

9 December 2024

At 1.00 pm

**Corporate, Finance, Properties and
Tenders Committee**

Agenda

- 1. Confirmation of Minutes**
- 2. Statement of Ethical Obligations and Disclosures of Interest**
- 3. Investments Held as at 30 November 2024**
- 4. Delegations of Authority to the Lord Mayor and Chief Executive Officer**
- 5. Post Exhibition - Code of Meeting Practice and Councillors' Expenses and Facilities Policy**
- 6. Project Scope - Bay Street Depot Upgrade**
- 7. Public Exhibition - Naming Proposal - Heckle Lane**
- 8. Public Exhibition - Naming Proposal - Frog Lane**
- 9. Proposed Land Classification - 57C Ashmore Street, Erskineville**
- 10. Proposed Land Classification - 895-901 Bourke Street, Waterloo**
- 11. Contract Variation - Head Design Consultant - Ultimo Road to Campbell Street Cycleway Project**
- 12. Exemption from Tender and Contract Variation - AON Risk Services**
- 13. Exemption from Tender and Contract Variation - Board Meeting Management - Diligent Board Books**
- 14. Exemption from Tender and Contract Variation - Bulky Organics and Cleansing Waste Processing**

Disclaimer, Terms and Guidelines for Speakers at Council Committees

As part of our democratic process, the City invites members of the community to speak directly to Councillors during Committee meetings about items on the agenda.

Webcast

In accordance with the *City of Sydney Code of Meeting Practice*, Committee meetings are recorded and webcast live on the City of Sydney website at www.cityofsydney.nsw.gov.au.

Members of the public attending a council or committee meeting may have their image, voice and personal information (including name and address) recorded, publicly broadcast and archived for up to 12 months.

Consent

By attending a council or committee meeting, members of the public consent to this use of their image, voice and personal information.

Disclaimer

Statements made by individuals at a council or committee meeting, and which may be contained in a live stream or recording of the meeting are those of the individuals making them, and not of the City. To be clear, unless set out in a resolution of council, the City does not endorse or support such statements.

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Guidelines

To enable the Committee to hear a wide range of views and concerns within the limited time available, we encourage people interested in speaking at Committee to:

1. Register to speak by calling Secretariat on 9265 9702 or emailing secretariat@cityofsydney.nsw.gov.au before 10.00am on the day of the meeting.
2. Check the recommendation in the Committee report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker (with a warning bell at two minutes) and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the Committee may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

Committee meetings can continue until very late, particularly when there is a long agenda and a large number of speakers. This impacts on speakers who have to wait until very late, as well as City staff and Councillors who are required to remain focused and alert until very late. At the start of each Committee meeting, the Committee Chair may reorder agenda items so that those items with speakers can be dealt with first.

Committee reports are available at www.cityofsydney.nsw.gov.au

Item 1.

Confirmation of Minutes

Minutes of the following meetings of the Corporate, Finance, Properties and Tenders Committee are submitted for confirmation:

Meeting of 11 November 2024

Item 2.**Statement of Ethical Obligations**

In accordance with section 233A of the Local Government Act 1993, the Lord Mayor and Councillors are bound by the Oath or Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of the City of Sydney and the City of Sydney Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their ability and judgement.

Disclosures of Interest

Pursuant to the provisions of the Local Government Act 1993, the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Councillors are required to disclose and manage both pecuniary and non-pecuniary interests in any matter on the agenda for this meeting.

In both cases, the nature of the interest must be disclosed.

This includes receipt of reportable political donations over the previous four years.

Item 3.

Investments Held as at 30 November 2024

Document to Follow

Item 4.

Delegations of Authority to the Lord Mayor and Chief Executive Officer

File No: X109863 and X101731

Summary

Section 380 of the Local Government Act 1993 requires that each Council review all of its delegations during the first 12 months of each term of office. The existing delegations to the Lord Mayor and the Chief Executive Officer remain in force until Council has approved the revised delegations.

The Delegations to the Lord Mayor and the Delegations to the Chief Executive Officer (CEO) were last reviewed by Council in August 2022. Temporary delegations made in response to the Covid-19 pandemic were removed throughout this period as they expired.

A full review of both registers has been undertaken in line with a recent significant review of the Register of Delegations from the CEO to Executive Directors and staff. This review of the Delegations to the Lord Mayor and Delegations to the CEO has taken the opportunity to update the format, reflect amendments to legislation, consolidate and clarify the delegations where possible and minimise duplication.

The Delegations to the CEO are currently structured to include both specific CEO delegated functions and Council reserved functions (in addition to those reserved under s377 of the Act). In many cases this results in duplication and lack of clarity. It is proposed that the updated Delegations to the CEO clearly state the role of the CEO under s335 of the Act and that Council delegates all powers and functions to the CEO other than those specifically reserved under legislation, delegated exclusively to the Lord Mayor from time to time or as set out in a list of specific limitations.

The proposed changes to the Lord Mayor and CEO delegations were deferred at the extraordinary Council meeting on 10 October 2024 for consideration at a future meeting. The CEO subsequently requested Councillors to provide any questions and feedback on the proposed delegations by 1 November 2024 so that a follow up report to Council could be prepared.

This report and the proposed changes, incorporates the feedback received.

Recommendation

It is resolved that:

- (A) Council approve the Delegations to the Lord Mayor, as shown at Attachment C to the subject report;
- (B) Council approve the Delegations to the Chief Executive Officer, as shown at Attachment D to the subject report; and
- (C) Council revoke the existing Delegations to the Lord Mayor dated 22 August 2022 and Delegations to the Chief Executive Officer dated 22 August 2022 as shown at Attachments A and B to the subject report.

Attachments

- Attachment A.** Delegations to the Lord Mayor dated 22 August 2022
- Attachment B.** Delegations to the Chief Executive Officer dated 22 August 2022
- Attachment C.** Delegations to the Lord Mayor
- Attachment D.** Delegations to the Chief Executive Officer

Background

1. Section 380 of the Local Government Act 1993 requires that each Council review all of its delegations during the first 12 months of each term of office. The existing delegations to the Lord Mayor and the Chief Executive Officer remain in force until Council has approved the revised delegations.
2. This review of the Delegations to the Lord Mayor and Delegations to the Chief Executive Officer (CEO) has taken the opportunity to update the format, reflect amendments to legislation, consolidate and clarify the delegations where possible and minimise duplication.

Delegations to the Lord Mayor

3. The Delegations to the Lord Mayor have been significantly re-worked but there are no substantive changes. The majority of changes relate to the re-ordering of wording for additional clarity and consistent format.
4. The preamble now outlines the role of the Lord Mayor under section 226 of the Act for more guidance. The additional delegations listed in this register, as powers rather than limitations, reference section 226(o) which allows Council to determine that the Lord Mayor may exercise any other functions of the Council that the Council determines.
5. Delegation 4 currently includes a provision relating to other chairpersons, rather than the Lord Mayor. This appears to be a delegation to Chairs other than the Lord Mayor and this power is already established in the Act and the code of meeting practice. It is recommended that this delegation be deleted.
6. A new delegation has been added for clarity that the Lord Mayor has authority to approve civic and ceremonial events. This is consistent with the role of the Lord Mayor under the Act and was always excluded from the Delegations to the CEO but not expressly included in the Delegations to the Lord Mayor.
7. The Lord Mayor's delegations include four delegations relating to the performance management of the CEO. These have been combined in the current update for clarity and simplification. The new delegation makes it clear that all performance management of the CEO is in accordance with the Act.
8. The delegations to the Lord Mayor relating to organisational accountability are inconsistent with functions and powers under the current provisions of the Act, Regulations and the focus on the role of the Audit, Risk and Compliance Committee (ARCC) as set out in the Office of Local Government's Audit and Risk Guidelines. Any requests for audits of the organisation should be raised through the Chair of the ARCC, rather than directly through the Chief Internal Auditor. It is recommended that these delegations be deleted except for the delegation to obtain direct and independent advice relevant to Council functions.
9. There are some other minor wording changes for the purpose of clarity in relation to the authority to obtain legal services and the delegation of authority during recess but these changes do not substantially amend the relevant delegations.

Delegations to the CEO

10. The Delegations to the CEO are currently structured to include both specific CEO delegated functions and Council reserved functions (in addition to those reserved under section 377 of the Act). In many cases this results in duplication and lack of clarity.
11. Previous limitations on the CEO's delegation that are either addressed through another pathway, such as legislation, or are now obsolete due to legislative changes, have been removed. In addition, concurrence requirements have been removed where possible, such as the reference to the internal governance processes dealing with tenders and contract variations.
12. Section 377 of the Local Government Act lists specific Council reserved functions which cannot be delegated and require Council resolution. The balance of Council's functions are delegated to the CEO. Under section 378 of the Act, the CEO may delegate any of their functions, other than this power of delegation.
13. Council reserved functions under section 377 of the Act are:
 - (a) the appointment of a general manager,
 - (b) the making of a rate,
 - (c) a determination under section 549 as to the levying of a rate,
 - (d) the making of a charge,
 - (e) the fixing of a fee,
 - (f) the borrowing of money,
 - (g) the voting of money for expenditure on its works, services or operations,
 - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
 - (i) the acceptance of tenders to provide services currently provided by members of staff of the council,
 - (j) the adoption of an operational plan under section 405,
 - (k) the adoption of a financial statement included in an annual financial report,
 - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
 - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
 - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
 - (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,

- (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
 - (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons (except in specific circumstances as set out in section 377(1A)),
 - (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
 - (s) the making of an application, or the giving of a notice, to the Governor or Minister,
 - (t) this power of delegation, and
 - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.
14. As with the Delegations to the Lord Mayor, the updated preamble in the Delegations to the CEO outlines the role of the CEO under s335 of the Local Government Act and that Council delegates all powers and functions to the CEO other than those specifically reserved under legislation, delegated exclusively to the Lord Mayor from time to time or as set out in a list of specific limitations.

Budget and resource allocation

15. A number of delegations are no longer required in the category of budget and resource allocation. Association memberships are the subject of an annual report to Council. The Council reserved function relating to budget and resource allocation is not required as Council is not able to delegate the voting of expenditure and this restriction has no practical effect. The reservation prohibiting the CEO from making donations contrary to Council resolution is also not required as donations contrary to resolutions or policy are not permitted in any event.
16. The delegations regarding variations to contracts have been reworded for clarity and to remove references to concurrences and organisational processes, consistent with the approach of making the documents as simple and clear as possible. The focus for variations is to ensure that contracts which were not originally approved by Council are not varied so as to exceed the \$5 million limit. Where this will occur a report will need to be brought to Council.
17. Where a contract was originally under \$250,000 and not awarded following a tender process, any variation which subsequently takes the value of that contract over \$250,000 requires an exemption from tender by resolution of Council in accordance with the Act. Contracts that are awarded and varied under delegation proceed through internal governance processes, including review and approval from legal, finance and procurement staff.
18. The limitation on approvals for concept designs has been reverted to the previous wording following councillor feedback. Council will continue to approve all major capital works projects..

19. The current Council reserved function prohibits the CEO from authorising any expenditure greater than \$250,000 excluding GST per project from the capital contingency funds. It is proposed that this amount be increased to \$500,000 in light of, significant increases in construction costs in recent years. In most instances this contingency spending will be occurring under existing contracts so additional tender processes will not be required.

Legal proceedings

20. It is recommended that the current limitations relating to legal proceedings be combined, which will enable proceedings to be commenced in the Supreme and Federal Courts provided the Lord Mayor has been consulted. All significant legal matters are reported to Council in the CEO update and quarterly reports. In addition, references to enabling matters to be resolved contrary to Council resolution in planning litigation have been removed as Council no longer makes resolutions determining development applications.

Property, land use and related matters

21. The CEO's delegation to grant owner's consent to the lodgement of an application to carry out development on significant property or land owned or managed by Council is currently subject to some qualifications.
22. The current wording of the limitations is legally unclear as they refer to granting owner's consent subject to a time limit which is not consistent with the concept of owners consent for applications (provided once and for all time). This limitation is not required as significant works will come to Council for approval under other scoping reports or planning approvals and is recommended for removal.
23. It is proposed to increase the threshold at which leasing and licensing matters will be reported to Council to improve the ability of the organisation to efficiently respond to commercial leasing opportunities.
24. The current CEO delegation 15 relates to approvals where the rental or fee does not exceed \$500,000 per annum and the term does not exceed 10 years (including options). It is now proposed that the CEO will have delegation to enter agreements provided that the rental or fee is proposed to be increased less than \$1,000,000 or the term is less than 15 years (including any options). It is noted that this does not override statutory processes required to be followed in relation to community land, such as compliance with the requirements of plans of management.

Planning and development

25. The current Delegations to the CEO also include a number of council reserved functions relating to determination of applications for development consent relating to, for example, the erection of buildings of more than 3-storeys and approval to demolish heritage items or entire residential buildings. The role of Council in determining these matters has been superseded following multiple changes to planning legislation including the introduction of Local Planning Panels. These limitations on delegation are accordingly no longer required.

Organisational structure and personnel matters

26. The current delegations include both specific delegations to the CEO and Council reserved functions in relation to organisational structure and personnel matters. For example, the CEO currently has delegation (with some consultation requirements) to appoint senior staff, make structural changes involving M3 managers and enter into any significant enterprise agreement.
27. As a result of recent amendments to the Local Government Act, the legislative arrangements in relation to the employment of senior staff have changed. These amendments mean that the governing bodies of councils and the CEO will have the following responsibilities in determining the organisation structure of a council:
 - Council is required to approve the resources to be allocated to the employment of staff after consulting the CEO, and
 - the CEO is in turn responsible for determining the organisation structure of the council, after consulting with Council as governing body, and for all other staffing matters.
28. The provisions in the CEO Delegations relating to organisational structure and personnel matters have been deleted due to these legislative changes as they are no longer applicable or required.

Council Operations and Services

29. The limitations on delegation currently restrict the CEO from carrying out new 'non-core' services not already approved by Council. The term 'non-core' has been removed in new limitations due to the presumption that all new services added would be additional to Council's core functions and should be determined by Council.

Key Implications**Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision**

30. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. These policies are aligned with the following strategic directions and objectives:
 - (a) Direction 1 - Responsible governance and stewardship - by prescribing a common standard of behaviour and ethics for staff and councillors, improving transparency for the community as to the nature of meetings held by Councillors with registered lobbyists and property developers and by ensuring the proper and effective exercise of the City of Sydney's powers and functions by delegation in accordance with the Local Government Act 1993.

Organisational Impact

31. There are no impacts from this report in relation to the Code of Conduct and Procedures or the Councillor Meetings with Registered Lobbyists and Property Developers Policy as it is recommended that no changes be made to the existing documents.
32. Councillors will be trained in the Code of Conduct and Councillor Meetings with Registered Lobbyists and Property Developers Policy as part of the induction process.

33. The organisational impact of any change to the delegations is considered as part of the Delegation Review Group review and Executive endorsement process, before being recommended for approval by Council.

Relevant Legislation

34. Local Government Act 1993.
35. Local Government (General) Regulation 2021.
36. Electoral Funding Act 2018.

Public Consultation

37. No public consultation is required for the documents the subject of this report.

KIRSTEN MORRIN

Executive Director Legal and Governance

Nellette Kettle, Manager Risk and Governance

Attachment A

**Delegations to the Lord Mayor dated
22 August 2022**

Delegations to the Lord Mayor

Resolution of Council: 22 August 2022

Responsibility:
Legal & Governance



COUNCIL OF THE CITY OF SYDNEY
DELEGATIONS TO THE LORD MAYOR

INTERPRETATION OF DELEGATIONS

- A. This instrument of delegation should be construed as operating in a manner which is valid and within the powers conferred on the Council under the Local Government Act 1993.
- B. References to the Chief Executive Officer are references to the general manager appointed under the Local Government Act 1993.
- C. References to the decisions of Council are references to decisions made by Council from time to time.
- D. References to policies of the Council are references to policies adopted by Council from time to time.
- E. These delegations are not intended to limit the Lord Mayor's ability to carry out such other functions and exercise such other powers as the Council may determine from time to time or as may be functions of the Lord Mayor under the Local Government Act 1993 or the City of Sydney Act 1988.

DELEGATIONS

Subject to the powers, authorities, duties and functions of Council:

- 1. reserved to the Council by Section 377 and Section 379 of the Local Government Act 1993;
- 2. which are required by any legislation or instrument to be performed by the Council;
- 3. delegated to the Chief Executive Officer by Council resolution from time to time;

Council delegates to the Lord Mayor, on an ongoing basis, the following powers, authorities, duties and functions which are to be exercised in a manner consistent with Council's policies and decisions as applicable from time to time:

General and Policy Direction

- 1. to direct the Chief Executive Officer;

Management of Council meetings and business

- 2. the authority to call and schedule meetings of Council Committees, briefings of Councillors and inspections by Councillors;
- 3. to request the Chief Executive Officer include items on the agendas for all meetings of Council and Council Committees, provided that if the Council has by resolution determined that a specific item should be placed on its agenda, the function exercised under this delegation must be exercised in accordance with that resolution;
- 4. and any other chairperson, for the purposes of subsection 10(2) of the Local Government Act 1993, the power to expel a person or persons from the following meetings:

- a) a Council meeting; and
- b) a meeting of a Council Committee of which all members are Councillors;

Expenditure

- 5. with the prior consultation of the Chief Executive Officer, approve all expenditure from contingency funds, other than the Chief Executive Officer's contingency fund, provided it is within the terms of the budget adopted by Council;
- 6. to approve:
 - a) all reasonable international travel by staff for Council related business; and
 - b) all reasonable associated expenses with any such travel,
 noting that any such approved expenses are to be reported in the annual report and the quarterly performance reports to Council;

External relations and representations

- 7. to approve all media statements and publications issued on behalf of Council, unless Council determines otherwise on a specific issue;
- 8. to determine who should represent Council on external organisations and committees and inter-agency working parties, provided that where a staff member is proposed to represent Council, the Lord Mayor must first consult with the Chief Executive Officer;
- 9. to determine who should represent Council at civic, ceremonial and social functions where:
 - a) the Lord Mayor is unable to attend; and
 - b) Council has not determined its representative;
 provided that where a staff member is proposed to represent Council, the Lord Mayor must first consult with the Chief Executive Officer;
- 10. to determine who Civic awards and honours such as keys to the city should be presented;
- 11. to determine other matters of protocol where required;

Performance Management of Chief Executive Officer

- 12. to negotiate and settle terms of a contract of employment with the Chief Executive Officer (**CEO Contract**) including determining the appropriate remunerations and inform Councillors accordingly;
- 13. in consultation with the Councillors in respect of material variations, to vary the terms and conditions of the CEO Contract;
- 14. to administer the CEO Contract including, but not limited to, approving annual leave and settling performance standards;

15. to extend the term of the CEO Contract for a period of up to three months, provided the CEO Contract allows for this extension;
16. to accept the resignation of the Chief Executive Officer;
17. to suspend the Chief Executive Officer at short notice and, only in accordance with a resolution of Council, terminate the Chief Executive Officer's employment;
18. to negotiate and settle termination arrangements with the Chief Executive Officer in accordance with the CEO contract;
19. to appoint a Director (M2) to act as Chief Executive Officer from time to time, due to the absence of the Chief Executive Officer for any reason, other than the taking of annual leave, such appointment is to be considered by Council at the earliest opportunity;

Organisational Accountability

20. to review, approve and implement governance and accountability structures and processes for the performance of the organisation;
21. to oversee, through the Chief Executive Officer, the performance of the organisation and program areas within the organisation;
22. to direct Council's internal auditor to carry out a review or audit of the organisation;
23. to obtain direct and independent advice relevant to Council functions, all such cases to be reported to Council;
24. to make minor changes to the structure of the organisation;

Authority to Obtain Legal Services

25. to instruct Council's legal representatives, directly or through the Chief Executive Officer or General Counsel, noting that if the instructions are not consistent with Council policies or decisions (such as to settle court proceedings where Council's prospects are poor) the Lord Mayor has been advised by the General Counsel or the Chief Executive Officer or external counsel that it is in Council's interest to do so;
26. to instruct Council's legal representatives to commence legal proceedings, including an appeal:
 - a) in consultation with the Chief Executive Officer and the General Counsel; or
 - b) in consultation with at least two Councillors if the legal proceedings involve the Chief Executive Officer or the General Counsel,

noting that any such instructions given are to be reported to Councillors in the next CEO Update issued to Councillors;

Mayoral and Civic Role

27. in consultation with the Chief Executive Officer, and in accordance with relevant policies and procedures, in respect of the Office of the Lord Mayor:
- a) determine the structure of the Unit;
 - b) allocate expenditure within the Unit, not exceeding the global budget of the Unit approved annually by Council;
 - c) determine the number and description of all staff positions;
 - d) be fully and formally consulted in respect of the appointment and dismissal of all staff;
 - e) direct staff within the Unit and allocate tasks;

General authority of Council during recesses

28. to exercise the powers, authorities, duties and functions of Council during the period:
- a) commencing at midnight on the day of the Council meeting held immediately before a recess period as approved by Council; and
 - b) ending at the time of commencement of the first Committee meeting held immediately after the end of a recess period as approved by Council,
- provided:
- c) reports or other business papers in a form similar to those normally submitted to Council or a Council Committee are provided to the Lord Mayor and Councillors at least three business days prior to the Lord Mayor exercising any powers, authorities, duties and functions of Council under this delegation; and
 - d) the Lord Mayor does not receive written objections by three or more Councillors on an item stating relevant reasons as to why the Lord Mayor should not exercise any powers, authorities, duties and functions of Council in relation to that item, under this delegation; and
 - e) any powers, authorities, duties and functions of Council exercised by the Lord Mayor pursuant to this delegation are to be reported to Councillors on a weekly basis in the CEO's Update.

Attachment B

**Delegations to the Chief Executive Officer
dated 22 August 2022**

Delegations to the Chief Executive Officer

Resolution of Council: 22 August 2022

Responsibility: Legal & Governance

Notes: 22 December 2022 - Deletion of expired Temporary Covid-19 Delegation 18C
16 March 2023 – Deletion of expired Temporary Covid-19 Delegation 18B
12 March 2024 – Deletion of expired Temporary Covid-19 Delegation 18A

COUNCIL OF THE CITY OF SYDNEY

DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER

INTERPRETATION OF DELEGATIONS

- A. This instrument of delegation should be construed as operating in a manner which is valid and within the powers conferred on the Council under the Local Government Act 1993.
- B. References to the Chief Executive Officer are references to the general manager appointed under the Local Government Act 1993.
- C. References to the decisions of Council are references to decisions made by Council from time to time.
- D. References to policies of the Council are references to policies adopted by Council from time to time.
- E. These delegations are not intended to limit the Chief Executive Officer's ability to carry out such other functions and exercise such other powers as the Council may determine from time to time or as may be functions of the Chief Executive Officer under the Local Government Act 1993.

DELEGATIONS

Subject to the powers, authorities, duties and functions of Council:

- 1. reserved to the Council by Section 377 and Section 379 of the Local Government Act 1993;
- 2. which are required by any legislation or instrument to be performed by the Council;
- 3. delegated to the Lord Mayor by Council resolution from time to time;
- 4. reserved to Council as set out at items 19 to 48 below (**Council Reserved Functions**),

Council delegates to the person holding the position of Chief Executive Officer, on an ongoing basis its functions:

- a) under the Local Government Act 1993 and any other legislation conferring functions on the Council; and
- b) as set out at items 1 to 18D below (**Specific CEO Delegated Functions**),

which are to be exercised in a manner consistent with Council's policies and decisions as applicable from time to time:

SPECIFIC CEO DELEGATED FUNCTIONS

BUDGET AND RESOURCE ALLOCATION

Acceptance of tenders

5. approve the acceptance of tenders involving an estimated expenditure or receipt of an amount of \$5 million or less including GST with the prior consultation of the Chief Financial Officer, following a tender process in accordance with the Local Government Act 1993 and relevant regulations;

Variations to contracts – contracts approved by CEO

6. with the prior consultation of the Chief Procurement Officer, approve variations of any contract sum or contract contingency that are 10% or less of the total expenditure previously approved by the CEO, provided:
 - a. there is no material change in scope; and
 - b. the total value of the contract remains under \$5 million including GST for the initial term and any extensions of the contract.

Note:

- *Total expenditure previously approved is the contract sum and any contingency OR contract sum, schedule of rates and any contingency.*
- *This delegation applies to contracts that were recommended by the Tender Review Group (TRG) & CFO and approved by CEO;*

Variations to contracts – contracts approved by Council

7. with the prior consultation of the Lord Mayor, approve variations of any contract sum or contract contingency exceeding the total expenditure previously approved by Council for any variations that are cumulatively 10% or less of the total expenditure previously approved by Council, provided the CEO has obtained advice from the Tender Review Group recommending the variation be approved;

Note: examples of variations include additional scope or an extension of time that result in an increase in the total expenditure previously approved by Council.

Contingency

8. with the prior consultation of the Lord Mayor, authorising any expenditure from operational contingency funds (consultation not required for the Chief Executive Officer's contingency fund) within the annual budget;

Association Memberships

9.
 - a. approving memberships of a value less than \$10,000 excluding GST that are required by legislation or that primarily support the City's administrative operations or staff professional development;
 - b. informing Councillors about other proposed memberships and renewals prior to the City taking up or renewing those memberships; and

- c. with the prior consultation of Councillors, proceeding with the proposed memberships or renewals unless a request is received from three or more Councillors for the matter to be reported to Committee;

ORGANISATIONAL STRUCTURE AND PERSONNEL MATTERS

- 10. with the prior consultation of Council, the appointment of senior staff (that is, Director level positions);
- 11. with the prior consultation of the Lord Mayor, structural changes involving M3 managers;
- 12. with the prior consultation of Council entering into any significant enterprise agreement;

LEGAL PROCEEDINGS

- 13. with the prior consultation of the Lord Mayor where practical and possible, the giving of instructions to Council's legal representatives to commence legal proceedings in the NSW Supreme Court or Federal Courts in relation to urgent injunction proceedings;
- 14. the giving of instructions to Council's legal representatives to resolve an appeal in relation to planning or regulatory appeals which is contrary to a resolution of Council;

PROPERTY, LAND USE AND RELATED MATTERS

- 15. granting of approvals to occupy public land (as defined in the Local Government Act 1993), crown land or any other land managed by Council in respect of approvals where:
 - a. the rental or fee does not exceed \$500,000 per annum;
 - b. the term does not exceed 5 years; and
 - c. the term of any option does not exceed 5 years,

with such approvals being reported to Council in the Quarterly Report;

- 16. granting of approvals to occupy public land (as defined in the Local Government Act 1993), crown land or any other land managed by Council in respect of approvals:
 - a. involving the erection of a hoarding for a period of up to 5 years and which conform to Council's policy on hoardings; or
 - b. relating to a temporary occupation of public land or crown land (including parks and open spaces) not exceeding 40 days; or
 - c. for the occupation of footways for outdoor dining for a period of up to 7 years including options;

with such approvals being reported to Council in the Quarterly Report;

- 17. granting of owner's consent to the lodgement of an application to carry out development on significant property or land (including roads) owned or managed by Council provided that the development involves:

- a. alterations or additions to the fit-out or internal fabric or appearance of the building;
- b. minor changes to the external fabric or appearance of the building;
- c. a use of public or crown land (such as tables and chairs on a footway);
- d. works by Council in accordance with an approved budget;

and provided that such consent:

- e. is granted for a period of up to 7 years; and
- f. does not fetter Council's discretion as consent authority;

GRANTS PROGRAMS

- 18. implementing the Quick Response Grant, Creative Spaces Grant, Short Term Empty Properties Grant, Venue Hire Support Grants and Sponsorship and Street Banner Sponsorship programs in accordance with the Grants and Sponsorship Policy criteria and monetary limits;

TEMPORARY COVID-19 DELEGATIONS

Al Fresco City Program

- 18A. (intentionally left blank);
- 18B. (intentionally left blank);
- 18C. (intentionally left blank);
- 18D. amending the Outdoor Dining Guidelines to remove Appendix 1 'Road area reallocated to outdoor dining' at such time as applications for on-street outdoor dining are no longer accepted;

COUNCIL RESERVED FUNCTIONS (NOT TO BE EXERCISED BY THE CEO)

POLICY AND PROCEDURE

- 19. the power to make or amend Council policy;
- 20. witnessing the affixing of the Common Seal of the Council;
- 21. the release for public exhibition and comment of any plan or policy, which is required by legislation to be exhibited;

BUDGET AND RESOURCE ALLOCATION

- 22. approving expenditure so as to unfavourably impact on the net operating result approved by Council in the adopted Operational Plan;
- 23. the approval of concept designs for all major capital works;

24. determination of applications for donations to charities, cultural and other organisations which is contrary to a resolution of Council or policy approved by Council;
25. authorising any expenditure greater than \$250,000 excluding GST per project from the capital contingency funds;
26. writing off bad debts, for amounts greater than \$100,000 (excluding GST);

ORGANISATIONAL STRUCTURE AND PERSONNEL MATTERS

27. the approval of the organisation structure at Director (M2) level;
28. the appointment of senior staff (that is, Director level positions) other than as delegated to the Chief Executive Officer under clause 10;
29. structural changes involving M3 managers other than as delegated to the Chief Executive Officer under clause 11;
30. entering into any significant enterprise agreement other than as delegated to the Chief Executive Officer under clause 12;

COUNCIL OPERATIONS AND SERVICES

31. carrying out new non-core services not already approved by Council;
32. significant variation of any existing Council service that would have ongoing implications for Council in terms of cost or service delivery;
33. altering the Schedule of Fees and Charges which are not within the relevant categories as determined within the Revenue Policy of Council's Operational Plan;

LEGAL PROCEEDINGS

34. the giving of instructions to Council's legal representatives to commence legal proceedings in the NSW Supreme Court or Federal Courts other than as delegated to the Chief Executive Officer under clause 13;
35. the giving of instructions in legal proceedings contrary to a resolution of Council other than as delegated to the Chief Executive Officer under clause 14;

PROPERTY, LAND USE AND RELATED MATTERS

36. granting of approvals to occupy and use public land (as defined in the Local Government Act 1993), crown land or any other land managed by Council other than as delegated to the Chief Executive Officer under clause 15 and 16;
37. adoption of a plan of management for community land;
38. granting of owner's consent to the lodgement of an application to carry out development on significant property or land (including roads) owned or managed by Council other than as delegated to the Chief Executive Officer under clause 17;

CULTURAL

- 39. the development or formation of relationships with other cities, including sister city agreements;
- 40. the approval of civic and ceremonial events;
- 41. the granting of civic honours;

PLANNING AND DEVELOPMENT

- 42. determination of applications for development consent under the Environmental Planning and Assessment Act 1979 involving the erection of a building of more than three storeys;
- 43. determination of applications for development consent under the Environmental Planning and Assessment Act 1979 where a request is made by Councillors for the development application to be the subject of a report to Council, through the Planning and Development Committee, provided that:
 - i. the request is in writing (email acceptable) to the Chief Executive Officer, from three or more Councillors; and
 - ii. prior to lodging the request, the relevant Councillors have firstly consulted with the Chief Executive Officer or Director City Planning, Development and Transport regarding any public objections received, and have considered whether or not such objections are well founded, may be satisfied by the imposition of conditions or by the amendment of the application, as advised by the Chief Executive Officer or Director;
- 44. determination of applications for approval to demolish a heritage item but this does not prevent determination of application for works modifying a heritage item in accordance with a development consent;
- 45. the award of Heritage Floor Space where the applicant is the Council or a government agency;
- 46. determination of applications for approval to demolish an entire residential building where such buildings will not be replaced in accordance with a development consent;
- 47. determination of applications for consent or approval which involve a variation under s82 of the Local Government Act 1993 of a prescribed standard or a Council policy;
- 48. determination of applications for approval to construct a bridge or tunnel.

Attachment C

Delegations to the Lord Mayor



Resolution of Council []

Delegations to the Lord Mayor

Interpretation of delegations

- A. This instrument of delegation should be construed as operating in a manner which is valid and within the powers conferred on the Council under the Local Government Act 1993.
- B. References to the Chief Executive Officer are references to the general manager appointed under the Local Government Act 1993. References to the Lord Mayor are references to the mayor elected under the Local Government Act 1993.
- C. References to the decisions of Council are references to decisions made by Council from time to time.
- D. References to policies of the Council are references to policies adopted by Council from time to time.
- E. These delegations are not intended to limit the Lord Mayor's ability to carry out such other functions and exercise such other powers as the Council may determine from time to time or as may be functions of the Lord Mayor under the Local Government Act 1993 or the City of Sydney Act 1988.

Role of Lord Mayor

The role of the Lord Mayor under section 226 of the Local Government Act 1993 is:

- (a) to be the leader of the council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness,
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- (e) to preside at meetings of the council,
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- (i) to promote partnerships between the council and key stakeholders,
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- (l) to carry out the civic and ceremonial functions of the mayoral office,
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,
- (o) to exercise any other functions of the council that the council determines.

Delegation of other functions

Council delegates to the Lord Mayor, on an ongoing basis, the following other powers, authorities, duties and functions which are to be exercised in a manner consistent with Council's policies and decisions as applicable from time to time, pursuant to sections 226 (o) and 377 of the Local Government Act 1993.

General and Policy Direction

1. To direct the Chief Executive Officer.

Management of Council meetings and business

2. To call and schedule meetings of Council Committees, briefings of Councillors and inspections by Councillors.
3. To request the Chief Executive Officer include items on the agendas for all meetings of Council and Council Committees, provided that if the Council has by resolution determined that a specific item should be placed on its agenda, the function exercised under this delegation must be exercised in accordance with that resolution.

Expenditure

4. With the prior consultation of the Chief Executive Officer, approve all expenditure from contingency funds, other than the Chief Executive Officer's contingency fund, provided it is within the terms of the budget adopted by Council.
5. To approve:
 - a. all reasonable international travel by staff for Council related business; and
 - b. all reasonable associated expenses with any such travel,noting that any such approved expenses are to be reported in the annual report and the quarterly performance reports to Council.

External Relations and Representations	
6.	To approve all media statements and publications issued on behalf of Council, unless Council determines otherwise on a specific issue.
7.	To determine who should represent Council on external organisations and committees and inter-agency working parties, provided that where a staff member is proposed to represent Council, the Lord Mayor must first consult with the Chief Executive Officer.
8.	To determine who should represent Council at civic, ceremonial and social functions where: a. the Lord Mayor is unable to attend; and b. Council has not determined its representative; provided that where a staff member is proposed to represent Council, the Lord Mayor must first consult with the Chief Executive Officer.
9.	To grant civic awards and honours such as keys to the City.
10.	To approve civic and ceremonial events.
11.	To determine other matters of protocol where required from time to time.

Appointment and Performance Management of Chief Executive Officer	
12.	To negotiate and settle terms of a contract of employment with the Chief Executive Officer (CEO Contract) including determining the appropriate remunerations and inform Councillors accordingly.
13.	To vary the terms and conditions of the CEO Contract (in consultation with Councillors in respect of material variations).
14.	To administer the CEO Contract in accordance with the requirements of the Act, including, but not limited to, approving annual leave and exercising suspension and termination clauses.
15.	To appoint an Executive Director (M2) to act as Chief Executive Officer due to the absence of the Chief Executive Officer for any reason, other than the taking of annual leave, with such appointment to be considered by Council at the earliest opportunity.

Organisational Accountability	
16.	To obtain direct and independent advice relevant to Council functions, with all such cases to be reported to Council.

Authority to Obtain Legal Services

17. To instruct Council's legal representatives in matters commenced as a result of a decision of Council or the Lord Mayor. Such instructions may be given directly or through the Chief Executive Officer or General Counsel. Instructions must be consistent with relevant Council policies or decisions unless the Lord Mayor has been advised by the General Counsel or the Chief Executive Officer or external counsel that it is not in the Council's interest to do so.

18. To instruct Council's legal representatives to commence legal proceedings, including an appeal;

- a. in consultation with the Chief Executive Officer and the General Counsel; or
- b. in consultation with at least two Councillors if the legal proceedings involve the Chief Executive Officer or the General Counsel.

Any such instructions given are to be reported in the next CEO Update issued to Councillors

Mayoral and Civic Role

19. In consultation with the Chief Executive Officer, and in accordance with relevant policies and procedures, in respect of the Office of the Lord Mayor:

- a. determine the structure of the Unit;
- b. allocate expenditure within the Unit, not exceeding the global budget of the Unit approved annually by Council;
- c. determine the number and description of all staff positions;
- d. be fully and formally consulted in respect of the appointment and dismissal of all staff;
- e. direct staff within the Unit and allocate tasks.

General Authority of Council During Recesses

20. To exercise those powers, authorities, duties and functions of Council capable of being exercised without a formal resolution under the Local Government Act 1993 but not delegated to the CEO during the period:

- a. commencing at midnight on the day of the Council meeting held immediately before a recess period as approved by Council; and
- b. ending at the time of commencement of the first Committee meeting held immediately after the end of a recess period as approved by Council, provided:
- c. reports or other business papers in a form similar to those normally submitted to Council or a Council Committee are provided to the Lord Mayor and Councillors at least three business days prior to the Lord Mayor exercising any powers, authorities, duties and functions of Council under this delegation; and
- d. the Lord Mayor does not receive written objections by three or more Councillors on an item stating relevant reasons as to why the Lord Mayor should not exercise any powers, authorities, duties and functions of Council in relation to that item, under this delegation; and
- e. any powers, authorities, duties and functions of Council exercised by the Lord Mayor pursuant to this delegation are to be reported to Councillors on a weekly basis in the CEO's Update.

Attachment D

Delegations to the Chief Executive Officer



Resolution of Council []

Delegations to the Chief Executive Officer

Interpretation of delegations

- A. This instrument of delegation should be construed as operating in a manner which is valid and within the powers conferred on the Council under the Local Government Act 1993.
- B. References to the Chief Executive Officer are references to the general manager appointed under the Local Government Act 1993.
- C. References to the decisions of Council are references to decisions made by Council from time to time.
- D. References to policies of the Council are references to policies adopted by Council from time to time.
- E. These delegations are not intended to limit the Chief Executive Officer's ability to carry out such other functions and exercise such other powers as the Council may determine from time to time or as may be functions of the Chief Executive Officer under the Local Government Act 1993.

Role of the Chief Executive Officer

The Chief Executive Officer has the following functions under section 335 of the Local Government Act 1993:

- (a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- (b) to implement, without undue delay, lawful decisions of the council,
- (c) to advise the lord mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- (d) to advise the Lord Mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
- (e) to prepare, in consultation with the Lord Mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- (f) to ensure that the Lord Mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- (g) to exercise any of the functions of the council that are delegated by the council to the Chief Executive Officer,
- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- (i) to direct and dismiss staff,
- (j) to implement the council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the Chief Executive Officer by or under this or any other Act.

Delegation of functions to the Chief Executive Officer

Council delegates to the person holding the position of Chief Executive Officer on an ongoing basis its functions under the Local Government Act 1993 and any other legislation conferring functions on the Council, except for the powers, authorities, duties and functions which are:

- reserved to Council by Section 377 of the Local Government Act 1993
- required by any legislation or instrument to be performed by resolution of Council
- delegated exclusively to the Lord Mayor by Council resolution from time to time
- set out in the *Limitations to the CEO Delegations* outlined below.

These delegations are to be exercised in a manner consistent with Council's policies and decisions as applicable from time to time.

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Limitations to the CEO Delegations

Budget and Resource Allocation

1. Acceptance of tenders

The CEO cannot approve the acceptance of tenders involving an estimated expenditure or receipt of an amount of more than \$5 million including GST.

2. Variations to contracts originally under \$5 million

The CEO cannot approve variations of any contract sum or contract contingency following a tender process such that the total value of the contract exceeds \$5 million including GST for the initial term and any extensions of the contract.

3. Variations to contracts – contracts approved by Council

The CEO cannot approve variations of any contract sum or contract contingency exceeding the total expenditure previously approved by Council for any variations that are cumulatively more than 10% of the total expenditure (including GST) previously approved by Council.

4. Contingency

The CEO cannot authorise any expenditure from operational contingency funds (other than CEO's contingency fund) within the annual budget without the prior consultation of the Lord Mayor (consultation not required for the Chief Executive Officer's contingency fund).

5. Operational plan

The CEO cannot authorise expenditure that unfavourably impacts on the net operating result approved by Council in the adopted Operational Plan.

6. Concept designs for capital works

The CEO cannot approve concept designs for major capital works projects.

7. Capital contingency funds

The CEO cannot authorise any expenditure greater than \$500,000 excluding GST per project from the capital contingency funds.

8. Writing off bad debts

The CEO cannot write off individual bad debts for amounts greater than \$100,000 excluding GST.

Legal Proceedings

9. Commencement of legal proceedings

The CEO cannot give instructions to Council's legal representatives to commence legal proceedings in the NSW Supreme or Federal Courts without prior consultation with the Lord Mayor.

Property, Land Use and Related Matters

10. Approvals to occupy land

The CEO cannot grant approvals to occupy and use public land (as defined in the Local Government Act 1993), crown land or any other land managed by Council where:

- a. the annual rental or fee exceeds is \$1,000,000 excluding GST; or
- b. the term (including options) exceeds 15 years

11. Approvals to occupy land – Hoardings and temporary occupation

The CEO cannot grant approvals to occupy public land (as defined in the Local Government Act 1993), crown land or any other land managed by Council which:

- a. involve the erection of a hoarding for a period 5 years or more; or
- b. relate to a temporary occupation of public land or crown land (including parks and open spaces) exceeding 40 days.

12. Plans of management for community land

The CEO cannot adopt a plan of management for community land.

Grants Programs

13. Grant implementation

The CEO cannot determine grants, with the exception of determinations for the purpose of implementing the Quick Response Grant, Creative Spaces Grant, Short Term Empty Properties Grant, Venue Hire Support Grants and Sponsorship and Street Banner Sponsorship programs in accordance with the Grants and Sponsorship Policy criteria and monetary limits as amended by Council from time to time.

Policy and procedure

14. Make or amend Council policy

The CEO cannot make or amend Council policy.

15. Public exhibition and comment

The CEO cannot release for public exhibition and comment any plan or policy which is required by legislation to be exhibited.

Council Operations and Services

16. New services

The CEO cannot carry out new services not already approved by Council

17. Variation of existing Council services

The CEO cannot authorise any significant variation of any existing Council service that would have ongoing implications for Council in terms of cost or service delivery.

Cultural

18. Relationships with other cities

The CEO cannot develop or form relationships with other cities, including sister city agreements.

19. Civic and ceremonial events

The CEO cannot approve civic and ceremonial events.

20. Civic honours

The CEO cannot grant civic honours.

Planning and Development

21. Heritage floor space

The CEO cannot award Heritage Floor Space where the applicant is the Council or a government agency.

Item 5.

Post Exhibition – Code of Meeting Practice and Councillors' Expenses and Facilities Policy

Document to Follow

Item 6.

Project Scope - Bay Street Depot Upgrade

File No: X089172.006

Summary

This report outlines the recommended scope of works for the delivery of a major upgrade to facilities at the City's Bay Street Depot in Ultimo.

The City's depots are essential for delivering critical services such as street cleaning, public domain cleansing including street litter bins, and infrastructure maintenance. These operations are vital for safeguarding public health, safety, and wellbeing, maintaining compliance with legislation, and protecting the City's assets to support a clean and functional urban environment.

Services operate from three main depots which are strategically located in the south and north of the local government area (LGA). The southern area of the LGA is primarily served by the Alexandra Canal Depot (ACD) our newest depot which occupies a 17,760sqm site on Bourke Road in Alexandria. The northern area of the LGA is served by the Bay Street Depot (our oldest operating depot) which occupies a 19,980sqm site on Bay Street in Ultimo and the Bourke Street Depot which occupies a 2,270sqm site on Bourke Street in Woolloomooloo.

Completed in 2018 the ACD site is home to fleet services, infrastructure maintenance, parks maintenance and cleansing teams. The multi-storey depot building provides modern, fit-for-purpose administration and staff facilities and operational areas and has achieved a 5 Star sustainability rating from the Green Building Council of Australia. Delivery of the ACD site facilitated the re-location of teams that were previously located at the City's Epsom Road (Green Square) and Gibbons Street (Redfern) depots into a modern new depot facility. This site now sets the benchmark for the City's depot facilities.

The delivery of a major upgrade to facilities at the City's Bay Street Depot site in Ultimo (the subject of this report) is the next stage of works to modernise depot operations and create a safe, functional and efficient workplace to support the delivery of City operations and services.

The City's Bay Street Depot site is located at 10-16 Bay Street, Ultimo and is the City's oldest working depot, operating continuously from this site for over 100 years. The site operates 24 hours a day, 7 days a week and accommodates two key operational areas (City Cleansing and Resource Recovery and Civil Infrastructure Maintenance Operations) serving the north-west and central areas of the LGA.

The site has been expanded and developed progressively in response to population growth, and changes in technology and operational requirements. The last major development works on the site occurred in the 1970's with some minor upgrades to facilities since then. Several buildings are at or nearing the end of their design life and not suited to current depot operations.

This report outlines the scope of works for major upgrades to the Bay Street Depot site and seeks Council endorsement to proceed to required planning approvals, detailed design, documentation and construction of the works.

Recommendation

It is resolved that Council:

- (A) endorses the scope of works for the Bay Street Depot upgrade works as described in the subject report and as generally indicated at Attachment B to the subject report for progression to required planning approvals, detailed design, documentation and construction of works; and
- (B) note the financial implications and timeframes outlined in the subject report.

Attachments

Attachment A. Location Plan

Attachment B. Reference Design

Background

1. The City's depots are essential for delivering critical services such as street cleaning, public domain cleansing including street litter bins, and infrastructure maintenance. These operations are vital for safeguarding public health, safety, and wellbeing, maintaining compliance with legislation, and protecting the City's assets to support a clean and functional urban environment.
2. Currently services operate from three main depots which are strategically located in the south and north of the local government area (LGA). The southern area of the LGA is primarily served by the Alexandra Canal Depot (ACD) our newest depot which occupies a 17,760sqm site Bourke Road in Alexandria. The northern area of the LGA is served by the Bay Street Depot (our oldest operating depot) which occupies a 19,980sqm site on Bay Street in Ultimo and the Bourke Street Depot which occupies a 2,270sqm site on Bourke Street in Woolloomooloo.
3. Completed in 2018 the ACD site is home to fleet services, infrastructure maintenance, parks maintenance and cleansing teams. The multi-storey depot building provides modern, fit-for-purpose administration and staff facilities and operational areas and has achieved a 5 Star sustainability rating from the Green Building Council of Australia. Delivery of the ACD site facilitated the re-location of teams that were previously located at the City's Epsom Road (Green Square) and Gibbons Street (Redfern) depots into a modern new depot facility. This site now sets the benchmark for the City's depot facilities.
4. The delivery of a major upgrade to facilities at the City's Bay Street Depot site in Ultimo (the subject of this report) is the next stage of works to modernise depot operations and create a safe, functional, and efficient workplace to serve the north-west and central areas of the LGA.

The Bay Street Depot Site

5. The City's Bay Street Depot site is located at 10-16 Bay Street, Ultimo and is the City's oldest working depot, operating continuously from the site for over 100 years.
6. The site operates 24 hours a day, 7 days a week and accommodates two key operational areas (City Cleansing and Resource Recovery and Civil Infrastructure Maintenance Operations) serving the north-west and central areas of the LGA.
7. The site has been expanded and developed progressively in response to population growth, and changes in technology and operational requirements. The last major development works on the site occurred in the 1970s with some minor upgrades to facilities since then. Several buildings are at or nearing the end of their design life and not suited to current depot operations.

Recommended Project Scope

8. Following a detailed review of the existing site and building conditions funding has been allocated in the Long Term Financial Plan to deliver a major upgrade of the Bay Street Depot site to maintain the current operations at the site. Works include:
 - (a) The construction of a new multi-storey depot building on the eastern half of the site (Approx. 16,000m² GFA); and
 - (b) Improvement works to the western half of the site to allow continued depot operations during construction of the new depot building.

9. The vision and key considerations for the upgrade works are:
 - (a) To be a good neighbour – making a positive contribution to the neighbourhood – re-positioning the ‘depot’ (a use that may conventionally be viewed as undesirable in a vibrant and dense urban area) as a ‘good neighbour’;
 - (b) To create a great place to work – creating a safe, functional, and efficient workplace that is open, inclusive and accessible for all staff;
 - (c) To deliver a sustainable and resilient site – delivering new facilities that set a benchmark in addressing and responding to the climate crisis; and
 - (d) To care for Country – building and site design and operations to support the health and wellbeing of Country.
10. The scope of works for the new multi-storey depot building on the eastern half of the site includes:
 - (a) Administration and staff amenities including office workspace, meeting rooms, lunchrooms and staff change facilities;
 - (b) Operational areas including fleet parking, trade workshops, bulk materials storage, and waste recycling / separation areas; and
 - (c) Staff and visitor parking including EV charging, bike parking and end of trip facilities.
11. The scope of improvement works for the western half of the site includes:
 - (a) Minor works to renew the stables building (local heritage item) and the covered outdoor operational areas; and
 - (b) Demolition of two small buildings and site works to allow these areas of the site to be used for fleet parking during construction of new depot building.
12. A reference design for the recommended project scope has been developed and is included in Attachment B.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

13. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
 - (a) Direction 1 - Responsible governance and stewardship - Upgrade of the Bay Street Depot site will ensure that depot operations to service the north-west and central area of the LGA are fit-for-purpose and flexible / adaptable to ensure long term operational sustainability;

- (b) Direction 2 - A leading environmental performer - The project targets to achieve a Net Positive Energy Balance (for the Site); 50% Reduction in Potable Water Use (Relative to Current Site Use); and Low Embodied Carbon Design, Construction and Operation; and
 - (c) Direction 4 - Design excellence and sustainable development - Upgrade of the site will improve noise emission, visual amenity, traffic movements, stormwater design and result in significant improvements to amenity for neighbouring sites.
14. Environmental Strategy 2021-2025 outlines the most important measures to help make Sydney a sustainable and resilient City. The project is aligned with and must respond to all four Directions in the Strategy:
- (a) Direction 1 – Smart and resilient City operations
 - (b) Direction 2 – Efficient, future-proof buildings and transport powered by renewal energy
 - (c) Direction 3 – Regenerative and inclusive city
 - (d) Direction 4 – Strong foundations and delivery.

Organisational Impact

15. The depot will continue to be operated by the City. Impacts during construction will be addressed with the key stakeholders to ensure the Bay Street Depot remains operational throughout the project lifecycle.

Risks

16. The key risks for the development of the site include management of flooding and the existing ground conditions. To mitigate these risks, technical studies have been commissioned and early engagement with authorities will be undertaken.

Environmental

17. The vision for the Bay Street East Depot project is for an innovative design for a new multi-storey sustainable and resilient '100 year' depot facility that enhances the rich urban fabric of Ultimo and is aligned with the City's Environmental Sustainability Policy and Environmental Management Plan.

Financial Implications

18. This project has a total endorsed budget of \$72.5M in the current year capital program and future year forward estimates.

Relevant Legislation

19. Planning approvals will be undertaken in accordance with relevant planning instruments including the Sydney Local Environmental Plan 2012 and Development Control Plan 2012.

Critical Dates / Time Frames

20. Key dates and works proposed for the delivery of the Bay Street East Depot redevelopment are as follows:

2025	Required planning approvals and works on western half of site
2026	Design and documentation
2027	Site preparation / early works on eastern half of site
2028-2029	Construction of new depot building
Early 2030	New Bay Street Depot Operational
End 2030	Post occupation review of all City of Sydney depot needs
Early 2031	Determine future of western section of the site

Public Consultation

21. Public consultation will incorporate statutory notification periods and exhibition undertaken as part of the Development Application process.

KIM WOODBURY

Chief Operating Officer

Samantha Carroll, Delivery Manager

Attachment A

Location Plan

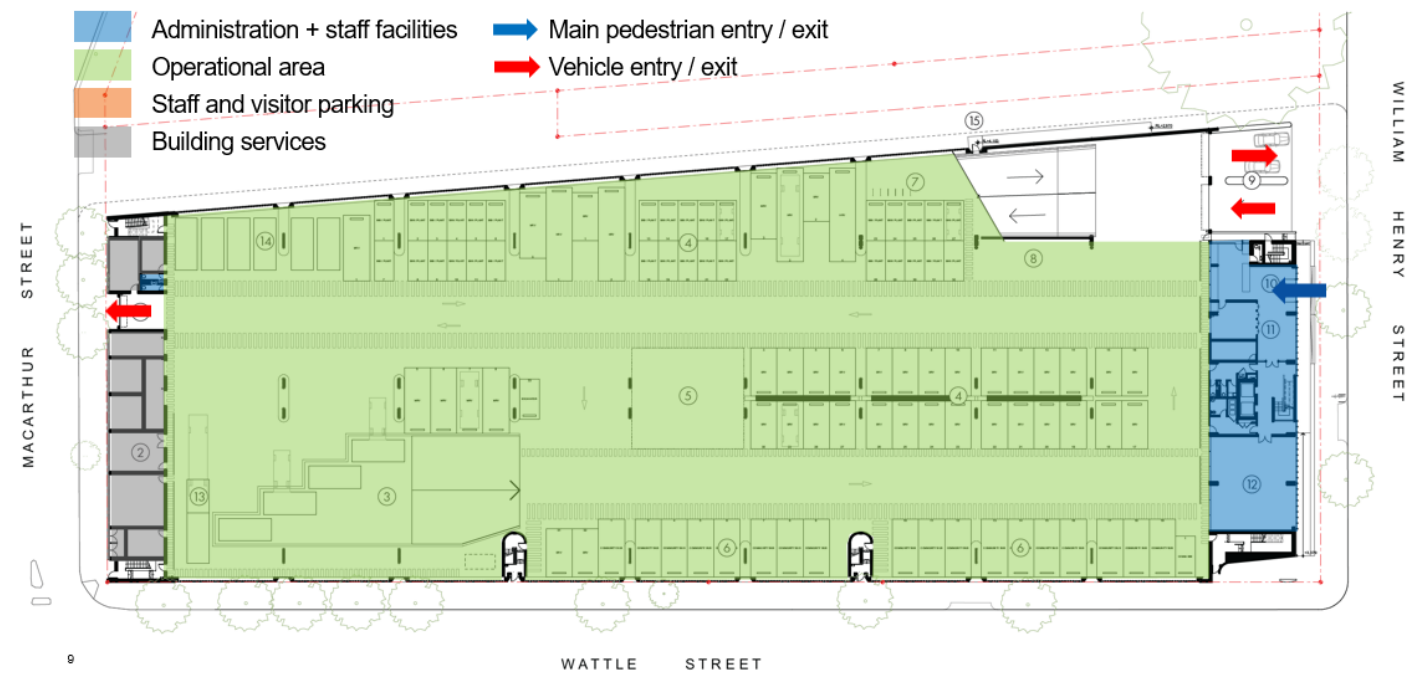
Location Plan



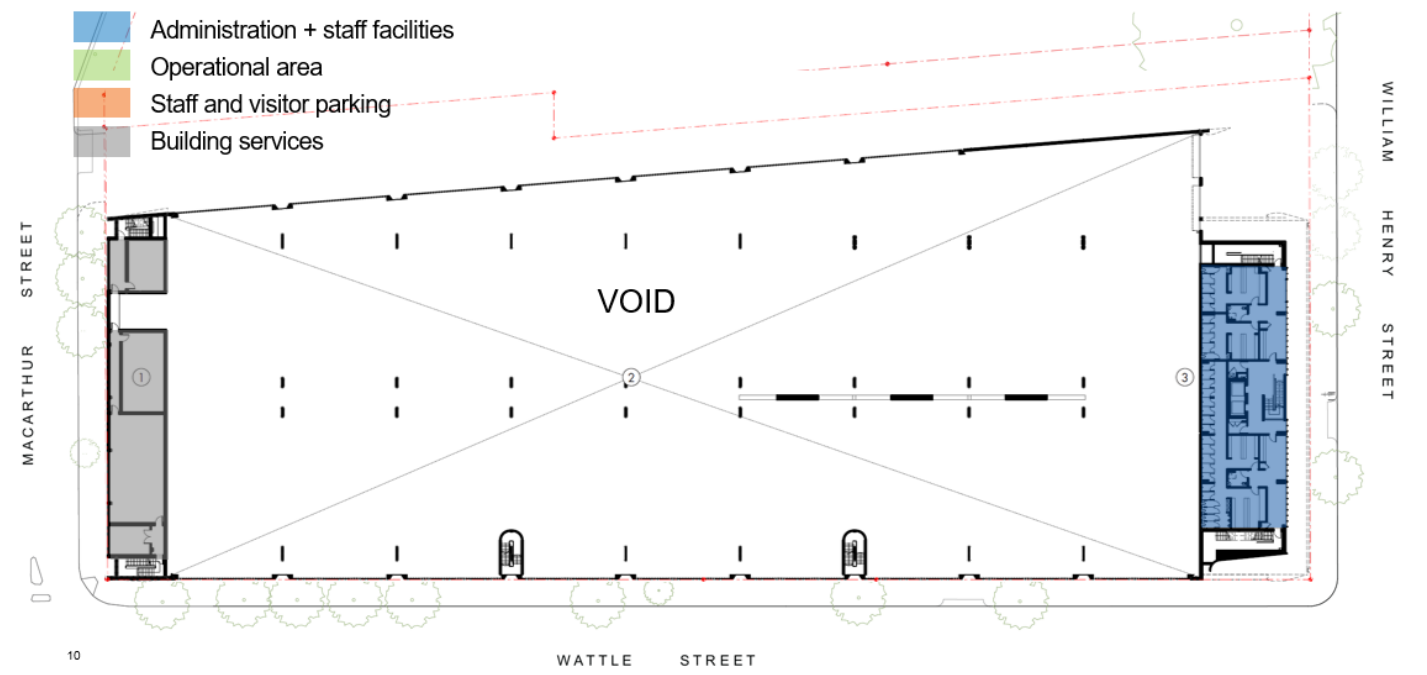
Attachment B

Reference Design

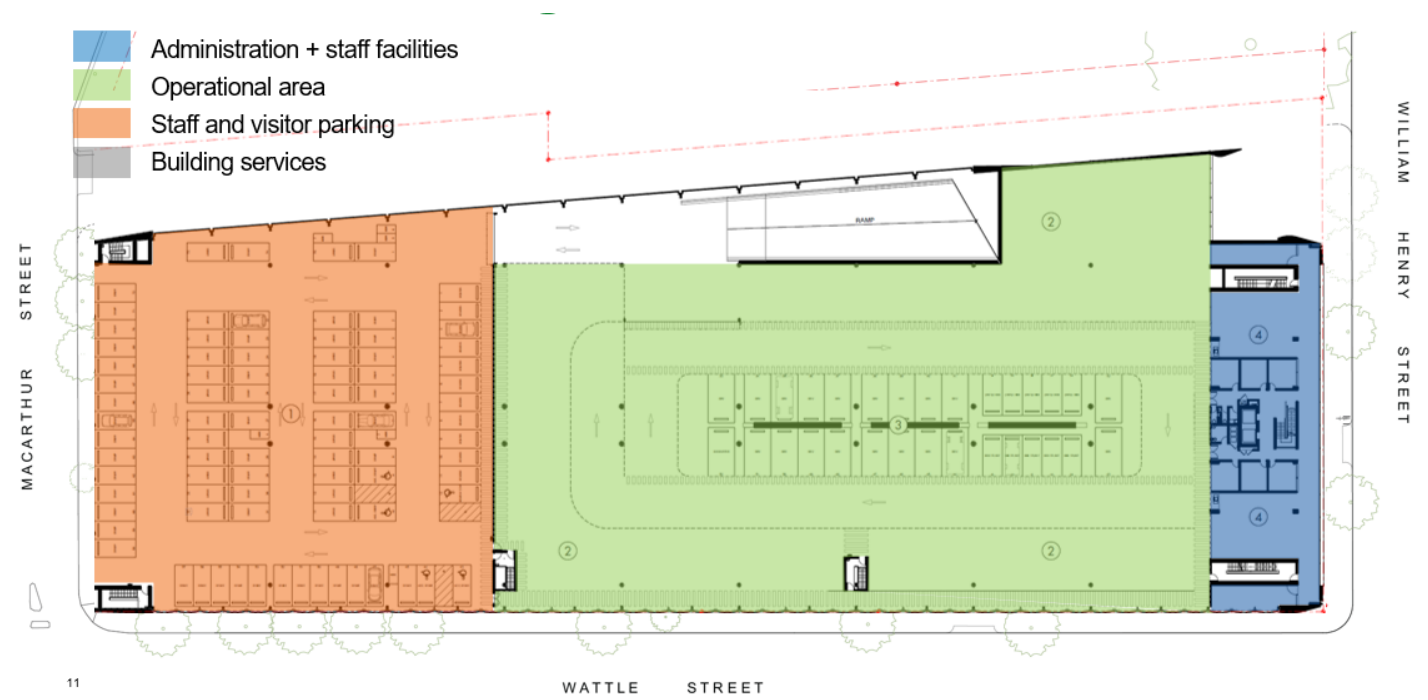
GROUND FLOOR



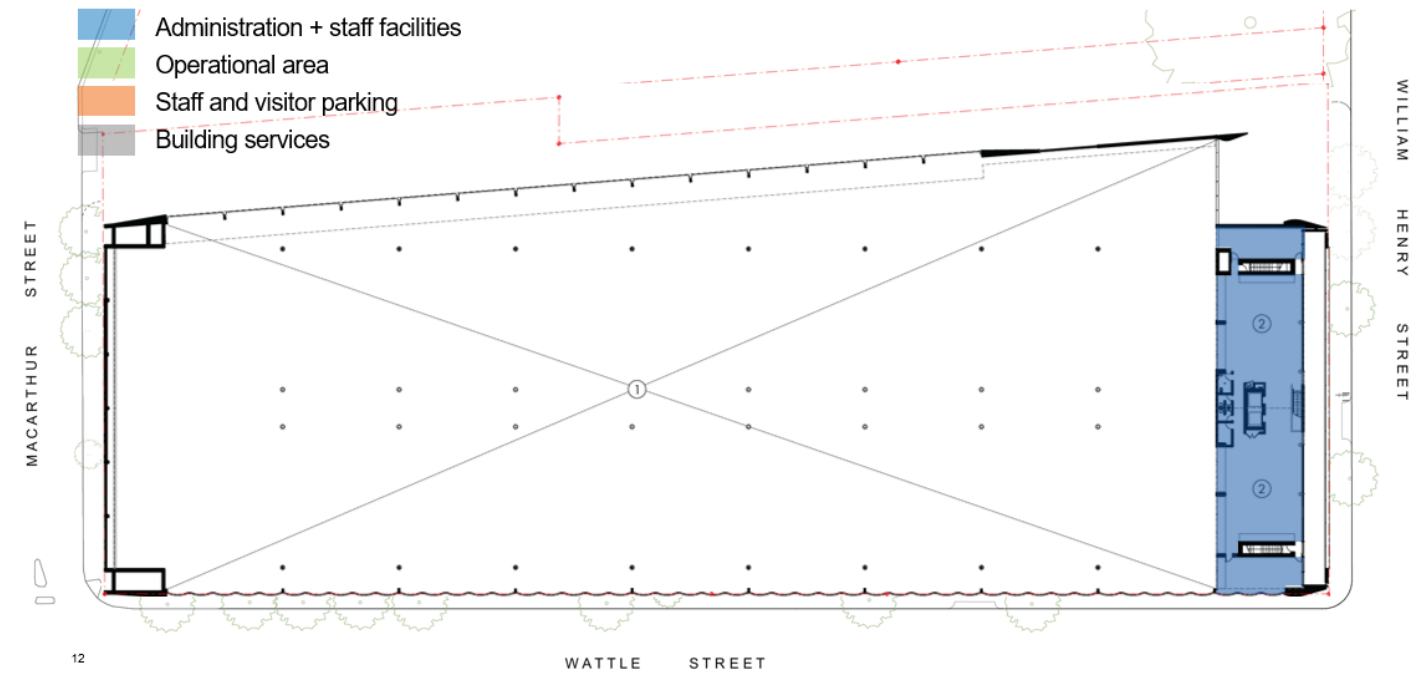
LEVEL 1



LEVEL 2



LEVEL 3



Item 7.

Public Exhibition - Naming Proposal - Heckle Lane

File No: X102587.002

Summary

This report recommends that Council supports the name "Heckle Lane" for this unnamed lane off Waterloo Street in Surry Hills.

This lane was created through a subdivision in the mid-1870s and has never been named.

The name "Heckle Lane" recognises the historical activity of political candidates in local and state elections holding public meetings on the balcony of the Clarendon Hotel, with members of the public heckling them from below. The Clarendon Hotel (since renamed Dove and Olive Hotel) is on the southern corner of Waterloo and Devonshire streets, which borders this unnamed lane.

Recommendation

It is resolved that:

- (A) Council provide in-principle approval to name this unnamed lane off Waterloo Street in Surry Hills "Heckle Lane", and that the name be placed on public exhibition for a minimum period of 28 days; and
- (B) note that a further report will be submitted to Council on the results of the public consultation process.

Attachments

Attachment A. Map Showing Location of Road

Attachment B. Heckle Lane - Historical Justification

Background

1. This lane was created through a subdivision in the mid-1870s and has never been named.
2. It is a public road that Council is responsible for maintaining and naming.
3. The recent approval of a development proposal means that a street address will need to be assigned to this thoroughfare. This unnamed laneway needs to be officially named to assign this street address.
4. After historical research conducted by the City of Sydney's History team the Naming Proposals Working Group have recommended the name "Heckle Lane". To read the full historical justification please refer to Attachment B: "Heckle Lane" - Historical Justification."
5. The proposed name complies with the City of Sydney Naming Policy. Specifically: Principle 1: Meaningful - it is meaningful, clear and concise, and reflects its location; Principle 2: Uniqueness - duplication is avoided within a 10-kilometre radius; Principle 6: Local or Cultural Relevance - the name has local relevance, reflecting the heritage and history of people, events, and the community, and Principle 9: Syntax - the name is easy to pronounce and recall.
6. The Naming Proposal Working Group did explore the use of local Aboriginal Language for this lane, as per Principle 4, which states: "New names using local Aboriginal language are encouraged, especially for parks and open spaces, and shall be in the local Gadigal language. Such names must be applied meaningfully and respond to Country or culture."
7. The City Historian investigated if local Aboriginal communities had any significant historical connections to the political activities undertaken in the Clarendon Hotel. Research confirmed that there were no mentions of the makeup of the audiences of the political rallies at the Clarendon Hotel or specific references to Aboriginal matters or rights in the speeches given.
8. "Heckle Lane" has received pre-approval status with the Geographical Names Board. This means that the proposed name complies with the Geographical Names Board's requirements for language use for road names and that there are no duplication issues with this name. It has been thereby reserved for City of Sydney use as a road name for a period of two years.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

9. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
 - (a) Direction 1 - Responsible governance and stewardship - formally naming the lane will ensure its gazettal and recognition with the NSW Geographical Names Board.
 - (b) Direction 5 - A city for walking, cycling and public transport - formally naming the lane will assist in wayfinding and community addressing.

Organisational Impact

10. The City will ensure signage is installed once construction is complete. It will have minimal organisational impact.

Risks

11. There are no identified risks associated with the naming proposal.

Social / Cultural / Community

12. The community have an opportunity to comment on the naming proposal during the exhibition period.

Financial Implications

13. There are funds available in the 2024/25 operational budget, for the installation of street signage.

Relevant Legislation

14. The Geographic Names Act 1966 (NSW) and Geographical Names Board Guidelines - the recommended name complies with this legislation and meets the Geographical Names Board Guidelines.

Critical Dates / Time Frames

15. Should Council approve the name, a formal naming application will be submitted to the Geographical Names Board for consideration.

Public Consultation

16. The current process for naming of public spaces generally proceeds as follows:
 - (a) in-principle approval by Council of the proposed name;
 - (b) public notification of the naming proposals with a minimum 28-day response time;
 - (c) Council approval following community consultation;
 - (d) assessment by the Geographical Names Board of New South Wales through its formal application process; and
 - (e) approval by the Geographical Names Board and subsequent publication in the NSW Government Gazette.
17. The naming proposal will be advertised on the Sydney Your Say website, notices will be letterboxed to surrounding properties and there will be a public notice on site.
18. If Council approves the name, an application will be made to the Geographical Names Board for gazettal.

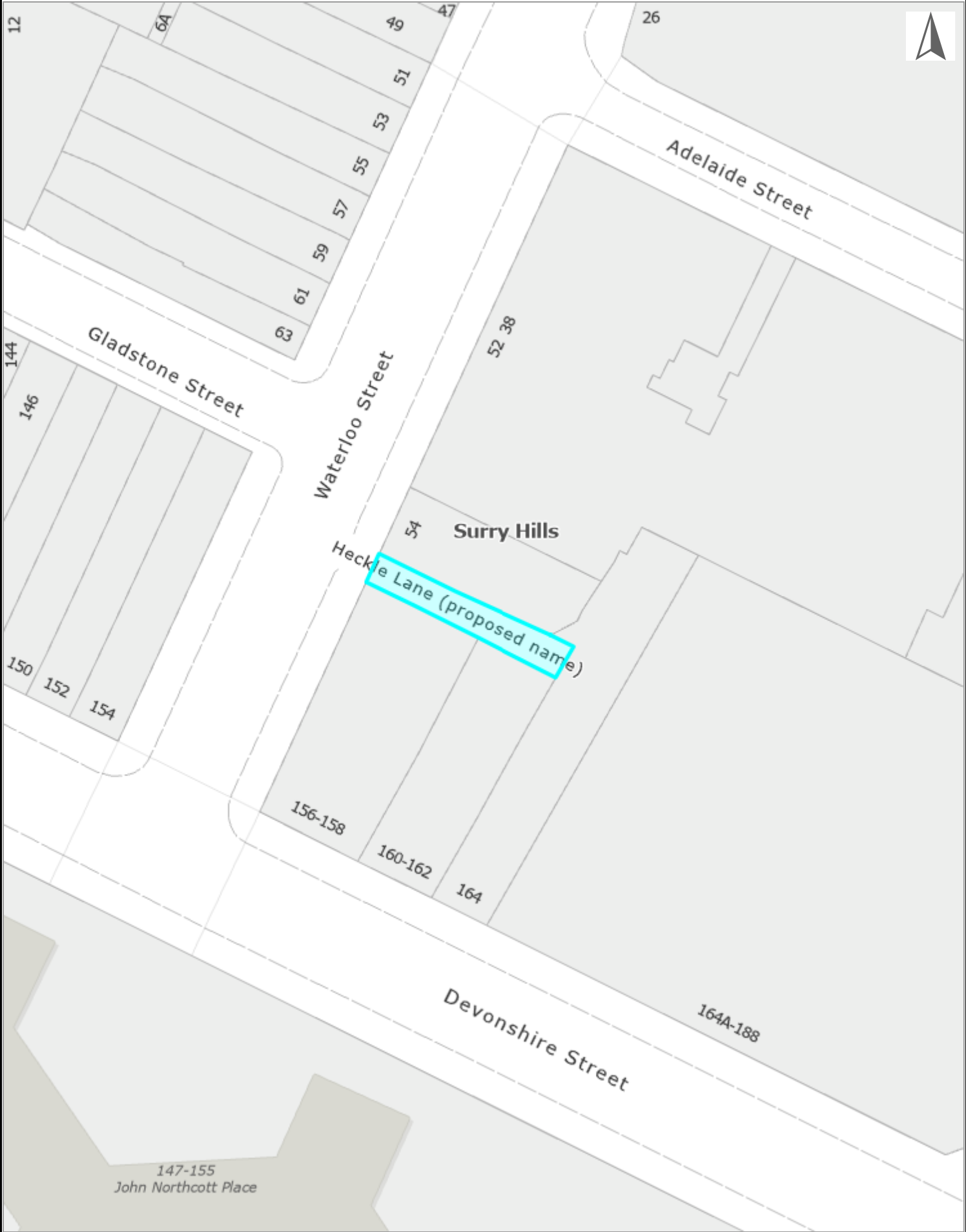
KATE DEACON

Executive Director Strategic Development and Engagement

Gareth Jenkins, Senior Community Engagement Coordinator

Attachment A

Map showing location of road



Attachment B

Heckle Lane – Historical Justification

Historical justification – Heckle Lane

Heckle Lane is named for the historical activity of political candidates in local and state elections holding public meetings on the balcony of the Clarendon Hotel, with members of the public heckling them from below.

Surry Hills was one of Sydney's most densely populated suburbs at the turn of the 19th century. Its population doubled in the 20 years after 1870, with a peak of 30,000 people living there by 1890. In this year, there were 91 Public houses, or pubs, in Surry Hills.¹ Pubs were a focus for social gatherings for the local community, given that many of the houses were small, damp and mean.

Pubs played an important role in political campaigning in central Sydney in the decades from mid-1880 through until the end of World War 1 when 6 o'clock closing was introduced. Political candidates in municipal elections, and sometimes in state elections, visited pubs in their wards or electorates to speak at public meetings where they spruiked their credentials and canvased for votes. Novelist Kylie Tenant observed that municipal elections captured the exclusive interest of Surry Hills locals at the turn of the century, and that a 'rowdy carnival atmosphere surrounded the street meetings.'²

The Clarendon Hotel, on the corner of Devonshire and Waterloo streets in Surry Hills, was the scene of many boisterous political meetings in the lead up to council elections between 1885 and 1915. Candidates used the hotel to broadcast their candidacy for local and state elections. Newspaper reports document that large crowds gathered outside the pub to watch and listen to potential candidates spruik their credentials. The speakers typically stood on the hotel balcony to address the crowds below.

During the late 1880s and 1890s, the messaging at these gatherings focussed on municipal matters like lighting and street formation, as well as trade tariffs.³ In 1886 Alderman William Kippax addressed ratepayers from the Clarendon Hotel balcony, stating that it had been 25 years since he first sought election and that he'd played a role in transforming the ward 'from the wilderness it then was into what it was now'.⁴

Throughout Cornelius 'Con' Ryan's tenure as licensee from 1899 to 1909, the gatherings tended to be addressed by candidates aligned to the labour movement. There were also independent candidates, such as Richard Watkins Richards in June 1904, who although 'not a labor nominee ... was pretty well known as the friend of the workers'.⁵

In July 1904, a 'huge, orderly, enthusiastic meeting' took place at the hotel in support of controversial journalist, newspaper proprietor, state politician and local alderman, John Norton. Norton had been a trade union delegate and leading propagandist for the emergent labour movement of the 1880s, and he was later aligned with the conservative Protectionist movement. (In the 19th and early 20th century, there were 2 political parties in NSW that ran with policies based on trade, taxes and tariffs: the Protectionists and the Free Traders). Norton's newspaper, *Truth*, became increasingly popular among the working classes. At a meeting at the Clarendon Hotel on 31 July 1904, Norton condemned the 'diabolical tactics' of the supporters of rival alderman, John 'Jack'

¹ Christopher Keating, *Surry Hills: the city's backyard*, Hale & Ironmonger, 1991, p. 61.

² Christopher Keating, *Surry Hills: The city's backyard*, Hale & Ironmonger, 1991, p 68.

³ 'South Sydney Election', *Daily Telegraph*, 13 February 1893, 4, <http://nla.gov.au/nla.news-article235947379>.

⁴ 'Alderman Kippax's Candidature', *The Daily Telegraph*, 25 November 1886, p. 6. <https://trove.nla.gov.au/newspaper/article/23931879>.

⁵ 'Surry-Hills', *Daily Telegraph*, 11 June 1904, 13, <http://nla.gov.au/nla.news-article236880152>.

Waine.⁶ In 1906 the Clarendon Hotel hosted a meeting of a reported 3,000 people who again gathered to see and listen to Norton.⁷ In November 1915, Lord Mayor R W Richards met with 'considerable opposition' when he addressed a meeting from the hotel's balcony, where he was heckled and assailed with questions from aggrieved returned servicemen.⁸

Pub balconies provided an elevated platform for political candidates of all stripes to demonstrate their oratory skills to address the crowds on the streets below, with meetings often held late at night. The popularity of public political meetings arose because much of the population was illiterate in the 19th century, which meant that many people were unable to read broadsheets or tabloids to get their news first-hand. Aside from the printed and spoken word, there were no other ways to receive information.

Factors that contributed to the decline of public political meetings in pubs including early closing in 1916, a rising literacy rate, increasing motor vehicles on the roads, and the replacement of balconies with suspended awnings.



This elevation plan shows the Devonshire Street façade of the Clarendon Hotel with an outline of the original balcony to be demolished and a new awning. The 'Proposed alterations to Clarendon Hotel...for M Halpin Esq.' by architect Francis P Ryan, were approved October 1924 (City of Sydney Archives, A-00556071, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1424647>)

Prepared by the City of Sydney History Team

⁶ 'Wednesday Night', *Truth*, 31 July 1904, 9, <http://nla.gov.au/nla.news-article167893721>; 'John Charles Waine', *Sydney's Aldermen*, accessed 15 March 2024, <https://www.sydneyaldermen.com.au/alderman/john-waine/>; 'John Norton', *Sydney's Aldermen*, accessed 15 March 2024, <https://www.sydneyaldermen.com.au/alderman/john-norton/>.

⁷ 'Mr. Norton's Candidature', *Sydney Morning Herald*, 21 July 1906, p. 12, <http://nla.gov.au/nla.news-article14787653>.

⁸ 'Lord Mayor Heckled', *Sydney Morning Herald*, 5 November 1915, p. 8, <https://trove.nla.gov.au/newspaper/article/15622802>.

Item 8.

Public Exhibition - Naming Proposal - Frog Lane

File No: X102587.002

Summary

This report recommends that Council supports the name "Frog Lane" for this unnamed lane that borders 811 Elizabeth Street, Zetland.

This new lane was created as the result of a development in 2018 and borders 811 Elizabeth Street, Zetland.

The name "Frog Lane" recognises the Green and Golden Bell Frog (*Litoria aurea*) that was once widespread in the wetlands that covered the southern suburbs of Sydney.

Recommendation

It is resolved that:

- (A) Council provide in-principle approval to name this unnamed lane that borders 811 Elizabeth Street, Zetland as "Frog Lane", and that the name be placed on public exhibition for a minimum period of 28 days; and
- (B) note that a further report will be submitted to Council on the results of the public consultation process.

Attachments

Attachment A. Map Showing Location of Road

Attachment B. Frog Lane - Historical Justification

Background

1. This new lane was created as the result of a development in 2018 and borders 811 Elizabeth Street, Zetland.
2. The lane was dedicated to the City of Sydney as a public road in 2021.
3. The name "Frog Lane" has been in unofficial use since 2021 for this pedestrian and bicycle thoroughfare.
4. The name "Frog Lane" recognises the Green and Golden Bell Frog (*Litoria aurea*) that was once widespread in the wetlands that covered the southern suburbs of Sydney.
5. The proposed name complies with the City of Sydney Naming Policy. Specifically: Principle 1: Meaningful - it is meaningful, clear and concise, and reflects its location; Principle 2: Uniqueness - duplication is avoided within a 10-kilometre radius, Principle 6: Local or Cultural Relevance - the name has local relevance, reflecting the heritage and history of the animals within the local landscape and Principle 9: Syntax - the name is easy to pronounce and recall.
6. The Naming Proposal Working Group did explore the use of local Aboriginal Language for this lane, specifically investigating if there is a Gadigal word for "Frog", as per Principle 4, which states: "New names using local Aboriginal language are encouraged, especially for parks and open spaces, and shall be in the local Gadigal language. Such names must be applied meaningfully and respond to Country or culture."
7. The primary reference for local Sydney Aboriginal language is Jakelin Troy's *The Sydney Language*. This is a compilation of local Aboriginal word lists from Sydney that have been recorded from the time of the First Fleet onwards. The translation for "frog" in this book, "gung-gung", is derived from R.H. Mathews' (1903) word list. This word list was published over 100 years after invasion and for this reason it is not known or guaranteed that this translation of "frog" is a Gadigal word. There are no other translations for frogs or specific species of frogs at this time in Gadigal language that we know of.
8. The City of Sydney's History team has provided this information on the Green and Golden Bell Frog and supports the naming of the laneway as Frog Lane. To read the full historical justification please refer to Attachment B: "Frog Lane" - Historical Justification.
9. "Frog Lane" has received pre-approval status with the Geographical Names Board. This means that the proposed name complies with the Geographical Names Board's requirements for language use for road names and that there are no duplication issues with this name. It has been thereby reserved for city of Sydney use as a road name for a period of two years.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

10. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
 - (a) Direction 1 - Responsible governance and stewardship - formally naming the lane will ensure its gazettal and recognition with the NSW Geographical Names Board.
 - (b) Direction 5 - A city for walking, cycling and public transport - formally naming the lane will assist in wayfinding and community addressing.

Organisational Impact

11. The City will ensure signage is installed once the name is gazetted. It will have minimal organisational impact.

Risks

12. There are no identified risks associated with the naming proposal.

Social / Cultural / Community

13. The community have an opportunity to comment on the naming proposal during the exhibition period.

Financial Implications

14. There are funds available in the 2024/25 operational budget, for the installation of street signage.

Relevant Legislation

15. The Geographic Names Act 1966 (NSW) and Geographical Names Board Guidelines – the recommended name complies with this legislation and meets the Geographical Names Board Guidelines.

Critical Dates / Time Frames

16. If Council approves the name, an application will be made to the Geographical Names Board for gazettal.

Public Consultation

17. The current process for naming of roads generally proceeds as follows:
 - (a) in-principle approval by Council of the proposed name;
 - (b) public notification of the naming proposals with a minimum 28-day response time;
 - (c) Council approval following community consultation;
 - (d) assessment by the Geographical Names Board of New South Wales through its formal application process; and
 - (e) approval by the Geographical Names Board and subsequent publication in the NSW Government Gazette.
18. The naming proposal will be advertised on the Sydney Your Say website, notices will be letterboxed to surrounding properties and there will be a public notice on site.
19. If Council approves the name, an application will be made to the Geographical Names Board for gazettal.

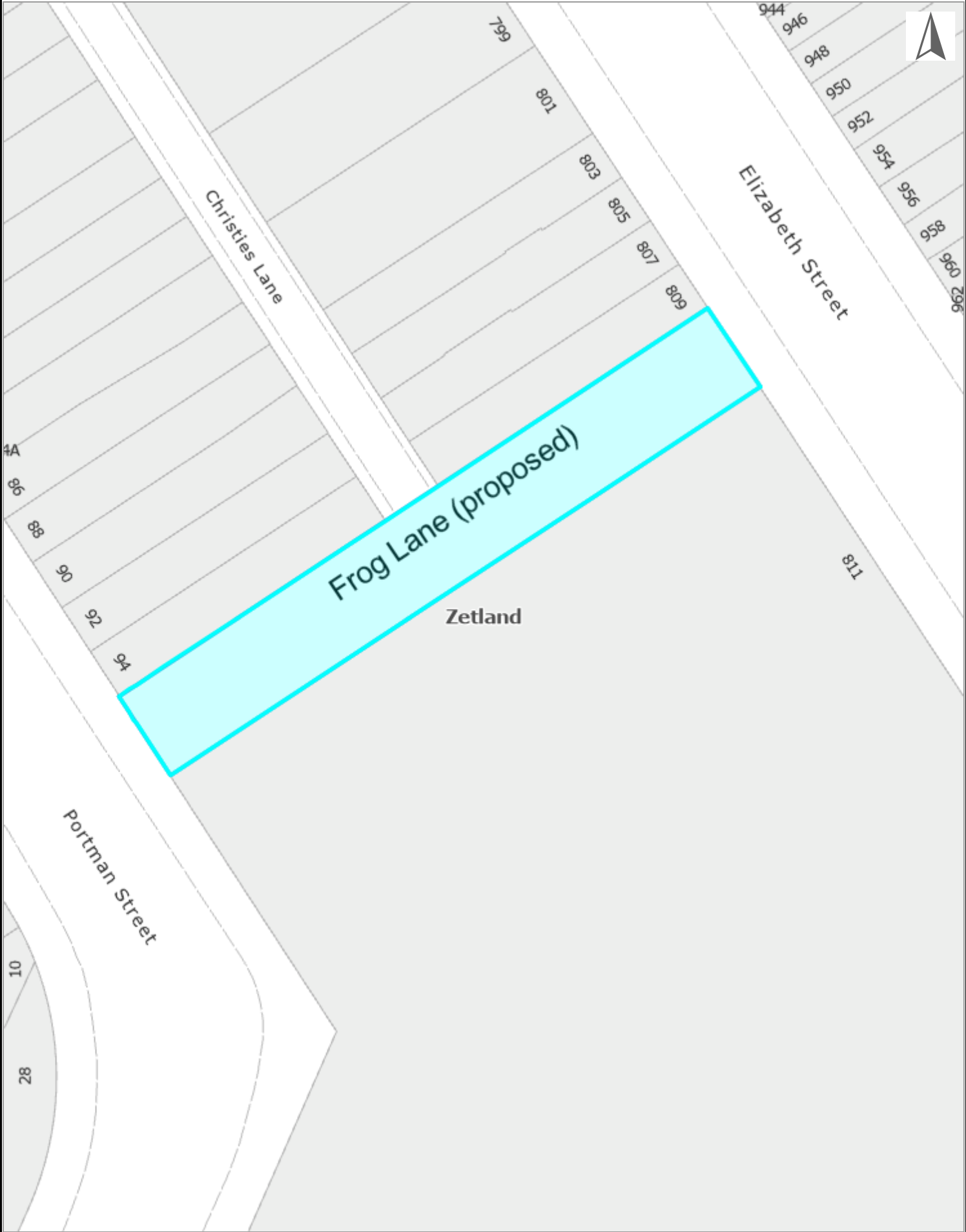
KATE DEACON

Executive Director Strategic Development and Engagement

Gareth Jenkins, Senior Community Engagement Coordinator

Attachment A

Map showing location of road



Attachment B

Frog Lane – Historical Justification

Frog Lane – historical justification

Frog Lane is named for the Green and Golden Bell Frog (*Litoria aurea*) that was once widespread in the wetlands that covered the southern suburbs of Sydney. The landscape of today's suburbs of Waterloo, Alexandria and Zetland was originally dominated by a vast sand dune system covered by heath, low scrub, creeks and freshwater wetlands.

Many Sydney frog species have declined or disappeared along with their wetland habitats, due to urban development, introduced predators and deadly diseases. The Green and Golden Bell Frog used to be common and widespread across Sydney, but it has largely disappeared across its entire range, and only a few populations now survive.

Remnant populations of Green and Golden Bell Frogs can occupy highly disturbed artificial sites, such as deserted industrial sites, brick pits and quarry sites. Until recently, a small population of Green and Golden Bell Frogs lived and bred in a backyard swimming pool in Rosebery. They have now gone, but others remnant populations may still be hiding in and around the area. The City has created frog habitat in Kimberley Grove Reserve for the Green and Golden Bell Frog and other species.

Frogs can be hard to see, but they can be heard calling from reeds and other vegetation, especially after rain. The Green and Golden Bell Frog makes a low pitched 'bworrkk ... bbworrkk' call.

Green and Golden Bell Frogs have smooth skin with bright green backs and varying sized golden blotches. A gold line runs from the snout over the eye to the hind leg. The groin and backs of the thighs are bright turquoise to blue green.



Green and Golden Bell Frog (NSW Department of Planning and Environment <https://tinyurl.com/y8c9szfu>)

Prepared by the City of Sydney History Team

Item 9.

Proposed Land Classification - 57C Ashmore Street, Erskineville

File No: 2024/653454

Summary

The purpose of this report is to obtain Council approval to notify a proposed resolution to classify the land known as 57C Ashmore Street, Erskineville (being Lot 8 in DP 1262184) which will shortly be transferred to the City by Greenland Golden Horse Investments Pty Ltd (the Developer) in accordance with registered Planning Agreement AM746494 as varied by registered Deed of Variation of Planning Agreement AP549072, as operational land on a temporary basis.

This land will need to have an interim operational classification while the adjoining area of Kooka Walk (pedestrian green link) is under construction. This will support the City's ongoing management of the land until the area can be re-classified as community land, categorised and incorporated into the Generic Plan of Management. The plans are in accordance with the Sydney Development Control Plan 2012 (DCP).

This report seeks Council's endorsement to notify a proposed resolution to classify 57C Ashmore Street, Erskineville as operational land under the Local Government Act 1993 (NSW) following transfer from the developer until the works are complete and the land can be re-classified as community land.

Recommendation

It is resolved that Council:

- (A) endorse public notification of the proposed resolution: "It is resolved to classify 57C Ashmore Street, Erskineville NSW 2043 (being Lot 8 in DP 1262184) which is to be transferred to Council for future public purposes, as operational land in accordance with section 31 of the Local Government Act 1993 (NSW)", on the basis that the classification is an interim measure to support operational management until the land can be re-classified as community land and included within the Generic Plan of Management; and
- (B) note that a further report to Council, to inform of the outcomes of public notification and recommendation on classification will follow the notification period.

Attachments

Attachment A. Identification Plans (Lot 8 in Deposit Plan 1262184)

Background

1. On 18 October 2017, Development Consent was granted for a Stage 1 Development Application (DA) for works at 57 Ashmore Street and 165-175 Mitchell Road, Erskineville for a mixed-use precinct including residential, commercial and recreational uses. The development includes building envelopes for 9 development blocks ranging in height between 2 and 8 storeys and concept design for public domain works including new streets, a park and trunk drainage (D/2015/966).
2. On 25 July 2017, the City entered into registered Planning Agreement AM746494 with Greenland Golden Horse Investment Pty Ltd as trustee for The Greenland Golden Horse Investment Trust and The Trust Company Limited as custodian for the Goodman Industrial Europe Finance Trust in relation to that development. It is noted that the Trust Company Limited agreed to be a party to the planning agreement solely in its capacity as landowner pending completion of the sale of its property to Greenland Golden Horse Investment Pty Ltd.
3. On 12 September 2019, the parties entered into registered Deed of Variation of Planning Agreement AP549072 to accommodate an alternative arrangement on the lodgement of the bank guarantees to secure the Developer's works. The Deed of Variation also updated the parties to reflect the new entities of Greenland Golden Horse Investment Pty Ltd as trustee for The Greenland Golden Horse Investment Trust and Greenland Golden Horse Investment No.5 as trustee for The Greenland Golden Horse Trust No. 5 (collectively referred to as 'Greenland Golden Horse') as parties to the Planning Agreement.
4. The Planning Agreement (as amended) requires the Developer to provide public benefits over the 7 phases of development including:
 - (a) the dedication and embellishment of 8,354.6m² as new roads - Foundry Street, Stovemaker Lane, Metters Street, Coppersmith Lane, Macdonald Street, Alpha Street and Hadfield Street;
 - (b) the dedication and embellishment of 7,411m² as a pedestrian green link - Kooka Walk;
 - (c) the dedication and embellishment of 7,446m² as McPherson Park;
 - (d) the creation of an easement for public access to pedestrian through-site links; and
 - (e) the construction of a trunk stormwater drain.
5. A subdivision plan was approved by the City on 14 October 2020, creating 10 new parcels of land in relation to the Phase 1 and 2 developments. The Developer registered the subdivision plan (DP 1262184) and dedicated Lots 9 and 10 as road reserves, as required for completion in relation to Phase 1.
6. On 14 November 2022, a Deed of Novation of the Planning Agreement (as amended) was executed transferring the obligations of Phase 3-7 of the property from Greenland Golden Horse Investment Pty Ltd to two related parties, Erskineville Development Pty. Ltd. and Erskineville Investments Pty. Ltd. as trustees for the Erskineville Investment Trust (collectively referred to as 'Erskineville Developments and Erskineville Investments').

7. The development is progressing. Phase 1 is complete. Phase 2 and 3 are under construction, and development consent has been provided for Phase 4.
8. In accordance with the registered Planning Agreement (as amended), the Developer of Phase 2 (Greenland Golden Horse) will construct and dedicate Lot 7 for Stovemaker Lane. The Developer will also construct and transfer Lot 8 which will be a section of the Kooka Walk. This will be transferred as part of the Phase 2 public benefits. As the section of Kooka Walk in Phase 2 is only 1.5 wide, the Developer is required to construct a temporary pathway that includes safe access and egress from the new building development.
9. In accordance with the registered Planning Agreement (as amended), the Developer of Phase 3 (Erskineville Developments and Erskineville Investments) will construct and dedicate the adjoining portion of the Kooka Walk and extensions to Metters Street and Coppersmith Lane as part of the Phase 3 public benefits. These works are ongoing.
10. The Developer's works for Phase 2 are nearing completion and the Developer will soon be seeking to transfer Lot 8 to the City in March 2025.
11. With the Phase 3 works to Kooka Walk immediately abutting Lot 8, any access by the Phase 3 Developer to Lot 8 will be managed by the City following transfer.
12. To facilitate the future embellishment works to the land following completion of the adjoining works to Kooka Walk, it is essential that an interim operational land classification is applied.

Financial Implications

13. The classification of land under the Local Government Act 1993 (NSW) does not have any direct budgetary implications. Once 57C Ashmore Street, Erskineville is transferred to the City, it will be recognised as in-kind contributions income, and held as land asset in accordance with the City's Infrastructure, Property, Plant and Equipment (IPPE) Asset Recognition and Capitalisation Policy.

Relevant Legislation

14. The following sections of the Local Government Act 1993 (NSW) are relevant:
 - (a) Section 25 requires all public land to be classified as either community or operational land;
 - (b) Section 31(2) permits Council to resolve to classify land prior to acquisition;
 - (c) In satisfaction of section 31(3), the proposed resolution is not inconsistent with the planning agreement (as registered and varied on title) nor any other Act or the terms of any trust applying to the land; and
 - (d) Section 34 requires the proposed resolution to classify be publicly notified and made available for inspection by the public for a period of not less than 28 days.

Critical Dates / Time Frames

15. The land needs to be classified within three months of land transfer to the City or the land automatically default to a community classification.
16. As the land is proposed to transfer to the City in March 2025, the classification would need to be endorsed no later than June 2025.

Options

17. Allowing the land to default to community land will hinder the development of the area. The land will be embellished for use by the community and reclassified as community land to ensure that it is preserved for public use.

Public Consultation

18. Subject to Council endorsing the recommendation, the proposed resolution will be publicly notified as soon as possible for a minimum period of 28 days.
19. All submissions will be considered in the subsequent Council report to endorse the classification.

KIM WOODBURY

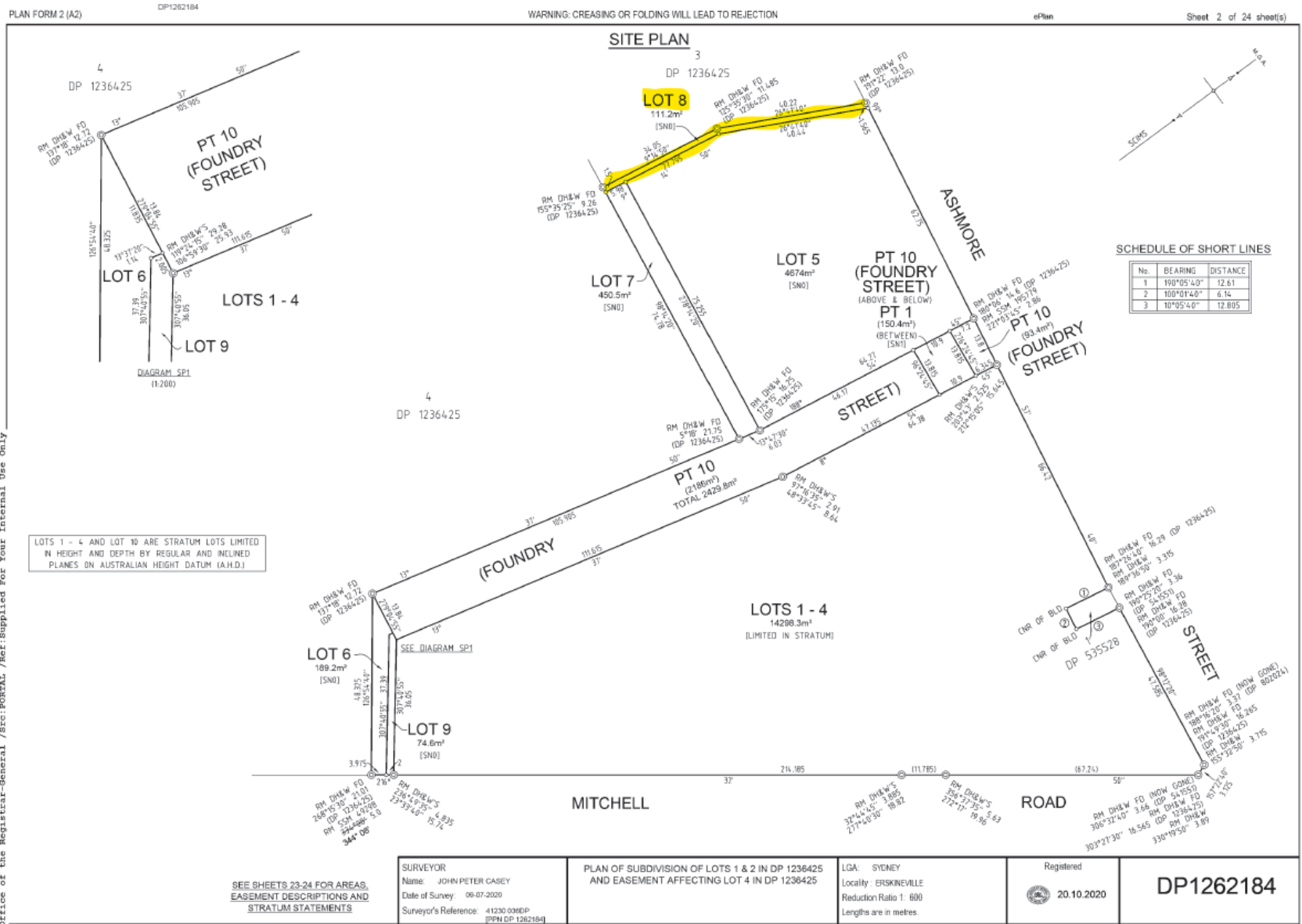
Chief Operating Officer

Mary Ghaly, Public Lands Coordinator

Attachment A

**Identification Plans
(Lot 8 in Deposit Plan 1262184)**

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Item 10.**Proposed Land Classification - 895-901 Bourke Street, Waterloo**

File No: 2024/652434

Summary

The purpose of this report is to obtain Council approval to notify a proposed resolution to classify proposed Lot 103 in the Plan of Subdivision of Lot 1 in DP 1304819 as operational land on a temporary basis. This land will shortly be transferred by City West Housing Pty Ltd (the Developer) to the City in accordance with the registered Planning Agreement AQ833762.

On 17 February 2021, the City entered into registered Planning Agreement AQ833762 with the Developer in relation to the development at 895-901 Bourke Street, Waterloo.

It is essential that this parcel of land (Proposed Lot 103) be classified as operational land on an interim basis, to facilitate the temporary use by waste vehicles and the construction of the shared zone in the future. Upon completion of the works, part of Lot 103 will be dedicated as road and the remaining part will be reclassified as community land to preserve the land for the community's use.

This report seeks Council's endorsement to notify a proposed resolution to classify the above-mentioned parcel (Proposed Lot 103) as operational land under the Local Government Act 1993 (NSW) until the works are completed and the land can be re-classified as community land.

Recommendation

It is resolved that Council:

- (A) endorse the public notification of the proposed resolution: "It is resolved to classify proposed Lot 103 in in the Plan of Subdivision of Lot 1 in DP 1304819 at 895-901 Bourke Street, Waterloo NSW 2017 which is to be transferred to Council for future public purposes, as operational land in accordance with section 31 of the Local Government Act 1993 (NSW)", on the basis that:
 - (i) the classification is an interim measure to support operational management of the land until works are completed and part of proposed Lot 103 can be dedicated as a road reserve; and
 - (ii) the remainder of the land comprising Lot 103 can then be reclassified as community land, incorporated into a Generic Plan of Management and categorised as 'General Community Use'; and
- (B) note that a further report to Council, to inform of the outcomes of the public notification and recommendation on classification, will follow the notification period.

Attachments

Attachment A. Identification Plans

Background

1. On 24 April 2018, development consent was granted for the demolition of existing structures and construction of a new residential flat building containing 72 units with a ground floor commercial tenancy, landscaping and stormwater works (D/2015/941) at 895-901 Bourke Street, Waterloo.
2. On 17 February 2021, the City entered into registered Planning Agreement AQ833762) with City West Housing Pty Limited in relation to the development consent.
3. The development includes the demolition of existing structures and construction of a new residential apartment building containing 72 units with a ground floor commercial tenancy, landscaping and stormwater works.
4. In accordance with the registered Planning Agreement, the Developer will construct and dedicate a 3m footway widening to the Bourke Street frontage and transfer a 12m setback at the rear of the development to the City. The land at the rear will be known as Lot 103.
5. Part of Lot 103 will be dedicated as a road reserve. The remaining part of Lot 103 will be embellished by the City and used as a shared zone. The shared zone will be surrounding a park. Once works are completed, part of Lot 103 will then be dedicated as a road reserve while the remainder of Lot 103 will be re-classified as community land, incorporated into a Generic Plan of Management and categorised. The exact boundaries of these spaces are yet to be decided and will be considered when the next subdivision of the land is created. The proposed boundaries are illustrated in Attachment A.
6. The subdivision and transfer of land is in line with the Sydney Development Control Plan 2012. The land dedication requirements and final concept design plan is illustrated in Attachment A.
7. A Plan of Subdivision of Lot 1 in DP 1304819 has been lodged for pre-examination with NSW Land Registry Services (LRS) to create three new parcels of land. Lot 101 for the Bourke Street setback, Lot 102 for the building development and Lot 103 for future road and a shared community zone at the rear. The Developer's works are nearing completion, and the Developer will soon register the Plan of Subdivision and transfer the rear land to the City.
8. As part of the Development Consent, the rear land (Lot 103) has approval to be used as a temporary turning area for waste vehicles servicing the development. An Access Licence over the land will be in place during this temporary use.
9. To facilitate the temporary use of Proposed Lot 103 as a turning bay by waste vehicles servicing the building development, and the construction and dedication of the shared zone by the City in the future, it is essential that an interim operational land classification be applied.

Financial Implications

10. The classification of land under the Local Government Act 1993 does not have any direct budgetary implications. Once the proposed Lot 103 is transferred to the City, it will be recognised as in-kind contributions income, and held as land asset in accordance with the City's Infrastructure, Property, Plant and Equipment (IPPE) Asset Recognition and Capitalisation Policy.

Relevant Legislation

11. The following sections of the Local Government Act 1993 are relevant:
 - (a) Section 25 requires all public land to be classified as either community or operational land;
 - (b) Section 31(2) permits Council to resolve to classify land prior to acquisition;
 - (c) In satisfaction of section 31(3), the proposed resolution is not inconsistent with the planning agreement (as registered on title) nor any other Act or the terms of any trust applying to the land; and
 - (d) Section 34 requires the proposed resolution to classify be publicly notified and made available for inspection by the public for a period of not less than 28 days.

Critical Dates / Time Frames

12. The land needs to be classified within 3 months of land transfer to the City or the land automatically reverts to a community classification.
13. As the land is proposed to be transferred to the City in December 2024, the classification would need to be endorsed no later than March 2025.

Options

14. Allowing the land to default to community land will hinder the development of the area.

Public Consultation

15. Subject to Council endorsing the recommendation, the proposed resolution will be publicly notified as soon as possible for a minimum period of 28 days.
16. All submissions will be considered in the subsequent Council report to endorse the classification.

KIM WOODBURY

Chief Operating Officer

Mary Ghaly, Public Lands Coordinator

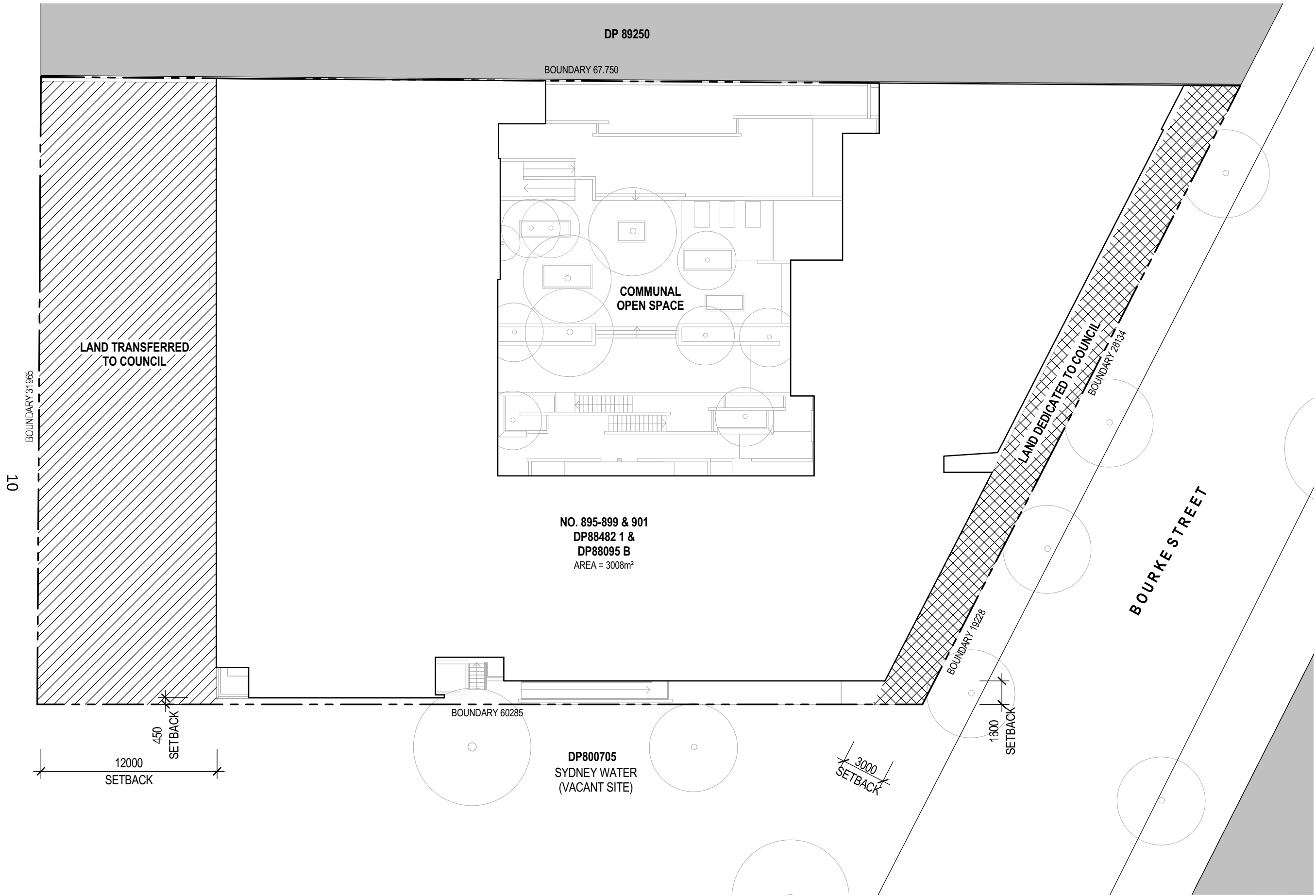
Attachment A

Identification Plans

Proposed Deposit Plan 1299411
Lot 103



Voluntary Planning Agreement (VPA) Plan



Notes
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Verify all dimensions and levels on site and report any discrepancies to dwp|suters for direction prior to the commencement of work.
Drawings are to be read in conjunction with all other contract documents.
Use figured dimensions only. Do not scale from drawings. dwp|suters cannot guarantee the accuracy of content and format for copies of drawings issued electronically.
The completion of the Issue Details Checked and Authorised section is confirmation of the status of the drawing. The drawing shall not be used for construction unless endorsed 'For Construction' and authorised for issue.
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Robert Macindoe Nominated Architect NSW ARB 4699

LEGEND
LAND DEDICATED TO COUNCIL
LAND TRANSFERRED TO COUNCIL

True North
PRELIMINARY
NOT TO BE USED DURING CONSTRUCTION

1	ISSUE FOR APPROVAL	13.10.15	JH	SD
Issue Description		Date	Chk	Auth
Architect dwp suters www.dwpsuters.com				
Project CITY WEST HOUSING				
Client CITY WEST HOUSING				
Location 895 - 901 BOURKE STREET, WATERLOO NSW 2017				
Drawing VPA SITE PLAN				
Scale As indicated @ A3		Date Printed 13/10/2015 11:21:48 AM		
Project Number 303091	Drawing Number DA905	Issue 1		

Proposed Use of Space – Road & Open Space
(Open space to be a shared zone)

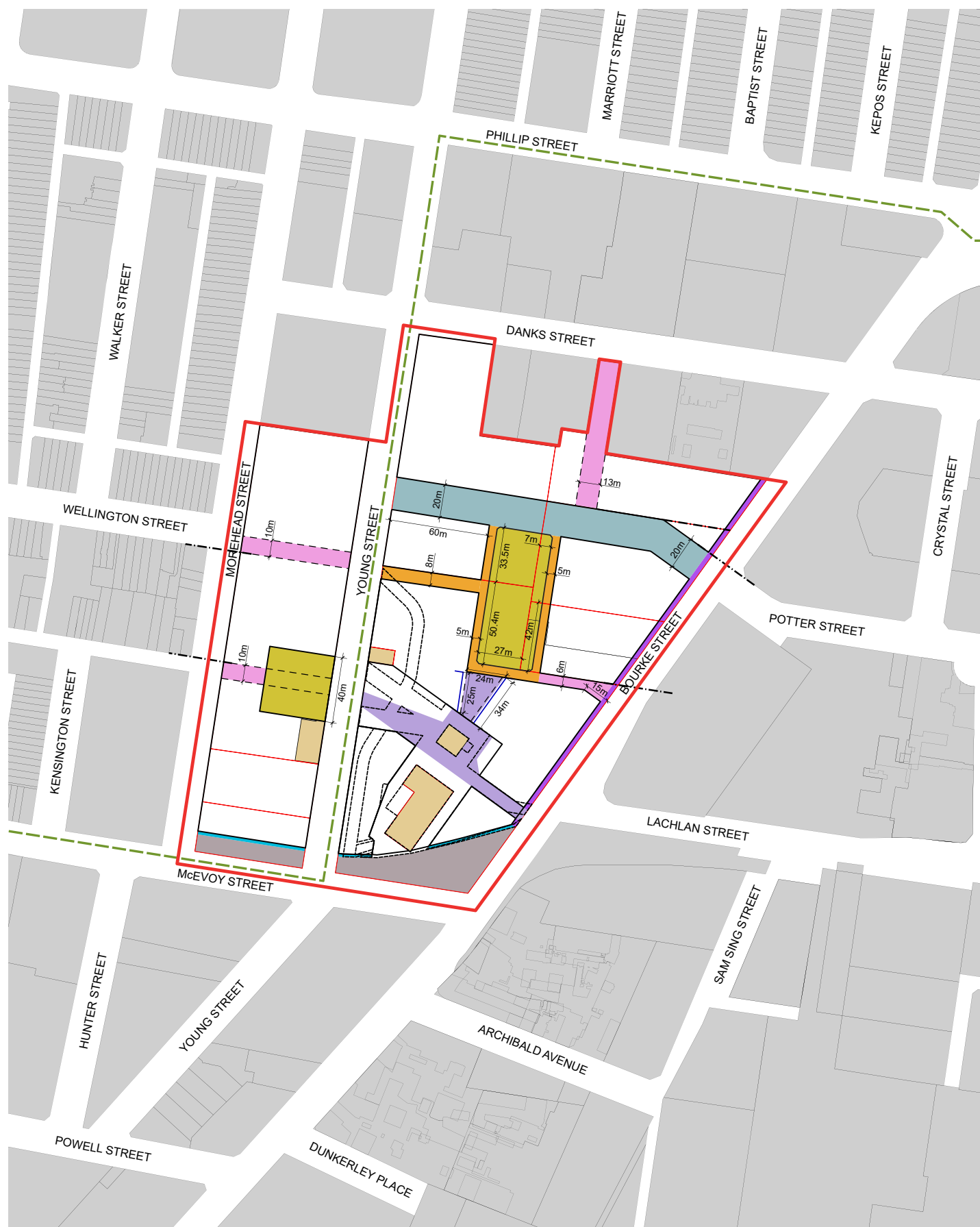


-  Proposed streets
-  Required open space - preferred location

Excerpt from Sydney Development Control Plan
(DCP) 2012

(illustrates land dedication requirements, plus final
concept design plan 2021)

Figure 5.237 Danks Street South Dedications



KEY

- PRECINCT BOUNDARY
- DEDICATED PUBLIC OPEN SPACE
- DEDICATED 2M FOOTPATH WIDENING
- DEDICATED 3M FOOTPATH WIDENING

- DEDICATED STREET
- DEDICATED SQUARE OPEN TO PUBLIC 24HRS - OPEN TO SKY

- ROAD WIDENING - ROAD AND MARITIME SERVICES
- DEDICATED THROUGH SITE LINKS - OPEN TO SKY
- DEDICATED SHARED ZONE

- HERITAGE BUILDING
- SYDNEY WATER EASEMENT
- PROPERTY BOUNDARIES

- BUILDING EDGE
- ALIGNMENT
- GREEN SQUARE BOUNDARY





LEGEND

Open Spaces Concept Design scope of works boundary

NOTE: Proposed through site links are pedestrian and cycle only - no public vehicle access
Refer also to *Integrated Streetscape Concept Design for the Danks Street South Precinct* by Northrop, 2020

Sketch Design scope of works boundary

NOTE: Purpose of the sketch design is to support ongoing discussions with the landowners of 903-921 Bourke St Waterloo, Sydney Water, and Transport for NSW. The design is preliminary and indicative only

NOT FOR CONSTRUCTION

REV	DATE	STATUS	REASON FOR ISSUE	DRAWN	GENERAL NOTES
A	14/4/21		FOR REVIEW	DH/AH	- All dimensions in millimetres. - Use figured dimensions only. - Do not scale. - Comply with relevant authority requirements, the National Construction Code of Australia and all relevant Australian Standard when executing works described in this drawing. - All drawings must be read in conjunction with the accompanying design report entitled <i>Danks Street South Precinct Open Spaces Concept Design Report</i> . - 903-921 Bourke St building floor plans are indicative only. Copyright in all documents and drawings prepared by JILA/MAPA/Bangawarra and in any work executed from those documents and drawings shall remain the property of JILA/MAPA/Bangawarra or on creation vest in JILA/MAPA/Bangawarra.
B	11/5/21		FOR REVIEW	DH/AH	
C	03/8/21		ISSUED FOR VPA COSTING	DH/AH	
D	1/9/21		REVISED FOR VPA COSTING	DH/AH	
E	6/9/21		REVISED FOR VPA COSTING	DH/AH	

FOR

CITY OF SYDNEY



COLLABORATORS





Jane Irwin Landscape Architecture

Studio 203
61 Marlborough Street
Surry Hills NSW
Australia 2010

61 2 92126957
info@jila.net.au
www.jila.net.au

DRAWING TITLE

Overall Plan/Project Scope

PROJECT

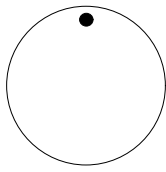
Danks Street South Precinct Open Space Landscape Plans

CLIENT

City of Sydney

ADDRESS

Danks Street South Precinct, Waterloo NSW 2012



JOB NO.	191201
STAGE	Concept
STATUS	Issue
DRAWN	DH/AH
CHECKED	Ji
SCALE	1:750@A1

DATE	6/9/21
REV	E
DWG NO.	L-DA-002

Item 11.**Contract Variation - Head Design Consultant - Ultimo Road to Campbell Street Cycleway**

File No: X034641

Tender No: T-2023-914

Summary

The Ultimo to Surry Hills cycleway is a new east west active transport route connecting Ultimo and Surry Hills. The cycleway is the second half of the Glebe to Surry Hills regional route, complementing the Glebe to Ultimo cycleway along Kelly and Mary Streets.

In May 2023 the City engaged AECOM Australia Pty Ltd as the head design consultant to complete the design and documentation of the cycleway. Following public exhibition of the concept design and community consultation, the project scope for the cycleway was endorsed by Council in August 2023.

In December 2023 Council endorsed the Haymarket Public Domain Plan. The Plan identified a number of opportunities for improvements for streets and public spaces in the precinct including the delivery of domain upgrades on Ultimo Road between Thomas and Quay Streets with the Ultimo to Surry Hills cycleway.

In June 2024 Council endorsed the 2024/25 Long Term Financial Plan which incorporated a revised project budget for the Ultimo to Surry Hills cycleway project to allow for the delivery of the public domain upgrades concurrent with the cycleway project. Additional head design consultant services are required to complete the design and documentation of the public domain upgrades and co-ordinate these works with the cycleway design.

This report recommends approving a variation to the City's contract with AECOM Australia Pty Ltd as outlined in Confidential Attachment A.

Recommendation

It is resolved that:

- (A) Council approve a contract variation and an increased value for the existing Head Consultant Contract with AECOM Australia Pty Ltd for the Ultimo Road to Campbell Street Cycleway to cover additional services as described in Confidential Attachment A to the subject report; and
- (B) Council note the financial implications detailed in Confidential Attachment A to the subject report.

Attachments

Attachment A. Financial Implications (Confidential)

Background

1. The Ultimo to Surry Hills cycleway is part of the City's Cycling Strategy and Action Plan and the NSW Government's Principal Bicycle Network. The cycleway creates a new east west active transport route connecting Ultimo and Surry Hills and is the second half of the Glebe to Surry Hills regional route, complementing the Glebe to Ultimo cycleway along Kelly and Mary Streets.
2. In May 2023 the City engaged AECOM Australia Pty Ltd as the head design consultant to complete the design and documentation of the cycleway. Following public exhibition of the concept design and community consultation the project scope for the cycleway was endorsed by Council in August 2023.
3. In December 2023 Council endorsed the Haymarket Public Domain Plan. The Plan identified a number of opportunities for improvements for streets and public spaces in the precinct including footpath widening on Ultimo Road between Thomas and Quay Streets with the delivery of the Ultimo to Surry Hills cycleway. The public domain upgrade includes widened footpaths with new paving, lighting and street furniture.
4. In June 2024 Council endorsed the 2024/25 Long Term Financial Plan which incorporated a revised project budget for the Ultimo to Surry Hills cycleway project to include the delivery of a planned stormwater upgrade and the public domain upgrades concurrent with the cycleway project.
5. Additional head design consultant services are required to complete the design and documentation of the public domain upgrades and co-ordinate these works with the cycleway design.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

6. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
 - (a) Direction 5: A city for walking, cycling and public transport. These cycleway projects will complete the missing links in the bike network, providing a safe, sustainable and active transport option for people travelling across and throughout the city.

Financial Implications

7. There are sufficient funds allocated to cover the requested increased design consultancy contract amount within the current year's capital works budgets and future years' forward estimates. Refer to Confidential Attachment A.

Relevant Legislation

8. The original tender process was conducted in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2021 and the City's Procurement and Contract Management Policy.
9. Local Government Act 1993 - Sections 10A provide that a council may close to the public so much of its meeting as comprises the discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business and if discussion of the information in an open meeting would, on balance be contrary to public interest.
10. Attachment A contains confidential commercial information which, if disclosed, would confer a commercial advantage on a person with whom the City is conducting (or proposes to conduct) business.
11. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

Critical Dates / Time Frames

12. Complete design April 2025.
13. Construction Mid 2025 to Early 2026.

Options

14. Quotations could be sought from alternative design consultants to complete the design and documentation of the stormwater and public domain upgrades. This is not recommended as it will significantly delay the project, increase design and construction coordination risks, and likely cost substantially more.
15. The stormwater and public domain upgrades could be delivered separately from the cycleway project. This is not recommended as it would involve redundant design and construction work, and increased community disruption.
16. It is recommended to incorporate the design, documentation and construction of the stormwater and public domain upgrades into the cycleway project as this provides substantial project efficiencies, minimises community disruption and avoids abortive work.

Public Consultation

17. Public consultation for the project was undertaken in May 2023. The community will be notified ahead of construction start.

KIM WOODBURY

Chief Operating Officer

Joel Munns, Design Manager

CONFIDENTIAL

By virtue of the Local Government Act 1993 Section 10A Paragraph 2

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Item 12.

Exemption from Tender and Contract Variation - Aon Risk Services

File No: X096842.009

Tender No: RFT 1874

Summary

This report seeks an exemption from tender for insurance broking services and requests that Council approve a contract variation to extend the current contract with for AON Risk Services Australia Limited.

Following a tender process in 2018, AON Risk Services Australia Limited were appointed as the City's insurance broker under a 4-year contract with 2 further extensions, each of one year. The final contract extension expires on 31 March 2025.

Early in 2024, prior to preparing a new tender for broking services, an actuary was engaged to provide an assessment of the City's insurance model to determine whether the current approach of placing insurances direct to market via a broker remained the most beneficial insurance model for the City, or whether the City would be better off joining one of two local government insurance mutuals.

The actuarial assessment was undertaken by Finity Consulting Pty Limited and was completed in October 2024. The actuarial assessment demonstrated that the current arrangement of placing insurances direct to market via a broker remains the overall most effective and beneficial model for the City. Some recommendations were made as part of that review relating to the conduct of the next procurement process for these services.

This report recommends that Council approve an exemption from tender for insurance broker services to enable the current contract with AON Risk Services Australia Limited (ABN 17 000 434 720) to be extended for a period of 15 months whilst a new tender is prepared and undertaken and a new contract established for commencement in 2026.

Recommendation

It is resolved that:

- (A) Council approve an exemption from tender in accordance with section 55(3)(i) of the Local Government Act 1993 to extend the term of the contract for insurance broking services with AON Risk Services Australia Limited by 15 months, to expire on 30 June 2026;
- (B) Council note that a satisfactory result would not be achieved by inviting tenders for this work because:
 - (i) an actuarial review of the City's insurance requirements was recently completed which has confirmed that the current approach of placing insurances direct to market via a broker remained the most beneficial insurance model; and
 - (ii) there is insufficient time to undertake the tender required following prior to the expiry of the existing term on 31 March 2025;
- (C) authority be delegated to the Chief Executive Officer to vary the existing contract with AON Risk Services Australia Limited to provide insurance broking services for an additional 15 months while the new tender is undertaken and until the resulting new contract commences; and
- (D) Council note that funds are available in the annual operating budget for insurance broking services which are available to cover the contract extension period.

Attachments

Attachment A. Financial Implications (Confidential)

Background

1. AON Risk Services Australia Limited was appointed in 2018 as the City's insurance broker under a four-year contract with two extensions, each of one year following a competitive tender process.
2. The final contract extension expires on 31 March 2025.
3. Prior to preparing a new tender for broking services, the City engaged Finity Consulting Limited to provide an assessment of the City's insurance model to determine whether the current approach of placing insurances direct to market via a broker remained the most beneficial insurance model for the City, or whether it would be more optimal for the City to join one of the two available local government insurance mutuals.
4. This actuarial assessment was important due diligence prior to entering into long term arrangements via a new contract.
5. The actuarial assessment took several months and was completed in October 2024. The outcome of that process demonstrated that the current arrangement of placing insurances direct to market via a broker remains the overall most effective and beneficial model for the City, balancing a range of factors including price, mutual governance, policy coverage and tailoring, overall control over the portfolio and claims assessment.
6. The actuarial assessment was provided to the independent members of the Audit Risk and Compliance Committee out of session in November 2024 and the proposed way forward was endorsed.
7. This report recommends that Council approve an exemption from tender for insurance broker services to enable the current contract with AON Risk Services to be extended for a further 15 months whilst a new tender is undertaken and a new contract established for commencement in 2026. This will enable the new tender process to be appropriately scoped, incorporating learnings and recommendations arising from the recently completed actuarial assessment process.
8. The minimum viable extension period for broking services is 12 months, as insurance works in an annual cycle commencing each year from 31 March. A further 3 months' extension (taking the total extension to 15 months) is requested to enable appropriate transition arrangements to be inserted into the contract.

Performance Measurement

9. Broker performance is measured by a formal annual review under the contract.

Financial Implications

10. There are sufficient funds allocated for insurance broking and placement within the current year's operating budget and future years' forward estimates.

Relevant Legislation

11. The exemption from tender process has been conducted in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021.
12. Local Government Act 1993 - Section 10A provides that a council may close to the public so much of its meeting as comprises the discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
13. Attachment A contains confidential commercial information which, if disclosed, would:
 - (a) confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
 - (b) prejudice the commercial position of the person who supplied it.
14. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

Critical Dates / Time Frames

15. With the current contract with AON Risk Services expiring in March 2025, it is necessary for the contract extension be undertaken as soon as possible.

Risks

16. If an exemption from tender is not granted to vary the current contract, it is likely there will be a period of at least six months while a new tender is undertaken where the City will not have access to insurance expertise and advisory services of an experienced broker in the period immediately following the current insurance renewal process.

Options

17. The actuarial assessment confirms that the current arrangement of placing insurances direct to market via a broker remains the fit for purpose model for the City, compared with the option of joining a mutual.

KIRSTEN MORRIN

Executive Director Legal and Governance

Nellette Kettle, Manager Risk and Governance

CONFIDENTIAL

By virtue of the Local Government Act 1993 Section 10A Paragraph 2

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Item 13.

Exemption from Tender and Contract Variation - Board Meeting Management - Diligent Board Books

Document to Follow

Item 14.**Exemption from Tender and Contract Variation - Bulky Organics and Cleansing Waste Processing**

File No: X011992.001

Contract No: 2812

Summary

This report seeks an exemption from tender for the provision of processing organics, bulky waste and non-putrescible cleansing waste due to extenuating circumstances and requests Council approve a contract variation to extend the Organics, Bulky Waste and Cleansing Waste (Non-Putrescible) Receipt and Processing Contract (contract number 2812) for a further 3 years.

The City has a combined contract for processing 4 council waste streams, bulky household clean up, food organics, garden organics and non-putrescible cleansing waste. The contract is with Veolia Environmental Services (Australia) Pty Ltd - ABN: 20 051 316 584 (Veolia) and will expire on 30 June 2025 with no further options for extension. Under the existing contract Veolia manages transfer and processing of each waste stream, either directly or through a sub-contract arrangement.

At present, the development of new and improved facilities to better manage more unconventional waste streams such as mixed bulky household waste, non-putrescible cleansing waste and food organics is immature in Sydney and only one operator can offer such services that achieve our stated environmental objectives and operational requirements. Extending the existing contract will secure service continuation for processing of residential food organics, garden organics, bulky and non-putrescible cleansing waste services that:

- meet the City's regulatory requirements for responsible management of waste
- meet the City's sustainability targets and maintain our high landfill diversion rate
- deliver surety of processing for our collected streams
- offer contingency arrangements for food waste processing while the City tests and develops its long-term food waste treatment solutions
- are operationally feasible through the availability of existing transfer infrastructure.

This report recommends that Council grant an exemption from tender for the provision of Organics, Bulky Waste and Cleansing Waste (Non-Putrescible) Receipt and Processing services as a satisfactory result would not be achieved by inviting tenders and that Council approve a contract variation to extend the contract for a further 3 years.

Recommendation

It is resolved that:

- (A) Council approve an exemption from tender in accordance with section 55(3)(i) of the Local Government Act 1993 for the provision of Organics, Bulky Waste and Cleansing Waste (Non-Putrescible) Receipt and Processing services as a satisfactory result would not be achieved by inviting tenders;
- (B) Council note that a satisfactory result would not be achieved by inviting tenders for this work because:
 - (i) the City's current supplier for bulky material processing is the only suitably licensed supplier in the Greater Sydney area that can process material that delivers high rates of diversion from landfill;
 - (ii) the City's current supplier for street sweeping processing is the only suitably licensed supplier in the Greater Sydney area that can process material that delivers high rates of diversion from landfill;
 - (iii) the market settings for food and garden waste processing are currently impacted by several pending changes that include legislation, planning approvals and construction timelines;
 - (iv) it is not anticipated that any meaningful new processing facilities will be established during the term of the proposed extension;
 - (v) the extension will allow time to test and evaluate the 12-month food organics insect processing trial due to commence in 2025; and
 - (vi) Veolia as the head contractor has confirmed that it can continue to provide capacity at its transfer stations for all existing services at an acceptable distance for our collection trucks to access;
- (C) Council approve a variation to the existing contract with Veolia Environmental Services (Australia) Pty Ltd to extend the contract for a further 3 years, with a revised expiry date of 30 June 2028;
- (D) Council note the revised contract sum for the extended term is set out in the Confidential Attachment A to the subject report; and
- (E) authority be delegated to the Chief Executive Officer to negotiate and finalise the contract extension with Veolia Environmental Services (Australia) Pty Ltd for the provision of Organics, Bulky Waste and Cleansing Waste (Non-Putrescible) Receipt and Processing services.

Attachments

Attachment A. Financial Implications (Confidential)

Background

1. The absence of processing infrastructure close to the City means that we are wholly reliant on the availability of waste transfer stations to aggregate and transport materials to processing facilities out of our area. Currently there are only 2 providers with appropriately licensed waste transfer stations to cover all material streams under this contract, Veolia and Cleanaway.
2. The City has a combined contract for processing 4 council waste streams, bulky household clean up, garden organics, food organics and non-putrescible cleansing waste. The contract is with Veolia and will expire in June 2025 with no further options for extension. Under the existing contract Veolia is engaged to provide waste transportation from their transfer facilities in Banksmeadow and Port Botany to the contracted processing facilities located in Woodlawn, Badgery's Creek, Rosehill and Wetherill Park.
3. To prepare for the upcoming contract renewal, the City staff undertook market analysis to assess the industry's capacity to offer competitive tendering and innovative solutions that enhance both operational efficiency and environmental outcomes. A detailed overview of current waste stream processing providers and the market analysis findings is provided below.

Bulky household clean up and illegal dumping processing

4. The City collects and processes approximately 5,000 tonnes of bulky material annually, generated from household cleanup and illegal dumping, with ResourceCo Pty Ltd, a sub-contractor to Veolia, handling the processing. Their Wetherill Park facility accepts dry, non-recyclable waste, removing metals and aggregates for recycling. The remaining material is converted into Processed Engineered Fuel (PEF), which substitutes fossil fuels in cement kilns across Southeast Asia through ResourceCo's operations. This facility achieves an annual average of 94% of landfill diversion rate.
5. ResourceCo is currently the only supplier in Greater Sydney capable of handling bulky waste with high diversion rates, backed by end market agreements with reputable global partners. There is only one other supplier offering a bulky waste processing service. Their facility currently processes bulky waste alongside construction and demolition materials, focusing on recycling metals and aggregates. This facility is currently achieving approximately 75% recycling of the accepted materials with the remaining material ending up in dry landfills. This recycling rate is lower than the average 94% diversion rate we are achieving through our existing arrangement. We are informed that the other supplier is seeking to provide similar processing capability to create PEF from bulky waste in the future, however the timeline for this service availability is not known. Additionally, the City separately collects and recycles bulky items like metal, electronics, and mattresses and sends them to specialised processing facilities that deliver high recovery rates, making the use of the other processing facility inefficient.

Cleansing waste (non-putrescible)

6. Our cleansing services collect approximately 1,200 tonnes of cleansing waste annually, consisting of leaf litter, plastics, and inert particles. Downer, a sub-contractor to Veolia, processes this material at its Rosehill recycling facility, diverting an annual average of 96% from landfill. The recovered inert materials are repurposed within Downer's network to produce recycled asphalt. Importantly, Downer holds the necessary licenses to recycle organic components and manage complex chemicals, such as heavy metals. Other suppliers can only process a small portion of similar waste, typically aggregates, with the remainder sent to landfill. Engaging these providers could reduce the City's environmental outcomes.

Organics waste processing

7. The City current collects approximately 1,800 tonnes of garden organics and 550 tonnes of food waste per year. Garden waste is processed by Australian Native Landscapes (ANL) at Badgery's Creek and food waste is currently going to Veolia's Woodlawn facility near Goulburn while the Earthpower anaerobic digestion facility is being commissioned. Currently, the processing for garden organics and food organics delivers an annual average diversion rate of 94% and 80% respectively.
8. As part of the City's commitment to seeking processing solutions that not only meet value for money and our operational needs but also deliver on our sustainability objectives the City has committed to a 12 month trial to process food waste using insect farming. The process is a relatively new and innovative process that can potentially deliver high landfill diversion and greater greenhouse gas reductions compared with other food waste processing technologies currently available on the market. The trial will test the ability of the technology to process household food waste at scale. The trial is due to start in 2025 and run for 12 months.
9. Other potential suppliers of food waste processing capacity to service Greater Sydney have been subjected to delays due to either planning and/or construction issues and are unlikely to be able to accept waste by 1 July 2025.
10. Extending the current agreement will ensure that the City has contingency processing for food waste throughout the trial period. Going to tender in 2025 would result in the City needing to separate this component of the service and without certainty of retaining the other existing arrangements that meet our operational and environmental objectives.

Performance Measurement

11. Performance measures are in place with the current provider under the current contract. The provider has met the contract requirements and will be required to meet similar requirements as part of a contract extension.

Financial Implications

12. Additional funds will be allocated for this service within the next iteration of the operating budget and future years' forward estimates.
13. The financial implications are outlined in Confidential Attachment A.

Risks

14. If this proposal is not approved, the City risks disruption to waste processing continuity, which could lead to some or all material being sent to landfill.

Relevant Legislation

15. The exemption from tender process has been conducted in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021.
16. Local Government Act 1993 - Section 10A provides that a council may close to the public so much of its meeting as comprises the discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
17. Attachment A contains confidential commercial information which, if disclosed, would:
 - (a) confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
 - (b) prejudice the commercial position of the person who supplied it.
18. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

Critical Dates / Time Frames

19. The existing contract ends on 30 June 2025. It is anticipated that if the recommendations set out in this report are adopted by Council, a contract variation to extend would be in place by that date to enable continuous services to be provided.

Options

20. Alternative options have been considered to ensure the continuity of the services provided under Contract 2812. These include:
 - (a) Initiating a tender for the ongoing provision of the processing services. This approach is not recommended as it will not achieve better outcomes than the current agreement. Additionally, it would require separating the food component of the service due to the planned insect processing trial creating uncertainty around maintaining the existing arrangements that support our operational and environmental objectives.
 - (b) The separation of each processing service into single contracts. This is not recommended as individual processing suppliers cannot provide their own waste transfer facilities that are critical to the City being able to provide services within our operational capacity.

Public Consultation

21. Extending the contract will maintain processing of the waste streams to achieve high landfill diversion. There will be no change to services to the community because of this contract and therefore public consultation is not required.

VERONICA LEE

Executive Director City Services

Gemma Dawson, Manager Waste Strategy

Sash Vasilevski, Contracts Manager

CONFIDENTIAL

By virtue of the Local Government Act 1993 Section 10A Paragraph 2

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