



Willoughby City Council

ORDINARY COUNCIL

AGENDA

NOTICE IS HEREBY GIVEN that an
Ordinary Meeting of the Council
will be held at Council Chamber
Level 6, 31 Victor Street, Chatswood

on 11 December 2023
commencing at 7:00pm

The Meeting is open to the Public

TABLE OF CONTENTS

TABLE OF CONTENTS	2
1 OPEN MEETING	8
2 ACKNOWLEDGEMENT OF COUNTRY	8
3 REFLECTION OR PRAYER	8
4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS	8
5 CONFIRMATION OF MINUTES	8
6 DISCLOSURES OF INTERESTS	8
7 PETITIONS	8
8 OPEN AND PUBLIC FORUM	8
9 MAYORAL MINUTE	9
10 CHIEF EXECUTIVE OFFICER'S LATE REPORT	9
11 MATTERS BY EXCEPTION	9
12 REPORTS TO COUNCIL	9
CHIEF EXECUTIVE'S OFFICE	9
12.1 REQUEST TO WAIVE FOOTWAY RESTAURANT / OUTDOOR EATING AREAS FEE FOR BUSINESSES IN ARTARMON FOLLOWING COMPLETION OF STREETScape UPGRADE.....	10
CUSTOMER & CORPORATE DIRECTORATE	14
12.2 INVESTMENT REPORT FOR MONTH OF NOVEMBER 2023	15
12.3 VICTOR STREET ASSET RENEWAL AND REFURBISHMENT TENDER....	24
12.4 COUNCIL DELEGATED AUTHORITY DURING CHRISTMAS/NEW YEAR RECESS.....	28
12.5 EXPRESSION OF INTEREST FOR THE ADVISORY COMMITTEES - COMMUNITY MEMBERS.....	28
12.6 DRAFT MINUTES - AUDIT, RISK AND IMPROVEMENT COMMITTEE - MEETING HELD 26 OCTOBER 2023	35
12.7 REVIEW OF THE CODE OF MEETING PRACTICE	44
12.8 CX STRATEGY 2023-2025 - COMPLAINTS MANAGEMENT POLICY	50
PLANNING & INFRASTRUCTURE DIRECTORATE	86
12.9 WCC PROPERTY REPORT - DECEMBER 2023.....	87
12.10 PLANNING PROPOSAL 641-653 AND 655A PACIFIC HIGHWAY CHATSWOOD AND ATTACHMENT 1	90
12.11 MINUTES - TRAFFIC COMMITTEE MEETING HELD ON 16 NOVEMBER 2023	104
12.12 DRAFT MINUTES - BUSHLAND AND NATURAL HERITAGE ADVISORY COMMITTEE 18 OCTOBER 2023.....	129
12.13 DRAFT MINUTES-ACTIVE AND INTEGRATED TRANSPORT ADVISORY COMMITTEE HELD ON 25 OCTOBER 2023	137

COMMUNITY, CULTURE & LEISURE DIRECTORATE147

12.14 WILLOUGHBY LEISURE CENTRE UPGRADE - UPDATE 148

12.15 REQUEST FOR MEMORIAL SEAT HAROLD REID RESERVE- DENNIS
ARNOLD 153

12.16 REFLECT RECONCILIATION ACTION PLAN 2024-2025 OUTCOME OF
PUBLIC EXHIBITION 156

12.17 AFFORDABLE HOUSING POLICY AMENDMENT..... 197

12.18 3 ABBOTT RD AFFORDABLE HOUSING PROJECT - PATHWAY
CLOSURE 235

12.19 GRANTS FOR THE COMMUNITY PROGRAM 2023-24 APPLICATIONS -
NOVEMBER..... 243

12.20 DRAFT MINUTES OF THE CULTURAL AND CREATIVE ARTS ADVISORY
COMMITTEES MEETING HELD ON 16 OCTOBER 2023..... 248

13 NOTICES OF MOTION 257

13.1 NOTICE OF MOTION 36/2023 - PROVISION OF DEDICATED LEGAL
RIDESHARE PICK UP LOCATIONS 258

13.2 NOTICE OF MOTION 37/2023 - TAXI AND RIDESHARE LONG TERM
STRATEGY AND ACTION PLAN 260

13.3 NOTICE OF MOTION 38/2023 - WARNERS PARK CENTRE CONCERNS 262

13.4 NOTICE OF MOTION 39/2023 - MINOR AMENDMENT TO THE ARTARMON
LOCAL CENTRE PUBLIC DOMAIN MASTERPLAN 263

13.5 NOTICE OF MOTION 40/2023 - REINSTATE CHATSWOOD OOSH
SERVICE COMMENCING WITH 2024 SCHOOL YEAR 266

13.6 NOTICE OF MOTION 41/2023 - NAMING OF PARK AFTER THE LATE JIM
MCCREDIE 270

14 QUESTIONS WITH NOTICE.....272

14.1 QUESTION WITH NOTICE 18/2023 - ILLEGAL ON STREET BOAT
PARKING 273

14.2 QUESTION WITH NOTICE 19/2023 - ILLEGAL BLOCKING OF ON STREET
PARKING SPACES USING CONES AND BINS..... 274

14.3 QUESTION WITH NOTICE 20/2023 - WOOLWORTHS SHOPPING TROLLEY
LOOP UPDATE 276

14.4 QUESTION WITH NOTICE 21/2023 - BELLAMBI SQUARE NOTICE
BOARD..... 277

14.5 QUESTION WITH NOTICE 22/2023 - ALPHA ROAD AND FRENCHS ROAD
TRAFFIC STUDY UPDATE 278

14.6 QUESTION WITH NOTICE 23/2023 - RECYCLESMART SERVICE TO
WILLOUGHBY RESIDENTS & WASTE STRATEGY..... 279

14.7 QUESTION WITH NOTICE 24/2023 - ARTARMON OOSH VACATION
CARE 283

15 CONFIDENTIAL MATTERS286

15.1 CONFIDENTIAL - VICTOR STREET ASSET RENEWAL AND
REFURBISHMENT TENDER 287

15.2 CONFIDENTIAL - PLANNING AGREEMENT - 2-6 SECOND AVENUE
WILLOUGHBY EAST (FORMER TRESILLIAN NURSING HOME)..... 288

15.3 CONFIDENTIAL - WILLOUGHBY LEISURE CENTRE UPGRADE -
UPDATE..... 289

CONFIDENTIAL ATTACHMENTS.....290

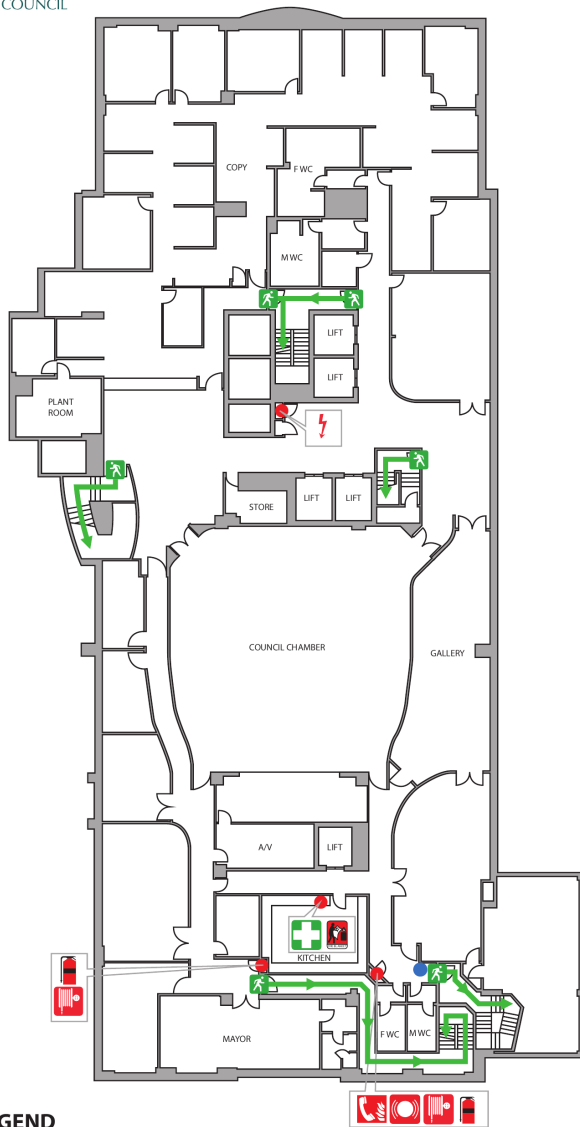
16 CONCLUSION OF THE MEETING290

WILLOUGHBY CITY COUNCIL

Level 6 Floor Plan



EVACUATION DIAGRAM | COUNCIL CHAMBERS



Dial 000 for all emergency services
 Address: 31 Victor St, Chatswood
 Nearest Cross: Albert Ave

IN THE EVENT OF AN EMERGENCY

Remove any person from danger
Alert staff and others
Confine smoke/fire and close doors
Extinguish fire, if safe to do so -
 If not, assist others and move to the Emergency Assembly Area.

EVACUATION PROCEDURES

ALERT BEEEP..BEEEP..BEEEP.
 If you hear this sound you must be prepared to evacuate. Listen carefully to any instructions provided by Wardens and Staff.

EVACUATE WOOP..WOOP..WOOP.
 When you hear this sound you **MUST** evacuate using the nearest Fire Exit. Do not run and do not use any Lifts. If you need assistance to evacuate advise the nearest Staff member.

Listen carefully to any instructions provided by Wardens and Staff.

This diagram identifies the nearest Exit and the alternate Fire Exit as well. You must proceed to the Emergency Assembly Area and wait for further instruction.

DO NOT PANIC

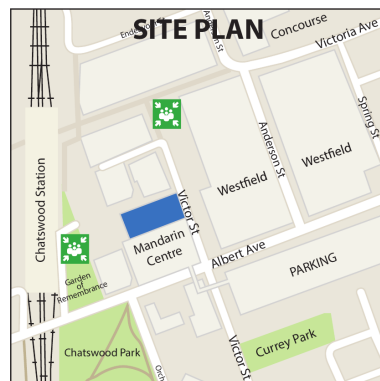
LEGEND

	FIRE EXIT		EMERGENCY ASSEMBLY POINT
	STAIRS		EMERGENCY EXIT ROUTE
	YOU ARE HERE		FIRST AID KIT
	ELECTRICAL DISTRIBUTION BOARD		FIRE BLANKET
	FIRE HYDRANT		FIRE INDICATOR PANEL
	FIRE HOSE REEL		BREAK GLASS ALARM
	WARDEN INTERCOM POINT		CO2 FIRE EXTINGUISHER

LEVEL 6

Assembly Area 1:
 Chatswood Mall, near Victor Street

Assembly Area 2:
 Garden of Remembrance



www.beawarenolutions.com.au Date of Issue: 12-2014
 Ph 1300 71 81 31 Date of Review: 12-2017

NOT DRAWN TO SCALE



COUNCIL CHAMBERS

CUSTOMER AND CORPORATE DIRECTOR	MAYOR	CHIEF EXECUTIVE OFFICER
M Kenyon	Clr T Taylor	D Just

Clr G Roussac	N A R E M B U R N	M I D D L E H A R B O U R	Clr R Samuel
Clr N Wright			Clr A Rozos
Clr A Greco			Clr S Mouradian
Clr H Eriksson	S A I L O R S	W E S T	Clr C Campbell
Clr J Moratelli			Clr B Zhu Deputy Mayor
Clr R McCullagh			Clr J Xia
	B A Y		

Council
Staff



Council Chamber Protocol

Ordinary Council Meetings are held on the fourth Monday of the month.

All meetings are open to the public except for items that, in the Council's opinion, are confidential, in accordance with Section 10A of the *Local Government Act 1993*.

- The Council meeting is in progress once the Mayor declares the meeting open and until the Mayor declares the meeting closed. Members of the public are asked to remain silent when the Council meeting is in progress.
- Members of the public can request that an item be discussed early in the meeting by approaching a Council Officer or Councillor prior to the meeting commencing. The decision to bring forward an item rests with the Mayor. Members of the public are not permitted to approach Councillors while the Council meeting is in progress. Having a matter brought forward in the Council meeting does not give you the right to address Council on that matter.
- You may address Council at a Council meeting in one of two ways:
 - **Open Forum** – allows people to address Council for up to three (3) minutes on any topic relating to Council's activities or Willoughby generally. Members of the public cannot use the Open Forum to speak about an item on the agenda. Requests to speak at Open Forum can be made by completing the on-line form on Council's website before noon on the day of the meeting.
 - **Public Forum** – allows people to address Council for up to three (3) minutes in relation to a specific matter on the agenda. People wishing to address must complete the on-line form on Council's website before noon on the day of the meeting. The decision as to whether or not the person will be heard rests with the Council.
- You are able to distribute additional papers to Councillors prior to a Council meeting via the on-line Request to Address Council Meetings form or via email, post or delivered to Council chambers by noon on the day of the meeting. No additional papers can be distributed to Councillors after 5:00pm on the evening of the Council meeting except in exceptional circumstances agreed by the Chief Executive Officer and the Mayor.
- Please ensure that all mobile phones are turned **off** whilst you are in the Council Chamber. Note that mobile phones or any other recording device are not to be used to record any part of the Council Meeting.
- **Guidelines for Speakers** – When addressing the Council, please remember to be courteous. Comments made by participants in any Council meeting, which are derogatory or damaging to any person's character or reputation, including any Councillor, employee of the Council, or member of the public, may be defamatory and may subject the participant to an action for defamation. Comments made during the course of a Council meeting are not protected by the defence of absolute privilege under the *Defamation Act 2005*, and may not attract any other defences available under that Act or the common law. Every Council meeting is recorded and applications to access to such recordings can be made under the *Government Information (Public Access) Act 2009 (GIPA Act)*.
- **Webcasting** – The proceedings of all Council meetings in open session, including all debate and addresses by the public, are recorded and webcast live on Council's website for the purpose of facilitating community access. Webcast archives are stored and available to the public on Council's website for two (2) years, after which time the recordings may be disclosed under the provision of the *GIPA Act*.
- Members of the public attending a Council meeting may have their image, voice and personal information (including name and address) recorded, publicly broadcast and archived for two (2) years. By attending a Council meeting, whether by addressing the Council or as an observer or other interested party, members of the public consent to this use of their image, voice and personal information.

Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath or Affirmation of Office made at the beginning of the Council term to undertake their civic duties in the best interests of the people of the Willoughby Local Government Area and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their ability and judgement.

Council Officials are also reminded of the requirement to declare and appropriately manage any conflicts of interest they may have in relation to matters considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

1 OPEN MEETING

2 ACKNOWLEDGEMENT OF COUNTRY

Willoughby City Council acknowledges the Traditional Owners of the lands on which we meet today, the Gamaragal People, and their connections to land, waters, and community. We pay our respects to their Elders past and present, and extend that respect to all Aboriginal and Torres Strait Islander people, including those who may be in attendance today.

3 REFLECTION OR PRAYER

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

5 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held on 27 November 2023, copies of which have been circulated to each member of Council, be confirmed.

6 DISCLOSURES OF INTERESTS

In accordance with Part 16 of the Code of Meeting Practice, all Councillors must disclose and manage any conflicts of interest they may have in matters being considered at the meeting.

7 PETITIONS

Nil.

8 OPEN AND PUBLIC FORUM

Open Forum allows members of the public to address Council for a maximum of three (3) minutes on any issues (but not on an item on the Agenda).

Public Forum allows members of the public to address Council for a maximum of three (3) minutes on an issue on the Agenda.

9 MAYORAL MINUTE

10 CHIEF EXECUTIVE OFFICER'S LATE REPORT

11 MATTERS BY EXCEPTION

At this stage the Mayor will invite Councillors to nominate the items they wish Council to consider separately and these matters will then be dealt with in the order so nominated.

12 REPORTS TO COUNCIL

CHIEF EXECUTIVE'S OFFICE

12.1 REQUEST TO WAIVE FOOTWAY RESTAURANT / OUTDOOR EATING AREAS FEE FOR BUSINESSES IN ARTARMON FOLLOWING COMPLETION OF STREETScape UPGRADE

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	DEBRA JUST – CHIEF EXECUTIVE OFFICER
AUTHOR:	JOHN ELLIOTT – ECONOMIC DEVELOPMENT MANAGER
CITY STRATEGY OUTCOME:	4.6 – FACILITATE THE VIABILITY AND VIBRANCY OF OUR CBD AND VILLAGE CENTRES
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

To seek Council approval to waive footway restaurant / outdoor eating areas fees for businesses in Hampden Road, Artarmon following completion of the Artarmon Local Centre Streetscape Upgrade – Hampden Road project. This one off fee waiver is aimed to support businesses coming out of disruption caused by construction works.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Waive the Application / Renewal Fee of \$190.50 and the Administration Fee of \$81.50 for businesses applying for outdoor dining licences in Hampden Road, Artarmon before 1 May 2024**
- 2. Waive the usage fee of \$468.00 per square metre for a single 6 month period from the date of approval of a minimum 12 month outdoor licence in Hampden Road, Artarmon such period to end prior to 31 December 2024.**

3. BACKGROUND

Requests have been made by the Artarmon Village Inc, the local Artarmon Chamber of Commerce organisation, and individual businesses along Hampden Road, Artarmon to waive the fees associated with reapplying for outdoor dining licences, and for a period of fee free occupation for the new areas created as part of the Artarmon Streetscape Upgrade project. The request is to support businesses directly affected by the disruption caused by construction works.

4. DISCUSSION**Strategic History**

The Willoughby Local Centres Strategy 2036 established the aim to promote a network of thriving, attractive and distinctive village centres throughout the Council area. It provides the framework for future planning controls and public domain improvements for eight local centres including Artarmon. From this strategy, the *Artarmon Local Centre Public Domain Masterplan* was created to develop a long term masterplan for the public domain areas on

the western side of the railway line along Hampden Road in Artarmon and was endorsed by Council in November 2020. This masterplan is being delivered through the *Artarmon Local Centre Streetscape Upgrade – Hampden Road* project with works commencing on site in March 2023 and scheduled to finish in mid 2024.

The project is co-funded by Willoughby City Council and the NSW Government, with the Council managing the project and contributing \$3.43M with an additional \$4.63M being contributed by the NSW Government from its NSW Public Spaces Legacy Program.

Consultation and responses

Extensive community and business consultation was undertaken for both the *Willoughby Local Centres Strategy 2036* and the *Artarmon Local Centre Public Domain Masterplan*. As part of the process of delivering the streetscape upgrade further ongoing community and business consultation has taken place with regular meetings and contact being made with the Artarmon Progress Association and the Artarmon Village Inc. (AVI), the chamber of commerce representing the retail and commercial businesses along Hampden Road, Artarmon. Through this process the AVI has made a request that Council consider providing assistance to the local businesses to mitigate the impact of the streetscape works.

Outdoor Dining Licences

To undertake the widening of the footpath along the western side of Hampden Road, the existing outdoor dining licences were terminated in consultation with the businesses. As the new layout of the footpath will differ after the works a new licence will be offered to all food and dining businesses for areas newly created by the works. Council's Fees and Charges Schedule sets out an application fee of \$190.50 and an administration fee of \$81.50 for all applications for outdoor dining.

Help with fees once streetscape work complete

To help businesses to reinvigorate after the completion of the works and offset that Council needed to terminate the existing licences, it is considered appropriate to waive the application and administration fees for businesses to reapply for new outdoor dining licences. To encourage new applications and ensure equity, it is also considered appropriate to waive the application and administration fee for new applications from businesses seeking to utilise the new enhanced footway spaces. The waiving of the fees will be a one off event for licences approved prior to 1 May 2024.

The licence also sets an annual occupancy fee of \$468.00 per square metre for the use of the space. The AVI and a number of businesses have requested that Council waive this fee for a period of 6 months to assist in re-establishing the vitality and vibrancy of the local centre and showcase the new works. It is considered appropriate to waive the use fee for all approved outdoor dining licences. The waiving of the occupancy fee will be a one off event and will apply to applications approved prior to 1 May 2024 and will be for a period of 6 months' dependent on the business being approved for a licence for a minimum period of 12 months.

How many businesses and how much help

There are fourteen businesses on Hampden Road within the food and dining sector that could apply for an outdoor dining licence. Ten of those have previously had outdoor dining licences and have indicated that they will apply for new licences within the expanded areas, of the four remaining business, two have indicated that they will be applying for a licence for the first time,

Four of the ten businesses that have existing outdoor dining have indicated that are interested in expanding their areas and occupying more space. They have not indicated the amount of extra space.

The total maximum area along all of Hampden Road that could be leased is around 140 square metres should all the businesses be food and dining. Prior to the works, a total of 40 square meters was occupied. Following the discussions with the businesses it is estimated that the likely maximum amount of space that would be licenced is 80 square meters.

To help facilitate the local centres re-establishment after the works, each application for an outdoor dining licence that would benefit from the waiving of fees and charges must commit to a 12 month licence term.

Financial Impact to Council

Should the maximum number of fourteen businesses apply for licences and occupy the likely maximum of 80 square metres of space, the total sum of fees waived would be:

- \$2,667.00 for application fees
- \$1,141.00 for administration fees
- \$18,720.00 for use fees

A total maximum of \$22,528.00 income would therefore be foregone in waiving the fees.

5. CONCLUSION

To help the local businesses in Hampden Road, Artarmon following the carrying out of the streetscape upgrade works and the direct impact on trading it is considered appropriate to waive the application and administration fees for applicants for outdoor dining licences, together with six months of use fees to help the Artarmon local centre reestablish its itself with visitors and help facilitate the the viability and vibrancy of the village centre.

IMPLICATIONS	COMMENT
City Strategy Outcome	4.6 – Facilitate the viability and vibrancy of our CBD and village centres
Business Plan Objectives, Outcomes / Services	There are no considerations applicable to this report.
Policy	This matter relates to Council policy for fees and charges
Consultation	The Artarmon Village Inc and the Artarmon Progress Association together with local businesses have requested the fee waivers
Resource	No additional resources are required.
Risk	There are no risks applicable to this report.
Legal	There are no legal implications of this report.
Legislation	There are no legislative implications to this report
Budget/Financial	The maximum financial impact of the concession is \$22,528.00 in 2023/24

CUSTOMER & CORPORATE DIRECTORATE

12.2 INVESTMENT REPORT FOR MONTH OF NOVEMBER 2023

ATTACHMENTS:	1. IMPLICATIONS 2. ACTUAL PERFORMANCE AGAINST INVESTMENT POLICY (2020) 3. COUNCIL HOLDINGS AND COUNTERPARTY ANALYSIS
RESPONSIBLE OFFICER:	MAXINE KENYON – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEPHEN NAVEN – CHIEF FINANCIAL OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

To provide a report setting out Council's bank balances and investment portfolio performance as at 30 November 2023 under section 625 of the *Local Government Act 1993*.

2. OFFICER'S RECOMMENDATION

That Council receive the Statement of Bank Balances and Investment Holdings as at 30 November 2023.

3. BACKGROUND

The Responsible Accounting Officer must provide Council with a monthly report setting out details of all money that the Council has invested under *Section 625* of the *Local Government Act 1993*.

In accordance with Clause 212 of *Local Government (General) Regulation 2021*, this report must include Certification as to whether or not the Investments have been made in accordance with the Act, the Regulations and Council's *Investment Policy*.

4. DISCUSSION

The *Investment Policy* adopted by Council at its meeting on 14 December 2020 applies to all investments from that date.

A summary of Council's holdings as at 30 November 2023 is included in **Attachment 1** (Financial Implications). Actual performance against policy settings and budget are included in **Attachment 2**.

Details of holdings and counterparty analysis is included in **Attachment 3**.

The monthly investment report details the interest income for the month and any other relevant information.

The key financial indicators for Council's investment holdings at 30 November 2023 include:

Combined Bank Balance	\$ 9.7M
Investment Holdings	\$206.0M
Total Cash and Investments	\$215.7M
Return on Investments	4.75%, (0.41% over benchmark of 4.34%) (Refer to Attachment 2 – Figures 3 and 4).
Actual Interest Return (Month)	\$804K (\$114K better than \$690K budget) (Refer to Attachment 2 – Figure 5).
Actual Interest Return (Year to Date)	Actual Year to Date Interest of \$3,759K is \$299K favourable to Year to Date budget of \$3,460K.

Restricted versus Unrestricted Cash and Investments

Total cash and investments as at 30 November 2023 was \$215.7M. Of this amount, \$190.2m, or 88% is restricted to be spent on specific purposes. This leaves \$25.5m or 12% of unrestricted cash and investments for working capital purposes to ensure Council can meet its financial obligations as they fall due.

Figure 1 shows the breakdown of cash and investments.

Figure 1 – Restricted versus unrestricted cash and investments as at 30 November 2023

Restriction Category	Total cash and investments as at 30 November 2023 (\$'m)	Percentage of Total Portfolio %
Internally Restricted	\$ 67.0M	31
Externally Restricted	\$123.2M	57
Unrestricted	\$ 25.5M	12
Total	\$215.7M	100

5. CONCLUSION

Council's investment holdings at 30 November 2023 have been made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2021*, the *Investment Policy* adopted by Council on 14 December 2020, *Ministerial Investment Order* issued February 2011 and Division of Local Government (as it was then known) *Investment Policy Guidelines* published in May 2010.

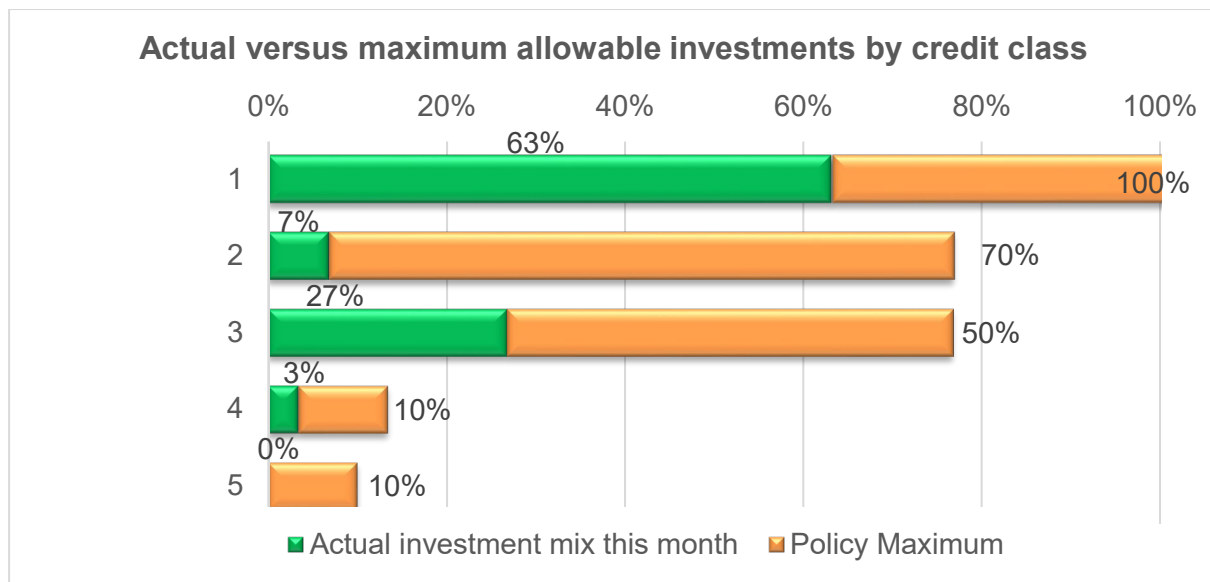
ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes/ Services	Maximise interest rate returns and comply with all relevant legislation.
Policy	This report relates to Council's <i>Investment Policy</i> which safeguards Council's investment portfolio.
Consultation	Not applicable.
Resource	Council's bank balances and investment holdings are managed within existing staff resources within the Finance Unit.
Risk	Investments in this report have been considered in light of adopted risk management guidelines around the preservation of capital, diversification, market interest rates, liquidity and maturity risks.
Legal	There are no legal considerations applicable to this report
Legislation	<p>Under <i>Section 625</i> of the <i>Local Government Act 1993</i> the Responsible Accounting Officer must provide Council with a monthly report setting out details of all money that the Council has invested.</p> <p>In accordance with Clause 212 of <i>Local Government (General) Regulation 2021</i>, this report must include Certification as to whether or not the Investments have been made in accordance with the Act, the Regulations and Council's <i>Investment Policy</i>.</p>
Budget/ Financial	<p>The monthly investment report details the interest income for the month and any other relevant information required by Council.</p> <p>Council's Cash and Investments holdings at 30 November 2023 were \$215.7M and Interest returns are on track to exceed the annual budget of \$8.4M.</p>

ATTACHMENT 2

Actual Performance against Investment Policy settings and budget is detailed below:

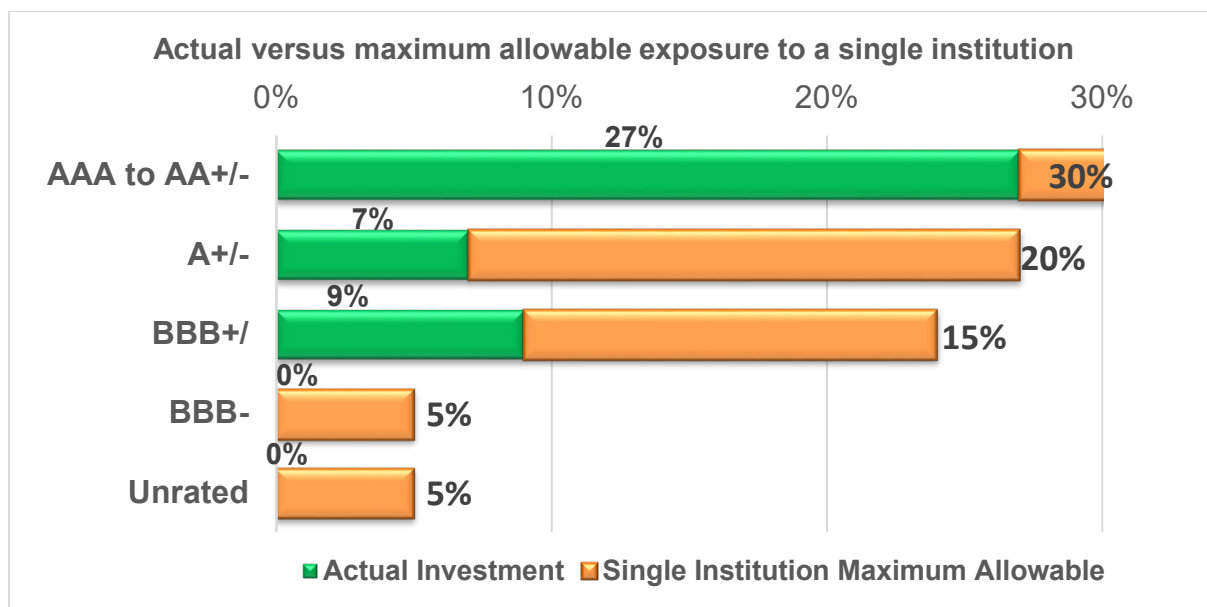
Figure 1 – Actual versus maximum allowable investments by credit class



Credit Risk refers to the risk of loss due to the insolvency of an institution or institutions that Council is investing funds with. To ensure that Credit Risk is minimised, Council relies on external rating agencies (such as Standard and Poors Global Rating) and sets targets for each rating class (with a higher proportion of the portfolio in higher rated / less risky classes and lower amounts in lower credit classes).

Figure 1 shows that this month Council’s portfolio meets policy requirements as the percentage of investments in each credit class is equal to or lower than the policy prescribed maximums.

Figure 2 - Actual versus maximum allowable exposure to a single institution



In addition to minimising credit risk by concentrating investments in highly rated institutions (Figure 1), Council also needs to ensure that exposure to loss from one single organisation (counterparty risk) is minimised. The policy therefore prescribes maximum percentage targets for amounts invested in a single institution.

Figure 2 shows that this month Council’s investment portfolio meets policy requirements as exposure to single entities is equal to or lower than the policy prescribed maximums.

Figure 3 – Interest Rate Comparison for 30 November 2023

<u>Description</u>	<u>Average Interest Rate</u>
Council Portfolio	<u>4.75%</u>
Benchmark – Bloomberg AUSBond Bank Bill Index (1 Month)	<u>4.34%</u>
Over Benchmark Return	<u>0.41%</u>

Figure 3 shows the monthly interest rate achieved by Council on its investment portfolio compared with the one month Bloomberg AUSBond Bank Bill Index. Council’s return has over performed that benchmark by 0.41%.

A more appropriate benchmark is Council’s historical 12 months average return compared to the 12 months Average Bloomberg AUSBond Bank Bill Index. Figure 4 compares Council’s 12 months Average return with the 12 months Average Bloomberg Bank Bill Index.

Figure 4 – Interest Rate Comparison – 12 Month Average

<u>Description</u>	<u>Average Interest Rate</u>
Council Portfolio – 12 month Average	<u>3.64%</u>
Benchmark – Bloomberg AUS Bond Bank Bill Index (12 Month Average)	<u>3.70%</u>
Under (over) Benchmark Return	<u>0.06%</u>

Figure 5 – Investment Return for 30 November 2023

<u>Description</u>	<u>Interest Achieved (\$000's)</u>
Council Actual Interest Return	<u>\$804K</u>
Budgeted Return	<u>\$690K</u>
Over (under) Budgeted Return	<u>\$114K</u>

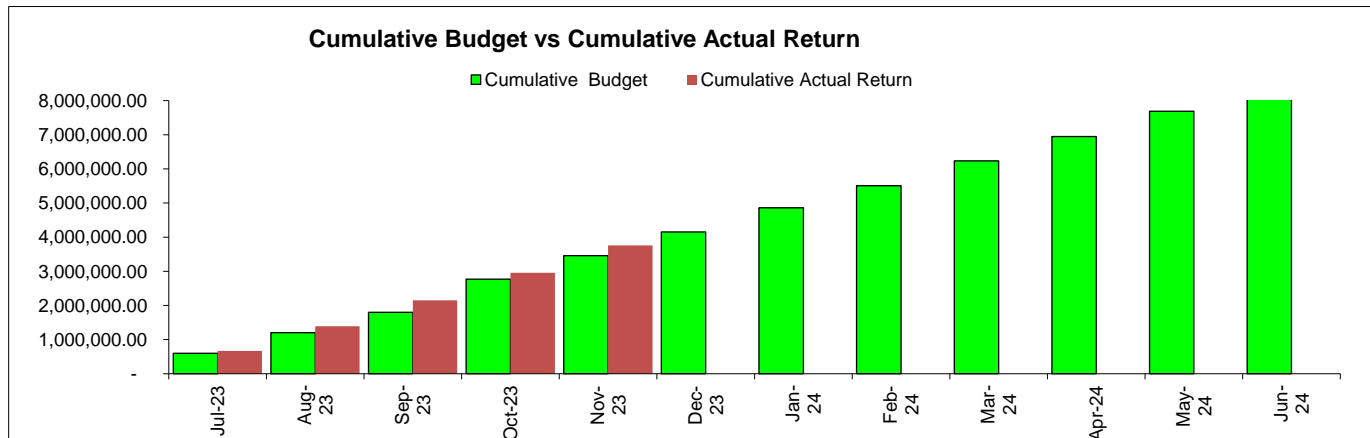
Figure 5 provides a comparison of the actual interest return on investments for the month with the budget and shows that the monthly return is \$114K better than budget.

LIST OF INVESTMENTS	Credit Rating	FRN /TD	Investment Amount \$	Return % p.a.	Monthly Income \$	Investment Date	Mature & Reset Date	Period/ Matur. Date
Investments that matured during the month:								
Westpac Bank (9528796)	AA-	TD	1,000,000	1.13%	31	28/10/2021	2/11/2023	Matured
Westpac Bank (9562241)	AA-	TD	2,000,000	1.22%	1,003	11/11/2021	16/11/2023	Matured
Westpac Bank (9415227)	AA-	TD	2,000,000	0.61%	735	26/08/2021	23/11/2023	Matured
AMP Bank (706198561)	A2	TD	1,000,000	4.60%	2,773	24/11/2022	23/11/2023	Matured
Westpac Bank (10060651)	A1+	TD	3,000,000	4.35%	7,866	23/11/2022	23/11/2023	Matured
Westpac Bank (10060645)	A1+	TD	3,000,000	4.35%	7,866	23/11/2022	23/11/2023	Matured
Current Investments:								
Westpac Bank (9619113)	AA-	TD	2,000,000	1.21%	1,989	9/12/2021	14/12/2023	0-3 mths
Westpac Bank (9298720)	AA-	TD	2,000,000	0.65%	1,068	17/06/2021	14/12/2023	0-3 mths
Commonwealth Bank (2123)	A1+	TD	5,000,000	4.69%	19,274	20/12/2022	21/12/2023	0-3 mths
MyState Bank (55631)	BBB+	TD	2,000,000	1.20%	1,973	9/12/2021	4/01/2024	0-3 mths
Commonwealth Bank (2124)	A1+	TD	5,000,000	4.69%	19,274	20/12/2022	11/01/2024	0-3 mths
Bank of QLD (664520)	A2	TD	7,000,000	4.55%	26,178	12/01/2023	12/01/2024	0-3 mths
Commonwealth Bank (2132)	A1+	TD	12,000,000	4.74%	46,751	12/01/2023	12/01/2024	0-3 mths
Westpac Bank (9678135)	AA-	TD	1,000,000	1.31%	1,077	14/01/2022	18/01/2024	0-3 mths
Commonwealth Bank (2133)	A1+	TD	5,000,000	4.71%	19,356	16/01/2023	18/01/2024	0-3 mths
Westpac Bank (10509567)	A1+	TD	3,000,000	4.60%	11,342	16/01/2023	18/01/2024	0-3 mths
Westpac Bank (10512363)	A1+	TD	4,000,000	4.60%	15,123	17/01/2023	25/01/2024	0-3 mths
Westpac Bank (10509535)	A1+	TD	6,000,000	4.60%	22,685	16/01/2023	1/02/2024	0-3 mths
Commonwealth Bank (2134)	A1+	TD	6,000,000	4.71%	23,227	16/01/2023	8/02/2024	0-3 mths
ING Bank (170222)	A+	TD	1,000,000	2.00%	1,644	17/02/2022	15/02/2024	0-3 mths
Westpac Bank (10509521)	A1+	TD	5,000,000	4.60%	18,904	16/01/2023	15/02/2024	0-3 mths
National Australia Bank (70-562-1720)	AA-	TD	2,000,000	1.81%	2,975	17/02/2022	22/02/2024	0-3 mths
National Australia Bank (928293939)	A1+	TD	7,000,000	5.00%	28,767	23/02/2023	22/02/2024	0-3 mths
National Australia Bank (928489202)	A1+	TD	5,000,000	5.00%	20,548	23/02/2023	22/02/2024	0-3 mths
Westpac Bank - Green Tailored Deposit (7553241)	AA-	TD	1,000,000	5.13%	4,370	28/02/2019	1/03/2024	4 mths
Police Nurse Bank (57025)	BBB-	TD	2,000,000	2.00%	3,288	10/03/2022	7/03/2024	4 mths
ING Bank (57154)	A+	TD	1,000,000	2.02%	1,660	17/03/2022	21/03/2024	4 mths
Police Nurse Bank (57153)	BBB-	TD	2,000,000	2.05%	3,370	17/03/2022	21/03/2024	4 mths
Mystate Bank (30261468)	A2	TD	4,000,000	4.60%	15,123	23/03/2023	21/03/2024	4 mths
Mystate Bank (30261472)	A2	TD	4,000,000	4.60%	15,123	23/03/2023	28/03/2024	4 mths
National Australia Bank (955038589)	AA-	TD	4,000,000	2.85%	9,370	14/04/2022	18/04/2024	5 mths
Police & Nurses Bank (180424)	A2	TD	3,000,000	4.75%	11,712	27/04/2023	18/04/2024	5 mths
Police & Nurses Bank (020524)	A2	TD	2,000,000	4.75%	7,808	27/04/2023	2/05/2024	6 mths
Commonwealth Bank (2100)	AA-	TD	1,000,000	3.70%	3,041	5/05/2022	16/05/2024	6 mths
Australian Military Bank (23052024)	A2	TD	1,000,000	5.06%	4,159	24/05/2023	23/05/2024	6 mths
ING BANK (949745)	A-	TD	1,000,000	3.76%	3,090	26/05/2022	30/05/2024	7 mths
Mystate Bank (30271360)	A2	TD	3,000,000	5.70%	14,055	27/06/2023	27/06/2024	7 mths
National Australia Bank (30-862-1903)	AA-	TD	1,000,000	0.80%	658	8/07/2021	4/07/2024	8 mths
Mystate Bank (30271364)	A2	TD	3,000,000	5.70%	14,055	27/06/2023	4/07/2024	8 mths
AMP Bank (270723)	A2	TD	4,000,000	5.55%	18,247	27/07/2023	25/07/2024	8 mths
Commonwealth Bank (2154)	A1+	TD	5,000,000	5.54%	22,767	10/08/2023	8/08/2024	9 mths
Bendigo Bank (4452208)	A2	TD	4,000,000	5.50%	18,082	27/07/2023	8/08/2024	9 mths
Commonwealth Bank (2155)	A1+	TD	6,000,000	5.57%	27,468	16/08/2023	15/08/2024	9 mths
National Australia Bank (29-130-3289)	AA-	TD	2,000,000	0.78%	1,282	12/08/2021	15/08/2024	9 mths
Commonwealth Bank (2156)	A1+	TD	3,000,000	5.44%	13,414	24/08/2023	22/08/2024	9 mths
Australian Military Bank (220824)	BBB+	TD	3,000,000	4.45%	10,973	31/08/2022	22/08/2024	9 mths
National Australia Bank (10858418)	A1+	TD	7,000,000	5.21%	29,975	24/08/2023	29/08/2024	10 mths
Commonwealth Bank (2162)	A1+	TD	7,000,000	5.36%	30,838	21/09/2023	19/09/2024	10 mths
Police & Nurses Bank (060235)	BBB-	TD	3,000,000	4.40%	10,849	8/09/2022	19/09/2024	10 mths
National Australia Bank (10862995)	A1+	TD	7,000,000	5.35%	30,781	21/09/2023	26/09/2024	11 mths

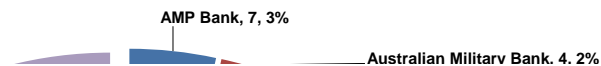
National Australia Bank (10862996)	A1+	TD	7,000,000	5.35%	30,781	21/09/2023	26/09/2024	11 mths
AMP Bank (342225216)	BBB+	TD	2,000,000	4.70%	7,726	13/10/2022	17/10/2024	11 mths
Westpac Bank - Green Tailored (11151149)	A1+	TD	5,000,000	5.36%	22,027	25/10/2023	24/10/2024	11 mths
Westpac Bank (10768193)	A1+	TD	4,000,000	5.36%	17,622	25/10/2023	24/10/2024	11 mths
ING Bank (1015290)	A+	TD	3,000,000	4.90%	12,082	27/10/2022	24/10/2024	11 mths
Bank of QLD (628601)	BBB+	TD	4,000,000	4.61%	15,156	23/11/2022	21/11/2024	12 mths
ING Bank (1160142)	A-	TD	5,000,000	5.40%	22,192	25/10/2023	30/10/2025	>12 mths
Current Investments - "New and Rollover" made during the month:								
AMP Bank (960694305)	A2	TD	1,000,000	5.30%	1,162	23/11/2023	28/11/2024	12 mths
Bank of QLD (868270)	A2	TD	3,000,000	5.40%	3,995	22/11/2023	21/11/2024	12 mths
Bank of QLD (868274)	A2	TD	3,000,000	5.30%	3,921	22/11/2023	27/11/2025	24 mths
Bank of QLD (868372)	A2	TD	2,000,000	5.40%	2,663	22/11/2023	14/11/2024	12 mths
ING Bank (1171988)	A-	TD	3,000,000	5.35%	3,958	22/11/2023	27/11/2025	24 mths
Total Current Investments, Monthly Interest and Weighted Return		Inv	206,000,000	4.75%	771,271			
Other Cash and Monthly Interest (11am STMM)		Cash	9,680,926		32,372			
Total Cash & Investments			215,680,926		803,644			
Benchmark: Bloomberg AUSBond Bank Bill Index				4.34%				
Investments Margin above Benchmark				0.41%				

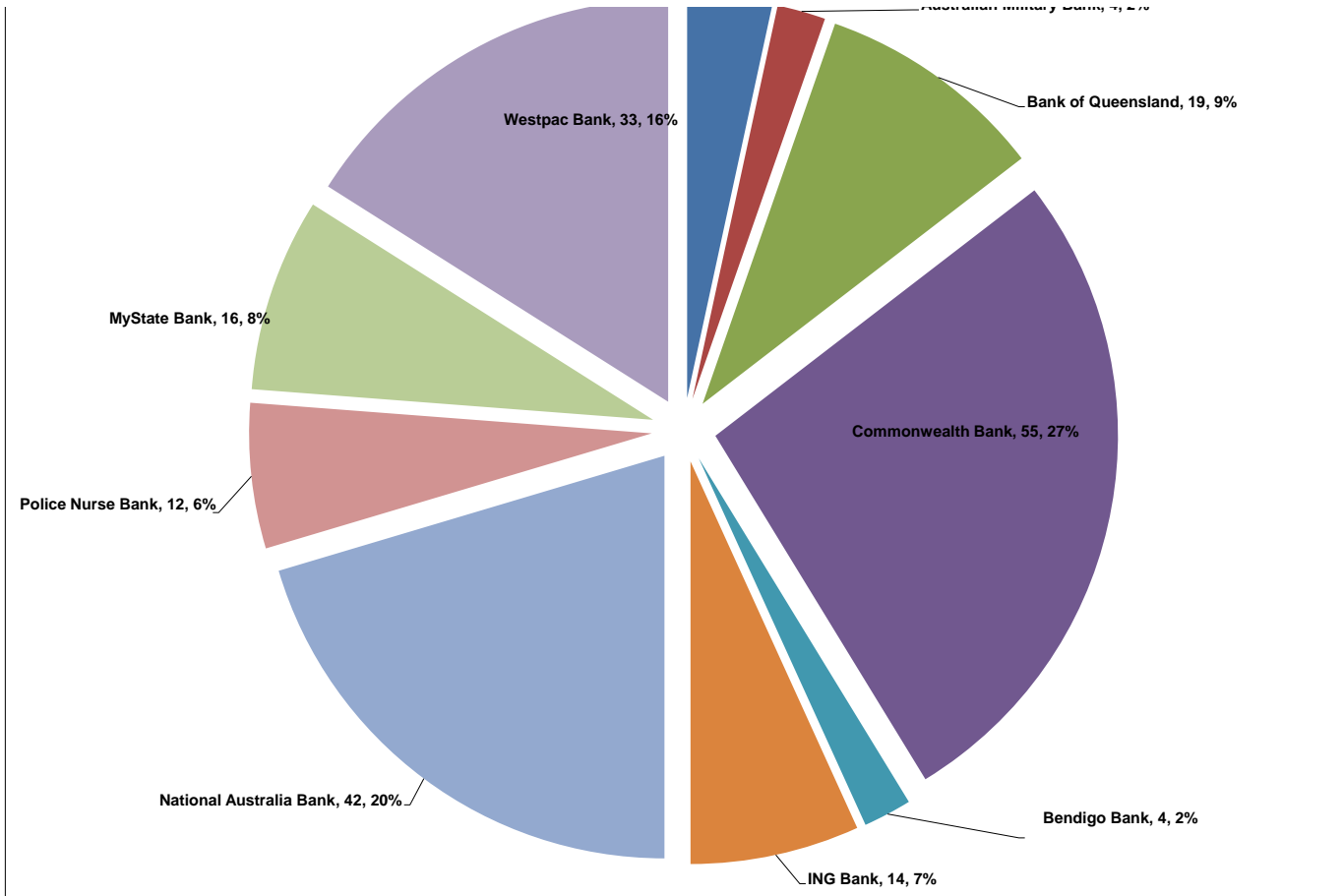
Investments Maturity Period	0-3 Months	4-12 Months	> 12 Months	Total \$	chk s/be 0
Amount	80,000,000	115,000,000	11,000,000	206,000,000	0
% of Total	38.8%	55.8%	5.3%	100%	

Cash & Investments Return:	Budget \$	Actual \$	Var. \$
Current Month	690,318	803,644	113,326
Year to Date	3,460,310	3,759,088	298,778



Investments CounterParty Analysis Chart





Investment return for 2022-2023		
Month	Ausbond bank Bill Index Return % p.a	WCC Actual Returns from
Nov-22	3.07%	1.88%
Dec-22	2.98%	2.13%
Jan-23	3.18%	3.16%
Feb-23	3.18%	3.37%
Mar-23	3.39%	3.56%
May-23	3.53%	3.73%
Jun-23	3.72%	3.85%
Jul-23	4.48%	3.96%
Aug-23	4.39%	4.30%
Sep-23	4.18%	4.42%
Oct-23	4.01%	4.56%
Nov-23	4.34%	4.75%
Annualised return	3.70%	3.64%

12.3 VICTOR STREET ASSET RENEWAL AND REFURBISHMENT TENDER

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	MAXINE KENYON – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	MAXINE KENYON – CUSTOMER & CORPORATE DIRECTOR
CITY STRATEGY OUTCOME:	5.6 – ENSURE VALUE FOR MONEY AND FINANCIAL SUSTAINABILITY
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

To advise Council on the assessment of Tender T13-2023 for the Victor Street Office Refurbishment & Fit Out Project and to seek Council's approval to appoint a tenderer to carry out the refurbishment and fit out works to Council's 31 Victor St, Chatswood NSW 2067 offices.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Accept the tender from the top ranked tenderer in the confidential report.**
- 2. Make public the successful tender's name following the Council's resolution to accept the tender.**
- 3. Authorise the General Manager to execute the contract documents.**

3. BACKGROUND

Council's Administration Building was constructed in 1998 and forms part of the Sebel Residences Tower. The building is located at 31 Victor Street, Chatswood and accommodates approximately 230 Council staff. Council owns and occupies four and a half floors of the building, consisting of: a portion of the ground floor (upgrade completed); levels 4, 5 and 6; and, a 66 space basement carpark. Council has continuously occupied approximately 4,414m² of floor space since its construction, with only minor accommodation changes having been undertaken.

Since being built, work styles have evolved, and the current accommodation is no longer fit for purpose and the asset needs to be renewed. The refurbishment has been incorporated in Council's integrated planning and reporting documents since 2018/19 and work has occurred to explore feasibility, alternative options, engagement with staff and design. Council has over time placed funds into an identified reserve to enable the work to occur.

The proposed works will support renewal of the asset and provide an office that enables contemporary work practices. Council has developed the concept and detailed design to 80% completion for a Design & Construct Contract tender.

The project will consist of a refurbishment and fit out of Council's existing office tenancies on Levels 4, 5 and part of Level 6 at 31 Victor Street, Chatswood NSW. The fit out has been developed to address asset renewal requirements and reflect a modest, simple environment that is fit for purpose, provides value for money, aligns with Council's corporate direction and values and enables contemporary work practices.

The refurbishment will prioritise compliance with accessibility and safety standards, energy efficiency, and modern work needs. Upgrades will include DDA-compliant facilities, improved fire safety, eco-friendly lighting, and air conditioning systems. An open-plan layout will be introduced, incorporating technology for activity-based working, while digitising all paper records to boost operational efficiency and support a dynamic workforce.

The works will assist in attracting and retaining staff, create spaces which better support collaboration and use of technology, better utilise the available space and explore the possibility of leasing a space to generate additional income. The goal is to create a welcoming, humble but modern environment that supports both the community and a more effective work environment, ultimately driving a positive outcomes.

This report seeks Council's approval to award the tender for the refurbishment and fit out works at Willoughby Council's Victor Street offices.

4. DISCUSSION

Request for Tender – D&C Contractor

Following the development of the design to 80% detailed design, Council progressed to tender for a Contractor to deliver the refurbishment and fit out of Victor St under a Design & Construct Contract model.

In accordance with *NSW Local Government Tendering Guidelines* and Council's *Procurement Policy*, Council sought tenders from the open market to select a suitably qualified and experience contractor to deliver the project.

The tender was released to open market on 5 October 2023 and had a closing date of 3 November 2023 via Tenderlink. Following receipt of a request to extend the tender period from two tenderers Council agreed to extend the closing date to 6 November 2023, through an addendum issued on Tenderlink.

Council received a total of eight (8) submissions from the following companies:

- ATG (Sydney) Project & Property Solutions Pty Ltd
- Cerak Constructions Pty Ltd
- Corporate Interior Projects Pty Ltd
- Fawe Corporation Pty Ltd
- Graphite Projects Pty Ltd
- Intermain Pty Ltd
- INTREC Management (NSW) Pty Ltd
- The Walsh Group Constructions Pty Ltd

Tender Evaluation Panel

A Tender Evaluation Panel reviewed the submissions and made recommendations via a Tender Evaluation Report.

Evaluation Criteria

Tenders were assessed against the criteria listed in **Figure 1 and Figure 2**, as detailed in the tender documentation.

Figure 1 – Mandatory Evaluation Criteria

Item	Mandatory Criteria	Evaluation Response
1.	Compliance with the Conditions of Tendering, Contract Conditions, Specifications / briefs and all other Tender Documentation.	Yes / No
2.	The Tenderers ability to meet the specified Insurance(s), Work Health and Safety, Modern Slavery, Quality Management Systems, Environmental Management Systems, and Workplace Relations of the project.	Yes / No
3.	Demonstrating the financial capacity and commercial trading integrity to carry out and support the cash requirements for these works.	Yes / No
4.	Provide information of recent prosecutions and / or fines incurred by the Tenderer (if any) during the last two years under the <i>Protection of the Environment Operations Act 1997</i> or other Australian environmental legislation, together with a description of the actions taken by the Tenderer in response to each prosecution and fine.	Exceptional / Satisfactory / Unsatisfactory

Figure 2 – Evaluation Criteria

Criteria
Financial Offer comprising the Lump Sum price.
Financial Offer comprising submitted cost options, schedule of rates, proposed variation and provisional sum margins, and delay rates
Demonstrated experience and performance in carrying out works of similar size, nature, and value (>\$5M)
The allocation, capacity, experience, and qualifications of the proposed personnel including team members and sub-contractors.
The Tenderer's works delivery approach, process, programme, and methodologies.

Tender Evaluation

The Tender was assessed by a panel of Council staff consisting of the Planning & Infrastructure Director, People & Culture Manager and external Project Manager. They each separately analysed the tender submissions and prepared the tender assessment report.

The tender assessment outcomes, including the recommended preferred contractor and their pricing are contained in Tender Evaluation Report. This information is confidential in accordance with Section 10A(2)(c) and Section 10A(2)(d)(i) of the Local Government Act 1993 as:

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and
- (d) commercial information of a confidential nature that would, if disclosed-
 - (i) prejudice the commercial position of the person who supplied it.

5. CONCLUSION

It is considered that the top ranked Tenderer has been assessed as being capable of delivering the refurbishment and fit out works to Council's Victor St Offices to the standard required. As such, it is recommended that the tender from the top ranked Tenderer be awarded the contract for the Victor Street Office Refurbishment and Fit Out project as outlined in the confidential report.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.6 – Ensure value for money and financial sustainability
Business Plan Objectives, Outcomes/ Services	Delivery of the Victor Street Asset Renewal and Refurbishment as outlined within the Operational Plan.
Policy	This matter relates to Council's <i>Purchasing and Tendering Policy</i> .
Consultation	The tender was advertised in accordance with the provisions in the <i>Local Government Act 1993</i> .
Resource	The tender process and administration of this contract will be undertaken within existing allocated resources.
Risk	<p>The level of risk associated with the contents of this report is low, with moderate consequences under Council's <i>Risk Management Framework</i>.</p> <p>A program and construction methodology from the contractor will ensure that the disruption from the works will be minimised to the other building occupants and Council staff. Council also have a project risk register which is reviewed regularly.</p>
Legal	Not applicable.
Legislation	The tender process has been undertaken in accordance with all <i>Local Government Act</i> requirements.
Budget/Financial	Funding for the works is within approved budgets.

12.4 COUNCIL DELEGATED AUTHORITY DURING CHRISTMAS/NEW YEAR RECESS

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	MAXINE KENYON – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CONNOR – ACTING GOVERNANCE, RISK & COMPLIANCE MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

To seek Council's delegation of authority to the Mayor and Chief Executive Officer during the Christmas / New Year recess period to ensure that urgent matters can be responded to in a timely manner.

2. OFFICER'S RECOMMENDATION

That Council:

- Note the Council will be in recess from 12 December 2023 to 29 January 2024.**
- Delegate authority to the Mayor and Chief Executive Officer from 12 December 2023 to 29 January 2024 to deal with matters during the break, subject to:**
 - compliance with relevant legislation**
 - the limitations to delegations under section 377 of the *Local Government Act 1993***
 - matters that are considered urgent in nature or would cause undue delays to stakeholders**
 - consultation with Ward Councillors for decisions involving planning proposals**
 - decisions being deferred where Council policy provides no clear guidelines.**
- Note that a report outlining how the authority was exercised will be provided to Council at its meeting of 26 February 2024.**

3. BACKGROUND

To ensure that the Mayor and Chief Executive Officer have the authority to respond to urgent matters during the recess period, a report is presented annually to seek delegation of authority from the Council.

4. DISCUSSION

The annual recess period will commence on 12 December 2023 and conclude on 29 January 2024. During this period, the authority delegated by Council to the Mayor and Chief

Executive Officer ensures that urgent matters can be responded to in a timely manner. This has been a standard practice for many years.

This authority is subject to:

- compliance with relevant legislation
- the limitations to delegations under section 377 of the *Local Government Act 1993*
- matters that are considered urgent in nature or would cause undue delays to stakeholders
- consultation with Ward Councillors for decisions involving planning proposals
- decisions being deferred where Council policy provides no clear guidelines.

A report outlining how the delegated authority was exercised during the recess period will be provided to the Council meeting of 26 February 2024.

5. CONCLUSION

It is recommended that Council delegate authority to the Mayor and Chief Executive Officer for the period 12 December 2023 to 29 January 2024, to ensure that urgent matters can be responded to in a timely manner.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	The Governance team supports Council meetings.
Policy	Section 3.1 of the <i>Code of Meeting Practice 2022</i> states that meetings shall be held on the fourth Monday of each month, except when Council is in recess, or as otherwise resolved by Council.
Consultation	Community notifications will be placed on Council's website.
Resource	Resourcing will be as per day to day activities. Decisions requiring Council approval will be referred to a future meeting.
Risk	Delegations with clear parameters issued to the Mayor and Chief Executive Officer enable urgent Council business to be attended to during the recess period.
Legal	The authority delegated to the Mayor and Chief Executive Officer during the recess period is subject to limitations as stipulated in section 377 of the <i>Local Government Act 1993</i> and clause 393B of the <i>Local Government (General) Regulation 2021</i> .
Legislation	<i>Local Government Act 1993</i> <i>Local Government (General) Regulation 2021</i>
Budget/Financial	Decisions made during this period must be in accordance with an approved budget.

**12.5 EXPRESSION OF INTEREST FOR THE ADVISORY COMMITTEES -
COMMUNITY MEMBERS**

ATTACHMENTS:	1. IMPLICATIONS 2. CONFIDENTIAL - ASSESSMENT 3. CONFIDENTIAL – RECOMMENDED APPLICANTS (ATTACHMENTS 2 AND 3 INCLUDED IN CLOSED AGENDA)
RESPONSIBLE OFFICER:	MAXINE KENYON – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	BUSOLA MARTINS – GOVERNANCE LEAD
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

For Council to endorse the community members who have been recommended for the named Advisory Committees as adopted by the selection panel.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Appoint the community members to Council's Advisory Committees as per confidential Attachment 2, and that the names be identified in the resolution.**
- 2. Write to all the applicants and advise them of the outcome of the Expression of Interest process and outline the next steps for the process and to thank them for their interest and applications.**
- 3. Write to those Advisory Committee members who resigned and thank them for their contribution to the Committee.**

3. BACKGROUND

At its meeting on 27 February 2023, Council resolved:

That Council:

- (a) Adopt the Terms of Reference for the following Advisory Committees (Attachment 4) to enable commencement of the Expression of Interest for community membership:*
 - 1. Bushland and Natural Heritage Advisory Committee (including the Griffin Reserves Advisory Group)*
 - 2. Sustainability Advisory Committee*
 - 3. Built and Cultural Heritage Advisory Committee*
 - 4. Access and Inclusion Advisory Committee*
 - 5. Bicentennial Reserve and Flat Rock Gully Advisory Committee*
 - 6. Active and Integrated Transport Advisory Committee*

7. *Cultural and Creative Arts Advisory Committee.*
 (b) *Note, additional resourcing to support the delivery of the seven Advisory Committees will be included in the 2022/23 Quarter 3 Budget Review and the draft 2023/24 Budget.*

Since commencing, a few resignations from members have been received, these vacancies have since gone out for expression of interest. This report provides Council with the results of the Expression of Interest for the named Committees and also makes recommendations to replace vacancies arising from the resignations.

4. DISCUSSION

Council has received three resignations from the Advisory Committees:

- One from the Sustainability Advisory Committee Matt Ridley, leaving five current members. The Advisory Committee Policy states Advisory Committees should have a minimum of six and maximum of 12 members.
- Two from the Active and Integrated Transport Committee Stephanie Croft and Wendy Jannings, leaving seven current members.

Exiting members will be asked to complete an exit survey to assist in the review of Advisory Committees, to be undertaken prior to the end of this Council term.

Given the resignations, staff undertook an Expression of Interest for replacement members.

Expression of Interest (EOI)

EOI process for the Sustainability Committee commenced in September 2023 for the Sustainability Advisory Committee and from October 2023 for the Active and Integrated Transport Committee.

Council’s social media platform, website, LinkedIn, Facebook, Instagram and Council’s existing networks were used to target audiences with skills and experience that matched the criteria identified in the Terms of Reference.

A total of three applications were received, as outlined in Table 1 below.

Table 1: Eligible applications received from each Advisory Committee

Advisory Committee	Eligible applications received
Sustainability Advisory Committee	2
Active and Integrated Transport Advisory Committee	1

- The age of the applicants wasn’t requested, however anecdotally it would seem that the majority of the applicants were from people over 40 years of age.
- One member is an existing member of the Access and Inclusion Committee.
- All applicants came from within the Local Government Area, as outlined in Figure 2 below.

Table 2: Applicants identified suburb

Suburb	No. applicants
Chatswood	1
Northbridge	1
St Leonards	1

Evaluation of applications

An Evaluation Review Panel comprising the Mayor, Deputy Mayor, Customer and Corporate Director reviewed applications on Monday 27 November 2023.

The panel assessed applicants against the selection criteria of qualifications, relevant experience, interpersonal skills, managing conflicts, prior experience on advisory committee, understanding and commitment to the Code of Conduct, and ability to attend all meetings.

All applicants had experience and skills relevant to the Committee and were recommended by the Panel they nominated for. Recommended applicants for Council’s determination were agreed by consensus, as outlined in Confidential **Attachments 2 and 3**.

New Advisory Committee members will receive an induction pack, a link to complete code of conduct training and a schedule of upcoming committee meetings. Once training is completed, new members will be able to attend the next available committee meeting, which will be in 2024.

Future vacancies

Future vacancies which result in an Advisory Committee not having the minimum number of members, as required in the Terms of Reference, will be advertised through an Expression of Interest process.

5. CONCLUSION

That Council endorse the community members who have been recommended for membership of the Advisory Committees.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.5 – Make it easy for citizens to engage and participate in decision making
Business Plan Objectives, Outcomes / Services	Advisory Committees can inform a number of strategic issues and provide an opportunity to improve community engagement, along with other consultation mechanisms.
Policy	This matter relates to the <i>Advisory Committee Policy 2022</i> .
Consultation	This report relates to an Expression of Interest process.
Resource	There are no resourcing implications with this report.
Risk	There are no risks associated with this report.
Legal	There are no legal implications applicable to this report.
Legislation	<p>This recommendation aligns to the <i>Local Government Act 1993</i> guiding principles for councils, section 8A (3) Community Participation.</p> <p>Advisory Committee members will be required to manage and declare conflicts of interest in accord with Willoughby's <i>Code of Conduct 2020</i>.</p>
Budget/Financial	There are no financial implications applicable to this report.

12.6 DRAFT MINUTES - AUDIT, RISK AND IMPROVEMENT COMMITTEE - MEETING HELD 26 OCTOBER 2023

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT MINUTES ARIC MEETING 26 OCTOBER 2023
RESPONSIBLE OFFICER:	MAXINE KENYON – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	ADAM BOOTH – COUNCIL & CORPORATE SUPPORT OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

To present Council with the draft minutes of the Audit, Risk and Improvement Committee (ARIC) meeting held on 26 October 2023.

2. OFFICER'S RECOMMENDATION

That Council note the draft minutes of the Audit, Risk and Improvement Committee meeting held on 26 October 2023.

3. BACKGROUND

The *Audit Risk and Improvement Committee Charter* requires that the minutes of each ARIC meeting be presented to Council.

4. DISCUSSION

The ARIC met on 26 October 2023 to discuss Council's Financial Statements for the year ended 30 June 2023, prior to being signed by the Mayor, Deputy Mayor, Chief Executive Officer and Chief Financial Officer and lodged with the Office of Local Government. Matters discussed included the two significant changes made to the Financial Statements since previously reported to the ARIC:

- Assets impaired against 'Asset Revaluation Reserve' instead of 'Loss on Disposal'
- Correction of a prior year error – valuation of community land.

A representative of Council's external auditors, Grant Thornton Australia Limited (as agent of the Audit Office of New South Wales), also addressed the Committee.

5. CONCLUSION

It is recommended that Council note the draft minutes of the ARIC meeting held on 26 October 2023.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	The Audit, Risk and Improvement Committee (ARIC) is a statutory committee, which provides assurance in the areas of internal and external audit, risk management, business improvement and governance. This promotes effective performance in pursuit of the priorities outlined in the <i>Our Future Willoughby 2032 Community Strategic Plan</i> .
Policy	<i>Audit, Risk and Improvement Committee Charter.</i>
Consultation	The minutes have been reviewed by the ARIC Chair and ARIC members. They will be presented to the 13 December 2023 meeting of ARIC for final endorsement.
Resource	Administrative support is provided to this Committee by the Governance, Risk & Compliance team.
Risk	There are no risks associated with this report.
Legal	There are no legal implications associated with the report.
Legislation	There are no legislative implications associated with the report.
Budget/Financial	There are no budgetary or financial implications applicable to this report.



Willoughby City Council

AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING

HELD ON 26 OCTOBER 2023

DRAFT MINUTES

TABLE OF CONTENTS

1 OPENING AND INTRODUCTIONS3
1.1 ACKNOWLEDGEMENT OF COUNTRY3
2 ATTENDANCE AND APOLOGIES3
3 DISCLOSURES OF INTEREST4
4 EXTERNAL GUESTS5
4.1 FINANCIAL STATEMENTS FOR YEAR ENDED 30 JUNE 2023.....5
5 CONFIRMATION OF MINUTES.....6
5.1 CONFIRMATION OF MINUTES - 20 SEPTEMBER 20236
6 GENERAL BUSINESS7
6.1 GENERAL BUSINESS7
7. CONCLUSION OF MEETING / NEXT MEETING.....7

1 OPENING AND INTRODUCTIONS

1.1 ACKNOWLEDGEMENT OF COUNTRY

At 6:15 pm, the Chair, Ms E Gavey, opened the meeting, welcomed those present and delivered the following acknowledgement of country, adjusted to acknowledge that all attendees were online at different locations:

Willoughby City Council acknowledges the Traditional Owners of all of the lands on which we meet today, and their connections to land, waters, and community. We pay our respects to their Elders past and present, and extend that respect to all Aboriginal and Torres Strait Islander people, including those who may be in attendance today.

2 ATTENDANCE AND APOLOGIES

Committee Members:

Ms E Gavey (Chair)
Mr C Davies
Cr R Samuel
Cr J Xia

Council Officers:

Ms S Connor (Acting Customer & Corporate Director)
Mr H Phemister (Planning & Infrastructure Director)
Mr S Naven (Chief Financial Officer)
Ms S Mohamed (Financial Accounting Lead)
Mr A Booth (Council & Corporate Support Officer) (*minute taker*)

External Attendees:

Mr J Winter, and L Yang representing external auditors, Grant Thornton Australia Limited

Apologies

Committee Member: Mr R Lagaida

Council Officer: Ms D Just (Chief Executive Officer)

External Attendee: Mr K Leung (Audit Office of NSW)

3 DISCLOSURES OF INTEREST

Standing Declarations:

Ms Gavey declared a non-significant non-pecuniary interest by advising she holds the following positions:

- Chair/Independent Member - Camden Council Audit, Risk and Improvement Committee
- Chair/Independent Member - Penrith City Council Audit, Risk and Improvement Committee
- Chair/Independent Member - Waverley Council Audit, Risk and Improvement Committee
- Audit and Risk Committee Chair – NSW Electoral Commission
- Audit and Risk Committee Member - Office of Independent Review
- Audit and Risk Committee Member - Audit Office of NSW
- Audit and Risk Committee Member - Local Government NSW
- Chair/Director - Primary and Community Care Services Limited

Ms Gavey also declared:

“There is the potential for a conflict of interest to arise with my role on the Audit Office of NSW Audit and Risk Committee (as Council is its audit client); and Local Government NSW, of which Council is a member. Any potential conflict of interest will be managed on a case by case basis with appropriate mitigating action taken as required.”

Clr Samuel declared he is a former Partner of Grant Thornton Australia Limited, which is the contracted external auditor on behalf Council's current external auditor, the Audit Office of NSW. He also declared his brother operates a private equity company that invests in a variety of businesses, including a parking meter company which would be a prospective supplier should Council procure parking meters.

Mr Davies declared he is employed by Turner & Townsend, working on the Sydney Metro West Project.

4 EXTERNAL GUESTS

4.1 FINANCIAL STATEMENTS FOR YEAR ENDED 30 JUNE 2023

DISCUSSION

Mr S Naven, the Chief Financial Officer discussed the two significant changes made to the Financial Statements for the year ended 30 June 2023 (Financial Statements) since last reported to the Committee on 20 September 2023.

- **Assets impaired against Asset Revaluation Reserve instead of Loss on Disposal:** During final reconciliation and analysis of asset disposals, it was discovered that impairment of assets valued at \$2.2 million were incorrectly treated as a Loss on Disposal when the impairments should have been written down against the “Asset Revaluation Reserve”. The changes provide a positive impact to the final reported Net Operating Deficit with the Deficit improving from \$5.1 million in the Draft Financial Statements to \$2.8 million in the updated Financial Statements.
- **Correction of Prior Year Error – Valuation of Community Land:** During a revaluation of the Community Land asset class performed for the 2022/23 Financial Statements, 2022 Valuer General of NSW (VG) data was utilised for properties in the local government area (VG provides updated valuation on a tri-annual basis). The 2022 VG data included both 2019 and 2022 VG land values for a number of properties that had been calculated by Council in the prior year using an average. This 2019 VG data was not available or readily accessible for 209 parcels of Community Land in that year. The newly available actual 2019 VG valuations confirmed that the 21/22 Financial Statements overstated the Community Land asset class by \$77.7 million. This prior year error has been adjusted against the asset revaluation reserve for Community Land, which has been restated from \$332.1 million to \$254.4 million. Finance will work with the VG to arrange better data access in future.

The Committee discussed these changes with Management together with other specific matters, including:

- Confirming that the mistreatment of impairment as a Loss on Disposal rather than a write down against the Asset Revaluation Reserve was a “one-off” or could indicate a systemic issue. Management explained the exceptional circumstances around the asset disposal in question and were satisfied that it did not indicate a system issue.
- Non-current land assets classified as held for sale or disposal.
- The Concourse Precinct Special Purpose Financial Statements.
- The benefit of additional disclosures for the Willoughby Leisure Centre Special Purpose Financial Statements identifying that a large part of the Leisure Centre had been closed for building work giving rise to a reduction in Revenue for the Financial Year.
- The Operating Performance Ratio (an Office of Local Government (OLG) key financial performance benchmark) and performance against the OLG benchmarks generally.
- The OLG Building and Infrastructure Renewals Ratio benchmark.

The Chair invited Mr J Winter, of Grant Thornton Australia Limited, to address the meeting on behalf of Council’s external auditors. Mr Winter acknowledged the professionalism of staff in dealing with the significant issue found regarding Community Land valuations, stating at each step of the correction process they have been helpful and cooperative. Mr Winter

acknowledged the difficulty and high level of detailed work required to perform the correction.

The Committee thanked Mr Winter and discussed with him:

- The approach taken by Management to the 2021/22 Community Land valuations, with Mr Winter confirming a granular approach on the most comprehensive data available will be useful in future.
- The extent of Community Land that remains unidentifiable in the VG's 2022 data, and the adjustment of averaging calculations for that remaining land.
- The Special Purpose Statements, and whether additional disclosure is useful to assist understanding.
- The nature of software as a progressive expense (being 'Software as a Service' within the IFRS Accounting Standards), not a Council asset.

COMMITTEE RESOLUTION

That the Audit, Risk and Improvement Committee:

- 1. Receive and note the Financial Statements for the year ended 30 June 2023, subject to minor changes discussed.**
- 2. Thank Management and Council's external auditors for their hard work to addresses the issues raised during the audit process and meet the timeline for completion of the 2022/23 audit process.**

Action:

1. Receive an update on the external auditor final Management Letter at the Committee's next meeting.
2. Receive a report from the Chief Financial Officer to better understand The Concourse Precinct's Special Purpose Financial Statements at a future meeting of the Committee.

5 CONFIRMATION OF MINUTES

5.1 CONFIRMATION OF MINUTES - 20 SEPTEMBER 2023

DISCUSSION

The Committee noted the minutes of the Audit, Risk & Improvement Committee meeting held on 20 September 2023.

COMMITTEE RESOLUTION

That the Audit, Risk and Improvement Committee receive and accept the minutes as a true and accurate record of the Audit, Risk and Improvement Committee meeting held on 20 September 2023.

Action:

Nil.

6 GENERAL BUSINESS

6.1 GENERAL BUSINESS

- Management confirmed the tenure of the Committee's independent external members and Chair had been extended to 30 March 2025 by Council at its meeting held on 23 October 2023.
- The Committee thanked the finance team, particularly Ms S Mohamed (Financial Accounting Lead) and Mr Naven for the quality and transparency of the discussion in the business papers and during the meeting.

7. CONCLUSION OF MEETING / NEXT MEETING

The next Committee meeting will be held on Wednesday 13 December 2023 commencing at 8:30 am.

The meeting concluded at 7:00 pm.

12.7 REVIEW OF THE CODE OF MEETING PRACTICE

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT 2023 CODE OF MEETING PRACTICE 3. DRAFT 2023 CODE OF MEETING PRACTICE – TRACK CHANGES (ATTACHMENTS 2 – 3 CONTAINED IN ATTACHMENT BOOKLET)
RESPONSIBLE OFFICER:	MAXINE KENYON – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CONNOR – GOVERNANCE, RISK AND COMPLIANCE MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

To adopt a revised *Willoughby City Council Draft Council's Code of Meeting Practice (December 2023)* to place on public exhibition for 28 days.

2. OFFICER'S RECOMMENDATION

That Council:

- Note that the *Willoughby City Council Draft Code of Meeting Practice (December 2023)* increases the period of time that Councillors and community members have to review the Council meeting agendas through earlier publication.**
- Confirm the public consultation period as either 14 December 2023 to 10 January 2024 or 22 January to 18 February 2024.**
- Adopt the *Willoughby City Council Draft Code of Meeting Practice (December 2023)* and place it on public exhibition for a period of 28 days.**
- Receive a further report after a 42-day consultation period addressing matters raised in the submissions received.**
- Authorise the Chief Executive Officer to make any necessary amendments to the documents which do not alter the intent or result in material changes to these documents in preparation for public exhibition.**

3. BACKGROUND

The *Willoughby City Council Code of Meeting Practice (March 2022)* (CoMP) is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation). This CoMP is based on the Model Code provided by the Office of Local Government and applies to all meetings of council and committees of councils of which all the members are Councillors (committees of council). The CoMP was adopted in June 2022, following public exhibition of a draft CoMP in April 2022.

Since adoption in June 2022, officers received feedback from Councillors on earlier publication of the meeting agendas to provide more time for reading and consideration by both Councillors and the community.

At the 16 October 2023 Councillor briefing session, Councillors workshopped matters relating to potential changes to the Code of Meeting Practice, one of which was a new council meeting production cycle. Two revisions to the CoMP are required to enable the earlier distribution of the Council meeting agendas.

This report outlines the revisions to the Code of Meeting Practice and the public exhibition period required under section 363 of the Local Government Act 1993 to enact earlier publication of the Council agenda. It also provides two timing options for public exhibition of the *Willoughby Code of Meeting Practice (December 2023)*.

4. DISCUSSION

Current timeline for notice of Council meetings

Under the CoMP there are two key elements that factor into the timeline for distribution of the Council agenda papers: the notification and distribution of the agenda; as well as the timeline for receipt of Notice of Motions.

The current timelines are outlined below:

- In line with the Office of Local Government's Model Code of Conduct, the Willoughby CoMP sets a minimum requirement to notify Councillors of an ordinary Council meeting at least three days prior to the meeting (clause 3.6). This arrangement gives both Councillors and the community three days to review the agenda once published; noting that the agenda is published in advance of that time whenever possible.
- The Model Code of Conduct requires that councils set the number of days prior to a council meeting, for the submission of Notices of Motion. The Willoughby CoMP (clause 3.9) currently requires that Notices of Motion be submitted by noon five business days before a Council meeting. In practice, this also includes Questions with Notice.

Challenges with current timeline

Council papers are typically a large and complex set of documents that Councillors are expected to read and consider prior to a Council meeting. Receiving these papers three days prior to a Council meeting can be a challenge for Councillors, given the complexity of the documents and in addition to work and family commitments.

The standard notice period can also be difficult for community members to consider the agenda, discuss with others or Councillors, and make arrangements to attend or speak at a Council meeting.

In addition, Notice of Motions and Questions with Notice are included in the Council agenda papers and currently the short timeframe between submission of notices of motion (five days prior) and the notice/publication of a Council meeting agenda (three days prior) often does not allow enough time for officers to prepare fulsome responses, particularly when a large number or complex requests are received and there are resourcing and priority implications which need to be clearly understood. Currently there is only 1.5 business days for staff to consider Notices of Motion and Questions with Notice.

Consideration of revised schedule at October Council briefing

At the 16 October briefing a new timeline was proposed for Councillor briefings (**Figure 1**) and meeting agenda publication (**Figure 2**) to commence from February 2024.

The timelines will see the return of a ‘week 3’ Councillor briefing which will enable consideration of Councillor topics; publication of the Council meeting agenda 13 days prior to each meeting; and earlier submission of NOMs and QWNs to at least three business days before agenda publication. This will enable adequate discussion with Councillors on their intent and time for a considered response by staff, especially where there are large numbers received and resource or legal implications.

Figure 1 – Proposed Councillor briefing timeline



Figure 2 – Proposed Council agenda publication timeline

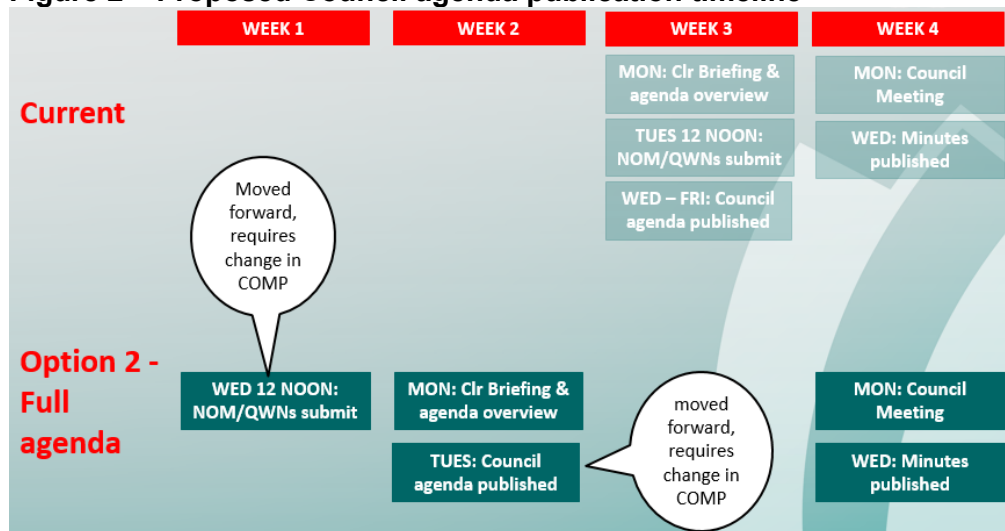


Figure 2 proposes that Notices of Motion (NOM) and Questions with Notice (QWN) be submitted on the Wednesday in week 1 of each month and agenda publication occur on Tuesday in week 2 of each month.

At the briefing Councillors also explored the option of NOMs/QWNs submission on Friday week 1 and agenda publication on Friday week 2.

Proposed changes to the CoMP

Given the challenges mentioned in this report, and to improve the community’s opportunity to engage and participate in decision making (outcome 5.5 of Council’s Community Strategic Plan) two changes to the CoMP are recommended. These changes reflect the schedule outlined in **Figure 2** above:

Amend Clause 3.6 from distribution of the agenda papers from three to thirteen days. The revised amendment to read:

“The Chief Executive Officer must send to each Councillor, at least thirteen days before each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.”

The above change also requires a change to clause 3.9, to ensure that notices of motions and questions with notice can be included in the published Council meeting agendas. Under the current CoMP, a very short time period exists between the deadline for submitting notices of motion and the publication of agendas. Creating additional time between the NOM deadline and agenda publication will reduce the impact on resourcing, improve the quality of responses and assist with timely agenda publication. The following change is recommended:

Amend Clause 3.9 from submission of Notice of Motions from five to 19 days, increasing the time between submission of NOMs and agenda publication to at least three business days. The revised amendment to read:

“A Councillor may give notice of any business they wish to be considered by the Council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted by noon nineteen days before the meeting.”

The revised *Draft Willoughby Code of Meeting Practice (December 2023)* reflecting these proposed changes is provided in **Attachment 2**.

Consultation

Last week Council officers received advice from the Office of Local Government, that under section 363 of the Local Government Act 1993, councils are required to publicly exhibit an amended code of meeting practice. This is contrary to verbal advice previously received from OLG that such consultation was not required.

If adopted, the *Draft Willoughby Code of Meeting Practice (December 2023)* will be placed on public exhibition during December and January. A further report will be put to Council's additional Council meeting on 30 January 2024, outlining the submissions received, staff assessment and the recommended *Willoughby City Council Code of Meeting Practice (January 2024)* for adoption.

The public exhibition process proposed for the *Willoughby City Council Draft Code of Meeting Practice (December 2023)* is:

- Public Exhibition Period: 14 December 2023 – 10 January 2024 (28 days required).
- Period for submissions: 14 December 2023 – 23 January 2024 (42 days required).
- The document will be advertised on Council's website, "Have your Say".
- Submissions can be made through Council's "Have our Say", or in writing addressed to the Chief Executive Officer or via email to email@willoughby.nsw.gov.au.

It is recognised that undertaking engagement over the Christmas and New Year period is not preferred. However to meet the timeframe of February 2024, and in light of the most recent advice from OLG, public exhibition in December and January is required. As a positive benefit to community members is being proposed, this timing may be more acceptable.

Should Council wish to delay the commencement of the consultation period, it could do so by resolution at this meeting, noting that the preferred February date for introducing the new agenda publication timelines would not be met. The alternative is to publicly exhibit the *Willoughby City Council Draft Code of Meeting Practice (December 2023)* from 22 January to 18 February 2024, receive a report on the outcome of the public exhibition at the March 2024 Council meeting, and implement the adopted Code of Meeting Practice from April 2024.

Other requests considered at the October 2023 councillor briefing

At the October 2023 briefing session, Councillors also considered other matters relating to the Code of Meeting Practice. These items are listed in **Figure 3** and will be considered as part of a more fulsome review of the Code of Meeting Practice at a future date.

Figure 3 – Items considered at Councillor briefing relating to Council Meeting Practice

Item considered	Status update
Use of voting system for hybrid meetings	A 'button' voting system for all participants in hybrid meetings will commence February 2024
Duration and number of speakers in open and public forums	To be considered in future review of CoMP
Separate open and public forum sessions	To be considered in future review of CoMP
Queueing speakers in meetings	Speaker queueing will commence February 2024
Order of business at council meetings	To be considered in future review of CoMP
Councillor speaking time limit	To be considered in future review of CoMP
Earlier start time of Council meetings	To be considered in future review of CoMP

5. CONCLUSION

Amending the *Willoughby Code of Meeting Practice* to bring forward the notice period for Council meetings from three to thirteen days, will result in earlier publication of the Council meeting agendas. This improvement also requires a change to the deadline for receipt of Notices of Motion and Questions with Notice to match the earlier publication of the agenda. Council's commitment to making informed decisions and maximising opportunities for the community to participate and engage in decision making will be enhanced by the adoption of the proposed changes to the Code of Meeting Practice.

It is recommended that Council adopt the *Willoughby City Council Draft Code of Meeting Practice (December 2023)* to be placed on public exhibition for a period of 28 days allowing submissions for up to 42 days.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do 5.5 – Make it easy for citizens to engage and participate in decision making.
Business Plan Objectives, Outcomes / Services	To support corporate governance processes.
Policy	Revision to the <i>Code of Meeting Practice</i> is the subject of this report.
Consultation	Section 363 of the Local Government Act 1993 requires Council to exhibit an amended draft code of meeting practice for 28 days and to allow submissions for up to 42 days. All submissions received will be assessed and reported back to Council.
Resource	There are no resource implications applicable to this report.
Risk	The earlier publication may reduce the currency of information, however this can be mitigated through updates being provided to Council if required.
Legal	The Draft Code of Meeting Practice is being put to Council for adoption and to be placed on public exhibition in order to meet legislative requirements under the Local Government Act 1993.
Legislation	The Code of Meeting Practice is made under the provisions of Section 360 of the <i>Local Government Act 1993</i> and the <i>Local Government (General) Regulation 2005</i> .
Budget/Financial	There is no financial impact.

12.8 CX STRATEGY 2023-2025 - COMPLAINTS MANAGEMENT POLICY

ATTACHMENTS:	1. IMPLICATIONS 2. COMPLAINT MANAGEMENT POLICY 3. COMPLAINT MANAGEMENT POLICY TRACK CHANGES 4. COMPLAINT MANAGEMENT PROCEDURES 5. COMPLAINT MANAGEMENT PROCEDURES TRACK CHANGES
RESPONSIBLE OFFICER:	MAXINE KENYON – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	JO JEWITT – CUSTOMER EXPERIENCE MANAGER SAM CONNOR – GOVERNANCE, RISK AND COMPLIANCE MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO 5.4 – ANTICIPATE AND RESPOND TO CHANGING COMMUNITY AND CUSTOMER NEEDS 5.7 – DELIVER EXCELLENT CUSTOMER SERVICE
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

To seek Council's approval to place the revised Willoughby City Council (WCC) *Complaint Management Policy 2023 and procedures* on public exhibition.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Endorse for public exhibition the revised Willoughby City Council *Complaint Management Policy and Procedures 2023* during January and February 2024.**
- 2. Receive a further report in March 2024 on the outcomes of the public exhibition.**
- 3. Authorise the Chief Executive Officer to make any necessary amendments to the documents which do not alter the intent or result in material changes to these documents in preparation for public exhibition.**

3. BACKGROUND

The *Customer Experience (CX) Strategy 2023 – 2025* was adopted by Council in April 2023, to provide a framework and approach to how Council will continue to deliver improvements for our customers. This Strategy identifies our customer experience commitment: *'The goal of our customer experience is to make life easier for customers through consistent and responsive services that build trust in us'*.

The CX Strategy identified an initiative to improve complaints management, in order to deliver greater efficiency in the handling and resolution of issues. The current *Complaints Management Policy* was adopted by Council on 22 July 2019.

This report proposes revisions to the *Complaints Management Policy* and associated procedures be placed on public exhibition in early 2024.

4. DISCUSSION

Through feedback from customers, Councillors and staff, it was recognised in the development of the CX Strategy that we can improve our complaints processes to better align to our customer commitment.

In the current calendar year, Council has received 86 complaints from 19,272 customer service requests, 50 of those being formal and 36 being able to be addressed by the relevant Manager. We are currently meeting our Key Performance Indicator of 85% of complaints responded to within 10 days (November 88%).

However, we recognise that there are still improvements we can make to the process to ensure a better customer experience. As a result, a review was undertaken which has resulted in identified improvements.

Review process

To understand the improvements required for our customer complaints policy, staff undertook the following steps:

- Created formal customer journey map with customers who have gone through the process to understand the challenges and opportunities
- Benchmarked against other councils including City of Sydney, Lake Macquarie, Wollongong
- NSW Ombudsman Policy gap analysis
- Completed an internal review workshop of current process and vision for complaint management
- Reviewed complaints data
- Reviewed perception survey results
- Reviewed alignment with the Customer Experience Strategy

Proposed changes

In response to the review findings, a number of proposed changes have been incorporated into the revised policy and procedures as outlined in tracked changes document in

Attachment 2, key elements are summarised below:

- Clearer definitions of customer service requests and complaints
- Clearer reference the complaints management procedure
- More accessible language and options to align with NSW Ombudsman complaints handling and model policy
- Roles and responsibilities clearly outlined for easy reference by staff and customers
- Updated definition of unreasonable complaints to reflect unreasonable complainant behaviour
- Linkages to CX Strategy, especially the Voice of the Customer Program, to illustrate how customer feedback informs continuous improvement and insights
- Transfer of procedural information from the policy into the procedure.

It is recommended that this revised policy, *Complaints Management Policy 2023*, **Attachment 3**, be placed on public exhibition.

Consultation

It is recognised that undertaking engagement over the Christmas and New Year period is not preferred, and it is therefore recommended that public exhibition be delayed until the new year.

The public exhibition is proposed from 22/01/2024 to 18/02/2024. Engagement activities are proposed to include:

- Creation of Have Your Say portal page, including online survey
- Promote to entire Have Your Say database and Council News newsletter
- Social media promotion, postcards with QR code to Have Your Say survey
- Notification to previous stakeholders who have participated in feedback including customers who were involved in the customer journey mapping workshop
- Focus group with customers to outline changes

The outcomes of the public exhibition will be reported in the March Council meeting.

Operational changes

To embed these changes, staff will be provided with training, information and templates will be updated to assist staff and customers to make or manage a complaint. Creating improved reporting and analysis of all complaints will also assist in preventing complaints in the future.

The proposed changes to the *Complaints Management Policy* and associated procedures, combined with the operational actions intend to, reduce the number of complaints, simplify the complaint process and achieve quicker responses.

5. CONCLUSION

The *Complaints Management Policy* has been revised to reflect the feedback we have received from customers, Councillors and staff on our complaints processes. This supports the implementation of the *Customer Experience Strategy* and achievement of our commitment to our customers.

It is recommended to place the draft *Complaints Management Policy 2023* on public exhibition in early 2024.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	Once adopted the <i>Complaints Policy Management Policy</i> will support the provision of a transparent means for the management of complaints and support ongoing improvements to Customer Experience.
Policy	This matter relates to Council policy <i>Complaints Management Policy 2019</i> .
Consultation	This is the subject of this report.
Resource	This has been developed with internal resources.
Risk	There is no risk associated to this report the revised <i>Complaints Management Policy</i> will support the provision of a transparent means for the management of complaints and support ongoing improvements to Customer Experience.
Legal	There are no implications applicable to this report.
Legislation	There are no implications applicable to this report.
Budget/Financial	There are no implications applicable to this report.



Complaint Management Policy

Date Adopted/Amended:	Adopted July 2019 / Amended [Insert]
Review Date:	[Insert – 3 years from amendment]
Version:	6
Responsible Officer:	Governance, Risk & Compliance Manager
ECM Doc Set ID	[Insert]

1. Purpose

Willoughby City Council is committed to providing high quality customer service to the community.

Council encourages and values all community and customer feedback and complaints as they assist with the ongoing review and continuous improvement of service delivery.

The purpose of the *Complaints Management Policy* (the Policy) is to provide a framework for Council to ensure appropriate management of complaints. The Policy is supported by the *Complaints Management Procedure* (the Procedure) which provides details on Council's arrangements and processes relating to complaints management.

2. City Strategy Outcome

Council's Community Strategic Plan, *Our Future Willoughby 2032*, identified five city outcomes guiding our community's future direction in relation to Council's policy making, along with 33 community priorities.

This Policy is relevant to "Outcome 5 – A City that is effective and accountable" and the community priorities:

- 5.1 Be honest, transparent and accountable in all that we do
- 5.4 Anticipate and respond to changing community and customer needs
- 5.7 Deliver excellent customer service

2.1 Customer Experience Strategy

Council's Customer Experience Strategy outlines our commitments and initiatives to improve our customers experience through consistent and responsive service that builds trust. This Policy supports the *2023-2025 Customer Experience Strategy* commitment to "Listen to the Voice of the Customer" through continued delivery of the "Escalation and complaints handling policy" initiative.

3. Policy Principles

Council's complaints management is guided by the following principles:

- Council treats all people with respect and without bias, including those making complaints.
- The community and customers are encouraged to provide feedback and complaints to Council, and to be informed of relevant processes and provided with accessible ways to provide feedback and complaints.
- Feedback will be assessed through a separate process and form part of the Voice of the Customer program.
- All complaints are acknowledged and responded to in a fair, timely and effective manner in accordance with publicly and readily available procedures.
- All complaints are managed in accordance to Councils Customer Experience outcomes (Responsive, Easy, Engaging, Consistent)
Council values and monitors complaint information and uses it to guide continuous improvement of its services, procedures and processes.

4. Policy Statement

Willoughby City Council will handle complaints in a fair, efficient, impartial and responsive manner. Council is committed to receiving feedback and complaints about its services, systems, practices and complaint handling.

This policy guides all Council officials (Councillors, staff, contractors, volunteers) as they perform their duties on behalf of Council across Council services and functions. The policy also guides Council officials and members of the public who wish to make a complaint, about Council's complaint management process.

4.1 What is a complaint?

A complaint is an expression of dissatisfaction with Council's services, decisions, policies, procedures, processes or the conduct of Council officials where a response is sought or reasonable to expect.

Sometimes it is difficult to distinguish between Customer Service Requests and complaints. A Customer Service Request may escalate to become a complaint in the following circumstances:

- Second Customer Service request on the same matter: referred to Manager if no action has occurred.
- Third request on the same matter: the request is now a complaint within the meaning of this Policy and the Procedures.

At the third request, Council's system is used to refer the complaint to the Complaints Coordinator, to manage under Council's *Complaint Management Procedure*.

4.2 What is not a complaint?

Some matters are not covered by this *Policy* and supporting *Procedures* due to specific policy or legislative requirements. These items are listed below:

- Customer Service Requests (see: 7. Definitions)
- Feedback (see: 7. Definitions)
- Requests for information (see "How to Access Information" on Council's website)
- Staff grievances (managed in accordance with the *Grievance Procedure*)
- Issue of Code of Conduct complaints (managed in accordance with the *Code of Conduct*)
- Reports of fraud or corruption (managed in accordance with *Fraud and Corruptive Prevention Policy*)
- Public interest disclosures (managed in accordance with *Public Interest Disclosures Act 2022*)
- Privacy complaints (managed in accordance with the *Privacy Management Plan*)
- Data breaches (managed in accordance with the *Data Breach Policy*)
- Right of review complaints (see: 7. Definitions)
- Matters before a court or tribunal

4.3 Complaint management process

There are five key stages in our complaint management process:

1. Receipt of complaint
2. Acknowledgement of complaint
3. Assessment and addressing of complaint
4. Providing reasons for decision
5. Closing the complaint, record keeping, options for redress and review
6. Provide insights for continuous improvement

Details are provided in the *Procedures*.

4.4 Confidentiality

Council will manage and protect the confidentiality of parties to the complaint appropriately. Details are provided in the *Procedures*.

5.5 Accessibility

Council will ensure that information about how and where complaints may be made to or about Council is well publicised. Council will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

If a person prefers or needs another person or organisation to assist or represent them in the making and/ or resolution of their complaint, Council will communicate with them through their representative if this is their wish. Anyone may represent a person wishing to make a complaint with their consent (e.g. advocate, family member, legal or community representative, member of Parliament, another organisation).

5.6 Unreasonable conduct by complainant

Unreasonable conduct is defined as any behaviour by a person which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the people involved in the complaint process.

As part of our work health and safety obligations, Council is committed to providing a safe and supportive workplace to staff for managing unreasonable conduct related risks. Details are provided in the *Procedures*.

5. Policy Management

5.1 Responsible officer

The Governance, Risk & Compliance Manager is the responsible officer of this *Policy*.

5.2 Administration and coordination

Action under this *Policy* is administered and coordinated by officers within the Governance, Risk & Compliance business unit as designated by the Governance, Risk & Compliance Manager (the

Complaint Coordinator(s)). The Complaint Coordinator(s) will be recorded in the *Procedures*.

6.4 Monitoring and review

The *Complaint Management Policy* and *Procedures* are reviewed as needed, in response to learned improvements, recommendations, or at least every three years. Further detail regarding complaint reporting and monitoring can be found in point 3 in the *Complaint Management Procedures*.

6. Definitions

	See “5.1 What is a Complaint?” and “5.2 What is not a Complaint?” above.
	See “6.2 Administration and coordination.”
	Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, our services or complaint handling where a response is not explicitly or implicitly expected or legally required.
	<p>A complaint where the complainant has a formal right of review, based in legislation, policy or procedure, in relation to the matter concerned. For example, including (but not limited to):</p> <ul style="list-style-type: none"> • An appeal or objection to a standard Council procedure or policy e.g. development applications • Penalty Notices • Notices of Decision under the <i>Government Information (Public Access) Act 2009</i>
	<p>A Customer Service Request includes:</p> <ul style="list-style-type: none"> • Requests for the provision of works or services and assistance • Routine inquiries about the organisation’s business • Reports or requests for action in relation to laws or matters regulated by Council • Requests for information or explanation of policies, procedures and decisions • Complaints about third parties who are not working on behalf of Council.
	<ul style="list-style-type: none"> • Comments or objections relating to a development application
	See “5.6 Unreasonable conduct by complainant”

7. Supporting Information

	<ul style="list-style-type: none"> • Local Government Act 1993 • NSW Ombudsman’s Complaint Management Framework (2015) • NSW Ombudsman’s Managing unreasonable conduct by a complainant • Privacy and Personal Information Protection Act (1998)
	<ul style="list-style-type: none"> • Our Future Willoughby 2032 Community Strategic Plan • 2023-2025 Customer Experience Strategy • Code of Conduct • Work Health and Safety Policy • Complaints Management Procedures • Fraud and Corruption Policy
	<ul style="list-style-type: none"> • Adopted by Council: 22 July 2019 • Amended by Council on <i>[insert]</i>
	<p>The Policy is published on:</p> <ul style="list-style-type: none"> • Council website • Council intranet



Complaint Management Policy

Date Adopted/Amended:	Adopted July 2019 / Amended [Insert]
Review Date:	[Insert – 3 years from amendment]
Version:	6
Responsible Officer:	Governance, Risk & Compliance Manager
ECM Doc Set ID	[Insert]

- Deleted: Approved
- Deleted: 22 July 2019
- Deleted: July 2022
- Deleted: Position
- Deleted: Corporate Planning
- Deleted: 5541027

1. Purpose

Willoughby City Council is committed to providing high quality customer service to the community.

Council encourages and values all community and customer feedback and complaints as they assist with the ongoing review and continuous improvement of service delivery.

The purpose of the Complaints Management Policy (the Policy) is to provide a framework for Council to ensure appropriate management of complaints. The Policy is supported by the Complaints Management Procedure (the Procedure) which provides details on Council's arrangements and processes relating to complaints management.

2. City Strategy Outcome

Council's Community Strategic Plan, Our Future Willoughby 2032, identified five city outcomes guiding our community's future direction in relation to Council's policy making, along with 33 community priorities.

This Policy is relevant to "Outcome 5 – A City that is effective and accountable" and the community priorities:

- 5.1 Be honest, transparent and accountable in all that we do
- 5.4 Anticipate and respond to changing community and customer needs
- 5.7 Deliver excellent customer service

2.1 Customer Experience Strategy

Council's Customer Experience Strategy outlines our commitments and initiatives to improve our customers experience through consistent and responsive service that builds trust. This Policy supports the 2023-2025 Customer Experience Strategy commitment to "Listen to the Voice of the Customer" through continued delivery of the "Escalation and complaints handling policy" initiative.

3. Policy Principles

Council's complaints management is guided by the following principles:

- Council treats all people with respect and without bias, including those making complaints.
- The community and customers are encouraged to provide feedback and complaints to Council, and to be informed of relevant processes and provided with accessible ways to provide feedback and complaints.
- Feedback will be assessed through a separate process and form part of the Voice of the Customer program.
- All complaints are acknowledged and responded to in a fair, timely and effective manner in accordance with publicly and readily available procedures.
- All complaints are managed in accordance to Councils Customer Experience outcomes (Responsive, Easy, Engaging, Consistent)
Council values and monitors complaint information and uses it to guide continuous improvement of its services, procedures and processes.

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¶

The CX Strategy

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The policy applies to all Council officials (Councillors, staff, contractors, volunteers) as they perform their duties on behalf of Council across Council services and functions. ¶

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This policy applies to all complaints made to Council, from all sections and services provided by Council.¶

¶

It should be noted that special categories of complaints ¶

are covered by more specific policies or legislation and will be treated according to these more specific requirements. Instances where this may occur relate to complaints disclosing:¶

Breaches of Council's Code of Conduct and Procedures¶

Complaints relating to non-disclosure of pecuniary interest by Councillors ¶

... [1]

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4. Policy Statement

Willoughby City Council will handle complaints in a fair, efficient, impartial and responsive manner. Council is committed to receiving feedback and complaints about its services, systems, practices and complaint handling.

This policy guides all Council officials (Councillors, staff, contractors, volunteers) as they perform their duties on behalf of Council across Council services and functions. The policy also guides Council officials and members of the public who wish to make a complaint, about Council's complaint management process.

4.1 What is a complaint?

A complaint is an expression of dissatisfaction with Council's services, decisions, policies, procedures, processes or the conduct of Council officials where a response is sought or reasonable to expect.

Sometimes it is difficult to distinguish between Customer Service Requests and complaints. A Customer Service Request may escalate to become a complaint in the following circumstances:

- Second Customer Service request on the same matter: referred to Manager if no action has occurred.
- Third request on the same matter: the request is now a complaint within the meaning of this Policy and the Procedures.

At the third request, Council's system is used to refer the complaint to the Complaints Coordinator, to manage under Council's *Complaint Management Procedure*.

4.2 What is not a complaint?

Some matters are not covered by this Policy and supporting Procedures due to specific policy or legislative requirements. These items are listed below:

- Customer Service Requests (see: 7. Definitions)
- Feedback (see: 7. Definitions)
- Requests for information (see "How to Access Information" on Council's website)
- Staff grievances (managed in accordance with the *Grievance Procedure*).
- Issue of Code of Conduct complaints (managed in accordance with the *Code of Conduct*)
- Reports of fraud or corruption (managed in accordance with *Fraud and Corruptive Prevention Policy*).
- Public interest disclosures (managed in accordance with *Public Interest Disclosures Act 2022*)
- Privacy complaints (managed in accordance with the *Privacy Management Plan*)
- Data breaches (managed in accordance with the *Data Breach Policy*)
- Right of review complaints (see: 7. Definitions)
- Matters before a court or tribunal

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4.3 Complaint management process

There are five key stages in our [complaint management process](#):

1. Receipt of complaint
2. Acknowledgement of complaint
3. Assessment and addressing of complaint
4. Providing reasons for decision
5. Closing the complaint, record keeping, [options for redress and review](#)
6. [Provide insights for continuous improvement](#)

Details [are provided in the Procedures](#).

4.4 Confidentiality

Council will manage and protect the confidentiality of parties to the complaint [appropriately](#).
[Details are provided in the Procedures](#).

5.5 Accessibility

[Council will ensure that information about how and where complaints may be made to or about Council is well publicised. Council will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.](#)

[If a person prefers or needs another person or organisation to assist or represent them in the making and/ or resolution of their complaint, Council will communicate with them through their representative if this is their wish. Anyone may represent a person wishing to make a complaint with their consent \(e.g. advocate, family member, legal or community representative, member of Parliament, another organisation\).](#)

5.6 Unreasonable conduct by complainant

[Unreasonable conduct is defined as any behaviour by a person which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the people involved in the complaint process.](#)

[As part of our work health and safety obligations, Council is committed to providing a safe and supportive workplace to staff for managing unreasonable conduct related risks. Details are provided in the Procedures.](#)

5. Policy Management

5.1 Responsible officer

[The Governance, Risk & Compliance Manager is the responsible officer of this Policy.](#)

5.2 Administration and coordination

[Action under this Policy is administered and coordinated by officers within the Governance, Risk &](#)

Deleted: Complaints are not routine requests for service. These may include:
Routine inquiries about our business
Requests for a service, action or assistance e.g. Customer Service Requests (CSR)
Reports or requests for action in relation to matters we regulate (e.g. reports of noise, or unauthorised building or other breaches)
Request for explanations of our policies, procedures and decisions
Comments or objections relating to a development
Complaints about third parties who are not working on behalf of Willoughby City Council
its Councillors or staff (including casuals, contractors and volunteers).

Deleted: <#>How to make a Complaint
<#>
<#>Complaints can be made via Council's website, email, post, in person or via telephone. Details are provided in the *Procedure*.
<#>

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<#>All complaints, regardless of how and where they were made, are to be registered in Council's Electronic Records Management System.
<#>
<#>The officer receiving the complaint is responsible for recording the complaint or registering a record of the complaint (if the complaint is verbal).
<#>
<#>Managers must ensure that staff record complaints in Council's Electronic Records Management System to ensure Council is able { ... [2]

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{ ... [3]

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Compliance business unit as designated by the Governance, Risk & Compliance Manager (the Complaint Coordinator(s)). The Complaint Coordinator(s) will be recorded in the *Procedures*.

6.4 Monitoring and review

The *Complaint Management Policy and Procedures* are reviewed as needed, in response to learned improvements, recommendations, or at least every three years. Further detail regarding complaint reporting and monitoring can be found in point 3 in the *Complaint Management Procedures*.

Deleted: Council's management and Executive Leadership Team (ELT) monitor the effectiveness of the complaint management system and analyse trends in complaint data with the aim of improving processes and services.¶
A report on complaints, compliments and other feedback received will be provided to Council annually.¶

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6. Definitions

<u>Complaint</u>	See “5.1 What is a Complaint?” and “5.2 What is not a Complaint?” above.
<u>Complaints Coordinator</u>	See “6.2 Administration and coordination.”
<u>Feedback</u>	Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, our services or complaint handling where a response is not explicitly or implicitly expected or legally required.
<u>Right of review complaints</u>	A complaint where the complainant has a formal right of review, based in legislation, policy or procedure, in relation to the matter concerned. For example, including (but not limited to): <ul style="list-style-type: none"> • An appeal or objection to a standard Council procedure or policy e.g. development applications • Penalty Notices • Notices of Decision under the <i>Government Information (Public Access) Act 2009</i>
<u>Customer Service Request</u>	A Customer Service Request includes: <ul style="list-style-type: none"> • Requests for the provision of works or services and assistance • Routine inquiries about the organisation’s business • Reports or requests for action in relation to laws or matters regulated by Council • Requests for information or explanation of policies, procedures and decisions • Complaints about third parties who are not working on behalf of Council.
<u>Submission</u>	<ul style="list-style-type: none"> • Comments or objections relating to a development application
<u>Unreasonable conduct</u>	See “5.6 Unreasonable conduct by complainant”

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Deleted: <#>Requests for the provision of services and assistance¶

Deleted: <#>Comments or objections relating to a development application¶

7. Supporting Information

Relevant external governing laws, standards and guidelines	<ul style="list-style-type: none"> • Local Government Act 1993 • NSW Ombudsman's Complaint Management Framework (2015) • NSW Ombudsman's Managing unreasonable conduct by a complainant • Privacy and Personal Information Protection Act (1998)
Related Council policies and other documents	<ul style="list-style-type: none"> • Our Future Willoughby 2032 Community Strategic Plan • 2023-2025 Customer Experience Strategy • Code of Conduct • Work Health and Safety Policy • Complaints Management Procedures • Fraud and Corruption Policy
Document History	<ul style="list-style-type: none"> • Adopted by Council: 22 July 2019 • Amended by Council on <i>[insert]</i>
Accessibility of Policy	<p>The Policy is published on:</p> <ul style="list-style-type: none"> • Council website • Council intranet

Deleted: <#>Adopted by Council: 6 July 2009 (Celine cannot find in ECM)¶
 <#>Amended by Council: 5 August 2013 (Celine cannot find in ECM)¶
 <#>Ratified by Council: 25 August 2014 (Celine can find in ECM)¶

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Deleted: Next Review: September 2023 ¶

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¶ Council will: ¶
 govern in accordance with the policy and principles of the *Local Government Act 1993*¶

¶ Audit, Risk and Improvement Committee (ARIC) will: ¶
 review and oversee Council's overall risk management framework and practices in accordance with the ARIC Charter ¶

¶ Chief Executive Officer (on advice from Executive Leadership Team) will: ¶
 endorse the Complaints Management Policy and Procedures as part of implementing Customer Experience Strategy¶

¶ Directors will: ¶
 ensure the Complaints Management Policy and Procedures are applied effectively in business units where applicable ¶

¶ Managers will: ¶
 ensure the potential risks arising from complaints process are managed, monitored and reported effectively in accordance with Council policy and procedure ¶

¶ All staff will: ¶
 apply a risk management mindset to all Council functions, services, decisions, projects, processes and planning as part of business as usual practice ¶
 comply with Council policies and procedures relevant to complaints management, including identification, assessment, treatment, communication and escalation, record of complaints related risks¶
 ensure contractors and volunteers comply with complaint management practices in accordance with Council policies and procedures ¶

¶ Customer Experience Business Unit will:¶
 To discuss if we should identify specifically? ¶

¶ Information Resources Business Unit will:¶
 To discuss if we should identify specifically? ¶

¶ Governance, Risk and Compliance Unit will:¶
 To discuss if we should identify specifically? ¶

¶ Internal Audit function will: ¶
 undertake risk-based internal audit program endorsed by ARIC¶

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COMPLAINT MANAGEMENT PROCEDURES



Contents

1	PURPOSE.....	2
2	COMPLAINTS MANAGEMENT PROCESS	2
3	REPORTING AND ANALYSIS.....	5
4	UNREASONABLE CONDUCT BY COMPLAINANT	5
5	TRAINING, SUPPORT AND RESOURCES FOR EMPLOYEES	5
6	CONFLICT OF INTEREST AND CONFIDENTIALITY.....	6
7	FEEDBACK.....	6
8	OWNER, APPROVAL AND REVIEW DETAILS	7
	APPENDIX 1 - MANAGING UNREASONABLE COMPLAINANT CONDUCT	8

1 PURPOSE

The *Complaints Management Procedures* (the Procedures) supports the *Complaints Management Policy* (the Policy) and provides details on Council's arrangements and processes relating to complaints management.

2 COMPLAINTS MANAGEMENT PROCESS

If a matter meets the definition of a complaint set out in the Policy, it will be managed by Council in accordance with these Procedures.

2.1 How to make a complaint

Council recognises that our customers may wish to contact Council in a variety of ways and we are committed to providing choice about how customers can provide feedback or make a complaint. Customers can contact Council in a variety of ways:

- Post: Willoughby City Council, PO Box 57, Chatswood, NSW, 2057
- Email: email@willoughby.nsw.gov.au
- Phone: 02 9777 1000
- In person: Customer Service Centre, 31 Victor Street, Chatswood

The complaint management process consists of the following six stages:



*Or identify an alternative date if complex complaint

Stage 1: Receipt of complaint

All complaints will be addressed by Council regardless of whether they are made in writing or verbally. However, due to the complexity of some matters, Council will request complainants to lodge their complaints in writing. Accessible ways of raising a complaint are available for customers if required.

Complaints made via social media often contain insufficient information to facilitate Council's investigation; however significant matters will be received as complaints where sufficient information has been provided. Council staff may contact customers making a complaint via social media in an attempt to ascertain sufficient details to investigate.

Council accepts anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided. However, anonymous complaints may be unable to be fully considered or addressed if there is insufficient information and Council will be unable to communicate the progress or outcomes.

All complaints received by Council are registered by staff in Council's system. The record of the complaint will include (as far as possible):

- the contact information of the complainant
 - issues raised by the complainant and the outcome they want
 - any other relevant information
- any additional support the person making a complaint requires, including translation and/or accessibility requirements
- the expected timeframe to receive a response

The matter will be referred to the Complaints Coordinator.

If a matter has been referred to the Complaints Coordinator in error (for example, it does not meet the definition of complaint in the *Policy*), the Complaints Coordinator will notify Information Management so that the matter may be addressed by the correct officer.

Stage 2: Acknowledgement of complaint

The Complaints Coordinator must acknowledge receipt of the complaint with the complainant within **3 working days** and include:

- the contact details of Complaints Coordinator; and
- a commitment that the complaint will be referred to the appropriate officer for handling.

Where appropriate, the Complaints Coordinator may request further information, or request to make further arrangements to assist in managing the complaint, subject to confidentiality and privacy obligations. For example, when similar complaints are made by connected parties the Complaints Coordinator may try to arrange to communicate with a single representative of the group.

Stage 3: Assessment and addressing of complaints

After acknowledging receipt, the Complaints Coordinator must refer the complaint to the appropriate officer for assessment and addressing. The appropriate officer is generally a subject matter expert regarding the topic of the complaint, but is different from any staff member whose conduct or service is being complained about (see part 6 below – Conflicts of Interest and Confidentiality).

Each complaint is to be assessed on its merits with integrity and in a fair, objective and unbiased manner. Consideration is to be given to factors such as:

- How serious, complicated or urgent the complaint is
- Whether the complaint raises concerns about health and safety
- How the person making the complaint is being affected
- The risks involved if resolution of the complaint is delayed
- Whether a resolution requires the involvement of other organisations

If required, Council will prioritise complaints in accordance with the urgency or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be escalated appropriately.

After assessing the complaint, the officer will consider how its best addressed, and may:

- Give the person making a complaint information or an explanation,
- Gather information from the person or area that the complaint is about, or
- Investigate the claims made in the complaint.

The appropriate officer will communicate to the Complaints coordinator and customer the expected timeframe for resolution.

The Complaints coordinator will keep up to date records of the progress of the complaint.

We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case and take into account any statutory requirements.

Stage 4: Providing reasons for the outcome

Following consideration of the complaint and any investigation into the issues raised, the complainant is to be advised within **10 working days of outcome or in complex complaints be provided with a clear timeframe, which will be communicated to the customer.**

- the outcome of the complaint and any action taken
- the reason/s for the outcome
- the remedy or resolution/s proposed or put in place
- any options for review that may be available to the complainant, such as an internal review, external review or appeal.

The form of this advice is to take into account any accessibility requirements or preferences of the complainant.

Remedies in response to a complaint will vary due to the nature of the complaint, but may include:

- apologising to the customer and providing an explanation
- providing information to clarify Council's relevant policy or position on the matter
- a refund of monies for inaccurate or erroneous charges
- a commitment to review or recommend changes to policies or procedures.

Stage 5: Closing the complaint, record keeping, redress and review

Council will keep comprehensive records about:

- How the complaint was managed
- The outcomes of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations, and
- Any outstanding actions that need to be followed up by the responsible officer addressing the complaint

Complainants are to be informed of internal and external review processes that are available. A complainant may request an internal review of the decision by a more senior Council officer which may involve:

- assessment and/or investigation of the complaint and the outcome
- facilitated resolution, where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties.

The following external agencies may also deal with complaints relating to Council. These agencies may be involved if:

- The matter is not in Council's jurisdiction
- You decide that your complaint would be more appropriately handled by an external agency
- You decide to seek review of a complaint if you are dissatisfied with the outcome provided by Council.:

- The Independent Commission Against Corruption (ICAC)
- Office of Local Government
- The Office of the NSW Ombudsman
- The Information Commissioner

Stage 6: Provide insights to continuous improvement and Voice of the Customer program

Council is committed to learning from customer feedback. Insights from complaints are integrated into our continuous improvement and Voice of the Customer program. The Voice of the Customer program captures the needs, preferences, feedback, and expectations of our customers and helps us to implement ongoing improvement solutions.

Customer Experience will:

- monitor trends
- measure the quality of our customers service and make improvements
- change organisational practices and procedures
- retrain staff on product and service delivery
- reassess customer information needs and make any other necessary improvements.

3 REPORTING AND ANALYSIS

The Governance, Risk and Compliance business unit will provide a report to the Executive Leadership Team quarterly and the Council annually regarding:

- the number of complaints received
- the outcome of complaints, including matters resolved at the frontline issues arising from complaints
- systemic issues identified and recommendations
- the number of requests Council receives for internal review.

4 UNREASONABLE CONDUCT BY COMPLAINANT

Unreasonable conduct is defined as any behaviour by a person which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the people involved in the complaint process.

Council will utilise NSW Ombudsman's *Managing Unreasonable Conduct by a Complainant Guidelines* to assist in the identification of unreasonable conduct and to identify strategies to address that conduct. Refer to Appendix 1.

5 TRAINING, SUPPORT AND RESOURCES FOR EMPLOYEES AND CUSTOMERS

All staff members have access to up to date training and resource regarding the complaint management process, expectations and reporting requirements.

All accessibility guidelines are also outlined in the complaint management training for Council staff and outlined in processes documented.

As part of its work health and safety obligations, Council is committed to providing a safe and supportive workplace to staff for managing unreasonable conduct related risks.

Appropriate supervision, training and resources, including the Council's Employee Assistance Program, will be provided to staff involved in complaints management.

Where a staff member faces unreasonable conduct by complainant or is the subject of a complaint, they are provided the opportunity to provide input and they are encouraged to access Council's Employee Assistance Program and seek guidance from their Manager, Director or the Public Officer. The process will be conducted in accordance with the relevant provisions of the *Local Government (State) Award 2014*.

Resources and support for customers will be outlined on our website including;

- The Complaints Management Policy and Procedure
- A frequently asked questions document
- A complaints web form
- Links to external agencies for support and information

6 CONFLICT OF INTEREST AND CONFIDENTIALITY

To avoid a situation where a conflict of interest, whether actual or perceived, occurs, the investigation of a complaint will not be undertaken by a staff member who is the subject matter of the complaint.

Council must ensure that confidentiality is maintained in regards to complaints received. Council will protect the identity of people making complaints where this is practical and appropriate. Personal information will only be disclosed or used by Council as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations. Complainant is required to maintain confidentiality in this regard.

7 FEEDBACK

Feedback regarding these *Procedures* may be provided by contacting Council's Governance, Risk and Compliance Manager.

8 OWNER, APPROVAL AND REVIEW DETAILS

Directorate	Customer & Corporate
Owner	Governance, Risk and Compliance Manager
Complaints Coordinator	Governance Officer
ECM Reference	ECM Doc Set ID: [Insert]
Document History	<p>Approved by ELT: 6 November 2019 Adopted by Council: June 2019 Adopted by Council: [Insert] Next review date: December 2026</p>
Accessibility of Procedure	<p>The Policy is published on:</p> <ul style="list-style-type: none"> • Council website • Council intranet

APPENDIX 1 - MANAGING UNREASONABLE COMPLAINANT CONDUCT

Council will utilise the NSW Ombudsman's *Managing Unreasonable Complainant Conduct Practice Manual* to assist in the identification of unreasonable conduct and to identify strategies to address that conduct.

Unreasonable conduct by complainants has the potential to place significant demands on resources and create inequity in the way that resources are distributed. The NSW Ombudsman has identified five distinct kinds of unreasonable conduct. These include:

1. **Unreasonable persistence:** occurs when a complainant persists with their complaint, even though the complaint has been addressed, by refusing to accept the final decision and/or sending excessive amounts of correspondence.
2. **Unreasonable demands:** occur when a complainant insists on outcomes that are unattainable, moves the goal posts or demands to have their complaints dealt with in particular ways.
3. **Unreasonable lack of cooperation:** occurs when a complainant provides disorganised, excessive or irrelevant information, is unwilling to consider other valid viewpoints, or refuse to define the issues of complaint, when they are capable of doing so.
4. **Unreasonable behaviour:** includes extreme anger, aggression, threats or violent conduct.
5. **Unreasonable arguments:** occurs when a complainant points to cause and effect arguments where there are clearly none, holds conspiracy theories, unsupported by evidence, irrationally interprets facts or law and refuses to accept other more reasonable interpretations.

Abusive or threatening behaviour

Two verbal warnings will be provided, where possible, to complainants exhibiting abusive or threatening behaviour in person or in writing. On the third instance, the complainant will be advised that communication will be terminated. Threatening behaviour is to be referred to the Police.

Details of abusive or threatening behaviour are recorded and referred to the CEO who may determine to restrict access of the complainant for a period of time. Complainants will be informed of restricted access and the date on which this decision will be reviewed.

Determining unreasonable complainant conduct

The CEO will determine whether to restrict, withhold or withdraw the provision of services to a complainant who is behaving unreasonably. In making any such determination, regard will be given to:

- whether the complaint process been correctly implemented; confirmation that no material element of the complaint been overlooked and/or inadequately addressed
- whether the complainant demonstrated one or more of the behaviours identified as unreasonable complainant conduct
- whether the behaviour of the complainant constitutes an unreasonable demand on Council resources
- the impact on staff of the behaviour of the complainants behaviour
- whether the decision recognises the complainants right to access Council to seek advice, a statutory right to inspect Council documents and to make certain complaints
- recognition that a complainant should not be unconditionally deprived of the right to have their concerns addressed

Strategies for dealing with unreasonable complainant conduct

Limitations may be imposed on an unreasonable complaint in regards to their contact with Council, these may include:

- 1. Who the customer can contact within Council:** where a complainant demonstrates excessive persistence or demands, Council may restrict their communication to a dedicated member of staff. This staff member will exclusively manage the complainant and any future complaints or interaction with Council. This will ensure a consistent approach to complaint management.
- 2. What issues they can raise with Council:** in circumstances where a complaint has been comprehensively reviewed and unreasonable conduct continues, Council may determine that no further response will be provided on the matter.
- 3. When, where, how the customer is able to make contact with Council:** in circumstances where a complainant's behaviour imposes an unreasonable demand on Council resources restrictions may be imposed which limit when, where or how they interact with Council.

The complainant will be given prior notice in writing of the grounds on which the limitation is being imposed, the nature and duration of the restriction, including details of the review period. Their response will be considered when determining the imposition of limitations.

Appealing a decision to restrict access

The complainant is entitled to appeal this decision and will be notified in writing of the outcome.

Review of restrictions

The applicable Director will review the effectiveness and need for limitation of access on a 6 monthly basis from the date on which the restriction was imposed. Complainants will be invited to participate in the review process. The invitation and review will be carried out in line with access restrictions.

The review will consider:

- any information put forward by the complainant
- any contact with staff and the conduct of the complainant, during the restriction period
- any other relevant information.

The complainant will be notified of the outcome of the review in writing.

COMPLAINT MANAGEMENT PROCEDURES



Contents

1	PURPOSE.....	2
2	COMPLAINTS MANAGEMENT PROCESS	2
3	REPORTING AND ANALYSIS	5
4	UNREASONABLE CONDUCT BY COMPLAINANT	5
5	TRAINING, SUPPORT AND RESOURCES FOR EMPLOYEES	5
6	CONFLICT OF INTEREST AND CONFIDENTIALITY	6
7	FEEDBACK.....	6
8	OWNER, APPROVAL AND REVIEW DETAILS	7
	APPENDIX 1 - MANAGING UNREASONABLE COMPLAINANT CONDUCT.....	8

1 PURPOSE

The Complaints Management Procedures (the Procedures) supports the Complaints Management Policy (the Policy) and provides details on Council's arrangements and processes relating to complaints management.

2 COMPLAINTS MANAGEMENT PROCESS

If a matter meets the definition of a complaint set out in the Policy, it will be managed by Council in accordance with these Procedures.

2.1 How to make a complaint

Council recognises that our customers may wish to contact Council in a variety of ways and we are committed to providing choice about how customers can provide feedback or make a complaint. Customers can contact Council in a variety of ways:

- Post: Willoughby City Council, PO Box 57, Chatswood, NSW, 2057
- Email: email@willoughby.nsw.gov.au
- Phone: 02 9777 1000
- In person: Customer Service Centre, 31 Victor Street, Chatswood

The complaint management process consists of the following six stages:



*Or identify an alternative date if complex complaint

Stage 1: Receipt of complaint

All complaints will be addressed by Council regardless of whether they are made in writing or verbally. However, due to the complexity of some matters, Council will request complainants to lodge their complaints in writing. Accessible ways of raising a complaint are available for customers if required.

Complaints made via social media often contain insufficient information to facilitate Council's investigation; however significant matters will be received as complaints where sufficient information has been provided. Council staff may contact customers making a complaint via social media in an attempt to ascertain sufficient details to investigate.

Council accepts anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided. However, anonymous complaints may be unable to be fully considered or addressed if there is insufficient information and Council will be unable to communicate the progress or outcomes.

All complaints received by Council are registered by staff in Council's system. The record of the complaint will include (as far as possible):

- the contact information of the complainant
 - issues raised by the complainant and the outcome they want
 - any other relevant information
- any additional support the person making a complaint requires, including translation and/or accessibility requirements

Deleted: INTRODUCTION

Deleted: Willoughby City Council is committed to providing excellent customer service to the community. Council encourages and values customer feedback as it assists with the ongoing review and improvement of service delivery.

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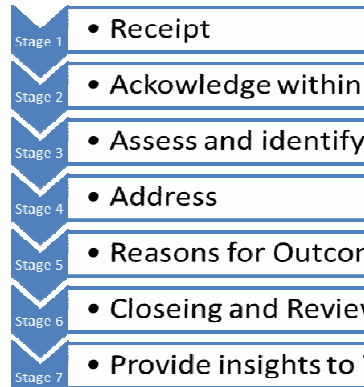
This procedure has been drafted to support the implementation of Council's Complaints Management Policy and to provide guidance in regards to Council's Complaint Management System.

As defined by the Complaints Management Policy complaints are an expression of dissatisfaction with Council's services, policies, procedures, processes, the conduct of its Councillors or staff (including casuals, contractors and volunteers). Complaints are not routine requests for service.

<object>It should be noted that special categories of complaints are covered by more specific policies or legislation and will be treated according to these m

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- the expected timeframe to receive a response

The matter will be referred to the Complaints Coordinator.

If a matter has been referred to the Complaints Coordinator in error (for example, it does not meet the definition of complaint in the Policy), the Complaints Coordinator will notify Information Management so that the matter may be addressed by the correct officer.

Stage 2: Acknowledgement of complaint

The Complaints Coordinator must acknowledge receipt of the complaint with the complainant within 3 working days and include:

- the contact details of Complaints Coordinator; and
- a commitment that the complaint will be referred to the appropriate officer for handling.

Where appropriate, the Complaints Coordinator may request further information, or request to make further arrangements to assist in managing the complaint, subject to confidentiality and privacy obligations. For example, when similar complaints are made by connected parties the Complaints Coordinator may try to arrange to communicate with a single representative of the group.

Stage 3: Assessment and addressing of complaints

After acknowledging receipt, the Complaints Coordinator must refer the complaint to the appropriate officer for assessment and addressing. The appropriate officer is generally a subject matter expert regarding the topic of the complaint, but is different from any staff member whose conduct or service is being complained about (see part 6 below – Conflicts of Interest and Confidentiality).

Each complaint is to be assessed on its merits with integrity and in a fair, objective and unbiased manner. Consideration is to be given to factors such as:

- How serious, complicated or urgent the complaint is
- Whether the complaint raises concerns about health and safety
- How the person making the complaint is being affected
- The risks involved if resolution of the complaint is delayed
- Whether a resolution requires the involvement of other organisations

If required, Council will prioritise complaints in accordance with the urgency or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be escalated appropriately.

After assessing the complaint, the officer will consider how its best addressed, and may:

- Give the person making a complaint information or an explanation,
- Gather information from the person or area that the complaint is about, or
- Investigate the claims made in the complaint.

The appropriate officer will communicate to the Complaints coordinator and customer the expected timeframe for resolution.

The Complaints coordinator will keep up to date records of the progress of the complaint.

We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case and take into account any statutory requirements.

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Where a complaint involves multiple organisations, Council will work with the other organisations, subject to privacy and confidentiality considerations, to coordinate a response to the complainant.¶

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Each complaint is to be assessed on its merits.

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Stage 4: Providing reasons for the outcome

Following consideration of the complaint and any investigation into the issues raised, the complainant is to be advised within 10 working days of outcome or in complex complaints be provided with a clear timeframe, which will be communicated to the customer.

- the outcome of the complaint and any action taken
- the reason/s for the outcome
- the remedy or resolution/s proposed or put in place
- any options for review that may be available to the complainant, such as an internal review, external review or appeal.

The form of this advice is to take into account any accessibility requirements or preferences of the complainant.

Remedies in response to a complaint will vary due to the nature of the complaint, but may include:

- apologising to the customer and providing an explanation
- providing information to clarify Council's relevant policy or position on the matter
- a refund of monies for inaccurate or erroneous charges
- a commitment to review or recommend changes to policies or procedures.

Stage 5: Closing the complaint, record keeping, redress and review

Council will keep comprehensive records about:

- How the complaint was managed
- The outcomes of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations, and
- Any outstanding actions that need to be followed up by the responsible officer addressing the complaint

Complainants are to be informed of internal and external review processes that are available. A complainant may request an internal review of the decision by a more senior Council officer which may involve:

- assessment and/or investigation of the complaint and the outcome
- facilitated resolution, where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties.

The following external agencies may also deal with complaints relating to Council. These agencies may be involved if:

- The matter is not in Council's jurisdiction
- You decide that your complaint would be more appropriately handled by an external agency
- You decide to seek review of a complaint if you are dissatisfied with the outcome provided by Council :

- The Independent Commission Against Corruption (ICAC)
- Office of Local Government
- The Office of the NSW Ombudsman
- The Information Commissioner

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Deleted: We will ensure that outcomes are properly implemented, monitored and reported to the Responsible Officer and/or senior management.¶

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informing the complainant of the date by which the matter will be actioned providing information to clarify Council's relevant policy or position on the matter a refund of monies for inaccurate or erroneous charges¶
a commitment to review or recommend changes to policies or procedures¶

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Deleted: , including the:

Stage 6: Provide insights to continuous improvement and Voice of the Customer program

Council is committed to learning from customer feedback. Insights from complaints are integrated into our continuous improvement and Voice of the Customer program. The Voice of the Customer program captures the needs, preferences, feedback, and expectations of our customers and helps us to implement ongoing improvement solutions.

Customer Experience will:

- monitor trends
- measure the quality of our customers service and make improvements
- change organisational practices and procedures
- retrain staff on product and service delivery
- reassess customer information needs and make any other necessary improvements.

3 REPORTING AND ANALYSIS

The Governance, Risk and Compliance business unit will provide a report to the Executive Leadership Team quarterly and the Council annually regarding:

- the number of complaints received
- the outcome of complaints, including matters resolved at the frontline issues arising from complaints
- systemic issues identified and recommendations
- the number of requests Council receives for internal review.

4 UNREASONABLE CONDUCT BY COMPLAINANT

Unreasonable conduct is defined as any behaviour by a person which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the people involved in the complaint process.

Council will utilise NSW Ombudsman's *Managing Unreasonable Conduct by a Complainant Guidelines* to assist in the identification of unreasonable conduct and to identify strategies to address that conduct. Refer to Appendix 1.

5 TRAINING, SUPPORT AND RESOURCES FOR EMPLOYEES AND CUSTOMERS

All staff members have access to up to date training and resource regarding the complaint management process, expectations and reporting requirements.

All accessibility guidelines are also outlined in the complaint management training for Council staff and outlined in processes documented.

As part of its work health and safety obligations, Council is committed to providing a safe and supportive workplace to staff for managing unreasonable conduct related risks.

Appropriate supervision, training and resources, including the Council's Employee Assistance Program, will be provided to staff involved in complaints management.

Where a staff member faces unreasonable conduct by complainant or is the subject of a complaint, they are provided the opportunity to provide input and they are encouraged to access Council's Employee Assistance Program and seek guidance from their Manager, Director or the Public Officer. The process will be conducted in accordance with the relevant provisions of the *Local Government (State) Award 2014*.

Deleted: ¶
RECORD KEEPING¶

¶
All complaints relevant to this Policy made to must be sent to Information Services Management (Records) for registration in Council system. Details to be recorded include: ¶

¶
Council officer responsible for actioning the complaint¶
actions taken to investigate or address the complaint¶
the outcome of the complaint¶
recommendations made to address problems identified ¶
decisions made on those recommendations¶
outstanding actions, which should be monitored and reported to the relevant Director ¶
any follow up actions from the outcome of complaints.¶

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Analysis of reports will be undertaken to: ¶

¶
monitor trends¶
measure the quality of our customers service and make improvements ¶
change organisational practices and procedures ¶
retrain staff on product and service delivery¶
reassess customer information needs and make any other necessary improvements.¶

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[Resources and support for customers will be outlined on our website including:](#)

- [The Complaints Management Policy and Procedure](#)
- [A frequently asked questions document](#)
- [A complaints web form](#)
- [Links to external agencies for support and information](#)

6 CONFLICT OF INTEREST AND CONFIDENTIALITY

To avoid a situation where a conflict of interest, whether actual or perceived, occurs, the investigation of a complaint will not be undertaken by a staff member who is the subject matter of the complaint.

[Council must ensure that confidentiality is maintained in regards to complaints received. Council will protect the identity of people making complaints where this is practical and appropriate. Personal information will only be disclosed or used by Council as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations. Complainant is required to maintain confidentiality in this regard.](#)

7 FEEDBACK

Feedback regarding [these Procedures](#) may be provided by contacting Council's [Governance, Risk and Compliance](#) Manager.

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¶
<object>RELATED LEGISLATION AND DOCUMENTS¶

¶
*Local Government Act 1993 (NSW)¶
Local Government (General) Regulation 2005 (NSW)¶*

¶
<object>Willoughby City Council documents:¶
Code of Conduct 2019¶

*Procedures for the Administration of the Code of Conduct Dec 2018 Customer Service Charter¶
Information Management Procedures¶*

¶
NSW Ombudsman documents:¶

- *Complaint Management Framework and model policy, NSW Ombudsman, June 2015.¶*
- <object>Note: our complaint management system is guided by the NSW Ombudsman's Complaint Management Model Policy.¶
*Tips for accessible complaint handling, (for people living with a disability) Ombudsman NSW Unreasonable Complaint Conduct Model Policy, NSW Ombudsman, May 2013¶
Model Guidelines – Managing and Responding to Threats, Aggressive Behaviour and Violence from Members of the Public, NSW Ombudsman, June 2014¶*

- *Practice Note No. 9 – Complaints Management in Councils – NSW Ombudsman and NSW Office of Local Government 2009¶*

... [5]

Deleted: Governance, Risk and Compliance

8 OWNER, APPROVAL AND REVIEW DETAILS

Directorate	Customer & Corporate
Owner	Governance, Risk and Compliance Manager
<u>Complaints Coordinator</u>	Governance Officer
ECM Reference	ECM Doc Set ID: [Insert]
Document History	Approved by ELT: 6 November 2019 Adopted by Council: June 2019 <u>Adopted by Council: [Insert]</u> Next review date: December 2026
Accessibility of Procedure	The Policy is published on: <ul style="list-style-type: none"> • Council website • Council intranet

Deleted: Administrator

APPENDIX 1 - MANAGING UNREASONABLE COMPLAINANT CONDUCT

Council will utilise the NSW Ombudsman's *Managing Unreasonable Complainant Conduct Practice Manual* to assist in the identification of unreasonable conduct and to identify strategies to address that conduct.

Unreasonable conduct by complainants has the potential to place significant demands on resources and create inequity in the way that resources are distributed. The NSW Ombudsman has identified five distinct kinds of unreasonable conduct. These include:

1. **Unreasonable persistence:** occurs when a complainant persists with their complaint, even though the complaint has been addressed, by refusing to accept the final decision and/or sending excessive amounts of correspondence.
2. **Unreasonable demands:** occur when a complainant insists on outcomes that are unattainable, moves the goal posts or demands to have their complaints dealt with in particular ways.
3. **Unreasonable lack of cooperation:** occurs when a complainant provides disorganised, excessive or irrelevant information, is unwilling to consider other valid viewpoints, or refuse to define the issues of complaint, when they are capable of doing so.
4. **Unreasonable behaviour:** includes extreme anger, aggression, threats or violent conduct.
5. **Unreasonable arguments:** occurs when a complainant points to cause and effect arguments where there are clearly none, holds conspiracy theories, unsupported by evidence, irrationally interprets facts or law and refuses to accept other more reasonable interpretations.

Abusive or threatening behaviour

Two verbal warnings will be provided, where possible, to complainants exhibiting abusive or threatening behaviour in person or in writing. On the third instance, the complainant will be advised that communication will be terminated. Threatening behaviour is to be referred to the Police.

Details of abusive or threatening behaviour are recorded and referred to the CEO who may determine to restrict access of the complainant for a period of time. Complainants will be informed of restricted access and the date on which this decision will be reviewed.

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- whether the behaviour of the complainant constitutes an unreasonable demand on Council resources
- the impact on staff of the behaviour of the complainants behaviour
- whether the decision recognises the complainants right to access Council to seek advice, a statutory right to inspect Council documents and to make certain complaints
- recognition that a complainant should not be unconditionally deprived of the right to have their concerns addressed

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Limitations may be imposed on an unreasonable complaint in regards to their contact with Council, these may include:

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- 2. What issues they can raise with Council:** in circumstances where a complaint has been comprehensively reviewed and unreasonable conduct continues, Council may determine that no further response will be provided on the matter.
- 3. When, where, how the customer is able to make contact with Council:** in circumstances where a complainant's behaviour imposes an unreasonable demand on Council resources restrictions may be imposed which limit when, where or how they interact with Council.

The complainant will be given prior notice in writing of the grounds on which the limitation is being imposed, the nature and duration of the restriction, including details of the review period. Their response will be considered when determining the imposition of limitations.

Appealing a decision to restrict access

The complainant is entitled to appeal this decision and will be notified in writing of the outcome.

Review of restrictions

The applicable Director will review the effectiveness and need for limitation of access on a 6 monthly basis from the date on which the restriction was imposed. Complainants will be invited to participate in the review process. The invitation and review will be carried out in line with access restrictions.

The review will consider:

- any information put forward by the complainant
- any contact with staff and the conduct of the complainant, during the restriction period
- any other relevant information.

The complainant will be notified of the outcome of the review in writing.

PLANNING & INFRASTRUCTURE DIRECTORATE

12.9 WCC PROPERTY REPORT - DECEMBER 2023

ATTACHMENTS:	1. IMPLICATIONS 2. VACANCY AND ARREARS REPORT 3. NEW TENANT - SHOP 6, THE CONCOURSE
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	RUPERT GILROY – PROPERTY MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

This report provides an update of Council's property lease portfolio.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Note the property lease portfolio report, including the information contained in Confidential Attachment 2.**
- 2. Delegate authority to the Chief Executive Officer to negotiate and agree to commercial terms, and execute a lease and any associated documents for a tenant in Shop 6 at The Concourse as contained in Confidential Attachment 3.**

3. BACKGROUND

This report is provided as a monthly report on Council's property lease portfolio, with public information outlined below and confidential information relating to this report is contained in **Attachment 2 and Attachment 3**.

4. DISCUSSION**REASON FOR CONFIDENTIALITY**

Attachment 2 is **CONFIDENTIAL** in accordance with *Section 10A(2)(d)(i) of the Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it.

This attachment is confidential as disclosure of information in it could put Council at a commercial disadvantage in its future dealings with external parties and would also make public commercially confidential information pertaining to the matters.

Attachment 3 is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

On balance, it is not in the public interest to release information that would prejudice Council's commercial position.

Tenant Update

Trading conditions at The Concourse are back to normal, and the majority of tenants are paying their rent, and back rent, on time. However, risk still remains on all outstanding lease amounts being collected.

The Gibbes Street industrial properties continue to trade well, with all tenants paying their rent on time.

Rent arrears at 30 November 2023 are \$911,545 (30 October 2023, \$1,018,335), a decrease of \$106,292 compared to the prior month.

Lease Expiries and New Leases

For the broader property portfolio:

- Leases Expiring - Nil this month to report on.
- Active steps are being taken to lease vacant shops at The Concourse.

A summary of the expired leases and new leases is in **Confidential Attachment 2**.

Confidential Attachment 3 outlines a lease for a Council owned property.

Affordable Housing

Willoughby City Councils portfolio of 37 affordable dwellings are fully occupied, and have nil arrears as at 31 October 2023 with all tenants up to date on rental payment. A listing of affordable housing dwellings is provided in the **Confidential Attachment 2**.

5. CONCLUSION

The performance of The Concourse tenants continues to improve, with lease arrears reducing during the month.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	The provision of the report is to inform Council of the current status of the financial performance of Council's property lease portfolio.
Policy	This report was produced pursuant to a resolution of Council.
Consultation	Council officers' preparation of this report was informed by ongoing communication with tenants of Council's leased properties.
Resource	There are no resourcing implications associated with this report's recommendation.
Risk	This report provides an overview of the leased property portfolio. For confidentiality reasons, it does not identify any commercial information for individual tenancies. Councillors can access further information pertaining to risks associated with individual tenancies in the accompanying confidential attachment.
Legal	Council's leases provide for formal action to be initiated where parties breach the terms of a lease.
Legislation	Any actions to be taken on individual tenancies will be in accordance with the provisions of the <i>Retail Leases Act 1994</i> and the <i>NSW Retail and Other Commercial Leases (COVID-19) Regulation 2022</i> .
Budget/Financial	Council holds bank guarantees for tenants in arrears and has made provisions for potential bad debts. Consequently, Council's lease portfolio represents an acceptable level of financial risk at this time.

12.10 PLANNING PROPOSAL 641-653 AND 655A PACIFIC HIGHWAY CHATSWOOD AND ATTACHMENT 1
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ATTACHMENTS:	<ol style="list-style-type: none"> 1. IMPLICATIONS 2. COUNCIL DETAILED ASSESSMENT OF PLANNING PROPOSAL 3. COUNCIL ASSESSMENT OF DEPARTMENT OF PLANNING AND ENVIRONMENT'S 'LOCAL ENVIRONMENTAL PLAN MAKING GUIDELINE' 4. PLANNING PROPOSAL CONCEPT PLANS 5. PRECINCT PLAN FOR 641 TO 745 PACIFIC HIGHWAY 6. DRAFT SITE AND PRECINCT DEVELOPMENT CONTROL PLANS 7. PROPOSED WILLOUGHBY LOCAL ENVIRONMENTAL PLAN 2012 AMENDMENTS 8. WILLOUGHBY LOCAL PLANNING PANEL RECORD OF ADVICE 14 NOVEMBER 2023 9. DRAFT VOLUNTARY PLANNING AGREEMENT (ATTACHMENTS 2 – 9 CONTAINED IN ATTACHMENT BOOKLET)
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	CRAIG O'BRIEN – STRATEGIC PLANNER
CITY STRATEGY OUTCOME:	<p>3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES</p> <p>5.1 - BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</p> <p>5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS</p>
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

The purpose of this report is to seek endorsement for the forwarding of an applicant initiated Planning Proposal 2022/001 for 641-653 and 655A Pacific Highway Chatswood to the Department of Planning and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* and proceed to public exhibition.

This report also seeks endorsement to publicly exhibit the draft development control plan for 641-653 and 655A Pacific Highway Chatswood and the 641 to 745 Pacific Highway Chatswood Precinct, and a draft Voluntary Planning Agreement.

Members of the Sydney North Planning Panel (SNPP) may wish to retire from the chambers for consideration of this item in order to preserve their right to vote should the matter come before the SNPP in future as a development application or rezoning review.

2. OFFICER'S RECOMMENDATION

That Council:

1. **Require the following additional information to be provided to Council prior to the Planning Proposal being forwarded to Department of Planning for a Gateway Determination:**
 - a) **The following amended information:**
 - i. **A Planning Report and Traffic Impact Assessment Report confirming, as relevant, that:**
 - a) **All car parking related to the Chatswood Bowling Club, currently located on 655A Pacific Highway, is located on the Planning Proposal site.**
 - b) **All car parking is to be in accordance with Willoughby Development Control Plan.**
 - c) **Access and egress is provided for croquet premises allocated car parking on the Chatswood Bowling Club site (being the subject of existing rights of way) via Hammond Lane.**
 - ii. **An updated Traffic Impact Assessment Report providing analysis of traffic impacts in Gordon Avenue, Orchard Road and Albert Avenue, having regard to recently approved Planning Proposals responding to the Chatswood CBD Planning and Urban Design Strategy 2036.**
 - iii. **Amended/additional plans showing:**
 - a. **All proposed setbacks, at ground and tower levels, clearly dimensioned.**
 - b. **All car spaces allocated to the Chatswood Bowling Club clearly identified on-site at ground and basement level.**
 - c. **Basement design to reflect reduced car parking provision in accordance with Willoughby Development Control Plan. Deep soil planting areas to be maximised, with appropriate landscaping.**
 - d. **Two east / west pedestrian through site links, as well as the north / south link, consistent with the site specific draft development control plan.**
 - b) **Preliminary flood analysis responding to the overland flow issues identified by Council's engineers in the Detailed Assessment.**
 - c) **Detailed shadow diagrams at a readable scale for each hour between 9am and 3pm based on 21 June mid-winter, with each hour showing street names, the individual properties impacted (including addresses), analysis, patterns and conclusions. In addition, clear distinction is to be made between existing shadows and additional shadows from the proposed development.**
2. **Forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979, to achieve the following amendments to Willoughby Local Environmental Plan 2012:**

- a) To amend the Land Zoning Map for 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, to MU1 Mixed Use.
 - b) To amend the Height of Buildings Map for 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, to 90 metres.
 - c) To amend the Floor Space Ratio Map for 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, to 6:1 (including affordable housing).
 - d) To amend the Special Provisions Area Map to show 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, as Area 5 (Cl. 6.23 Design Excellence).
 - e) To amend the Active Street Frontages Map to Include for 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, the Pacific Highway, Gordon Avenue and Hammond Lane frontages.
 - f) To amend the Lot Size Map to include 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, with a minimum lot size of 5,500 sq metres.
 - g) Identify 641-653 Pacific Highway and 655A Pacific Highway, Chatswood, on the Affordable Housing Map as Area 1 (4%).
3. Endorse the Planning Proposal for public exhibition with the accompanying draft site specific Development Control Plan.
 4. Endorse for public exhibition the Precinct Development Control Plan for 641 to 745 Pacific Highway Chatswood.
 5. Request that the Department of Planning and Environment nominate Council as the Planning Authority to make the Planning Proposal and that the Department of Planning and Environment delegate authority to Council's Head of Planning to process and finalise the Planning Proposal documentation for the purposes of Section 3.36 of the Environmental Planning and Assessment Act, 1979.
 6. Delegate authority to the Chief Executive Officer to make any minor amendments to the Planning Proposal and the draft development control plan, which do not alter the policy intent.
 7. Endorse the draft Voluntary Planning Agreement for 641 – 653, 655A Pacific Highway, Chatswood for public exhibition in accordance with Section 7.5 of the Environmental Planning and Assessment Act 1979 and Clause 204 of the Environmental Planning and Assessment Regulation 2021, following Gateway Determination if granted.
 8. Authorise Council's officers to make appropriate changes before public exhibition to the Voluntary Planning Agreement in response to any requirements mandated by the Gateway Determination, if granted.
 9. A further report be provided to Council outlining the outcome of the public exhibition period.

10. **Authorise the Chief Executive Officer make minor amendments which do not alter its intent and to execute the Voluntary Planning Agreement following public exhibition.**

3. BACKGROUND

The Planning Proposal was lodged by Urbis on behalf of One Global Capital on 11 March 2022, with the required fees paid to Willoughby Council on 7 April 2022. The Planning Proposal was subsequently allocated the Council reference number 2022/1 and assessment commenced.

The subject site is located within the Chatswood CBD boundary identified in the *Chatswood CBD Planning and Urban Design Strategy 2036* (referred to in this report as the CBD Strategy) endorsed by Council on 26 June 2017, supported by the Greater Sydney Commission on 18 May 2018, and endorsed by the Department of Planning and Environment (DPE) on 9 July 2020. Endorsement of the CBD Strategy was further noted by Council on 14 September 2020.

The CBD Strategy recommended that the site be zoned B4 Mixed Zone (this zone is now known as "MU1 Mixed Use"), with a maximum height of 90 metres and a floor space ratio of 6:1. The recommended zone and maximum controls were subject to the satisfaction of other CBD Strategy key elements and *Willoughby Local Environmental Plan 2012* (WLEP 2012).

The CBD Strategy has now been incorporated into the comprehensive WLEP 2012 review, endorsed for finalisation at the Council Meeting dated 12 December 2022, and now made by DPE and notified on 30 June 2023 (Amendment 34).

However, noting that there was a Planning Proposal lodged and under assessment, the recommended zoning and maximum controls were not implemented as part of the comprehensive WLEP 2012 review (Amendment 34). The current controls (the R3 Medium Density Residential zone, with 12m height and 0.9:1 floor space ratio maximums) were retained on the site, with the recommended future controls for the site to be assessed via this Planning Proposal process.

4. DISCUSSION

4.1 Summary

The Planning Proposal, and the amendments proposed to WLEP 2012, are consistent with the strategic objectives of the *Greater Sydney Region Plan*, the *North District Plan*, as well as Councils' *Local Strategic Planning Statement* and the *Chatswood CBD Planning and Urban Design Strategy 2036*.

As noted above, under the CBD Strategy, the subject site is recommended to be included within the B4 Mixed use zone (now known as the MU1 Mixed Use zone under WLEP 2012 Amendment 34), with a maximum height of 90m and a floor space ratio of 6:1. This is what is proposed in the subject Planning Proposal.

The Planning Proposal is also consistent with the Key Elements contained in the CBD Strategy that have been incorporated as appropriate into WLEP 2012 and WDCP.

The proposed 4% affordable housing contribution is considered acceptable in the circumstances of this case, and is discussed in Section 4.5 below.

It is considered that the relevant requirements under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the matters identified in the Department of Planning and Environment's (August 2023) *Local Environmental Plan Making Guideline* are adequately addressed and that the environmental impacts are acceptable for referral to Gateway and further consideration following public exhibition.

The detailed assessment of consistency with the CBD Strategy and the relevant State requirements is provided in **Attachment 2**.

4.2 The Planning Proposal

The Planning Proposal seeks to amend *Willoughby Local Environmental Plan 2012* (WLEP 2012) at 641-653 and 655A Pacific Highway Chatswood, as follows:

- Change the land use zone from R3 Medium Density Residential to MU1 Mixed Use
- Increase the maximum height of buildings control from 12m to 90m.
- Increase the maximum Floor Space Ratio control from 0.9:1 to 6:1.
- Apply a minimum non-residential floor space requirement equating to 17% of total assessable GFA on the site.

Refer to **Table 1** below for a summary of the Planning Proposal 2022/1 amendments following *Willoughby Local Environmental Plan 2012* (Amendment 34).

Table 1: Summary of Planning Proposal 2022/1 Amendments

	641–653, 655A Pacific Highway	Compliance
Zoning Current WLEP 2012 Proposed in Planning Proposal	R3 Medium Density Residential MU1 Mixed Use	Yes
Height Current WLEP 2012 Proposed in Planning Proposal	12m 90m	Yes
Floor Space Ratio Current WLEP 2012 Proposed in Planning Proposal	0.9:1 6:1	Yes
Affordable Housing Current WLEP 2012 Proposed in Planning Proposal	10% of residential GFA 4% of residential GFA	No, however satisfactory in this circumstance. (consistent with Council's position of 12 December 2022, refer to discussion section of report).

During the assessment of the Planning Proposal, Council officers have sought amendments and additional information, with the latest documentation submitted 11 September 2023.

The amended Planning Proposal proposes:

- A podium of between one and three storeys, with two residential towers above.
- Towers separated by communal open space above one storey podium.
- Both towers 90m with floor plates between 589m² and 692m².
- A total of approximately 319 residential apartments.
- All vehicle access and egress for 641 – 655A Pacific Highway via Hammond Lane.
- In regards the existing rights of the Chatswood Bowling Club over 641 – 655A Pacific Highway and how they have been addressed:
 - All vehicle access and egress is via Hammond Lane.
 - Pedestrian access is covered by public rights of way.
 - 41 car spaces for the Chatswood Bowling Club are proposed in a future basement located under a bowling green on the Chatswood Bowling Club site (this is a concern, discussed in this report and addressed in the Officers recommendation).
- 655A Pacific Highway existing egress on northern boundary to Pacific Highway to be retained for use only by neighbouring properties to the north. Rights of way and physical measures are to be introduced to ensure this outcome.
- A through site link is provided from Gordon Avenue and Hammond Lane to the northern boundary and western boundary (the Pacific Highway). Minimum width 3m.

4.3 Subject Location

The site has a total area of 5,774m², bounded by the Pacific Highway to the west, the Chatswood Bowling Club (655 Pacific Highway) to the east, 689 Pacific Highway to the north and Gordon Avenue to the south.

Vehicle access for 641-653 Pacific Highway is via Gordon Avenue. Vehicle access for 655A Pacific Highway is in via Hammond Lane and out via the Pacific Highway. There are a number of easements across 655A Pacific Highway, some being in favour of the Chatswood Bowling Club with particular regard to rights of carriageway and 41 dedicated car parking spaces.

Other Planning Proposals in the vicinity of the site, consistent with the CBD Strategy, have already been supported by Council and made for 5-9 Gordon Avenue to the east, 613-627 Pacific Highway, 629-637 Pacific Highway, 10 Gordon Avenue and 15-19 Nelson Street and 9-11 Nelson Street to the south, of the subject site.

A Development Application has been lodged in relation to properties to the north from 691, 695 and 699 Pacific Highway (689 Pacific Highway has not been included).

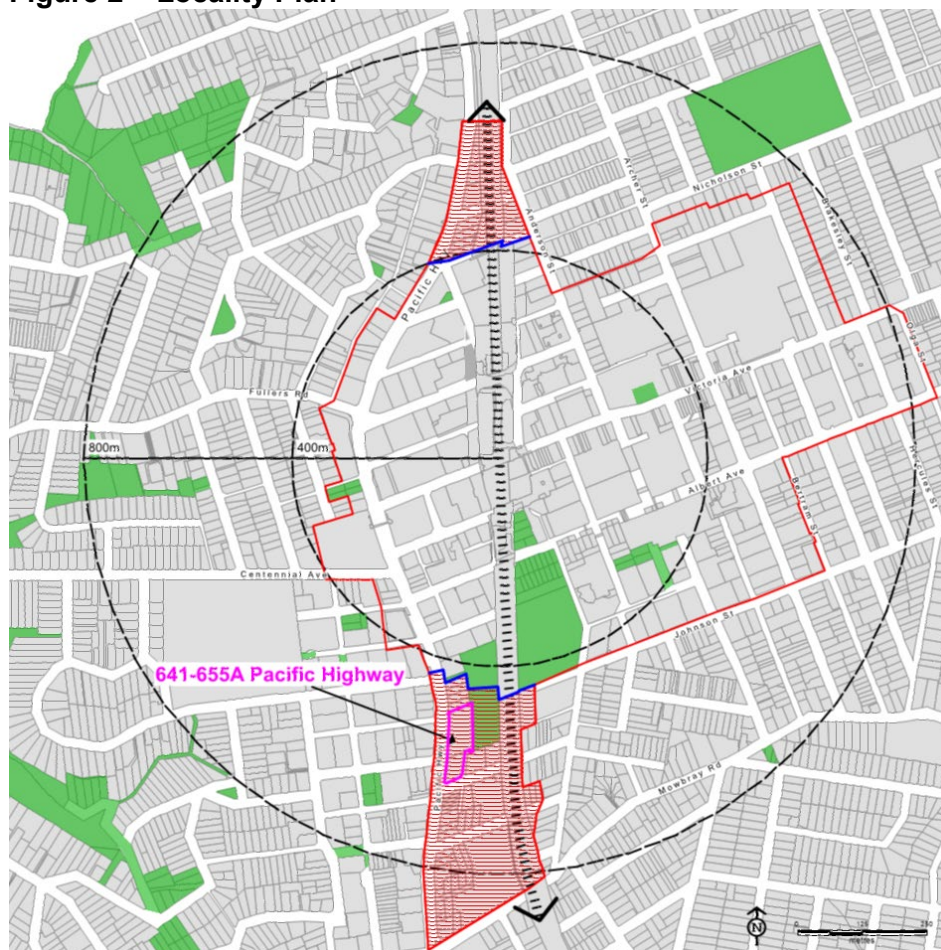
Properties to the north from 689-705 Pacific Highway all have vehicle access solely from Pacific Highway.

There are Tennis courts and Croquet Greens immediately to the north of the Chatswood Bowling Club, which are identified as key public spaces in the CBD Strategy.

Figure 1 – Location Plan



Figure 2 – Locality Plan



4.4 Assessment and Report Attachments

The Planning Proposal is consistent with the CBD Strategy and is satisfactory in relation to the other relevant assessment issues subject to additional information required (discussed below). The Detailed Assessment at **Attachment 2** provides detailed comments in relation to the relevant considerations.

The Planning Proposal has also been assessed with regard to the criteria contained in the Department of Planning and Environment’s *Local Environmental Plan Making Guideline*, August 2023, with particular regard to the Council, Greater Sydney Commission and DPE strategic planning framework and directions, and is satisfactory (Refer **Attachment 3**).

The Council assessment considered the proponent’s documentation supporting the Planning Proposal, including amended concept plans showing a conceptual redevelopment plan for the site (Refer **Attachment 4**).

Provision of ground and tower setbacks, both in accordance with and in addition to the CBD Strategy, are important considerations that have been satisfactorily addressed in the amended concept plans. In addition public domain embellishment has been addressed both in the amended concept plans and the Officers recommendation.

A Traffic Impact Assessment report has been provided concluding that the surrounding road network is able to accommodate the proposed development. Further information is sought in regards impacts in Gordon Avenue, Orchard Road and Albert Avenue.

Pre-exhibition comments have been sought by Council officers and received from Transport for NSW due to the importance of transport related issues to both the individual Planning Proposal and the surrounding precinct (being the properties 641 to 745 Pacific Highway, between Gordon Avenue and Ellis Street). The Transport for NSW response and the position taken by Council officers are discussed in **Attachment 2**.

A Precinct Plan for 641 to 745 Pacific Highway has subsequently been developed, and provided to Transport for NSW who have raised no objection. In addition, the Precinct Plan has also been provided to the proponents of the subject Planning Proposal and the nearby Planning Proposal at 691-699 Pacific Highway (now withdrawn) to clearly indicate the Council vision and expectations with regards to access and egress to/from the Pacific Highway. This Precinct Plan is at **Attachment 5**.

The proponent has provided documentation demonstrating that the proposal is consistent with the Council prepared Precinct Plan.

A draft *Development Control Plan* has been prepared by Council officers, covering the site. A draft *Precinct Development Control Plan* has also been prepared by Council officers for 641 to 745 Pacific Highway (Refer to **Attachment 6** for both draft plans). These documents will be further reviewed following exhibition. Where matters are not covered by the site and precinct specific draft DCPs, the wider *Willoughby Development Control Plan* will apply to the site.

For the purposes of this report and any public notification, Council Officers have prepared mapping amendments to *Willoughby Local Environmental Plan 2012* (Refer to **Attachment 7**).

4.5 Affordable Housing

Under *Willoughby Local Environmental Plan 2012* (Amendment 34), (WLEP 2012), which came into effect on 30 June 2023, contributions can be sought for the provision of affordable housing within the Chatswood CBD at a rate of 10% of the residential gross floor area. Affordable housing is addressed under Clause 6.8 and the Affordable Housing Map of WLEP 2012.

Under the comprehensive review of Council's LEP, which began in December 2020 and led to WLEP 2012 (Amendment 34), contributions towards affordable housing was proposed to be increased in some parts of the LGA from 4% to 10%. The subject site, which is located within the Chatswood CBD, was saved from the proposed increase due to the timing of the subject Planning Proposal lodgement.

The Planning Proposal for 641 – 655A Pacific Highway was lodged 11 March 2022, with fees paid 7 April 2022.

Between 5 March and 7 June 2022, the Council initiated Planning Proposal 2021/2 regarding the comprehensive review of *Willoughby Local Environmental Plan 2012* was exhibited, with an affordable housing contribution of 10% of gross floor area required.

On 7 December 2022 the Agenda was made public prior to the 12 December 2022 Council Meeting. An affordable housing contribution requirement of 10% of total residential GFA was one of the proposed changes for Council consideration at that meeting.

In the Council report, it was stated:

“There are planning proposals (mainly in Chatswood CBD) that have been progressed in tandem or ahead of this comprehensive LEP review. If they have been lodged before

the end of the exhibition period with a 4% agreed rate, it is proposed that rate remains as is.”

While a greater affordable housing provision may be encouraged, it is fair and reasonable to consider the proposed provision of a 4% affordable housing contribution in the assessment of this specific Planning Proposal.

4.6 Additional information required

The following additional information to be provided to Council prior to the Planning Proposal being forwarded to Department of Planning for a Gateway Determination:

- A Planning Report and Traffic Impact Assessment Report confirming, as relevant, that:
 - All car parking related to the Chatswood Bowling Club, currently located on 655A Pacific Highway, is located on the Planning Proposal site.
 - All car parking is to be in accordance with Willoughby Development Control Plan.
 - Access and egress is provided for croquet premises allocated car parking on the Chatswood Bowling Club site (being the subject of existing rights of way) via Hammond Lane.
- An updated Traffic Impact Assessment Report providing analysis of traffic impacts in Gordon Avenue, Orchard Road and Albert Avenue, having regard to recently approved Planning Proposals responding to the Chatswood CBD Planning and Urban Design Strategy 2036.
- Amended/additional plans showing:
 - All proposed setbacks, at ground and tower levels, clearly dimensioned.
 - All car spaces allocated to the Chatswood Bowling Club clearly identified on-site at ground and basement level.
 - Basement design to reflect reduced car parking provision in accordance with Willoughby Development Control Plan. Deep soil planting areas to be maximised, with appropriate landscaping.
 - Two east / west pedestrian through site links, as well as the north / south link, consistent with the site specific draft development control plan.
- Preliminary flood analysis responding to the overland flow issues identified by Council's engineers in the Detailed Assessment.
- Detailed shadow diagrams at a readable scale for each hour between 9am and 3pm based on 21 June mid-winter, with each hour showing street names, the individual properties impacted (including addresses), analysis, patterns and conclusions. In addition, clear distinction is to be made between existing shadows and additional shadows from the proposed development.

4.7 Advice from the Willoughby Local Planning Panel

The Willoughby Local Planning Panel has provided advice on this matter dated 14 November 2023 (Refer to **Attachment 8**). The issues considered included:

- Compliance with the strategic framework,
- Ground level public domain embellishment,
- Connection to a wider pedestrian and cycle network,
- Relationship of site with the Chatswood Bowling Club,
- Adequacy of the percentage of affordable housing to be provided,
- Precinct Plan and wider transport issues,
- Approach to vehicle access and egress,
- Traffic capacity of Gordon Avenue,
- Site access from the south, and
- Car parking and traffic generation.

The Panel “advises it is satisfied that the planning proposal is worthy of being forwarded to the DP&E for a Gateway consideration having demonstrated strategic and site specific merit. The Panel notes that the plans and documentation provided have been superseded and are to include amendments to reflect recent changes to the Council planning controls. The Panel advises the Council that it supports forwarding the planning proposal to the DP&E for a Gateway consideration as set out in the Officer’s report for the following reasons:

- a) *The proposal is to be consistent with Council’s CBD strategy public domain vision with regard to through site links and open space embellishment.*
- b) *The design of the podiums should be in accordance with the podium heights in the site specific development control plan, and involve stepping and articulation to address amenity considerations for through site links and open space and achieve design excellence.*
- c) *The non-residential areas adjoining through site links and open space areas are to be designed to create visual interest, amenity and pedestrian activity*
- d) *The design of the towers should consider location (with particular regard to key public spaces), articulation, potential shadow and achieve design excellence.*
- e) *All parking related to the development and the Chatswood Bowling Club to be located on-site.*
- f) *Vehicle access and egress involving the site is to be consistent with the Precinct Plan developed by Council in consultation with Transport for NSW. In this regard the existing Pacific Highway egress point on 655A Pacific Highway is not to be utilised by the subject site, is to be consistent with the Precinct Plan and therefore utilised solely by properties to the north via a right of way.*
- g) *The physical blocking of the internal vehicle access from Hammond Lane through to the Pacific Highway for 641-655A Pacific Highway is to involve measures that continue to invite pedestrian access to publicly accessible through site links and open space (cul-de-sac or similar and not barriers or gates).”*

4.8 Voluntary Planning Agreement (VPA)

In line with Council’s *Planning Agreement Policy* (Policy) and its *Procedures Manual* (Procedures Manual), an agreement for the Planning Proposal to make a contribution towards the provision of increased community infrastructure in response to the additional growth in this area is sought.

4.9 Acceptance of monetary contribution offer

A monetary contribution of \$17,136,000 considered to be of public benefit has been put forward by the proponent as part of the draft VPA. This contribution is to be paid in four instalments at different stages of the development

The contribution is calculated based on the Community Infrastructure Contribution (CIC) rate of \$765 per additional m² of residential floor area. This is a transitional rate which Council allowed for VPAs that were already being negotiated before Council’s Policy and Procedures Manual was adopted.

On 28 March 2022, Council resolved to adopt the final Policy and Procedures Manual and agreed to endorse the higher rate of \$900 per additional m² of residential floor area above existing LEP controls, to be applied to any VPA associated with a Planning Proposal lodged after the adoption of the Policy.

The related Planning Proposal was lodged on 7 April 2022, but substantial negotiations had already commenced at a pre-lodgement meeting that occurred in February 2022 (before the Policy’s adoption date). The former rate of \$765 per m² was therefore applied in this instance.

The monetary contribution will be applied towards aspects of community infrastructure works listed under the Community Infrastructure Contribution (CIC) works schedule of the adopted Policy and Procedures Manual, providing valuable public benefits to the Chatswood CBD community.

4.10 Acceptance of additional material public benefit offer

In addition to the monetary contribution offer, the developer has offered a public access easement and an egress easement to be registered on land title. These easements, respectively, are for the proposed pedestrian north-south through-site link across the site and the proposed egress along the northern boundary.

Council does not intend to acquire these parts of the land. As such, registration on land title of the Public Access easement and Egress easement (ie. both being right of passage ways) for public use is considered appropriate. The public access through-site link will predominately be used by pedestrians and for passive recreation purposes. And the egress passage way exiting to Pacific Hwy will be used as vehicular access by users from the neighbouring properties to the north.

4.11 Voluntary Planning Agreement as drafted

The terms within the draft VPA (see **Attachment 9**) for collecting the monetary contribution from the developer and for securing the public access and egress easements for the development at the subject site have been reviewed by Council's solicitors, Lindsay Taylor Lawyers.

The legal advice sought from Lindsay Taylor Lawyers helped to refine the terms and content of the VPA. Council's solicitors took into consideration relevant legislation including the *Environmental Planning and Assessment Act 1979, Regulation 2021* and the *Planning Agreement Practice Note – February 2021*. On the basis of the solicitors' advice, refinements were made to the draft VPA to ensure Council's best interests are served, negotiation rights are safeguarded, exposure to risk is minimised and the payment of the contribution is supported by appropriate security.

5. CONCLUSION

It is recommended that Council forward the Planning Proposal for a mixed use development at 641-653 and 655A Pacific Highway Chatswood, in the Chatswood CBD, to the Department of Planning and Environment, seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

It is further recommended Council advise the Department of Planning and Environment that Council's Head of Planning be nominated as delegate to process and finalise the Planning Proposal. It should be noted that following exhibition and subsequent assessment, further amendments may be required.

The draft Voluntary Planning Agreement outlining the terms for securing the contribution offered have been carefully reviewed by Council's solicitors and is recommended for endorsement for exhibition following Gateway Determination if granted.

The contribution offered under the Voluntary Planning Agreement aligns with the Community Infrastructure Contribution scheme and the *Planning Agreement Policy* and its *Procedures Manual*, which will provide valuable public benefits to the Chatswood community and is considered to be in the best interests of Council.

It is also recommended that the Council prepared site specific and Precinct Development Control Plans proceed to exhibition.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	<p>3.5 – Maintain quality of life by balancing population growth with the provision of assets and services</p> <p>5.1 – Be honest, transparent and accountable in all that we do</p> <p>5.3 – Balance the creation of new public assets with the upgrade of existing public assets</p>
Business Plan Objectives, Outcomes / Services	<p>To ensure this Planning Proposal is in line with the <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> to accommodate future growth needs.</p> <p>To keep Councillors and the community informed ensuring transparency and confidence in the organisation.</p> <p>The monetary contributions received from the Planning Agreement will support Council's delivery of the capital works program, which will facilitate and enhance social outcomes for current and future residents within the Chatswood area of the LGA.</p>
Policy	<p>This Planning Proposal is in line with the <i>Chatswood CBD Planning and Urban Design Strategy 2036</i>, endorsed by Council on 26 June 2017. The amendment in the Planning Proposal will lead to amendments to <i>Willoughby Local Environmental Plan 2012</i> and <i>Willoughby Development Control Plan</i>.</p> <p>The VPA ensures appropriate contributions are obtained from the Planning Proposal towards agreed items of public benefit and aligns with Council's <i>Planning Agreement Policy & Procedures Manual</i> which was adopted on 28 March 2022.</p>
Consultation	<p>Prior to endorsement by Council, the draft <i>Chatswood CBD Planning and Urban Design Strategy</i> was publicly exhibited between 4 February and 27 March 2017.</p> <p>This Planning Proposal would also be publicly exhibited following Gateway Determination.</p> <p>The draft VPA is required to be placed on public exhibition for a period of 28 days in accordance with Section 7.5 of the <i>Environmental Planning and Assessment Act 1979</i> and Clause 204 of the <i>Environmental Planning and Assessment Regulation 2021</i>. Comments received will inform the finalisation of the VPA.</p>
Resource	<p>No additional operating resources used to prepare this report beyond budget.</p> <p>As conditioned in the terms of the draft VPA, the Developer will bear all reasonable costs of and incidentals for preparing, negotiating, executing, stamping and registering the subject Planning Agreement, and any charge, caveats or other documents related to the subject VPA.</p>

- Risk** Risk of not achieving the endorsed *Chatswood CBD Planning and Urban Design Strategy 2036* objectives and accommodating future growth requirements.
- The draft VPA has been prepared to ensure that it supports Council's mechanism for funding local infrastructure and is in accordance with all legislative requirements.
- Legal** The Planning Proposal should be consistent with the endorsed *Chatswood CBD Planning and Urban Design Strategy 2036*.
- Amendments are proposed to the *Willoughby Local Environmental Plan 2012*, which would provide the basis for future development application assessment.
- In addition, *Development Control Plan* provisions are proposed to further guide future development application assessment.
- The draft VPA has been reviewed by lawyers acting for Council to ensure alignment with relevant legislation and regulations.
- Legislation** Under *Environmental Planning and Assessment Act 1979* provisions.
- The draft Planning Agreement has been prepared in accordance with Subdivision 2 of the *Environmental Planning and Assessment Act 1979* and Part 9, Division 1 of the *Environmental Planning and Assessment Regulation 2021* ensuring that all requirements under the Act and Regulations are met.
- Budget/Financial** Collecting developer contributions under a Planning Agreement is one of the funding mechanisms to assist with the provision of local infrastructure within the LGA. Contributions will be applied towards the different aspects of community infrastructure works that will provide valuable public benefits to the Chatswood community.

12.11 MINUTES - TRAFFIC COMMITTEE MEETING HELD ON 16 NOVEMBER 2023

ATTACHMENTS:	1. IMPLICATIONS 2. TRAFFIC COMMITTEE MINUTES OF 16 NOVEMBER 2023
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DANIEL SUI – TRAFFIC & TRANSPORT TEAM LEADER
CITY STRATEGY OUTCOME:	2.1 – ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY 2.4 – MANAGE PARKING AND REDUCE TRAFFIC CONGESTION 3.1 – FOSTER FEELINGS OF INCLUSION, SECURITY AND CLEANLINESS 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

To advise Council of the outcome of the Traffic Committee Meeting held on 16 November 2023.

2. OFFICER'S RECOMMENDATION

That Council receive and adopt the recommendations arising from the Traffic Committee Meeting held on 16 November 2023.

3. BACKGROUND

The Traffic Committee (the Committee) is a statutory committee of Council, comprising NSW Police, Transport for NSW, Council and the local State Member of Willoughby as voting representatives. Council may exercise its traffic control and management functions only after consideration by the Traffic Committee.

The Committee met on 16 November 2023 and considered four formal items; one late item; one informal item; and twelve general business matters.

The reports and attachments relating to each item in the minutes can be viewed in the Traffic Committee agenda papers on Council's website at willoughby.nsw.gov.au/Council/Council-meetings/Committees/Traffic-Committee. The agenda papers include the background information for each item along with the community consultation summary and outcomes.

The voting members of the Committee have reviewed and accepted the Minutes (**Attachment 2**).

4. DISCUSSION

The attention of Councillors is drawn to the following matters which were discussed. These have actions and measures to be implemented arising from the acceptance:

Item 5.2 Mobility Parking Study

Traffic and Transport team commissioned a LGA wide mobility parking study to audit compliance with the Australian Standards, Disability Discrimination Act (DDA), and other applicable standards. The findings of the audit documents that:

- Seven mobility parking bays were found to be designed in accordance with AS2890.
- Common non-compliances include the mobility parking bay width not being the correct length (58%), missing accessibility symbols (52%), missing line markings (51%), and were missing kerb ramps (43%).

To achieve a higher-level of compliance and access, a series of design recommendations were developed including changes to line marking, signage, kerb ramps and potential relocation or reorientation of the spaces. Concept designs were developed for 22 mobility parking locations, for community consultation.

Community engagement was undertaken between 9 and 30 October 2023 on the mobility parking study outcomes and associated parking improvement plans. The study, community engagement outcomes and recommended detailed designs for improvements are outlined in the report.

Traffic and Transport team has reviewed all submissions and incorporated some minor changes to the draft concept designs. Other general feedback and requests will be assessed independently to this study. The Traffic and Transport team will initiate improvements if deemed feasible and warranted to form part of a program of potential future Operational Plan capital works.

The Committee agreed with the Officer's recommendations and support the implementation of the mobility parking improvement works at 22 locations in the LGA.

Item 5.3 Road Safety Audit Report and Findings (Wattle Lane, Archer St, Kirk St and Malvern Ave, Chatswood)

The Committee considered the road safety audit findings and agreed with all the recommendations and improvement works. It was agreed that the college should be consulted regarding the audit report findings and proposed works

Following the meeting, the Road Safety Officer has contacted and informed Mercy Catholic College, about the proposed safety improvement works, the school is supportive of the safety improvement works.

The Traffic Committee unanimously concurred with the Officer's recommendations.

Item 6 Edinburgh Road, Castlecrag – Relocation of Mail Zone

The manager of the Castlecrag Post Office has informed Council that they are required to vacate the Quadrangle Site by the end of January 2024. The Post Office has been successful in obtaining a lease to a shop 100m to the east of the current location within 'The Griffin Centre' located at 120 Edinburgh Rd, Castlecrag.

This item has been brought to Committee so that efficient assessment of the future DA can be undertaken and the relocation of the Mail Zone can be undertaken within a short timeframe to ensure more practical operation of the Post Office.

The Committee considered the proposed Mail Zone relocation including the Post Office's operation time. Busways requested that the existing Mail Zone be converted to No Parking zone, to keep the space mostly vacant, allowing buses to continue using the space to safely pull into the kerb at the Bus Zone.

The Traffic Committee concurred with the Officer's recommendation and added time restrictions to the Mail Zone and No Parking zone, to maximise the use of available on-street parking spaces outside the Post Office operation times and Bus operations, as follows:

- Approve the relocation of the Mail Zone with time restriction (6am to 6pm Mon-Fri / 1P 8.30am to 12pm Sat), prior to the lodgement of the development application to ensure continuity and practical operation can be undertaken from the new Post Office location; and
- Convert the existing Mail Zone space to No Parking with time restriction (6am to 6pm Mon-Sat).

5. CONCLUSION

The Minutes do not bind Council to any additional resource commitment than otherwise outlined in this report.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	2.1 – Enhance transport choices and connections throughout the city 2.4 – Reduce parking and traffic congestion 3.1 – Foster feelings of safety, security and cleanliness
Business Plan Objectives, Outcomes / Services	To ensure proper traffic management and a transparent process for decision making regarding traffic matters.
Policy	The Local Traffic Committee is a technical committee of Transport for New South Wales. Council has been delegated certain powers with regard to traffic matters on Regional and Local roads. A condition of this delegation is that Council must take into account the Local Traffic Committee recommendations.
Consultation	Community consultation is undertaken for planning and development of formal items considered by the Local Traffic Committee and recommended to Council for approval.
Resource	Works are undertaken within the existing resource allocation. The recommendations do not commit Council to any additional resources, with the exception of a seeking a waiver for a Road Occupancy Fee.
Risk	Identified risks are addressed within individual reports in the minutes.
Legal	The Willoughby Traffic Committee is a Technical Committee of the Council mandated by Transport for NSW.
Legislation	All recommendations comply with relevant legislation and Transport for New South Wales Policies and Guidelines.



Willoughby City Council

MINUTES

TRAFFIC COMMITTEE MEETING NO 5

16 November 2023

Traffic Committee Meeting
held in the Banksia Room
Willoughby City Council
Level 6, 31 Victor Street, Chatswood
AND Microsoft Teams
commencing 9:30am



WILLOUGHBY CITY COUNCIL TRAFFIC COMMITTEE

The following information is provided so that you may be aware of the structure and operation of the Willoughby City Traffic Committee.

The Willoughby Traffic Committee is a Technical Committee of Willoughby City Council mandated by Transport for NSW.

Council has been delegated certain powers, from Transport for NSW, with regard to traffic matters upon its Regional and Local roads. A condition of this delegation is that Council must take into account the Traffic Committee recommendations.

There are four permanent members of the Traffic Committee, *each of whom has a single vote only.*

- The members are the **NSW Police Service, Transport for NSW (TfNSW), the Local State Member of Parliament (for the location of the issue to be voted upon), and Willoughby City Council.**
- Willoughby City Council operates its Traffic Committee such that the single Council vote, upon any issue is held by the Chair of the Meeting.
- Generally the Traffic Committee meetings are chaired by a staff member of Council's Traffic and Transport Team.
- Willoughby City Council allows the public to attend and speak at its Traffic Committee on issues of concern for a maximum of five minutes.
- If either the NSW Police or TfNSW representative on the Traffic Committee disagrees with any Traffic Committee recommendation, or Council resolution on any Traffic Committee recommendation, that member may lodge an appeal with the Sydney Regional Traffic Committee for determination. The appeal must be lodged in writing within 14 days of Council's resolution. Any action relative to any issue under appeal must cease until the matter is determined.
- The Sydney Regional Traffic Committee is chaired by an independent chairperson and submissions and representations are welcomed from all interested parties.
- Information is available on Council's website use the below link:
[Traffic Committee | Willoughby City Council \(nsw.gov.au\)](https://www.willoughby.nsw.gov.au/traffic-committee)

ACKNOWLEDGEMENT OF COUNTRY

Willoughby City Council acknowledges the Traditional Owners of the lands on which we meet today, the Gamaragal People, and their connections to land, waters, and community. We pay our respects to their Elders past and present, and extend that respect to all Aboriginal and Torres Strait Islander people, including those who may be in attendance today.

MEETING PROTOCOLS

MOBILE TELEPHONES

Please ensure all mobile phones are turned off.

RECORDING OF THE MEETING

Mobile phones or any other recording device are not to be used to record any part of a meeting.

GUIDELINES FOR SPEAKERS

When addressing the committee, please remember to be courteous.

Comments made by participants in any Council meeting, which are derogatory or damaging to any person's character or reputation, including any Councillor, employee of the Council, or member of the public, may be defamatory and may subject the participant to an action for defamation and expulsion from the meeting.

Comments made during the course of a meeting are not protected by the defence of absolute privilege under the *Defamation Act 2005*, and may not attract any other defences available under that Act of the common law.

1	PRESENT	3
2	APOLOGIES.....	3
3	DISCLOSURES OF INTERESTS	3
4	MATTERS ARISING FROM THE MINUTES OR FROM COUNCIL RESOLUTION	3
4.1	COUNCIL ADOPTION OF THE LOCAL TRAFFIC COMMITTEE MINUTES	4
5	FORMAL ITEMS FOR CONSIDERATION	6
	5.1 CHELMSFORD AVENUE, WILLOUGHBY – NO PARKING ZONE	6
	5.2 MOBILITY PARKING STUDY	7
	5.3 ROAD SAFETY AUDIT REPORT AND FINDINGS (WATTLE LANE, ARCHER ST, KIRK ST AND MALVERN AVE, CHATSWOOD).....	9
	5.4 DELEGATED ITEMS - REGULATORY SIGNPOSTING AND LINE MARKING	11
6	LATE ITEMS.....	12
7	INFORMAL ITEMS	16
	7.1 SAILORS BAY ROAD, BUS ZONE RELOCATION INVESTIGATION FINDINGS	16
8	GENERAL BUSINESS	17
	8.1 WILLOUGHBY ROAD, WILLOUGHBY – LOADING ZONE	17
	8.2 CHATSWOOD PLACE (260 VICTORIA AVE, CHATSWOOD) – PEDESTRIAN SAFE ACCESS AND CROSSINGS	17
	8.3 PACIFIC HIGHWAY/ BOUNDARY STREET, ROSEVILLE – RIGHT TURN BAY DESIGNS	17
	8.4 ST LEONARDS TRAFFIC CONGESTION CONCERN SUBMISSION FROM ST LEONARDS STRATA COMMUNITY GROUP	17
	8.5 2024 TRAFFIC COMMITTEE MEETING DATES.....	17
	8.6 NORTHBRIDGE PUBLIC SCHOOL P&C – ISSUES WITH PEDESTRIAN CROSSING	18
	8.7 BUS STOP UPGRADE – 42 KAMERUKA RD, NORTHBRIDGE	18
	8.8 ENTRANCE FROM BROADCAST WAY TO PACIFIC HWY, ST LEONARDS	18
	8.9 TRAFFIC SIGNALS ASHLEY ST AND ARCHER ST, CHATSWOOD	19
	8.10 EMAIL FROM PAUL NOLAN (BUSWAYS)	19
	8.11 BUS DELAYS – CHATSWOOD TOWN CENTRE (BUSWAYS)	19
	8.12 NELSON STREET, CHATSWOOD – ROADWORKS AND PARKING CHANGES NOTIFICAITON FROM SYDNEY METRO	19

1 PRESENT

Voting members present:

Shivani Karan	Transport for NSW
Ryan Edwards	NSW Police
Daniel Sui	Willoughby City Council
John Hooper	Local State MP's Representative

Other representatives:

Ben Cantor	Busways
John Gill	Willoughby City Council
Adeline Sim	Willoughby City Council
Ryan Penfold	Willoughby City Council
Kerrie Edwards	Willoughby City Council

Councillors present:

Robert Samuel	Councillor - Willoughby City Council
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Members of the public:

Andrew Nelson	Willoughby Federation of Progress Associations
Michelle Moss	President – Northbridge Public School P&C(s)
Rosalind Dickson	Resident

2 APOLOGIES

Tanya Taylor	Mayor - Willoughby City Council
Roy McCullagh	Councillor - Willoughby City Council
Craig Campbell	Councillor - Willoughby City Council
Hugh Eriksson	Councillor - Willoughby City Council

3 DISCLOSURES OF INTERESTS

Refer: Willoughby City Council Code of Conduct 2019
[Willoughby City Council Code of Conduct 2019](#)

4 MATTERS ARISING FROM THE MINUTES OR FROM COUNCIL RESOLUTION

That the Minutes of the Ordinary Meeting of the Local Traffic Committee held 24 August 2023, copies of which have been circulated to each member of the Local Traffic Committee, be confirmed.

4.1 COUNCIL ADOPTION OF THE LOCAL TRAFFIC COMMITTEE MINUTES

That the Resolution of the Ordinary Meeting of Council held 25 September 2023 provided below, be noted.

TRAFFIC COMMITTEE RECOMMENDATION

That the information be received and noted.

12.9 MINUTES - TRAFFIC COMMITTEE MEETING HELD ON 24 AUGUST 2023

MOTION

That Council:

1. Receive and adopt the recommendations arising from the Traffic Committee Meeting held on 24 August 2023.
2. Consider that Traffic Management Plans for this event in the future be considered as Delegated Item, on the basis that they have no, or minor, changes to the traffic management;
3. Agree to a waiver of the Road Occupancy Permit Fee (\$2,470) for the Castlecrag Fair to be held on 22 October 2023, and waive the Road Occupancy Permit Fee for the Castlecrag Fair for a future event in 2024 with the same location and scope.

MOVED COUNCILLOR ERIKSSON / SECONDED COUNCILLOR MCCULLAGH

CARRIED

Voting

For the Motion: Councillors Taylor, Campbell, Eriksson, Greco, McCullagh, Moratelli, Mouradian, Roussac, Rozos, Samuel, Xia and Zhu

Against: Nil

Notes:

1. Councillor Wright made apologies and left the meeting at 8:56pm, prior to any discussion and voting on this item.
2. Councillors Greco, Moratelli and Samuel left the meeting at 8:56pm and returned 9:03pm.
3. Councillor Moratelli returned at 8:58pm, Councillor Greco at 8:59pm and Councillor Samuel at 9:03pm.
4. Councillor Xia left the meeting at 8:59pm and returned at 9:01pm.

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5 FORMAL ITEMS FOR CONSIDERATION

5.1 CHELMSFORD AVENUE, WILLOUGHBY – NO PARKING ZONE

ATTACHMENT: 1.REGULATORY NO PARKING SIGNAGE PROPOSAL

WARD: NAREMBURN WARD

RESPONSIBLE OFFICER: DANIEL SUI - TRAFFIC & TRANSPORT TEAM LEADER

AUTHOR: JOHN GILL – TRANSPORT ENGINEER

CITY STRATEGY OUTCOME: 2.4 – VEHICLE MOVEMENT ACCESSIBILITY

MEETING DATE: 16 NOVEMBER 2023

1. PURPOSE OF REPORT

To seek Council approval for the installation of ‘No Parking’ signs at the cul-de-sac end of Chelmsford Avenue, Artarmon.

2. OFFICER'S RECOMMENDATION

That Council approve the installation of ‘No Parking’ signs around the cul-de-sac at the end of Chelmsford Avenue, Willoughby.

3. TRAFFIC COMMITTEE DISCUSSION

Nil.

4. TRAFFIC COMMITTEE CONCLUSION

The Committee agreed with the Officer’s recommendation.

5.2 MOBILITY PARKING STUDY

ATTACHMENT:	<ol style="list-style-type: none"> 1. MOBILITY PARKING STUDY REPORT 2. MOBILITY PARKING CONCEPT DESIGN 3. HAVE YOUR SAY SUMMARY AND SURVEY OUTCOME 4. HAVE YOUR SAY COMMENTS REGISTER
WARD:	ALL WARDS
RESPONSIBLE OFFICER:	DANIEL SUI – TRAFFIC AND TRANSPORT TEAM LEADER
AUTHOR:	ADELINE SIM – SENIOR TRANSPORT ENGINEER
COMMUNITY STRATEGIC PLAN:	<ol style="list-style-type: none"> 2. A CITY THAT IS CONNECTED AND INCLUSIVE 2.1 ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY
MEETING DATE:	16 NOVEMBER 2023

1. PURPOSE OF REPORT

To note the findings of the Mobility Parking Study and Audit, and community consultation outcomes to facilitate the upgrade of the mobility parking spaces within Local Government Area (LGA).

2. OFFICER' RECOMMENDATION

That Council:

- Note the Mobility Parking Study (audit and recommendations), as per **Attachment 1**;
- Approve the design plans and implementation of the mobility parking improvement works at 22 locations in the LGA, using existing allocated budget in the 2023/24 financial year as set out in **Attachment 2**; and
- Continue to review the potential for improvements to mobility parking spaces identified in the Study and investigate new mobility parking spaces identified during recent community consultation.

3. TRAFFIC COMMITTEE DISCUSSION

The Committee discussed having position of access ramps at either front of back of mobility parking space. Council informed that either end of mobility space is acceptable according to AS2890. TfNSW will advise if both locations are compliant, therefore flexibility could be permitted according to the need of specific location depending on site constraints, or feedback provided by frequent users among residents.

4. TRAFFIC COMMITTEE CONCLUSION

The Committee agreed with the Officer's recommendation.

5.3 ROAD SAFETY AUDIT REPORT AND FINDINGS (WATTLE LANE, ARCHER ST, KIRK ST AND MALVERN AVE, CHATSWOOD)

ATTACHMENTS:	1. ROAD SAFETY REPORT
	2. PEDESTRIAN SAFETY IMPROVEMENT WORKS PLANS
WARD:	MIDDLE HARBOUR WARD & WEST WARD
RESPONSIBLE OFFICER:	DANIEL SUI - TRAFFIC & TRANSPORT TEAM LEADER
AUTHOR:	RYAN PENFOLD – ROAD SAFETY OFFICER
CITY STRATEGY OUTCOME:	2.1 – ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY
	3.1 – FOSTER FEELINGS OF INCLUSION, SAFETY AND CLEANLINESS
MEETING DATE:	16 NOVEMBER 2023

1. PURPOSE OF REPORT

To note the road safety audit findings and consider implementation of the recommended pedestrian and traffic safety improvements.

2. OFFICER'S RECOMMENDATION

That:

- a) Council note and approve the implementation of the following pedestrian safety improvement works, using existing allocated budget in the 2023/24 financial year:
 - Wattle Ln, Chatswood
 - Install 40km/h HPA sign at Wattle Lane and Archer Street intersection that faces north and westbound traffic; o Remove existing freestanding 'One Way' sign at Archer Street intersection;
 - Remove timed restriction (8:30am- 6pm every day) from the 'No Parking' signage;
 - Relocate 'One Way' signage at Anderson Street intersection attached to telegraph poles to free standing signs and posts; and
 - Install 'One Way' directional arrow at Anderson Street intersection facing west.
 - Archer St, Chatswood
 - Install new pedestrian fencing on the east and west sides of Archer St, Chatswood between Kirk St (between the signalised traffic intersection and the end of No Stopping zones to the south).
 - Kirk St, Chatswood
 - Relocate existing zebra crossing signs forward, closer to Archer Street; and
 - Install new pedestrian advanced warning sign for motorists travel north and south bound turning into Kirk Street.
 - Malvern Avenue, Chatswood o Install new shared path blue coloured markings at 5 & 7 Malvern Ave driveways;
 - Install new hazard marker sign at the cul-de-sac of Malvern Avenue west;

- Install new ‘Give Way to pedestrians’ sign at 5 Malvern Avenue; and
 - Install new bollards on both east and west sides of the hazard in Malvern Avenue.
- b) Council’s Road Safety Officer will notify Mercy Catholic College about the proposed new pedestrian fencing adjacent to the school on the east and west sides of Archer St, Chatswood (between the signalised traffic intersection and the end of No Stopping zones to the south) and other pedestrian improvement works.

3. TRAFFIC COMMITTEE DISCUSSION

Committee were advised that Mercy Catholic College were contacted for comment during the audit, however Council did not receive a reply. It was agreed that the college should be consulted regarding the audit report findings and proposed works

Following the meeting, the Road Safety Officer has contacted and informed Mercy Catholic College about the proposed safety improvement works. The school is supportive of the safety improvement works.

4. TRAFFIC COMMITTEE CONCLUSION

The Committee agreed with the Officer’s recommendation.

5.4 DELEGATED ITEMS - REGULATORY SIGNPOSTING AND LINE MARKING

ATTACHMENTS:	1. DIAGRAMS OF SIGNPOSTING, PAVEMENT MARKING AND LINE MARKING CHANGES
WARD:	ALL WARDS
RESPONSIBLE OFFICER:	DANIEL SUI - TRAFFIC & TRANSPORT TEAM LEADER
AUTHOR:	ADELINE SIM – SENIOR TRANSPORT ENGINEER
CITY STRATEGY OUTCOME:	2.1 – ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY 2.4 – REDUCE PARKING AND TRAFFIC CONGESTION 3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS
MEETING DATE:	16 NOVEMBER 2023

1. PURPOSE OF REPORT

To seek Council approval to implement regulatory signposting and line marking changes at various locations in Willoughby City Council.

2. OFFICER'S RECOMMENDATION

That Council approve the implementation of regulatory signposting and line marking changes at various locations in the Willoughby Local Government Area in Table 1.

3. TRAFFIC COMMITTEE DISCUSSION

23/53 It was noted that the date should be 16 November 2023.

23/54 It was noted that the Work Zone should be 10am to 3pm i.e. outside of Clearway times.

23/58 It was noted that we are reinstating existing 'Keep Clear' lines, not installing new lines.

23/59 Construction Traffic Management plan to be shared with the Customer Journey Team at TfNSW.

4. TRAFFIC COMMITTEE CONCLUSION

The Committee agreed with the Officer's recommendation.

6 LATE ITEMS

EDINBURGH RD, CASTLECRAG - RELOCATION OF MAIL ZONE

ATTACHMENTS:	1. ARCHITECTURAL PLANS
WARD:	SAILORS BAY WARD
RESPONSIBLE OFFICER:	DANIEL SUI – TRAFFIC & TRANSPORT TEAM LEADER
AUTHOR:	PATRICK WILLIAMS – DEVELOPMENT ASSESSMENT
MEETING DATE:	16 NOVEMBER 2023

1. PURPOSE OF REPORT

To seek Traffic Committee endorsement on the proposed relocation of the Castlecrag Post office's associated mail zone and on street mailbox along the southern side of Edinburgh Road. The Castlecrag community are advocating for the post office to remain in the area post development and a potential relocation prior to development approval will allow continuity of operation.

2. OFFICER'S RECOMMENDATION

That Council:

- a) **Approve the relocation of the Mail Zone with time restriction (6am to 6pm Mon-Fri / 1P 8.30am to 12pm Sat), prior to the lodgement of the development application to ensure continuity and practical operation can be undertaken from the new Post Office location; and**
- b) **Convert the existing Mail Zone space to No Parking with time restriction (6am to 6pm Mon-Sat).**

3. BACKGROUND

The site of the existing Post Office is known as shop 6/100 Edinburgh Rd, Castlecrag located in the 'Quadrangle Shopping Village' which is located on the corner of Eastern Valley Way and Edinburgh Road. Recently, Willoughby Council has endorsed a Planning Proposal on the 'Quadrangle Site' to allow redevelopment into shop top housing. The owner of the site is progressing with design phase of the project as they prepare a detailed Development Application. As a result of this, tenants of the Quadrangle Shopping Village have been instructed to vacate in preparation of redevelopment.

In addition to the closure of the Quadrangle Shopping Village, there is large community uncertainty of future tenancy arrangements, in particular the Post Office. The Castlecrag community has been very vocal in its support and retention of the Post Office in the community. It's important to note Council play no role in commercial/business agreements or allocation.

Recently, the manager of the Castlecrag Post Office has informed Council that they have been successful in obtaining a lease to a shop 100m to the east of the current location within 'The Griffin Centre' located at 120 Edinburgh Rd, Castlecrag (See **Figure 1**). The manager has informed Council that they are required to vacate the Quadrangle Site by the end of January 2024. A development Application for the new use and associated fit-out of the new location is pending lodgement and will include the works associated with the relocation of the mail zone. This item has been brought to Committee so that efficient assessment of the future DA can be undertaken and the relocation of the mail zone can be undertaken within a short timeframe to ensure more practical operation of the Post Office.



Figure 1: Locality Plan

4. DISCUSSION

The proposal for the new Post Office is subject to a Development Application, which is yet to be lodged. The application will include all associated works with the new fit-out and include the relocation of the red mail box and Mail Zone.

The relocation of the mail zone is shown in the below figure. The important points to note:

- It's a relocation of the space. No net loss in parking in the Castlecrag centre as a result.
- No impact to the existing bus stop. The new location positions the Mail zone further away.
- Relocation provides a more practical position for the new post office and will be less nuisance to the public post development.
- New signage will incorporate hours of operation for the new Mail Zone. The existing being 24/7 enforcement. This will allow general parking out of hours



Figure 2: Mail Zone locations



Figure 3: Existing Mail Zone (Source: Google Street view)



Figure 4: Proposed Mail Zone render (Source: Applicant)

5. CONCLUSION

The assessing officer requests that the Traffic Committee reviews the attached information and provide approval of the proposed relocation and/or provide conditions of consent to be included in the upcoming Development Application which will encompass these works and allow approval of a relocated signage.

6. TRAFFIC COMMITTEE DISCUSSION

Busways requested that the existing Mail Zone be changed to No Parking with time restriction (6am to 6pm Mon-Sat) in line with the Bus Zone operations. This will keep the space mostly vacant, allowing buses to continue using the space to safely pull into the kerb at the Bus Zone. The Committee supported the changes.

7. TRAFFIC COMMITTEE CONCLUSION

The Committee agreed with the Officer's recommendation.

7 INFORMAL ITEMS

7.1 SAILORS BAY ROAD, BUS ZONE RELOCATION INVESTIGATION FINDINGS

ATTACHMENTS:	1. COMMUNITY CONSULATION LETTER & PLAN 2. COMMUNITY FEEDBACK
WARD:	SAILORS BAY WARD
RESPONSIBLE OFFICER:	DANIEL SUI - TRAFFIC & TRANSPORT TEAM LEADER
AUTHOR:	JOHN GILL - TRAFFIC ENGINEER
CITY STRATEGY OUTCOME:	2.4 – INCREASE PARKING 4.4 – BENEFIT ACCESS TO LOCAL SHOPS
MEETING DATE:	16 NOVEMBER 2023

1. PURPOSE OF REPORT

To note advice of the investigation findings concerning the request to assess relocating the existing Bus Zone adjacent to Bellambi Street square, Northbridge.

2. OFFICER'S RECOMMENDATION

That Council:

- Note the Bus Zone relocation investigation findings based on three scenarios.
- Note that Traffic Committee supports the retention of the Bus Zone existing location.
- Note that a review of the on-street parking restrictions at the Northbridge local centre will be undertaken in 2024/25 to optimise parking demands and introduction of short term parking (ie ¼P or/and ½P) to increase turn over, subject to funding in the 2024/25 Operational Plan.

3. TRAFFIC COMMITTEE DISCUSSION

Nil.

4. TRAFFIC COMMITTEE CONCLUSION

The Committee agreed with the Officer's recommendation.

8 GENERAL BUSINESS

8.1 WILLOUGHBY ROAD, WILLOUGHBY – LOADING ZONE

Council received a submission from shop owners regarding the new Loading Zone at 562 Willoughby Road, Willoughby.

TfNSW advised that the Loading Zone was approved and installed, based on the DA condition during the DA stage of the development at 562 Willoughby Rd. TfNSW reserves the right to make changes to the Loading Zone and advised it will consider changes to the timing based on consultation with local shop keepers and residents.

8.2 CHATSWOOD PLACE (260 VICTORIA AVE, CHATSWOOD) – PEDESTRIAN SAFE ACCESS AND CROSSINGS

Council are investigating new pedestrian refuge islands at several locations along Victoria Ave and will make a submission to TfNSW for grant funding 2024/25, to improve pedestrian safe access and crossing.

8.3 PACIFIC HIGHWAY/ BOUNDARY STREET, ROSEVILLE – RIGHT TURN BAY DESIGNS

Councillor withdrew item.

8.4 ST LEONARDS TRAFFIC CONGESTION CONCERN SUBMISSION FROM ST LEONARDS STRATA COMMUNITY GROUP

Council received an email from the Chairman of the St Leonards Strata Community Group in relation to traffic congestion in St Leonards.

Willoughby Traffic & Transport team will assess the submission and subsequently refer the different matters and requests to the relevant road owners and authorities, including Transport for NSW, Lane Cove Council, and North Sydney Council, for their thorough review, investigation, and necessary actions.

Willoughby Council is committed to fostering a collaborative relationship with all stakeholders to ensure that the optimal functioning of the traffic and transport network at these critical boundaries.

8.5 2024 TRAFFIC COMMITTEE MEETING DATES

The committee were advised of the proposed dates for 2024 meetings.

The proposed 5 Traffic Committee meeting dates for 2024 on Tuesdays (from 10am to 12pm) are:

- 5 March
- 7 May
- 2 July
- 10 September
- 12 November

8.6 NORTHBRIDGE PUBLIC SCHOOL P&C – ISSUES WITH PEDESTRIAN CROSSING

Representatives from the Northbridge Public School P&C attended the meeting to advise the committee of safety issues when using the pedestrian crossing outside the school.

Issues identified:

- Flashing lights on School Zone sign not working
- Tree canopy at crossing are obscuring signs
- Insufficient signage at, and approaching the crossing
- Faded road markings at the crossing

Proposed improvements are:

TfNSW

- Investigate flashing lights on School Zone signs
- Investigate additional School Zone signage between Northbridge Public School and St Philips Neri Primary School
- Reinstate the faded School Zone line markings
- Consider a speed camera vehicle at this location

Council

- Arrange aggressive tree trimming at the crossing
- Reinstate the faded wombat crossing line markings
- Consider and introduce red painted surface for the wombat crossing
- Consider use of VMS (Variable Message Sign) at this location to slow traffic speeds at the start of new school term
- Council to undertake a speed survey and share results with TfNSW and Police (for enforcement).

8.7 BUS STOP UPGRADE – 42 KAMERUKA RD, NORTHBRIDGE

Resident expressed concern regarding absence of paved footpath for wheelchairs and prams to access the landing pad of bus stop in front of 42 Kameruka Rd, Northbridge. Council is to investigate the feasibility of providing the connection to facilitate accessibility to the bus stop.

8.8 ENTRANCE FROM BROADCAST WAY TO PACIFIC HWY, ST LEONARDS

The Local State MP's Representative raised safety concerns about the design of the intersection at Broadcast Way and Pacific Hwy. Broadcast Way is a private road and its entrance is constructed as a driveway. This has caused collisions between cars and cyclists at the intersection.

The committee discussed potential solutions, including speed hump, stop sign, road stencils, colour treatment and pedestrian/cyclist signage. Council will work with Fox Sports (owners of the private road) on introducing safety treatments to the intersection, subject to their agreement. Police advised that they cannot enforce speed signs or Stop signs if they are on private property.

8.9 TRAFFIC SIGNALS ASHLEY ST AND ARCHER ST, CHATSWOOD

Councillor Samuel identified increases in density and bus movements in this area that may be causing traffic congestion and safety issues. He suggested that traffic signal sequencing may need to be reviewed at this intersection. TfNSW have taken this on notice and will refer to the appropriate team for investigation.

Council advised that a Road Safety Audit has been undertaken in this area. Council will share the audit with TfNSW.

Council's traffic team plans to develop a local Traffic Management Plan for this area.

8.10 EMAIL FROM PAUL NOLAN (BUSWAYS)

Busways received an email from Paul Nolan in relation to road user safety and traffic congestion issues in Chatswood. Busways to forward the email to John Gill (Transport Engineer) at Council. Council and Busways to investigate issues raised and collaborate on a response.

8.11 BUS DELAYS – CHATSWOOD TOWN CENTRE (BUSWAYS)

Busways identified vehicle and pedestrian issues in the Anderson St / Victoria Ave / Endeavour St precinct causing bus delays.

Police will convey the issue to their Highway Patrol team, and ask that they revisit the area to patrol jaywalking and illegal vehicle movements.

TfNSW will look at traffic signal sequencing in the area.

Council will reassess the Kiss & Drop spaces in Endeavour St.

8.12 NELSON STREET, CHATSWOOD – ROADWORKS AND PARKING CHANGES NOTIFICATION FROM SYDNEY METRO

Council will contact Sydney Metro team to seek a copy of the notification for the local residents including details of the road works and temporary parking changes on Nelson Street while the dive site is being demobilised.

12.12 DRAFT MINUTES - BUSHLAND AND NATURAL HERITAGE ADVISORY COMMITTEE 18 OCTOBER 2023

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES – BUSHLAND AND NATURAL HERITAGE ADVISORY COMMITTEE HELD 18 OCTOBER 2023
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	ALFRED BERNHARD – BUSHLAND TEAM LEADER BUSHRA SALAM – GOVERNANCE ADMINISTRATION OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

To present to Council for noting, the minutes of the Bushland and Natural Heritage Advisory Committee meeting held on 18 October 2023.

2. OFFICER'S RECOMMENDATION

That Council receive and note the minutes of the meeting of the Bushland and Natural Heritage Advisory Committee held on 18 October 2023.

3. BACKGROUND

Advisory Committees provide independent, expert and impartial advice on the development and implementation on strategic priorities of Council. They consider reports and plans from Council officers and make recommendations to Council for consideration.

The Terms of Reference require the minutes of each meeting to be reported to Council at the next available Council meeting.

4. DISCUSSION

The Bushland Team Leader updated the Committee on the following:

- **Blue Gum Reserve Site inspection**
The last site visit and key issues raised were discussed and the importance of site inspections to evaluate the outcomes of strategic actions was highlighted.
- **Blue Gum Walking Track app**
The committee was advised that information will be added to the Willoughby Walks app.
- **Reserve Action Plan updates**
Committee members were informed about the status of current Reserve Action Plans (RAP) under review, including OH Reid Reserve, Flat Rock Gully and Mowbray Park.

- **Community Engagement**

The Committee was informed about the recent community engagement events, including the Emerge Festival and the ICOMOS (The International Council on Monuments and Sites) visit to Willoughby. The numerous ICOMOS delegates commented favourably on Council's work in planning and implementing improvements to the complex network of Griffin Reserves in Castlecrag. Committee members were invited to attend the Castlecrag Fair on Sunday 22 October 2023.

The overview of the Committee's meeting is recorded in the final draft minutes (Attachment 2). The draft minutes were circulated electronically to the Committee for comments and will be considered at the Committee's next meeting.

5. CONCLUSION

These draft minutes do not bind Council to any additional resource commitment. It is recommended Council receive and note the draft minutes of the meeting of the Bushland and Natural Heritage Advisory Committee held on 18 October 2023.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	Advisory Committees are created for the sole purpose of providing independent, expert and impartial advice on the development and implementation of strategic priorities of Council.
Policy	<i>Advisory Committees Policy 2022</i>
Consultation	The draft minutes were circulated by email to the Bushland and Natural Heritage Advisory Committee on 30 October 2023 with comments closed on 13 November 2023. Comments received have been included in this draft.
Resource	There are no resourcing implications applicable to this report.
Risk	There are no risks applicable to this report.
Legal	There are no legal implications applicable to this report.
Legislation	There are no legislation implications applicable to this report.
Budget/Financial	There are no budget implications applicable to this report

Minutes



ATTACHMENT 2

Bushland and Natural Heritage Advisory Committee

**Wednesday 18 October 2023
5:00 pm**

Location:	Bottlebrush Room, Willoughby City Council Depot, 25-27 Gibbes Street, Chatswood
Chair:	Councillor Anna Greco
Attendees:	Mark Crew – Member Meredith Foley – Member Kay Donovan – Member Scott Graham – Member Gay Spies – Member Adrienne Kabos – Member Ross Wellings – Member Alfred Bernhard – Bushland Team Leader Nicholas Yu – Natural Assets Officer Bushra Salam – Governance Administration Officer
Apologies/absent:	Members: Edward Coates; Lorraine Cairnes Observer: Councillor John Moratelli
Guests	Councillor Anna Greco

Agenda items

Item	Topic / Discussion	Action
1	Welcome The meeting was declared open at 5:03 pm	
	Acknowledgement of Country <i>Willoughby City Council acknowledges the Traditional Owners of the lands on which we meet today, the Gamaragal People, and their connections to land, waters, and community. We pay our respects to their Elders past and present, and extend that respect to all Aboriginal and Torres Strait Islander people, including those who may be in attendance today.</i>	
	Declarations of interest No declarations of interest were made.	

Apologies

Members: Edward Coates, Lorraine Cairnes

2 Appointment of Chair

The committee agreed in the previous meeting that they did not want to appoint a permanent chair for the next 12 months and that community members would appoint a chair at each meeting.

In accordance with Item 5.2 of the terms of Reference, the committee appointed Councillor Anna Greco as the Chair for this meeting.

Nominations for Chair of the meeting:

- Gay Spies nominated Councillor Anna Greco
- Kay Donovan seconded.
- No other nominations were received.

The Committee unanimously approved.

3 Confirmation of Minutes – 21 June 2023

Moved by Scott Graham and seconded by Gay Spies the minutes of the 21 June 2023 were adopted unanimously.

4 Business arising from the previous minutes

Terms of Reference (ToRs) current status, Committee and Working Group.

The updated Terms of Reference were shared with the Committee.

Griffin Reserves Working Group Report

Adrienne Kabos updated the Committee that all former members of the former Griffin Reserves Advisor Group were invited to become members of the Griffin Reserves Working Party (GRWP). Matthew Keighery and Tim Stalker have both said that they would like to be on GRWP. The Working Party will report at next meeting.

Bushcare Working Group Report

A new TOR was proposed. The purpose of the group is to report and advise the committee of trends regarding volunteer engagement. Leveraging the specific demographics can include organizations such as the MOSAIC Multicultural Centre.

Artarmon Streetscape project web link:

Natural Assets Officer shared the link with the committee.

Chatswood Golf Course DA:

Council's planning team was contacted and information has been requested.

Tree removal notification:

This has been presented in detail in the Sustainability Advisory Committee meeting and has been raised to Council meeting at the October Council meeting.

Committee Resolution:

Actions from previous minutes of the meeting to be in a tabular form with responses-resolutions and shared before the next meeting.

Moved by Meredith Foley and seconded by Mark Crew.

Carried.

5 Strategic Activities

The Bushland Team Leader updated the Committee on the following:

5.1 Blue Gum Reserve Site inspection

The last site visit and key issues raised were discussed. Some members showed interest to visit again. The importance of site inspections to evaluate the outcomes of strategic actions was highlighted.

5.2 Blue Gum Walking Track app

The committee was advised that information will be added to the Willoughby Walks app.

5.3 Reserve Action Plan updates:

Committee members were informed about the status of current Reserve Action Plans (RAP) under review, including OH Reid Reserve, Flat Rock Gully and Mowbray Park. The Bicentennial Reserve and Flat Rock Gully Advisory Committee's advice was also invited to comment on that RAP.

5.4 Community Engagement:

The Bushland Team Leader informed the committee about the recent community engagement events, including the Emerge Festival and the ICOMOS Heritage visit to Willoughby. The numerous ICOMOS delegates commented favourably on Council's work in planning and implementing improvements to the complex network of Griffin Reserves in Castlecrag.

Committee members were invited to attend the Castlecrag Fair on

Sunday 22 October.

The Committee thanked the Bushland Team Leader for the updates.

6 Other Business

- Bushland Team Leader briefed the Committee about the next site visit at Stoker Park.
- Under the topic of fire reduction measures planned for the coming season, there were enquiries around the intensity and the scale of the most recent burn at Harold Reid and the likelihood of that being repeated.
- The Bushland Team Leader
 - Advised the group that the burn was intended to be of that scale and intensity.
 - Assured the group that nothing of that scale and intensity was intended within the next 12 months.

Next Meeting

Site Visit - Wednesday 15 November at 10:00 am at Stoker Park

First meeting for 2024: Wednesday 14 February 2024

Agenda Items:

- Griffin Reserves Action Plans
- Management of cats in Willoughby
- Crown lands Aboriginal claims
- Community issues

The governance to send the committee a reminder four weeks before the next meeting for nomination of next agenda items before finalising the agenda and any future cancelations first consulted with the group.

The meeting closed at 6:34 pm.

Attachment A – Action items

Date added	Matter	Latest update	Person/people responsible
21/6/23	ToRs current status, Committee and Working Group.	Complete	Governance
21/6/23	Artarmon Streetscape project web link	Complete	Nicholas Yu – has shared this information.
21/6/23	Chatswood Golf Course DA	Complete	The VMP has been completed as requested and will be monitored by the Planning Team in conjunction with Bushland staff. DA-2020/117 and DA-2021/372
21/6/23	Tree removal notification	Complete	Sustainability Advisory Committee
21/6/23	Griffin Reserves Working Group Report	Ongoing	The Working Party will report at next meeting
21/6/23	Bushcare Working Group report	Ongoing	The Working Party will report at next meeting
21/6/23	Education of community about Bushfires	Ongoing	Web Team has updated community bushfire information, including links to the RFS website in the Plan and Prepare tab

12.13 DRAFT MINUTES-ACTIVE AND INTEGRATED TRANSPORT ADVISORY COMMITTEE HELD ON 25 OCTOBER 2023

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES – ACTIVE & INTEGRATED TRANSPORT ADVISORY COMMITTEE HELD 06 SEPTEMBER 2023
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DANIEL SUI – TRAFFIC & TRANSPORT TEAM LEADER DYALAN GOVENDER – STRATEGIC PLANNING TEAM LEADER BUSHRA SALAM – GOVERNANCE ADMINISTRATION OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

To present to Council for noting, the draft minutes of the Active & Integrated Transport Advisory Committees meeting held on 25 October 2023.

2. OFFICER'S RECOMMENDATION

That Council receive and note the minutes of the meeting of the Active and Integrated Transport Advisory Committee held on 25 October 2023.

3. BACKGROUND

Advisory Committees provide independent, expert and impartial advice on the development and implementation on strategic priorities of Council. They consider reports and plans from Council officers and make recommendations to Council for consideration.

The Terms of Reference require the minutes of each meeting to be reported to Council at the next available Council meeting.

4. DISCUSSION**Draft Road Safety Plan:**

The Road Safety Officer gave a presentation on the Road Safety Plan which is currently in draft and is being finalised.

Other points of discussion:

The committee thanked Councillor John Moratelli for his work on the new terms of reference for Working Groups.

The Committee discussed a document titled: *Speed Limits Working Party*, which had been circulated prior to the meeting. The purpose of the Working Party was discussed and noted that it would assist the Active and Integrated Advisory Committee through providing it with advice on:

- a. *The recently released NSW Speed Zoning Standard*
- b. *Opportunities to reduce speed limits so as to encourage active transport*

Traffic and Transport Team Leader, advised the Committee that the Council Traffic Committee examine all proposed speed zone changes (i.e. 40km/h High Pedestrian Activity Area) submitted by the Traffic team and make recommendations to Transport for NSW (TfNSW) and Council for formal approval.

In NSW, speed limits and speed zones are generally set and regulated by the state government through the TfNSW. TfNSW is responsible for the overall management of the road transport system in the state, including the establishment and enforcement of speed limits on roads.

Local councils may also have a role in setting speed limits for specific areas within their jurisdiction, particularly in local zones such as CBD, local centres and residential areas. However, these limits are often determined in consultation with and under the guidelines provided by TfNSW.

Council's Traffic & Transport team maintains a prioritised list of sites and is working collaboratively with TfNSW to assess, analyse traffic data, develop concept designs, and seek funding for the implementations.

The chair discussed road safety in general and lower speed limits as important components for the promotion of active transport. The formation of the *Speed Limits Working Party* is seen as an opportunity for the Committee to review the new standards and investigate what opportunities exist within WCC to reduce where appropriate speed limits.

5. CONCLUSION

These draft minutes do not bind Council to any additional resource commitment. It is recommended Council receive and note the draft minutes of the meeting of the Active and Integrated Transport Advisory Committee held on 25 October 2023.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	Advisory Committees are created for the sole purpose of providing independent, expert and impartial advice on the development and implementation of strategic priorities of Council.
Policy	<i>Advisory Committees Policy 2022</i>
Consultation	The draft minutes were circulated by email to the Active & Integrated Transport Advisory Committee on 08 November 2023 with comments closed on 15 November 2023. Comments received have been included in this draft.
Resource	There are no resourcing implications applicable to this report.
Risk	There are no risks applicable to this report.
Legal	There are no legal implications applicable to this report.
Legislation	There are no legislation implications applicable to this report.
Budget/Financial	There are no budget implications applicable to this report



Minutes

Active and Integrated Transport Advisory Committee

Wednesday, 25 October 2023
5:00pm

Location:	Banksia Room, Willoughby City Council, Level 6
Chair:	John Chase (Acting Chair)
Attendees:	<p>Grant Berthold(via zoom)– Member Stephanie Croft – Member Nathan de Leeuw (via zoom) – Member Mary Ann Irvin – Member Wendy Jannings – Member Andrew Nelson – Member Carolyn New – Member Alan Yang – Member Daniel Sui – Traffic and Transport Team Leader Dyalan Govender – Strategic Planning Team Leader Adeline Sim – Senior Transport Engineer Nemani Robertson – Strategic Transport Planner Bushra Salam – Governance Administration Officer</p>
Apologies/absent:	
Guests	<p>Councillor John Moratelli Ryan Penfold – Road Safety Officer Tim Cassidy – Walk Sydney</p>

Agenda items

Item	Topic / Discussion	Action
1	<p>Welcome:</p> <p>The meeting was opened at 5:00 pm</p>	Governance
	<p>Acknowledgement of Country</p> <p><i>Willoughby City Council acknowledges the Traditional Owners of the lands on which we meet today, the Gamaragal People, and their connections to land, waters, and community. We pay our respects to their Elders past and present, and extend that respect to all Aboriginal and Torres Strait Islander people, including those who may be in attendance today.</i></p>	

<p>Declarations of interest</p> <p>A link to the Disclosure of interest by Committee Members form was circulated with the Agenda. Stephanie Croft advised the Committee of her conflict of interest as she is joining the Council as a staff member. According to the terms of reference she can't continue as a member & as chair. John Chase as the acting chair accepted her resignation and on behalf of fellow Committee members thanked Stephanie Croft for her contribution to date.</p>	
<p>2 Confirmation of Minutes – 06 September 2023</p>	
<p>The minutes from the previous meeting held on 06 September 2023, were circulated and approved with the following amendments.</p> <ul style="list-style-type: none"> • The Traffic & Transport Team Leader provided summary of feedback by the Committee and Council's response "regarding the draft brief for the cycling strategy". • Carolyn New, expressed her disappointment that Council's response indicated that the broad community was not being engaged at an early, if not first stage of the development of the cycling strategy. <ul style="list-style-type: none"> • Action items from previous meeting to be recorded and monitored <ol style="list-style-type: none"> 1. Extension of Willoughby Public School (WPS) Active Transport Network pilot across WCC 2 Speed Limits. <p>Moved by Carolyn New and Seconded by Mary Ann Irvin. Carried.</p>	<p>Chair</p>
<p>3 Actions from Previous Meetings</p> <p>Councils' response to the July minutes was discussed with respect to the Committee's recommendation for a trial between Lug & Carry and WPS.</p>	<p>Chair</p>
<p>4 Business discussed</p>	<p>Chair</p>
<p>Review of action items (refer Attachment A)</p>	
<p>Action: Comments in attachment A</p>	
<p>Updates and new matters by Council officers</p>	
<p>Adeline Sim – The Senior Transport Engineer provided the following project updates to the Committee.</p>	
<p><i>Cycling Strategy and Action Plan 2034:</i></p>	
<ul style="list-style-type: none"> ▪ Request for Quotations (RFQ) sent out to consultants, evaluation 	

- to be completed this week, followed by appointment of consultant.
- Draft Strategy and Action Plan for exhibition anticipated by end Feb 24
- Draft anticipated to be presented to the Committee in March 24

The deck of slides shared with the Committee.

Chatswood to Roseville Shared Path Concept Design:

- RFQ sent out to consultants, evaluation to be completed this week, followed by appointment of consultant.
- Concept design anticipated by end Feb 24
- Plan to present the draft design to Committee in March/April 24 for feedback.

Smith Street Shared Path Detailed Design

- RFQ sent out to consultants, evaluation to be completed this week, followed by appointment of consultant
- Consultant to deliver draft design in mid Dec 23
- Plan to present the draft design to Committee in March/April 24 and for feedback.

Disabled Parking Audit, Policy and Guideline:

- The study aims at recommending and improving mobility parking design within the LGA
- Exhibition is underway, (hard copy handed out to targeted group)
- Feedback can be provided via Mobility Parking Study & Design | Have Your Say Willoughby
- Have your say concludes on 29 October
- Results of exhibition to be reported to Traffic Committee on 16 Nov 23
- Implementation anticipated in Feb 24

Nemani Robertson – The Strategic Transport Planner, also provided a verbal briefing to the committee about ongoing work being undertaken by WCC on Integrated Transport Strategy (ITS) projects. This included work on parking fees; footpath width strategy; movement & place framework; Edward St-Penshurst program of work; Eastern Harbour Corridor including Willoughby-St Leonards corridor.

Action: Ongoing engagement with Nemani (some Committee members may provide direct feedback on particular matters) and relevant updates will be brought back to this committee at future meetings.

Introduction of new Council staff:

Dyalan Govender – The new Strategic Planning Team Leader introduced himself to the Committee.

Presentation on the draft Road Safety Action Plan.

Ryan Penfold – The Road Safety Officer gave presentation on the Road safety plan.

The deck of slides shared with the Committee.

He shared with the Committee a survey which showed that the most common modes of transport used are walking or driving by

car and the perception of safety was highest by train/metro, car and bus and lowest was by motorcycle/scooter and bicycle.

The main factors which people perceived reduce road safety are:

- Driver behaviour
- Poor quality of other road infrastructure and road surface
- Behaviour of motorcyclists / cyclists / pedestrians

The main ways people believe Council can improve road safety are:

- Improving the road/pedestrian/cycling environment
- Lower speed limits where appropriate
- Stronger enforcement of road and parking rules

The committee thanked him for his presentation.

Review Google doc list of opportunities and suggestions:

- Reviewing items in the existing Bike Plans: dividing up the areas.
- Strategic Cycling Corridors (including projects associated)

5 Other Business

- **E-Scooter shared service trial update**

Chair

Deevya Desai – Service provider (external) for the E-Scooter shared service trial program was online to provide an update to the Committee.

Chair- As the trial had not commenced, the update/presentation was considered to not be within the terms of reference of this committee at this point.

- Councillor John Moratelli advised the Committee of a new website called Bikespot, which is an interactive map that allows users to mark where they feel safe or unsafe while riding their bike. It is open until February 2024.

- **Speed Limits Working Group**

The committee thanked Councillor John Moratelli for his work on the new terms of reference for Working Groups. The Committee discussed a document titled: - Speed Limits Working Party, which had been circulated prior to the meeting.

The purpose of the Working Party was discussed and noted that it would assist the Active and Integrated Advisory Committee through providing it with advice on: -

- a. The recently released NSW Speed Zoning Standard
- b. Opportunities to reduce speed limits so as to

encourage active transport

Traffic and Transport Team Leader advised that the Council Traffic Committee examine all proposed speed zone changes (i.e. 40km/h High Pedestrian Activity Area) submitted by the Traffic team and make recommendations to Council for formal approval. Council's Traffic & Transport team maintains a prioritised list of sites and is working collaboratively with TfNSW to assess, analyse traffic data, develop concept designs, and seek funding for the implementations.

The chair discussed road safety in general and lower speed limits as important components for the promotion of active transport. The formation of the Speed Limits Working Party is seen as an opportunity for the Committee to review the new Standards and investigate what opportunities exist within WCC to reduce where appropriate speed limits. The intention would be that the Speed Limits Working Party would engage with the Traffic and Transport Team and hopefully complement any work being undertaken by this team.

Resolution:

It was proposed to form a working group – Speed limits Working party.

Moved by John Chase Seconded by Mary Ann Irwin & Andrew Nelson

Motion Carried.

The Chair invited nominations from this Committee and discussed nominations received prior to the meeting from community members (per Terms of Reference 4.3)

The following will form the Speed Limits Working Party

Members: John Chase (Chair), Andrew Nelson, Carolyn New, Mary Ann Irvin, Tim Cassidy (Walk Sydney), Tony Richards (former member of the WCC Cycling Committee).

- **CSP outcome**

Carolyn New raised the Action items regarding CSP outcome-A city that is green regarding the Integrated transport strategy. The Strategic Transport Planner (Nemani Robertson) will take this with her.

Action: Will be discussed in the Next meeting

Next Meeting:
Date: 07 Feb, 2024

Meeting closed: 6:40 pm.

Attachment A – Action items

Date added	Matter	Latest update	Person/people responsible
6/23	Review the existing Action Plan attached to the WCC Integrated Transport Strategy	In progress	
5/23	Consult with networks and add items to Google sheet	In progress	
7/23	Draft brief for Bike Plan consultation to be prepared and circulated for comment	Complete	
6/23	Circulation of City of Sydney Bike Plan to Committee as an example	Complete	
6/23	Draft prioritization framework	Complete	
6/23	Email to request Council to consider submission to North Sydney Network Review	Complete	
6/23	Best practice signage for cycle routes	Complete	
6/23	Information re PMD	Complete	
5/23	Set up Google sheet	Complete	

COMMUNITY, CULTURE & LEISURE DIRECTORATE

12.14 WILLOUGHBY LEISURE CENTRE UPGRADE - UPDATE

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	HUGH PHEMISTER – PLANNING AND INFRASTRUCTURE DIRECTOR
CITY STRATEGY OUTCOME:	5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

To provide an update on the Willoughby Leisure Centre upgrade project.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Note the content of the report, including information regarding the site conditions impacting the design, construction methodology and program.**
- 2. Note that a further report will be provided to the February 2024 Council Meeting regarding the program and budget.**
- 3. Note that Council will continue to provide monthly community updates on the Willoughby Leisure Centre website.**

3. BACKGROUND

At its meeting on 31 October 2022, Council resolved to enter a contract to upgrade the Willoughby Leisure Centre (WLC). The contract was awarded to Belmadar Pty Ltd, and construction commenced in January 2023, with construction currently underway.

Council will also be receiving a Confidential Report outlining further details on this matter at the December 2023 Council Meeting.

4. DISCUSSION

The WLC was built in the 1980s and opened to the public in 1989. The building was ageing, requiring significant maintenance costs, and was no longer meeting the needs of the existing and growing community.

The upgrade work will deliver:

- Four new pools
- A new spa and sauna
- Improved water filtration system
- Refurbished foyer
- A new crèche and outdoor area
- New sustainability features and additional trees
- New cladding and roof for whole building
- Improved disability access

Figure 1 shows an artist impression of how the WLC pool hall will look once work is completed.



Figure 1 – Artist Impression of pool hall

Site Conditions

The WLC is located on at 2 Small Street Willoughby, at the northern end of Bicentennial Reserve. Bicentennial Reserve is former municipal waste facility that was operating and accepting waste from the 1930s through to 1985. The landfill was then covered with a significant amount of sandstone fill excavated from the construction of the Gore Hill Freeway.

Following investigations overseen by the NSW Environment Protection Authority, Bicentennial Reserve and Flat Rock Gully were declared as significantly contaminated land in October 2023.

Prior to this classification, a range of environmental testing was undertaken which included testing for dangerous materials which included, dioxins, chromium and PFAS (Per- and Polyfluorinated Substances), none of which were at levels that would cause concern for humans.

However, the testing discovered slightly elevated levels of ammonia, which is a naturally occurring substance, but not at these concentrations. While Council will continue to monitor ammonia levels, to date there has been no evidence of potential or actual impacts to ecological health (such as marine life in nearby waterways) from ammonia at the site. There are no known potential risks to human health from the ammonia at the detected levels.

Council was aware of the former use as a municipal landfill and undertook a range of extensive testing and investigation in the immediate area of the WLC to determine underground conditions.

Prior to issuing the construction tender, Council undertook extensive due diligence including:

2017: Scale of re-development reduced to mitigate risk

2018: Geotechnical investigations and Quantity Surveyor (QS) costings
 2020: Hazardous material, soil assessment and chemical audit, QS costings
 2022: Existing pool pile foundation investigations undertaken (limited by existing structure on site).

Prior to construction tender, test pits were dug in the western and northern car parks to determine in-ground conditions, and no significant issues that would impact the construction process were found.

Further testing to in-ground conditions were undertaken under the pool hall deck, but this was limited to the periphery of main pool shell, with only small sections of the deck accessible for testing purposes. Again, no significant issues that would impact the construction process were found.

Following the demolition process of the pool hall, which enable access to the ground the pool deck, a range of unforeseen in-ground conditions were found and are outlined below.

Structural piles

The WLC rests upon pile foundations which extend down to the sandstone rock shelf, at depths of up to 14 metres. Whilst the building looks like it is sitting on the ground, from a structural point of view is sitting significantly above the underlying rock structure and is in effect floating on the existing ground level. The project intended to use the existing piles to support the construction of the pool deck.

The former WLC building showed no signs of movement or structural cracking and piles that were accessible under the pool shell were inspected by engineers. However, when the pool hall was demolished and testing was undertaken on the existing piles, it was determined that the piles were damaged and did not have the structural bearing capacity that was anticipated.

These tests could only be undertaken once the old pool hall was demolished, and the failure of the existing piers has resulted in a structural base re-design and the construction of 263 additional piles.

Figure 2 shows the area immediately under the former pool hall, with the existing piles in green, and the location where new piles have been constructed in red.



Figure 2 – Pile locations below old pool hall.

Alternative construction methods were considered, including screw piles and other slab options, but neither were determined suitable.

Seismic activity impacts

Once the site was partially exposed during initial excavation, it was possible to undertake a more detailed assessment of soil conditions (known as soil classification). It was discovered

that the soil had less capacity, than originally anticipated, to withstand the impacts of seismic impact (earthquakes) on the new building. This discovery has required the re-design of major structural elements of the building, including a change to reinforced steel specifications.

Boundary Retaining Wall

There is an existing retaining wall which manages the level change from Flat Rock Drive down the north-eastern side of the WLC. Due to unstable nature, and reclassification, of the soil conditions under the retaining wall, there has been a need to install an additional 44 piles under this wall.

Asbestos

Following the demolition of the pool hall non-friable asbestos contamination has been found in the soil. Whilst the concentration of this asbestos is not significant it is spread throughout the lower levels of the soil. This find has led to the implementation of strict hygiene and management protocols in accordance with the NSW EPA (Environment Protection Authority) approved Asbestos Management Plan (AMP).

On-site control measures include a specialist consultant hygienist, air monitoring, dust suppression, use of personal protective equipment for all workers, decanting and soil stockpiling. Surrounding residents along with updates on Council's web page have informed of the presence of asbestos on site and the risk is being professionally managed, but this does slow the construction process due to necessary safety precautions being undertaken.

The discovery of asbestos means that 4,400 tonnes spoil has been reclassified from *General Solid Waste (non-putrescible)* to *Special Waste - Asbestos*. This involves a different disposal method which is regulated by the NSW EPA.

In Ground Voids

During the pile excavation, voids were encountered due to the unstable nature of the fill material in the previous waste facility. These voids effectively consumed additional concrete over and beyond typical concrete pours of this nature.

Keeping our Community Informed

Council currently provides monthly project updates to interested stakeholders through its website and is committed to keeping the community updated about this important project. The contents of this report will be included in the December 2023 update.

5. CONCLUSION

Significant unforeseen conditions have led to design and construction methodology changes at the WLC upgrade project, along with slowing the progress of the overall project.

Council will be working with its consultants to assess the program and budget and provide a comprehensive report in February 2024. There will be delays to the delivery of this important project, along with cost implications arising from the in-ground conditions that have been discovered.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.3 – Balance the creation of new public assets with the upgrade of existing public assets
Business Plan Objectives, Outcomes / Services	Creating recreation spaces for all Promoting an active and healthy lifestyle Creating desirable places to be enjoyed Maintaining quality of life by balancing population growth with provision of assets and services
Policy	Not relevant
Consultation	Key stakeholders have been involved in the design of the upgrade since 2017. Surrounding neighbours have been notified of key construction activities since work commenced on site. Updates on the project have been provided monthly on Council's website.
Resource	The project is being completed utilising external expert consultants, external contractors, and Council project management resources.
Risk	A project risk register is maintained.
Legal	The construction contract is in accordance with the terms and conditions of the Ebsworth Lawyers modified AS4000-1997 General Conditions of Contract.
Legislation	<i>Environmental Planning and Assessment Act 1079</i> <i>Building Products (safety) Act 2017</i> <i>National Construction Code 2022</i> <i>Local Government Act 1993</i> <i>Contaminated Land Management Act 1997</i> <i>Protection of the Environment Operations Act 1997</i>
Budget/Financial	A report will be submitted to the February 2024 Council Meeting.

12.15 REQUEST FOR MEMORIAL SEAT HAROLD REID RESERVE- DENNIS ARNOLD

ATTACHMENTS:	1. IMPLICATIONS 2. REQUEST FOR MEMORIAL SEAT IN HAROLD REID RESERVE FOR DR DENNIS ARNOLD
RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	JULIE WHITFIELD- OPEN SPACE PLANNER
CITY STRATEGY OUTCOME:	2.2 – RESPECT AND CELEBRATE OUR HISTORY AND HERITAGE SITES
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

To approve the request for a memorial seat in Harold Reid Reserve in honour of the late Dr Dennis Arnold.

2. OFFICER'S RECOMMENDATION

That Council approve the request for a memorial seat in Harold Reid Reserve in honour of the late Dr Dennis Arnold.

3. BACKGROUND

Council's *Public Domain Memorial and Local Site Acknowledgement Policy (2007)* states that subject to Council approval, memorial plaques on park seats be permitted in public open space, provided the cost of the plaque and the seat be met by the proposer.

4. DISCUSSION

Council has received a request from Ms Beth Arnold (**Attachment 2**) to donate a memorial seat and dedicated plaque at Harold Reid Reserve in honour of her uncle, the late Dr Dennis Arnold.

Dr Dennis Arnold was a resident of Greenfield Avenue, Middle Cove for over 50 years and a specialist surgeon who worked at Royal North Shore Hospital. Throughout his time living at Greenfield Avenue, Dr Arnold was a frequent visitor to Harold Reid Reserve often partaking in bush walks and bird watching.

This request for a memorial seat and plaque complies with the policy.

5. CONCLUSION

The request complies with Council's policy, has no direct financial implication for Council and will provide a place where the local community can visit, reflect and remember.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	2.2 – Respect and celebrate our history and heritage sites
Business Plan Objectives, Outcomes / Services	The recommendations of this report support the Culture and Leisure Business Plan outcome to support a City that is connected and inclusive, active, healthy, creative and safe
Policy	This matter relates to Council policy <i>-Public Domain Memorial and Local Site Acknowledgement Policy 2007.</i>
Consultation	There are no consultation implications applicable to this report.
Resource	The applicant will be providing the resources for the supply and installation of the memorial seat.
Risk	The level of risk associated with the contents of this report is low, under <i>Council's Risk Management Framework</i> . The park bench will be maintained as part of Council's Asset Management program.
Legal	There are no legal implications applicable to this report.
Legislation	There are no legislation implications applicable to this report.
Budget/Financial	The applicant will be funding the purchase and installation of the memorial seat.

ATTACHMENT 2

From: Beth Arnold

Sent: Saturday, 28 October 2023 10:10 PM

To: Council's Email

Subject: Memorial park bench - Harold Reid Reserve - Dennis Arnold

My uncle, Dr Dennis Deane Arnold lived in Greenfield Avenue since he and his wife Margaret were married around the 1950/60s. Sadly, today he passed away aged 94! He had no children and his nieces and nephew were his only remaining relatives. Dennis requested no funeral as was his humility.

Dennis was a specialist (surgeon) who worked from Royal North Shore hospital and many other hospitals in Northern Sydney after obtaining his admission into the Royal College of Surgeons in London.

Dennis was a humble egalitarian who had an incredible love of nature and incredible intellect. His father, Dr Geoffrey Arnold (my grandfather) won the Military cross for his services during World War 1.

Dennis though almost profoundly deaf in his later life, loved nothing more than bush walking, playing golf and bird watching which he often did through the Harold Reid Reserve. He was a pacifist and was a proud Middle Cove resident! He used to fish in the North Arm below his home and often would be seen in his small boat out enjoying the fishing life of Middle Cove!

As a child and young adult, we would go with Dennis, and my parents, to visit Harold Reid Reserve to show us the views and beautiful flora and fauna - he then did the same with me and my children when they were young!

He was incredibly proud of living in this area and often collected rubbish on his walks to preserve the area for other locals!

I was wanting to explore the process for having a park bench with a plaque in memory of Dennis somewhere up in his favourite lookout area if this was at all possible? It would be the only place where he would have some lasting legacy for a life of community service in your community!

I know Dennis was well loved and liked by locals around the area who are also hoping this fitting request might be granted!

12.16 REFLECT RECONCILIATION ACTION PLAN 2024-2025 OUTCOME OF PUBLIC EXHIBITION

ATTACHMENTS:	1. IMPLICATIONS 2. RECONCILIATION ACTION PLAN 3. HAVE YOUR SAY REPORT SUMMARY 4. PERMISSION LETTER TO USE TORRES STRAIT ISLANDER FLAG
RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	DINAZ RATHER - MULTICULTURAL COMMUNITY PROJECTS OFFICER
CITY STRATEGY OUTCOME:	2.2 – RESPECT AND CELEBRATE OUR HISTORY AND HERITAGE SITES 2.3 – CELEBRATE AND ENCOURAGE OUR DIVERSITY
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

To seek Council's endorsement to adopt the draft *Reconciliation Action Plan 2024-2025*.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Adopt the Reflect 2023 Reconciliation Action Plan**
- 2. Submit the Reflect 2023 Reconciliation Action Plan to Reconciliation Australia for final endorsement.**
- 3. Notify engagement participants about Council's decision in this matter and thank them for their contribution.**

3. BACKGROUND

At its meeting of 28 August 2023 Council resolved to place the *draft Reflect 2023 Reconciliation Action Plan* on public exhibition for a second time to gain further community feedback. Feedback was incorporated into the draft Plan and then forwarded to Reconciliation Australia for conditional endorsement. Conditional endorsement was received on 8 November 2023.

This report is to recommend that Council approve the *Reflect 2023 Reconciliation Action Plan* and return it to Reconciliation Australia for final endorsement.

4. DISCUSSION

The purpose of a *Reconciliation Action Plan* is to advance reconciliation in the workplace and the community and includes practical actions to build understanding for Council and the wider community.

Willoughby City Council's *Reflect Reconciliation Action Plan 2024-2025* lays the foundations and prepares Council for future Reconciliation Action Plans. A 'Reflect' Plan is for one year in duration. The Reconciliation Action Plan framework is based on four core pillars; Relationships, Respect, Opportunities and Governance.

Whilst this *Reconciliation Action Plan* is our first, it builds on Council's extensive record of collaboration with Aboriginal people in the creation of many projects that celebrate Aboriginal people, art, cultural heritage, and local history. Importantly, it has been developed in conjunction and consultation with a range of stakeholders.

The draft *Reconciliation Action Plan*, found at **Attachment 2**, has been developed in collaboration with Reconciliation Australia and in consultation with the community and other internal and external stakeholders.

The *Reconciliation Action Plan* was placed on public exhibition for a second round of community engagement. Feedback was considered and some suggestions were incorporated in the draft *Reconciliation Action Plan*. As per the required process the *Reconciliation Action Plan* was then submitted to Reconciliation Australia on 9 October 2023 for feedback and conditional endorsement.

Conditional endorsement was received on 8 November 2023. To attain full endorsement the designed version must include:

1. *Reconciliation Action Plan* logo provided is included on the front page of your *Reconciliation Action Plan*
2. Refer to the *Reconciliation Action Plan* Brand Guide to ensure the logo is incorporated correctly
3. If using Aboriginal and/or Torres Strait Islander artwork or imagery in your *Reconciliation Action Plan*, please acknowledge the artist and the story behind the artwork
4. Ensure permissions are sought from photographers and individuals depicted in all photographs
5. When you have completed your final designed *Reconciliation Action Plan*, please ensure it is web ready
6. Submit to us for formal endorsement before you launch

These conditions have been incorporated into the draft *Reconciliation Action Plan*, and once approved by Council can be resubmitted to Reconciliation Australia for final endorsement.

Consultation and Engagement Process

The draft *Reconciliation Action Plan* was exhibited for further community consultation from 11 September 2023 to 2 October 2023 following its development. The feedback in relation to the draft *Reconciliation Action Plan* was facilitated through Council's "Have Your Say" portal.

The online consultation was open for 22 days, during which time 18 responses were received from residents, stakeholders, and community members.

Of the 18 respondents, 7 were supportive of the Reconciliation Action Plan. The remaining respondent's comments largely questioned why Council was developing a *Reconciliation Action Plan*. All responses are included in **Attachment 3** – Summary of Community Engagement.

Use of Aboriginal and Torres Strait Islander Flags

As, part of our RAP implementation process we would also like to include the Aboriginal and Torres Strait Islander flags on our web pages. The Aboriginal flag is now free for all Australians to use without copyright, however the copyright of the Torres Strait Islander flag is owned by the Torres Strait Regional Council. Council has sought and received permission to use Torres Strait Islander flag from The Torres Strait Regional Council. This allows Council to use the Torres Strait Islander flag on our educational resources, marketing, communications, promotional materials on social media platforms and our website. The permission letter is provided as **Attachment 4**.

5. CONCLUSION

The *Reconciliation Action Plan* identifies a whole of Council and community vision that supports how to work together to deliver actions that strengthen our relationships with Aboriginal and Torres Strait Islander peoples. It is about helping everyone understand our shared history and how the past affects the lives of Aboriginal and Torres Strait Islander people today.

Officers seek Council's adoption of the *Draft Reflect Reconciliation Action Plan 2024-25* and approval to submit it to Reconciliation Australia for final endorsement.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	2.2– Respect and celebrate our history and heritage sites 2.3– Celebrate and encourage our diversity.
Business Plan Objectives, Outcomes / Services	Key Initiative: Reconciliation Action Plan (CCL 2023/24)
Policy	There is currently no policy relating to this subject.
Consultation	Extensive consultation has been undertaken via workshops, Councils Have Your Say Platform and an internal working group.
Resource	From existing operational resources of staff and budget.
Risk	If we do not develop a Reconciliation Action Plan, then we will not achieve our strategic outcomes to meet Council's Community Strategic Plan – Our Future Willoughby 2032 and Delivery Program 2022-26
Legal	We are not aware of any legal implications related to this subject.
Legislation	Complies with the <i>Local Government Act 1993</i> .
Budget/Financial	The report recommendations fall within Council's adopted operating budget of \$10,000 for 2023/24.



Reflect 2023 Reconciliation Action Plan

February 2024 –
February 2025



Willoughby City Council Vision for Reconciliation

Our Vision for Reconciliation is to honour the profound history and diverse cultures of Aboriginal and Torres Strait Islander peoples. We commit to the principles of truth, understanding, and education as we embrace our rich cultural heritage.

Together, we will work towards fostering an inclusive, respectful, and equitable society that benefits all.

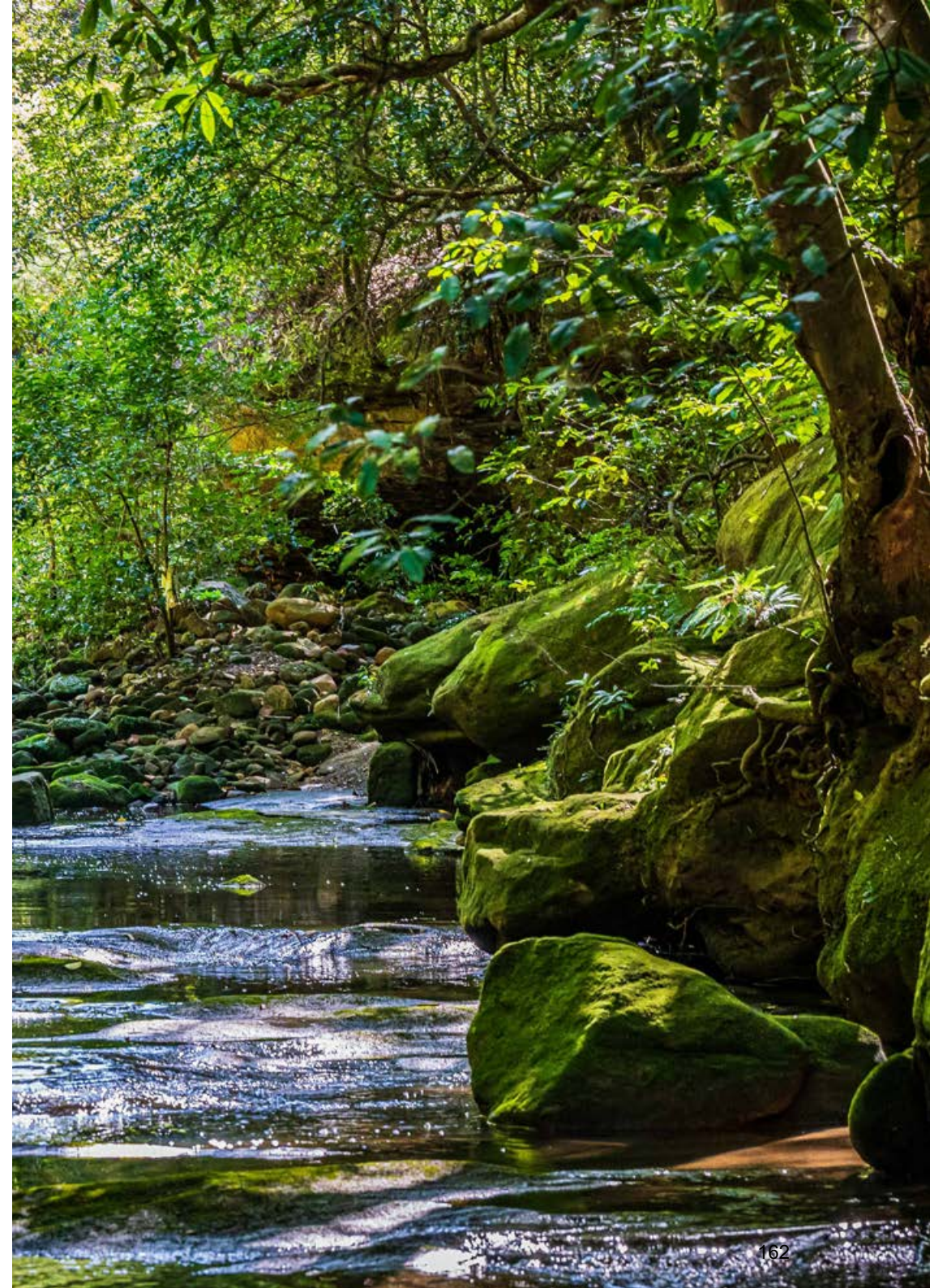
Acknowledgment of Country

Willoughby City Council acknowledges the Traditional Owners of the lands on which we stand, the Gamaragal people. We pay our respects to their Elders past and present.



Contents

Willoughby City Council Vision for Reconciliation	2
Acknowledgment of Country	2
Mayor's message	4
CEO's message	5
Message from Reconciliation Australia	6
Our Artwork	8
Our Business	9
Our Reconciliation Action Plan	12
Our Reconciliation Journey	13
Community Partnership and Activities	15
Reconciliation Action Plan	21





Mayor's message

Willoughby City Council is committed to reconciliation and building greater understanding and respect among all people. We value our culturally diverse community and are focused on working in partnership with Aboriginal and Torres Strait Islander people to celebrate and understand more about Aboriginal and/or Torres Strait Islander cultures, honour local First Nations heritage and make a culturally safe space for First Nations people.

We highly value the natural environment that envelops Willoughby, the connected and caring nature of our community and the culture of the area that has evolved over the many years. We recognise the original owners and their custodianship of these lands.

Our Reflect RAP details the steps we are taking to develop and enhance relationships with Aboriginal and Torres Strait Islander community members, and work towards our vision for reconciliation. I would like to thank all who have contributed to informing this Reflect RAP, particularly representatives from the Aboriginal Heritage office, The Gai-mariagal Group, Metropolitan Local Aboriginal Land Council, local Aboriginal artists and Reconciliation Australia for their support during the process.

Through the development and implementation of this plan, Willoughby City Council aims to strengthen relationships and continue to Respect, Acknowledge and Partner with Aboriginal and Torres Strait Islander communities.

I am happy to share our Reflect Reconciliation Action Plan (RAP), developed in partnership with our RAP Working Party, and our commitment to work towards a better future for our community and all Australians.



CEO's message

Willoughby Council's Reflect RAP represents a significant step and opportunity to make a real difference as we strive to embed principles of reconciliation across our organisation, and act to help create a more equitable and inclusive community.

Willoughby has a significant shared history with Aboriginal and/or Torres Strait Islander communities, and we are committed to supporting greater understanding and reconciliation. We aim to foster respect and appreciation for Aboriginal and/or Torres Strait Islander communities and culture. Assisting us with this are the relationships forged during the development of this RAP with key Aboriginal and Torres Strait Islander people and agencies including the Aboriginal Heritage office, The Gai-mariagal Group, Metropolitan Local Aboriginal Land Council and local Aboriginal artists.

Relationships, respect and opportunities are the key focus areas of Council's Reconciliation Action Plan (RAP). The development of this Reconciliation Action Plan has been a collaborative and inclusive process, drawing on the deep knowledge and cultural understanding from both internal and external stakeholders and guided by the extensive experience of Susan Moylan-Coombs, Woolwonga and Gurindji woman.

We all have a role to play in closing the gaps experienced by Aboriginal and/or Torres Strait Islander peoples regarding health, justice, education and employment and in promoting greater understanding. Council's internal RAP Working Group has helped develop and guide our reconciliation objectives and identify the practical steps we can take as an organisation and as individuals in our reconciliation journey.

We look forward to implementing the actions in our Reflect RAP and progressing reconciliation within our organisation and community.

Message from Reconciliation Australia

Reconciliation Australia welcomes Willoughby City Council to the Reconciliation Action Plan (RAP) program with the formal endorsement of its inaugural Reflect RAP.

Willoughby City Council joins a network of more than 1,100 corporate, government, and not-for-profit organisations that have made a formal commitment to reconciliation through the RAP program.

Since 2006, RAPs have provided a framework for organisations to leverage their structures and diverse spheres of influence to support the national reconciliation movement. The program's potential for impact is greater than ever, with close to 3 million people now working or studying in an organisation with a RAP.

The four RAP types — Reflect, Innovate, Stretch and Elevate — allow RAP partners to continuously develop and strengthen reconciliation commitments in new ways. This Reflect RAP will lay the foundations, priming the workplace for future RAPs and reconciliation initiatives.

The RAP program's strength is its framework of relationships, respect, and opportunities, allowing an organisation to strategically set its reconciliation commitments in line with its own business objectives, for the most effective outcomes.

These outcomes contribute towards the five dimensions of reconciliation: race relations; equality and equity; institutional integrity; unity; and historical acceptance.

It is critical to not only uphold all five dimensions of reconciliation, but also increase awareness of Aboriginal and Torres Strait Islander cultures, histories, knowledge, and leadership across all sectors of Australian society.

This Reflect RAP enables Willoughby City Council to deepen its understanding of its sphere of influence and the unique contribution it can make to lead progress across the five dimensions. Getting these first steps right will ensure the sustainability of future RAPs and reconciliation initiatives and provide meaningful impact toward Australia's reconciliation journey.

Congratulations Willoughby City Council, welcome to the RAP program, and I look forward to following your reconciliation journey in the years to come.



Karen Mundine
Chief Executive Officer
Reconciliation Australia





Our Artwork

This artwork acknowledges and celebrates ¹Cammeraygal Country and culture.

I am grateful to have been held by this Country, having lived here for the past 20 years.

The design highlights the topography of Country, mapping the waterways before colonisation.

The centre of the design reflects a Sydney red gum (*angophora costata*) that is located in the heart of what is now called Chatswood. Blue gum nuts (*eucalyptus saligna*) are scattered across the design remembering the blue gum forests that once stretched across this section of Country.

The western side of Willoughby and Chatswood contained creeks lined by River Mangroves (*aegiceras corniculatum*) and sweet sarsaparilla (*similax glycyphylla*); and the sandstone ridges of Middle Harbour with eastern scribbly gum (*eucalyptus racemosa*) and lomandra (*lomandra longifolia*).

Oysters, Hairy Mussels, Sydney cockles and Mud Oysters bring awareness to what were once a staple food source; and their role in cleansing and filtering waterways.

A school of salmon swim upstream remembering women's stories and the casuarina (*allocasuarina littoralis*) offer shade and shelter as the Brush Turkey digs, aerating and enriching the soil.

Native Fuchsia (*epacris longiflora*), Christmas bells (*blandfordia grandiflora*) and Graceful pea bush (*pultenaea flexilis*) bloom with the changing of seasons.

Dr Emma Hicks



Our Artist

Dr Emma Hicks is a Sydney based artist, writer, academic and educator of Gamilaroi and European heritage. Emma has a multidisciplinary practice covering film, sculpture, installation drawing and writing. Emma works in a responsive way to site or concept with connection to place and personal storytelling as recurring themes in her practice.

¹ Cammeragal, also spelt Gamaragal

Our Business

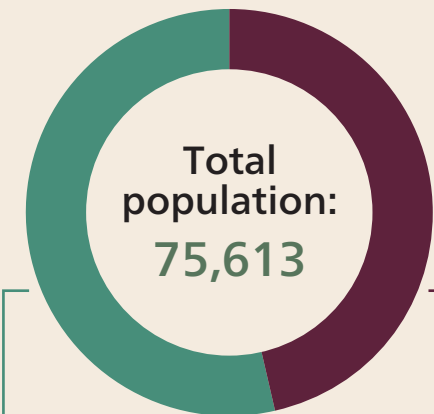
The City of Willoughby is located in Sydney’s northern suburbs – about 9 km from the Sydney GPO. Willoughby City is bounded by Ku-ring-gai Council to the north, Middle Harbour to the east, North Sydney and Lane Cove Councils to the south, and the City of Ryde to the west. The main commercial center of the City of Willoughby is Chatswood, along with the smaller commercial centres of Willoughby, St Leonard’s and Artarmon. Willoughby City is predominantly a residential area, but also has substantial industrial and commercial areas. Significant bushland areas are located along the Lane Cove River and the foreshore of Middle Harbour.

Willoughby City encompasses a total land area of 23 square kilometers.

Willoughby City is a harmonious city of diversity with 46.5% of the population born overseas. It has a population of 75,613 and a population density of 3,389 persons per square km. 207 identify as Aboriginal and/or Torres Strait Islander people. (ABS 2021).

The Council employs 417 staff. To the best of our knowledge Council has two Aboriginal and/or Torres Islander staff members. There may be additional staff who identify as Aboriginal and/or Torres Strait islander people of whom we are not aware. We are working to investigate on how to improve our data collection in relation to Aboriginal and Torres Strait Islander staff.

Total land area:

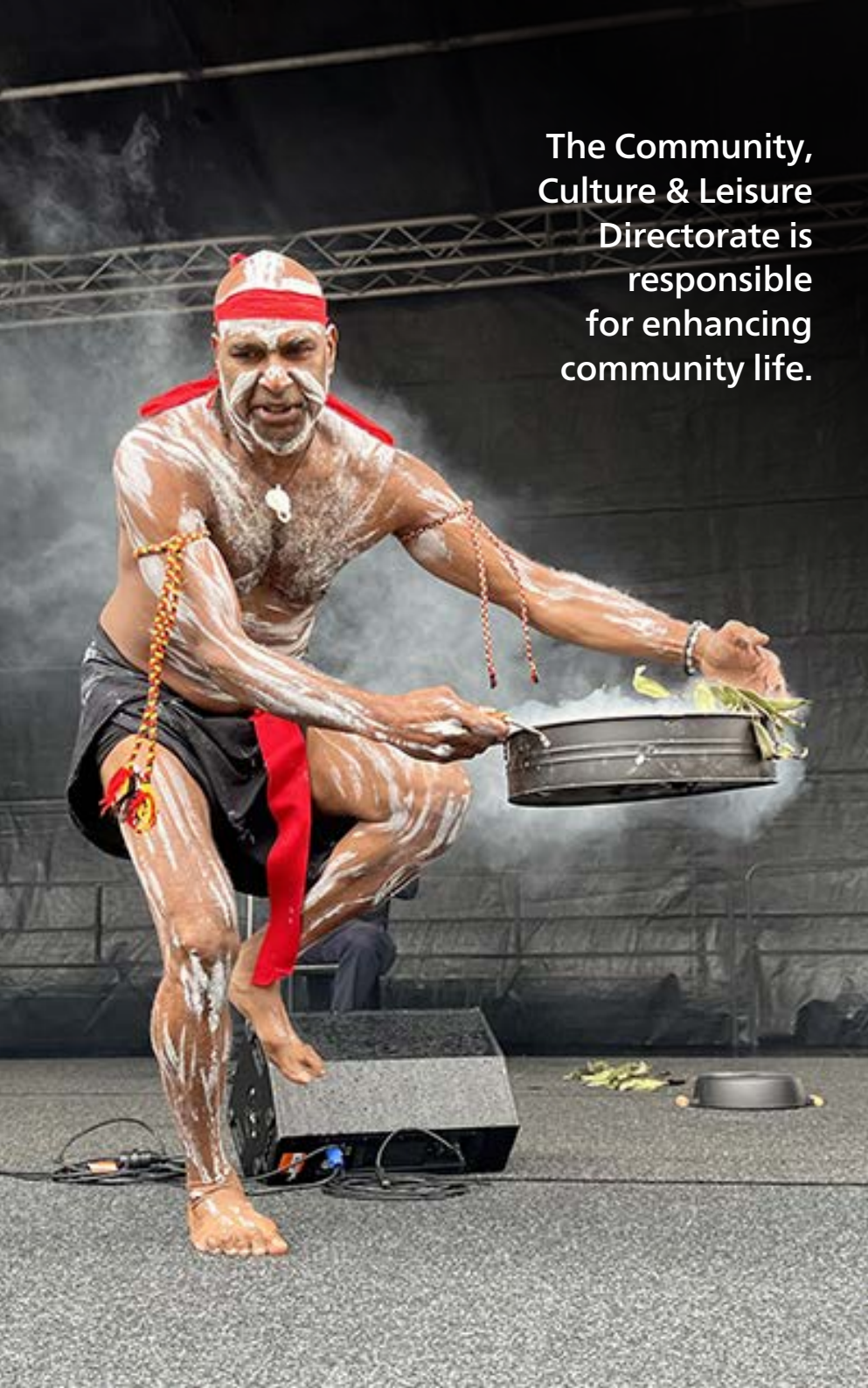


53.5%
Born in Australia

46.5%
Born overseas

207 identify as Aboriginal and/or Torres Strait Islander people

**The Community,
Culture & Leisure
Directorate is
responsible
for enhancing
community life.**



Council works closely with the community and provides a range of direct and indirect services to make Willoughby a great place to live, work or visit.

The main Council offices are in Chatswood with a number of satellite locations including the works depot, libraries and community facilities. Our staff are in the community everyday undertaking activities such as community services, maintenance, waste collection, street cleaning, capital works and maintenance of roads.

The Council is divided into 3 directorates:

- **Community Culture and Leisure**
(Community Life, Culture and Leisure, Media Marketing and Events)
- **Customer and Corporate**
(Business Improvement and Customer Experience, Finance, Governance, Risk and Corporate Planning, Information Services, People and Culture)
- **Planning and Infrastructure**
(Compliance, Design and Infrastructure, Environment, Planning, Property and Construction Services, Works Services).

The **Community, Culture & Leisure Directorate** is responsible for enhancing community life through Aged and Disability services at the Dougherty Community Centre, Youth Services at Chatswood Youth Centre, Out of School Hours Care, volunteering and management of a range of community facilities across the LGA.

The directorate is also responsible for community development through delivery of community projects and multicultural services at MOSAIC, seven libraries, Willoughby Leisure Centre, visual arts programs including management of the Art Space on The Concourse and the Incinerator Art Space and development of open space for sport and recreation.



The directorate has a strong focus on environmental management and education to ensure the natural environment is preserved and improved for future generations.

The directorate manages the Concourse Precinct, Zenith Theatre, conducts the Council’s community engagement and organises major events such as the Emerge Festival and Chinese New Year celebrations.

The **Customer and Corporate Directorate** supports Councillors and staff, provides information to external customers, and ensures sound governance structures are in place. This department includes People and Culture, Governance and Customer Service and as well as Information Technology, Information Management, Procurement, GIS, Rates and Financial Services. Customer and Corporate is also responsible for Council’s long term financial plan ensuring financial sustainability for Council and its community.

The **Planning and Infrastructure Directorate** encompasses a range of services to provide the best outcomes for our built and natural environment. The directorate has a strong focus on environmental management and education to ensure the natural environment is preserved and improved for future generations. Planning and Infrastructure is responsible for development assessments, works services, waste recovery, regulatory services and management of Council’s assets. The directorate also develops the strategic framework for urban design, development, transport and land use.

Our Reconciliation Action Plan

The RAP will be developed with guidance from Reconciliation Australia, the lead body for reconciliation in Australia.

The development of a Reconciliation Action Plan aligns with key outcomes in Council's Community Strategic Plan (CSP) *Our Future Willoughby 2032* which sets the future direction for Willoughby City for the next ten years.

The strategic plan was developed through consultation with key agencies, community groups and the broader community.

As a result of this engagement with our community, the following key actions are included within our strategic plan.

2.2

Respect and celebrate our Indigenous and non-Indigenous history and heritage

1.3

Enhance, protect and respect waterways, bushland, wildlife and ecological systems

2.3

Celebrate and encourage our diversity

Our Reconciliation Journey

Council established an internal RAP working group in September 2022 whose membership includes:

- Community Life Manager
- People and Culture Manager
- Arts and Events Manager
- Library Services Manager
- Engagement and Communications Manager
- Community Development Team Leader
- Bushland Team Leader
- Contracts and Procurement Team Leader
- Multicultural Community Project Officer

The RAP working group plays a key role in developing and implementing the principles of reconciliation across the Council. During the implementation phase, the RAP working group members are responsible for communicating and promoting the deliverables within the **Reflect RAP** to their colleagues, organisations and developing partnerships with Aboriginal and Torres Strait Islander stakeholders.

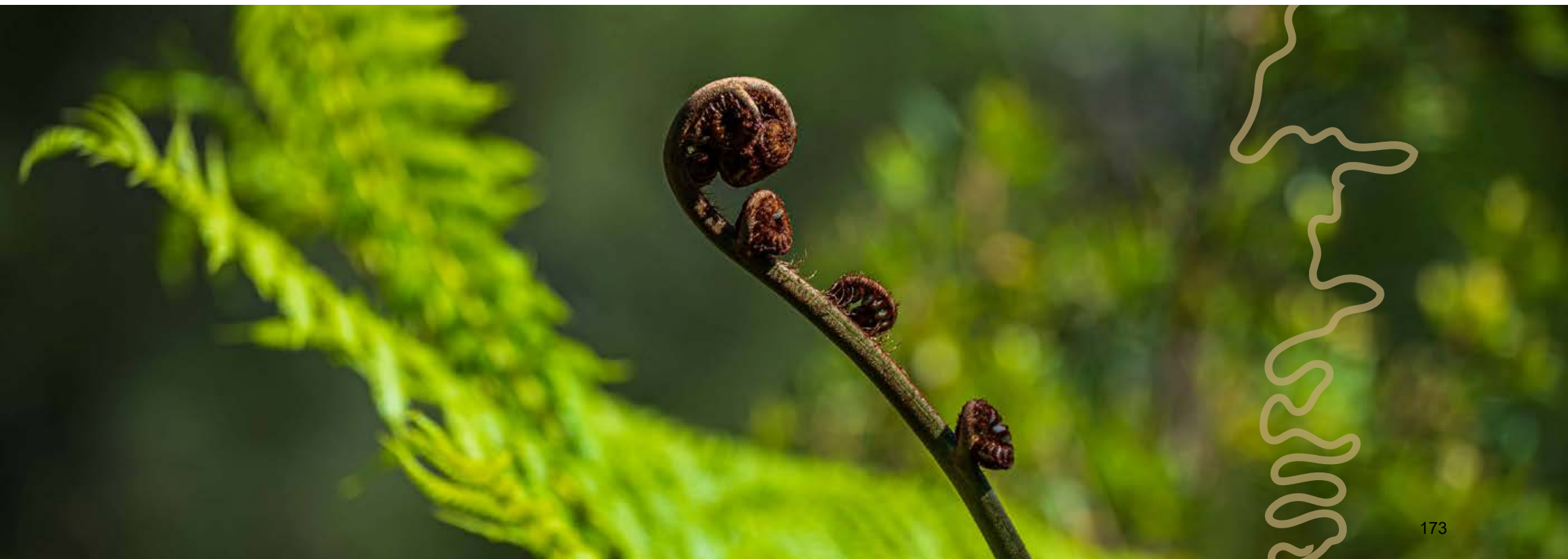
The RAP working group plays a key role in developing and implementing the principles of reconciliation across the Council.



The Reflect RAP will set out actions and commitments to demonstrate respect, build trusting relationships and opportunities to work with Aboriginal and Torres Strait Islander people and communities.

The **Reflect RAP** provides Council with the framework to build its internal capacity, awareness and knowledge about Aboriginal and Torres Strait Islander histories and cultures. This will help us to develop relationships with external community groups and organisations. The **Reflect RAP** will set out actions and commitments to demonstrate respect, build trusting relationships and opportunities to work with Aboriginal and Torres Strait Islander people and communities. Council's Community Life Manager will be the nominated 'RAP Champion' responsible for driving and championing internal engagement and awareness of the RAP.

Our RAP is based on Reconciliation Australia's RAP framework and focuses on the core pillars of relationships, respect and opportunities. The **Reflect RAP** will help us to advance in our reconciliation journey and provide direction for future Reconciliation Action Plans and reconciliation initiatives.



Community Partnership and Activities

Willoughby City Council has demonstrated commitment to reconciliation over many years through various programs and activities undertaken by different business units to recognise Aboriginal and Torres Strait Islander histories and cultures within our organisation and the wider community.

We have an Acknowledgement of Country protocol, developed with input from our local Aboriginal Heritage Office and endorsed by the Metropolitan Local Aboriginal Land Council (MLALC). This is used at Council meetings and events. An Acknowledgement of Country is also included in the email signature of all staff and elected members.

The Council has developed a strong working relationship with key Aboriginal and Torres Strait Islander people and agencies including the Aboriginal Heritage office, The Gai-mariagal Group, Metropolitan Local Aboriginal Land Council and local Aboriginal artists. We have established an internal RAP working group, which has representatives from different business units.

Feedback from the community played an important part in developing our RAP.



We developed the engagement and communication plan to conduct consultation workshops for staff, internal and external stakeholders (community members and young people) to get their feedback as part of the development of the RAP. These workshops were facilitated by Susan Moylan-Coombs. Susan whose ancestral heritage includes Woolwonga and Gurindji from the Northern Territory, has extensive experience working with First Nations people.

We also used online tools to engage with our community by using the Have Your Say platform to get their input into the development of RAP. We received 66 survey responses.

Feedback from the community played an important part in developing our RAP.

The RAP will help us to consolidate our activities and programs and develop partnerships to work cohesively and achieve reconciliation at a local and national level.



The table below lists the activities that have been taken by different Business units of Willoughby City Council.

Community Culture and Leisure

Community Development

- Coordinate activities for Gai-mariagal Festival & NAIDOC Week each year. Partnered with Gai-mariagal Festival group for 22 years.
- Developed database of Indigenous operators (for workshops, events, catering etc.)
- Liaison with Aboriginal Heritage Office, e.g., consultation for Artarmon Parkland Pavilion project
- Financial contribution each year to the Koori Kids NAIDOC School Initiative (in partnership with NSW Department of Education)

Children and Youth Services

Devonshire Street Children's Centre

- Developed a Reconciliation Action Plan specific to Devonshire Street Children's Centre
- Acknowledge and celebrate key Aboriginal and Torres Strait Islander events throughout the year.
- National Close the Gap Day – provide information for staff and families
- Mabo Day – acknowledge this with a photo and information display
- Activities organised for Harmony Day, National Reconciliation Week, NAIDOC Week, Indigenous Literacy Day etc.

Youth Services

- Acknowledgement of Country at meetings
- Social media strategy includes promotion of advocacy days (e.g., NAIDOC Week & Sorry Day)
- Promotion of specific events and youth opportunities targeting First Nations people as they arise from local networks.

Visual Arts

- Attended Create NSW Change making Public Spaces event – NSW Create Aboriginal Protocols
 - Annual exhibition curated by Honey Ant Gallery
 - Establishing connections with local First Nations artists and develop a database of First Nations artists and/or curators
-

Open Spaces

- Park and open space signage includes an Acknowledgement of Country

**MOSAIC
Multicultural
Centre**

- MOSAIC multicultural groups regularly visited the Aboriginal Heritage Office / museum.
- Engaged a First Nations educator to deliver a school holiday activity for NAIDOC Week.

Willoughby Library

- Aboriginal Heritage webpage on Willoughby Library website.
- Acknowledgement of Country provided at internal/staff meetings and at some events
- Events and activities throughout the year, e.g., NAIDOC Week story time, film screenings, First Nations themed story time, Talks at Willoughby with First Nations authors.
- Highlighted library resources (e.g., books and films) with Indigenous authors that feature Indigenous subjects or perspectives, or are themed around Aboriginal and Torres Strait Islander cultures, language and peoples.
- Link on Library website to Community Atlas (profile .id) – people of Aboriginal and Torres Strait Islander origin in the Willoughby area.
- In 2008 Council published 'Bo-ra-ne Ya-goo-na Par-ry- boo-go, Yesterday Today Tomorrow: An Aboriginal History of Willoughby' in association with the Aboriginal Heritage Office, written by Jessica Currie. Available to download on the Library website.
- Local History Digital Collection - photographs in Picture Willoughby

**Willoughby
Symphony
Orchestra**

- Program notes include Acknowledgement of Country
- Created opportunities for First Nations artists in concert programming

**Willoughby
Leisure Centre**

- Willoughby Leisure Centre staff completed online cultural competency training. Training offered by Royal Life Saving NSW and incorporated the SBS Inclusion course.
 - Willoughby Leisure Centre registered as a Culture Competent Facility
-

-
- Media & Marketing**
- Acknowledgement of Country and reference to endorsement of the Uluru Statement from the Heart is on the footer of each page on the Willoughby City Council website and other Council sites, e.g., Willoughby Leisure Centre, Zenith Theatre, Willoughby Library
 - Acknowledgement of Country included in corporate documents
-

- Events**
- Acknowledgement of Country/Didgeridoo performance held at citizenship ceremonies
-

- Community Engagement**
- Have Your Say site includes Acknowledgement of Country
-

Bushland

Bushland General Activities

- Liaison with the Aboriginal Heritage Office on site management issues relating to Aboriginal sites. Includes removing graffiti, stabilising erosion zones near middens and minimising access and potential vandalism near sites.
 - Sites awareness training for field staff to increase awareness of and protection of sites in bushland reserves. Delivered by AHO.
 - Urban Bushland Plan of Management outlines Council objectives in managing cultural heritage and site interpretation.
 - Aboriginal artists commissioned to create site specific contemporary artworks, e.g., mural work at Flat Rock Gully and sculptural work at Mowbray Park.
 - An interpretive site was established near the Lane Cove River foreshore. Mowbray Park has also been used for storytelling and other outdoor activities.
 - “Bo-ra-ne Ya-goo-na Par-ry-boo-goo: Yesterday Today Tomorrow – An Aboriginal history of Willoughby” by Jessica Currie distributed to local schools. The Council supported the publishing of this book.
 - Walking track brochures produced by the AHO that emphasize Indigenous themes have also been made available to the public.
-

Bushland**Bushland Interpretative Program**

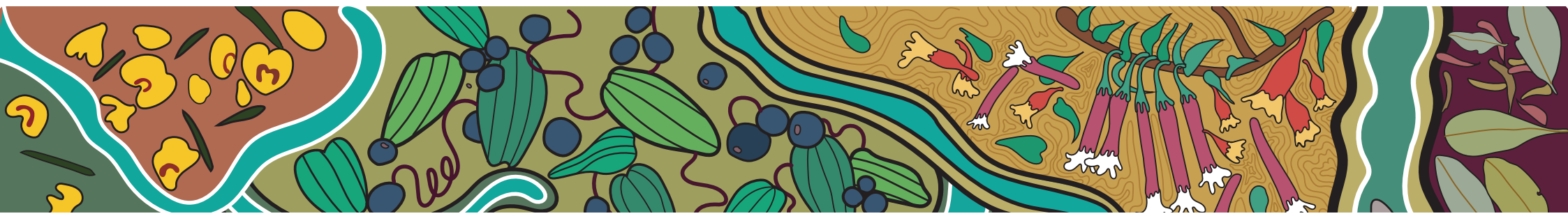
- Acknowledging local Aboriginal history of place before each guided bushwalk, activity or event with community and school groups.
- Aboriginal Heritage Education Officer is engaged to run at least two guided bushwalks each year, speak to High School groups throughout the year and involved in teaching Primary School groups.
- The Bushland Interpretive Program ran a yearly activity for the JCS Rainbow Stay Project for 10 years (visiting children from Fukushima) to provide a bushland experience and time with an Indigenous Interpreter.
- Local resident Professor Jakelin Troy, author of The Sydney Language. contacted to present to the community on language.
- Organise and run yearly activities for the Gai-mariagal Festival. e.g., Aboriginal storytelling and stargazing around a fire, bush tucker talks and Aboriginal heritage walks and other programs and activities for community members.
- Activities designed for school holiday groups. e.g., Indigenous games, reconciliation activities, arts and crafts etc.
- Bush Tucker garden design and cooking workshops designed and run by Bushland Team
- The Bushland Team provided assistance to local preschools and schools to help create bush tucker gardens. e.g., providing design plans, supply of plans and running planting activities.

Environmental Education

- Held World Environment Day event at the Zenith in June 2020. The Walangari Karntawarra and the Diramu Aboriginal dance and didgeridoo troupe did a smoking ceremony and short performance. Children were invited to participate onstage.

Planning

- Liaise with Aboriginal Heritage Office in relation to planning issues that may impact on local Aboriginal heritage sites.
 - Establishment and ongoing financial contribution to Aboriginal Heritage Office (annual).
 - Governance of Aboriginal Heritage Office e.g. participation on advisory committee.
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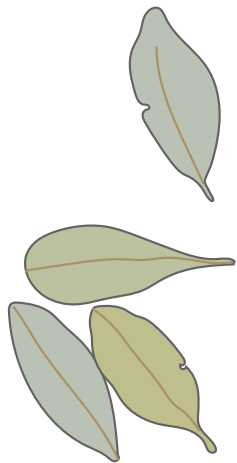
Relationships

Action	Deliverable	Timeline	Responsibility
1. Establish and strengthen mutually beneficial relationships with Aboriginal and Torres Strait Islander stakeholders and organisations.	1.1 Identify Aboriginal and Torres Strait Islander stakeholders and organisations within our local area or sphere of influence.	Feb 2024	Lead: Community Life Manager Support: Community Engagement Lead and Multicultural Community Project Officer
	1.2 Research best practice and principles that support partnerships with Aboriginal and Torres Strait Islander stakeholders and organisations.	March 2024	Lead: Community Life Manager Support: All Managers

Reconciliation Action Plan

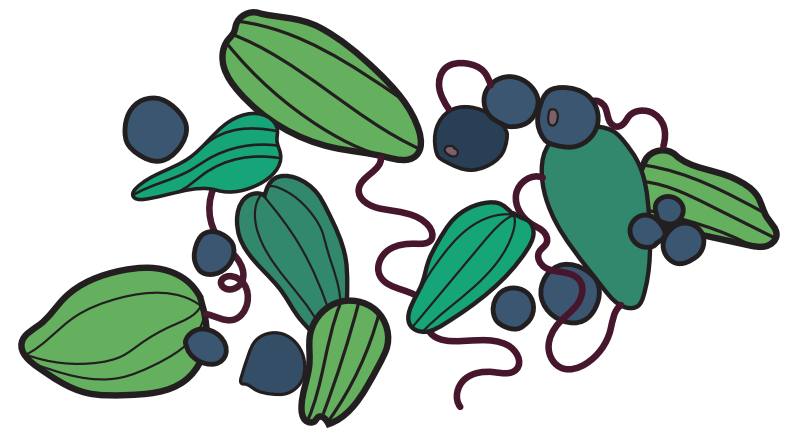
Action	Deliverable	Timeline	Responsibility
2. Build relationships through celebrating National Reconciliation Week (NRW).	2.1 Circulate Reconciliation Australia’s National Reconciliation Week (NRW) resources and reconciliation materials to our staff, contractors and volunteers.	May 2024	Lead: Community Life Manager. Support: Community Engagement and Internal Communication Lead, People and Culture Manager and Multicultural Community Project Officer
	2.2 RAP Working Group members to participate in an external NRW event.	27 May – 3 June, 2024	Lead: Community Life Manager Support: All Managers and Multicultural Community Project Officer
	2.3 Encourage and support staff and senior leaders to participate in at least one external event to recognise and celebrate NRW.	27 May – 3 June, 2024	People and Culture Manager
3. Promote reconciliation through our sphere of influence.	3.1 Communicate our commitment to reconciliation to all staff.	March 2024	Community Engagement and Internal Communication Lead.

Action	Deliverable	Timeline	Responsibility
	3.2 Identify external stakeholders that our organisation can engage with on our reconciliation journey.	March 2024	Lead: Community Life Manager Support: All Managers and Multicultural Community Project Officer
	3.3 Communicate our commitment to reconciliation to the wider Willoughby community.	March 2024	Marketing Media and Communication Lead
	3.4 Identify RAP and other like-minded organisations that we could approach to collaborate with on our reconciliation journey.	March 2024	Lead: Community Life Manager Support: Multicultural Community Project Officer
	3.5 Incorporate messages in the CEO weekly updates to all Council staff promoting National Reconciliation Week, NAIDOC Week and Gai-mariagal Festival.	May 2024	Community Engagement and Internal Communication Lead
	3.6 Working with Aboriginal and Torres Strait Islander Community members to identify a suitable place for and work towards the establishment of, a Yarning Circle as a way to build respectful relationships and to preserve and pass on cultural knowledge.	September 2024	Lead: Director Community, Culture and Leisure Support: Open Spaces and Recreation Lead



Reconciliation Action Plan

Action	Deliverable	Timeline	Responsibility
4. Promote positive race relations through anti-discrimination strategies.	4.1 Research best practice and policies in areas of race relations and anti-discrimination.	May 2024	Lead: Manager People and Culture Support: Multicultural Community Projects Officer
	4.2 Conduct a review of HR policies and procedures to identify existing anti-discrimination provisions, and future needs.	August 2024	Manager People and Culture
	4.4 Explore membership of Welcoming Cities as part of creating a welcoming environment for all.	June 2024	Multicultural Community Projects Officer

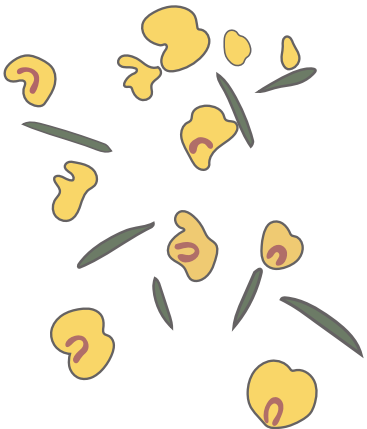





Respect

Action	Deliverable	Timeline	Responsibility
5. Increase understanding, value and recognition of Aboriginal and Torres Strait Islander cultures, histories, knowledge and rights through cultural learning.	5.1 Develop a business case for increasing understanding, value and recognition of Aboriginal and Torres Strait Islander cultures, histories, knowledge and rights within our organisation.	October 2024	Manager People and Culture
	5.2 Conduct a review of cultural learning needs within our organisation.	October 2024	Manager People and Culture

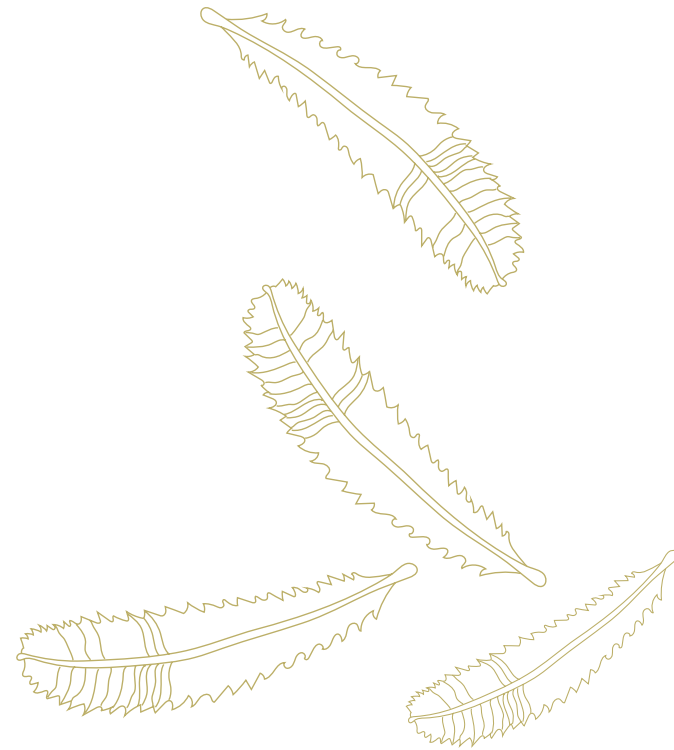
Reconciliation Action Plan

Action	Deliverable	Timeline	Responsibility
	5.3 Investigate and implement opportunities for RAP working group members, management and Council staff to participate in cultural learning opportunities.	April 2024	Manager People and Culture
	5.4 Include Local Government NSW Aboriginal cultural awareness training module in the Council staff and Councillors induction process.	May 2024	Manager People and Culture
	5.5 Review the content and placement of the First Nations information page on Council's website.	February 2024	Multicultural Community Projects Officer
6. Demonstrate respect to Aboriginal and Torres Strait Islander peoples by observing cultural protocols	6.1 Develop an understanding of the local Traditional Owners or Custodians of the lands and waters within our organisation's operational area.	February 2025	Lead: Community Life Manager. Support: Multicultural Community Project Officer
	6.2 Increase staff understanding of the purpose and significance behind cultural protocols, including Acknowledgement of Country and Welcome to Country protocols.	October 2024	Multicultural Community Projects Officer

Action	Deliverable	Timeline	Responsibility
	6.3 Consult the community regarding the use of Aboriginal and Torres Strait Islander language when naming local features, social and community infrastructure and events.	November 2024	Open Spaces and Recreation Lead
	6.4 Include the Aboriginal and Torres Strait Islander flags on Council website and electronic collateral e.g. email signature.	February 2024	Lead: Community Life Manager Support: Multicultural Community Project officer
	6.5 Review and refresh online channels such as Council’s website and social media to ensure they contain culturally appropriate information as a way to educate Council staff and the broader community. Include the Aboriginal and Torres Strait Islander flags across all Council web pages.	March 2024	Multicultural Community Projects Officer
7. Build respect for Aboriginal and Torres Strait Islander cultures and histories by celebrating NAIDOC Week.	7.1 Raise awareness and share information amongst our staff about the meaning of NAIDOC Week.	June 2024	Lead: Community Engagement and Internal Communication Lead. Support: Marketing Media and Communication Lead

Reconciliation Action Plan

Action	Deliverable	Timeline	Responsibility
	7.2 Introduce our staff to NAIDOC Week by promoting external events in our local area.	June 2024	Marketing Media and Communication Lead
	7.3 RAP Working Group to participate in an external NAIDOC Week event.	July 2024	Multicultural Community Project Officer





Opportunities

Action	Deliverable	Timeline	Responsibility
8. Improve employment outcomes by increasing Aboriginal and Torres Strait Islander recruitment, retention and professional development.	8.1 Develop a business case for Aboriginal and Torres Strait Islander employment within our organisation.	February 2025	Manager People and Culture
	8.2 Review our recruitment processes to improve accessibility for First Nations applicants.	October 2024	Manager People and Culture
	8.3 Implement appropriate protocols to identify and support Aboriginal and Torres Strait Islander staff in order to better target future employment and professional development opportunities.	February 2025	Manager People and Culture

Reconciliation Action Plan

Action	Deliverable	Timeline	Responsibility
9. Increase Aboriginal and Torres Strait Islander supplier diversity to support improved economic and social outcomes.	9.1 Develop a business case for increased procurement from Aboriginal and Torres Strait Islander owned businesses.	November 2024	Procurement and Contracts Team Leader
	9.2 Investigate Supply Nation membership.	November 2024	Procurement and Contracts Team Leader





Governance

Action	Deliverable	Timeline	Responsibility
10. Establish and maintain an effective RAP Working Group (RWG) to drive governance of the RAP.	10.1 Form a RWG to govern RAP implementation.	February 2024	Multicultural Community Projects Officer
	10.2 Draft terms of reference for the RWG.	February 2024	Multicultural Community Projects Officer
	10.3 Establish Aboriginal and Torres Strait Islander representation on the RWG.	February 2024	Multicultural Community Projects Officer
11. Provide appropriate support for effective implementation of RAP commitments.	11.1 Define resource needs for RAP implementation	April 2025	Community Life Manager
	11.2 Engage senior leaders in the delivery of RAP commitments.	April 2024	Community Life Manager

Reconciliation Action Plan

Action	Deliverable	Timeline	Responsibility
	11.3 Appoint a senior leader to champion our RAP internally.	February 2024	CEO
	11.4 Define appropriate systems and capability to track, measure and report on RAP commitments.	April 2024	Community and Culture Leisure Director
12. Build accountability and transparency through reporting RAP achievements, challenges and learnings both internally and externally.	12.1 Contact Reconciliation Australia to verify that our primary and secondary contact details are up to date, to ensure we do not miss out on important RAP correspondence.	June annually	Multicultural Community Projects Officer
	12.2 Contact Reconciliation Australia to request our unique link, to access the online RAP Impact Survey.	1 August annually	Multicultural Community Projects Officer
	12.3 Complete and submit the annual RAP Impact Survey to Reconciliation Australia.	30 September, annually	Multicultural Community Projects Officer
13. Continue our reconciliation journey by developing our next RAP.	13.1 Register via Reconciliation Australia's website to begin developing our next RAP.	Three months prior to RAP expiry date	Multicultural Community Projects Officer



Published November 2023

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Draft Reconciliation Action Plan 2023 Have Your Say Summary Report

Survey respondents were invited to provide feedback on the draft Willoughby City Council Reflect Reconciliation Action Plan 2024-2025. The survey was open for consultation from 11 September 2023 to 2 October 2023.

18 responses were received from residents, stakeholders and community members.

The following is a summary of the submissions and officer responses.

Q6. Please provide feedback on the draft Willoughby City Council Reflect Reconciliation Action Plan 2024-2025		
	Sentiment	Response
1	Not what we pay rates for. Council services not virtue signalling. Focus on the job for which rate payers are paying their rates and council fees.	Note the comment. No change to the Draft RAP required.
2	I object to this Reconciliation Action Plan. We, the Australian people allow our governments to spend multiple billions of dollars each year on Aboriginal benefit programs. The Aboriginal people are privileged enough without bending over backward to offer more. The bureaucratic wastage of money in this area is horrendous.	Note the comment. No change to the Draft RAP required.
3	It is my belief that all residents of Willoughby should be treated equally irrespective of their genetics. Willoughby City Council should not distinguish people along the lines of racial makeup. Willoughby City Council is there to provide the same respect and services for all. "We are one and we are many, from all the lands on earth we have come" Being inclusive should be the aim of Council, not to divide our people according to their ancestors.	Note the comment. No change to the Draft RAP required.
4	There is absolutely no reason to have a WC reflect reconciliation plan. Things like this are no concern of the council. Council related Individuals who wish to be concerned about strange conceptions such as this should do it in their own time and not involve the council or ratepayers.	Note the comment. No change to the Draft RAP required.
5	Believe we are all Australians and we ought not have "special" groups identified. We should be helping the disadvantaged with the money that in my view is being spent unwisely on this issue.	Note the comment. No change to the Draft RAP required.
6	The draft plan for 2024 seems to have some nice-to-have activities relating to recognition. We'd like to see stronger link to the Uluru Statement, particular around the truth telling aspect. I hope the activities can involve more CALD communities as there is a bigger gap in their connection to the Reconciliation process. Separate matter, The Council can also make more tangible difference in education around the upcoming Voice Referendum. Its absence on	Support the RAP. The Reflect RAP will explore how to engage with CALD communities in relation to reconciliation. The next iteration of the RAP will be able to look at

	<p>this important matter which will make real difference to our First Nations' lives are, in some contrast to other councils in the North shore and it is disappointing.</p>	<p>more complex issues such as truth telling once connections with the local ATSIC community have been strengthened.</p>
7	<p>The RAP should restrict itself to a very limited scope of discussion.</p>	<p>Note the comment. No change to the Draft RAP required.</p>
8	<p>Please don't waste our rate payer money on this. There are far more important items to put council resources towards such as Schools, transport and parklands. I do not support this reconciliation action plan.</p>	<p>Note the comment. No change to the Draft RAP required.</p>
9	<p>Very disappointing. Very weak evaluation/KPIs No initiative shown for the past 10 years. You haven't even taken the opportunity to help inform residents about the Referendum! I hope Recon Australia speaks sternly to you about the difference between lip service & action. You could at least ensure all staff undertake cultural awareness training by the end of next year, join Supply Nation now and set a target for employment of Aboriginal staff.</p>	<p>Note the comment. Reconciliation Australia has reviewed the draft RAP and is supportive.</p>
10	<p>Use full words and not acronyms (ATSIC). Highlight days of importance such as; Torres Strait Islander Children's Day, The Apology, National Sorry Day providing information to staff and community. Otherwise, looks good.</p>	<p>Note the comment. We will endeavour to avoid using acronyms wherever possible.</p>
11	<p>I have difficulty in seeing why it is necessary to single out Aboriginal and/or Torres Strait Islanders from all the other community groups for special actions. In particular to the employment of Aboriginal and/or Torres Strait Islanders by WCC, I would hope that you hire everybody based on their abilities and not their racial heritage.</p>	<p>Note the comment. No change to the Draft RAP required.</p>
12	<p>The draft RAP provides a comprehensive approach for the Willoughby City Council. I personally appreciate 1.1. which recognises the need for this to be led and guided by indigenous people, not to dictate to indigenous people what their future in Willoughby should look like. By having that collaboration at its centre, the rest of the RAP should develop in a way that empowers the entire community.</p>	<p>Supportive Note the comment. No change to the Draft RAP required.</p>
13	<p>I think the RAP is an amazing idea and definitely shows our respects to the First Nations people as a community although, there are a few sections I would change to make sure the RAP is working to the best of its abilities for First Nations people. Firstly, with the section where you are creating a RAP working group, I believe that it would be beneficial to have a First Nations person part of this group, to help make sure that all the plans are made are beneficial and are culturally appropriate. I also think that at all Willoughby library events, there</p>	<p>Supportive Comment. RAP working group will encourage First Nations participation. Calendar of ATSIC events in largely set by National and State Indigenous organisations.</p>

	should be an acknowledgment of the country to show our respect as at the moment it says some events. It would also be beneficial to try and have the events spread out a bit, I understand that the events link up with days like NAIDOC week and National Sorry Day but it is also important to continue events through the year to make sure it doesn't seem like an idea just for these time and more so that it is understood that is a plan for the community over years.	Supportive. All Library events to have an Acknowledge of Country. Change to the RAP required.
14	I firmly agree with all three points about protecting and respecting country, recognising First Nations people and respecting their heritage and their custodianship of country, and encourage diversity in the WCC area - and I hope that WCC will implement all suggested actions.	Supportive Comment. Noted. No change to the Draft RAP required.
15	I support the actions outlined the draft Reconciliation Action Plan.	Supportive Comment. Noted. No change to the Draft RAP required.
16	As there are no surviving Cammeraygal people in the Willoughby Council area who are the Council actually reconciling with? It's a hand waving feel good exercise that will have no positive impact I would appreciate a list of Willoughby Councillors who have spent significant time in any indigenous community anywhere.	There are 208 residents of Willoughby who have identified as ATSIC in the 2021 Census. The Reflect RAP is an important step in engaging with this community in a respectful and meaningful way.
17	The Plan looks good, some of the action points seem arbitrary in terms of the order with which they are completed. I like the idea of establishing a yarning circle. Definitely feel like First Nations cultural awareness is important to educate staff about - could be solid focus when we get to that stage of the journey.	Supportive Comment. Noted. No change to the Draft RAP required.
18	Encouraging to see various Council Business Units are involved in the Reflect RAP. Especially, happy to see action plans to improve employment and procurement opportunities for Aboriginal and Torres Strait Islanders. Just one question for 4.4. Is there a special reason why it takes so long to explore membership for Welcoming Cities? Two correction requests 1. On Page 2, 4th line from the top, update it to "delivery of community projects and multicultural services at MOSAIC," 2. On Page 2, 5th line from the bottom, remove a "." period after "Territory" 3. Two timelines missing for Action Plans 3.5 & 3.6	Supportive Comment. Action Plan reviewed to bring forward many of the key deliverables. Corrections noted.



22 November 2022

BY EMAIL Dinaz.Rather@Willoughby.nsw.gov.au

Dinaz Rather
Willoughby City Council
PO Box 57
CHATSWOOD NSW 2057

Dear Dinaz,

PERMISSION TO USE THE IMAGE OF THE TORRES STRAIT ISLANDER FLAG

We refer to your email dated 10 November 2022 seeking permission for Willoughby City Council to reproduce the image or use elements of the Torres Strait Islander flag ("the Image") on its educational resources, marketing, communications, promotional materials and social media platforms (including on its website).

The Torres Strait Island Regional Council ("Council") has no objection to your request to use the Image, provided as follows:

1. The reproduction of the Image must meet the original colour codes and design, as shown in the attached high-resolution copy.
The colour codes are:
Blue – PMS 280
Green – PMS 342
2. Willoughby City Council is not permitted to license to others any right to use the Image.
3. Where appropriate, any reproduction of the Image should acknowledge the designer, the late Mr Bernard Namok.

I attach a high-resolution copy of the Image, which is to be used only for the exact purpose of your request, as stated above.

Should you have further queries please do not hesitate to contact Julia Maurus, Senior Legal Officer, on (07) 4034 5763 or via email: Julia.maurus@tsirc.qld.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dawson Sailor'.

Dawson Sailor
Head of Community Services



12.17 AFFORDABLE HOUSING POLICY AMENDMENT

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT AMENDMENT TO AFFORDABLE HOUSING POLICY 3. DRAFT AFFORDABLE HOUSING POLICY AMENDMENT – SUMMARY OF COMMUNITY ENGAGEMENT 4. WRITTEN SUBMISSIONS
RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	STUART GIBB – COMMUNITY DEVELOPMENT TEAM LEADER
CITY STRATEGY OUTCOME:	3.7 PROMOTE HOUSING CHOICE AND AFFORDABILITY
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

To provide a summary of the submissions received in response to the proposed amendment to Council's *Affordable Housing Policy* and to recommend that the revision to the Policy be endorsed.

2. OFFICER'S RECOMMENDATION

1. That Council note the feedback received as a result of the public exhibition of the proposed amendment to Council's *Affordable Housing Policy*.
2. That Council's *Affordable Housing Policy* be amended to include the following clause:

"Affordable Housing Contributions

Council's Policy is obtaining affordable housing contributions principally through the allocation of dwellings, resorting to monetary contributions only in cases where the remaining allocated space falls below the dimensions of the smallest dwelling¹ within the approved development."

¹ must have a gross floor area of at least 50m²"

3. BACKGROUND

At the Council meeting held on 28 August 2023 it was resolved to place on public exhibition the proposed amendment to Council's *Affordable Housing Policy* that clarifies Council's preference for allocation of affordable housing contributions principally through the allocation of dwellings as opposed to cash contributions.

The purpose of this report is to recommend that Council's *Affordable Housing Policy* be amended to include a clear statement giving preference for the dedication of affordable housing dwellings.

4. DISCUSSION

The current *Willoughby Local Environment Plan (LEP)* gives developers two options to satisfy their affordable housing contribution in relation to applicable new multi-unit housing developments, being either the dedication of complete dwellings or monetary contributions. It is however, for a range of reasons, Council's preference to receive complete dwellings.

As the process to update the LEP requires approval from the NSW Department of Planning and Environment, which takes significant time (12-18 months anticipated), this report recommends that the *Affordable Housing Policy* be amended to implement Council's position more expeditiously.

When setting the affordable housing rates both Council and the Department of Planning considered the feasibility in detail. While it is acknowledged there are costs to developers in delivering affordable housing, there are also economies of scale and the benefits of rezoning.

On balance it is more effective and efficient for Affordable Housing to be delivered with market housing by developers. The cost of providing affordable housing was considered when the land subject to Affordable Housing was up-zoned; the up-zoning significantly increasing the value of the land affected, rendering the affordable housing rates feasible, including delivery costs for the developer.

It is also Council's preference that Affordable Housing is delivered in an integrated manner, supplemented by specific Affordable Housing projects. Mixed/integrated delivery provides better community outcomes and ensures Affordable Housing stock is delivered in a manner that best ensures equity with respect to access to amenity, infrastructure and services.

Council's recent changes to its development controls provided significant uplift in the Chatswood CBD which includes Victoria Ave to Chatswood Chase, extending to Olga Street on the south side of Victoria Avenue and also includes the north side of Johnson Street to Bertram Street. This provides sufficient capacity to meet housing growth in the short to medium term, prioritising growth closest to transit and other infrastructure and services. This also ensures taller buildings are located where the overshadowing and character impacts on surrounding neighbourhoods is minimised.

The public exhibition of the proposed amendment to Council's *Affordable Housing Policy* was carried out between 11 September to 9 October via Council's Have Your Say platform. Written submissions were also invited from industry and the community.

Feedback from Have Your Say Survey

Participants were asked a number of questions, with the key being Question 6: 'Please let know your level of support or otherwise for this proposal?' Nineteen (19) people of 36 were supportive. That is a 53% with a further 3 (8%) were neutral or had no response. A total of 14 (40%) were unsupportive of the amendment. In summary, those opposed on the grounds of perceived lack of financial flexibility, and economic feasibility of future projects.

Figure 1

Have Your Say survey responses				
<i>Fully Support</i>	<i>Partially Support</i>	<i>Fully Oppose</i>	<i>Partially Oppose</i>	<i>Neutral</i>
15	4	10	4	3

In addition to the survey, five written submissions were also received, four from property developers or industry representatives who generally opposed the policy amendment and one from a local resident who supported the amendment. Despite the submissions against the amendment, it is still preferable to proceed with the policy change based on the feasibility of the housing being more effectively provided by developers as outlined above.

In summary, those who did not support the amendment were either opposed to the principle of affordable housing, concerned about overdevelopment or preferred the flexibility of the financial contribution. Please see **Attachment 3 - Summary of Community Engagement**.

5. CONCLUSION

The majority of responses supported the proposed amendment to Council's *Affordable Housing Policy*.

Amending Council's *Affordable Housing Policy* to include a clear statement giving preference for the dedication of affordable housing dwellings will clarify Council's position and reduce any confusion in relation to the type and value of future affordable housing contributions.

It is recommended that Council proceed with the proposed amendment to the *Affordable Housing Policy*.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	3.7 Promote Housing Choice and Affordability
Business Plan Objectives, Outcomes / Services	Affordable Housing Delivery Program
Policy	<i>Affordable Housing Policy</i>
Consultation	Council's Planning, Property and Community Life teams have been consulted on this proposed change.
Resource	None
Risk	The level of risk associated with the contents of this reports are moderate under Council's Risk Management Framework.
Legal	If the proposed policy change is not made, potential ambiguity may lead to legal challenges to the policy or other planning instruments.
Legislation	Complies with the <i>Local Government Act 1993</i>
Budget/Financial	There are no financial implications for Council.



Attachment 2

Draft amendment to
Affordable Housing Policy

DRAFT

Date Adopted / Approved	10 August 2020
Next Review Date	April 2024
Version	2
Responsible Position	Community Life Manager
Administration Reference	Doc Set ID

1. PURPOSE

To guide decision making by defining Council's role in relation to affordable housing. The policy includes Council's commitment to increasing the level of affordable housing for moderate income key and essential workers in the Willoughby Local Area and outlines its role in advocating for local, social and affordable housing needs.

2. CITY STRATEGY OUTCOME

Our Future Willoughby 2028 identified five city outcomes guiding our community's future direction in relation to Council's policy making, along with 29 community priorities. The following two community priorities are applicable to a city that is effective and accountable and meet principles of sustainability, social justice and ethical government that govern the Strategic Plan.

5.2 - Demonstrate leadership and advocacy for local priorities

5.4 - Anticipate and respond to changing community and customer needs

3. APPLICATION

This policy guides Council's decision making and advocacy for affordable rental housing and the provision and maintenance of its affordable housing stock.

4. POLICY PRINCIPLES

The following guiding principles outline Council's commitment to the provision of affordable housing in our local area:

- Council recognises a social, ethical and legislative responsibility to address housing affordability on behalf of the community;
- Access to appropriate and affordable housing is a basic requirement for all people as an essential component of social infrastructure;
- Affordable Housing increases economic productivity by providing affordable local housing choices for key and essential workers;

5. POLICY STATEMENT

Although there are limits to the mechanisms Council can use in regards to affordable housing, the need for increased levels in the Willoughby Local Area has been recognised and addressed by Council by way of policies for over two decades. It has used planning mechanisms, strategies and advocacy to facilitate the provision of affordable housing.

Council considers that affordable housing is vital to social and economic development and continues to support this long-standing commitment to increase affordable housing in our local area.

Key and essential worker households support our local communities and economies in frontline services such as health care, education, child care, aged care, emergency services, community services, retail and hospitality. These workers are necessary for the normal functioning of our city and community.

Council is committed to do its part in the provision of affordable housing for key and essential worker households while continuing to advocate for the shortfall in local social and affordable housing needs.

6. COUNCIL FUNCTIONS, ACTIVITIES AND RESPONSIBILITIES

Local government, while not having primary responsibility for affordable housing provision, has local and regional influence. NSW Government plans related to affordable housing are implemented at the local level. Council actively intervenes by developing appropriate planning mechanisms, strategies and via advocacy, facilitation and service provision. Willoughby Council's role in these areas is categorised below.

Demonstrating leadership (analysing trends and establishing direction) - Demonstrating leadership for local and regional affordable housing needs by monitoring affordable trends, identifying the level of need and developing policies to address.

Owner/Custodian - Stewardship of affordable housing assets to increase affordable housing for key and essential workers. Council's affordable housing assets are strategically managed to optimise social outcomes and financial sustainability. Council's allocation of assets in the provision of affordable housing is categorised as;

- Affordable Rental Housing Dwellings – Residential dwellings let to moderate income earners with the aim of addressing housing affordability for key and essential workers;
- Affordable Housing Sites - Council owned land identified for future development as affordable housing;
- Affordable Housing Reserve – Funds reserved exclusively for affordable housing initiatives.

Regulator (enforcer of legislation) - Ensuring development applications and planning proposals consider and include an adequate level of affordable housing dwellings to increase the provision of affordable housing locally as per the obligations articulated in the *Willoughby Local Environmental Plan 2012*, *Willoughby Housing Strategy 2036*, *State Environmental Planning Policy 70 (Affordable Housing)* and the *North District Plan*.

“Affordable Housing Contributions

Council's Policy is to obtain affordable housing contributions principally through the allocation of complete dwellings, resorting to monetary contributions only in cases where the remaining portion of that contribution falls below the dimensions of the smallest dwelling¹ within the approved development.

¹ must have a gross floor area of at least 50m²”

Information provider - Ensuring information is provided regarding affordable housing projects, services and policy.

Advocacy (on behalf of the community and local government sector) - Monitoring local affordable housing need and advocating on the behalf of the community to address identified need.

Facilitator (bringing together relevant parties) - Facilitating partnerships between government, commercial and community housing sectors in order to address local and regional affordable housing priorities.

Deliverer of services (in part or in full) - Delivery of Council's affordable housing program via the appointment of a Community Housing Provider to manage Councils affordable housing dwellings with tenancies prioritised for the needs of key and essential workers.

7. MONITORING AND REVIEWS

The Community Life Manager is responsible for:

- Implementing, maintaining, monitoring and suggesting improvements to the policy

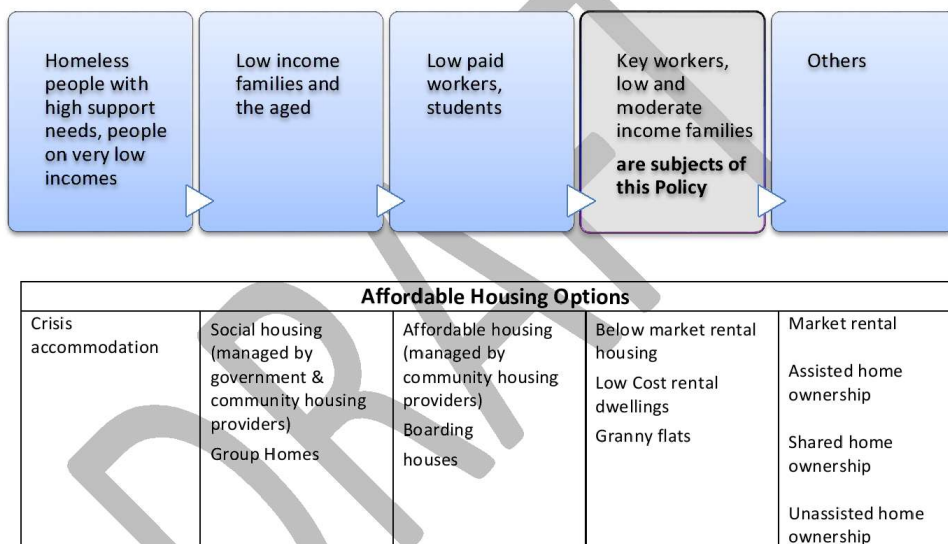
- Advocating for social and affordable housing
- The review of the policy every four years or more frequently if legislative or policy changes occur.

8. SUPPORTING INFORMATION

8.1 WILLOUGHBY CITY COUNCIL AFFORDABLE HOUSING STRATEGY

Council's *Affordable Housing Strategy* (Strategy) outlines the need to increase affordable rental housing available within the Willoughby Local Area to key and essential workers households.

Figure 1 shows the spectrum and relationships between the different types of housing across the income levels and associated levels of government support (source: *NSW Government Affordable Housing Taskforce: Interim Report*, March 2012). It is in the provisions for these key local workers that Council has identified a significant gap in which it can assist.



8.2 AFFORDABLE HOUSING PROGRAM

The affordable housing program assists in the delivery of *Our Future Willoughby 2028* priorities and objectives by increasing the affordable rental housing available in the local area to key and essential workers (outlined in 8.1).

Council's affordable housing program and assets are strategically managed to optimise social outcomes, asset development and financial sustainability. Council's activities in the provision of affordable housing is categorised under;

- Affordable Rental Housing Dwellings – Residential dwellings let to moderate income earners with the aim of addressing housing affordability for key and essential workers;
- Affordable Housing Sites - Council owned land identified for future development as affordable housing;
- Affordable Housing Reserve – Funds reserved exclusively for affordable housing initiatives.

8.3 ADVOCACY

Council recognises affordable housing is a vital element of social and economic infrastructure. Advocating for the increased delivery of diverse affordable housing products to meet unmet needs within the Willoughby local area and the region is regarded as essential in meeting the outcomes of both the *Community Strategic Plan* and the *Affordable Housing Strategy*.

Governing laws and standards	<ul style="list-style-type: none"> ▪ <i>Environmental Planning and Assessment Act 1979 No 203</i> ▪ <i>State Environment Planning Policy No 70 – Affordable Housing</i> ▪ <i>State Environment Planning Policy (Affordable Rental Housing) 2009</i> ▪ <i>Community Housing Providers (Adoption of National Law) Bill 2012</i> ▪ <i>Local Government Act 1993</i>
Related policies and other documents	<ul style="list-style-type: none"> ▪ <i>Our Future Willoughby 2028</i> ▪ <i>Willoughby Local Environmental Plan 2012</i> ▪ <i>(Draft) Affordable Housing Strategy 2020 to 2026</i> ▪ <i>Willoughby Affordable Housing Program</i>
Document History	<ul style="list-style-type: none"> ▪ Date adopted: 10 August 2020 ▪ Date adopted: 2005 Willoughby’s Housing Needs Policy ▪ Date adopted: 1998 Willoughby Housing Policy

Appendix A

Definition	
Affordable Housing	Refers to rental housing offered at rent of up to 30% of household income to very low to moderate income households. Affordable housing must be appropriate to the needs of tenants regarding size, quality, accessibility, location and access to public transport; it must not incur unreasonable costs relating to maintenance and provide security of tenure for a reasonable period.
Affordable housing program	Refers to Council’s owned affordable housing assets that it acquired through inclusionary zoning, voluntary planning agreements or captured via other means.
Key & Essential Workers	Key and essential workers are persons employed in roles that are Essential to the functioning of a city. While there is no universal definition of the term, key workers typically include police, fire fighters, teachers, childcare workers, retail and other employee groups who undertake work considered essential for the day-to-day functioning of a city, and who are Typically paid low to moderate salaries.
Planning Agreement	A voluntary agreement between a planning authority and a developer in which a developer agrees that as part of a development proposal or rezoning that they will make a contribution towards a public benefit which is sometimes the dedication of land or dwelling units for the purpose of affordable housing. <i>The Environmental Planning and Assessment Amendment (Development Contributions) Act 2005</i> sets out certain provisions regulating the making and implementation of planning agreements sometimes referred to as Developer Agreements.
Rental Stress	The state of households who are paying more than 30% of their gross income on rent and are also in the bottom 40% of national equivalised incomes.

Draft Affordable Housing Policy Amendment – Summary of Community Engagement

Background

At the Council meeting held on 28 August 2023 it was resolved to place on public exhibition the proposed amendment to Council's *Affordable Housing Policy* that clarifies Council's preference for allocation of affordable housing contributions principally through the allocation of dwellings as opposed to cash contributions.

Summary

The public exhibition of the proposed amendment was undertaken from the 11 September 2023 to 9 October 2023 via Council's Have Your Say platform via a survey. Written submissions were also invited from industry and the community.

An email was sent to over 7500 'Have Your Say' participants on 13 September 2023 to invite them to respond to the survey. A follow up email was sent just before closure of the exhibition period to ensure nobody missed their opportunity to comment.

A total of seven questions were asked, with the two primary questions focusing on support for the amendment and an opportunity to comment. A copy of the questions are included in Figure 3.

Eighty Two people visited the dedicated 'Have Your Say' webpage, with Ninety nine (99) downloads of the Document explaining the proposed Draft Amendment.

A total of 36 people completed the survey, with 23 providing comments. Most local suburbs were represented with a high percentage from Northbridge (19%), Willoughby (17%) and Chatswood (17%).

Five written submission were received directly from Community and Industry representatives and are summarised below.

Have your Say Survey

The key survey question was Question 6: 'Please let know your level of support or otherwise for this proposal?' Nineteen (19) people of 36 were supportive. That is a 53% with a further 3 (8%) were neutral or had no response. A total of 14 (40%) were unsupportive of the amendment.

Figure 1 – Have Your Say Responses

Have Your Say survey responses				
<i>Fully Support</i>	<i>Partially Support</i>	<i>Fully Oppose</i>	<i>Partially Oppose</i>	<i>Neutral</i>
15	4	10	4	3

Figure 2 – Summary of sentiment – Have your say comments

Comments	Unsupportive	Supportive
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Amendment	2	4
Affordable Housing	6	9
Higher Density	3	2

Survey respondents were also asked for comments and 23 provided feedback. Many of the comments were not about the amendment and instead focused on support or not of affordable housing and higher density.

It is noted that of the 14 respondents who fully or partially opposed the proposal, 9 expressed general opposition to affordable housing or overdevelopment rather than taking a particular position on the proposed amendment to the policy.

Figure 3. List of Survey Questions

No	Question
1.	Name?
2.	Suburb?
3.	In what capacity are you primarily responding to this issue?
4.	Please let know your level of support or otherwise for this proposal?
5.	Please provide any comments you would like to make on this issue
6.	Would you like to upload a submission?
7.	Are you happy to have your name published against your comment or submission?

Written Submissions received

Five written submissions were also received, 4 from property developers or industry representatives who generally opposed the policy amendment and 1 from a local resident who supported the amendment.

Figure 4

Written Submissions	
<i>Oppose</i>	<i>Support</i>
4	1

Those opposing the amendment did so around 3 main points:

- Monetary contributions give developers more flexibility in meeting their affordable housing obligations.
- Removing the option of monetary payments reduces the economic feasibility of future projects.
- Monetary contributions may allow Council to purchase or construct more affordable housing in less expensive areas within the Willoughby LGA.

The supporting written submission indicated:

- It is preferable to have affordable housing melded into new building developments as there wouldn't be any stigma attached to the residents in the new buildings.

In terms of a response to the submission received against the proposed amendment when setting the affordable housing rates both Council and the Department of Planning considered the feasibility in detail. While it is that acknowledged there are costs to delivering affordable housing, there are also economies of scale and opportunity costs to consider. On balance it is more effective and efficient for Affordable Housing to be delivered with market housing by developers, compared to delivery in Council housing projects. These costs were considered when the land subject to Affordable Housing was up-zoned; the up-zoning significantly increasing the value of the land affected, rendering the affordable housing rates feasible, including delivery costs for the developer. It is also Council's preference that Affordable Housing is delivered in an integrated manner, supplemented by specific Affordable Housing projects. Mixed/integrated delivery provides better community outcomes and ensures Affordable Housing stock is delivered in a manner that best ensures equity with respect to access to amenity, infrastructure and services.

Submissions received

No	Submission	Sentiment	Response
1.	Northbridge is I believe an aspiration suburb which I personally worked very hard to save for until I eventually had enough finance to buy into. This country is built upon its citizens working hard to achieve aspirational goals such as home ownership in great suburbs. I also believe in the free market economy and the practice of supply and demand setting prices. Once the authorities start tinkering with the system we create market / price issues and market abnormalities. Work hard, achieve be aspirational and earn your right to live in Northbridge.	Comment not related to proposed amendment. Not supportive of affordable housing in Northbridge.	Comment noted. No change to the proposed amendment is required.
2.	Northbridge golf course would be a fantastic place for AH lots of council land, sell some and make the course a 9 holes club, If not Northbridge there are several other golf courses. Or increase the density in the whole of Willoughby, allowing more dwellings on owners land albeit this may not become AH.	Comment not related to proposed amendment. Supportive of affordable housing in Northbridge and across Willoughby	Comment noted. No change to the proposed amendment is required.
3.	Why can't the council not get involved in these matters - it is no concern of Local Government.	Comment not related to proposed amendment. Not Supportive of affordable housing.	Comment noted. No change to the proposed amendment is required.
4.	This amendment will hopefully speed up the process of building affordable units. Council needs to be doing all that it possibly can to facilitate the provision of affordable housing, especially for key workers like care workers, nurses, teachers, Paramedics, shop assistants etc. Council also needs to proactively identify sites for affordable housing including in potential mixed use sites like Northbridge Plaza/Council car park.	Supportive of proposed amendment.	Comment noted. No change to the proposed amendment is required.
5.	The more affordable housing the Council can influence and facilitate, the better. We need a mix of socio-economic demographics, not only to enable lower income people to be able to afford to live in close	Comment not related to proposed amendment. Supportive of affordable housing.	Comment noted. No change to the proposed amendment is required.

	proximity to work and services, but to balance our community.		
6.	Would Willoughby City Council consider the allocation of a specific number of Affordable Housing apartments being set aside in new developments?	Comment related to proposed amendment and suggesting alternate. Supportive of affordable housing.	Comment noted. This has been considered – allocation of affordable housing in new developments is based on policy as set out in the Willoughby LEP.
7.	Please do not make our cities like the Asia overcrowded and busy all the time. You guys are just interested in the money it will bring with extra people living here but you don't see that it will take so long to get anywhere and we will all be stuck in traffic jams as our roads cannot cope with the extra traffic. Australia is a huge country and everyone wants to live in the big cities but get the government to make satellite cities away from the big cities and give people the choice of living there and commuting to work via fast links	Comment not related to amendment. Not in favour of further density.	Comment noted. No change to the proposed amendment is required.
8.	There are plenty very old unit blocks in Victoria rd and Johnson street, Why not dividing the burden of heavily one new buildings (27 level/ 100 units)in one spot to cross the Chatswood by giving approval to other old blocks to knock down and rebuild?	Comment not related to amendment but suggesting distribution and possible sites.	Comment noted. No change to the proposed amendment is required. Policy focus is on increasing overall housing supply and therefore new builds.
9.	I agree that the priority should be given to making actual space available rather than cash contribution. In addition, developers should be encouraged to make pre-approved works-in-kind (WIK) contributions that relate to implementing community infrastructure which can offset developer levies. The WIK could involve green energy projects (micro grids, solar PV, community batteries, EV charging) that is prioritised for affordable housing tenants. Also the EV charging could be made available for public too. Regarding developer levies, the base for calculation should not be *estimated* building costs (low balled by developers),	Supportive of proposed amendment and suggesting additional changes relating to specific infrastructure and works in kind. Additional comment regarding developer levies.	Comment noted. No change to the proposed amendment is required. Developer agreements currently allow for inclusion of this type of community infrastructure.

	but a higher percentage on the land value, or a deemed cost base calculated from the improved value (insured value?) less a reasonable margin.		
10.	Chatswood is already overcrowded with mixture of people. I don't want to have housing commission in my area for security and environmental sustainability.	Comment not related to proposed amendment. Not Supportive of higher density or social housing.	Comment noted. No change to the proposed amendment is required.
11.	It should be the responsibility of Willoughby Council to provide for affordable housing using the cash that would be paid by developers, rather than shifting this responsibility onto developers, who should primarily be concerned with the feasibility and integrity of their developments. As such, I would want the option of the cash contribution to stay in place. Council has not considered the cost to deliver affordable housing within a non-affordable housing development. There are costs associated that go beyond standard industry available costs, which compound on considerations of feasibility. Evidence can be provided through housing affordability experts' astrolabe.	Not supportive of proposed amendment with request to keep current cash contribution.	Comment noted. As set out in the original report, dedication of dwellings results in a ready pipeline of affordable housing whereas monetary contributions take time and expertise to develop stand-alone projects.
12.	There is no way Council can view the financial position of people to fairly allocate housing to the needed. Many of these people will inherit multimillion dollar real estate in the future as one glaring example.	Comment not related to proposed amendment. Not Supportive of affordable housing.	Comment noted. No change to the proposed amendment is required.
13.	We must have affordable housing for our essential workers.	Comment not related to proposed amendment. Supportive of affordable housing.	Comment noted. No change to the proposed amendment is required.
14.	Willoughby is beginning to look like Lego land the new developments and houses are so ugly and tasteless. Try and build something that fits into an established character suburb,	Comment not related to proposed amendment.	Comment noted. No change to the proposed amendment is required.
15.	The draft amendment to the Affordable Housing Policy mentions that Council has been acting on this policy for many years, but there was no info in the document that	Comment related to proposed amendment and suggesting further information could have	Comment noted. No change to the proposed amendment is required.

	<p>indicated the scale of actions already taken -- 10 houses? 50 houses? 100 houses???? - So I couldn't get a feel for whether the current policy has done a lot or done nothing. I am generally in favour of Council doing what it can to help essential workers in Willoughby actually live in Willoughby so that they don't have to travel large distances each week. Probably it is good to have agreements with developers of new housing that a nominated proportion of houses/apartments will be built so that they can be provided at lower rents than those of the prevailing rental market. Most of us would be happy with a practical, comfortable home rather than a luxurious home that attracts top rental rates.</p>	<p>been made available to make a more informed choice. Supportive of affordable housing.</p>	
16.	<p>Please get the developer to include and build a skateboard park & /or exercise circuit with gym equipment for the residents of the dwellings and surrounding neighbours.</p>	<p>Comment not related to proposed amendment. Suggested developers include outdoor recreational infrastructure.</p>	<p>Comment noted. No change to the proposed amendment is required.</p>
17.	<p>Overdevelopment in the local area. It is excessive causing overcrowding and congestion of local streets.</p>	<p>Comment not related to proposed amendment. Not Supportive of higher density.</p>	<p>Comment noted. No change to the proposed amendment is required.</p>
18.	<p>I'm a nurse who works at The Mater Hospital and I'm fortunate to work only 15 minutes' drive from my job. Most registered nurses often live out towards Penrith, Liverpool, Thornleigh, Blue Mountain's areas. They're travelling up to an hour to and from work, many are full time and on top that they're shift workers!</p>	<p>Supportive of affordable housing and can assume supportive of the proposed amendment as housing is more quickly provided</p>	<p>No change to the proposed amendment is required.</p>
19.	<p>If you cannot afford to live in Willoughby then don't. Simple as that.</p>	<p>Comment not related to proposed amendment. Not Supportive of affordable housing.</p>	<p>Comment noted. No change to the proposed amendment is required.</p>
20.	<p>Chatswood and the LGA's economy depends on many key workers and ensuring a stock of actual dwellings continues to be fostered - rather than taking monetary contributions - is far more effective and proactive.</p>	<p>Supportive of proposed amendment.</p>	<p>Comment noted. No change to the proposed amendment is required.</p>

	Willoughby Council should see an opportunity to lead in this critical need for our community - I fully support this amendment.		
21.	Not necessary Too costly.	Comment not related to proposed amendment. Not Supportive of affordable housing.	Comment noted. No change to the proposed amendment is required.
22.	Got email asking for input to this 31 minutes before it apparently closed? If you genuinely want input, maybe give some notice.	Comment not related to proposed amendment instead noting lack of time to have input.	Comment noted. No change to the proposed amendment is required. Survey was uploaded to the 'Have Your Say' website on the 11 September 2023 and an email was sent to all participants on the 13 September 2023 advising them of this survey. A follow up email was sent on the closing day of the survey to ensure all participants had the opportunity to comment.
23.	The delay in providing affordable housing in Willoughby would be worsened through contributions rather than actual residences. As well affordable should be an integrated part of the broad residential land use.	Supportive of proposed amendment.	No change to the policy required as this is in support.



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6 October 2023

Tracey Walker
Community Projects Officer
Willoughby City Council
31 Victor Street, Chatswood
NSW 2067

Via email: tracey.walker@willoughby.nsw.gov.au

Dear Ms Walker,

RE: DRAFT AFFORDABLE HOUSING AMENDMENT

This submission is made by Develotek Property Group (**Develotek**) in response to Council's Community Consultation on the Draft Affordable Housing Policy Amendment.

Develotek is an Australian property development group specialising in residential apartment living throughout Sydney. We are actively working on developing a number of sites within Willoughby City Council which we anticipate will deliver approximately 300 new residential apartments – a significant contribution toward meeting local housing demand. These sites include:

- 5-9 Gordon Avenue, Chatswood (DA 2023-170 – being assessed)
- 10 Gordon Avenue & 15-19 Nelson Street (Design Competition Completed)
- 691-699 Pacific Highway (Design Competition underway)

ASSET OWNERSHIP & ECONOMIC VIABILITY IMPACTS

Develotek are very supportive of affordable housing contributions, and we recognise the need for increased affordable housing provision. The effect of Council insisting on ownership of the affordable housing dedication depletes the economic viability of many projects within the Chatswood CBD, particularly those that have benefited from an FSR lower than 6:1.

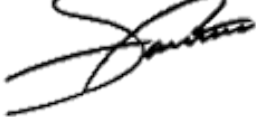
We have commissioned a feasibility study from Atlas Economics testing numerous sites within the Chatswood CBD and the results clearly demonstrate that if the affordable housing asset could be retained in the ownership of the developer (instead of Council) it would improve the viability of more projects and hence the supply of more housing (both market and affordable).

We understand that the affordable housing dedication is to support a social objective for lower-income earning key-workers within the Willoughby LGA. **We do not understand why Council won't permit the developer to facilitate this dedication without conveying title deeds to Council.**

Our supplementary submission to be delivered to Willoughby Council by 13 October 2023 will demonstrate the delivery of a greater volume of affordable housing for the key-worker community of Willoughby LGA simply by enabling the developer to retain the affordable housing component (to be managed by a registered community housing provider in perpetuity).

Yours faithfully,

DEVELOTEK PROPERTY GROUP

A handwritten signature in black ink, appearing to read "Robert Sargis", is written over the company name.

ROBERT SARGIS

Director

Telephone: 0451 173 699

Email: robert@develotek.com.au

16 October 2023

Joanne Bezzina
Develotek

Sent via email: joanne@develotek.com.au

Dear Joanne

Re: Affordable Housing Contributions - Gifted v Retained by Developer

Thank you for your instructions for Atlas Economics (Atlas) to provide advice on the varying cost of Affordable Housing contributions to a developer in Chatswood. The enabling legislation for Affordable Housing contributions is the Environmental Planning and Assessment Act 1979 (EP&A Act) and the Housing SEPP 2021 (Housing SEPP).

S7.32 Affordable Housing Contributions

Section 7.32 of the EP&A Act permits requiring land or contributions for Affordable Housing as a condition of consent if a SEPP identifies there is a need for Affordable Housing within the area. The relevant SEPP is the Housing SEPP.

Clause 14 of the Housing SEPP identifies there is a need for affordable housing within each area of the State.

Definition and Rent-setting Approach

The Housing SEPP defines the purpose of Affordable Housing and states the household eligibility for Affordable Housing. It also provides for rent-setting and the maximum rents able to be charged. Clause 13 sets two bases of rent-setting:

- Income-base, i.e., no more than 30% of a household's gross income; or
- Discount to market, i.e., at no more rent that would be charged in rental accommodation under the NRAS (at least 20% discount to market rent).

The rent-setting approach affects the number of dwellings that can be developed using contribution funds. In inner areas of Sydney, if rents were set to no more than 30% of a household's gross income, the rents could represent as much as a 50% discount to market rent. This has implications for how much debt can be secured for the development and consequently how many dwellings can be built using the contribution funds.

The larger the rental subsidy, the lower the affordable housing outcomes potential. Some councils may decide to nominate how rents are set (for example, the City of Sydney specifies that rents should be income-based, i.e., no more than 30% of household income). While this preserves rental affordability in many expensive areas of Sydney, this reduces the number of dwellings that can be built from contribution funds.

Some councils specify that rent-setting should be on the basis of a discount to market rent (e.g. 74.9% or 80% of market).

Governance of s7.32 Contributions

The enabling legislative framework (the EP&A Act and Housing SEPP) for s7.32 affordable housing contributions requires that funds collected are to be acquitted for the purposes of affordable housing. This would mean that funds collected cannot be spent on say, social support services or a community awareness campaign.

The Housing SEPP requires that Affordable Housing is made available to households on Very Low, Low and Moderate incomes. It also requires that rents are set at - either no more than 30% of a household's income or no more than 80% of market rent. The Housing SEPP is silent on whether Affordable Housing that is delivered from s7.32 contributions is to be managed by CHPs.

Dedication (Gifting) of Affordable Housing v Retention by Developer

The contribution (dedication/ gifting) of a completed dwelling represents revenue to a developer that is foregone, i.e. revenue that could otherwise be received from sale of that dwelling. That is the cost of the contribution to the developer.

If the dwelling was designated for use as Affordable Housing (per clause 13 of the Housing SEPP) but ownership retained by a developer, the cost of the contribution would be less. This is because the residual rental income (which remains after the deduction of a CHP's management fees and operating expenses) is received by the developer.

The amount of residual rental income that is returned to the developer would vary depending on how rent is set. If rent is set at say 80% of market rent, the residual rental income would be higher than if rent is set at 75% of market rent. If rent is set at no more than 30% of a household's income, the rent could represent as much as a 50% discount to market rent.

Table 1 examines a hypothetical scenario in Chatswood where the market rent of a dwelling is \$800 per week (gross rental potential of \$41,600 per annum). After deducting operating expenses of \$240 per week (tenant changeover, management, repairs, maintenance, statutory outgoings, etc.), a net rent of \$29,120 results. By simple capitalisation at 3%, the dwelling has a market value of \$975,000.

The analysis then assumes rents are discounted to 80%, 75%, 60% and 50%.

- 80% and 75% are common discounted rents (80% under NRAS and 74.9% under the NSW Ministerial Guidelines).
- 60% and 50% represent the equivalent rents that could result if tenants were charged no more than 30% gross income.
- Operating expenses remain unchanged at \$240 per week.

Table 1: Rents and Impact on Sale Value of Affordable Housing, Chatswood

		Market Rent	80%	75%	60%	50%
Weekly rent	(a)	\$800	\$640	\$600	\$480	\$400
Annual Rent	(b) = (a x 52)	\$41,600	\$32,280	\$1,200	\$24,960	\$20,800
Annual Operating Expenses (\$240pw)	(c) = (\$240 x 52)	\$12,480	\$12,480	\$12,480	\$12,480	\$12,480
Net Rent	(d) = (b - c)	\$29,120	\$20,800	\$18,720	\$12,480	\$8,320
Capital Value (capitalise at 3.0% in perpetuity)	(e) = (d ÷ 3%)	\$975,000	\$693,333	\$624,000	\$416,000	\$217,333
Discounted Value	(f) = (e ÷ \$975,000)		71%	64%	43%	28%

Source: Atlas

The simple analysis shows that the selection of rent-setting approach has significant implications on the value of the dwelling (and what a developer can expect to receive upon sale):

- If rents equated to only 50% of market rents, the value of the dwelling reduces to 28% (less than a third).
- If rents were charged at 80% of market rent, the value of the dwelling reduces to approximately 70%.

Table 2 shows the cost of Affordable Housing contributions to a developer under different contribution scenarios:

- Dwelling dedicated/ gifted to Council or CHP.
- Dwelling managed by a CHP for Affordable Housing and retained in developer's ownership.

Table 2: Comparative Cost of Affordable Housing Contributions to Developer, Chatswood

	Dedication of Dwelling	Affordable Housing (managed by CHP) Retained in Developer Ownership				
		80%	75%	60%	50%	
Value of Dwelling	(a)	\$975,000	\$693,333	\$624,000	\$416,000	\$217,333
Cost to Developer	(b) = (\$975,000 - a)	\$975,000	\$281,667	\$351,000	\$559,000	\$757,667
% Revenue Foregone	(c) = (b ÷ \$975,000)	100%	29%	36%	57%	77%

Source: Atlas

The analysis shows the comparative cost of Affordable Housing contributions to a developer depending on whether a dwelling is gifted/ title passing to Council or a dwelling is retained in ownership by a developer (and managed by a CHP as

Affordable Housing in perpetuity). The cost to a developer depends on how rents are set. The greater the discount to market rent, the greater the revenue foregone and therefore cost to a developer.

We trust this assists with development planning for your sites. Please contact the undersigned if you have any questions.

Yours sincerely

Esther Cheong

Director

T: 02 72537601

E: esther.cheong@atlaseconomics.com.au

From: "Drew Dickson" <Drew@dda-australia.com>
Sent: Wed, 4 Oct 2023 15:39:49 +1100
To: "Council's Email" <email@willoughby.nsw.gov.au>
Subject: Proposed Affordable Housing Policy Amendment - Drew Dickson Architects

The Community Life Manager
Willoughby City Council
P O Box 57
CHATSWOOD NSW 2057

Dear Sir/Madam

Re: WILLOUGHBY AFFORDABLE HOUSING POLICY AMENDMENT

We wish to lodge a strong objection to the proposed amendment to Council's affordable Housing Policy. Removing the option to provide a monetary contribution towards affordable housing will create a significant financial burden on future development projects and lead to a reduction in the availability of future affordable housing supply as new development projects will become unfeasible and therefore not proceed.

This is particularly relevant in Chatswood CBD and St Leonards precinct where 10% of residential GFA is required to be contributed to Council in perpetuity. Land values and construction costs in these areas are significantly higher than in other, less dense areas within Willoughby LGA. A monetary contribution in lieu of floor space will allow Council to construct or purchase more affordable housing in less expensive areas within Willoughby LGA.

To put this into context, an average 75sq.m. apartment in Chatswood CBD may have a market value of \$2m or more. An average 75 sq.m. apartment in less dense areas of Willoughby LGA may have a market value of \$1m. That means that if Council took a monetary contribution in lieu of floor space, they could provide twice as many affordable accommodation units within the LGA. Surely it is more desirable to provide more affordable accommodation for families in need than less.

It also allows Council greater flexibility in the areas where affordable housing is provided, rather than concentrated in one or two high density locations. Again, more accommodation is the key outcome here. Sprinkle it equitably around the LGA, not just in Chatswood and St Leonards.

Please consider the key outcome that needs to be achieved – greater numbers of affordable dwellings – and abandon this proposed counter-productive amendment.

Kind regards
Drew Dickson



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NSW ARB NOMINATED ARCHITECT: ALEXANDER DE BELIN ARBN 8330

From: "Rob Battersby" <rbattersby@urbis.com.au>
Sent: Mon, 9 Oct 2023 16:30:44 +1100
To: "Council's Email" <email@willoughby.nsw.gov.au>
Cc: "Christophe Charkos" <ccharkos@urbis.com.au>; "John Wynne" <jwynne@urbis.com.au>; "Rob Granger (rob@goldfieldsgroup.com.au)" <rob@goldfieldsgroup.com.au>; "Gavin Sweeney" <gavin@goldfieldsgroup.onmicrosoft.com>
Subject: Submission - Affordable Housing Policy Amendment - Urbis
Attachments: Submission to Willoughby City Council Affordable Housing Policy (9 October 2023).pdf

F.A.O Community Life Manager

Dear Sir / Madam,

Please find **attached*** a submission prepared on behalf of Goldfields Group as a formal response the Willoughby City Council *Draft amendment to Affordable Housing Policy* which is on public exhibition.

Please do not hesitate to contact the undersigned if any further clarification on the submission is required.

Kind regards

Rob

ROB BATTERSBY
ASSOCIATE DIRECTOR

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**SHAPING
CITIES AND
COMMUNITIES**

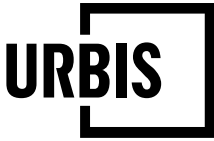


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Urbis recognises the traditional owners of the land on which we work.
Learn more about our [Reconciliation Action Plan](#).

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9 October 2023

Community Life Manager
Willoughby City Council
PO Box 57
Chatswood NSW 205

Dear Sir / Madam,

SUBMISSION TO WILLOUGHBY CITY COUNCIL | SUBMISSION TO DRAFT AMENDMENT TO AFFORDABLE HOUSING POLICY

Urbis Pty Ltd (**Urbis**) has prepared this submission on behalf of Goldfields Group as a formal response to the Willoughby City Council (**Council**) *Draft amendment to Affordable Housing Policy (draft Policy)* which is on public exhibition.

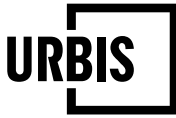
Goldfields supports the need to provide affordable housing for moderate income key and essential workers in the Willoughby LGA and advocacy for local, social, and affordable housing needs. However, it is critical to the feasibility and viability of new residential development and ultimately the delivery of new housing in the LGA that the Policy retains flexibility in how affordable housing is provided.

Clause 6.8 of the recently amended Willoughby Local Environmental Plan 2012 (**the LEP**) is drafted to reflect and align with the Willoughby Affordable Housing Principles.

Relevantly, Clause 6.8 provides as follows:

- “(4) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring an affordable housing contribution equivalent to the contribution specified in subclause (5).*
- (5) The contribution for development on land is the amount of gross floor area equivalent to the mapped percentage of the gross floor area of the residential component of the development.*
- (6) A condition imposed under this clause must permit a person to satisfy the contribution by one or both of the following—*
 - (a) a dedication, in favour of the Council, of land comprising 1 or more dwellings, each having a gross floor area of at least 50m²,*
 - (b) a monetary contribution paid to the Council.*
- (7) A monetary contribution must be calculated by reference to the market value of dwellings of a similar size to the dwellings in the proposed development.”*

Submission to Willoughby City Council Affordable Housing Policy (9 October 2023)



A reasonable interpretation of the LEP is that Clause 6.8 is **discretionary based** which allows flexibility to applicants to nominate their preferred mechanism to satisfy the affordable housing contribution namely:

- dedication, in favour of the Council (as a percentage amount of gross floor area); or
- a monetary contribution paid to the Council (as calculated by reference to market value); or
- a combination of both dedication of housing stock and a monetary contribution.

It is submitted that the current wording of the affordable housing provision in the LEP is appropriate and reasonable in terms of providing applicants to provide a monetary contribution rather than a dedication of affordable housing stock in perpetuity. The objectives and wording of Clause 6.8 are consistent and aligned with affordable housing statutory planning provisions across Sydney LGAs, for instance the City of Sydney and Inner West LGAs.

Notwithstanding the recently amended LEP provisions, Council proposes to amend its Affordable Housing Policy as follows:

“Affordable Housing Contributions

Council’s Policy is to obtain affordable housing contributions principally through the allocation of complete dwellings, resorting to monetary contributions only in cases where the remaining portion of that contribution falls below the dimensions of the smallest dwelling¹ within the approved development.

¹ must have a gross floor area of at least 50m²”

The effect of this amendment would be to remove the ability for applicants to pay a monetary contribution in lieu of providing complete affordable housing dwellings to Council.

There is a substantial risk that removing the ability to provide monetary contributions will reduce economic feasibility and viability for delivering larger scale residential developments in Chatswood and the wider LGA. As Council will be aware, there are a multitude of complex factors impacting feasibility and viability of new development, including high interest rates and labour and building material costs.

We also note that in some cases, some Sydney Councils are preferencing monetary contributions over dedication of the physical dwellings due to the complexities of dedication within mixed tenure developments, and the higher cost of maintaining higher quality apartments in new buildings, which often attract higher strata management fees and other ongoing management/maintenance costs.

We submit that Council must not remove the ability for applicants to make monetary contributions in lieu of affordable housing dedication. The ability for developers to provide affordable housing under either mechanism (dedication or monetary contribution) is critical to ensuring the long-term economic viability and flexibility and ultimately delivery of new housing in Willoughby to alleviate the current housing supply crisis experienced across NSW.

Yours sincerely,

A handwritten signature in black ink that reads "R. Battersby".

Rob Battersby
Associate Director
+61 2 8233 9936
rbattersby@urbis.com.au

From: "Stephen Fenn" <stephen@urbantaskforce.com.au>
Sent: Mon, 9 Oct 2023 15:45:35 +1100
To: "Council's Email" <email@willoughby.nsw.gov.au>
Subject: Submission -Draft Affordable Housing Policy Amendment - Urban Taskforce Australia
Attachments: 231009 Willoughby Council - Affordable Housing amendment - FINAL.pdf

Dear Sir/Madam

Please find attached Urban Taskforce's submission to Willoughby City Council's Draft amendment to Affordable Housing Policy.

Regards

Stephen Fenn
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9 October 2023

Community Life Manager
Willoughby City Council
PO Box 57
CHATSWOOD NSW 2057

Electronic submission

To whom it may concern

Re: Willoughby Affordable Housing Policy Amendment

Urban Taskforce Australia does not support the amendment proposed by Willoughby City Council to its Affordable Housing Policy.

By removing cash payments as an alternative to donating apartments in perpetuity further reduces flexibility for developments in meeting these burdensome imposts which are effectively taxes on the provision of new housing.

The entire policy is badly conceived and is a barrier to the feasibility of housing (market and affordable). The fact that Willoughby City Council has delivered a mere 37 affordable housing properties in 25 years is testimony to the abject failure of the policy.

What would assist the delivering of more housing would be to provide height and FSR incentives to private developers – along the lines of what the NSW Government has set about achieving through its proposed amendments to the Housing SEPP – offering height and FSR bonuses if a developer sets aside a percentage of affordable housing for at least 15 years.

The insistence of Willoughby City Council for developers to provide up to 10% in affordable housing in perpetuity has and will kill off the feasibility of many developments. With rising interest rates, increased labour and building material costs, margins are extremely tight and housing development is increasingly seen by lenders as a risky proposition.

The additional impost of affordable housing contributions adds to the costs and in many cases, renders them unfeasible to progress to construction.

A shortage of market housing places upwards pressure on the cost of purchasing or renting a home. This maxim appears to have been ignored by Willoughby City Council (among many others).

The focus of Council should be on means to ensure that more market housing is produced and that any requirement for affordable housing can be supported to ensure they do not threaten feasibility.

If the proposed amendment to the affordable housing policy of Council is to remain, there should be an option for a developer to make monetary contributions rather than being forced to hand over property in perpetuity.

The stated motivation behind the policy is to provide greater quantity of affordable dwelling units distributed equitably throughout the Willoughby LGA.

The proposed removal of the option to provide a monetary contribution towards affordable housing will create a significant financial burden on larger development projects and lead to a reduction in the availability of future affordable housing supply as these new large development projects become unfeasible and therefore not proceed.

This is particularly relevant in Chatswood CBD and St Leonards precinct where 10% of residential GFA is required to be contributed to Council in perpetuity.

Land values and construction costs in these areas are significantly higher than in other, less dense areas within Willoughby LGA.

A monetary contribution in lieu of floor space would allow Council to construct or purchase more affordable dwelling units in less expensive areas throughout Willoughby LGA.

To put this into context, an average 75sq.m. apartment in Chatswood CBD may have a market value of \$2m or more. An average 75 square metre apartment in less dense areas of Willoughby LGA may have a market value of \$1 million or less. If Council took a monetary contribution in lieu of floor space, they could provide twice as many affordable accommodation units within the LGA.

By retaining the option of a monetary contribution also allows Council greater flexibility to provide affordable housing in areas where it is needed throughout the entire Willoughby LGA, not just in one or two high density locations – Chatswood CBD and St Leonards.

Recommendation 1: that Willoughby City Council should not proceed with the amendment of its Affordable Housing Policy

There is concern that local affordable housing policies are being deliberately used to thwart housing in well located areas like Chatswood.

The Department of Planning and Environment's Urban Development Program Dashboard on housing approvals and completions shows that Willoughby City Council's performance according to the metrics below has been poor.

Even based on the conservative targets set by the GCC of 1,250 new dwellings by 2026, Willoughby City Council only delivered 144 completions in the 12 months to March 2023.

With the National Housing Accord setting NSW a target of 375,000 new dwellings in the five years to June 2029, strategic centres like Chatswood must do more of the heaving lifting when it comes to delivering market-based housing.

The NSW Government was elected with a clear mandate to increasing housing density in centres which are serviced with high quality public transport infrastructure.

Affordable housing needs to be linked to the provision of market-based housing – this is a principle underpinning the NSW Government's amendments to the Housing SEPP as it applies to infill affordable housing. Once these changes are in place, it is time for those small number of Councils to abandon their local affordable housing contributions schemes.

Otherwise, we have an unlevel playing field where Councils with their own affordable housing targets, in addition to State Government affordable housing requirements, establish higher barriers to the provision of new housing,

No new market housing means no new affordable housing.

To ensure consistency across the State, in particular for well located LGA's like Willoughby, which has received the benefit of the construction of a new metro, paid for by all the taxpayers of NSW, a level playing field in terms of the provision of affordable housing should exist.

Clause 1.9 of the Willoughby Local Environment Plan should be amended to remove the provisions of Clause 1.9 (2) and (2A) which exempts the land to which Clause 6.8 of the LEP applies, from the provisions of the Housing SEPP.

This has not resulted in affordable housing in Willoughby LGA and should be dispensed with.

Recommendation 2: that Willoughby City Council abandon its local affordable housing policy and amend its LEP to remove the provisions of Clause 1.9 of the LEP once the NSW Government's infill affordable housing policy (amending the Housing SEPP) comes into effect.

Should you wish to discuss this matter further, please call our Head of Policy,
Planning and Research, Stephen Fenn on 9238 3969 or via email
stephen@urbantaskforce.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tom Forrest', with a large, sweeping flourish extending to the right.

Tom Forrest
Chief Executive Officer

From: "Helen Pearson"
Sent: Mon, 9 Oct 2023 22:49:46 +1100
To: "Council's Email" <email@willoughby.nsw.gov.au>
Subject: HYS Draft amendment to Affordable Housing - Helen Pearson
Attachments: HAVE YOUR SAY – AFFORDABLE HOUSING DRAFT AMENDMENT.docx

Please accept this submission for the draft [amendment.to](#) Affordable Housing.

HAVE YOUR SAY – AFFORDABLE HOUSING DRAFT AMENDMENT

I was unable to get into the survey so am now putting my thoughts on paper.

1. Willoughby Council has a policy which states the number of affordable units that should be transferred to Council in a new development .

Time and time again a development gets approved with a proportion of affordable housing units but somehow it appears to suit Councils and the developers to convert the approved units to be used for Affordable Housing to a monetary value as a VPA.

I believe that the approved affordable units should be “donated” to Council in addition to any monetary payments due to Council via VPAs

No doubt the developers will whinge about this as it could reduce their profit, however I am sure that this “loss” will be reflected in the sale price of the units so that the buyers of the units pay for the Affordable Housing.

2. If the developers are required by government to pay a State Infrastructure Tax resulting in Councils not receiving money for necessary infrastructure then Councils will need to be vigilant in ensuring that the infrastructure is provided by government in the area in which the developments are built.

Will an infrastructure tax be in addition to the Affordable Housing units for the Council or instead of.

3. During Covid the movement promoting Affordable Housing grew. The promotion of Affordable Housing stated that it was for “frontline” workers and once again the wording has changed from “frontline” workers to “key and essential workers”

“key and essential worksthat are essential to the functioning of a city.....typically include police, fire fighters teachers, childcare

workers, retail and other employee groups who undertake work considered essential for the day-to-day functioning of a city and who are typically paid low to moderate salaries”.

I believe that the lowest paid frontline workers should be the first to receive any affordable housing. In fact I think that any government should be providing social housing for these citizens and bearing the costs.

Affordable Housing should NOT be for administration workers.

4. Social housing should be provided by government first and then Affordable Housing for those with rental stress – which is stated as “The state of households who are paying more than 30% of their gross income on rent and are also in the bottom 40% of national equivalised incomes.

I believe that the maximum gross household income considered for Affordable Housing is too high and (at least at present) only those who earn low to moderate salaries.

5. I do not think that there should be separate tower blocks for Affordable Housing only as there could be a problem with maintenance and care of the building and the units sold off.

6. There should be a stated time for Affordable Housing Units to remain under Council ownership before the units can be sold. The period would be 40 or 50 years with Council ensuring that the units are well maintained at all times.

7. It is preferable to have Affordable Housing melded into new building developments as there wouldn't be any stigma attached to the residents in the new buildings.

In recent times the Sydney City Council declared that the large social housing blocks in Surry Hills and Redfern were not now the preferred way to have social housing. Those living in these units were stigmatised as there was bad behaviour by part of these communities – drug dealing and stand over tactics which made the

weak and elderly frightened – some even not wanting to venture outside their units.

I note that the draft plan states “Affordable housing must be appropriate to the needs of tenants regarding size, quality, accessibility, location and access to public transport, it must not incur unreasonable costs relating to maintenance”.

I would like to see an indication of what is the appropriate size, quality etc of these units and who is going to pay for the reasonable costs relating to maintenance. Surely this will be Council or the Council operator that will be clearly defined in the Strata Management data

Should these Affordable sites be in prime positions? and perhaps there should be a definition of quality required, accessibility to what and how close does public transport need to be to the Affordable or social housing keeping in mind that housing that many might have worked and saved hard will compete for the same sites.

8. These Affordable sites should not decrease community open green space and housing should not be placed on hospital, school sites , etc. as Council must look to the future and maintain as much open green space and trees as possible for our children and their children.

In conclusion I do not think that Affordable or social housing should take up prime sites.

That the Affordable Housing plan should be more explicit about the quality and size etc of this type of housing.

That Affordable Housing units cannot be sold for 40-50 years.

That if a development is approved and contains Affordable Housing units this approval cannot be changed to remove Affordable Housing in exchange for monetary benefit to Council.

12.18 3 ABBOTT RD AFFORDABLE HOUSING PROJECT - PATHWAY CLOSURE

ATTACHMENTS:	1. IMPLICATIONS 2. AFFORDABLE HOUSING – 3 ABBOTT ROAD – PATHWAY CLOSURE – COMMUNITY ENGAGEMENT REPORT
RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	ELLEN MILLER – ACTING COMMUNITY LIFE MANAGER
CITY STRATEGY OUTCOME:	3.7 – PROMOTE HOUSING CHOICE AND AFFORDABILITY
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

To provide a summary of the engagement outcomes following the notification of the proposal to close the road 'unformed pathway 1.12m x 71.65m located between 3 Abbott Road and 2-4 Jersey Road, Artarmon' and seek Council's endorsement to lodge a Public Road Closure application with the NSW Department of Planning and Environment.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Receive and note feedback on the proposal to close the road 'unformed pathway 1.12m x 71.65m located between 3 Abbott Road and 2-4 Jersey Road, Artarmon' following a 28-day public notification and submission period.**
- 2. Endorse lodgement of a Public Road Closure application with the NSW Department of Planning and Environment.**

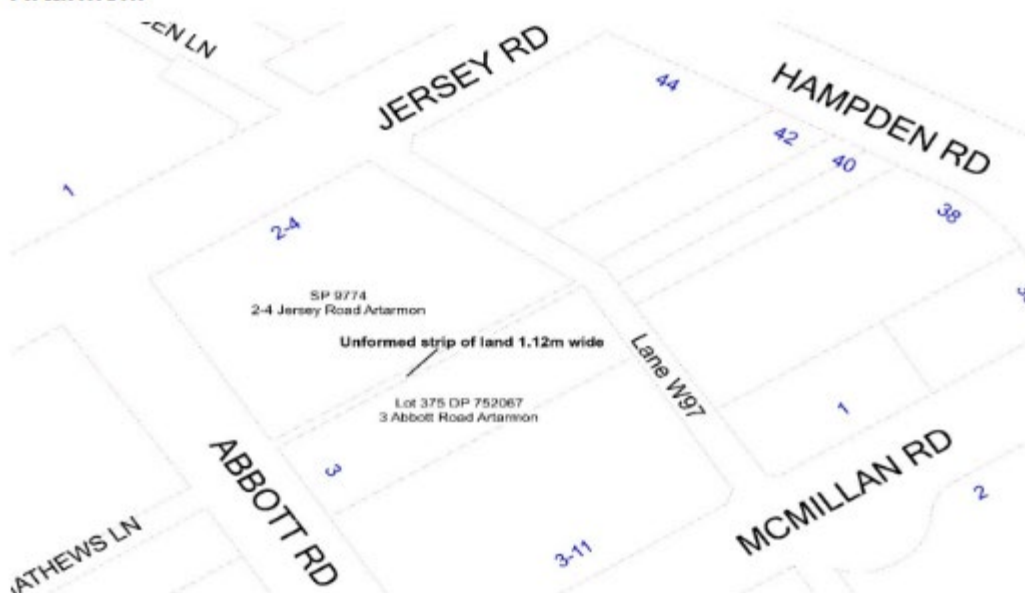
3. BACKGROUND

The *2023/24 Operational Plan* details a project for affordable housing at 3 Abbott Road, Artarmon. This project proposes demolition of the existing structure and construction of a 3-storey residential flat building containing 12 affordable units (9 x 2 bed, 3 x 3 bed), and basement car parking.

An unformed pathway 1.12m wide between the northern boundary of Lot 375 DP752067 (3 Abbott Road Artarmon) and the southern boundary of SP9774 (2-4 Jersey Road Artarmon) is incorporated into the development application for the affordable housing project (See Figure 1). A road status check has deemed the subject land to be currently dedicated as a public road vested in Council.

At its meeting of 28 August 2023 Council resolved to commence a road closure and reclassification procedure for the subject pathway. The land is to be vested in Council and retained for community use for the purpose of incorporation into the 3 Abbott Road Affordable Housing project. This report presents outcomes from the public notification of the proposed road closure, a requirement outlined in Section 38B of the *Roads Act 1993*.

Figure 1 - Unformed land, 1.12m x 71.65m, adjacent to 3 Abbott Road Artarmon.



4. DISCUSSION

Before the preparation and lodgement of a road closure application to the NSW Department of Planning and Environment can commence, Council must undertake pre-lodgement actions including public notification of the road closure proposal.

Under Section 38B of the *Roads Act 1993*, Council must give notification of a proposal to close a council public road. The notice is to be published in a local newspaper and sent to all adjoining landholders and notifiable authorities. The notice is to indicate a minimum 28-day period for submissions to be made to Council in response to the proposal.

The proposal was placed on public exhibition on Have Your Say for a period of 28 days from Thursday 16 October 2023 to Wednesday 15 November 2023. A notification was published in the *North Shore Times* on Thursday 16 October. Formal correspondence outlining the road closure proposal and submission process was sent to fifty-two (52) adjoining landholders via postal mail and to fifteen (15) notifiable public authorities via email.

Summary of feedback

Following public notification and exhibition of the road closure proposal, a total of eight (8) comments from the community were received via Have Your Say. Of these, six (6) were supportive of the road closure, while two (2) expressed comments/concerns without supporting or objecting to the proposal.

Five supportive responses were received from notifiable public authorities, and one (1) submission from a local resident was received via email expressing concern without supporting or objecting to the proposal.

Of all comments and responses received, there were no objections to the road closure or to the proposed vesting of the lands to Council. All responses are included in **Attachment 2. Summary of Community Engagement.**

Road closure process

Following the presentation of outcomes from the Road Closure Proposal Notification, Council will need to prepare and lodge a road closure application with the NSW Department of Environment and Planning. The Department will review the application within 60 days. If approved in principle, Council will undertake the process of registering the subject land via NSW Land Registry Services.

5. CONCLUSION

Council has conducted public notification of the proposal to close the road 'unformed pathway 1.12m x 71.65m located between 3 Abbott Road and 2-4 Jersey Road, Artarmon' and provided 28 days for submission of responses, as per Section 38B of the *Roads Act 1993*.

No objections were made to the road closure proposal. It is recommended for Council to commence preparation of a public road closure application to be lodged to the NSW Department of Planning and Environment.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	3.7 – Promote housing choice and affordability
Business Plan Objectives, Outcomes / Services	This paper accords with <i>Our Future Willoughby 2032</i> and the <i>Affordable Housing Strategy</i> .
Policy	This matter relates to Council's <i>Affordable Housing Policy</i> .
Consultation	Consultation for the road closure has occurred as per requirements of the <i>Roads Act 1993</i> . A public notification was published in the local newspaper and exhibited on Have Your Say, inviting submissions within 28 days. Adjoining landholders and relevant public authorities were notified via correspondence.
Resource	Resourcing is considered with the operational plan.
Risk	The recommendations of this paper are considered low risk. The Council has undertaken similar closure processes in recent years.
Legal	The actions contained in this report accord with legal requirements for a council undertaking a road closure in NSW.
Legislation	The actions contained in this report accord with the <i>Roads Act 1993</i> .
Budget/Financial	There are no financial implications applicable to this report.

Affordable Housing - 3 Abbott Road – Pathway Closure – Community Engagement Report

Background

The 2023/24 Operational Plan details a project for affordable housing at 3 Abbott Road, Artarmon. This project proposes demolition of the existing structure and construction of a 3-storey residential flat building containing 12 affordable units (9 x 2 bed, 3 x 3 bed), and basement car parking.

An unformed pathway 1.12m wide between the northern boundary of Lot 375 DP752067 (3 Abbott Road Artarmon) and the southern boundary of SP9774 (2-4 Jersey Road Artarmon) is incorporated into the development application affordable housing project. A road status check has deemed the subject land to be currently dedicated as a public road vested in Council.

At its 28 August 2023 meeting Council resolved to commence a road closure and reclassification procedure for the subject pathway. The land is to be vested in Council and retained for community use for the purpose of incorporation into the 3 Abbott Road Affordable Housing project and that Council:

1. *Approve the road closure process for the unformed pathway 1.12m x 71.65m located between 3 Abbott Road and 2-4 Jersey Road, Artarmon.*
2. *Grant the Chief Executive Officer delegation to execute all necessary documents associated with the Road Acquisition and Road Closure Plans and any documentation in association with the matter to be executed under the Seal of Council.*
3. *Note the classification status of the remnant portion of land known as ‘unformed pathway 1.12m x 71.65m located between 3 Abbott Road and 2-4 Jersey Road, Artarmon’ as Operational Land vested in Council to be dedicated for the development of affordable housing.*

Summary

Consultation for the road closure has occurred as per requirements of the *Roads Act 1993*. The proposal was placed on public exhibition on *Have Your Say* for a period of 28 days from Thursday 16 October 2023 to Wednesday 15 November 2023. A notification was published in the *North Shore Times* on Thursday 16 October. Formal correspondence outlining the road closure proposal and submission process was sent to fifty-two (52) adjoining landholders via postal mail and to fifteen (15) notifiable public authorities via email.

Following public notification and exhibition of the road closure proposal, a total of eight (8) comments from the community were received via *Have Your Say*. Of these, six (6) were supportive of the road closure, while two (2) expressed comment/concern without supporting or objecting to the proposal. 5 supporting responses were received from public authorities and 1 neutral response from a local residents.

	Unsupportive	Supportive	Neutral
<i>Have Your Say</i> Survey	0	6	2
Public Authorities	0	5	0
Local Resident	0	0	1
Total	0%	11 (79%)	3 (21%)

Submissions received

No	Submission	Sentiment	Response
1.	The proposal looks sensible to me. My primary school days were at Artarmon Public School and I have never been aware of any suggestion that there ever was a pathway there. Since it has not been used as a pathway, and it looks as though developing it as a pathway would involve cutting down a row of small trees, it seems better to close it off as a pathway and use it as part of the land for affordable housing development. Go for it!	Supportive of the Road Closure.	Comment noted.
2.	Seems sensible to do this closure	Supportive of the Road Closure.	Comment noted.
3.	I agree with this proposal. On the matter of replacing the <i>Brachychiton acerifolius</i> with another <i>Brachychiton</i> , it would be better to replace it with a tree that is found in the Artarmon reserve.	Supportive of the Road Closure.	Comment noted. No trees are proposed to be removed as part of the affordable housing development.
4.	I fully support the proposal. It is far better to attach the land to the affordable housing block and open the area. A fenced off inaccessible area is a safety hazard.	Supportive of Road Closure.	Comment noted.
5.	I am concerned about the loss of such pathways which facilitate the use and passage of pedestrians through the area.	Comment of concern – not opposing or supporting.	Comment noted.
6.	Shame that a child care centre has to give way to housing? Am I missing something?	Comment of concern – not opposing or supporting.	Comment noted. The childcare centre at Abbott Road has not be used for a considerable period of time and has been replaced by other service providers.
7.	NSW Department of Planning & Environment – Crown Lands (the department) does not object to: <ul style="list-style-type: none"> • The closure of the council public road 	Supportive of Road Closure.	Comment noted.

	<ul style="list-style-type: none"> • The proposed vesting upon closure. 		
8.	<p>Thank you for your email dated 18/10/2023 regarding the above mentioned proposed road closure application. The National Parks & Wildlife Service (NPWS) has no objection to these proposed road closures.</p>	Supportive of Road Closure.	Comment Noted
9.	<p>Natural Gas – Lands Management Officer Jemena has reviewed the proposed road/ path closure and as there are no assets affected does not object to the closure.</p>	Supportive of Road Closure.	Comment Noted.
10.	<p>Fisheries (DPI) have no objections to this proposed road disposal.</p>	Supportive of Road Closure.	Comment Noted.
11.	<p>Ausgrid does not have any assets within the public road (unformed pathway) located between 3 Abbott Road and 2-4 Jersey Road, Artarmon. Ausgrid has no objections to the closure of this road.</p>	Supportive of Road Closure.	Comment Noted.
12.	<p>Dear Chief Executive Officer</p> <p>Per the request for comment received yesterday, with a comment due tomorrow, whereby it is proposed to close or I presume sell an ‘unused and unformed pathway’.</p> <p>As I walk through the area as part of my health routine and over time to access Artarmon shops & railway station from my residence near Willoughby Road, I know this strip and have wondered about it.</p> <p>To my mind, this request reflects more on Council neglect as to the importance of pedestrian pathways and their absorption into neighbouring properties. For instance, it is noted that the exit of the pathway onto Hampden Lane is fenced (illegally) and hence is not used. I can point to others which are market on the Willoughby Walks but neglected or have seemingly been absorbed into neighbouring properties.</p>	Comment of concern – not supporting or opposing.	<p>Comment Noted. The subject land has never been used as a public pathway or been accessible to the public. Its gradient exceeds Disability Discrimination Act requirements for a public pathway, making the land unusable for its original intended purpose as a pathway.</p> <p>New Public Spaces and Recreation Strategy aims to address the evolving recreation and interests of the community. On public exhibition until Monday 11 December 2023.</p>

	<p>“The land is unsuitable for use as a public pathway and has never been used for this purpose. The land is fenced and appears as part of the former Council operated childcare centre at 3 Abbott Road.</p> <p>As such, the land has never been accessible to the public.”</p> <p>A 1.1M passage is actually suitable, and should have been used, but as is acknowledged was fenced!</p> <p>That does not make it unsuitable ...</p> <p>I am concerned about this vision on a general basis, as for pedestrians the provision of such pathways will often enable quicker access to places rather than forcing the use of other modes of transport. But I then read the purpose being to develop a new property for affordable housing on the site. So, the pragmatic question for Council is why not require the new development to include a public passageway for the benefit of residents of the property and the public walking through. And in general for Council to review other such ‘passages’ and facilitate making them usable!</p>		
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12.19 GRANTS FOR THE COMMUNITY PROGRAM 2023-24 APPLICATIONS - NOVEMBER

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	TRACEY WALKER – COMMUNITY PROJECTS OFFICER
CITY STRATEGY OUTCOME:	5.4 – ANTICIPATE AND RESPOND TO CHANGING COMMUNITY AND CUSTOMER NEEDS
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

To seek Council endorsement for the distribution of funds under the Grants for the Community Program for the 2023/24 financial year.

2. OFFICER'S RECOMMENDATION

That Council endorse the distribution of funds through the 2023/24 Grants for the Community Program - Category 1 as follows:

- | | |
|--|----------------|
| • Ms Ingrid Bass | \$7,000 |
| • Willoughby Kids House Association Incorporated | \$549 |

3. BACKGROUND

The Grants for the Community Program was adopted by Council in June 2021 and provides grants of up to \$7,500.

Applications for the Program can be submitted at any time of year. Recommended applications are tabled at Council Meetings each month (or as required) for endorsement.

This report details the recommended applicants received in November 2023 for Category 1 - Grants for the Community.

4. DISCUSSION

The Grants for the Community Program has an annual budget of \$167,550. Council has endorsed \$115,338 for distribution in the 2023/24 financial year, with \$52,212 of funds remaining.

Category 1 - Grants for the Community Program

This funding provides grants of up to \$7,500 to not for profit and sporting organisations, individuals, small businesses, social enterprises and performing arts organisations operating in the Willoughby Local Government Area (LGA).

Applicants must;

1. Be a not for profit, incorporated group or group with an auspice by an incorporated body. Profit making organisations may apply within the Green or Prosperous and Vibrant grant streams.
2. Be a community sporting group or individual athlete (Liveable grant stream only)
3. Offer services to residents in the Willoughby LGA
4. Meet the grant eligibility criteria
5. Demonstrate in your application the ability to successfully deliver the project
6. Demonstrate in your application how the project aligns with at least one of Council's CSP priorities
7. Only submit one application per applicant per year
8. Have current Public Liability Insurance (\$10 million)

Applications for November 2023

Council received a total of two applications across October 2023 from:

- Ms Ingrid Bass - Umbrella School of Music (small business)
- Willoughby Kids House Association Incorporated

These applications are submitted under Category 1 of the Grants for the Community Program. This category provides grants to not for profit and sporting organisations, individuals, artists, small businesses, social enterprises and performing arts organisations operating in the Willoughby LGA.

Assessment of both applications is detailed below, with partial funding recommended for both applications.

Assessment

Partial funding is recommended for the two applicants. The recommended applications are detailed in **Figure 1**.

Total Amount being sought: \$13,527
 Officer Recommendation: \$7,549

Figure 1 - Category 1: Grants for the Community Applicants November – Partial funding recommended

APPLICANT	MEETS CRITERIA	AMOUNT REQUEST	AMOUNT RECOMMEND	PROJECT OUTLINE	COMMENTS
Ms Ingrid Bass - Umbrella School of Music	Yes	\$7,500	\$7,000	Community Engagement via an Inclusive Musical (Pilot Workshop) This project is Stage 1 of a larger project, which will provide children and adults with and without disability the opportunity to be part of a 1-hour Disney Junior musical production. Stage 1 involves conducting a pilot workshop (with	This application aligns with Councils CSP outcome 3: A City that is liveable and the following priorities: -3.1 Foster feelings of inclusion, safety and cleanliness. This project aims to collaborate with disability services; train and support people with disability alongside their peers to produce inclusive workshops and concert event.

APPLICANT	MEETS CRITERIA	AMOUNT REQUEST	AMOUNT RECOMMEND	PROJECT OUTLINE	COMMENTS
				experienced artists and support workers) aimed at introducing the musical and how it will run. Additionally, participants will engage in learning part of a song and dance from the musical.	In addition, this project meets Outcome 3 <i>Willoughby Disability Inclusion Action Plan</i> - continue to provide community programming aimed at fostering positive community attitudes and inclusivity for people with disability. Officers recommend part funding.
Willoughby Kids House Association Incorporated (WKH)	Yes	\$6,027	\$549	Kids House - digitising OOSH services WKH will embark on a digitisation path to streamline and make efficient processes which will aim to make it easier for parents to engage with WKH and also enhance our recordkeeping. We aim to provide contactless sign in/out services and we require software and equipment to do so.	This application aligns with Councils CSP outcome 2: A City that is connected, inclusive and resilient and the following priorities: - 2.6 Foster a digitally enabled community. This project will digitise and streamline processes which will aim to make it easier for parents to engage and connect with services within the community. Officers recommend part funding.
TOTAL		\$13,527	\$7,549		

Part funding is recommended based on the following:

- Ms Ingrid Bass - Umbrella School of Music
 - Based on the organisation's budget submitted in their application this event will be successful in raising \$500 in ticket sales. Therefore, partial funding in the amount of \$7,000 is recommended.
- Willoughby Kids House Association Incorporated (WKH)
 - The Grants for the Community Program does not cover recurring software fees. The technology portion of this application is eligible under the Grants for the Community Program and partial funding to cover the costs of the iPad is recommended. It is suggested that Willoughby Kids House Association Incorporated look at applying for other community funding streams such as ClubGRANTS for the software required for their digitisation project.

5. CONCLUSION

The Grants for the Community Program allows Willoughby City Council to recognise and support the vital contribution of our local community groups, performing arts groups, sporting organisations, businesses and social enterprises in developing and delivering projects that build the social, cultural, economic and environmental life of the Willoughby LGA.

The report recommends two Grants for the Community applications receive partial funding to the total combined value of \$7,549.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.4 – Anticipate and respond to changing community and customer needs
Business Plan Objectives, Outcomes / Services	The recommendations of this report support the Community Life Business Plan outcome to support community organisations to improve their ability to plan and deliver appropriate and accessible services to the community.
Policy	The application meets the eligibility requirements of the <i>Grants for the Community Program</i> .
Consultation	Eligible organisations, businesses and individuals are advised of the funding round.
Resource	Managed with existing resources.
Risk	The level of risk associated with the contents of this report is low, under Council's <i>Risk Management Framework</i> .
Legal	The distribution of grants funds recommended in this report meets legal requirements under for the provision of financial assistance of the <i>Local Government Act 1993, Section 356</i> .
Legislation	<i>Local Government Act 1993, Section 356</i> .
Budget/Financial	The report recommends one Grants for the Community application receives funding to the value of \$7,549. If endorsed, \$44,663 will remain in the Grants for the Community Program budget for the remainder of the 2023/24 financial year. The recommended funding amount in this report is allocated within the 2023/24 operational budget.

12.20 DRAFT MINUTES OF THE CULTURAL AND CREATIVE ARTS ADVISORY COMMITTEES MEETING HELD ON 16 OCTOBER 2023

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES – CULTURAL AND CREATIVE ARTS ADVISORY COMMITTEE HELD 21 AUGUST 2023
RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	JULIET ROSSER - ARTS AND EVENTS MANAGER BUSHRA SALAM – GOVERNANCE ADMINISTRATION OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

To present to Council for noting, the draft minutes of the Cultural and Creative Arts Advisory Committees meeting held on 16 October 2023.

2. OFFICER'S RECOMMENDATION

That Council receive and note the draft minutes of the meeting of the Cultural and Creative Arts Advisory Committee held on 16 October 2023.

3. BACKGROUND

Advisory Committees provide independent, expert and impartial advice on the development and implementation on strategic priorities of Council. They consider reports and plans from Council officers and make recommendations to Council for consideration.

The Terms of Reference require the minutes of each meeting to be reported to Council at the next available Council meeting.

4. DISCUSSION

In the context of creating a Cultural Strategy that addresses *Our Future Willoughby 2028 (Community Strategic Plan – CSP)*, the Arts and Events Manager, requested advice and suggestions on items within the CSP that have an impact on Culture and Creative Arts.

The Committee discussed the following:

Outcome 2 - A city that is connected and inclusive.*CSP 2.2 Respect and celebrate our history and heritage sites*

The Committee suggested using some kind of mapping using QR codes, activating unusual spaces, creating socially engaged artworks telling local history/stories, engaging schools and focusing on sorting out the pitching avenues.

CSP 2.3 Celebrate and encourage our diversity

The Committee suggested an ongoing commitment to diversity, activating spaces with diverse artists and curators, mentoring people in those spaces. Finding or partnering with organisations to broaden inclusivity e.g. Fringe Festival Advertise safe spaces for everybody, promoting diversity and inclusion, Encouraging inclusivity, making safe spaces and encouraging participation through advertising.

Outcome 3: A city that is liveable*CSP 3.6 Activate local spaces in creative ways*

The committee suggested activating more safe spaces and developing a public arts strategy.

Outcome 4: A City that is prosperous and vibrant*CSP 4.2 Build and support a night-time economy*

The committee suggested exploring industrial areas, activating new venues, providing free activities at night, which will help build a night time economy and advertising, publicising, food businesses which is very important to encourage visitation to night events.

CSP 4.5 Diversify our economy including creative and innovative industries

The committee suggested to offer subsidised spaces to create art and also provide support/mentoring for young artists about financing, grants etc. to support their early stage careers and Liaising with local tertiary institutions like Macquarie University, to discover what the new students need from innovation point of view in the next 10 years.

CSP 4.6 Facilitate the viability and vibrancy of our village centre

The Committee discussed a recent newspaper article about closing main roads on a regular basis e.g. Sunday morning which could activate spaces in different ways, encourage activities, like walking dogs, music pop ups. The Committee suggested to encourage local public art into local shops, providing clear pathways for neighbourhoods to co-design spaces, providing pods on the roads designed by local artists for public display.

The overview of the Committee's meeting is recorded in the final draft minutes (Attachment 2). The draft minutes were circulated electronically to the Committee for comments and will be considered at the Committee's next meeting.

5. CONCLUSION

These draft minutes do not bind Council to any additional resource commitment. It is recommended Council receive and note the draft minutes of the meeting of the Cultural and Creative Arts Advisory Committee held on 16 October 2023.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	Advisory Committees are created for the sole purpose of providing independent, expert and impartial advice on the development and implementation of strategic priorities of Council.
Policy	<i>Advisory Committees Policy 2022</i>
Consultation	The draft minutes were circulated by email to the Cultural and Creative Arts Advisory Committee on 06 November 2023 with comments closed on 13 November 2023. No comments were received.
Resource	There are no resourcing implications applicable to this report.
Risk	There are no risks applicable to this report.
Legal	There are no legal implications applicable to this report.
Legislation	There are no legislation implications applicable to this report.
Budget/Financial	There are no budget implications applicable to this report

Minutes



ATTACHMENT 2

Cultural and Creative Arts

Monday 16 October 2023

Location:	Microsoft Teams
Chair:	Paul McDonald
Attendees:	Members: Steve Lockwood, Annette Brown, Debra Player, Richard Bennett, Meredith Melville-Jones; Sarah Penicka-Smith, Staff: Juliet Rosser (Arts and Events Manager), Bushra Salam (Governance Administration Officer)
Apologies/absent:	Members: Jing Han, Rod Herbert
Guests	

Agenda items

Item	Topic / Discussion	Action
1	Welcome: The meeting was declared open at 4:33 pm. The meeting was held online via Teams.	
	Acknowledgement of Country Bushra Salam, Governance Administration Officer, acknowledged country on behalf of Council, stating: <i>Willoughby City Council acknowledges the Traditional Owners of the lands on which we meet today, the Gamaragal People, and their connections to land, waters, and community. We pay our respects to their Elders past and present, and extend that respect to all Aboriginal and Torres Strait Islander people, including those who may be in attendance today.</i>	
	Apologies Jing Han, Rod Herbert	
	Declarations of interest A link to the Disclosure of interest by Committee Members form was circulated with the Agenda. No declarations of interest were made.	

2 Confirmation of Minutes – 21 August 2023

Draft minutes of the meeting of the Committee held on 21 August 2023 were circulated electronically to the Committee for comments. No comments were received. The Committee confirmed and adopted the minutes.

Unanimously carried.

4 Actions from Previous Minutes

NIL

5 Strategic Activities

In the context of creating a Cultural Strategy that addresses *Our Future Willoughby 2028 (Community Strategic Plan – CSP)*, the Arts and Events Manager, requested advice and suggestions on items within the CSP that have an impact on Culture and Creative Arts.

The committee discussed the following:

Outcome 2 - A city that is connected and inclusive.

CSP 2:2 Respect and celebrate our history and heritage sites

- Committee requested a list of heritage sites
- The Committee suggested that some kind of mapping using QR codes or adding in other elements like music e.g. Brisbane City Map
- Activate unusual spaces, create socially engaged artworks telling local history/stories
- Engaging schools, having competitions, storytelling can be useful to bring history to life
- We can really focus on sorting out the pitching avenues. We have this amazing orchestra that we have a very useful resource. They have bunch of different ideas where they can engage the community. Young people can be pitched to share their stories there.

List of heritage sites to be shared with the committee.

CSP 2.3 Celebrate and encourage our diversity

- The Committee suggested it should be ongoing commitment to diversity

- Activating spaces with diverse artists and diverse curators and mentoring people in those spaces.
- Finding or partnering with organizations to broaden inclusivity e.g. Fringe Festival Advertise safe spaces for everybody, promoting diversity and inclusion.
- Encourage inclusivity through using language appropriate for different communities in marketing.
- To make safe spaces, encourage participation through advertising. Art brings people together. They bring their family & friends with them, so don't feel so marginalised. There are precedents of such spaces, not just for queer community but for all the marginalised communities.

The Arts & Events manager- reiterated that WCC motto is City of Diversity and we celebrate the diversity of our people and provide opportunities to connect through activities, and places.

Outcome 3: A city that is liveable

CSP 3.6 Activate local spaces in creative ways

- The Committee discussed that Willoughby used to have artists, open studio trails. As Chatswood is so close to the city, it would be beneficial to promote to visitors. We can have all the local studio listed, every weekend, there could be a specific area with open instead of doing it once in a year.
- The committee suggested activating more safe spaces and
- Develop a public arts strategy.

Outcome 4: A City that is prosperous and vibrant

CSP 4.2 Build and support a night-time economy

- The committee suggested exploring industrial areas as possible locations like the Camelot Lounge in Marrickville They have a unique atmosphere, no noise restrictions because of the industrial area, but attract visitors and have parking. There are no such

lounges here on this side of the bridge

- To be able to activate new venues red tape needs to be made easier e.g. Licensing and insurance
- Providing free activities at night, will help build a night time economy.
- Provide information about events and surrounding places to eat will encourage a “night out” experience. Advertising, publicising, food businesses which is very important to encourage visitation to night events, as the food is so good in Chatswood.

The Arts and Events Manager, shared a link <https://www.visitchatswood.com.au/Eat-and-drink> with the Committee members. Council engage food bloggers annually to write articles about food in Chatswood. This should be promoted more broadly to attract visitors.

CSP 4.5 Diversify our economy including creative and innovative industries

- The committee suggested offering subsidized spaces to create art and also provide support/mentoring for young artists about financing, grants etc. to support their early stage careers. Dougherty Centre does offer subsidized hire for hourly rentals for non-profits. There are currently no subsidised long term spaces for art practice.
- Liaising with local tertiary institutions like Macquarie University, to discover what the new students need from innovation point of view in the next 10 years.

The Arts and Events Manager, advised that there is a creative industries in Willoughby report. The software industry is the creative industry with the most residents. The creative classifications are Federal Government standards and are currently under review.

CSP 4.6 Facilitate the viability and vibrancy of our village centre

- Our City has lively village centres and a strong Central Business District (CBD). Discussion on recent newspaper article about closing main roads on a regular basis e.g. Sunday morning. This could activate spaces in different ways, encourage activities, like walking dogs, music pop ups.
- Encourage local public art into local shops.
- Provide clear pathways for neighbourhoods to co-

The Arts and Events Manager to share the report on the creative industries.

design spaces pitch to Council what they would like to do so that Council does not need to do everything.

- Something like what City of Sydney is doing with the Sydney Streets project, post covid in Pyrmont, Chinatown etc. Local businesses get funding from the council to show the unique local artists, performers from their area. The Council closes the streets and makes outdoor dining simple.
- Providing pods, on the roads enough for car space. All pods can be designed by local artists for public display.

6 Other Business

Next Meeting

Date: Monday, 12 February 2024 from 4:00-5:30 pm

Agenda Items: To be advised

The meeting closed: 6:07 pm

The next meeting to be in person

13 NOTICES OF MOTION

13.1 NOTICE OF MOTION 36/2023 - PROVISION OF DEDICATED LEGAL RIDESHARE PICK UP LOCATIONS

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	MITCHELL NOBLE – HEAD OF PLANNING
CITY STRATEGY OUTCOME:	4.6 – FACILITATE THE VIABILITY AND VIBRANCY OF OUR CBD AND VILLAGE CENTRES
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

Councillor McCullagh has indicated his intention to move the following Notice of Motion.

2. MOTION

That Council investigate the provision of official Rideshare pick up locations , in association with Transport for NSW where applicable , in the following Willoughby LGA suburbs : Northbridge; Castlecrag; Castle Cove ; Artarmon ; Naremburn ; Chatswood West ; Chatswood; in an initial feasibility report to Council for the March 2024 meeting .

3. SUPPORTING INFORMATION PROVIDED BY THE COUNCILLOR ON THE NOTICE OF MOTION

N/A

4. OFFICER'S RECOMMENDATION

That Council:

1. Note that research work undertaken for the Chatswood CBD Implementation Strategy can inform the need and demand for rideshare pick-up locations in Willoughby's local town centres.
2. Consider allocation of funding and resources for feasibility analysis of rideshare locations in Council's centres with the findings of the CBD Implementation Strategy in mid-2024.

5. OFFICER'S COMMENTS

The use of rideshare services reflects a structural change in the mix of transport options available to residents and visitors.

The *Willoughby Integrated Transport Strategy 2036* includes actions to review the number of rideshare and taxi spaces provided in Chatswood CBD, St Leonards and the Local Centres.

The provision of rideshare facilities should be informed by strategic consideration of current and future demand.

The motion requires allocation of staff and funding, noting that relevant staff are have been allocated to funded and scheduled projects that are already in progress.

It is estimated a standalone LGA wide feasibility analysis could cost in the order of \$40,000 to \$80,000 (preliminary estimate only), which could be subject to a bid in the Project and Capital Works program for 2024/25 or later.

However, Council will shortly commence work on a Chatswood CBD Implementation Strategy (the Strategy), which will also look at ride share pick-up and drop-off locations in the Chatswood CBD, with the Strategy due for completion in mid-2024.

Through the development of the Strategy, there will be engagement with rideshare and taxi operators to determine their needs. During this engagement there will be the opportunity to discuss our local centres, and this can help inform next steps as either further studies, or simply implementation through the Traffic Committee and Council if any changes are required to the local centres (and following any community consultation).

Through completing the Strategy, and collecting a range of market evidence around ride share pick up locations, it is envisaged the work for the local centres will be able to completed in 2024/25, this will potentially save time and money in undertaking a standalone study of feasibility of local centres.

It is also important that consideration is also given to food delivery services along with rideshare operators to ensure easy access to our local centres and to support local businesses.

13.2 NOTICE OF MOTION 37/2023 - TAXI AND RIDESHARE LONG TERM STRATEGY AND ACTION PLAN

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	MITCHELL NOBLE – HEAD OF PLANNING
CITY STRATEGY OUTCOME:	4.6 – FACILITATE THE VIABILITY AND VIBRANCY OF OUR CBD AND VILLAGE CENTRES
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

Councillor McCullagh has indicated his intention to move the following Notice of Motion.

2. MOTION

That Council draft a long term Taxi and Rideshare Strategic Plan and present the initial findings to our April 2024 Council meeting.

3. SUPPORTING INFORMATION PROVIDED BY THE COUNCILLOR ON THE NOTICE OF MOTION

Many Councils have a similar plan in place and are actively engaging with Rideshare and taxi operators and TFNSW in relation to this.

4. OFFICER'S RECOMMENDATION

That Council note that research to be undertaken for the Chatswood CDB Implementation Strategy can inform Taxi and Ride Share planning when completed in 2024/25.

5. OFFICER'S COMMENTS

The *Willoughby Integrated Transport Strategy 2036* includes the following two actions:

1. Provide an appropriate number of car share spaces in the Chatswood and St Leonards CBDs and local centres
2. Provide appropriate level of taxi/rideshare spaces in the Chatswood and St Leonards CBDs and local centres”

These two actions are currently identified as a medium-term priority and are unfunded.

The motion requires allocation of funding and staff, noting that relevant staff have been allocated to projects already in progress. However, the work being undertaken for the Chatswood CBD Implementation Strategy (the Strategy) will include Taxi and Rideshare strategies for the Chatswood CBD, and is due for completion in mid-2024.

The Strategy will provide the opportunity to engage with taxi and rideshare companies, which can then help inform an LGA wide approach.

It is estimated to undertake prepare a Taxi and Rideshare Strategic Plan could cost approximately \$40,000 to \$80,000 (preliminary estimate only). Allocation of funding and resources for a wider LGA approach can be contemplated when Council considers the findings of the Strategy in mid-2024.

The Strategy will also include work to better understand the need of food delivery drivers.

13.3 NOTICE OF MOTION 38/2023 - WARNERS PARK CENTRE CONCERNS

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING AND INFRASTRUCTURE DIRECTOR
AUTHOR:	RUPERT GILROY
CITY STRATEGY OUTCOME:	3.2 – CREATE RECREATION SPACES FOR ALL
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

Councillor McCullagh has indicated his intention to move the following Notice of Motion.

2. MOTION

That Council request a status report for the February 2024 council meeting for Warners Park Community Centre.

3. SUPPORTING INFORMATION PROVIDED BY THE COUNCILLOR ON THE NOTICE OF MOTION

Provide in the report:

- History of the refurbishment of the former Northbridge Bowling Club now known as the Warners Park Community Centre (WPCC). –
- Final cost of the refurbishment and the funding sources
- Analysis of the outcomes and benefits of the WPCC refurbishment against the business case put forward to the public for the project
- Reasons for the critical maintenance works which closed WPCC on 16 November 2023, and a summary of works undertaken or to be undertaken to reopen WPCC.
- Costs incurred and estimated future maintenance cost for WPCC. Include date of estimated reopening of the WPCC
- Details of the strategic management plan for the improved utilisation of

4. OFFICER'S RECOMMENDATION

That Council prepares a status report for the February 2024 council meeting for Warners Park Community Centre.

5. OFFICER'S COMMENTS

Council anticipates commencing rectification work on 8 January 2024 at Warner Park Community centre to rectify a defect relating to a structural floor support.

13.4 NOTICE OF MOTION 39/2023 - MINOR AMENDMENT TO THE ARTARMON LOCAL CENTRE PUBLIC DOMAIN MASTERPLAN

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	CHRIS BINNS – EXECUTIVE MANAGER STRATEGY & REFORM
CITY STRATEGY OUTCOME:	3.4 – CREATE DESIRABLE PLACES TO BE AND ENJOY
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

Councillor Wright has indicated his intention to move the following Notice of Motion.

2. MOTION

That Council make a minor wording change in section 2.1 of the Artarmon Local Centre Public Domain Masterplan from “Planting native species where possible” to “Planting native species where suitable” in order to clarify that both native and introduced plant species may be used in Council’s streetscapes and public areas.

3. SUPPORTING INFORMATION PROVIDED BY THE COUNCILLOR ON THE NOTICE OF MOTION

Over a period of nearly three years, there has been extensive consultation with local communities and businesses on the design and detailing of the Artarmon Local Centre Streetscape project, including proposed planting species. Those works were approved by Council, tendered, and are now under construction.

Post consultation, a few local residents have raised concerns that proposed plant species were not exclusively local native plants. This was never the intention of the approved streetscape design. The planting palette was created and endorsed by at least five professional Landscape Architects and Urban Designers employed by Council and/or engaged by Council for detailed design services.

Significant staff hours have now been spent investigating and responding to the ongoing concerns of these residents, both directly and through ward Councillors. Representations have sought a purist approach to native species selection in what is a highly modified urban and heritage conservation environment in the Artarmon Local Centre.

Council staff have continued to remain professional and courteous in their responses and have repeatedly and consistently provided the rationale behind the planting scheme. To provide clarity and certainty for the local community and assist staff, it may be preferable to finalise the issue and assist in responding to similar demands on future urban planting schemes, by amending the wording of the adopted Artarmon Local Centre Public Domain Masterplan.

4. OFFICER'S RECOMMENDATION

That Council consider the Notice of Motion and the Officer's comments.

5. OFFICER'S COMMENTS

Council's strategic approach to tree and vegetation management recognises the value of using native plant species, particularly for their unique contribution to habitat and biodiversity. Their mandated use in natural areas goes without question and is strongly guided by the *Urban Bushland Plan of Management* and the various *Reserve Action Plans* for individual bushland sites.

The planting of vegetation in urban streetscapes and public areas however, is guided by four Council approved policies, plans and guidelines including the:

- Urban Tree Management Policy 2014
- Street Tree Masterplan 2014
- Vegetation Management Policy 2020
- Vegetation Management Guidelines 2020

These guiding documents do not specify the use of native plants only. They promote the use of the 'right species for the right location' and enable a balanced mix of native and introduced species based on a range of selection factors, including:

- The local character of the area and its sense of place
- Cultural elements of the locale and its community
- Relevance to the development history of the area and its local heritage
- Geographic factors of geology, soils, micro-climates, existing vegetation and aspect
- Contribution to enhancing the tree canopy and its urban cooling effect
- Ability to enable solar access and/or shade at the right times of year
- The creation of wildlife corridors and bird-hops
- Self-sustaining growth patterns with minimal intervention, pruning and shaping
- Ease of maintenance including watering, drainage, fertilising and mulching
- Tolerance of hostile road-side environments, pavement heat and soil compaction
- Longevity of growth and the impacts of a decline in vigour and health
- Aesthetics provided by scale, form, colour, texture and contrast
- Safety risks and hazards from falling limbs, twigs, leaves and fruit
- Structural impacts of root intrusion, lifting and soil hydration
- Health benefits from cleaner air and reduced exposure to air-bourne pollutants
- Community wellness and mental health gains from a greener urban environment

It is understood that the plant selection palette for the Artarmon Local Centre Streetscape Project continues to cause concerns from some local residents about suitable plant species selection.

As a site specific planning and urban design document, the *Artarmon Local Centre Public Domain Masterplan* was adopted by Council at its meeting of 9 November 2020 after extensive community consultation through mid-2020. The Masterplan did not propose purely native species for planting, but gave an indication of planting locations and provided representative photographs of the proposed vegetation, which were not primarily native species.

Further, consultation on the Masterplan identified a strong sentiment from the resident and business community that the detailed design phase retain and enhance the area's heritage character and sense of place. Subsequent detailed planting designs therefore proposed a mix of hardy native and introduced species that reflected the local landscape character of Artarmon and were capable of surviving with limited maintenance in an often harsh road-side environment.

From mid-2021, during consultation on the detailed design plans for the Artarmon Streetscape Project, just a few local residents have placed significant pressure on several Council staff to change planting design to native species only. That pressure and the high consumption of staff time responding to regular and repeated requests has become, and remains, difficult.

The most concerning allegation from the subject residents was that Council staff have deliberately misled Councillors in not adhering to Council approved plans, strategies and policies. That is not the case.

The subject residents claim that the *Artarmon Local Centre Public Domain Masterplan* prevents the planting of anything other than native plants because in Section 2.1, as a notation in a graphic diagram, it states '**Planting native species where possible**'.

That notation is not considered, nor intended as a dictate for native-only planting.

A resolution by Council, as proposed in the Notice of Motion, could be actioned by changing the subject text to '**Planting native species where suitable**'. That approach is supported and will assist in the justification of appropriate plant species for future public domain projects.

13.5 NOTICE OF MOTION 40/2023 - REINSTATE CHATSWOOD OOSH SERVICE COMMENCING WITH 2024 SCHOOL YEAR

RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	ELLEN MILLER – COMMUNITY LIFE MANAGER
CITY STRATEGY OUTCOME:	5.4 – ANTICIPATE AND RESPOND TO CHANGING COMMUNITY AND CUSTOMER NEEDS
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

Councillor Greco has indicated her intention to move the following Notice of Motion.

2. MOTION

That Council:

- 1. Reinstate Chatswood OOSH services at Trumper Pavilion, recommencing with the 2024 School term.**
- 2. Advise users of Chatswood OOSH of the continuing service at Trumper Pavilion and engage in the promotion of the Chatswood OOSH service through Council networks.**

3. SUPPORTING INFORMATION PROVIDED BY THE COUNCILLOR ON THE NOTICE OF MOTION**Background:**

Council established Out of School Hours Care (OOSH) services to provide childcare support for working families and to address a gap in service provision. The services were established at Trumper Pavilion in 2004.

Trumper Pavilion is a community facility, managed by the Open Space Team. The aim of such facilities is to provide a dedicated space that serves the needs and interests of the local community.

The after-school care service shares the space, therefore requires set up and pack down each day, to enable other users to utilise the space. A consistent requirement across all shared community facility use in our LGA.

A petition requesting “NOT to SHUT DOWN Chatswood OOSH” submitted at the 27 November 2023 council meeting of 221 local signatures, demonstrates the demand for the Council run child service is high.

A study by the NSW Productivity Commission, published July 2023 called "Childcare choices: What parents want" reported that parents not only valued quality of care, but also child care choice. The study talked further about ensuring the public and private sector childcare providers operate on a level playing field and suggested a mixture of government and private sector run services as best practice.

Reinstating Chatswood OOSH meets the objectives of Council's Strategic plan, Reference 2.3 Celebrate and encourages our diversity.

The decision to close Chatswood OOSH in April 2023 was based on information supporting a financial repair strategy on the current rate structure. At the November 2023 Council meeting, council resolved for a special rate variation (SRV) of 15% and set a new strategy direction to maintain valued services.

The move towards a 15% SRV now makes it financially viable to retain the Chatswood OOSH service. Further, the recently published 2023 financial statements shows a strong recovery of Council's OOSH services with an increase in revenue of \$69K from its 2022 OOSH operations and a decrease in direct expenses of \$2K.

It is noted that residents of Chatswood and Artarmon have been identified as most likely to be adversely impacted by the SRV given the demographics of its residents. Chatswood and Artarmon OOSH supports families in these areas accordingly meets Council's strategic plan objective: 2.8 Increase community resilience to shocks and stresses.

At the August 2023 council meeting, it was confirmed that Willoughby City Council does not have a child service exit policy and the provision of certain children's services will be assessed on a case by case basis. This is to be done as part of Council's ongoing review of services and financial sustainability.

Therefore, the endorsed SRV of 15% will provide council with financial stability, and reinstating Chatswood OOSH aligned with the SRV decision. Further reinstating Chatswood OOSH is supported by Council's strategic plan objectives referenced below:

- 2.7 Promote accessible services and facilities for the community.
- 5.2 Demonstrate leadership and advocacy for local priorities.
- 5.4 Anticipate and respond to changing community and customer needs.

Currently Trumper Pavilion is also utilised seasonally by both Gordon District Cricket and Gordon District Rugby clubs. Hirer agreements are in accordance Community Facilities Hire Policy 2015.

While Gordon District Cricket and Rugby clubs have expressed interest for greater utilization of the Trumper Pavilion community facility, any future occupancy arrangements will reflect the best fit for the facility, the needs of the intended Hirer and those of the wider Willoughby community.

Council has identified potential community need for the hirer of the Trumper Pavilion for; Aged and Disability programs, Creative and Performing Arts programs, Exercise Classes, Workshops and Seminars, Internal meeting space.

However, the demand for space hire at Trumper Pavilion has not been establish and Council currently records a significant cost of underutilization of its community facilities.

Chatswood OOSH provides for a stable income stream to council, while meeting the needs of the wider Willoughby community, without impact to the current district sports clubs use of the facility in accordance with their hirer agreement.

Reinstating Chatswood OOSH is consistent with Council's strategic plan objective: 5.3 Balance the creation of new public assets with the upgrade of existing public assets.

4. OFFICER'S RECOMMENDATION

The Council consider the Motion.

5. OFFICER'S COMMENTS

At the Council Meeting of the 26 April, Council resolved to proceed with recommendations 1,2,3 in the officers Confidential Report (to strategically withdraw from Children's Services and the reduction of Council's Out of School Hours Care (OOSH)) and make these recommendations public once the key stakeholders have been informed)

OOSH was originally established in 2004 when there was gap in the market for After School Care services. Since then, this gap has closed considerably with most primary schools offering After School Provision onsite as recommended by the Department of Education.

Chatswood OOSH has been operating at below 50% capacity (average of 24 children per day) and made a loss \$42,000 over the last 3 financial years.

Since the Council Resolution on 26 April 2024, the following actions have been implemented to date:

- Parents notified in writing of the closer of OOSH and advised of alternative provision.
- Principal of Chatswood Public School was notified in person and then formally in writing.
- Discussion with Chatswood Public School on site provider (Primary OSHC) to ascertain availability to accept additional children.
- Staff notified of pending closure.
- Union informed for pending closure
- Staff issued with relocation opportunities.
- Surrender of Licence to Department of Education

To reinstate Chatswood OOSH Council would need to:

- Prepare all the paper work to apply for new licence.
- Apply for licence – 90 days turn-around period from Department of Education (this means the service would not be available for Term 1 of the new school year)
- Recruit and train staff.
- Readvertise the Service availability – anticipate a lower uptake due to alternative arrangements already been made by parents for 2024 school year.

Trumper Pavilion

Currently the Dougherty Community Centre (DCC) utilisation rate is 83.38%. As the demand for the larger venue hire spaces within the DCC has increased and MOSAIC continues to expand and grow its programs to the CALD community, Trumper is in an ideal size and location to provide additional venue hire space for the community to run:

- Aged and Disability programs
- Creative and Performing Arts programs
- Exercise Classes
- Workshops and Seminars
- Internal meeting space

Currently we have 2 community exercise classes taking place at Trumper on a weekly basis with no impact to sporting clubs. Venue hire will be managed by Dougherty Community Centre venue services team from Monday to Friday from 8.30 to 5pm.

SRV

Council endorsed a submission to IPART for a 15% SRV at its meeting held on 27 November 2023 and will meet on 30 January 2024 to resolve to submit Willoughby's application to IPART. Council is likely to be informed of the outcome in May 2024.

Council will resolve how that anticipated 15% SRV will be allocated as part of its deliberations on the Operational Plan & Budget process for 2024/25.

13.6 NOTICE OF MOTION 41/2023 - NAMING OF PARK AFTER THE LATE JIM MCCREDIE

RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	ANGELA CASEY – CULTURE AND LESIURE MANAGER
CITY STRATEGY OUTCOME:	2.2 – RESPECT AND CELEBRATE OUR INDIGENOUS AND NON-INDIGENOUS HISTORY AND HERITAGE
MEETING DATE:	11 DECEMBER 2023

1. PURPOSE OF REPORT

Councillor Campbell has indicated his intention to move the following Notice of Motion.

2. MOTION

That Council:

- 1. In consultation with his family, undertake a community engagement process to assess the level of community support to re-name View St Reserve, Chatswood after the late Jim McCredie.**
- 2. Report to Council on the outcome of this community engagement process, and if appropriate, seek approval from the Geographical Names Board for the name of the park to be changed.**

3. SUPPORTING INFORMATION PROVIDED BY THE COUNCILLOR ON THE NOTICE OF MOTION

Community members and Chatswood West Ward Progress Association have requested that View St Park in Chatswood be re- named after Jim McCredie, a long-time resident, community advocate, and former Citizen of the Year, who passed away on 19 October 2023.

Jim was a stalwart of the Chatswood West Ward community. He enjoyed a career as an engineer working at a variety of Naval bases around the world and carried those skills into his many contributions to numerous local community organisations. Jim was president of the Chatswood West Ward Progress Association (CWWPA) for many years and represented the CWWPA on the Federation of Willoughby Progress Association, a role he undertook for many years until illness curtailed his enthusiasm.

After the January 1994 bushfires, when it was only a change of wind direction that saved buildings such as the Scout Hall and a lot of houses adjoining the Blue Gum Creek Reserve, Jim was instrumental in establishing the local Community Fire Unit and served on the executive of that body.

During his time as President of both CWWPA and the Federation, Jim regularly attended Council meetings. From time-to-time he would request to address Council and answer questions of Councillors. On other occasions he would sit in the back row of the chambers from start to finish of the meetings. For many Councillors Jim became known as the fourteenth Councillor. He was a great advocate on a wide range of local issues from over-development and Section 92 to water and wastewater issues and the intricacies of traffic flow studies.

Jim's intelligence and wit, coupled with his benevolent calmness, made him a positive force for good in our community in discussions, at meetings and when necessary, at protests. For his service to the community, Jim was named the 2004 Willoughby Citizen of the Year.

As a result of the many lives Jim positively impacted in the community, many residents of West Ward and members of the Chatswood West Ward Progress Association are keen to revive an earlier plan to name the park and playground on View St at Le Plastrier Lane after Jim. In that they also have the support of West Ward councillors.

Although sadly, we no longer have Jim around to help the community, it would be a fitting legacy to explain to children who use the park boys who Jim was, what he did and that he was a true friend of the community.

4. OFFICER'S RECOMMENDATION

That Council consider the Motion.

5. OFFICER'S COMMENTS

Renaming a park requires approval from the Geographical Names Board. As part of this process, Council would be required to provide evidence of community support for the name change. Providing evidence of the support could be achieved via an online community engagement process.

Open space staff resources are fully allocated until quarter four of 2023/4, however community engagement could be undertaken in consultation with the McCredie family after March 2024. These results would then be reported to Council before Officers apply to the Geographical Names Board seeking approval for the name change.

14 QUESTIONS WITH NOTICE

14.1 QUESTION WITH NOTICE 18/2023 - ILLEGAL ON STREET BOAT PARKING

RESPONSIBLE OFFICER:	LINDA PERRINE - COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	MARK TAYLOR – SAFE CITY UNIT MANAGER
CITY STRATEGY OUTCOME:	2.4 – MANAGE PARKING AND REDUCE TRAFFIC CONGESTION
MEETING DATE:	11 DECEMBER 2023

Submitted by: Councillor Roy McCullagh

QUESTIONS

Have our community members who own boats ever been invited to engage with Council to provide their opinion on the illegal parking of boats on residential streets?

ANSWER

Council resolved to initiate community consultation in relation to the parking of unattended boat trailers at its meeting on 12 September, 2016. The community consultation was undertaken in accordance with Council's adopted Community Engagement Policy and included members of the community who own boats.

Following the community consultation process, Council considered a further report at its meeting on 22 May 2017 and resolved to:

1. Note the results from the community engagement programme between Thursday 19 January to Friday 17 February, 2017 in relation to boat trailer parking and that these results predominately support the implementation of the provisions of the Impounding Act (Unattended Boat Trailers) Act 2015;
2. Declare the whole of the City of Willoughby Local Government Area a "Declared Area" for the purposes of the *Impounding Act (Unattended Boat Trailers) Act 2015*;
3. Advise the Office of Local Government of Council's resolution and
4. Proceed to implement the provisions of the *Impounding Act (Unattended Boat Trailers) Act 2015* after publication of the order of the "Declared Area" in the NSW Government Gazette.

The *Impounding Act (Unattended Boat Trailers) Act 2015* is now repealed.

The *Public Spaces (Unattended Property) Act 2021* came into force from 1 November, 2022.

14.2 QUESTION WITH NOTICE 19/2023 - ILLEGAL BLOCKING OF ON STREET PARKING SPACES USING CONES AND BINS

RESPONSIBLE OFFICER: LINDA PERRINE - COMMUNITY, CULTURE & LEISURE DIRECTOR

AUTHOR: MARK TAYLOR – SAFE CITY UNIT MANAGER

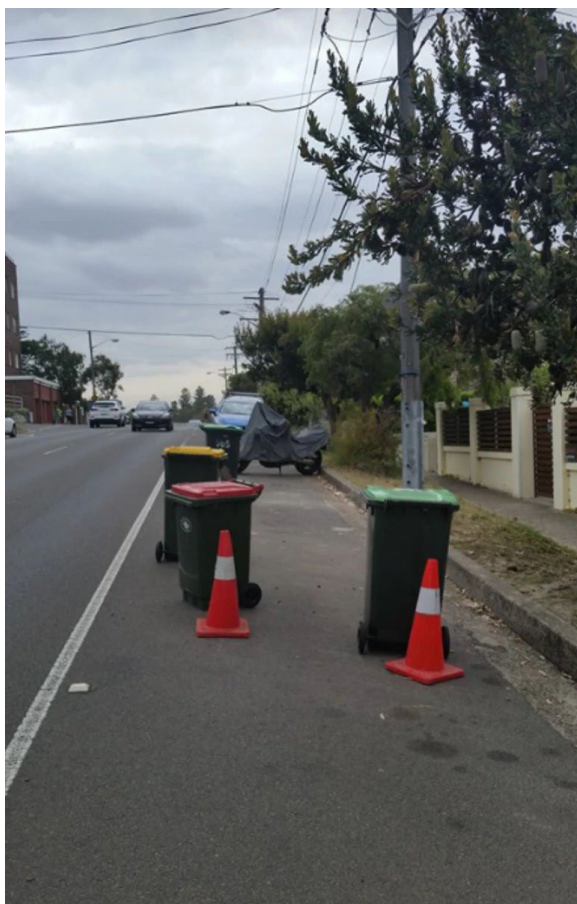
CITY STRATEGY OUTCOME: 3.4 – CREATE DESIRABLE PLACES TO BE AND ENJOY

MEETING DATE: 11 DECEMBER 2023

Submitted by: Councillor Roy McCullagh

QUESTION

**Are residents permitted to block on street parking spaces using cones and or bins?
What should residents do when they come across this situation?**

**ANSWER**

A person must not cause an obstruction on a public road using cones and / or bins unless prior consent has been granted by a Roads Authority such as Council.

If a resident observes an obstruction on a public road within the City of Willoughby local government area, they may report the matter to Council. The matter may then be tasked to an Authorised Officer, such as a Ranger, for processing.

14.3 QUESTION WITH NOTICE 20/2023 - WOOLWORTHS SHOPPING TROLLEY LOOP UPDATE

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	RUPERT GILROY – PROPERTY MANAGER
CITY STRATEGY OUTCOME:	4.1 – FACILITATE THE DEVELOPMENT OF ALL BUSINESSES
MEETING DATE:	11 DECEMBER 2023

Submitted by: Councillor Roy McCullagh

QUESTION

Can Council please provide an update on the Woolworths Loop installation situation? Thank you.

ANSWER

Woolworths are seeking to install an electrical loop around the Northbridge Car Park to help contain shopping trolleys to the car park space. The electrical loop is proposed to be installed on Council land, and when the trolleys go outside the loop they are disabled.

Council has obtained legal advice which indicates that as the land is classified as Community Land under the *Local Government Act*, commercial uses such as trolley stations, EV chargers, post boxes, and shop trading are unlikely to satisfy any community land categorization.

Council's ability to deal with the land is restricted given the categorisation of the land as Community Land, and officers will work with Woolworths to seek an alternative arrangement to better manage abandoned shopping trolleys.

14.4 QUESTION WITH NOTICE 21/2023 - BELLAMBI SQUARE NOTICE BOARD

RESPONSIBLE OFFICER:	DEBRA JUST – CHIEF EXECUTIVE OFFICER
AUTHOR:	JOHN ELLIOTT – ECONOMIC DEVELOPMENT MANAGER
CITY STRATEGY OUTCOME:	4.6 – FACILITATE THE VIABILITY AND VIBRANCY OF OUR CBD AND VILLAGE CENTRES
MEETING DATE:	11 DECEMBER 2023

Submitted by: Councillor Roy McCullagh

QUESTION

Can Council please provide an update on the provision of an elegant traditional village style notice board for Bellambi Square?

ANSWER

The provision of a public notice board in Bellambi Street has been raised by the Councillor as a potential future enhancement following discussions with the local community and stakeholders to provide a location for the notification of local community events.

The Councillor has raised the potential involvement of the local Men's Shed in designing and creating a notice board. The provision of a public notice board in public places needs to balance design with robustness of use to ensure continual use and maintenance. Contact will need to be made with the Men's Shed to understand the options for them to design, create and donate to Council a village style notice board that can be installed in Bellambi Square.

Further discussions and consultations will also need to be undertaken with locally based organisations to ensure the management of the contents of the board, and the opportunities for locally based organisations working alongside Council to use the board will need to be explored.

The current program has no funding or resources allocated for such provisions or enhancements, and it is suggested that any notice board and its design would need to be the subject of additional community consultation, especially in relation to any design of the notice board. Additional funding will need to be allocated in the budget through a future QBR process.

14.5 QUESTION WITH NOTICE 22/2023 - ALPHA ROAD AND FRENCHS ROAD TRAFFIC STUDY UPDATE

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DANIEL SUI – TRAFFIC & TRANSPORT TEAM LEADER
CITY STRATEGY OUTCOME:	2.4 – MANAGE PARKING AND REDUCE TRAFFIC CONGESTION
MEETING DATE:	11 DECEMBER 2023

Submitted by: Councillor Roy McCullagh

QUESTION

Can Council please provide an update on the recent TfNSW traffic study of this intersection?

ANSWER

In 2017, a feasibility study was conducted to assess the potential installation of traffic control signals at the intersection of Alpha Road and Frenchs Road, Willoughby.

The study indicated that the demands from motor vehicles, pedestrians, and cyclists on French Road and Alpha Road did not meet the criteria outlined by Transport for New South Wales (TfNSW) for the implementation of traffic control signals. Consequently they did not endorse installing traffic control signals at this intersection.

A range of recent reviews and monitoring the safety performance and road user demand at this intersection have been undertaken in 2022/23. There has been one minor injury crash recorded in 2021 at the intersection over the last five years, which means this intersection is not categorised as a black spot.

The intersection has a restriction on turning right, specifically from Frenchs Road onto Alpha Road (southbound), during the hours of 3:30pm to 6:30pm on Mondays to Fridays. The implementation of this timed restriction, along with the overall intersection configuration, appears to have been effective based on the history of crashes and safety performance.

TfNSW is responsible for the coordination and management of traffic signals across the state of New South Wales and oversees the planning, implementation, and maintenance of traffic signal sites and operations to ensure efficient and safe traffic flow.

14.6 QUESTION WITH NOTICE 23/2023 - RECYCLESMAST SERVICE TO WILLOUGHBY RESIDENTS & WASTE STRATEGY

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DAVID ROBERTS – ENVIRONMENT MANAGER
CITY STRATEGY OUTCOME:	1.2 – PROMOTE SUSTAINABLE LIFESTYLES AND PRACTICES
MEETING DATE:	11 DECEMBER 2023

Submitted by: Councillor Georgie Roussac

QUESTION

Willoughby City Council offers residents two options for tough-to-recycle items:

1. Subscribe for a FREE and recurring Power Pickup. RecycleSmart will collect up to 2 bags for free each time, and you can add additional bags for \$5 each.
2. Or book a Power Pickup as often as needed for \$5 per bag (min. 2 bags).

As of 1 October 2023 the free recurring Power Pickup has changed from collection of 2 free bags per month to 2 free bags every few months.

Willoughby Council's website provides the following update on RecycleSmart pickups:

- Update from 1 October 2023: Our service is very popular so we have had to space out the pickups to make sure everyone has access to the free regular service which is paid for by your Council. This means that your free regular collections will become less frequent and from Sunday 1 October, residents might have to wait longer than usual for their free pick-up. In the meantime, Recyclesmart offers our on-demand Power Pickup service for a small fee of \$5 per bag, and monthly subscriptions are also available at the same price.
Link: <https://www.willoughby.nsw.gov.au/Residents/Waste-and-recycling/Reduce-reuse-recycle/RecycleSmart-pickups>

Questions:

1. Can you please confirm how frequently residents can access RecycleSmart's free Power Pickup service (2 bags)?
2. Given the Power Pickups are less frequent, can residents add more free bags for collection? For example, if the free Power Pickups are reduced to once every 3 months can residents then put out 6 bags (2 free bags x 3 months) for collection for free?
3. Does Council pay for the collection of a set number of free bags per month? Please outline the service model.
4. Residents may not have the capacity to pay for additional Power Pickups or the space to store soft plastics etc for several months. To meet community interest and growing demand for recycling, what funding sources or avenues are available to reinstate 1 free pickup (of 2 bags) per month?

5. Unless residents pay for additional pickups then our LGA’s waste reduction, particularly plastics, will remain relatively unchanged. Our Community Strategic Plan highlights the importance of reducing our environmental impact on the world and our waste recovery commitments.
 How does Council envisage the reduction in RecycleSmart collections will impact our LGAs waste goals, targets etc?
 What are Councils plans to build on existing services and systems to grow and lead waste initiatives?

6. Council recently sought community feedback on two bulky goods collection services: retain the existing 3 x council scheduled pickups with 1 x individual booked service, or, 4 x individual booked pickups. The community feedback strongly supported retaining the existing service. Given this, Councillors voted to continue the current model. At the 27 November 2023 Council meeting I asked about testing different models with residents in future (in addition to existing models), for example, using the expected savings from a fully booked system, or one less scheduled clean up, to triage hard rubbish to recycling services. The response was not encouraging. It would be great to see innovative and creative solutions explored in the near future.

On 27 October 2023 Northern Beaches Council launched its Draft Waste and Circular Economy Strategy. Willoughby Council has introduced some good initiatives, including RecycleSmart, however we do not appear to have a comprehensive waste strategy. When does Willoughby Council plan to develop a waste strategy to capture the extensive knowledge and interest in the community?

OUTCOME 1

A City that is green

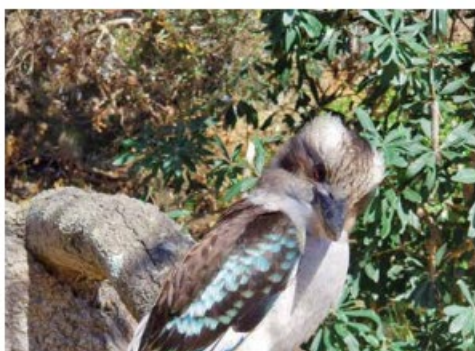
Our City will become a leader in sustainability.

We are proud of our natural environment and will celebrate and protect our flourishing bushland, wildlife and waterways.

We will aspire to meet the needs of our community and environment while not compromising those of future generations.

COMMUNITY PRIORITIES

- 1.1 Create and enhance green spaces, urban tree canopy cover and greening.
- 1.2 Promote sustainable lifestyles and practices.
- 1.3 Enhance, protect and respect waterways, bushland, wildlife and ecological systems.
- 1.4 Reduce use of energy, water and natural resources and maximise reuse of waste.
- 1.5 Reduce carbon and greenhouse gas emissions.



MEASURE	DATA SOURCE
Increase in average recovery rate from all waste streams to 80% by 2030	Willoughby City Council – waste data
Increase in percentage of Willoughby which has urban tree cover to 40% by 2036	Resilient Sydney platform – Department of Planning and Environment
Decrease in percentage of water use by residents compared with 2021/22 levels	Sydney Water
No net decline in the Local Waterway Health Report Card grade	Local Waterway Health Report Card
Reduction in percentage of greenhouse gas emissions by the Willoughby community by 2028 by at least 50% compared with 2008/09	Resilient Sydney platform - Ausgrid, Endeavour, Jemena, NSW EPA, ABS Census, BTS Household Travel Survey and Kinesis

Source: Community Strategic Plan: Our Future Willoughby 2032

Link - <https://www.willoughby.nsw.gov.au/Council/Policies-and-publications/Publications/Community-Strategic-Plan-Our-Future-Willoughby-2032>

ANSWER

Each question will be responded to in turn.

1. Council has a contract with Recyclesmart to collected 1,000 bags per month. Once bookings have reached 1,000 for the month, residents will be given the opportunity for the next available booking, which is currently can be up to an eight week wait.

As the popularity of the service has grown these limits have been introduced to ensure a broad range of residents can access the service, with each collection from Recyclesmart limited to two bags per pick up.

Residents were previously able to make multiple future bookings, and this was reducing access to other residents.

2. It is possible to increase the bag limit from 2 to 6 bags, but this would reduce the number of picks ups from residents that could occur, as the current contract is for 1,000 bags per month (i.e. bigger number of bags to be picked up, but less frequently).

A cap was introduced to manage the operating budget as the popularity of the program increases and to ensure all residents can access the system.

3. Council has a contract with Recyclesmart to collect up to 1,000 bags per month which is provided to the community as a free service. If residents need a faster service or would like to put out more bags then Recyclesmart offers an on-demand Power Pickup service for \$5 per bag, and monthly subscriptions are also available.

4. The Domestic Waste Management Charge is used to fund the existing contract with Recyclesmart which could be used to increase the service, and could be considered as part of the 2024/25 operational budget. The service costs approximately \$85,000 per annum.

There is always a need to balance waste diversion with operating budgets, with many Sydney Councils also implementing caps on the Recyclesmart service.

5. Over the last 18 months the number of households using RecycleSmart has increased to 1,906. To date, over 17,000 bags have been collected using the Council funded model, resulting in 46.3 tonnes of valuable resources diverted from landfill.

Recyclesmart collections are not being reduced, however we have had to cap collections at 1000 bags per month to manage the 2023 financial year budget.

Council is working towards a waste-free future by supporting innovative waste solutions. We have a joint disposal contract with several other Northern Sydney councils to send our waste to Veolia Environmental Services' Woodlawn Bioreactor. This facility uses proven technologies to recover energy from waste to produce green electricity.

To achieve our target of reducing total waste generated by 10% per person and have an 80% recovery rate from all waste streams by 2030, Council will need to implement

larger scale recycling systems while improving and expanding on the existing services like RecycleSmart.

Council has been working with our current recycling partner to assist in the development of a program to use the yellow recycling bin to accept a greater range of materials, including soft plastics.

Our current waste recycling partner is undertaking a trial in two non-metropolitan councils for collection, sorting and processing of soft plastic waste collected from yellow bins, and we are keen to expand this to our service offering. However, our current waste recycling partner is currently not able to accept larger volumes at this time, but are looking to expand this service in the future.

Council currently has its recycling contract out for tender, and through this process will seek opportunities for innovative ways to divert waste materials to meet our regional waste diversion targets.

6. Willoughby's *Our Green City Plan 2028* (Green City Plan) responds to the priorities required to achieve the community strategic plan, including 'Reduce energy, water, and resource waste and encourage reuse and recycling'. The Green City Plan includes targets developed in line with regional and state waste strategies and sets out the actions to get there.

Waste is most effectively managed at a regional scale, and Willoughby Council works with councils across Sydney to transfer, process and dispose materials. This co-operation is led by the Northern Sydney Regional Waste Strategy 2022-2027 which sets out the regional objectives, outcomes and initiatives to deliver our vision of a collaborative alliance of councils investigating and delivering balanced outcomes to recover resources, protect the environment and enhance community well-being.

In April 2023 Council adopted the Northern Sydney Regional Waste Strategy 2022-2027 and later entered into a waste collection contract. These two significant milestones have allowed council staff to start developing the *Waste and Resource Recovery Education Strategy 2024*.

This Strategy will assist Council plan for large scale programs such as food and garden organics and contamination, with a focused support for multi-unit dwellings and CALD communities. This Strategy is being developed in line with the National Waste Policy Action Plan, NSW Waste and Sustainable Materials Strategy 2041 and NSROC Regional Waste Strategy to drive action towards achieving local waste diversion and recovery targets.

The NSW Waste and Sustainable Material Strategy 2041 along with the Federal Governments Australian Packaging Covenant (stewardship initiative) which seeks to remove the negative environmental impacts of consumer packaging with covenant focusing on sustainable package design, increasing recycling rates and reducing litter.

If there are changes in the collection of bulky goods due to savings, these funds can be reinvested in other waste programs, noting Council's resolution to keep the current service levels.

14.7 QUESTION WITH NOTICE 24/2023 - ARTARMON OOSH VACATION CARE

RESPONSIBLE OFFICER:	LINDA PERRINE - COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	ELLEN MILLER – COMMUNITY LIFE MANAGER
CITY STRATEGY OUTCOME:	2.5 – CREATE NEIGHBOURHOODS THAT CONNECT PEOPLE FROM ALL TYPES OF HOUSEHOLDS AND FAMILIES
MEETING DATE:	11 DECEMBER 2023

Submitted by: Councillor Anna Greco

QUESTION

1. What was the utilisation (ie number of children enrolled in each program) of Council's summer vacation care service at Artarmon OOSH and Chatswood OOSH for the last 2 years?
2. Why have staff shortages escalated to critical levels necessitating the closure of the Artarmon 2024 summer vacation service, after Council confirmed to Chatswood OOSH users on 12 October 2023, that the service will be provided at Artarmon OOSH for 2023/2024 Summer vacation?
3. When were the critical staff shortages identified?
4. Provide details (including dates of notices for staff recruitment, publications and media used, agency engagements etc) of staff recruitment efforts since the critical staff shortages were identified.
5. Why was the Artarmon OOSH Summer 2024 Vacation service cancelled entirely and a limited service commensurate with current staffing levels not offered?
6. What strategies are in place to safeguard the reliability of Council's 2024 Artarmon OOSH service?

ANSWER

1. Based on reducing demand across Council facilities the decision to alternate the Vacation Care programs between Chatswood and Artarmon OOSH. In January 2022, the Vacation Care program was delivered at Chatswood with 68% utilisation (approx. 37 children per day).

In January 2023, the program was also delivered at Chatswood, with 83% utilisation (approximately 45 children per day).

Vacation care was not provided at Artarmon OOSH in Summer.

Utilisation Rates:

VACATION CARE - ARTARMON % USAGE – Licenced for 80 (Capped 65)						
	2018	2019	2020	2021	2022	2023
Jan	68%	65%	56%	NA	NA	NA
April	80%	73%	22%			
July	90%	81%	30%	39%	43%	
Sept/Oct	71%	80%	25%	13%	59%	
Dec	54%	84%	NA	NA	NA	
	73%	77%	33%	26%	51%	

VACATION CARE - CHATSWOOD % USAGE – Licenced for 50 (Capped 40)						
	2018	2019	2020	2021	2022	2023
Jan	61%	71%	55%	43%	68%	83%
April	74%	65%	NA	73%	77%	97%
July	82%	65%	NA	NA	43%	100%
Sept/Oct	82%	55%	35%	15%	NA	61%
Dec	41%	46%	45%	48%	80%	NA
	68%	60%	45%	45%	67%	85%

Note: The increase in numbers at Chatswood Vacation Care in 2023 is due to combining both Bales and Artarmon at the Chatswood site.

- Due to staff vacancies we have relied heavily on casual staff and agency staff throughout 2023.
- Staff shortages have been ongoing prior to and throughout 2023.

We had every intention of running a vacation care program, however upon closer examination of the implications of proceeding, it was agreed that that it is unsafe to proceed with delivering a program.

- We attempted to recruit through Council's website and seek.com.

Adverts ran:

- 16 June – 27 August – 3 attempts during this period for part time staff - as the adverts run for 2 weeks each recruitment period).
- 19 October – 5 November – casuals.
- 24 October – 5 November - part time.
- 27 October – 12 November - casuals.

Since 1 July in order to meet the legislative ratios and to continue to provide quality services we have needed to utilise:

- Casual children's services staff on 102 occasions.
 - 1 casual youth worker on 14 occasions.
 - 1 of the Youth Development Officers on 2 occasions.
 - The Children and Youth Services Team Leader on at least 4 occasions.
 - Agency staff on 32 occasions.
5. In terms of Council we have a responsibility to provide a safe program. Based on the fact that we cannot guarantee the staff / children ratio I could not put us at risk of breaching legal requirements, breaching safety, and having Council and individual staff receiving significant fines.
- We would need a minimum of 8-10 staff to provide the vacation care and a registered Supervisor. Our supervisor will be on leave and Council does not have the 8-10 staff required. That is why the decision had to be made to not provide the Summer vacation care. We are continuing in our efforts to recruit both casual staff and permanent part time staff.
6. We are continuing in our efforts to recruit both casual staff and permanent part time staff.

15 CONFIDENTIAL MATTERS

15.1 CONFIDENTIAL - VICTOR STREET ASSET RENEWAL AND REFURBISHMENT TENDER

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	MAXINE KENYON – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	MAXINE KENYON – CUSTOMER & CORPORATE DIRECTOR
CITY STRATEGY OUTCOME:	5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS
MEETING DATE:	11 DECEMBER 2023

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) and Section 10A(2)(d)(i) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and

(d) commercial information of a confidential nature that would, if disclosed-
(i) prejudice the commercial position of the person who supplied it.

The information in the report is confidential as disclosure of information would place Council at a commercial disadvantage if the entities related to the subject of the report were to become aware of Council's financial and related information.

This matter is also confidential because it contains details of entities and their commercial operations which, if revealed, would result in commercial disadvantage to them. This information was provided to Council in the expectation that it will be treated as commercial in confidence. On balance, it is not in the public interest to reveal Council's financial and related information (that Council requires to make its decision) to potential suppliers, nor to disclose the commercial information of potential suppliers

**15.2 CONFIDENTIAL - PLANNING AGREEMENT - 2-6 SECOND AVENUE
WILLOUGHBY EAST (FORMER TRESILLIAN NURSING HOME)**

ATTACHMENTS:	1. IMPLICATIONS 2. PLANNING AGREEMENT – 2-6 SECOND AVENUE, WILLOUGHBY EAST
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	MITCHELL NOBLE, HEAD OF PLANNING
CITY STRATEGY OUTCOME:	2.2 – RESPECT AND CELEBRATE OUR INDIGENOUS AND NON-INDIGENOUS HISTORY AND HERITAGE
MEETING DATE:	11 DECEMBER 2023

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:-

- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

It is being reported in confidential session so as not to disclose privileged and confidential information in a public forum.

15.3 CONFIDENTIAL - WILLOUGHBY LEISURE CENTRE UPGRADE - UPDATE

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	HUGH PHEMISTER – PLANNING AND INFRASTRUCTURE DIRECTOR
CITY STRATEGY OUTCOME:	5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS
MEETING DATE:	11 DECEMBER 2023

REASON FOR CONFIDENTIALITY

This attachment is **CONFIDENTIAL** in accordance with Section 10A(2)(c) and Section 10A(2)(d)(i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed--
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

The information in the report is confidential as disclosure of information would place Council at a commercial disadvantage if the entities related to the subject of the report were to become aware of Council's budget allowances and financial position.

The matter also contains background information that could be subject to legal proceedings in the future.

This matter is also confidential because it contains details of entities and their commercial operations which, if revealed, would result in commercial disadvantage to them. This information was provided to Council in the expectation that it will be treated as commercial in confidence.

On balance, it is not in the public interest to reveal Council's financial and related information (that Council requires to make its decision) to potential suppliers, nor to disclose the commercial information of potential suppliers.

CONFIDENTIAL ATTACHMENTS

- 12.5 EXPRESSION OF INTEREST FOR THE ADVISORY COMMITTEES - COMMUNITY MEMBERS, ATTACHMENTS 2 & 3
 - 12.9 WCC PROPERTY REPORT - DECEMBER 2023, ATTACHMENTS 2 & 3
-

16 CONCLUSION OF THE MEETING