



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 22 May 2023
commencing at 7:00pm

The Meeting is open to the Public

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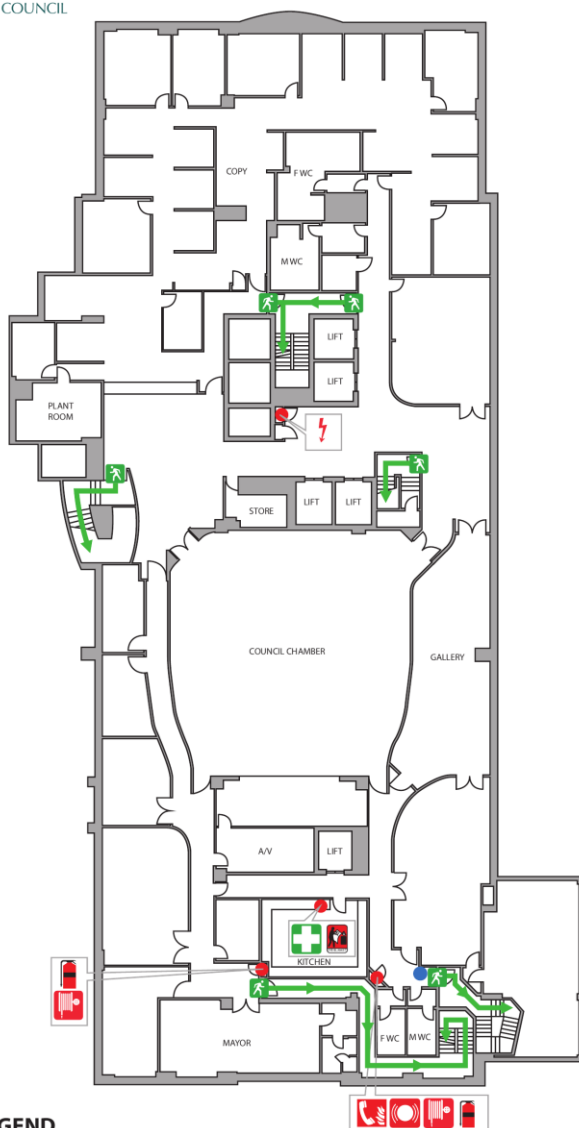
WILLOUGHBY CITY COUNCIL

Level 6 Floor Plan



EVACUATION DIAGRAM

COUNCIL CHAMBERS



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



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.

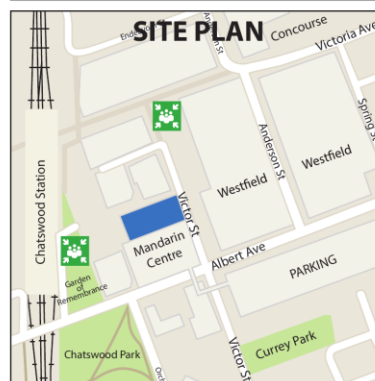
EVACUATE WOOP..WOOP..WOOP.

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



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Date of Issue: 12-2014
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 B A Y	W E S T	Clr C Campbell
Clr J Moratelli			Clr B Zhu Deputy Mayor
Clr R McCullagh			Clr J Xia

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.

**Minutes of an ordinary Council meeting
held on Monday, 22 May 2023
at the Council Chamber, Chatswood commencing at 7:00pm**

ATTENDANCE:

Councillors

Tanya Taylor (Her Worship the Mayor)
Brendon Zhu (Deputy Mayor)
Georgie Roussac
Nic Wright
Anna Greco
Roy McCullagh
John Moratelli
Hugh Eriksson
Robert Samuel
Angelo Rozos
Sarkis Mouradian
Craig Campbell
Jam Xia

Officers

Debra Just (Chief Executive Officer)
Maxine Kenyon (Customer and Corporate Director)
Linda Perrine (Community, Culture & Leisure Director)
Hugh Phemister (Planning and Infrastructure Director)
Stephen Naven (Chief Financial Officer)
Samantha Connor (Governance, Risk & Compliance Manager)
Natalie Taylor (Council & Corporate Support Officer)
Adam Booth (Council & Corporate Support Officer)
Matthew Long (Network Support Officer)

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 15 May 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

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

9.1 MAYORAL MINUTE 05/2023 - DAMAGING INCREASE IN EMERGENCY SERVICES LEVY COSTS

MEETING DATE: 22 MAY 2023

PURPOSE OF REPORT

I am calling on Councillors to support representations to the NSW Government in response to the highly damaging increase in the Emergency Services Levy (ESL) imposed on all councils without warning for the 2023/24 financial year.

2. BACKGROUND

The ESL is a cost imposed on councils and insurance policy holders to fund the emergency services budget in NSW. The majority is paid as part of insurance premiums, with a further 11.7% funded by councils and 14.6% by the NSW Government. The ESL represents cost shifting at its worst, as it is imposed on councils without any mechanism for councils to recover costs.

3. DISCUSSION

The Levy increase for the State's 128 councils in 2023/24 amounts to almost \$77 million, with the total cost imposed on the local government sector increasing from \$143 million in the current financial year to \$219 million next year. This represents a 53.1% increase, completely dwarfing the Independent Pricing and Regulatory Tribunal (IPART) baseline rate peg of 3.7% for 2023/24.

Reporting suggests that the increase in costs this year reflects a 73% increase in the State Emergency Service budget and an 18.5% funding increase to Fire and Rescue NSW. The impact of these large increases on councils' finances will be particularly severe in 2023/24 as a result of the NSW Government deciding to scrap the subsidy for council ESL payments.

For many councils, the unexpected cost hit will absorb almost all of their IPART approved rate peg for this year and in some cases absorb more than 100%. This is placing local government budgets under enormous pressure as they struggle from the combined impact of the pandemic, extreme weather events, high inflation and wage increases.

IPART approved rate peg is intended to compensate for the impacts of inflation and increases in council costs. Instead, the rate peg increase will have to be largely diverted to the significantly higher ESL payments this year. NSW councils will have no option other than to make cuts to infrastructure and services expenditure.

Council's ESL contribution has increased from \$2,103,228 in 2022/23 to \$2,590,466 for 2023/24, an increase of 23.17% (63% since 2018/19). This additional \$487,238 amounts to 27% of the expected increase in rate income for 2023/24. If the NSW Government's decision is not reversed, there are significant potential impacts on Council's services, infrastructure maintenance and delivery.

The timing of this development is particularly challenging for councils as it comes so late in the local government budgeting cycle, well after IPART's rate determination for the coming financial year and after budgets have been developed.

All councils, including Willoughby, strongly support a well-funded emergency services sector and the critical contribution of emergency services workers and volunteers (many of whom are councillors and council staff). However, it is essential that these services be supported through an equitable, transparent and sustainable funding model.

Local Government NSW has raised the serious concerns of the local government sector with the NSW Government and is seeking the support of councils across NSW in amplifying this advocacy.

This Mayoral Minute recommends that Council call on the NSW Government to take immediate action to:

- (a) restore the ESL subsidy
- (b) decouple the ESL from the rate peg to enable councils to recover the full cost
- (c) develop a fairer, more transparent and financially sustainable method of funding critically important emergency services.

The Mayoral Minute also recommends that Council write to IPART advising of the financial sustainability impacts on of the ESL.

3. MOTION

That Council:

- 1. Writes to the Treasurer, the Minister for Emergency Services, the Minister for Local Government and local State Member(s):**
 - a. Expressing Council's strong opposition to the NSW Government's last minute decision to impose an enormous Emergency Services Levy (ESL) cost increase on councils for 2023/24 by scrapping the ESL subsidy for councils and at a time after Council has developed the Operational Plan, annual budget and the Long Term Financial Plan.**
 - b. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 3.7% rate increase to provide essential community services and infrastructure has been significantly eroded.**
 - c. Advising that the Government's decision may/will lead to a reduction in important local services and/or the cancellation of necessary infrastructure projects.**
 - d. Calling on the NSW Government to take immediate action to:**
 - i. restore the ESL subsidy in 2023/24**
 - ii. urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost**
 - iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.**

- 2. Writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate peg, which has resulted in additional financial stress.**
- 3. Writes to the President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.**

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

CUSTOMER & CORPORATE DIRECTORATE

12.1 INVESTMENT REPORT FOR MONTH OF APRIL 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:	22 MAY 2023

1. PURPOSE OF REPORT

To provide a report setting out Council's bank balances and investment portfolio performance as at 30 April 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 April 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 April 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.

ORDINARY COUNCIL MEETING

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

Combined Bank Balance	\$5.4M
Investment Holdings	\$190.0M
Total Cash and Investments	\$195.4M
Return on Investments	3.66%, (0.11% under benchmark of 3.77%) (Refer to Attachment 2 – Figures 3 and 4).
Actual Interest Return (Month)	\$451K (\$15K better than \$436K budget) (Refer to Attachment 2 – Figure 5).
Actual Interest Return (Year to Date)	Actual Year to Date Interest of \$3.182K is \$456K favourable to Year to Date budget of \$2.726K.

Restricted versus Unrestricted Cash and Investments

Total cash and investments as at 30 April 2023 was \$195.4M. Of this amount, \$184.6m, or 94% is restricted to be spent on specific purposes. This leaves \$10.8m or 6% 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 April 2023

Restriction Category	Total cash and investments as at 30 April 2023 (\$'m)	Percentage of Total Portfolio %
Internally Restricted	\$63.1M	32
Externally Restricted	\$121.5M	62
Unrestricted	\$10.8M	6
Total	\$195.4M	100

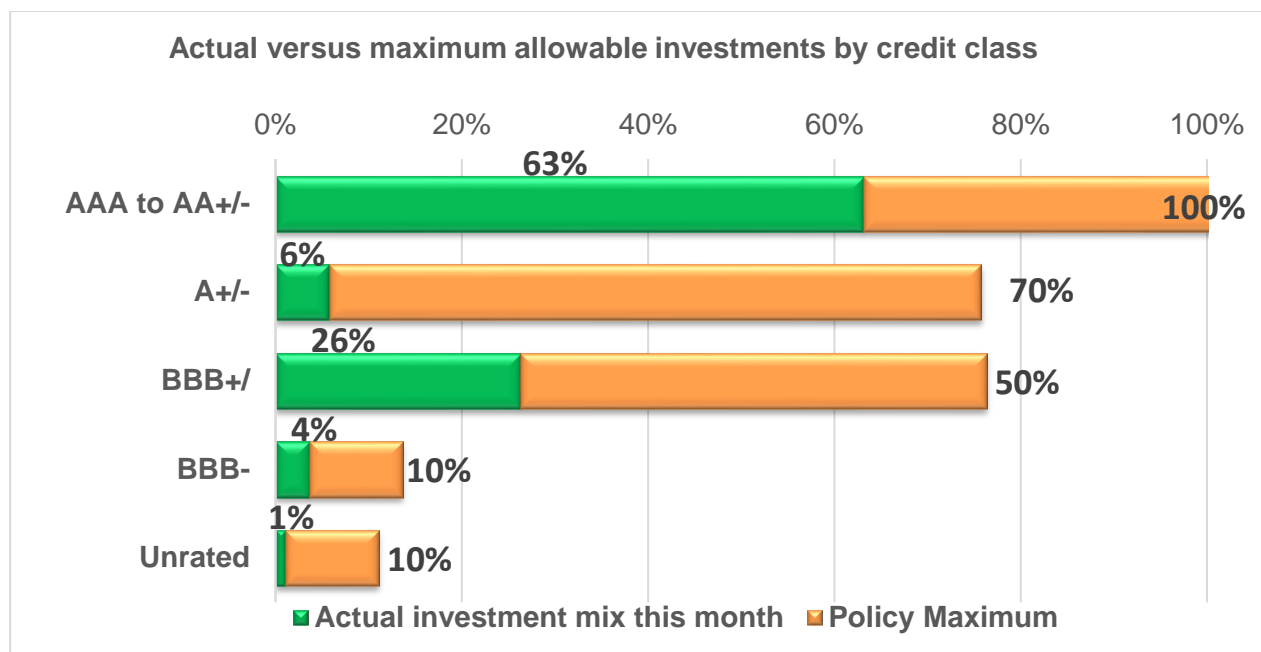
5. CONCLUSION

Council's investment holdings at 30 April 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.

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 April 2023 were \$195.4M and Interest returns are on track to exceed the annual budget of \$3.6M.</p>

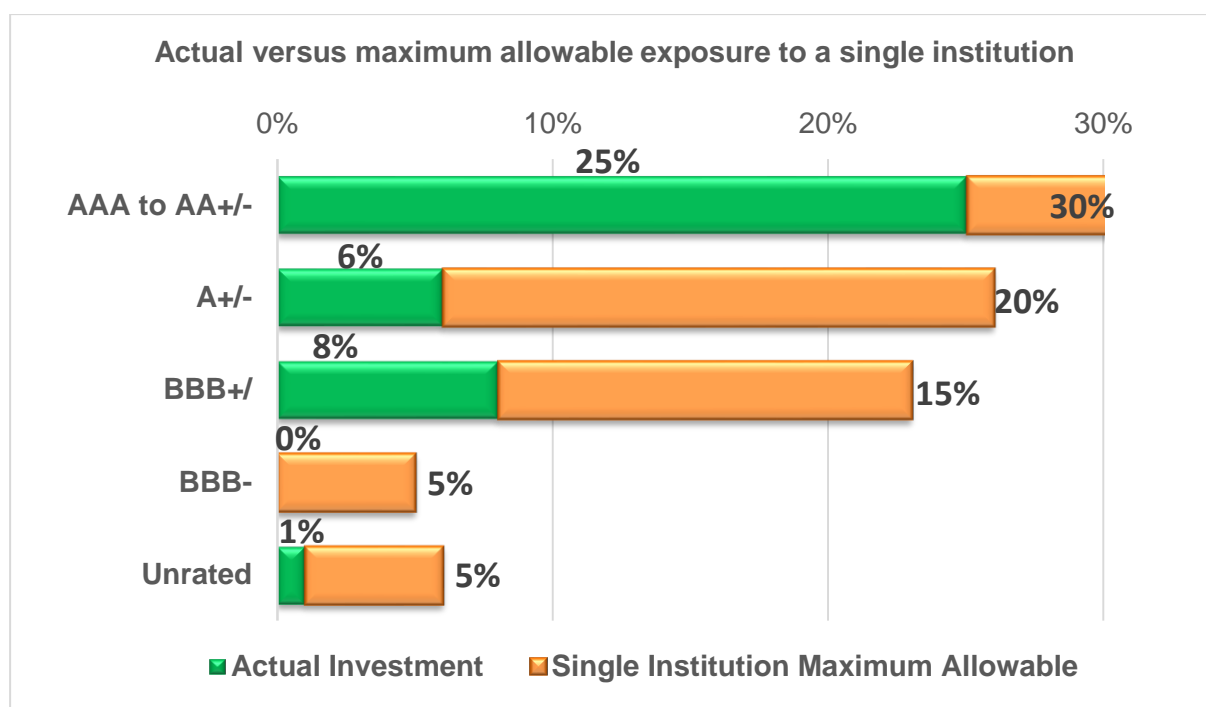
Actual Performance against Investment Policy settings and budget is detailed below:

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 April 2023

<u>Description</u>	<u>Average Interest Rate</u>
Council Portfolio	<u>3.66%</u>
Benchmark – Bloomberg AUSBond Bank Bill Index (1 Month)	<u>3.77%</u>
Under Benchmark Return	<u>0.11%</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 under performed that benchmark by 0.11%. This is because the Reserve Bank has raised the Cash Rate by 3.60% over the past ten months, moving the one month Bloomberg AUSBond Bank Bill Index to 3.77%. This volatile monthly rate is not a good comparison to Council's portfolio return, as Council's securities have maturities of up to 2 years.

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>2.11%</u>
Benchmark – Bloomberg AUSBond Bank Bill Index (12 Month Average)	<u>2.38%</u>
Under (over) Benchmark Return	<u>0.27%</u>

Figure 5 – Investment Return for 30 April 2023

<u>Description</u>	<u>Interest Achieved (\$000's)</u>
Council Actual Interest Return	<u>\$451K</u>
Budgeted Return	<u>\$436K</u>
Over (under) Budgeted Return	<u>\$15K</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 \$15K better than budget.

ORDINARY COUNCIL MEETING

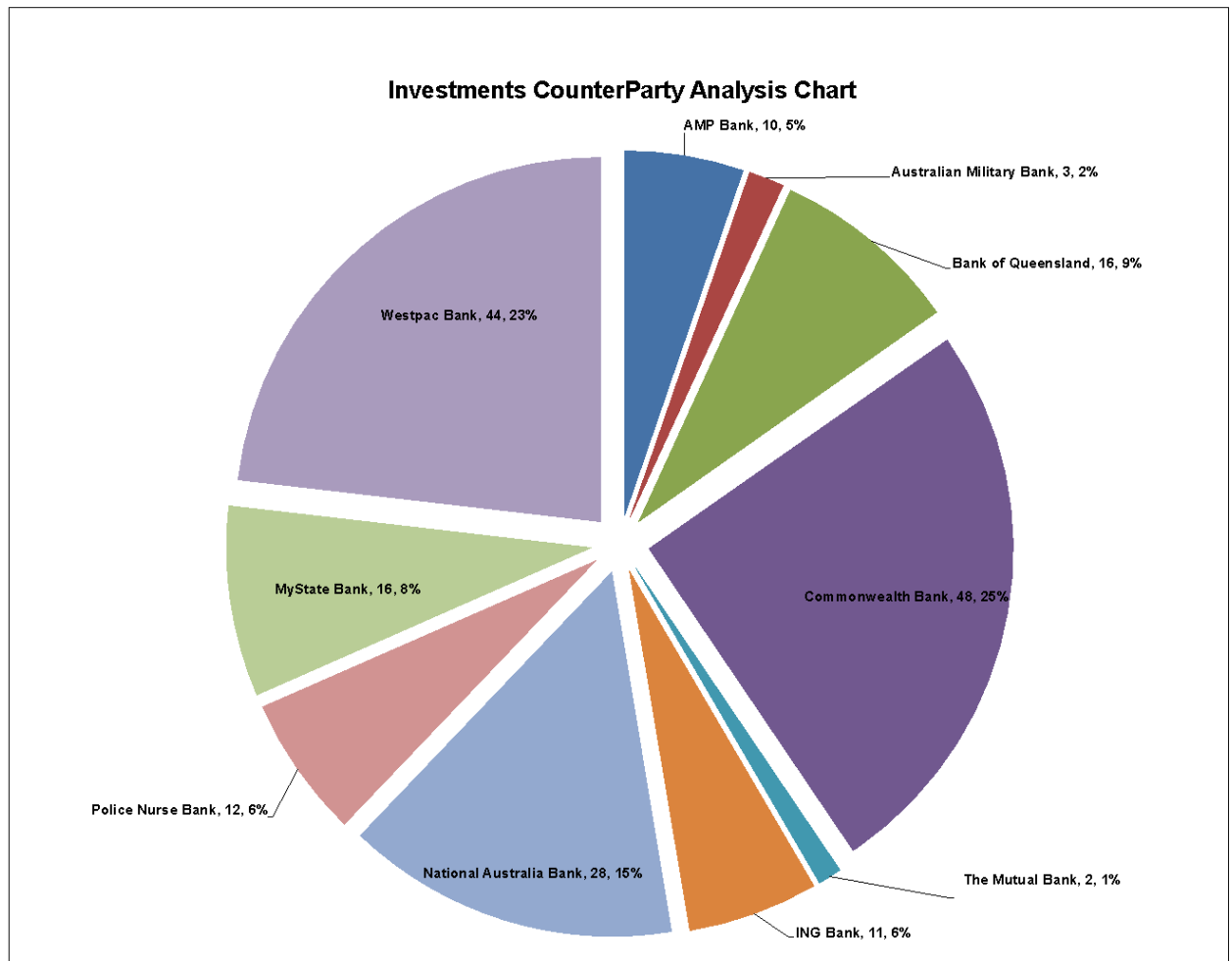
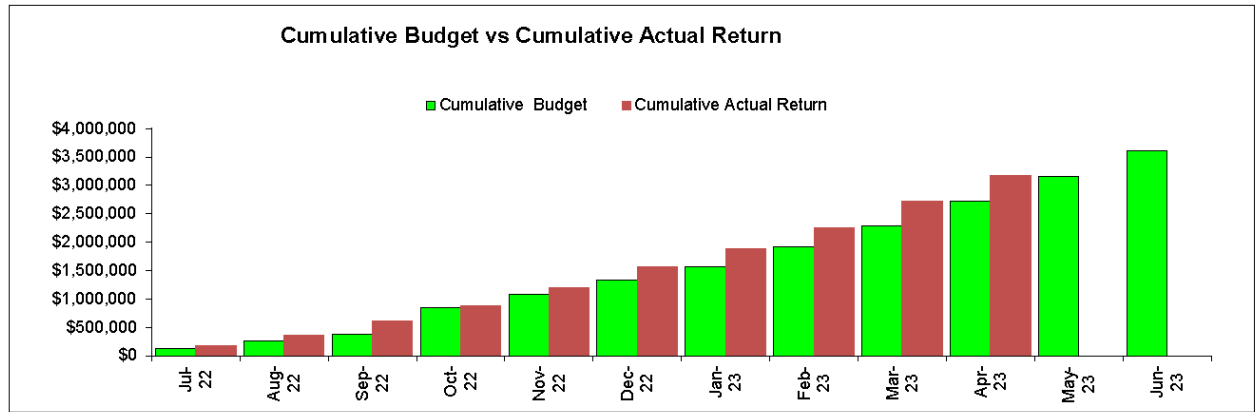
Investment Report for April 2023

Council Holdings and Counterparty Analysis

ATTACHMENT 3

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 (9881020)	A1+	TD	3,000,000	1.94%	3,030	14/04/2022	20/04/2023	Matured
Commonwealth Bank (2098)	A1+	TD	2,000,000	2.20%	2,290	21/04/2022	20/04/2023	Matured
Current Investments:								
Commonwealth Bank (2099)	A1+	TD	2,000,000	3.08%	5,063	5/05/2022	4/05/2023	0-3 mths
ING BANK (945435)	A+	TD	2,000,000	3.10%	5,096	12/05/2022	25/05/2023	0-3 mths
Bank of QLD (49885)	A2	TD	2,000,000	3.21%	5,277	26/05/2022	25/05/2023	0-3 mths
ING Bank (811179)	A+	TD	2,000,000	0.55%	904	3/06/2021	8/06/2023	0-3 mths
National Australia Bank (44-972-0470)	AA-	TD	2,000,000	0.60%	986	10/06/2021	15/06/2023	0-3 mths
National Australia Bank (90-000-7996)	AA-	TD	1,000,000	0.60%	493	17/06/2021	22/06/2023	0-3 mths
Commonwealth Bank (2102)	A1+	TD	2,000,000	4.18%	6,838	18/06/2022	22/06/2023	0-3 mths
ING Bank (958397)	A+	TD	1,000,000	4.05%	3,329	29/06/2022	29/06/2023	0-3 mths
The Mutual Bank (56415)	Unrated	TD	2,000,000	1.20%	1,973	3/07/2022	6/07/2023	0-3 mths
National Australia Bank (928770977)	AA-	TD	2,000,000	0.65%	1,068	15/07/2021	13/07/2023	0-3 mths
Westpac Bank (9588489)	A1+	TD	2,000,000	1.00%	1,644	25/11/2021	20/07/2023	0-3 mths
AMP Bank (228611091)	A2	TD	3,000,000	4.00%	9,863	11/08/2022	10/08/2023	4 mths
National Australia Bank (18-018-2818)	AA-	TD	2,000,000	0.62%	1,019	19/08/2021	17/08/2023	4 mths
AMP Bank (342693355)	A2	TD	2,000,000	4.20%	6,904	11/08/2022	17/08/2023	4 mths
Bank of QLD (570898)	A2	TD	3,000,000	4.15%	10,233	31/08/2022	24/08/2023	4 mths
Commonwealth Bank (2111)	A1+	TD	3,000,000	4.18%	10,307	1/09/2022	21/09/2023	5 mths
MyState Bank (80922)	A2	TD	4,000,000	4.15%	13,644	8/09/2022	21/09/2023	5 mths
Commonwealth Bank (2115)	A1+	TD	4,000,000	4.32%	14,203	21/09/2022	21/09/2023	5 mths
Westpac Bank (9462962)	AA-	TD	2,000,000	0.55%	904	23/09/2021	29/09/2023	6 mths
Westpac Bank (9489897)	AA-	TD	3,000,000	0.73%	1,800	14/10/2021	5/10/2023	6 mths
MyState Bank (54656)	BBB+	TD	2,000,000	0.75%	1,233	14/10/2021	12/10/2023	6 mths
AMP Bank (921019576)	A2	TD	2,000,000	4.55%	7,479	13/10/2022	19/10/2023	6 mths
Westpac Bank (9514107)	AA-	TD	2,000,000	0.90%	1,479	21/10/2021	26/10/2023	6 mths
Commonwealth Bank (2120)	A1+	TD	3,000,000	4.52%	11,145	27/10/2022	28/10/2023	6 mths
Westpac Bank (9528798)	AA-	TD	1,000,000	1.13%	929	28/10/2021	2/11/2023	7 mths
Westpac Bank (9562241)	AA-	TD	2,000,000	1.22%	2,005	11/11/2021	16/11/2023	7 mths
Westpac Bank (9415227)	AA-	TD	2,000,000	0.61%	1,003	26/08/2021	23/11/2023	7 mths
AMP Bank (706198561)	A2	TD	1,000,000	4.60%	3,781	24/11/2022	23/11/2023	7 mths
Westpac Bank (10060651)	A1+	TD	3,000,000	4.35%	10,726	23/11/2022	23/11/2023	7 mths
Westpac Bank (10060645)	A1+	TD	3,000,000	4.35%	10,726	23/11/2022	23/11/2023	7 mths
Westpac Bank (9619113)	AA-	TD	2,000,000	1.21%	1,989	9/12/2021	14/12/2023	8 mths
Westpac Bank (9288720)	AA-	TD	2,000,000	0.65%	1,088	17/06/2021	14/12/2023	8 mths
Commonwealth Bank (2123)	A1+	TD	5,000,000	4.69%	19,274	20/12/2022	21/12/2023	8 mths
MyState Bank (55631)	BBB+	TD	2,000,000	1.20%	1,973	9/12/2021	4/01/2024	9 mths
Commonwealth Bank (2124)	A1+	TD	5,000,000	4.69%	19,274	20/12/2022	1/01/2024	9 mths
Bank of QLD (684520)	A2	TD	7,000,000	4.55%	26,178	12/01/2023	12/01/2024	9 mths
Commonwealth Bank (2132)	A1+	TD	12,000,000	4.74%	46,751	12/01/2023	12/01/2024	9 mths
Westpac Bank (9678135)	AA-	TD	1,000,000	1.31%	1,077	14/01/2022	18/01/2024	9 mths
Commonwealth Bank (2133)	A1+	TD	5,000,000	4.71%	19,356	16/01/2023	19/01/2024	9 mths
Westpac Bank (10509567)	A1+	TD	3,000,000	4.60%	11,342	16/01/2023	19/01/2024	9 mths
Westpac Bank (10512363)	A1+	TD	4,000,000	4.60%	15,123	17/01/2023	25/01/2024	9 mths
Westpac Bank (10509535)	A1+	TD	6,000,000	4.60%	22,665	16/01/2023	1/02/2024	10 mths
Commonwealth Bank (2134)	A1+	TD	6,000,000	4.71%	23,227	16/01/2023	8/02/2024	10 mths
ING Bank (170222)	A+	TD	1,000,000	2.00%	1,644	17/02/2022	15/02/2024	10 mths
Westpac Bank (10509521)	A1+	TD	5,000,000	4.60%	18,904	16/01/2023	15/02/2024	10 mths
National Australia Bank (70-562-1720)	AA-	TD	2,000,000	1.81%	2,975	17/02/2022	22/02/2024	10 mths
National Australia Bank (928293939)	A1+	TD	7,000,000	5.00%	28,767	23/02/2023	22/02/2024	10 mths
National Australia Bank (928489202)	A1+	TD	5,000,000	5.00%	20,548	23/02/2023	22/02/2024	10 mths
Westpac Bank - Green Tailored Deposit (755324)	AA-	TD	1,000,000	4.58%	3,748	28/02/2019	1/03/2024	11 mths
Police Nurse Bank (57025)	BBB-	TD	2,000,000	2.00%	3,288	10/03/2022	7/03/2024	11 mths
ING Bank (57154)	A+	TD	1,000,000	2.02%	1,660	17/03/2022	21/03/2024	11 mths
Police Nurse Bank (57153)	BBB-	TD	2,000,000	2.05%	3,370	17/03/2022	21/03/2024	11 mths
Mystate Bank (30261468)	A2	TD	4,000,000	4.60%	15,123	23/03/2023	21/03/2024	11 mths
Mystate Bank (30261472)	A2	TD	4,000,000	4.60%	15,123	23/03/2023	28/03/2024	12 mths
National Australia Bank (955038589)	AA-	TD	4,000,000	2.85%	9,370	14/04/2022	18/04/2024	12 mths
Commonwealth Bank (2100)	AA-	TD	1,000,000	3.70%	3,041	5/05/2022	16/05/2024	>12 mths
ING BANK (949745)	A-	TD	1,000,000	3.78%	3,090	26/05/2022	30/05/2024	>12 mths
National Australia Bank (30-862-1903)	AA-	TD	1,000,000	0.80%	658	8/07/2021	4/07/2024	>12 mths
National Australia Bank (29-130-3289)	AA-	TD	2,000,000	0.78%	1,282	12/08/2021	15/08/2024	>12 mths
Australian Military Bank (220824)	BBB+	TD	3,000,000	4.45%	10,973	31/08/2022	22/08/2024	>12 mths
Police & Nurses Bank (060235)	BBB-	TD	3,000,000	4.40%	10,849	8/09/2022	19/09/2024	>12 mths
AMP Bank (342225216)	BBB+	TD	2,000,000	4.70%	7,726	13/10/2022	17/10/2024	>12 mths
ING Bank (1015290)	A+	TD	3,000,000	4.80%	12,082	27/10/2022	24/10/2024	>12 mths
Bank of QLD (628601)	BBB+	TD	4,000,000	4.61%	15,156	23/11/2022	21/11/2024	>12 mths
Current Investments - "New and Rollover" made during the month:								
Police & Nurses Bank (020524)	A2	TD	2,000,000	4.75%	1,041.10	27/04/2023	2/05/2024	12 months
Police & Nurses Bank (180424)	A2	TD	3,000,000	4.75%	1,561.64	27/04/2023	19/04/2024	12 months
Total Current Investments, Monthly Interest and Weighted Return		Inv	190,000,000	3.66%	558,873			
Other Cash and Monthly Interest (11am STMM)		Cash	5,433,700		19,482			
Total Cash & Investments			195,433,700		578,355			
Amortised Break Cost					127,253			
Total Cash & Investments					450,902			
Benchmark: Bloomberg AUSBond Bank Bill Index				3.77%				
Investments Margin above Benchmark				-0.11%				

Investments Maturity Period	0-3 Months	4-12 Months	> 12 Months	Total \$	chk s/be 0
Amount	20,000,000	150,000,000	20,000,000	190,000,000	0
% of Total	10.5%	78.9%	10.5%	100%	
Cash & Investments Return:					
	Budget \$	Actual \$	Var \$		
Current Month	435,726	450,902	15,176		
Year to Date	2,726,029	3,181,565	455,536		



Investment return for 2022-2023		
Month	Ausbond bank Bill Index Return % p.a	WCC Actual Returns from Investment Report
May-22	0.41%	1.00%
Jun-22	0.62%	1.07%
Jul-22	1.46%	1.09%
Aug-22	1.84%	1.19%
Sep-22	1.79%	1.52%
Oct-22	2.89%	1.68%
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%
Apr-23	3.77%	3.66%
Annualised return	2.38%	2.11%

12.2 QUARTERLY BUDGET REVIEW 2022-23 - MARCH QUARTER REPORT

ATTACHMENTS:	1. IMPLICATIONS 2. BUDGET VARIATIONS MARCH QUARTER 3. QUARTERLY BUDGET REVIEW STATEMENT 4. PRINCIPAL ACTIVITIES VARIATIONS 5. PROJECTS & CAPITAL WORKS 6. PROJECTS AND CAPITAL WORKS CONTINGENCY FUND 7. PROJECTS SEEKING CARRY-OVER BUDGET FROM 2022/23 TO 2023/24 (ATTACHMENTS 2-7 INCLUDED IN ATTACHMENT BOOKLET)
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:	22 MAY 2023

1. PURPOSE OF REPORT

To seek Council approval for proposed budget adjustments and to report on financial performance during the third quarter (Q3) of the 2022/23 financial year (1 January 2023 to 31 March 2023).

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Note the Quarterly Budget Review for 2022/23 Quarter 3 (March). Negative variances identified during the third quarter decrease the projected full year budget surplus (including capital revenue) by \$0.5M to a \$12.2M surplus. The projected full year deficit before capital revenue has increased from \$0.5M to \$2.4M.**
- 2. Approve the increase in Capital Grants & Contributions revenue of \$1.4M, due to additional developer contribution income received, offset against reduction from Project Artarmon Town Centre as the authority has approved the project to be carried over to FY23/24.**
- 3. Approve the increase in operating budget income (excluding capital income) of \$2.3M and the increase in operating budget expense of \$4.2M resulting in a net negative impact of \$1.9M to the 2022/23 forecast full year budget operating result before capital items. The income increase mainly comes from additional grants received from Regional and Local Roads Repair Program and Local Government Recovery Grant. The expense increase is mainly due to higher depreciation costs resulting from higher asset values, high inflation and increased variable costs (e.g. Legal cost and Materials & Contract).**

4. **Approve the decrease in Capital Expenditure for the 2022/23 Financial Year of \$8.2M (\$7.9M from Projects & Capital Works and \$0.3M from Recurring Budget), mainly due to re-aligning forecast with the contract payment schedule to contractors/builders, delay in obtaining construction certificate approval and supply constraints.**
5. **Note the temporary allocation, under Chief Executive Officer (CEO) delegation, of \$1.2M of the Projects and Capital Works contingency budget to fund four projects where urgent work was required before Quarter 3 budget variations are approved.**
6. **Approve the deferral of sixteen projects into the 2023/24 financial year and approve carry-over budget of \$5.3M to fund these projects in the 2023/24 financial year.**

3. BACKGROUND

The Quarterly Budget Review Statement is required under *The Local Government Act 1993, Clause 203 of the Local Government (General) Regulation 2021* and the *Office of Local Government's (OLG) 'Integrated planning and reporting framework'*.

The Local Government Act 1993 mandates that specific information is to be reported to Council on a quarterly basis. The *Local Government (General) Regulation 2021* requires a council's responsible accounting officer to prepare and submit a quarterly budget review statement to the governing body of council. This report presents for Council's consideration the 2022/23 Quarter 3 financial information required under legislation.

Councillors received a briefing on this report and the projected financial performance on 8 May 2023.

4. DISCUSSION

4.1 Budget Summary

The Quarterly Budget Review Statement for the 2022/23 Quarter 3 (**Attachment 3**) includes:

- The adopted budget for 2022/23.
- Year to date approved budget changes and revised current budget.
- The budget variations proposed for approval for 2022/23 Quarter 3.

The key highlights of Council's 2022/23 Quarter 3 budget review are:

- Council's projected full year 2022/23 position has been significantly impacted by increased depreciation cost. Detailed modelling shows that depreciation will be \$3.5M higher than budget. This is a direct result of asset replacement costs increasing by \$132M in the last year end valuation process. Unit costs to replace assets are up substantially due to high inflation in the past two years.
- The Income and Expenses Budget Review Statement shows that the projected Net Operating position (including capital grants and contributions) for the year is a surplus of \$12.2M comprising Income of \$133.9M and Expenses of \$121.7M
- After deducting \$14.5M of projected Grants and Contributions to be received for Capital Purposes, the projected Net Operating Result (before capital grants and contributions) for the year is a \$2.4M deficit.

- Capital expenditure is forecasted to be \$8.2M lower. Full year projected capital expenditure for 2022/23 is \$27.8M.
- Total Cash and Investments of \$196.1M as at 31 March 2023 including \$184.4M (94%) restricted for specific purposes.
- Projected unrestricted cash has increased by \$0.7M and is expected to be \$19.5M by the end of June 2023. This is an adequate working capital balance.

4.2 Budget Variations and Variances

Figure 1 provides detail on underlying movements to the 2022/23 operating budget. Negative variances identified during the third quarter decrease the projected full year budget surplus (including capital revenue) by \$0.5M to a \$12.2M surplus. The projected full year deficit before capital revenue has increased from \$0.5M to \$2.4M.

Figure 1: Budget Variations (Additions/Reductions)

Account Group	Explanation	\$K
Income		
Rates & Annual Charges	To reflect the increase in Rates & Annual Charges of \$52k due to year-to-date additional rates received	52
User Charges and Fees	To reflect the increase in User Charges & Fees of \$27k mainly due to year-to-date additional planning proposal fees received.	27
Interest & Investment Revenue	To reflect the increase in Interest & Investment Revenue of \$240k as higher returns on investments are expected.	240
Other Revenues	To reflect the increase in Other Revenues of \$852k. It mainly comes from: 1. \$922k additional higher parking fines income expected. 2. \$80k additional legal fee recovery income received in FY22/23 Offset against: 3. \$149k reduction of other sponsorships income from Events	852
Rental Income	To reflect the decrease in forecast Rental Income of \$227k mainly due to rent deferral to FY23/24 as per lease agreement.	(227)
Grants & Contributions - Operating	To reflect the increase in Operating Grants of \$1,357k. Contributing to the higher forecast is: 1. \$763k grant income from Regional and Local Roads Repair Program 2. \$508k grant income from Local Government Recovery grant - NSW Severe Weather and Floods - Department of Planning and Environment	1,357
Grants & Contributions - Capital	To reflect the increase in Capital Grants of \$1,428k. 1. \$4,804k additional developer contribution income received Offset against: 2. \$3,463k reduction from Project Artarmon Town Centre as the authority has approved the project to be carried over to FY23/24.	1,428
Total Income Variation Increase/(Decrease)		3,729

<u>Expense</u>		
Employee Costs	To reflect the increase in Employee costs of \$80k. It mainly comes from: 1. \$450k resource on the Connect project phase 3 to be carried forward from FY23/24 to FY22/23 Offset against: 2. \$370k from year to date savings due to FTE Vacancies	80
Materials & Contracts	To reflect the increase in Materials & Contracts of \$589k, mainly comprised of: 1. \$870k additional budget required for Domestic Waste Management - Waste Collection Offset against: 2. \$331k savings from Domestic Waste Management - Waste Disposal	589
Depreciation	Detailed modelling shows that depreciation will be \$3.5M higher than budget. This is a direct result of asset replacement costs increasing by \$132M in the last year end valuation process. Unit costs to replace assets are up substantially due to high inflation in the past two years.	3,499
Legal Costs	To reflect the increase in Legal Costs of \$179k, mainly comprised of: 1. \$244k additional budget required for Development Planning; Number of legal cases increased from 30 in FY21/22 to 37 year-to-date in FY22/23 which represents an increase of at least 25% with three more months to go. Additional budget is required to fund year-to-date legal cases as well as five additional cases arriving in March as future commitments up to the end of June 2023. The increase in legal budget is offset against unbudgeted \$80k legal fee recovery income received in FY22/23. Offset against 1. \$38k savings from Strategic Property 2. \$22k savings from Governance	179
Consultants	To reflect the increase in Consultant Costs of \$18k from Council-wide.	18
Other Expenses	To reflect the decrease in Other Expenses of \$128k mainly due to savings on electricity charges after switching to a new provider	(128)
Total Expense Variation Increase/(Decrease)		4,237
Net Result	Net Increase (Decrease) to Operating Surplus	(508)

4.3 Monitoring and reporting on financial position

Despite being in a strong financial position, staff are closely monitoring and controlling Council's financial position in light of the ongoing impact of COVID, and more recently, high inflation. Procedures include:

- Weekly assessment of unrestricted cash balances.
- Daily assessment of Actuals versus Budget.
- Monitoring of daily cash inflows from rates and other sources.
- Monthly scorecard of financial performance is reviewed by the Executive Leadership Team.
- Continuous monitoring of opportunities to reduce expenditure or increase revenue in order to close the forecast deficit.
- Review and discussion on the impact of any proposed budget adjustments or new initiatives.
- Regular meeting of the CEO, Directors and Chief Financial Officer to formulate strategies to address the deficit.

Council will be informed on the financial position on an ongoing basis via:

- Quarterly budget reviews.
- Ad-hoc briefings as required.

4.4 Projects and Capital Works Contingency Fund

In the original budget, Council set aside a \$2.2M of Projects and Capital Works bid amounts across all program families to create float and contingency for interim approvals or unknown works. This was reduced to \$1.7M after the December Quarterly Budget Review being adopted by the Council on 27 February 2023.

In Quarter 3, four projects were identified that needed to request contingency fund budget of \$1.2M to fund these projects in 2022/23 financial year (refer Attachment 6).

A stormwater repair project for \$0.4M relate to permanent budget variances, while the other three projects totaling \$0.8M are timing differences and/or the budget exists in outer years or through transfers from another budget.

Council plan to reduce the contingency by \$0.4M for the stormwater repair projects with permanent budget variances, and replenish the contingency by \$0.8M for the three projects with timing differences. The contingency will decrease by \$0.4M to \$1.3M.

4.5 Other highlights

Council's third quarter (March) and projected full year 2022/23 financial performance is summarised and evaluated in the attachments. Other highlights relating to attachments include:

- During the quarter, Council's Principal Activities included 21 projects with milestones variations (refer **Attachment 4**).
- A review of Projects and Capital Works showed that 25 projects required additional funding and 70 projects had reduced budget during the quarter (refer **Attachment 5**).

The forecast full year expenditure on Projects and Capital Works (PCW) has been revised downward by \$7.2M from \$41.9M (Quarter 2) to \$34.7M. The \$7.2M expenditure reduction is comprised of \$7.9M of Capital projects and \$0.7M increase of Operational projects.

The low project spend is predominately timing only and is mainly re-aligning forecast with the contract payment schedule to contractors/builders, delay in obtaining construction certificate approval and resourcing constraints.

5. CONCLUSION

Council's projected full year 2022/23 position has been significantly impacted by increase on depreciation cost at the March Quarterly Budget Review, which resulted in a further \$1.9M of negative budget adjustments during Quarter 3. The deficit before Capital Revenue is now forecast to be \$2.4M.

Despite the forecast deficit for the 2022/23 financial year. Council is in a sound and sustainable financial position and can continue to meet obligations now and into the future.

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	To monitor and improve Council's financial performance and ensure that all legislative requirements are met.
Policy	This report is compliant with a range of Council Policies in particular the summary of significant accounting policies included in the <i>Audited Annual Financial Statements</i> .
Consultation	Councillors received a briefing on this report and the projected financial performance on 15 May 2023.
Resource	The Quarterly Budget Review is undertaken using existing staff resources within the Finance Strategy Unit.
Risk	Financial Risk is mitigated through monthly, ad-hoc and this quarterly budget review as any negative trends or issues can be identified and resolved in a timely manner.
Legal	There are no legal considerations applicable to this report.
Legislation	<i>The Local Government Act 1993 and Clause 203 of the Local Government (General) Regulation 2021.</i>
Budget/Financial	<p>The quarterly budget review statement for the March 2022/23 quarter includes:</p> <ul style="list-style-type: none">• the adopted budget 2022/23.• year to date approved budget changes and revised current budget.• the budget variations during the March quarter 2022/23. <p>Despite the forecast Deficit for the 2022/23 financial year. Council is in a sound and sustainable financial position and can continue to meet obligations now and into the future.</p>

PLANNING & INFRASTRUCTURE DIRECTORATE

12.3 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF MARKET GARDEN PARK RESERVE ACTION PLAN 2023
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ATTACHMENTS:	1. IMPLICATIONS 2. MARKET GARDEN PARK RESERVE ACTION PLAN 2023 3. EXHIBITION SUMMARY REPORT – MARKET GARDEN PARK – RESERVE ACTION PLAN – JUNE 2023 (ATTACHMENTS 2 & 3 INCLUDED IN ATTACHMENT BOOKLET)
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	NICHOLAS YU – NATURAL ASSETS OFFICER
CITY STRATEGY OUTCOME:	1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, WILDLIFE
MEETING DATE:	22 MAY 2023

1. PURPOSE OF REPORT

To adopt the amended *Market Garden Park Reserve Action Plan 2023* after considering feedback received during the exhibition process.

2. OFFICER'S RECOMMENDATION

That Council:

1. Adopt the *Market Garden Park Reserve Action Plan 2023* as amended and attached to this report at Attachment 2.
2. Rescind the *Market Garden Park Reserve Action Plan 2017*.
3. Write to everyone that provided a submission to thank and notify them of the outcomes of the exhibition.
4. Delegate authority to the Chief Executive Officer to make minor amendments to the *Market Garden Park Reserve Action Plan 2023* which do not alter the intent.

3. BACKGROUND

The *Market Garden Park Reserve Action Plan (the Plan)* was adopted by Council in November 2017. The Plan is reviewed annually and is updated every five years. Accordingly, the plan has been publicly exhibited, submissions considered and an updated draft has been prepared for Council's adoption through this report.

4. DISCUSSION

Reserve Action Plans contain the practical actions for individual bushland reserves and provide detailed site specific information including proposed management actions, maps, reserve profile, statement of significance, reserve impacts, wildlife habitat issues, achievements, and a native plant species list.

The key actions in the draft *Market Garden Park Reserve Action Plan 2023* are outlined in **Attachment 2** include bush regeneration, encroachments and habitat creation.

The exhibition period for the draft *Market Garden Park Reserve Action Plan 2023* occurred for a one-month period from 21 February 2023 to 21 March 2023. The Plan was exhibited on *Council's Have Your Say* webpage, letters were distributed to approximately 471 surrounding properties, and signage was placed at Market Garden Park Reserve.

The public consultation resulted in 14 responses, 12 through *Have Your Say*, and two via email. One *Have Your Say* submissions did not provide specific comment or feedback. A public exhibition summary report, including methods of consultation, a summary of submissions received and responses from Council Officers are outlined in **Attachment 3**.

Comments received were generally supportive of the plan, the work to date, and supported conservation of the remaining bushland in the area. Following the consultation period, the Plan has been amended to reflect matters that have been raised, considered, and are reflected in the following amendments:

- The addition of two bushcare work areas with accompanying reserve action
- Changing a sentence to recognise the Market Garden had Chinese origins
- Removing one of the achievements in relation to an unofficial walking track.
- Mentioning a water pump in action 6

5. CONCLUSION

The draft *Market Garden Park Reserve Action Plan 2023* has been publicly exhibited, with considerations given to all submissions received. The *Market Garden Park Reserve Action Plan 2023* is recommended for Council's adoption.

IMPLICATIONS	COMMENT
City Strategy Outcome	1.3 – Enhance, protect and respect waterways, bushland, nature, wildlife
Business Plan Objectives, Outcomes/ Services	Assist in the implementation of the Reserve Action Plans as required by the <i>Urban Bushland Plan of Management 2023</i> .
Policy	<i>The Urban Bushland Plan of Management 2023</i> guides the future management of bushland across the Willoughby Local Government Area.
Consultation	Consultation has occurred with the community through the <i>Have Your Say</i> webpage and by email. All comments have been responded to and letters were sent to 471 properties. Signage was erected on site.
Resource	Works can be undertaken within Council's present staff and contract resourcing.
Risk	No specific risks are generated by the <i>Market Garden Park Reserve Action Plan 2023</i> . Implementation of the plan will address identified risks.
Legal	There are no legal implications arising from the <i>Market Garden Park Reserve Action Plan 2023</i> .
Legislation	Adoption of the <i>Market Garden Park Reserve Action Plan 2023</i> is in accordance with all relevant legislation.
Budget/Financial	There are no additional costs to the recurrent budget or e.restore levy for this work plan.

12.4 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF BEVERLEY BLACKLOCK RESERVE ACTION PLAN 2023
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ATTACHMENTS:	1. IMPLICATIONS 2. BEVERLEY BLACKLOCK RESERVE ACTION PLAN 2023 3. EXHIBITION SUMMARY REPORT – BEVERLEY BLACKLOCK – RESERVE ACTION PLAN – JANUARY 2023 (ATTACHMENTS 2 & 3 INCLUDED IN ATTACHMENT BOOKLET)
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	NICHOLAS YU – NATURAL ASSETS OFFICER
CITY STRATEGY OUTCOME:	1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, WILDLIFE
MEETING DATE:	15 MAY 2023

1. PURPOSE OF REPORT

To adopt the amended *Beverley Blacklock Reserve Action Plan 2023* after considering feedback received during the exhibition process.

2. OFFICER'S RECOMMENDATION

That Council:

1. Adopt the *Beverley Blacklock Reserve Action Plan 2023* as amended and attached to this report at Attachment 2.
2. Rescind the *Beverley Blacklock Reserve Action Plan 2017*.
3. Write to everyone that provided a submission to thank and notify them of the outcomes of the exhibition.
4. Delegate authority to the Chief Executive Officer to make minor amendments to the *Beverley Blacklock Reserve Action Plan 2023* which do not alter the intent.

3. BACKGROUND

The *Beverley Blacklock Reserve Action Plan (the Plan)* was adopted by Council in June 2017. The Plan is reviewed annually and is updated every five years. Accordingly, the plan has been publicly exhibited, submissions considered and an updated draft has been prepared for Council's adoption through this report.

4. DISCUSSION

Reserve Action Plans contain the practical actions for individual bushland reserves and provide detailed site specific information including proposed management actions, maps, reserve profile, statement of significance, reserve impacts, wildlife habitat issues, achievements, and a native plant species list.

The key actions in the draft *Beverley Blacklock Reserve Action Plan 2023* are outlined in **Attachment 2** include bush regeneration, tree health inspections and asset maintenance.

The exhibition period for the draft *Beverley Blacklock Reserve Action Plan 2023* occurred for a one-month period from 15 March 2023 to 12 April 2023. The Action Plan was exhibited on Council's *Have Your Say* webpage, letters were distributed to approximately 201 surrounding properties, and signage was placed at Beverley Blacklock Reserve.

The public consultation resulted in 14 responses, 13 through *Have Your Say*, and one via email. Three *Have Your Say* submissions did not provide specific comment or feedback. A public exhibition summary report, including methods of consultation, a summary of submissions received and responses from Council Officers are outlined in **Attachment 3**.

Comments received were generally supportive of the plan, and work to date, and sought improved accessibility. Following the consultation period, an amendment was made to Action 12 to specify that the high tide rock platform will be maintained using rocks as stabilisation to make it safe to walk on.

5. CONCLUSION

The draft *Beverley Blacklock Reserve Action Plan 2023* has been publicly exhibited, with considerations given to all submissions received. The *Beverley Blacklock Reserve Action Plan 2023* is recommended for Council's adoption.

IMPLICATIONS	COMMENT
City Strategy Outcome	1.3 – Enhance, protect and respect waterways, bushland, nature, wildlife
Business Plan Objectives, Outcomes/ Services	Assist in the implementation of the Reserve Action Plans as required by the <i>Urban Bushland Plan of Management 2023</i> .
Policy	<i>The Urban Bushland Plan of Management 2023</i> guides the future management of bushland across the Willoughby Local Government Area.
Consultation	Consultation has occurred with the community using the <i>Have Your Say</i> webpage and by email. All comments have been responded to and letters were sent to 201 properties. Signage was erected on site.
Resource	Works can be undertaken within Council's present staff and contract resourcing.
Risk	No specific risks are generated by the <i>Beverley Blacklock Reserve Action Plan 2023</i> . Implementation of the plan will address identified risks.
Legal	There are no legal implications arising from the <i>Beverley Blacklock Reserve Action Plan 2023</i> .
Legislation	Adoption of the <i>Beverley Blacklock Reserve Action Plan 2023</i> is in accordance with all relevant legislation.
Budget/Financial	There are no additional costs to the recurrent budget or e.restore levy for this work plan.

12.5 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF THE DEVONSHIRE ST PLAN OF MANAGEMENT

ATTACHMENTS:	<ol style="list-style-type: none">1. IMPLICATIONS2. DRAFT PLAN OF MANAGEMENT – 28-32 & 42-40 DEVONSHIRE STREET CHATSWOOD3. INDEPENDENT CHAIRPERSONS PUBLIC HEARING AND SUBMISSIONS REPORT4. CONSULTATION SUMMARY (ATTACHMENTS 2-4 INCLUDED IN ATTACHMENT BOOKLET)
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	MICHAEL CASIN – COMMUNITY LIFE MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	22 MAY 2023

1. PURPOSE OF REPORT

To adopt the amended *Draft Plan of Management for 28-32 and 34-40 Devonshire St, Chatswood* after considering feedback received during the exhibition process.

2. OFFICER'S RECOMMENDATION

That Council

1. Adopt the *Plan of Management for 28-32 and 34-40 Devonshire St, Chatswood*, as at Attachment 2.
2. Write to everyone that provided a submission to thank and notify them of the outcomes of the exhibition.
3. Delegate authority to the Chief Executive Officer to make minor amendments to the *Plan of Management for 28-32 and 34-40 Devonshire St, Chatswood*, which do not alter the intent.

3. BACKGROUND

At its meeting of 28 November 2022, Willoughby City Council resolved the following actions:

That Council:

1. Approve the public exhibition of the draft *Plan of Management for 28-32 and 34- 40 Devonshire Street, Chatswood* as per the requirement of Section 38 of the *Local Government Act 1993*.

2. *Receive a further report after the conclusion of the public exhibition and public hearing for the draft Plan of Management for 28-32 and 34-40 Devonshire Street, Chatswood.*

This report provides the result of the public consultation for the Draft Plan of Management for 28-32 and 34-40 Devonshire St, Chatswood.

4. DISCUSSION

The properties at 28-32 and 34-40 Devonshire Street, Chatswood are community land owned by Willoughby City Council. The properties have undergone improvements to include buildings in good condition which provide community, health, and childcare services in line with Council's *Community Strategic Plan*. Current uses include:

- Headspace, operated by New Horizons Limited, that provide mental health support services for children and young people under a hire agreement
- Council administration space
- Sustainability activities and a community garden
- Devonshire Street Childcare Centre

Classification

The current categorisation of these properties under the Local Government Act 1993 is uncertain. Council is therefore going through the process of categorising the land as Community Land (general community use).

Under the Local Government Act, 1993, the core objectives for management of land categorised as general community use are to:

- Encourage and provide for the use of the land through facilities which meet the current and future needs of the local community.
- Relate to the purposes for which a lease, licence or other estate may be granted.

Draft Plan of Management

Plans of Management are legal documents developed to guide how a park or land will be managed. It establishes directions for planning, resource management and maintenance of the land. The *Local Government Act 1993* requires Council to have a Plan of Management in place for all public land that is classified 'community land'.

Plans of management are an essential management tool that are:

- Written by Council in consultation with the community
- Identify important features of the land
- Clarify how Council will manage the land and
- Indicate how the land may be used or developed

A new Plan of Management is required to clarify the classification of these properties as Community Land (general community use) and to permit the authorisation of leases and licences relevant to these sites. This use is consistent with continuing to provide community, health, and childcare services on the land.

Officers have prepared the draft *Plan of Management* for 28-32 and 34-40 Devonshire Street (**Attachment 2**) and includes:

1. Introduction
2. Description of the land
3. Issues pertinent to the land
4. The categories of the land
5. Basis for management
6. Performance target

The draft Plan of Management has not been altered following public exhibition.

The authorisation of the draft Plan of Management will permit Council to issue a lease or licence for a non-Council operator of the Devonshire Street Childcare Centre. The Plan of Management will also allow for greater flexibility for Headspace, an existing hirer of the properties via the issuing of leases or licences.

Headspace

Headspace is a critical youth mental health service funded by the Primary Health Network. The Headspace service at 28-32 Devonshire Street Chatswood provides essential support to young people in need of mental health support and case management. Headspace has occupied the premises since 2015, under an annual venue hire agreement. The use of a hire agreement is limited as a legal instrument as it does not provide certainty of tenure for Headspace.

The adoption of the draft Plan of Management will permit Council to issue a lease agreement to Headspace for a longer period. This will provide longer-term tenure for Headspace, securing essential mental health support to young people in the Chatswood area.

Devonshire Street Childcare Centre

On 23 May 2022, the Council resolved to outsource the operation of the Council operated Devonshire Street Childcare Centre located at 34-40 Devonshire Street. It is the intent of Council to lease or licence this property to a Childcare operator.

Submissions received on the draft Plan of Management during the public exhibition period highlights feedback from parents at the Devonshire Street Childcare Centre, concerned about the proposed outsourcing of childcare by the Council.

These concerns have been addressed in the Summary of Community Feedback (Figure 1 in the Public Exhibition section below), however the classification of the land as General Community Use and the childcare business model of the Council are separate matters.

This position is supported by the *Independent Chairpersons Public Hearing and Submissions Report (Attachment 3)*. The report notes that other councils use land categorised as General Community Use to operate, lease, or license childcare services.

This category is considered the best fit for such activities, noting Community land cannot be sold and must be retained to meet the current and future needs of the community. As such, concerns arising from the outsourcing of the Devonshire Street Childcare do not constitute grounds to vary the draft Plan of Management or delay the Plan's adoption.

Public Exhibition

The *Local Government Act 1993* requires public exhibition of proposals to categorise community land included in a Plan of Management for a period of at least 28 days, and a period of not less than 42 days for lodgement of submissions.

The draft Plan of Management was placed on public exhibition in Have Your Say from Monday 27 March 2023 to Monday 8 May 2023. Additionally, a public hearing was held on Monday 17 April at 6pm in the Dougherty Community Centre.

The consultation summary is provided in **Attachment 4**. 43 submissions were received:

- 5 responses (11.62%) fully supported the draft plan of management.
- 1 response (2.32%) partially support the draft plan of management.
- 2 responses (4.65%) partially oppose the draft plan of management.
- 31 responses (72.09%) fully oppose support the draft plan of management.
- 4 responses (9.30%) were written submissions and did not answer this question in the survey.

A summary of feedback and responses is provided in **Figure 1**.

Figure 1: Summary of community feedback

Level of support	Key theme	Officers response
1. Fully Support	<ul style="list-style-type: none"> Continuation of leasing to community services close to the CBD. 	<ul style="list-style-type: none"> The draft Plan of Management preserves the properties for community purposes.
2. Partially Support	<ul style="list-style-type: none"> Children's services enhances the wellbeing of the community 	<ul style="list-style-type: none"> Council has a number of community-classified properties, which are leased or licensed to child care operators which are both not for profit and for profit. Council does not intend to change the use of Devonshire Street Child Care centre from the current use of long day care provision, therefore continuum of service is preserved.
3. Partially Oppose	<ul style="list-style-type: none"> Loss of council run children's services 	<ul style="list-style-type: none"> This is out of scope for the Plan of Management. Council's decision to outsource the Devonshire Street Childcare is a separate matter to the Plan of Management which relates to land uses not operational matters such as the delivery model. Council does not intend to change the use of Devonshire Street Child Care centre from the current use of long day care provision, therefore continuum of service is preserved.
	<ul style="list-style-type: none"> Community land should only be used for a not-for profit childcare centre 	<ul style="list-style-type: none"> The provision of childcare is a community use regardless of the classification of the operator. All childcare operators are subject to the same Standards and Regulations, regardless of Not for Profit or Commercial status.
4. Fully Oppose	<ul style="list-style-type: none"> Land should not be made for commercial use 	<ul style="list-style-type: none"> The provision of childcare is a community use regardless of the classification of the operator. . There are no inhibitors to Council seeking commercial arrangements from Community Land provided that the use of the land for community purposes is maintained.
	<ul style="list-style-type: none"> Loss of council run childcare 	<ul style="list-style-type: none"> This is out of scope for the Plan of Management. Council does not intend to change the use of Devonshire Street Child Care centre from the current use of long day care provision, therefore continuum of service is preserved.
	<ul style="list-style-type: none"> Opposition to privatisation of childcare 	<ul style="list-style-type: none"> The provision of childcare is a community use regardless of the

ORDINARY COUNCIL MEETING

Level of support	Key theme	Officers response
		classification of the operator. <ul style="list-style-type: none"> There are no inhibitors to Council seeking commercial arrangements from Community Land provided that the use of the land for community purposes is maintained.
	<ul style="list-style-type: none"> Social contract between Willoughby residents and the council is to provide services for residents 	<ul style="list-style-type: none"> Willoughby City Council continues to provide a wide range of services to the community, some directly and others via contract. Council does not intend to change the use of Devonshire Street Child Care centre from the current use of long day care provision, therefore continuum of service is preserved.
	<ul style="list-style-type: none"> Current enrolled families will be displaced 	<ul style="list-style-type: none"> This issue is out of scope for the Plan of Management, however the proposed outsourcing of the Devonshire Street Child Care Centre stipulates that the new operator must continue care for existing families.
	<ul style="list-style-type: none"> Opposed to the word 'commercial' leasing being introduced as the 1997 PoM already allows for leasing 	<ul style="list-style-type: none"> Specialist advice obtained concluded that the 1997 Plan of Management was insufficient for the granting of leases and licences on the subject land. As such, the granting of the use of the land is restricted for existing users, including HeadSpace who can only operate under a short term hire agreement. The draft Plan of Management removes any ambiguity and ensures Council can maximise the use of the land for community use via the issuing of leases and licences. There are no inhibitors to Council seeking commercial arrangements from Community Land provided that the use of the land for community purposes is maintained.

Public Hearing and Submissions Report

Given the uncertainty about the status of the categorisation of 28-32 and 34-40 Devonshire Street in the *Plan of Management for Chatswood Parks Central Business District 1997*, Council considered it prudent to hold a public hearing to formalise the categorisation of the land as General Community Use. This use is consistent with continuing to provide community, health, and childcare services on the land and to also permit the issuing of leases and licenses for these uses.

A public hearing was held on Monday 17 April at 6pm in the Dougherty Community Centre. An independent chairperson was appointed by Council to conduct the public hearing.

The hearing was attended by 17 individuals, with 5 registered speakers. It is important to note that the chairperson allowed all attendees to speak. During the event, participants were presented with the Draft Plan of Management for 28-32 and 34-40 Devonshire St, Chatswood. The presentation included background information on the requirements of the Local Government Act for public hearings and details about the site.

A Public Hearing and Submissions Report from the independent chairperson is provided in **Attachment 3**.

5. CONCLUSION

Categorisation of the land as General Community Use is the most appropriate category for the site.

The *Draft Plan of Management for 28-32 and 34-40 Devonshire St, Chatswood* has been publicly exhibited, with considerations given to all submissions received.

Community feedback received during public exhibition relating to the outsourcing of the Devonshire Street Child Care centre is noted, however this matter is a separate issue to the classification of the subject land as general community use. This is in line with the purpose

The *Plan of Management for 28-32 and 34-40 Devonshire St, Chatswood* is recommended for adoption by the Council.

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	Our community will have access to desirable spaces that have been activated in creative ways.
Policy	<i>Willoughby Property Strategy</i>
Consultation	The draft Plan of Management was on public exhibition from 27 March 2023 to 8 May 2023. During this exhibition period, a public hearing was held on 17 April 2023, in respect to the proposed categorisation of the land.
Resource	The public exhibition of the draft Plan of Management was undertaken by the administrative staff of the Community, Culture & Leisure Directorate. The public hearing was chaired by a person independent of Council.
Risk	The level of risk associated with this report is low, with moderate consequences under Council's Risk Management Framework.
Legal	The classification as outlined in the Plan is permitted under the <i>Local Government Act</i> .
Legislation	Council's approval to place the draft Plan of Management for Devonshire Street Community Land fulfils its legal requirements under Section 36 of the Local Government Act 1993.
Budget/Financial	The draft Plan of Management was compiled in-house. A planning consultant was engaged to chair the public hearing, and was funded from the operational budget.

12.6 MINUTES - TRAFFIC COMMITTEE MEETING HELD ON 20 APRIL 2023

ATTACHMENTS:	1. IMPLICATIONS 2. TRAFFIC COMMITTEE MINUTES OF 20 APRIL 2023
RESPONSIBLE OFFICER:	HUGE 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 – REDUCE PARKING AND TRAFFIC CONGESTION 3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	22 MAY 2023

1. PURPOSE OF REPORT

To advise Council of the outcome of the Traffic Committee Meeting held on 20 April 2023.

2. OFFICER'S RECOMMENDATION

That Council receive and adopt the recommendations arising from the Traffic Committee Meeting held on 20 April 2023.

3. BACKGROUND

The Traffic Committee (the Committee) is a technical committee of Council, comprising NSW Police, TfNSW, Council and the local State Members of Lane Cove and Willoughby as voting representatives. Council may exercise its traffic control and management functions only after consideration by the Traffic Committee.

The Committee met on 20 April 2023 and considered nine formal items, two informal items and three 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 City Council - Traffic Committee](#). The agenda papers include the background and motivation for each item and the community consultation timing 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 key matter which was discussed:

Item 5.7 – Salisbury Road, Willoughby, Willoughby (Proposed Mobility Parking Zone)

Council approval is sought for the construction of one additional mobility parking space and modification to the adjacent existing mobility parking space at Salisbury Road, Willoughby.

As an alternative approach, the Traffic Committee requested that the Armenian Evangelical Church be consulted about the proposed additional mobility parking space and whether an internal parking area could be provided for people with disability. It was also questioned whether there is an opportunity for the Church to seek a community grant (from TfNSW program) to convert the existing on-site stairs (within the Church land) to a ramp for wheelchair safe access.

Council's Traffic and Transport team met the Church Minister and inspected the stairs (within the Church land) in their rear parking area. It was agreed that due to the topography and gradient of these stairs, a ramp is not feasible and would not comply with Australian Standards. A community grant (from TfNSW program) would therefore not be appropriate.

At the site meeting, the Church Minister supported the proposed alternative mobility parking space adjacent to the existing mobility parking space on Salisbury Road to improve and provide safe access for people with disability.

Transport for NSW (TfNSW) do not support the mobility parking space due to the narrow width of the space. However, given there is an existing disability parking space that is functioning well and without complaint, the additional space will only improve and provide better access for people with a disability.

Although TfNSW did not support the recommendation based on the narrow width of the space, the remainder of the Committee agreed with the Officer's recommendation.

The majority of the Traffic Committee agreed with the Officer's recommendations, as follows:

- **Approve the installation of a new mobility parking space, including signs and line markings, adjacent to the existing mobility parking space at Salisbury Road, Willoughby;**
- **Approve the installation of two mobility parking space ramps at the existing mobility parking space and the new mobility parking space, at Salisbury Road, Willoughby;**
- **Note the detailed design and implementation of the ramps will be funded from Council's 2023/24 Operational Plan (Traffic & Transport Management Program); and**
- **Traffic & Transport team will monitor the performance of these parking spaces, post construction, to meet the community needs and requirements.**

5. CONCLUSION

The Minutes do not bind Council to any additional resource commitment. It is recommended that Council adopt the recommendations of the Traffic Committee.

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.
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 2

20 April 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

On behalf of Willoughby City Council, I wish to acknowledge the traditional inhabitants of the land on which we stand, the Aboriginal people, their spirits and ancestors. We acknowledge the vital contribution that indigenous people and cultures have made and still make to the nation we share, Australia.

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.

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1 PRESENT

Voting members present:

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

Other representatives:

Ben Castor	Busways
Andrew Nelson	Willoughby Federation of Progress Association
Sri Sritharan	Willoughby City Council
John Gill	Willoughby City Council
Moones Sotoodeh	Willoughby City Council
Arthur Tsembis	Willoughby City Council
Patrick Williams	Willoughby City Council
Kerrie Edwards	Willoughby City Council

Councillors present:

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

David Yee	Traffic Management Consulting
Ben Midgley	PDC Traffic consultants

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](#)

Councillor Samuel disclosed an interest in Item 5.1

4 MATTERS ARISING FROM THE MINUTES OR FROM COUNCIL RESOLUTION

That the Minutes of the Ordinary Meeting of the Local Traffic Committee held 23 February 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 27 March 2023 provided below, be noted.

TRAFFIC COMMITTEE RECOMMENDATION

The information is received and noted.

12.8 MINUTES - TRAFFIC COMMITTEE MEETING HELD ON 23 FEBRUARY 2023
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MOTION

That Council receive and adopt the recommendations arising from the Traffic Committee Meeting held on 23 February 2023.

MOVED COUNCILLOR MCCULLAGH / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

Note: Councillor Zhu left the meeting at 8:02pm and returned at 8:04pm.

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5 FORMAL ITEMS FOR CONSIDERATION**5.1 MELNOTTE AVENUE, ROSEVILLE – EXTENSION OF NO STOPPING ZONE AND REPLACEMENT OF MEDIAN ISLAND WITH DOUBLE CENTER LINE MARKINGS**

ATTACHMENTS: 1. REGULATORY SIGNPOSTING DETAILED DESIGN PLAN

WARD: MIDDLE HARBOUR WARD

RESPONSIBLE OFFICER: DANIEL SUI - TRAFFIC & TRANSPORT TEAM LEADER

AUTHOR: SRI SRITHARAN – SENIOR TRANSPORT ENGINEER

CITY STRATEGY OUTCOME: 2.4 – MANAGE PARKING AND REDUCE TRAFFIC CONGESTION

MEETING DATE: 20 APRIL 2023

1. PURPOSE OF REPORT

To seek Council approval for the extension of the existing No Stopping Zone and replacement of existing concrete median island with double centre line markings, in Melnotte Avenue at William Street, Roseville. The proposed changes will facilitate safe access by garbage trucks and other large vehicles.

2. OFFICER'S RECOMMENDATION

That Council approve the extension of existing No Stopping Zones and replacement of the concrete median island with double line makings in Melnotte Avenue at William Street, Roseville.

3. TRAFFIC COMMITTEE DISCUSSION

Nil.

4. TRAFFIC COMMITTEE CONCLUSION

The Committee agreed with the Officer's recommendation.

5.2 NAMOI ROAD AND SAILORS BAY ROAD, NORTHBRIDGE – PROPOSED ON-STREET PARKING CHANGES, ADJACENT TO NORTHBRIDGE LIBRARY

ATTACHMENTS:	1. REGULATORY SIGNPOSTING DETAILED DESIGN PLAN
WARD:	SAILORS BAY WARD
RESPONSIBLE OFFICER:	DANIEL SUI - TRAFFIC & TRANSPORT TEAM LEADER
AUTHOR:	SRI SRITHARAN – SENIOR TRANSPORT ENGINEER
CITY STRATEGY OUTCOME:	2.4 – MANAGE PARKING AND REDUCE TRAFFIC CONGESTION

MEETING DATE: 20 APRIL 2023

1. PURPOSE OF REPORT

To seek Committee approval for changes to the existing Loading Zones and No Parking Zones in Namoi Road and Sailors Bay Road, Northbridge, adjacent to Northbridge Library. The proposed changes will increase local parking capacity for residents.

2. OFFICER'S RECOMMENDATION

That Council approve the changes to the existing Loading Zones and No Parking Zones, Northbridge, adjacent to Northbridge Library.

3. TRAFFIC COMMITTEE DISCUSSION

Nil.

4. TRAFFIC COMMITTEE CONCLUSION

The Committee agreed with the Officer's recommendation.

5.3 26 CRABBES AVENUE, NORTH WILLOUGHBY– INSTALLATION OF NO STOPPING ZONE

ATTACHMENTS:	1. REGULATORY SIGNPOSTING DETAILED DESIGN PLAN
WARD:	MIDDLE HARBOUR WARD
RESPONSIBLE OFFICER:	DANIEL SUI - TRAFFIC & TRANSPORT TEAM LEADER
AUTHOR:	SRI SRITHARAN – SENIOR TRANSPORT ENGINEER
CITY STRATEGY OUTCOME:	2.4 – MANAGE PARKING AND REDUCE TRAFFIC CONGESTION
MEETING DATE:	20 APRIL 2023

1. PURPOSE OF REPORT

To seek approval for the installation of a No Stopping Zone on the south side of Crabbes Avenue (between Penshurst Street and High Street), North Willoughby. The proposed changes will improve access to the adjacent fire hydrant for emergency vehicles.

2. OFFICER'S RECOMMENDATION

That Council approve the installation of No Stopping Zone on the south side of Crabbe's Avenue (between Penshurst Street and High Street), North Willoughby.

3. TRAFFIC COMMITTEE DISCUSSION

Nil.

4. TRAFFIC COMMITTEE CONCLUSION

The Committee agreed with the Officer's recommendation.

5.4 MORIARTY ROAD, CHATSWOOD - NEW 90 DEGREE ANGLED PARKING SPACES

ATTACHMENTS:	1. REGULATORY SIGNPOSTING DETAILED DESIGN PLAN
WARD:	WEST WARD
RESPONSIBLE OFFICER:	DANIEL SUI - TRAFFIC & TRANSPORT TEAM LEADER
AUTHOR:	JOHN GILL – ACTIVE TRANSPORT ENGINEER
CITY STRATEGY OUTCOME:	2.4 – MANAGE PARKING AND REDUCE TRAFFIC CONGESTION
MEETING DATE:	20 APRIL 2023

1. PURPOSE OF REPORT

To seek approval to change the current four parallel parking spaces to eight 90-degree parking spaces and two motorbike spaces, on the south side of Moriarty Road, Chatswood, between the Pacific Highway and the driveway to the Ampol service station. The proposed changes will improve local parking capacity for residents.

2. OFFICER'S RECOMMENDATION

That Council:

- Approve modification of the current four parallel parking spaces to eight 90-degree parking spaces and two motorbike spaces on the southern side of Moriarty Road, Chatswood;
- Note there is no funding for the detailed design and implementation in current financial year program or planned for 2023/24; and
- Note that funding for the detailed design and implementation will be sought in Council's 2024/25 Traffic & Transport Management Program.

3. TRAFFIC COMMITTEE DISCUSSION

TfNSW noted the trees on either side of the 90-degree parking spaces could impede the view of drivers when leaving these car spaces. Council advised the proposed planting will be below the line of sight. TfNSW requested diagrams showing swept paths of vehicles exiting the service station and for vehicles turning off Pacific Highway, along with the landscape plan and any information impacting the opposite funeral parlour parking space.

TfNSW have now reviewed the additional information and support the Officer's recommendation.

4. TRAFFIC COMMITTEE CONCLUSION

The Committee agreed with the Officer's recommendation.

5.5 WARRANE ROAD, WILLOUGHBY EAST – ACCESS TO WILLOUGHBY PARK

ATTACHMENTS:	1. REGULATORY SIGNPOSTING ACCESS TO WILLOUGHBY PARK
WARD:	MIDDLE HARBOUR WARD
RESPONSIBLE OFFICER:	DANIEL SUI - TRAFFIC & TRANSPORT TEAM LEADER
AUTHOR:	JOHN GILL – ACTIVE TRANSPORT ENGINEER
CITY STRATEGY OUTCOME:	3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS
MEETING DATE:	20 APRIL 2023

1. PURPOSE OF REPORT

To seek Council approval to install two new pram ramps on Warrane Road and improve access and safety for residents walking to Willoughby Park via Stan Street.

2. OFFICER'S RECOMMENDATION

That Council approve the construction of two new pram ramps on Warrane Road, opposite Stan Street and the installation of 'No Stopping' signs either side of the new pram ramps.

3. TRAFFIC COMMITTEE DISCUSSION

Nil.

4. TRAFFIC COMMITTEE CONCLUSION

The Committee agreed with the Officer's recommendation.

**5.6 FOURTH AVENUE, ROBERT STREET, AND WARRANE ROAD,
WILLOUGHBY EAST (AT WILLOUGHBY PARK) – PROPOSED NO
PARKING MOTOR VEHICLE EXCEPTED REGULATORY PARKING
RESTRICTIONS**

ATTACHMENTS:	1. PROPOSED NO PARKING MOTOR VEHICLE EXCEPTED REGULATORY RESTRICTIONS DESIGN PLAN
WARD:	MIDDLE HARBOUR WARD
RESPONSIBLE OFFICER:	DANIEL SUI - TRAFFIC & TRANSPORT ACTING TEAM LEADER
AUTHOR:	DANIEL SUI - TRAFFIC & TRANSPORT ACTING TEAM LEADER
CITY STRATEGY OUTCOME:	2.4 – MANAGE PARKING AND REDUCE TRAFFIC CONGESTION
MEETING DATE:	20 APRIL 2023

1. PURPOSE OF REPORT

To seek Council approval for the implementation of *No Parking Motor Vehicle Excepted* regulatory parking restrictions in place of unrestricted parking in Fourth Avenue, Robert Street, and Warrane Road, Willoughby East. The proposed changes will improve local parking capacity for residents.

2. OFFICER'S RECOMMENDATION

That Council:

- Approve the implementation of No Parking Motor Vehicle Excepted regulatory parking restrictions in place of unrestricted parking in Fourth Avenue, Robert Street, and Warrane Road, Willoughby East; and
- Note this is an extension of the McClland Street (south side) No Parking Motor Vehicle Excepted regulatory parking restrictions currently in place.

3. TRAFFIC COMMITTEE DISCUSSION

The Committee was advised that Council received five late submissions (one objection and four in support). The resident objecting to the proposal owns a box trailer and believes local residents should be able to park a trailer outside their house without any restrictions as long as it complies with the Australian Road Rules.

Although some residents have requested Council install the *No Parking Motor Vehicle Excepted* regulatory parking restrictions on both sides of the streets, that is not supported as it does not align with Council's operational policy.

4. TRAFFIC COMMITTEE CONCLUSION

The Committee agreed with the Officer's recommendation.

5.7 SALISBURY ROAD, WILLOUGHBY - PROPOSED MOBILITY PARKING ZONE

ATTACHMENTS:	1. CONCEPT DESIGN PLAN 2. TECHNICAL REPORT 3. STAKEHOLDER AND COMMUNITY ENGAGEMENT REPORT
WARD:	SAILORS BAY WARD
RESPONSIBLE OFFICER:	DANIEL SUI – TRAFFIC AND TRANSPORT TEAM LEADER
AUTHOR:	MOONES SOTOODEH – TRAFFIC ENGINEER
CITY STRATEGY OUTCOME:	2.1 – ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY 3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS
MEETING DATE:	20 APRIL 2023

1. PURPOSE OF REPORT

To seek Council approval for the construction of one additional mobility parking space and modification to the adjacent existing mobility parking space at Salisbury Road, Willoughby. The proposed changes will improve access for people with a disability.

2. OFFICER'S RECOMMENDATION

That Council:

- Approve the installation of a new mobility parking space, including signs and line markings, adjacent to the existing mobility parking space at Salisbury Road, Willoughby;
- Approve the installation of two mobility parking space ramps at the existing mobility parking space and the new mobility parking space, at Salisbury Road, Willoughby;
- Note that there is no funding for the detailed design and construction of the accessible ramps in current financial year Operational Plan; and
- Note that funding for detailed design and implementation of the ramps will be sought in Council's 2023/24 Operational Plan - Traffic & Transport Management Program.

3. TRAFFIC COMMITTEE DISCUSSION

The Traffic Committee requested that the Armenian Evangelical Church be consulted about the proposed additional mobility parking space and whether an internal parking area could be provided for people with disability. It was also questioned whether there is an opportunity for the Church to seek a community grant to convert the existing on-site stairs to a ramp for safe wheelchair access.

The Traffic and Transport team met the Church Minister and inspected the stairs at the rear parking area. It was agreed that due to the topography and gradient of these stairs, a ramp is not feasible and would not comply with Australian Standards.

The Church Minister supports the proposed alternative mobility parking space adjacent to the existing mobility parking space on Salisbury Road, to improve and provide safe access for people with disability.

Transport for NSW (TfNSW) do not support the mobility parking space due to the width of the space. Given there is an existing disability parking space that is functioning well and without complaint, the additional space will only improve and provide better access for people with a disability.

4. TRAFFIC COMMITTEE CONCLUSION

Although TfNSW did not support the recommendation based on the width of the space, the remainder of the Committee agreed with the Officer's recommendation.

5.8 RESERVE ROAD, ST LEONARDS - PROPOSED SAFETY ENHANCEMENT WORKS TO AN EXISTING PEDESTRIAN CROSSING

ATTACHMENTS:	1. CONCEPT DESIGN PLAN
WARD:	NAREMBURN WARD
RESPONSIBLE OFFICER:	DANIEL SUI – TRAFFIC AND TRANSPORT TEAM LEADER
AUTHOR:	MOONES SOTOODEH – TRAFFIC ENGINEER
CITY STRATEGY OUTCOME:	2.1 – ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY 3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS
MEETING DATE:	20 APRIL 2023

1. PURPOSE OF REPORT

To seek approval for the concept design plan and construction of two new traffic islands at the existing pedestrian crossing in Reserve Road, St Leonards. The proposed changes will improve pedestrian safety.

2. OFFICER'S RECOMMENDATION

That Council:

- Approve the construction of two new traffic islands and installation of associated signs and line markings at the existing pedestrian crossing in Reserve Road, St Leonards;
- Note the detailed design plans will be completed based on the approved concept design plans; and
- Note that the construction of the wombat crossings will be 100% funded (\$150K) by the Federal Government Stimulus Commitment under the TfNSW Road Safety Program (School Zone Infrastructure).

3. TRAFFIC COMMITTEE DISCUSSION

TfNSW requested cross-section diagrams of the final design. Following review of these diagrams, TfNSW support the Officer's recommendation.

4. TRAFFIC COMMITTEE CONCLUSION

The Committee agreed with the Officer's recommendation.

5.9 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:	MOONES SOTOODEH – TRAFFIC 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:	20 APRIL 2023

1. PURPOSE OF REPORT

To seek Council approval to implement regulatory signposting and line marking changes at various locations in the Willoughby Local Government Area.

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, as shown in Table 1 in the Traffic Committee agenda and reports.

3. TRAFFIC COMMITTEE DISCUSSION

Item No. 23/16 – Council will install the sign on a new pole.

Item No. 23/18 – TfNSW noted concerns with traffic congestion in this area. Council staff have agreed to monitor this area closely and if issues arise, the issue will be reported to the Traffic Committee.

Item No 23/21 – TfNSW advised that Kiss & Ride is limited to use in School Zones only. Council will provide more detailed plans for TfNSW. It was noted that the Kiss & Ride zones offer the same restrictions that 'No Parking' zones offer, where cars can stop for up to three minutes and drop-off/pick-up passengers. This supplementary signage would serve to educate drivers and better utilise the 'No Parking' areas as drop-off and pick-up points.

4. TRAFFIC COMMITTEE CONCLUSION

The Committee agreed with the Officer's recommendation.

6 LATE ITEMS

NIL

7 INFORMAL ITEMS**7.1 24 HERBERT ST, ARTARMON – DA 2010/66/A**

ATTACHMENTS:	1. TRAFFIC AND PARKING REPORT: REQUEST FOR MODIFICATION TO DA CONSENT CONDITIONS AND CURRENT WALTHAM STREET PARKING RESTRICTIONS
WARD:	NAREMBURN WARD
RESPONSIBLE OFFICER:	MITCHELL NOBLE – HEAD OF PLANNING
AUTHOR:	ARTHUR TSEMBIS – ACTING FAST TRACK TEAM LEADER
CITY STRATEGY OUTCOME:	2.4 – REDUCE PARKING AND TRAFFIC CONGESTION 3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS
MEETING DATE:	20 APRIL 2023

1. PURPOSE OF REPORT

The purpose of this report is to seek advice from the Traffic Committee on the applicant's proposal to change the current parking restrictions in Waltham Street (adjacent to Taylor Lane), Artarmon.

Any change to the current parking restrictions would need to be approved by Council based on advice provided by the Traffic Committee. This would require a separate formal submission to the Traffic Committee following determination of the application to modify Condition 4 of DA 2010/66. Condition 4 states:

Loading and Unloading

*All loading and unloading of new vehicles/goods is to be conducted wholly within the site. Under no circumstances are loading/unloading activities to be conducted from vehicles standing kerbside in Herbert Street and Taylor Lane or from any appurtenant right of way.
(Reason: Access and amenity)*

The applicant's proposal is to delete the requirement for all vehicles to be loaded/unloaded wholly within the site, and allow unloading to take place on the adjacent street using larger car carrier vehicles between 8.00pm and 3.00am the next day.

In support of the modification application, Transport Management Consulting (TMC) prepared a Traffic and Parking Report dated 15 August 2022, a copy of which is attached. The report proposes a change to the unrestricted parking along Waltham Street (adjacent to Taylor Lane) to provide a 'Truck Zone'.

Whilst approval may be granted to amend Condition 4, development consent cannot be granted to permit unloading from a public place.

The advice sought from the Traffic Committee will assist the development assessment of the modification application to determine if a potential alternative on-street unloading arrangement is appropriate for the subject site.

2. OFFICER'S RECOMMENDATION

The application is under assessment.

3. TRAFFIC COMMITTEE DISCUSSION

Traffic Committee requested the following further information to allow Council to reassess the application:

- Provide truck routes to and from the proposed Truck Zone
- Provide swept path analysis for trucks to manoeuvre this area (loading and unloading)
- Assess tree impacts and protections alongside the proposed Truck Zone
- Assess street lighting adequacy in the area for night work activities
- Provide a traffic control plan and traffic management plan for the proposed use of Truck Zone and vehicles unloading from the 7-car carrier, ensuring public safety for road users (pedestrians, cyclists and motorists)
- Advise on the legal implications and provide insurance details of loading/unloading 7-car carrier on a public road; and
- Council to undertake wider community consultation.

4. TRAFFIC COMMITTEE CONCLUSION

The Committee does not support the proposed Truck Zone application in its current form.

**7.2 DEVELOPMENT APPLICATION - DA-2022/394 - 2 TESSA STREET
CHATSWOOD**

ATTACHMENTS:	1. STATEMENT OF ENVIRONMENTAL EFFECTS 2. ARCHITECTURAL PLANS 3. TRAFFIC IMPACT ASSESSMENT REPORT
WARD:	WEST WARD
RESPONSIBLE OFFICER:	DANIEL SUI – TRAFFIC & TRANSPORT ACTING TEAM LEADER
AUTHOR:	AKSHAY BISHNOI – DEVELOPMENT ASSESSMENT
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:	20 APRIL 2023

1. PURPOSE OF REPORT

To seek Traffic Committee advice on the proposed development for a Child Care Centre comprising of 145 children, particularly with regard to the potential traffic impacts on the localised street network. The development is considered to be of a contentious nature, approximately 80 unique submissions have been made to this development to date with majority of them pressing on the potential traffic impacts associated with the operation of the proposed use.

2. OFFICER'S RECOMMENDATION

The application is under assessment.

3. TRAFFIC COMMITTEE DISCUSSION

The following issues were discussed:

TfNSW further review

- TfNSW's did not comment on traffic generation/queue at Fullers Rd and Pacific Hwy (State roads), during peak hours tidal flow traffic management arrangements. The intersection is operating at capacity (Level of Service F) during peak periods.
- Council to request another assessment from TfNSW.

Right-Turn Ban at the driveway

- The Development Application proposed to ban a right-turn from the driveway. The right-turn movement ban only works in theory but not in practice; the illegal right-turn

movements will likely continue without Police enforcement. Police advised that this right-turn ban is not enforceable by local Police.

- The right-turn ban aims to address increased traffic generation (on View St; and Fullers Rd intersection). There isn't any road safety reason to ban this movement other than theoretical traffic distribution/management and network performance assessment. Allowing the right-turn ban will move the traffic generations/impacts to other local streets & intersections (as an alternate route) to access Fullers Rd and Pacific Hwy.

External Loading Zone/deliveries

- The Traffic and Transport team do not support delivery (drop off & pick up) from kerbside at 'No Stopping' zones at the intersection of Tessa St/View St. All deliveries need to be contained within the car park in the basement, including waste collections.

Tessa Street - narrow road

- Tessa Street is a bi-directional one lane street with parking permitted on both sides. Any increase of traffic during peak periods could potentially increase traffic congestion and safety issues with motorists finding gaps to allow vehicles to pass during peak hours.

Local road network traffic volumes analysis

- Comparison and analysis of the traffic volumes in 2019 and 2021 at Fullers Rd/Pacific Hwy is not accurate as it was undertaken immediately following a Covid-19 lockdown period (11 Oct 2021) where traffic movements were significantly reduced.
- Traffic volumes and the level of analysis need to include all other adjacent child care centre traffic - the analysis needs to demonstrate the cumulative impacts including the local residential traffic.

4. TRAFFIC COMMITTEE CONCLUSION

The Committee are unable to make a complete assessment of the traffic and transport impacts based on traffic analysis data provided from a period immediately following the Covid-19 lockdown when traffic was significantly reduced.

8 GENERAL BUSINESS**8.1 TRAFFIC MANAGEMENT AND PEDESTRIAN WORKS TEMPORARY DELEGATION**

Council sought clarification from TfNSW regarding the Traffic Management and Pedestrian Works Temporary Delegation.

The Committee's TfNSW representative advised that further questions or information on the delegation should be referred to the Department of Transport delegated_works@transport.nsw.gov.au.

8.2 SAILORS BAY ROAD, NORTHBRIDGE – TRUCK ZONE RELOCATION

The Committee discussed a request received from the member for Willoughby regarding the extensive traffic queue during peak hours (pm) due to the existing truck zone on the south side of Sailors Bay Road just east of Strathallen Ave, Northbridge.

A video camera was installed at this location to monitor the loading/unloading activities and the impact to the traffic congestion (traffic queue length). Council's Traffic & Transport team found the following:

- Truck Zone only used between 10.00am and 2.00pm
- At other times utes and other vehicles are parking on the truck zone (without loading and unloading)
- These parking restrictions only allow the westbound of 3 or 4 vehicles turn left from Sailors Bay Rd into Strathallen Ave, hence there is traffic congestion and queues.

Existing Restrictions are:

No parking 6.00 am – 9.00pm (Mon – Fri), 9.00 am – 6.00pm (Sat- Sun) and Truck Zone 4.00 am – 6.00 am, 9.30 am – 6.00pm (Mon – Fri)

Proposed Restrictions are:

No Parking 6.00 am – 9.30 pm, 2.30 pm – 6.30 pm (Mon – Fri) and Truck Zone 9.30 am – 2.30 pm (Mon – Fri)

It is recommended that the proposed changes be consulted with affected business owners and reported to future Traffic Committee to improve the traffic congestion and to reduce queues at the intersection of Sailors Bay Rd and Strathallen Ave.

8.3 LONG GULLY BRIDGE (NORTHBRIDGE)

Local residents have raised safety concerns about the outdated drainage system on the Long Gully Bridge in Northbridge during floods. The current drainage outlets cannot handle heavy rainfall, posing a risk. Council will send photos to TfNSW, who owns the bridge, showing the outlets at capacity or blocked.

Residents have tried contacting ConnectSydney, TfNSW's contractor, regarding regular outlet maintenance before heavy rain, but their messages were not received or responded to.

TRAFFIC COMMITTEE MEETING

20 APRIL 2023

Council has requested TfNSW and ConnectSydney to prioritize improvement works for public safety, including regular unblocking of the drainage outlets.

Shivani Karan from TfNSW will be Council's primary contact for updates on ConnectSydney's maintenance plan. An update will be provided at the next Committee meeting.

8.4 BUSWAYS

Ben Cantor from Busways advised the Committee of the passing of Steve Grady. Steve was Busways previous representative on the Traffic Committee. Councillor Samuel has requested that a formal condolence message be provided to Busways and Steve Grady's family.

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12.7 REPORT ON DRAFT WILLOUGHBY DEVELOPMENT CONTROL PLAN

ATTACHMENTS:	<ol style="list-style-type: none">1. IMPLICATIONS2. WILLOUGHBY PARKING STUDY (PREPARED BY STANTEC)3. ELECTRIC VEHICLE CHARGING CONTROLS REPORT (PREPARED BY CHARGEWORKS)4. PROPOSED CHANGES TO CAR PARKING CONTROLS5. SITE SPECIFIC DCP FOR THE QUADRANGLE SITE CASTLECRAG6. PROPOSED CHANGES TO ELECTRIC VEHICLE CONTROLS7. OTHER PROPOSED AMENDMENTS TO DRAFT WILLOUGHBY DEVELOPMENT CONTROL PLAN (ATTACHMENTS 2-7 INCLUDED IN ATTACHMENT BOOKLET)
RESPONSIBLE OFFICES:	<p>HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR</p> <p>MITCHELL NOBLE – HEAD OF PLANNING</p>
AUTHORS:	<p>NORMA SHANKIE-WILLIAMS – TEAM LEADER STRATEGIC PLANNING</p> <p>ANDREW GILLIES – STRATEGIC TRANSPORT PLANNER</p> <p>ARTHUR TSEMBIS – STRATEGIC PLANNER</p> <p>IAN SHILLINGTON – CONSULTANT STRATEGIC PLANNER</p>
CITY STRATEGY OUTCOME:	<p>5.4 – ANTICIPATE AND RESPOND TO CHANGING COMMUNITY AND CUSTOMER NEEDS</p>
MEETING DATE:	<p>22 MAY 2023</p>

1. PURPOSE OF REPORT

The purpose of this report is to address the matters raised in Council's resolution of 12 December 2022 relating to the draft Willoughby Development Control Plan (WDCP).

The report also seeks Council endorsement for further amendments to the draft WDCP and for it to come into effect once the Planning Proposal for the draft comprehensive Local Environmental Plan (LEP) 2012 has been finalised.

2. OFFICER'S RECOMMENDATION

That Council:

1. **Endorse the changes to the draft Willoughby Development Control Plan in accordance with Attachments 4, 6 & 7.**
2. **Adopt the draft Willoughby Development Control Plan, as amended, and bring it into effect as soon as possible after the new LEP is made.**
3. **Delegate authority to the Chief Executive Officer to make any minor amendments to the draft Willoughby Development Control Plan for finalisation purposes which do not alter the intent.**

3. BACKGROUND

At its meeting on 12 December 2022, Council considered a report which outlined the feedback received during the exhibition of Council's draft comprehensive Local Environmental Plan (LEP) and Willoughby Development Control Plan (WDCP).

Council resolved, among other things, as resolution number three in item 12.11 of Council's meeting on 12 December 2022, that:

3. *Noting that the effect of the following will result in a delay in considering the Development Control Plan, that Council staff investigate the addition of a minimum parking rate for land uses in the Chatswood, St Leonards, and Artarmon railway precincts; review the EV charging requirements to ensure the financial impact on homeowners is not unreasonable; further consider public feedback related to target parking rates in the local centres and in what circumstances (if any) these may be applied above the targets; and provide a further report on this matter for consideration in a timely manner which allows for the implementation of the Development Control Plan at the same time as the Local Environmental Plan is brought into effect.*

That the investigation of the sufficiency of parking in Castlecrag include consideration of the number of aged residents and whether it is appropriate to increase the number of disabled parking spots at the Castlecrag shops.

This report responds to that resolution.

4. DISCUSSION

In response to the 12 December 2022 Council resolution, Council staff engaged two consultants to provide their independent expertise as follows which has been considered and accepted by staff:

- Transport planning consultants Stantec (formerly Cardno) who addressed the matters related to car parking rates (including in Castlecrag). This was a continuation of their previous work, including the Review of Parking Rates report (February 2021). Stantec's Willoughby Parking Study (May 2023) is provided in **Attachment 2**.
- Renewable energy consultants ChargeWorks addressed Council's proposed controls for EV charging as part of new developments. ChargeWorks' Electric Vehicle Charging Controls Report (insert date) is provided in **Attachment 3**.

Following consideration of these reports, it is recommended that Council:

- Add minimum car parking rates to Part F (Transport and Parking Management) of the draft WDCP for the Chatswood/St Leonards CBDs and Artarmon railway precinct only. This would create 'banded rates' – both minimums and maximums – in these areas **Attachment 4**.
- Add a note to Part F (Transport and Parking Management) of draft WDCP requiring any development which seeks to vary the target car parking rates to provide a site-specific Car Parking Demand Assessment to justify such a variation **Attachment 4**.
- In response to analysis of the local circumstances coupled with the level of community concern, require car parking for the planning proposal for the Quadrangle redevelopment as per Council's existing WDCP, with a small increase in accessible parking spaces also required **Attachment 5**.
- Amend controls relating to EV charging **Attachment 6**.
- Make some other minor amendments to the draft WDCP **Attachment 7**.

Further discussion of these matters is provided as follows:

4.1 Minimum car parking rates for the Chatswood/St Leonards CBDs and Artarmon railway precincts

It is recommended that minimum car parking rates be added for the Chatswood/St Leonards CBDs and Artarmon railway precinct. These rates would complement the maximum car parking rates already proposed and thus create what are known as 'banded rates' which provide for both upper and lower caps on parking provision.

The original proposal of maximum-only car parking rates was to align with Council's travel demand management (TDM) approach as per the existing WDCP, Willoughby Integrated Transport Strategy 2036 and the Chatswood CBD Planning and Urban Design Strategy 2036. Placing a 'ceiling' on car parking for new developments via maximum car parking rates is an essential component of the TDM approach to minimise the growth of private vehicle travel and congestion, and promote a 'mode shift' to active, public and shared transport modes. Such a shift is vital in the constrained, high-density but also accessible areas of Chatswood, St Leonards and Artarmon as they grow into the future.

However, Council via its resolution has decided to also propose minimum car parking rates to avoid the scenario of new developments with zero car parking. Stantec noted that:

"...Consideration of a minimum rate to supplement the maximum rates gives greater support to cater for the needs of residents and users in an interim-period prior to greater fulfilment of the TDM approach, as development will be unable to provide zero off-street parking. The banded rates would apply to all new development and all types within the CBD and railway precinct environments." (pg. 3)

Stantec provided examples of other jurisdictions with banded car parking rates (e.g. Footscray in Melbourne and Adelaide CBD) however emphasised that a like-for-like comparison is not possible, given the uniqueness of different locations. Further analysis of demographic and other factors was undertaken to decide on appropriate minimum car parking rates for the various development types.

In summary, Stantec recommended that:

- The geographic division between the Chatswood/St Leonards CBDs and Artarmon railway precinct be retained, with minimum car parking rates divided accordingly.
- The minimum car parking rate for residential (attached dwellings) be between 0.1 and 0.25 parking spaces in the Chatswood/St Leonards CBDs and between 0.1 and 0.5 in the Artarmon railway precinct (depending on the number of bedrooms in both cases).

- The minimum car parking rate for primary/destination developments (e.g. office/business and bulky goods retail premises) be approximately 2/3 of their maximum rate.
- The minimum car parking rate for certain supporting/ancillary developments (e.g. small retail and food and drink premises) be approximately 1/3 of their maximum rate.
- The minimum car parking rates for certain unique uses (e.g. hospitals, medical centres, childcare centres) be between 1/3 and 1/2 of their maximum rate.
- Developments proposing car parking below the minimums should still be considered provided a Car Parking Demand Assessment be provided.

Stantec emphasised that the minimum car parking rates as proposed should be an intermediate step towards maximum-only rates in future to align with the TDM approach. These should be regularly reviewed to consider their effectiveness in achieving good planning outcomes that support the desired TDM approach and respond to changing land use outcomes, transport mode shift trends and policy positions.

Following consideration of these reports it is considered appropriate to recommend a 'banded rate' for parking within the three railway precincts and to retain the target rates for local centres with the added requirement of a Car Parking Demand Assessment where a particular development seeks to exceed that target rate. At the same time it is acknowledged that parking at the quadrangle could be retained in line with the current DCP with a small increase in assessable parking spots in response to analysis of the local circumstances coupled with the level of community concern.

The recommended minimum car parking rates and maximum car parking rates (which remain the same as previously proposed) are included in the body of the Willoughby Parking Study at **Attachment 2**, with all changes proposed included in a revised Part F (Transport and Parking Management) of draft WDCP at **Attachment 4**.

Some example developments demonstrating the number of minimum and maximum car parking spaces that would be required under the 'banded rates' is shown in Figure 1:

Figure 1: Example of the number of car parking spaces that would be required under the proposed 'banded rates'

Location: Chatswood / St Leonards CBD				
Example development	Minimum parking rate	Maximum parking rate	Minimum car parking spaces	Maximum car parking spaces
Residential (e.g. residential flat building)			9 spaces	25 spaces
15 x one-bedroom units	0.1 spaces / studio or 1-bedroom unit	0.5 spaces / studio or 1-bedroom unit		
30 x two-bedroom units	0.2 spaces / two-bedroom unit	0.5 spaces / two-bedroom unit		
5 x three-bedroom units	0.25 spaces / three-bedroom unit	0.5 spaces / three-bedroom unit		
Commercial (e.g. office building with 20,000sqm GFA)	1 space / 670sqm	1 space / 400sqm	30 spaces	50 spaces
Retail (e.g. supermarket of 1,500sqm GFA)	1 space / 100sqm	1 space / 70sqm	15 spaces	21 spaces

4.2 Proposed controls for electric vehicle (EV) charging in private developments

To ensure the most up to date and relevant controls are provided for EV charging, ChargeWorks, a consultant specialising in alternative energy solutions and sustainable energy planning, was engaged to review the EV charging requirements. Based on this advice, it was recommended that Clause 4.5 (Electric vehicles) and Clause 5.6 (Electric vehicle charging) under Part F of draft WDCP be amended to reflect the most up to date electric vehicle charging requirements.

The proposed changes recommended that new or significant alterations and additions to a dwelling or dual occupancies are required to make provision for the installation of an EV charging circuit. Council raised concern about the cost of installation, and therefore resolved that staff *‘review the EV charging requirements to ensure the financial impact on homeowners is not unreasonable’*.

The consultant who prepared the original report relating to EV charging was invited to participate in a workshop with Council staff, including the Head of Planning and the Team Leader for Strategic Planning. The consultant was also required to provide a written report after the workshop.

The consultant was advised that Councillors generally supported the introduction of EV charging, however concern was raised about the cost impost on home owners. The consultant was requested to provide details of the likely cost, and under what circumstances EV charging would be required.

Staff and the consultant discussed the likely cost of additional work to incorporate EV charging points, particularly relating to households undergoing alterations and additions. A number of issues were discussed, and it was agreed to incorporate some additional measures to improve the EV charging controls, and ensure the additional cost to homeowners was not unreasonable.

Following the workshop and receipt of advice from the consultant, staff considered the matter further and it was determined that the most convenient and cost effective method for EV charging is for homes to have a dedicated charging outlet. To reduce the cost impost on households, it was considered that the EV charger did not necessarily need to be installed at the time of development. However, the provision of a dedicated electrical circuit at the time other electrical works were being undertaken would substantially reduce the burden of installing an EV charger at a later date.

It was originally proposed that the only requirement for the provision of a dedicated EV charging circuit to new dwellings and dual occupancies, and alterations and additions, was the estimated cost of works would exceed \$100,000. It is proposed to retain this provision; however, to further reduce the cost burden, it is proposed:

- Only to require EV charging circuit where alterations and additions involve other electrical works.
- Works outside the main residence, such as pools, secondary dwellings, boatsheds and outbuildings would be excluded from the requirement to add an EV charging circuit.
- New garages and carports will be required to provide an EV charging point regardless of whether electrical works will be undertaken as part of the alterations.

It is estimated that the expected additional cost of installing a dedicated electrical circuit for EV charging would be no more than \$5,000.

The likely cost for new multi-dwelling housing developments and commercial and industrial developments was also considered.

Following receipt of advice from the consultant, it was determined that the estimated cost for the installation of the EV charging infrastructure during construction would be approximately \$30,000 - \$50,000. It was estimated that this could save between 3 and 10 times the cost of retrofitting a development post construction.

Similarly, the cost of retrofitting EV charging for commercial and industrial developments is far greater than integrating the infrastructure when undertaking other electrical upgrades and car parking construction. It was determined that the estimated cost and cost savings for retrofitting would also be approximately \$30,000 - \$50,000 and between 3 and 10 times higher, respectively.

It is considered the trigger point for the requirement to provide the EV charging infrastructure for alterations and additions to commercial and industrial developments should be alterations and additions that will result in more than a 10% increase in the 'gross floor area'. However, some discretion will be applied to this control to have regard to the extent of works and the practicality of retrofitting the electrical capacity of the building.

The proposed recommended amendments include a small adjustment to the EV controls to clarify the minimum capacity for the maximum number of car spaces at each level for multi-dwelling housing, commercial and industrial developments.

The recommended amended provisions and controls relating to EV charging are provided in **Attachment 6**.

4.3 Considering variations above target car parking rates in local centres

'Target' car parking rates are used in Council's existing WDCP for all areas. Under Council's proposed draft WDCP, this type of rate would be retained for the 'Rest of the LGA' (i.e. for areas other than the Chatswood/St Leonards CBDs and Artarmon railway precinct, which would have 'banded rates' – i.e. minimums and maximums).

As part of the Willoughby Parking Study, the consultant was asked to examine when variations above the target parking rates – in local centres specifically – could be considered. Section 3 (Variations to Local Centre Target Parking Rates) of the Study describes the overall philosophy of target car parking rates, and outlines a set of decision guidelines, or factors, which Council could take into account when assessing such variations.

A set of decision guidelines could include and draw a distinction between the following:

- The assessment of likely demand for parking spaces, and
- Whether it is appropriate to allow a variation in the supply of spaces.

In summary, it is recommended that wording be incorporated in Part F (Transport and Parking Management) of draft WDCP requiring the submission of a Car Parking Demand Assessment to justify any variation to the target parking rates. The recommended wording is contained in **Attachment 4**.

It is recommended that the suggested wording be incorporated as a note in the draft Part F (Transport and Parking Management) as contained in **Attachment 4**.

4.4 The sufficiency of parking in Castlecrag

Council has now determined a planning proposal for the redevelopment of the Quadrangle shopping centre (at 100 Edinburgh Rd, Castlecrag) and resolved to apply the parking rates in the current WDCP with a small increase in accessible car spaces from three to four in response to local circumstances and the strength of the community response.

It is also proposed that eight additional public car spaces will be provided within the car park of the proposed redevelopment to compensate for the loss of spaces at the corner of the Postern, due to the creation of the proposed public park in this location. These spaces would be in addition to the number of spaces required under Council's WDCP.

The proposed car parking rates to apply to this site are included in the site-specific DCP for the development.

A copy of the draft site-specific DCP for the Quadrangle site is at **Attachment 5**

4.5 Other proposed amendments

Part E of Council's existing WDCP provides 'Specific controls for Commercial and Shop Top Housing Developments'. Part E.1.3 (Design and Streetscape Design Qualities) states:

Public Art

In the case of major developments such as retail centres or shop top housing development, sited on gateway or highly visible locations, Council may require that developers submit an Art Plan which identifies a number of opportunities for the integration of public art. Public Art shall be in accordance with Council's Public Art Policy.

This provision was inadvertently not included in the draft WDCP. Council has adopted Procedures (Guidelines) that outlines the main elements that need to be considered in the implementation of Council's Public Art Policy.

It is considered that the requirements in accordance with the Public Art Policy and the Procedures (Guidelines) should be included in Part B (Residential Development) and Part D (Commercial Development) of the draft WDCP.

The recommended provisions and controls for Public Art are provided in **Attachment 7**.

5. CONCLUSION

It is recommended that Council endorse the draft Willoughby Development Control Plan (WDCP) as further amended.

IMPLICATIONS	COMMENT
City Strategy Outcome	5.4 – Anticipate and respond to changing community and customer needs
Business Plan Objectives, Outcomes / Services	To ensure this Planning Proposal aligns with NSW Government and Council strategies and plans (e.g. <i>A Metropolis of Three Cities</i> (2018), <i>North District Plan</i> (2018), <i>Council's Local Strategic Planning Statement</i> (2020), <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> (2020), <i>Willoughby Integrated Transport Strategy</i> (2020) and to accommodate future housing and employment growth needs.
Policy	<i>Willoughby Local Environmental Plan (LEP) 2012</i> and <i>Willoughby Development Control Plan (WDCP) 2012</i>
Consultation	Originally exhibited from 15 March to 7 June, 2022.
Resource	This report was provided using staff resources. Consultants' work was paid for using funding already allocated to review Council's LEP and WDCP and implementing <i>Willoughby Integrated Transport Strategy</i> (2020) as part of <i>Council's Operational Plan 2022-2023</i> (2022).
Risk	The primary risk is not adequately or efficiently accommodating planned growth of population and employment across the Willoughby LGA.
Legal	The Planning Proposal would amend <i>Willoughby Local Environmental Plan 2012</i> and <i>Willoughby Development Control Plan 2012</i> .
Legislation	<i>Environmental Planning and Assessment Act 1979</i> .
Budget / Financial	Further development following rezoning is subject to the <i>Environmental Planning and Assessment Act 1979</i> .

12.8 APPLICATION OF INTERIM HERITAGE ORDER - 43 DONNELLY ROAD NAREMBURN

ATTACHMENTS:	1. IMPLICATIONS 2. PRELIMINARY HERITAGE ASSESSMENT APRIL 2023 3. PROPOSED INTERIM HERITAGE ORDER 4. NOTICE OF MOTION FEB 2023 (ATTACHMENTS 2-4 INCLUDED IN ATTACHMENTS BOOKLET)
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	NORMA SHANKIE-WILLIAMS – STRATEGIC PLANNING TEAM LEADER
CITY STRATEGY OUTCOME:	2.2 – RESPECT AND CELEBRATE OUR HISTORY AND HERITAGE SITES
MEETING DATE:	22 MAY 2023

1. PURPOSE OF REPORT

To recommend that Council's make an Interim Heritage Order in respect of all currently unlisted parts of the land located at 43 Donnelly Road, Naremburn.

2. OFFICER'S RECOMMENDATION

That Council:

1. Upon consideration of the preliminary heritage assessment prepared by Vanessa Hotham, heritage architect:
 - a. the land located at 43 Donnelly Road, Naremburn (Lot 1 in Deposited Plan 115889, Lot A in Deposited Plan 341975 and Lot 1 in Deposited Plan 320984), except for all of the land within the curtilage of Item I160 listed in Schedule 5 to the *Willoughby Local Environmental Plan 2012*, described as 'St Leonards Church (including original interiors)' is likely to be found, on further inquiry and investigation, to be of local heritage significance;
 - b. DA 2021/340, currently on appeal before the Land and Environment Court of NSW proposes the demolition of the School Buildings, significant alterations to the Presbytery and unsympathetic subdivision and is therefore likely to be harmed.
2. Make an Interim Heritage Order as set out in Attachment 3 pursuant to sections 25(2) and 27(a) of the *Heritage Act 1977* and in accordance with the Ministerial Order published in the NSW Government Gazette on 12 July 2013 in respect of all of the land located at 43 Donnelly Road, Naremburn (Lot 1 in Deposited Plan 115889, Lot A in Deposited Plan 341975 and Lot 1 in Deposited Plan 320984), except for all of the land within the curtilage of Item I160 listed in Schedule 5 to the *Willoughby Local Environmental Plan 2012*, described as 'St Leonards Church (including original interiors)' as the latter is already listed as an item of local heritage significance.

3. BACKGROUND

At its meeting held on 27 February 2023, Council resolved to include the Presbytery as an item of potential local significance as part of the 2023/4 Council Heritage Review. It also resolved that Council should be notified if staff become aware that the School Buildings have potential heritage value (**Attachment 4**).

The history of a current Class 1 appeal in the NSW Land and Environment Court over the Willoughby Local Planning Panel's refusal of a development application applying to land at 43 Donnelly Road, Naremburn (DA 2021/340) was outlined at that meeting. The application sought to demolish buildings associated with a former school (School Buildings) and construct a parish hall and multi-dwelling housing, together with alterations to the existing presbytery building (Presbytery) including the construction of a car port within its front setback, subdivision to alter existing lot boundaries (such that, inter alia, the Church and Presbytery be located on separate allotments) and construction of new dwelling adjacent to it.

This report presents information and recommendations to Council following receipt of further heritage advice.

4. DISCUSSION

The St Leonards Catholic Church is located at 43 Donnelly Rd, Naremburn with frontages to Willoughby Rd, Donnelly Rd and Merrenburn Avenue (Figure 1). The church building itself and a small area of curtilage are identified as a Local Heritage Item under the *Willoughby Local Environmental Plan 2012* (Willoughby LEP).

The remaining buildings within the church complex, including the Presbytery and School Buildings are not currently listed as heritage items (refer to Figure 1 below). The school closed in 1996 and a later family centre operation has also now ceased to operate. The School Buildings are now used for miscellaneous church related purposes.

The Class 1 appeal against Council's decision to refuse the development application has caused concern that parts of the site which have heritage significance are vulnerable to unsympathetic alteration or loss if the appeal is successful and development consent is granted.

The development application proposes, inter alia, demolition of the School Buildings, substantial internal alterations to the Presbytery and external alterations to its grounds and setting, and subdivision of Lot 1 in Deposited Plan 115889, upon which the Church and Presbytery are currently located, to site each building on its own allotment.

As such, a Preliminary Heritage Assessment (PHA) was commissioned and prepared by Vanessa Holtham, heritage architect, to evaluate the merit of the unlisted buildings/site elements receiving protection under an Interim Heritage Order (IHO). Vanessa Holtham has longstanding experience as an architect and heritage consultant. She has qualifications in architecture and heritage conservation and is a member of the Heritage Council of NSW.

Figure 1: Existing elements of 43 Donnelly Road, Naremburn (extract from Preliminary Heritage Assessment prepared for Council by Vanessa Holtham, 2023)



Findings of the Preliminary Heritage Assessment

The PHA is provided at **Attachment 2** to this report.

To summarise, the PHA on page 56 concludes, in its Statement of Significance:

“St Leonards Church, presbytery and school buildings have local historical significance for their association with the early development of religious, educational, and supporting accommodation buildings in the area. The building group represents a clear chronology of development occurring in the early twentieth century typical of a growing and expanding religious and/or educational precinct.

The complex of buildings is considered a key landmark within the local area and as individual entities, the buildings have landmark qualities within different streetscapes.

The Presbytery, is an early Inter-War two-storey domestic style building with Old English and Gothic style influences. A visually prominent and well-maintained building, the presbytery has aesthetic value as a standalone building, notwithstanding its clear physical and social connection to the Church and wider precinct. The original 1917 garage, which sequentially follows the construction of the Church and fronts Donnelly Road in the south-eastern corner of the site, also appears to remain intact.

The 1932 main school building has aesthetic qualities as a prominent and attractive element within the Willoughby Road streetscape and as a foreground to the Church when approaching from the north. Whilst it is, to some extent utilitarian in nature, the two-storey building is highly intact externally with only simple measures required to remove later accretions. The 1936 single storey school building is also largely intact externally and has a pleasant but less imposing presence as a secondary school building, which appears to be constructed of materials salvaged from an earlier and more decorative building. This is of interest to the group.

All the buildings within the group appear to have been maintained to a reasonably high degree externally with evidence that the Church and presbytery also retain a high degree of internal integrity. The internal integrity of the school buildings is unknown at this stage; however, this does not affect their contribution to the group or respective streetscapes.

This group of buildings has social significance for the Naremburn and Diocesan Catholic community, for the long-term use of the site for a school and as a place for public worship. The buildings are representative of the symbiotic operation of religious and educational functions contained within a single precinct, supported, and complemented by the accommodation offered by the presbytery.

As a collection, the buildings retain a high degree of integrity in terms of their arrangement, form and setting and the high degree of original fabric that each building retains. The school buildings also provide a visual and physical conduit between this group and the adjacent Sisters of St Joseph's building and St Cuthbert's Church on Merrenburn Avenue and former Naremburn Public School on the opposite side of Willoughby Road”.

Source: page 57 Preliminary Heritage Assessment 43 Donnelly Rd Naremburn
Vanessa Hotham April 2023

The fact that only the church was originally listed, bounded by a limited area of curtilage, was examined in terms of whether or not the remainder of the site was worthy of listing. On this point the PHA has commented:

"...the significance of the site does extend beyond the (curtilage) of the church and therefore it is realistic to consider whether the heritage curtilage should be adjusted accordingly. It is not unreasonable to the revisit this.... considering this assessment.

The historical analysis of 43 Donnelly Rd indicates that there was a considered evolution of the subject site, which was determined by the religious and educational aspirations of the church community in the early part of the twentieth century. This included the construction of the Church in 1913, garage in 1917, presbytery in 1918, and the school buildings in the 1930s.

It is recommended that the curtilage of the heritage item, described as St Leonards Catholic church, Presbytery and School Buildings be redefined by the existing property boundary, including the presbytery, school buildings and grounds."

Source: Page 59 Preliminary Heritage Assessment 43 Donnelly Rd Naremburn
Vanessa Hotham April 2023

The PHA thus recommends that the current listing of the Church be, in effect, extended so that it covers the entirety of the property to enable its full heritage significance to be "appreciated, understood and protected".

The PHA provides the necessary confidence to progress with the application of an IHO on the balance of 43 Donnelly Road - this place being an item of likely local heritage significance - pending consideration of their inclusion in the Willoughby LEP following completion of the Comprehensive Heritage review later in 2023.

In essence, this would be an IHO over the place, which comprises all of the land at 43 Donnelly Road, which is not presently listed under the Willoughby LEP.

Likely harm to School Buildings and Presbytery

As noted above, the development application at issue in the Class 1 appeal proposes, inter alia, demolition of the School Buildings, substantial internal alterations to the Presbytery and subdivision of Lot 1 in Deposited Plan 115889, upon which the Church and Presbytery are currently located to site each building on its own allotment.

The proposed demolition of the School Buildings establishes a likelihood of harm to these elements.

With regard to the Presbytery, Council has obtained advice from Lisa Trueman, a heritage consultant engaged to provide expert evidence and advice in the Class 1 appeal, and contended in those proceedings that the development application will cause various adverse impacts to the setting of the Presbytery. Specifically, the proposed:

- subdivision of the Presbytery from the Church will cause a permanent severance of the historic association between these buildings and will have an adverse effect on the curtilage, views, vistas and landscape elements of the adjacent Church; and
- placement of a two-car carport in the front setback of the Presbytery will have an adverse impact on the Presbytery, including visually.

The proposed internal alterations to the Presbytery are, similarly, concerning from a heritage perspective.

These matters establish that there is a likelihood of harm to the Presbytery arising by reason of the development application.

The process for making and effect of Interim Heritage Orders

Interim Heritage Orders (IHOs) are made under the *Heritage Act 1977* (Heritage Act), and they are designed to safeguard places of potential heritage significance for a temporary period of up to 12 months. They prohibit a range of activities that may harm the buildings to which it relates including demolition, alteration, and development.

An IHO made by Council lapses after 6 months from the date it is made unless Council resolves to list the item as an item of local heritage significance, in which case the IHO will continue in effect for a further 6 months. It cannot be further extended.

IHOs must be made strictly in accordance with the terms of the *Heritage Act 1977* and the Ministerial order published in the New South Wales Government Gazette of 12 July 2013, which authorises the Council to make IHOs (Ministerial Order).

The preconditions to Council making an interim heritage order are that:

- An environmental planning instrument containing a schedule of heritage items is in force in the local government area (this is in force - see Schedule 5 to the Willoughby LEP);
- Council has considered a preliminary heritage assessment of the subject item prepared by a person with appropriate heritage knowledge, skills and experience; and
- Council considers that:
 - the item is or is likely to be found, on further inquiry and investigation, to be of local heritage significance;
 - the item is or is likely to be harmed; and
 - the proposed interim heritage order is confined to the item defined as being under threat.

The Heritage Act and the Ministerial Order impose other relevant restrictions on the power of Council to make an IHO:

- An IHO should not be made in respect of an item that is already subject to an IHO made by the Minister, which is listed on the State Heritage Register or which is already listed on an LEP's heritage schedule;
- An IHO should not be made in respect of an item located within a heritage conservation area;
- An IHO should not be made in respect of an item covered by a development consent which permits harm to it (or certain complying development certificates); and
- An IHO should not be made in respect of an item located on Crown land or in respect of an item that is permitted to be harmed by a permit issued by the Crown or the Minister.

The only relevant restriction in respect of 43 Donnelly Road is that St Leonards Church, its interiors and some of its surrounds are already listed under the Willoughby LEP as an item of environmental heritage (Item I160). This extract from the Willoughby LEP's Heritage Map depicts the existing curtilage:

Figure 2: Existing heritage curtilage of St Leonards Church (Item I160)
(Source: Willoughby LEP Heritage Map)



Accordingly, it is proposed for the IHO to expressly exclude the existing elements of Item I160 as it already afforded protection by its listing as a local heritage item and add the remaining parts of the site under a new IHO.

Next steps

The PHA has provided advice that the entirety of the property at 43 Donnelly Road, Naremburn, is a place, which holds sufficient local heritage significance to warrant its listing as a local heritage item. Development application number DA2021/340 proposes substantial demolition, earthworks and redevelopment of the site, including relevantly, subdivision to place the Church and Presbytery on separate lots, the demolition of the School Buildings, substantial unsympathetic alterations to the Presbytery and various landscaping and other works to the grounds.

An IHO should be made to cover the balance of the cadastral boundaries of 43 Donnelly Road - including the Presbytery, School Buildings and adjacent grounds. The primary purpose of the IHO will be to provide temporary protection while a full investigation of the heritage values of the buildings in question can be carried out with a view to adding them to the existing listing of St Leonards Church already on Council's Willoughby LEP register.

A Proposed IHO forms **Attachment 3** to this report.

Council does not need to specifically notify its intention of making an IHO, notwithstanding the publishing of the agenda ahead of the Council meeting will make the proposal public. However, after it is made it must be published in the New South Wales Government Gazette and notice be given to the Chairperson of the Heritage Council of NSW. Once published in the Gazette, notice is also given to the affected owner or occupier of the property and within 7 days a public notice should also be published to advise the local community in the area.

Section 30 of the Heritage Act provides that an 'affected owner or occupier' may appeal to the Land and Environment Court within 28 days of the making of an IHO.

5. CONCLUSION

The PHA commissioned to explore the merits of protecting the unlisted buildings and gardens of 43 Donnelly Road has concluded the heritage significance is such that the extra protection of an IHO is warranted. This can provide protection until a further inquiry and investigation into the likely significance of the School Buildings, Presbytery and adjacent grounds can be undertaken and assessed for formal inclusion in the Willoughby LEP as being of local heritage significance.

It is therefore recommended that an IHO be made in the terms set out in **Attachment 3**.

IMPLICATIONS	COMMENT
City Strategy Outcome	2.2 – Respect and celebrate our history and heritage sites
Business Plan Objectives, Outcomes / Services	There are no considerations applicable to this report.
Policy	This matter relates to Council 's Local Strategic Planning Statement (LSPS) in particular Priority 5 <i>Respect and celebrate our history, heritage sites and attractions of Willoughby City</i> , and Council's Local Environmental Plan and in particular the Schedule containing all items listed as having local Heritage significance.
Consultation	Should Council decide to proceed to list one or more of the buildings at the conclusion of the IHO investigations, the next step would be to prepare a planning proposal. Community consultation would likely be required by the Gateway Determination, should one be issued by the Department of Planning and Environment.
Resource	Additional officer time required to prepare the IHO required and consultant resources for the ultimate comprehensive Heritage review to confirm the IHO in the WLEP.
Risk	The risk of damage or loss of these buildings is real with a current Class 1 appeal on foot. Without the application of the IHO no heritage protection is available increasing the likelihood of loss.
Legal	The application of an IHO provides the legal weight of interim heritage protection until the items can be fully considered for listing in the WLEP.
Legislation	NSW Heritage Act 1977 and EP&A Act 1979.
Budget/Financial	This is within approved budget.

12.9 BULKY WASTE COLLECTION SERVICES

ATTACHMENTS:	1. IMPLICATIONS 2. CONFIDENTIAL – BULKY GOODS COSTS (ATTACHMENT 2 INCLUDED IN CLOSED AGENDA)
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DAVID ROBERTS – ENVIRONMENT UNIT MANAGER
CITY STRATEGY OUTCOME:	1.4 – REDUCE ENERGY, WATER AND RESOURCE WASTE AND ENCOURAGE REUSE
MEETING DATE:	22 MAY 2023

1. PURPOSE OF REPORT

To seek Council's approval to accept the preferred tender to establish a contract for the Waste, Recyclables, Organics and Bulky Waste Collection Services.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Resolve the preferred method for bulky goods collection, being a continuation of the current service, or switch to a fully booked service.**
- 2. Note the CEO's delegation to enter into the contract for Waste, Recyclables, Organics and Bulky Waste Collection Services with the inclusion of Council's resolution regarding the bulky goods collection service as the other services are not altered and the tender is within budget.**

3. BACKGROUND

Willoughby City Council has a contract for the collection of red, yellow green bins, and for bulky goods (Waste Collection Services) with JJ Richards until March 2024.

In November 2022, a Request for Tender (the Tender) for Waste Collection Services was issued, with tender submissions received and evaluated. There are no proposed changes to service levels for red, yellow or green bins, but there is an option for Council to consider how bulky goods are collected.

The CEO has delegation to award the Waste Collection Services Tender as it is within existing budgets, service levels and operating plans. However, there is an opportunity to review how bulky goods are collected, with any change requiring a decision of Council to alter service levels.

4. DISCUSSION

Council's most recent Customer Perception Survey from December 2022 (willoughby.nsw.gov.au/Council/News-and-media/Perception-Survey-Report) demonstrates residents consider 'waste and recycling collection services' the third most important service provided by Council, behind 'safety in public areas', and 'maintenance of parks'. Council has a strong track record of delivering waste services that are highly regarded by the community, and at the same time drive innovation and minimise goods entering landfill.

In tendering for waste services, no changes were proposed to the collection of red, yellow and green bins. However, tenderers were asked to provide pricing options for the way bulky goods are collected. Pricing was provided to continue the existing service (which involves three scheduled pick-ups a year, and one booked service), as well as a price to move to a fully booked system.

Bulky Goods

Many Sydney councils have transitioned their bulky goods collection to a fully booked system due to the greater flexibility it offers residents, the ability to better manage illegal dumping, whilst at the same time provide a collection system that causes less confusion and is easier to use.

All of Willoughby's neighbouring councils have moved to a fully booked system (with the exception of Hornsby), as have the Inner West Council, City of Sydney, Ryde and Randwick. In the waste industry, and amongst Councils, a fully booked system is considered best practice for the reasons outlined in this report.

In considering the change of any service, it is worth noting that the current arrangement of three scheduled pick-ups is popular with some residents as it brings people into street, and allows others to 'rummage' through goods which can then be sold or re-used.

However, a recent audit undertaken in January 2023 indicates that 42% of the waste collected from scheduled pick-ups is not appropriate for bulky goods collection, with the majority of this being builders waste.

It appears some builders and tradespeople are aware of Council's schedule, or notice the street is filled with goods, and use this as an opportunity to dump their waste on top of resident's bulky goods collection. This experience is similar to many council areas across Sydney, and is one of the primary reasons most councils are moving to a fully booked system.

Benefit of moving to a Scheduled Service

Notwithstanding the social and some recycling elements of the current scheduled arrangement, the benefits of moving to a fully booked service are considerable, and can be described as follows:

- **Increased Flexibility:** A booked system allows residents to determine the best time for them to dispose of their goods, as opposed to being locked into a schedule. It may not be convenient to wait for a scheduled pick up, especially if the resident has already used their free booked pick up and has significant material to dispose of. This need is often driven by an event, like selling or moving house, cleaning out a shed, or buying new household items.
- **Better Management of Illegal Dumping:** Given that 42% of materials are not accepted by the waste contractor, this results in a range of mop-up services Council need to arrange. For example, the bulky goods contractors won't collect building waste, gas bottles, glass, asbestos or hazardous materials. This creates significant work to arrange alternate pick-ups, and correspondingly increased costs to Council and ratepayers.

- **Driving Accountability:** A scheduled service can see goods on the nature strip for up to 5 to 10 days as the waste contractors work their way through the streets. This timeframe creates a large window for illegal dumping. Given the waste contractors have no indication of volumes before they turn up, this time window is required, and it can vary significantly depending on the volume of waste. This window creates a larger opportunity for illegal dumping, but also makes it near impossible to hold anyone to account if there is illegal dumping. This can also cause distress for residents.

In contrast this to a booked service, typically sees waste put out the night before it is collected. This reduces the window for illegal dumping. Further, when making the booking (online or in person) the resident will be asked what type of waste they are disposing of which provides an opportunity to ensure these goods are collectible or can be diverted into recycling.

- **Reduction of Cost:** The change to a fully booked systems is estimated to reduce the current cost by approximately 50% based on tender received. This is in part through behaviour change, but also the significant reduction in volume created by illegal dumping. Costing differences are outlined in confidential **Attachment 2**.
- **Improved Customer Service:** The current arrangement whereby two types of bulky goods collection are offered inadvertently causes significant confusion with residents. A typical example is when a resident uses their one free booked collection up, places their goods on the nature strip, and neighbouring residents see this as an incorrect signal that it's a scheduled week, and place their goods out to be picked up, or call council to check if it is a scheduled week.
Typically, 35% of all calls to Council's customer service centre on Monday and Tuesday are attributed to residents seeking clarity as to the schedule, or as to why their goods were not picked up arising from this confusion.
- **Continuation of Recycling:** There is no data on the volume of goods collected through the rummaging that occurs during the scheduled pick-ups, however the opportunity for recycling can still occur with a fully booked service, with residents being able to make use of recycling services such as mattress recycling (Soft Landings), furniture reuse (Bower) and other charities who recycle and sell second hand goods.
- **Reduction in Co2 and Truck Movements:** Due to the large volume of illegal dumping during bulky goods collection, and in turn the uncontrolled volumes of waste, it is anticipated implementing a fully booked system result in less transport emissions due to a more controlled and efficient collection of goods.

If Council resolves to move to a fully booked system, a comprehensive engagement and community education plan would be established to support the changeover. This plan would be modelled on, and learn from, other Councils who have successfully made the transition.

5. CONCLUSION

There is a significant improvement to customer service, along with cost and operational efficiencies in moving to a fully booked bulky waste service.

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	Serving the best interest of the public when purchasing assets, goods, materials and services.
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 resources within each of Council's Directorates being Customer & Corporate, Community Culture & Leisure and Planning & Infrastructure.
Risk	The level of risk associated with the contents of this report is low, with moderate consequences under Council's <i>Risk Management Framework</i> .
Legal	Legal advice was sought throughout the tender process.
Legislation	The tender process has been undertaken in accordance with all <i>Local Government Act</i> requirements. On 25 March 2019 Council resolved to delegate to the General Manager the functions of the Council under the <i>Local Government Act 1993</i> section 377.
Budget/Financial	All costs are funded from the Domestic Waste Management charge and are fully funded. Any cost savings will result in a higher operating surplus and increase in the Waste Reserve available funds balance.

12.10 WCC PROPERTY REPORT - 22 MAY 2023

ATTACHMENTS:	1. IMPLICATIONS 2. CONFIDENTIAL – LEASING AND VACANCY (ATTACHMENT 2 INCLUDED IN CLOSED AGENDA)
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:	22 MAY 2023

1. PURPOSE OF REPORT

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

2. OFFICER'S RECOMMENDATION

That Council note the property lease portfolio report, including the information contained in Confidential Attachment 2.

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 **Attachments 2**.

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 paper 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.

Tenant Update

Trading conditions at the Concourse continue to improve, and the majority of tenants are paying their rent, and back rent, on time. However, two tenants still owe considerable back rent which remain a risk until it is collected, noting both tenants have put plans in place to ensure their rent balance is up to date and payment have been forthcoming.

The Gibbes Street industrial properties continue to trade well, with all tenants paying their rent on time. This is reflective of the work undertaken to re-position the tenant mix over the last two years to improve our tenant lease quality.

Rent arrears at 30 April 2023 is \$1,518,155 (31 March 2023 \$1,209,676). The increase of \$308,479, is driven solely by the increase driven by one large tenant who will correct the payments in May and June 2023, with the exception of this tenant the rent arrears would have dropped for the 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**.

5. CONCLUSION

The performance of Councils Concourse tenants is improving, however, some tenants are struggling to fully recover trade levels which existed prior to Covid lockdown periods. Council continues to work with these tenants to collect rental arrears.

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.

COMMUNITY, CULTURE & LEISURE DIRECTORATE

12.11 GRANTS FOR THE COMMUNITY PROGRAM 2022/2023 APPLICATIONS MARCH –APRIL 2023
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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:	22 MAY 2023

1. PURPOSE OF REPORT

To seek Council endorsement for the distribution of funds under the Grants for the Community Program for the 2022/23 financial year.

2. OFFICER'S RECOMMENDATION

That Council endorse the distribution of funds through the 2022/23 Grants for the Community Program - Category 1 as follows:

- Rosemont Chamber Orchestra Incorporated** **\$6,000**

3. BACKGROUND

The Grants for the Community Program was adopted by Council in June 2021, and 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).

Under the Program, applications may be submitted all year round and recommended applications are tabled at Council Meetings each month (or as required) for endorsement.

This report details the recommended applicants received in March 2023 – April 2023 for Category 1 - Grants for the Community.

4. DISCUSSION

The Grants for the Community Program has an annual budget of \$169,569. Council has endorsed \$132,244 for distribution in the 2022/23 financial year, with \$37,325 of funds remaining.

4.1 – 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 LGA.

Grants for the Community criteria.

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)

Council received a total of one application across March 2023 – April 2023.

Total Amount being sought: **\$6,000**
WCC Officer Recommendation: **\$6,000**

Funding is recommended for the applicant. The application recommendation is detailed in Table 1.

Table 1 - Category 1: Grants for the Community Recommended Applicants March/April 2023

APPLICANT	MEETS CRITERIA	AMOUNT REQUEST	AMOUNT RECOMMEND	PROJECT OUTLINE
Rosemont Chamber Orchestra Incorporated	Yes	\$6,000	\$6,000	The Accessible Community Concerts Project aims to increase the accessibility of live music by bringing professional musical concerts from the concert stage to elderly or mobility-challenged community members. Officers recommend full funding.
TOTAL		\$6,000	\$6,000	

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 one Grant for the Community application receive funding.

If endorsed, \$37,325 will remain in the Grants for the Community Program budget for the remainder of the 2022/23 financial year.

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 recommended funding amount in this report is allocated within the 2022/23 operational budget.

12.12 OUTCOME OF PUBLIC EXHIBITION AND ADOPTION OF COMMUNITY ENGAGEMENT POLICY AND STRATEGY
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ATTACHMENTS:	1. IMPLICATIONS 2. ENGAGEMENT OUTCOMES REPORT 3. REVISED COMMUNITY ENGAGEMENT POLICY FOR ADOPTION 4. PROPOSED CHANGES TO EXHIBITED DRAFT COMMUNITY ENGAGEMENT STRATEGY 5. COMMUNITY ENGAGEMENT STRATEGY FOR ADOPTION (ATTACHMENTS 2-5 INCLUDED IN THE ATTACHMENT BOOKLET)
RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE AND LEISURE DIRECTOR
AUTHOR:	MARK SKELSEY – ENGAGEMENT AND INTERNAL COMMUNICATIONS LEAD
CITY STRATEGY OUTCOME:	5.5 – MAKE IT EASY FOR CITIZENS TO PARTICIPATE IN DECISION MAKING
MEETING DATE:	22 MAY 2023

1. PURPOSE OF REPORT

To adopt the amended *Community Engagement Policy* and new *Community Engagement Strategy*, after considering feedback during the exhibition process.

2. OFFICER'S RECOMMENDATION

That Council:

1. Adopt the revised *Community Engagement Policy* at Attachment 3
2. Adopt the *Community Engagement Strategy* at Attachment 5
3. Rescind the *Community Engagement Process* and *Community Engagement Matrix and Resources* documents, as upon adoption of the revised *Community Engagement Policy* and *Community Engagement Strategy* these will no longer form part of the Council's Community Engagement Framework
4. Thank all participants for their contribution during the engagement process and advise them of Council's decision
5. Delegate authority to the Chief Executive Officer to make minor amendments to the *Community Engagement Policy* and *Community Engagement Strategy* which do not alter the intent of the documents.

3. BACKGROUND

Since May 2022, the Council has been reviewing its existing *Community Engagement Framework*, to ensure this framework meets contemporary community needs and desires.

As a result of this review, on 12 December 2022, Council resolved to:

1. *Endorse the public exhibition of the revised Community Engagement Policy and new draft Community Engagement Strategy for a period of 28 days commencing in February 2023.*
2. *Receive a further report 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, including the graphic design of the draft Community Engagement Strategy.*

The exhibition of the revised *Community Engagement Policy* (the Policy) and revised *Community Engagement Strategy* (the Strategy) commenced on 9 February 2023 and finished on 12 March 2023.

On 3 March 2023, Councillors were advised by memo of the need to make a minor change to the exhibited version of the draft Strategy, to make the draft Strategy consistent with the version endorsed by the Council in December 2022. This change was also advised on the Have Your Say site on 21 February 2023, and to all Have Your Say participants on 2 March 2023.

This report discusses the results of the public exhibition process for the Policy and Strategy and seeks Council's endorsement of the final versions.

4. DISCUSSION

Exhibition process

Given the related subject matter, the exhibition process was run concurrently with the draft *Customer Experience Strategy*.

An indicative implementation plan and explanation of proposed changes (which were attached to the December 2022 Council report) were also made available as part of the exhibition process. Promotional activities included:

- An advertisement in the North Shore Times
- Promoting the exhibition in newsletters sent to more than 7,000 Have Your Say subscribers
- Writing to local Progress Associations and Chambers of Commerce
- Distributing flyers at the Council's Victor Street office and at Chatswood, Naremburn and Artarmon centres
- Promotion on the Council's social media channels, with a collective audience reach of 9,151 people and
- Media release

Engagement activities included:

- Conducting an intercept survey with 23 businesses at Chatswood, Naremburn and Artarmon on 15 February
- Holding community engagement sessions at Chatswood on 21 February (hybrid in-person / online session) and Naremburn on 28 February (in-person only session).
- Holding a focus group online survey and discussion on 7 March with 20 recruited community members selected because they were from 'harder to reach' categories (including renters and people from non-English speaking backgrounds)

A Have Your Say page was also established, which included inviting comments on the two documents via an online survey.

Response to feedback received

In total, across the different engagement activities, 94 people participated in the engagement process, six different surveys were filled out and 87 comments were collected.

A comprehensive engagement outcomes report, including an analysis of key feedback themes and a proposed response to all comments, is available at **Attachment 2**.

Of the seven participants who responded to an online sentiment survey question, four expressed partial support for the draft Framework and one expressed full support, while one was neutral and one fully opposed.

The key themes raised in the engagement process, and the proposed response to these themes, are listed below.

Theme summary	Theme explanation	Response
Business engagement	<p>During an intercept survey, and in community engagement sessions, business operators requested to be more involved in the Council's engagement effort.</p> <p>This included a desire for businesses:</p> <ul style="list-style-type: none">• To assist with the engagement process in their communities• To be receive more timely and useful information about Council activities in their area, including a via single Council contact point	<p>The draft Strategy has been amended (on pages 28 and 29) to encourage the use of business intercept surveys, and to better involve businesses in distributing engagement material</p> <p>A toolkit to be developed for liaison with the community will further explore this issue, while noting the Council does currently have a commitment to liaise with businesses in relation to major streetscape upgrades.</p>
Strategic ongoing engagement	<p>While the strategy is focussed on Council seeking community feedback on specific projects, the community also want to know what avenues are in place so they can raise strategic issues of interest to them directly with the Council to influence decision-making.</p>	<p>While no changes are proposed to the Policy or Strategy on this issue, it is noted that:</p> <ul style="list-style-type: none">• Page 22 of the draft Strategy outlines the ways that people are currently able to engage with the Council outside of engagement projects the Council initiates. This could be via by directly contacting and engaging with Council staff and Councillors or in the open or public forum at Council meetings.• Potential additional measures to support community-initiated engagement will be considered in the implementation of the Community Engagement Strategy and the Customer Experience Strategy.
Online surveys	<p>A range of comments were made about Council's online engagement surveys, including that:</p>	<p>No changes to the draft Policy or Strategy are required, as this issue will be covered in the preparation of a</p>

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	<ul style="list-style-type: none"> Surveys sometimes contained 'leading' or 'biased' questions, or alternatively were overly simple and not structured to elicit useful feedback; or Were over-used as an engagement tool. <p>Alternatively, members of 'harder to reach' groups said they valued giving feedback via short online surveys, given they were often time-poor.</p>	<p>Feedback Collection, Analysis and Publication Protocol which is listed as an action in the draft Strategy.</p> <p>This feedback will be considered in the development of this protocol.</p>
Have Your Say registration	A number of comments stated that participants were required to answer too many questions to register for the Have Your Say portal, which was inhibiting feedback.	<p>Registration is needed to ensure:</p> <ul style="list-style-type: none"> The integrity of the survey process, to avoid individuals making multiple comments The Council is in a position to target different community cohorts (such as people in specific suburbs or with certain interests) in relation to engagement projects which are likely to be of interest to them. <p>No changes to the draft Policy or Strategy however in April 2023, the Have Your Say registration form was simplified, with questions relating to age and gender removed.</p>
Seeing participant feedback	A number of comments were made by participants that they would like to see the feedback provided by other participants, to help inform their feedback.	<p>No changes to the draft Policy or Strategy are required, as this issue will be covered in the preparation of a Feedback Collection, Analysis and Publication Protocol which is listed as an action in the draft Strategy.</p> <p>This feedback will be considered in the development of this protocol.</p>
Council accountability	Two comments were made that the draft Strategy should be changed to make the Council more accountable to community feedback, with concerns raised that the Council sometimes receives feedback and then does not give it sufficient weight in the decision-making process.	<p>Given this issue is carefully considered in the draft Policy and Strategy, no changes are proposed.</p> <p>One of the Council's proposed engagement principles is that it will conduct Meaningful engagement. This is explained as involving the Council ensuring "community members have the opportunity to influence the outcome, subject to Council considering all factors". The draft Strategy states that an example of this principle in action involves ensuring "that engagement takes place in a way and time that means that well-reasoned feedback and input will be able to alter or create a decision of Council".</p>

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Improved transparency	A number of comments expressed concern that transparency could have been more clearly expressed in the draft Framework	In response to this feedback, it is proposed to strengthen the Responsive principle on page 2 of the Community Engagement Policy to state that the Council will be “transparent about the feedback it has received and how this feedback has been considered”.
Implementation and evaluation	<p>Several comments felt that the draft Strategy could be strengthened in relation to:</p> <ul style="list-style-type: none"> Evaluating and monitoring the Council’s engagement effort, including incorporated ‘lessons learned’ from individual projects Detailing how it will be implemented over time 	<p>In response to this feedback, the draft Strategy has been amended (on page 33) to refer to the fact that the Strategy’s evaluation and monitoring will include “evaluating individual projects upon completion, including the engagement activity which helped deliver these projects”.</p> <p>In addition, the draft Strategy has also been amended (on page 34) to now include an implementation plan.</p>

In addition, two changes have been made in response to pieces of individual feedback:

- Retaining the word “equitable” on page 3 of the Council’s Community Engagement Policy Statement in the revised Policy (this was proposed to be deleted in the draft version of the Policy placed on exhibition)
- Amending the draft Strategy on page 32 to refer to the need for a staff toolkit which highlights which engagement tactics are most preferable at the preliminary and later engagement stages.

Other minor changes

In addition, a range of other staff-initiated changes are proposed, which are relatively minor and either respond to a recent Council resolution or reflect the need to be clearer about a proposed engagement approach.

In relation to the Policy, this involves minor wording changes to reflect existing Council terminology and legislative provisions. These changes do not alter the intent or strategic direction of the document.

The revised Policy is at **Attachment 3**, with proposed changes to the version presented for exhibition are shown in track changes.

In relation to the draft Strategy, this involves:

- Explaining the three elements of the *Community Engagement Framework* (page 8) – see below for more detail on these elements
- Stating that engagement outcomes reports are optional in the event of low feedback levels (page 30).
- Changing the text on the engagement role of Advisory Committees (page 21) to better align it with the December 2022 Council resolution.

Proposed changes to the draft Strategy are available at **Attachment 4**, with the Strategy presented for adoption at **Attachment 5**.

Implementation plan

After further consideration of staff resourcing, it has been decided to implement the Strategy by December 2024, compared to the timeline of June 2024 as reported to the Council last year. Activities proposed in the financial year 2023-24 include:

- Creation of a feedback collection, analysis and publication protocol
- Developing a toolkit for engaging with harder-to-reach groups
- Reviewing the *Community Participation Plan*

Community Engagement Framework

Upon the adoption of the revised Policy and new Strategy, there will be three elements to the Council's *Community Engagement Framework*:

- *Community Engagement Policy* (outlines the Council's engagement principles, Community Engagement Framework elements and internal roles and responsibilities)
- *Community Engagement Strategy* (explains how the Council undertakes general engagement matters, including non-statutory strategic planning matters such as centre, precinct or sector studies)
- *Community Participation Plan* (explains how the Council undertakes engagement on statutory planning and development matters outlined in Division 2.6 of the EP&A Act, and some other planning matters such as certification)

The draft Strategy will replace the existing *Community Engagement Process* and *Community Engagement Matrix and Resources* documents.

A review of the *Community Participation Plan* (as adopted in 2019) is currently underway and is due to be reported to the Council on or before December 2023. This is expected to involve the presentation of an amended *Community Participation Plan* for public exhibition (subject to Council support).

5. CONCLUSION

It is recommended that following consideration of community feedback, that the revised *Community Engagement Policy* and new *Community Engagement Strategy* be adopted.

IMPLICATIONS	COMMENT
City Strategy Outcome	5.5 – Make it easy for citizens to participate in decision making
Business Plan Objectives, Outcomes / Services	The community contributes to Council decision making through effective engagement.
Policy	This report seeks the Council's approval to revise the Council's Community Engagement Policy, following the receipt of community feedback.
Consultation	The revised Policy and draft Strategy were placed on public exhibition from 9 February to 12 March 2023.
Resource	The preparation of the revised Policy and new Strategy was undertaken utilising two internal staff members and the support of a consultant (JOC Consulting).
Risk	The Strategy, if implemented, is likely to reduce the risk to Council programs and projects, by supporting community sentiment and feedback to be considered before these matters are implemented.
Legal	The revised Policy and draft Strategy supports the Council undertaking, and where possible exceeding, all minimum statutory requirements.
Legislation	The draft Policy was prepared with consideration of Section 402A of the Local Government Act.
Budget/Financial	The Strategy was prepared using a portion of the \$100,000 in funding allocated to a review of the community engagement framework in 2022/23.

12.13 TENDER T08-2022 - MANAGEMENT OF DEVONSHIRE STREET CHILD CARE CENTRE
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ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	MICHAEL CASHIN – COMMUNITY LIFE MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	22 MAY 2023

1. PURPOSE OF REPORT

To present the outcomes of **Tender T08-2022** for the **Management of the Devonshire Street Child Care Centre** and to recommend the preferred tenderer for Council's endorsement.

2. OFFICER'S RECOMMENDATION

That Council:

1. Approve the preferred tenderer as detailed in the confidential report for Tender T08-2022 for the lease of Devonshire Street Child Care Centre for the purpose of operating a long day care service for a period of 10 years, with the option to extend for a further period of 10 years.
2. Delegate the Chief Executive Officer the authority to finalise and execute the lease agreement and all associated documents.

3. BACKGROUND

On 23 May 2022, the Council resolved the following actions:

That Council;

1. *Endorse the outsourcing the Childrens Long Day Care Service at the Devonshire Street Childcare Centre to reduce the risk profile, improve financial performance and preserve the property as a strategic asset of Council.*
2. *Authorise the CEO to conduct an Expression of Interest to source a qualified operator to lease the Devonshire Street Child Care Centre as a going concern.*
3. *Delegate authority to the CEO to enter into a lease agreement with the successful childcare operator, subject to the lease value being within a range determined by an independent valuation.*
4. *Release recommendations 1, 2 and 3 when all affected employees are informed*

Council made the decision to outsource the operation of the Centre as part of broader strategic initiatives aimed at reducing the financial and operational risk profile of the Council.

4. DISCUSSION

The management of the Devonshire Street Child Care Centre is proposed via a lease agreement with a suitably qualified operator.

The financial value associated with this lease agreement required Council to conduct a public tender process to procure the services for the management of the Devonshire Street Child Care Centre.

Procurement process

The procurement process chosen for the Management of Devonshire Street Child Care Centre was a public Expression of Interest followed by a Selective Tender.

Expression of Interest

Council conducted an Expression of Interest process from 1 October to 21 October, 2022. The EOI elicited four responses.

Following assessment of EOI responses, all four organisations were invited to participate in a selective tender process.

Selective Tender

In accordance with Local Government tendering regulations and Council's procurement policies, a tender invitation was released to the four organisations via Tenderlink on 16 February 2023, closing on 13 March 2023.

Four submissions were received by the closing date from:

1. Inspire Operations LTD
2. KU Childrens Services
3. Mini Masterminds
4. Little Lion Early Learning

Evaluation Criteria

Tenders were assessed against the following evaluation criteria:

- Compliance with tender, contract and specifications
- Ability to meet insurance, WHS, modern slavery and environmental requirements
- Financial offer
- Status and experience of provider
- Staffing component
- Evidence of clear processes for access and inclusion for children and families
- Accessible online presence

Tender Evaluation

The tender assessment is provided in the **confidential** report for Tender T08-2022 for the management of Devonshire Street Children's Centre. This report is **confidential** in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- a) personnel matters concerning particular individuals (other than councillors) and;
- 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

5. CONCLUSION

After a thorough evaluation of Tender T08-2022, it has been determined that the highest-ranked Tenderer has demonstrated full capability to meet the required standards for managing the Centre.

The evaluation process has been conducted in a valid manner, resulting in the identification of a preferred tenderer who aligns with the Council's criteria.

In light of these findings, it is recommended that the Council accepts the tender submitted by the highest-ranked Tenderer, as detailed in the confidential report for Tender T08-2022 for the leasing of Devonshire Street Children's Centre.

Furthermore, it is advised that the Council delegates authority to the Chief Executive Officer to finalise and execute the lease, in addition to all associated documents, pertaining to the leasing of the Devonshire Street Child Care Centre.

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes/ Services	The contents of this report relate to the <i>Property Strategy</i> .
Policy	This matter relates to Council's <i>Purchasing and Tendering Policy</i> .
Consultation	<p>The tender was advertised in accordance with the provisions in the <i>Local Government Act 1993</i>.</p> <p>Councillor briefings relating to this matter were held on 9 May 2022, 16 May 2022, 12 September 2022, 6 March 2023 and 17 April 2023.</p>
Resource	The tender process and administration of this contract will be undertaken within existing resources
Risk	The level of risk associated with the contents of this report is low, with moderate consequences under Council's <i>Risk Management Framework</i> .
Legal	Officers sought legal advice in throughout the tender process, when necessary.
Legislation	The tender process has been undertaken in accordance with all <i>Local Government Act</i> requirements.
Budget/Financial	Due to the nature of this Tender, the successful tender will be paying a lease fee to Council. In addition, the Tenderer will be responsible for paying for asset renewal and some maintenance that are currently paid by Council. This will result in positive net impacts on the 2023/24 operating budget and the LTFP.

13 NOTICES OF MOTION

13.1 NOTICE OF MOTION 07/2023 - REVOKE DELEGATION TO CEO RE DEVONSHIRE STREET CHILDCARE CENTRE

RESPONSIBLE OFFICER: LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR

AUTHOR: MICHAEL CASHIN – COMMUNITY LIFE MANAGER

CITY STRATEGY OUTCOME: 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

MEETING DATE: 22 MAY 2023

1. PURPOSE OF REPORT

Councillor Moratelli has indicated his intention to move the following Notice of Motion.

2. MOTION

That Council revokes the delegation it gave to the CEO at the meeting 23 May 2022, recorded under item 17.3 of the updated minutes of that meeting in relation to the Children's Long Day Care Service at the Devonshire Street Childcare Centre, that delegation being recorded in those minutes as "3. Delegate authority to the CEO to enter into a lease agreement with the successful childcare operator, subject to the lease value being within a range determined by an independent valuation."

3. SUPPORTING INFORMATION PROVIDED BY THE COUNCILLOR ON THE NOTICE OF MOTION

A number of the newer councillors weren't fully aware of the implications of the delegation when it was given at the meeting on 23 May 2022. They now wish to have any decision in relation to outsourcing this service to return to Council for decision. This will allow for every councillor to have their individual view recorded in relation to this issue.

4. OFFICER'S RECOMMENDATION

That Council considers the motion.

5. OFFICER'S COMMENTS

By way of update, the tender assessment is complete and a report regarding the tender outcome is included in the 22 May 2023 Council meeting agenda for Council's consideration and determination. Also on the 22 May agenda, is a report regarding the Plan of Management for Devonshire Street. Council's resolutions on those matters is relevant to this Notice of Motion.

Engagement with Councillors

The following outlines the engagement with Councillors.

9 May 2022 – Councillor Briefing - Financial Repair Strategy

The briefing provided Councillors an overview of the performance of the Devonshire Street Child Care Centre and presented options for the future operating. A copy of the Councillor Briefing presentation was placed upon the Councillor's Hub for information and future reference.

Councillors in attendance: Councillors Taylor, Wright, Eriksson, Moratelli, Greco, McCullagh, Mouradian, Roussac, Rozos, Samuel, Xia and Zhu

16 May 2022 – Councillor Briefing - Financial Repair Strategy

The briefing outlined the rationale and thinking regarding the potential outsourcing of the service and presented advice regarding a commercial return. A copy of the Councillor Briefing presentation was placed upon the Councillor's Hub for information and future reference.

Councillors in attendance: Councillors Taylor, Wright, Moratelli, Greco, Mouradian, Roussac, Rozos, Samuel, Xia and Zhu

On **23 May 2022**, the Council resolved the following actions:

That Council;

- 1. Endorse the outsourcing the Childrens Long Day Care Service at the Devonshire Street Childcare Centre to reduce the risk profile, improve financial performance and preserve the property as a strategic asset of Council.***
- 2. Authorise the CEO to conduct an Expression of Interest to source a qualified operator to lease the Devonshire Street Child Care Centre as a going concern.***
- 3. Delegate authority to the CEO to enter into a lease agreement with the successful childcare operator.***
- 4. Release recommendations 1, 2 and 3 when all affected employees are informed***

MOVED COUNCILLOR GRECO / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

12 September 2022 – Councillor Briefing – Devonshire Street Child Care Centre

Provided Councillors with an update on the procurement process to outsource the Devonshire Street Childcare Centre via a public Expression of Interest and selective Tender process. A copy of the Councillor Briefing presentation was placed upon the Councillor's Hub for information and future reference.

Councillors in attendance: Councillors Taylor, Wright, Eriksson, Greco, McCullagh, Campbell, Mouradian, Roussac, Samuel, Xia and Zhu

6 March 2023 – Councillor Briefing - Devonshire Street Child Care Centre

Detailed the outcome of the Expression of Interest process for the Devonshire Street Childcare Centre and updated progress on the selective Tender. A copy of the Councillor Briefing presentation was placed upon the Councillor's Hub for information and future reference.

Councillors in attendance: Councillors Taylor, Wright, Greco, McCullagh (Partial), Campbell, Mouradian, Roussac, Rozos, Samuel, Xia and Zhu

17 April 2023 – Councillor Briefing - Devonshire Street Child Care Centre

This briefing informed Councillors of the outcome of assessment of the Tender for the Devonshire Street Childcare Centre. A copy of the Councillor Briefing presentation was placed upon the Councillor's Hub for information and future reference.

Councillors in attendance: Councillors Taylor, Wright, Greco, McCullagh, Eriksson, Moratelli, Campbell, Mouradian, Roussac, Rozos, Samuel, Xia and Zhu

13.2 NOTICE OF MOTION 08/2023 - REVOKE CEO DELEGATION OF 23 MAY 2022 UNDER ITEM 17.4 FOR OUTSOURCING COUNCIL'S FOOD SERVICES BUSINESS

RESPONSIBLE OFFICER: LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR

AUTHOR: MICHAEL CASHIN – COMMUNITY LIFE MANAGER

CITY STRATEGY OUTCOME: 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

MEETING DATE: 22 MAY 2023

1. PURPOSE OF REPORT

Councillor Greco has indicated her intention to move the following Notice of Motion.

2. MOTION

That Council revokes the delegation it gave to the CEO at the meeting 23 May 2022, recorded under item 17.4 of the updated minutes of that meeting in relation to Council's Food Services business, that delegation being recorded in those minutes as: "3. Delegate authority to the CEO to enter into a lease agreement with the successful café operator subject to the lease value being within a range determined by an independent valuation."

3. SUPPORTING INFORMATION PROVIDED BY THE COUNCILLOR ON THE NOTICE OF MOTION

A number of the newer councillors weren't fully aware of the implications of the delegation when it was given at the meeting on 23 May 2022. They now wish to have any decision in relation to outsourcing this service to return to council for decision. This will allow for every councillor to have their individual view recorded in relation to this issue.

4. OFFICER'S RECOMMENDATION

That Council considers the motion from Councillor Greco.

5. OFFICER'S COMMENTS

Engagement with Councillors

The following outlines the engagement with Councillors.

9 May 2022 - Councillor Briefing: Exiting non-essential services.

A briefing was provided to Councillors on an overview of the performance of Council's Food Services operations together with options for the future operating model. The briefing presentations were placed in the Councillor's Hub for information and future reference.

Councillors in attendance: Councillors Taylor, Wright, Eriksson, Moratelli, Greco, McCullagh, Mouradian, Roussac, Rozos, Samuel, Xia and Zhu.

On **23 May 2022**, the Council resolved the following actions:

That Council;

- 1. *Endorse the outsourcing of Council's Food Services business due to an ongoing operating deficit and the non-essential nature of the business to Council.***
- 2. *Authorise the Chief Executive Officer to conduct an Expression of Interest to source a qualified operator to lease the café and kitchen at the Dougherty Community Centre to ensure the continuation of services to existing patrons.***
- 3. *Delegate authority to the Chief Executive Officer to enter into a license agreement with the successful café operator.***

MOVED COUNCILLOR GRECO / SECONDED COUNCILLOR ERIKSSON

CARRIED

Voting

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

Against: Nil

6 March 2023 – Councillor Briefing: Updates relevant to budget.

Provided an update on the Expression of Interest process for Food Services and the impact on 2023/24 budget. The briefing presentations were placed in the Councillor's Hub for information and future reference.

Councillors in attendance: Councillors Taylor, Wright, Campbell, Greco, McCullagh, Mouradian, Roussac, Rozos, Samuel, Xia and Zhu

Implications of Revoking Delegation

Revoking the delegation to the CEO would mean that Council will need to resolve how the lease agreement will be finalised.

13.3 NOTICE OF MOTION 09/2023 - CONSTITUTIONAL REFERENDUM TO DECIDE WHETHER MAYOR SHOULD CONTINUE TO BE POPULARLY ELECTED

RESPONSIBLE OFFICER: MAXINE KENYON – CUSTOMER & CORPORATE DIRECTOR

AUTHOR: SAMANTHA CONNOR – GOVERNANCE, RISK & COMPLAINTS MANAGER

CITY STRATEGY OUTCOME: 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO

MEETING DATE: 22 MAY 2023

1. PURPOSE OF REPORT

Councillor Moratelli has indicated his intention to move the following Notice of Motion.

2. MOTION

That Council request the NSW Electoral Commissioner to hold a constitutional referendum to be held at the same time as the 2024 council election to decide whether the number of councillors should be reduced by one by allowing councillors to elect the mayor every two years.

3. SUPPORTING INFORMATION PROVIDED BY THE COUNCILLOR ON THE NOTICE OF MOTION

There are a number of reasons why election of a mayor by councillors is preferable to a popular election of mayor, and voters should be given an opportunity at the next election to consider these reasons and decide if they wish to continue with the current system of popular election or allow councillors to choose the mayor.

The reasons as to why it is preferable to have a mayor chosen by councillors include:

1. The role of mayor is multifaceted and is set out in section 226 of the Act. It includes presiding at council meetings which, for the efficient functioning of council, requires that the mayor be an effective chair. Councillors, being generally familiar with meeting procedures, are better able to assess a prospective mayor's capacity in this respect than are electors.
2. A candidate for mayor can also stand simultaneously for election as a councillor and almost invariably will. Should they be elected as mayor their votes as councillor transfer to the next candidate on their ward ticket usually ensuring the election of that candidate. However, the candidate so elected may have little popular support of their own.
3. The mayor has a casting vote at council meetings – in the event of a tied vote the mayor potentially has two votes which can, in the case of an evenly split council, have a significant impact on the direction of council. Yet voters aren't as likely to be as familiar with the policy positions of the mayor as they will be with those of their ward councillors, with whom they are more familiar. In relation to a mayoral election, voters are comparing mayoral candidates to each other and will often have little familiarity with them compared to their ward candidates. In this context a previously elected mayor has a great advantage.

4. Once elected by popular vote the very role of mayor means that the mayor becomes very hard to displace irrespective of how well, for instance, they preside at council meetings. This is because the mayor is the public face of council and becomes widely known. If they are likeable, they become popular and difficult to displace.

4. OFFICER'S RECOMMENDATION

That Council consider its option to conduct a constitutional referendum and if sought fit include the following in the resolution:

1. Advise the NSWEC within seven days, of its intent to conduct a referendum at the same time as the 2024 ordinary election.
2. Delegate authority to the CEO to amend the current contract with NSWEC to include a constitutional referendum at the same time as the 2024 ordinary election.
3. Approve additional funds of \$36,239 in the 2023/24 operational budget to cover the costs incurred by the Electoral Commission to conduct a constitutional referendum at the same time as the ordinary local government election in September 2024.

5. OFFICER'S COMMENTS

Current Context

The first popularly elected Mayor of the City of Willoughby was in 1999. Since then, all ordinary elections for Willoughby City have included a popular election of the Mayor.

Willoughby is divided into four wards and is served by 13 councillors including a Mayor, Deputy Mayor and three Councillors are elected from each of the four wards. The Mayor holds the office for the term of the Council.

Although Councillors are elected from their wards, all Councillors are required to represent the collective interests of residents, ratepayers and the local community as outlined in the *Local Government Act 1993* (the Act).

The current Code of Meeting Practice outlines the voting for Council meetings:

11.1 Each Councillor is entitled to one vote.

11.2 The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.

11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost. The Mayor does have the casting vote.

Training and professional development is provided for the Mayor and Councillors to assist them to fulfil their civic duties. Training includes chairing and participating in Council meetings, in line with the Code of Meeting Practice. Council has provided in-house training, and some Councillors have attended the Executive Certificate for Elected Members held by LGNSW.

Changing the number of Councillors

Section 224 of the Act requires if the council proposes to change the number of councillors, it must, before determining the number, obtain approval for the change at a constitutional referendum. If that occurs, then Not less than 12 months before the next ordinary election, the council must determine the number of its councillors for the following term of office.

Changing the method of electing the mayor

The Act provides two methods by which a mayor can be elected — by popular vote at an ordinary election or by vote among the councillors. Section 228 of the Act permits a council to change the way the mayor is elected by seeking approval of its electors at a constitutional referendum.

Councils with areas that are divided into wards are reminded that section 280(2) of the Act requires the same number of councillors is to be elected for each ward. A popularly elected mayor is not to be included in this count.

In such circumstances, councils should be mindful that changing the method of electing the mayor could result in an increase or decrease in the number of councillors to be elected. If electors at a constitutional referendum conducted in conjunction with the 2024 ordinary elections approve a change to the way the mayor is elected, that change will come into effect for the electoral term commencing in 2028.

Contract with NSW Electoral Commission (NSWEC)

At the 27 February 2023 Council meeting it was resolved that Council:

1. *Enter into an election arrangement by contract for the Electoral Commissioner to administer all elections of the Council, pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act").*
2. *Enter into a Council poll arrangement by contract for the Electoral Commissioner to administer all Council polls of the Council, pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18.*
3. *Enter into a Constitutional referendum arrangement by contract for the Electoral Commissioner to administer all Constitutional referenda of the Council, pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18.*

Resolutions two and three above, cover the contractual requirement to use the NSW Electoral Commission to administer any polls or referendums conducted within the contract period.

Under section 296 (3) of the Act as applied and modified by section 18, Council can decide to conduct a poll or constitutional referendum, and must pass a resolution to do so.

Should Council decide to conduct a constitutional referendum, it's recommended that Council resolve to do so as soon as possible, in order to provide the NSWEC enough time to plan and resource alongside the 2024 ordinary local government election. Council must advise the NSWEC on the topic or wording for a poll or constitutional referendum, no later than three months prior to the 2024 ordinary Local Government election, or 14 June 2024.

Council may choose to conduct a poll or constitutional referendum at a time, other than the time of the 2024 ordinary Local Government election, that is, before or after the election. In this case, Council must still resolve to conduct a poll or constitutional referendum and advise the NSWEC and the full costs associated with administering an election, poll or constitutional referendum apply. The costs are outlined in the financial implications section of this report.

Financial Implications

The total cost to administer the ordinary Local Government election in 2024 is \$564,499 (excl GST). Council has an election reserve where funds are provided annually to be able to support the costs of elections every four years. To cover the anticipated additional costs required due to the shorter term of Council and the increase in costs from the NSWEC, an additional \$200,000 has been included in the draft Quarter 3 Budget Review for Council's consideration (an item on this meeting). An additional \$200,000 has also been included in the draft 2023/24 budget.

The NSWEC has confirmed that administering a constitutional referendum at the same time as the ordinary election, incurs an additional cost of up to 12% of the contract sum, that is \$67,740 ex GST. There is no budget allocation for this option.

The cost to conduct a constitutional referendum or a poll at a different time to the ordinary election, is the same as the cost to administer the ordinary election, that is \$564,499 ex GST. There is no budget allocation for this option.

If the draft Quarter 3 Budget Review and draft 2023/24 budget is adopted, this will result in \$596,000 in the Election Reserve. This amount covers the costs of the 2024 election and will leave \$31,500 remaining in the reserve. The available funds in the Election Reserve do not cover the additional costs associated with either a constitutional referendum at the same time as the ordinary election or at another time.

Council would need to fund these additional costs from the General Fund and either increase the draft 2023/24 budget or reduce expenditure in other areas to offset these additional costs.

We will need to make additional allocation to the Reserve to cover anticipated costs for the 2028 election.

14 QUESTIONS WITH NOTICE

14.1 QUESTIONS WITH NOTICE 05/2023 - DEVONSHIRE CHILDCARE CENTRE

RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	MICHAEL CASHIN – COMMUNITY LIFE MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	22 MAY 2023

Submitted by Councillor Jam Xia

QUESTION

The following questions are related to the Devonshire Childcare Centre, and please provide the confirmation for each question separately.

1. Will all staff at DCCC be guaranteed to receive an offer of continued employment?
2. Will the offer be at equal or better pay and conditions?
3. Please provide a detailed timeline of consultation with the United Services Union throughout this process?
4. When was the USU first notified?
5. How was the consultation received by the USU in 2022?
6. Please confirm what facility improvements are to be delivered?
7. What are the repercussions if we were to deviate from the tender process?
8. How will the quality of care be ensured and what accountability mechanisms do we have if the provider were to not be up to standard?
9. When were the staff and the parents notified?
10. What specifically was explained to the stakeholders and community in terms of reasoning for the changes?
11. What consultation / feedback opportunity was given to the affected stakeholders and when was it been given?

ANSWER

1. Will all staff at DCCC be guaranteed to receive an offer of continued employment?
All permanent staff at the Devonshire Street Child Care Centre will receive an offer of continued employment.
2. Will the offer be at equal or better pay and conditions?
Remuneration will be at a comparable rate to the current rate of pay. Benefits will change from the Local Government Award (current) to either the Child Care Services Award 2020 or Educational Services (Teachers) Award [MA000077]. The relevant award is linked to the qualifications of staff.

3. Please provide a detailed timeline of consultation with the United Services Union throughout this process?

All discussions with the United Service Union (USU) were managed in line with consultation requirements under the Local Government Award.

The USU was first notified on 27 May 2022. The timeline with the United Service Union (USU) is:

- **27 May 2022** – Notification and discussion with USU Organiser by People & Culture regarding Council's decisions to outsource the Devonshire Street Child Care Centre.
- **8 June 2022** – As required under the Local Government Award, all Unions (USU, LGEA and DEPA) and impacted staff provided official notification via individual letters and meetings as to 28 day consultation period required under the Award (ending 6 July 2022). During the period discussions were held between the USU Union Organiser and People & Culture and included representatives from Community, Culture and Leisure as required.
- **28 June 2022** – Extraordinary Joint Consultative Committee meeting held to discuss this matter with the Committee. This included union delegates, elected employees representative, union organisers from all unions including United Services Union, People and Culture and Management representatives. Representatives from Community, Culture and Leisure were present to discuss the decision.
- **June 2022 to current** – Updates provided to USU through scheduled meetings with People and Culture Manager and USU Organiser and workplace delegates, as well as at scheduled Joint Consultative Committee meetings. Access to the centre and staff was also provided to the USU above regular visits or right of entry.

4. When was the USU first notified?

The USU was first notified on 27 May 2022.

5. How was the consultation received by the USU in 2022?

The consultation with the USU was in line with the Award but also included additional meetings and information. The USU requested to be kept updated on developments as the process progressed. The USU were clear that they did not support the outsourcing of council services.

6. Please confirm what facility improvements are to be delivered?

The facility will be upgraded to the value of \$450k. This will entail a complete refurbishment to the interior of the centre and minor upgrades to the play area. The facility upgrades can commence in 2023.

7. What are the repercussions if we were to deviate from the tender process?

Section 178 of the Local Government (General) Regulation sets out the options for councils when considering tenders. Councils must either accept the tender submission that is most advantageous or decline to accept the tender. If a council decides not to accept any of the tenders, the council must postpone or cancel the proposal for a contract, invite fresh tenders, enter into negotiations or carry out the contract itself. If a council decides not to call for fresh tenders, s 178(3) of the Regulation requires a council that decides not to go ahead with a tender and to negotiate with another person to state in its resolution the reason for not going to a fresh tender.

If a decision is made that this tender will not proceed to a contract, consideration will need to be given to what other options are available to Council in light of the restrictions in section 178 of the Regulation, noting the preferred tender has met the assessed criteria as set out in the Conditions of Tendering and has been notified of their preferred tenderer status.

8 How will the quality of care be ensured and what accountability mechanisms do we have if the provider were to not be up to standard?

The quality of care will be guaranteed via the assessment and rating of the new operator under the National Quality Standard (NQS). The National Quality Standard sets a high national benchmark for early childhood education services in Australia. Services are assessed and rated by their regulatory authority against the NQS, and given a rating for each of the 7 quality areas and an overall rating based on these results.

Performance measures in the lease agreement mandate that the chosen operator maintains as a minimum rating of meeting under the National Quality Standard (NQS).

9. When were the staff and the parents notified?

Staff were notified by the Council of the decision to outsource the Centre on 26 May 2022 following Council's resolution in confidence on the 23 May 2022. Families were notified by the Council of the decision to outsource the Centre on 26 May 2022. Staff and families have received regular updates since at each key stage.

10. What specifically was explained to the stakeholders and community in terms of reasoning for the changes?

The rationale for the outsourcing was explained to stakeholders as to reduce the risk profile of Council, improve financial performance and preserve the property as a strategic asset of Council for the provision of Childcare. Staff and stakeholders were advised that continued employment and maintaining the provision of service and quality of care would be key considerations in the process.

11. What consultation / feedback opportunity was given to the affected stakeholders and when was it been given?

Affected stakeholders were given the opportunity to provide feedback on the outsourcing of the Centre.

Parents:

26 May 2022 – Letter advising parents of decision to outsource the service.

7 September 2022 – Letter to parents advising of EOI process and next steps .

2 June to 6 June 2022 – Phone calls to parents requesting feedback on Expression of Interest process

1 November 2022 – Letter to parents advising feedback received in relation the Expression of Interest criteria and update on outsourcing process.

Staff:

26 May 2022 – Meeting to inform of decision to seek EOI's for outsourcing.

7 September 2022 – Letter to staff to update on feedback received in relation the Expression of Interest criteria and update on outsourcing process.

20 March 2023 – Meeting with staff at the centre

12 April 2023 – Email advising tender dates.

Feedback from staff and families was used to assist Council in determining the criteria for the Expression of Interest process.

15 CONFIDENTIAL MATTERS

15.1 CONFIDENTIAL - TENDER T08-2022 MANAGEMENT OF DEVONSHIRE STREET CHILD CARE CENTRE

RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE AND LEISURE DIRECTOR
AUTHOR:	MICHAEL CASHIN – COMMUNITY LIFE MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	22 MAY 2023

REASON FOR CONFIDENTIALITY

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

- a) personnel matters concerning particular individuals (other than councillors) and;
- 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

This report contains confidential information exclusively intended for Councillors, as it pertains to the ceasing of a service. Staff members have not been provided with details regarding the proponent and its potential impact on their employment.

The confidential nature of this report is also crucial to safeguard the Council's commercial interests, preventing potential entities involved from accessing sensitive financial and related information, which could place the Council at a disadvantage.

This matter involves specific information about entities and their commercial operations, the disclosure of which could result in a commercial disadvantage for them. The information provided to the Council was shared with the expectation that it would be treated as strictly confidential, preserving the commercial in confidence nature of the information.

Considering the circumstances, it is not in the public interest to disclose the Council's financial and related information, which is essential for making informed decisions, to potential suppliers. Similarly, the commercial information of potential suppliers should not be revealed to maintain fairness and integrity in the tender process.

Furthermore, it is important to note that the disclosure of personnel matters concerning specific individuals, apart from councillors, should be withheld until those individuals have been appropriately informed. This ensures that sensitive information regarding personnel is handled responsibly and in accordance with privacy considerations.

CONFIDENTIAL ATTACHMENTS

12.9 BULKY WASTE COLLECTION SERVICES
12.10 WCC PROPERTY REPORT – MAY 2023

16 CONCLUSION OF THE MEETING
