and disputes which:

- are related to the behaviour or actions of persons (e.g. rude or aggressive behaviour, trespass, vandalism or deliberate actions aimed at annoying or disturbing neighbours)
- are of a minor, trivial, infrequent or inconsequential nature
- are principally related to a private dispute or nuisance or issue between neighbours or other parties
- do not have a material impact upon other parties or the environment
- relate to 'tit-for-tat' neighbour complaints of a minor, technical or historical nature
- are able to be addressed through other dispute resolution processes (e.g. Strata by-law disputes, Community Justice Centres or civil proceedings)

Compliance and Enforcement Policy

- relate to matters that can be resolved between the parties via mediation or other legislation (e.g. access to neighbouring lands, dividing fences, encroachments, alleged damage to premises or other activities)
- · relate to private easements, rights-of-way or other restrictions on private property
- relate to property issues, boundary or fencing disputes, encroachments, site drainage/flooding, damage from trees or other activities
- · would have an unreasonable impact upon Council's resources.

These matters should be resolved between the parties directly or through mediation or civil proceedings.

The NSW Community Justice Centres provide mediation services to assist neighbours to resolve these types of disputes and Council encourages neighbours to attend mediation before contemplating any possible regulatory action.

Disputes relating to tenants, Strata developments and By-laws should be resolved between the parties or via the Owners Corporation, Building or Property Manager, or NSW Civil and Administrative Tribunal (NCAT).

Importantly, Council has no jurisdiction or power to address the alleged inappropriate behaviour or actions of a person. Concerns about anti-social, threatening, intimidating, offensive or criminal behaviour or trespass should be made directly to NSW Police.

21. Education and Awareness

Council aims to take a proactive approach in preventing unlawful activities or breaches, including the provision of information to the public and applicants about planning and building requirements, conditions and regulatory requirements to be satisfied.

Council provides information to raise awareness and educate the community about compliance, enforcement and regulatory requirements.

22. Governance

Role of Regulatory Officers

Council's regulatory officers are delegated by the General Manager having regard to their roles and they are required to undertake their investigations into the facts and circumstances of the particular case in an impartial manner and objective manner.

Regulatory officers must not have or be perceived to have, any conflicts of interest in relation to the alleged unlawful activity, the person reporting the activity or the people or conduct being investigated.

Council staff are also required to comply with Council's Code of Conduct, to ensure that investigations and actions are undertaken in an impartial and accountable manner and without any conflict of interest.

Role of Councillors

The investigation of reports alleging unlawful activities or offences and taking enforcement action is the responsibility of Council's authorised, suitably qualified and trained regulatory officers.

Individual councillors do not have the authority to investigate or take enforcement action or to direct Council officers in their day-to-day activities. Councillors may however, refer any reports of alleged unlawful activities from constituents or other parties to the General Manager or delegated officers for appropriate action, as outlined in this policy.

The General Manager may also present certain decisions to be ratified by the elected Council if this is necessary or desirable.

Policy Review

This policy will be reviewed within 5 years of adoption or sooner if there are any significant changes to legislation, policies or procedures.

23. Related Guidelines, Policies and Procedures

- Enforcement Guidelines for Councils NSW Ombudsman (2015)
- NSW Department of Planning Practice Note Exercising Discretion
- Council's Business Rules and Standard Procedures
- Relevant Council Policies and Council resolutions

In the event of any inconsistency between this Policy and any Act or Regulation in relation to the same matter, the Act or Regulation prevail over this Policy.

This Policy has been prepared having regard to current relevant Acts, Regulations, Planning Instruments and the abovementioned guidelines.

A. Summary of regulatory matters and typical enforcement options*

Offence Scenario	Act / Reg.	Details of the case	Warning / Education	Penalty Infringement Notice	Notice &/or Order	Local Court Proceedings	L&EC Proceedings (e.g. class 4)
Dangerous dog/dog Attack	Companion Animals Act 1998	Dog has attacked another animal or person			✓	✓	
Nuisance Dog Order	Companion Animals Act 1998	Failure to comply with a Nuisance Dog Order (i.e. possible danger to other people, unrestrained or barking dog)		√		✓	
Potential for pollution	POEO Act 1997	Location of stockpile of soil/sand may cause pollution incident (i.e. in rain)	√ (first occasion)				
Pollution incident - minor	POEO Act 1997	Soil, sand or other waste has or is likely to enter stormwater system		✓	✓		
Pollution incident - major	POEO Act 1997	Pollutant e.g. oil or paint has entered stormwater system creek or ocean			✓	✓	
Site management	Local Govt. Act 1993 or EP&A Act 1979	Articles located on footpath without approval - Possible safety hazard		✓	✓		
Building work outside of hours	Env. Planning and Assessment Act 1979	Carrying out building works outside of hours permitted in DA	√ (first occasion)	✓	✓		
Unauthorised development	Env. Planning and Assessment Act 1979	Unauthorised development or non- compliance with consent conditions - generally		√	√		
Unauthorised building works (minor) - owner builder	Env. Planning and Assessment Act 1979	Construction of pergola awning by home- owner and the structure has no material impact on other parties and locality - No building or structural issues	√ (first occasion)	✓			

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Offence Scenario	Act / Reg.	Details of the case	Warning / Education	Penalty Infringement Notice	Notice &/or Order	Local Court Proceedings	L&EC Proceedings (e.g. class 4)
Unauthorised building works - licensed builder	Env. Planning and Assessment Act 1979	Unauthorised building work or non- compliance with consent - building or planning issues to be resolved		✓	✓		
Unauthorised building works - major	Env. Planning and Assessment Act 1979	Substantial unauthorised building work or non-compliance with consent - Planning and BCA compliance issues			✓	√	✓
Variation to DA (minor) - Owner Builder	Env. Planning and Assessment Act 1979	Minor variation to Development Consent (resolved promptly e.g. section 96 obtained)	√ (first occasion)	√	√ (if not resolved promptly)		
Variation to DA or work without CC - General	Env. Planning and Assessment Act 1979	Unauthorised variation to Development Consent or building work without prior Construction Certificate		✓	✓	√ major or multiple breaches)	
Unauthorised/noncom plying use of premises - general	Env. Planning and Assessment Act 1979	Unauthorised or non-complying use of premises - Issues able to be reasonably addressed or resolved		✓	✓		
Unauthorised use of premises - major	Env. Planning and Assessment Act 1979	Unauthorised use of premises as a boarding-house, backpacker accommodation or brothel			✓	√	✓
Fire safety offence - general	Env. Planning and Assessment Act 1979	Failure to submit an annual fire safety statement after due date or failure to maintain fire safety measure or exit system		~	(If not resolved) in specified time period)		
Fire safety - major	Env. Planning and Assessment Act 1979	Substantial fire safety breach or fire safety upgrading of development			✓	✓	✓
Food Safety - general	Food Act 2003	Failure to comply with Food Safety Standards	√ (minor breach only)	✓	✓		
Food Safety - major	Food Act 2003	Multiple/substantial breaches of Food Safety Standards			(inc. possible 'prohibition order')	√	

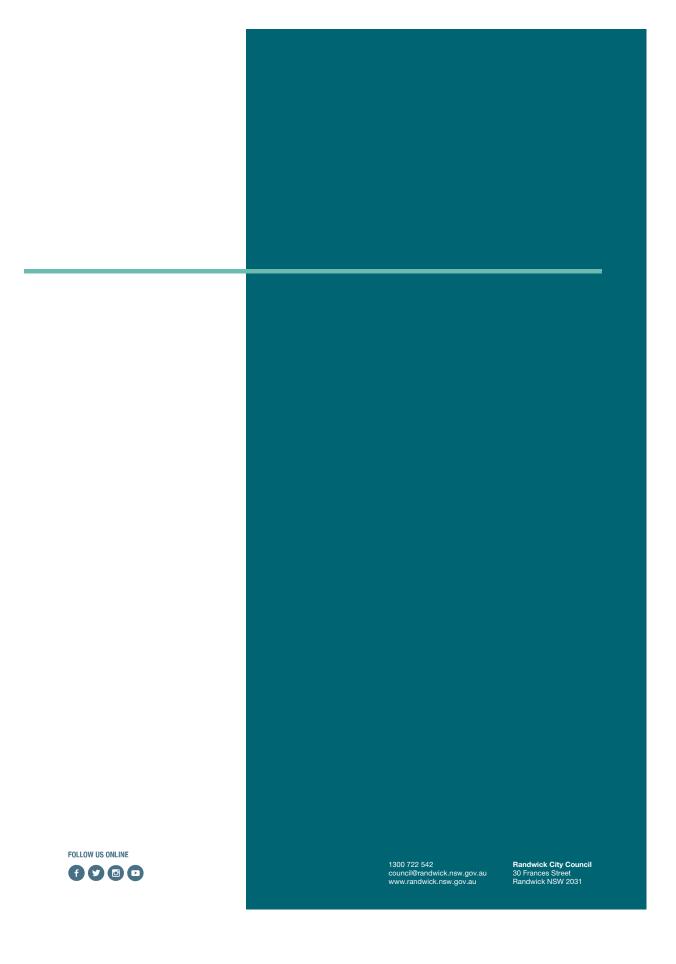
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Offence Scenario	Act / Reg.	Details of the case	Warning / Education	Penalty Infringement Notice	Notice &/or Order	Local Court Proceedings	L&EC Proceedings (e.g. class 4)
Traffic/Parking	Road Rules 2014	Parking of vehicle in a 'School-Zone' or in a 'No Stopping' area		✓			
Traffic/Parking	Road Rules 2014	Parking of vehicle contrary to relevant adopted and sign-posted parking requirements		✓			
Vehicle is parked across or upon a Driveway or Access to a property *	Road Rules 2014	A vehicle is partially or wholly parked across a driveway or other access/egress to/from a property. [Also, refer to the notes below]	(If driver is present and immediately moves the vehicle)	(if vehicle prevents or impedes access to property or other parking restrictions apply)			
Unattended Item	Public Spaces (Unattended Property) Act 2021	Failure to move unattended item within specified period/s. The authorised officer shall also consider the matters contained in section 19 of this policy to determine the appropriate course of action.	(Nil/Negligible impact)	(If the item is deemed unattended, impacting on public place and not moved in specified period)	(Impound the item if causing a public safety issue, impact on access or amenity of area)		
Tree Preservation Matter - minor	Env. Planning and Assessment Act 1979	Tree covered by TPO/DCP lopped without approval – minor impact on tree / amenity of locality	√				
Tree Preservation Major - major	Env. Planning and Assessment Act 1979	Tree covered by TPO/DCP removed without approval –significant impact on amenity of site / locality				~	

^{*} Notes:

• In some cases, the particular breach may be remedied or resolved prior to proceeding to the service of Notices, Orders or legal proceedings i.e. via negotiation or by promptly obtaining relevant approvals.

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Director City Planning Report No. CP8/24

Subject: Planning Agreements Policy 2024 - Post Exhibition Report

Executive Summary

- This report provides an overview of key issues raised in submissions on the draft Planning Agreements Policy 2024 (draft Policy) which was exhibited from 11 January to 8 February 2024. Planning agreements are a voluntary mechanism that can be used in connection with planning proposals or development applications to deliver innovative or complex infrastructure solutions with public benefit outcomes.
- Local planning agreements are negotiated and entered into between councils and developers
 and generally require the developer to make a monetary contribution, land dedication, and/or
 any other material benefit that is applied towards a public purpose. They have been used to
 deliver affordable housing, open space and a variety of community infrastructure principally
 in Kensington and Kingsford town centres.
- The draft Policy (Attachment A) been prepared in accordance with the Government's Practice Notes for Planning Agreements (2021) and is consistent with the draft Practice Notes for Planning Agreements (2024) which was recently placed on public exhibition. It outlines a range of criteria, assessment criteria and procedural steps in preparing and negotiating a Planning Agreement including fundamental principles governing their use.
- Fourteen submissions were received during the exhibition where the majority of issues raised were outside the scope of the draft Planning Agreement Policy. Issues raised are detailed in Attachment B of this report.
- It is recommended that Council endorse the attached draft Planning Agreements Policy (Attachment A).

Recommendation

That Council:

- a) Repeals the Planning Agreements Policy 2007
- b) Adopts the draft Planning Agreements Policy 2024; and
- c) Authorises the Director City Planning to make minor modifications to rectify any numerical, typographical, graphical, interpretation or formatting issues.

Attachment/s:

1.4

Attachment A: Draft Planning Agreements Policy 2024

2.1 Attachment B: Submissions Table

Purpose

The purpose of this report is to outline key issues raised during the recent exhibition of the draft Planning Agreements Policy 2024 (draft Policy). The draft Policy provides the framework and guidance for the preparation and negotiation of planning agreements in Randwick City in a manner that is transparent and clear.

Background

Council recently exhibited a draft Planning Agreements Policy 2024 (draft Policy) which outlines a range of criteria and procedural steps in preparing and negotiating a planning agreement including fundamental principles governing their use. Planning agreements are a voluntary agreement between a planning authority (e.g. Council) and a developer who is seeking a change to a Local Environmental Plan (planning proposal) or proposing to make a development application (DA). A planning agreement generally stipulates the nature of the offer and details of any monetary contribution, land dedication, and/or any other material benefit that is applied towards a public purpose.

Planning agreements provide a means of achieving a tailored development outcome and more flexible infrastructure funding opportunities than the traditional developer contributions system. They have been utilised successfully in Randwick City as part of the negotiation of major planning proposals as well as through the DA process. This has included securing public open space at the Newmarket redevelopment site as well funding the delivery of community infrastructure identified in the Community Infrastructure Plan for K2K and affordable housing.

The draft Policy has been prepared in accordance with the NSW Government's Planning Agreements Practice Notes – February 2021, and incorporates a number of changes including: new objectives, requirements for alignment with State, District and Local planning and integrated planning frameworks, fundamental principles, an acceptability test providing an assessment framework to determine whether a planning agreement is acceptable for Council to enter into, clarification on the types of public purposes that Council will seek to cover in a planning agreement and expanded probity practices to ensure that Council's obligations to the public are satisfied.

Once adopted, the draft Policy will repeal and replace the existing Policy which has been in place since 2007.

Public Exhibition

The draft Policy was placed on public exhibition for 28 days from 11 January to 8 February 2024. The exhibition was promoted via Randwick News, listing on Council's website and email to all precinct committees and Your Say Randwick subscribers.

During the exhibition there were:

- 718 visits to the Your Say website
- · 265 downloads of the draft policy; and
- 14 submissions via the Yoursay site

The majority of submissions received raised issues that are not directly related to the draft Policy and its intent. Key issues raised include:

- Concerns that the draft Policy is not legally binding and is a voluntary code of practice;
- Concerns that planning agreements offer little public benefit;
- Request that planning agreements rectify existing traffic and parking issues (such as parking on driveways blocking pedestrian access in Maroubra);
- Request that affordable housing delivery be prioritised; and

 Concerns that planning agreements are misused and would not deliver good planning outcomes

Response to public submissions

The draft Planning Policy has been prepared in accordance with the Government's practice notes to provide a transparent framework to guide the negotiation of planning agreements. Although not mandated under planning legislation, councils are strongly encouraged to develop and publish a planning agreements policy to ensure that planning agreements are used in a transparent and certain manner, which is important for public interest and integrity of the planning system.

A robust policy framework would help ensure that all parties have certainty in their application and protect against the potential misuse of agreements in planning decisions and processes which may otherwise undermine good planning outcomes and public confidence in the planning system. In this regard, the draft Policy is considered to be best practice and would help promote greater transparency and clarity regarding Council's planning agreement process for the benefit of all relevant stakeholders.

In terms of resolving traffic and parking issues and the delivery of affordable housing, the draft Policy makes it clear that a planning agreement should align with priorities in Council's local and integrated planning framework which includes directions for affordable housing and traffic and parking under the Housing and Integrated Transport Strategies respectively. Issues such as parking on driveways and pedestrian safety issues are outside the scope of the draft Policy and have been referred to the Integrated Transport Department for further investigation.

On the issue of public benefits, as aforementioned, planning agreements have been used successfully in Randwick City to deliver good planning outcomes such as securing additional public open space, affordable housing and community infrastructure. These outcomes have offered substantial benefits to the community in terms of increasing the quantum of public open space, public domain improvements, community facilities and affordable housing in the LGA for which there is a high demand.

A more detailed summary of key issues raised along with a direct response to each submission is contained in **Attachment B.**

Revised Practice Note 2024

During the public exhibition of the draft Policy 2024, the Government released an updated suite of practice notes covering various aspects of the NSW developer contributions system including planning agreements. The draft 2024 practice notes are an update of the current 2021 practice notes with no policy changes. Rather, they are a streamlined version of the current practice notes with simplified language and practical working examples. The draft Policy has been reviewed against the draft 2024 practice notes and no changes are recommended as it remains consistent with current best practice advice.

Strategic alignment

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

The draft Policy relates to a number of Informing Strategies adopted by Council and supports the implementation of 2022-26 Delivery Program.

Resourcing Strategy implications

The draft Planning Agreements Policy was prepared in house by the Strategic Planning Department. The cost of a peer reviewed by external legal expertise was approximately \$6,000.

Policy and legislative requirements

Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation Planning Agreements Policy Practice Note February 2021.

Conclusion

Planning agreements provide an alternative means of delivering flexible infrastructure outcomes and public benefits outside the scope of the traditional infrastructure contributions system. They have been used in Randwick City for a number of years to deliver infrastructure and public benefits as part of large-scale redevelopment projects.

The draft Planning Agreement Policy 2024 provides clear guidance on the heads of consideration and fundamental principles involved in preparation, negotiation, execution and monitoring of planning agreements in a transparent manner and in line with Government legislation and practice notes.

Responsible officer: Asanthika Kappagoda, Senior Strategic Planner

File Reference: F2023/00524

CITY PLANNING

Planning Agreements Policy

06 March 2024



1300 722 542 randwick.nsw.gov.au

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1. Preliminary

1.1 About this policy

This policy establishes a framework to guide the preparation of Planning Agreements in a manner that is efficient, fair, transparent and accountable. Planning Agreements are legally established under the Environmental Planning and Assessment Act 1979 (EPA Act) and Environmental Planning and Assessment Regulation 2021 (the Regulation), to provide an alternative mechanism for development proponents to contribute towards public facilities and infrastructure arising from development

Council has adopted this policy in order to provide development proponents and the community with an understanding of the objectives, principles and procedures which will be applied by Council in the negotiation, preparation and administration of Planning Agreements.

This Policy is not legally binding however, it is intended that Council and all persons dealing with the Council, in relation to Planning Agreements, will follow this Policy to the fullest extent possible.

Note: The Planning Agreements Practice Note (NSW Government, February 2021) should be read in conjunction with this Policy. If there is any inconsistency between the legislative provisions, the Practice Note issued by NSW Government and this Policy, the legislative provisions and NSW Government Practice Note prevails to the extent of that inconsistency.

1.2 Name of this Policy

This policy is called Randwick City Planning Agreements Policy 2023.

1.3 Objectives

The objectives of this Policy are as follows:

- a) To provide a clear, transparent and consistent framework governing the use and specific procedures relating to Planning Agreements.
- To establish a probity framework for the negotiation, preparation and implementation of Planning Agreements.
- c) To adopt innovative and flexible approaches to the provision of public facilities in a manner that is consistent with relevant controls, policies and circumstances legally recognised under the EP&A Act.
- d) To align with Council's corporate and strategic planning context, including Council's Local Strategic Planning Statement, Community Strategic Plan, Delivery Plan, Operational Plan, Development Contribution Plans or other Infrastructure Planning Documents.
- e) To give stakeholders greater involvement in determining the type, standard and location of public facilities and other public benefits.
- f) To provide certainty for the community, developers and Council with respect to infrastructure and development outcomes.
- g) To achieve the timely delivery of infrastructure required as a result of the conduct of development so that it is provided when and where it is needed.
- To ensure that all developers are treated consistently in the negotiation and execution of Planning Agreements.
- To work with developers who seek to provide infrastructure and public benefits for the community which go beyond meeting the impacts generated by their developments.
- j) To raise public confidence in the delivery of infrastructure provided by developers.

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- k) To limit any potential financial risk to Council in entering into a Planning Agreement.
- To set out Council's specific policies on the use of Planning Agreements.

1.4 Land to which this Policy applies

This Policy applies to all land within the Randwick City Local Government Area. The policy also applies to those circumstances where there is a joint Planning Agreement between Council and another council or planning authority.

1.5 What is a Planning Agreement?

A Planning Agreement is a voluntary agreement between one or more planning authorities (i.e. **Council**) and one or more developer(s) (and/or land owners), who has sought a change to an environmental planning instrument (i.e. a **Planning Proposal**), or who has made, or proposes to make, a Development Application (**DA**) or application for a Complying Development Certificate (**CDC**).

Under a Planning Agreement, a developer agrees to make a contribution towards a public purpose. The contribution may be the dedication of land, payment of a monetary contribution, provision of a material public benefit, or any combination of these.

Planning Agreements may address purposes and contributions included in a contributions plan but may also address other purposes and contributions that have a wider public benefit. For this reason, Planning Agreements are a more flexible type of development contribution mechanism than the payment of \$7.11/\$\frac{1}{2}\$ contributions, as they allow for the provision of contributions and facilities in conjunction with the conduct of the relevant development.

Council has a duty to act with probity and transparency in Planning Agreement negotiations and in the interests of the wider community.

The EPA Act and the Regulations set out basic requirements for the preparation, execution and administration of Planning Agreements. This Policy provides detail on the Council's approach to Planning Agreements beyond those minimum legislative requirements.

1.6 Why use a Planning Agreement?

Planning Agreements may be used for a variety of reasons in order to achieve public benefits which are not ordinarily available through the planning and development system or are available in a restricted manner. In that regard, Planning Agreements:

- provide a way for Council on behalf of the local community to secure public benefits in addition to measures which are required to address the impact of development on private and public lands;
- allow for a flexible means for achieving good development outcomes and targeted public benefits:
- allow opportunities for more innovative and efficient provision of public benefits than might be realised under other means;
- provide opportunities for the local community to participate in the quality and delivery of public benefits; and
- Allow developers to have an input to the type, quality, timing and location of public benefits.

1.7 Specific Purposes of Planning Agreements

Council may consider negotiating a Planning Agreement for reasons including the following:

- a) Compensate for the loss of, or damage to, a public amenity, service, resource or asset caused by the development through replacement, substitution, repair or regeneration.
- Meet the demands created by the development for new public infrastructure, amenities and services.
- c) Address a deficiency in the existing provision of public facilities in the Council area;
- d) Achieve recurrent funding in respect of public facilities.
- e) Prescribe inclusions in the development that meet specific planning objectives of the Council.
- f) Monitor the implementation of the relevant development.
- g) Provide affordable housing.
- h) Secure planning benefits for the public.
- Allow the payment of monetary contributions at various stages of development which may differ to that specified in an adopted Contributions Plan, pending careful consideration of Public facility delivery and associated financial implications.
- j) Negotiate flexible outcomes in respect of development contributions and enable the delivery of sustainable development while achieving key economic, social and environmental objectives.

1.8 Types of development contributions authorised by a Planning Agreement

Development contributions under a Planning Agreement may be the provision of:

- a) monetary contributions;
- b) dedication of land and/or asset free of cost;
- c) any other material public benefit such as the conduct of works; and
- d) any combination of (a), (b) and (c).

2. Legislative and Policy Context

2.1 Legislative Context

This Policy and the preparation, content and implementation of Planning Agreements must have regard to, and be governed by:

- a) provisions of Subdivision 2 (Planning Agreements) of Division 7.1 (Development Contributions) of Part 7 (Infrastructure Contributions and Finance) of the EP&A Act;
- b) provisions of Division 1 (Planning Agreements) of Part 9 (Infrastructure Contributions and finance) of the Regulation; and
- c) the Planning Agreements Practice Note (NSW Government, February 2021.

2.2 Strategic Land Use and Infrastructure Planning

2.2.1 District Planning

Planning Agreements can assist in the delivery of directions and planning priorities outlined in the Eastern City Plan which are set out under the following four (4) themes drawn from the Greater Sydney Region Plan - A Metropolis of Three Cities:

- Infrastructure and Collaboration.
- Liveability.
- Productivity.
- Sustainability.

Planning Agreements must align with the directions of the Eastern City Plan through the delivery of local infrastructure that would contribute to increased levels of liveability, productivity and sustainability within the Randwick LGA. This may include, but is not limited to, affordable housing, community infrastructure, local transport infrastructure, new public space and improvements to existing public space, streetscape and public realm upgrades, and environmental sustainability measures.

In negotiating Planning Agreements and establishing the type of public facilities to be included in an agreement, all parties must take into consideration the relevant directions and planning priorities contained in the Eastern City Plan.

2.2.2 Local Strategic Planning

Planning Agreements may be utilised to deliver infrastructure and public benefits identified in Council's key strategic planning and land use planning documents including the following:

- The Randwick Local Strategic Planning Statement (LSPS), which sets out the 20 year vision for land use in Randwick City and how change would be managed into the future. The LSPS identifies upfront strategic planning priorities and infrastructure needs for an area, which should be reflected in Planning Agreements that demonstrate a comprehensive approach to infrastructure planning and funding.
- The Randwick Local Environmental Plan 2012 which is the main local statutory planning instrument applying to land within Randwick City.
- The Randwick Development Control Plan 2013 which provides more detailed development/design guidelines to guide development and infrastructure delivery.
- Local infrastructure funding schemes including but are not limited to:
 - the K2K s7.12 Plan which levies developer contributions based on the cost of works to fund infrastructure within the Kingsford and Kensington town centres required as a consequence of development;

- the K2K Community Infrastructure Contribution Plan which outlines works to be funded from CIC contributions received for new development within Kensington and Kingsford town centres;
- the Randwick City wide s7.12 Plan 2015 which levies developer contributions based on the cost of works to fund infrastructure across Randwick City (excluding K2K); and
- o other infrastructure contributions plans that may be adopted from time to time.

2.2.3 Integrated Planning

Planning Agreements can play an important role in implementing projects, actions and services identified in Council's integrated planning and reporting framework. In negotiating Planning Agreements and establishing the type of public facilities to be included in a Planning Agreement, all parties will take into consideration Council's integrated planning framework and proposed infrastructure which may be identified in the plans and strategies outlined as follows:

- Randwick City Community Strategic Plan.
- Randwick City Delivery Program and Operational Plan.
- Randwick City Resourcing Strategy, incorporating the Long Term Financial Plan, Asset Management Strategy and Workforce Management Plan.
- The Annual Report.
- Informing Strategies, currently including:
 - Arts and Culture Strategy.
 - Economic Development Strategy.
 - Environment Strategy.
 - Housing Strategy.
 - o Inclusive Randwick Strategy.
 - Integrated Transport Strategy.
 - Open Space and Recreation Strategy.

It is noted that the above documents are subject to periodic updates and any Planning Agreement should take into consideration the current version and related scope.

3. Principles and Policy for Planning Agreements

3.1 Fundamental Principles

Council and developers that are parties to Planning Agreements are required to adhere to the following fundamental principles:

- Council should always consider a development proposal on its merits, and not on the basis of a Planning Agreement.
- Planning Agreements must be underpinned by strategic land use and infrastructure planning, and address expected growth and associated infrastructure demand.
- Strategic planning should ensure that development is supported by the infrastructure needed to meet the needs of the growing population.
- Council cannot refuse to grant development consent on the basis that a Planning Agreement has not been entered in relation to a proposed development or that the developer has not offered to enter into a Planning Agreement.
- Planning Agreements should not be used as a means of general revenue raising or to overcome revenue shortfalls.
- Planning decisions will not be bought or sold through Planning Agreements.
- Development that is not acceptable on planning grounds will not be permitted because of benefits offered by Planning Agreements that do not make the development acceptable in planning terms.
- Council will not allow Planning Agreements to improperly fetter the exercise of its functions under the EPA Act, the Regulation or any other Act or law.
- Council will not use Planning Agreements for any purpose other than a public purpose (as
 defined in s 7.4 of the EPA Act).
- Council will not actively seek benefits under a Planning Agreement that are wholly unrelated to the development subject to that Planning Agreement, but may consider offers which include such benefits made by a developer.
- Council will not allow the interests of individuals or interest groups to outweigh the public interest benefits when considering a proposed Planning Agreement.
- If Council has a commercial interest in the development the subject of a proposed, it will take appropriate steps to ensure that it avoids a conflict of interest between its role as a planning authority and its interest in the development.

3.2 Acceptability test

Planning Agreements are to be assessed against the following acceptability test for determining the acceptability of a Planning Agreement. The acceptability test requires that Planning Agreements:

- are directed towards legitimate planning purposes, which can be identified in the statutory
 planning controls and other adopted planning strategies and policies applying to
 development;
- provide for the delivery of infrastructure or public benefits not wholly unrelated to the development;
- produce outcomes that meet the general values and expectations of the public and protect the overall public interest;
- provide for a reasonable means of achieving the desired outcomes and securing the benefits; and
- protect the community against adverse planning decisions.

The following assessments should also be taken into account when determining if a Planning Agreement is acceptable for Council to enter into:

- Is the Planning Agreement directed towards a legitimate purpose?
- Do the proposed public benefits have a relationship to the development that are not wholly unrelated to the development?
- Does the Planning Agreement meet values and expectations of the public and protect public interest?
- Does the Planning Agreement demonstrate the achievement of a public benefit?
- Does the Planning Agreement adequately secure public benefits as required?
- Has the Planning Agreement been negotiated and prepared to protect the community against adverse planning decisions?
- Do the public benefits proposed under the Planning Agreement adequately meet the demands created by the new development?
- Are there any identified risks for Council in entering into the Planning Agreement and if so, can they be suitably managed?
- Are the benefits proposed by the Planning Agreement such that it is appropriate to forego
 monetary contributions that would be otherwise paid under the applicable development
 contributions plan?

3.3 Consideration of Planning Agreements in relation to Instrument changes and applications

When exercising its functions under the EPA Act in relation to an application by a developer for an instrument change or a development consent to which a proposed Planning Agreement relates, Council will consider to the fullest extent permitted by law:

- a) whether the proposed Planning Agreement is relevant to the application and hence may be considered in connection with the application, and
- b) if so, the proper planning weight to be given to the proposed Planning Agreement.

3.4 Application of s7.11 and s7.12 to development to which a Planning Agreement Relates

A Planning Agreement may wholly or partly exclude the application of s7.11 or s712 of the EPA Act to development to which the Planning Agreement relates.

Council has no general policy on whether a Planning Agreement should exclude the application of s7.11 or s7.12 of the Act to development to which the Planning Agreement relates or not. This is a matter for negotiation between Council and the relevant developer having regard to the particular circumstances of the case.

3.5 Form of development contributions under a Planning Agreement

The form of a development contribution to be made under a proposed Planning Agreement will be determined by the particulars of the instrument change or application to which the proposed Planning Agreement relates. Development contributions by a developer under a Planning Agreement may include:

- the dedication of land to Council or another relevant public authority;
- the provision of particular public facilities and/or infrastructure;
- the making of a monetary contribution towards the cost of the provision of public facilities and/or infrastructure;
- the provision of, or payment towards, recurrent services in respect of public facilities and/or infrastructure; and/or

a combination of any one or more of the above.

3.6 Standard public benefits

Wherever possible, Council will seek to standardise development contributions sought under Planning Agreements in order to streamline negotiations and provide fairness, predictability and certainty for developers. However, Council is not bound to accept an offer to enter into a Planning Agreement on the basis of consistency with any other Planning Agreement and does not prevent public benefits being negotiated on a case by case basis.

3.7 Recurrent Charges

Council may request developers, through a Planning Agreement, to make development contributions towards the recurrent costs of public facilities. Where the public facility primarily serves the development to which the Planning Agreement relates or any neighbouring development, the arrangement for recurrent funding may be sought in perpetuity. However, where the public facility or public benefit is intended to serve the wider community, the Planning Agreement will only require the developer to make contributions towards the recurrent costs of the facility until a public revenue stream is established to support the on-going costs of the facility

3.8 Pooling of development contributions

Where a proposed Planning Agreement provides for a monetary contribution by the developer, Council may seek to include a provision permitting money paid under the Planning Agreement to be pooled with money paid under other Planning Agreements and applied progressively for the different purposes under those agreements, subject to the specific requirements of the relevant agreements. Pooling may be appropriate to allow public benefits, particularly essential infrastructure, to be provided in a fair, more efficient and equitable way.

3.9 Methodology for valuing public benefits under a Planning Agreement

- a) Unless otherwise agreed in a particular case, where the benefit under a Planning Agreement is the provision of land for a public purpose, the value of the benefit will be determined by an independent valuer of at least 10 years' experience in valuing land in New South Wales (and who is acceptable to the Council), on the basis of a scope of work which is prepared or approved by the Council. All costs of the independent valuer in carrying out such a valuation will be borne by the developer.
- b) Unless otherwise agreed in a particular case, where the benefit under a Planning Agreement is the carrying out of works for a public purpose, the value of the benefit will be determined by an independent quantity surveyor of at least 10 years' experience (and who is acceptable to Council), on the basis of the estimated value of the completed works determined using the method that would be ordinarily adopted by a quantity surveyor. The scope of work for this independent quantity surveyor will be prepared or approved by Council. All costs of the independent quantity surveyor in carrying out this work will be borne by the developer.
- c) Where the benefit under a Planning Agreement is the provision of a material public benefit, the Council and the developer will negotiate the manner in which the benefit is to be valued for the purposes of the relevant Planning Agreement.

3.10 Credits and refunds

Council generally will not agree to a Planning Agreement providing for the surplus value under a Planning Agreement to be refunded to the developer or offset against development contributions required to be made by the developer in respect of other development in the LGA.

3.11 Time when developer's obligations arise under a Planning Agreement

Council will generally require a Planning Agreement to provide that the developer's obligations under the agreement take effect when the first development consent operates in respect of development that is the subject of the agreement.

Contributions will usually be required to be made prior to the issuing of a construction certificate, subdivision works certificate, occupation certificate or subdivision certificate in respect of the development.

3.12 Monitoring and review of a planning agreement

- a) Council will continuously monitor the performance of the developer's obligations under a Planning Agreement. This may include the Council requiring the developer (at its costs) to report periodically to Council on its compliance with obligations under the Planning Agreement.
- b) Council may require a Planning Agreement to contain a provision establishing a mechanism under which the Planning Agreement is periodically reviewed with the involvement of all parties.
- c) Council will require a Planning Agreement to contain a provision requiring the parties to use their best endeavours to agree on any modification to the agreement having regard to the outcomes of the review.

3.13 Modification or discharge of the developer's obligations under a Planning Agreement

Council will generally only agree to a provision in a Planning Agreement permitting the developer's obligations under the agreement to be modified or discharged where the modification or discharge is linked to the following circumstances:

- The developer's obligations have been fully carried in accordance with the Planning Agreement.
- b) The developer has assigned the developer's interest under the Planning Agreement in accordance with its terms and the assignee has become bound to the Council to perform the developer's obligations under the agreement.
- c) The development consent to which the Planning Agreement relates has lapsed.
- The performance of the Planning Agreement has been frustrated by an event beyond the control of the parties.
- e) Council and the developer otherwise agree to the modification or discharge of the Planning Agreement. Such a provision will require the modification or revocation of the Planning Agreement in accordance with the EPA Act and the Regulation.

3.14 Assignment and dealings by the developer

Council will require every Planning Agreement to provide that the developer may not assign its rights or obligations under the agreement nor have any dealing in relation to the land the subject of the agreement unless, in addition to any other requirements of the agreement:

- a) Council has given its consent to the assignment or dealing;
- the developer, at no cost to the Council, has first procured the execution by the person with whom it is dealing of all necessary documents in favour of the Council by which that person agrees to be bound by the Planning Agreement as if they were a party to the original agreement;
- c) Council is satisfied that the person to whom the land or rights are transferred is able to perform the obligations under the Planning Agreement, based on evidence to be provided to Council when Council's consent to transfer is sought; and
- d) the developer is not in breach of the Planning Agreement.

3.15 Provision of security under a Planning Agreement

Council generally will require a Planning Agreement to make provision for security by the developer of the developer's obligations under the agreement.

Unless otherwise agreed by the parties in a particular case, the form of security will usually, but not necessarily, be an unconditional bank guarantee from an Australian Bank in favour of the Council to the full value of the developer's provision under the Planning Agreement and on terms otherwise acceptable to Council. Other forms of security that Council may require include the following:

- Where the Planning Agreement provides for benefits to be paid in the form of a monetary contribution, that the contribution be made prior to the issue of a construction certificate, subdivision works certificate, occupation certificate or a subdivision certificate.
- Where the Planning Agreement provides for works to be carried out, a bond or bank guarantee from an Australian bank in favour of Council should be provided for at least 120% of the agreed estimated value of the works, and on terms otherwise acceptable to Council.
- Where the Planning Agreement provides for the dedication of land to Council, a Planning Agreement must include a provision that enables the Council to compulsorily acquire the land for A\$1.00 in the event of a breach of the agreement by the developer.
- Council will require the Planning Agreement to be registered on the title of the land to which it applies.
- Council will also require any financial security that is provided to be indexed according to the same index as the contributions to which it relates.

3.16 Preparation of the Planning Agreement

Council and the developer will, in each case, decide who will prepare the Planning Agreement relating to a particular application for an instrument change or application.

Council will generally require the Planning Agreement to be in or to the effect of the standard-form Planning Agreement adopted by Council.

3.17 Council's costs of negotiating, entering into, monitoring and enforcing a Planning Agreement

Council may require a Planning Agreement to make provision for payment by the developer of part or all of the Councils' costs of and incidental to:

- a) negotiating, preparing and entering into the Planning Agreement;
- b) registering and removing the Planning Agreement on and from the title of any relevant land; and
- c) enforcing the Planning Agreement.

The amount to be paid by the developer will be determined by negotiation in each case.

In particular cases, the Council may require the Planning Agreement to make provision for a development contribution by the developer towards the on-going administration of the agreement.

3.18 Notations on Certificates under Section 10.7(5) of the EPA Act

Council will generally require a Planning Agreement to contain an acknowledgement by the developer that Council will make a notation under section 10.7(5) of the EPA Act about the Planning Agreement on any certificate issued under section 10.7(2) of the EPA Act relating to the land the subject of the Planning Agreement or any other land.

3.19 Registration of Planning Agreements

Council will require a Planning Agreement to contain a provision requiring the developer to agree to registration of the agreement pursuant to s7.6 of the EPA Act if the requirements of that section are satisfied.

Council will require a Planning Agreement to be registered prior to the issue of any construction certificate or subdivision works certificate with respect to the relevant development.

3.20 Dispute resolution

Council will require a Planning Agreement to provide for mediation of disputes between the parties to the agreement, at their own costs, before the parties may exercise any other legal rights in relation to the dispute. Unless the parties agree otherwise, the Planning Agreement will provide that such mediation will be conducted pursuant to the Mediation Rules publishes by the Law Society of New South Wales current at the time the agreement is entered.

3.21 Hand-Over of Works

Council will generally not accept the hand-over of a public work carried out under a Planning Agreement unless the developer furnishes to the Council a certificate to the effect that the work has been carried out and completed in accordance with the agreement and any applicable development consents (which certificate may, at the Council's discretion, be a final occupation certificate, compliance certificate or a subdivision certificate) and, following the issue of such a certificate to the Council, the work is also certified as complete by a Council building surveyor or engineer.

Council will also require the Planning Agreement to provide for a defects liability period during which any defects must be rectified at the developer's expense and for security to be held by Council on account of defects.

3.22 Developer not the owner

Where the developer is not the owner of the land to which a Planning Agreement applies, Council will usually require the owners of that land be party to the Planning Agreement.

4. Procedures Relating to the Use of Planning Agreements

4.1 Summary Steps for Planning Agreements

Step 1: Offer to Enter into a Planning Agreement

The offer to enter into a Planning Agreement is initiated by the developer and can occur prior to the lodgement of the Application (DA, CDC or Planning Proposal) or during the assessment phase of the Application.

In the case of a DA, this can also be undertaken at or after determination under the following scenarios:

- Where a Deferred Commencement Consent is issued with a condition for an Offer to Enter into a Planning Agreement resulting in an executed Planning Agreement being in place ahead of commencement of the operational consent.
- Where an adopted s7.12 Development Contribution Plan is in place and the development consent condition stipulates an option to enter into a Planning Agreement to deliver an identified infrastructure to reduce the cash contribution amount payable to Council.

Council's preference is for a letter of offer to be submitted outlining in broad terms the draft Planning Agreement that is being sought. The draft Planning Agreement or letter of offer is preferred to be negotiated prior to the lodgement of the DA, CDC or PP and with preliminary concept plans of the proposed development or change to a planning instrument.

In making the decision to proceed with a letter of offer or draft Planning Agreement, consideration should be given to the relevant practice notes, relevant legislation and this Policy. The parties consider whether other planning authorities and other persons associated with the development should be additional parties to the draft Planning Agreement, such as the landowner if the landowner is a different person to the developer.

Step 2: Negotiation

If a Planning Agreement is negotiated, it is documented as a 'draft Planning Agreement' with an accompanying Explanatory Note. The draft Planning Agreement should be assessed in accordance with this Policy. The parties should consider how the draft Planning Agreement will be enforced and when the draft Planning Agreement will be executed, as this will inform the security provisions and conditions of the agreement. Legal advice should be sought in each case to ensure that the appropriate provisions are included in the Planning Agreement.

Step 3: Application

When the developer makes the application or submits a Planning Proposal to Council, it should be accompanied by the letter of offer or draft Planning Agreement that has been signed by the developer, as well as the Explanatory Note.

Step 4: Notification

Relevant public authorities are consulted and the Application (DA or CDC) or Planning Proposal, the letter of offer or draft Planning Agreement and Explanatory Note are publicly notified in accordance with the EPA Act and the Regulation. Any amendments required to the application or Planning Proposal and draft agreement as a result of submissions received are made. If necessary, the amended application, draft Planning Agreement and Explanatory Note are re-notified.

Step 5: Assessment

The draft Planning Agreement, letter of offer and public submissions are considered in the determination of the related application. Determinations involving a letter of offer or draft Planning Agreement shall be subject to a deferred commencement condition requiring the execution of a Planning Agreement prior to the consent becoming operative.

Step 6: Execution

The draft Planning Agreement is either executed before the relevant application is determined or not long after the application is determined.

4.2 Negotiation Process

Council's negotiation process for Planning Agreements aims to be efficient, predictable, transparent and accountable. The process is based on principles of fairness, co-operation, full disclosure, early warning, and agreed working practices and timetables.

4.2.1 When should a Planning Agreement be negotiated?

Council is required to ensure that a Planning Agreement/letter of offer is publicly notified as part of, and in the same manner as, the application for the instrument change or the DA or CDC to which it relates.

The Planning Agreement must be negotiated and documented before it is publicly notified as required by the Act and Regulation.

4.2.2 Who will negotiate a Planning Agreement on behalf of the Council?

Council staff with delegated authority will negotiate a Planning Agreement on behalf of Council. No Planning Agreement will become binding until it is approved and accepted by a resolution of Council and executed by the parties to it.

Councillors will not be involved in the negotiation of the agreement.

4.2.3 Separation of Council's commercial and planning assessment roles

If Council has a commercial interest in the subject matter of a Planning Agreement as a landowner or developer, Council will ensure that the person who assesses the application to which a Planning Agreement relates is an external planning consultant and has had no involvement in negotiating the terms of the Planning Agreement on behalf of the Council in its capacity as landowner or developer.

4.2.4 Role of the Randwick Local Planning Panel in relation to development applications to which Planning Agreements relate

The Department of Planning & Environment (State Significant Development), Sydney Eastern City Planning Panel (Regional Development) or the Randwick Local Planning Panel (Local Development) will, in all cases, determine development applications to which Planning Agreements relate.

4.2.5 Involvement of independent third parties in the negotiation process

Council may encourage the appointment of an independent person (the costs of the independent person will be borne by the developer) to facilitate or otherwise participate in the negotiations or aspects of it, particularly where:

- a) an independent assessment of a proposed instrument change or development application is necessary or desirable;
- b) factual information requires validation in the course of negotiations;

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- sensitive financial or other confidential information must be verified or established in the course of negotiations;
- facilitation of complex negotiations are required in relation to large projects or where numerous parties or stakeholders are involved; and/or
- e) dispute resolution is required under a Planning Agreement.

4.3 Key Steps in the Negotiation Process

The negotiation of a Planning Agreement will generally involve the following key steps:

- Before lodgement of the relevant application by the developer, the parties will decide whether to negotiate a Planning Agreement.
- b) The parties will then appoint persons to represent them in the negotiations, generally involving a minimum of 2 and maximum of 3 persons per party.
- The parties may appoint an additional person to attend and take minutes of all negotiations;
- d) The parties will also decide whether to appoint an independent person to facilitate or otherwise participate in the negotiations or aspects of it. The parties will also agree on a timetable for negotiations and the protocols and work practices governing their negotiations.
- e) The parties will then identify the key issues for negotiation and undertake the negotiations;
- f) If an agreement is reached, the agreed party (Council or developer) will prepare the proposed Planning Agreement and provide a copy to the other party.
- g) The parties will undertake further negotiation on the specific terms of the proposed Planning Agreement.
- h) Once agreement is reached on the terms of the proposed Planning Agreement, the developer will be required to execute the agreement and make an irrevocable offer to Council to enter into the Planning Agreement.
- The developer may then make the relevant application to the Council accompanied by the offer to enter into the Planning Agreement.
- j) The parties may be required to undertake further negotiations and, hence, a number of the above steps as a result of the public notification and inspection of the Planning Agreement or its formal consideration by the Council in connection with the relevant application.

4.4 The Offer

The EPA Act does not define what constitutes an 'offer' for the purpose of section 7.7(3) of the EPA Act. However, an offer should:

- be in writing;
- be addressed to the planning authority to whom it is made;
- be signed by all parties to the proposed Planning Agreement other than the planning authority to whom the offer is made;
- outline in sufficient detail the matters required to be included in a Planning Agreement as specified in s7.4 (3) of the EPA Act to allow proper consideration of the offer by the planning authority;
- address in sufficient detail any relevant matters required to be included in an offer as specified in this Policy to allow proper consideration by Council; and
- outline in sufficient detail all other key terms and conditions proposed to be contained in the Planning Agreement to allow proper consideration by the planning authority.

Council cannot refuse to grant development consent on the grounds that a Planning Agreement has not been entered into in relation to a proposed development or that the developer has not offered to enter into such an agreement. However, if a developer has offered to enter into a

Planning Agreement in connection with the DA, CDC or a change to an environmental planning instrument, then Council is authorised to require a Planning Agreement to be entered into in the terms of the offer as a condition of development consent.

4.5 Consideration of the Offer

There must be a demonstrable public benefit arising from a Planning Agreement and this should be clearly demonstrated in the Offer.

Council has the discretion not to accept an offer to enter into a Planning Agreement for any reason, including if the contribution is not considered to deliver a sufficient demonstrable public benefit. In consideration of an Offer, the following will be taken into account:

- a) Whether it is acceptable and reasonable to use a Planning Agreement.
- b) Whether the offer proposed in a Planning Agreement can be achieved via an alternate mechanism such as a condition of development consent.
- Whether the Planning Agreement meets the requirements of the EPA Act and the Regulation.
- d) Whether the Planning Agreement meets the current and future demands created by the development for new public infrastructure, amenities and services.
- e) Whether the Planning Agreement aligns with Council's strategic documents.
- f) Whether compensation is required for the loss of, or damage to, a public amenity, service, resource, the natural environment or asset caused by the development through its replacement, substitution, repair or regeneration.
- Whether the Planning Agreement rectifies an existing deficiency in the provision of public facilities and services within the LGA.
- h) Whether future recurrent funding related to the proposed public benefit is sustainable.
- i) Whether the public benefit accrues over time.
- j) Whether the Planning Agreement is directed towards proper or legitimate planning purposes, ordinarily ascertainable from the statutory planning controls and other adopted planning policies applying to development.
- k) Producing outcomes that meet the general values and expectations of the public and protect the overall public interest.
- Providing for a reasonable means of achieving the relevant purposes and outcomes and securing the benefits.
- m) Protecting the environment and community against planning harm or adverse planning decisions.
- N) Whether there any relevant circumstances that may operate to preclude Council from entering into the proposed Planning Agreement.

4.6 Probity

Public probity is important to Council and consideration of an Offer/proposed Planning Agreement will be undertaken in a manner that is fair, transparent and directed at achieving public benefits in free of corruption or perception of bias.

To this end, the following practices will apply:

- a) Roles and responsibilities within the processes for a Planning Agreement, a planning proposal and a development application will be managed to ensure transparency, impartiality and accountability and to avoid conflicts of interest. This will generally include separation of roles and responsibilities.
- b) Commercial and financial information will be treated as confidential material.

- Not allowing the interests of individuals or interest groups to outweigh the wider public interest when decided whether to enter into Planning Agreements.
- Allowing the public to access and download this Policy and all executed Planning Agreements from Council's website.
- e) Where Council has a commercial interest in a development the subject of a Planning Agreement, that appropriate steps are taken to ensure conflicts or interests are avoided or managed.
- f) Working with proponents to establish clear timeframes to progress Planning Agreements efficiently and actively communicate the status of the Planning Agreement.
- Publicly notify proposed Planning Agreements in accordance with the EPA Act and the Regulation.
- h) Not approving development that is unacceptable on planning grounds because of public benefits offered by developers through the Planning Agreement process.
- Ensuring that the Council staff nominated to negotiate a Planning Agreement are not the same staff with the primary role of assessing or approving a planning proposal or development application except to provide advice on contributions or other relevant maters.

Depending on the type of Planning Agreement and the Council's involvement, the Council may engage a probity expert for advice and assistance with the agreement. Costs associated with this service will be shared between the Council and the other parties associated with the agreement

4.7 Public Notification

A Planning Agreement must be publicly notified and be available for public inspection for a minimum period of 28 days as prescribed by the EPA Act and the Regulation.

The Regulation requires that the notification of a proposed Planning Agreement occurs at the same time as the Planning Proposal or DA, or if this is not practicable, as soon as possible thereafter.

The terms of the Planning Agreement and its proposed public benefits should be clearly shown as part of consultation material. Planning Agreements must be accompanied by an Explanatory Note to assist the public in understanding the proposed agreement. Other types of consultation material are encouraged in addition to the explanatory note. This might include additional written material, diagrams or plans

Council will publicly re-notify and make available for public inspection a proposed Planning Agreement and the application to which it relates if, in the Council's opinion, a material change is made to the terms of the agreement or the application after it has been previously publicly notified and inspected. Such a change may arise as a consequence of public submissions made, or the formal consideration by the Council, or for any other reason.

Amendment to proposed Planning Agreement after public notification

- Any material changes that are proposed to be made to a Planning Agreement after a public notice has been given should be subject to renotification if the changes would materially affect any of the following:
 - How any of the matters specified in section 7.4 of the EPA Act are dealt with by the Planning Agreement.
 - Other key terms and conditions of the Planning Agreement.
 - The planning authority's interests or the public interest under the Planning Agreement.
 - Whether a non-involved member of the community would have made a submission objecting to the change if it had been publicly notified.

4.8 Explanatory Notes

The Regulation requires that an Explanatory Note is provided with the public notice of a Planning Agreement. The Explanatory Note can be prepared by one of the parties but should be reviewed and agreed on by any other party to the agreement. The Explanatory Note must help the broader community to simply and clearly understand what a Planning Agreement is proposing, how it delivers public benefit, and why it is acceptable and in the public interest. It should be easy to understand, written in plain English and address all considerations outlined the Practice Notes.

The Explanatory Note must:

- be written in plain English and address all considerations outlined in the Practice Notes and this Policy;
- summarise the objectives, nature and effect of the proposed Planning Agreement and contain an assessment of the merits of the proposed agreement, including the impact on the public or relevant section of the public;
- identify how the Planning Agreement promotes the public interest;
- identify whether the Planning Agreement conforms with Council's capital works program, if any;
- state whether the Planning Agreement specifies that certain requirements of the agreement must be complied with before a construction certificate, occupation certificate, subdivision works certificate or subdivision certificate is issued; and
- indicate timing of delivery and include maps, diagrams and other material to help explain what is proposed.

4.9 Planning Agreement Register

Council is required to keep a register of Planning Agreements applying to land within the Randwick LGA, whether or not the Council is a party to a Planning Agreement. The Register will include the date a Planning Agreement was entered into and a short description of the agreement (including any amendment).

The Planning Agreement Register will be made available to the public on Council's website. In addition, Council will make the following available (free of charge) during ordinary office hours:

- (a) copies of all Planning Agreements (including amendments) that apply to the LGA; and
- (b) copies of the Explanatory Notes relating to those agreements.
- (c) details of projects and works funded through the Planning Agreements.

End of Document



Randwick City Council 30 Frances Street Randwick NSW 2031

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Attachment B: Summary of Submissions

	Yoursay Submissions	Response
1	For Section 2.2.3 Integrated Planning, include future Active Transport Strategy in the list of relevant strategies as soon as it is adopted by council. Request that the Active Transport Strategy be delivered as soon as possible, so that it can start informing other works such as this. Request for requirements to protect against developer land banking, where a proposal may be accepted, but the delivery delayed until a time that is more profitable for the developer (e.g. holding empty plots to artificially increase property values in the area, at great expense to our community). A productive use of land should be required by either requiring improvement works begin & complete promptly, or by imposing an additional levy on delayed works.	The request to reference the Active Transport Strategy (ATS) under Section 2.2.3 is supported, however given the ATS is currently only adopted as draft for consultation, the draft Policy has been amended to specify that policies, including informing strategies are subject to periodic updates and any planning agreements should take into consideration current versions and related scope. Imposing requirements against developer land banking is outside the scope of this Policy. Sections 4.53 and 4.29 of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) contains timeframe requirements to activate a development consent and CDCs. Imposing conditions to commence works immediately or imposing levies for delayed works are outside the scope of this Policy.
2	The draft Policy is a waste of rate payers' money given that it is not legally binding. Concerns that Council will receive proposals from developers stating that they are substantially compliant when they are clearly not, and a Planning Agreement would be a 'get out of jail clause' when they change their plans significantly during a build.	The draft Planning Agreement Policy sets out the procedures, fundamental principles and assessment framework to underpin the negotiation, preparation and execution of Planning Agreements. The agreements are legally binding and run with the land should there be a change in ownership. If there is a significant change to the development after approval, Council can seek an amended agreement to address any public benefit arising from increased density. The development of a Policy framework to guide the Planning Agreement process is considered to be best practice as it would facilitate greater transparency and clarity in the Planning Agreement process for the benefit of all stakeholders. In addition, it is a requirement that consent authorities follow the State Government's practice note in the

	Yoursay Submissions	Response
		preparation of a Planning Agreement Policy and that procedures, principles and assessment framework contained therein be taken into account when negotiating Planning Agreements.
3	There are very few projects on the Register of Planning Agreements that have contributions for local benefit. Will there be a more rigid application of the policy in future, noting that developments can still be approved without any contribution? How does the Council determine which projects receive the contributions by developers? Most seem to be allocated to community housing, where as more should be given to community sport facilities, which more of the community can benefit from the contributions. Request for a register of community projects that the developer could select as a community project that interests them. This might even encourage more and increase contributions. There is a lack of access to squash, unlike most other sports, and develop donations could correct this.	Planning Agreements are voluntary in nature and are used as a tool for the consent authority and developer to work together to deliver innovative infrastructure outcomes that are outside the traditional \$7.12 framework. They are also the mechanism that allows for the Community Infrastructure Contribution to be delivered under the K2K Strategy. Each infrastructure item funded/delivered under the Planning Agreement process is negotiated on a case by case basis, in alignment with local and/or integrated planning frameworks and specific local needs. This includes consideration of items identified in the Informing Strategies such as the Open Space Informing Strategy which identifies recreational facilities required across the LGA.
4	It is a requirement under conditions for approved DAs for a dilapidation report. However in the event that damage occurs and the adjoining property/ies require rectification for damage, there is currently no accountability or enforcement provisions to ensure the owner/developer provides rectification. It is merely reliant on good will or the affected party undertaking the costly and difficult process of taking the matter to court to effect remedy This is an oversight in the planning instruments and places an unnecessary and significant burden on the affected party.	A requirement for a dilapidation report can be a requirement of conditions of consent depending on the nature of a proposed development. Matters raised regarding accountability/enforcement to rectify damages incurred during construction is a civil matter between both landowners. These issues are outside the scope of a Planning Agreement Policy.

2

	Yoursay Submissions	Response
	Planning agreements should include a binding agreement on the DA owner/developer to fix any resultant damage pursuant to the work undertaken and in accordance with the objectively assessed dilapidation report; within a required time-frame; and determined as satisfied by independent assessment.	
5	Randwick Council should adopt a holistic approach to: a. Ensure that transport and traffic considerations are taken into account - including community representative views who should not be over ridden by traffic consultants whose theoretic assessment turned out to be a figment of their imagination which has meant that local residents pay the price with potentially near miss collisions daily b. Minimise the risk of developers dividing their plans into different phases to game the system. Developers should be held accountable if they made any false and misleading representations which are subsequently uncovered post development. When developers make contributions, dedicate parks or hand over property like social housing, they should make upfront and/or ongoing contributions for the maintenance to ensure that the budgetary considerations are sustainable.	Issues raised including transport and traffic and staged development are outside the scope of the draft Planning Agreements Policy. Matters such as ongoing maintenance of infrastructure delivered by a Planning Agreement would be made on a case by case basis in negotiation with the developer as part of the Agreement. Section 10.6 of the <i>Environmental Planning and Assessment Act</i> 1979 (EP&A Act) contain provisions to deal with false or misleading information in connection to planning matters, which include Planning Agreements entered into under the EP&A Act.
6	Proposed DPA Policy 2024 amendments are supported	Support noted.
7	Concerns that there are not enough hard and fast rules which circumnavigate good planning outcomes due to the misuse of Planning Agreements. Concerns about developers getting plans passed and then altering their objectives to increase height or add extra floor space by using a Planning Agreement. Request that developers contribute to the cost of infrastructure as outlined in the draft Policy.	It is a legal requirement that Planning Agreements not be used as the basis to approve a development application or CDC. In other words, DAs or CDCs are to be assessed on their merits irrespective of a Planning Agreement being proposed. Contributions towards infrastructure required as a result of population growth and development are made via s7.12 levies and/or a Planning Agreement.

3

1		Yoursay Submissions	Response
		Concerns that developers may provide low cost housing as part of their development and then change FSR or height. Randwick's facilities are bursting at the seams so it is of concern that a house or two are demolished and replaced with a dozen or more units and pushed above its occupancy because of a Voluntary Planning Policy.	It is a requirement under the EP&A Act that a development be constructed in accordance with the development consent which would stipulate the height/FSR for the site. Any changes to height and FSR sought following a development approval would be either under 4.55 or via a fresh DA. These matters are outside the scope of the draft Policy.
			Section 10.6 of the Environmental Planning and Assessment Act 1979 (EP&A Act) contain provisions to deal with false or misleading information in connection to planning matters, which include Planning Agreements entered into under the EP&A Act.
	8	Maroubra Beach is rapidly growing in popularity, both as residential & investment properties; as well as a visitor destination. As a result, road traffic and parking issues are becoming a real frustration and stress to residents in the areas particularly for those living in close vicinity to the beach. Randwick Council has not kept pace with commensurate provision/management of road infrastructure and parking. As a result, beach visitors as well as tenants are parking their vehicles in a most obstructive manner to both drivers & pedestrians e.g. more and more tenants are simply parking their vehicles outside garages across pedestrian pathways obstructing other nearby residents of easy/safe access (entry & exit) from their driveway. e.g. residents of 30 Bona Vista Avenue can never see on-coming cars from either directions whenever they exit their driveway. In the event of an emergency, it is highly likely	Although these issues are not dealt with under the draft Planning Agreement Policy, they have been referred to Council's Integrated Transport Department for further investigations/action.
		serious accidents will happen as road visibility is totally blocked. Request that the Planning Agreements Policy review road infrastructure along residential areas in close proximity to Maroubra Beach. Suggest a	

4

	Yoursay Submissions	Response
	one-way street to reduce traffic congestion; and improve unsafe parking behaviour; or perhaps implement a metered-parking with strict regulations on illegal/unsafe parking for both residents & visitors. If Council has reasons not to implement either of these suggestions, I as a rate payer living here since 1986/87, trust that this time round, the	
	new Council members/Committee will care enough & take serious heed to implement appropriate measures, policies or regulations to help alleviate unsafe parking &/or the lack of parking availability for both residents and beach visitors.	
9	The Planning Agreements Policy is not a good idea for Randwick City. It would work well if a Council is competent in urban planning and strong and clear with developers and the State on what is sought for the LGA and then negotiated to lever those outcomes.	Planning Agreements are provided for under the EP&A Act 1979 as a tool for councils to work with developers to deliver flexible and innovative infrastructure outcomes that may be outside the realm of the traditional s7.12 development contributions framework.
	For Randwick, the planning outcomes are currently well below average of Sydney Councils and with no clear theme (eg Kingsford town centre, Matraville town centre, Kensington redevelopments are all very poor) that have largely been driven by Developers and the State, not by Council. In that context, Council will likely be defeated by those other	The draft Policy has been prepared in accordance with the Government's practice notes and relevant legislation, to provide an appropriate framework for the negotiation/preparation of Planning Agreements in a manner that is transparent, consistent and clear for all stakeholders and the community.
	In addition, Randwick has been repeatedly corrupt and has a questionable reputation that Developers know (eg recent purchase of sites around Peters of Kensington just prior to rezoning)	As per the draft Policy and requirements of the EPA& Act, all Planning Agreements must be publicly exhibited with explanatory material, providing the opportunity for community feedback. Council's Planning Agreement Register is also available on the website for easy access to the community.
	Where are the Randwick planning basics? E.g.: - good urban centres - well maintained roads with local road closures for pocket parks/malls	The draft Policy and planning legislation make it clear that planning outcomes cannot be bought via Planning Agreements. Each DA and CDC must be assessed on their merits against the

5

	Yoursay Submissions	Response
	etc (noted some limited recent activity here) - more locally indigenous trees and shrubs planted on verges, roadside,	relevant planning controls and not on the basis of a Planning Agreement.
	parks etc - support for pop-up businesses - dog parks - more sensible traffic calming - recent ones have such impact so as to damage vehicles and leading to strong braking and re-accelerating - enforcement of environment laws - erosion and sediment control and litter from most building sites in the LGA	In relation to suggested planning basics such as good urban centres, well maintained roads, pop up businesses etc, these issues are outside the scope of the draft Planning Policy and are addressed by Council's Informing Strategies, operational plan and budget on a prioritisation/ needs basis.
10	There is no tie or dependency between Council approval for any specific development and the execution of a Planning Agreement (with associated public benefits) for that specific development with the Developer . As a Planning Agreement is a voluntary instrument at the disposal of the developer, what is the instrumental use in the sense of public benefit delivery in a Planning Agreement?	Planning Agreements are a tool that can be used by Council and developers to negotiate infrastructure outcomes that are outside the scope of the s7.12 plan. It is a voluntary process and has no baring on the outcome of a DA or CDC. Planning Agreements have been used to deliver a range of public benefits in Randwick City, including affordable housing and public open space at the Newmarket site. These outcomes have offered substantial public benefits in terms of increasing the quantum of affordable housing in the LGA to meet housing needs of low/low-medium income households and securing additional public open space for our community.
11	The Policy is thorough and covers all of the issues of comprehensiveness, openness and accountability that residents would like to see when dealing with developers. Timely notification of proposed planning agreements is vital. An important consideration but not part of the policy is the provision of	Current council delegations regarding the negotiation of Planning Agreements are afforded to Senior Staff with the involvement of legal expertise. The current delegations are considered adequate, and no additional staff are required at this stage for this purpose.
	sufficient staff with the delegated authority to ensure negotiations are carried out in an efficient and effective manner. Will this new policy require the employment of additional staff?	

6

	Yoursay Submissions	Response
12	Well, the policies for "provide affordable housing" is failing dismally so that is the most urgent priority on the list. Council should consider promoting bidets as a sustainability measure and to get out of outdated hygiene routines. Cleaning products should be discouraged.	The draft Policy requires that Planning Agreements align with key directions of the local and integrated planning frameworks including the LSPS and the Housing Strategy of which the delivery of affordable housing is a key priority. Planning agreements have been utilised towards funding additional affordable housing in Randwick City including within the Kensington and Kingsford town centres. Issues such as bidets and cleaning products are not relevant to the draft Planning Agreements Policy.
13	What a waste of time. It's not even legally binding.	Planning Agreements are provided for under the EP&A Act and Council is required to be consistent with the State Government's practice notes which provide the framework and content guidance for a Planning Agreement Policy. Once agreed and executed the agreement is legally binding and runs with the land.
14	A lot of legalese for what amounts to a voluntary code of practice. Seems like just going thru motions of ticking boxes. I can't see your average resident getting a say.	The draft Planning Agreements Policy is not a voluntary code of practice, but rather a document that outlines the fundamental principles, process and assessment criteria to guide the negotiation of a Planning Agreement in a manner that is clear and transparent for all stakeholders. The EP&A legislation, practice note and draft Policy make it clear that all Planning Agreements must be exhibited along with explanatory material to provide the opportunity for community feedback on the merits of the proposal. Once agreed and executed the agreement is legally binding and runs with the land.

Director City Planning Report No. CP9/24

Subject: Discussion Paper on Short and Long Term Rental

Accommodation

Executive Summary

 The Department of Planning, Housing and Infrastructure (DPHI) recently placed on public exhibition a discussion paper covering short term and long term affordable rental housing. The discussion paper is part of a broader investigation into policy levers for improving housing affordability and housing supply in NSW to meet housing needs of the growing population.

- The discussion paper seeks to address concerns about the potential impacts of short-term rental accommodation (such as Air Bnb and Stayz) on the rental market, specifically housing costs and the availability of long term rental housing. It seeks feedback on the adequacy of the current STRA planning and regulatory system including:
 - The 180 day cap for non hosted STRA;
 - Exempt development approval pathways which allow non-hosted STRA to occur without requiring Council approval;
 - Operation of the STRA Register and reporting requirements for hosts, letting agents and industry; and
 - Compliance and enforcement framework including complaints-handling and enforcement processes.
 - Council's submission makes the following themed recommendations with respect to the existing STRA planning and regulatory system:
 - Day caps / length of stay Introduce a 90 day cap for non-hosted STRA aligning with Randwick City's previously requested threshold or enable individual councils the flexibility to determine the number of days that properties can be used for non-hosted STRA. In addition, it is recommended that the 21 day consecutive booking provision exemption is removed.
 - Enforcement, definitions and compliance State Government provide an effective enforcement mechanism at the State level (or funding for the local level), to ensure enforcement and compliance with STRA guidelines along with providing STRA Register information / listings to local government for research and strategic planning purposes.
 - Revenue Introduce a visitor levy / bed tax along with a new rating category that
 provides the pathway for Council's to fund additional infrastructure demands and
 impacts caused by STRA.

Recommendation

That Council endorse the attached submission prepared in response to the Discussion paper on Short-and Long-Term Rental Accommodation.

Attachment/s:

1.

Draft submission to STRA Discussion Paper by DPHI

Purpose

The purpose of this report is to seek endorsement of Council's submission on the Government's recently exhibited Discussion Paper on Short and Long Term Affordable Rental Housing Discussion Paper (Attachment 1). The discussion paper identifies potential reform opportunities of the existing short term rental housing planning and regulatory framework to unlock housing supply and ease ongoing pressure on housing affordability in NSW. The attached submission was recently submitted as an interim as the submission deadline occurred outside Council's reporting cycle.

Once endorsed the final submission will be forwarded to the Department of Planning, Housing and Infrastructure for consideration.

Background

The NSW Department of Planning, Housing and Infrastructure (DPHI) recently exhibited a discussion paper identifying potential opportunities for reforming the planning and regulatory framework for short term rental accommodation (STRA). It is part of the Government's broader examination of policy levers for improving housing affordability and housing supply in NSW to meet housing needs of the growing population. The discussion paper focuses on various components of the current STRA planning and regulatory framework from approval pathways, to fees and charges, and regulatory and compliance systems, with a view to unlocking existing housing stock by encouraging property investors to make short term rental housing available for longer term rental accommodation.

Context for the Review

The Government's review of the existing STRA framework is in response to the current housing crisis with rental vacancy rates at near historically low levels in NSW (1.7% in December 2023), compounded with declining housing affordability, as well as shortages of both materials and labor and rising borrowing costs which are collectively affecting construction and delivery of new housing. The review aims to address concerns regarding the rise of STRA platforms such as AirBnB and Stayz and their potential impact on the availability of properties for long term rental and contribution to rising housing costs. The review looks at opportunities to better manage the use of existing housing stock including options for encouraging owners of vacant homes, holiday homes and non-hosted STRA to make these properties available for long term use.

Existing Short Term Rental Accommodation Policy Framework

The current NSW STRA planning policy framework came into effect in 2021 and introduced the following amendments:

- A new definition for STRA, hosted STRA and non-standard STRA.
- An exempt development pathway for:
 - Hosted STRA in a dwelling, 365 days per year;
 - Non-hosted STRA in a dwelling, 180 days per year in Greater Sydney and nominated regional NSW LGA's and 365 days per year in all other locations; and
- An exemption of bookings of 21 consecutive days or more from day limits for non-hosted STRA.

The STRA policy is supplemented by amendments to the Environmental Planning and Assessment Regulations 2021 (the Regulations) to introduce minimum fire safety standards for dwellings used for STRA and associated penalty notice offences for non-compliance. It also incorporates a STRA Register to assist in ensuring compliance with the new rules including fire safety standards. The register requires hosts of an STRA property (excluding caravans, tents and moveable dwellings) to be registered detailing compliance with the fire and safety requirements and code of conduct.

In recognition of the impacts of STRA on local rental housing markets, residential amenity and local character, various planning related initiatives have been investigated by Council to combat the impacts of STRA on the community. These actions include:

- In 2019 Council provided a submission on the STRA policy and raised several concerns
 regarding the impact of STRA on the supply of long-term rental accommodation and
 affordability, and also regarding the exclusion of bookings for a period of 21 days or more
 for non-hosted short-term rental accommodation and the booking type not counting
 towards the permitted day caps.
- In 2022 the Randwick Comprehensive LEP Planning Proposal sought to limit the number
 of days per year for non-hosted STRA to 90 days, however the initiative was removed
 from the Planning Proposal by the Department of Planning and Environment via a
 Gateway Condition.
- In May 2023 Council wrote to the Minister for Planning and Public spaces and requested that a visitor levy or bed tax be investigated by the State Government.

Short Term Rental Accommodation in Randwick City

Historically, the Randwick LGA has contained a high number of (STRA) property listings. As of December 2023, 7.7% of the total 25,480 STRA listings in Metropolitan Sydney were in the Randwick LGA. This amounts to the Randwick LGA containing some of the highest numbers of STRA property listings across metropolitan Sydney.

In 2019, there were approximately 3,346 STRA property listings across the Randwick LGA. Due to the COVID19 pandemic, the number of STRA listings in Randwick were significantly reduced to 1,147 STRA properties by December 2022. However, the most recent data obtained from Inside Airbnb indicates that there has been a significant increase in STRA property listings since December 2022. As of December 2023, there are a total of 1,962 STRA property listings. While these figures do not yet match pre-covid numbers, it represents a 70% increase in STRA property listings year-on-year.

Notably, concerns arise from the higher concentration of STRA listings in northern and coastal parts of Randwick (Clovelly, Coogee, Kensington, and Kingsford) that are approximately 2.5 times greater than the NSW state average, where key worker housing is essential for the Randwick Health and Education Precinct.

Discussion Paper: Short and Long Term Affordable Rental Accommodation

The discussion paper seeks feedback on the adequacy of the current planning and regulatory framework for STRA and potential policy options, including revenue measures to incentivise property investors to make properties available for long term rental accommodation (LTRA). Specific planning, regulatory and revenue matters that the Government is seeking feedback on include:

- Lower day caps on the maximum number of nights a dwelling can be let for non-hosted short-term rental accommodation
- Limits to the number of homes in an area that can be used for short-term rental accommodation
- Higher registration fees for short-term rental accommodation
- More onerous approval requirements for short-term rental accommodation
- Limits on the number of guests that can use a short-term rental property
- A levy on the revenues from bookings of short-term rental accommodation
- Day fees per guest staying in short-term rental accommodation
- An annual levy based on the use of the property (for example, non-hosted short-term rental accommodation, holiday homes and vacant properties).

Council's Submission

Councils' submission provides a comprehensive overview of the challenges and opportunities associated with STRA and offers various policy improvements to achieve balanced housing outcomes. The submission supports the creation of a policy environment that encourages STRA properties to be released to the long-term rental market and the associated increase in housing supply. The submission highlights Council's history of advocating for changes to STRA policy to address concerns regarding the impact of STRA on long term rental supply and community impacts.

The submission highlights the current state of STRA in Randwick City and reveals that the number of STRA property listings since 2019 have fluctuated. Historically, Randwick City has a significant number of STRA property listings, containing 7.7% of total listings in Metropolitan Sydney in 2023. Despite a reduction in STRA properties due to the COVID-19 pandemic, there has been a 70% increase in STRA property listings since 2022, with particular concern over concentrated listings in areas such as Clovelly, Coogee, Kensington and Kingsford.

Challenges with the current regulatory framework, including the need for effective enforcement mechanisms and addressing loopholes in day caps for non-hosted STRA are also addressed. With regards to day caps on non-hosted STRA, the submission recommends that the STRA framework be amended to:

- Remove the 21 day consecutive booking provision to close potential loopholes that would otherwise allow a dwelling to be rented out consecutively as STRA for 12 months a year; and
- Introduce a lower day cap aligning with Randwick City's requested 90 day threshold; or
- Enable councils the flexibility to determine the number of days that properties can be used for non hosted STRA under the exempt development pathway in specific areas, in conjunction with complying development or development application requirements for proposals which exceed these limits. This would allow councils to tailor the policy to suit local conditions.

Existing capacity within the land use policy settings for STRA is also addressed within the submission. The submissions highlights that the Randwick Local Environmental Plan 2012 already provides for substantial capacity within existing zoning frameworks for the land uses typically associated with STRA and tourist accommodation.

Regarding reporting requirements, compliance and enforcement for STRA the submission calls for the need for the NSW Government to undertake the required monitoring to ensure that the relevant day caps are enforced.

Potential revenue measures to be put in place for STRA are discussed and the submission requests that a visitor levy or bed tax be investigated by the State Government. Councils preferred option for revenue is for a new rating category, however the following concerns are raised:

- Current legislation prohibits the charging of different rates of properties used for STRA and would require an amendment to the Local Government Act;
- Council would be required to adapt by categorising properties multiple times a year and refining rating calculations; and
- A new rating system would also require Council to invest and refine processes, resources, and systems from Council's current state to implement the new rating category.

Strategic alignment

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

Delivering the Outcomes of the Community Strategic Plan:								
Strategy	Housing							
Outcome	A city with diverse and affordable housing that responds to local needs							
Objective	Increase the percentage of all households that are either social or dedicated affordable housing to a minimum of 10% by 2040							
Delivery program commitment	Review and update the Randwick Affordable Housing Strategy and Action Plan by 2024.							
Objective	Increase the proportion of medium density housing supply by 3% by 2028 from a 2016 baseline of 27.9%							
Delivery program commitment	Investigate opportunities to increase provision of affordable rental accommodation by 2031.							

Resourcing Strategy implications

The costs associated with reviewing the STRA Discussion Paper and preparing the submission was competed inhouse by Strategic Planning Officers along with input from the Health, Building and Regulatory Services and Finance teams.

Policy and legislative requirements

Environmental Planning and Assessment Act, 1979 Randwick Local Strategic Planning Statement Randwick Housing Strategy

Conclusion

The STRA discussion paper is on public exhibition until 14 March 2024. Council officers have prepared an interim submission in response to the reforms, with a copy of this being provided to DPHI to ensure the return of a response within the prescribed public exhibition period. The attached interim submission is provided for endorsement by Council for submission to DPHI.

The interim submission recommends the introduction of reduced day caps (with the potential for sub-LGA, location specific caps to be introduced), a call for State Government assistance with enforcement and for the introduction of a visitor levy / bed tax along with a new rating category that provides the pathway for Council's to fund additional infrastructure demands and impacts caused by STRA.

Responsible officer: Asanthika Kappagoda, Senior Strategic Planner

File Reference: F2021/00607



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12 March 2024

Ref No: F2021/00607

Kiersten Fishburn Secretary Department of Planning, Housing and Infrastructure Parramatta NSW 2150

Submitted via NSW Planning Portal

Dear Kiersten,

RE: Discussion paper on Short-and Long-Term Rental Accommodation - Randwick City Council interim submission

I am writing on behalf of Randwick City Council, in response to the Discussion Paper on Short and Long-Term Rental Accommodation recently published by the NSW Department of Planning, Housing and Infrastructure (DPHI). This submission, prepared by Council officers will be reported to Council's Ordinary Meeting of 26 March 2024, with a finalised submission depending on Council's resolution to be made shortly thereafter.

Randwick City Council (RCC) is committed to ensuring that our local community benefits from balanced and sustainable housing options. We recognise the importance of both short-term and long-term rental accommodations in achieving this balance, and we appreciate the opportunity to contribute to this important discussion. Particularly, we acknowledge the intent of the review and discussion paper is to investigate all available policy levers to help unlock housing supply and alleviate the ongoing housing affordability pressures felt throughout NSW.

The statement within the Discussion Paper that releasing properties from short-term rental accommodation (STRA) and those that are underused provides the opportunity for a quicker response to increasing housing supply than rezoning and uplift mechanisms is strongly supported.

In our submission, we aim to provide insights based on our experiences and observations within the Randwick LGA and highlight pervious submissions made to DPHI. This is followed by addressing the key aspects outlined in the Discussion Paper with corresponding recommendations and/or clarifications listed. We trust that our perspective can contribute to a more comprehensive understanding of the challenges and opportunities presented by STRA.

Current level of STRA in Randwick

Historically, the Randwick LGA has contained a high number of (STRA) property listings. As of December 2023, 7.7% of the total 25,480 STRA listings in Metropolitan Sydney were in the Randwick LGA¹. This amounts to the Randwick LGA containing some of the highest numbers of STRA property listings across metropolitan Sydney.

In 2019, prior to the global pandemic, there were approximately 3,346 STRA property listings across the Randwick LGA. Of those listings, 59.6% were entire homes/apartments, 38.5% were private rooms only and 1.9% were shared rooms².

Due to the challenges posed by and a reduction in demand caused by the COVID-19 pandemic, the number of STRA properties in the Randwick LGA reduced during the following years. By December 2022, there were a total of 1,147 non-hosted STRA properties in the Randwick LGA³. The trend of reducing STRA aligns with the AirBnB study authored by Urbis that observed a similar decline through the COVID-19 pandemic.

However, the most recent data obtained from Inside Airbnb indicates that there has been a significant increase in STRA property listings since December 2022. As of December 2023, there are a total of 1,962 STRA property listings comprising of 64.8% entire homes/apartments, 33.1% private rooms, and 1% shared rooms and 1% hotel rooms within Randwick LGA. While these figures do not yet match pre-covid numbers, it represents a 70% increase in STRA property listings year-on-year.

Considering concentrations of STRA properties, STRA tends to cluster in the northern and coastal parts of the LGA (Clovelly, Coogee, Kensington and Kingsford), where key worker housing is particularly needed to support productivity within the Randwick Health and Education Precinct. The number of STRA listings in these suburbs amounts to 5% (approximately) of dwelling stock in these areas. This is substantially higher than the 2.2% of dwellings stock across NSW that are used for STRA 4.

History of STRA advocacy in Randwick

In recognition of the impacts of STRA on local rental housing markets, residential amenity and local character, various planning related initiatives have been investigated by Council to combat the impacts of this accommodation type.

In 2019, Council provided a submission on the STRA reforms which sought to bring about the legislative framework for the use of residential premises for the purpose of providing STRA. In the submission, Council raised several concerns including the impact of STRA on the supply of long-term rental accommodation and affordability. In addition, Council raised concerns regarding the exclusion of bookings for a period of 21 days or more for non-hosted short-term rental accommodation and the booking type not counting towards the permitted day caps. These concerns are reiterated further down in this submission.

In 2022, the Randwick Comprehensive LEP Planning Proposal sought to limit the number of days per year for non-hosted STRA to 90 days, however the initiative was removed from the Planning Proposal by the Department of Planning and Environment via a Gateway Condition. The following justification was provided:

¹ http://insideairbnb.com/

² ibid

³ ibid

⁴ Chart 27, Urbis - Short-Term Rental Accommodation and Housing In Australia

- Inconsistency with the state-wide planning approach which limits non-hosted letting to 180 days a calendar year under the Housing SEPP
- Introduction of a state-wide Register and Code of Conduct (also commenced in November 2021) would largely manage amenity impacts
- Lack of evidence provided to demonstrate negative social and economic effects of STRA
- The state-wide 180 day limit would be subject to a 2 year review in 2023, which would further inform the STRA policy.

At the 28 February 2023 meeting, Council considered a report regarding rating options, planning legislation and other initiatives addressing the impacts of STRA across the Randwick City Local Government Area (LGA). At this meeting, Council resolved to:

"write to the Minister for Planning and Homes advocating for the introduction of a bed tax or other scheme to be remitted to councils to address the impacts of short-term rental accommodation on local communities."

Following the resolution, on 8 May 2023 Council wrote to the Minister for Planning and Public spaces and requested that a visitor levy or bed tax be investigated by the State Government.

Day caps on non-hosted short-term rental accommodation

The current framework permits STRA in residential zones without council approval under the Exempt Development pathway, in conjunction with day caps for non- hosted accommodation which vary on a regional basis. In Greater Sydney, for instance, un-hosted STRA has a cap of 180 days each year with bookings over 21 days excluded from the day limit. Regional council areas have greater flexibility to decide an appropriate cap for un-hosted STRA depending on their individual context.

As noted above, Council has previously raised concerns about the 180 day cap on the grounds that it is overly generous and does not adequately address the impacts of STRA on rental housing supply, amenity, sense of community and local character. Moreover, the current provisions which exclude bookings of STRA for 21 or more consecutive days from the 180 day threshold are highly problematic as it effectively creates a loop hole for facilitating year round short term letting of premises.

In response to these issues, Council's major policy documents- the Local Strategic Planning Statement and Housing Strategy include key directions for the management/regulation of STRA including the introduction of a 90 day threshold for un-hosted STRA under the local planning framework. This reduced threshold is considered to provide a balanced approach, allowing property owners the flexibility of renting out their homes from time to time (e.g. when on holidays or during peak summer months) and supporting the diversity of visitor and tourism accommodation offerings in the LGA, while helping to minimise the impacts upon the supply of rental housing, residential amenity and sense of community.

As aforementioned, Council initially included the proposed 90 day cap in the Randwick Comprehensive Planning Proposal, however it did not proceed given that the STRA framework which was being introduced at the time. Notwithstanding this, Council's position for a 90 day cap remains the same, noting that the 180 day State wide 'blanket provisions' under the current framework fail to consider the vastly different contexts and preferences not only across Local Government in NSW but also within an individual LGA, whereby STRA issues may be confined to a few locations.

To further address localised imbalances, support is also given to the consideration of sub-LGA place-based day caps in areas where higher levels of STRA concentration exists. This will enable researched and targeted policies to respond to the impacts of STRA on localised housing

markets. As raised above, areas in the northern and coastal parts of the Randwick LGA, the number of STRA properties in these areas is more than 2.5 times the state average.

<u>Recommendation:</u> to address this variation and diversity, it is recommended that the STRA framework be amended to:

- Remove the 21 day consecutive booking provision to close potential loopholes that would otherwise allow a dwelling to be rented out consecutively as STRA for 12 months a year; and
- Introduce a lower day cap aligning with Randwick City's requested 90 day threshold: or
- Enable individual councils the flexibility to determine the number of days that
 properties can be used for non-hosted STRA under the Exempt Development
 pathway in specific areas, in conjunction with complying development or
 development application requirements for proposals which exceed these limits.

Existing capacity within land use policy settings for short-term rental accommodation

When determining an appropriate day cap, consideration must be given to understanding the permissibility of land uses associated with short term / tourist accommodation. The Randwick Local Environmental Plan (RLEP) already provides for substantial capacity within existing zoning frameworks for land uses typically associated with short term / tourist accommodation.

As demonstrated by the list below, across the Randwick LGA the following land uses are permitted with consent in the R3 Medium Density Residential, E1 Local Centre and E2 Commercial Centre zones within the Randwick LGA:

- Bed and breakfast accommodation
- Hotel or motel accommodation
- Serviced apartments

In addition, backpackers' accommodation is permitted with consent within E1 Local Centre and E2 Commercial Centre zones. Combined, such permissibility ensures that short term / tourist accommodation demand can be accommodated within the existing planning framework. Specifically, Coogee is serviced by numerous large hotels, serviced apartments and hostels while the Health and Education Precinct in Randwick is supported by numerous hotels and serviced apartments. In adjacent areas, bed and breakfast accommodation provides further offerings.

Further, within the Randwick LGA, hotels, serviced accommodation and similar options contribute towards the vitality and offering of commercial centres. The location of these uses within commercial centres and within adjoining R3 zones ensures that guests have a range of services within walking distance and increased public transport accessibility.

<u>Recommendation:</u> in the instance that individual Councils are provided the opportunity to determine day caps for non-hosted STRA, consideration must be given to permissibility of short-term / tourist accommodation in residential and employment zones within the LGA.

Enforcement, definitions and research

Enforcement

The State Government run STRA Register ensures compliance with the new fire safety standards, as well as tracking day limits of each STRA dwelling (via a unique STRA Property ID number) and provide details to assist local councils with monitoring STRA in their respective local government areas. Anecdotally, Council has perceived a reduction in complaints received since the introduction of Register and associated requirements in November 2021.

In the context of the review, the critical issue for Council is not the relevant approval pathway as such, but rather, Councils' ability to ensure that a premises operates in accordance with the relevant Exempt Development standards or Development Application conditions.

Key areas where this is a concern include:

- · Ability to verify that a host is present for hosted STRA
- Ensuring that the day caps per calendar year are complied with
- · Managing noise and amenity complaints

Council wishes to highlight the need for the NSW Government to undertake the required monitoring to ensure that the relevant day caps are enforced. The administrative resourcing combined with legal approvals required by Council to undertake any enforcement related to exceedances of non-hostel daily caps create an administrative burden.

<u>Recommendation:</u> Given the above issues, it is critical that the State Government provide an effective enforcement mechanism at the State level (or funding at local level), to ensure enforcement and compliance with STRA guidelines.

Definitions

As raised in the Discussion Paper, it is supported that further clarity is provide around the definition of hosted versus un-hosted STRA. For STRA to be categorised as hosted it should be defined as occurring within a single dwelling that is the principal residence of the host. This is to ensure that secondary dwellings and dual occupancies are subject to non-hosted STRA caps and can be utilised to as lower cost long-term rental accommodation, rather than for the purposes of STRA.

<u>Recommendation:</u> Clearly define differences between hosted and non-hosted STRA, aligning with land use definitions contained within the Standard Instrument.

Research

The NSW Government material highlights information contained within the Register may be provided to local government authorities for statutory purposes. Typically, local government is reliant on third-party websites for detailed information on the number, location and type of STRA within an LGA.

To avoid the continued use of third-party data sources for research purposes, consideration should be given to expanding the availability of non-confidential data contained within the Register for other government purposes. These include determining existing dwelling capacities and utilisation rates through to the preparation of Housing Strategies.

<u>Recommendation:</u> Provide Register information / listings to local government for research and strategic planning purposes.

Potential revenue measures

Research has found that non-hosted STRA reduces the number of long-term residential rentals available within the rental market and impacts upon housing affordability. In addition, STRA properties may also negatively impacting the local community by placing a strain on infrastructure and amenity of surrounding properties. To address these impacts, a visitor levy or bed tax could be implemented by the State Government.

Such a levy could be mandated at the time of booking, payable by occupiers of STRA, and passed on by STRA operators directly to local government. Funds raised could provide an income stream to Council that may be used to free up general rate revenue for other uses such as

those to address the amenity, infrastructure, and service impacts of STRA and also to provide an additional income stream to fund affordable housing.

This initiative is supported by the Independent Planning Commission (IPC) who undertook a review of the Byron Shire Council Planning Proposal that sought to reduce the number of non-hosted short-term rental accommodation from 180 days to 90 per year for most of the Byron Shire and to increase short-term rental accommodation to 365 days in part of the Shire. It is noted that the IPC report includes several key recommendations, including tightening the cap for non-hosted STRA to 60 days across the whole Shire.

The IPC recommends a levy mechanism be imposed by the State Government to include:

- Additional STRA property registration fees
- A per-booking levy on STRA stays, and
- An additional Council rate category for registered STRA properties.

It is noted that hosting platform Airbnb recently announced during the IPC review that it supports the introduction of a levy in local communities to fund services and infrastructure.

Council supports the implementation of a levy or bed tax as an avenue for potential revenue, however, to generate direct income at the local government level Council also supports a new rating category for STRA. It is noted however that the restrictions within the current legislation prohibit the charging of different rates of properties used for STRA and would require an amendment to the Local Government Act. Embracing legislative changes presents challenges for rates administration in local government, as it requires Council to adapt by categorising properties multiple times a year and refining rating calculations. The inclusion of STRA within Councils rating system would also require Council to invest and refine processes, resources, and systems from Council's current state to implement the new rating category.

As outlined earlier in this submission, clear definitions on hosted versus non-hosted STRA would need to be considered and corresponding definitions and applications would need to be considered under the Local Government Act.

Given the significant impact STRA is having on local communities, it is imperative that appropriate changes be made allow adequate funding to be levied by state and local government to be able to manage the impacts caused by STRA.

<u>Recommendation:</u> introduce a visitor levy / bed tax along with a new rating category that provides the pathway for Council's to fund additional infrastructure demands and impacts caused by STRA.

Conclusion

Council is committed to ensuring that the Randwick community benefits from balanced and sustainable housing options for both short term and long-term rental accommodation. The submission reflects a thorough analysis of the current state of STRA in Randwick City and identifies areas of concern, particularly in the northern and coastal parts of the LGA including within/surrounding the Randwick Health and Education Precinct.

To effectively manage the supply and affordability of long-term rental accommodation, the submission highlights that a place-based approach on day caps for non-hosted STRA is necessary. It is further recommended that potential revenue measures such as a visitor levy or bed tax be introduced, as well as including a new rating category to enable Council to better manage STRA effectively.

Council looks forward to continuing to work with the NSW Department of Planning, Housing and Infrastructure to further refine the policy setting for STRA in NSW and to implement measures that

promote housing affordability, supporting local communities and ensure the sustainability of the housing market.

Yours sincerely,

Kerry KyriacouDirector City Planning



Director City Planning Report No. CP10/24

Subject: Variations to Development Standards under Clause 4.6 - 1

February to 29 February 2024

Executive Summary

 On 15 September 2023, the NSW Government published amendments in relation to the operation and reporting requirements of Clause 4.6 of the Standard Instrument (including Randwick Local Environmental Plan 2012) to commence on 1 November 2023, in which it is no longer necessary to report determined variations to Council on a quarterly basis.

This report provides Council with details of Development Applications (DA) that were
determined within the period from 1 February through to 29 February 2024 in which a
variation to a development standard under Clause 4.6 of the Randwick Local Environmental
Plan 2012 was approved, in accordance with Council's internal reporting requirements.

Recommendation

That the report be received and noted.

Attachment/s:

1.

Clause 4.6 Register - February 2024

Background

Changes to Legislation

On 15 September 2023, the NSW Government published amendments in relation to the operation and reporting requirements of Clause 4.6 of the Standard Instrument (including Randwick Local Environmental Plan 2012) to commence on 1 November 2023.

Under Department's Planning Circular PS 20-002, Councils were required to provide quarterly reports to the DPE for all variations to development standards that were approved. Furthermore, the Circular required a report of all variations approved under delegation from a Council to be provided to a meeting of the Council meeting at least once each quarter. As part of the Clause 4.6 reform, Planning Circular PS 20-002 has been repealed as of 1 November 2023 and the amendments have introduced a new provision under Section 90A of the *Environmental Planning & Assessment Regulation 2021* (EP&A Regulation) which requires the following:

"As soon as practicable after the development application is determined, the Council of the area in which the development is proposed to be carried out must notify the Planning Secretary of the Council's or panel's reasons for approving or refusing the contravention of the development standard.

The notice must be given to the Planning Secretary through the NSW planning portal."

As of 1 November 2023, any variations approved by Council/Planning Panel will be made publicly available via a variation register published on the NSW Planning Portal. As such, in accordance with Section 90A of the EP&A Regulation, Councils are no longer required to submit quarterly reports to the Department of Planning, Housing and Infrastructure, as this information will be extracted from the NSW Planning Portal. Furthermore, as Planning Circular PS 20-002 has been repealed and the variation register shall be publicly available, it is no longer necessary to report determined variations to Council on a quarterly basis.

Notwithstanding the above, Council has resolved to provide monthly reporting on all variations and therefore this report provides Council with details of the relevant applications subject to a variation to a development standard pursuant to Clause 4.6 of RLEP 2012 for the period specified.

This report provides details of the relevant applications subject to a variation to a development standard pursuant to Clause 4.6 of RLEP 2012 for the period specified in accordance with Councils internal reporting requirements.

Discussion

Clause 4.6 – Exceptions to Development Standards

Clause 4.6 is required to be addressed if a development application seeks to vary a development standard in the Local Environmental Plan. The consent authority (i.e. Council, Randwick Local Planning Panel, Sydney Eastern Planning Panel or NSW Land and Environment Court) must not grant consent for development that contravenes a development standard unless, a written request has been provided by the applicant addressing Clause 4.6 of the LEP. If Council (or the relevant consent authority) is satisfied that the Clause 4.6 request is adequately justified, it may grant consent to the development even though the proposal does not comply with the relevant standard.

Details of Variations

A table is attached to the report detailing all Clause 4.6 exceptions approved in the period between 1 February to 29 February 2024. Further analysis of the largest numerical variation for the relevant period is detailed below. It should be noted that a detailed assessment report is prepared for each DA with a Clause 4.6 exception and is publicly available through Council's website.

February 2024

Twelve (12) Clause 4.6 variations were approved in the February period (being 1 February through to 29 February 2024), with two (2) applications determined under delegation (less than 10%) and ten (10) applications determined by Randwick Local Planning Panel (RLPP) due to variations greater than 10% and one application with a variation to a non-numerical development standard. It should be noted that due to there being no RLPP meeting in January 2024, there were two RLPP

meetings held in February 2024 (rather than the standard one meeting per month) and therefore there were an increased number of applications with variations determined within the relevant period.

Of the variations approved, the greatest extent of variation related to a Development Application for DA/54/2022 at 36 Ocean Street, Clovelly, in which a variation of 206% to the floor space ratio development standard was approved. The RLPP supported the variation to the floor space ratio for the following reasons:

- The application relates to an existing Residential Flat Building within a R2 low density residential zone and was subject to existing use rights, noting that RFBs are not permitted within the R2 zone pursuant to the Land Use Table in RLEP 2012. As such, the site is subject to a FSR of 0.5:1, consistent with the R2 zoning.
- The existing building on site had a FSR of 1.61:1 and already contravenes the maximum FSR applicable to the site.
- The application involved minor alteration and additions to one of the Units within the RFB and enclosure of an existing balcony.
- The proposed works resulted in an increase to Gross Floor Area (GFA) of 4m², resulting in an increase to the FSR of 0.5%.
- The proposed works were largely contained within the existing building envelope and sought to improve the amenity of the existing unit.
- The detailed assessment demonstrated that the resultant development would not result in any unreasonable impacts upon the amenity of adjoining and surrounding properties with regards to visual bulk, privacy, view loss and overshadowing.
- In view of the above, the proposal was found to be consistent with the objectives of the FSR standard and the R2 zone, and it was considered that the site-specific circumstances warranted the variation in this instance.

Additional applications which involved large variations during the relevant period are also detailed below:

DA/839/2023

Development Application for DA/839/2023 at 1/11 Mons Avenue, Maroubra, in which a variation of 115.9% to the floor space ratio development standard was approved. The RLPP supported the variation to the floor space ratio for the following reasons:

- The application relates to an existing Residential Flat Building within a R2 low density residential zone and was subject to existing use rights, noting that RFBs are not permitted within the R2 zone pursuant to the Land Use Table in RLEP 2012. As such, the site is subject to a FSR of 0.5:1, consistent with the R2 zoning.
- The existing building on site had a FSR of 1.03:1 and already contravenes the maximum FSR applicable to the site.
- The application involved internal reconfiguration of Unit 1 and enclosure of the existing balcony.
- The proposed works resulted in an increase to Gross Floor Area (GFA) of 11.9m², resulting in a FSR of 1.06:1.
- The proposed works were contained within the existing building envelope and sought to improve the amenity and functionality of the existing unit.
- The detailed assessment demonstrated that the resultant development would not result in any unreasonable impacts upon the amenity of adjoining and surrounding properties with regards to visual bulk, privacy, view loss and overshadowing.
- In view of the above, the proposal was found to be consistent with the objectives of the FSR standard and the R2 zone, and it was considered that the site-specific circumstances warranted the variation in this instance.

DA/3/2023

Development Application for DA/3/2023 at 10 Major Street, Coogee, in which a variation of 87% to the floor space ratio development standard and a variation of 56.8% to the building height development standard was approved. The RLPP supported the variation to the floor space ratio and building height for the following reasons:

- The application relates to an existing Residential Flat Building. The proposal involved alterations and additions to the existing building including excavation of the existing subfloor and internal alterations to create two new units at ground floor level, additions to the existing unit at level 4, external refurbishments including works to the roof, and new balconies, and upgrade works to ensure compliance with the current building code requirements.
- The site is subject to a FSR standard of 0.75:1. The existing building on site had a FSR of 1.21:1 and already contravenes the maximum FSR applicable to the site.
- The proposed works resulted in an increase to Gross Floor Area (GFA) of 134.95m², resulting in a FSR of 1.4:1, however the increase to the GFA was primarily in relation to the use of the existing sub-floor area and conversation of the ground floor as habitable space. As such, the proposed works were largely contained within the existing built form and building envelope.
- The building has an existing height of 14.9m. As such, the height variation was a result of
 the height of the existing building, with no increase to the existing overall height. The works
 involved the renovation of the existing roof and a minor lateral extension to the roof which
 resulted in the variation to the building height.
- The detailed assessment demonstrated that the resultant development would not result in any unreasonable impacts upon the amenity of adjoining and surrounding properties with regards to visual bulk, privacy, view loss and overshadowing.
- In view of the above, the proposal was found to be consistent with the objectives of the FSR and Building Height standards and the R3 zone, and it was considered that the site-specific circumstances warranted the variations in this instance.

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

There is no direct financial impact for this matter.

Conclusion

This report provides details of the relevant applications subject to a variation to a development standard pursuant to Clause 4.6 of RLEP 2012 for the period specified in accordance with Councils internal reporting requirements.

Responsible officer: Angela Manahan, Executive Planner

File Reference: F2008/00122

	CLAUSE 4.6 REGISTER - FEBRUARY 2024													
DA number	ber Street No. Street name Suburb/Town Pos		Postcode	Category of	Zoning of land	Development standard to be	·	Extent of	Concurring	Date DA determined	Approved	Subm	issions	
					development	J	varied		variation	authority	dd/mm/yyyy	by	Objection	Support
DA/241/2023	325	Malabar Rd	MAROUBRA	2035	1: Residential - Alterations & additions	E1 - Local Centre	Clause 4.4 - FSR = 1:1	Maintains compatible scale with neighbouring buildings and does not adversely impact in terms of overshadowing, privacy and views.	FSR increased to 1.09:1 or 9.97%	NSW DPE	01-Feb-24	DEL	0	0
DA/350/2023	38	Carnegie Cir	CHIFLEY	2036	1: Residential - Alterations & additions	R2 - Low Density Residential	Clause 4.4 - FSR = 0.5:1	Maintains compatible scale with neighbouring buildings and does not adversely impact in terms of overshadowing, privacy and views.	FSR increased to 0.51:1 or 3.7%	NSW DPE	14-Feb-24	DEL	0	0
DA/436/2022	61	The Corso	MAROUBRA	2035	2: Residential - Single new dwelling	R2 - Low Density Residential	Clause 4.4 - FSR = 0.65:1	Maintains compatible scale with neighbouring buildings and does not adversely impact in terms of overshadowing, privacy and views.	FSR increased to 0.66:1 or 1.88%	NSW DPE	08-Feb-24	RLPP	13	0
DA/3/2023	10	Major St	COOGEE	2034	1: Residential - Alterations & additions	R3 - Medium Density	Clause 4.4 - FSR = 0.75:1 Clause 4.3 - Building height of 9.5m	Maintains compatible scale with neighbouring buildings and does not adversely impact in terms of overshadowing, privacy and views.	FSR increased to 1.4:1 or 87% (Existing Variation -1.21:1 or71%,) Existing building height is 14.9m or 56.8% (existing)	NSW DPE	08-Feb-24	RLPP	1	0
DA/879/2023	35	Kensington Rd	KENSINGTON	2033	1: Residential - Alterations & additions	R3 - Medium Density	Clause 4.3 - Building height of 12m	Maintains compatible scale with neighbouring buildings and does not adversely impact in terms of overshadowing, privacy and views.	Existing building height is 13.8m or 15% (existing)	NSW DPE	08-Feb-24	RLPP	0	0
DA/197/2023	1125	Anzac Pde	MATRAVILLE	2036	3: Residential - New second occupancy	R2 - Low Density Residential	Clause 4.4 - FSR = 0.5:1 Clause 4.1 - Minimum Lot Size	Maintains compatible scale with neighbouring buildings and does not adversely impact in terms of overshadowing, privacy and views.	FSR proposed is 0.61:1 or 22% Proposed Lot 1- 297.7m2/ Lot 2 - 297.7m2 or 25.6%	NSW DPE	08-Feb-24	RLPP	3	0
DA/839/2023	11	Mons Ave	MAROUBRA	2035	1: Residential - Alterations & additions	R3 - Medium Density	Clause 4.4 - FSR = 0.5:1	Maintains compatible scale with neighbouring buildings and does not adversely impact in terms of overshadowing, privacy and views.	FSR increased to 1.06:1 or 115.9% (Existing Variation - 1.03:1 or 106%)	NSW DPE	08-Feb-24	RLPP	1	0

DA/362/2022	23	Mermaid Ave	MAROUBRA	2035	2: Residential - Single new dwelling	R2 - Low Density Residential	Clause 4.4 - FSR = 0.6:1	Maintains compatible scale with neighbouring buildings and does not adversely impact in terms of overshadowing, privacy and views.	FSR increased to 0.8:1 or 33.32% (existing FSR is 0.71:1)	NSW DPE	22-Feb-24	RLPP	0	0
DA/200/2023	10	Moore St	COOGEE	2034	1: Residential - Alterations & additions	R3 - Medium Density	Clause 4.3 - Building height of 9.5m	Maintains compatible scale with neighbouring buildings and does not adversely impact in terms of overshadowing, privacy and views.	Building height is 11.18m or 17.68% (existing building height 12.12m or 27.57% variation)	NSW DPE	22-Feb-24	RLPP	2	0
DA/157/2023	54	Australia Ave	MATRAVILLE	2036	14: Other	R2 - Low Density Residential	Clause 4.1D – Location of dwelling under Clause 6.2 of SEPP Codes	Minimise likely adverse impact of subdivision and development on the amenity of neighbouring properties and to ensure the lot sizes are able to accommodate development that is suitable for its purpose.	Non-numerical development standard (variation to location of dwelling, one behind the other)	NSW DPE	22-Feb-24	RLPP	0	0
DA/337/2023	38	Boyce Rd	MAROUBRA	2035	14: Other	R2 - Low Density Residential	Clause 4.1 - Minimum Lot Size	Minimise likely adverse impact of subdivision and development on the amenity of neighbouring properties and to ensure the lot sizes are able to accommodate development that is suitable for its purpose.	Lot 1-314m2 / Lot 2 -314m2) or 21.5%	NSW DPE	22-Feb-24	RLPP	0	0
DA/54/2022	36	Ocean St	CLOVELLY	2031	1: Residential - Alterations & additions	R2 - Low Density Residential	Clause 4.4 - FSR = 0.6:1	Maintains compatible scale with neighbouring buildings and does not adversely impact in terms of overshadowing, privacy and views.	FSR increased to 1.165:1 or 206% (Existing Variation - 1.16:1 or 201%)	NSW DPE	22-Feb-24	RLPP	0	0

26 March 2024

Director City Planning Report No. CP11/24

Subject: Bundock Street Defence Housing Redevelopment

Executive Summary

- The Department of Defence (Defence) has recently completed the design, detail and studies for the Bundock Street Housing Redevelopment project comprising the development of 62 new Defence Housing dwellings along Bundock Street.
- Defence also announced that the Bundock Street Housing Redevelopment project will soon be referred to the Department of Climate Change, Energy, the Environment, and Water (DCCEEW) for assessment under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).
- This referral precedes other approvals, such as the Public Works Committee approval and the independent site auditor remediation approval and focusses on the environmental, ecological, heritage, and social impacts associated with the project. Once the project is lodged with DCCEEW, the Department will place the project on community consultation for 10 business days.
- In order to facilitate community engagement in the environmental referral process and provide a greater opportunity for input during the DCCEEW's submission period, Defence has made the referral documentation for the project available online ahead of time.
- Defence also scheduled a community information session before the start of the public submission period and invited the community to attend and gain an understanding of the project's EPBC referral content.
- This report provides an assessment of the referral package and seeks Council's endorsement of the attached draft submission to the DCCEEW on the project.

Recommendation

That Council:

- a) endorse the submission to the Department of Climate Change, Energy, the Environment, and Water (DCCEEW) on the Bundock Street Defence Housing Redevelopment; and
- b) authorise the Director City Planning to make minor editing and formatting changes to the submission prior to its finalization and submission to DCCEEW.

Attachment/s:

1.1 RCC Draft Submission Bundock Housing Redevelopment

Purpose

Ordinary Council meeting

This report provides an overview and assessment of the referral documents on the Bundock Street Housing Redevelopment project, and seeks Council's endorsement of the attached draft submission to the project.

Discussion

Background

In April / May 2022, Defence provided Council with concept designs for 64 attached and freestanding dwellings along Bundock Street and adjoining Randwick Barracks.

In June 2022, Council officers provided feedback to Defence on the concept plans and relevant associated documents. It represented Council officer's preliminary response based on the information and concepts provided to Council at the time.

While the current proposal has reduced the number of dwellings to 62, the design, layout and scale of the proposed dwellings and vehicular access arrangements are generally consistent with that presented in the earlier concept.

Site

Bundock Street Housing Redevelopment site is located towards the north-western section of the overall Bundock Street Defence site. It is bounded by Bundock Street to the north; Felicity Place (within the existing Randwick Barracks site) to the west; the existing private housing development constructed by Mirvac in 2006 to the east; and the undeveloped Defence lands to the south (within the Bundock Street Masterplan and DCP site).

Proposal

The housing redevelopment project comprises the following:

- Construction of 62 new residential dwellings made up of:
 - 54 x 3-bedoom dwellings;
 - 8 x 4-bedroom dwellings.
- Extension of the existing Gumara Street along the southern side of the redevelopment site
 and construction of new north-south mid-block road named Oval Avenue and a rear private
 access road to serve properties fronting Bundock Street.



Figure 1: Proposed Bundock Street Housing Redevelopment site

Site Contamination

A Detailed Site Investigation (DSI) has been provided in the referral package which was undertaken by environmental consultants, SLR, on behalf of Defence. The DSI details several contaminants present on the Defence site (that is, inclusive of both the housing redevelopment site for 62 dwellings and the wider vacant site that has been proposed for the Live In Accommodation). In particular, the report advises that asbestos in the form of asbestos fibres (fibrous asbestos and asbestos fines) and Asbestos Containing Materials (ACMs) is present across the site, and concentrated in the vicinity of the former Naval Stores, particularly in vegetated areas along the northern portion of the site, underlying the vegetated strips lining the verges of the concrete slabs across the site, in fill areas towards the south west boundary of the site, and to a lesser extent on the south eastern portion of the site. The bulk of asbestos impacted soils appears to be in the soil surface to approximately 0.2m below ground level. The report also identified other contaminants, including heavy metals, hydrocarbons and PFAS compounds, to varying concentrations.

The SLR report has been reviewed by Council's Environmental Health Officers and an independent EPA Accredited Site Auditor from Douglas Partners (DP) for peer review. The Peer Review report advises and acknowledges that the applicant's DSI has concluded that the subject site can be made suitable for a residential land use provided a number of provisions are met including the management of bonded ACM fragments and asbestos as well as heavy metals are undertaken on site; monitoring of groundwater quality and properties on site; and preparation of a Hazardous Building Material (HBM) assessment of remaining buildings. The Peer Review concurs with this conclusion by SLR, and notes also that the draft DSI prepared by SLR is comprehensive and is generally compliant with the published guidelines, including those made and endorsed by the NSW EPA under the Contaminated Land Management Act, 1997.

Notwithstanding the Peer Reviewer's comments on the DSI, action to address the following key concerns and associated recommendations will still need to be undertaken and these are included in the draft submission letter to DCCEEW:

- Groundwater is contaminated with certain metals and organic compounds, namely chlorinated compounds and PFAS from the former metal works. Further testing of groundwater is recommended by SLR to assess risk posed to the subject site and surrounding areas. While the risk to neighbouring sites (and in particular the Randwick Environmental Park) posed by the identified contamination sources were generally addressed in a Conceptual Site Model (CSM), an assessment of actual risk has not been provided in the DSI and will need further assessment. As such, Council's peer review recommends that a Human Health Risk Assessment (HHRA) to determine current risks (posed for example by surficial asbestos) and future risks during remediation, or indeed in regard to future land uses, be required to be prepared for the whole Defence site.
- DP advises that significant dust blows are likely to occur during soil disturbance /earthworks/remediation on site as well as at other times depending on prevailing weather conditions, the condition of the surface soils containing asbestos and the nature of the asbestos in those soils. SLR has not fully addressed these issues and the necessary management action, particularly in relation to ongoing concerns by nearby residents regarding asbestos fibres and groundwater contamination, including the usage of bore water from nearby residential properties. Council's peer review requests that Defence further investigate and implement mitigation measures aimed at reducing the potential risk of contaminants migrating off-site. This should include the preparation of an Interim Asbestos Management Plan before any further action is taken on-site.
- The proposal is not accompanied by a Remediation Action Plan (RAP) for the proposed development. Council's peer review notes the RAP is currently in the preparation stage and is undergoing review by Site Auditor pending finalisation. A copy of the RAP should be submitted to Council for review and comment. Council recommends that Defence takes the necessary steps to formulate a suitable Remediation Action Plan (RAP) covering concerns highlighted in the Peer Review report and conducts both a Human

Health Risk Assessment and an Interim Asbestos Management Plan before any further action is taken on-site.

Transport and traffic

The housing redevelopment involves the following new road construction:

- Extension of the existing Gumara Street along the southern side of the redevelopment site
 which provides access via Bundock Street and Hendy Avenue. Gumara Street currently does
 not connect to Felicity Place.
- Construction of a new road named Oval Avenue which runs north / south and connects Bundock Street to the extended Gumara Street;
- Construction of a new private access lane providing access to the proposed dwellings and connecting to the proposed Oval Avenue and Gumara Street extension.

A Traffic and Parking Assessment (TPA) has been prepared by McLarens for the project. The Assessment advises that the traffic generation of the proposed development (estimated to be some 59 trips in the AM peak period and 61 trips in the PM peak period) will have no detrimental impact on the performance of the surrounding intersections. Additionally, the TPA indicates that consideration can be given to providing traffic calming devices to improve the safety and operation of Bundock Street, especially between Canberra Street and Hendy Avenue, where driveways are present. While these outcomes are noted, it is also worth observing that the proposed extension of Gumara Street, and construction of Oval Avenue, as detailed above are both consistent with the approved road network contained in the Bundock Street Masterplan and DCP. The TPA indicates that the proposal's traffic and parking impacts are commensurate with, and proportionate to, the 62 dwelling redevelopment project. However, these impacts will be further shaped/changed by future plans and layout for the wider Masterplan site where Defence has proposed the currently-deferred LIA project with its associated housing, road network and open space network.

Notwithstanding the TPA outcomes, Council's Manager Integrated Transport recommends that the TPA should also include analysis and assessment of the following detailed matters which have been included in the draft submission letter:

- The merits of the proposed new street network, including identifying any long-term intersection upgrades (such as new roundabouts) that could require the acquisition of the corners of properties for the future enlargements of intersections to support the overall Defence Site Masterplan. A plan illustrating the areas of land that would be dedicated to Council for intersection upgrade works, new streets and laneways, is to be provided. Building setbacks from the street should be designed to ensure a generous public footpath system. Further discussions are recommended with Council in relation to street hierarchy and footpath widths.
- Clarification as to the role of Felicity Place which is currently part of the Randwick Barracks area. It appears from the project's street design to be included in the redevelopment site providing a vehicular connection from Lomandra Street to Bundock Street. The extension of Lomandra Street to Felicity Place will open Felicity Place to public access and allow for vehicular access from Lomandra Street to the Canberra Street/Bundock Street intersection which is not desirable for traffic planning reasons. A vehicular connection from Lomandra Street to the proposed mid-block laneway, and a pedestrian and bicycle connection from the laneway to Bundock Street would be desirable.
- Incorporation of the Bundock Street Dedicated Bicycle Path along the southern side of Bundock Street as required under the Randwick LGA Bicycle Route Construction Priority Map (2015) shown below. This bicycle path is important because it would link South Coogee to the Kingsford Light Rail Terminus, via Bundock Street and Sturt Street providing light rail passengers an alternative to driving to the light rail stop. The proposed Bundock Street and Oval Avenue intersection should be designed to provide safety for the proposed bike path along the south side of Bundock Street. The provision of vehicular access via private laneways is supported as it avoids driveway conflicts with the proposed bike path on Bundock Street.



Randwick LGA Bicycle Route Construction Priority Map

- Inclusion of Traffic Management Improvements (Stage 1A Bundock Street) identified in the Randwick DCP in the proposed development. The Randwick DCP identifies a series of staged Bundock Street traffic management and pedestrian access improvements that need to be considered as the Defence Site Masterplan is progressively delivered. Key transport improvements from the existing Masterplan as shown in Figure 35, of the Defence Site Masterplan and associated controls C5-C11 of the Master Plan Control Summary, remain valid for the proposed development.
- Council is currently examining possible Bus Stop consolidation and also future traffic management devices along Bundock Street, noting the pedestrian traffic which this (and future Defence) sites will generate. In particular, Council will require the applicant to provide two raised pedestrian crossing at locations along Bundock Street still to be determined, and accommodation of future traffic management devices is to be considered in relation to the currently proposed boundaries of properties particularly at proposed intersections. In addition, consideration is to be given to the installation of a Bus Shelter within the subject site to accommodate a consolidated Bus Stop adjacent to the proposed sub-stations. Also, greater clarity is to be given as to the ownership of the major service corridors. These will be included in the draft submission letter.

Development Engineering

The referral package includes some limited civil design and stormwater plans showing internal roads and drainage network in the housing redevelopment site that is in alignment with the Bundock Street Master Plan and DCP. However, as stated in these documents, Defence's engineering consultant are still refining and finalising the drainage design to Council's specifications so as to safely convey stormwater flows and improve upon the existing flood conditions on-site.

Accordingly, Council's Development Engineer has recommended relevant standards and specifications for drainage to ensure overland flowpaths are designed for the critical designated AEP storm events and discharge parameters which have been included in the draft submission letter. Similarly, appropriate details for civil works including roads, carparking, footpaths and landscaping will be provided in the draft submission letter. In particular, any proposed intersection of roads within the development site and Bundock Street will be required to be assessed for vehicle headlight impact on existing dwellings. The proposed new roads will be required to be designed to minimise potential adverse headlight impact.

Council has received notification from ADP Consulting Engineers (ADP) on behalf of Ausgrid in relation to a planned modification to the existing electrical mains network in and around the project site which will be necessary to service the proposed housing redevelopment. The proposed works will include the installation of new kiosk substations and high voltage cables. However, Council will be writing to ADP to advise that there has been no approval granted for the housing

redevelopment proposal, in particular by the Public Works Committee. Accordingly, Council will advise ADP that any decision by Ausgrid in relation to the electrical upgrade should be deferred until Public Works Committee approval is granted. In this regard, Council, in its draft submission will be asking that all above ground and below ground, existing and proposed, utility services should be located and mapped.

Heritage

A Heritage Impact Assessment (HIA) for the housing redevelopment site has been prepared for Defence by consultants, Jacobs. The HIA essentially concludes that, given the vacant nature of the subject site, and in view of the distance of the proposed redevelopment from existing heritage items at the Randwick Barracks site, there will be no heritage impacts arising from the project. Notwithstanding this, a Heritage Management Plan (HMP) and an Archaeological Management Plan (AMP) have also been prepared by relevant Defence consultants for the subject site which provide detailed analysis of heritage and archaeological potential, and give guidance for future development works with respect to management of potential heritage and archaeological finds.

Council's Heritage Officer confirms that there are no heritage listed items occurring within the subject site. There are however several listed items within the vicinity (visual curtilage) and the nearby Randwick Environment Park Heritage Conservation Area (HCA) to the southeast. Immediately to the south of the site there are the remains (concrete floor slabs) of the former large stores complex that was built to provide logistical support for naval services during WWII.

Heritage and archaeological assessment should be undertaken for the site and protocols established for the construction phase to protect potential significant Indigenous and Non-Indigenous finds identified during excavation. Appropriate interpretation (informative signage and the like) of the former history of the site, and nearby items, should be integrated in the planning of the site. Additionally, appropriate mitigation measures as outlined in the HIA, supported by the HMP and AMP, will be required to be followed in the event of any potential finds. These requirements are detailed in the draft submission letter.

Waste Management

The project will provide private laneways at the rear of the proposed dwellings that will also serve as access for garbage trucks and collection, however, no details of the operation of this service have been provided in the referral package. Council's Waste Management Coordinator has provided relevant conditions that must be met in relation to the private laneway access before any agreement is reached for the use Council's garbage truck in the subject development. These include standards for adequate load bearing of the road; adequate turning and swept path for garbage collection vehicles; indemnity provisions in favour of Council for potential damage; and agreement by future households to use improved waste management standards in line with Council's waste policy. These considerations have been included in the draft submission letter.

Landscaping and tree removal

Defence has provided a Tree Report prepared by its consultant, Jacobs, detailing the condition and significance of existing trees across the Defence site that was undertaken in 2021. The study area covered by the tree survey comprised both the Bundock Street housing redevelopment site (for 62 dwellings) as well as the wider Defence Master plan site in which the LIA was proposed. The Tree Report shows that there are no threatened species in the subject site as well as in the wider LIA site. Notwithstanding the provision of the Tree Report, and in view of the fact that the Report was prepared more than 2 years ago, Council's Landscape Officer advises that maximum tree retention should be promoted through the following:

- An up-to-date Vegetation Assessment should be undertaken for the site and surrounds.
- All mature trees within and along the Bundock Street frontage are to be located on a
 survey and in relation to the proposed residences. In this regard, there are several
 existing large trees along Bundock Street and scattered through the site including a large
 mature pine tree on the site which is visible from Bundock Street. All healthy mature trees
 should be strictly retained in the front gardens, open spaces, and nature strips of the site.

The need to preserve existing mature trees is a major expectation of the community in the locality.

- The retention of existing native trees is consistent with the landscaping controls in Section 4.1 of the RDCP 2013 Defence Site Masterplan which require the use of local native plant species.
- Street tree selection and design of tree surrounds must be to Council's specification.
- To offset the loss of tree removals, a tree replacement plan consisting of a ratio of 5 new
 trees for every tree removed shall be developed. Any trees that cannot be planted within
 the proposed development shall incur a street tree planting fee of \$1,765 per tree in
 accordance with council's fees and charges.

These requirements have been included in the draft submission letter.

Biodiversity and environment

A Biodiversity Impact Assessment has been undertaken by consultants, Jacobs, for the housing redevelopment site (that is, excluding the other wider area of the Defence site that was proposed for the LIA). The BIA states that it was undertaken in line with the provisions of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and NSW Biodiversity Conservation Act 2016 (NSWBC Act); involved database review, habitat assessment and site inspection for vegetation survey and general survey of the subject site. In particular, the BIA recognises that Defence's key environmental obligations fall under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The EPBC Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities, and heritage places – defined in the EPBC Act as matters of Matters of National Environmental Significance (MNES).

The BIA identifies the project site and adjacent areas as suitable habitat for the Grey-headed flying fox (*Pteropus poliocephalus*) (listed as vulnerable under the EPBC Act and BC Act) and Swift Parrot (*Lathamus discolor*) (listed as critically endangered under the EPBC Act and BC Act). In relation to the Grey-headed flying fox, the Assessment rates the likelihood of occurrence in the site as high, while the Swift Parrot is rated as moderate. However, the BIA states that individuals of these species have not been recorded on site, with the site providing only opportunistic foraging habitat. No other biodiversity MNES are likely present on site given the lack of suitable habitat and the highly degraded nature of the site.

In summary, the BIA essentially finds that the project would result in minor impacts on threatened species marginal habitat for MNES and other NSW listed threatened species; there will be removal of native and non-native vegetation including: - 0.08 ha of NSW PCT 4028 Estuarine Swamp Oak Twig-rush Forest, however these are assessed to be in low condition. There will also be 2.62 ha of other native and exotic planted and regrowth vegetation.

Notwithstanding the findings of the BIA and Tree Assessment, Council's Bushland Officer, in perusing the BIA, has requested that Defence be approached for permission to access the site for "the purposes of a flora survey to inspect for the Acacia terminalis and other indigenous plant species". This request is included in the draft submission letter.

Strategic alignment

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

Delivering the Outcomes of the Community Strategic Plan:						
Strategy	Housing					
Outcome	A city with sustainable housing growth					

Objective	Provide 4,300 new dwellings in 2021-2026, with 40% located in and around town centres
Delivery program commitment	Ensure future redevelopment sites are aligned with future transport investment as identified in the transport strategy.
Delivery program commitment	Ensure any future redevelopment is aligned with local infrastructure investment.

Resourcing Strategy implications

Consultants Douglas Partners were engaged to provide expert peer review advice on the site investigation and contamination assessment. The peer review cost approximately \$10k and was within the 2022/23 budget and allocations. Other assessment work was completed in-house by various Council officers.

Policy and legislative requirements

- Environment Protection and Biodiversity Conservation Act 1999
- NSW Biodiversity Conservation Act 2016
- Environmental Planning and Assessment Act 1979
- Randwick Local Environmental Plan 2012.
- Randwick Development Control Plan 2013

Conclusion

This report outlines Council's response to key aspects of the Bundock Street Housing Redevelopment project as contained in various plans and documents that have been made available by Defence prior to the referral of the proposal to the Department of Climate Change, Energy, the Environment, and Water (DCCEEW) for assessment under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Council officers have prepared a draft submission (attached) in response to the plans and documents made available for the proposed housing redevelopment project, including recommendations to address relevant concerns raised in relation to the key aspects of the project.

Responsible officer: David Ongkili, Coordinator Strategic Planning

File Reference: F2007/00372

12 March 2024

Ref No: F2007/00372

Department of Climate Change, Energy, the Environment, and Water (DCCEEW) www.epbcpublicportal.awe.gov.au/all-referrals/

Dear Sir/Madam.

RE: Bundock Street Housing Redevelopment

Thank you for the opportunity to comment on the Bundock Street Housing Redevelopment as notified in the exhibition notice seeking comments on the project.

Council has assessed the documents on exhibition and makes the following comments on the project:

Site Contamination

Council notes that a Detailed Site Investigation (DSI) has been undertaken by environmental consultants, SLR, on behalf of the Department of Defence, and details a number of contaminants for the whole Defence site (that is, inclusive of both the housing redevelopment site for 62 dwellings and the wider vacant site that has been proposed for the LIA). In particular, the report advises that asbestos in the form of asbestos fibres (fibrous asbestos and asbestos fines) and Asbestos Containing Materials (ACMs) is present across the site, and concentrated in the vicinity of the former Naval Stores, particularly in vegetated areas along the northern portion of the site, underlying the vegetated strips lining the verges of the concrete slabs across the site, in fill areas towards the south west boundary of the site, and to a lesser extent on the south eastern portion of the site. The bulk of asbestos impacted soils appears to be in the soil surface to approximately 0.2m below ground level. The report also identified other contaminants, including heavy metals, hydrocarbons and PFAS compounds, to varying concentrations.

The SLR report has been reviewed by Council's Environmental Health Officers and referred to an independent EPA Accredited Site Auditor from Douglas Partners (DP) for peer review. The Peer Review report raises the following relevant, key concerns:

Groundwater is contaminated with certain metals and organic compounds, namely
chlorinated compounds and PFAS from the former metal works. Further testing of
groundwater is recommended by SLR to assess risk posed to the subject site and
surrounding areas. While the risk to neighbouring sites (and in particular the Randwick
Environmental Park) posed by the identified contamination sources were generally
addressed in a Conceptual Site Model (CSM), an assessment of actual risk has not been
provided in the DSI and will need further assessment.

Recommendation: As such, Council recommends that a Human Health Risk Assessment (HHRA) to determine current risks (posed for example by surficial asbestos) and future risks during remediation, or indeed in regard to future land uses, be required to be prepared for the whole Defence site.

Significant dust blows are likely to occur during soil disturbance /earthworks/remediation
on site as well as at other times depending on prevailing weather conditions, the condition
of the surface soils containing asbestos and the nature of the asbestos in those soils. SLR
has not fully addressed these issues and the necessary management action. Particularly
in relation to ongoing concerns by nearby residents in relation to asbestos fibres (fibrous
asbestos and asbestos fines) and Asbestos Containing Materials (ACMs) which is present
across the site and groundwater contamination, including the usage of bore water from
nearby residential properties.

Recommendation: Council requested that Defence further investigate and implement mitigation measures aimed at reducing the potential risk of contaminants migrating offsite. This should include the preparation of an Interim Asbestos Management Plan before any further action is taken on-site.

 The proposal is not accompanied by a Remediation Action Plan (RAP) for the proposed development. Council notes the RAP is currently in the preparation stage and is undergoing review by Site Auditor pending finalisation by Jacobs. A copy of the RAP should be submitted to Council for review and comment.

Recommendation: Council recommends that Defence takes the necessary steps to formulate a suitable Remediation Action Plan (RAP) covering concerns highlighted in the Peer Review report and conducts both a Human Health Risk Assessment and an Interim Asbestos Management Plan before any further action is taken on-site.

Transport and traffic

A Traffic and Parking Assessment prepared by McLarens for the project is noted including its overall assessment that there will be no detrimental impact to the performance of surrounding intersections as a result of traffic generation. Additionally, the Assessment recommends that consideration can be given to providing traffic calming devices to improve the safety and operation of Bundock Street, especially between Canberra Street and Hendy Avenue, where driveways are present.

Recommendation: The Traffic Assessment should also consider and assess the following traffic matters:

- The merits of the proposed new street network, including identifying any long-term intersection upgrades (such as new roundabouts) that could require the acquisition of the corners of properties for the future enlargements of intersections to support the overall Defence Site Masterplan. A plan illustrating the areas of land that would be dedicated to Council for intersection upgrade works, new streets and laneways is to be provided. Building setbacks from the street should be designed to ensure a generous public footpath system. Further discussions are recommended with Council in relation to street hierarchy and footpath widths.
- Clarification as to the role of Felicity Place which is currently part of the Randwick Barracks area. It appears from the project's street design to be included in the redevelopment site providing a vehicular connection from Lomandra Street to Bundock Street. The extension of Lomandra Street to Felicity Place will open Felicity Place to public access and allow for vehicular access from Lomandra Street to the Canberra Street/Bundock Street intersection which is not desirable for traffic planning reasons. A vehicular connection from Lomandra Street to the proposed mid-block laneway, and a pedestrian and bicycle connection from the laneway to Bundock Street would be desirable.
- Incorporation of the <u>Bundock Street Dedicated Bicycle Path along the southern side of Bundock Street as required under the Randwick LGA Bicycle Route Construction Priority Map (2015) shown below. This bicycle path is important because it would link South Coogee to the Kingsford Light Rail Terminus, via Bundock Street and Sturt Street providing
 </u>

light rail passengers an alternative to driving to the light rail stop. The proposed Bundock Street and Oval Avenue intersection should be designed to provide safety for the proposed bike path along the south side of Bundock Street. The provision of vehicular access via private laneways is supported as it avoids driveway conflicts with the proposed bike path on Bundock Street.



Randwick LGA Bicycle Route Construction Priority Map

- Inclusion of Traffic Management Improvements (Stage 1A Bundock Street) identified in
 the Randwick DCP in the proposed development. The Randwick DCP identifies a series of
 staged Bundock Street traffic management and pedestrian access improvements that need
 to be considered as the Defence Site Masterplan is progressively delivered. Key transport
 improvements from the existing Masterplan as shown in Figure 35, of the Defence Site
 Masterplan and associated controls C5-C11 of the Master Plan Control Summary, remain
 valid for the proposed development.
- Council is currently examining possible Bus Stop consolidation and also future traffic management devices along Bundock Street, noting the pedestrian traffic which this (and future Defence) sites will generate. In particular, Council will require the applicant to provide two raised pedestrian crossing at locations along Bundock Street still to be determined, and accommodation of future traffic management devices is to be considered in relation to the currently proposed boundaries of properties particularly at proposed intersections. In addition, consideration is to be given to the installation of a Bus Shelter within the subject site to accommodate a consolidated Bus Stop adjacent to the proposed sub-stations. Also, greater clarity is to be given as to the ownership of the major service corridors.

• Development Engineering

Council notes that the referral package includes some limited civil design and stormwater plans showing the internal roads and drainage network in the housing redevelopment site that is in alignment with the Bundock Street Master Plan and DCP. Additionally, Council also notes that Defence's engineering consultant are still refining and finalising the drainage design to meet Council's specifications so as to safely convey stormwater flows and improve upon the existing flood conditions on-site.

<u>Recommendation</u>: Council's development engineer requires that the following standards and specifications be incorporated into the design of the proposed housing redevelopment:

Drainage

- All drainage lines must be designed with a capacity greater than 5% AEP. Overland flowpaths must be designed for the critical 1%AEP storm event.
- The applicant must obtain from Council the 1%AEP and 5%AEP flood levels across the development site for the critical design storm events. All future habitable floor levels must be set above the 1%AEP plus 500mm, (or suitably protected to this level). Garages must be at or above the 1%AEP and open car spaces at or above the critical 5%AEP. Note: the site is in the Birds Gully and Bunnerong Road Catchment for which a flood study has been prepared.
- Any proposed onsite stormwater detention system must be designed to Council's specification and discharge parameters. The drainage system must be designed so as not to adversely impact the downstream drainage system or surrounding properties.
- The trunk drainage line to have a capacity greater than 5% AEP.
- The trunk drainage line should be designed to include the next stages of the development to ensure it can be staged appropriately without compromising capacity.
- The drainage design shall cater for the needs of the development and provide for existing overland flows so as to not have an adverse flooding impact on adjoining properties.
- The width of the drainage reserve adjacent to lot 27 is not wide enough to permit future upgrade / replacement of the line. Subject to the depth of the drainage pipeline, the drainage reserve should be sufficiently wide to permit the installation of shoring. The width shall be at least (2 x depth of drainage line + width of drainage line).

Car Parking

- Car parking provision within the individual lots must comply with the relevant sections of Council's RDCP 2013. The design of garages and car spaces should be in accordance with the relevant sections of AS 2890.1. Open car spaces should not exceed a longitudinal grade of 1 in 20.
- Street trees and vehicular crossings should be located to maximise on-street parking.

Design Specification

- All footpath and kerb and gutter to meet Randwick Council's specifications and standard drawings.
- The road pavement design and tree surrounds must be to Council's specification.
- Carriageway widths, footpath widths and verge widths must be to Council's satisfaction.
- The road layout must be designed to accommodate garbage collection vehicles and delivery / service trucks (such as removalist vehicles) as a minimum. All intersections must demonstrate compliance with Council's requirements and suitable swept path analysis must be undertaken.
- The proposed extension of Gumara Street to Lomandra Street should have the same road
 and footpath widths as per the existing widths of Gumara Street. The new Oval Lane
 design and widths should follow the Defence Site Masterplan (RDCP 2013, E1 Bundock
 Street).
- Any proposed intersection of roads within the development site and Bundock Street must be assessed for vehicle headlight impact on existing dwellings. The new roads must be designed to minimise potential adverse headlight impact.
- The road pavement design is to be carried out in accordance with Austroads standards and to council's satisfaction.
- Footpath and Kerb and Gutter to meet Randwick Council's specifications and standard drawings
- Street tree species to be in accordance with Council's Street Tree Masterplan and approved by council.

 All above ground and below ground, existing and proposed, utility services should be located and mapped.

Street Lighting

- Low voltage electrical wires are to be placed underground. Locations of the junction pillars are to be to council's satisfaction.
- The proposed street lighting and pathway lighting shall be designed to AS/NZS 1158.3.1 and have a design category of P2 or P3 to council's satisfaction.
- The street lighting is to specify poles and LED luminaires from Ausgrid's inventory and added to the Ausgrid network.

Asset Handover

- An asset handover process shall be developed with Randwick Council and shall include:
 - Site visits and acceptance of workmanship / quality
 - Submission of asset details including componentisation and shapefiles for visual representation in a GIS system.

Heritage

Council notes that a Heritage Impact Assessment (HIA) has been prepared for Defence by consultants, Jacobs, for the housing redevelopment site. Additionally, the HIA advises that a Heritage Management Plan (HMP) and an Archaeological Management Plan (AMP) have also been prepared by relevant consultants for Defence for the subject site which provide detailed analysis of heritage and archaeological potential, and give guidance for future development works with respect to management of potential heritage and archaeological finds.

Recommendation: Heritage and archaeological assessment should be undertaken for the site and protocols established for the construction phase to protect potential significant Indigenous and Non-Indigenous finds identified during excavation. Appropriate interpretation (informative signage and the like) of the former history of the site, and nearby items, should be integrated in the planning of the site. Additionally, appropriate mitigation measures as outlined in the HIA, and supported by the HMP and AMP, should be included in any future approval for the proposed development.

Waste Management

Council notes that the project will provide private laneways at the rear of the proposed dwellings that will also serve as access for garbage trucks and collection, however, no details of the operation of this service have been provided.

<u>Recommendation:</u> The following relevant conditions that must be met in relation to the private laneway access before any agreement is reached for the use Council's garbage truck:

- The private road is to be built with load bearing capacity of a 26 tonne waste collection truck
- The private road intersection is to be suitable for 10.5m long truck turning radius.
- Private road owner/s are to indemnify Council for any damages during waste collection.
- Future households in the proposed new housing are to consider improved waste storage and collection system in line with Council's waste policy.

Landscaping and tree removal

Defence has provided a Tree Report prepared by its consultant, Jacobs, detailing the condition and significance of existing trees on-site that was undertaken in 2021. The study area covered by the tree survey comprised both the Bundock Street housing redevelopment site (for 62 dwellings) as well as the wider Defence Master plan site in which the LIA was previously proposed. The Tree Report shows that there are no threatened species in the subject site as well as in the wider LIA site.

Recommendation: Notwithstanding the provision of the Tree Report, and in view of the fact that the Report was prepared around 2 years ago, Council's Landscape Officer advises that maximum tree retention should be promoted through, but not limited to, the following:

- An up-to-date Vegetation Assessment should be undertaken for the site and surrounds.
- All mature trees within and along the Bundock Street frontage are to be located on a
 survey and in relation to the proposed residences. In this regard, there are several existing
 large trees along Bundock Street and scattered through the site including a large mature
 pine tree on the site which is visible from Bundock Street. All healthy mature trees should
 be strictly retained in the front gardens, open spaces, and nature strips of the site. The
 need to preserve existing mature trees is a major expectation of the community in the
 locality.
- The retention of existing native trees is consistent with the landscaping controls in Section 4.1 of the RDCP 2013 Defence Site Masterplan which require the use of local native plant species.
- Street tree selection and design of tree surrounds must be to Council's specification.
- To offset the loss of tree removals, a tree replacement plan consisting of a ratio of 5 new
 trees for every tree removed shall be developed. Any trees that cannot be planted within
 the proposed development shall incur a street tree planting fee of \$1,765 per tree in
 accordance with council's fees and charges.

Biodiversity and environment

Council notes that a Biodiversity Impact Assessment prepared by Jacobs for the housing redevelopment site (that is, excluding the wider area of the Defence site that was previously proposed for the LIA). The BIA states that it was undertaken in line with the provisions of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and NSW Biodiversity Conservation Act 2016 (NSWBC Act); involved database review, habitat assessment, site inspection, vegetation survey and general survey of the subject site. In particular, the BIA recognises that Defence's key environmental obligations fall under the Commonwealth EPBC Act.

It is noted that the BIA finds that the redevelopment would result in minor, if no, impacts on threatened species marginal habitat for MNES and other NSW listed threatened species. Additionally, there will be removal of native and non-native vegetation including: - 0.08 ha of NSW PCT 4028 Estuarine Swamp Oak Twig-rush Forest, however, these are assessed to be in low condition. There will also be 2.62 ha of other native and exotic planted and regrowth vegetation.

Recommendation: Notwithstanding the findings of the BIA and Tree Assessment, Council's Bushland Officer, has requested that permission be granted for access to the subject site for the purposes of a flora survey to inspect for the Acacia terminalis and other indigenous plant species. Council requests that Defence makes the necessary arrangements for this access to be provided.

Thank you for the opportunity to provide a submission on the Bundock Housing Redevelopment project. if you have any questions regarding issues raised in this submission, please contact

David Ongkili, Coordinator Strategic Planning, on 9093 6793 or David.ongkili@randwick.nsw.gov.au

Yours sincerely

"Double-click to insert signature image"

Kerry KyriacouDirector City Planning
Kerry.kyriacou@randwick.nsw.gov.au

Director City Planning Report No. CP12/24

Subject: Coogee Bay Hotel DA/437/2021 - 212 Arden Street, 227-233

Coogee Bay Road, 5-7 & 15A Vicar Street, Coogee

Executive Summary

The subject DA was lodged on 22 July 2021 and as the cost of development exceeds \$30 million, the Sydney Eastern City Planning Panel (the Panel) is the determining authority.

- The initial proposal was referred to the Ordinary Council meeting on 23 November 2021 for consideration and it was resolved to object to the application.
- The application was referred to the Panel for determination on 16 December 2021 with a
 recommendation for refusal. The Panel determined the application by way of deferral to give
 the applicant the opportunity to submit amended plans and documentation addressing a
 range of issues.
- The applicant subsequently appealed to the Land and Environment Court (LEC) against deemed refusal of the application on 12 November 2021. The application has been ongoing since, with the Section 34 Conciliation Conference and matter adjourned on several occasions to allow the applicant to amend the proposal.
- On 23 March 2023, the LEC granted permission for the applicant to lodge amended plans which shows a reduction in the size and scale of the development. These amended plans were formally notified to the public from 30 March to 1 May 2023.
- The appeal remained in the conciliation phase until a directions hearing on 19 December 2023 in which the Section 34 Conciliation Conference was terminated. At a directions hearing on 19 January 2024, the proceedings were fixed for a three-day hearing to be held on 24 to 26 July 2024.
- A briefing meeting was held with the Chair of the Panel on 7 March 2024 where the Applicant presented the 'without prejudice' plans to the Panel.
- The Applicant uploaded the amended documentation package on the NSW Planning Portal on 11 March 2024. This package incorporates the 'without prejudice' plans provided in November 2023 as part of the Section 34 Conciliation Conference, as well as supporting documents addressing landscaping, geotechnical issues, acoustic, and traffic issues.
- The Panel Chair has set a determination meeting date for 30 April 2024 and a detailed assessment report will be prepared and uploaded onto the Planning Poral prior to the meeting.
- Due to the Panel's protocol, Council is not allowed to publish the detailed assessment report and/or disclose the recommendation before the report gets published on the Panel's website, as such, the detailed assessment report cannot be attached to this report.
- The purpose of this report is to notify Council of the issues in relation to the proposal and determine whether it wishes to make a submission to the Panel before the determination meeting on 30 April 2024.

Recommendation

That Council determine whether it wishes to make a submision to the Sydney Eastern City Planning Panel in relation the Coogee Bay Hotel DA/437/2021 - 212 Arden Street, 227-233 Coogee Bay Road, 5-7 and 15A Vicar Street, Coogee.

Attachment/s:

- 1._ LINK TO VIEW Coogee Bay Hotel Comparison Table
- LINK TO VIEW Coogee Bay Hotel View Sharing Assessment part 1
 LINK TO VIEW Coogee Bay Hotel View Sharing Assessment part 2

Purpose

Background

The subject DA was lodged on 22 July 2021 seeking development consent for the demolition of buildings, works to the Coogee Bay Hotel including the refurbishment to provide for new hotel rooms, construction of a 6 storey shop-top housing building comprising a supermarket, retail tenancies and 58 apartments, internal laneway from Coogee Bay Road, basement levels providing parking and loading, subdivision, landscaping and associated works.

The cost of development exceeds \$30 million, which triggers the need for referral of the application to the Sydney Eastern City Planning Panel (the Panel) for determination. Council raised initial concerns with the proposal at a 'kick-off' briefing held with the Chair of the Panel in September 202. The initial proposal was referred to the Ordinary Council meeting on 23 November 2021 for consideration and it was resolved:

RESOLUTION: (Bowen/Roberts) that Council:

- a) notes the issues outlined in this report;
- b) notes the detailed assessment report including the recommendation will be published on the Sydney Eastern City Planning Panel's website on 2 December 2021;
- c) notes that the subject application in relation to DA/437/2021 for 212 Arden St (Lot 1 DP 872553), 227-233 Coogee Bay Rd (Lot A DP 437308), 5-7 Vicar St (Lot B DP 437308), and 15A Vicar St (Lot A DP 337724) Coogee, will be determined by the Sydney Eastern City Planning Panel on 16 December 2021;
- the elected Councillors of Randwick City Council state their opposition to DA/437/2021;
 and
- e) the elected Councillors forward the Randwick City Council assessment report (CP90/21) to the Sydney Eastern City Planning Panel, with a copy of this resolution, and submit to the Panel that DA/437/2021 should be refused.

The application was referred to the Panel for determination with a recommendation for refusal on 16 December 2021. The Panel determined the application by way of deferral to give the applicant the opportunity to submit amended plans and documentation addressing a range of issues. The applicant appealed to the LEC against the deemed refusal of the application on 12 November 2021.

The application has been in ongoing discussion in the LEC since November 2021, with the Section 34 Conciliation Conference and matter adjourned on several occasions to allow the applicant to amend the proposal.

On 23 March 2023, the LEC granted permission for the applicant to lodge amended plans. These plans were formally notified to the public from 30 March 2023 through to 1 May 2023, resulting in 138 new unique submissions being received.

The amended proposal results in a reduced size and scale of the development. A summary of the amendments is provided in the attached comparison table.

The appeal remained in the conciliation phase until a directions hearing on 19 December 2023 in which the Section 34 Conciliation Conference was terminated (the termination was initiated by the Applicant) and the matter listed for a further directions hearing on 19 January 2024 to set a date for the hearing. At the directions hearing on 19 January 2024, the proceedings were fixed for a three-day hearing to be held on 24-26 July 2024 before Senior Commissioner Dixon.

The Applicant was given until 8 March 2024 to file a notice of motion to amend the application, whereupon Council will review and prepare its Amended Statement of Facts Contentions. However, a briefing meeting was held with the Chair of the Panel on 7 March 2024 where the Applicant presented the 'without prejudice' plans and advised the Chair that they no longer wished to proceed

to the hearing set aside for July 2024. As a result, the Panel Chair requested that the Applicant upload the amended DA package to the Planning Portal in the week commencing 11 March 2024. The amended DA package was uploaded to the Planning Portal on 11 March 2024, and are currently under assessment.

The Chair has set a determination meeting date for 30 April 2024.

The purpose of this report is to provide an update on the status of the subject DA and the Land and Environment Court (LEC) Class 1 appeal proceedings and the key issues. It is also provides an opportunity for Council to make a submission before the Panel's determination meeting on 30 April 2024.

Discussion

1. Summary of events to date

A chronology of the events relating to DA/437/2021 is provided below:

Table 1: Chronology of Events

Date	Event
22 July 2021	DA lodged.
29 July 2021	First exhibition of the application.
2 September 2021	Panel briefing (kick-off meeting).
21 October 2021	Panel briefing.
12 November 2021	Commencement of Class 1 proceedings in the Land and Environment Court of NSW.
23 November 2021	Council resolved at the Ordinary Council meeting to object to the subject DA.
8 December 2021	A site inspection was undertaken with the Panel, Council, and the applicant in attendance.
16 December 2021	Panel Determination Date. Determination was deferred to allow the applicant to submit amended plans and documentation.
22 December 2021	Formal Request for Information (RFI) letter issued by Council to the Applicant, including matters raised by the Panel.
17 February 2022	Panel briefing.
17 March 2022	Deferred Panel determination date. Did not proceed due to no amended plans or documents received.
18 May 2022	Without Prejudice meeting with the Applicant.
1 July 2022	Without Prejudice meeting with the Applicant.
26 September 2022	Without Prejudice Materials received and referred to Council's experts.
13 October 2022	Panel briefing.

26 March 2024

16 March 2023	Notice of Motion to Rely on Amended Plans and Supporting Documents (submitted to Council).	
23 March 2023	Council receipt of amended DA documents.	
30 March 2023	Amended package renotified to the public until May 2023. A total of 138 unique submissions received.	
14 June 2023	Panel briefing. The Panel Chair gave Council delegation to enter into a Section 34 Agreement subject to matters being resolved.	
20 June 2023	Request for Additional Information emailed to Applicant.	
1 September 2023	Without Prejudice Meeting with Applicant.	
September – November 2023	Without Prejudice Materials received and referred to Council's experts.	
19 December 2023	Directions Hearing where the Section 34 Conciliation Conference was terminated.	
19 January 2024	Directions Hearing. Hearing dates set for 24-26 July 2024.	
7 March 2024	Panel Briefing with the Chair.	
11 March 2024	Council receipt of amended DA documents	

An amended package was received on 11 March 2024 via the NSW Planning Portal. An assessment is currently underway. The amended proposal generally seeks consent for:

- Demolition of the following existing buildings and structures on site:
 - Six storey hotel accommodation building 'Coogee Bay Boutique Accommodation'
 - Residential flat buildings at 15 and 5-7 Vicar Street
 - Retail tenancies along Coogee Bay Road (north-west portion of site but excluding the upper level façade of buildings on 212 Arden Street)
 - Portion of the current hotel and pub known as Selina's nightclub, as well as some existing hotel facilities and back of house spaces.
- Retention of the existing local heritage listed Coogee Bay Hotel including the majority
 of the Coogee Bay Road façade and Arden Street façade including the beer garden.
 The roofline of the heritage hotel is retained as are the above ground level façade
 elements along Coogee Bay Road to the west of the pub on the lot known as 212
 Arden Street, Coogee.
- Internal refurbishment works are proposed to expand hotel accommodation, including 31 new or upgraded hotel rooms and reconfiguration of internal hotel areas to accommodate a refreshed food and beverage and function offer, gaming room, bottle shop and bar areas
- Upgrade of the beer garden area and construction of dining pavilions in this space.
- A new three storey southern hotel wing south of the beer garden and north of the driveway access will incorporate ground floor food and beverage and two levels of hotel accommodation (including 15 new hotel rooms overall).
- Provision of ground level commercial uses including 11 new retail food and beverage tenancies (cafes/restaurants) fronting a ground floor eat street precinct and Coogee Bay Road. Use and fitout consents for these tenancies will be subject to separate approvals.

- Provision of a new maximum five-storey shop top housing building above the ground floor retail tenancies incorporating 58 apartments including a mix of 7 x 1-bed, 25 x 2bed, 24 x 3-bed and 2 x 4-bed apartments.
- Excavation for and construction of two levels of basement (one partial at ground level)
 accessed off Arden Street, including a total of 159 parking spaces comprising: 91
 residential spaces including 15 visitor spaces and 14 adaptable spaces
 - 67 hotel / retail spaces including 2 accessible spaces
 - 8 motorcycle parking spaces, car wash bay, end of trip facilities, loading and servicing provisions, waste storage and collection areas, lift access and provisions for plant and services equipment.
- Site landscaping works including the creation of a new through-site link (public laneway) which runs from Coogee Bay Road to Arden Street, wrapping through the hotel area north of the basement driveway access. New landscape areas also include deep soil landscape planting to the south of the shop top housing adjacent to Vicar Street, a planted driveway awning adjacent 230 Arden Street, Level 1 communal gardens and pool for the site residents. Planting along the Arden Street frontage of the beer garden will also be upgraded. Eight trees are proposed for removal.
- Subdivision of the site into two lots one for the hotel / pub and one for the retail and residential accommodation.

2. Public Exhibition and Notification

The application has been publicly notified twice. A total of 492 unique individual submissions have been received over both notification periods:

• The DA was initially placed on public notification from 29 July 2021 for 30 days, resulting in 284 unique submissions. As a result of a number of residents requesting an extension, Council extended the notification period until 11 September 2021. A total of 354 individual submissions were received in response to the application, which consisted of 349 submissions opposing the proposal and 5 submissions supporting the proposal.

There have also been two petitions received opposing the proposal:

- 1. A letter from Dr Marjorie O'Neill MP advising her office has received over 1,000 signatures on a petition titled "Save Coogee Village from Overdevelopment"; and
- 2. A petition organised by the Coogee Bay Precinct with 4,028 names opposing the development, increasing to at least 7,502 during the assessment of the application.
- The amended documentation lodged for the DA was placed on public notification between 20 March 2023 and 1 May 2023. A total of 148 additional submissions were received, with 138 new unique submissions addressing the proposed amendments (ten (10) submissions received were duplicates).

The key issues raised in the submissions opposing the development are as follows:

- View loss and view retention
- Building density, height and scale of development
- Appearance and streetscape impact
- Impact of foreshore scenic protection area & character
- Solar access and overshadowing
- Traffic generation and safety
- Anti-social behaviour
- Noise generation
- Impact on existing business
- Heritage impact
- Loss of trees

- Loss of affordable rental housing
- Disruption during construction
- Waste generation

The submissions received in support of the proposal raise the following points:

- The commercial area including the Coogee Bay Hotel needs rejuvenation.
- The proposed 'Eat Street Precinct' and public meeting spaces are a good idea.
- There are currently no good restaurants, and the area needs better hospitality businesses.

3. Key Issues

2.1 Urban Design and Built Form

The amended scheme has been subject to review and discussions between the Applicant and Council's external Urban Designer for the duration of the LEC proceedings. Modest refinements have been made to the DA between March 2023 and March 2024 including the following:

- Additional context analyses undertaken, with particular regard to views.
- The 'ziggurat' formation on the Coogee Bay Road façade has been modified, with most of the northern Coogee Bay Road façade retained and integrated into the proposed built form to maintain the streetscape character. Upper storeys have been setback to retain a three-storey facade from within the immediate public domain.
- The Vicar Street corner building has a strengthened presence.
- Presentation and entry points of the 'eat street/Selina's laneway' and integrated into the overall built form from Coogee Bay Road and Arden Street.
- The Coogee Bay Hotel building (including roof, previously proposed to be modified) is retained in the amended scheme, with general refurbishments and building upgrades. A new southern wing addition to the hotel has been integrated into the amended DA scheme (i.e. since the June 2021 lodgement).
- Sustainability meets the minimum requirements, as required by BASIX, NatHERS and Section J of the NCC/BCA, where applicable.
- Pedestrian entry to the residential component of the shop-top housing building has been refined
 with two distinct lobbies from Vicar Street (with two central lift and stair cores from the parking
 levels). Raised units (Level 01) fronting Vicar Street have been designed to have landscaped
 courtyards and decks fronting Vicar Street. The proposed residential scheme fronting Vicar
 Street has been designed to read as two distinct 'blocks' or 'wings'.
- Plans of Management, particularly for the Hotel, have not been provided for the amended scheme.

3.2 Randwick Local Environmental Plan 2012

Clause 4.3 - Building Height

	Existing	Proposed Additions
Hotel	15.52m (variation of 3.52m or 29%)	11.98m COMPLIES
Mixed Use building	-	21.35m (variation of 9.35m or 78%)

Pursuant to Clause 4.3 of RLEP 2012, a maximum height of 12m is applicable to the subject site. The proposal seeks a maximum overall building height of 21.35m (78% variation). The following section and massing diagrams show the height exceedance indicated by the superimposed red line.



Figure 1: Excerpt of Section AA (Drawing No. DA250 prepared by Fender Katsalidis)



Figure 2: Excerpt of Section BB (Drawing No. DA251 prepared by Fender Katsalidis)

The exceedance of the 12m height control is also demonstrated in the 3D massing diagrams provided below, which show the parts of the existing building envelope; massing of the approved development (DA599/95); and the extent of the new shop top housing building, which is above the 12m height plane.

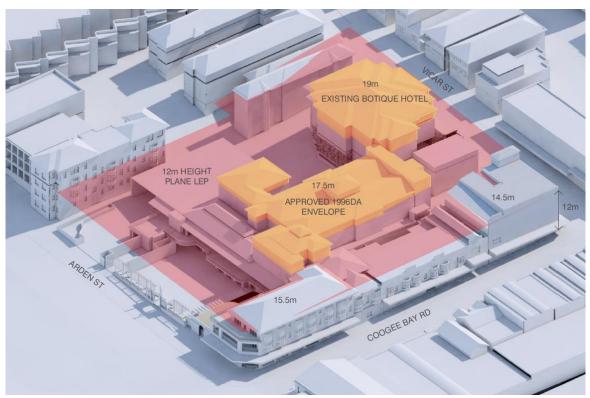


Figure 3: 3D Massing – 12m Height Overlay (Source: Drawing No. DA417 by Fender Katsalidis)

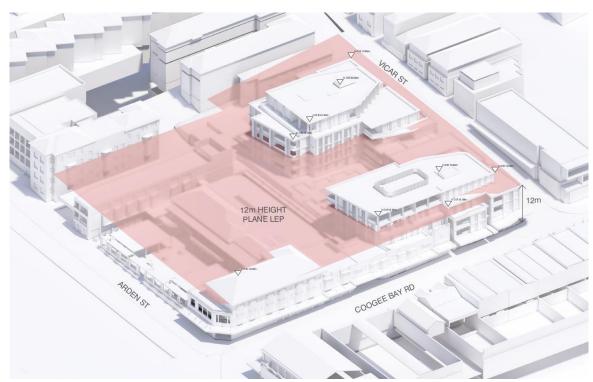


Figure 4: 3D Massing – 12m Height Overlay (Source: Drawing No. DA418 by Fender Katsalidis)

• Clause 4.4 - Floor Space Ratio

	Permissible 1.5:1	Proposed Additions
Hotel Lot	Maximum: 5,424sqm	4,306sqm (1.19:1) COMPLIES
Shop Top/ Mixed Use Lot	Maximum: 7,327.5sqm	Proposed: 9,176sqm (1.88:1) Variation: 1,848.5sqm (25.23%)
Total Lot		13,482sqm (1.59:1) • Reduction of 1,727sqm from original DA • Total variation of 730.5sqm (5.8%)

Pursuant to Clause 4.4 of RLEP 2012, a maximum FSR of 1.5:1 is applicable to the subject site. The proposal seeks an overall FSR of 1.59:1. The proposed subdivision into two lots increases the extent of non-compliance to the shop-top/mixed use lot.

3.3 Other issues

3.3.1 Acoustic Noise Management

The number of patrons noted in the proposed Plan of Management is 3,468. When this number is combined with the 768 patrons in the Eat Street venues, the Coogee Bay Hotel site could hold 4,168 people. The most recent statement of current patron numbers for the Hotel is 3,250, which was in 2004. An Acoustic Master Plan of Management for the entire Hotel and Eat Street would allow proper planning to determine the impacts on residents living nearby and within the site.

It should be noted that the 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023 came into force on 12 December 2023, amending the terms of acoustic assessment for licensed premises under the Liquor Act 2007. From mid-2024, the Vibrancy Reforms will designate Liquor & Gaming NSW as the lead regulator of entertainment sound-related complaints for all licensed premises. The amendments will mean that entertainment sound emanating from licensed premises is solely managed through the *Liquor Act 2007* and noise-related conditions of development consent and 'offensive noise pollution' laws will no longer apply when such matters are regulated by the *Liquor Act 2007*. Accordingly, when this part of the new legislation commences, a condition of a development consent that regulates noise generated from licensed premises will cease to have effect but only to the extent the condition relates to noise arising from the way in which the business of the licensed premises is conducted or the behaviour of persons after they leave the licensed premises.

3.3.2 View Sharing

A detailed Visual Impact Assessment Report (provided March 2023) has taken into consideration a number of properties that were identified from public submissions and included in Council's RFI letter issued in December 2021. The proposal has reduced the impacts on views and an analysis of the view sharing principles will be provided in the assessment report. A copy of the view sharing assessment report is attached to this report for information.

3.3.3 Hours of Operation

The hours of operation of the various areas within the Hotel are generally consistent with the existing including the associated liquor license for the premises. The new wing to the south adjacent to the beer garden will operate between the hours of 7am to 3am, Monday to Saturday and 7am to 12am on Sunday. No hours of operation have been nominated for the retail tenancies fronting Eat Street as the use of these tenancies including the hours of operation will be subject to a separate consent or CDC application.

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

Policy and legislative requirements

- State Environmental Planning Policy No. 55 Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (SEPP) No. 65 Design Quality of Residential Apartment Building;
- State Environmental Planning Policy (Affordable Rental Housing) 2009;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017; and
- Randwick Local Environmental Plan 2012.

Conclusion

The Development Application, as amended, is currently under assessment in accordance with the Environmental Planning and Assessment Act, 1979 and is due to be determined by the Panel on 30 April 2024. A detailed report including the recommendation will be published on the Panel's website on 23 April 2024.

Responsible officer: Frank Ko, Manager Development Assessment

File Reference: DA/437/2021

Director City Services Report No. CS6/24

Subject: Heffron Park Criterium Track - Upgrade Proposal

Executive Summary

- The Heffron Park Criterium Track is a 2.1-kilometre cycling circuit within Heffron Park which
 has been established over time, with some sections dating from World War II use of the park.
 The overall result is a circuit track of appropriate length, but without consistent width or
 unifying surface.
- A concept design has been developed for the full upgrade of the track circuit, with five (5) stages of construction proposed. Of these, priority Stages 1 and 2 are together estimated at \$4.63m (with contingencies), generally in line with actual and anticipated funding allocations for planning, construction and landscaping totaling \$4.63m over the four financial years from 2022-23 to 2025-26.
- Cost estimates for construction of Stages 3, 4 and 5 are prohibitive, being in the range of a further \$9 million to \$12 million. It is proposed to document Stages 3-5 of the proposed upgrade in readiness for future funding opportunities.
- The proposed upgrade works provide a framework to improve conditions at the track, resolve
 the safety challenges caused by adjacent sporting activities, and improve the experience of
 all visitors to the park through extensive additional landscaping.
- The Heffron Park Plan of Management 2021 and consultation with key cycling clubs has informed the concept design proposal and the construction stage priorities.

Recommendation

That Council:

- a) notes the Heffron Park Criterium Track overall concept design and approves the design to proceed to tender documentation.
- b) approves Stage 1 works to proceed to tender for construction in the 2024-25 financial year.
- c) notes the funding strategy required for Stage 2 and approves Stage 2 works to proceed to tender for construction in the 2025-26 financial year.

Attachment/s:

LINK TO VIEW Heffron Park Criterium Track - Landscape Concept Design report

Purpose

Randwick City Council is seeking to upgrade the existing deteriorated Criterium Cycling Track within Heffron Park. This report presents the concept design for the upgrade. It includes background to the project and a summary of the issues that informed the proposal.

Although a concept design has been developed for the full track circuit, the costs to upgrade the full track are prohibitive and are not anticipated to proceed in full without substantial funding from external sources. This report identifies priority works, along with a staged approach to achieve these priorities by the 2025-26 financial year.

The concept design package is found in Attachment 1.

Discussion

Background

The Criterium Track is a 2.1-kilometer cycling circuit within Heffron Park Reserve (R81741). The land is Crown Land owned by The State of New South Wales and managed by Council as Crown Land manager under the Crown Land Management Act.

A 'criterium' is a cycling race around a closed circuit. The Heffron Track provides a valued car-free venue for competitive and recreational cyclists of all ages to safely train and compete. Several cycling and triathlon clubs have trained and raced at the site for many years. Outside club times, the track is also popular with park visitors for recreational cycling and walking.

Heffron Park was used as a navy storage facility during World War II. The park's internal concrete roads date from this time and form approximately half of the Criterium Cycling Track, in sections spread over its length. The remaining track has been formed over time by connecting these concrete roads with sections of asphalt road. The overall result is a circuit track of appropriate length, but without consistent width or unifying surface.

Concept design

A detailed assessment of existing track conditions informed the upgrade proposal. This assessment included walking the full circuit with cycling club representatives to highlight areas of concern. Detailed engineering assessments were undertaken by civil, geotechnical, and environmental engineers.

As the Criterium Track sits within the wider sporting and recreational facilities at Heffron Park, providing a safe environment for pedestrians, sporting groups and cyclists using the park at the same time is a key consideration.

The proposal seeks to:

- Improve racing and safety standards
- Establish a consistent width for the track
- Improve interfaces of the Criterium Track with adjacent fields and facilities
- Improve user and spectator experience
- Upgrade landscaping, including tree and buffer planting, irrigation, and drainage improvements.

Proposed staging

The upgrade proposal has been envisaged in five stages, of which Stage 1 and Stage 2 are identified by cycling stakeholders as priority works. These two stages are in the order of \$4.63 million and can be budgeted by Council to proceed to construction.

Stages 3 to 5 have projected costs of \$9 million to \$12 million and will only be realized with substantial external funding. Documentation for these stages will be prepared to allow works to proceed to construction as the opportunity arises.

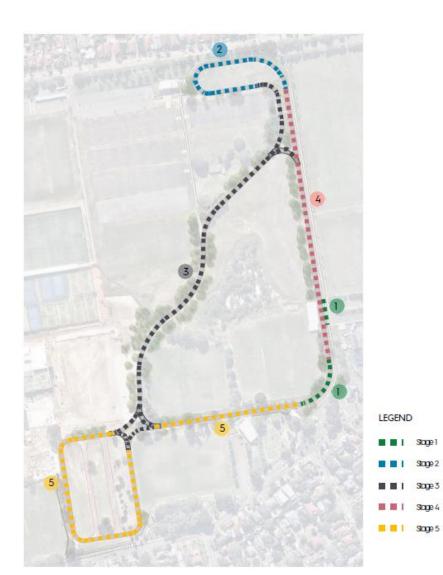


Figure 1: Heffron Park Criterium Track: Proposed staging plan

The scope of works associated with each stage is summarised in the table following, and described in more detail in Attachment 1.

Stage	Scope description
Stage 1 2024/25 Financial Year	Works in Clubhouse Area: - Finish line upgrade - Spectator seating and shade structure - Landscaping, including tree and buffer planting - Concrete track maintenance Upgrade to SE corner of track:
Stage 2	- New concrete track, including compaction Northern loop track replacement:
2025/26 Financial Year	 Extensive ground works to address subsidence issues New six-meter-wide concrete track to replace existing asphalt track Landscaping, including tree and buffer planting
Stage 3	Western track replacement:

Stage	Scope description
(External funding	New six-meter-wide concrete track to replace existing asphalt track, including ground compaction
required)	- New shortcuts to provide shorter / alternative circuit options
	- Landscaping, including tree and buffer planting
Stage 4	Eastern track upgrade:
(External funding	 Concrete track maintenance, including rectification of drainage and ponding issues
required)	- Landscaping, including tree and buffer planting
Stage 5	Southern track upgrade:
(External	- Concrete track maintenance
funding required)	 New separated pedestrian pathway between Pedal Park and the South Amenities building
	- New pedestrian boardwalk to the west of the southern track loop
	- Landscaping, including tree and buffer planting

Stakeholder consultation

The concept design was informed by discussions with Randwick (Botany) Cycling Club and Easts Cycling, both based at Heffron Park, along with national governing body Aus Cycling. In addition, a briefing meeting was also held in September 2023 with representation from Macabbi Triathlon and Waratah Masters.

The concept design has also given reference to the Heffron Park Plan of Management 2021. This Plan of Management was extensively consulted with the community prior to its adoption.

The primary users of the Criterium Track will continue to be consulted during the detailed design development of the proposed upgrade.

Strategic alignment

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

Delivering services and regulatory functions:	
Service area	Infrastructure Services
Function	Asset Maintenance
Delivery program commitment	Maintain public assets and infrastructure to meet operational requirements and agreed service levels.

Resourcing Strategy implications

A sum of \$450,000 was allocated towards the planning and documentation of the criterium works in the 2022/23 financial year.

The following funding strategy has been applied for construction of the works:

Funding Strategy	Allocation
Planning funding 2022/23 (current allocation)	\$450,000

Funding Strategy	Allocation
Capital works 2023/24 Financial year (current allocation)	\$679,000
Capital works 2024/25 Financial year (proposed)	\$1,320,000
Capital works 2025/26 Financial year (proposed)	\$1,181,000
Landscape works - Plan of Management progressive funding to 2025/26 (proposed)	\$1,000,000
Total project allocation by 2025/26 financial year	\$4,630,000

Initial cost planning for the project indicates that Stage 1 and Stage 2 works will be generally achievable within this overall project allocation by the 2025/26 financial year.

Stage	Cost estimate
Stage 1 - 5 documentation and Stage 1 construction (2024/25 Financial Year)	\$1,580,000
- Finish line area, new concrete track to southeast corner, landscaping	
- Construction contingencies	
Stage 2 construction (2025/26 Financial Year)	\$3,050,000
 North loop subsidence rectification and new concrete track, landscaping 	
- Escalation to 2025/26	
- Construction contingencies	
	\$4,630,000

Cost estimates for construction of the full upgrade proposal are prohibitive for Council, being in the range of a further \$9 million to \$12 million for construction of Stages 3, 4 and 5. These estimates reflect the extensive groundworks involved, the sheer length of the track, and the escalation costs associated with delivery projected for the future, and over consecutive years.

Although Stages 3 to 5 are not expected to proceed without substantial external funding, documentation will be prepared to provide a wholistic project approach and to allow construction of the upgrades as opportunity arises.

Policy and legislative requirements

Due regard needs to be given to the relevant local and state planning instruments, including the Heffron Park Plan of Management 2021.

The recommendations as noted in this report and future delivery of the project is subject to a Review of Environmental Factors which following a resolution of Council will be prepared for the project.

Conclusion

Heffron Park is a regional park of immense value to the many community sporting groups who make use of its facilities. The Criterium Track, with its WWII history, provides a unique venue for recreational and competitive cycling and is enjoyed by cyclists of all ages.

The proposed upgrade works provide a framework to improve conditions at the track, resolve the safety challenges caused by adjacent sporting activities, and improve the experience of all visitors to the park through extensive additional landscaping.

Stage 1 and Stage 2 priority works can be delivered over the following two financial years and will make a substantive difference to the Cycling Clubs that race at the track as well as the many casual riders that use the facility. Through the preparation of tender documentation, Stage 3, Stage 4 and Stage 5 works will be positioned for future construction as funding opportunities allow.

26 March 2024

The Criterium Track upgrade will contribute to the overall experience of visitors to Heffron Park, addressing drainage and subsidence issues and further implementing the landscape masterplan as outlined in the Plan of Management.

Responsible officer: Sarah Harmston, Project Manager Major Projects

File Reference: PROJ/10955/2021/4

Director City Services Report No. CS7/24

Subject: South Maroubra Board Walk Extension & Gate

Executive Summary

- Council Officers have investigated the feasibility of the extension of the existing raised boardwalk/path from the north end of Maroubra, connecting with the flat grassed area outside of the South Maroubra Surf Club.
- The project aims to extend the coastal walk from the South Maroubra Surf Club (north) to the current boardwalk, approximately 55 meters in length. Included in this is the enhancement of safety and wayfinding measures and the installation of bike racks.
- The project costing and project time frames have been included in this report for the delivery of this project.
- Consultation has occurred with the South Maroubra Surf Club and positive feedback has been received.

Recommendation

That Council;

- 1. Note the \$250,000 budget allocation in the 2024/25 Operational Plan and Budget Capital works program for;
 - 1.1. the installation of the additional section of boardwalk extending the existing path from the north to connect with the flat grassed area at the South Maroubra surf club to make the club accessible for families and disabled people; and
 - 1.2. the installation of bike racks in the location identified.

Attachment/s:

Nil

Purpose

The intention of this report is to investigate the extension of the existing raised boardwalk/path from the north end of Maroubra connecting with the flat grassed area at the South Maroubra Surf Club. The intention of this boardwalk is to make the club accessible for all. Please note included in this scope is the addition of bike racks.

At its ordinary meeting on the 28 November 2023 Council resolved:

RESOLUTION: (Chapple/D'Souza) that Council:

- a) notes community requests for a continuous access path from the Maroubra beach promenade to the South Maroubra Surf club including a number of submissions in the recent consultation on the Maroubra Beach Masterplan; and
- b) asks Council officers to bring back a report on extending the existing path from the north to connect with the flat grassed area at the South Maroubra surf club to make the club accessible for families and disabled people. That the report also include consideration of bike racks at a suitable location near the club.

Background

In response to the Notice of Motion, Council officers investigated this matter further in consultation with key stakeholders and can provide the following report. The project aims to extend the coastal walk from the South Maroubra Surf Club (north) to the current boardwalk, approximately 55 meters in length.

Included in this is the enhancement of safety and wayfinding measures, as per mark up, the project will involve the installation of signage to enhance both pedestrian and vehicle safety.

See attached image below.



Figure 1 - Scope of Works Mark Up

Following consultation undertaken in late 2023 with the President of South Maroubra Surf Club, the following scope of works was discussed.

- 55m of new boardwalk in the of location of existing sand path,
- New signage, line marking and bollards to manage pedestrian traffic and enhance safety.
- New bike racks to be installed as per locations noted in mark up. (Figure 2)

South Maroubra Surf Club Surrounds - Improvements - Bike Racks



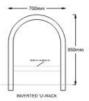


- BICYCLE RACK SPECIFICATIONS:

 HEIGHT: 850mm

 WIDTH: 700mm

 50mm DIAMETER STEEL PIPING WITH WALL THICKNESS
- CONTRACTOR/WORKS TEAM TO 'MAKE GOOD'
- CONTRACTOR WOORKS TEAM TO "MAKE GOOD" SURROUNDING AREA/SURFACE DECREASED HEIGHTS AND WIDTHS CAN BE USED WHERE APPROPRIATE, e.g., KIDS, CYCLE PARKS, SCHOOLS, etc., AND MUST BE APPROVED BY COUNCIL WHERE PERPENDICULAR OR ANGLED BICYCLE PARKING IS LOCATED IN BUSY PEDESTRIAN AREAS ALONG THE MAIN THROUGH FARE, THE USE OF A TAPPING RAIL AND TACTILE GROUND SURFACE INDICATORS (TGSI) CAN BE PROVIDED TO WARM THE VISUAL IY IMPAIRED. PROVIDED TO WARN THE VISUALLY IMPAIRED.



BICYCLE RACK SPECIFICATIONS



Figure 2 Bike Rack Locations

It is estimated that this project will be completed in 8 weeks including 4 works lead time for materials and 4 weeks of construction (weather permitting). The proposed boardwalk will be like the exiting surrounding one. However, there may be slight variance as the existing product is no longer available, so a suitable alternate will be sourced.

Strategic alignment

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

Delivering services and regulatory functions:	
Service area	Infrastructure Services
Function	Asset Maintenance
Delivery program commitment	Maintain public assets and infrastructure to meet operational requirements and agreed service levels.

Resourcing Strategy implications

The estimated total cost for this project is \$250,000 Ex GST. This project is proposed to be included in the DRAFT 2024-25 Operational Plan Capital Works Budget.

Conclusion

The proposed works will improve safety and pedestrian management near South Maroubra Surf Club and will respond to the concerns raised by the Club and community.

Responsible officer: Ryan Zammit, Manager Infrastructure Services

File Reference: F2019/00682

26 March 2024

Director City Services Report No. CS8/24

Subject: Naming Randwick's Roads, Reserves and Facilities Policy

Executive Summary

- Council Officers receive numerous naming requests through various channels including but not limited to, emails, customer service requests, online applications, Council Notices of Motion etc.
- In late 2023, it was identified that Council does not have an adopted Naming of Roads, Reserves and Facilities Policy. Since this time, through best practice industry research, a policy has been drafted, ready for community consultation.
- Guidance was sought from the overarching NSW Government Geographical Names Board (GNB) of NSW Policy.
- A Draft Policy has been developed for Council consideration that covers the naming of roads, reserve and facilities on land owned and managed by Council. The facilities on such land that can be named include, but are not limited to, the buildings, gardens, pools, grandstands, pavilions and sporting infrastructure.
- When naming parks and natural areas, preference will be given to the use of Aboriginal names (e.g., Woomera Reserve, Kooloora Reserve) and the names of indigenous species of plants, birds and animals (e.g., Cong Wong Beach).

Recommendation

That Council:

- a) Endorse the *Draft Naming of Randwick's Roads, Reserves and Facilities Policy* to be placed on public exhibition; and
- b) Note following the community consultation stage, a report will be brought back to Council recommending adoption of the Policy considering any applicable changes as recommended by our community and key stakeholder groups.

Attachment/s:



DRAFT Naming Randwick's Roads, Reserves and Facilities Policy



Geographical Names Board NSW Policy 2019

Purpose

In late 2023, it was identified that Council does not have a Naming of Roads, Reserves and Facilities Policy. Since this time through best practice industry research, a policy has been drafted, ready for community consultation.

This report outlines the policy to Council, the overarching governing policy as outlined by the Geographical Names Board (NSW Government) and seeks Council endorsement to obtain feedback on the Draft *Naming of Randwick's Roads, Reserve's and Facilities Policy* from our community.

Discussion

Council Officers receive numerous naming requests through various channels including but not limited to email, customer service requests, online applications, Council Notices of Motion etc. Whilst Council officers have always maintained a consistent approach to the consideration of such requests it is apparent that a Council Policy document was absent. Guidance was sought from the overarching NSW Government Geographical Names Board (GNB) of NSW Policy – Place Naming (2019). (Attachment 2)

Geographical Names Board (GNB) of NSW Policy - Place Naming (2019)

"The Geographical Names Act 1966 recognizes the importance of unambiguous and official place names. Place names reflect the relationship between people and place and create a link that forms the basis for communication, location and addressing. Clear and unambiguous place names are essential for emergency services, postal and service delivery as well as professional and personal navigation.

The GNB is committed to recognizing our Aboriginal cultural heritage by registering place names given by Aboriginal people so that they can be assigned as geographical names alone or used alongside existing non-Aboriginal names.

The GNB is committed to open and transparent practices and procedures in the selection of place names. This document brings together the policies adopted by the GNB and enables all interested parties to understand why specific names are selected." ¹

The GNB Policy as adopted in July 2019 outlines key principles that are applied to:

- Universal Naming,
- Commemorative Naming,
- Duplication of Naming,
- Place Naming,
- Recognition and use of Aboriginal Naming,
- Infrastructure.

This policy and its principles were considered to develop the draft *Naming of Randwick's Roads*, *Reserve's and Facilities Policy* for Council consideration.

Naming of Randwick's Roads, Reserves and Facilities Policy

This Policy covers the naming of reserves, facilities and roads on land owned and managed by Council. The facilities on such land that can be named include, but are not limited to the buildings, gardens, pools, grandstands, pavilions and sporting infrastructure.

For the purpose of the policy the definitions of Roads, Reserves and Facilities is as follows:

Roads and Reserves: Any roadways, parks, sportsgrounds, road verges and other open spaces that are reserved for public use and managed by Council.

¹ GNB Place Naming Policy.pdf (nsw.gov.au)

Facilities: Any Council owned infrastructure on Council managed land that has been reserved for use by the public. This may include but is not limited to buildings, gardens, pools, grandstands, pavilions, sporting fields and sporting infrastructure such as cricket nets.

The naming of reserves and roads is governed by State legislation and Council must adhere to the process as defined under the GNB Policy, however the naming of facilities does not require formal GNB approval. Council may approve a name for a Council owned facility that does not meet the GNB criteria by resolution.

The draft Policy does not cover the naming of land or facilities for purposes of sponsorship, advertising or revenue raising.

KEY PRINCIPLES	
Roads and Reserves	Facilities
Deceased for at least one year	Deceased for at least one year
4 or more terms of office on local government Council	4 or more terms of office on local government Council
20 or more years association with local community group or service club	20 or more years association with local community group or service club
20 or more years of association and service with a local or state government or organisation	20 or more years of association and service with a local or state government or organisation
Action by an individual to protect, restore, enhance or maintain an area that produces substantial long-term improvement for our community	Action by an individual to protect, restore, enhance or maintain an area that produces substantial long-term improvement for our community

The management and assessment of requests for naming of facilities on Council owned or managed land including buildings, gardens, pools and grandstands will be assessed using the same criteria except for the requirement for the subject person to be deceased.

Aboriginal Naming

When naming parks and natural areas, preference will be given to the use of Aboriginal names (e.g., Woomera Reserve, Kooloora Reserve) and the names of indigenous species of plants, birds and animals (e.g., Cong Wong Beach).

In line with GNB Naming Policy, prior to submitting an Aboriginal name for consideration by the GNB, the proponent should consult the La Perouse Local Aboriginal Land Council and Aboriginal communities on all matters concerning Aboriginal place names occurring in their area of current occupation and traditional association, in line with self-determination policies. Under the State Government Policy, the GNB will not endorse the request should this approval not have been received.

Council Adoption Process

- 1. Council Officers assess the request against the key principles / criteria outlined above.
- 2. Where applicable, liaison with key stakeholders i.e. La Perouse Local Aboriginal Land Council.
- 3. Naming Requests meeting the criteria will go to Council for endorsement.
- 4. Subject to Council endorsement proceed the name to community consultation.
- 5. Final Council approval.
- 6. Submit the Naming Proposal for GNB approval for roads & reserves (not required for Council facilities)

Strategic alignment

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

Delivering the Outcomes of the Community Strategic Plan:		
Strategy	Arts and Culture	
Outcome	A creative and culturally rich city that is innovative, inclusive and recognised nationally	
Objective	Establish a strong cultural identity for the Randwick LGA by 2031 that is inclusive and founded on the contribution of First Nations people by 2031	
Delivery program commitment	Recognise, value and celebrate our First Nations history through a minimum of 5 targeted events, activities or programs each year.	
Strategy	Open Space and Recreation	
Outcome	A community where everyone has the opportunity to participate in sport and recreation	
Objective	Objective 75% or above satisfaction with new open space and recreation facilities within 2 years of implementation	
Delivery program commitment	Work with the Local Aboriginal Land Council and Aboriginal Elders to develop and implement projects to increase knowledge and awareness of the local Aboriginal culture, traditions and connection to country through open space (i.e. interpretive signage for the bush tucker trail).	

Delivering services and regulatory functions:		
Service area	Economic Development and Placemaking	
Function	Place Making	
Delivery program commitment	Activate spaces to create an experience where people feel connected and/or inspired	
Service area	Technical Services	
Function	Asset Lifecycle Planning	
Delivery program commitment	Manage asset lifecycle planning (including creation, renewal, operation, maintenance and disposal) to ensure sustainable service delivery	
Service area	Customer Service & Governance Management	
Function	Property and Land Management	
Delivery program commitment	Administer the use of Council's property and land assets.	
Function	Customer Service Management	
Delivery program commitment		
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 resourcing nor financial implications associated with the recommendation in this report.

Policy and legislative requirements

Local Government Act 1993 Geographical Names Act 1966 Geographical Names Board of NSW Policy, Place Naming (2018) Roads Act 1993 - Sect 162 Naming of public roads

Conclusion

The newly proposed draft **Naming of Randwick's Roads, Reserves and Facilities Policy** provides a consistent and transparent approach to naming our places and managing naming requests from the community. This policy is recommended to Council in draft form seeking approval to exhibit to document on public exhibition.

Responsible officer: Todd Clarke, Director City Services

File Reference: F2004/06876

CITY SERVICES

DRAFT Naming Randwick's Roads, Reserves and Facilities Policy

Adoption Date: Click or tap to enter a date.

Review Date:

Version:

1

Responsible Department: **Technical Services**

TRIM Document Number: **D05073684**



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Revision History

Revision	Adopted by / Date	Comment
1	Council /	New policy

Note: this policy will be reviewed at least every four (4) years.

Policy statement

Randwick City Council aims to provide a consistent and transparent process for naming Council owned and managed reserves, facilities and roads.

This policy endorses Council's adherence to the Geographical Names Board (GNB) Place Naming Policy and process for the naming of reserves, facilities and roads.

It aims to provide further guidance and criteria to apply the GNB Place Naming Policy when assessing and approving naming requests from the community.

1. Principles

- Council will adhere to all relevant legislative and statutory requirements relating to the naming of reserves, roads and facilities.
- Council will consider honouring individuals in the naming of Council reserves and roads if they have:
 - Been deceased for at least a year.
 - Made a highly significant contribution to the specific area or community. This will be measured against the GNB policy and includes the following:
 - Four (4) or more terms of office on a local government Council.
 - Not been the subject of any adverse findings by the Independent Commission Against Corruption (ICAC) enquiries.
 - Twenty (20) or more years association with a local community group or service club.
 - Twenty (20) or more years of association and service with a local or state government body or organisation.
 - Action by an individual to protect, restore, enhance or maintain an area that produces substantial long-term improvements for the community.
- 3. Council will consider honouring individuals in the naming of **Council facilities** (including, but not limited to buildings, gardens, pools and grandstands) if they have:
 - Made a highly significant contribution to the specific area or community. This will be measured against the GNB policy and includes the following:
 - Four (4) or more terms of office on a local government Council.
 - Not been the subject of any adverse findings by the Independent Commission Against Corruption (ICAC) enquiries.
 - Twenty (20) or more years association with a local community group or service club.
 - Twenty (20) or more years of association and service with a local or state government body or organisation.
 - Action by an individual to protect, restore, enhance or maintain an area that produces substantial long-term improvements for the community.
- 4. Those requests to name or rename reserves, facilities or roads that meet the GNB criteria or align to this policy will be presented to Council for endorsement.
- Council will invite community comment on requests (subject to initial Council endorsement) for naming or renaming of Council owned and managed reserves, facilities and roads. Public exhibition will comply with Council's Community Engagement Strategy.

- 6. When naming sportsgrounds and major venues visited by many people from beyond Council's boundaries, preference will be given to locality or geographical names to assist in travelling to, addressing and locating the area e.g. Coogee Oval or Randwick Environment Park. Facilities including buildings and sporting infrastructure on these land areas will also be named according to the location and the purpose or function of the facility e.g. Randwick Community Centre.
- When naming parks and natural areas, preference will be given to the use of Aboriginal names (e.g. Woomera Reserve, Kooloora Reserve) and the names of indigenous species of plants, birds and animals (e.g. Cong Wong Beach).
- Aligned with the GNB Place Naming Policy, Council discourages the changing of long-term names as it can lead to address and location confusion, especially for electronic navigation (critical for emergency services). Council will only consider changes in well-established names in exceptional circumstances.
- Council will provide the relevant signage (as per Council design guidelines) for any locations where a new name or name change has been approved.
- Council is committed to communicating and informing the community of all approved changes to names. This may include additional signage and community notifications.
- If a 'named' facility is disposed of and is not being replaced the 'name' of that facility will be retired.

2. Scope and application

This Policy covers the naming of reserves, facilities and roads on land owned and managed by Council. The facilities on such land that can be named include, but are not limited to the buildings, gardens, pools, grandstands, pavilions and sporting infrastructure.

The naming of reserves and roads is governed by State legislation and Council must adhere to the process as defined under the GNB Policy, however the naming of facilities does not require formal GNB approval. Council may approve a name for a Council owned facility that does not meet the GNB criteria by resolution.

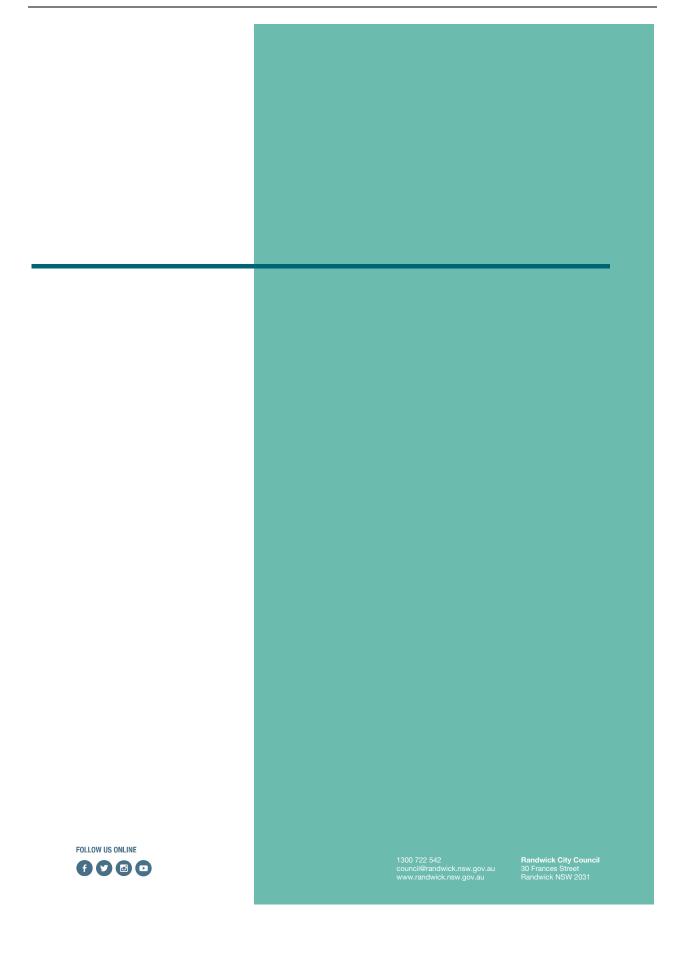
This Policy does not cover the naming of land or facilities for purposes of sponsorship, advertising or revenue raising.

3. References and related documents

- Local Government Act 1993
- Geographical Names Act 1966
- Geographical Names Board of NSW Policy, Place Naming
- Roads Act 1993 Sect 162 Naming of public roads

4. Definitions

Term	Definition	
Reserves	In this Policy reserves include parks, sportsgrounds, road verges and other open spaces that are reserved for public use and managed by Council.	
Facilities	In this Policy the facilities include any Council owned infrastructure on Council managed land that has been reserved for use by the public. This may include but is not limited to buildings, gardens, pools, grandstands, pavilions, sporting fields and sporting infrastructure such as cricket nets.	
Responsible officer	Manager Technical Services	





Geographical Names Board of NSW Policy

Place Naming



Title: Geographic Names Board of NSW Policy

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This information is correct at the date of publication; changes after the time of publication may impact upon the accuracy of the material.

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DCS P18/10/077

NSW Geographical Names Board Place Naming Policy

Document Control

Version and amendment table

Date	Version	Amendments	Authorised
23 April 15	1.0	First draft	B Hirst / B Goodchild
12 Nov 15	2.0	First circulation to members	B Hirst / B Goodchild
20 Dec 15	3.0	Amended based on GNB feedback	B Hirst / B Goodchild
8 March 16	3.1	Aboriginal policy updated based on feedback received.	B Hirst / B Goodchild
10 March 16	4.0	Formatted for document consistency	B Hirst / B Goodchild
18 March 16	5.0	Amended based on March GNB meeting	B Hirst / B Goodchild
19 April 16	5.1	Minor amendments and changes accepted	B Hirst / B Goodchild
2 May 16	6.0	Amendments based on Secretariat input	B Hirst / B Goodchild
6 May 16	6.1	New section on changing names	B Hirst / B Goodchild
May 17	6.2	Update to section 6.1 and 11.1	N Underwood
Sep 18	6.3	Update branding	N Underwood
4 Jul 19	6.4	Update to section 10.2	N Underwood

Repeals and Review

The policies identified in this document are consistent with national and international best practice. They repeal all existing Geographical Names Board of NSW (GNB) policies and guidelines in respect to geographical naming in NSW, apart from those included in the NSW Addressing User Manual, which are complementary to these policies. They do not apply retrospectively, and any arrangements that predate these rules are not necessarily subject to its terms.

Recognition of any existing NSW geographical name that does not conform to these policies does not establish a precedent for any future naming proposal.

This document is to be revised annually or as required. Where minor changes are required, the GNB must ensure the version number is updated. However, where changes in legislation or operating environment result in substantive rewriting of the document, the sponsor must create a new document and ensure it is entered into TRIM (electronic file management system). This will ensure the integrity of the original document.

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1 Scope

This policy applies to the operations of the GNB and its Secretariat.

2 Responsibilities

Geographical Names Board

The GNB is responsible for the governance of this policy.

Department of Customer Service (DCS)

DCS is responsible for the administrative management, technical support and promotion of the policy under the auspices of the GNB.

3 Glossary

Act	Geographical Names Act 1966 No 13
CGNA / PCPN	Committee of Geographic Names of Australasia - now renamed the Permanent Committee on Place Names. Part of ICSM
GNB / Board	Geographical Names Board of NSW as constituted under the Act
DCS	Department of Customer Service
Gazetteer	List of geographical names. In NSW the Geographical names gazetteer is stored in the Geographical Names Register database.
Geographical name	The name of a place as determined by the provisions of the Act and been notified in the Gazette as a geographical name, but does not include a name which has ceased to be a geographical name under the Act.
GNB (the GNB)	Geographical Names Board as constituted under the Act
ICSM	Intergovernmental Committee on Surveying and Mapping
Place	Defined by the Act as 'any geographical or topographical feature or any area, district, division, locality, region, city, town, village, settlement or railway station or any other place within the territories and waters of the State of New South Wales but does not include any road, any area (within the meaning of the Local Government Act 1993) or area of operations of a county council (within the meaning of that Act), any electoral district under the Parliamentary Electorates and Elections Act 1912, any school or any place or place within a class of places to which the provisions of this Act do not apply by virtue of the regulations.'
Recorded name	Defined by the Act as 'the name of a place as it appears on a Lands Department map or, where the name of a place appears differently on two or more such maps, the name of that place as it appears on whichever of those maps was published later than the other or others.'
Road / Road Naming	Road and Road Naming Authority are defined under the <i>Roads Act 1993</i>
Authority	and summarised in section 5.3 of the NSW Address policy
Secretariat	GNB secretariat appointed in accordance with section 4 of the Act
Spatial Services	A division of the Department of Customer Service (DCS). Spatial Services is the government body responsible for the implementation of the Geographical Names Act.

4 Introduction

Consistent use of accurate place names is an essential element of effective communication worldwide, and supports socio-economic development, conservation and national infrastructure. (Permanent Committee on Place Names)

Department of Customer Service, Spatial Services and the GNB have statutory responsibility to establish, update, preserve and publicise place naming in New South Wales.

The Geographical Names Act 1966 recognises the importance of unambiguous and official place names. Place names reflect the relationship between people and place and create a link that forms the basis for communication, location and addressing. Clear and unambiguous place names are essential for emergency services, postal and service delivery as well as professional and personal navigation.

The GNB is committed to recognising our Aboriginal cultural heritage by registering place names given by Aboriginal people so that they can be assigned as geographical names alone or used alongside existing non-Aboriginal names.

The GNB is committed to open and transparent practices and procedures in the selection of place names. This document brings together the policies adopted by the GNB and enables all interested parties to understand why specific names are selected.

The policies detailed in this document are consistent with national and international policies, guidelines and practices.

5 Legislation and Authority

As set out in the *Geographical Names Act 1966* (Section 5), the GNB has the following powers and functions:

- assign names to places
- approve that a recorded name of a place shall be its geographical name
- alter a recorded name or a geographical name
- determine whether the use of a recorded name or a geographical name shall be discontinued
- adopt rules of orthography, nomenclature and pronunciation with respect to geographical
- investigate and determine the form, spelling, meaning, pronunciation, origin and history of any geographical name
- · the application of any geographical name with regard to position, extent or otherwise
- compile and maintain a vocabulary of Aboriginal words used or suitable for use in geographical names and to record their meaning and origin
- compile and maintain a dictionary of geographical names with a record of their form, spelling, meaning, pronunciation, origin and history
- · publish a gazetteer of geographical names
- inquire into and make recommendations on any matters relating to the names of places referred to it by the Minister

The GNB may compile, maintain and publish a list of road names.

6 Policy - Universal Naming Principles

The following principles shall apply for all new geographical names in New South Wales.

6.1 Language

- 1 Geographical names shall be written in standard Australian English or a recognised format of an Australian Aboriginal language local to the area of the geographical name.
- 2 Diacritical marks (symbols such as 'in é, , in ç or : in ö) are not used in Australian English names, and shall be omitted from names drawn from languages that use such marks.
- 3 Geographical names shall be easy to pronounce, spell and write, and preferably not exceed three words (including any designated term) or 25 characters. An exception to this is in the use of Aboriginal names when it is accepted that a traditional name may at first appear to be complex but will, over time, become more familiar and accepted by the community.
- 4 The following types of punctuation as used in Australian English shall not be included as part of a geographical name: period (.), comma (,), colon (:), semi-colon (;), quotation marks (""), exclamation mark (!), question mark (?), ellipsis (...), hyphen (-), solidus (/) and parenthesis (()). For surnames or other names that include a hyphen, the hyphen shall be omitted when used for a geographical name.
- 5 An apostrophe mark shall not be included in geographical names written with a final 's', and the possessive 's shall not be included e.g. Georges River not George's River. Apostrophes forming part of an eponymous name shall be included (e.g. O'Connell Plains).
- 6 A geographical name shall not include a preposition e.g. Avenue of the Allies.
- 7 Geographical names shall not include the definite article (the) as the sole name element of a place name e.g. The Reserve is not acceptable.
- 8 A geographical name shall not be abbreviated or contain an abbreviation, initial or acronym e.g. Point, not Pt except that St shall be used for Saint. An exception may be where an abbreviation may have become widely accepted by the community. Eg CWA for Country Women's Association.
- 9 For the purposes of consistency, names starting with Mc or Mac shall not have a space included between the Mc or Mac and the rest of the name.
- 10 A geographical name shall not include Arabic numerals e.g. 3 or 4th or Roman numerals e.g. IV or X. Where numbers are included in a geographical name they shall be written in full e.g. Fourth Top Ridge, Eleven Mile Creek.
- 11 A geographical name shall not include initials e.g. A F Wyatt Reserve.
- 12 The spelling of geographical names derived from the same source shall be uniform in spelling. e.g. Mount Kosciuszko is now spelt with z to be consistent with original spelling.
- 13 Postnominals and titles shall not be included in geographical names.eg John Smith not John Smith AO. An exception is the use of 'VC'.

Justification

The principles identified above ensure consistency thereby reducing the potential for confusion. These principles are consistently applied throughout Australia and commonly adopted internationally. They also facilitate reliable electronic searching essential for navigation systems, service delivery and public safety.

6.2 Form and Character of Names

Place names shall be recognisable words or acceptable combinations of words and shall be appropriate to community sensitivities.

Discriminatory or derogatory names are not acceptable. Such names are those perceived, at a given point in time, to be offensive, demeaning, or harmful to the reputation of individuals, or to social, ethnic, religious or other groups. It is recognised that the perception of 'discriminatory' or 'derogatory' may vary through time and from place to place. In response to requests from the public, the GNB will investigate the appropriate status of any names deemed to be discriminatory or derogatory.

Commercial and business names shall not be used for geographical names, particularly where the name can be construed to be promoting a business. However, business names no longer in use which promote the heritage of an area are acceptable.

Use of club, society, association or special interest group names is discouraged. Such association may change their focus or for some reason lose community support. Community based associations, particularly those philanthropic associations, may be acceptable (eg Rotary, Lions, Apex).

7 Policy - Commemorative Names

Commemorative names are those that commemorate a person, event or place. Acts of bravery, community service and exceptional accomplishments are typical grounds for this recognition. The name of persons who gave their lives in service for their country are often used as commemorative names.

The person commemorated should have contributed significantly to the area around the geographic feature or locality.

When such a name is applied, it shall be given posthumously, at least one year after the decease of the person. Names of living persons are by their nature subject to partisan perception and changes in community judgement and acceptance.

Commemorative names shall not be used to commemorate victims of, or mark the location of, accidents or tragedies. Ownership of land is not in itself grounds for the application of an owner's name. Names of persons holding public office shall not be used.

Personal names, including those of persons still living, may be used for built features e.g. pavilions and grandstands etc., however these features are not formally assigned by the GNB and are not covered by the Act.

7.1 Personal Names

The names of deceased persons are suitable for the naming of reserves. Such persons shall have had a long term association with the area, or have made a significant contribution to the area of the proposed park or reserve. To assist local governments in determining the suitability of a name the GNB offers the following guidelines regarding association or contribution:

- Two or more terms of office on the governing local government council.
- Twenty or more years association with a local community group or service club.
- Twenty or more years of association or service with a local or state government or organisation.

- Action by an individual to protect, restore, enhance or maintain an area that produces substantial long term improvements for the community.
- The death of a person within a place is not solely to be considered sufficient justification for commemoration.
- Local residents of note.

Justification

Using the name of a living person is unacceptable (nationally and internationally) as it may lead to favouritism and/or inappropriate naming. There are examples where people commemorated have later proven to be of poor character or otherwise thought to be unworthy.

8 Policy - Duplication of names

8.1 Duplication of place names

In accordance with the NSW Addressing User Manual (6.8.1 Uniqueness, Duplication), no new locality name shall be duplicated within NSW or any other state or territory in Australia.

Duplication includes identical or similar spelling and/or pronunciation.

8.2 Place names other than localities

Uniqueness is the most essential quality to be sought in proposing a new place name. Duplication should be avoided wherever possible, but new place names may be duplicated provided there is no duplication of the name within the local government or adjoining local government.

Place names with a different designation value are not considered to be duplications. For example, Jenolan River and Jenolan Caves are acceptable.

The GNB encourages efforts by local governments to change or modify duplicate names wherever ambiguity or confusion is likely to occur. Such name changes should be coordinated with the GNB.

Justification

The purpose of place names is primarily to provide unambiguous direction and reference to identify geographical entities. Duplication of locality names is to be avoided because of the confusion this will cause, particularly in the dispatch of emergency services, which is now often coordinated from call centres. Duplication of locality names used for addressing purposes can result in delays in arrival of essential services.

Duplication can also cause personal difficulties such as failed parcel and service delivery and difficulty for tourists and visitors.

Where duplication occurs inter State or Territory, the respective authorities should liaise in order to attempt to arrive at an acceptable solution

9 Policy - Place Naming Process

9.1 General

This policy is for the application of place names within the territories and waters of New South Wales including reserves under the management of local government.

The Department of National Parks and Wildlife Services has a separate policy for the naming of national parks under its management.

- All proposals for place naming shall conform to the GNB's Naming Principles.
- All place name proposals shall include a map or diagram clearly defining the extent of the feature proposed to be named.
- Proposals for place naming shall be submitted to the GNB for consideration and formalisation process.
- Private ownership of the land on which a geographical or physical feature is located does not confer any naming right to the land owner or manager. This is also true in respect to land under the various forms of public management, including national parks and reserves.
- Place names (excluding localities) shall not be duplicated within the same LGA or locality or in an adjoining LGA or locality.

9.2 Selection of names

- Aboriginal names are encouraged as the name to be used for any feature that currently
 does not have a name recognised by the GNB.
- · Names acknowledging the multicultural nature of NSW are encouraged.
- Names associated with the heritage of an area are encouraged, especially the names of early explorers, settlers, naturalists, events.
- A name suggested for any place that owes its origin to the peculiarity of the topographic feature designated such as shape, vegetation, animal life etc. may be accepted.
- Gender diversity in names is encouraged.
- The multiplication of names for different parts of the same topographical feature such as
 a stream or mountain range shall be avoided, and the one name applied to a stream or
 mountain range throughout its entire length. However, an Aboriginal name may apply to a
 limited section of a feature.
- The naming of forks, arms and branches of a river as North Branch and South Branch is not supported. Unique names shall be assigned to river branches.
- When a choice is offered between two or more names for the same place, locality or feature, all supported by local usage, the GNB may adopt one of such names as is considered appropriate in accordance with its principles and policies.
- The use of cardinal points of the compass as a prefix or suffix to an existing name shall not be used.
- The changing of long established place names is to be avoided except where necessary to avoid ambiguity or duplication.
- The GNB may approve a first or given name as part of a geographical name only where it is necessary to appropriately honour the person referred to or where it is necessary to avoid ambiguity.

9.3 Changing names

Where names have been changed or corrupted by long established local usage, it is not usually advisable to attempt to restore the original. Changes are discouraged unless the change has been deemed to be in the public interest or for safety reasons. Changing well established names can lead to address or location confusion, especially to electronic navigation services.

9.4 Correct designation values

The GNB has compiled a Glossary of Designation Values in the Geographical Names Register in order to assist in determining the correct designator to be applied to place names at the time of naming.

New names proposed for place names shall include the designation value appropriate to the nature of the feature.

The Glossary of Designation Values is attached as Appendix A.

9.5 Council resolutions to identify community support

When Council submit a naming proposal, it should be supported by a Council resolution. Council should also supply evidence that they have sought community feedback on the proposal. This could include advertising and inviting comment using:

- · Local newspapers.
- Relevant web site.
- Local council facilities (eg offices, libraries etc).
- · Notices to residents in the area surrounding the feature of the proposed name.
- · Notices to local progress associations.

9.6 Naming of Cross Border Features

The name for any feature that crosses the State boundary shall be the same on both sides of that boundary. The basis for the selection of a name for such a feature should be the consensus between relevant authorities. Primary responsibility for obtaining consensus should rest with the authority within which the majority of the feature is located. Any matters regarding naming or renaming of features that cross the state border shall be referred to the Cross Border Commission.

9.7 Referring names to Local Government

Where a submission proposing a name is received by the Secretariat, that submission must be referred to the relevant Local Government and the submitter notified of this action.

9.8 Generic reserve names

The GNB has classified a number of reserve names as "generic", and when one of these names is proposed it shall also include the name of the locality within which the reserve is located. For example, Volunteer Park is a generic name, and if this name is proposed in Muswellbrook, it shall be proposed as Muswellbrook Volunteer Park.

The following park names have been classified as "generic" by the GNB

ACACIA PARK ANZAC PARK

APEX PARK BI-CENTENARY PARK **BI-CENTENNIAL PARK** CENTENARY PARK CENTRAL PARK CENTENNIAL PARK CIVIC PARK GALLIPOLI PARK HERITAGE PARK JUBILEE PARK KINGS PARK LIONESS PARK LIONS PARK MEMORIAL PARK OLYMPIC PARK PEACE PARK PIONEER PARK PRESIDENT PARK PRINCE PARK PRINCESS PARK

REMEMBRANCE PARK RIVERSIDE PARK

ROTARY PARK SESQUI CENTENARY PARK

SESQUI CENTENNIAL PARK VOLUNTEER PARK

WAR MEMORIAL PARK

QUEENS PARK

9.9 Use of the name Anzac

The use of the name Anzac is protected by Commonwealth regulations, and may only be used for the naming of a road or park in which, there is situated a public memorial relating to the war which commenced on the fourth day of August 1914, or the war which commenced on the third day of September 1939. (Commonwealth 'Protection of the word 'Anzac' regulation.')

QUOTA PARK

9.10 Naming of facilities within reserves

Facilities within an officially assigned reserve, such as a pavilion, grandstand, garden, buildings etc. may also be named according to this policy, but do not require the formal approval of the GNB. However, the GNB shall be notified of such names to ensure the name, position and origin is recorded in the Spatial Services' Digital Topographic Database and the name shown on maps, where relevant.

9.11 Renaming of reserves

Names chosen for reserves are expected to be enduring, and the renaming of these features is confusing and disruptive and is discouraged. If the renaming of a reserve is proposed, evidence of community support for the name change must be provided. The GNB will then evaluate the merits of the proposal before making a decision.

9.12 Naming of properties and homesteads

The GNB does not officially assign names of properties or homesteads. However names of properties and homesteads may be recorded in the NSW Digital Topographical Database (DTDB).

10 Policy - Recognition and use of Aboriginal names

10.1 Background

The names we give to places convey their significance through a sense of history, identity and connection between people and a place. The land is seamless with spirituality and identity for Aboriginal people. A key manifestation of this connection are the names given to features on the land that relate to the ancestors, histories, law and lore of its people.

For Aboriginal people connection with 'Country' is intrinsically connected to identity. Country is the area where an Aboriginal community is connected by language, cultural practices and long held relationships between people and the land. Countries are said to own people whereas for non-Aboriginal people land is owned through a range of legal titles. Country and people are inseparable for Aboriginal communities.

This policy is designed to encourage and promote recognition of Aboriginal place names and to foster the more frequent and official use of these names, particularly for places where the names have not been assigned as geographical names. The policy also provides, where it is possible, for the reinstatement of an Aboriginal place name through the dual naming process.

The NSW Government is committed to continuing the recognition of our Aboriginal cultural heritage by registering the original place names used by Aboriginal people to identify geographical features. Where a feature is identified by a non-Aboriginal name and that name is well established, an Aboriginal name put forward for the feature can be assigned as a dual name and sit alongside the existing non-Aboriginal name.

The GNB prefers the use of Aboriginal names for geographical features. Where a feature currently has a non-Aboriginal name, it may be considered for a dual name provided that documentary or oral evidence of the Aboriginal name is provided.

10.2 Recognition and use of Aboriginal names

- Aboriginal place names are preferred for the name of any place that does not have an assigned geographical name.
- Prior to submitting an Aboriginal name for consideration by the GNB, the proponent should
 consult the Local Aboriginal Land Council and Aboriginal communities on all matters
 concerning Aboriginal place names occurring in their area of current occupation and
 traditional association, in line with self-determination policies. This includes any proposals to
 assign new names, alter spellings of existing names or assign dual names.
- A name nominated by a Local Government Council will not be accepted by the GNB unless the Local Aboriginal Land Council and relevant Aboriginal communities have been consulted. The GNB Secretariat can provide guidance.
- Aboriginal place names which have been assigned as geographical names shall not be amended in form, spelling, extent or position without the consent of the relevant Local Aboriginal Land Council or Community.
- A dual naming system may be used for the naming of a physical and environmental place[s]
 of significance to the local Aboriginal Land Council or Community when a non-Aboriginal
 assigned geographical name already exists. Dual naming shall not apply to localities, towns
 or roads.

- A dual name can only be assigned where there is plausible historical evidence in the form
 of documentary or oral sources, that the feature has an existing Aboriginal name and
 that some authority or authenticity can be attributed to the source or sources for the
 form, origin, spelling, history and meaning of the name. The name cannot be a new name
 assigned for the purpose of a tribute etc.
- Signs or notices explaining the origins of Aboriginal place names should also identify the name of the language group from which the name originated. For example, the name '...'... means '........' from the '...' Aboriginal language group.
- The GNB endorses and supports the Permanent Committee on Place Names "Guidelines for the Use of Aboriginal and Torres Strait Islander Names" which is included in the PCPN's "Guidelines for the Consistent Use of Place Names".
- The GNB does not have a role in the determining naming, spelling or determination of boundaries of Aboriginal Countries or Nations.

11 Policy - Infrastructure

11.1 Railway Stations

Railway stations shall be named after its locality or area of interest unless to do so would lead to a duplicated station name. In these cases a name that identifies the area or location of the station should be used. For example Town Hall Station and Martin Place Station are situated in Sydney where multiple stations are in one locality.

Justification

Railway station names assist in location and navigation and are particularly important for visitors and other travellers.

11.2 Other infrastructure

The GNB does not have specific statutory responsibility for formally naming infrastructure (other than Railway Stations and Post Offices), schools, private estate names or building names.

Nevertheless, naming any prominent feature should follow the accepted practice for naming as detailed in this policy.

Justification

Infrastructure such as buildings and sporting facilities are generally not used for addressing purposes however there is a high likelihood that they may be used for location including emergency services. Unique names for all infrastructure will assist in ensuring their location for emergency services.

11.3 Bridge Naming

The GNB does not name bridges, however, it encourages all bridge naming to follow the guidelines as set out in this policy.

The naming of bridges and other structures on roads does not have a formal legislative basis. However, the same procedures for road naming applies to bridges and other road infrastructure:

- RMS is responsible for the naming of bridges and other structures on freeways.
- Local councils initiate the naming of bridges on local, regional and state roads (other than freeways). RMS to approve these proposals.

RMS will approve a naming proposal for a bridge or structure provided that:

- The name has wide community support.
- An Aboriginal name has the support of local Aboriginal groups.
- Consideration has been given to National and State commemorative initiatives involving the naming of new of key road infrastructure.
- The name is consistent with GNB place name criteria.
- The design of the name plaque accords with RMS requirements.

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Appendix A



Glossary of designation values in the Geographical Names Register

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ABORIGINAL RESERVE

Crown land set aside for Aborigines, where they may continue their traditional lifestyle away from the influence of white Australians and access to which is controlled by federal or state authorities or by Aboriginal Land Councils.

AERODROME

All licensed aerodromes and government aerodromes maintained by the Federal Airports Corporation, other than those designated 'airports'.

AIRFIELD

A landing or taking-off area for aircraft.

AIRPORT

An aerodrome that handles regular schedules of passengers and freight.

AMPHITHEATRE

Basin shaped hollow, particularly one having steep sides. Considerable variation in size.

ANABRANCH

A distributary of an anastomosing river which links up with other distributaries and sometimes with the parent stream.

ARM

A comparatively long, narrow and natural waterway extending from a larger body of water.

ARTESIAN BORE

A hole bored perpendicularly into strata, producing a constant supply of water at the surface without pumping.

BACKWATER

A body of stagnant water connected to a river.

BASIN

- 1. The tract of country drained by a river and its tributaries, or which drains into a particular lake or area.
- 2. A circumscribed formation in which the strata dip inward from all sides to the centre; the stratified deposit, especially of coal, lying in such a depression.
- 3. An area of water limited in extent and nearly enclosed by structures alongside which vessels can lie. A non-tidal basin is one closed by caisson of gates to shut off from open water, so that a constant level of water can be maintained in it. Also called a 'wet dock'. A tidal basin is one without gates in which the level of the water rises and falls with the tide. Sometimes called an 'Open Basin'.

BAY

A well-marked indentation made by the sea or a lake into a coastline, whose penetration is in such proportion to the width of its mouth as to contain land locked waters and constitutes more than a mere curvature of the coast.

BEACH

The sloping shore along a body of water that is periodically washed by waves or tides and is usually covered with sand or gravel.

BIGHT

A crescent-shaped indentation in the coastline usually of large extent and not more than a 90 degree sector of a circle. See 'Bay' and 'Gulf'.

BILLABONG

An efflux from a stream, usually an old bend in the stream, which has been cut off by erosion and deposition. When the fall of a stream is only a few centimetres per kilometre channel is usually incapable of clearing flood waters, which overflow into this efflux. As the water recede the efflux or billabong becomes a pool or a series of pools, which in dry periods may completely dry up.

BLUFF

A spur or ridge terminating in a steep, rocky face.

BORE

A deep vertical hole of a small diameter drilled to obtain water. Designation includes 'Artesian Bore'

BOUNDARY

That which serves to indicate the limits of a particular area. Various types of boundaries which may be encountered are:

- 1. UNCLASSIFIED BOUNDARIES; those drawn by the compiler prior to classification to delineate a change in surface characteristics.
- 2. INTERNATIONAL BOUNDARIES; those defining the territorial sovereignty of a country.
 3. STATE OR TERRITORY BOUNDARIES; those defining the major administrative or political divisions within a country.
- 4. ADMINISTRATIVE AREA BOUNDARIES; those defining areas of common local or regional administration.
- PROHIBITED AREA BOUNDARIES; those defining the limits of an area into which entry is prohibited, without prior permission from a controlling authority, for security or safety reasons.

BREAKWATER

A natural or artificial structure along a coast capable of checking the force of the waves, thereby reducing beach erosion. The designation includes 'groyne', 'training wall' and 'levee'. The latter two are to restrict rivers to a defined course.

BROOK

A small stream or rivulet.

BUTTE

A small residual of a mesa. The level top being the upper surface of the hard stratum but little lowered by erosion. The slopes on all sides are escarpments and its maximum horizontal dimension in any one direction is about 400 metres.

BUTTRESS

A very steep spur projecting from a hill, mountain, plateau, range etc., having the appearance of supporting it.

САМР

A place where tents, cabins, etc. are erected for the use of military troops, etc.

CANAL

A large artificial watercourse used for irrigation or navigation.

CANYON

A gorge, relatively narrow but of considerable size, bounded by steep slopes. It has often been formed by a river cutting through the soft rocks of an arid region; the scantiness of the rainfall prevents denudation of the canyon walls, and so maintains their steepness. The walls of a large canyon, however, rarely approach the vertical, and their irregularity of slope is due to inequalities in the hardness of the rock.

CADE

A piece of land jutting into the sea; a projecting headland or promontory.

CATCHMENT AREA

The region which drains all the rain water that falls on it, apart from that removed by evaporation, into a river or stream, which then carries the water into the sea or a lake; it may thus coincide with the 'River Basin'. Its boundary is defined by the ridge beyond which water flows in the opposite direction - away from the basin.

CAUSEWAY

A raised roadway of solid structure built across low or wet ground or across a stretch of water.

CAVE

A hollowed-out chamber in the earth, especially a natural cavity with an opening to the surface.

CEMETERY

A place or area for burying the dead.

CHANNEL

- 1. An artificial watercourse used for drainage or irrigation purposes.
- 2. A comparatively deep and narrow waterway affording a passage for vessels. The waterway may be natural or dredged and can occur in a river, harbour or sea.

CHASM

A particularly narrow portion of a gorge or ravine where the width is notably exceeded by the depth and the sides are vertical or nearly so.

CITY

A centre of population, commerce and culture with all essential services; a town of significant size and importance, generally accorded the legal right to call itself a city under, either, the Local Government Act, the Crown Lands Act or other instruments put in place by government.

CIVIC PLACE

A pedestrian area or open space, especially a square or plaza, within an urban environment which is frequented by citizens for a variety of purposes including public activities. It may be a place of commemoration. It does not include areas specifically created for commercial or business purposes. It is not to be used in an official address.

CLEARING

An area of ground within a forest, where less than 15% of the ground is covered by trees or scrub. Clearings within areas of dense vegetation may be manmade or naturally occurring.

CLIFF

A perpendicular or steep face of rock considerable in height, either inland or along the

COLLEGE

An establishment for technical or vocational education usually post secondary.

COMMON

A tract of land which belongs to the local community as a whole, and is open to common use

COUNTY

Territorial division of the state for administrative purposes.

COVE

A small indention in a coast, usually sheltered.

COWAL

A small lake or dam.

CRATER

A bowl shaped cavity, in particular, at the summit or on the side of a volcano. And from which smoke and steam may emanate if the volcano is active. Craters of extinct volcanoes may contain crater lakes. The word crater is applied to other depressions especially those caused by the fall of large meteorites onto the earth's surface. Volcanic craters are sometimes called calders.

CREEK

A natural watercourse that is usually a tributary of a river or another creek. It may be perennial or non-perennial and in some areas its course may become indefinite or even peter out.

CROSSING

A place where a street, railway, stream, etc., may be crossed.

CUTTING

An open excavation through high ground, generally for a transportation system.

DAM

- 1. A barrier built across a stream to impound its water for any purpose.
- 2. An earthen structure built to contain water for stock purposes.

DEPRESSION

A depressed or sunken place.

DESERT

An almost barren tract of land in which precipitation is so scanty or spasmodic that it will not adequately support vegetation.

DIP

A place for controlling ticks on cattle.

DISTRICT

- 1. Territory marked off for special administrative purposes.
- 2. A tract of country, up to about 1600 sq. kms in area, distinguished by certain common characteristics, natural or cultural.

DOCK

An artificial structure in which ships are built or repaired.

DPAIN

A channel, man made or natural, by which liquid is drained or gradually carried away.

DUNES

Mounds or ridges of sand formed, either in a desert or along the sea coast, through transportation by the wind.

ESCARPMENT

A more or less continuous line of cliffs or steep slopes terminating any generally level upland surface, and is due to erosion or faulting.

ESTUARY

The tidal mouth of a river, where the tide meets the current of fresh water; more commonly, an arm of the sea at the lower end of a river.

FALLS

A sudden, more or less perpendicular, descent of water over a natural step in the bed of a river or stream.

FAULT

A fracture in the earth's crust along which movement has taken place, and where the rock strata on the two sides therefore do not match.

FI AT

A relatively level piece of ground within an area of greater relief; a tract of country without hills and smaller than a plain. In river valleys they may be Valley or River Flats, along the foreshores and subject to tidal action they are Tidal Flats and according to the nature of the surface they may be Mud, Stony or Sandy Flats.

FLORA RESERVE

Crown land set aside for the protection of flora, and access to which is controlled by federal or state authorities.

FORD

The shallow part of a stream or other body of water, where it may be crossed by vehicle or by wading. The crossing may be natural or improved, but not by bridging.

FOREST

An area of land proclaimed to be a forest under a Forest Act.

GAOL

A place for the confinement of persons convicted and sentenced to imprisonment or of persons awaiting trial.

GAP

A low point or opening between hills or mountains or in a ridge or mountain range.

GI FN

A narrow, wooded valley with a stream flowing at its bottom. Its sides being generally steep.

GOLF COURSE

An area of ground laid out for the playing of golf.

GORGE

A valley deep in proportion to its width, usually with precipitous or very steep sides. Generally a feature of some magnitude, relative to the surrounding base.

GRADIENT

A noteworthy gradient inclination or slope of the surface of the ground on the side or end of an elevated relief feature.

GRAVEYARD

A place for graves; a burial ground, esp. a small one or one in a churchyard.

GULF

Large valleys in mountain ranges OR an area of sea partly enclosed by land; usually of larger extent, and greater relative penetration than a bay, that is, Gulf of Carpentaria.

GULLY

A natural watercourse formed in the earth's surface, especially a hillside, by the action of water. It only carries water after rain and its sides are generally steep. Usually one of the smallest branches of a drainage system, and often associated with erosive action.

HARBOUR

A natural or artificially improved stretch of water where vessels can anchor or secure to buoys or alongside wharves etc and obtain protection from sea and swell. The protection may be afforded by natural features or by artificial works. The place may be provided with terminal and transfer facilities for loading and discharging cargo or passengers.

HEAD

A comparatively high promontory of land projecting into the sea with a steep face. An un-named head is usually described as a 'Headland' when a specific name is assigned, it becomes a 'Head'.

HEADLAND

A narrow area of land jutting out into a sea, lake, etc.

HILL

A small portion of the earth's surface elevated above its surroundings, of lower altitude than a mountain. Generally its altitude is less than 300 metres above the surrounding country but this can change in areas of low relief.

HILLOCK

A small hill or mound.

HISTORIC AREA

An area or precinct containing no or minimum present activity, but which at one time was an area of recognised name and purpose.

HISTORIC SITE

A specific place or site which has at one time been the site of an event or purpose.

HISTORICAL LOCALITY

An area or precinct containing no or minimum present activity, but which at one time was an area of recognised name and purpose.

HISTORICAL RECONSTRUCTION

An area or precinct which at one time was an area of recognised name and purpose and has now been redeveloped to recognise its past.

HOLE

An area hollowed out in or an opening in the ground

INI FT

A narrow indentation in the coastline or in the lake or river by which the water penetrates into the land.

ISLAND

A piece of land usually completely surrounded by water.

ISLET

A comparatively small insular landmass. Smaller than an Island but larger than a Cay.

KNOB

Rounded projection from a surface.

KNOLL

A small rounded Hill.

LAGOON

An enclosed area of water separated from the open sea or from a stream by some more or less effective, but not complete, obstacle such as low sandbanks.

LAKE

An extensive sheet of fresh or saltwater, natural or artificial, enclosed or nearly enclosed by land. It may or may not have in and out-flowing water, and in dry areas may even dry up at times.

LAKE BED

The area of a lake which is under water or once was under water.

LANDING PLACE

The act of coming to land. A place of disembarkation.

LANDMARK

A prominent or well known object in or feature of a particular landscape. A boundary marker. A large continuous area of land, as opposed to seas or islands.

LANDSCAPE FEATURE

This designation is used for a feature of the landscape, whether natural or cultural, which does not fit comfortably in any other designation and the number (actual and expected) of such places in NSW does not warrant a specific separate designation.

LIGHTHOUSE

A distinctive structure on or off the Coast, exhibiting a major light designed to serve as an aid to navigation.

LOCALITY

A bounded area within the landscape that has a 'Rural' Character.

I OCK

A section of a canal or river that may be closed off by gates to control the water level and the raising and lowering of vessels that pass through it

LOOKOUT

A natural scenic viewpoint on elevated ground. Works or structures within the immediate vicinity of the view point improving the safety, amenities or view may be evident.

LOOF

A railway branch line which leaves the main line and rejoins it after a short distance.

MARINA

A docking facility for yachts and other pleasure boats accessible for private patrons only.

MARSHES

Low poorly drained land that is sometimes flooded and often lies at the edge of lakes etc.

MESA

A flat table-like upland, which falls away steeply on all sides (escarpments). It is larger in area than a 'butte' but smaller than a 'plateau'.

MONOLITHS

Large block of stone or anything that resembles one in appearance, intractability, etc. A statue, obelisk, column, etc, cut from one block of stone, A large hollow foundation piece sunk as a caisson and filled with concrete.

MOOR

A tract of unenclosed ground, usually covered with heather, coarse grass, bracken, and moss.

MOUNT

A natural elevation of the earth's surface rising more or less abruptly from the surrounding level, and attaining an altitude which, relative to adjacent elevations, is impressive or notable. In general the elevation of a mountain is more than 300 metres from foot to summit, but this distinction is arbitrary. For reasons of euphony and local usage 'Mount' is usually used when the generic term precedes the specific term and 'Mountain' when it succeeds it.

MOUNTAIN

A large natural elevation of the earth's surface.

MOUNTAIN LAKES

A lake created by an extinct volcanic crater.

MOUNTAIN PEAK

A prominent point of a hill or mountain. The separately named summits on a range of hills or mountains.

MOUNTAIN RANGE

A series or line of mountain or hill ridges with or without peaks, in which the crests are relatively narrow. Its minimum length is about 16 kilometres

NAVAL ESTABLISHMENT

An institution, pier or building specially designed and equipped for use by the Navy.

NECK

A narrow strip of land; peninsula or isthmus.

NEIGHBOURHOOD

The immediate environment; surroundings. A district where people live. The people in a particular area. Living or situated in and serving the needs of a local area.

OBSERVATORY

An institution or building specially designed and equipped for observing meteorological and astronomical phenomena. Any building or structure providing an extensive view of its surroundings.

OCEAN

A very large stretch of sea. The vast body of water on the surface of the globe that surrounds the land.

PARISH

Territorial division of the state for administrative purposes.

PASS

A depression or gap in a range of mountains or hills permitting easier passage from one side to

PASSAGE

A comparatively deep and narrow waterway affording a passage for a vessel.

PEAK

A prominent point of a hill or mountain. The separately named summits on a range of hills or mountains.

PENINSULA

A piece of land almost surrounded by water, especially one connected with the mainland by only a narrow neck of land or isthmus.

PICNIC AREA

A location to which people bring food to be eaten in the open air.

PINNACLE

The highest point. A towering peak, as of a mountain.

PIT

A large usually deep opening in the ground.

PLAIN

A tract of country the general surface of which is comparatively flat or slightly undulating. In extent generally not less than 2,500 hectares and sparsely, if at all timbered.

ΡΙ ΔΤΕΔΙ

An elevated tract of comparatively flat or level land, having a large part of its total surface at or near the summit level. Its local relief may be very great in cases where it is cut by gorges, or it may have a small local relief like a plain in cases where erosion has not been severe. Its minimum horizontal dimension in any direction generally exceeds 1.6km.

POINT

A location, spot, or position. Point of land. A small promontory,

POND

A pool of still water, often artificially created.

POOL

A small body of still water, usually fresh. A deep part of a stream or river where the water runs very slowly.

POPT

A town or place alongside navigable water with facilities for the loading and unloading of ships.

POST OFFICE

A local office for receiving, distributing and transmitting mail, providing telecommunication services etc.

POWER STATION

An electrical generating station.

PRISON

A place to which persons are legally committed, either while awaiting trial or for punishment.

PUBLIC WATERING PLACE

An artificial waterhole.

RACECOURSE

A place which has been licensed by government for the holding of horse races.

RAILWAY

A permanent track composed of a line of parallel metal rails fixed to sleepers for transport of passengers and goods in trains.

RAILWAY CUTTING

An excavation in a piece of high land for a railway.

RAILWAY LOOP

A short branch off a railway track, often connected at both ends to the main track where trains can pass on a single line stretch of railway. In some cases freight may be handled at these sidings. This designation includes 'Railway Siding'.

RAILWAY SIDING

A short branch off a railway track, often connected at both ends to the main track where trains can pass on a single line stretch of railway. In some cases freight may be handled at these sidings. This designation includes 'Railway Loop'.

RAILWAY STATION

A structure beside a railway line with facilities for passengers and freight.

RAME

An area set aside for the launching of small water craft,

usually paved.

RANGE

A series or line of mountain or hill ridges with or without peaks, in which the crests are relatively narrow. Its minimum length is about 16 kilometres.

RAPIDS

Portions of a stream with accelerated current where it descends rapidly without a break in the slope of the bed sufficient to form a waterfall.

RAVINE

A deep narrow steep sided valley.

REACH

A comparatively straight part of a river or channel between two bends.

REEF

A ridge of rocks or coral lying near the surface of the sea, which may be visible at low tide, but is usually covered by water.

REGION

A region is a relatively large tract of land distinguished by certain common characteristics, natural or cultural. Natural unifying features could include same drainage basin, similar landforms, or climatic conditions, a special flora or fauna, or the like. Cultural determining features could include boundaries proclaimed for administrative purposes, common land use patterns etc.

REGULATOR

Any of various mechanisms or devices such as a governor valve, for controlling fluid flow, pressure, temperature, etc.

RESEARCH STATION

An institution, farm or building specially designed and equipped for carrying out agricultural research.

RESERVE

An area proclaimed to be a public reserve by government legislation.

RESERVOIR

An artificial lake or structure storing water for domestic or other uses.

RIDGE

A long and narrow stretch of elevated ground. It generally has a length less than 16 kilometres.

RIFLE RANGE

An area used for target practice with rifles.

RIVFR

A major natural stream in a large catchment basin, carrying water to another river, a lake or the sea. Usually perennial, but not necessarily so in arid areas.

RIVER BEND

A curve in the course of a stream. This designation includes 'meander'.

RIVER CROSSING

A place where a river may be crossed.

RIVER FLAT

A relatively level piece of ground within an area of greater relief; a tract of country without hills and smaller than a plain, caused by the laying down of sediment by a river.

RIVER MOUTH

The area at which a river makes contact with the sea.

RIVULET

A small stream.

ROAD BEND

A bend in a road.

ROADS

An open way, usually surfaced with tarmac or concrete, providing passage from one place to another.

ROADSTEAD

An open anchorage for ships, which may be sufficiently sheltered to give protection from seas, usually by reefs, sandbanks, or islands.

ROCK

A prominent or isolated out crop of rock, or even a single large stone. This designation includes 'boulder' 'crag' 'needle' 'pillar' and 'tor'.

ROCK FACE

An area of exposed rock, generally in a vertical position.

RURAL PLACE

A place, site or precinct in a rural landscape, generally of small extent, the name of which is in current use

SADDLE

A col or pass or any land form recalling in shape a saddle.

SANDBANK

A bank of sand in a sea or river that may be exposed at low tide.

SANDBAR

A ridge of sand in a river or sea, built up by the action of tides, currents, etc, and often exposed at low tide.

SANDHILL

A mound, ridge or hill of drifted sand either in a desert or along a sea coast, formed by the action of wind.

SANDRIDGE

Sand drifts in long ridges tending parallel to and elongating in the direction of the prevailing winds.

SCHOOL

An establishment for primary or secondary education created by the Education Act.

SCRUB

A vegetation consisting of stunted trees, bushes, and other plants growing in an arid area. An area of arid land covered with such vegetation.

SEA

One of the divisions of the oceans, especially if partly enclosed by land.

SHOAL

A ridge of sand or of rocks just below the surface of the sea or of a river and therefore dangerous to navigation.

SPORTSGROUND

A reserve used for sporting fixtures.

SPRING

A flow of water issuing naturally out of the ground, either continuously or intermittently.

SPUR

A minor linear projection off a range, ridge, mountain, tableland, hill or plateau being generally not more than 2 kilometres in length and decreasing in altitude from the parent feature.

STATE

A major administrative or political division within a country.

STATION

A structure beside a railway line with facilities for passengers and freight.

STEEPS

The very steep and deep sides of a mountain or high plateau.

STRAIT

A comparatively narrow passage connecting two seas or two large bodies of water.

STREAM

Small river, brook. Any steady flow of water or other fluid.

SUBURB

A bounded area within the landscape that has an 'Urban' Character.

SURF BREAK

A permanent obstruction such as a reef, bombora, rock or sandbar which causes waves to break thus making conditions conducive to surfing.

SWAMP

A tract of land normally saturated with water, having little or no drainage and characterised by a growth of grass or reeds. This designation includes 'marsh'.

SYPHON

A tube/pipe placed with one end at a certain level in a body of water and the other in a body of water below this level.

TABLELAND

An elevated tract of land with a generally level surface of considerable extent, generally with a minimum area of 2,500 hectares.

TANK

An artificial waterhole forming a reservoir for rainwater and adjacent run-off.

TERMINAL

A reception or departure building at the terminus of a bus, sea or air transport route.

TERRACE

A level or nearly level strip of land, usually narrow and bordering the sea, a lake or river, lying between a slope upwards to hills on one side and a slope, often abrupt, downwards on the other.

TOPS

The top of a hill

TOWER

A tall usually square or circular structure, sometimes part of a larger building and usually built for a specific purpose.

TOWN

A commercial nucleus offering a wide range of services and a large number of shops, often several of the same type. Depending on size, the residential area can be relatively compact or (in addition) dispersed in clusters on the periphery.

TRACK

A formed and/or marked track that is used by people either walking, cycling or riding a horse. This designation includes 'trails'.

TRAINING WALL

See 'Breakwater'.

TRIG. STATION

A point on the ground, the geographic position of which has been determined by geodetic survey.

TUNNEL

An underground passageway, esp. one for trains or cars. Any passage through or under something.

UNIVERSITY

An institution of higher education having authority to award bachelor and higher degrees, usually having research facilities.

URBAN LOCALITY

Not now recommended, see 'Urban Place'.

URBAN PLACE

A place, site or precinct in an urban landscape, the name of which is in current use, but the limits of which have not been defined under the address locality program.

URBAN VILLAGE

A cohesive populated place in an urban landscape, which may provide a limited range of services to the local area.

VALLEY

Long depression in the land surface, usually containing a river, formed by erosion or by movements in the earth's crust. Any elongated depression resembling a valley.

VILLAGE

A cohesive populated place in a rural landscape, which may provide a limited range of services to the local area. Residential subdivisions are in urban lot sizes.

WATER AERODROME

All licenced aerodromes and government aerodromes maintained by the Federal Airports Corporation, other that those designated 'airports' which have landing facilities on water for sea planes etc.

WATER FEATURE

A feature within water.

WATER SYPHON

See 'Syphon'

WATERFALL

A sudden descent of water over a step in the bed of a stream, the fall being much steeper than in the designation 'rapids'. In place names frequently shortened to 'Fall' or 'Falls'. This designation includes 'cascade' and 'cataract'.

WATERHOLE

A natural hole or hollow containing water, often in the dry bed of an intermittent river.

WEIR

A barrier, erected across a stream to impound and raise the water level for the purpose of maintaining it at the level required for irrigation or navigation purposes.

WELL

A hole or pit dug in the ground to obtain water.

WHARE

A platform alongside of which ships may be secured for loading or unloading cargo or passengers. This designation includes 'pier', 'quay', 'jetty', and 'marina' for those marinas that only have public access.

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Director City Services Report No. CS9/24

Subject: Fig Tree Removal - 9 Woodland Street, Coogee

Executive Summary

- In 2022, Council received correspondence from residents at 9 Woodland Street, Coogee regarding the condition of the *Ficus microcarpa var. 'hillii'* (Hill's Weeping Fig).
- Tree was then pruned on numerous occasions to make safe.
- Council engaged an independent arborist to assess the condition of tree in March 2024 to further assess its condition by conducting tomograph testing.
- Investigation concluded that the tree has been poisoned. Council Officers have been unable to identify the cause or source of poisoning.
- It has been concluded through investigation the tree is structurally compromised and is in major decline. The tree must be removed.

Recommendation

That the Council owned *Ficus var. microcarpa* (Hill's Weeping figs) growing 9 Woodland Street, Coogee be removed and replaced with a super advanced *Waterhousia floribunda* (Weeping Lilly Pilly).

Attachment/s:

1.1 Arborist report, Australian Tree Consultant, 5th March 2024

Purpose

This report details the background and assessment relating the *Ficus microcarpa var. 'hillii"* (Hill's Weeping Fig) located on the nature strip in front of to property at 9 Woodland Street Coogee.

Discussion

Background

In 2022, Council received correspondence from residents at 9 Woodland Street Coogee regarding the condition of the *Ficus microcarpa var. 'hillii"* (Hill's Weeping Fig). The tree was then pruned on numerous occasions to make safe.

In 2024, Council was concerned about the condition of the tree and engaged an independent arborist to conduct a Visual Tree Assessment (VTA) as well as a Picus Sonic Tomograph testing to assess the condition of the tree.

Fig Tree Description

The subject tree is a mature tree in poor health and condition with deadwood in the crown. The tree is approximately 13.5m in height, has a canopy spread of around 10-13m.

Canopy cover is 15% of expected canopy for an urban street tree. Of the remaining canopy, only 15% of that is mature canopy and 75% is epicormic stress shoots.

Around the lower mid and upper canopy region there are many old dying and dead bracket fungal fruiting bodies. Within the lower trunk area, there is a stem inclusion and numerous dying and dead bracket fungal fruiting bodies.

The lower trunk now only has a very small amount of live tissue that is providing the nutrients and water to the tree. Most of the trunk is now non-functioning which is not supporting the trees' ability to support its systems.

Extensive limb reduction works have been undertaken, due to dieback from the bracket fungi infestation.

There are two (2) tension cracks on the eastern side of the tree at around 1.6m. Structural woody roots are now starting to decay and in some cases crack.

On the eastern and northern side of the lower trunk there appears to have been some drill holes into the tree. It is likely that the tree may have been poisoned.

This Council owned fig tree is not listed on Randwick Council's Register of Significant Trees.

This *Ficus microcarpa var. 'hillii*" is part of an avenue of trees. There are five (5) of them on the southern side and two (2) on the northern side of the street.

Assessment

Based on the findings from the Picus test and VTA at the time of inspection, the tree is now structurally compromised and is in major decline with a useful life expectancy (ULE) of less than 5 years.

Council arborist assessed the probability of risk of failure as likely (whole tree failure). The risk consequence is serious, and the hazard rating is high.

Council's arborist report recommendation it is to "Remove and replace tree".

It is then recommended to have this Ficus microcarpa var. 'hillii" removed.

Liability

Based on the tree condition confirmed by Council's arborist, Council have taken all reasonable and practical steps to abate the nuisance presented by this tree. Tree removal is now the only option available to Council.

In 2010 Council were put on notice by our insurer, Statewide, that under condition 4 b) of the Statewide Mutual Broadform Liability Wording, Council has an obligation to.

"... promptly take at its own expense all reasonable steps to prevent other Personal Injury or Damage to Property from arising out of the same or similar conditions, but such expense shall not be recoverable under this wording..."

This was specifically a reminder of Council's obligations relating to continuing Figtree claims.

Tree Replacement

To offset the visual amenity impact created by removal of the Hill's Weeping fig, it is proposed to plant a super advanced *Waterhousia floribunda* (Weeping Lilly Pilly) as replacement planting. These fast-growing rainforest tree species have proven to be an ideal replacement for the Hill's Weeping figs.

Strategic alignment

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

Delivering services and regulatory functions:				
Service area	Infrastructure Services			
Function	Asset Maintenance			
Delivery program commitment	Maintain public assets and infrastructure to meet operational requirements and agreed service levels.			
Function	Tree and Plant Management			
Delivery program commitment	Manage public and private trees and plants with the LGA including tree assessments and tree work implementation; as well as management of the Council Nursery			

Resourcing Strategy implications

It is estimated that the removal of the fig tree outside 9 Woodland, Coogee and replacement with a super-advanced *Waterhousia floribunda* (Weeping Lilly Pilly) would cost in the vicinity of \$10,000. The funds are available in Council's current annual tree management budget.

Also refer to liability here

Policy and legislative requirements

- Tree Policy
- Urban Forest Policy
- Register of Significant Trees.

Conclusion

Based on the findings from the Picus test, Visual Tree Assessment and an WHS assessment of the site at the time of inspection, the tree is now becoming structurally compromised and must be removed as soon as possible.

Responsible officer: Sebastien Le Coustumer, Coordinator Road Services

File Reference: F2024/07359



AUSTRALIAN TREE CONSULTANTS Pty Ltd ABN 38 104 636 535

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5th March 2024

Sybil Benjamin Supervisor – Tree Management Services Randwick City Council

Re - Arborist Inspection - Picus Sonic Tomograph Testing & VTA

I refer to your request to undertake Picus Sonic Tomograph testing and Visual Tree Assessment (VTA) on a tree located within the street verge in front of 9 Woodland Ave Coogee NSW. Australian Tree Consultants Pty Ltd undertook the site inspection and Picus testing on 4th March 2024.

The Picus test and VTA was undertaken on a Ficus microcarpa var. 'hillii' (Hills Weeping Fig) identified as requiring further investigation to determine the structural condition of the tree.

Based on the findings, the tree is now becoming structurally compromised and is in major decline. It is recommended that the tree should be removed.

If you require any further information in relation to this report, please contact us on 0418 474 796.

Yours sincerely

Hugh Taylor

Director - Australian Tree Consultants
Member Arboriculture Australia
BA (L) Major in Wilderness Management/Outdoor Education Diploma Horticulture – Arboriculture (Level 5) Arborist/ Tree Surgeon/ Horticulturist Certificate IV Occupational Health & Safety QTRA No 2650

ARBORICULTURAL REPORT



9 Woodland Ave Coogee NSW

5th March 2024

Australian Tree Consultants Pty Ltd

ATC 24-36

9 Woodland Ave Coogee

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APPENDIX A: Tree Hazard Classification

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FACTS & KEY TO ANALYSING PICUS REPORTS

The following points will assist you with visual interpretation of the test results against the subject tree.

- Sensor one is usually located to the northern side of the tree.
- The test height is always measured at sensor one.
- The red line in the photograph of the tree demonstrates the approximate height in which the test was conducted.
- In some test results other measurements may be mentioned. These will be explained within the text of the report.
- In most cases the active fungus and decayed wood (blue, pink and white areas in the test results) will not be visible to human eye within the cross section (at the test location) of the tree. This may alter dependent on the species of fungus.
- In <u>most</u> cases the altering wood (wood being chemically and structurally changed by the fungus - green area) will not be visible to human eye within the cross section (at the test location) of the tree. This may alter dependent on the species of fungus.
- The PICUS Sonic Tomograph (Series 3) is very accurate with the colour coding produced. At times, the image produced may vary to what will be visually observed in the cross section of the tree when the test area is exposed. It is important that only trained professionals make comments and recommendations regarding any test results.
- Every endeavour is made to identify the species of active fungi present in the test results. However, without scientific laboratory tests accurate visual identification is not always possible.
- If used GNSS Co-ordinates are recorded in Map Grid of Australia Zone 56.
- Australian Tree Consultants have attended the Master Picus Accreditation. ATC has completed over 5000 Picus tests and has been using the Picus Sonic Tomograph since 2005.

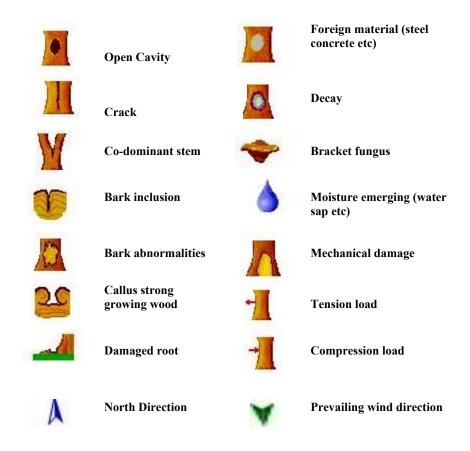
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DIAGNOSTIC ICONS

Diagnostic icons may be used within the Picus tomogram.



TREE RISK ASSESSMENT - Decay in trees

ATC is one of the first companies in Australia to use the new Picus Sonic Tomograph Series 3 unit to investigate cross sectional tomograph of the extent of decay in the tree by using sonic waves. The instrument measures the time of flight of the sonic signals that have been generated by an electronic hammer. By using accurate tree geometry information the software calculates the apparent sonic velocities and draws a "velocity" or "Emodule" map of the tree. The velocity of sound in wood depends on the modulus of elasticity (MOE) and the density of the wood itself and therefore indicating the general condition of the tree (health and structure). Full resolution tomograms can be recorded with as few as 12 sonic sensors and up to 60 sonic sensors.

Previously, many tree technicians when determining the point of failure of trees with decay / cavities have relied on research conducted by Mattheck and Breloer (1994). They applied a t/R ratio (t radial thickness of sound wood to R the radius of the stem) to determine a threshold point of failure. They found that trees usually failed when the ratio fell below that threshold (t/R < 0.3), but rarely failed when the t/R was greater than 30% (t/R > 0.3).

However, Rinn (2018) points out that the One-Third Rule has limitations and is not valid for the typical mature urban tree, as the cross-sections of the trunks at the stem base are commonly not circular and the defects are mostly not located in the center (of an irregularly shaped cross-section). He explains that the One-Third Rule has validity only for young trees still growing in height and having a centrally rotten zone in a circular stem, like slender forest conifers.

Rinn further states that the only non-destructive way to estimate the loss in load-carrying capacity of a given trunk cross-section due to defects is by sonic tomography.

Other limitations with the one-third rule have been identified (Bond 2006 Gruber 2007 and Schwarze 2008) such as the need to include an evaluation of other factors that contribute to failure e.g. wind load, exposure, crown architecture, decay type, species, maturity etc. Some trees can tolerate extremely large amounts of internal decay without necessarily incurring adverse effects on their stability, especially mature trees of certain species.

By combining our diagnostic techniques (Picus Sonic Tomograph), Visual Tree Structural Assessment, sounding out the tree, the location of the decay – cavity and our arboricultural knowledge we are then able to make recommendations for either the retention of the tree or remedial works that may include the removal of part or the whole removal of the tree.

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INTRODUCTION / METHODOLOGY:

Randwick City Council has commissioned Australian Tree Consultants Pty Ltd to undertake Picus Sonic Tomograph testing and a Visual Tree Assessment (VTA) on a *Ficus microcarpa* var. 'hillii' (Hills Weeping Fig) identified as requiring further investigation to determine the structural condition of the tree within the street verge in front of 9 Woodland Ave Coogee NSW.

Australian Tree Consultants Pty Ltd undertook the site inspection and Picus test on 4th March 2024. A Visual Tree Structural Assessment (VTSA) was undertaken on the *Ficus microcarpa* var. 'hillii' to determine the most probable area of concern. The Picus test on this tree was undertaken at 1m above ground level due to the large amount of old dead and dying bracket fungal fruiting bodies.

Following the Picus test a full VTA assessment was undertaken on the *Ficus microcarpa* var. `hillii'.



Picus test location

Photo 1. Location of picus test.

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Inspection carried out by

Test Height
Tree Circumference
Botanical Name
Common Name
Tree Location
GNSS Location

Hugh Taylor Master Picus Accredited, Dip Arboriculture Level 5
Thomas Taylor Picus Technician, Dip Arboriculture Level 5
1000mm above ground level at sensor one
3500 mm at test height
Ficus microcarpa var. 'hillii'
Weeping Hills Fig
Adj 9 Woodland Ave Coogee
33.914432°South – 151.255205°East

The Picus© Sonic Tomograph (Series 3) test shows (lower right insert) that this Ficus microcarpa var. 'hillii' tree has a non-detectable amount of active fungus and decay at the testing location.

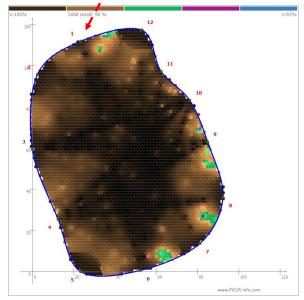
The test results indicate 98% of the test area is sound wood (brown areas), 2% consists of altering wood i.e. wood being altered by the fungus (green area) and a non-detectable amount <1% of active fungus and decay (pink and blue areas).

At this stage the active fungal pathogen, from the dead fungal fruiting bodies, is shown as altering wood and is located on the outer side of the tree.

The active fungal pathogen is progressing through the remaining sound wood at a slow rate, as shown by the amount of altering wood, (green colouration).

The only areas of live trunk at the testing location were at sensors 2, 3, 4 and 10.





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PICUS TEST DISCUSSION:

The Picus test was undertaken at 1m above ground level measured from sensor 1. This was the area where the majority of the dead and dying fungal fruiting bodies were located on the lower trunk. Also, this location was just below the stem inclusion.



Photo 2. Large amounts of dead and dying bracket fruits lower trunk. This is the site where the Picus test was undertaken.

At this stage, the Picus test has shown that the active fungus is restricted to the outer layer of this tree. No internal stem decay or active fungus was detected within the central pith area of the tree in the Picus test.

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VTA OBSERVATIONS:

Tree Identification No.	Species	Location	Dimensions
1	Ficus microcarpa var. 'hillii' (Weeping Hills Fig)	Street verge 9 Woodland Ave Coogee	Height: 13.5m Canopy N-S 10.2m E-W 12.7m DBH:1.12m

Health: Poor **Structure:** Poor **Risk Rating:** High (H4) **ULE:** < 5 years.

- Mature specimen. Single stem tree to 2m which then subdivides into four (4) second order stems and branches.
- This Ficus microcarpa var. 'hillii' fig is part of an avenue of trees. There are five (5) Ficus microcarpa var. 'hillii' on the southern side and two (2) on the northern side of the street.
- Canopy cover is 15% of expected canopy for an urban street tree. Of the remaining canopy only 15% of that is mature canopy and 75% is epicormic stress shoots.
- Retained deadwood is 40% and the majority of this is large size (>50cm) in diameter. Deadwood is over grass, footpath, roadway and private residence.
- Around the lower mid and upper canopy region there are many old dying and dead bracket fungal fruiting bodies.
- Within the lower trunk area there is a stem inclusion and numerous dying and dead bracket fungal fruiting bodies. This is the area where the Picus test was undertaken.
- The lower trunk now only has a very small amount of live tissue that is
 providing the nutrients and water to the tree. Most of the trunk is now nonfunctioning which is not supporting the trees' ability to support its systems.
- ABC powerlines are installed through the canopy. Pruning over the years has produced the hour glass look with the central areas of the tree being removed for clearances.
- Extensive limb reduction works have been undertaken. This was most likely due to dieback from the bracket fungi infestation.
- Root death is also occurring around the tree. Cracks and breaks in some of the roots were observed.
- There are two (2) tension cracks on the eastern side of the tree at around 1.6m.

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9 Woodland Ave Coogee

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- On the eastern and northern side of the lower trunk there appears to have been some drill holes into the tree. It is likely that the tree may have been poisoned. Some silastic paste on the trunk on the eastern side of the tree was found.
- Storm water pipes and other services are within the critical root zone of the tree. It appears that root pressure has squashed the storm water pipe which may mean that excessive water is within the root ball area of this tree.
- Repairs have been made to the concrete footpath with bitumen being used.
 Now this bitumen has been lifted by root pressure which has become a trip hazard.
- The boundary fence to 9 Woodland Ave Coogee has been lifted and cracked.
 Most likely due to root pressure from the tree.

VTA DISCUSSION:

The subject tree is part of an avenue of *Ficus microcarpa* var. 'hillii' (Weeping Hills Fig). On the southern side of the tree there are five (5) trees and on the northern side there are now two (2) remaining trees. In previous years there would have most likely been more Weeping Hills Figs along Woodland Avenue but these have been removed.

Tree growth of this Weeping Hills Fig is typical of this species with a single trunk that extends to 2m and then divides into four (4) second order stems and branches. Tree height is 13.5m and the canopy was recorded as measuring 10.2m in a north-south direction and 12.7m in an east-west direction.

Live canopy cover is poor with approximately only 15% of expected canopy for this species of tree growing within the urban street environment. The canopy has been reduced for the installation and maintenance of clearances for the ABC powerline. This pruning work has produced an hour glass look for the canopy. In addition to the powerline clearance works, second order stems have been removed on the eastern and northern sides of the tree. This was most likely due to dieback in the foliage from the bracket fungal fruiting bodies. Of the remaining canopy up to 75% is now made up of epicormic stress shoots.

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Photo 3. Hour glass look of foliage due to powerline clearance. Note the amount of epicormic stress shoots and the removed stem.

Retained deadwood is 40% and the majority of this is large size (>50cm in diameter). Deadwood is over grass, footpath, roadway and private residence. The only area of mature foliage is now on the southern side of the tree over the private residence.

On the western stem, which is over the roadway, the upper section of this stem is now dead and is large in diameter.



Photo 4. Large diameter dead section of the western stem.

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The main area of concern for this tree at the time of this inspection is the vast amounts of dead and dying bracket fungal fruiting bodies. These brackets were found on the roots, lower trunk, mid trunk and on branches. The fungus has been identified in the field as *Auriculara cornea*. This species is one of several gelatinous fungi known as wood ear, wood fungus, ear fungus or tree ear fungus. *Auricularia cornea* grow on dead fallen or dead and dying standing wood of broadleaf trees. This means that the sections on this tree where the fungi are located are a secondary issue, as the areas where the fungi are located were dead or dying before the fungi infested the wood.



Photo 5. Auricularia cornea fungi on dead section of the tree.

As there are large sections of the trunk and exposed roots that have been infested with *Auricularia cornea* there has to be another reason why certain sections of this tree have died. The dieback that has occurred in this tree is similar to tree conditions that occurs when they have been poisoned. Our investigation found three (3) or more probable drill holes in the lower trunk. In addition to this, some silastic paste was observed on the lower trunk. So, with the dieback from the suspected poisoning of this tree, the *Auricularia cornea* fungi has been able to colonize on the dying timber.

The drill holes were examined and found to extend inwards at a downward slope for 10cm. Borer animals do not drill downwards like this and would be retained in the sap wood area not in the heart wood area where these holes terminate. We believe that no animal borer pest has undertaken the boring of these holes. It appears that these holes have been intentionally made to poison the tree.

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Photo 6. Two (2) drill holes which is the likely location for the suspected application of poison into the tree.



Photo 7. Third drill hole lower trunk.

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Due to the suspected interference with this tree the structural woody roots are now starting to decay and in some cases crack. This dieback in the root system cannot be fully seen and in time the whole tree may fail.



Photo 8. Root death eastern side of the tree.



Photo 9. Cracked woody structural root western side of the tree.

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On the lower trunk section on the eastern side of the tree there are two (2) wood checking cracks. These cracks are formed when the wood dries out. At this stage the cracks are only in the outer trunk region and are about 10cm in depth. In time these checking cracks may lead to stem failure at these locations.



Photo 10. Wood checking cracks lower trunk.



Photo 11. Wood checking crack lower trunk.

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On the western side of the tree there is a storm water pipe and other services within the critical root zone of the tree. It is not known if the services have damaged the roots of this tree at the time of installation. However, the storm water PVC pipe appears to have been crushed by the structural roots of the tree. If this is the case then water may be flooding under the root crown of the tree which may lead to a failure of the tree.



Photo 12. PVC pipe that has been crushed by the tree roots.

On the southern side of the tree there is an old footpath that has had repairs to the concrete at some stage. Now there is a layer of bitumen that has been lifted by the pressure from the tree roots. This is now is a major trip hazard for people using the footpath.



Photo 13. Repaired section of footpath that is now lifted by root pressure.

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The boundary fence at 9 Woodland Ave has had the pillars crack at ground level. This cracking and slight movement away from the tree may be due to root pressure from the tree. No surface roots were visible from the footpath side of the fence.



Photo 14. Cracked pillar on nearby fence which may have been caused by root pressure.

RISK ASSESSMENT:

The following is ATC risk assessment of this Ficus microcarpa var. 'hillii' tree.

Probability of Risk Failure: Likely (whole tree failure)

Risk Consequence: Serious

Occupancy Rate: Frequent (private residence and

roadway

Hazard Rating: High (H4)

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CONCLUSION:

This significant street scape tree is a mature *Ficus microcarpa* var. 'hillii' (Hills Weeping Fig) located on the street verge in front of 9 Woodland Avenue Coogee. This fig is part of an avenue of trees within this street.

The Picus test was undertaken just below the stem inclusion at 1 metre above ground level. This is the area where the majority of dead and dying fungal fruiting bodies *Auricularia cornea* are located on the tree. The Picus test results showed that the lower trunk of the tree is structurally sound and is not of concern.

Although the Picus test results did not find any decay within the test location, the ground based VTA inspection found the tree to be in poor health and with poor structure. Live canopy cover is poor with approximately only 15% of expected canopy for this species of tree growing within the urban street environment. The majority of this canopy is made up of epicormic shoots.

Retained deadwood is 40% and the majority of this is large size (>50cm) in diameter. Deadwood is over grass, footpath, roadway and private residence.

The main area of concern at the time of inspection is the vast amounts of dead and dying bracket fungal fruiting bodies. These brackets were found on the roots, lower trunk, mid trunk and on branches. This fungi *Auricularia cornea* colonizes on dying and dead wood. At this stage the active fungus is restricted to the outer cambium layer of the tree.

Further inspection of the tree found probable drill holes and it is suspected that the tree has been poisoned. This would explain the infestation of the *Auricularia cornea* bracket fungal fruiting bodies.

Structural woody roots are now starting to decay and in some cases crack. This dieback in the root system cannot be fully seen and in time the whole tree may fail. Two (2) wood checking cracks on the lower trunk may in time lead to stem failure. Also, the lower trunk now only has a very small amount of live tissue that is providing the nutrients and water to the tree.

Based on the findings from the Picus test and VTA as well as an OH&S/WHS assessment of the site at the time of inspection, the tree is now becoming structurally compromised and is in major decline with a useful life expectancy (ULE) of less than 5 years. The tree has been assessed as posing a High Risk.

It was also noted that bitumen in the footpath has been lifted by root pressure from the tree and has become a major trip hazard.

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RECOMMENDATIONS:

The following is ATC recommendation for this *Ficus microcarpa* var. 'hillii' tree:

- · Remove and replace tree.
- Attend to bitumen displacement in the footpath on the southern side of the tree.

If you require any further information in relation to this report, please contact us on 0418 474796.

Haylar

Hugh Taylor

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LIMITATION OF LIABILITY

Australian Tree Consultants Pty Ltd and their employees are tree specialists who use their qualifications, education, knowledge, training, diagnostic tools and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of this assessment and report.

Australian Tree Consultants Pty Ltd and its employees cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that sometimes fail in ways the arboriculture industry does not fully understand. Conditions are often hidden within trees and below ground. Unless otherwise stated, observations have been visually assessed from ground level. Australian Tree Consultants Pty Ltd cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments cannot be guaranteed.

Treatment, pruning and removal of trees may involve considerations beyond the scope of Australian Tree Consultants Pty Ltd services, such as property boundaries and ownership, disputes between neighbours, sight lines, landlord-tenant matters, and related incidents. Australian Tree Consultants Pty Ltd cannot take such issues into account unless complete and accurate information is given prior or at the time of the site inspection. Likewise Australian Tree Consultants Pty Ltd cannot accept responsibility for the authorisation or non-authorisation of any recommended treatment or remedial measures undertaken.

In the event that Australian Tree Consultants Pty Ltd recommends retesting or inspection of trees at stated intervals or installs any cable/s, bracing systems and support systems, Australian Tree Consultants Pty Ltd must inspect the system installed at intervals not greater than 12 months unless otherwise specified in written reports. It is the client's responsibility to make arrangements with Australian Tree Consultants Pty Ltd to conduct the re-inspection.

Trees can be managed, but they cannot be controlled. To live or work near a tree involves a degree of risk. The only way to eliminate all risks associated with a tree is to eliminate the tree.

All written reports must be read in their entirety, at no time shall part of the written assessment be referred to unless taken in full context of the whole written report.

If this written report is to be used in a court of law or any legal situation Australian Tree Consultants Pty Ltd must be advised in writing prior to the written assessment being presented in any form to any other party.

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APPENDIX (A): TREE HAZARD CLASSIFICATION®

Notes: The hazard categories listed below are applicable under normal weather conditions, which include strong winds and torrential rains, but exclude extreme localized events such as tornado-like squalls and storms which have the capacity to destroy many trees regardless of their age and condition.

The term 'remedial work' refers to all remedial activities relative to a tree eg. soil remediation, watering and pruning.

HAZARD CATEGORY (Colour code)	HAZARD RATING	DESCRIPTION	TIME FRAME
но	Negligible	The tree appears healthy, no apparent sign of disease or damage, or is not of a size, species or condition likely to pose a threat.	Remedial tree works required at a time frame to be scheduled by client.
Н1	Very Low	The tree appears healthy but is of a type or condition to potentially develop minor branch drop of live or dead wood	Remedial tree works required at a time frame to be scheduled by client.
H2	Low	The tree appears healthy, minor defects that can be rectified by minor tree surgery.	Remedial tree works required at a time frame to be scheduled by client.
НЗ	Medium	Mature to aged tree in declining condition, and/or structure, and/or disease apparent, showing potential for branch drop.	Remedial tree works required at a time frame to be scheduled by client.
Н4	High	The tree shows signs of over weighted limbs, significant disease, root damage, removal of adjacent supporting tree, other significant defects present.	Remedial tree works required as soon as possible.
Н5	Urgent	Defects are very severe, dangerous trees because of structural defects including cavities, decay, included bark, wounds or poor form.	Remedial tree works required as soon as possible.
Н6	Critical	Failure of either whole or part of tree is predictably immanent.	Site management needs to be notified for corrective action and immediate action (e.g. barricading off the tree) needs to be undertaken to reduce the risk. Remedial tree works required as soon as possible.

Director City Services Report No. CS10/24

Subject: Snape Park Indoor Sporting Facility and Amenities Upgrade

Executive Summary

- Snape Park Amenities Redevelopment was earmarked as a project in Council's Our Community Our Future Works Program in adopted by Council in 2018.
- In the 2022-23 Operational Plan, Council allocated funding to commence the planning and feasibility stages for this project. Council Officers are now in the planning phase for the Project.
- Snape Park is a district level park located in Maroubra that provides for a diverse range of recreation opportunities including 11 regular user groups of the playing fields.
- As at March 2024, Council Officers have completed site analysis and design feasibility following consultation with the key project stakeholders who provided input into the project brief.
- The team are now progressing into Design Concept Stage so both Council and Key Stakeholder sign off prior to moving into community consultation and detailed designs in preparation for a construction package.
- A staging methodology has been developed for the indoor cricket facility and Training Centre to be delivered whilst design and approval works take place for the relocation of an underground bore water line prior the commencement of Stage 2.
- In line with the proposed stages a milestone program is being developed and will be tabled to Council in a future report.
- In consultation with Mr David Warner and understanding Davids junior playing history, it is recommended that Council consider naming the new Snape Park Indoor Cricket Facility and Training Centre after David Warner in lieu of the Heffron Park Nets.

Recommendation

That Council:

- a) Endorse the project being delivered in two (2) stages;
- Note a subsequent report will be brought back to Council in 2024, seeking adoption of Draft Concept Designs to proceed to community consultation; and
- c) Note a subsequent report will be brought back to Council in 2024, seeking adoption of renaming the Snape Park Indoor Cricket and Training Centre after Mr David Warner.

Attachment/s:

Nil

Purpose

Council Officers are in the planning phase for the Snape Park Amenities Redevelopment Project. The project scope includes (but not limited to):

- Sportsfield Amenities
- Indoor Cricket Facility and Training Centre
- Public Toilets
- External Works

Following completion of the detailed site investigations it is now recommended that the project is broken down into two (2) stages. This report provides the background to Council in order to endorse this decision.

Background

Snape Park Amenities Redevelopment was earmarked as a project in Council's Our Community Our Future Works Program in adopted by Council in 2018. Since this time Council has delivered multiple community projects in this program for our community.

At its Ordinary Council Meeting held 25 August 2020, Council subsequently resolved:

RESOLUTION: (Parker/Luxford) that Council consider a funding allocation as part of the 2021-22 financial year budget to replace ageing dressing rooms, kiosk, and amenities incorporating an indoor training facility for the local sporting bodies and the community at the park.

As such in the 2022-23 Operational Plan, Council allocated funding to commence the planning and feasibility stages for this project. This report provides a status update for Council for the Snape Park Indoor Sports Facility and Amenities Upgrade. (The Upgrade) by way of:

- Project Scope
- Project Status
- Proposed Project Staging
- Proposed Naming of Facility
- Risk
- Next Steps

Project Scope

Snape Park is a district level park located in Maroubra that provides for a diverse range of recreation opportunities including 11 regular user groups of the playing fields. The project involves the strategic consolidation of the three (3) existing amenities building into one centralised facility that will also incorporate an indoor cricket facility and training centre.

The project scope includes:

Sportsfield Amenities

- 4 x change rooms: Unisex in nature
 - Lockers and benches for 23 players in each change room
 - Unisex in nature so that both male and female players can be accommodated.
- · Accessible toilet with shower
- Referee's room with toilet and shower
- An administration area
- A social/community room
- Storage and service requirements:

- Separate lockable storage for 5 sporting clubs
- RCC grounds maintenance equipment storage
- Cleaners store, including high pressure hose
- o RCC Utility / Comms room
- Services area for existing field irrigation/ pump equipment
- Swipe card security access and CCTV throughout
- Kiosk
- Undercover viewing area with bench seating.

Indoor Cricket Facility and Training Centre

- 5 x standard practice lanes for indoor cricket
 - Inground power outlet for each net
 - Circulation space around the back and side of the nets
 - Nets to be retractable and able to be stored, creating a flexible space
 - Flexible space also suitable for training in poor weather conditions
 - Ability to open up and ventilate the facility
 - Water stations

Public Toilets

The existing provision of public toilets at the park is to be replicated, minimum:

- 3 x Female WCs
- 3 x Male WC
- 1 x Accessible WCs

External Works

- · Construct new on-grade carpark
- · Feature embellishments to entry from street
- New mains connections

The upgrade works planned for Snape Park will deliver enhanced community infrastructure that will foster community cohesion. Specifically, the project will deliver:

- A consolidated sports amenity pavilion with public toilets, replacing the existing three (3) buildings that are at the end of their useable asset-life.
- A modern and adaptable new indoor cricket and training facility.
- Supporting external works including parking, services and landscaping.

The upgrade works at Snape Park will provide the following outcomes:

- Increased community utilisation across a wide range of recreation activities contributing towards more active and connected communities.
- Provide year-round and all-weather access to community recreation infrastructure and related participation opportunities.
- Provide inclusive and female friendly sport infrastructure that enhances support the ongoing growth in female participation across various sporting codes.

 Enhanced satisfaction by reserve users positively impacting on retention of participants, both in organised sport and informal participation.

Project Status

As at March 2024, Council Officers have completed site analysis and design feasibility following consultation with the key project stakeholders who provided input into the project brief. The team are now progressing into Design Concept Stage so both Council and Key Stakeholder sign off prior to moving into community consultation and detailed designs in preparation for a construction package.

Through the recently completed detailed site investigations a latent condition (unforeseen circumstance) has been identified. A large underground Bore water line exists onsite at Snape Park beneath the existing building footpaths and that of the potential new building(s) footprint. Please See Figure 1.



Figure 1 - Snape Park Underground Services Location (Bore water Line in Yellow)

Reconfiguration of this line will indefinitely be required in the redevelopment of the assets onsite. As such it is proposed to stage the project to maintain project momentum and deliver on the project commitment to key stakeholders and the community to allow this line to be redirected.

Proposed Project Staging

In light of the above, it has been recommended by the design team to break down the project into two (2) stages for delivery.

Stage 1

Indoor Cricket Facility and Training Centre

Stage 2

- Sportsfield Amenities
- Public Amenities
- External Landscaping and Civil Works

The above staging methodology would allow for the indoor cricket facility and Training Centre to be delivered whilst the applicable design and approval works take place for the relocation of the underground bore water line so Stage 2 may progress.

In line with the proposed stages a milestone program is being developed and will be tabled to Council in a future report with the accompanying draft concept designs for Council approval prior to moving into the community consultation stage.

It is expected that this report will come back to Council in mid to late 2024.

Proposed Facility Naming

At its Ordinary Council Meeting held on 27 February 2024, Council resolved:

RESOLUTION: (Said/Burst) that the cricket nets at Heffron Park be named "The David Warner Cricket Nets".

Following this resolution and in consultation with Mr David Warner and understanding David's junior playing history, it is recommended that Council consider naming the new Snape Park Indoor Cricket Facility and Training Centre after David Warner in lieu of the Heffron Park Nets.

As per the separate report on the March 2024 Council Business Paper Agenda, the consideration of naming a Council facility will be subject to the *Naming Randwick's Roads, Reserves and Facilities Policy* approval process which will ultimately come back to Council for final approval following community consultation.

Next Steps

In line with the staging methodology outlined in this report, Council officers will finalise the concept designs for both stages of the project in mid to late 2024.

Following sign off from the key sporting groups, these draft concepts will then be presented to Council along with a funding strategy seeking Council approval to move the project forward to community consultation.

The funding strategy will recommend the delivery of Stage 1 works first.

Risk

The following high level key callouts for Council at this stage of the project include:

- A project brief is not developed in line with both future community aspirations and with the future operational objectives of the sporting club.
 - Mitigation: Project Brief and Draft Concepts are adopted by the sporting groups prior to Council's final decision on adopting the project to move to both community consultation and detailed designs.
- Loss of external grant funding for failing to deliver on key project milestones.
 - Mitigation: Staging the project in line with the recommendations in this report to ensure project progression.

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	Optimise existing sports field layouts to increase number of fields provided and diversity of codes catered for.	
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	Provide female amenities, prioritising high-use sporting grounds (Heffron Park, Pioneers Park, Coogee Oval, Latham Park, Nagle Park, Snape Park).	

Resourcing Strategy implications

There are no direct financial implications associated with the recommendations in this report.

To date Council has the following funding allocations:

2022-23	\$500,000
2023-24	\$2,000,000 (50% OCOF and 50% Federal Grant Funding)
<u>2024-25</u>	\$1,000,000 (proposed)
	\$3.500.000*

^{*} Council should be aware that this amount is not the full project cost.

Following the finalisation of draft project concept designs, a project cost estimate and supporting funding strategy will be provided to Council for consideration.

Policy and legislative requirements

Local Government Act 1993

Conclusion

Council Officers are in the planning phase of the OCOF Funded Project, Snape Park Amenities Redevelopment. At this stage of the project, it is recommended to Council that the project is broken down into 2 stages for delivery to ensure the community outcomes are achieved.

Responsible officer: Todd Clarke, Director City Services

File Reference: PROJ/10959/2021/4

Director Community & Culture Report No. CC1/24

Subject: Oral History Project: Recording La Perouse Elders

Executive Summary

- This report is in response to a Council Resolution (12 December 2023) for Council to investigate and report back on strategies for recording the memories of La Perouse Aboriginal Elders, with the report due by March 2024.
- The resolution requested a report back on ways for Council to work with select Elders to record memory in a way that is culturally appropriate, sensitive and accessible for approved dissemination to the wider community.
- Based on internal and external consultations, desktop research and looking at similar Council-funded projects, three possible working methodologies have been explored and costed for Council to consider, including best-practice Oral History recordings (Option 1), short-film video interviews with associated transcripts (Option 2), or a hybrid model of both recorded history and video interviews (Option 3).
 - Based on the findings of this report, Option 3 presents more comprehensive outcomes. This
 Option combines best-practice oral history capture for perpetuity, along with an accessible
 short film for wider dissemination (with permissions). It is estimated that the costs for this
 Option would be \$92,200 to deliver 20 oral histories. An individual history within this model
 would be costed at approximately \$4,610 per Elder.
 - All options require the initial development of a specific contract that protects Indigenous Cultural Intellectual Property (ICIP) and each Elders' individual Intellectual Property (IP).
 The development of a best-practice agreement engaging a specialised legal firm is costed at approximately \$14,982.
 - In order to deliver this project viably to reflect resourcing, planning and production of each interview, a staggered approach of approximately 5 Elders per year is recommended beginning with 2023/23 Financial Year onwards

Recommendation

That:

- Council receives this report detailing key elements required to deliver an Oral History / Memory project recording the memories of the La Perouse Elders
- b) Council endorse **Option 3** as the method to undertake this project, to be realised in staged delivery beginning in 2023/24 onwards with funding sourced from within the Economic Development & Placemaking budget in 23/24 & the draft 24/25 budget, and to be considered in future budget allocations.
- Council endorse the initial engagement of a specialised First Nations Intellectual Property legal expert to develop an ICIP agreement and consent forms.

Attachment/s:

Nil

Purpose

At its meeting held on 12 December 2023 Council resolved::

RESOLUTION: (Mayor, Cr P Veitch) that Council:

 recognises that there are many Elders of the La Perouse Aboriginal Community who hold profound and culturally significant memories that contribute to the identity of La Perouse, of the LGA and of Australia but is in danger of being lost as community members age

- b) requests a report back on how Council can explore ways of working with select Elders to record memory in a way that is culturally appropriate, sensitive and accessible for approved dissemination to the wider community, and that the report includes investigation and costing of an Oral History/Memory Project, to come back to Council by March 2024.
- c) if council officers recommend a recording needs to take place before the final recording comes back in March, then that proceed.

The purpose of this report is to present to Council the key elements required to deliver an Oral History / Memory project recording the memories of the La Perouse Elders with a number of options outlined to undertake the project;

Option 1 (ORAL HISTORY RECORDINGS) or

Option 2 (VISUAL RECORDINGS WITH TRANSCRIPTS) or

Option 3 (HYBRID: ORAL HISTORY WITH VISUAL RECORDING)

Discussion

The La Perouse Aboriginal Community plays an essential role in the complex cultural fabric of Randwick, and in the histories of NSW and Australia. By nurturing and preserving an unbroken connection to Country, the Elders of the Lapa community assume a critical role that has ensured the continuation of culture and the passing on of knowledge over many generations. It is widely acknowledged that as Elders age, there is an increasingly urgent need to capture and document their individual legacies, achievements and stories.

The recent National Cultural Policy, *Revive* identifies a federal priority to place "First Nations First". The policy outlines a strategic priority for cultural organisations to "support First Nations stories to be told and truth to be told" and details a priority to "Promote best practice cultural protocols, the principle of self-determination and cultural safety training, in partnership with First Nations communities, across arts and cultural organisations." This report details a proposal modelled on best practice protocols in alignment with the National Cultural Policy.

Randwick City Council has acknowledged the need to work with the La Perouse Aboriginal Community, and the wider Randwick community to undertake history and memory initiatives that preserve these histories authentically in a way that allows for truth-telling.

To prepare this Report, Council Officers have considered previous projects to inform possible methods of delivery. While not all specifically First Nations initiatives, Council has completed numerous projects that involved the capturing of local oral histories inclusive of key members from the La Perouse Aboriginal Community. These projects are listed as comparative studies.

Comparison Study 1 - Randwick Local Legends Podcast (Oral History / Audio Recording)

In 2019 Randwick City Library in collaboration with Council Communications produced the *Local Legends* podcast series exploring the history of Randwick City through the recollections of locals who know and love the area. The project was initiated and managed by the Senior Services Librarian. There are ten episodes in the first Local Legends series capturing firsthand accounts and memories of a variety of well-known personalities who grew up in the area.

Delivery: External audio engineers were engaged to assist Randwick City Council Staff to record the interviews, an external audio-editing company were engaged to edit the episodes and an online automated transcription service transcribed the interviews to text.

Outcome: A series of 10 recorded audio podcasts of around 20 – 40-minute duration. The podcasts are hosted on the Councils webpage and available to listen on Spotify Podcasts. Transcripts can be accessed through the Councils webpage as an open-access record with no restriction. The benefits of this approach are a relatively in-depth recording with transcripts that is accessible online.

Comparison Study 2 - Randwick Sesquicentenary (Oral History)

In 2009 Randwick City Library engaged a consultant historian to collect the Oral Histories of key community members to celebrate Randwick's sesquicentenary and to accompany the seminal publication, *Randwick* by Pauline Curby. The project, among many commissioned for this anniversary planned for the collection of oral histories from La Perouse Elders Uncle Laddie Timbery, Aunty Marjorie Dixon, Joe Timbery, Marilyn Russel, Claude Timbery, Heather Timbery, and Esme Russell (Timbery).

These files and the associated recordings from this project are within the library's collection. They are not publicly accessible and may form part of the forthcoming Recollect project that will transfer Randwick City Library Local History collection onto a digital cataloguing software.

Delivery: An external consultant was engaged to complete the Oral Histories as part of this project.

Outcome: A series of Oral Histories of various quality that are not publicly available. The agreement did not determine terms of public access and further consultation is required to finalise registration of the files.

Comparison Study 3 – La Perouse Museum – Talking Sport Short Films (Visual Recording with Transcript)

In 2023 The La Perouse Museum commissioned a film to capture memories of renown athletes from the La Perouse Aboriginal Community and their significant sporting achievements. While this film did not follow formal Oral History protocols, it did capture the legacies of local sporting champions in an interview setting.

Delivery: Council Officers developed the interview questions and engaged an external videographer to complete the recording and undertake post-production.

Outcome: 20-minute film featuring interviews with 10 members of the La Perouse Aboriginal Community including archival photos, and general footage from La Perouse. Video can be accessed through the Councils Youtube channel with no restriction. This is approach is limited due to brevity of recordings and topics covered.

Initial and Ongoing Consultation for An Oral History / Memory Project

Initial consultation for this Report, has been undertaken with the Guriwal Elders Group at the La Perouse Museum on 5th March 2024. The Guriwal Elders group consisting of key female knowledge holders in the La Perouse Aboriginal Community were hosted at the La Perouse Museum for International Women's Day. The Elders showed enthusiasm for Council's proposed Oral History project.

The Elders discussed the differences between recorded interviews and video interviews without consensus; some feeling recording was more comfortable, allowing participants to speak at length and others advocating for video recording highlighting the accessibility for younger generations. A mix of both was suggested as a possibility.

Further consultation is required with Community depending on the outcomes of this Report.

Developing an ICIP (Indigenous Cultural and Intellectual Property) Agreement

All Options discussed below will require a Formal Agreement between Council and the participants specifically protecting Indigenous Cultural and Intellectual Property (ICIP). ICIP are the rights that Aboriginal peoples have to their cultural heritage and should be taken into account to avoid the misuse or misappropriation of any collected cultural heritage.

- Approximate Costings to draft the ICIP Agreement: \$14,982
- Approximate Costings for Cultural remuneration for 20 Participants: \$12,000 (\$600 x 20 people)

A more detailed breakdown of costs is provided in the resourcing section of this report.

Storage and uses of the La Perouse Community Oral/Visual Histories Archives

It is recommended that the repository and custodian of the resulting memory archive should be within the La Perouse Museum collection. The La Perouse Museum Collection Policy (2020), available online, recognises the importance of collecting First Nations cultural heritage and that "in all collection-based initiatives, where appropriate the Museum will seek to consult with the local Aboriginal Community via the La Perouse Aboriginal Land Council". The acquisitions approval outlines the requirement for Museum staff to notify the La Perouse Local Aboriginal Land Council of any potential acquisition of Aboriginal material culture.

Upon entering the sub-collection, Museum staff would ensure that the material is made accessible to members of the La Perouse Community in keeping with developed agreement.

What is Oral History?

The collection of Oral history is a highly specialised field involving a history practitioner interviewing and recording another individual through targeted questions. It involves recording, preserving, and making available candid information, a level of sensitivity and confidentiality is required. Oral History Australia has developed *Guidelines of Ethical Practice (2007)* that outline the obligations of the interviewee and commissioning organisation to protect the rights of the interviewees; agreeing to:

- 1. Provide a written contract or agree to a written proposal that clearly states the purpose and intended use of interviews and what copyright provisions apply.
- 2. Accept the confidential status of interviews until the completion of a signed agreement allows otherwise.
- 3. Allow the interviewer to act professionally and to abide by the guidelines of ethical practice of Oral History Australia.
- 4. Place interviews in a repository where they will be available for research, subject to any conditions placed by the parties involved.

Oral History Australia and Oral History NSW have a list of professional practitioners available for capacity building and for delivery. It is important to note that neither professional bodies include First Nations specialists in their lists of oral historian.

Recent trends in Oral History have seen an expansion into videography and screen-based memory capture. Some Guriwal Elders indicated their preference of being filmed rather than recorded, in order to give them an opportunity to show their personal collections while telling their stories. They also acknowledged the accessibility of video content for younger generations. This important point has been considered in the following approaches.

Three possible approaches to the Oral History/Memory Project.

Based on the above, three potential approaches – each with different outcomes - to appropriately collect memories from the Community are outlined below.

Option One: ORAL HISTORY RECORDINGS

To complete an Oral History initiative using best-practice recording methods. This option requires the engagement of an oral historian to work with Council to complete two sessions per participant. The Oral Historian would return a final file and track log for the Council to store and use appropriately.

The resulting document is an archival resource. This method forms a unedited record for future use that may include museum research, the writing of local history, and exhibition digital and analogue interpretation. These potential outcomes will require further production costs.

Approximate Costings for 20 Participants: **\$44,400.** This figure was sourced from consultation with a leading Oral Histories national organisation. A breakdown of costs in provided in the Resourcing section below.

Option Two: VISUAL RECORDINGS WITH TRANSCRIPTS

To complete a series of video interviews with La Perouse Elders, interviewed by a member of the Community. This option requires the engagement of an external First Nations producer to interview Elders in a single recorded session and complete the postproduction for the Council to store and use appropriately. This method follows a similar approach to the videography for *Talking Sport* as detailed in Comparative Study 3.

The benefits of this option are films, with the appropriate permissions that can be easily accessed for internal and public use both online and onsite in Museum exhibitions. However, these recordings, due to time limitations, do not capture the same level of detail as an Oral History recording.

Approximate Costings for 20 Participants: **\$70,000**. A breakdown of costs in provided in the Resourcing section below.

Option Three: HYBRID: ORAL HISTORY WITH VISUAL RECORDING

A hybrid model of Option 1 and Option 2; i.e.to complete an audio and consecutive video recording of each Elder over two sessions. This option, while more expensive, will provide an extensive, detailed and accessible record of each Elder. With appropriate and ongoing permission, this option would create a profoundly important and accessible archive of histories and memory in perpetuity.

The benefits of Option 3 are the combination of indexed oral records that are translated into accessible short form videos. This method satisfies a working methodology that places equal importance on the spoken and visual record, however at significantly greater cost to Options 1 and 2.

Approximate Costings for 20 Participants: \$92,200. A breakdown of costs in provided in the Resourcing section below.

Based on the above analysis of the three options and outcomes for the community and wider LGA, Option 3 – a hybrid model of Oral History with Visual Recordings provides not only a strong and rich archival resource in perpetuity, but also the greatest diversity of potential use.

Given the complexity of this process including consulting with Community, pre-production, securing consultants, production and post-production, the relatively limited Museum resources and the availability of Community, it is recommended that Option 3 if endorsed is delivered in a staged schedule with c. 5 Elders per annum.

Issues and Risks to the Project

Given the sensitive nature of the recordings capturing cultural knowledge, there are inherent risks that need to be documented. These include but are not exclusive to:

- The recording of sensitive and sacred content.
- Expected requests from internal and external parties to access the recordings for a wide range of uses.
- Long term security issues for digital material e.g. corrupted data or cyber threat.
- Potential reputational risk to subjects mentioned in recordings.
- Scale of project limiting participants.

Should this project be endorsed a risk assessment and a working methodology will be developed to address and where possible mitigate the above potential risks.

Strategic alignment

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

Delivering the Outcomes of the Community Strategic Plan:		
Strategy	Arts and Culture	
Outcome	A creative and culturally rich city that is innovative, inclusive and recognised nationally	
Objective	Establish a strong cultural identity for the Randwick LGA by 2031 that is inclusive and founded on the contribution of First Nations people by 2031	
Delivery program commitment	Recognise, value and celebrate our First Nations history through a minimum of 5 targeted events, activities or programs each year.	
Outcome	A city where everyone can develop, express and enjoy creativity throughout their life	
Objective	Increase the number of places by 20% that are available for people to participate in art and culture by 2031, using the 2019 cultural mapping baseline	
Delivery program commitment	Transform La Perouse Museum into a flagship cultural hub and facility to increase artist and cultural engagement by 80% by 2031.	
Objective	Increase attendance at Council's arts and cultural programmes, events and venues by 10% by 2031, from a 2018-19 baseline	

Delivery program	Increase visitation of La Perouse Museum by 20% through a diverse set of
commitment	programming and exhibitions by 2027.

Resourcing Strategy implications

Each of the three options requires the development of an ICIP Agreement.

DEVELOPMENT OF ICIP AGREEMENT

Description		Cost
Consultation with council on requirements and deliver initial draft		\$4730
Feedback and finalization		\$3894
Recommended How-To-Guide		\$6248
Administration & Storage		\$110
Cos	st of Agreement	Total \$14,982

OPTION 1: ORAL HISTORY RECORDINGS

Description	Cost	
Oral Historian – Interviews - \$90 per hour – 6-hour allocation		\$540
Transcription & Log -\$90 per hour – 12-hour allocation		\$1080
Cultural Payment per session - \$300 per session – 2 sessions		\$600
Cost	Per Participant	Total \$2,220
Cost	20 Participants	Total \$44,400

OPTION 2: VISUAL RECORDINGS WITH TRANSCRIPTS

Description		Cost
First Nations Cultural Consultant - \$350 per hour – 2-hour interview		\$700
Postproduction – 5-minute short film		\$2500
Cultural Payment per session - \$300 per session - single session		\$300
Cost Per Participant		Total \$3,500
Cost	20 Participants	Total \$70,000

OPTION 3: ORAL HISTORY WITH VISUAL RECORDING

Description	Cost
Oral Historian – Interviews - \$90 per hour – 3-hour allocation	\$270
Transcription & Log -\$90 per hour – 6-hour allocation	\$540
Cultural Payment per session - \$300 per session - 2 sessions	\$600
First Nations Cultural Consultant - \$350 per hour – 2-hour interview	\$700

Description		Cost
Postproduction – 5-minute short film		\$2500
	Cost Per Participant	Total \$4,610
	Cost 20 Participants	Total \$92,200*

* Recommended cost / service

It is recommended that Option 3 – the hybrid approach – preceded by the commissioning of an ICIP Agreement and Guide, is the best approach.

The total estimated cost as at time of the Report with 20 participants would be **\$107,182** (\$92,200 + \$14 982 for the ICIP). As outlined above, a rollout schedule of 5 Elders per annum given the complexity of the process is recommended. This would equate to approximately \$23,050 per annum for interviews and production, and in the first year, \$14,982 for an Indigenous Cultural and Intellectual Property Agreement.

The funding for this project in 2023/24 and in the draft 2024/25 budget can be sourced from costings and savings via quarterly budget reviews. In future budgets this will be included for consideration as part of the annual La Perouse Museum project budgets.

Timeline (for all Options):

- Development of Agreements and Permission Forms with external legal practitioners 4 weeks.
- Further Consultation with Elders including introduction to the agreement and outlining process and rights 1 month per annual schedule of interviews.
- Individual Recording of 5 Elders at a maximum rate of 2 sessions per week, per annum –
 3-4 months.

Policy and legislative requirements

Aboriginal Affairs NSW Aboriginal Cultural and Intellectual Property Protocol (2019)
Creative Australia Protocols for using First Nations Cultural and Intellectual Property in the Arts (2019).
Create NSW Aboriginal Arts and Culture Protocols (2021)
Copyright Act 1968
National Cultural Policy Revive (2023)

Conclusion

The proposed Oral History/Memory project will result in a highly significant cultural archive and, with permissions, will contribute to a better understanding of the unique histories of the area and its community.

As detailed in this report, the three Options discussed – with differing economies of scale - require careful planning, resourcing, and essential consultation with the La Perouse Aboriginal Community. Each Option has distinct outcomes, with Option 3 as a combination of both visual and oral recordings, having potentially the greatest impact.

Responsible officer: Blake Griffiths, Head La Perouse Museum

File Reference: F2021/00311

Director Community & Culture Report No. CC2/24

Subject: Community Investment Program February 2024

Executive Summary

- The Community Investment Program's February funding round was held for the Community **Connect** and Community **Creative** streams. Applications closed on 18 February 2024.
- Twenty-two (22) Community Connect applications were received. One was identified as containing a creative or artistic component and moved to the Creative stream for assessment; leaving 21 Community Connect applications for assessment.
- The 21 Community Connect applicants requested a total funding amount of \$150,293.81 (\$149,521 in cash; \$772.81 in fee support). The budget for this round of Community Connect is \$35,000.
- Seven (7) Community Connect applications are recommended for funding, totaling \$36,214.81 (\$35,442 in cash; \$772.81 in fee support).
- Thirteen (13) Community Creative applications were received. One (1) Community Connect application was transferred to the Creative stream for assessment, as outlined above, bringing the total to fourteen (14).
- The 14 Creative applications requested total funding of **\$171,013.40** (\$165,727.40 in cash; \$5,286 in fee support). The budget for this round of Community Creative is **\$60,000**.
- Six (6) Community Creative applications are recommended for funding, totaling **\$59,590** (\$55,504 in cash; \$4,086 in fee support).
- For the 2023-24 financial year there are currently fifty-six (56) Mayor's Contingency Fund allocations, totaling \$133,448.27, in excess of the \$106,000 budget.

Recommendation

That Council:

- a) approve the Community Connect funding allocation of \$36,214.81 (\$35,442 in cash; \$772.81 in fee support) to the recommended projects
- b) approve the Community Creative funding allocation of \$59,590 (\$55,504 in cash; \$4,086 in fee support) to the recommended projects
- note the status of the Mayor's Contingency Fund for 2023-24.

Attachment/s:

Nil

Purpose

The Community Investment Program opened for applications for the Connect and Creative streams on 15 January 2024. This is the last of three funding rounds for the 2023-24 financial year. Applications closed on 18 February 2024.

Background

At the Ordinary Council Meeting held on 23 June 2020, Council adopted the 'Community Investment Program', a strategic framework for community funding and donations. The Community Investment Program encompasses several funding streams, including Community Creative, Community Connect, Community Partnerships and Community Contingency (Mayor's fund).

At the Ordinary Council Meeting held on 23 May 2023, Council approved a budget increase for the Community Investment Program and harmonisation of funding levels across the Connect and Creative streams. The new annual budget for 2023-24 is \$180,000 for Community Connect and \$180,000 for Community Creative.

At the Ordinary Council meeting held on 25 July 2023, Council approved a review of the Guidelines for Community Connect and Community Creative. This involved minor changes to eligibility, assessment; and the process of applying for fee support (waivers for venue hire) which is open all year round.

Discussion

Community Connect

The objectives of the Community Connect stream are:

- To increase community participation and capacity
- To increase social cohesion, sense of belonging, and connection to place and person
- To increase trust and understanding across diverse communities
- To increase volunteering opportunities
- To encourage healthy and active lifestyles

Application assessment

An assessment panel reviewed all applications. The panel included the Manager of Community Development, Council officers with skills and experience in community development, and two external representatives from NSW Health with extensive knowledge of priority populations in the local area, community grants management and social need.

Each application was assessed against five core criteria drawn from the Community Connect Guidelines:

- 1. Capacity to enhance connection and social cohesion
- 2. Ability to deliver the project
- 3. Capacity to foster inclusion for diverse communities
- 4. Capacity to measure impact and evaluate the project's outcomes
- 5. Evidence of a realistic budget and value for money

Funding

The total Community Connect budget for the 2023-24 financial year is \$180,000. This amount includes cash and fee support allocations.

'Fee support', previously described as 'in-kind' funding, refers to fee waivers for the use of Council venues, facilities, and services. Under the Community Connect Guidelines adopted in July 2023, applicants requesting fee support **only** (with no cash component) may apply anytime throughout the year using Council's 'Fee Support' pathway, instead of waiting for an open grant round.

As a result of this change, Council has approved a significant number of fee support-only requests since July 2023. These allocations are noted towards the end of this report.

Recommended funding allocations: February 2024

A summary of the recommended allocations for the February round is provided below. Twenty-one (21) applications were considered in this round, requesting funds totaling **\$150,293.81** (\$149,521 in cash; \$772.81 in fee support).

Seven (7) Community Connect applications are recommended for funding, totaling **\$36,214.81** (\$35,442 in cash; \$772.81 in fee support).

An analysis of the recommended and non-recommended funding requests is provided under separate cover. The recommended projects and funding allocations are listed below.

Recommended projects: February 2024

COMMUNITY CONNECT	RECOMMENDED FUNDING		
Applicant and Project Description	Cash	Fee Support	Assessment Panel comments
1. Botany Family and Children's Centre: Lexington Supported Playgroup 'The Hub@Lexo', Maroubra Delivery of a supported playgroup focusing on the families living around Lexington Place and those in social housing. The aim is to provide a safe, welcoming, and supportive environment, a stronger sense of connectedness, parenting support, guidance, and information.	\$6,922	\$0	The service fills a significant gap for vulnerable families in a high-need area. The provider has established relationships in the area and engages qualified staff to deliver the service. Very reasonable budget for the proposed program.
2. Hope and Heal Inc.: Hope and Heal Urban Retreat Randwick Community Centre, Randwick Trauma-informed workshops tailored for women who have endured Domestic and Family Violence. The workshops are facilitated by qualified practitioners and serve as a sanctuary for healing, connection, education, and empowerment.	\$1,900	\$0	The project provides an opportunity for survivors of family and domestic violence to connect with each other in a safe, trauma-informed environment supported by qualified practitioners.
3. Kensington Park Local Resident Group: Light Exercises	\$2,470	\$0	The applicant is a local 'grassroots' community group with a very culturally diverse membership. The

COMMUNITY CONNECT	RECOMMENDED FUNDING			
Kensington Park Community Centre, Kensington A free exercise group for seniors, facilitated by a qualified trainer. Sessions focus on mobility, flexibility, cardio, resistance, balance, and dance fitness. Exercises are modified to suit individual needs, enabling each person to participate according to their ability, including users of mobility aids.			project provides a free-of-charge opportunity for seniors to connect, socialise, and engage in healthy and active living.	
4. Kooloora Community Centre: Volunteer Awards Kooloora Community Centre, Malabar An annual celebration at Kooloora to recognise volunteers for the work they do in the community. Representatives of partner organisations and government services are invited to participate in a luncheon following the awards presentation.	\$1,650	\$0	The applicant is a very small charity, with minimal funding, and is heavily reliant on volunteers. It operates in an extremely disadvantaged area. The panel acknowledges the critical role of volunteering to build capacity within this community.	
5. Souths Cares: NAIDOC Festival 2024 Heffron Park, Maroubra The event is about celebrating Aboriginal histories, cultures, and achievements whilst promoting the values of reconciliation through encouraging all members of the community to come together and enjoy an entertaining, culturally enriching and free event.	\$8,500	\$0	This is an established event which brings the community together to celebrate culture. It is free to attend, open to all, and provides an excellent opportunity to recognise the contribution of the First Nations community in Randwick.	
6. Stepping Out Program: Social Inclusion Program Kensington Park Community Centre, Kensington A program for adult female survivors of childhood sexual abuse who experience social isolation and marginalisation as a result of their trauma. It will incorporate elements of psychoeducation, living skills, and peer support.	\$4,000	\$772.81	The applicant is a small but established charity which specialises in supporting women with experiences of childhood abuse. While not based locally, they will be running the program in Randwick LGA, utilising referral pathways from local universities and hospitals. The panel acknowledged the significant need for trauma-informed support for this vulnerable cohort.	
7. WEAVE Youth and Community Services: Aboriginal Cultural Engagement and Mentoring Program	\$10,000	\$0	The project targets an at-risk cohort of children and young people, with a focus on connecting to culture, building capacity, and producing	

COMMUNITY CONNECT	RECOMMENDED FUNDING		
WEAVE Kool Kids Centre, Malabar A component of Weave's Aboriginal Healing Program, the purpose is to support young people and facilitate their connection to culture and identity, supporting genuine and sustainable healing outcomes.			future leaders within the First Nations community. The panel agreed this program has significant value and is a genuine investment in future generations.
Sub-total	\$35,442	\$772.81	
	Cash	Fee support	
TOTAL RECOMMENDED FUNDING: COMMUNITY CONNECT	\$36,214.81		

Community Creative

The objectives of the Community Creative stream are:

- To increase Randwick's reputation as a leading creative and cultural hub
- To increase activation of Randwick City Council's creative and cultural spaces
- To encourage excellence and innovation in the delivery of arts and culture projects
- To increase access to and participation in the arts, and recognise the contribution of First Nations people

Application assessment

An assessment panel reviewed all applications. Panel members included the Director of Community and Culture, Manager of Community Development, and Council officers with skills and experience in the arts, culture, and community development.

An external representative from the Randwick Arts and Culture Advisory Committee was engaged as a member of this panel, but was unable to attend on the day due to unforeseen circumstances. Due to the very short notice provided, it was not possible to engage a replacement for this panel member.

Each application was assessed against five core criteria drawn from the Community Creative Guidelines:

- 1. Excellence and innovation in creative practice and delivery
- 2. Ability to deliver the project
- 3. Capacity to enhance access to the arts and foster inclusion for diverse communities
- 4. Community benefit, audience size, and capacity to evaluate impact and outcomes
- 5. Evidence of a realistic budget and value for money

Funding

Total funding for the 2023-24 financial year for this stream is \$180,000. This includes cash and fee support allocations.

As per Community Connect, applicants for Creative funding who are seeking fee waivers **only** have the option to apply for fee support at any time throughout the financial year. Since July 2023, a small number of fee support-only applications have been received and approved through Community Creative. These are noted towards the end of this report.

There is \$60,000 available for allocation to this round of Community Creative.

Recommended funding allocations: February 2024

A summary of recommended allocations for the February round is provided below. Fourteen (14) applications were assessed, requesting a total of **\$171,013.40** (\$165,727.40 in cash; \$5,286 in fee support).

Seven (7) applications are recommended for funding, totaling **\$59,590** (\$55,504 in cash; \$4,086 in fee support).

A detailed analysis of the recommended and non-recommended funding requests is provided under separate cover. The recommended projects and funding allocations are listed below.

Recommended projects: February 2024

COMMUNITY CREATIVE	RECOMMENDED FUNDING			
Applicant and Project Description	Cash	Fee Support	Assessment Panel comments	
1. Amy Goldman-Kaplan (sole trader): Creative Connections – A Space for New Parents Kensington Park Community Centre, Kensington A series of art workshops for new parents, aiming to foster creativity and connection within the community. The program is parent-focused and utilises art therapy as a means of connection, encouraging participants to explore their creativity, express emotions and build a network of support.	\$7,470	\$2,070	The applicant has the skills and experience to deliver a quality program. The project plan is presented as realistic, inclusive, and affordable. Targeted to new parents of all genders, the project offers an opportunity for social support in a creative setting.	
2. Boomtime4 Pty. Ltd.: Stinkwater!2024 Coogee Bay Hotel, Coogee A 24-hour Film Challenge inviting filmmakers of all levels to showcase their talent and passion. Participants will have 24 hours to script, shoot, and edit a small film, culminating in an open screening and award ceremony.	\$10,000	\$0	A highly participatory project that will give budding filmmakers the chance to explore their creativity in a local setting. An opportunity to support a film-based project focused on the process, rather than the end product. The panel considers this an innovative project that will bring a sense of fun and community to Coogee.	
3. Juan Pablo Pinto (sole trader): Winter Solstice Lantern Workshop and Picnic Totem Hall and Dunningham Reserve, Coogee	\$7,984	\$2,016	A unique project which will activate a Council venue, while providing free-of-charge opportunity for residents to engage with a creative and cultural activity.	

COMMUNITY CREATIVE	RECOMMENDED FUNDING			
A series of free sculptural lantern-making workshops. Lantern-making is an old craft ideal for bringing the community together through creativity. A lantern picnic will be the culmination of the project, where works will be publicly exhibited during the winter solstice.				
4. REELise Inc.: 2024 REELise Film Festival Ritz Cinemas, Randwick The staging of a youth film festival to empower emerging filmmakers, aged up to 24 years, to use their storytelling skills to address critical social issues and inspire positive change. The Festival platform amplifies diverse voices and perspectives.	\$10,000	\$0	The applicant is a not-for-profit creative organisation focused on diversity and inclusion for young people in the film industry. The project is youth-driven, accessible, and showcases the work of emerging filmmakers. A good opportunity to enhance participation in the arts with a focus on youth.	
5. Welcome Merchant: Stories of Power Ritz Cinemas, Randwick This social enterprise exists to elevate businesses owned and led by refugees and people seeking asylum in Australia. To actively promote their stories, a Short Film Festival will be hosted during Refugee Week championing the strengths of refugees, asylum seekers and migrants.	\$10,000	\$0	A unique short-film festival event to mark Refugee Week. The project is specifically intended to foster inclusion for diverse communities in the creative arts sector, focusing on filmmakers from refugee and asylum-seeker backgrounds. The applicant is committed to the creation of new work within Randwick LGA as part of the project.	
6. Wylie's Baths Trust: Choirlies 2024 Wylie's Baths, Coogee An inclusive community event consisting of a 40-minute choir performance, followed by a 30-minute participatory 'pub choir'-style session.	\$10,050	\$0	A community event that ran very successfully last year. The inclusion of a performance element and participatory choir opportunity adds to the diversity of creative projects in the local area.	
Sub-total	\$55,504 Cash	\$4,086 Fee support		
TOTAL RECOMMENDED FUNDING: COMMUNITY CREATIVE	\$59,590	i ee suppoit		

Mayor's Community Contingency Fund

Allocations for 2023-24 are listed in the table below [as of February 2024].

2023-24 Contingency Fund allocations				
Annual contributions (ongoing)				
Ord Council - 8 Dec 2020	Annual contribution of \$1,000 for the Mayor's Award for Randwick Boys' High School. The award will continue under the approved 5-year agreement (2020-21 to 2024-25)	\$1,000		
Ord Council - 27 July 2021	Annual contribution (3 years from 2021-22 to 2023-24) – Renewal of Community Partnership Agreement with Westpac Helicopter Rescue Service	\$20,000		
Ord Council - 23 November 2021	Annual contribution (5 years from 2021-22 to 2025-26) of \$5,000 for Sydney Sick Kids Appeal – Sydney Children's Hospital Foundation			
	Annual contribution (5 years from 2021-22 to 2025-26) of \$2,000 for the Lights for Kids Campaign - Sydney Children's Hospital Foundation	\$2,000		
Ord Council - 22 Feb 2022	Annual contribution of \$1,000 for the Mayor's Award for Randwick Girls' School. The award will continue for a further 5 years (2022-23 to 2026-27)	\$1,000		
Ord Council – 25 July 2023	Annual contribution (2 years from 2023-2024): For Maroubra Charity Car Show to be held on 17 September 2023 at Broadarrow Reserve	\$10,506.27		
	\$4,306.27 in-kind waiving of fees; \$6,200 cash contribution			
	Council commits to supporting the event in 2024 additionally by way of in-kind and donation contribution to the same value as 2023			
	Souths Cares NAIDOC event – waive of hire fees	\$665		
	Total (annual contributions)	\$40,171.27		
One-off allocations				
Ord Council - 27 June 2023	Contribution to Maroubra Bay Public School's centenary fundraising for a weatherproof shelter over the basketball courts	\$1,000		
	Waiving of fees for Maroubra Swimming Club Carnival Meet to be held on 23 July at Des Renford Leisure Centre Training Pool	\$930		
	Contribution to the Save Yarra Bay Celebration Day towards the cost of catering for the event	\$909		
	Randwick supports a vote for Yes – Voice to Parliament	\$28,900		
	Total (month)	\$31,739		
Ord Council – 25 July 2023	Donation of plants from Council's nursery to Spyridon College to beautify their prep courtyard	\$500		
	Donation of plants from Council's nursery to Friends of Malabar Headland to promote the headlands	\$472		
	Donation to Randwick City Football Club in support of the Purple Hearts Program	\$1,000		
	Waiving of fees for the 5 th Filipino Fiesta in Randwick for the use of Alison Park	\$1,690		

2023-24 Continge	ency Fund allocations	
	Donation to Marie Tesoriero (Cool Marie) to participate in the City2Surf to raise funds for Sydney Children's Hospital	\$150
	Donation of plants from Council's nursery to Coogee Public School's Working Bee held on 22 July 2023	\$500
	Total (month)	\$4,312
Ord Council – 22 August 2023	Donation of plants from Council's nursery to the Randwick Ladies Golf Charity Day to support the Little Heroes Swim Academy	\$500
	Donation of plants from Council's nursery to the Red Cross Young Parents Program to add a hedge along their back fence	\$500
	Donation of plants from Council's nursery to Chifley Public School P&C to support their Father's Day Stall	\$504
	Waiving of fees for the official launch of the vessel 'City of Randwick IV' of Surf Rescue 30 Offshore Rescue Boat, on 17 September 2023	\$1,390
	Production of a plaque to be unveiled at the official naming event of The Rodgers' Brothers Training Pool at DRLC, on 8 October 2023	\$1,169
	Waiving of fees for the 50 th Anniversary event for the Rescue Helicopter Service, held at Arthur Byrne Reserve on 29 September 2023	\$522
	Waiving of fees for the use of Coogee Beach for World Suicide Prevention Day event held on 10 September 2023	\$707
	Total (month)	\$5,292
Ord Council – 19 September 2023	Donation of plants from Council's nursery to SOS Preschool to update their garden	\$500
	Donation of plants from Council's nursery to Youth Off the Streets to update their garden	\$500
	Waiving of fees for the Maroubra Diggers Junior Swimming Club's Carnival at DRLC, held on 21 October 2023	\$1,220
	Donation towards catering costs to the Friends of La Perouse Museum for their Civic Event and visit by the NSW Governor, held on 21 October 2023	\$750
	Sister City Scholarship with Temora Shire Council, to be donated to the Temora & District Education Fund Inc.	\$1,500
	Donation to Surfers for Climate 'Changing Tides' event at the Ritz Cinemas	\$1,136
	Total (month)	\$5,606
Ord Council – 24 October 2023	Donation of plants from Council's nursery to the Coast Centre for their Annual Plant Stall	\$500
	Donation of plants from Council's nursery to the Royal Hospital for Women's Annual Giving Day Event	\$1,000

2023-24 Continge	ncy Fund allocations	
	Donation towards catering costs to the Coogee Dolphins for the 21 st Bali Memorial Ceremony	\$909
	Donation towards 'EastFest' to be held at Our Lady of the Sacred Heart Church, Randwick	\$1,000
	Waiving of fees for Coogee Surf Life Saving Club's 'Coogee Island Challenge' event to be held on 26 November, 2023 and 14 April, 2024	\$6,214
	Donation of plants from Council's nursery to Coogee Public School P&C Trivia Night event	\$500
	Total (month)	\$10,123
Ord Council – 28 November 2023	Waiving of fees for the I'm Still Standing Community Running Event on 16 March 2024	\$8,693
	Contribution to the St Andrew's Catholic Church Annual Pere Receveur Mass on 18 February 2024	\$6,527
	Contribution to Prince of Wales Hospital's Christmas tree for the New Acute Service Building	\$600
	Contribution to South Sydney High School's Christmas Market and Career Expo on 25 November 2023	\$1,000
	Contribution to the Children's Cancer Institute Dare to Cure fundraising event	\$1,000
	Waiving of fees for the Coogee Surf Life Saving Club RunSwim event on 5 May 2024	\$4,440
	Donation of plants and cash contribution to Sydney Multicultural Community Services' 42 nd Anniversary Celebration on 11 November 2023	\$1,020
	Contribution to La Perouse Public School's PBL creative workshop	\$1,000
	Contribution to the Rally to Restore Cardiac Surgery at Sydney Children's Hospital	\$845
	Total (month)	\$25,125
Ord Council – 12 December 2023	Waiving of fees for the Coogee United Football Club charity event to fundraise for the Stillbirth Foundation Australia on 14 January 2024	\$925
	Donation of plants to Matraville Sports High School's Green team project	\$1,000
	Waiving of fees for Weave Youth and Community Services' Yarra Bay Event on 20 December 2024	\$660
	Total (month)	\$2,585
Ord Council – 27 February 2024	Contribution to the cost of tickets for the Windgap Gala Ball on 25 May 2024	\$2,600
	Contribution to the Ronald McDonald House Annual Charity Day	\$1,000

2023-24 Continge	ency Fund allocations	
	Contribution to the Randwick Boys and Randwick Girls High Schools production to be held in May 2024	\$2,500
	Donation of plants to St John's Maroubra Church	\$500
	Contribution to the cost of tickets for Randwick Rugby's Annual Fundraising Lunch	\$995
MM8/24	Waiving of fees for a stall at the Spot Festival: Marie Tesoriero, with profits going to the Sydney Children's Hospital	\$370
MM8/24	Waiving of fees for a stall at the Spot Festival: Running for Premature Babies	\$250
MM8/24	Waiving of fees for a stall at the Spot Festival: Autism Mates	\$280
	Total (month)	\$8,495
	TOTAL FOR 2023/24	\$133,448.27
	BUDGET	\$106,000
	REMAINING	-\$27,448.27

2023-24 Funding allocations: Community Investment Program

Fee Support

Under the recently updated Community Investment Program Guidelines for Connect and Creative, applicants seeking fee support **only** (waivers for use of a Council venue, facility, or service) may apply anytime throughout the financial year and are not required to wait for an open round.

2023-24 Fee Support allocations (approved outside of open rounds)			
Community Connect	Community Connect		
Volleyball NSW	NSW Beach Volleyball State Tour, Maroubra Beach	\$1,500	
Holdsworth Community	Seniors' Wellbeing Groups, Coogee East Ward and Kensington Park Community Centres	\$10,000	
Sydney Multicultural Community Services	Migrant Women's Support Group, Kensington Park Community Centre	\$2,484	
Irish Family Events Sydney	Halloween and Christmas events, Randwick Community Centre and Prince Henry Centre	\$2,540	
Polish School of Sydney	105 th National Independence Day Gala, Prince Henry Centre	\$2,529	
South Eastern Community Connect	Supported Playgroup, Kensington Park Community Centre	\$1,283.75	
St George Coptic Orthodox Church	Community Christmas Fete, Bowral Street Kensington	\$4,976	
St Luke's Anglican Church	Christmas Carols/Street Party, Varna Street Clovelly	\$5,834.99	
NSW WIRES	Animal Rescue Volunteer Workshop	\$500	

2023-24 Fee Support alloca	tions (approved outside of open rounds)	
South Maroubra SLSC	Ocean Swim 2024	\$2,000
Wild Street Church	Christmas Street Party	\$2,267.68
Holdsworth Community	Wellbeing Groups	\$2,500
Rotary Maroubra	Dog Show	\$2,578
South-Eastern Community Connect	Kensington Park Supported Playgroup	\$1,936.25
	Total	\$42,929.67
Community Creative		
Five Star Seniors	Five Star Alma Seniors, Maroubra Senior Citizens Centre	\$1,350
Indonesian welfare Association	IWA Maroubra Seniors' Group, Maroubra Senior Citizens Centre	\$1,687.50
Old Friends Singers Group	Seniors' Social Activities & Entertainment	\$1,380
St Vincent de Paul Society	Indigenous Arts Workshop	\$103.50
Old Friends Singers Group	Seniors' Social Activities & Entertainment	\$345
Five Star Seniors	Five Star Alma Seniors group	\$2,304.50
	Total	\$7,170.50

Community Connect

The status of the current Community Connect budget is shown below.

Community Connect					
	Annually	July 2023 round allocation	October 23 round allocation	February 24 round allocation	Remaining funds
TOTAL	\$180,000	\$61,651.26	\$34,570.30	\$36,214.81	
Fee Support allocated between rounds		\$0	\$33,647.74	\$9,281.93	\$4,633.96
		TOTAL EXPENDITURE 2023/24			\$175,366.04
Budget remaining			\$4,633.96		

Community Creative

The status of the current Community Creative budget is shown below.

	Community Creative				
	Annually	July 2023 round allocation	October 2023 round allocation	February 2024 round allocation	Remaining funds
TOTAL	\$180,000	\$56,160.00	\$53,760.00	\$59,590.00	\$3,319.50

Community Creative				
Fee Support allocated between rounds	\$0	\$4,417.50	\$2,753.00	
		TOTAL EXP	ENDITURE 2022/23	\$176,680.50
			Budget remaining	\$3,319.50

Strategic alignment

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

Delivering the Out	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	The percentage of residents who feel a part of their community will remain above the metro benchmark through to 2031		
Delivery program commitment	Increase the promotion of annual grant funding which invests in community ideas, initiatives and events.		

Resourcing Strategy implications

Council has allocated \$180,000 in the 2023-24 budget for the Community Connect investment stream and \$180,000 for the Community Creative investment stream. Funding allocations are progressing in accordance with the adopted budget, with \$4,633.96 remaining for Connect and \$3,319.50 remaining for Creative. This funding will be allocated towards any eligible Fee Support requests received during the remainder of the 2023/24 financial year.

Council has committed \$106,000 in the 2023-24 Budget for the Mayor's Contingency Fund. The value of allocations has now reached \$133,448.27.

Policy and legislative requirements

Local Government Act 1993 - Section 377

Community Connect - Application and Funding Guidelines

Community Creative - Application and Funding Guidelines

Conclusion

The Community Investment Program, through its multiple streams, enables the Randwick community to see their ideas and innovations come to life while providing residents with access to inclusive programs, events, and services.

Responsible officer: Rachel Low, Senior Officer - Social Planning & Community Capacity

File Reference: F2020/00336

Director Community & Culture Report No. CC3/24

Subject: Illumination of Randwick Town Hall Policy

Executive Summary

- Randwick Council currently receives a number of requests every year from community and charity groups seeking to illuminate Randwick Town Hall with a particular colour associated with their cause.
- A policy has been developed to support and guide the consideration of such requests in the future.
- Currently the lighting on the Randwick Town Hall can be changed using existing lights however improvements in the lighting technology will result in a greater impact. Funding to update the lighting will be considered in a future budget.

Recommendation

That Council:

- a) Endorse the Draft Randwick Town Hall Policy to be placed on public exhibition; and
- b) Note following the exhibition of the policy, a report will be brought back to Council recommending adoption of the Policy considering any applicable changes as recommended by our community and key stakeholder groups.

Attachment/s:

1.1 🖫 Illumination of Town

Illumination of Town Hall Policy DRAFT

Purpose

The purpose of this report is for Council to consider a policy guiding the consistent determination of external requests to illuminate or light up Randwick Town Hall.

Background

On 28 March 2023 Council resolved as follows:

RESOLUTION: (Mayor, Cr Parker) that Council:

- a) notes the ongoing investigation of permanent infrastructure to illuminate or project colours on the Randwick Town Hall for the purposes of promoting, recognising and supporting community events, causes and messages;
- b) subject to a budget allocation and successful procurement, develops guidelines for considering and approving requests from not-for-profit or community organisations to illuminate the Randwick Town Hall; and
- c) considers the request to light up the Town Hall in purple for World Inflammatory Bowel Disease Day alongside other future requests from not-for-profit or community organisations to illuminate the Randwick Town Hall.

Council has since been investigating options for upgrading the lighting on the Town Hall.

This Council report and attached draft policy responds to point b) of the above resolution.

Discussion

Randwick Town Hall is one of Randwick City's oldest buildings and is a symbol of the civic heart of the Local Government Area.

Opened on 3 February 1882, the Randwick Town Hall is the location for Council Meetings and in more recent times is also creative space for performance and art exhibitions.

Currently the Randwick Town Hall is illuminated every night from dusk to dawn with three metalhalide lights providing a 'wash' effect to highlight the architectural features of the Town Hall.

With the advancement of LED lighting technology it has become more common over the past decade or so for landmark public buildings to change their lighting on special occasions or to support community events or charities of interest to that organisation.

This provides a strong visual demonstration of support for a particular cause, had no negative impact on the building itself and once the lighting technology is installed, is very low cost.

Examples include Sydney Town Hall, the Opera House Vivid Festival and closer to home Botany Town Hall.

Randwick City Council receives a number of requests each year from community and charity groups to illuminate the Randwick Town Hall in support of their cause.

We have also lit the Town Hall on a few occasions including to mark the South Sydney Rabbitohs Premiership win 2014, to mark the terrorist attack in Nice, France in 2016 and on the death of Queen Elizabeth.

Currently, if the lighting colour is to be changed it is done by putting coloured plastic filters over the current lights resulting in a subtle change to the colour of the building. An allocation of funding to increase effectiveness will be considered in a future budget, or possibly through any capital

works savings in the 2024/25 budget. The cost to upgrade the lighting system at Randwick Town Hall to a more efficient LED technology that can be customised is approximately \$140 000.00. **Policy highlights**

The Illumination of Randwick Town Hall Policy provides the framework to consider and determine external requests to illuminate the Town Hall.

Key elements of the policy include:

- Community, charity and not-for-profit groups can apply to Council at any time to illuminate the Town Hall.
- Requests will be determined by the General Manager in line with the policy.
- Illumination of the Town Hall will be limited to 12 occasions a year to limit the impact on the heritage-listed building and preserve the uniqueness of the lighting effect.
- Generally illumination will be for a period of two consecutive nights.
- Illumination will generally be static lighting.
- The policy does not apply to Council or Council-supported events that may seek to illuminate the Town Hall with lighting effects.
- Decisions whether to illuminate the Randwick Town Hall to mark national or international events of significance, commemoration or solidarity will be through resolution of Council.

Strategic alignment

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

Delivering the Out	Delivering the Outcomes of the Community Strategic Plan:		
Strategy	Strategy Arts and Culture		
Outcome	A creative and culturally rich city that is innovative, inclusive and recognised nationally		
Objective	Establish a strong cultural identity for the Randwick LGA by 2031 that is inclusive and founded on the contribution of First Nations people by 2031		
Delivery program commitment	Update and implement the Public Art Plan by 2022.		

Resourcing Strategy implications

Funding for the upgrade of lighting at Randwick Town Hall will be considered as part of a future budget, unless savings can be identified in the 24/25 Capital Works budget.

Conclusion

Illuminating the Randwick Town Hall is an effective means for Council to support important community and charity causes while also adding to the vibrance and public environs of the area.

Responsible officer: Joshua Hay, Communications Manager

File Reference: F2024/00128

COMMUNITY & CULTURE

Illumination of Randwick Town Hall Policy

Adoption Date: 11 March 2024

Review Date: 11 March 2026

Version:

1.0

Responsible Department: **Communications**

TRIM Document Number: **D05241661**



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1. Purpose

- 1.1 Randwick Council welcomes the illumination of Randwick Town Hall to support community messages, causes, celebrations and commemorations.
- 1.2 This policy provides the framework for how Council will consider and determine requests.

2. Principles

The illumination of Randwick Town Hall will be considered where it:

- 2.1 Celebrates, marks, honours or promotes events, community messages, causes and major cultural events.
- 2.2 Provides a strong symbolic gesture of support or solidary from Randwick City Council.
- 2.3 Provides support to community groups and charities to help raise community awareness.
- 2.4 Preserves and does not negatively impact the heritage integrity of the building.
- 2.5 Does not adversely impact on other events taking place at the hall.
- 2.6 Has high artistic / aesthetic merit and enhances the public environs.

3. Policy content

3.1. Eligibility

- 3.1.1 Community, not-for-profit, government and charity groups are eligible to apply to illuminate Randwick Town Hall.
- 3.1.2 Randwick Council may also illuminate Randwick Town Hall in relation to Council events or Council activities, causes or topics of interest to Randwick Council.
- 3.1.3 Requests for the illumination may also be received from other levels of government to promote special events or to encourage tourism.

3.2. Guidelines

3.2.1 Applications must be made in writing to Council.

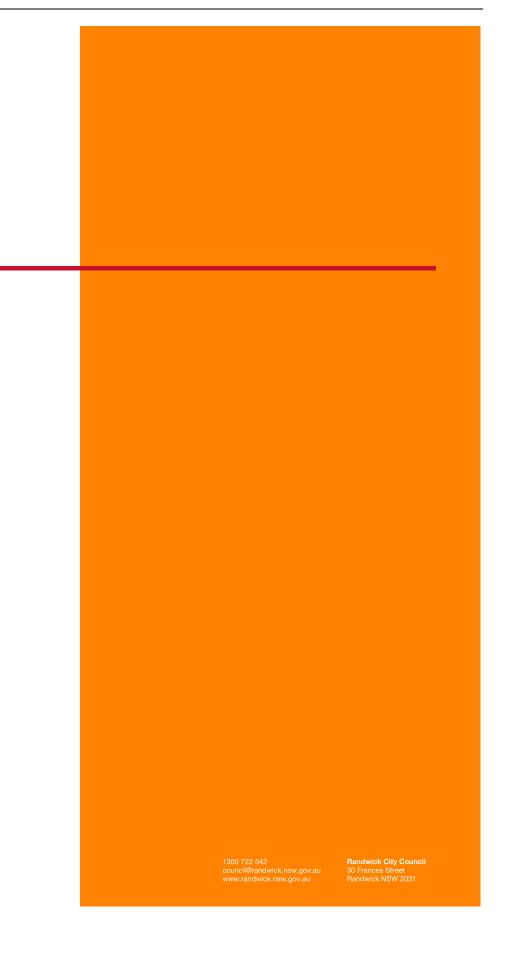
- 3.2.2 Applications can be made at any time, but should be submitted at least a month before the intended illumination start date.
- 3.2.3 Lighting of the Randwick Town Hall by external organisations will be limited to a maximum of 12 occasions per year. This is to minimise the impact on the heritage significance of the Town Hall and to maintain the uniqueness of illuminating the Town Hall.
- 3.2.4 Illumination will generally be limited to no more than two consecutive nights, unless otherwise approved by the General Manager.
- 3.2.5 Lighting of Randwick Town Hall is generally limited to static colour illumination only. This does not apply to illumination associated with a Council event or activation.
- 3.2.6 This is a free service with no cost to the applicant.

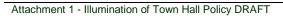
3.3. Request process

- 3.3.1 Applications received to illuminate Randwick Town Hall should be made in writing to Council and outline the following:
 - a. The status of the organisation making the application (i.e., Whether they are not-for-profit, a registered charity etc);
 - b. The proposed colour/s and a concept;
 - c. The proposed dates (noting that illumination dates are generally limited to two days)
 - d. The proposed hours (if not specified Council will display the colours from dusk to dawn)

3.4. Approvals

- 3.4.1 All requests are subject to the approval of the General Manager who will determine applications inline with this policy.
- 3.4.2 Decisions to illuminate Randwick Town Hall may be made by resolution of Council at any time
- 3.4.3 Council reserves the right to not accept applications at our discretion.
- 3.4.4 Council reserves the right to cancel any approved request.
- 3.4.5 Council events will take precedence over other requests.
- 3.4.6 Council will not be liable for any third-party expenses incurred (such as equipment hire) that is required to support illumination projects.





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Director Community & Culture Report No. CC4/24

Subject: Report back on Criteria for Mayor's Contingency Fund

Executive Summary

- At its meeting held 24 October Council resolved to request a report back on recommended criteria or guidelines for donations from the Mayor's Contingency Fund.
- This report outlines criteria that have been considered.

Recommendation

That Council does not adopt any criteria or guidelines for the Mayor's Contingency Fund with the current process remaining, with requests being considered by the Mayor and reported to Council.

Attachment/s:

Nil

Ordinary Council meeting

At its meeting held 24 October 2023 Council resolved;

RESOLUTION: (Mayor, Cr P Veitch) that a staff report be brought back outlining recommended criteria or guidelines for donations coming from the Mayor's Contingency Fund.

This report outlines some criteria for consideration in relation to the above.

Discussion

In 2020, Council launched the Community Investment Program to replace the previous grants program. This new funding initiative was developed to provide more transparency and fairness across councils funding and enabled us to better track and acquit funding provided to the community. The Mayor's Contingency Fund was included as part of the Community Development Community Investment Program budget. The budget for the Mayor's Contingency in 2023/2024 is \$106 000.00.

The majority of funding requests are now allocated through the investment program to ensure equitable assessment against priority areas.

There are valuable activities and projects that may sit outside of the timing of the open grants rounds or that may not meet all of the eligibility but are still deserving of Council support. These requests are considered as part of the Mayor's Contingency Fund.

The Mayor's Contingency Fund is an allocation of funding provided to the Mayor to support local individuals, community groups, community organisations and small local businesses involved in community projects. The funding allocation has gone towards cash donations, waiving of fees for Council venues and plant donations from Council's nursery.

The process for reviewing requests for the Mayor's Contingency is that a request is received by the Mayor's Office and discussed with the Mayor. If the request is for fee waiver or plant donation the relevant costs are obtained.

Once approved by the Mayor and GM the request is included in the Financial Donations report that goes to Council for that month.

The Mayor's Contingency does not have set criteria or guidelines and is at the discretion of the Mayor, with final endorsement by Council. This allows for the Mayor to be able to support projects that pop-up that are worthy of Council support and gives the Mayor an opportunity to engage with a wide range of organisations.

It is difficult to put rules around these requests while giving the Mayor and Councillors opportunity to support unscheduled projects, activities or initiatives that don't fit in to the grants timing wise or don't fully meet the eligibility.

There is transparency around the current process that operates without criteria, as all requests come to an open meeting of Council.

Below are some criteria that has been considered that could guide the Mayor's Contingency Fund.

Criteria to consider

Criteria to consider	Recommended/not recommended
No retrospective funding	Not Recommended
	The majority of items that come through to the Mayor's Contingency are delivered within two months of the request. However, from time to time a retrospective request is received. It is not recommended

Criteria to consider	Recommended/not recommended
	that this criteria is adopted because the Mayor should be given flexibility to support projects under delegation that might have been time constrained or found out about the contingency fund too late. This is not to say all items will be supported retrospectively, this will be at the Mayor's discretion and would still be reported to Council.
No State Government Organisations will be	Not recommended
eligible	This would exclude requests from local schools, hospitals and other state government agencies who are requesting funding or support for their activities. The Mayor's Contingency has supported a number of schools with plant donations, funding for initiatives and NSW Health related organisations/hospitals.
No funding for sporting	Not recommended
groups/Surf Clubs/not-for- profit organisations that have received other funding from Council	This could prohibit one-off and ad hoc community events and activities that occur outside of a separate project supported by Council. For example Council provides funding to surf clubs as part of a partnership agreement, and to other community groups, but they may request fee waivers specific to events or activities that have community benefit outside of the funding.
No funding for	Not recommended
profit/business groups	Local business groups, chambers and some for-profit organisations might request support via Mayor's Contingency for fee waivers, plant donations or other support. These requests may support other charity groups or minority groups and have community benefit so it is not recommended they be excluded and that this is a matter for the Mayor to consider.
Financial limit on funding	Not recommended
of individual requests	Council could consider putting a limit on how much funding is provided for individual requests through the Mayor's Contingency. Examples could include limiting funding to \$2500.00 or \$5000.00 however this could exclude larger scale events or projects that have wide community benefit.

Overall, the requests funded by the Mayor's Contingency have direct benefit to community, local business and are in the interests of public good in line with Council's Inclusive Randwick Strategy and Community Strategic Plan.

Examples of projects supported by the Mayor's Contingency:

2023-24 Contingency Fund allocations	Amount provided
Contribution to Maroubra Bay Public School's centenary fundraising for a weatherproof shelter over the basketball courts	\$1000
Waiving of fees for Maroubra Swimming Club Carnival Meet to be held on 23 July at Des Renford Leisure Centre Training Pool	\$930
Contribution to the Save Yarra Bay Celebration Day towards the cost of catering for the event	\$909
Randwick supports a vote for Yes – Voice to Parliament	\$28,900

2023-24 Contingency Fund allocations	Amount provided
Donation of plants from Council's nursery to Spyridon College to beautify their prep courtyard	\$500
Donation of plants from Council's nursery to Friends of Malabar Headland to promote the headland	\$472
Donation to Randwick City Football Club in support of the Purple Hearts Program	\$1,000
Waiving of fees for the 5 th Filipino Fiesta in Randwick for the use of Alison Park	\$1,690
Donation to Marie Tesoriero (Cool Marie) to participate in the City2Surf to raise funds for Sydney Children's Hospital	\$150
Donation of plants from Council's nursery to Coogee Public School's Working Bee held on 22 July 2023	\$500
Sister City Scholarship with Temora Shire Council, to be donated to the Temora & District Education Fund Inc.	\$1,500
Donation to Surfers for Climate 'Changing Tides' event at the Ritz Cinemas	\$1,136
Waiving of fees for Coogee Surf Life Saving Club's 'Coogee Island Challenge' event to be held on 26 November, 2023 and 14 April, 2024	\$6,214
Contribution to the St Andrew's Catholic Church Annual Pere Receveur Mass on 18 February 2024	\$6,527
Contribution to Prince of Wales Hospital's Christmas tree for the New Acute Service Building	\$600
Contribution to La Perouse Public School's PBL creative workshop	\$1,000
Contribution to the Rally to Restore Cardiac Surgery at Sydney Children's Hospital	\$845
Waiving of fees for Weave Youth and Community Services' Yarra Bay Event on 20 December 2024	\$660
Waiving of fees for the I'm Still Standing Community Running Event on 16 March 2024	\$8,693

In addition, some Council supported or delivered activities in the past would not have happened without initial funding through Mayor's Contingency. These include the South East Block Party for Youth Week, Culture on Country and the Blak Markets.

Strategic alignment

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

Delivering service	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.					
Service area Community Development						
Function Community support						

Delivery program commitment	Provide activities and services that support community wellbeing, consistently enable care and promote community connections.		
Function	Community capacity building		
Delivery program commitment	Promote and strengthen the capacity of community through developing skills, abilities and resources to assist communities to be resilient, adaptive and thrive within their environment.		

Resourcing Strategy implications

The Mayor's Contingency Fund for 2023/2024 is \$106 000.00. If by Council resolution an increase for individual requests is required after exhausted in a particular financial year, a funding source will be found and reported via Quarterly budget review.

Conclusion

By adding criteria to the Mayor's Contingency Fund there is a risk that a number of worthy activities wouldn't happen without support from Council.

The activities funded through the Mayor's contingency pick up initiatives or activities that we can't put rules around, that the Mayor of the day and Council believes are important. These activities have a local connection, community benefit and are aligned to Council's Strategies.

Transparency and governance are ensured by all funding requests being reported to Council. Therefore, it is not recommended that any criteria are added to the Mayor's Contingency Fund and that the current process remains.

Responsible officer: Katie Anderson, Director Community & Culture

File Reference: F2017/07396

Director Corporate Services Report No. CO10/24

Subject: Maroubra Seal Club - Request from Release of Deed

Executive Summary

- The Maroubra Seals Club Limited pays an annual fee to Council under a perpetual Deed for patron parking, offered by the Club as an incentive for Council to grant approval for a building re-development consent in 1970.
- The Maroubra Seals Club Limited is seeking to be released from this perpetual Deed with Council and cease these ongoing annual payments.

Recommendation

That Council accepts the Maroubra Seals Club Limited's request to be released from the perpetual Deed dated 9 October 1970 for annual payment for patron parking rights, with charges to cease upon both parties' execution of a Deed of Surrender.

Attachment/s:

Agreement - Maroubra Seals Club 216-220 Marine Parade. Use of carpark at rear of Maroubra Beach dressing shed 9/10/1970 \$2500 PA. This document originally registered as TCS0036037 in W/000332

2. 1970 Council report minutes - Maroubra Seals Club annual carpark fee - 216-220 Marine Parade See LDOC002328

Purpose

The purpose of this report is to seek Council's approval to release the Maroubra Seals Club Limited from the perpetual Deed dated 9 October 1970 (see attached) for the annual payment for patron parking rights within Arthur Byrne Reserve.

Discussion

History of Deed

By resolution of Council on **3 February 1970**, Council approved Development Application DA/1/1970 for the rebuilding of Maroubra Seals Club on certain conditions relating to the provision of car parking by the Club.

On **19 March 1970**, Council reported "the Maroubra Seals Club Limited is prepared to pay Randwick Council the sum of two thousand five hundred dollars (\$2,500.00) per annum for the privilege of its members using the vehicle park situated at the rear of the Maroubra Beach Dressing Shed. This privilege is not to prejudice the rights of the Maroubra Surf Club or the general public."

On **21 April 1970**, Council resolved "to accept the offer from the Maroubra Seals Club Ltd viz:-"For the privilege of the Club Members using the car park at the rear of the Maroubra Beach Dressing Sheds and without any interference or prejudice to the rights of the general public and the Maroubra Surf Life Saving Club, the Maroubra Seal's Club Limited agree to make the Annual payment to Randwick Council of \$2,500.."

Council subsequently engaged Matthew McFadden Somerfield & Co Solicitors to prepare a perpetual Deed between Maroubra Seals and Randwick Council (the "parties"). The deed was executed by Council pursuant to a resolution passed on **1 September 1970** and under Seal by Maroubra Seals Club Limited. The document could not be prepared as a Lease as there was to be no defined spaces which would by virtue of defining space, prejudice the parking rights of the general public.

Maroubra Seals Club Limited have since paid the annual fees due under the Deed up to 21 April 2023.

Land Management

Council is the Crown Land Manager of Arthur Byrne Reserve (R500382) dedicated for the purpose of Public Recreation, gazette 21 December 1910 and managed under the Crown Lands Management Act 2016. The land is classified "crown community" and the area categorised as "park". The land is currently managed under the Maroubra Beach Plan of Management dated September 1992 and makes no reference to the Deed with Maroubra Seals. The draft Maroubra Beach Plan of Management and Masterplan is being prepared. The community consultation has closed and the results are being analysed.

Deed Fee Waiver Request

The CEO of Maroubra Seals Club Limited has sought to have the fees payable under the Deed terminated.

As the purpose of the Deed is to enable Council to collect the annual fee, the termination of the yearly charge would render the Deed obsolete, necessitating the need for a surrender of the Deed.

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	Property and Land Management			
Delivery program commitment	Administer the use of Council's property and land assets.			

Resourcing Strategy implications

The financial implication for the adoption of the recommendation would reduce Council's property income by \$2,500 per annum.

Policy and legislative requirements

Local Government Act 1993

Conclusion

The agreement to waive the fees payable by Maroubra Seals, for the privilege of the Club members parking rights in Arthur Byrne Reserve as per the Deed, necessitates the termination the agreement by way of a Surrender of Deed, which will need to be executed by authorised officers of the Club and Council.

Responsible officer: Sharon Plunkett, Coordinator Property

File Reference: F2024/07367

DATED THIS

DAY OF

1970

THE COUNCIL OF THE MUNICIPALITY OF RANDWICK

-A N D -

MAROUBRA SEALS CLUB LIMITED

DEED

MATTHEW MCFADDEN, SOMERFIELD & CO. Solicitors, 229-21 Macquarie Street, SYDNEY. N.S.W. 2000

232.2599

deemed to be THIS DEED / made the day of Otho her One thousand nine hundred and seventy BETWEEN THE COUNCIL OF THE MUNICIPALITY OF RANDWICK (hereinafter called the "Council") of the MAROUBRA SEALS CLUB LIMITED a Company duly incorporated and having its registered office at 216-220 Marine Parade, Maroubra (hereinafter called the "Club") of the Other Part WHEREAS by resolution passed at Council Meeting held on the 3rd day of February, 1970, the Council approved of a certain Development Application by the Club for the rebuilding of certain premises owned by the Club at 216-220 Marine Parade, Maroubra on certainconditions relating interalia to the provision of car parking by the said Club AND WHEREAS the Club at a properly constituted meeting held on the 19th day of March, 1970, resolved as follows:-

"the Maroubra Seals Club Limited is prepared to pay to Randwick Council the sum of Two thousand five hundred dollars (\$2,500.00) per annum for the privilege of its members using the vehicle park situate at the rear of the Maroubra Beach Dressing Shed. This privilege not to prejudice the rights of the Maroubra Surf Club or the general public". AND WHEREAS by Council Meeting held on the 21st day of April, 1970, the beforementioned offer of the Club was accepted by the Council NOW THIS DEED WITNESSETH that in consideration of the payment of Two thousand five hundred dollars (\$2,500.00) the first payment whereof to be made on the execution of these presents the Council will not so long as the said annual payment is made object to the parking of vehicles by the Members of the Club within the confines of the car parking area situate behind the Maroubra Beach Dressing Shed PROVIDED HOWEVER that at all times the right of the general public and of the Maroubra Surf Life Saving Club shall not be interferred with or prejudiced in any manner whatsoever AND the Club COVENANTS AND AGREES that it will comply with all reasonable requests of Council through its authorised officer in connection with the control of parking by its members on any

of the said parking area so as to give effect as to the intent of the parties hereto in connection with the use by the Club of the said parking area.

IN WITNESS WHEREOF the parties have hereunto set their hand at the day and year first hereinbefore written.

THE SEAL of THE COUNCIL OF THE

MUNICIPALITY OF RANDWICK was

hereunto affixed on the Atday of

Input 1975 pursuant to a resolution

passed on the lot day of offent

TOWN CLERK

THE COMMON SEAL of MAROUBRA

SEALS CLUB LIMITED was hereunto

affixed by authority of the

Director in the presence of:

Secretary.

ADMINISTRATOR

- 6 -MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 20TH JANUARY, 1970. MINUTE NO. Item No. 4 - Plans Committee's Report. 13th January, 1970.
D.A. No. 531/69 - premises 30-32 Raymond Avenue, Matraville - R. A. Popplewell re proposed development. (Recommended that the amended application submitted by R. A. Popplewell for permission to erect a factory at 30-32 Raymond Avenue, Matraville, be approved subject to:(1) the approval of a formal Building Application accompanied by plans and specifications in accordance with Part XI of the Local Government Act and Ordinance made thereunder:

(2) all loading and unloading of goods and materials being carried out off the street and wholly within

the site boundaries; and

(3) off-street parking being provided for at least 10 vehicles and the parking area paved and drained. These conditions of approval have been imposed in order to safeguard the present and likely future amenity of the locality and to ensure a satisfactory standard of development.)

WAS ADOPTED. It was noted that the Mayor had a disability under Section 30A and did not vote on this

Item No. 7 - Plans Committee's Report. 13th January. 1970. D.A. No. 520/69 - premises 432 Malabar Road, Maroubra. (Central). (Recommended that the applicant be advised that Council is not prepared to permit variation of the conditions and type of building for which consent was granted to the original application).

IT WAS RESOLVED on the Motion of Alderman Molloy seconded by Alderman Lucas that the matter be referred back to the Committee and that the applicant be invited to attend the Meeting.

Item No. 11 - Plans Committee's Report, 13th January, 1970. D.A. No. 522/69 - premises 3 Albert Street, Randwick. (East).
(Recommended that the Council as the responsible authority grants its consent to the application submitted by Mr. A. W. and Mrs. C. L. Michie for permission to erect a 3 storey, 9 unit, residential flat building on property No. 3 Albert Street, Randwick, subject to the following conditions:- (a) - (i) adopted at Council Meetings held on 21.3,67, 4.7,67, 21.1,69 and 1.4,69; (j) plans being altered to comply with Council's Building and Flat Code effective from 20.8,69; (k) access to garages being amended to the satisfaction of the Chief Health and Building Inspector; (1) proof submitted that access is available from the right-of-way to the west. These conditions of approval have been imposed in order to safeguard the present and likely future amenity of the locality and to ensure a satisfactory standard of development). (East). development).

IT WAS RESOLVED that the matter be referred back to the Committee.

This is Page No. 6 of the Minutes of the Ordinary Meeting of Randwick Municipal Council held on 20th January, 1970.

(MAYOR'S INITIALS).

(TOWN CLARK).

.. 7 -MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 201H JANUARY, 1970. MINUTE NO.

Item No. 16 - Plans Committee's Report, 13th January 1970. D.A. No. 1/70 - premises 208 to 216 Marine Parade, D.A. No. 1/70 - premises 208 to 216 Marine Parade,
Maroubra. (Central).

(Recommended that the Council as the responsible authority
refuses its consent to the application submitted by
W. McNamara Pty. Ltd. for permission to demolish the
W. McNamara Pty. Ltd. for permission to demolish the
veisting Club and erect new Club premises on property
208-216 Marine Parade, Maroubra, for the following
reasons: - (1) Adequate provision has not been made
veithin the site for off-street parking of members'
motor vehicles; (2) the development does not comply
with all the provisions of Ordinance 71 of the local
Government Act; (3) insufficient information relating
to mechanical ventilation and soundproofing of the
building has been submitted to enable a satisfactory
evaluation of the adequacy of the provisions; (4) the
proposed development in its present form would adversely
affect the existing and likely future amenity of the locality).

IT WAS RESOLVED on the Motion of Alderman Wallace seconded by Alderman Arrowsmith that the matter be referred back to the Committee and that the Secretary/ Manager of the Maroubra Seals Club be invited to attend the Meeting.

- Item No. 20 Plans Committee's Report, 13th January 1970.
 L.12837 premises Lot 1609 Beauchamp Road, South Maroubra:
 Mrs. H. Isreal requesting permission to erect a brick (Recommended that this application be referred to IT WAS RESOLVED on the Motion of Alderman Lucas seconded by Alderman Arrowsmith that permission be granted for the erection of a brick front fence 5 ft. 6 ins. high at premises Lot 1609 Beauchamp Road, South Maroubra.
- Alderman Dwyer requested that his name be recorded as a dissentient.
- Item No. 21 Plans Committee's Report. 13th January.1970.
 L.11041 premises 27-29 Beach Street, Clovelly P. Elliott concerning the erection of a paling fence. (North).
 (Recommended that Notice be served under the terms of Section 317B (1A) of the Local Government Act to require the owner of 27 Beach Street, Clovelly, to reduce the height of the lapped and capped paling fence between Nos. 27 and 29 Beach Street to 4 ft. within 14 days).

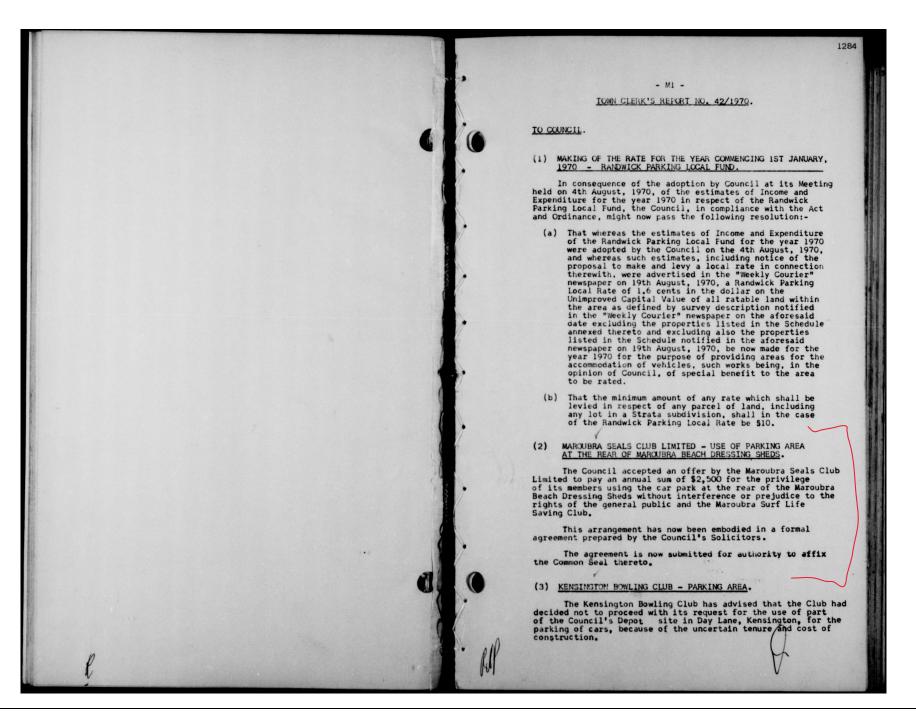
IT WAS MOVED by Alderman Carmont seconded by Alderman Molloy that the matter be referred to the Council's Solicitors for advice.

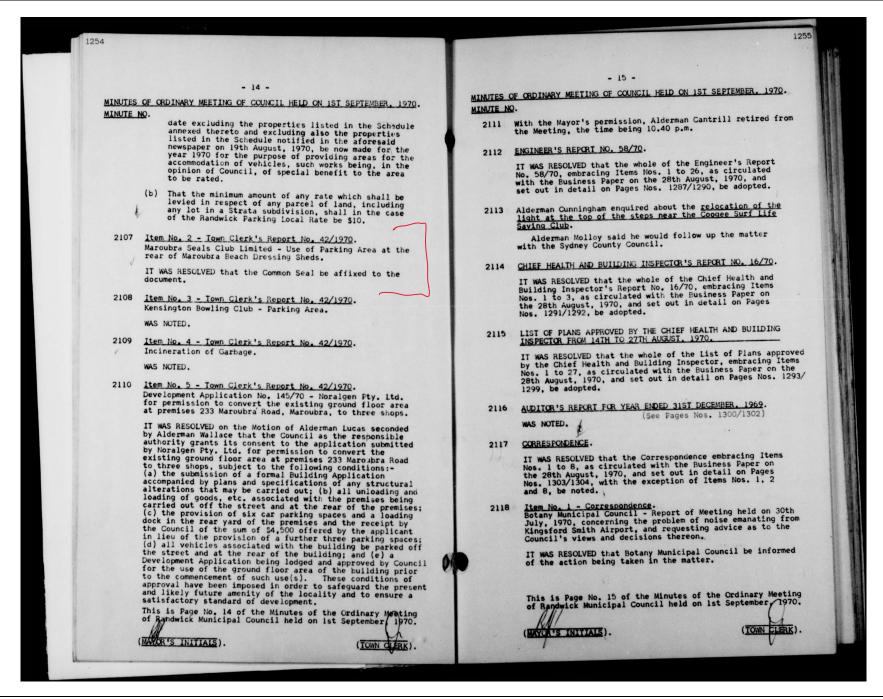
- AN AMENDMENT was moved by Alderman Dwyer seconded by Alderman Bardon that a Notice be served under Section 317B (1A) of the Local Government Act to require the owner of 27 Beach Street, Clovelly, to demolish the fence between Nos. 27 and 29 Beach Street within thirty (30)
- 61 THE AMENDMENT on being put was declared lost.
- 62 THE MOTION was put and declared carried.

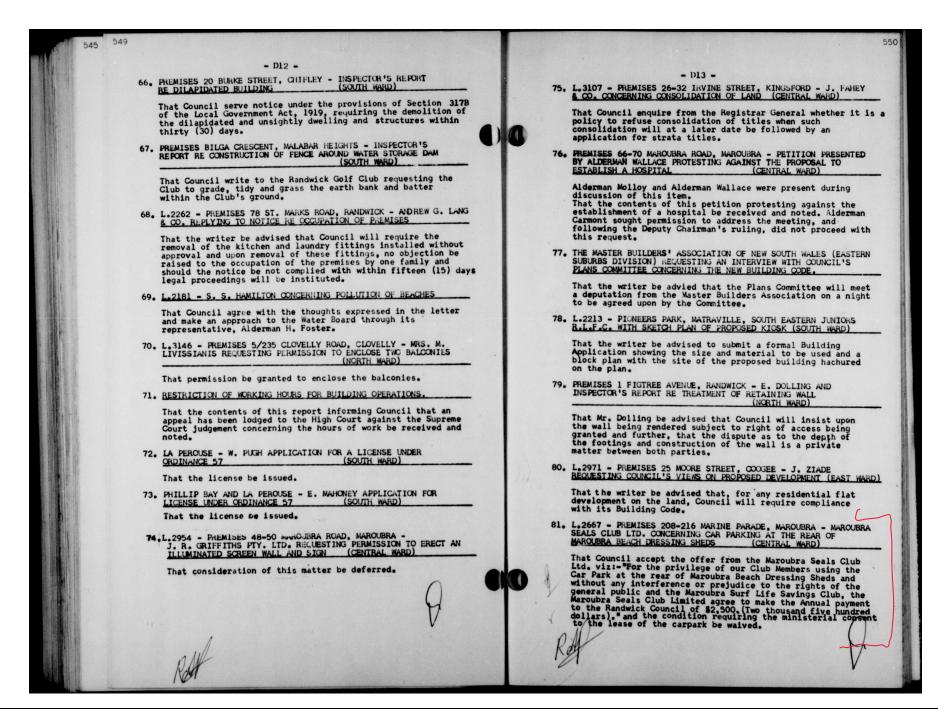
This is Page No. 7 of the Minutes of the Ordinary Meeting of Rendwick Municipal Council held on 20th January, 1970. AYORUS MITTAIS).

- 4 -- 5 -MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 3RD FEBRUARY, 1970. MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 3RD FEBRUARY, 1970. MINUTE NO. MINUTE NO. IT WAS RESOLVED that the tree be pruned. The Town Clerk read to the Meeting a letter dated 28th January, 1970, from the Maroubra Seals Club Limited Item No. 32 - Works Committee's Report, 27th January, 1970. Main Road No. 327 - Belmore Road-Avoca Street Complex offering 32,500 per year for the use by its members of the carpark at the rear of the Maroubra Beach Dressing Proposed realignment of Avoca Street and Coogee Bay Road. Sheds when not required by the Maroubra Surf Life Saving (Recommended that, for the reasons set out in the Engineer's Report, the Department of Main Roads be advised that Council concurs with its proposals for the widening and adjustments to Perouse Road and Coogee IT WAS RESOLVED on the Motion of Alderman Molloy seconded by Alderman Arrowsmith that the application submitted by W. McNamara Pty. Ltd. for permission to demolish the existing Club and re-erect new Club premises on property 208 and 216 Marine Parade, Maroubra, be approved subject to the building plans complying with the requirements of the Chief Health and Building Inspector and consents from the relevant Departments, including Ministerial consent, being obtained to the lease of the carpark at the rear of the Maroubra Beach Dressing Sheds to the Maroubra Seals Club Limited at a rental of \$2,500 per year. Bay Road, subject to the kerb being replaced on the northern side of Coogee Bay Road extending to Judge Street, but that any realignment of Avoca Street should take into account Council's proposals on the western side for future widening, that the proposal temporarily to realign the pavement on the eastern side of Avoca Street is not acceptable to Council, that in view of the route for northbound traffic on Main Road No. 327 the Department declare Cuthill Street and Avoca Street Item No. 45 - Plans Committee's Report. 27th January.1970. Plan No. 1357/69 - J. Ziade - Application to erect a Residential Flat Building (6 Flats) at 157 Mount Street, Coogee. (\$37,500) (East) L.A. (Recommended that this application be approved subject to 10 ft. x 10 ft. splay corner being provided and subdivision to cover same submitted; 2 only vehicular crossings provided to Oberon Street; stairs being minimum 3 ft 6 ins. in width: plans and specifications north of Cuthill Street to High Street part of Main Road No. 327 and any reconstruction of Avoca Street is to include adequate subsurface stormwater drainage to convert south of Cuthill Street). WAS ADOPTED with the following addendum: "but that Council stress it does not wish the park area to be reduced". REPORT OF PLANS COMMITTEE MEETING HELD ON 27TH JANUARY, minimum 3 ft 6 ins. in width; plans and specifications being altered to the Chief Health and Building Inspector's requirements). The items were taken seriatim and IT WAS RESOLVED on the Motion of Alderman Arrowsmith seconded by Alderman WAS ADOPTED. Alderman Cunningham requested that his Hampson that the whole of the Plans Committee's Report, name be recorded as a dissentient. embracing Items Nos. 1 to 67, as circulated with the Business Paper on the 30th January, 1970, and set out in detail on Pages Nos. 157/169, with the exception of Items Nos. 3, 4, 45, 57, 58 and 63, be adopted. Item No. 57 - Plans Committee's Report, 27th January, 1970. Malabar Pool - Inspector's Report concerning use of the Pool. (South). Recommended that the contents of the report concerning the conditions obtaining in this pool from 7.1.1970 to 21.1.1970 be received and noted; that the pool remain drained and a sign be erected reading "Closed until further notice due to pollution"). Item No. 3 - Plans Committee's Report. 27th January.1970.
D.A. No. 522/69 - premises 3 Albert Street, Randwick. (East). (Recommended that the Council as the responsible authority refuses its consent to the application submitted by Mr. A. W. and Mrs. C. L. Michie for permission to erect a 3 storey, 9 unit, residential flat building on property No. 3 Albert Street, Randwick, for the following reasons:-(1) Proof of the availability of access over the rights-of-way has not been submitted; (2) The proposal does not comply in all respects with Council's Building Code effective from 20.8.69 particularly in respect to the IT WAS MOVED by Alderman Lucas seconded by Alderman Arrowsmith that the recommendation be adopted subject to the wording of the sign being altered to read "Closed for repairs". effective from 20.8.69, particularly in respect to the excessive amount of paved area shown on plans; (3) Insufficient information has been supplied by which the AN AMENDMENT was moved by Alderman Dwyer seconded by Alderman Wallace that the contents of the report concerning the conditions obtaining in this pool from the 7th to 21st January, 1970, be received and noted, that the pool remain drained and a sign be erected reading "Closed until further notice due to pollution". area of the land and exact levels could be determined). WAS ADOPTED. Item No. 4 - Plans Committee's Report. 27th January.1970.
D.A. No. 1/70 - premises 208 and 216 Marine Parade,
Maroubra. (Central). THE AMENDMENT on being put was declared carried. 216 THE AMENDMENT thus became the Substantive Motion and Maroubra. (Central).

(Recommended that consideration of the application submitted by W. McNamara Pty. Ltd. for permission to demolish the existing Club and re-erect new Club premises on property 208 and 216 Marine Parade, Maroubra, be deferred pending further submissions from the Club on parking provisions). was declared carried as such. Alderman Lucas gave NOTICE OF RESCISSION. This is Page No. 5 of the Minutes of the Ordinary Meeting of Ranghwick Municipal Council held on 3rd February, 1970. This is Page No. 4 of the Minutes of the Ordinary Meeting of Randwick Municipal Council held on 3rd February, 1970. MAYOUS INITIALS). (MAYOR'S INITIALS). (TOWN CLERK).







517 518 MINUTES OF CRDINARY MEETING OF COUNCIL HELD ON 21ST APRIL.1970. HA SELLY NOT AND SELLY TO THE SELLY PROPERTY OF STREET MINUTE NO. MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 21ST APRIL, 1970 Item No. 79 - Plans Committee's Report. 14th April. 1970. Premises 1 Figtree Avenue, Randwick - E. Dolling and Inspector's Report re treatment of retaining wall. (North). (Recommended that Mr. Dolling be advised that Council will insist upon the wall being rendered subject to right of access being granted and further, that the dispute as to the depth of the footings and construction of the wall is a private matter between both parties). MINUTE NO (4) the Council press for the early construction of submarine pipelines to carry effluent out to sea from Malabar and other sewer outfalls. 915 Alderman Bardon was absent during part of the discussion on the foregoing item. IT WAS RESOLVED that the matter be referred back to the plans Committee and that Alderman Price and the applicant be invited to attend the Meeting. Item No. 91 - Plans Committee's Report. 14th April. 1970. L.3590 - premises Lot 19, Section 22, Byrne Avenue, South Coogee - A. C. Molloy - Application for a Certificate of Compliance. (Central). (Recommended that the Certificate be issued). 910 The Mayor rejoined the Meeting and assumed control of proceedings, the time being 8.50 p.m. WAS ADOPTED. Alderman Molloy reported his disability under Section 30A. of voting on this item and took no part in the Item No. 80 - Plans Committee's Report. 14th April. 1970. L.2971 - premises 25 Moore Street, Coogee - J. Zlade requesting Council's views on proposed development. (East). (Recommended that the writer be advised that for any residential flat development on the land Council will discussion. REPORT OF CAPTAIN COOK BI-CENTENARY CELEBRATIONS COMMITTEE MEETING HELD ON 15TH APRIL. 1970. require compliance with its Building Code). IT WAS RESOLVED that the whole of the Report of the Bi-Centenary Celebrations Committee Meeting, embracing Items Nos. 1 to 7, as circulated with the Eusiness Paper on the 17th April, 1970, and set out in detail on Pages Nos. 553/554, be adopted with the following addendum to Item No. 2: "5 medallions to the Mayor, 2 to each Alderman and 1 each to Botany, Waverley and Woollahra Councils". WAS ADOPTED. 912 Item No. 81 - Plans Committee's Report, 14th April, 1970.
1,2667 - premises 208/216 Marine Parade, Maroubra. Maroubra
Seals Club Ltd. concerning car parking at the rear of Maroubra
Beach Dressing Sheds. (Central). Beach Dressing Sheds. (Central).
(Recommended that Council accept the offer from the Maroubra Seals Club Ltd., viz:- "For the privilege of our Club members using the car park at the rear of Maroubra Beach Dressing Sheds and without any interference or prejudice to the rights of the general public and the Maroubra Surf Life Saving Club, the Maroubra Seals Club Limited agree to make the annual payment to the Randwick Council of \$2,500.00." and the condition requiring the ministerial consent to the lease of the carpark be waived). 918 MOTIONS PURSUANT TO NOTICE. Aldermen Price, Dwyer, Molloy and Doyle were absent for a short period at different stages during the debate on the following item. 920 1. BY ALDERMEN J. C. BARDON, P. M. SAPHIN AND E. F. DWYER. of the carpark be waived). WAS ADOPTED. The Mayor requested that his name be "That resolution passed at the Council Meeting held on 7th April, 1970, and covered by Minute Nos. 710, 711 and 712, approving of an application submitted by M. Brischetti for permission to convert the existing dwelling to two flats at property 49 Gale Road, Maroubra, subject to the Chief Health and Building Inspector's recorded as a dissentient. Item No. 90 - Plans Committee's Report, 14th April, 1970. Proposed disposal of industrial wastes - Malabar Treatment (Recommended that this matter be referred to Council). requirements. After lengthy discussion IT WAS RESOLVED on the Motion of Alderman Molloy seconded by Alderman Lucas that -BE AND IS HEREBY RESCINDED. " Moved by Alderman Saphin and seconded by Alderman Bardon (1) the Premier and his colleagues be thanked for the interest and action they have taken to date to combat pollution of the beaches; 921 AN AMENDMENT was moved by Alderman Wallace seconded by Alderman Price that the matter be deferred for inspection (2) the Council express its concern and strong objection to the disposal of industrial wastes at the Malabar by all Aldermen. (3) while it is understood that the action is only a temporary expedient, the Council inform the State Government that it wishes to know how soon the necessary plant will be installed for the proper treatment of industrial wastes, and 922 THE AMENDMENT on being put was declared carried. THE AMENDMENT thus became the Substantive Motion and on being put was declared carried as such. IT WAS RESOLVED that <u>Items Nos. 1. 6 and 24 of the Plans</u> <u>Committee's Report</u> also be deferred. This is Page No. 10 of the Minutes of the Ordinary Meeting of Bandwick Municipal Council held on 21st April, 1970. This is Page No. 11 of the Minutes of the Ordinary Meeting of Randwick Municipal Council held on 21st April, 1970. (MAYOR S INITIALS). MAYOR'S ANITIALS). (TOWN CLERK)

Director Corporate Services Report No. CO11/24

Subject: Investment Report - February 2024

Executive Summary

- This report outlines Council's investment portfolio and performance as at 29 February 2024.
- All investments have been made in accordance with the Act, Regulations and Council's Investment Policy.
- For the month of February, the total portfolio (Term Deposits (T/D), Floating Rate Notes (FRN) and Bonds), provided a return of +0.38% (actual) or +4.94% p.a. (annualised²), compared to the benchmark AusBond Bank Bill Index return of +0.34% (actual) or +4.43% p.a. (annualised).
- Our overall investment return remains solid. Investment income received to 29 February is \$4,762,030, exceeding revised budget expectations by \$942,460 up to the end of February and representing 83.12% of the current budget year to date.
- 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 February 2024 be received and noted.

Attachment/s:

1.1 Certificate by Responsible Accounting Officer - February 2024

 $^{^{2}\,}$ The annualised rate is the rate for a one-year period, based on periodic rates.

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 the investments have been made in accordance with the Act, the regulations, and the Council's Investment Policy.

Discussion

As of 29 February 2024, Council held investments with a market value of \$158.83 million. The portfolio value increased during February by \$9.05 million as the 3rd rates instalment was due on 28 February. 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. The variances for the period February 2022 to February 2024 are shown below. 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. The portfolio balance movement is the result of the net impact of the cyclic cash outflows versus cash inflows.



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.

The RBA's decision in its last meeting on 6 February 2024 was to maintain the cash rate at 4.35 per cent. The upcoming March 2024 RBA media release is due to be released later this month.

The RBA stated in its *February 2024 Statement on Monetary Policy* that 'inflation continues to moderate and is expected to return to the target range of 2-3 percent in 2025 and to reach the midpoint in 2026.'

The RBA also stated 'This decision supports progress of inflation to the midpoint of the 2–3 per cent target range within a reasonable timeframe and continued moderate growth in employment.

The Board expects that it will be some time yet before inflation is sustainably in the target range, and the Board remains resolute to return inflation to target in a reasonable timeframe. The path of interest rates that will best ensure this will depend upon the data and the evolving assessment of risks, and a further increase in interest rates cannot be ruled out.'

The Consumer Price Index (CPI) was 4.1 per cent annually for January 2024 according to the latest data from the Australian Bureau of Statistics (ABS). The most significant contributors were Melas and takeaway foods (+5.7%), Food products (+6.9%) and Bread and cereal products (+7.4%). Meat and seafood fell (-2%).

On Call Funds

On Call funds are held to meet Council's immediate cash flow requirements. The on-call balance at month end is \$8.56 million representing 5.72% of the total portfolio.

Term Deposits

- At month's end the portfolio included \$116 million in term deposits.
- Term Deposits made up 73.03% of the total investment portfolio.
- One term deposit matured in February 2024 totaling \$1.5 million.
- Four new term deposits were placed in February 2024 totaling \$7 million.
- As at end of February 2024, the term deposit portfolio was yielding 4.75% p.a. (up 3bp from the previous month).

Investment	Rating	Balance 1 February 2024	Movement	Balance 29 February 2024	Interest Rate
CBA AA-		\$8,560,173	\$744,114	\$9,304,286	4.35%

Investment	Rating	Balance 1 February 2024	Movement	Balance 29 February 2024	Date Invested	Date Maturity	Interest Rate
ICBC	А	\$2,000,000	0	\$2,000,000	9/09/2021	18/09/2024	0.94%
Westpac	AA-	\$1,000,000	0	\$1,000,000	10/11/2021	3/12/2025	1.70%
Westpac	AA-	\$1,000,000	0	\$1,000,000	10/11/2021	9/12/2026	1.88%
ICBC	Α	\$1,000,000	0	\$1,000,000	20/04/2022	24/04/2024	3.13%
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	3/04/2024	4.04%
NAB	AA-	\$1,500,000	0	\$1,500,000	11/08/2022	8/05/2024	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	-\$1,500,000	0	24/08/2022	7/02/2024	4.22%
ICBC	Α	\$2,000,000	0	\$2,000,000	24/08/2022	10/04/2024	4.30%
Westpac	AA-	\$2,000,000	0	\$2,000,000	31/08/2022	1/05/2024	4.24%
Westpac	AA-	\$2,000,000	0	\$2,000,000	31/08/2022	19/06/2024	4.25%
Westpac	AA-	\$2,000,000	0	\$2,000,000	31/08/2022	26/06/2024	4.25%
NAB	AA-	\$2,000,000	0	\$2,000,000	1/09/2022	20/03/2024	4.30%
Westpac	AA-	\$2,000,000	0	\$2,000,000	1/09/2022	12/06/2024	4.35%

Investment	Rating	Balance 1 February 2024	Movement	Balance 29 February 2024	Date Invested	Date Maturity	Interest Rate
СВА	AA-	\$2,000,000	0	\$2,000,000	9/01/2023	23/12/2024	4.80%
СВА	AA-	\$2,000,000	0	\$2,000,000	9/01/2023	31/12/2024	4.80%
СВА	AA-	\$2,000,000	0	\$2,000,000	9/01/2023	8/01/2025	4.80%
СВА	AA-	\$2,000,000	0	\$2,000,000	9/01/2023	15/01/2025	4.80%
СВА	AA-	\$2,000,000	0	\$2,000,000	9/01/2023	22/01/2025	4.80%
СВА	AA-	\$2,000,000	0	\$2,000,000	12/01/2023	17/07/2024	4.67%
СВА	AA-	\$2,000,000	0	\$2,000,000	12/01/2023	25/09/2024	4.67%
СВА	AA-	\$2,000,000	0	\$2,000,000	12/01/2023	16/10/2024	4.67%
Westpac	AA-	\$2,000,000	0	\$2,000,000	12/01/2023	3/07/2024	4.60%
Westpac	AA-	\$1,500,000	0	\$1,500,000	25/01/2023	24/07/2024	4.40%
Westpac	AA-	\$1,500,000	0	\$1,500,000	25/01/2023	9/10/2024	4.38%
СВА	AA-	\$1,500,000	0	\$1,500,000	31/01/2023	10/07/2024	4.63%
СВА	AA-	\$2,000,000	0	\$2,000,000	21/02/2023	31/07/2024	4.98%
СВА	AA-	\$2,000,000	0	\$2,000,000	21/02/2023	2/10/2024	4.98%
СВА	AA-	\$1,000,000	0	\$1,000,000	28/02/2023	12/03/2025	4.98%
Westpac	AA-	\$2,000,000	0	\$2,000,000	28/02/2023	18/06/2025	4.94%
Westpac	AA-	\$2,000,000	0	\$2,000,000	28/02/2023	25/06/2025	4.94%
NAB	AA-	\$1,500,000	0	\$1,500,000	2/03/2023	9/04/2025	4.95%
NAB	AA-	\$2,000,000	0	\$2,000,000	23/05/2023	23/10/2024	4.95%
СВА	AA-	\$2,000,000	0	\$2,000,000	01/06/2023	12/06/2024	5.06%
СВА	AA-	\$2,000,000	0	\$2,000,000	01/06/2023	19/06/2024	5.06%
Westpac	AA-	\$2,000,000	0	\$2,000,000	06/06/2023	29/01/2025	5.00%
Westpac	AA-	\$2,000,000	0	\$2,000,000	06/06/2023	05/02/2025	5.00%
NAB	AA-	\$1,000,000	0	\$1,000,000	08/06/2023	26/06/2024	5.34%
Westpac	AA-	\$2,000,000	0	\$2,000,000	1/08/2023	19/03/2025	5.20%
Westpac	AA-	\$2,000,000	0	\$2,000,000	1/08/2023	30/10/2024	5.28%
ING Bank	Α	\$2,000,000	0	\$2,000,000	8/08/2023	16/04/2025	5.16%
ING Bank	Α	\$2,000,000	0	\$2,000,000	8/08/2023	10/07/2024	5.25%
NAB	AA-	\$2,000,000	0	\$2,000,000	15/08/2023	24/07/2024	5.24%
СВА	AA-	\$3,000,000	0	\$3,000,000	16/08/2023	31/07/2024	5.56%
СВА	AA-	\$2,000,000	0	\$2,000,000	24/08/2023	17/07/2024	5.42%
NAB	AA-	\$1,500,000	0	\$1,500,000	25/08/2023	18/09/2024	5.22%
NAB	AA-	\$1,500,000	0	\$1,500,000	30/08/2023	25/09/2024	5.24%
NAB	AA-	\$2,000,000	0	\$2,000,000	31/08/2023	11/09/2024	5.21%
ING Bank	А	\$2,000,000	0	\$2,000,000	1/09/2023	26/03/2025	5.05%
Westpac	AA-	\$2,000,000	0	\$2,000,000	1/09/2023	9/10/2024	5.14%
NAB	AA-	\$2,000,000	0	\$2,000,000	5/09/2023	18/12/2024	5.13%

Investment	Rating	Balance 1 February 2024	Movement	Balance 29 February 2024	Date Invested	Date Maturity	Interest Rate
NAB	AA-	\$2,000,000	0	\$2,000,000	14/09/2023	7/08/2024	5.21%
ING Bank	Α	\$2,000,000	0	\$2,000,000	3/11/2023	5/11/2025	5.52%
ING Bank	Α	\$2,000,000	0	\$2,000,000	30/11/2023	6/11/2024	5.37%
Suncorp	A+	\$2,000,000	0	\$2,000,000	1/12/2023	23/04/2025	5.38%
Westpac	AA-	\$2,000,000	0	\$2,000,000	5/12/2023	2/04/2025	5.35%
Suncorp	A+	\$2,000,000	0	\$2,000,000	30/01/2024	15/01/2025	5.17%
ING Bank	Α	\$2,000,000	0	\$2,000,000	30/01/2024	30/04/2025	5.13%
Suncorp	A+	0	\$2,000,000	\$2,000,000	8/02/2024	7/05/2025	5.09%
Suncorp	A+	0	\$2,000,000	\$2,000,000	8/02/2024	17/09/2025	5.00%
Westpac	AA-	0	\$1,000,000	\$1,000,000	29/02/2024	9/04/2025	5.01%
Westpac	AA-	0	\$2,000,000	\$2,000,000	29/02/2024	2/07/2025	4.99%
Total		\$110,500,000	\$5,500,000	\$116,000,000			

Floating Rate Notes (FRNs)

- The portfolio includes \$31.88 million in floating rate notes, making up 20.07% 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 29 February 2024 increased by ~\$54 thousand.
- There were two new floating rate notes placed during the month.
- No floating rate notes were sold during the month.
- Council will continue to look at opportunities and new issuances as they become available, and switch if viable.

Investment	Rating	Purchase Price	Indicative Value 29 February 2024	Date Invested	Maturity Date	Interest Rate
Macquarie Bank	A+	\$2,000,000	\$2,005,396	12/02/2020	12/02/2025	90D BBSW + 84 bpts
UBS AG	A+	\$1,300,000	\$1,301,240	30/07/2020	30/07/2025	90D BBSW + 87 bpts
UBS AG	A+	\$3,000,000	\$2,975,541	26/02/2021	26/02/2026	90D BBSW + 50 bpts
CCB	Α	\$1,000,000	\$999,517	11/03/2021	11/03/2024	90D BBSW + 58 bpts
ICBC	Α	\$1,700,000	\$1,688,216	18/06/2021	18/06/2026	90D BBSW + 66 bpts
NAB	AA-	\$3,100,000	\$3,080,129	24/08/2021	24/08/2026	90D BBSW + 41 bpts
Suncorp	A+	\$1,750,000	\$1,736,497	15/09/2021	15/09/2026	90D BBSW + 48 bpts
CBA	AA-	\$1,500,000	\$1,498,865	14/01/2022	14/01/2027	90D BBSW + 70 bpts
Suncorp	A+	\$1,800,000	\$1,797,278	25/01/2022	25/01/2027	90D BBSW + 78 bpts
Rabobank Australia	A+	\$2,000,000	\$1,994,260	27/01/2022	27/01/2027	90D BBSW + 73 bpts
CBA	AA-	\$1,750,000	\$1,755,859	17/08/2023	17/08/2028	90D BBSW + 95 bpts
ANZ Bank	AA-	\$2,800,000	\$2,806,832	11/09/2023	11/09/2028	90D BBSW + 93 bpts

Investment	Rating	Purchase Price	Indicative Value 29 February 2024	Date Invested	Maturity Date	Interest Rate
NAB	AA-	\$3,200,000	\$3,218,768	16/11/2023	16/11/2028	90D BBSW +103 bpts
Rabobank Australia	A+	\$2,250,000	\$2,265,635	21/11/2023	21/11/2028	90D BBSW + 115 bpts
ANZ Bank	AA-	\$750,000	\$751,665	5/02/2024	5/02/2029	90D BBSW + 96 bpts
Rabobank Australia	A+	\$2,000,000	\$2,003,262	26/02/2024	26/02/2029	90D BBSW + 103 bpts
Total		\$31,900,000	\$31,878,960			

Fixed Bonds

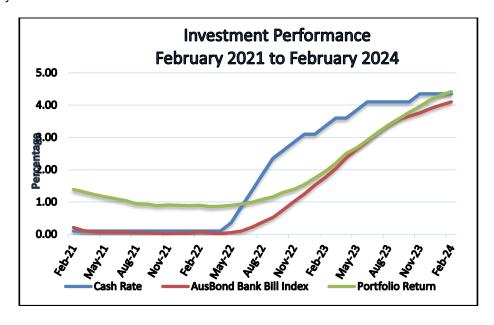
In August 2021, Council purchased, at a discount, \$1.8 million (face value) of the AAA-rated covered fixed bonds with ING Bank Australia. A fixed coupon rate of 1.10% will be paid on a semi-annual basis on the \$1.8 million face value.

The indicative value is the value Council would receive at 29 February 2024 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 semi-annual interest payments over the life of the investment.

Investment	Rating	Purchase Price	Indicative Value 29 February 2024	Date Invested	Maturity Date	Interest Rate
ING Covered Bond	AAA	\$1,794,762	\$1,647,491	19/08/2021	19/08/2026	1.10%
Total		\$1,794,762	\$1,647,491			

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 February 2021 to February 2024.



For the month of February, a return of +0.38% (actual) or +4.94% p.a. (annualised³), outperforming the benchmark AusBond Bank Bill Index return of +0.34% (actual) or +4.43% p.a. (annualised).

Over the past year, the combined term deposit and FRN portfolio returned +4.42% p.a., outperforming bank bills by 0.31%.

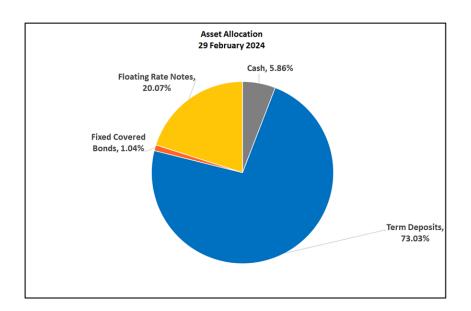
Performance	1 month	3 months	6 months	FYTD	1 year	2 year	3 year
Official Cash Rate	0.34%	1.07%	2.10%	2.80%	4.09%	2.94%	1.99%
AusBond Bank Bill Index	0.34%	1.09%	2.12%	2.88%	4.10%	2.92%	1.95%
Council's T/D Portfolio	0.38%	1.18%	2.31%	3.04%	4.33%	3.06%	2.26%
Council's FRN Portfolio	0.41%	1.33%	2.59%	3.45%	4.98%	3.83%	2.95%
Council's Bond Portfolio	0.09%	0.27%	0.55%	0.73%	1.10%	1.10%	-
Council's Portfolio	0.38%	1.20%	2.35%	3.10%	4.42%	3.18%	2.40%
Outperformance	0.04%	0.11%	0.23%	0.22%	0.31%	0.25%	0.45%

Council's Portfolio and Compliance

Asset Allocation

Most of Councils portfolio is spread between term deposits (73.03%) and senior floating rate notes (20.07%). The remainder of the portfolio is held in the overnight cash accounts with CBA (5.86%) and the "AAA" rated fixed covered bond (1.04%).

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.

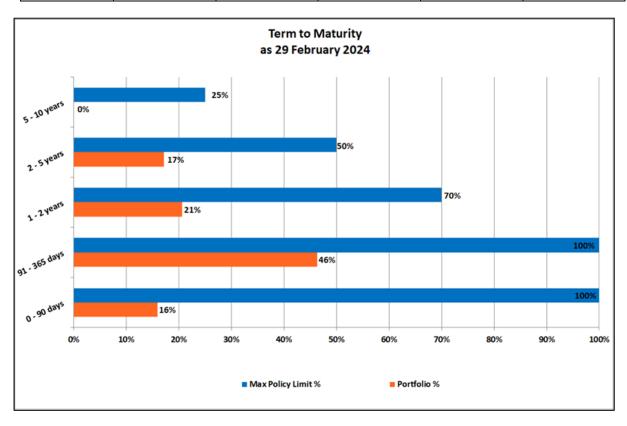


 $^{^{\}rm 3}$ The annualised rate is the rate for a one-year period, based on periodic rates.

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 17.15% of the total investment.

Compliant	Horizon	Invested	%	Min Limit	Max Limit
✓	0-90 days	\$25,303,803	15.93%	15%	100%
✓	91-365 days	\$73,505,396	46.28%	15%	100%
✓	1-2 years	\$32,776,781	20.64%	0%	70%
✓	2-5 years	\$27,244,757	17.15%	0%	50%
✓	5-10 years	\$0	0.00%	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

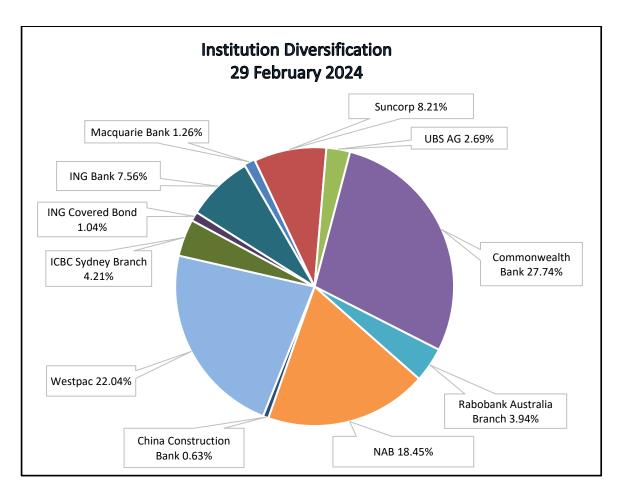
As at end of February, applying the long-term S&P ratings only, Council is compliant across all individual counterparties. The investment portfolio is entirely directly to assets rated "A" or higher, as per Council's adopted policy framework.

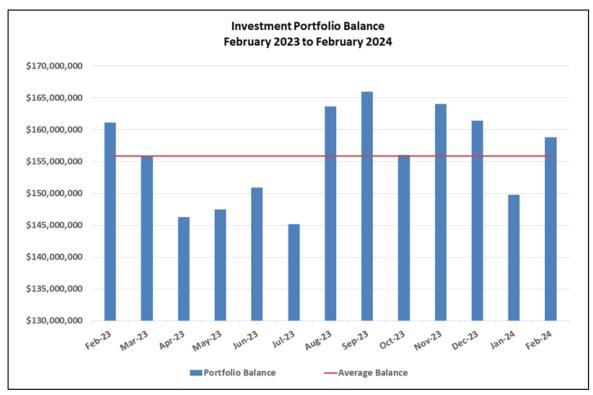
Compliant	Rating	Invested	Invested	Max. Limit	Available
✓	AAA Category	\$1,647,491	1.04%	100%	\$157,183,246
✓	AA Category	\$111,916,404	70.46%	100%	\$46,914,334
✓	A Category	\$45,266,842	28.50%	80%	\$81,797,748
√	Unrated ADIs	\$0	0.00%	0%	\$0

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 Bond	AAA	\$1,647,491	1.04%	40%	\$61,884,804
✓	ANZ Bank	AA-	\$3,558,497	2.24%	40%	\$59,973,798
✓	СВА	AA-	\$44,059,010	27.74%	40%	\$19,473,285
✓	NAB	AA-	\$29,298,897	18.45%	40%	\$34,233,398
✓	Westpac	AA-	\$35,000,000	22.04%	40%	\$28,532,295
✓	Macquarie Bank	A+	\$2,005,396	1.26%	25%	\$37,702,288
✓	Rabobank Australia Branch	A+	\$6,263,157	3.94%	25%	\$33,444,527
✓	Suncorp	A+	\$13,033,775	8.21%	25%	\$26,673,909
✓	UBS AG	A+	\$4,276,781	2.69%	25%	\$35,430,903
✓	China Construction Bank	А	\$999,517	0.63%	25%	\$38,708,167
✓	ICBC Sydney	А	\$6,688,216	4.21%	25%	\$33,019,469
✓	ING Bank	Α	\$12,000,000	7.56%	25%	\$27,707,684





Restricted Funds (Local Government Act 1993 s409)

Councils' preliminary calculations of restricted and unrestricted funds for 29 February 2024 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.

Investment Portfolio I	Salance as at 29 February 2024	\$158,830,737
Restricted Cash	Internal	\$86,050,455
	External	\$54,887,636
Unrestricted Cash		\$17,892,646
Total Restricted & Unre	estricted	\$158,830,737

Green Investment

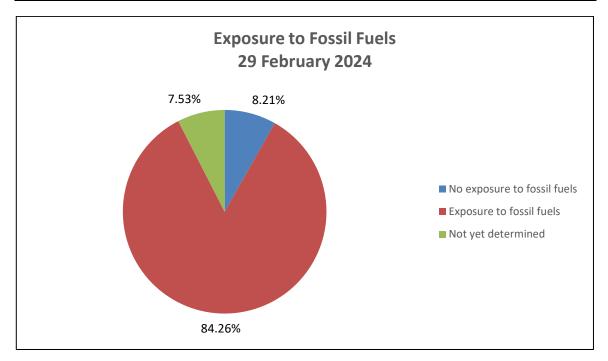
Council's investment policy includes guidelines that give preference to placing funds with institutions identified as not dealing with fossil fuel companies, where financial institutions offer equivalent investment returns with the same credit rating. The big four banks and other institutions rated A- and above have some exposure to fossil fuels. The banks with little or no exposure to fossil fuels are the lower-rated institutions. The current policy does not permit investments in these BBB-rated institutions.

Council's exposure to fossil fuel funds is shown below:

Counterparty	Credit rating	Funding fossil fuel	Position
ING Covered Bond	AAA	Yes	Loaned to fossil fuels in Australia since 2016
ANZ Bank	AA-	Yes	Loaned to fossil fuels since 2016
Commonwealth Bank	AA-	Yes	Loaned to fossil fuels globally since 2016
NAB	AA-	Yes	Loaned to fossil fuels globally since 2016
Westpac	AA-	Yes	Loaned to fossil fuels globally since 2016
Macquarie Bank	A+	Yes	Loaned to fossil fuels globally since 2016
Rabobank	A+	Yes	Loaned to fossil fuels globally since 2016
Suncorp	A+	No	Loans to fossil fuels in 2008/2009, but released the position statement that they have withdrawn from the sector
UBS	A+	Not yet determined	No Position provided
China Construction Bank	А	Not yet determined	No Position provided
ICBC, Sydney Branch	А	Not yet determined	No Position provided
ING Bank	А	Yes	Loaned to fossil fuels since 2016

Based on the portfolio balance of \$158.83 million at 29 February 2024, funding with green initiatives banks made up 8.21% of total investment, or \$13 million. Funding with banks that have exposure to fossil fuels constitutes 84.26%, or \$133.83 million. The remaining 7.53% are not yet determined as no position has been provided by the financial institutions.

Institutions	Invested	Invested %
No exposure to fossil fuels	\$13,033,776	8.21%
Exposure to fossil fuels	\$133,832,447	84.26%
Not yet determined	\$11,964,514	7.53%



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 Original Budget provision for investment income is \$4,229,356. The September and December quarterly budget reviews have been adopted by Council with an additional \$700,000 and \$800,000 respectively for investment interest. The total revised interest on investments budget is \$5,729,356. Interest received to 29 February 2024 is \$4,762,031 representing 83.12% of the current budget year to date. The increased portfolio balance and increases 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 will 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 objective of capital preservation and maximising returns as per the Investment Policy for the 2023-24 financial year. Our current investment return remains strong. Investment income received to 29 February 2024 is \$4,762,031, exceeding current budget expectations by \$942,460 and representing 83.12% of the current budget year to date.

All investments as at 29 February 2024 have been made in accordance with the Local Government Act, the Regulations and Council's Investment Policy.

Responsible officer: Zorica Whitby, Financial Accountant

File Reference: F2016/06527

Randwick City Council

Investments

for the period ending 29 February 2024

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 29 February 2024 have been made in accordance with Council's Investment Policy (adopted Nov 2019).

I hereby certify that all investments as at 29 February 2024 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 29 February 2024, and this investment report, meet the requirements of clause 212 of the *Local Government (General) Regulation 2005.*

Stephen Wong

RESPONSIBLE ACCOUNTING OFFICER

Date

Director Corporate Services Report No. CO12/24

Subject: Monthly Financial Report as at 29 February 2024

Executive Summary

- Monthly Financial Reports are produced as a means of monitoring the financial performance of the Council and ensuring that all appropriate financial controls are being adhered to.
- Council's liquidity remains sound as at 29 February 2024, with capacity to meet short term obligations as they fall due.
- o Council's Chief Financial Officer, as the Responsible Accounting Officer, advises that the projected financial position is satisfactory.

Recommendation

That the Monthly Financial Report as at 29 February 2024 be received and noted.

Attachment/s:

1.4

Monthly Financial Statements - Income Statement - February 2024

Monthly Financial Statements - Balance Sheet - February 2024

2.<u>↓</u> 🖫 3.↓ 🖫

Monthly Financial Statements - Cash Flow Statement - February 2024

Purpose

Section 202 of Local Government (General) Regulation 2005 requires that the Responsible Accounting Officer of a council must:

- establish and maintain a system of budgetary control that will enable the council's actual income and expenditure to be monitored each month and to be compared with the estimate of the council's income and expenditure, and
- if any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of the council.

Discussion

This report provides the financial results of the Council as at 29 February 2024.

Income Statement (Attachment 1):

The Income Statement summarises the Council's financial performance year to date (YTD) and presents the financial results for a stated period. The statement quantifies the amount of revenue generated and the expenses incurred by the Council as well as any resulting net surplus or deficit.

Other revenues continue to be tracking ahead of benchmark, boosted in this period by DRLC kiosk and merchandise sales which contribute to ~18% of its Other Revenue.

	Original Budget 2023-24 (\$'000)	Current Budget 2023-24 (\$'000)	YTD Actual February 2023-24 (\$'000)
Income from continuing operations	191,689	204,826	137,812
Expenses from continuing operations	185,695	185,918	126,684
Net operating result	5,994	18,908	11,127
Net operating result before Capital Grants and Contributions	214	3,932	1,072

Balance Sheet Statement (Attachment 2):

A Balance Sheet is a statement of the financial position of the Council that lists the assets, liabilities, and equity at a particular point in time. In other words, the balance sheet illustrates a Council's net worth. The balance sheet provides a snapshot of the finances (what it owns and owes) as of a specific date.

 Overall prepayments received have increased by ~\$8m as 3rd rates instalment was due on 28th February.

Cash Flow Statement (Attachment 3):

The Cash Flow Statement is a financial statement that shows how cash moves in and out of a Council's accounts via three main channels: operating, investing, and financing activities. The sum of these three segments is called net cash flow. The cash flow statement measures how well the Council manages its cash position, meaning how well the Council generates cash to pay its debt obligations and fund its operating expenses.

The current ratio is a liquidity ratio that measures Council's ability to pay short-term obligations or those due within one year. The current ratio as at 29th February 2024 is 3.07. The Council's target is a ratio equal to or greater than 1.5 based on the Office of Local Government benchmarks. Our current ratio meets this target and indicates Council's liquidity remains sound at the end of February 2024. Together with a surplus Net Operating Result before Capital Grants and Contributions of \$1m, the financial position of the Council remains satisfactory.

Performance Ratio Summary

Based on 22 August 2023 Council meeting feedback, performance ratio indicators will be reported bi-annually, as part of the Annual Financial Statements and the December monthly report. This will provide better indicators to inform Council of the performance in progress.

Strategic alignment

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

Delivering service	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.				
Function	Accounting				
Delivery program commitment	Manage and record the financial transactions arising from Council's activities, including the levy and collection of rates and charges, and the preparation of financial statements and returns.				

Resourcing Strategy implications

The Current Budget for 2023-24 as of the December 23 QBRS is balanced and sustainable with a Net Operating Result before Capital Grants & Contributions of \$3.9m. The Council's financial position remains sound. The Council continues to have a strong balance sheet demonstrated through the robustness of working capital and sound liquidity through healthy cash generation.

Policy and legislative requirements

Section 202 of Local Government (General) Regulation 2005.

Conclusion

The Council's Chief Financial Officer, as the Responsible Accounting Officer, advises that the projected financial position is satisfactory.

Responsible officer: Stephen Wong, Chief Financial Officer

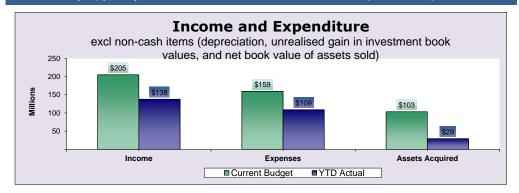
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INCOME STATEMENT

For the period ended 29 February 2024

a sense of community		,	% OF YEAR EXPIRED AT 29 Feb 2024	67%
	Original	Current	YTD	%
	Budget	Budget	Actuals	Spent or
	(\$'000s)	(\$'000s)	(\$'000s)	Earned
EXPENSES FROM CONTINUING OPERATIONS				
Employee Costs	82,711	82,811	49,820	60.2%
Borrowing Costs	625	625	417	66.8%
Materials and Contracts	65,880	69,873	51,780	74.1%
Depreciation and Amortisation	30,851	27,001	18,000	66.7%
Other Operating Expenses	5,628	5,607	3,748	66.8%
Loss on Disposal of Infrastructure Assets	· -	· -	2,918	0.0%
Total Expenses from Continuing Operations	185,695	185,918	126,684	68.1%
INCOME FROM CONTINUING OPERATIONS				
Rates and Annual Charges	141,279	141,698	94,356	66.6%
User Charges and Fees	22,204	22,643	15,775	69.7%
Interest	4,429	5,929	5,208	87.8%
Other Revenues	6,311	6,340	5,913	93.3%
Other Income	4,356	4,347	3,043	70.0%
Operating Grants and Contributions	7,330	8,893	3,380	38.0%
Capital Grants and Contributions	5,780	14,976	10,055	67.1%
Gain on Disposal of Plant & Fleet Assets	-	,	83	0.0%
Total Income from Continuing Operations	191,689	204,826	137,812	67.3%
Net Operating Result - Surplus/(Deficit)	5,994	18,908	11,127	
FUNDING STATEMENT				
SOURCE OF FUNDS	F 004	10.000	11 127	E0.00/
Surplus/(Deficit) from Operations - Accrual	5,994	18,908	11,127	58.8%
Add Back Non-Funded Transactions				
included in Operations above	20.051	27.251	10.000	CE 00/
- Depreciation - Sales of Assets (Book Value)	30,851	27,351	18,000	65.8% 85.5%
- Transfer - Internal Reserves	3,186	3,186 51,587	2,724	
- Transfer - Internal Reserves - Transfer - External Reserves	13,825	,	19,786	38.4% 37.7%
	7,029	21,005	7,929	
Unrealised Gain/(Loss) on Market Value of Investments Net Funds Available	-	122.020	213	0.0%
Net Funds Available	60,885	122,038	59,355	48.6%
		102 150	29,229	28.3%
Assets Acquired	48,808	103,159		
Assets Acquired Loan Principal and Lease Repayment	3,523	3,523	2,284	
Assets Acquired Loan Principal and Lease Repayment Transfer - Internal Reserves	3,523 3,427	3,523 4,632	2,284 10,395	64.8% 224.4%
Loan Principal and Lease Repayment Transfer - Internal Reserves Transfer - External Reserves	3,523 3,427 5,001	3,523 4,632 5,101	2,284 10,395 5,796	224.4% 113.6%
Assets Acquired Loan Principal and Lease Repayment Transfer - Internal Reserves	3,523 3,427	3,523 4,632	2,284 10,395	224.4%





BALANCE SHEET

	Actual as at 29 February 2024 (\$'000s)	Actual as at 30 June 2023 (\$'000s)
CURRENT ASSETS		
Cash, Cash Equivalents & Investments	158,904	151,071
Receivables	8,630	12,793
Inventories and Other	1,497	1,881
TOTAL CURRENT ASSETS	169,030	165,745
NON-CURRENT ASSETS		
Receivables	626	626
Infrastructure, Property, Plant & Equipment	1,977,444	1,969,265
Right of Use Asset	227	227
TOTAL NON-CURRENT ASSETS	1,978,297	1,970,118
TOTAL ASSETS	2,147,327	2,135,863
	_,, ,	_,,
CURRENT LIABILITIES		
Payables & Prepayments	34,292	33,213
Provisions TOTAL CURRENT LIABILITIES	20,688 54,980	21,437 54,650
TOTAL CORRENT LIABILITIES	54,960	54,050
NON-CURRENT LIABILITIES		
Income received in advance	21,870	
Borrowings	25,805	25,805
Lease Liabilities	243	237
Provisions TOTAL NON-CURRENT LIABILITIES	711 48,629	711 48,622
TOTAL NON-CORRENT LIABILITIES	46,029	70,022
TOTAL LIABILITIES	103,608	103,272
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NET ASSETS	2,043,719	2,032,591
EQUITY		
Retained Earnings	905,230	894,103
Revaluation Reserves	1,138,488	1,138,488
TOTAL EQUITY	2,043,719	2,032,591



STATEMENT OF CASH FLOW

	For the period ended 29 February 2024 (\$'000)	Actual for the year ended 30 June 2023 (\$'000)
Cash Flows from Operating Activities		
Receipts:	100 300	127.011
Rates and annual charges User charges and fees	108,390	137,811 35,625
Interest received	14,399 5,256	3,051
Grants and contributions	12,793	27,784
Bonds, deposits and retentions received	1,748	2,048
Other	10,035	24,841
Payments:	10,055	24,041
Payments to employees	(52,269)	(72,715)
Payments for materials and services	(56,549)	(73,589)
Borrowing Costs	(417)	(786)
Bonds, Deposits & retentions refunded	(974)	(1,555)
Other	(4,213)	(16,156)
Net cash flows from (or used in) Operating Activities	38,198	66,359
Cash Flows from Investing Activities		
Receipts:		
Sale of investments	53,500	99,000
Proceeds from sale of IPPE	(2,868)	821
Distribution received from joint ventures and associates	-	-
Payments: Purchase of investments	(50.750)	(110 E00)
Payments for IPPE	(59,750) (26,154)	(110,500) (58,131)
•		. , ,
Net cash flows from (or used in) Investing Activities	(35,272)	(68,810)
Cash Flows from Financing Activities Receipts:		
Proceeds from borrowings	-	-
Payments:		
Repayment of borrowings	(1,556)	(3,061)
Net cash flows from (used in) Financing Activities	(1,556)	(3,061)
Net Increase/(Decrease) in Cash and Cash Equivalents	1,370	(5,512)
plus: Cash and cash Equivalents - beginning of year	8,007	13,519
Cash and cash Equivalents - end of the year	0 277	8 007
Additional Information:	9,377	8,007
	140 500	442.00
plus: Investments on hand at end of year	149,526	143,064
Total cash, cash equivalents and investments	158,903	151,071

Motion Pursuant to Notice No. NM17/24

Subject: Notice of Motion from Cr D'Souza - Proposed memorial in

Heffron Park to recognise the contribution of migrants to

Randwick Council

Motion:

That in memory and recognition of the invaluable contribution made by migrants to Randwick City over many years, Council installs a plaque or memorial at the appropriate Heffron Park site, which was home for many migrants when they first came to Australia.

Background:

Many hard-working migrants with young families had a vision of heaven with a view of hell. They were Struggling to survive in a world that they felt which they felt was rigged against them, one of hardships, social violence, and alienation. Many left a war-torn Europe to have a fresh start in a peaceful Australia.

For many of the migrants they first experiences of Australia and its way of life was at the Migrant Hostel at Heffron Park.

The migrants that came to Australia after the war showed the same devotion to their new country as they did to the country they had left. Like most of the migrants that came to Australia at that time, they were in search of a better world full of freedom and tolerance.

The hostel in Heffron Park was their first home in Australia.

Funding Source:

24/25 Operational Plan and Budget.

Attachment/s:

Nil

Submitted by: Councillor D'Souza, South Ward

File Reference: F2012/00347

Motion Pursuant to Notice No. NM18/24

Subject: Notice of Motion from Cr Burst - Investigate an outdoor gym

at the Coast Hospital Memorial Park, Little Bay

Motion:

That Council investigate an outdoor gym at the Coast Hospital Memorial Park, Little Bay, next to the children's playground.

Background:

Community feedback is that residents would like a park gym at the Coast Hospital Memorial Park Little Bay. There is presently a children's playground in this park and a park gym would enhance the use of this amenity and help with a focus on health and fitness.

This will be a community asset for families with children and also middle aged and elderly within our community.

Source of funding:

Source of funding to be Budgeted 24/25

Attachment/s:

Nil

Submitted by: Councillor Burst, South Ward

File Reference: F2005/00834

Motion Pursuant to Notice No. NM19/24

Subject: Notice of Motion from Cr Burst - New toilets at the Coast

Hospital Memorial Park, Little Bay

Motion:

That Council investigate new toilet block options next to the children's playground in the Coast Hospital Memorial Park, Little Bay.

Background:

Feedback I have received from Little Bay residents:

Local families and local Precinct meetings is that the community need a toilet block in the area around the children's playground in the Coast Hospital Memorial Park Little Bay.

There are no other toilet amenities around the shops and all the surrounding green area spaces in Little Bay hindering increased community use.

As families depart the beach area and head up to the café, food and supermarket precinct they have no toilet facilities access for families especially with young children but also the elderly community that need these amenities as well.

Source of funding:

Source of funding to be Budgeted 24/25.

Attachment/s:

Nil

Submitted by: Councillor Burst, South Ward

File Reference: F2005/00314

Motion Pursuant to Notice No. NM20/24

Subject: Notice of Motion from Cr Rosenfeld - Bottle Neck at Garden

St Maroubra

Motion:

That Council request the Traffic Committee to look at the feasibility of widening the road at Garden St Maroubra between Boyce Rd and Maroubra Rd.

Background:

There are constant traffic issues at Garden St between Boyce Rd and Maroubra Rd. Cars are not able to freely pass each other and hence these cars always are having to stop to give way to each other. This impacts on traffic flow through the roundabout at the corner of Boyce Rd and Garden St which is congested at peak periods.

The main reason for this is that the width of Garden St is narrower from Maroubra Rd to Boyce Rd (9.12m) then it is from Boyce Rd as it runs north towards Moverley Rd and beyond(10.94m). This is a difference of 1.82m.

The nature strip is wide in this same area so the traffic committee can look at the feasibility of cutting this back on both ends of Garden St to allow for a road widening.





Source of funding:

2023/24 Operational Plan and Budget.

Attachment/s:

Nil

Submitted by: Councillor Rosenfeld, Central Ward

File Reference: F2004/08353

Motion Pursuant to Notice No. NM21/24

Subject: Notice of Motion from Cr McCafferty - Council investigate

issues concerning traffic safety, parking and access for emergency and Council vehicles on Pitt St Randwick

Motion:

That council officers and the Council's Traffic Committee examine traffic safety issues and emergency vehicle access issues in Pitt St Randwick. This will involve assessing the feasibility of:

- a) Limiting Pitt St Parking to the western side of the street only with no parking on the eastern side of the street;
- b) Reporting back to Council on the results of consultations and options for addressing access and safety issues in Pitt St Randwick.

The resultant reports should include consultation with the residents in the vicinity, consultation with NSW Emergency Services concerning access challenges of Pitt St and consultation with Council's waste collection service providers concerning access challenges of Pitt St.

Background:

Residents in Pitt Street Randwick have raised the challenges that large vehicles and trucks frequently encounter when trying to access and perform their functions in Pitt Street.

Currently, parking is permitted on both sides of the street, with the result that only one car can pass down the narrow access which is left when all parking is occupied, for instance, at night. Often parking is taken up by attendees at Marcellin college and visitors and staff of the Prince of Wales Hospital.

There is insufficient room for traffic travelling South and North at the junction of Pitt and Albert Streets, at the southern end and very narrow northern end of Pitt Street. There is also difficulty facing cars travelling in both directions when more than one vehicle is using the road.

Residents report that bins in the last stretch of the street before the dead end are not picked up for weeks on end as the garbage collection trucks cannot enter the final part of the street as it becomes too narrow to permit truck access (see pictures) when it is crowded by parked cars.

On at least one occasion, it is reported that an ambulance was unable to travel along the street in an emergency as the ambulance vehicle would not fit in the narrow space left when cars were parked on both sides of the roadway. As a consequence, paramedics were forced to attend to the Pitt St patient on foot.

For several years, residents have discussed the possibility of parking being limited to one side only of the road to ensure better access for residents, service delivery vehicles and trucks.



Photos from 14 February 2024 when a garbage truck became stuck in Pitt Street.



Source of funding:

2023-24 Operational Plans -Traffic Committee Works or to be Budgeted 24/25.

Attachment/s:

Nil

Submitted by: Councillor McCafferty, East Ward

File Reference: F2024/02312

Motion Pursuant to Notice No. NM22/24

Subject: Notice of Motion from Cr Hamilton - Bid for ALGWA (NSW)

Conference and AGM 2028

Motion:

That a report be provided to Council on bidding to host the Local Australian Local Government Women's Association (ALGWA) New South Wales Conference and AGM in 2028 and for the report to include;

- a) Forming a committee of four councillors, to include the Mayor, one Labor, one Liberal and one Greens female councillors and relevant staff to work together on this initiative;
- b) Liaising with the executive of ALGWA to learn the criteria and requirements to bid for hosting honours;
- Determining costs involved in hosting a welcome, two day conference and gala farewell dinner and report back to council;
- d) Setting a theme that depicts the objective of the conference and include in the report;
- e) Ensuring that the entire pitch for hosting rights is prepared for the 2026 ALGWA conference and AGM; and,
- f) If after being selected to host the event, adding costs to the Annual FY budget 2027/2028 to be voted on by Council.

Background:

The Australian Local Government Women's Association (ALGWA) New South Wales is an active organisation that aims to encourage participation of women in local government. Each year members and delegates travel to alternate metro and rural destinations to participate in a conference, vote for a new executive and hold their Annual General Meeting (AGM).

In 2024 it was held in Ryde (metro), in 2025 it will be held in Griffith (rural) and in 2026 it will be held in Blacktown (metro). Without knowing the 2027 destination, we do know it will be in a rural town, leaving way for a bid from a metro LGA in 2028. Prior to the conclusion of the Ryde conference, Blacktown were voted and announced as the 2026 host, meaning Randwick Council will have an opportunity to pitch for the 2028 Conference at the 2026 AGM.

Attachment/s:

Nil

Submitted by: Councillor Hamilton, North Ward

File Reference: F2011/00223

26 March 2024

Motion Pursuant to Notice No. NM23/24

Subject: Notice of Motion from Cr Chapple - Maroubra Reservoir

Motion:

That Council:

- a) Oppose the current planned removal of trees and bushes at Maroubra Reservoir;
- b) Engage in discussions with Sydney Water regarding the proposed removal of trees at Maroubra Reservoir to seek to minimise environmental and community impacts including ensuring trees and bushes are only removed when there is a demonstrated safety risk; and
- c) That until a satisfactory outcome is reached Sydney Water be asked to not remove any trees

Background:

Sydney Water has written to local residents to advise of intended tree clearing around Maroubra Reservoir. Residents are concerned about the environmental and amenity impacts of the removal as well as the noise associated with it.

They have classified Maroubra Reservoir and therefore are seeking to enforce regulations to clear the embankment around the reservoir from trees, shrubs and other obstructive ground cover.

According to the information provided this is a policy decision and not based on an actual assessment of site risks or current or historical issues. There will be no community consultation of impact statement of the environmental impacts. Until a satisfactory outcome is reached, Sydney Water be asked to not remove any trees

The site and likely removal area contains a number of mature trees including many used as food and habitat trees by local yellow tailed black cockatoos and other species.

The plan to remove the trees and bushes is intended to commence in early April 2024.

Attachment/s:

Nil

Submitted by: Councillor Chapple, Central Ward

File Reference: F2020/00279

Motion Pursuant to Notice No. NM24/24

Subject: Notice of Motion from Cr Hay - Kensington Park Cricket Nets

Motion:

That Randwick Council inspect the Kensington Park Cricket Nets, and action any repairs if necessary.

Council should also report whether an upgrade to a more modern design is suitable for these nets, and other cricket nets in Randwick City.

Background:

A resident reported to me that a cricket ball left the nets and hit a car during the summer. Where minor safety improvements are possible, we should pursue them.

Source of funding:

2024/25 Operational Plan and Budget.

Attachment/s:

Nil

Submitted by: Councillor Hay, West Ward

File Reference: F2004/00967

Motion Pursuant to Notice No. NM25/24

Subject: Notice of Motion from Cr Hay - Rubbish Bins at the Nine

Ways intersection on Anzac Pde and Rainbow St

Motion:

That Council consider installing rubbish bins that the east and north corners of the nine ways intersection (Anzac Parade & Rainbow Street) in close proximity to the new pedestrian traffic lights.

Background:

The garden beds that are either side of the new the pedestrian crossing have a large amount of rubbish in them. To a person standing at the intersection, there isn't a rubbish bin in plain view, even though they can be found by walking 100 metres in any direction.

If we can place rubbish bins at the pedestrian crossing, the garden beds can be cleaned and hopefully stay clean.





Source of funding:

2024/25 Operational Plan and Budget.

Attachment/s:

Nil

Submitted by: Councillor Hay, West Ward

File Reference: F2011/00402

Motion Pursuant to Notice No. NM26/24

Subject: Notice of Motion from Cr Pandolfini - ALGWA survey and

experience of women councillors

Motion:

That Council:

 Note that in 2023, ALGWA NSW initiated a confidential survey of women councillors regarding their experiences of bullying, harassment, including sexual harassment, and intimidation within NSW Local Government;

- b) Note the ALGWA preliminary survey undertaken entitled Bullying, Harassment and Intimidation in NSW Local Government has been published on the ALGWA website;
- Note that ALGWA have now partnered with researchers from Western Sydney University, the University of Sydney, and Australian National University to undertake a more thorough research project titled 'Experiences of Women in Local Government';
- d) Notes that Local Government is the most inequitable tier of government and in the 2021 elections the stubbornly low participation rates of women rose to 38%; and
- e) Commits to providing a safe working environment.

Background:

Local Government NSW (LGNSW) President Darriea Turley announced in 2021 that women now make up 39.5% of all councillors in NSW – which was an 8.5% jump on the proportion of women elected in 2016/17.

"Councils are the closest level of government to their communities, so to ensure everyone has a voice it is important that they reflect the communities they represent. The proportion of women on council was stuck between 27 and 31% for nearly a decade, so to make such great progress in a single election is really worth celebrating."

To ensure that we continue to see a rise in the participation of women in local government we need to make sure that it is a safe working environment.

In 2023, ALGWA NSW initiated a confidential survey of women councillors regarding their experiences of bullying, harassment, including sexual harassment, and intimidation within NSW Local Government.

Commenting on the survey ALGWA have said:

"Anecdotally, we know that many women are told that the way they are treated is simply part of the cut and thrust of politics, and that they simply need to "suck it up". However, there is evidence that women are often treated appallingly, simply because they are women, and that treatment becomes worse when it intersects with cultural, economic, racial and ability differences. We want to know how this manifests in the local government sector, and more importantly, what practical changes may be effective in mitigating abusive behaviours to improve safety and inclusion in the local government sector."

Across 166 years Randwick has only had 4 women in the Mayoral position for single year terms.

The treatment of women is the responsibility of everyone.

The treatment of women is pervasive and affects all issues that women face from employment, wage parity, homelessness, lack of superannuation through to the extremely serious and chronically high rates of domestic violence in this country.

26 March 2024

It is the treatment that you walk past that allows inequality to continue in our society, And it is important as elected members of the community that we set the example especially in this room when our commentary and treatment of women is recorded and available for all members of the community to hear.

Attachment/s:

Nil

Submitted by: Councillor Pandolfini, North Ward

File Reference: F2011/00223

Motion Pursuant to Notice No. NM27/24

Subject: Notice of Motion from Cr Pandolfini - Small business support

and empty shops

Motion:

That Council

- a) Note the effect that COVID and rental increases in Randwick have had on small businesses;
- b) Note there are many under-used and empty shop spaces in our Town Centres;
- Note that small businesses should be supported to ensure that we have thriving, vibrant and safe Town Centres;
- Notes the changes in policy from the NSW Government in October 2023 that can assist small business; and
- e) Report back on a cost to produce a report into how many empty shop spaces we have in our Town Centres and how Randwick can support small businesses to get their ideas off the ground and access these spaces, referencing similar successful programs in other councils

Background:

- 1) In October 2023 the NSW Government cut red tape for business, specifically to those working to foster a 24 hour economy in our communities.
- 2) Like many other Town Centres across Sydney Randwick has seen an increase in empty shops since COVID and also due to an increase in rental costs and the cost of living crisis.
- 3) Local Councils can support small businesses to get their ideas off the ground with targeted grant and educational support programs so that we can see an increase in small businesses in our Town Centres.
- 4) Other ideas may include a retail action plan, grant programs for small business, a small business innovation program and a program that connects small business and property owners who have empty shops in Town Centres

Attachment/s:

Nil

Submitted by: Councillor Pandolfini, North Ward

File Reference: F2014/00156

Question with Notice No. QN2/24

Subject: Question with Notice from Cr Chapple - Gender Pay Gap at

Randwick Council

Question:

- 1. What is the current gender pay gap at Randwick City Council?
- 2. How has the gender pay gap at council changed in the last 5 years?
- 3. Is there a plan for closing the gender pay gap? If so where is this? If not will one be developed?
- 4. Based on current projections when will Randwick City Council close its own gender pay gap?
- 5. Does Council provide support or resources to businesses in the Randwick LGA on measuring and closing the gender pay gap?

Response from Manager Human Resources:

To be distributed in a confidential supplementary business paper.

Submitted by: Councillor Chapple, Central Ward

File Reference: F2013/00379