



Willoughby City Council

ORDINARY COUNCIL

AGENDA

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

on 17 October 2019

commencing at 7:00pm

The Meeting is open to the Public

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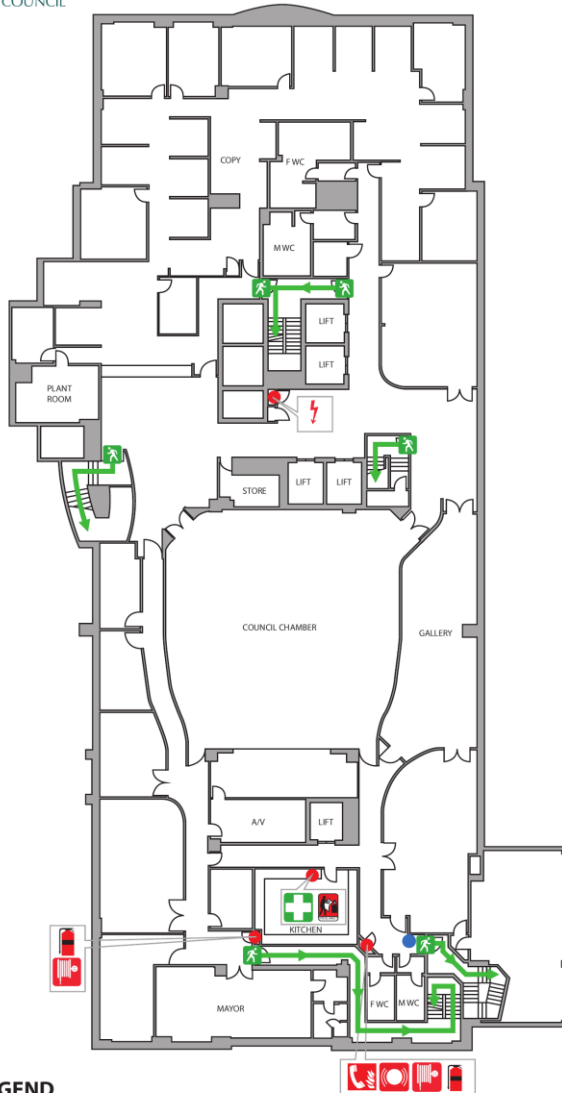
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WILLOUGHBY CITY COUNCIL

Level 6 Floor Plan



EVACUATION DIAGRAM | COUNCIL CHAMBERS



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

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

EVACUATION PROCEDURES

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

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

Listen carefully to any instructions provided by Wardens and Staff.

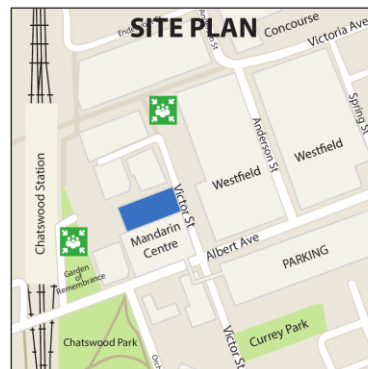
This diagram identifies the nearest Exit and the alternate Fire Exit as well. You must proceed to the Emergency Assembly Area and wait for further instruction.

DO NOT PANIC

LEGEND

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

LEVEL 6
Assembly Area 1:
 Chatswood Mall, near Victor Street
Assembly Area 2:
 Garden of Remembrance



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 NOT DRAWN TO SCALE



COUNCIL CHAMBERS

GOVERNANCE MEETING ADMINISTRATION OFFICER	GOVERNANCE OFFICER	GOVERNANCE, RISK & CORPORATE PLANNING MANAGER	MAYOR	CHIEF EXECUTIVE OFFICER
P Shel Drake	V Grepl	S Charlton	Clr G Giles-Gidney	D Just

Clr S Coppock

Clr C Tuon

Clr N Wright

Clr D Fernandez

Clr B Zhu

Clr H Eriksson

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Clr Rozos

Clr W Norton

Clr J Rutherford

Clr T Mustaca

Clr L Saville

Clr C Campbell
Deputy Mayor

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Council
Staff



Council Chamber Protocol

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

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

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

Members of the public attending a Council meeting may have their image, voice and personal information (including name and address) recorded, publicly broadcast and archived for two years. By attending a Council meeting, whether by addressing the Council or as an observer or other interested party, members of the public consent to this use of their image, voice and personal information.

1 OPEN MEETING — ACKNOWLEDGEMENT OF COUNTRY

2 DISCLOSURES OF INTERESTS

3 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 9 September 2019, copies of which have been circulated to each member of Council, be confirmed.

**4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE
BY COUNCILLORS**

5 PETITIONS**6 OPEN FORUM — MATTERS NOT ON THE AGENDA**

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

7 MAYORAL MINUTE(S)**8 CHIEF EXECUTIVE OFFICER'S LATE REPORT****9 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY****10 MATTERS REQUIRING ELABORATION OR DEBATE**

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

11 PUBLIC FORUM — MATTERS ON THE AGENDA

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

12 REPORTS OF COMMITTEES

12.1 DRAFT MINUTES - COMPANION ANIMALS ADVISORY COMMITTEE MEETING HELD 3 SEPTEMBER 2019

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT MINUTES OF THE MEETING OF THE COMPANION ANIMALS ADVISORY COMMITTEE HELD ON 3 SEPTEMBER 2019
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	TEENA STRYDOM - GOVERNANCE ADMINISTRATION OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	17 OCTOBER 2019

1. PURPOSE OF REPORT

To provide Council with the draft minutes of the meeting of the Companion Animals Advisory Committee held on 3 September 2019.

2. OFFICER'S RECOMMENDATION

That Council receive and note the draft minutes of the meeting of the Companion Animals Advisory Committee held on 3 September 2019.

3. BACKGROUND

The Companion Animals Advisory Committee meets quarterly to consider issues relating to companion animals. The committee members consist of at least one councillor, community representatives including interested members of the community and a veterinary representative. The Governance Administration Officer also attends the meetings. Outcomes from the meeting are reported to Council.

4. DISCUSSION

The Companion Animals Advisory Committee met on 3 September 2019 to discuss issues and outcomes arising from previous meetings and to discuss arrangements for the upcoming Pet Festival 2019 to be held on 21 September 2019. The Companion Animals Advisory Committee meeting draft minutes are attached as Attachment 2.

5. CONCLUSION

Information is provided to Council in accordance to the Terms of Reference of the Companion Animals Advisory Committee.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes/ Services	The role of the Committee is to provide Council with advice, guidance and recommendations on the implementation of all facets of the Companion Animals Act 1998.
Policy	The Committee is an advisory committee appointed by Council.
Consultation	Not applicable.
Resource	Officer attendance at meetings amounting to 2 hours per quarter.
Risk	The activities undertaken by the Companion Animals Advisory Committee is of low risk.
Legal	Not applicable.
Legislation	Not applicable.
Budget/Financial	This is within approved budget.



WILLOUGHBY CITY COUNCIL

MINUTES OF MEETING

MEETING NAME: Companion Animals Advisory Committee

LOCATION HELD: Banksia Room, 31 Victor Street, Chatswood

MEETING CHAIR: Councillor Gail Giles-Gidney

DATE OF MEETING: 3 September 2019

TIME OF MEETING: 6:00pm - 7:00pm

1. PRESENT:

Councillor Gail Giles-Gidney	Mayor (Chairperson)
Councillor Wendy Norton	Middle Harbour Ward Councillor
Councillor Craig Campbell	West Ward Councillor
Cathy Beer	Community Member
Dalia Pearson	Community Member
Terry Fogarty	Community Member
Dr Kim Kendall	Veterinary Representative
Jann Hulme	Community Member
David Hulme	Member of the Public

2. APOLOGIES:

Nerida Atkins	Cat Protection Society
Madeleine Lindsell	Community Member
Kate Drysdale	Ranger
Richard Goulston	Ranger

3. OFFICERS IN ATTENDANCE:

Samantha Charlton	Governance, Risk & Corporate Planning Manager
Michael Cashin	Community Life Manager
Teena Strydom	Governance Administrator

4. DECLARATIONS OF INTEREST:

Nil

Moved: Cathy Beer

Seconded: Cllr Wendy Norton

Carried

5. ACCEPTANCE OF THE PREVIOUS MINUTES:

The minutes of the 25 June 2019 meeting were accepted as a correct representation of the content.

Moved: Terry Fogarty Seconded: Dalia Pearson Carried

The draft minutes of the meeting were adopted by Council at its meeting on 22 July 2019.

Clr Campbell jointed the meeting at 6:05pm

6. BUSINESS ARISING FROM THE MINUTES:**Presentation of Policy and Terms of Reference**

Michael Cashin presented the draft Advisory Committees and Reference Groups Policy and discussed the differences. Michael and Samantha answered questions from the Committee.

Jann and David Hulme joined the meeting at 6:25pm.

Action: Committee members to review the draft Advisory Committee and Reference Group Policy and Model Terms of Reference and provide their submission before Tuesday 19 November 2019. Council officers will forward a survey link to Advisory Committees to upload submissions.

Council officers noted the comments made by Advisory Committees' community members suggesting they should be recognised by Council for their valued contribution by way of community event.

7. GENERAL BUSINESS**Pet Festival - 21 September 2019**

The Pet festival will take place on Saturday 21 September from 10am to 3pm at the OH Reid Memorial Oval, Reid Drive, Chatswood West.

The following actions were recorded.

- Secure a Companion Animal themed prize for the raffle.
- Provide Events team with Committees' availability to assist with the stall.
- Confirm Ranger's availability to scan companion animals at the Pet Festival.
- Confirm with the Events team if they received the list of possible speakers and suggested to contact member, Nerida Atkins from the Cat Protection Society as a possible speaker.
- Provide Committee members at the stall with pamphlets and stationery.
- Provide stall with chairs.

Motions - LGNSW 2019 Annual Conference

The Committee submitted a motion to the LGNSW 2019 Annual Conference. Confirmation whether the motions was accepted is not yet available.

Getting 2 Zero National Summit & Workshops

Cathy Beer, founder of Pets4Life and inaugurator of the Companion Animals Rescue Wards, will be attending the 'Getting 2 Zero National Summit & Workshops' on 10 to 14 September 2019 on the Gold Coast.

Action: Cathy Beer to provide Councillor Campbell with information on the event.

8. CORRESPONDENCE

Nil

9. NEXT MEETING:

To be Confirmed.

11. MEETING CLOSE:

6:49 pm

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12.2 DRAFT MINUTES - ACCESS AND INCLUSION ADVISORY COMMITTEE MEETING HELD 11 SEPTEMBER 2019

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT MINUTES – ACCESS AND INCLUSION ADVISORY COMMITTEE – 11 SEPTEMBER 2019
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	MICHAEL CASHIN – COMMUNITY LIFE MANAGER
CITY STRATEGY OUTCOME:	2.7 – PROMOTE ACCESSIBLE SERVICES FOR THE COMMUNITY
MEETING DATE:	17 OCTOBER 2019

1. PURPOSE OF REPORT

To provide Council with the draft minutes of the Access and Inclusion Advisory Committee meeting held 11 September 2019.

2. OFFICER'S RECOMMENDATION

That Council receive and note the draft minutes of the Access and Inclusion Advisory Committee meeting held 11 September 2019.

3. BACKGROUND

The Access and Inclusion Advisory Committee provides specialist advice and support to Council relating to access issues and aims to promote physical access and mobility to services and facilities in the Willoughby City Local Government Area. The committee's composition includes two Willoughby City Councillors, community representatives with attendance by the Community Life Manager and Works Manager at committee meetings.

4. DISCUSSION

The Access and Inclusion Advisory Committee met on 11 September 2019. An agenda with three formal items was tabled at the meeting. The Access and Inclusion Advisory Committee meeting draft minutes are attached as Attachment 2.

5. CONCLUSION

It is recommended that Council receive and note the attached draft minutes of the Access and Inclusion Advisory Committee meeting.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	2.7 – Promote accessible services for the community.
Business Plan Objectives, Outcomes/ Services Policy	To ensure the delivery of the <i>Disability Inclusion Access Plan 2017 - 2021</i> . The contents of this report and the provided attachments comply with Council's <i>Advisory Committees Policy</i> .
Consultation	Consultation has occurred with the Access and Inclusion Advisory Committee members on the contents of this report.
Resource	3 hours per staff member per month.
Risk	The level of risk associated with the contents of this report is low, with insignificant consequences under Council's Risk Management Framework.
Legal	Not applicable
Legislation	<i>Disability Inclusion Act 2014</i>
Budget/Financial	Officer's attendance at meeting and preparation of documentation is considered in current year operational budget.

**MINUTES OF MEETING****MEETING NAME:** ACCESS AND INCLUSION ADVISORY COMMITTEE**LOCATION HELD:** DOUGHERTY COMMUNITY CENTRE, 7 VICTOR ST
CHATSWOOD**DATE:** WEDNESDAY 11 September 2019**MEETING CHAIR:** Cllr Wendy Norton**TIME OF MEETING:** 4pm – 5:30pm

1. ATTENDANCE**Present**

Clr. Wendy Norton	Willoughby Councillor
John Mills	Community Representative
Audrey Thomas	Community Representative
Jordana Goodman	Community Representative
Mark Tonga	Community Representative
Julia Norton	Community Representative
Susan Hartley	Community Representative

Apologies

Clr. Lyn Saville	Willoughby Councillor
Denise Park	Community Representative
Maria La Greca	Community Representative

Officers in Attendance

Ellen Miller	Community Venues and Services Team Leader
Paul Collings	Works Manager

2. DECLARATIONS OF INTEREST

Nil

3. ACCEPTANCE OF THE MINUTES

Minutes of the previous meeting were accepted as a true record of proceedings.

4. BUSINESS ARISING FROM THE MINUTES**4.1 Spring Street Disability Parking**

Works Manager to distribute copies of proposed disability parking design for Spring Street to Mark Tonga and John Mills for comment.

Action: Comments to be returned to Works Manager before the next Committee meeting.

4.2 Chatswood Parking Finder

Committee asked if it was possible to have a link from the Council's People with Disability webpage to Chatswood Parking Finder app.

Action: Council officer to report back at next meeting.

4.3 Transport Strategy

Committee asked if the draft Transport Strategy was at a stage where it could be presented to the Committee as they would like to provide input and advice.

Action: Council Officer to provide update at next meeting.

5. ACCESS AWARD NOMINATIONS (BPP)

The Committee would like to nominate Chatswood Public School's Buddy Program for the BBP Access Ward. Committee would like feedback on the feasibility of nominating a school rather than a business.

Action: Council Officer to provide information at the next meeting.

6. CORESPONDANCE – Nil**7. BUSINESS ARISING FROM CORESPONDENCE - Nil****8. GENERAL BUSINESS****8.1 Chatswood Chase Rebuild/Renovation**

Concerns were raised about the rebuild at the Chatswood Chase site. In particular issues around disability parking, ramps, placement of seating and disabled toilets.

Action: Invite Planning Manager to next Committee meeting.

8.2 Chatswood Chase Rooftop Car Park

Committee member provided pictures of a hazardous step on the rooftop car park and requested the Community Venues and Services Leader to contact the CC Operations Manager to discuss the instalment of tactile strips along the step.

Action: Council Officer to report back next meeting.

8.3 Disability Action Inclusion

Council Officer provided Committee with the annual report on the DIAP.

Action: Place as an agenda item for the next Committee meeting.

Meeting closed: 5:55pm

Next meeting: Wednesday 9 October 2019, 4pm to 5.30pm

12.3 DRAFT MINUTES - WILLOUGHBY SENIORS' ADVISORY COMMITTEE MEETING HELD 13 AUGUST 2019

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT MINUTES - WILLOUGHBY SENIORS' ADVISORY COMMITTEE - 13 AUGUST 2019 3. REPORT FOR SENIORS' ADVISORY COMMITTEE - AUGUST 2019
RESPONSIBLE OFFICER:	MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	ELLEN MILLER - COMMUNITY VENUES & SERVICES TEAM LEADER
CITY STRATEGY OUTCOME:	2.3 – CELEBRATE AND ENCOURAGE OUR DIVERSITY
MEETING DATE:	17 OCTOBER 2019

1. PURPOSE OF REPORT

To provide Council with the draft minutes of the Willoughby Seniors' Advisory Committee meeting held Tuesday 13 August 2019.

2. OFFICER'S RECOMMENDATION

That Council receive and note the draft minutes of the Willoughby Seniors' Advisory Committee meeting held Tuesday 13 August 2019 and August report.

3. BACKGROUND

The aim of the Willoughby Seniors' Advisory Committee is to develop, maintain and promote independent living for aged people and their carers in the Willoughby Local Government Area. The committee is comprised of a minimum of Willoughby City Councillors and community representatives with attendance by the Community Services and Venues Team Leader.

4. DISCUSSION

The Willoughby Seniors Advisory Committee meeting draft minutes are attached as Attachment 2 and August report as Attachment 3.

5. CONCLUSION

It is recommended that Council receive and note the draft minutes of the Willoughby Seniors' Advisory Committee meeting and August report.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	2.3 – Celebrate and encourage our diversity.
Business Plan Objectives, Outcomes/ Services Policy	<p>To enable a network of community leadership that establishes shared goals and inclusive strategies to achieve them.</p> <p>The contents of this report and the provided attachments comply with Council's <i>Advisory Committees Policy</i>.</p>
Consultation	Consultation has occurred with the Seniors' Advisory Committee members on the contents of this report.
Resource	Officer attendance at meetings and administration amounting to 3 hours per staff member per month.
Risk	The level of risk associated with the contents of this report is low, with insignificant consequences under Council's Risk Management Framework.
Legal	Not applicable
Legislation	Not applicable
Budget/Financial	Officer's attendance at the meeting and preparation of documentation is considered in the current year' operational budget.



MINUTES OF MEETING

MEETING NAME:	SENIORS' ADVISORY COMMITTEE
LOCATION HELD:	DOUGHERTY COMMUNITY CENTRE, 7 VICTOR STREET CHATSWOOD
DATE:	TUESDAY 13 August 2019
MEETING CHAIR:	Clr Wendy Norton
TIME OF MEETING:	2pm to 3.30pm

1. ATTENDANCE

Present

Cr Wendy Norton	Councillor (Chairperson)
Cr Lyn Saville	Councillor
Jordana Goodman	Resident LGA
Christine Smith	Uniting Care
Laurie Grundy	Resident LGA

Apologies

Tony Humphrey	SPERANZA
Leith Cooper	Social Worker
Denise Park	Resident LGA
Ms Judith Ryan	Chatswood East Progress Association

Officers in Attendance

Ellen Miller	Community Venues & Services Team Leader
Kate Valente	Volunteer Co-ordinator
Tara Russell	AHWW Co-ordinator

2. DECLARATIONS OF INTEREST

Nil

3. ACCEPTANCE OF THE MINUTES

The minutes of the previous meeting were accepted as a correct representation of the content.

Moved: Christine Smith **Seconded:** Cr Norton **Carried**

4. BUSINESS ARISING FROM MINUTES

4.1 Advisory Committee Review – Terms of Reference

Committee discussed the draft TOR and the opportunity to provide Council with feedback. Council Officer informed the Committee that the method of gathering member's feedback had not yet been decided but information would be forwarded as soon as it was made available.

Action: Council Officer to provide further information at next Committee meeting.

4.2 At Home with Willoughby 'Out and About' Service

Committee were provided with an update of the successful transition of the Out and About Service to At Home with Willoughby including information on the uptake of the service by new clients.

4.3 Loop Bus Service

Committee requested an update on progress in relation to LOOP bus-stops audit.

Action: Council Officer to provide information at the next Committee meeting.

5. SERVICE UPDATES

5.1 At Home with Willoughby Co-ordinator

Report tabled.

At Home with Willoughby Co-ordinator highlighted Council's participation at the next Northern Sydney Aged Expo scheduled for 10 October 2019.

5.2 Lower North Shore (LNS) Volunteer Coordination

Report tabled.

5.3 Sector Support

Report tabled.

6. BUSINESS ARISING FROM THE UPDATES

Nil

7. GENERAL BUSINESS

7.1 Dementia Awareness Event

Council Officers provided information to the Committee about the Council's Dementia Awareness event organised for 3 October at the Zenith Theatre.

Marketing material was provided for Committee members to distribute to their networks.

7.2. Dementia Friendly Café – Chatter Cino

As requested, the Committee were provided the dates and times of DCC Dementia Café 'Chatter Chino' and marketing material to distribute to their networks.

7.3 Diary Dates – Committee Meetings

Committee asked if Committee meeting dates could be placed on Council's Diary Dates with a brief description of the Committee's purpose.

Action: Council Officer to provide information at next meeting.

7.4 Council Officer's Reports

Committee requested that the Council Officer's reports be attached to the Minutes for Council Meetings.

Action: Reports will be sent with Minutes.

Meeting closed: 4.00pm **Next meeting:** Tuesday 12 November 2019 at 2 pm

REPORT FOR SENIORS' ADVISORY COMMITTEE AUGUST 2019**SECTOR SUPPORT**

- The 'Tea & Tech' workshop held at the Dougherty Community Centre in July was fully booked. The workshop focused on 'What the NBN means for You' and 'How to shop on the Internet'.

The next Tea and Tech session is scheduled for 17th October for Get-on-Line Week. Marketing material is currently being developed for this event.

After the above sessions, seniors requiring further skills development will be booked into the Internet Kiosk for one-on-one sessions.

- The annual 'Speed Dating' event took place at the Dougherty Community Centre on 12th June. This event provided a novel way for Aged Care Service Providers to meet face-to-face with My Aged Care Regional Assessment Services (RAS) and provide marketing material, feedback from clients and service providers on issues about registering with My Aged Care, quality of assessments issued by the RAS etc.
- Community Life Unit is currently working on a grant to promote knowledge of Healthy Ageing Services to "younger" Seniors and Carers as part of the 2020 Seniors' Festival.
- Community Venue and Services Team Leader currently working in partnership with Mosman Council on providing workshops on 'How to Select the Right Aged Care Provider for You' with a focus on Wellness and Reablement.
- The Lower North Shore Inter-agency forum will be held at the Dougherty Centre on Wednesday, 14th of August. The August meeting will see a collaboration of Northern Beaches, Hunter-Ryde and Willoughby coming together to share information on aged cared services and programs currently available across the regions, issues experienced across the region and to gather information to forward to the Department of Health.
- Dougherty Community Centre and At Home with Willoughby Aged Services will participate in the Emerge Festival – Street Fair event on 7th September
- At Home with Willoughby Services and Volunteer Co-ordinator participating in Lower North Shore Seniors' Expo (Trent Zimmerman) Thursday 10th of October 2019.
- Planning for the 2020 Willoughby City Council Seniors' Festival Community Venues and Service provider has begun. The 2020 Festival will again take place across the month of February. At Home with Willoughby will run a Health Ageing and Resilience building workshops

AT HOME WITH WILLOUGHBY (AHHW) SERVICES – CO-ORDINATORS REPORT**General Updates:**

- During May At Home with Willoughby staff continued to transition Council Cab clients through the My Aged Care gateway to access the subsidised 'Out and About' Service; Simultaneously, we began to market the 'Out and About' service across the community to residents who had previously not had knowledge of the service;
- The new single set of Aged Care Standards was put in place by the Commonwealth Government as at 1 July 2019. In line with this, At home with Willoughby will continue to employ a person centred approach to service delivery, but have redesigned our intake and reassessment procedures in order to begin to measure wellness, in line with the Standards.
- We have also integrated the New Charter of Rights document that must be rolled out to all clients within the next 6 months.
- The Commonwealth Government has also mandated that we process all Grandfathered clients before the end of October. At home with Willoughby staffs have begun this process by writing to all clients to inform them of the requirement.
- We have expanded our partnership with Uniting, not only delivering sandwiches and meals to their Chatswood Office, but also to Balgowlah and inviting them to join us at the monthly Social Lunch;
- We continue to receive enquiries from Home Care Package providers to broker services, in particular Out and About and meals delivery services. We have developed a pricing strategy for these clients and process them on an as needed basis. This change in the aged care climate reflects the greater number of clients being provided packages and the realisation that package providers cannot provide all services in house.
- The Dementia Café is up and running. The last Friday of every month we welcome people experiencing the symptoms of Dementia and their loved ones or carers to come to Blend Café for morning tea. This program is a partnership between At home with Willoughby and Community Care Northern Beaches.
- All At Home with Willoughby staff have been trained in Dementia Awareness and we all sport out "I'm a Dementia Friend" badge proudly.

Future Opportunities:

- Planning has begun for the Seniors' Festival February 2020;
- Pilot program for a CALD outing will take place within the next three months;
- New marketing materials will be developed and distributed in the next 3-6 months;
- October 2019 – Trent Zimmerman Aged Care Expo – At Home with Willoughby will once again participate.

Meals Program:

Our **Meals on Wheels Program** has continued to remain stable. We are focussing on improving our process so that we can get client onto service as fast as possible and with the least amount of hardship for the client. One thing we are trying is sending out trial meals so that clients can try and give feedback before signing up to the Program. In June we brought on 8 new clients and in July 10 new clients.

Our relationship with Uniting Healthy Living for seniors as well as the Catholic Care Day Centre is growing.

The volunteer roster remains full for the meals delivery Program as well as the Social Lunch Program.

Social Lunch Program:

The At Home with Willoughby Team hosted 4 Social Lunches across May and June 2019, July is traditionally a rest month.

	May 2019	June 2019
Number of clients attending lunch	110	113
Number of Volunteer Hours	48	48

Social Support

Programs:**The Shopping Bus: Social Support Individual**

The Shopping Bus continues to operate a weekly service. The weekly operating seems to have cemented this program in the routine of some clients resulting in numbers remaining quite high May 20 Shoppers, June 17 Shoppers and July 21. The outcome for this service is the enablement of people to be able to safely maintain their independence by doing their own grocery shopping – a definite measure of quality of life.

Internet Shopping: Social Support Individual

The Internet Shopping service aims to help those elderly and frail members of our community who cannot do substantial shopping independently. The program is volunteer delivered and we have recently recruited a new volunteer to replace a long standing volunteer who left to have a baby.

Companion Shopping: Social Support Individual

The At Home with Willoughby **Companion Shopping Program** continues to be a very popular program, being the most referred to program across May, June and July. The greatest challenge for this Program is **growing our volunteer numbers**.

Social Circle: Social Support Group Program – Thursday's:

The **Social Circle** group continues to be a solid group. On average 8-12 people attend this group every week to engage in a companionable social engagement.

Social Activities Group: Social Support Group Program- Wednesday's

Our Social Activities Group meets every Wednesday between 10.00am and 3.00pm. The goal of this group is to increase physical and mental strength through light physical exercise, games and to increase socialisation by engaging the attendees in conversation and friendship building.

Social Outings: Social Support Group Program

During the months of May, June and July, At Home with Willoughby hosted 9 social outings. The highlight being Christmas in July at rouse Hill with the Olivia Newton John Show. This Program is growing and will be a focus for new and innovative planning to introduce a CALD specific outing to the calendar.

Walking Club – Social Support Group

Our walking group attracts, on average, 10 walkers each week. The core group are achieving their goals of increasing strength and fitness. The focus of the program is to re-build or develop the skills and strength to be able to take on life. Living an active, healthy and independent life takes stamina and we work on this every Thursday. This group are also firmly establishing new friendships and are together joining other AHWW programs and activities as a friendship circle.

Out & About Program – Social Support Individual

The Out and About program is a program designed to help frail elderly people remain connected to their community by assisting with individual ride-share style transport to medical Doctor's, Allied Health, Hospital, Rehabilitation and social connection appointments. We started invoicing from the 1st of April. Clients will be encouraged and supported to go through the MAC process in order to continue to qualify for the \$6.50 subsidised rate.

Domestic Assistance

The **Linen Program** is a very popular program and is currently full. We have begun a recruitment drive to secure more volunteers so that we can open another Run. The program Officer is exploring how best to open up a new RUN so as not to impact existing clients and volunteer expectations.

VOLUNTEER CO-ORDINATORS REPORT

- Over April, May and June 2019 volunteers have donated over 7,000 hours to Willoughby City Council programs and events, and 30 new volunteers have joined the Council in ongoing roles.

April – June 2019

- 31 May Lower North Shore Volunteer Expo, Mosman Village Green.
- 4 June – Volunteer Coordinator attended NSW Volunteer Conference.
- Vivid Sydney at Chatswood 31 May – 15 June: had approx. 75 volunteers, and approx. 575 volunteer hours throughout the event period.

Upcoming events

- Emerge Festival 7 September 2019. Recruiting a team of approx. 40 volunteers to assist at this event.

Ongoing Volunteer Update

- Ongoing volunteer roles across Willoughby City Council in the following areas:
 - Bushcare – currently has over 40 Bushcare groups meeting across Willoughby, with approx. 300 volunteers.
 - Library Services with approx. 50 volunteers.
 - MOSAIC with approx. 105 volunteers.
 - At Home With Willoughby – volunteers across Meals on Wheels, Linen Service, Social Lunches, Social Bus Outings, Companion Shopping Service has approximately 150.
 - Active recruitment for volunteers for Linen Service and Companion Shopping to allow At Home with Willoughby to expand these services.

12.4 MINUTES - LOCAL TRAFFIC COMMITTEE MEETING HELD ON 21 AUGUST 2019

ATTACHMENTS:	1. IMPLICATIONS 2. TRAFFIC COMMITTEE MINUTES OF 21 AUGUST 2019 (DISTRIBUTED SEPARATELY)
RESPONSIBLE OFFICER:	GREG MCDONALD - PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	GORDON FARRELLY – SENIOR TRAFFIC ENGINEER
CITY STRATEGY OUTCOME:	2.1 – ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY 2.4 – REDUCE PARKING AND TRAFFIC CONGESTION 3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS
MEETING DATE:	17 OCTOBER 2019

1. PURPOSE OF REPORT

To advise Council of the outcome of the latest Local Traffic Committee meeting held on 21 August 2019.

2. OFFICER'S RECOMMENDATION

That Council receive and adopt the recommendations arising from the meeting of the Local Traffic Committee held on 21 August 2019.

3. BACKGROUND

The Local Traffic Committee (LTC) is a technical committee of the Roads & Maritime Service (RMS) comprising Police, RMS and Council and the local State Member as voting representatives. Council may exercise its traffic control and management functions only after consideration by the Traffic Committee.

The LTC met on 21 August 2019 and ten formal items, one late item, two informal items and three general business matters were considered.

4. DISCUSSION

The attention of Councillors is drawn to the following matter which was discussed:

Item 4.1 Pacific Highway, Chatswood to St Leonards - Shared Path

In summary, the LTC considered a concept design and supporting technical and community consultation reports for an off-road shared path along the eastern and northern side of Pacific Highway between Mowbray Road, Chatswood and Herbert Street, St Leonards. The proposal is identified in Council's Bike Plan linking Chatswood and St Leonards.

The LTC supported the proposal however highlighted that the intersection designs will need to consider the safe and efficient movement of heavy vehicles to and from the Pacific Highway, particularly at intersections providing access to the Artarmon Industrial Area between Gore Hill Freeway and Campbell Street.

Community consultation was undertaken from 26 April 2019 to 17 May 2019 on the concept design. There were over 180 responses, with two formal submissions also provided by advocacy groups being Bike North & Bicycle NSW. The results revealed that there is overwhelming support for the shared path.

The 2019/20 budget has \$50,000 allocated for detailed design of the shared path.

The LTC recommends that Council:

1. Approve the concept design for a shared path on Pacific Highway between Mowbray Road, Chatswood and Herbert Street, St Leonards.
2. Approve the delivery of a detailed design for a shared path on Pacific Highway between Mowbray Road, Chatswood and Herbert Street, St Leonards.
3. Note that the detailed design will consider the safe access needs at intersections along Pacific Highway, particularly for heavy vehicles at intersections between Gore Hill Freeway and Campbell Street, Artarmon.
4. Note that the detailed design plan will be referred to the Local Traffic Committee for consideration and Council for final approval.
5. Note that there is \$50,000 allocated in the 2019/20 Operations Plan for detailed design of the shared path.

5. CONCLUSION

The recommendations do not commit Council to any additional resource commitment. It is recommended that Council adopt the recommendations of the LTC.

ATTACHMENT 1

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

12.5 MINUTES - BICYCLE CONSULTATIVE COMMITTEE MEETING HELD ON 13 AUGUST 2019

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES OF BICYCLE CONSULTATIVE COMMITTEE MEETING HELD 13 AUGUST 2019
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	GORDON FARRELLY – TRAFFIC AND TRANSPORT TEAM LEADER
CITY STRATEGY OUTCOME:	2.1 – ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY

MEETING DATE: 17 OCTOBER 2019

1. PURPOSE OF REPORT

To advise Council of the outcome of the Bicycle Consultative Committee meeting No 3/2019 held on 13 August 2019.

2. OFFICER'S RECOMMENDATION

That Council receive and note the recommendations arising from the meeting of the Bicycle Consultative Committee held on 13 August 2019.

3. BACKGROUND

The Bicycle Consultative Committee met on 13 August 2019. A total of four community members attended the meeting as well as Councillor Norton. Also attending was Council's Traffic and Transport Team Leader and Strategic Transport Planner. The Traffic and Transport Team Leader performed advisory and administrative tasks.

4. DISCUSSION

At this meeting seven items were considered. None of these items commit Council to additional funding of projects in the 2019/20 financial year.

The meeting considered behavioural and engineering related bicycle safety and promotion initiatives, bicycle network planning and infrastructure improvement projects. The meeting also discussed Council's decision on the proposed change to committees with specific consideration on the operation of the Bicycle Consultative Committee. Meeting minutes including discussion outcomes and recommendations are available in Attachment 2.

5. CONCLUSION

The Bicycle Consultative Committee provides a forum for Council to share information and seek advice from Bicycle User Groups and interested parties and agencies in relation to cyclist behaviour, engineering and operational matters within the Willoughby Local Government Area.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	2.1 – Enhance transport choices and connections throughout the City
Business Plan Objectives, Outcomes/ Services	Supports the planning and development of bicycle behavioural and infrastructure measures to promote and facilitate the use of bicycles as a mode of transport.
Policy	The contents of this report and the provided attachments comply with Council's <i>Consultative Committee Protocols</i> .
Consultation	The Bicycle Consultative Committee meeting is held four times per year.
Resource	The Bicycle Consultative Committee is administered by the Traffic and Transport Team with attendance at the meeting by the Team Leader, Sustainable Projects Officer – Transport, Strategic Transport Planner and Design and Infrastructure Manager. The Sustainable Projects Officer – Transport creates the meeting agenda, minutes and Council Report. The administration and operation of the Bicycle Consultative Committee is supported by the Traffic and Transport Team Leader, Design and Infrastructure Manager and Director Planning and Infrastructure. The recommendations do not commit Council to any additional resource commitment.
Risk	Identified risks are addressed within individual reports in the minutes.
Legal	Not applicable.
Legislation	Not applicable.
Budget/Financial	This is within approved budget. The administration cost is approximately \$2,000 per annum and funded through the operating budget for the Sustainable Projects Officer – Transport.

ATTACHMENT 2

**MINUTES OF MEETING**

MEETING NAME:	Bicycle Consultative Committee 3/2019
LOCATION HELD:	Banksia Room
MEETING CHAIR:	Councillor Wendy Norton
DATE OF MEETING:	13 August 2019
TIME OF MEETING:	6 pm – 8 pm

The Terms of Reference for the Bicycle Consultative Committee are provided in ATTACHMENT A.

1. PRESENT:

Clr Wendy Norton	Councillor Willoughby City Council (Chair)
Russ Webber	Northshore Bicycle Group
Tony Richards	Community Delegate
Jordana Goodman	Access Committee representative
Yaffa Gould	Bike North

2. APOLOGIES:

Clr Craig Campbell	Councillor Willoughby City Council
Carolyn New	Bike North
Cotter Erickson	Community Delegate
Nada Curac	Royal North Shore Hospital - Health Promotions Officer
Chris Binns	Design and Infrastructure Delivery Manager

3. OFFICERS IN ATTENDANCE:

Gordon Farrelly	Traffic and Transport Team Leader
Peter McMurray	Strategic Transport Planner

4. DECLARATIONS OF INTEREST:

Refer Code of Conduct:-

[Code of Conduct - Community Representatives](#)

[Code of Conduct - Councillors and Council Staff](#)

There were no disclosures of interest for the attendees.

5. ACCEPTANCE OF THE PREVIOUS MINUTES:

The last Bicycle Consultative Committee was held on 14 May 2019. The minutes of the meeting were adopted by Council at its meeting on 11 June 2019. A copy of the Council resolution is provided below.

MINUTES - BICYCLE CONSULTATIVE COMMITTEE HELD ON 14 MAY 2019

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	GORDON FARRELLY – TRAFFIC AND TRANSPORT TEAM LEADER
CITY STRATEGY OUTCOME:	2.1 – ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY
MEETING DATE:	11 JUNE 2019

1. PURPOSE OF REPORT

To advise Council of the outcome of the Bicycle Consultative Committee meeting 2/2019 held on 14 May 2019.

2. OFFICER'S RECOMMENDATION

That Council receive and note the recommendations arising from the 14 May 2019 Bicycle Consultative Committee meeting.

MOVED COUNCILLOR MUSTACA

SECONDED COUNCILLOR ZHU

CARRIED

Voting

For the Resolution: Councillors Giles-Gidney, Campbell, Coppock, Eriksson, Fernandez, Mustaca, Norton, Rozos, Rutherford, Saville, Tuon, Wright and Zhu.

Against:

Absent:

The minutes of the Bicycle Consultative Committee meeting held on 14 May 2019 (2/ 2019) can be found on Council's website.

Discussion

Members accepted the minutes from the meeting of 14 May 2019. There were no amendments to the Minutes. Members noted the decision of Council at its meeting on 11 June 2019.

Committee Recommendation

That Council note that the Bicycle Consultative Committee has adopted the minutes of the meeting on 14 May 2019 as a true and accurate record.

Moved by Tony Richards
Seconded by Russell Webber
CARRIED unanimously.

6. BUSINESS ARISING FROM THE MINUTES:**6.1 Bicycle Projects being progressed**

Gordon Farrelly provided information on the status of each of the projects below:

6.1.1 *Improving the cycling route between Centennial Avenue, Chatswood and Johnson Street, Willoughby;*

The upgrade including new traffic facilities comprising line marking, coloured pavement marking, bicycle logos and a new shared path along Albert Avenue and minor civil works in Oliver Road is complete.

A detailed design of the traffic control signals at the intersection of Pacific Highway, Oliver Road and Albert Avenue to provide bicycle lanterns across Pacific Highway and Oliver Road will be completed in 2019/20 financial year. The aim is also to complete implementation of the new lanterns in 2019/20 subject to available funding.

The project will be funded through Council's Transport Active Footpath Program Project Number: 301352.

Discussion

Members noted the status of the delivery of the project.

6.1.2 *Thomas Street Car Park – Status of Bicycle Facilities*

A management plan to make the bicycle facilities available to the community and support on-going management activities is complete.

Funding for implementation of the management plan was not provided in 2019/20 Operations Plan. Funding sources are being investigated to progress this initiative.

Discussion

Members indicated a desire to see the facility commissioned as soon as practicable and requested that investigation of funding in 2019/ 2020 continue to deliver outstanding actions in the Management Plan.

6.1.3 *Artarmon Bicycle Route upgrade - Pacific Highway, Gore Hill with Herbert Street, St Leonards and Gore Hill Freeway, Artarmon*

New logos and line marking have been installed in Cleg Street, Waltham Street and Taylor Lane, Artarmon.

Detailed design of initiatives in Campbell Street, Reserve Road and Frederick Street including shared paths and traffic signals modifications will be undertaken in 2019/ 2020.

The project is funded through Council's Transport Active Footpath Program Project Number: 301137. Civil and traffic signal works for the initiatives are targeted for late 2019/2020 or early FY20/21 subject to funding availability/ approval.

Discussion

Members noted the status of the delivery of the project.

Jordana Goodman advised that she had become bogged whilst using the intersection of Reserve Road, Campbell Street and Bunnings Car Park. Members requested that an investigation proceed at this intersection to:

- Improve the access to the push button in Reserve Road, east side of road. The push button is located in the vicinity of planting which makes the difficult to access by mobility impaired road users.
- The footpath is designed and constructed so that access to all users is provided.

It was agreed that Jordana Goodman and Gordon Farrelly would meet at the intersection of Reserve Road, Campbell Street and Bunnings Car Park to discuss the operational issues identified.

6.1.4 Castle Cove and Chatswood Bicycle Route Study

Council's consultant, Jacobs, has completed a bicycle study of the route connecting Castle Cove and High Street, Chatswood. A draft concept design was presented at the meeting. Community consultation is targeted for September 2019. The study and concept design will be completed following stakeholder and community consultation and incorporation of changes as a result of this process.

Detailed design of approved initiatives in the plan will be undertaken in 2019/20. The project will be funded through Council's Transport Active Footpath Program Project Number: 301479.

Discussion

Members discussed the draft final concept design including the design approach and the initiatives used. Members supported the draft concept design.

Members noted that Roads and Maritime Services (RMS) will be consulted shortly to seek feedback on the concept design and that community consultation would proceed following consideration of RMS comments. Members requested to be informed of the community consultation for the project.

6.1.5 Pacific Highway Shared Path Bicycle Route Study

AECOM has completed a bicycle study of the route connecting Mowbray Road, Chatswood and Herbert Street, St Leonards. Stakeholder and community consultation is complete. A draft final concept design is complete and was presented at the meeting. The draft final concept design will be considered by the Local Traffic Committee at its meeting on 21 August 2019.

Detailed design of approved initiatives in the plan will be undertaken in 2019/ 2020. The project will be funded through Council's Transport Active Footpath Program Project Number: 301348.

Discussion

Members discussed the concept design including the design approach and the initiatives used. Members supported the draft concept design.

Members noted that the draft final concept design will be considered by the Local Traffic Committee (LTC) at its meeting on 21 August 2019 and Council will make a decision following the LTC meeting.

6.1.6 The Principal Bicycle Network Route Study – Chatswood to St Leonards via Artarmon

GTA has completed a bicycle study of the route connecting Chatswood Central Business District and Pacific Highway, St Leonards. A Route Analysis Report is complete. A draft concept design for road and rail corridor routes are complete. The draft concept design for the road option was presented at the meeting.

Stakeholder consultation is underway and community consultation of the road option targeted for September 2019.

There is no funding for this project in 2019/ 2020.

Discussion

Members discussed the draft final concept design including the design approach and the initiatives used. Members supported the proposed initiatives in the draft final concept design.

Members noted that Roads and Maritime Services (RMS) will be consulted shortly to seek feedback on the concept design and that community consultation would proceed following consideration of RMS comments. The members requested to be informed of the community consultation for the project.

6.1.7 Mowbray Road to Victoria Avenue, Chatswood Route upgrade

The upgrade to the Devonshire Street, Johnson Street, Claude Street and Spring Street bicycle route including on-road line marking, signposting and pavement marking works to remove gaps to enhance safety and reduce travel time is complete.

Bicycle lanterns within the traffic control signals at the intersection of Albert Avenue and Spring Street will be completed in future years following funding approval. No funding was provided for this project in 2019/20.

Discussion

Members noted the status of the delivery of the project.

6.2 Integrated Transport Strategy for Willoughby

Peter McMurray provided information on the status of this project.

Council is continuing to develop an Integrated Transport Strategy to support the long term transport challenges and opportunities with the expected growth in residential and commercial demands, particularly in key precincts and centres. The strategy will consider all modes of transport. Bicycle use is considered an important mode in delivering a sustainable transport system in Willoughby.

Further consultation with Bicycle Consultative Committee members will occur following development of a draft Integrated Transport Strategy and Action Plan.

Discussion

Members noted the status of the delivery of the project. Members noted that information received at the last Bicycle Consultative Committee Meeting was being considered by the project team and there will be further opportunities for input as the project proceeds.

Committee Recommendation

That Council note that the Bicycle Consultative Committee notes the status of, and has provided additional advice in the support of, the delivery of the projects.

Moved by Yaffa Gould
Seconded by Tony Richards
CARRIED unanimously

7. PROMOTIONAL, EDUCATION AND AWARENESS PROGRAM**7.1 JUNE to DECEMBER 2019 EDUCATIONAL ACTIVITIES**

Willoughby City Council's sustainable education activities have been finalised for January to June 2019. These are published in Willoughby City Council's *Live Well in Willoughby* Booklet and on Diary Dates on the Willoughby City Council Website.

<http://www.willoughby.nsw.gov.au/willoughbycityguide/LiveWellJanJun2019/html5/index.html?page=1&noflash>

Activities completed;

- Share the Path with Lane Cove Council and North Sydney Council as scheduled below:
 - Wednesday 12 June 2019 - Willoughby City Council
 - Wednesday 3 July 2019 – Lane Cove Council

Activities to be scheduled;

- Bicycle Maintenance Made Easy (15+ years) 6pm – 9pm, Thursday 5 September
- Kick the Training Wheels (up to 7 years) 9am- 12pm, Monday 30 September
- Ride Safe (7-12 years) 10 am - 12pm, Tuesday 1 October
- Ride High (9-14 years) 1pm - 3pm, Monday 30 September and 1pm - 3pm, Tuesday 1 October
- Ride2Work Day 7am - 9am, Wednesday 16 October

The site for booking events via Diary Dates <http://www.willoughby.nsw.gov.au/Whats-On/willoughby-diary-dates/>

Discussion

Members noted the range of education and information initiatives completed and planned during the period

Committee Recommendation

That Council note the progress of the program.

Moved by Clr Norton
Seconded by Jordana Goodman.
CARRIED unanimously.

7. FORMAL ITEMS FOR CONSIDERATION

7.1 2019/20 Bicycle Infrastructure Program

The 2019/20 Operational Plan has been adopted by Council. Over \$329,000 has been allocated for bicycle initiatives including planning, design and implementation. There are eight bicycle projects in the plan including:

- Pacific Highway, Albert Avenue and Oliver Road, Chatswood - Design and installation - bicycle lanterns
- Artarmon Industrial Area Bike Links
- Pacific Highway Shared Path - Chatswood to St Leonards
- Pacific Highway Shared Path - Chatswood to Roseville
- Castle Cove Peninsula to High Street, Chatswood - Detailed Design of bicycle facility
- A bicycle facility in the Rail Corridor between Chatswood CBD and Boundary Street
- Bicycle Logos and Wayfinding Program
- Bicycle Network Audit and Assessment

The Herbert St and Ella St (Pedestrian safety treatment - Detailed design and construction of widened pedestrian refuge) is also likely to provide benefits for the safe movement of bicycles in Willoughby LGA.

Discussion

Members noted the range of bicycle route and intersection specific planning and development initiatives scheduled for 2019/20.

7.2 Bicycle Network Audit

A bicycle network audit has been completed for a selected number of existing routes within Willoughby LGA. The audit reports were presented at the meeting.

The results of the audit will form the basis of works funded in the 2019/20 Bicycle Logos and Wayfinding Program.

Discussion

Members noted the results of the audit. It was agreed to send the audit report to the members for consideration and comments.

7.3 Bicycle Racks at Chatswood Transport Interchange

Council has been working with Transport for New South Wales to introduce new bicycle racks to support the bicycle interchange at the Chatswood Transport Interchange. Council has been successful in obtaining funding from Transport for New South Wales for new racks.

Information on this initiative was outlined at the meeting.

Discussion

Members noted the implementation of new bicycle racks at the Chatswood Transport Interchange. The aim of the work is to replace non-compliant bike racks with Australian Standards compliant U-rails.

The locations where the new bicycle racks will be provided are as follows:

- Upper concourse of the Transport Interchange (adjacent to Chatswood Mall and near the lifts)
- Lower concourse of the Transport Interchange (adjacent to Bus Interchange near Shop Coco)
- Western side of Transport Interchange (adjacent to Thomas Lane)
- Entry to Bus Interchange (near Orchard Road)

Committee Recommendation

That Council note the progress of the activities.

Moved by Cllr Norton
Seconded by Tony Richards.

CARRIED unanimously

8. STATUS OF REQUESTS FROM PREVIOUS MEETINGS:

This section of the business paper is to provide feedback on issues and requests made by Committee members at meetings. These requests are logged in Council's customer request system.

The issue and requests register is provided in ATTACHMENT B.

Discussion

Members noted the delivery status of each project.

Committee Recommendation

That Council note that the Bicycle Consultative Committee notes the status in the delivery of projects.

Moved by Russell Webber
Seconded by Tony Richards.
CARRIED unanimously.

9. GENERAL BUSINESS:

9.1 Review of Committees

Cllr Norton advised the members of the discussion and decision of Council's meeting on 12 August 2019 related to an item on the *Review of Council Advisory Committees*. The Council has approved:

- All committees including the Bicycle Consultative Committee will remain in operation until just prior to the next Council election.
- All committees including Bicycle Consultative Committee will be dissolved just prior to the next Council election
- A new Bicycle Consultative Committee will commence under a new Terms of Reference after the Council election.
- The release of a new model 'Terms of Reference' has been deferred with existing committees provided the opportunity to review and provide comments.
- Information is available on Council's website.

It was agreed that a copy of Council's report will be forwarded to all members. It was also agreed that members will exchange comments on the proposed new model Terms of

Reference via email in preparation of the next formal meeting of the committee on 12 November 2019.

Committee Recommendation

That Council note the information.

**Moved by Yaffa Gould
Seconded by Russell Webber.
CARRIED unanimously.**

10. NEXT MEETING:

The next Bicycle Consultative Committee will be held on **Tuesday 12 November 2019**. There are no other meetings scheduled in 2019

Committee Recommendation

That Council note the information.

**Moved by Cllr Norton
Seconded by Russell Webber.
CARRIED unanimously.**

11. MEETING CLOSE:

The meeting ended at 8.00 pm.

ATTACHMENT A



**WILLOUGHBY CITY COUNCIL
BICYCLE CONSULTATIVE COMMITTEE
TERMS OF REFERENCE – NOVEMBER 2016**

Objectives

The objectives of the Committee are:

- To develop strategies to increase the modal share of cycling to help achieve Council's objectives of:
 - Increasing the use of alternative modes of transport to the motor vehicle, and,
 - Reducing the impact of private motor vehicles on the city and region.
- To develop partnerships with Cycling Groups, Police, Roads and Maritime Services and within Council to enable the provision of improved cycle facilities and increased rates of cycling;
- To extend both on road and off road facilities where possible within the Willoughby LGA to provide a comprehensive and connected bicycle network that meets the needs of cyclists of all competencies and ages and links with the wider metropolitan network;
- To create a safe environment for cycling within the Willoughby LGA;
- To assist Council to integrate cycling into transport and land use planning;
- To actively promote Council's existing cycleway network and services and to raise the community's awareness of cycling and its uptake for both recreation and as an alternative mode of transport;
- To champion the needs of cyclists within the Willoughby LGA with respect to the provision of services and infrastructure;
- To achieve the integration of Council's bicycle program across Council's operational areas i.e. Open Space, Engineering Services, Development & Strategic Planning and Community Services etc; and
- To provide feedback on Council's performance in the delivery of cycling infrastructure, services and promotion.

Membership

The membership of the Committee to consist of:

- A minimum of 1 Councillor;
- 5 to 8 community representatives (including at least 2 representatives from bicycle user groups and 1 representing pedestrian interests, for example a member of the Access Committee); and
- 1 representative of the Willoughby City Council Traffic & Transport Group (in advisory/administrative role).

The quorum for the Committee is half the actual number of Community representatives plus one. Attendance at meetings by at least one Councillor, to act as Chair, is mandatory.

Meeting Frequency

The Bicycle Committee will meet 4 times per year with each meeting to have an over-riding theme. Meeting duration to not exceed 2 hours.

ATTACHMENT 2

ATTACHMENT B: ISSUE AND REQUESTS REGISTER

MEETING DATE	ISSUE AND REQUEST	COMMENTS	STATUS
May 2017	Bicycle Counts	A report will be developed to prioritise and identify a strategic cost for a data collection program. Council will be requested to approve funding to deliver a data collection program following completion of the report.	Commenced
November 2018	Frank Channon Walk	Council asks committee members to provide any feedback they may have on the performance of the new routes, and to advise on the potential to formalise the routes as permanent links within our Bike Plan.	On-going

13 DEFERRED MATTERS

NIL

14 CORRESPONDENCE

NIL

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15 REPORTS FROM THE OFFICERS

CUSTOMER & CORPORATE DIRECTORATE

15.1 REFERRAL OF DRAFT FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2019 TO EXTERNAL AUDIT

- ATTACHMENTS:**
1. IMPLICATIONS
 2. DRAFT GENERAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2019
 3. DRAFT SPECIAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2019
 4. DRAFT SPECIAL SCHEDULES FOR THE YEAR ENDED 30 JUNE 2019
(ATTACHMENTS 2 - 4 TO BE DISTRIBUTED SEPARATELY)

RESPONSIBLE OFFICER: DEAN FROST – CUSTOMER & CORPORATE DIRECTOR

AUTHOR: STEPHEN NAVEN – CHIEF FINANCIAL OFFICER

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

MEETING DATE: 17 OCTOBER 2019

1. PURPOSE OF REPORT

To formally refer the draft Financial Accounts for the year ended 30 June 2019 to audit and to secure other related authorisations as required under *Sections 413 to 420 of the Local Government Act 1993*. The Financial Statements comprise of the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules for the year ended 30 June 2019.

2. OFFICER'S RECOMMENDATION

That Council:

1. Note that the draft annual financial reports for Willoughby City Council for the period 1 July 2018 to 30 June 2019 have been prepared in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005*, the *Australian Accounting Standards* and the Office of Local Government prescribed *Code of Accounting Practice and Financial Reporting (update No. 27)*.
2. Adopt the draft accounts and authorise the Mayor, Deputy Mayor, Chief Executive Officer and Chief Financial Officer to sign the Statement by Councillors and Management required under *Section 413 (2)(c) of the Local Government Act 1993* and Clause 215(1) of the *Local Government (General) Regulation 2005*.

3. Resolve for the purposes of Section 413(1) of the *Local Government Act 1993* to refer the draft financial reports for the period from 1 July 2018 to 30 June 2019 to the NSW Auditor General (Council's independent auditor) for external audit.
4. Resolve, for the purposes of section 417(5) of the *Local Government Act 1993* to send a copy of the audited financial reports and a copy of the auditor's report to the Office of Local Government and the Australian Bureau of Statistics immediately on receipt of the Audit Report.
5. Resolve that public notice be given of the presentation of the financial reports as prescribed by Section 418 of the *Local Government Act 1993*.
6. Resolve that 11 November 2019 be fixed as the date for the public meeting to present the audited financial reports and the audit reports for the year ended 30 June 2019 as required by Section 419 of the *Local Government Act 1993*.
7. Resolve to accept submissions on the financial reports and auditors reports and refer these submissions to the auditor in accordance with Section 420 of the *Local Government Act 1993*.

3. BACKGROUND

A council's financial reports for a year must be prepared and audited within the period of four months after the end of that year in accordance with Section 416 of the *Local Government Act 1993* (the Act).

Council is required under Section 413(1) of the Act to "*prepare financial reports for each year, and must refer them for audit as soon as practicable after the end of that year*".

Council is also required by Section 413(2)(c) of the Act to provide "*a statement in the approved form by the council as to its opinion on the general purpose financial report*". This is known as the Statement by Councillors and Management.

Clause 215(1) of the *Local Government (General) Regulation 2005* prescribes that the statement must:

- a) Be made by a resolution of Council.
- b) Be signed by the Mayor, one other Councillor (normally the Deputy Mayor), the General Manager and the Responsible Accounting officer (Chief Financial Officer).

Parliament appointed the Audit Office of NSW (under the Auditor-General) as the NSW Local Government Auditor commencing from the financial year ended 30 June 2017 and onwards. During the transition period, the Audit Office predominantly contracted out the bulk of the audit work to professional audit firms to act as their agents. Grant Thornton Australia have been engaged by the Audit Office to conduct the audit of Willoughby City Council, though the Audit Office will remain responsible for the final audit sign off.

4. DISCUSSION

4.1 Status of Audit

Council has completed Draft Financial Statements for the year ended 30 June 2019 (comprising the General Purpose Financial Statements, the Special Purpose Financial Statements and the Special Schedules) and these reports have been provided to Grant Thornton Australia (GT) to undertake the audit as agents for the Audit Office. Audit procedures are currently in progress.

Management will hold an audit clearance meeting with the auditors on 16 October 2019. Final financial reports and issuing of Audit Certificates is scheduled to be completed by 23 October 2019.

The process that Council must follow in the production, audit, adoption and public inspection of the Financial Reports is prescribed in detail by the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*. This process, the planned milestones and the legislative references are summarised in Figure 1 below. The following timetable will allow the required legislative processes to be satisfied, for Councillors to be appropriately briefed and for the final Financial Reports to be adopted by Council.

Figure 1: Audit process, milestones and legislative references.

Date or Date Range	Deliverable and Legislative Reference
16 October 2019	Audit Clearance Meeting held between Senior staff of Council and Auditors to discuss the conduct and findings of the audit, and to resolve any outstanding issues.
17 October 2019	Ordinary Meeting of Council – Formally refer 2018/19 Draft Financial Statements to the auditor (The Audit Office) of NSW through their agent Grant Thornton. To secure all related resolutions to facilitate the sign off and lodgement of the 2018/19 Draft Financial Statements. Sections 413-420 of the <i>Local Government Act 1993</i>.
21 October 2019	Councillor briefing on the 2018/19 Draft Financial Statements. Provide Councillors with financial highlights, a status update on the audit and any issues prior to signing and lodgement to the Office of Local Government (OLG).
22 October 2019	Meeting of the Willoughby City Council Audit, Risk and Improvement Committee (ARIC) to review final cleared accounts and endorse accounts for adoption by Council.
23 October 2018	External Auditors Report anticipated to be received by Council. Council signs Statement by Councillors and Management.

23 October 2018	Financial Statements and Audit Report submitted to the Office of Local Government. Section 417 (5) of the <i>Local Government Act 1993</i>
31 October 2019 to 8 November 2019	Financial Statements placed on public exhibition for 7 days. Public advertising notifies that the Financial Statements are available for inspection at the Council Chambers, Libraries and Council's Website. The advertising notifies the public that the accounts will be formally presented to Council for final adoption on 11 November 2019 and submissions will be received until 18 November 2019. Section 418 and 420 of the <i>Local Government Act 1993</i>.
11 November 2019	Ordinary Meeting of Council – Final adoption. Auditor's reports on the financial accounts formally presented to Council. Auditor attends the Council meeting. Section 419 of the <i>Local Government Act 1993</i>.
18 November 2019	Closing date for public submissions on the financial reports. All submissions must be referred to Council's auditor for consideration Section 420 of the <i>Local Government Act 1993</i>.

5. CONCLUSION

The draft annual financial reports for Willoughby City Council for the period 1 July 2018 to 30 June 2019 have been prepared in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005*, the *Australian Accounting Standards* and the Office of Local Government prescribed *Code of Accounting Practice and Financial Reporting (update No. 27)*.

It is recommended that Council adopt the draft financial accounts and resolve, for the purposes of *Section 413(1) of the Local Government Act 1993* to refer the draft financial reports for the period from 1 July 2018 to 30 June 2019 to the NSW Auditor General for external audit.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes/ Services	Providing transparency of financial performance to the public and satisfying regulatory requirements to have financial accounts referred to audit.
Policy	A summary of significant accounting policies is included in the relevant notes to the General Purpose Financial Statements.
Consultation	Community submissions on the audited financial accounts for the year ended 30 June 2019 will be sought from 31 October 2019 until 18 November 2019.
Resource	The preparation of the Financial Reports was completed using existing staff resources within the Finance unit.
Risk	The intention of this report is to satisfy legislative obligations and address regulatory risk of not preparing accounts to the required standard on a timely basis.
Legal	Not applicable.
Legislation	<i>Local Government Act 1993, Sections 412- 428; Local Government (General) Regulation 2005; Australian Accounting Standards.</i>

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15.2 DRAFT RESOURCING STRATEGY 2019

ATTACHMENTS:	1. IMPLICATIONS 2. DRAFT RESOURCING STRATEGY 2019 (TO BE DISTRIBUTED SEPARATELY)
RESPONSIBLE OFFICER:	DEBRA JUST – CHIEF EXECUTIVE OFFICER
AUTHOR:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	17 OCTOBER 2019

1. PURPOSE OF REPORT

To endorse for public exhibition the *Draft 2019 Resourcing Strategy* which comprises the *Draft Long Term Financial Plan 2019-2029*, *Draft Asset Management Strategy 2019-2029* and *Draft Workforce Plan 2018-2021*.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Endorse the *Draft 2019 Resourcing Strategy* which comprises the *Draft Long Term Financial Plan 2019-2029*, *Draft Asset Management Strategy 2019-2029* and *Draft Workforce Plan 2018-2021* for public exhibition.**
- 2. Give public notice of the *Draft 2019 Resourcing Strategy* and publicly exhibit the *Draft 2019 Resourcing Strategy* for a period of 28 days in accordance with that public notice.**
- 3. Delegate to the Chief Executive Officer to make amendments to the *Draft 2019 Resourcing Strategy* which do not alter the scope, purpose or intent of the Strategy.**
- 4. Note that a report will be presented to enable consideration of submissions received from the public on the *Draft 2019 Resourcing Strategy* to the Council meeting of 9 December 2019.**

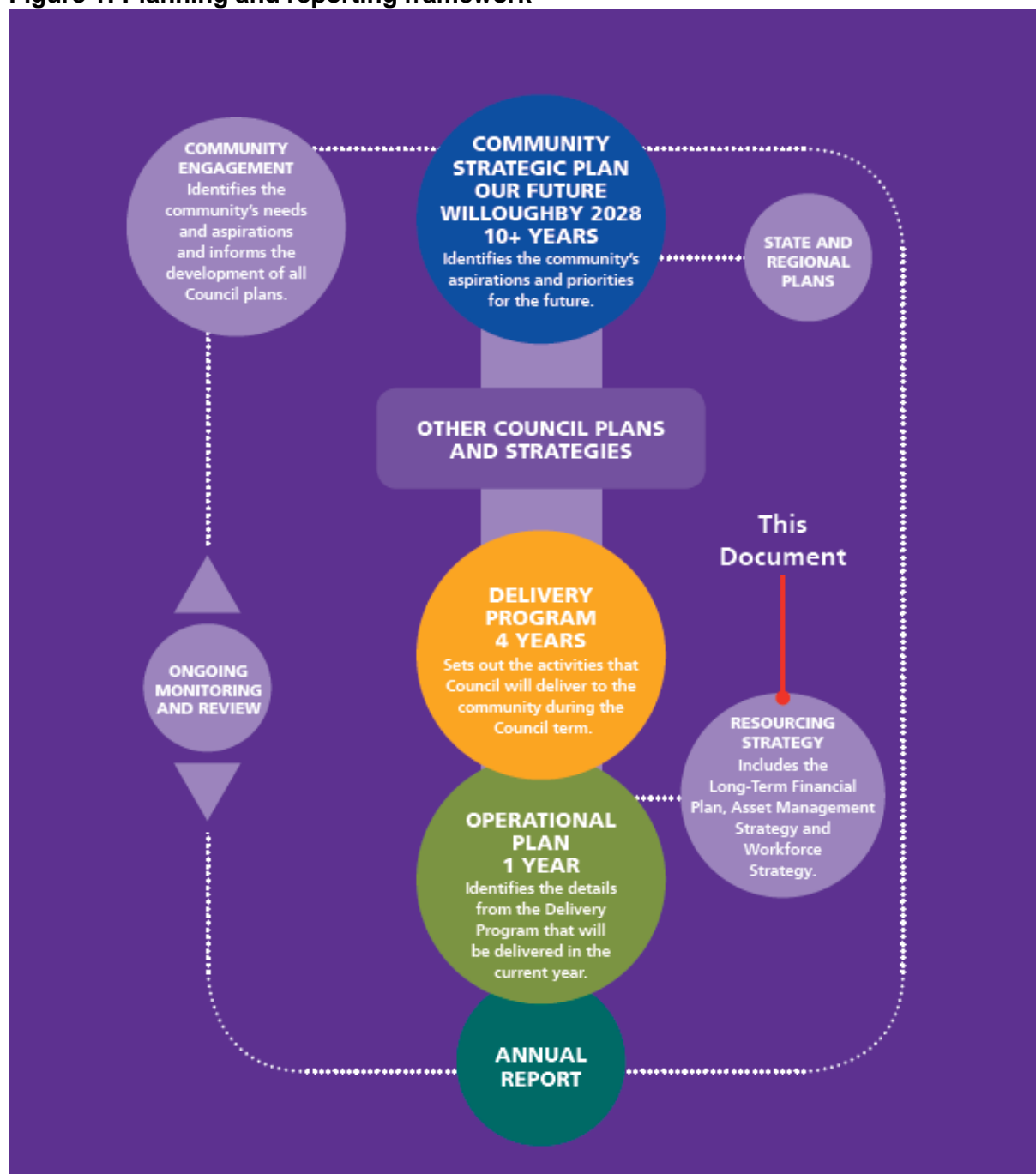
3. BACKGROUND

Under the provisions of the *Local Government Act 1993*, Council must have a long-term resourcing strategy for the provision of resources required to implement the community strategic plan. Council's Community Strategic Plan, *Our Future Willoughby 2028*, is a plan that identifies the main priorities and aspirations for the future of the Willoughby City Council area covering a 10 year period.

The long-term resourcing strategy must include provision for long term financial planning, asset management planning and workforce management planning. Council is required to update the *Resourcing Strategy* annually.

The Resourcing Strategy is a vital part of Willoughby’s planning and reporting framework (Figure 1), as are all the other plans that form the planning suite.

Figure 1: Planning and reporting framework



The Community Strategic Plan, *Our Future Willoughby 2028*, sits at the top of the planning and reporting framework and all of the plans and strategies are aligned with this plan.

The Resourcing Strategy supports the Community Strategic Plan. Where the Community Strategic Plan provides a vehicle for expressing long term community outcomes, the Resourcing Strategy details how Council can help achieve these in terms of time, money, assets and people.

Each component of the Resourcing Strategy also plays a role in resourcing the achievement of the *Delivery Program 2017-2021* and operational plans, as well as any other strategies

and plans Council has developed to support the achievement of the Community Strategic Plan.

The *Draft 2019 Resourcing Strategy* must be placed on public exhibition prior to its adoption with submissions considered before adoption of the final strategy.

4. DISCUSSION

The Resourcing Strategy consists of an updated 10-year Long Term Financial Plan, updated 10-year Asset Management Strategy and updated Workforce Plan.

The *Draft 2019 Resourcing Strategy* forms Attachment 2.

Draft Long Term Financial Plan 2019-2029

The *Draft Long Term Financial Plan* expresses the outcomes of the Community Strategic Plan in financial terms. It sets down Council's funding principles for the years ahead. It also projects Council's financial commitments for the next 10 years and enables Council to identify and analyse trends of significance and provide for sound financial planning and decision making.

The *Draft Long Term Financial Plan* replaces the previous Plan adopted in August 2017. It introduces Council's strategic financial objectives, key performance indicators for measuring performance, and a detailed analysis of financial strengths, weaknesses, opportunities and threats. In addition, all underlying assumptions and escalations have been updated.

Draft Asset Management Strategy 2019-2029

The *Draft Asset Management Strategy* identifies assets critical to Council's operations, the current and future state of Council's assets and the projected resources to improve Council's asset management practices.

The *Draft Asset Management Strategy* and supporting *Asset Management Improvement Plan*, as well as the *Asset Management Policy* that Council adopted in April 2019, replace the *Asset Management Policy, Improvement Strategy and Plans 2017-2021*. The *Asset Management Strategy* is more long term; provides a more 'whole of organisation' approach to asset management; and does not deal with operational issues - which are addressed in separate Asset Management Plans.

Draft Workforce Plan 2018-2021

The *Draft Workforce Plan* provides the strategic framework for human resource decisions.

The *Draft Workforce Plan 2018-2021* replaces the previous Plan adopted in June 2017. It includes an updated analysis of our workforce profile and requirements and a revised program of actions to meet our strategic human resource objectives.

Community Consultation

The *Draft 2019 Resourcing Strategy* will be placed on public exhibition for period of 28 days. Community consultation on the *Draft 2019 Resourcing Strategy* will be undertaken in accordance with Council's *Community Engagement Framework and Policy*. All submissions received during the exhibition period will be reported to Council at its meeting in December 2019.

5. CONCLUSION

Council has prepared its *Draft 2019 Resourcing Strategy*. It is appropriate that on endorsement by the Council, that the strategy be exhibited to enable public submissions.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes/ Services	This report is part of the <i>Integrated Planning and Reporting Framework</i> as described in the Integrated Planning and Reporting Guidelines for local government and complies with the requirements of the <i>Local Government Act 1993</i> .
Policy	Not applicable
Consultation	<p>On 18 March 2019 councillors received a briefing on the status and of the update to the <i>2018-19 to 2028-29 Long Term Financial Plan</i>.</p> <p>On 2 September 2019 councillors received a briefing on the <i>Draft 2019 Resourcing Strategy</i> including the <i>Long Term Financial Plan</i>, <i>Asset Management Strategy</i> and <i>Workforce Plan</i>.</p> <p>Community consultation is the subject of this report.</p>
Resource	Council officers' time were used in the preparation of the <i>Draft 2019 Resourcing Strategy</i> .
Risk	Failure to update and publicly exhibit the <i>Draft Resourcing Strategy</i> is a breach of legislation.
Legal	Not applicable
Legislation	Section 403 of the <i>Local Government Act 1993</i> – Council must have a long term resourcing strategy to achieve the objectives established by the Community Strategic Plan, for which the council is responsible. The strategy must include provision for long-term financial planning, workforce management planning and asset management planning.
Budget/Financial	Advertising associated with the <i>Draft 2019 Resourcing Strategy</i> incurred during the public exhibition period can be met from existing administrative budgets.

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15.3 SUBMISSION - GIFTS AND BENEFITS THRESHOLDS

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE, RISK AND CORPORATRE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	17 OCTOBER 2019

1. PURPOSE OF REPORT

To seek Council's endorsement of a submission to the Office of Local Government in regards to the monetary threshold on the value of gifts and benefits that can be accepted by council officials.

2. OFFICER'S RECOMMENDATION

That Council endorse the submission to the Office of Local Government seeking an increase in the monetary threshold on the value of gifts and benefits that can be accepted by council officials to an amount of \$100.00 cumulative from a single source over the period of one year.

3. BACKGROUND

The Minister for Local Government, the Hon. Shelley Hancock MP has requested that councils make a submission to the Office of Local Government regarding the monetary threshold on the value of gifts and benefits that can be accepted by council officials. Submissions must be made by Friday 8 November 2019.

The Minister has advised that she has been approached by a number of mayors and councillors in regards to the appropriateness of the \$50.00 threshold; subsequently the Minister is seeking Council's view on this matter.

4. DISCUSSION

Council adopted the *Willoughby City Council Code of Conduct 2019* (WCC Code of Conduct) on the 11 June 2019 which is based on the provisions of the Model Code of Conduct (the Model Code). Advice provided by the Office of Local Government at the time stipulated that councils may include supplementary provisions in their adopted codes of conduct but must not dilute the standards prescribed under the Model Code. In line with these provisions, the WCC Code of Conduct incorporates a monetary threshold on the value of gifts and benefits that can be accepted by council officials of \$50.00.

It is proposed that Council forward a submission supporting the increase of the current threshold to a value of \$100.00 to be applied uniformly to all council officials. The amount is proposed on the basis that the current limit may facilitate an inadvertent breach of the WCC

Code of Conduct where an official accepts a gift(s) the value of which exceeds the \$50.00 cap within a 12 month period.

This scenario is easily foreseeable, especially in circumstances where an official receives more than one gift or benefit from a person or organisation over a 12 month period. This may include tickets for two to attend community theatre performances or token thank you gifts received for attendance at a sporting club season launch function as well as the end of year presentation evening. Any concerns raised in regards to this scenario regarding influence perceived or otherwise on the recipient are allayed through the inclusion in the WCC Code of Conduct of clauses which address these concerns.

WCC Code of Conduct incorporates clauses from the Model Code which prevent a council official from accepting any gift or benefit that may create a sense of obligation or that may be perceived to be intended to or likely to influence an official by securing favour in the performance of their public duty.

5. CONCLUSION

Council's endorsement of a submission on the grounds outlined in the report affords an opportunity to include in WCC Code of Conduct provisions that facilitate compliance and accordingly should be supported.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes/ Services	Not applicable.
Policy	<i>Willoughby City Council Code of Conduct 2019</i>
Consultation	Consultation has been undertaken with the Director – Customer and Corporate
Resource	Existing staff resources have been used to draft submission.
Risk	The proposed submission addresses the risk of inadvertent noncompliance with <i>Willoughby City Council Code of Conduct 2019</i>
Legal	Not applicable.
Legislation	Not applicable.
Budget/Financial	Not applicable.

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15.4 IPART REPORT - REVIEW OF THE LOCAL GOVERNMENT RATING SYSTEM

ATTACHMENTS:	<ol style="list-style-type: none"> 1. IMPLICATIONS 2. COUNCIL REPORT - IPART REVIEW OF THE LOCAL GOVERNMENT RATING SYSTEM ISSUES PAPER – 9 MAY 2016 3. COUNCIL REPORT – SUBMISSION TO THE IPART NSW LOCAL GOVERNMENT RATING REVIEW - 10 OCTOBER 2016 4. NSROC SUBMISSION
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	GLENN FITZGERALD – REVENUE ACCOUNTANT
CITY STRATEGY OUTCOME:	5.2 – DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES
MEETING DATE:	17 OCTOBER 2019

1. PURPOSE OF REPORT

To note Northern Sydney Regional Organisation of Councils (NSROC) submission to the *IPART Report – Review of The Local Government Rating System*.

2. OFFICER'S RECOMMENDATION

That Council note Northern Sydney Regional Organisation of Councils submission to the *IPART Report – Review of The Local Government Rating System*.

3. BACKGROUND

IPART commenced a Review of The Local Government Rating System in December 2015. During the consultation period Willoughby City Council lodged a submission (Council Meeting 9 May 2016) providing feedback on questions in the discussion paper Attachment 2. A Draft Report on the Review of The Local Government Rating System was released in August 2016. Council provided further feedback (Council Meeting 10 October 2016) Attachment 3.

A report was prepared for the Minister for Local Government in December 2016. The final report was released in June 2019 and submissions on the report closed 13 September 2019. The final report did not contain any major changes in theory or additions to previous discussion papers or reports.

Local Government Rating System Review	
13/09/2019	NSROC Submission
21/06/2019	Final Report, Consultation Report
11/10/2016	WCC Submission
7/10/2016	Media Release
22/08/2016	Draft Report, Fact Sheet, Media Release

9/06/2016	Interim Report
10/05/2016	WCC Submission
13/04/2016	Issues Paper, Fact Sheet, Media Release
22/12/2015	Terms of Reference

4. DISCUSSION

Due to the technical nature of the review subject, key finance staff from NSROC Councils were nominated to provide expert comments. Willoughby City Council officers provided feedback on the final report to NSROC to assist in forming the final submission. Council's feedback was largely in agreement with the responses on the recommendations contained in the NSROC consolidated submission in Attachment 4.

The feedback provided to NSROC was consistent with Council's previous position on this matter.

The report and submissions are now with the Office of Local Government. Future changes to the Local Government Act will reflect any amendments as a result of the review.

5. CONCLUSION

Submissions on the Report – Review of The Local Government Rating System have now closed. Council officers provided feedback via the final submission by NSROC.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.2 – Demonstrate leadership and advocacy for local priorities
Business Plan Objectives, Outcomes/ Services	Not applicable.
Policy	Not applicable.
Consultation	Consultation has occurred with Managers in relation to submissions for recommendations in each business area.
Resource	Existing staff resources have been used to draft submission.
Risk	This submission presents an opportunity for Council to advocate on issues that impact on local government.
Legal	Not applicable.
Legislation	Future changes to the <i>Local Government Act 1993</i> will reflect any amendments as a result of the review.

ATTACHMENT 2

IPART REVIEW OF THE LOCAL GOVERNMENT RATING SYSTEM ISSUES PAPER

ATTACHMENTS:	1. IPART REVIEW OF THE LOCAL GOVERNMENT RATING SYSTEM – ISSUES PAPER (LINK ONLY) http://www.ipart.nsw.gov.au/files/sharedassets/website/shared_files/investigation_-_section_9_-_legislative_-_review_of_the_local_government_rating_system/issues_paper_-_review_of_local_government_rating_system_-_april_2016.pdf
	2. ISSUES SUMMARY
RESPONSIBLE OFFICER:	HELEN LIOSSIS - CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	MARK MCDONALD – CHIEF FINANCIAL OFFICER
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	9 MAY 2016

Purpose of Report

The purpose of this report is to:

- Advise Council of the Independent Pricing and Regulatory Tribunal (IPART) Review of the NSW Local Government Rating System (as per link); and
- Seek Council's endorsement of the feedback for the Issues Paper to be submitted on behalf of Council 2016 (Attachment 2).

Background

The Independent Pricing and Regulatory Tribunal (IPART) is conducting a review of the Local Government rating system in NSW (the Review). The aim of this Review is to recommend reforms to improve rates efficiency and equity to ensure councils can implement sustainable fiscal policies over the longer term.

IPART has been asked to undertake this review under section 9 of the *Independent Pricing and Regulatory Tribunal Act 1992* and in accord with the terms of reference (ToR) provided by the Premier. These ToR requested that IPART:

- "review the current rating system and recommend reforms that aim to enhance council's ability to implement sustainable and equitable fiscal policy; and
- recommend a legislative or regulatory approach to achieve the Government's policy that there will "be no change to the existing rate paths for newly merged councils for four years".

In order to commence the process, IPART has released an Issues Paper and invited interested parties to provide written submissions by 13 May 2016.

The indicative timeline for the Review is shown below:

Milestone	Timeframe
Release Issues Paper	13 April 2016
Hold Public Hearing	26 April 2016

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Receive submissions to the Issues Paper	13 May 2016
Provide Interim Report to Minister	17 June 2016
Release Draft Report	August 2016
Hold public hearing(s) in Sydney and possibly 1 regional town	September 2016
Receive submissions to the Draft Report	September 2016
Provide Final Report to Minister	December 2016

Council staff attended the Public Hearing on 26 April 2016. Feedback from the Public Hearing has been incorporated into this paper.

Overview of Willoughby City Council's Rating Structure:

Total Rating Yield:

\$46M collected from 31,046 rateable assessments.

Valuation Method:

Combination of Ad Valorem and Minimum rates calculated on the unimproved land value as provided by the NSW Valuer General.

Categories of Rates:

One Residential Category and five Business Categories.

In 2015/2016 there are 28,066 rateable residential assessments, with 60% paying the minimum rate \$768 (excluding Domestic Waste and Stormwater Levy).

Non Rateable Land Parcels:

688 land parcels with an unimproved land value of \$667M.

Annual Number of Pension Rebates

2050 pension rebates processed annually.

Discussion

The Review is seeking feedback on 23 specific questions in the following categories:

- Taxation Principles
- Assessing the current method for setting rates
- Assessing exemptions, concessions and rebates
- Freezing existing rate paths for newly merged councils
- Establishing new, equitable rates.

The specific questions raised and corresponding staff responses are included within Attachment 2.

The following information targets key questions from each category together with relevant commentary.

Taxation Principles:

IPART propose to use the following principles to assess the rating system: efficiency, equity, simplicity, sustainability, and competitive neutrality. This methodology is supported.

Assessing the Current method for setting rates:

The issues paper discusses elements such as:

- The valuation method to be used as the basis for determining ad valorem rates.
- Should Councils be given more choice in selecting valuation methods or should a valuation system continue to be mandated?
- Should Councils be required to use the Valuer General's property valuation services or are private valuations a preferred option?
- What changes to the Local Government Act need to be made to improve the use of base and minimum amounts as part of the rating structure?
- What changes could be made to rating categories/subcategories?

Commentary:

- The introduction of a capital based (improved land valuation method) to replace the current unimproved land valuation method is supported on equity and fairness principles.

For instance, under Council's existing rating structure, the penthouse in a multi-story development pays the same amount of annual rates with a unit on the first floor. With an improved land valuation system, the rating would be more equitable.

- The ability to sub-categorise residential areas that are not contiguous is supported.

This would allow councils more flexibility to rate in a fairer manner, that is, have different minimum or base rates for different areas, particularly in high rise areas. This would also allow councils to use base rates more effectively in place of minimum rates. Sub-categorisation of residential areas is important where mergers of metropolitan councils takes place. It would also allow flexibility where revaluations occur in larger amalgamated councils.

Assessing Exemptions, Concessions and Rebates

The issues paper discusses elements such as:

- Are the land uses currently exempt from paying council rates appropriate?
- To what extent should the exemptions from certain state taxes (such as payroll tax) that councils receive be considered in a review of the exemptions for certain categories of ratepayers?
- What should the objectives of the pensioner concession scheme be? How could the current system be improved?

Commentary:

- Council strongly supports the review of the non-rateable sections of the Local Government Act, 1993 with many of the sections considered to have lost relevance over time. Council's existing property system contains 114 parcels of non-rateable land owned by Churches, Private Schools and Public Benevolent Institutions with land values totalling \$149M.

Institutions such as Churches, Private Schools and Public Benevolent Institutions should make a contribution to rates within the Council area as they benefit from services.

The sections within this part of the Act need to be clearly defined to avoid costly court cases. The Act should make it easier for councils to rule on non- rateable claims.

- Council recommends that the current pensioner concession scheme be maintained. Council issues approximately 2,050 pensioner concessions annually.

It is considered that means testing for rebates would be difficult for councils to implement and maintain. Deferring rates would affect councils with a high percentage of pensioners and does not take into account pensioners leaving their estates to beneficiaries who may also be pensioners.

Freezing existing rate paths for newly merged councils

The issues paper discusses elements such as:

- The rate path freeze policy for newly merged councils is interpreted to mean that the rate path will follow the same trajectory had the councils not merged.
- Within the rate freeze period should merged councils be permitted to apply for new special variations?
- Other questions surrounding changes to base and minimum amounts only and changes to rate burdens by councils.
- Other discretions given to councils during the period.

Commentary:

- IPART's interpretation of the rate freeze policy accords with that of staff, namely to mean that in the four years after a proposed merger, the rating path in each pre-merger council's area will follow the same trajectory as if the merger had not occurred. Council considers that there is room for changes to the rating structure during this four year period in order to begin the lengthy transition to rate equalisation..
- Council should be able to change its rating structure accordingly during this period.
- Council supports the potential creation/levying of a special rate in a certain area of a newly formed Council if it has the appropriate level of support from ratepayers.

Establishing New, Equitable Rates

The issues paper discusses elements such as:

- Should changes be made to the *LG Act, 1993*, to better enable a merged council to establish a new equitable system of rating and transition to it in a fair and equitable manner?
- Should approved special variations for pre-merger councils be included in the revenue base of the merged council following the 4 year rate path freeze?

Commentary:

- The appropriate changes to the Act, to provide for a more equitable system of rating, is supported.

Conclusion

Council welcomes the Review of the Local Government Rating System and looks forward to providing further input to the process.

Attachment 2 to the report sets out the 23 Questions raised by IPART with officer response and is recommended to form the basis of the Council submission, together with information in this report.

OFFICER'S RECOMMENDATION

That Council:

- 1. endorse the lodging of a submission on the IPART Issues Paper based on responses outlined within Attachment 2 and the body of this report and**
- 2. delegate authority to the General Manager to finalise the submission.**

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SUBMISSION TO THE IPART NSW LOCAL GOVERNMENT RATING REVIEW

ATTACHMENTS:	1. IPART REVIEW OF THE NSW LOCAL GOVERNMENT RATING SYSTEM DRAFT REPORT (LINK: DRAFT REPORT AUGUST 2016) 2. RECOMMENDED SUBMISSION
RESPONSIBLE OFFICER:	MARK MCDONALD – ACTING CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	MARK MCDONALD – ACTING CUSTOMER & CORPORATE DIRECTOR
CITY STRATEGY LINK:	6.1.1 A COUNCIL THAT IS OPEN, ACCOUNTABLE AND REPRESENTS ITS CONSTITUENTS
MEETING DATE:	10 OCTOBER 2016

Purpose of Report

To seek Council's endorsement of a submission on the recommendations outlined within the Independent Pricing and Regulatory Tribunal (IPART) Draft Review of the NSW Local Government Rating System.

Background

At the Council meeting on 9 May 2016 (Item 16.2 IPART Review of the Local Government Rating System Issues Paper), Council was advised that IPART was undertaking a review of the NSW Local Government Rating system and had published an issues paper which invited interested parties to provide submissions by 13 May 2016.

The aim of the review was to recommend reforms to improve rates efficiency and equity to ensure councils can implement sustainable fiscal policies over the longer term.

The Terms of Reference provided to IPART by the Premier also included that it:

- Recommend a legislative or regulatory approach to achieve the Government's policy that there will *"be no change to the existing rate paths for newly merged councils for four years"*.

A response to the 23 questions raised by IPART was prepared by staff and attached to the 9 May 2016 report whereby Council resolved to:

1. *"Endorse the lodging of a submission on the IPART Issues Paper based on responses outlined within Attachment 2 and the body of this report and*
2. *Delegate authority to the General Manager to finalise the submission."*

Discussion

In August 2016, IPART released its Draft Report of its Review of the NSW Local Government Rating System.

The Report sets out 34 Draft recommendations and has called for submissions by 14 October 2016.

Staff have addressed each of the recommendations within the submission and the following information provides Council with a sample of a number of key recommendations and the relevant response.

Recommendation 1:

- *Councils should be able to choose between the Capital Improved Value (CIV) and unimproved Value (UV) methods as the basis for setting rates at the rating category level. A council's maximum general income should not change as a result of the valuation method they choose.*

Response:

- Council agrees with the introduction of CIV for levying rates. Rates levied on a CIV would be more realistic for units and would be better understood by ratepayers. This would provide more equitable rating for units and would mean that a 3 bedroom unit in say Chatswood would pay more than a one bedroom unit in Artarmon. CIV would also be more reasonable for rating small pieces of land ie boat jetties and single car spaces. Council understands that there will be an initial cost involved in moving to CIV.

Recommendation 2:

- *Section 497 of the Local Government Act 1993 (NSW) should be amended to remove minimum amounts from the structure of a rate, and section 548 of the Local Government Act 1993 (NSW) should be removed.*

Response:

- Council agrees with the removal of minimum rates provided that CIV is introduced. Without CIV, base rates would not work in a high rise metro council. Rates on lower Land Values (LV's) ie high rise penthouses would fall, as would properties with higher valuations. The increase would be for mid-range properties resulting in inequities if the CIV isn't also introduced.

Recommendation 3:

- *The growth in rates revenue outside the rate peg should be calculated by multiplying a council's general income by the proportional increase in Capital Improved Value from supplementary valuations. – This formula would be independent of the valuation method chosen by councils for rating.*

Response:

- Council agrees. Council has previously increased minimum rates in order to achieve the growth in income required to service the increased numbers of households.

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Recommendation 6:

- *The Local Government Act 1993 (NSW) should be amended to remove the requirement to equalise residential rates by 'centre of population'. Instead, councils should be allowed to determine a residential subcategory, and set a residential rate, for an area by:*
 - *a separate town or village, or*
 - *a community of interest.*

Response:

- Council agrees. This would allow Council to have different residential rates within a contiguous area, depending on demand or cost of providing Council services.

Recommendation 9:

- *At the end of the 4-year rate path freeze, new councils should determine whether any pre-merger areas are separate towns or villages, or different communities of interest.*
 - *In the event that a new council determines they are separate towns or villages, or different communities of interest, it should be able to continue the existing rates or set different rates for these pre-merger areas, subject to metropolitan councils seeking IPART approval if they exceed the 50% maximum differential. It could also choose to equalise rates across the pre-merger areas, using the gradual equalisation process outlined below.*
 - *In the event that a new council determines they are not separate towns or villages, or different communities of interest, or it chooses to equalise rates, it should undertake a gradual equalisation of residential rates. The amount of rates a resident is liable to pay to the council should increase by no more than 10 percentage points above the rate peg (as adjusted for permitted Special Variations) each year as a result of this equalisation.*

The Local Government Act 1993 (NSW) should be amended to facilitate this gradual equalisation.

Response:

- Council agrees. This protects the ratepayer from any large increases as a result of a merger and also affords council more choice and flexibility in its rating structure. Council can apply to increase the differential to reduce the equalisation period.

Recommendation 10:

- *Sections 555 and 556 of the Local Government Act 1993 NSW should be amended to:*
 - *exempt land on the basis of use rather than ownership, and to directly link the exemption to the use of the land, and*
 - *ensure land used for residential and commercial purposes is rateable unless explicitly exempted.*

Response:

- Council agrees with this proposal. Council is required to provide the same services with the same resources should a property used for residential purposes become non rateable. The burden of additional rates should not be transferred to the remaining ratepayers.
- Properties that become rateable as a result of this proposed amendment are retirement villages and social housing owned by Public Benevolent Institutions (PBI's). In NSW the State government has been transferring ownership of its social housing to PBI's who qualify for exemption for rates, whereas the NSW Housing Department is rateable. This is a more equitable treatment.
- Private schools would remain exempt from rates in the proposal. However, houses purchased for residential use by teachers etc should become rateable.

Recommendation 20:

- *The current pensioner concession should be replaced with a rate deferral scheme operated by the State Government.*
 - *Eligible pensioners should be allowed to defer payment of rates up to the amount of the current concession, or any other amount as determined by the State Government.*
 - *The liability should be charged interest at the State Government's 10-year borrowing rate plus an administrative fee. The liability would become due when property ownership changes and a surviving spouse no longer lives in the residence.*

Response:

- Whilst it is considered that the proposed introduction of a state funded deferral scheme for pensioners has merit and would align NSW with other states systems such as in Western Australia and South Australia, Council has queries as to the actual process and the impact it may have on some pensioners who elect to pay their annual rates in full rather than to defer a portion to their estate.
- In addition Council is unsure of the benefits to pensioners in rural areas accruing debts against their land compared with possibly low annual growth in the value of their property.
- The report does not address the circumstance where a pensioner leaves a property with the liability then becoming a State rather than a Council matter.
- It is suggested that this item needs further discussion and clarification prior to the abolishment of the current system.

Council's Revenue Manager attended an IPART Forum on 19 September 2016, which provided an overview of its draft findings and invited comment.

Submissions close on 14 October 2016.

IPART will provide a Final Report to the Minister for Local Government in December 2016.

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Financial Implications

The IPART review, and subsequent Ministerial decision on the NSW Local Government Rating system, will have a potentially significant impact on how Council will levy its rates in the future.

Policy Implications

Council's existing rating policies will need to be reflective of any recommended statutory changes.

Community Notification

A Council report will be prepared following the release of IPART's final response.

Conclusion

IPART'S review of the NSW Rating system has potentially significant ramifications for Council, including positive benefits.

OFFICER'S RECOMMENDATION

That Council:

1. endorse the lodging of a submission on IPART's Draft Review of the NSW Local Government Rating System based on the responses outlined within Attachment 2 of this report; and
2. delegate authority to the General Manager to finalise the submission.

ATTACHMENT 4



Northern Sydney Regional Organisation of Councils
PO Box 20, Lane Cove, NSW 1595

13 September 2019

Mr Tim Hurst
Deputy Secretary, Local Government Policy and Planning
Office of Local Government
IPART – Local Government Rating System Report
Locked Bad 3015, Nowra NSW 2541
E: lgratingsystem@olg.nsw.gov.au

Dear Mr Hurst,

Re: NSROC feedback to the IPART report on the Local Government Rating system.

Northern Sydney Regional Organisation of Councils (NSROC) appreciates the opportunity to make a submission to the Office of Local Government on the recommendations in the IPART report on the *Local Government Rating System*.

NSROC is a voluntary association of eight local government authorities in northern Sydney whose member councils service an area stretching from the Hawkesbury River in the north to Sydney Harbour and Parramatta River as far upstream as Meadowbank in the south and generally west of the Harbour Bridge.

The Rating System underpins the income of local councils to deliver services to their community. These services are critical in maintaining the liveability of councils, in ensuring economic activity can occur productively and building environmental sustainability. Ensuring that the rating system is seen to be efficient and equitable is important for longer term sustainability of services and maintenance of important public assets. This requires adequate flexibility to be built into the system so that these objectives of the rating system are achieved across a wide variety of scale and specific local factors in council operations. Our submission to the 42 recommendations in the IPART report is based on these principles: the results of any change to the rating system must be transparent and easily understood so that our communities can support the evolution of the rating.

We are generally supportive of the intent of the recommendations in the report, but urge caution in making changes that result in a rigid one-size fits all system which is unable to respond to local trends and community expectations, and thus loses support of the communities that it is intended to benefit.

Accordingly, we suggest that some of the parameters that will inform the rating outcomes for our communities be defined clearly, such as defining capital improved value (CIV) and its relationship to market value and methodologies to determine CIV, along with providing councils the option to adopt it (and once adopted not to return to unimproved value method) after careful consideration of its operation and impact on rate-payers. An important issue that needs to be kept in view is that while retaining the rate peg for general income of councils any rating system change will essentially result in winners and losers. We need to make sure that the outcomes for rate-payers are seen to be reasonable and just, and ensure there are no perverse outcomes for even a small minority of rate-payers.

Transitioning to any new rating system requires NSW Government to support local councils and the community with the transition and changes, including resources on information, training, education and communication.

Should you require further information, please do not hesitate to contact me on (02) 9911 3660 or by email at CChan@lanecove.nsw.gov.au

Yours sincerely

Carrie Chan

NORTHERN SYDNEY REGIONAL ORGANISATION OF COUNCILS

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Submission to the
**IPART Report on
Review of the Local Government Rating System**

September 2019

Prepared by Northern Sydney Regional Organisation of Councils

Member Councils:

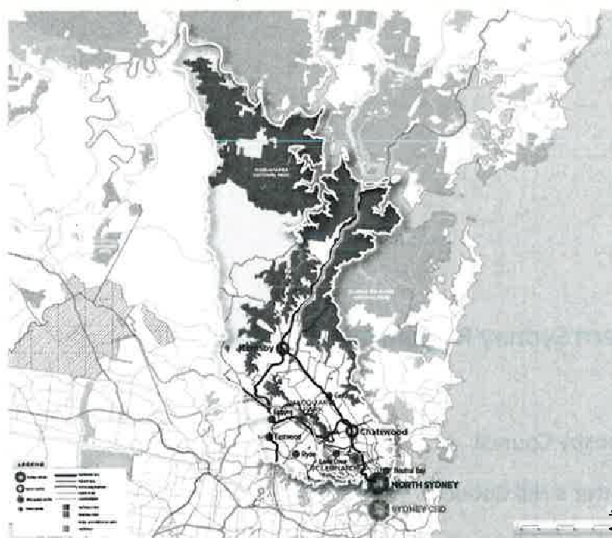
Hornsby Council
Hunter's Hill Council
Ku-ring-gai Council
Lane Cove Council
Mosman Council
North Sydney Council
City of Ryde Council
Willoughby City Council

Contact: Ms Carrie Chan
Executive Director, NSROC
cchan@lanecove.nsw.gov.au

Introduction

The Northern Sydney Regional Organisation of Councils (NSROC) is pleased to make this submission to the Office of Local Government on the recommendations in the IPART's Review of the Local Government Rating System.

NSROC is a voluntary association of eight local government authorities in Sydney. The Councils service an area extending from the Hawkesbury River in the north to Sydney Harbour in the south, west to Meadowbank on the Parramatta River, as shown in Map 1. The region is home



Map 1: Northern Sydney Regional Organisation of Councils area

to about 623,000 (2016) people and is projected to grow to over 666,000 by 2021.

This submission is based on the experience and perspective of our member local government authorities who have been grappling with issues of *equity* and *efficiency* in the determination of rates payable by property owners in their local council areas over a long period of time. Some of these issues have become acute in recent years as the relative share of multi-unit dwellings in the region has grown.

NSROC strongly recommends that the structure of the rating system should be flexible and allow councils to examine and assess impact of changes in a manner that maintains community support and grows their income as their communities grow. This approach, as opposed to a mandated one-size-fits-all approach, would also ensure that even the smallest councils can account for their local and distinct challenges in advancing their financial sustainability in face of the cost-shifting and additional expenditure that local government in New South Wales has increasingly been made to bear.

This NSROC submission represents the majority view of our member councils and there may be differences between councils in terms of views and emphasis on benefits and risks with respect to some of the recommendations in the IPART report.

NSROC supports the adoption of capital improved value as a basis for determining rates, however the change needs to be assessed further prior to implementation to ensure that the taxation objectives of equity & fairness and efficiency are achieved.

Capital improved value

NSROC's submission is informed by some early modelling of outcomes using capital improved values (CIV) and examining some of the policy settings stated in IPART's report. In the absence of a clear definition of CIV and its relationship to market value, the modelling was carried out using two approaches to determine CIV. The modelling showed that depending on the assumptions the relative impact on various groups of rate-payers was highly variable in that "winners" under one set of assumptions became "losers" under another set of reasonable assumptions. In other words, the intent of the change (efficiency and equity) could not be predicted and some policy settings could result in perverse outcomes. Further, this modelling exercise also showed that removal of the provision to levy minimum rates had a significant adverse impact on equalising rates between low-density and high-density properties that reflected use of council services.

Bearing this in view, NSROC supports moving to the Capital Improved a Value (CIV) as the basis for setting ad valorem rates, subject to:

- Use of CIV is **not** mandated
- A policy statement should be proposed to clearly define CIV, its relationship to market value and acceptable methodology(ies) to determine capital improved values taking into account lack of market data for many properties, lack of data on the condition of property, and in cases of strata schemes lack of actionable data on strata unit entitlements (not simply the number of dwelling units in a strata scheme).
- Resolving the inherent tension between the benefits objective (which tends to move the rating system towards a user pays or a poll tax basis) and ability to pay (which suggests adoption of a progressive tax system featuring a number of ad valorem rates that increase as the CIV of a rateable property increases or are based on a residential area approach). This needs to be understood in the context of actual household circumstances within a local government area.
- Modelling of impact on households on account of the change to CIV that shows how rates for similar groups of householders are impacted and whether such changes are considered acceptable within the overall tax effectiveness and efficiency framework.

These aspects are important as the overall rate- cap provisions will remain unchanged as a result of which any changes in the method of calculation of the rates is going to create winners and losers. This will require that governments are able to communicate how the changes are equitable and fair across the community.

Transitioning to an optional CIV requires NSW Government resources to support local councils and the community with information, training, education and communication.

A flexible rating scheme structure:

To achieve fairness and equity and tax efficiency objectives the rating structure will require flexibility and feature the following:

- Base rate
- Minimum rate; and
- Progressive and/or differential ad valorem rates.



It is noted that IPART has proposed removal of minimum rates and has not touched upon the provision of progressive ad valorem rates. NSROC strongly recommends building flexibility into the rating scheme structure by including minimum rates as well as allowing councils to apply differential ad valorem rates based on a transparent methodology. This is particularly pertinent to enable councils to levy rates equitably based on residential density.

Further, the rating scheme needs to have:

- Principles-based exemptions that reflects use of the property and not its ownership
- Pensioner schemes that are meaningful and are fully paid for by the State Government so that the exemptions are not paid for by other rate payers in the local government area. This would require that the NSW Government carries the entire weight of the pensioner schemes. While not a major issue in the short term, this is likely to become significant as the demographic trends in the Northern Sydney region progressively increase the share of pensioner rate-payers.

Our response to all the recommendations is attached. We would welcome an opportunity to amplify our concerns on behalf of our member councils.

Our response to each of the recommendations in IPART's review of the *Local Government Rating System* is attached.



Northern Sydney Regional Organisation of Councils

Organisation

Other Regional Organisation of Councils. Our member councils are: Hornsby, Hunter's Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Ryde and Willoughby

Identifying information

Organisation name Northern Sydney Regional Organisation of Councils

Contact name Carrie Chan

Contact position title Executive Director

Contact phone number (02) 9911 3660

Contact email address cchan@lanecove.nsw.gov.au

1. The *Local Government Act 1993* should be amended to mandate Capital Improved Value (CIV) as the basis for setting ad valorem rates in the metropolitan council areas defined by IPART.

Partially Support

Councils should have the option of using CIV as a basis for setting ad valorem rates to ensure that the rates charged achieve the key tax principles, especially achievement of the benefits principle and equity (horizontal and vertical equity). This will require a careful consideration of the structure of a rate scheme to ensure that changes are transparent, just and equitable, and this may require a reasoned basis for rate setting, whether it be CIV or Unimproved Value (UV).

Further, it is important for a uniform definition of CIV and for a validated methodology for the determination of CIV for individual properties to be developed, road-tested and adopted.

Lastly, NSROC recommends that to meet the IPART recommended change to CIV councils that change to CIV as a basis for setting ad valorem rates cannot change back to the UV method of rate setting. This will facilitate an orderly changeover to CIV over a period of time while minimising and managing any unexpected or perverse rating outcomes.

2. The *Local Government Act 1993* should be amended to allow non-metropolitan councils to choose between the Capital Improved Value and Unimproved Value (UV) methods as the basis for setting ad valorem rates at the rating category level.

Support

NSROC recommends that this recommendation should be extended to metropolitan councils as well. See our response to recommendation 1.

3. Should the *Local Government Act 1993* be amended to facilitate a gradual transition of rates to a Capital Improved Value method?

[OLG comment: The amount of rates that any ratepayer is liable to pay to the council should increase by no more than 10 percentage points above the rate peg (as adjusted for Special Variations) each year as a result of a council adopting a Capital Improved Value method for setting rates. Councils could apply to IPART to exceed this 10% limit.]

Partially support

It is noted that the change to the CIV method for setting rates will require extensive preparatory work that would at a minimum require obtaining CIV rates for all rateable properties using a valid valuation methodology (whether sourced from the Valuer General or an out-sourced provider), modelling impacts on ratepayers and stakeholder consultation led by councillors, and seeking IPART approval for any changes that exceed the 10% limit above the rate peg.

Requiring councils to seek IPART approval where any rate payer is liable to pay a rate increase of greater than 10% is not supported, noting that the *amount of rates any ratepayer is liable to pay the council* includes a range of charges, such as domestic waste management charges, which are in addition to the rates.

With thousands of ratepayers in each council seeking IPART approval where a small minority of rate payers face a rate increase of greater than 10% is onerous for both councils and for IPART. Further, under the current system of rates some areas within a council can experience a rate increase of more than 10% at the beginning of a revaluation cycle which does **not** trigger a requirement for an IPART approval.

Instead, NSROC suggests that changes to the valuation basis for council rates should be well publicised allowing property owners sufficient time to anticipate and prepare for change. Change could be supported further by defining an appropriate transition period (of say five years) and enabling councils to smooth the ratings impact over this period. It is our view that the operation of individual council's debt management and hardship policies would help to ameliorate the financial impact of rate payers who are particularly disadvantaged by the changes.

NSROC and its member councils are ready to work cooperatively with the NSW Government to develop and refine the CIV methodology and to devise a change management plan to facilitate a gradual and smooth changeover in the structure of the rating system.

Transitioning to an optional CIV requires NSW Government to support local councils and the community with resources on training, education and communication.

4. Should section 497 of the *Local Government Act 1993* be amended to remove minimum amounts from the structure of a rate, and section 548 of the *Local Government Act 1993* should be removed?

Don't support

Removing the minimum rates may be restrictive in many cases, for example those involving individually owned strata storage units, garages and car spaces. The impact of removal of minimum rates and application of a new rate structure will need to be modelled to ensure that the result for such rate-payers and for the rest of the rate-payers is fair and equitable. Retaining minimum rates will provide flexibility in the design of rate structure to ensure the adopted rate structure satisfies key tax principles.



5. Should the *Local Government Act 1993* be amended so that the growth in rates revenue outside the rate peg is calculated using the formula based on changes in CIV, as defined by IPART?

[OLG comment: For non-metropolitan councils, this formula would be independent of the valuation method chosen as the basis for setting ad valorem rates.]

Partially support

Consistent with our response to recommendation 2, all councils should be allowed to calculate the growth in rates revenue outside the rate peg in a flexible and transparent manner using the CIV method even if they are utilising the UV method for the determination of rates.

NSROC notes that currently any growth through in-fill and higher density development is absorbed in the rate cap but the development activity significantly increases the cost of services due to the increase in the ratepayers that require council services. NSROC proposes that the rate cap should reflect both the increase in cost of services and the growth in the size of communities serviced.

6. Should the NSW Government fund the NSW Valuer General for the upfront cost of establishing the database to determine Capital Improved Values?

Support

In addition to the initial set-up costs, the NSW Government should fund ongoing costs associated with the maintenance of the CIV database.

7. Should the NSW Government fund the cost for a non-metropolitan council to set up a Capital Improved Value database for the purposes of implementing our recommended formula for calculating growth in rates revenue outside the rate peg, where the Unimproved Value method for setting rates is maintained?

Support

This recommendation should be extended to metropolitan councils who continue to use the Unimproved Value method for setting rates.

8. The *Local Government Act 1993* should be amended to allow councils to levy a new type of special rate for new infrastructure jointly funded with other levels of Government. This special rate should be permitted for services or infrastructure that benefit the community, and funds raised under this special rate should not:

- form part of a council's general income permitted under the rate peg, nor
- require councils to receive regulatory approval from IPART.

Support

In addition, councils should be allowed the discretion to raise special rates for new infrastructure solely funded by themselves after consulting their communities.

In supporting this recommendation NSROC cautions that this avenue for raising funds does not result in cost-shifting for infrastructure that is properly the responsibility of another level of government and that this provision should not result in reduction of grants available to local councils. If adopted, legislation should also provide for community consultation and community



support for such infrastructure projects while giving due weight to the extent of the benefit (community or economy) gained by local residents and benefit leakage to non-council residents.

9. Section 511 of the Local Government Act 1993 should be amended to reflect that, where a council does not apply the full percentage increase of the rate peg (or any applicable Special Variation) in a year, within the following 10-year period, the council can set rates in a subsequent year to return it to the original rating trajectory for that subsequent year.

Support

This recommendation will provide councils greater flexibility in setting rates as it will allow for matching the application of Special Variation to the execution of projects and activities that are to be funded by the Special Variation.

10. The *Local Government Act 1993* should be amended to remove the requirement to equalise residential rates by 'centre of population'. Instead, the *Local Government Act 1993* should allow councils to determine a residential subcategory, and set a residential rate, by:

- separate town or village, or
- residential area.

Support

In supporting this recommendation, NSROC also asks that to support achievement of equitable outcomes that councils be allowed to set up differential residential rates by land-use density as this is increasingly becoming a feature of development in the Sydney metropolitan area.

11. The *Local Government Act 1993* should outline that:

A 'residential area' is an area within a contiguous urban locality that has, on average, different access to, demand for, or costs of providing council services or infrastructure (relative to other areas in that locality).

Councils could use geographic markers to define the boundaries for a residential area, including postcode boundaries, suburb boundaries, geographic features (e.g., waterways, bushland) and/or the location of major infrastructure (e.g., arterial roads, railway lines).

Support

In addition, NSROC recommends that the *Local Government Act 1993* include provisions to enable councils to have sub-categories within the residential category based on density as this would allow them to levy rates based on cost of services reflecting access and demand for services.



12. The *Local Government Act 1993* should be amended so, where a council uses different residential rates within a contiguous urban locality, it should be required to:
- ensure the highest rate structure is no more than 1.5 times the average rate structure across all residential subcategories (i.e., so the maximum difference between the highest and average ad valorem rates and base amounts is 50%), or obtain approval from IPART to exceed this maximum difference, and
 - publish the different rates (along with the reasons for the different rates) on its website and in the rates notice received by ratepayers.

Support

13. At the end of the 4-year rate path freeze, new councils determine whether any pre-merger areas are separate towns or villages, or different residential areas.
- In the event that a new council determines they are separate towns or villages, or different residential areas, it should be able to continue the existing rates or set different rates for these pre-merger areas, subject to metropolitan councils seeking IPART approval if they exceed the 50% maximum differential. It could also choose to equalise rates across the pre-merger areas, using the gradual equalisation process outlined below.
 - In the event that a new council determines they are not separate towns or villages, or different residential areas, or it chooses to equalise rates, it should undertake a gradual equalisation of residential rates. The amount of rates a resident is liable to pay to the council should increase by no more than 10 percentage points above the rate peg (as adjusted for Special Variations) each year as a result of this equalisation. The *Local Government Act 1993* should be amended to facilitate this gradual equalisation. Better target rate exemption eligibility

Support

NSROC member councils are not impacted by this recommendation.

14. Sections 555 and 556 of the *Local Government Act 1993 NSW* should be amended to:
- exempt land on the basis of use rather than ownership, and to directly link the exemption to the use of the land, and
 - ensure land used for residential and commercial purposes is rateable unless explicitly exempted.

Support

NSROC supports this recommendation on grounds of equity, fairness and competitive neutrality. A number of exempted organisations carry out commercial activities on their property in competition with private businesses. Enshrining this principle in legislation will assist an assessment of applications for exemption from payment of rates and will reduce lobbying activity to obtain exemption.

15. Land that is used for residential care as defined in Section 41-3(1) of the *Aged Care Act 1997* (Cwth) be proportionally rateable according to the share of places whose maximum Refundable Accommodation Deposit is above the level set by the Minister for Health and Aged Care (currently \$550,000).

Support



NSROC supports this recommendation and additionally asks that the Commonwealth My Aged Care website publishes, as part of their 'Find a Provider – Aged Care Homes', a list of residential care facilities that charge a RAD above the rate set by the Commonwealth Government.

16. Section 556(1)(i) of the *Local Government Act 1993* should be amended to include land owned by a private hospital and used for that purpose.

Don't support.

NSROC suggests that the scope of exemptions in Section 556(1)(i) of the *Local Government Act 1993* should be narrowed and should be principles-based, i.e. based on use and not ownership as stated in our response to IPART recommendation 14.

Private hospitals are a commercial business and their property should be rateable. While the IPART report attempts to make the case for an exemption based on perceived public benefits, it should be noted that private hospitals operate on a for-profit basis by providing a private service to individuals that hold private health insurance and their services are not open to all residents. Further, they are recipients of substantial tax-payer funded support from the Commonwealth Government. Exempting private hospitals from rates could also lead to an argument to exempt other health and allied health practitioners on the grounds that they help residents to stay healthy and reduce the load on public hospitals.

IPART arguments to remove exemptions from water corporations and Teacher Housing Authority (recommendation 17) also apply to private hospitals.

17. The following exemptions be removed:

- land that is vested in, owned by, or within a special or controlled area for, the Hunter Water Corporation, Water NSW or the Sydney Water Corporation (*Local Government Act 1993* section 555(1)(c) and section 555(1)(d))
- land that is below the high water mark and is used for the cultivation of oysters (*Local Government Act 1993* section 555(1)(h))
- land that is held under a lease from the Crown for private purposes and is the subject of a mineral claim (*Local Government Act 1993* section 556(1)(g)), and
- land that is managed by the Teacher Housing Authority and on which a house is erected (*Local Government Act 1993* section 556(1)(p)).

Support

18. Section 555(1)(b1) of the *Local Government Act 1993* should be amended to remove the current rating exemption for land that is the subject of a conservation agreement and instead require it to be rated using the Environmental Land category.

Support



19. The following exemptions not be funded by local councils and hence should be removed from the Local Government Act and Regulation:
- land that is vested in the Sydney Cricket and Sports Ground Trust (Local Government Act 1993 section 556(1)(m))
 - land that is leased by the Royal Agricultural Society in the Homebush Bay area (Local Government (General) Regulation 2005 reg 123(a))
 - land that is occupied by the Museum of Contemporary Art Limited (Local Government (General) Regulation 2005 reg 123(b)), and
 - land comprising the site known as Museum of Sydney (Local Government (General) Regulation 2005 reg 123(c)).

The NSW Government should consider whether to fund these local rates through State taxes.

Support

20. Where a portion of land is used for an exempt purpose and the remainder for a non-exempt activity, only the former portion should be exempt, and the remainder should be rateable.

Support

NSROC supports this principle as it is consistent with the competitive neutrality principle.

21. Where land is used for an exempt purpose only part of the time, a self-assessment process should be used to determine the proportion of rates payable for the non-exempt use.

Partially support

While NSROC supports reducing the administrative burden of determining the proportion of exempt and non-exempt use, councils should be authorised to seek information on the basis for estimating proportion of exempt-use of a property. In the event of significant disagreement on the underlying method used, councils should be authorised to negotiate a reasonable method to be employed by the rate-payer.

22. A council's maximum general income not be modified as a result of any changes to exemptions from implementing our recommendations.

Don't support

Where the impact of change in exemptions arising from implementation of IPART recommendations results in an increase in a council's maximum general income, the maximum general income should be modified to reflect the increase.

23. A council may apply to IPART for a Special Variation to take account of the changes in exemptions using a streamlined process in the year that our recommended exemption changes come into force. The council would need to demonstrate:
- it satisfies the first criteria for Special Variation applications in the OLG guidelines relating to the need for and purpose of a different revenue path for the council's General Fund, and
 - that any subcategory rating structure applied to previously exempt properties is no greater than the average rate structure across the relevant rating category.

Partially support

NSROC supports the intent of the IPART recommendation, but would suggest that councils apply the recommended policy setting in a transparent manner but without the need to apply to IPART for a Special Variation.

24. The *Local Government Act 1993* should be amended to remove the current exemptions from water and sewerage special charges in section 555 and instead allow councils discretion to exempt these properties from water and sewerage special rates in a similar manner as occurs under section 558(1).

Unsure

This is not an issue for Northern Sydney councils.

25. At the start of each rating period, councils calculate the estimated value of rating exemptions within the council area. This information should be published in the council's annual report or otherwise made available to the public.

Support

NSROC supports this recommendation as improving transparency of total amount of rates income forgone due to rating exemptions while noting that exemptions are provided under legislation. In addition, NSROC suggests that this information be provided by grouping similar types of exempt institutions. Implementation of this recommendation would keep the community informed of benefits to public institutions and help to maintain community support for exemptions as these are paid for by the rest of the rate-paying community. It is noted that provision of this information may involve administrative effort initially but the cost of provision of this information on a continuing basis should be small.

26. For new and existing eligible pensioners, introduce a rate deferral scheme operated by the NSW Government, where:
- Eligible pensioners would be allowed to defer payment of ordinary council rates up to \$1,000 per annum and indexed to CPI, or any other amount as determined by the NSW Government.

Partially support

NSROC supports this recommendation subject to the details of the operation of the rate deferral scheme. In particular, NSROC believes that the ensuing debt from a rate deferral should be managed by the NSW Government and it should not be the responsibility of councils as the cost to councils of deferred rates and attendant administrative effort is expected to make the scheme unviable compared to other arrangements to provide relief to asset rich income poor eligible pensioners.

27. Give existing eligible pensioners the option to access, either:
- the current pensioner concession, or
 - the rate deferral scheme, as defined in Recommendation 26.

Support

Eligible pensioners should seek rate payment relief by way of concession or rates deferral from the State Government and not from councils (and therefore other rate payers in the council): The current scheme, where cost of pensioner discount/relief is shared between local councils and the State Government, should be discontinued with eligible pensioners seeking either a rates deferral or a concession from the State Government.

28. Should the NSW Government support funding pensioner assistance through:
- Continuing the current pensioner concession funding arrangements
 - The rate deferral scheme (defined in Recommendation 26) would be funded by the NSW Government. The loan should be charged interest at the NSW Government's 10-year borrowing rate, and could become due when property ownership changes.

Partially support

As stated in the response to recommendation 27, the NSW Government should operate both schemes with eligible pensioners provided the option to access or the other assistance arrangement.

29. Section 493 of the *Local Government Act 1993* should be amended to add a new environmental land category and a definition of 'environmental land' should be included in the *Local Government Act 1993*.
- Land subject to a state conservation agreement is categorised as 'environmental land' for the purposes of setting rates.

Support

30. Section 529(2)(d) of the *Local Government Act 1993* should be amended to allow business land to be subcategorised as 'industrial' and or 'commercial' in addition to centre of activity.

Support

31. Sections 493, 519 and 529 of the *Local Government Act 1993* should be amended to add an optional vacant land subcategory for residential, business and mining land.

Support

32. Section 529 (2)(a) of the *Local Government Act 1993* should be replaced to allow farmland subcategories to be determined based on geographic location.

Support



33. Section 518 of the *Local Government Act 1993* should be amended to reflect that a council may determine by resolution which rating category will act as the residual category.
- The residual category that is determined should not be subject to change for a 4-year period
 - If a council does not determine a residual category, the business category should act as the default residual rating category.

Support

34. Any difference in the rate charged by a council to a mining category compared to its average business rate should primarily reflect differences in the council's costs of providing services to the mining properties.

Support

35. Councils have the option to engage the State Debt Recovery Office to recover outstanding council rates and charges.

Support

NSROC agrees that engagement of the State Debt Recovery Office to recover outstanding council rates and charges should be optional and be at the discretion of the council. This will ensure that the council can work with vulnerable ratepayers while referring habitual defaulters to the SDRO for collection of rates debts.

36. The existing legal and administrative process to recover outstanding rates be streamlined by reducing the period of time before a property can be sold to recover rates from five years to three years.

Support

37. All councils adopt an internal review policy, to assist those who are late in paying rates, before commencing legal proceedings to recover unpaid rates.

Support

NSROC supports adoption of Debt Management and Hardship Guidelines issued by the Office of Local Government that allow councils to adapt processes that reflect their local community needs and expectations, noting that councils already have hardship provisions in their policies.

38. The *Local Government Act 1993* should be amended or the Office of Local Government should issue guidelines to clarify that councils can offer flexible payment options to ratepayers.

Support

39. The *Local Government Act 1993* should be amended to allow councils to offer a discount to ratepayers who elect to receive rates notices in electronic formats, e.g., via email.

Support



NSROC supports this recommendation in principle and suggests that councils be given an additional option to charge extra for paper-based rates notices. We agree that the adoption of this recommendation by councils should be optional and not mandatory. Councils will need to consider policy settings to apply, such as discounts to apply or to charge a cost for a paper notice, by carefully considering ongoing cost savings and set-up cost for putting processes and systems in place.

40. The *Local Government Act 1993* should be amended to remove section 585 and section 595, so that ratepayers are not permitted to postpone rates as a result of land rezoning, and councils are not required to write-off postponed rates after five years.

Support

41. The valuation base date for the Emergency Services Property Levy and council rates be aligned.
- The NSW Government should levy the Emergency Services Property Levy on a Capital Improved Value basis when Capital Improved Value data becomes available state-wide.

Support – in principle

NSROC notes that the Emergency Services Property Levy arrangements have changed since the IPART review was finalised. If adopted, the Emergency Services Property Levy should not form part of the general income rate cap. Any move to charge the Levy to individual rate-payers needs to be assessed carefully. NSROC and its member councils will be pleased to comment on proposals in this regard.

42. After the NSW Valuer General has established the database to determine Capital Improved Values for rating purposes (see Recommendation 3), councils be given the choice to directly buy valuation services from private valuers that have been certified by the NSW Valuer General.

Partially support

As noted in our response earlier to the adoption of CIV as a basis for calculating rates, it is important to ensure that the methodology to assess CIV be robust and be well-founded so that it enjoys support of the community. Delivering on this will require a robust method of certification of valuers and their methodologies.

As noted in our response to IPART recommendation 3, ratepayers can appeal their valuation if they feel that they are unreasonable. To manage the quantum of appeals after a changeover to the CIV method it would be preferable for the NSW Valuer General to ensure that valuation methodology used is consistent across the state. In doing so it may utilise contract valuers under their supervision but ensure uniformity across the state and consistency over time in valuation results. This will assist in maintaining support for the method in the community and avoid appeals based on methodologies applied.

15.5 IPART REPORT - REPORTING AND COMPLIANCE BURDENS ON LOCAL GOVERNMENT - SUBMISSION

ATTACHMENTS:	1. IMPLICATIONS 2. PROPOSED SUBMISSION
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE, RISK & CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.2 – DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES
MEETING DATE:	17 OCTOBER 2019

1. PURPOSE OF REPORT

To note Council's submission to the IPART Report – Review of reporting and compliance burdens on Local Government.

2. OFFICER'S RECOMMENDATION

That Council endorse Council's submissions to the IPART Report – *Review of reporting and compliance burdens on Local Government.*

3. BACKGROUND

IPART submitted the report *Review of reporting and compliance burdens on Local Government* ('the Report') in April 2016. The NSW Government publicly released the Report in June 2019 and called for submissions on 22 of the 51 recommendations. The submissions are due by 25 October 2019.

Twenty nine submissions are not open for consultation because they:

- have already been implemented, or
- are currently the subject of separate consultation, or
- otherwise not accepted by the government, because they may have adverse impacts on vulnerable people in the community, affect regional jobs and economies or substantially increase costs for taxpayers and the broader community.

Areas covered by the Report span across different business areas of Council and relate to inefficient, unnecessary or excessive burdens placed on local government by the State in the form of planning, reporting and compliance obligations.

4. DISCUSSION

Submissions have been collated in the areas of corporate reporting, community land management and human resources (temporary employees). The proposed submissions are in the attached template at Attachment 2.

Council made submissions on the draft Report in February 2016, and the submissions on the Final Report are consistent with the previous submissions and are in support of the recommendations.

5. CONCLUSION

Council has collated submissions in relation to the IPART Report - Review of reporting and compliance burdens on Local Government in the areas of corporate reporting, community land management and human resources.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.2 – Demonstrate leadership and advocacy for local priorities
Business Plan Objectives, Outcomes/ Services	Not applicable.
Policy	Not applicable.
Consultation	Consultation has occurred with Managers in relation to submissions for recommendations in each business area.
Resource	Existing staff resources have been used to draft submission.
Risk	This submission presents an opportunity for Council to advocate on issues that impact on local government.
Legal	Submissions in the area of human resources support changes to the <i>Local Government Act 1993</i> in relation to temporary employees.
Legislation	Submissions in the area of human resources support changes to the <i>Local Government Act 1993</i> in relation to temporary employees.

Number	Recommendation	WCC Directorate / Unit	Feedback
Systemic Issues			
1	<p>That the Department of Finance, Services and Innovation (DFSI) revise the NSW Guide to Better Regulation to include requirements for State agencies developing regulations involving regulatory or other responsibilities for local government, as part of the regulation-making process, to:</p> <ul style="list-style-type: none"> • consider whether a regulatory proposal involves responsibilities for local government • clearly identify and delineate State and local government responsibilities • consider the costs and benefits of regulatory options on local government • assess the capacity and capability of local government to administer and implement the proposed responsibilities, including consideration of adequate cost recovery mechanisms for local government • take a coordinated, whole-of-government approach to developing the regulatory proposal • collaborate with local government to inform development of the regulatory proposal • if establishing a jointly provided service or function, reach agreement with local government as to the objectives, design, standards and shared funding arrangements, and • develop an implementation and compliance plan. 	<p>Customer & Corporate</p> <p>Planning & Infrastructure</p>	<p>Recommendation supported</p>

ATTACHMENT 2

7	<p>That the Department of Premier and Cabinet amend the Good Practice Guide to Grant Administration, to:</p> <ul style="list-style-type: none"> • recognise local government as separate from non-government organisations • remove acquittal requirements for untied grants • explicitly address ongoing maintenance and renewal costs when funding new capital projects • require agencies to rely on existing council reporting to assess financial stability and management performance of councils • lengthen acquittal periods for ongoing grant programs to four years, and use Memorandum of Understanding (MOU) arrangements, rather than requiring councils to reapply annually, and • provide for a streamlined acquittal process for grants of less than \$20,000 in total, examples of streamlining include: <ul style="list-style-type: none"> ○ not requiring further external financial audit ○ using risk-based controls and requirements, and ○ confining performance measurement to outcomes consistent with the purpose of the grant. 	<p>Customer & Corporate</p> <p>Finance Unit</p>	<p>Recommendation supported</p>
8	<p>That NSW Government agencies collecting local government data and information make this data discoverable through the Data NSW open data portal or the Information Asset Register maintained by the Department of Finance, Services and Innovation</p>	<p>Customer & Corporate</p> <p>Information Services</p> <p>Governance Risk and Corporate Planning</p>	<p>Recommendation supported</p>

9	<p>That the Department of Finance, Services and Innovation:</p> <ul style="list-style-type: none"> • support NSW Government agencies to use the Open Data Rolling Release Schedule to establish clear timeframes for publishing local government data and information in Data NSW (in machine readable formats) • support councils to make local government data and information available for discovery through Data NSW or the Information Asset Register, and • support the Office of Local Government to develop a central portal for local government reporting and streamlined data collection 	<p>Customer & Corporate</p> <p>Planning & Infrastructure</p> <p>Information Services</p>	<p>Recommendation supported</p>
Water and Sewerage			
13	<p>That the Office of Local Government determine a standardised service report template to be used by technicians undertaking quarterly servicing of aerated wastewater treatment systems, in consultation with NSW Health and councils.</p>	<p>Compliance Unit</p>	<p>Recommendation supported</p>
14	<p>That the Local Government (General) Regulation 2005 be amended to require service reports to be provided to councils using the template determined by the Office of Local Government as a standard condition of approval to operate an aerated wastewater treatment system.</p>	<p>Compliance Unit</p>	<p>Recommendation supported</p>
Planning			
15	<p>That the Department of Planning and Environment (DPE):</p> <ul style="list-style-type: none"> • Implement a data sharing model with the Australian Bureau of Statistics in relation to building approvals in NSW. • Introduce a consolidated data request of councils for the purposes of the Local Development Performance Monitoring (LDPM), Housing Monitor, State Environmental Planning Policy (Affordable Rental Housing) 2009 (Affordable Rental Housing) and State Environmental Planning Policy No 1 	<p>Planning Unit</p> <p>Finance Unit</p>	<p>Recommendation supported</p>

	<ul style="list-style-type: none"> • Development Standards (SEPP 1 variations). • Fund an upgrade of councils' software systems to automate the collection of data from councils for the purposes of the LDPM, Housing Monitor, Affordable Rental Housing and SEPP 1 variations. • Publish the data collected from councils on Affordable Rental Housing and SEPP 1 variations data. • Seek agreement with the Land & Environment Court to obtain appeal data directly from the Court. • Remove the administrative requirement for councils to report to DPE on political donations or gifts under section 147 of the Environmental Planning & Assessment Act 1979. 		
18	<p>That DPE amend the NSW Planning Portal to provide for online:</p> <ul style="list-style-type: none"> • payment of fees and charges by applicants and for the Planning Reform Fund fee to then be automatically directed to DPE • information or certificates under section 149(2) of the Environmental Planning & Assessment Act 1979, and • joint applications for development approvals and construction certificates. 	Planning Unit	Recommendation supported
20	<p>That DPE manage referrals to NSW Government agencies through a 'onestop shop' in relation to:</p> <ul style="list-style-type: none"> • planning proposals (LEPs) • development applications (DAs), and • integrated development assessments (IDAs). 	Planning Unit	Recommendation supported
21	<p>That DPE develop suites of standardised development consent conditions and streamline conditions that require consultant reports or subsequent approvals, in consultation with councils, NSW Government agencies and other key stakeholders.</p>	Planning Unit	Recommendation supported

Administration and Governance			
22	That the NSW Government streamline the reporting requirements for the Integrated Planning and Reporting (IP&R) framework in the revised Local Government Act.	Governance Risk and Corporate Planning	Recommendation is welcomed and supported
23	<p>Ahead of the 2020 IP&R cycle, that the Office of Local Government:</p> <ul style="list-style-type: none"> • provide councils with a common set of performance indicators to measure performance within the IP&R framework • conduct state-wide community satisfaction surveys and release the results to allow comparisons between councils and benchmarking • provide guidance to councils on the form and content of the End of Term Report and its relationship to local councils' Annual Reports • clarify for councils the purpose, form and content of the State of the Environment report and clarify its relationship to the End of Term Report • work with the Office of Environment and Heritage, the NSW Environment Protection Authority and other relevant agencies to develop performance indicators for councils to use, and • where relevant, amend the IP&R Guidelines and Manual to incorporate this material. 	<p>Customer & Corporate</p> <p>Governance, Risk and Corporate Planning</p>	<p>Recommendation supported. The key issue is whether the benefits of a state wide consistent approach to performance measurement is greater than the costs.</p> <p>There is considerable scope for consolidating data collections to reduce the compliance burdens on councils. Current data collections are unnecessarily repetitive while producing limited useful and timely data.</p> <p>Developing and collecting robust performance measures can be costly. The benefits will be greatest when the focus is on those services for which enhancing performance will bring the largest gains. However, the priorities, and thus individual services provided, will differ across councils. Differing priorities of councils and the communities they serve mean that uniform approaches that do not take this into account may please no-one.</p> <p>The costs as well as the benefits of collecting data on each service should also be assessed. It will be less costly to collect some performance data for some services than for others.</p> <p>Moreover, developing</p>

		<p>data definitions and collection of the information may be costly, both for OLG who would be responsible for this work and councils who must provide the data. The costs to all concerned will be reduced if performance reporting can effectively 'piggyback' on existing work. There is room for rationalising data collections currently required by departments/agencies into a single collection and set of indicators. The OLG has an important role to play in reducing the compliance burden on councils by ensuring that data collections are adequately coordinated.</p> <p>Any comparative performance information should be used as a tool to measure and analyse performance and not as a definitive assessment of Council's relative performance.</p> <p>Performance data facilitates, but does not of itself constitute, a sound judgement of performance. Judgements, while drawing on performance data, need to be underpinned by an understanding that each council is unique.</p> <p>There should be no link between performance and funding levels. Linking funding to performance does not benefit a cooperative development of performance measures.</p>
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			Further guidance on End of Term reporting including content and the visualisation of data is welcomed and supported.
28	That the Department of Planning and Environment, through the Office of Local Government, review the requirements in the Local Government Act 1993 for Ministerial approvals and remove those that are not justified on the basis of corruption prevention, probity or protecting the interests of the State.	Planning & Infrastructure Customer & Corporate Planning Unit Governance, Risk and Corporate Planning (Fraud and Corruption)	Recommendation supported
29	That the Office of Local Government introduce guidelines that specify maximum response times for different categories of Ministerial approvals	Planning Unit	Recommendation supported
30	That the Department of Planning and Environment, through the Office of Local Government, review all approvals required under section 68 of the Local Government Act 1993 in order to: <ul style="list-style-type: none"> • determine the activities for which a separate local council approval under section 68 is necessary • revise the regulatory frameworks within NSW legislation to remove duplication • place as many approval requirements as possible in specialist legislation, and • where appropriate, enable mutual recognition of approvals issued by another council. 	Compliance Unit	Recommendation supported

31	That the Local Government Act 1993 be amended to transfer current requirements relating to the length of time for temporary appointments under section 351(2) to the Local Government (General) Regulation 2005 or the relevant awards.	Customer & Corporate People and Culture	Recommendation supported. Greater flexibility in managing recruitment is in line with broader public sector and general employment market. It increases Council's capacity to address changes and new or non-traditional roles (eg. Resilience Officer). It also allows recruitment to tie in with projects and council terms to ensure continuity of program delivery. Longer terms for temporary appointments will complement the permanent workforce and help Council's capacity to attract staff and manage an aging workforce.
32	Extend the maximum periods of temporary employment from 12 months to four years within any continuous period of five years, similar to Rule 10 of the Government Sector Employment Rules 2014.	People and Culture	Recommendation supported. Greater flexibility in managing recruitment is in line with broader public sector and general employment market. It increases Council's capacity to address changes and new or non-traditional roles (eg. Resilience Officer). It also allows recruitment to tie in with projects and council terms to ensure continuity of program delivery. Longer terms for temporary appointments will complement the permanent workforce and help Council's capacity to attract staff and manage an aging workforce.

Building and Construction			
37	That the Building Professionals Board or the proposed Office of Building Regulation (in consultation with Department of Planning and Environment, Fire & Rescue NSW and local government) design the new online system for submitting annual fire safety statements (AFSS) to allow councils to identify buildings in their area that require an AFSS, and where follow up or enforcement action is required.	Planning & Infrastructure	Recommendation supported
39	That section 121ZD of the Environmental Planning and Assessment Act 1979 be amended to allow councils to delegate authority to the General Manager to consider a report by the Fire Brigade, make a determination and issue an order, rather than having the report considered at the next council meeting.	Planning & Infrastructure	Recommendation supported
Public Land and Infrastructure			
44	That the NSW Government streamline the provisions of the Local Government Act 1993 relating to plans of management for community land to enable councils to align public notice and consultation with councils' community engagement for Integrated Planning and Reporting purposes.	Culture and Leisure	Recommendation supported. The current provisions in the LG Act for public exhibition of plans of management are not onerous.
Community Order			
49	That the NSW Government, in consultation with councils, review how councils are currently applying Alcohol Free Zone (AFZ) and Alcohol Prohibited Area (APA) provisions in response to alcohol related anti-social behaviour and clarify the rationale and processes for declaring AFZs and APAs in the Local Government Act 1993 and Ministerial Guidelines on Alcohol-Free Zones.	Compliance Unit	Recommendation supported
50	That the NSW Government provide an efficient process for consultation and decision making on temporary and events-based alcohol restrictions.	Compliance Unit	Recommendation supported

15.6 AUDIT RISK AND IMPROVEMENT COMMITTEE - REMUNERATION AND TENURE

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CHARLTON – GOVERNANCE RISK & CORPORATE PLANNING MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	17 OCTOBER 2019

1. PURPOSE OF REPORT

To seek Council approval to increase the remuneration paid to independent members of the Audit, Risk and Improvement Committee (ARIC) and to extend the tenure of independent Committee members to October 2020.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Approve an increase of remuneration for independent Committee members to \$1200.00 per meeting for independent members and \$1500.00 per meeting for the Committee Chair, commencing 22 October 2019**
- 2. Extend the appointment of independent Committee members to the end of October 2020**

3. BACKGROUND

Council's three independent ARIC members were appointed by Council resolution on 25 September 2017. The ARIC Charter provides for tenure of the independent Committee members, with appointment for a three year term, and the potential for appointments to be extended by Council. The Charter states that the independent membership of the Committee will expire at the end of the financial year in which a local government general election takes place.

Until February 2019, all independent Committee members were paid \$500 per meeting. On 11 February 2019, following a request from the Committee, the remuneration of independent members was increased by 2.5%, with an additional \$200 per meeting to the Chair.

The Committee has recently requested a threefold increase in remuneration, with a 30% differential for the Chair.

4. DISCUSSION

Committee member remuneration

Previous benchmarking of ARIC member remuneration considered industry norms of councils who had established ARICs. Since that time, more councils have established ARICs with similar responsibilities as Willoughby's ARIC.

This has enabled benchmarking of the 11 small metropolitan councils as categorised by the Local Government Remuneration Tribunal in 2018.

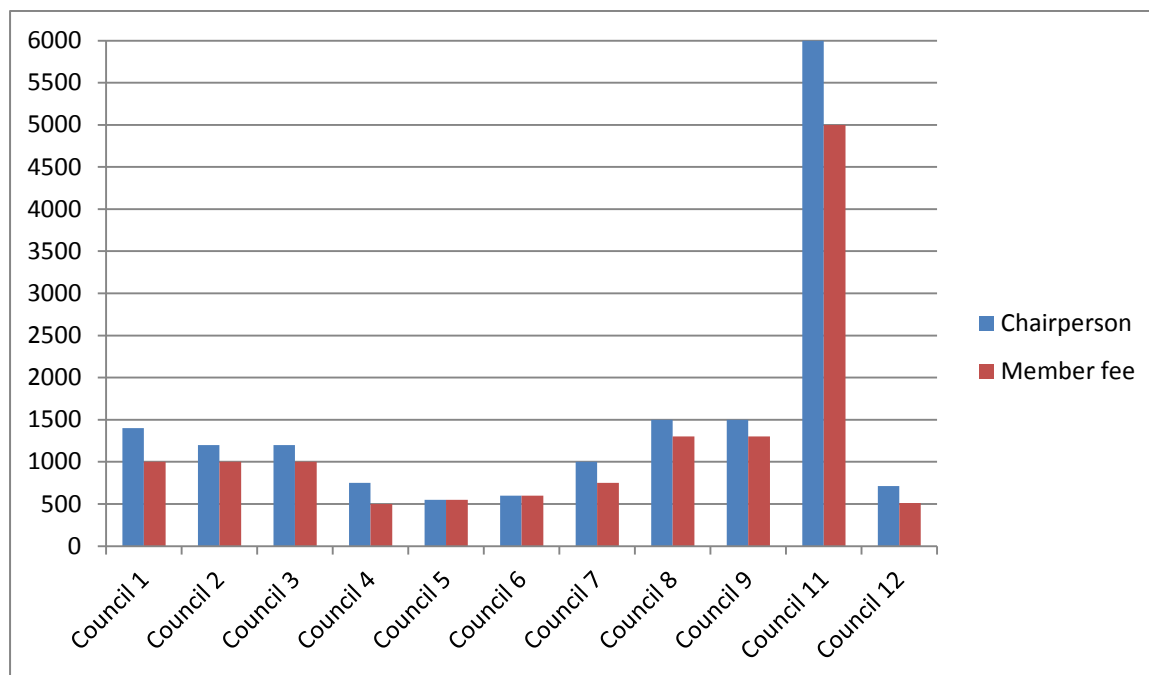


Figure 1. ARIC Chairperson and member fees for the 11 small metropolitan councils

In the above graph, Willoughby City Council is 'Council 12'. Council's remuneration of independent members is lower than remuneration in other small metropolitan councils.

The Committee's roles and responsibilities under Council's ARIC Charter are based on the NSW Government's *Treasury Policy Paper – Internal Audit and Risk Management in the NSW Public Sector* (TPP 15-03) and also incorporate additional responsibilities in anticipation of the commencing legislation (eg. business improvement and review of performance data). The small metropolitan councils shown in the graph above have Charters that include the roles and responsibilities set out in TPP 15-03. Some small metropolitan councils have also included the additional responsibilities, with those councils generally in the higher fee range for independent members.

In light of this benchmarking, it is considered reasonable to increase the remuneration of the ARIC members and Chair to \$1200 and \$1500 respectively. This is in line with other small metropolitan councils and can be reviewed when the new OLG internal audit guidelines are implemented.

Tenure of independent members

Under the ARIC Charter, the tenure of the independent Committee members will expire on 25 September 2020, being the end of the three year term. Local Government general elections take place in September 2020 and it is proposed that the newly elected Council will appoint independent members to the ARIC to commence in December 2020.

The timing of appointment of independent members to commence in December 2020 allows a newly elected Council to recruit members and allows the current ARIC Committee to finish the Council's IP& R and financial reporting cycle for the Council term, with the last meeting being in October 2020.

This timeframe requires Council to extend the appointment of the current independent Committee members to the end of October 2020, and recruit for independent members in line with the following proposed timeline:

Recruitment process	July / September 2020
Council appointment	October 2020
Induction	November 2020
First ARIC meeting of new Committee	December 2020

5. CONCLUSION

Council established its ARIC in September 2017, ahead of upcoming legislative change and accompanying guidelines. As the Committee has evolved and developed its roles and responsibilities under the Charter it is timely to review the remuneration of the independent members to align with developing industry standards and more closely align with proposed NSW Government guidelines.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes/ Services	Council's internal audit program is part of the Governance, Risk and Corporate Planning Business Unit's Plan.
Policy	Audit Risk and Improvement Committee Charter
Consultation	Internal consultation has taken place with Council's Internal Auditor.
Resource	Additional resources required and to be sourced through the Governance Risk and Improvement Committee budget.
Risk	Failure to align remuneration with industry standards risks the inability to retain and attract independent Committee members. The failure to extend the tenure of the current Committee may lead to the Committee membership lapsing in September 2020, on completion of the members' 3 year term as stated in the ARIC Charter.
Legal	WCC's ARIC Charter is in line with the OLG's Internal Audit Guidelines 2010, which are guidelines made under s 23A of the <i>Local Government Act 1993</i> .
Legislation	WCC's ARIC Charter is in line with the OLG's Internal Audit Guidelines 2010, which are guidelines made under s 23A of the <i>Local Government Act 1993</i> .
Budget/Financial	A budget adjustment of approximately \$7,000 is required to cover the remaining three meetings in 2019/20

15.7 COUNCILLOR REPRESENTATION ON THE NORTHERN SYDNEY REGIONAL ORGANISATION OF COUNCILS

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	VLADIMIR GREPL – GOVERNANCE OFFICER
CITY STRATEGY OUTCOME:	5.2 – DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES
MEETING DATE:	17 OCTOBER 2019

1. PURPOSE OF REPORT

To nominate one additional Councillor as an alternative delegate to the Northern Sydney Regional Organisation of Councils (NSROC).

2. OFFICER'S RECOMMENDATION

That Council nominate one additional Councillor as an alternative delegate to the Northern Sydney Regional Organisation of Councils Board.

3. BACKGROUND

Council resolved in September 2019 that the Mayor and Councillor Zhu be Council's representatives on the NSROC Board, and that Councillor Wright is an alternative representative.

4. DISCUSSION

The finalised NSROC constitution (at clauses 5 (ii) and 5 (v)) requires a member Council to appoint two alternative delegates. Accordingly, Council will need to appoint one more alternative delegate in addition to Councillor Wright already so nominated by the Council. The additional alternative delegate may represent the Council on the NSROC Board with full voting rights when the Mayor and Councillor Zhu are unable to attend.

5. CONCLUSION

The nomination of the second alternative delegate brings to a conclusion all arrangements required of Council to comply with the updated NSROC constitution.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.2 – Demonstrate leadership and advocacy for local priorities
Business Plan Objectives, Outcomes/ Services	The Governance team maintains records on Councillor representation on statutory committees and external organisations.
Policy	Not applicable.
Consultation	Not applicable.
Resource	Staff resources including time to maintain records on Councillor representation and correspondence with external organisations on which Councillors are represented.
Risk	By nominating its representatives, Council ensures that all positions needing Councillor input are filled.
Legal	Not applicable.
Legislation	Not applicable.
Budget/Financial	This is within approved budget.

15.8 DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS - 2018/19

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	DEAN FROST – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	PATRICIA SHELDRAKE – GOVERNANCE MEETING ADMINISTRATION OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	17 OCTOBER 2019

1. PURPOSE OF REPORT

To table the Disclosures of Pecuniary Interests and Other Matters return (also known as Written Returns of Interest) for the period 1 July 2018 – 30 June 2019.

2. OFFICER'S RECOMMENDATION

That Council note the tabling of Disclosures of Pecuniary Interest and Other Matters by Councillors and designated persons lodged for the 12 months ending 30 June 2019.

3. BACKGROUND

The pecuniary interests and other matters to be disclosed in returns by councillors and designated persons are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW (the Model Code)*. Council adopted Willoughby City Council's Code of Conduct 2019 in accordance with the Model Code at its meeting held 11 June 2019.

Information is collected for the purpose of compliance with clause 4.21 of the *Model Code of Conduct*. The Chief Executive Officer is required to table returns at the first available council meeting following the 30 September deadline for completion of returns.

4. DISCUSSION

This report tables disclosures from Councillors and designated persons.

5. CONCLUSION

Completed returns from councillors and designated persons have been registered in Council's forms management system and included in Council's register of returns and are submitted to Council for noting.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes/ Services	Governance provides support for the compilation, tabling and registering of annual disclosures of pecuniary interests and other matters returns by councillors and designated persons.
Policy	<i>Willoughby City Council's Code of Conduct</i> . Pecuniary interests and other matters to be disclosed are prescribed by Schedule 1 of the <i>Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct)</i> . The form of written return of interest is submitted under Clause 4.21 of the <i>Model Code of Conduct</i> .
Consultation	Not applicable.
Resource	Governance Officer's time in issuing notices, reminders and registering disclosures.
Risk	All required returns have been completed.
Legal	Not applicable.
Legislation	<i>Model Code of Conduct</i> as prescribed by the <i>Local Government Act 1993</i> .
Budget/Financial	This is within approved budget.

15.9 INVESTMENT REPORT FOR THE MONTH OF SEPTEMBER 2019

ATTACHMENTS:	1. IMPLICATIONS 2. ACTUAL PERFORMANCE AGAINST INVESTMENT POLICY (2018) 3. COUNCIL HOLDINGS AND COUNTERPARTY ANALYSIS
RESPONSIBLE OFFICER:	DEAN FROST - CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEPHEN NAVEN – CHIEF FINANCIAL OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	17 OCTOBER 2019

1. PURPOSE OF REPORT

To detail the Council Bank balances and Investment portfolio performance as at 30 September 2019.

2. OFFICER'S RECOMMENDATION

That Council receive the Statement of Bank Balances and Investment Holdings as at 30 September 2019.

3. BACKGROUND

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

This report must include Certification as to whether or not the Investments have been made in accordance with the Act, the Regulations and Council's *Investment Policy*.

4. DISCUSSION

The *Investment Policy* adopted by Council at its meeting on 24 July 2017 applies to all investments from that date.

A summary of Council's holdings as at 30 September 2019 is included in **Attachment 1** (Financial Implications) with details of holdings and counterparty analysis included in **Attachment 3**.

Actual performance against policy settings and budget are included in **Attachment 2**.

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

The key financial indicators for Council's investment holdings at 30 September 2019 include:

Combined Bank Balance	\$10.8M
Investment Holdings	\$169.5M
Total Cash and Investments	\$180.30M
Return on Investments	2.44%, (1.41% above benchmark of 1.03%) (Refer to Attachment 3 – Figure 1).
Actual Interest Return (Month)	\$331K (\$38K better than \$293K budget) (Refer to Attachment 3 – Figure 2).
Actual Interest Return (Year to Date)	Actual Year to Date Interest of \$1.022K is \$143K favourable to Year to Date budget of \$880K.

5. CONCLUSION

Council's investment holdings at 30 September 2019 have been made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005*, the *Investment Policy* adopted by Council on 24 July 2017, *Ministerial Investment Order* issued February 2011 and Division of Local Government (as it was then known) *Investment Policy Guidelines* published in May 2010.

ATTACHMENT 1

IMPLICATIONS	COMMENT
Business Plan Objectives, Outcomes/ Services	5.1 – Be honest, transparent and accountable in all that we do
Policy	This report relates to Council's <i>Investment Policy</i> which safeguards Council's investment portfolio.
Consultation	Not applicable.
Resource	Council's bank balances and investment holdings are managed within existing staff resources within the Finance Unit.
Risk	Investments in this report have been considered in light of adopted risk management guidelines around the preservation of capital, diversification, market interest rates, liquidity and maturity risks.
Legal	Not applicable.
Legislation	In accordance with Clause 212 of <i>Local Government (General) Regulation 2005</i> , a monthly report will be provided to Council, detailing the investment portfolio in terms of performance, portfolio balances and net returns compared to industry benchmarks.
Budget/ Financial	<p>The monthly investment report details the interest income for the month and any other relevant information required by Council.</p> <p>Council's Cash and Investments holdings at 30 September 2019 were \$180M and Interest returns are on track to exceed the annual budget of \$3.5M.</p>

ATTACHMENT 2

Actual Performance against Investment Policy Settings and Budget is detailed below:

Figure 1 - Maximum hold of a class/mix of investments as a % of total portfolio

Long Term Rating (S&P or equivalent)	Short Term Rating (S&P or equivalent)	Portfolio Maximum %	Actual Allocation this month %
AAA to AA +/-	A1+	100	49
A +/-	A1	70	13
BBB +/	A2	40	32
BBB -	A3	10	0
Unrated	Unrated	8	6

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

Figure1 shows that this month Council's portfolio meets policy requirements as the percentage of investments in each credit class is equal to or lower than the policy prescribed maximums.

Figure 2 - Maximum exposure to a single financial institution as a % of total portfolio

Long Term Rating (S&P or equivalent)	Short Term Rating (S&P or equivalent)	Institution Maximum %	Actual Allocation this month %
AAA to AA +/-	A1+	30	22
A +/-	A1	10	4
BBB +/	A2	10	9
BBB-	A3	4	0
Unrated	Unrated	3	2

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

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

Figure 3 – Interest Rate Comparison for 30 September 2019

<u>Description</u>	<u>Average Interest Rate</u>
Council Portfolio	<u>2.44%</u>
Benchmark – Bloomberg AUSBond Bank Bill Index	<u>1.03%</u>
Above Benchmark Return	<u>1.41%</u>

Figure 3 shows the average interest rate achieved by Council on its investment portfolio compared with the average Bloomberg AUSBond Bank Bill Index for the month. Council's return has outperformed the benchmark by 1.41%.

Figure 4 – Investment Return for 30 September 2019

<u>Description</u>	<u>Interest Achieved (\$K: \$000's)</u>
Council Actual Interest Return	<u>\$331K</u>
Budgeted Return	<u>\$293K</u>
Over Budgeted Return	<u>\$38K</u>

Figure 4 provides a comparison of the actual interest return on investments for the month with the budget and shows that the monthly return is \$38K better than budget.

Investment Report for September 2019

Council Holdings and Counterparty Analysis

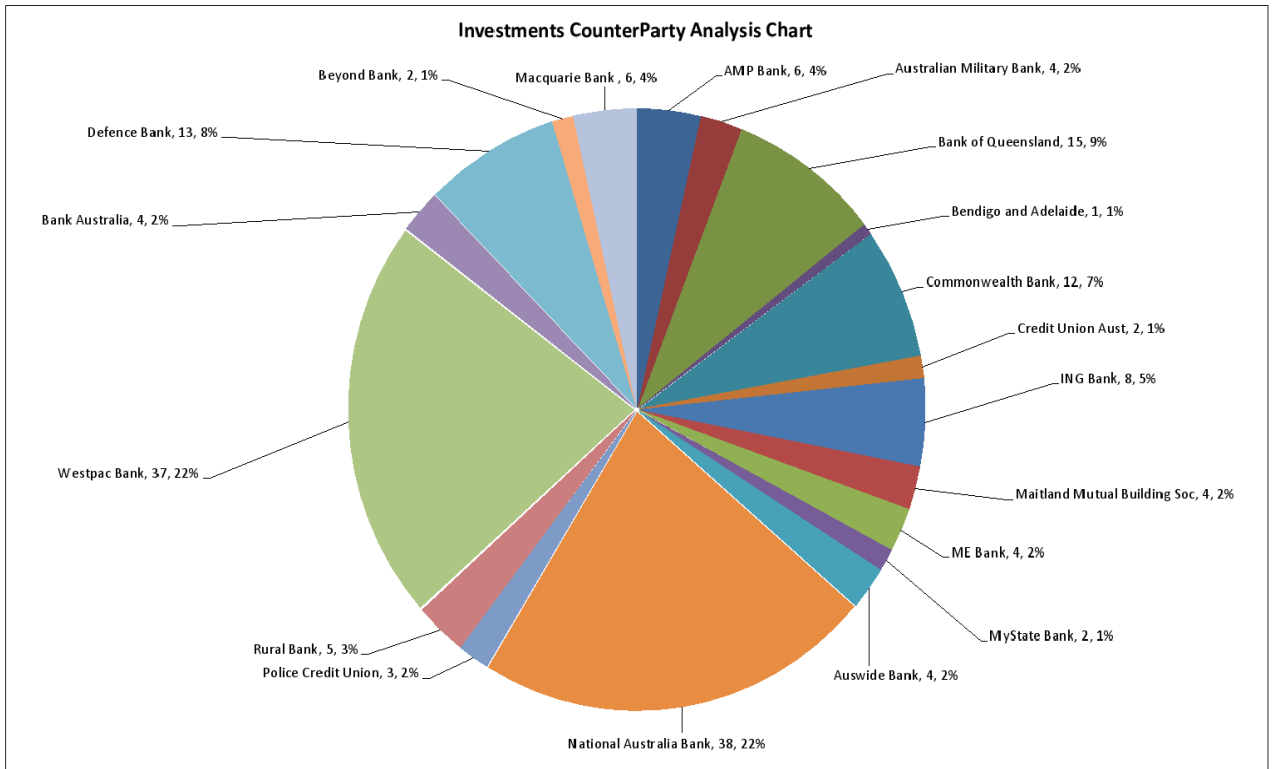
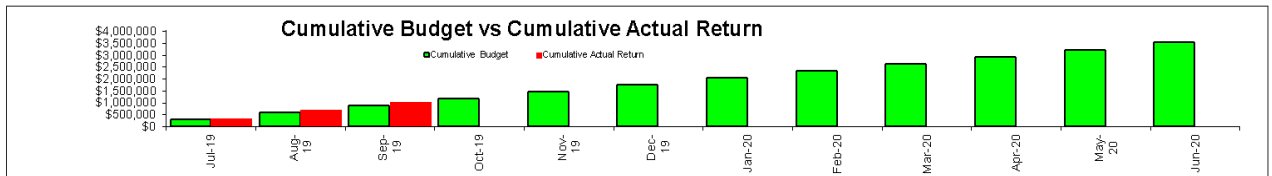
ATTACHMENT 3

LIST OF INVESTMENTS	Credit Rating	FRN /TD	Investment Amount \$	Return % p.a.	Monthly Income \$	Investment Date	Mature & Reset Date	Period/ Matur. Date
Investments that matured during the month:								
National Australia Bank (34658)	A1+	TD	3,000,000	2.75%	904	6/09/2018	5/09/2019	Matured
IMB Bank (49103)	A2	TD	2,000,000	2.75%	603	6/09/2018	5/09/2019	Matured
National Australia Bank (34659)	A1+	TD	3,000,000	2.75%	2,486	6/09/2018	12/09/2019	Matured
MyState Bank (34758)	A2	TD	2,000,000	2.75%	1,658	13/09/2018	12/09/2019	Matured
Commonwealth Bank- Reg (1995)	AA-	TD	2,000,000	2.76%	3,976	14/09/2017	13/09/2019	Matured
National Australia Bank (34921)	A1+	TD	4,000,000	2.75%	5,425	20/09/2018	19/09/2019	Matured
Australian Military Bank (34926)	Unrated	TD	2,000,000	2.95%	2,910	20/09/2018	19/09/2019	Matured
Current Investments:								
National Australia Bank (35194)	A1+	TD	3,000,000	2.75%	6,781	4/10/2018	3/10/2019	0-3 mths
National Australia Bank (35316)	A1+	TD	1,000,000	2.75%	2,260	12/10/2018	10/10/2019	0-3 mths
Bank of QLD (154630)	A2	TD	1,000,000	2.70%	2,219	18/10/2018	17/10/2019	0-3 mths
National Australia Bank (10573648)	A1+	TD	1,000,000	2.75%	2,260	18/10/2018	17/10/2019	0-3 mths
National Australia Bank (35573)	A1+	TD	1,000,000	2.72%	2,236	25/10/2018	24/10/2019	0-3 mths
MyState Bank (35787)	A2	TD	2,000,000	2.80%	4,603	8/11/2018	7/11/2019	0-3 mths
National Australia Bank (10579212)	A1+	TD	2,000,000	2.73%	4,488	8/11/2018	8/11/2019	0-3 mths
Commonwealth Bank (1900)	AA-	TD	2,000,000	2.65%	4,356	16/11/2017	14/11/2019	0-3 mths
Maitland Mutual Building Society (35902)	Unrated	TD	2,000,000	2.95%	4,849	15/11/2018	14/11/2019	0-3 mths
Police Credit Union (35905)	Unrated	TD	1,000,000	2.95%	2,425	15/11/2018	14/11/2019	0-3 mths
Westpac Bank (6539532)	AA-	TD	2,000,000	2.70%	4,438	23/11/2017	25/11/2019	0-3 mths
Westpac Bank (6570641)	AA-	TD	4,000,000	2.69%	8,844	7/12/2017	5/12/2019	0-3 mths
Westpac Bank (6959356)	AA-	TD	2,000,000	2.82%	4,636	4/06/2018	5/12/2019	0-3 mths
Defence Bank (36535)	A2	TD	2,000,000	2.90%	4,767	10/12/2018	12/12/2019	0-3 mths
Australian Military Bank (29400)	Unrated	TD	1,000,000	2.90%	2,384	14/12/2017	12/12/2019	0-3 mths
Westpac Bank (6549992)	AA-	TD	3,000,000	2.67%	6,584	29/11/2017	13/12/2019	0-3 mths
Bendigo & Adelaide Bank (29604)	BBB+	TD	1,000,000	2.80%	2,301	21/12/2017	19/12/2019	0-3 mths
ING Bank (29801)	A	TD	2,000,000	2.80%	4,603	11/01/2018	9/01/2020	4 mths
Rural Bank (36963)	A2	TD	2,000,000	2.77%	4,553	10/01/2019	9/01/2020	4 mths
Defence Bank (36609)	A2	TD	2,000,000	2.90%	4,767	13/12/2018	10/01/2020	4 mths
National Australia Bank (37227)	A1+	TD	3,000,000	2.75%	6,781	17/01/2019	16/01/2020	4 mths
National Australia Bank (35015)	A1+	TD	3,000,000	2.75%	6,781	27/09/2018	23/01/2020	4 mths
ING Bank (374702)	A	TD	2,000,000	2.90%	4,767	9/02/2018	6/02/2020	5 mths
National Australia Bank (10603605)	A1+	TD	2,000,000	2.75%	4,521	7/02/2019	6/02/2020	5 mths
Bank of QLD (172265)	A2	TD	2,000,000	1.90%	3,123	2/08/2019	6/02/2020	5 mths
ING Bank (374604)	A	TD	2,000,000	2.90%	4,767	8/02/2018	13/02/2020	5 mths
Bank of QLD (162425)	A2	TD	2,000,000	2.75%	4,521	15/02/2019	20/02/2020	5 mths
ME Bank (37919)	A2	TD	2,000,000	2.73%	4,488	21/02/2019	20/02/2020	5 mths
Westpac Bank (7553208)	A1+	TD	1,000,000	2.65%	2,178	28/02/2019	27/02/2020	5 mths
Beyond Bank (38280)	A2	TD	2,000,000	2.75%	4,521	5/03/2019	5/03/2020	6 mths
Westpac Bank (7571822)	A1+	TD	2,000,000	2.60%	4,274	7/03/2019	5/03/2020	6 mths
ING Bank (379855)	A	TD	2,000,000	2.90%	4,767	12/03/2018	12/03/2020	6 mths
National Australia Bank (38455)	A1+	TD	2,000,000	2.58%	4,241	14/03/2019	12/03/2020	6 mths
Defence Bank (38587)	A2	TD	2,000,000	2.80%	4,603	21/03/2019	19/03/2020	6 mths
Bank of Qld-Reg (142642)	BBB+	TD	1,500,000	2.95%	3,637	5/04/2018	9/04/2020	7 mths
Rural Bank (39342)	A2	TD	3,000,000	2.43%	5,992	9/05/2019	7/05/2020	8 mths
Bank of QLD (172266)	A2	TD	2,000,000	1.85%	3,041	2/08/2019	7/05/2020	8 mths
Macquarie Bank (75408)	A1	TD	3,000,000	1.85%	4,562	7/08/2019	7/05/2020	8 mths
AMP Bank (480186) (Reg)	A2	TD	1,026,897	2.35%	1,983	16/05/2019	14/05/2020	8 mths
Macquarie Bank (75409)	A1	TD	3,000,000	1.85%	4,562	7/08/2019	14/05/2020	8 mths
National Australian Bank (39573)	A1	TD	2,000,000	2.20%	3,616	23/05/2019	21/05/2020	8 mths
Defence Bank (32816)	BBB	TD	2,000,000	3.05%	5,014	1/06/2018	28/05/2020	9 mths
National Australia Bank (39574)	A1	TD	2,000,000	2.20%	3,616	23/05/2019	28/05/2020	9 mths
Westpac Bank (7775717)	A1+	TD	2,000,000	2.10%	3,452	6/06/2019	4/06/2020	9 mths
Westpac Bank (7775721)	A1+	TD	2,000,000	2.10%	3,452	6/06/2019	9/06/2020	9 mths
National Australia Bank (10641654)	A1+	TD	1,000,000	1.90%	1,562	18/07/2019	16/07/2020	10 mths
Bank Australia (41065)	A2	TD	2,000,000	1.80%	2,959	8/08/2019	6/08/2020	11 mths
National Australian Bank (291303289)	A1+	TD	2,000,000	1.65%	2,712	15/08/2019	14/08/2020	11 mths
Westpac Bank (7951849)	A1+	TD	4,000,000	1.60%	5,260	22/08/2019	20/08/2020	11 mths
Commonwealth Bank (1970)	A1+	TD	2,000,000	1.60%	2,630	22/08/2019	20/08/2020	11 mths
Commonwealth Bank (1971)	A1+	TD	2,000,000	1.60%	2,630	22/08/2019	20/08/2020	11 mths
Bank of QLD (152925)	BBB+	TD	2,000,000	2.90%	4,767	30/08/2018	27/08/2020	12 mths
National Australian Bank (41354)	AA-	TD	3,000,000	1.55%	3,822	29/08/2019	27/08/2020	12 mths
Westpac Bank (7966417)	A1+	TD	3,000,000	1.58%	3,896	29/08/2019	27/08/2020	12 mths
Commonwealth Bank (1973-1)	A1+	TD	2,000,000	1.55%	2,548	29/08/2019	27/08/2020	12 mths
Maitland Mutual Building Society (34654)	Unrated	TD	2,000,000	3.00%	4,932	6/09/2018	10/09/2020	12 mths
Police Credit Union -Reg (36015)	Unrated	TD	1,000,000	3.07%	2,523	22/11/2018	26/11/2020	>12 mths
Defence Bank (36024)	BBB	TD	1,000,000	3.05%	2,507	22/11/2018	26/11/2020	>12 mths
Credit Union Australia (36229)	BBB	TD	2,000,000	3.00%	4,932	5/12/2018	3/12/2020	>12 mths
AMP Bank (415527977)	A-	TD	1,000,000	2.15%	1,767	4/07/2019	17/12/2020	>12 mths
AMP Bank (941635682)	A2	TD	1,000,000	2.00%	1,644	1/08/2019	28/01/2021	>12 mths
Defence Bank (38302)	A2	TD	2,000,000	3.00%	4,932	6/03/2019	11/03/2021	>12 mths
Police Credit Union (72715)	Unrated	TD	1,000,000	2.90%	2,384	15/03/2019	18/03/2021	>12 mths
Defence Bank (39246) (Reg)	A2	TD	2,000,000	2.45%	4,027	2/05/2019	6/05/2021	>12 mths
Westpac Bank (7790016)	A1+	TD	2,000,000	2.00%	3,288	13/06/2019	17/06/2021	>12 mths
AMP Bank (933190886)	A-	TD	2,000,000	2.20%	3,616	21/06/2019	17/06/2021	>12 mths
AMP Bank (649688512)	A-	TD	1,000,000	2.20%	1,808	20/06/2019	24/06/2021	>12 mths
Bank Australia (41066)	BBB	TD	2,000,000	1.85%	3,041	8/08/2019	12/08/2021	>12 mths
Bank of QLD (173034)	BBB	TD	2,000,000	1.75%	2,877	15/08/2019	19/08/2021	>12 mths
Commonwealth Bank (1972)	AA-	TD	2,000,000	1.55%	2,548	22/08/2019	19/08/2021	>12 mths
Australian Military Bank (41254)	Unrated	TD	1,000,000	1.71%	1,405	22/08/2019	26/08/2021	>12 mths
Bank of QLD (173824)	BBB+	TD	2,000,000	1.75%	2,877	29/08/2019	26/08/2021	>12 mths
Westpac Bank (7966434)	AA-	TD	2,000,000	1.51%	2,482	29/08/2019	26/08/2021	>12 mths
Commonwealth Bank (1973-2)	AA-	TD	2,000,000	1.49%	2,449	29/08/2019	26/08/2021	>12 mths
Westpac Bank (7966480)	AA-	TD	3,000,000	1.51%	3,723	29/08/2019	2/09/2021	>12 mths
ME Bank (41352)	BBB+	TD	2,000,000	1.55%	2,548	29/08/2019	3/09/2021	>12 mths
Westpac Bank - Green Tailored Deposit (7553241)	AA-	TD	1,000,000	2.77%	2,277	28/02/2019	1/03/2024	>12 mths

LIST OF INVESTMENTS	Credit Rating	FRN /TD	Investment Amount \$	Return % p.a.	Monthly Income \$	Investment Date	Mature & Reset Date	Period/ Matur. Date
Current Investments - "New and Rollover" made during the month:								
Auswide Bank (41540)	BBB+	TD	2,000,000	1.80%	2,564	5/09/2019	9/09/2021	24 mths
National Australia Bank (41556)	A1+	TD	3,000,000	1.60%	3,419	5/09/2019	3/09/2020	12 mths
National Australia Bank (41694)	A1+	TD	3,000,000	1.68%	2,624	12/09/2019	17/09/2020	12 mths
Auswide Bank (41697)	BBB+	TD	2,000,000	1.75%	1,822	12/09/2019	16/09/2021	24 mths
Westpac Bank (7995906)	A1+	TD	2,000,000	1.68%	1,749	12/09/2019	10/09/2020	12 mths
Westpac Bank (8000620) (REG)	AA-	TD	2,000,000	1.67%	1,647	13/09/2019	16/09/2021	24 mths
Australian Military Bank (41849)	Unrated	TD	2,000,000	1.80%	1,184	19/09/2019	23/09/2021	24 mths
National Australia Bank (41852)	A1+	TD	4,000,000	1.65%	2,170	19/09/2019	17/09/2020	12 mths
Total Current Investments, Monthly Interest and Weighted Return			Inv	169,526,897	2.44%	324,124		
Other Cash and Monthly Interest (11am STMM)			Cash	10,846,386		7,346		
Total Cash & Investments				180,373,283		331,470		
Benchmark: Bloomberg AU\$Bond Bank Bill Index						1.03%		
Investments Margin above Benchmark						1.41%		

Investments Maturity Period	0-3 Months	4-12 Months	> 12 Months	Total \$	chk s/be 0
Amount	31,000,000	95,526,897	43,000,000	169,526,897	0
% of Total	18.3%	56.3%	25.4%	100%	

Cash & Investments Return:	Budget \$	Actual \$	Var. \$
Current Month	293,285	331,470	38,185
Year to Date	879,854	1,022,430	142,576



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PLANNING & INFRASTRUCTURE DIRECTORATE

15.10 REJECTION OF TENDER RFT 120947 NORTHBRIDGE BOWLING CLUB AND VOTING OF ADDITIONAL FUNDS 2019/20

ATTACHMENTS:	1. IMPLICATIONS 2. CY PRES DECLARATION OF TRUST
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	CHRIS BINNS – DESIGN & INFRASTRUCTURE MANAGER
CITY STRATEGY OUTCOME:	5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS
MEETING DATE:	17 OCTOBER 2019

1. PURPOSE OF REPORT

To seek Council's approval for the rejection of recent tenders for the redevelopment of the Northbridge Bowling Club and for the allocation of additional project funding.

2. OFFICER'S RECOMMENDATION

That Council:

1. In accordance with Clause 178(3)(e) of the *Local Government (General) Regulation 2005*, reject all tenders received for the redevelopment of the Northbridge Bowling Club, due to tenders received exceeding the allocated budget for the project.
2. In accordance with Clause 178(4)(a) of the *Local Government (General) Regulation 2005* decline to advertise and re-tender to invite fresh tenders as a different outcome would not be expected to be achieved.
3. Delegate authority to the Chief Executive Officer, in accordance with Clause 178(4)(b) of the *Local Government (General) Regulation 2005*, to negotiate with one or more tenderers using the principles of value engineering to enable the project to be delivered within budget expectations and for a value not exceeding the total construction value identified in Section 4 of the accompanying confidential report 2.1 in the confidential agenda.

3. BACKGROUND

The former Northbridge Men's Bowling Club closed in June, 2015 with the return of the facilities to Council's care and control.

In November 2015, Elton Consulting were appointed to undertake community consultation and a cost benefit analysis for potential uses which were reported to Council in March 2016.

On 29 March 2016, Council resolved to:

1. *Request proposals from operators to establish a commercial cafe in the ground floor of the former Northbridge Bowling Club bowling club and one of the former bowling greens.*
2. *Receive a report by August 2016 on the outcome of requests for proposals to establish a commercial operator in the ground floor of the bowling club.*
3. *Endorse the option that, in the short term, the first floor of the bowling club should function as a multi-purpose community space with minimal upgrading.*
4. *Endorse the preparation of a draft budget bid to undertake a masterplan for the Northbridge Bowling Club building and green space in front of the Warners Park Building in 2016/17, dependent on the established commercial use.*

A Development Application was approved by Council on 24 April 2018 for the former Northbridge Bowling Club to operate a café on the lower ground floor, and a multi-purpose community facility on the first floor.

This report seeks a suitable solution to procure construction contractors and approval for additional funds to enable the upgrade of the Northbridge Bowling Club.

Project Justification

Extensive stakeholder engagement and community consultation in recent years have established an agreed proposal for the adaptive re-use of the Northbridge Bowling Club site. In addition, the upgrades to the Northbridge Bowling Club form part of an interdependent schedule of works. Council's objective is to increase the utility and community access to the following Northbridge facilities:

- Warners Park Centre
- Northbridge Community Room
- Artist Studio
- Northbridge Memorial Hall

Upgrades and reconfiguration of the facilities above are dependent on the completion of the Northbridge Bowling Club upgrade. The reconfiguration of these facilities will improve access to Northbridge community facilities and meet community expectations.

4. DISCUSSION

Following development consent in April 2018, detailed designs and pre-tender estimates for construction tendering were completed by Council's project architect. At the time there was no reason to question its accuracy and validity. Construction tenders closed on 29 August 2019 and have now been evaluated and the submitted tenders significantly exceed the pre-tender estimate.

Please note, in regard to the following discussion concerning project funding and options available to Council, information that would confer a commercial advantage on a person with whom Council is proposing to conduct business is contained in the accompanying confidential report.

Project Funding Source

The project is currently funded by the Cy Pres Reserve Trust. The use of Cy Pres funding is supported because the former Bowling Club building is located within Warners Park, which is

used for passive recreation and includes a popular regional playground that Council has recently refurbished. The proposed upgrade will connect the building to use of the adjacent Warners Park through the provision of public toilets and a café that will be open to members of the public. Council's Legal Counsel has confirmed that this project meets the requirement of the Cy Pres Declaration of Trust that funds be used to enable land to be utilised as a public park, public reserve and/or public recreation area. A copy of the Cy Pres Declaration of Trust is contained in Attachment 2.

Options

Given the financial results of tendering, several options are available to Council to progress the building upgrade project. These are provided below:

Option 1 – Reject all tenders and re-tender for the project

Rejecting all tenders received and re-tendering may gain a firmer understanding of the current construction market and whether the pricing received arises from a specific market peak only evident at the time of the previous tender. Given the majority of tender responses were clustered at a similar value range well above Council's project budget it is not proposed to re-tender as this appears to indicate a genuine market value.

Option 2 – Reject all tenders and re-tender for the project with a revised scope

Revising the scope of the design to reduce overall cost through value management, elimination and staging has been considered. Design evaluation indicates that a maximum of \$400,000 worth of works could be deferred which still results in a substantial budget shortfall. De-scoping of the project is not recommended on the basis of the following:

- Many of the inclusions are dictated by the Development Consent conditions.
- Staged work will still need to be funded and completed at a later stage.
- Elimination of design inclusions will impact Council's ability to attract and retain a suitable commercial tenant.

Option 3 – Reject all tenders and demolish and rebuild

Consideration has been given to the demolition of the existing Northbridge Bowling Club and the rebuilding of a new purpose built café and community facility. It is considered that adaptive re-use of the existing facility presents better value for money. Further, the additional delays associated with another round of design, consultation and approvals are considered untenable. Relevant financial details of this option are outlined in the associated confidential report.

Option 4 – Reject all tenders, negotiate and increase budget

Council's commitments and community expectations align with the tendered design, quality standards, operating model and timelines for the project. An opportunity exists to reject all tenders and delegate to the Chief Executive Officer the authority to negotiate a suitable procurement outcome with one or more selected tenderers. Such negotiation may consider value management and alternative ways to achieve the same design and facility performance outcomes. This option is the preferred option however, it is recognised that it will be necessary to increase the project budget to achieve this option.

5. CONCLUSION

Council seeks the best possible commercial and delivery outcome for the building upgrade and is in a position to reject all tenders, enabling the Chief Executive Officer to negotiate with one or more selected tenderers to achieve the most cost effective and appropriate solution.

An analysis of the four presented options indicates that Option 4, to reject tenders, negotiate the procurement outcome and allocate additional funds to the project in order to meet Council's commitments and community expectations is the most appropriate.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.3 – Balance the creation of new public assets with the upgrade of existing public assets
Business Plan Objectives, Outcomes/ Services	Council's Operating Plan for 2019/20 endorses the adaptive re-use of Northbridge Bowling Club to provide a functional and compliant multi-purpose community resource and a commercial tenancy model to support its ongoing viability.
Policy	Not applicable.
Consultation	In November 2015, Elton Consulting were appointed to undertake community consultation and a cost benefit analysis for potential uses which were reported to Council in March 2016.
Resource	the upgrade to the Northbridge Bowling club will be Project Managed by an internal resource within Council's Planning and Infrastructure Directorate.
Risk	Direct negotiation may present increased risks. Council has considered these risks and management strategies as outlined in ICAC's <i>Direct Negotiations – Guidelines for Managing Risks in Direct Negotiations</i> , August 2018, and will conduct the direct negotiation in accordance with these mitigation strategies.
Legal	Funds are held under the <i>Cy Pres Declaration of Trust</i> . The proposed use of these funds is consistent with this <i>Declaration of Trust</i> .
Legislation	The tender process has been undertaken in accordance with all <i>Local Government Act 1993</i> requirements.
Budget/Financial	Cy Pres Reserve contains adequate unallocated funds as at 17 September 2019.

ATTACHMENT 2

SCHEDULE

CY PRÈS DECLARATION OF TRUST

THIS TRUST DEED IS MADE 2016

BY: **WILLOUGHBY CITY COUNCIL** of Level 4, 31 Victor Street, Chatswood
NSW 2067 ("Council")

RECITALS

A. On 26 February 1959 at the direction of the Cumberland County Council ("CCC") and pursuant to clause 18(1) of the County of Cumberland Planning Scheme Ordinance ("CCPSO") the land in Certificate of Title Volume 3225 Folio 250 and part of the land in Certificate of Title Volume 7321 Folio 155 (being Lot C in plan with Transfer G318862) ("Site 1 Parent Parcel") were transferred to Council.

B. On 18 February 1959 in anticipation of the transfer described in Recital A, Council executed a declaration of trust in which it declared it held the Site 1 Parent Parcel upon Trust for the following purposes and subject to the following conditions: namely:

- "1. AS TO PART of the said land that is as to so much thereof as is required for a County road under the County of Cumberland Planning Scheme the Council will hold the same for that purpose AND will make the same available without cost to the Commissioner of Main Roads or any other body that may be the constructing authority for the County Road when required so to do by the said Commissioner or other body as aforesaid AND pending its requirement for a County road the Council shall not use or permit to be used such part of the said land for any purpose other than the purpose of a public park, public reserve or public recreation area.
2. AS TO THE RESIDUE of the said land the Council will hold the same for the purposes of a public park, public reserve or public recreation area and the Council will not use or permit to be used such residue of the

land for any purpose other than the purpose of a public park, public reserve or public recreation area.

3. *THE COUNCIL will not erect or permit to be erected on the said land or any part thereof any building without first obtaining the approval of The Cumberland County Council and will observe and comply with all conditions which The Cumberland County Council may impose in connection with any such approval."*
- C. The Site 1 Parent Parcel was not required for a County Road under the CCPSO.
- D. On 9 August 1960 at the direction of CCC and pursuant to clause 18(1) of the CCPSO, Lot 32 in DP 711190 ("Lot 32") was transferred to Council for park and recreation purposes.
- E. In anticipation of the transfer of Lot 32, on 14 April 1960 Council executed a Declaration of Trust that it would hold the land subject to the following conditions:
- "1. *THE COUNCIL will hold the said land for the purposes of a public park, public reserve and public recreation area and the Council will not use or permit to be used the said land for any purpose other than the purpose of a public park, public reserve or public recreational area.*
 2. *THE COUNCIL will not erect or permit to be erected on the said land or on any part thereof any building without first obtaining the approval of The Cumberland County Council and will observe and comply with all conditions which The Cumberland County Council may impose in connection with any such approval."*
- F. On 17 August 1960 at the direction of CCC and pursuant to clause 18(1) of the CCPSO, Lot 189 in DP 1098977 ("Lot 189") was transferred to Council to be held upon the following conditions:
- "(a) *That the said Council will hold the said land for the purposes of a public park public reserve and public recreation area and that the said Council will not use or permit to be used the said land for any purpose*

other than the purpose of a public park, public reserve or public recreation area.

- (b) That the said Council will not erect or permit to be erected on the said land or any part thereof any building without first obtaining the approval of the County Council and will observe and comply with all conditions which the County Council may impose in connection with any such approval."*

(Lots 32 and 189 are collectively described herein as "the Site 2 Parent Parcel").

- G. On 24 June 2011 by notice in the New South Wales Government Gazette under section 19 of the Land Acquisition (Just Terms Compensation) Act 1991, Roads and Maritime Services ("RMS") acquired, inter alia, part of the Site 1 Parent Parcel, being Lots 39 and 40 in DP 1140476 ("Site 1"), and part of the Site 2 Parent Parcel, being Lots 54 and 55 in DP 1140302 ("Site 2"), for purposes of the Roads Act, 1993.
- H. On 10 February 2013 Bischof J of the New South Wales Land and Environment Court ordered that RMS pay to Council compensation of \$4,006,000.00 for its acquisition of Site 1; \$647,040.00 for the decrease in value of the residue of the Site 1 Parent Parcel; and \$724,050.00 for its acquisition of Site 2.
- I. The compensation described in Recital H for Site 1 and the Site 1 Parent Parcel residue and the compensation so described for Site 2 are respectively impressed with the trusts described in Recital B (Site 1 and the Site 1 Parent Parcel residue) and Recitals E and F (Site 2) which trusts cannot be performed as, by virtue of the acquisitions by RMS, it is no longer possible for the lands to be used for the purposes of the trusts.
- J. Council has therefore decided to apply the sums of \$4,006,000.00, \$647,000.00 and \$724,050.00 (the total sum of \$5,377,050.00 and any accruals thereto are described herein as "the Trust Fund") cy près the purposes for which the said lands can no longer be used, namely public park, public reserve and public recreation area as described below.

NOW THIS DEED WITNESSES**Declaration of Trust**

1. Council declares that it and its successors shall hold the Trust Fund upon the trusts and with and subject to the powers and provisions appearing below.

To Acquire or Develop Land

2. Council shall apply the Trust Fund :
 - (a) to purchase or acquire a parcel or parcels of land whether freehold or leasehold within the local government area of Willoughby which is/are suitable for or which can be converted to public park, public reserve and/or public recreation area; and/or
 - (b) to redevelop or refurbish a parcel or parcels of land, including buildings thereon, within the local government area of Willoughby to enable such parcel or parcels to be used as a public park, public reserve and/or public recreation area. (All land purchased, acquired, developed or refurbished is described herein as the "Trust Land").

Council shall proceed to so apply the Trust Fund with reasonable expedition but shall not be obliged to purchase land for the purposes of these trusts until suitable land is available and able to be purchased/acquired. Nor shall Council be obliged to purchase land at a price unreasonably above the market price as advised to Council by a qualified valuer of not less than 5 years' standing.

Use of Land

3. Council shall if necessary or appropriate for these trusts, develop, convert and/or refurbish the Trust Land or any part to enable it to be used by residents of Willoughby and the general public for public park, public reserve and/or public recreation and otherwise shall not use or permit the Trust Land or any part to be used for any purpose other than the purpose of a public park, public reserve or public recreation area. For the purposes of these trusts,

"public park" and "public reserve" shall respectively have the meanings ascribed to them in the *Local Government Act, 1993* or any legislation succeeding that Act.

Buildings

4. Council shall not erect or permit to be erected on the Trust Land any building which is not associated with or ancillary to the use of the Trust Land for public park, public reserve or public recreation and shall only so erect or permit the erection of any such building by resolution of Council.

Investment of Trust Fund

5. Pending use of the Trust Fund or any part, Council may invest the Trust Fund or any part in any investments permitted by law for the investment of trust funds and may at any time and from time to time vary such investments for others of like nature.

Use of Surplus Funds

6. If at any time the amount remaining in the Trust Fund is an amount which Council, acting reasonably, determines is insufficient to be practicably used for the acquisition of further land for public park, public reserve and/or public recreation, Council shall spend such amount on improving and maintaining any Trust Land or any building thereon.

Change of Zoning/Purpose of Use of Trust Land

7. Prior to Council changing the zoning and purpose for which Trust Land may be used to enable use for a purpose other than public park, public reserve or public recreation, it shall give notice to and obtain the consent of the Attorney General for New South Wales.
8. For the purposes of clause 7, notice or consent shall not be required for:
 - A purchase or acquisition pursuant to subclause 2(a);
 - Redevelopment or refurbishment pursuant to subclause 2(b) following acquisition;

6

- Conversion or refurbishment pursuant to clause 3 following acquisition;
or
- erection of any building which is associated with or ancillary to the use of the Trust Land for public park, public reserve or public recreation pursuant to a duly passed resolution of Council.

Amendment of this Declaration

9. Council shall not amend this Declaration of Trust without the consent of the Attorney General of New South Wales or the Supreme Court of New South Wales.

DATED: _____

EXECUTED AS A DEED

The Common seal of Willoughby City
Council was hereto affixed in
accordance with a resolution of Council
made on _____ in the presence of:

General Manager

Mayor

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15.11 REVIEW OF WILLOUGHBY DCP - STAGE 1 PART C5 WATER MANAGEMENT

ATTACHMENTS:	1. IMPLICATIONS 2. WDCP – CONTENT TABLE
RESPONSIBLE OFFICER:	NORMA SHANKIE-WILLIAMS – STRATEGIC PLANNING TEAM LEADER
AUTHOR:	ARTHUR TSEMBIS – DEVELOPMENT ASSESSMENT OFFICER
CITY STRATEGY OUTCOME:	1.4 – REDUCE ENERGY, WATER AND RESOURCE WASTE AND ENCOURAGE REUSE
MEETING DATE:	17 OCTOBER 2019

1. PURPOSE OF REPORT

The purpose of this report is to advise Council of the outcome of the exhibition of an amendment to *Part C.5 – Water Management of Willoughby Development Control Plan (WDCP)*.

2. OFFICER'S RECOMMENDATION

That Council:

1. Adopt the amendment to Table 5.2.2 Item 16 in *Part C.5 – Water Management of Willoughby Development Control Plan* in accordance with Section 22(1) of the *Environmental Planning and Assessment Regulation 2000* to read:

“Notwithstanding items 11, 12, 13 and 14 above, alterations and additions to minor developments that do not result in more than 5% over the existing impervious area, providing the additional impervious area does not exceed 25m².”

2. Authorise the Chief Executive Officer to include any further amendments to the document, providing any such changes do not alter the intent of Part C.5 of *Water Management of Willoughby Development Control Plan*.

3. BACKGROUND

Council at its meeting on 24 June 2019 considered a report dealing with the outcome of the exhibition of *Draft Part C.5 - Water Management of Willoughby Development Control Plan (WDCP)*. Council resolved, inter alia, to adopt the amended Part C.5 of WDCP, subject to the following resolution:

‘Remove the clause relating to “alterations and additions to minor developments that do not result in more than 5% over the existing impervious area and the area of the development does not exceed 25 sq metres” in Table 5.2.2 in Attachment 2 and receive a further report on the pros and cons of the clause.’

Council at its meeting on 22 July 2019 considered a report dealing with the advantages and disadvantages of modifying Table 5.2.2 in accordance with the above resolution. In conclusion, the report states:

'It is recommended that Council reinstate the 5% and 25m² requirements to ensure the best balance of run off mitigation with allotment sizes, impervious area and cost, with reference to numbering in the Table 5.2.2 to clarify the intent of the provision.'

The report also advised Council that the proposed amendment will require further exhibition as the amended Part C5 was adopted by Council in a different form. Council subsequently resolved to adopt the following recommendation:

'That Council endorse public exhibition for 28 days in accordance with Sections 18 and 22(1) of the Environmental Planning and Assessment Regulation 2000 to amend Table 5.2.2 of Part C.5 - Water Management of Willoughby Development Control Plan to include the following:

Notwithstanding items 11, 12, 13 and 14 above, alterations and additions to minor developments that do not result in more than 5% over the existing impervious area, providing the additional impervious area does not exceed 25m².'

4. DISCUSSION

In accordance with Section 18 of the *Environmental Planning and Assessment Regulations 2000*, notification of the public exhibition was placed in the North Shore Times. The notification included the places, dates and times that the amendment to the plan could be inspected. The proposed amendment was placed on public exhibition for 28 days from 15 August 2019 to 12 September 2019. As a result of the exhibition, no submissions were received.

5. CONCLUSION

It is considered that adoption of the proposed amendment to *Part C.5 – Water Management of Willoughby Development Control Plan (WDGP)* will clarify the intent of the provision to not require a rainwater reuse tank for a minor development that does not exceed an increase in the impervious surface area by more than 5% and 25m².

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	1.4 – Reduce energy, water and resource waste and encourage reuse
Business Plan Objectives, Outcomes/ Services	Clear and defensible planning controls to provide framework for future planning and development decisions relating to stormwater management.
Policy	<i>Willoughby Local Environmental Plan 2012 and Willoughby Development Control Plan</i>
Consultation	Internal consultation with Engineering and Planning staff, including Development Engineer Team Leader, Planning Manager and Strategic Planning Team Leader, and external community consultation.
Resource	Strategic Planner undertaking the review of Willoughby Development Control Plan (WDCP) with assistance from the Strategic Planning Team Leader.
Risk	Poor planning outcomes in the future. Reputation of not delivering on aims and objectives of <i>Willoughby Local Environmental Plan 2012, Willoughby Development Control Plan, and the North District Plan.</i>
Legal	Not applicable
Legislation	<i>Environmental Planning and Assessment Act 1979</i>
Budget/Financial	Not applicable

ATTACHMENT 2

5.2.2 Table 1: Size of rainwater reuse tanks for minor developments.

	Development Type	Requirement			
		10,000 litre	5,000 litre	3,000 litre	Nil
	New dwellings				
1	New dwellings on lots greater than 400m ² .	x			
2	New dwellings on lots less than 400m ² .		x		
	New dual occupancies and boarding houses				
3	New attached and detached dual occupancy on potential lots greater than 400m ² /dwelling.	x (per dwelling)			
4	New attached and detached dual occupancy on potential lots less than 400m ² /dwelling.		x (per dwelling)		
5	New attached dual occupancy on potential strata subdivision lots.		x (per dwelling)		
6	New boarding houses (not exceeding 300m ² and 12 persons).	x			
	New attached dwellings				
7	New attached dwellings not more than 2 storeys on potential lots greater than 400m ² /dwelling.	x (per dwelling)			
8	New attached dwellings not more than 2 storeys on potential lots less than 400m ² /dwelling.		x (per dwelling)		
	Alterations and additions (including attached secondary dwellings)				
9	Alterations and additions to minor developments that involves significant demolition on lots greater than 400m ² . ⁽ⁱ⁾	x			
10	Alterations and additions to minor developments that involves significant demolition on lots less than 400m ² . ⁽ⁱ⁾		x		
11	Alterations and additions to minor developments that result in more than 60% impervious areas on lots greater than 400m ² .	x			
12	Alterations and additions to minor developments that result in more than 60% impervious areas on lots less than 400m ² .		x		
13	Alterations and additions to minor developments with an estimated cost of more than \$50,000 and impervious area between 50-60%.		x		
14	Alterations and additions to minor developments with an estimated cost that is less than \$50,000 and impervious area between 50-60%. ⁽ⁱⁱ⁾			x	
15	Alterations and additions to minor developments that do not result in impervious areas more than 50%. ^{(iii)&(iv)}				x
16	Notwithstanding items 11, 12, 13 & 14 above, alterations and additions to minor developments that do not result in more than 5% over the existing impervious areas, and providing the additional impervious area does not exceed 25m ² . ^{(iii)&(iv)}				x
	Detached secondary dwelling				
17	New detached secondary dwellings and alterations and/or additions to convert an existing out buildings/studio to a detached secondary dwelling.			x	

ATTACHMENT 2

Development Type		Requirement		
Subdivision				
18	Subdivision of an existing approved dual occupancy with no building and/or ancillary works proposed in the same development application.			X
Other Controls				
19	Irrespective of the development type, a rainwater reuse tank is not required for sites that drain directly into Middle Harbour or Lane Cove River. ^(v)			X
20	Irrespective of the development type, a 5,000litre rainwater reuse tank is required for sites that drain into a natural watercourse, creek or bushland. ^(v)		X	

Notes:

- i. demolition is regarded as 'significant' if the extent of demolition is more than 50% of the external fabric of the existing building
- ii. the rainwater reuse tank is only required to be plumbed to outdoor facilities
- iii. it should be noted that a 3,000 litre rainwater tank may be required under the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 for any development with an estimated cost of \$50,000 or more or a swimming pool that has a volume of more than 40,000 litres
- iv. whilst a rainwater reuse tank is not required, if the site cannot drain by gravity into Council's stormwater drainage system, there may be a need to provide measures such as infiltration or on-site disposal systems to ensure downstream properties are not affected by stormwater runoff from the subject property
- v. for further information regarding approvals and guidelines to drain directly into Middle Harbour, Lane Cove River, natural waterways, creeks or bushland, please refer to Technical Standard No.1 - Stormwater Management
- vi. any variation to the size of rainwater tanks will need to be justified and assessed on their individual merits. A written request to vary the size of the rainwater reuse tank and/or the plumbing requirement to indoor facilities must be prepared by a suitably qualified person
- vii. for further information relating to the installation and discharge of overflow for rainwater reuse tanks, please refer to Technical Standard No.1 - Stormwater Management
- viii. for further information relating to OSD systems, please refer to Technical Standard No.1 - Stormwater Management
- ix. the table provides the minimum size of rainwater tanks for minor developments. Households are encouraged to provide larger rainwater reuse tanks if adequate space is available

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15.12 52-54 EASTERN VALLEY WAY, NORTHBRIDGE - CLASSIFICATION OF AFFORDABLE HOUSING UNITS AS OPERATIONAL LAND

ATTACHMENTS:	1. IMPLICATIONS 2. FLOOR PLANS SHOWING LOCATION OF UNIT 14 3. FLOOR PLANS SHOWING LOCATION OF UNIT 24
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	ANNA VECCHIO – PROPERTY LEASING OFFICER
CITY STRATEGY OUTCOME:	3.4 – CREATE DESIRABLE PLACES TO BE AND ENJOY
MEETING DATE:	17 OCTOBER 2019

1. PURPOSE OF REPORT

To seek Council's endorsement to classify two affordable housing units transferred to Council by FPG Northbridge Pty Ltd as Operational Land in accordance with the *Local Government Act 1993*.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Classify Lots 14 and 24 in Strata Plan 94417 being two affordable housing units as Operational Land under the provisions of Section 31 of the *Local Government Act 1993*.**
- 2. Be provided with a further report should there be any submissions received objecting to the proposal to classify the affordable housing units identified as Lots 14 and 24 in Strata Plan 94417, as Operational Land under the provisions of Section 31 of the *Local Government Act 1993*.**

3. BACKGROUND

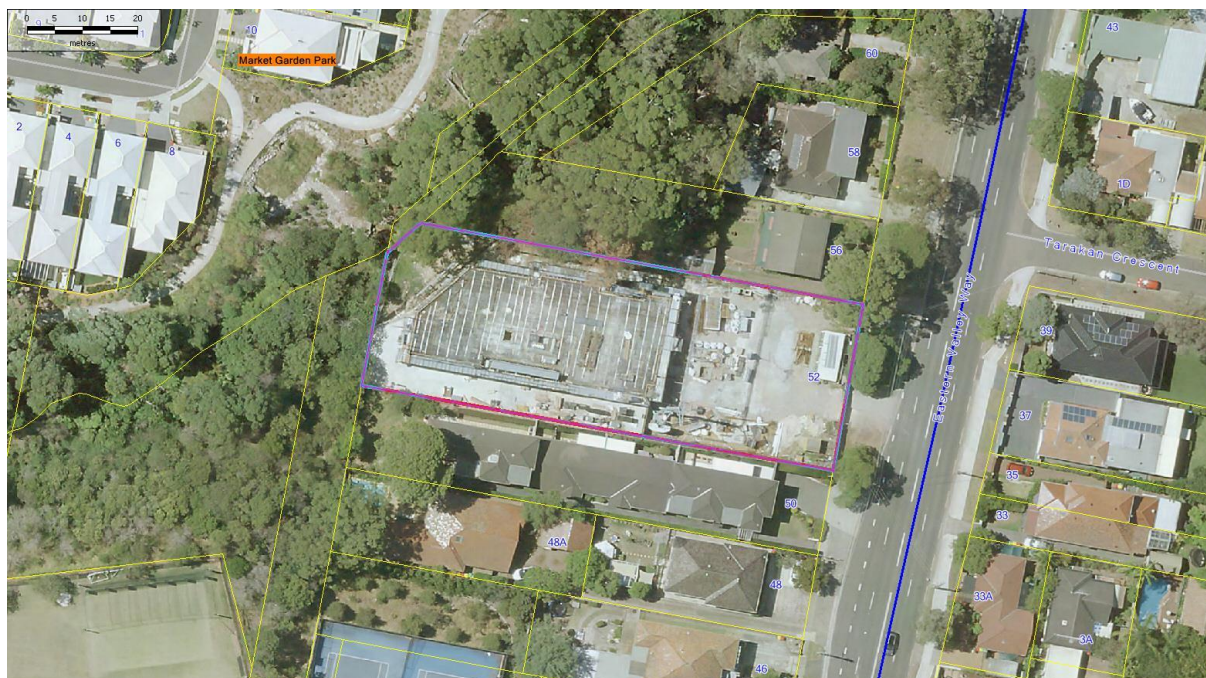
At its meeting of 27 June 2016, Council resolved to provide Development Consent to FPG Northbridge Pty Ltd for DA 2015/368 for a residential development, which included the dedication to Council of two affordable housing units.

Construction of the development is now substantially complete and Council has received the Certificates of Title for the units.

4. DISCUSSION

In June 2016, Council provided Development Consent for the development application DA 2015/368 for the demolition of existing structures and construction of a residential flat building comprising of thirty-three units, basement car parking and associated works at 52-54 Eastern Valley Way, Northbridge.

The Notice of Determination for DA 2015/368 condition 10 required FPG Northbridge Pty Ltd enter into a Deed with Council providing the title of the affordable housing dwellings (identified as units 14 and 24 on the approved plans of the development to Council) free of charge.



Location: Lots 14 and 24 in Strata Plan 94417 52-54 Eastern Valley Way, Northbridge

The Affordable Housing Transfer Deed was executed on 30 March 2017 and Council received the Certificates of Title for the properties on 13 August 2019.

Details of the units transferred in Council’s ownership are detailed in the table below:

Lot Number	Unit Number	Property type	Unit size	Parking spaces
Lot 14 SP 94417	Unit 14	1 Bedroom unit	55 m ²	1 parking space allocated
Lot 24 SP 94417	Unit 24	1 Bedroom unit	55 m ²	1 parking space allocated

It is proposed to classify the affordable housing units as ‘Operational Land’ in accordance with Section 31 of the *Local Government Act 1993* (LG Act):

An extract from the *Local Government Act 1993* - section 31 states:

*“Classification of Land acquired after 1 July 1993
(2) Before a council acquires land, or within 3 months after it acquires land, a council may resolve (in accordance with this Part) that the land be classified as community land or operational land.*

(2A) Any land acquired by a council that is not classified under subsection (2) is, at the end of the period of 3 months referred to in that subsection, taken to have been classified under a local environmental plan as community land.”

Such a classification allows Council to more easily deal with the affordable housing units into the future, both operationally and strategically, such as providing access over/to the land, leasing/licencing, sale or disposal, if it is determined at some point in time that the land is surplus to Council's requirements etc.

Section 34 of the LG Act requires Council to provide notification of its intention to classify the affordable housing units as operation land, and that a 28 day submission period to be provided for community comments in regards the proposal. It is proposed to place a public notice in the *North Shore Times* and on Council's website, of Council's intention to classify the parcel as operational land under s31 of the LG Act. Should there be any submissions objecting to the proposed classification of the parcel, a further report will be prepared for Council's consideration.

It is proposed that the units will be made available for key workers i.e. nurses, police, emergency response personnel etc., with the allocation of the units and day to day management undertaken by Council's affordable housing operator, Evolve Housing.

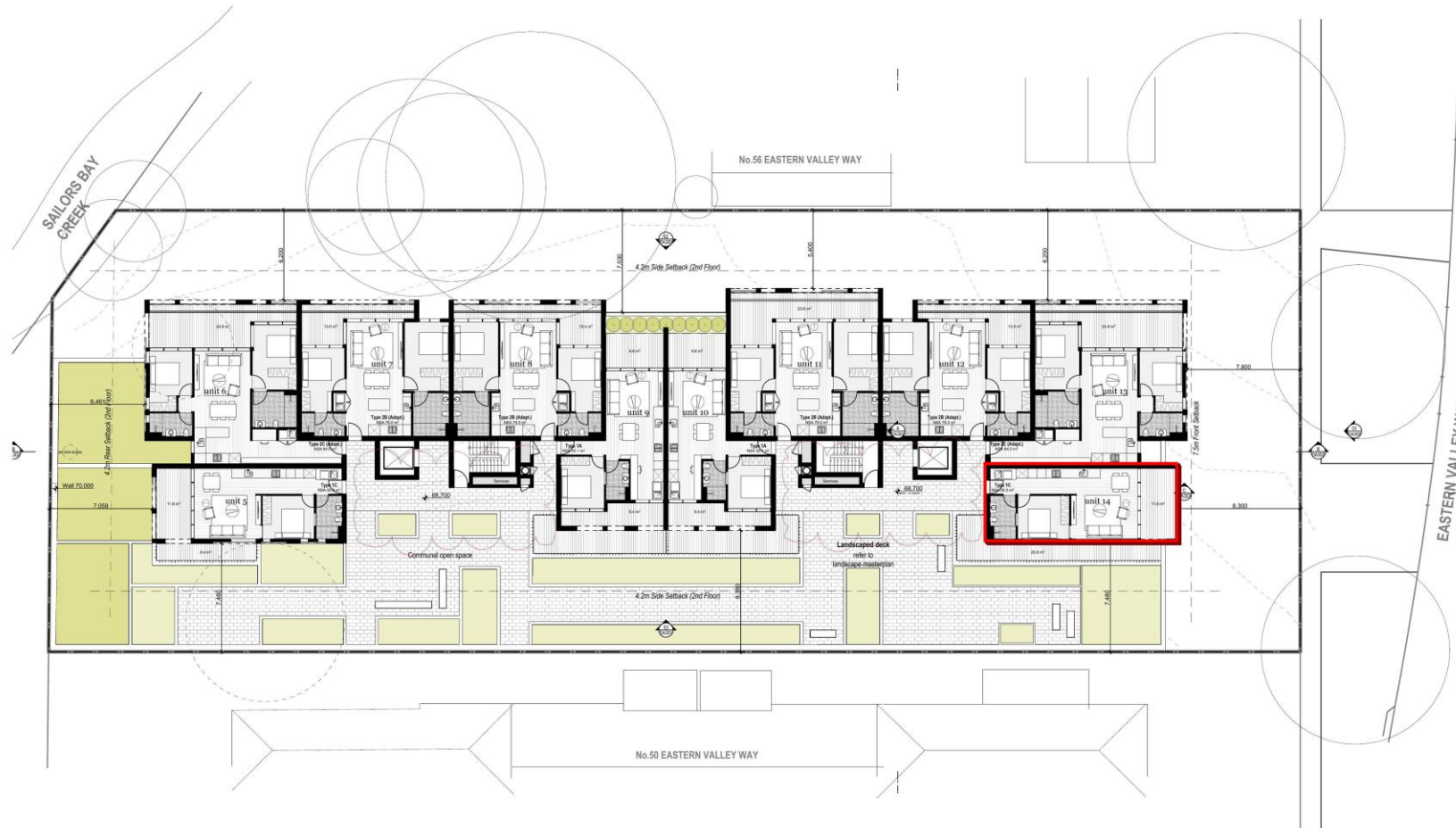
5. CONCLUSION

It is recommended that Council proceed with the endorsement of the two affordable housing units as Operational Land in accordance with the s.31 of the *Local Government Act 1993*, and should there be any objections to the proposal, that Council be provided with a further report for their consideration.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	3.4 – Create desirable places to be and enjoy
Business Plan Objectives, Outcomes/ Services	As identified in the <i>Community Life Business Plan 2019/20</i> ; <ul style="list-style-type: none">• Provision of Affordable Rental Housing to local key and essential workers• Increasing local affordable housing supply.
Policy	<i>Willoughby Local Environment Plan 2012, Willoughby Development Control Plan.</i>
Consultation	Consultation has been carried out in accordance with the <i>Environmental Planning and Assessment Act 1979</i> .
Resource	From within Property and Construction Services operational resources.
Risk	There is no known risk to Council as all insurance, liability, maintenance and demolition costs are the lessee's responsibility.
Legal	Council's solicitors Pike & Verekers has prepared and reviewed documentation.
Legislation	Compliance with <i>Conveyancing Act 1919</i> , the <i>Environmental Planning and Assessment Act 1979</i> and the <i>Local Government Act 1993</i> .
Budget/Financial	Positive benefit as will obtain ownership of two affordable housing units for use by key workers.

ATTACHMENT 2



Level 1
1:250



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NSW Nominated Architects
Kees de Keijzer 5767 & David Randerson 8542

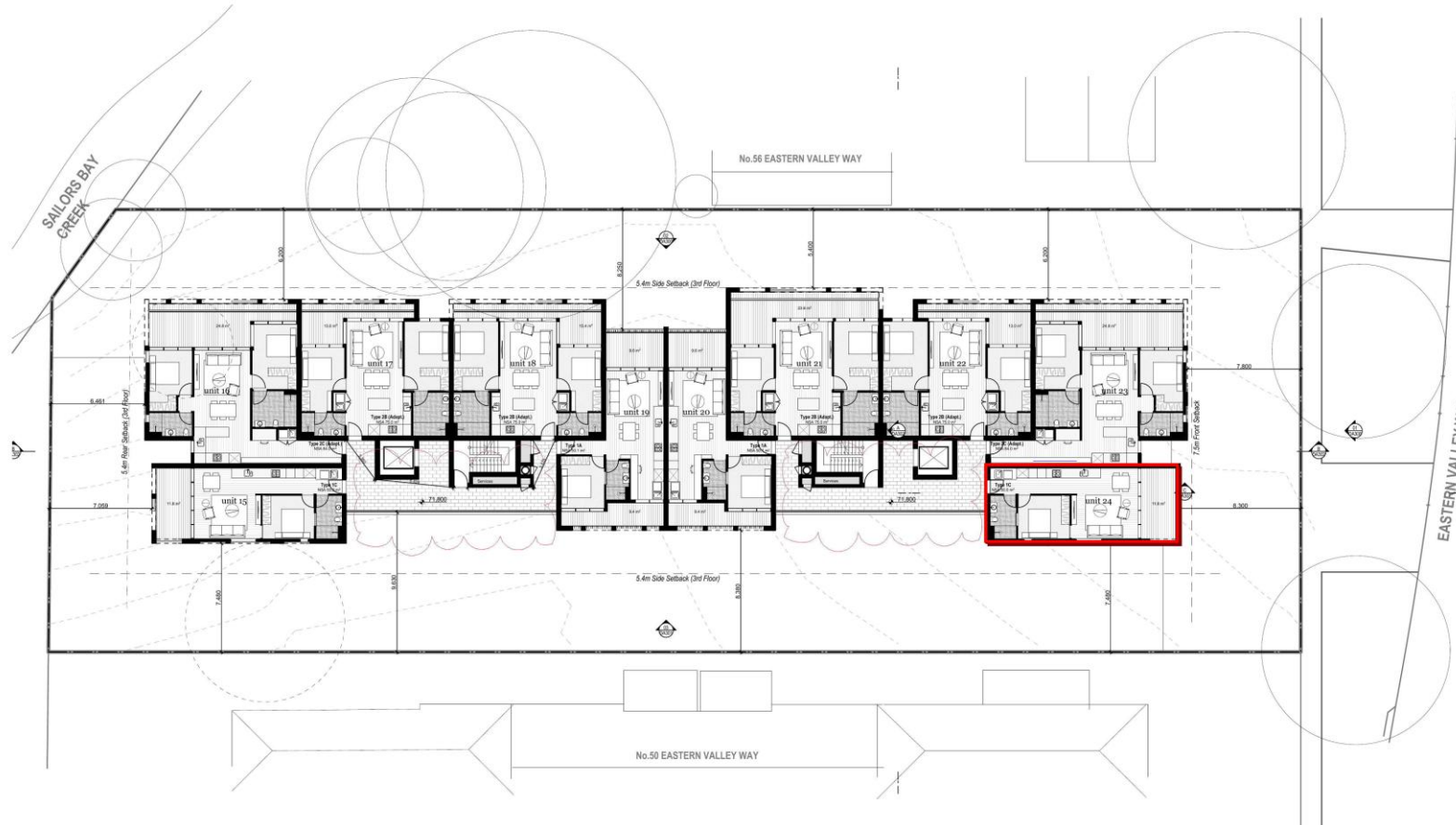


Project Name Eastern Valley Way
Project Number 11265
Date 8/09/2015
Scale 1:250@A3

Drawing Name
Drawing Number
Revision

Level 1
DA201

ATTACHMENT 3



Level 2
1:250



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NSW Nominated Architects
Koon de Keijser 5767 & David Randerson 8542



Project Name Eastern Valley Way
Project Number 11265
Date 8/09/2015
Scale 1:250@A3

Drawing Name
Drawing Number
Revision

Level 2
DA202

**15.13 LOT 71 DP20404 - GREENFIELD AVENUE, MIDDLE COVE -
CLASSIFICATION OF LAND**

ATTACHMENTS:	1. IMPLICATIONS 2. TITLE SEARCH 3. DEPOSITED PLAN OF DRAINAGE RESERVE
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	ANNA VECCHIO – PROPERTY LEASING OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	17 OCTOBER 2019

1. PURPOSE OF REPORT

To seek Council's endorsement to seek formal ownership of the drainage reserve in Greenfield Avenue, Middle Cove, identified as Lot 71 DP20404 and to classify the drainage reserve as operational land in accordance with *the Local Government Act 1993*.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Place a Gazette Notice of its intent to transfer of the drainage reserve identified as Lot 71 in DP20404, into Council ownership and obtain certificates of title for the parcel.**
- 2. Proceed with the classification of the drainage reserve identified as Lot 71 in DP20404, as Operational Land under the provisions of Section 31 of the *Local Government Act 1993*.**
- 3. Be provided with a further report should there be any submissions received objecting to the proposal to classify the drainage reserve identified as Lot 71 in DP20404, as Operational Land under the provisions of Section 31 of the *Local Government Act 1993*.**
- 4. Provide the Chief Executive Officer with delegated authority to execute the request and any other documentation required by Land Registry Services.**

3. BACKGROUND

Council has not previously considered this matter.

4. DISCUSSION

The drainage reserve in Greenfield Avenue, Middle Cove, identified as Lot 71 in DP20404, was created as part of a registered subdivision in 1947 and remains in the name of the original proprietors, Cecily Carroll and James Lonergan. Council is now seeking to formalise the reserve as a Council owned drainage reserve.

Section 340C of the *Local Government Act 1919*, then in force, allows for the parcel to be conveyed or transferred into Council's ownership through the publishing of a Gazette Notice to this effect, at any time that Council so desires.

When determining whether Council has a right to call for the transfer or vesting of a drainage reserve, Council must refer to the legislation that was in place at the time the deposited plan was registered. In the case of this property, the *Local Government Act 1919* was in force. Council is entitled to rely on the provisions of the 1919 Act to require vesting of the land by way of gazette notice.

In this case, the drainage reserve will only vest in Council at the time the gazette notice is published. Therefore, Council also needs to undertake the process of classifying the land under the *Local Government Act 1993* (LG Act), as (in this case) the land was not vested in Council at the time the LG Act 1993 was enacted.



Figure 1 - Location: Lot 71 in DP20404 - drainage reserve

Council's solicitors, Pikes and Verekers, were instructed to draft a Gazette Notice for publication in the Gazette, to allow Council to formalise ownership and obtain certificates of title for the parcel. A copy of the draft Gazette Notice of Council's intention to formalise the ownership of the parcel is included as Attachment 4.

It is proposed to classify the land as operational land in accordance with section 31 of the LGA. Section 31 of the LG Act states:

Classification of Land acquired after 1 July 1993

(2) Before a council acquires land, or within 3 months after it acquires land, a council may resolve (in accordance with this Part) that the land be classified as community land or operational land.

(2A) Any land acquired by a council that is not classified under subsection (2) is, at the end of the period of 3 months referred to in that subsection, taken to have been classified under a local environmental plan as community land.

Classification of the parcel as operational land allows Council to more easily deal with the drainage reserve into the future, both operationally and strategically, such as providing access over/to the land, leasing/licencing, sale or disposal, if it is determined at some point in time that the land is surplus to Council's requirements etc.

Section 34 of the LG Act requires Council to provide notification of its intention to classify the drainage reserve as operation land, and that a 28 day submission period to be provided for community comments in regards the proposal. It is proposed to place a public notice in the North Shore Times and on Council's website, of Council's intention to classify the parcel as operational land under section 31 of the LG Act. Should there be any submissions objecting to the proposed classification of the parcel, a further report will be prepared for Council's consideration.

5. CONCLUSION

It is recommended that Council proceed with the Gazette Notice of its intention to formalise ownership of the drainage reserve in Greenfield Avenue, Middle Cove, identified as Lot 71 in DP20404, and subject to there being no objection to the proposal, classify the parcel as operational land pursuant to section 31 of the *Local Government Act 1993*, and should there be any objections to the proposal, that Council be provided with a further report for their consideration.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes/ Services	As identified in the Property and Construction Services Business Plan 2019/2020: <ul style="list-style-type: none">• Long term planning, acquisition, disposal, leasing and licensing of Council premises and land.
Policy	Not applicable.
Consultation	Internal stakeholders, Council's lawyers Pikes and Verekers.
Resource	Within Council's existing staff resources.
Risk	This undertaking removes the potential for possessory title claims for the parcel.
Legal	Council's solicitor, Pikes and Verekers Lawyers has been engaged to ensure Council's interests were considered.
Legislation	<i>Local Government Act 1919, Sections 340B and 340C</i> <i>Local Government Act 1993, Sections 31.</i>
Budget/Financial	This is within approved budget.

ATTACHMENT 2



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 71/20404

SEARCH DATE	TIME	EDITION NO	DATE
31/7/2019	3:13 PM	-	-

VOL 5421 FOL 21 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 71 IN DEPOSITED PLAN 20404
AT MIDDLE COVE
LOCAL GOVERNMENT AREA WILLOUGHBY
PARISH OF WILLOUGHBY COUNTY OF CUMBERLAND
TITLE DIAGRAM DP20404

FIRST SCHEDULE

CECILY CARROLL
JAMES LONERAGAN
AS JOINT TENANTS

SECOND SCHEDULE (1 NOTIFICATION)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

NOTE: DP20404 SHOWS LAND AS A DRAINAGE RESERVE
NOTE: CERTIFICATE OF TITLE VOL.5421 FOL.21 HAS BEEN PRODUCED AND
DESTROYED

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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PRINTED ON 31/7/2019

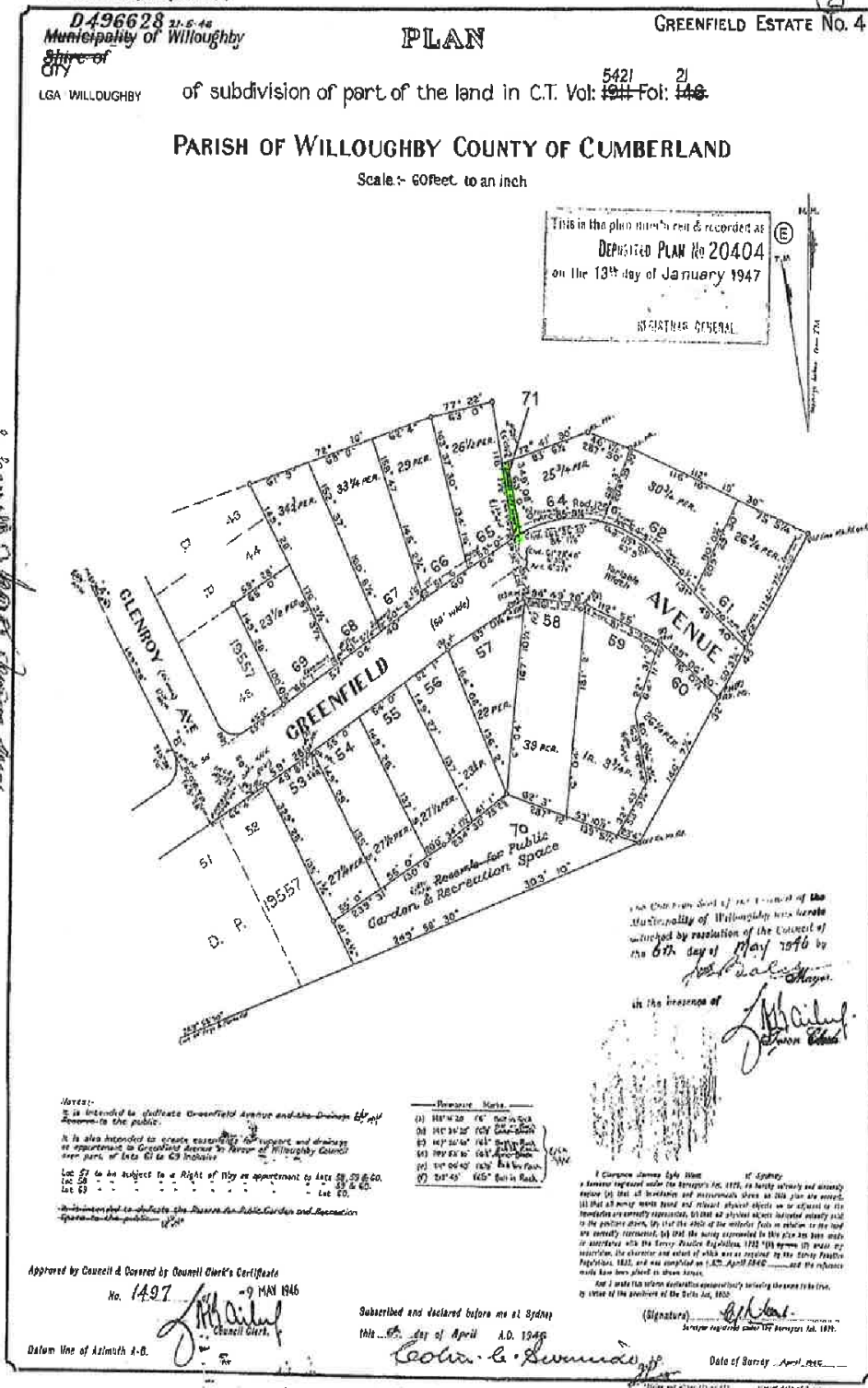
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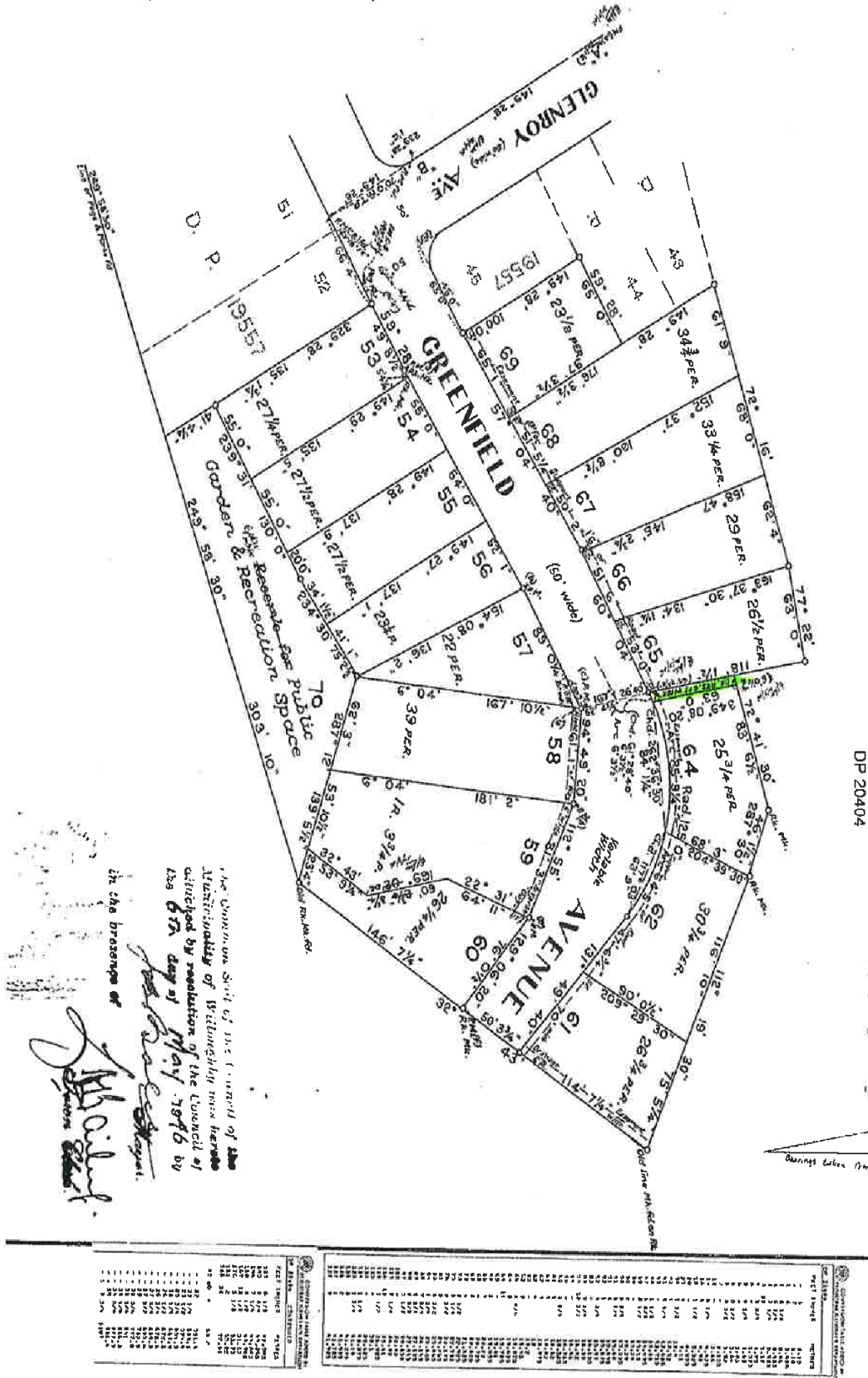
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15.14 REVIEW OF VEGETATION MANAGEMENT POLICIES AND DEVELOPMENT CONTROL PLAN

ATTACHMENTS:	<ol style="list-style-type: none">1. IMPLICATIONS2. DRAFT WILLOUGHBY DEVELOPMENT CONTROL PLAN PART C9 VEGETATION MANAGEMENT3. VEGETATION MANAGEMENT POLICY4. VEGETATION MANAGEMENT GUIDELINES5. DCP STATUS LIST
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	JASON BAKER – RECREATION ASSETS OFFICER
CITY STRATEGY OUTCOME:	1.3 – ENHANCE, PROTECT AND RESPECT WATERWAYS, BUSHLAND, NATURE, WILDLIFE
MEETING DATE:	17 OCTOBER 2019

1. PURPOSE OF REPORT

To place the draft updates to the *Vegetation Management Policy and Guidelines* and the associated draft *Development Control Plan* on exhibition for community consultation.

2. OFFICER'S RECOMMENDATION

That Council:

1. Endorse public exhibition of the Draft Part C.9 – *Vegetation Management of Willoughby Development Control Plan (WDCP)* for 28 days in accordance with Sections 18 and 22(1) of the *Environmental Planning and Assessment Regulation 2000*.
2. Endorse public exhibition of the *Draft Vegetation Management Policy and Vegetation Management Guidelines* for 28 days.
3. Note that a report will be brought back to Council following public exhibition.

3. BACKGROUND

Council presently has policies and development control plans to manage the removal, trimming and planting of trees on property within the Local Government Area. Councillor briefings have been held on 15 April 2019 and 16 September 2019 regarding Vegetation Management. A significant review of both the *Vegetation Management Policy* and *Vegetation Management Guidelines* and the *Willoughby Development Control Plan* have been undertaken and are provided for Council's endorsement prior to placing on public exhibition.

4. DISCUSSION

The Willoughby City community consistently places a high value on trees. These values were reinforced in the recent community survey for Council's *Our Green City Plan 2028*. The challenge is to balance canopy retention with increases in density, new development and community concerns about the safety risk associated with trees.

The intention of the *Vegetation Management Policy* and *Vegetation Management Guidelines* is to confirm Council's commitment to protecting and maintaining its green assets while recognising safety risks. The policy provides a rationale for decision making and consistency in the management approach.

The *Vegetation Management Policy* brings together existing policy documents around vegetation management and addresses gaps in policy and procedure through a review of the *Willoughby Development Control Plan (WDCP)* and the introduction of *Vegetation Management Guidelines* as part of the suite of documents.

External Policy Review

An initial review of existing policy was completed by Cardno, a global infrastructure, environmental and social development consultancy, in order to identify opportunities for enhancement, amendment and augmentation in the context of best practice.

This review identified that existing policy was still current but could be made clearer by closing the gaps in existing documentation and introducing several procedural changes. The *Vegetation Management Guidelines* arose out of this review and were further developed as Volume 2 in the suite of documents that make up existing Policy.

These documents include:

- Volume 1: Urban Tree Management Policy.
- Volume 2: **Vegetation Management Guidelines.**
- Volume 3: Willoughby Street Tree Master Plan.
- Volume 4: Willoughby Natural Heritage Register.
- Various Plans of Management, Masterplans and Action Plans for areas of open space.

Review of WDCP Part C.9

As a result of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (Vegetation SEPP), Part C.9 (Vegetation Management) of the *Willoughby Development Control Plan (WDCP)* was required to be reviewed and updated so that it was consistent with the requirements of the SEPP.

The review includes changes that make it easier for residents to carry out routine maintenance of trees and vegetation without the need for Council approval under most conditions.

Tree Risk Assessment Methodology

Where personal or property safety is given as a reason for tree removal, it is recommended that the internationally recognised Tree Risk Assessment Qualification methodology (TRAQ), which places safety risk as a primary and overriding consideration, be introduced for the assessment of trees by both Council officers and external arborists. The introduction of this methodology will require Council officers to be trained and certified in its application.

It is proposed that external arborist reports be accepted as supporting evidence for tree removal applications and that they be relied upon, without question, if they accurately apply the Tree Risk Assessment Qualification methodology and meet specified quality parameters. Where an externally provided TRAQ assessment is included with an application a reduced application fee will be considered as it will assist in the timely processing of applications.

Consolidation of policy items

Several smaller vegetation related policies have been incorporated into the guidelines or removed where they are no longer required due to other policy or overriding legislation. These include:

- Naturestrips in Willoughby
- Noxious Weed Bamboo Policy
- Removal of Trees on Public Land Policy
- Street Tree Pruning Policy
- Street Trees Policy
- Community Gardens Policy
- Temporary Access Over Community Land

Tree Offset Planting

To minimise the impact of tree loss on private land, a replacement and offset planting program is proposed. This program will help balance the need for reasonable development and landowners' expectations against the loss of amenity and gradual loss of tree canopy cover throughout Willoughby.

The offset planting requirements will apply when there is insufficient space to accommodate replacement trees on private property and will require the applicant to enter into a deed of agreement with Council for the replanting of replacement trees on public land.

Similar offset planting schemes are offered by other Councils including Sutherland Shire Council and Georges River Council.

Tree Replacement Conditions

Where removal of vegetation is approved, replacement planting will be conditioned at a ratio of 3:1. This ratio applies to removal of private and public trees.

Volunteer Program

It is proposed to investigate a volunteer program that can provide assistance dealing with tree maintenance issues that occur from natural processes such as leaf or fruit drop. Interest in such a program will be gauged as part of the community consultation and the program details established if there is such an interest.

A volunteer program may involve neighbours or service providers that may be able to help residents that are physically unable to carry out maintenance tasks such as sweeping of pathways to remove leaves and seed pods.

Trimming for Views

The amended policy gives consideration to the trimming of public trees to maintain historic views, provided certain conditions can be met and the health of the vegetation isn't jeopardised.

5. CONCLUSION

Exhibition of the Draft Part C.9 – *Vegetation Management of Willoughby Development Control Plan (WDCP)* and the *Draft Vegetation Management Policy and Vegetation Management Guidelines* will allow the community to provide comments on the draft revised documents, and an opportunity to incorporate any further changes that may be necessary, before these amended documents are adopted by Council.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	1.3 – Enhance, protect and respect waterways, bushland, nature, wildlife
Business Plan Objectives, Outcomes/ Services	Clear and defensible planning controls and guidelines to provide framework for vegetation management decisions.
Policy	<i>Willoughby Local Environmental Plan 2012 and Willoughby Development Control Plan.</i>
Consultation	Internal consultation with Environment, Planning and Works staff including Planning Manager, Works Manager, Environment Manager, Strategic Planning Team Leader, Bushland Team Leader, Landscape Officer.
Resource	Existing Council staff resources.
Risk	Poor Planning outcomes in the future. Reputation of not delivering on aims and objectives of <i>Willoughby Local Environmental Plan 2012, Willoughby Development Control Plan, and the North District Plan.</i>
Legal Legislation	Not Applicable <i>Environmental Planning and Assessment Act 1979</i> <i>State Environmental Planning Policy No 19 – Bushland in Urban Areas 1986.</i> <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.</i>
Budget/Financial	This is within approved budget.

ATTACHMENT 2

C.9 Vegetation Management

9.1 Preliminary

9.1.1 Introduction

This component of *Willoughby Development Control Plan (WDCP)* is made under Part 3 of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (Vegetation SEPP). It is supported by the *Vegetation Management Guidelines* which can be viewed on Council's web site.

9.1.2 Aim

The specific aims of this plan are to:

- i. declare vegetation that requires a landholder to seek a permit for removal under Clause 9 and 10 of the Vegetation SEPP
- ii. promote best practice and sustainable vegetation management on development sites

9.1.3 Objectives

The objectives of this plan are to:

- i. provide safe and enjoyable living spaces for residents and visitors
- ii. prevent unnecessary damage or removal of trees and other vegetation
- iii. maintain and enhance the urban landscape
- iv. recognise and protect vegetation considered significant due to heritage, cultural, social and ecological criteria
- v. enhance species diversity, connectivity and recovery of fragmented habitat
- vi. increase tree canopy to mitigate urban heat island effects
- vii. facilitate the removal of undesirable exotic plants, noxious weeds, and any other inappropriate plantings, and replace with suitable vegetation species
- viii. provide a consistent framework to assess applications that require a permit for clearing vegetation and pruning or removal of trees
- ix. provide a consistent framework to assess development applications for development sites that require clearing vegetation and pruning or removal of trees

9.2 Permit required for clearing of vegetation

9.2.1 Application for a permit

A permit from Council is required to clear vegetation and prune or remove a tree if:

- i. the tree has the following dimensions:
 - a. a height exceeding 4 metres, or
 - b. a trunk girth (circumference) exceeding 600 millimetres measured at 1.4 metres above ground level, or
 - c. a crown spread exceeding 3 metres
- ii. the tree is a locally indigenous species that is representative of the original vegetation of the area
- iii. any vegetation that is located within a defined wildlife corridor or has known wildlife habitat value

ATTACHMENT 2

- iv the tree is visually prominent from the street or surrounding properties and makes a positive contribution to the visual character of the locality

Note:

- a copy of the approval permit must be held on site during the course of works, and shall be produced by the person carrying out the works on request by a Council Officer
- a permit cannot be granted to clear native vegetation that exceeds the biodiversity offsets scheme threshold (see Clause 10(2) of the Vegetation SEPP)

9.2.2 Permit not allowed

A permit cannot allow the clearing of vegetation, pruning or removal of a tree if:

- i. the vegetation forms part of a heritage item listed in Schedule 5 under Part 1 of *Willoughby Local Environment Plan 2012*
- ii. the vegetation is within a heritage conservation area listed in Schedule 5 under Part 2 of *Willoughby Local Environment Plan 2012*
- iii. the vegetation forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance
- iv. the vegetation is listed as an item under the *Willoughby Natural Heritage Register*

9.3 Development Application required for clearing of vegetation

A development application is required to be submitted for Council's consideration under Part 4 of the *Environmental Planning and Assessment Act 1979* to clear vegetation, prune or remove a tree and if a permit is not allowed under Clause 9.2.2, unless otherwise exempt under Clause 9.4 of this plan.

9.4 Exemptions**9.4.1 Permit or development application not required**

A permit or development application to carry out clearing of vegetation, pruning or removal of a tree is not required if:

- i. Council is satisfied that the vegetation or tree is dying or dead and is not required as habitat for native animals
- ii. Council is satisfied that the tree is a risk to human life or property
- iii. Council is satisfied that the proposed activity is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and any such clearing, pruning or removal of a tree will not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area

Note:

- notwithstanding the above, an application for a permit is required to enable Council to make a determination that vegetation or tree is dying or dead, is a risk to human life or property, is of a minor nature or required for the maintenance of a

ATTACHMENT 2

- heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area
- in exceptional circumstances a permit will not be required to removal a tree where Council is satisfied that the risk to human life or property is imminent

9.4.2 Other Exemptions

A permit or development application for clearing vegetation, pruning or removal of a tree is not required in the following circumstances:

- i. the vegetation or tree does not fall into any of the criteria listed in Clause 9.2.1 of this plan
- ii. selective pruning for up to a total of 10% of an individual tree's crown over a 5-year period
- iii. any vegetation declared a weed under the *Biosecurity Act 2015*
- iv. pruning or removal of recognised horticultural varieties of fruit trees grown for fruit production
- v. clearing of any vegetation or removal of trees lawfully conducted in accordance with the bushfire 10/50 rules, as per the requirements of the NSW Rural Fire Service found at <https://www.rfs.nsw.gov.au/plan-and-prepare/1050-vegetation-clearing/tool>,
- vi. pruning or removal of the species listed in Appendix 1 (Undesirable species exempt from permit approval)
- iv. the clearing of vegetation, pruning or removal of a tree is on land under the care, control or management of Council and Council is completing the work
- v. the clearing of vegetation, pruning or removal of trees due to development that requires a consent under Part 4.2 of the *Environmental Planning and Assessment Act 1979* (please refer to Section 9.5 of this plan) '
- vi. the clearing of vegetation, pruning or removal of trees authorised under other legislation, including:
 - a. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
 - b. *Biodiversity Conservation Act 2016*
 - c. *Rural Fires Act 1997*
 - d. *Electricity Supply Act 1995*
(trees on public land affecting power lines are managed by Ausgrid and works must only be carried out by Ausgrid and cannot be carried out by residents or arborists not engaged by Ausgrid. For further information call 13 13 65, or visit <https://www.ausgrid.com.au/In-your-community/Tree-trimming>)
 - e. *State Emergency Services Act 1989*
 - f. *Water Management Act 2000*
 - g. *Roads Act 1993*

Notes:

- exemptions for clearing vegetation, pruning and removal of trees only apply to private land
- the written consent of the property owner is required if the applicant is not the owner
- it is recommended that any removal or pruning of trees is carried out by a suitably qualified arborist (there are significant penalties for wrongful removal or excessive pruning of trees)

ATTACHMENT 2

9.4.3 Controls for pruning

Pruning works allowed in accordance with Clause 9.4.2(ii) & (iii) of this plan must comply with Australian Standard AS 4373, and shall only consist of the following pruning classes:

- i. crown lifting: removal of the lower branches
- ii. crown thinning: selective removal of branches that does not alter the overall size of the tree
- iii. deadwooding: removal of dead branches
- iv. formative pruning: pruning of young and established trees with the general aim of directing plant growth and/or developing a sound structure
- v. pollarding: a specialised pruning technique that establishes branches ending in a pollard head of buds and vigorous shoots
- vi. reduction pruning: the removal of the ends of branches to lower internal lateral branches or stems in order to reduce the height and/or spread of the tree
- vii. remedial (restorative) pruning: the removal of damaged, diseased or lopped branches back to undamaged tissue in order to induce the production of shoots from latent or adventitious buds, from which a new crown will be established

9.5 Development Applications under Part 4.2 of the *Environmental Planning and Assessment Act 1979*9.5.1 Development Applications

The clearing of vegetation, pruning or removal of trees due to development that requires a consent must be assessed as part of the development application.

Note:

- 'development' includes:
 - use of land,
 - subdivision of land,
 - the erection of a building,
 - the carrying out of a work,
 - the demolition of a building or work, and
 - any other act, matter or thing that may be controlled by *Willoughby Local Environmental Plan 2012*

9.5.2 Controls for development sites

The following controls apply to clearing vegetation, pruning or removal of trees:

- i. unless the clearing of vegetation or the pruning and removal of trees is exempt under Clause 9.4 of this plan, no vegetation or trees shall be cleared, pruned or removed until consent is obtained for the proposed development
- ii. the proposed development is to be sited and designed to retain and minimise the impact on any trees or any other significant vegetation
- iii. where an applicant demonstrates to Council's satisfaction that there is no other reasonable alternative design and removal of trees and vegetation is warranted, suitable replacement planting may be required

ATTACHMENT 2

- iv. the landscape and/or architectural plans must identify the type and species of trees and vegetation to be retained or proposed to be removed, including those on adjoining sites within 5m of the boundary
- v. an arborist report prepared by a suitably qualified Arborist may be required to justify clearing vegetation, pruning or removal of trees (the report must include the condition of all trees and vegetation on the site)
- vi. where trees and vegetation proposed to be retained may be affected by construction works, including any trees or vegetation on public land, a Tree Protection Plan must be submitted with the development application

Notes:

- for additional landscaping controls relating to heritage conservation areas and specific land uses such as residential accommodation, commercial, industrial, recreational or institutional developments, please refer to the relevant landscaping provisions of WDCP (institutional development includes child care centres, place of public worship and the like)

9.6 Replacement Trees

Where Council consents to the removal of an existing tree it will require the replanting of trees at a rate of 3:1.

Replacement trees are to be cared for by the land owner until established to a size which is covered by the vegetation controls.

9.7 Vegetation Management Guidelines

This plan is supported by the *Vegetation Management Guidelines* (guidelines). The guidelines provide additional information that may assist applicants and their consultants to provide the appropriate level of information to satisfy the aims and objectives of this plan

ATTACHMENT 2

Appendix 1

Undesirable species exempt from permit approval

Common Name	Botanical Name	Restrictions
Cootamundra Wattle	<i>Acacia baileyana</i>	
Golden Wattle	<i>Acacia siligna</i>	
Box Elder Maple	<i>Acer negundo</i>	
Tree of Heaven	<i>Ailanthus altissima</i>	
Evergreen Alder	<i>Alnus jorullensis</i>	
Nettle Berry	<i>Celtis spp.</i>	
Camphor Laurel	<i>Cinnamon camphora</i>	Only if less than 10m in height
Cotoneaster (all species)	<i>Cotoneaster spp.</i>	
Leighton Cypress	<i>Cupressocyparis, leylandii</i> "Leighton Green"	
Loquat tree	<i>Eriobotrya japonica</i>	
Coral Tree	<i>Erythrina spp.</i>	
Rubber tree	<i>Ficus elastia and cvs.</i>	
Honey Locust	<i>Gleditsia triacanthos</i>	
Silky Oak	<i>Grevillea robusta</i>	
Privet (all species)	<i>Ligustrum spp.</i>	
Liquidambar	<i>Liquidambar styraciflua</i>	Only if less than 10m in height
African Olive	<i>Olea europaea var. africana</i>	
Canary Island Date Palm	<i>Phoenix canariensis</i>	Only if trunk is less than 7m in height
Poplar (all species)	<i>Populus spp.</i>	
Willow (all species)	<i>Salix spp.</i>	
Cocos Palm	<i>Syagrus romanzoffianum</i>	
Robinia	<i>Robina pseudocacia</i>	
Frangipani	<i>Plumeria spp.</i>	
Narrow-leaved Black Peppermint/Willow Peppermint	<i>Eucalyptus nicholii</i>	
Pyramid Tree/Sally Wood/Itchy Bomb Tree/Cow Itch Tree	<i>Lagunaria petersonia</i>	
Oleander	<i>Nerium oleander</i>	
Frangipani	<i>Plumeria spp.</i>	
Narrow-leaved Black Peppermint/Willow Peppermint	<i>Eucalyptus nicholii</i>	
Chinese Tallow	<i>Triadica sebifera</i>	
Umbrella Tree	<i>Schefflera spp.</i>	
Evergreen Ash	<i>Fraxinus griffithii</i>	



VEGETATION MANAGEMENT

DRAFT

Date Adopted/ Approved:	Date Adopted/ Approved
Review Date:	Review Date
Version:	Version
Responsible Position:	Responsible Position:
ECM Doc ID:	ECM Doc ID

1. Purpose

This policy brings together a suite of documents and consolidates various plans, policies and procedures for vegetation protection, management, connectivity and sustainability. These documents include:

Volume 1: Urban Tree Management Policy
Volume 2: Vegetation Management Guidelines
Volume 3: Willoughby Street Tree Master Plan
Volume 4: Willoughby Natural Heritage Register
Urban Bushland Plan of Management
Draft C.9 Vegetation Management of *Willoughby Development Control Plan*(WDPCP)

2. City Strategy Outcome

- 1.2 – Promote sustainable lifestyles and practices
- 1.3 – Enhance, protect and respect waterways, bushland, nature, wildlife
- 1.1 – Create and enhance green spaces

3. Application

This policy applies to the management of public and private vegetation throughout the Willoughby LGA.

4. Policy Principles

- Provide safe and enjoyable spaces for residents and visitors;
- Protect and manage Willoughby LGA's vegetation;
- Maintain the quality and quantity of Willoughby LGA's canopy cover;
- Enhance species and age diversity, connectivity and recovery of fragmented habitat;
- Facilitate the removal of undesirable exotics, noxious weeds, and any other inappropriate plantings, and to replace these with suitable local indigenous species;
- Establish the requirements for removal of vegetation in the Willoughby LGA;
- Recognise and protect vegetation considered significant due to heritage, cultural, social and ecological criteria;
- Ensure whole-of-life-cycle vegetation asset management;
- Promote ecologically sustainable development;
- Promote community awareness and appreciation of the many values and benefits of vegetation; and
- Provide a consistent framework to assess applications for the removal or pruning of vegetation;
- To provide for no net loss over time of tree canopy cover and bushland in Willoughby City.

5. Policy Statement

- All clearing of vegetation by non-Council entities on private and public land requires a permit from Council unless meeting one or more of the criteria laid out in the Draft C.9 Vegetation Management of *Willoughby Development Control Plan* (WDCP).
- Vegetation management will consider this Policy, any relevant provisions in the Willoughby Environmental Plan 2012 (Willoughby LEP) and DCP, any SEPP's, and the relevant provisions of the *Environmental Planning & Assessment Act 1979* to support Council's aims and objectives for sustainable development.
- Management of vegetation in Willoughby LGA will be in line with best practice standards including Australian Standard AS 4373 (2007) Pruning of Amenity Trees and AS 4970 (2009) Protection of Trees on Development Sites. Council implements a whole of life approach to vegetation management to balance potential risks against the benefits that vegetation provides.

6. Responsible Officer

This Policy is the responsibility of the Planning and Infrastructure Directorate and is managed by the nominated Officer in each of the separate documents.

7. Monitoring and Review

- The policy and its suite of documents will be updated as required where Legislative or Procedural requirements necessitate.

Governing laws and standards	<ul style="list-style-type: none"> ▪ <i>NSW Biodiversity Conservation Act 2016</i> ▪ <i>NSW Biosecurity Act 2015</i> ▪ <i>NSW Environmental Planning and Assessment Act 1979</i> ▪ <i>NSW Local Land Services Act 2013</i> ▪ <i>NSW Rural Fires Amendment (Vegetation Clearing) Act 2014</i> ▪ <i>State Environmental Planning Policy No 19 – Bushland in Urban Areas 1986</i> ▪ <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> ▪ <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> ▪ <i>The Australian Standard for pruning of amenity trees (AS4373)</i> ▪ <i>The Australian Standard for the protection of trees on development sites (AS4970).</i>
Related policies and other documents	<ul style="list-style-type: none"> ▪ Willoughby Local Environmental Plan ▪ Willoughby Development Control Plan ▪ Volume 1: Urban Tree Management Policy ▪ Volume 2: Vegetation Management Guidelines ▪ Volume 3: Street Tree Masterplan ▪ Volume 4: Natural Heritage Register ▪ Urban Bushland Plan of Management ▪ Our Green City Plan 2028 ▪ Parks Plans of Management and MAsterplans
Document History	<ul style="list-style-type: none"> ▪ Date adopted ▪ Dated amended ▪ Date ratified ▪ What it replaced if policy is consolidating other policies
Appendix	
Definitions	<ul style="list-style-type: none"> ▪ <i>Bold/italics</i> words which need to be defined - e.g. words reader may not understand, may be variously interpreted or used with a special meaning. ▪ Include the source of the definition if legislative.
Policy	<p>A statement/s of principles and intent that guide decisions to help achieve outcomes and community priorities.</p>

Procedure

A statement or instruction that sets out how policies will be implemented and by whom.

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ATTACHMENT 4

VEGETATION MANAGEMENT GUIDELINES



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1 PURPOSE

The *Vegetation Management Guideline* supports, and should be used with reference to, the *Vegetation Management Policy*.

The *Vegetation Management Guideline* provides guidance on the approval processes and requirements involved in the management and clearing of vegetation and outlines the management of both public and private vegetation and the systems and processes required to manage these in the Willoughby LGA.

2 SCOPE

This guideline applies to management of vegetation within the Willoughby LGA in relation to vegetation described in *Vegetation Management Policy*.

3 CONTEXT

Vegetation within Willoughby LGA is covered by Part 3 of the Vegetation SEPP, and is managed under this Guideline. A property owner is responsible for vegetation, growing from within the boundaries of their property. This includes branches, and roots, which overhang or grow into adjoining properties or public land.

All clearing of vegetation by non-Council entities on private and public land requires a permit from Council unless meeting one or more of the criteria laid out in the Draft C.9 Vegetation Management of *Willoughby Development Control Plan (WDCP)*, or if the clearing exceeds the Biodiversity Offsets Scheme Entry Threshold (BOSET) as outlined in Works Not Approved by Council, below.

Vegetation covered by this guideline, as defined in the accompanying Policy, cannot be cleared without a permit granted by Council (Clause 10(1) of the Vegetation SEPP).

This guideline forms a part of a comprehensive suite of documents used by Council to manage vegetation in the Willoughby LGA. Each of these documents have been prepared in accordance with Council Development Planning Documents, with direction from State Environmental Planning Policies (SEPPs).



Figure 1: Vegetation management Guidelines Context

4 VEGETATION MANAGEMENT

The following Section outlines in detail vegetation to which this guideline applies, and the conditions under which an exemption from the permit application process is available.

Management of vegetation in Willoughby LGA will be in line with best practice standards including *Australian Standard AS 4373 (2007) Pruning of Amenity Trees* and *AS 4970 (2009) Protection of Trees on Development Sites*. Council implements a whole of life approach to vegetation management to balance potential risks against the benefits that vegetation provides.

In general, vegetation management will consider this guideline, any relevant provisions in the *Willoughby Local Environmental Plan 2012* (Willoughby LEP) and *Development Control Plan*, any State Environmental Planning Policy's, and the relevant provisions of the *Environmental Planning & Assessment Act 1979* to support Council's aims and objectives for sustainable development.

In determinations regarding clearing trees and vegetation, Council will take into consideration, but not be limited to the following:

1. The health and safety of the occupants of the property;
2. The contribution of the vegetation to the property and surrounding area;
3. The health and structural condition of the vegetation;
4. Evidence of habitat by native fauna such as nests;
5. Whether the vegetation forms part of native bushland;
6. Whether the vegetation is suitable for the location given potential size, soil type and other site conditions;
7. Whether the vegetation has caused or will be likely to cause damage to property¹, and the potential extent of that damage;
8. The viability of replacement planting;
9. Whether reasonable alternative options are available to avoid the necessity for tree and vegetation removal;
10. The existence and suitability of other trees and vegetation on the property; and
11. Relevant Environmental Planning Legislation, Instruments and Policies.

While maintenance of canopy cover is important, it is vital to recognise the importance of having the right trees and vegetation growing in the right place. Without considered planning and management, problems and risks to public and the environment can arise.

In selection of **vegetation** for planting within the Willoughby LGA, the following non-exhaustive principles shall be followed:

1. Climate suitability and adaptability;
2. Physical, environmental, and social contexts, including Heritage Conservation Areas;
3. Ecological – habitat connectivity;
4. Urban tolerances and infrastructure limitations;

¹ Where **vegetation** may be causing damage to a structure not considered a core element of a building, a solution to maintain both the tree and the structure will be sought as a preference to removal.

5. Visual and community aesthetic;
6. Resistance to pests and disease;
7. Native species; and
8. Emerging canopy.

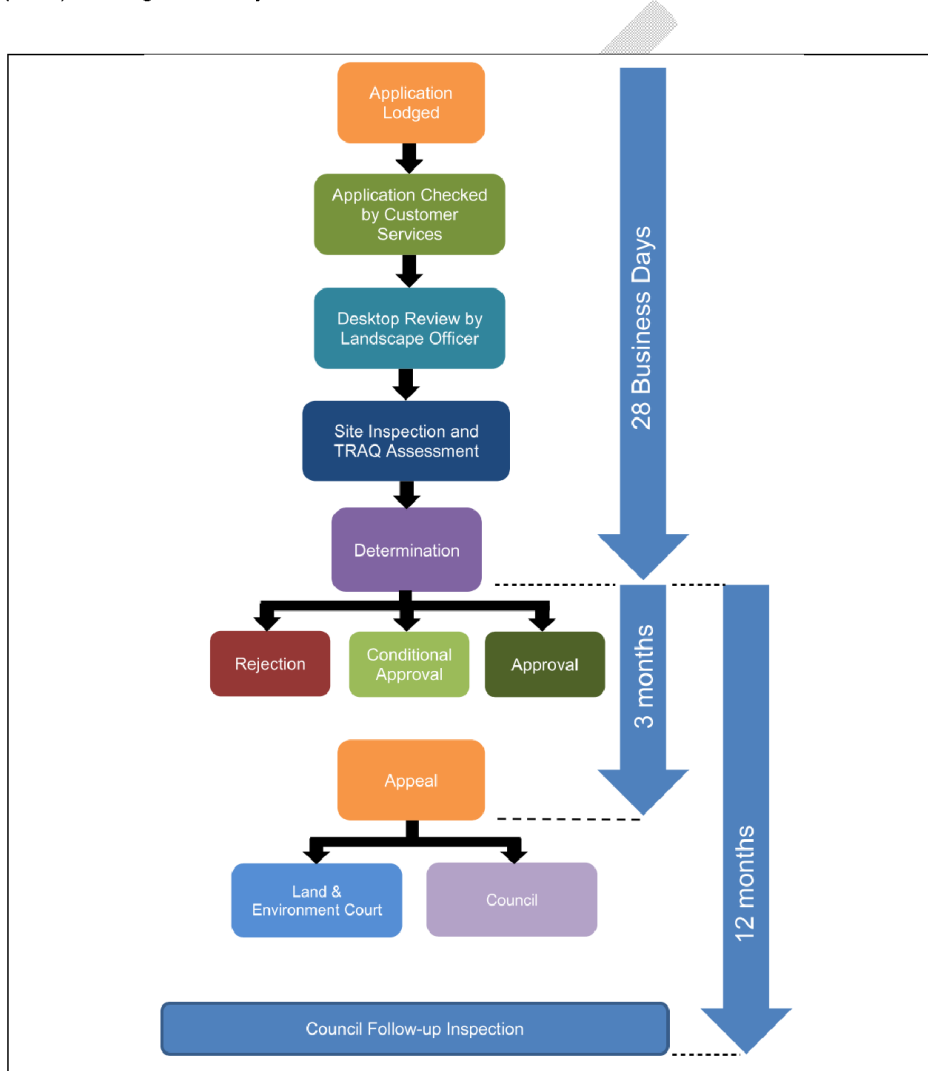
A more detailed description of considerations for planting and species selection can be found in Volume 1: Urban Tree Management Policy, Volume 3: Willoughby Street Tree Master Plan, and the Urban Bushland Plan of Management, where specific Precinct Plans are defined.

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5 CLEARING TREES AND VEGETATION

Under the Willoughby DCP, this guideline applies to all vegetation listed in the accompanying Policy. All work on vegetation declared by the DCP may only be carried out with the prior written consent of Council, and may be subject to conditions attached to the consent.

Applications to clear vegetation on private land will follow the process illustrated below in Figure 1. Assessment of applications will refer to the principles outlined in Section 4 above, the TRAQ assessment protocol outlined below and the guidelines contained in *Australian Standard AS 4373 (2007) Pruning of Amenity Trees*.



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5.1 Applications Associated with Development Applications

Vegetation clearing applications affected by Development Proposals under Part 4 of the *Environmental Planning & Assessment Act 1979* are assessed as part of the Development Application process and in accordance with controls outlined in the Willoughby LEP and DCP.

In assessing an application to clear vegetation as part of a Development Approval, Council will consider this Guideline, any relevant provisions in the Willoughby LEP and DCP, any SEPPs, and Council's aims and objectives for sustainable development.

Criteria for consideration in Development Applications include, but are not limited to the species, health, resilience, and visual impact of the vegetation. Any trees that may be affected by development works (including vegetation to be retained, or on neighbouring land), that are otherwise not covered by the Development Approval are to be managed in line with AS 4970 (2009) *Protection of Trees on Development Sites*.

Applications to clear vegetation as part of a Development Application should include a Landscape Plan, which should include supporting documentation outlining the extent, type and location of proposed landscaping and planting that includes:

1. A scale at 1:100 or 1:200 and 1:10, 1:20 or 1:50 for section information.
2. All existing trees to be retained and removed, including those on adjoining sites within 5m of the boundary.
3. Plant schedule including species, pot size and maturity height with appropriate symbols.
4. Location of planting of proposed species.
5. All proposed natural/soft landscaped areas.
6. Existing natural landscape features of a site such as cliffs or rock outcrops.
7. All existing natural site levels (contours) to AHD.
8. Proposed finished levels to AHD.
9. Proposed hard paved surfaces including materials.
10. Planting layout of proposed vegetation.
11. Location, height, construction details and materials of fencing and retaining walls.
12. Sectional details of retaining walls, paving, edging turf, mulched gardens and other relevant works.
13. Proposed drainage and irrigating systems.

Note: See WDCP for more information and specific controls:

Part D.1.8 – single dwellings, dual occupancies, secondary dwellings; Part D.2.10 – attached dwellings, multi-dwelling housing, and residential flat buildings;

Part E.1.6 – commercial and shoptop development;

Part F.3.6 – industrial development.

A report prepared by a qualified arborist with minimum qualifications equivalent to AQF Level 5. The report is to incorporate an assessment of trees on the site as well as discussing the impact of the proposed development on the trees. The report will also include recommendations on the protection, management and replacement of trees.

LANDSCAPE MATTERS FOR CONSIDERATION

Other factors which will be taken into account will include:

Bush Fire Prone Land

- impact on vegetation on site / adjacent properties

Aboriginal Heritage

Natural Heritage Register

Threatened Species and Processes

Bushland Reserves

- Assess impacts on bushland

Sydney Harbour Catchment

- Designated landscape requirements

Tree & Bushland Management

- Impacts on trees and bushland

Landscape Design

- Adequate documentation
- Tree retention
- Tree replacement
- Noxious / Environmental weeds
- % site coverage for landscape / stormwater management
- Screening / privacy issues
- Land modification / shaping – impacts on trees / vegetation
- Requirements for scenic / conservation / specific areas
- Bushland on site and adjacent reserves – protection / restoration etc
- Sustainability – water / species selection / etc

Stormwater Management

- Impact of works on trees / vegetation / natural features
- Impacts of works on adjacent reserves and bushland
- Controls / conditions

Streetscape Issues

- Impacts on street trees (Note that approval to remove a street tree in order to facilitate construction of a driveway will not be granted)

An approval to clear vegetation as part of a Development Approval may contain conditions of appropriate replanting and protection of vegetation during development.

Where a clear vegetation approval is granted to remove vegetation, under any condition, replacement planting may occur in order to restore the loss of canopy and maintain the amenity of the area.

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Vegetation for replacement planting is to be selected based on native species selection, local area compatibility given potential size, soil type and other site conditions, and potential interaction with nearby structures such as overhead wires. Planting requirements and selection processes are described in detail in Section 7.

5.2 Application Assessment Process - Permits

Once an application to clear vegetation is lodged with Council, a Customer Service Officer will check it to ensure all required documentation, including relevant reports and application fees are included. It is then allocated to a Landscape Officer for assessment.

The Council Officer will review the application to determine next steps. This desktop review will follow a similar process to that illustrated in Appendix A, with checks against relevant databases for Heritage Listing, existing Development Consent conditions, Threatened or Endangered species, relevant zoning restrictions, Council maintenance schedules, and Biodiversity Offsets Scheme Entry Threshold (BOSET) threshold triggers.

The desktop review will have one of several outcomes:

14. An approval from Council is not required as the vegetation satisfies the exemption criteria listing in the accompanying policy section - Exemptions.
The application will be returned to the applicant.
15. The application is rejected due to insufficient information provided in reports.
The application will be returned to the applicant with information on the requirements for any future applications.
16. The application is rejected because the proposed vegetation is associated with a Development, or the vegetation is listed on the Willoughby Natural Heritage Register (and has significant impact).
The application will be returned to the applicant with instruction to complete a Development Application.
17. The application is rejected because the proposed clearing exceeds the BOSET.
Council cannot approve this application, and an application needs to be lodged with the Native Vegetation Panel. The application will be returned to the applicant with this information included.
18. The application is progressed to the next stage of the approvals process.
The applicant will be contacted by the Council Officer to inform them of the next steps

If the application is progressed to the next stage of the approvals process, a site inspection by a Council Officer is required. The Council Officer will contact the applicant to arrange a time to conduct a site inspection where an appointment has been requested, where no appointment has been requested the Council Officer will carry out an inspection without pre-arranging a time. Prior to the site inspection, site safety conditions should be communicated to the Council Officer (access, dogs on site etc.). Failure to adequately communicate site safety conditions may result in forfeiture of application fee, and requirement for resubmission.

Applications completed by a TRAQ qualified arborist (AQF5 minimum), and accompanied by a TRAQ assessment report will have a reduced turnaround time (*Except where part of a Development Application*). It is not necessary for arborist reports prepared for Council to follow the TRAQ assessment procedure; however, the review of an application by Council will utilise this tool.

When assessing an application to clear vegetation, Council will apply the peer reviewed Tree Risk Assessment Qualification (TRAQ) tool. This assessment tool provides an output of a risk rating descriptor as compared with average vegetation. The risk rating is categorised using the terms low, moderate, high, and extreme. This system considers the overall health and condition of the vegetation with subjective terms used for calculations.

A risk analysis is applied whereby the likelihood of an impact occurring is compared against the potential consequence of that impact. A risk rating can then be determined. The TRAQ assessment form that will be used by Council is in Appendices.

The TRAQ assessment along with any supporting information submitted with an application allows the assessing officer to make an informed and fact-based determination.

During a site inspection, the Council Officer will carry out an assessment of the proposed vegetation to be cleared. This will be done using the Tree Risk Assessment Qualification (TRAQ).

Any application submitted with a completed TRAQ assessment report will not require a site inspection (provided the assessment report is completed by a AQF5 Arborist with Certification in TRAQ assessment).

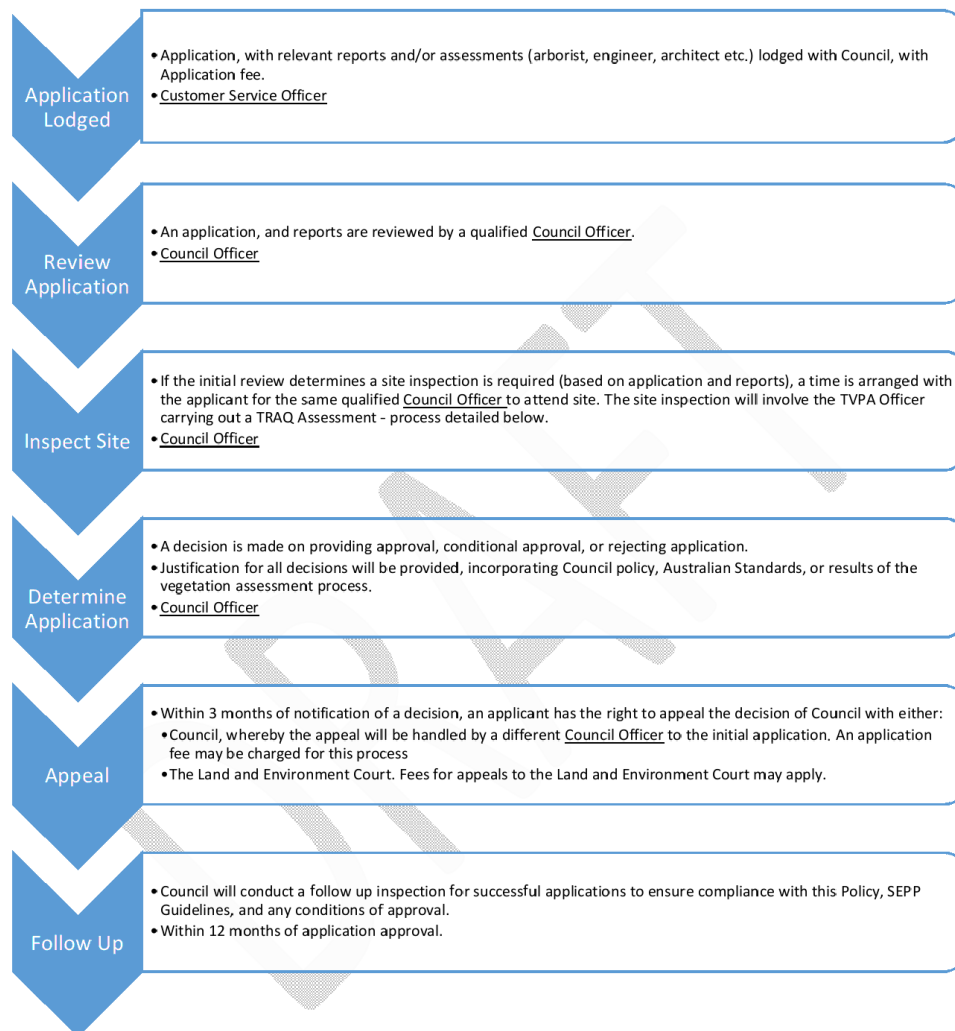
Following the site inspection and TRAQ assessment, a decision will be made by the Council Officer on whether or not to approve the application. If approved, an approval of an application may be complete, or conditional. Depending on conditions, Council will conduct a follow up inspection within 12 months of approval to confirm that any conditions of an approval have been met.

Determinations of applications will be made within 28 business days of lodgement, or another longer time agreed upon by both the applicant and Council.

If an application is rejected, reasons for the rejection will be provided to the applicant. The applicant then has 3 months from the date of decision to appeal the decision. The applicant can appeal the decision in two different ways:

1. Through Council, in which case a different Council Officer will handle the application. An additional application fee will be applied.
2. Through the Land and Environment Court. Fees for the Land and Environment Court apply and are not administered by Council.

Figure 1, illustrates the stages of an application for a permit once Council receives it. At each stage, the role responsible for handling the application is underlined.



5.3 Application Notifications

Applications to clear vegetation will be detailed on Council's website for public comment.

1. When an application for tree removal is submitted to Council, owners of properties which could be affected are notified in writing by Council. The application can be discussed with the Landscape Officer processing the application. Council's Landscape Officers are available to discuss the proposal between 8:30 am and 10.00 am, Monday to Friday via the phone number shown at the bottom of the accompanying letter.
2. You can make a submission setting out any concerns you have about the proposal, or indicating why you believe the proposal should be supported or refused by Council. You do not have to make a submission.
3. Submissions can be in writing, addressed to Willoughby City Council, PO Box 57, Chatswood NSW 2057 quoting the application number and the address of the property (as specified in the notification letter) and provide a telephone number for Council to contact you regarding your submission if necessary. Alternatively a submission can be lodged via Council's website <http://www.willoughby.nsw.gov.au/> under Development – Application Tracking.
4. If you have specific questions or concerns you wish to discuss, please contact a Landscape Officer by telephone to discuss the application or your submission.
5. If you do wish to come in and discuss an application, you will need to make an appointment with the relevant officer.
6. Please note that all submissions received, including the names and addresses of the persons making the submissions, may be accessed by any person.

5.4 Trees (Disputes Between Neighbours)

Laws have been introduced by the New South Wales Parliament allowing tree disputes between neighbours to be referred to the [NSW Land & Environment Court](#).

The Trees (Disputes Between Neighbours) Amended Act 2010 allows an owner of land to apply to the Court for an order to remedy, restrain or prevent damage to the owner's property or injury as a consequence of a tree situated on adjoining land. The Court may also order compensation for damage already caused by such a tree.

An individual must make a reasonable attempt to resolve the situation before an approach is made to the Court.

Additional information about the way the laws work can be obtained on the Land and Environment Court [Tree Disputes webpage](#).

Where the agreed solution between neighbours involves the removal or the pruning of a tree, an application under the DCP may need to be submitted by the owner of the property on which the tree is situated and written approval received prior to undertaking any work.

The Act does not apply to trees on land owned or managed by Council.

5.5 Undesirable species exempt from permit approval

The following table lists trees that can be removed without a permit from Council. (This list is contained in the WDCP C.9 Vegetation Management)

Common Name	Botanical Name	Restrictions
Cootamundra Wattle	<i>Acacia baileyana</i>	
Golden Wattle	<i>Acacia siligna</i>	
Box Elder Maple	<i>Acer negundo</i>	
Tree of Heaven	<i>Ailanthus altissima</i>	
Evergreen Alder	<i>Alnus jorullensis</i>	
Nettle Berry	<i>Celtis spp.</i>	
Camphor Laurel	<i>Cinnamon camphora</i>	Only if less than 10m in height
Cotoneaster (all species)	<i>Cotoneaster spp.</i>	
Leighton Cypress	<i>Cupressocyparis, leylandii</i> "Leighton Green"	
Loquat tree	<i>Eriobotrya japonica</i>	
Coral Tree	<i>Erythrina spp.</i>	
Rubber tree	<i>Ficus elastia and cvs.</i>	
Honey Locust	<i>Gleditsia triacanthos</i>	
Silky Oak	<i>Grevillea robusta</i>	
Privet (all species)	<i>Ligustrum spp.</i>	
Liquidambar	<i>Liquidambar styraciflua</i>	Only if less than 10m in height
African Olive	<i>Olea europaea var. africana</i>	
Canary Island Date Palm	<i>Phoenix canariensis</i>	Only if trunk is less than 7m in height
Poplar (all species)	<i>Populus spp.</i>	
Willow (all species)	<i>Salix spp.</i>	
Cocos Palm	<i>Syagrus romanzoffianum</i>	
Robinia	<i>Robina pseudocacia</i>	
Frangipani	<i>Plumeria spp.</i>	
Narrow-leaved Black Peppermint/Willow Peppermint	<i>Eucalyptus nicholii</i>	
Pyramid Tree/Sally Wood/Itchy Bomb Tree/Cow Itch Tree	<i>Lagunaria petersonia</i>	
Oleander	<i>Nerium oleander</i>	
Frangipani	<i>Plumeria spp.</i>	
Narrow-leaved Black Peppermint/Willow Peppermint	<i>Eucalyptus nicholii</i>	
Chinese Tallow	<i>Triadica sebifera</i>	
Umbrella Tree	<i>Schefflera spp.</i>	
Evergreen Ash	<i>Fraxinus griffithii</i>	

Plants or weeds that are declared to be a biosecurity risk by Council or the Department of Primary Industries, including those legislated as notifiable or a prohibited matter under the Biosecurity Act 2015.

Where exempt works are being carried out, Council advises residents to take before and after photos so that evidence that work completed was exempt can be provided if needed. It is not uncommon for neighbours to report unauthorised tree works to Council for investigation.

5.6 Infrastructure Damage

Tree removal on the basis of structural impacts to Primary Residence, Granny Flats, Garages or Swimming Pools will only be permitted when an application is supported by a structural engineer's report demonstrating significant existing or likely future impacts and it has been demonstrated that all alternate amelioration methods are not feasible.

Where pipes and fences are impacted by trees or tree roots, tree removal will only be considered where it is demonstrated that amelioration measures are impractical or unfeasible and damage is visibly significant. Applications should include supporting evidence (such as a plumbers report or builders report) and should include information regarding any amelioration measures investigated.

Tree roots causing structural impacts on pathways and driveways will be considered for removal where it is demonstrated that amelioration measures are impractical, unfeasible and the damage is significant. The standards of construction will be taken into consideration when assessing the cause of the impacts (a poorly constructed pathway is not likely to result in approval to remove a tree).

5.7 Solar Panels

Clearing of vegetation for solar access will be considered where vegetation has a significant impact on existing solar panels. Assessment of solar panel access clearing will take into consideration the health of the vegetation and aim to provide a balance between public and private interests.

Assessment of applications for solar panel access clearing will only be considered for solar panels already installed on a property, which have subsequently been obstructed through vegetation growth. Documentary evidence of installation of solar panels from the current land owner will be required in the assessment process. Consideration for solar panel access clearing will not be given to facilitate future, or planned solar panel installation.

5.8 Views

Council will not approve the removal of otherwise healthy and safe trees for the enhancement of views. Pruning on private property will be considered provided it will not disfigure the tree. The term "disfigure" will generally mean pruning beyond the guidelines of the Australian Standard for the Pruning of Amenity Trees AS4373.

Applications for pruning of public trees to reduce impacts and provide filtered views will be considered provided:

- a) A growing tree encroaches on a previously uninterrupted view, and the view is not likely to return
- b) The applicant has provided photographic evidence to show the previous existence of a view
- c) The tree is centrally located in the view corridor of the principal living area and within approximately 50 metres of the viewing point.
- d) Pruning may only be approved if it will not disfigure the tree. The term "disfigure" will generally mean pruning beyond the guidelines of the Australian Standard for the Pruning of Amenity Trees AS4373.
- e) Evidence of the previous existence of a view will not be accepted from new owners of a property applying for a view prune (the ownership must have existed at the time the view was present)
- f) The cost associated with approved view pruning will be paid for by the applicant and all works will be undertaken by Council's approved Contractors as specified.

- g) Council will only consider a request to undertake view pruning of a tree once every 12 months.
- h) There is no other view pruning request approved within 30m

All approved tree work is to be carried out in accordance with Australian Standard AS4373 Pruning of Amenity Trees.

Council reserves the right to refuse an application to view prune a tree, even where all the criteria have been met, if the requested pruning would be detrimental to the health or structure of the tree.

5.9 Exempt Pruning Allowances for Routine Maintenance

An exemption has been included within the Draft C.9 Vegetation Management DCP to allow for selective pruning for up to a total of 10% of an individual tree's crown over a 5-year period.

This exemption should assist residents in maintaining trees or their property and allow pruning for clearances, minor shadowing and maintaining a healthy environment. All pruning should be carried out consistent with the requirements of AS4373 – Pruning of Amenity Trees in order to maintain good tree health.

Residents are advised to keep records of any pruning works carried out in order to prove the works were exempt should it be needed.

5.10 Appeals Process / Request for Review

If an applicant wishes to appeal a tree permit refusal, the applicant has 3 months from the date of decision to appeal the decision. The applicant can appeal the decision in two different ways:

1. Through Council. An additional application fee will be applied.
2. Through the Land and Environment Court. Fees for the Land and Environment Court apply and are not administered by Council.

Where the application is made to Council, additional information should accompany the request for review and may include: reports from a consultant arborist (AQF Level 5), a qualified engineer or a licensed plumber.

The review will be completed by a different Council Officer

5.11 Works Not Approved by Council

Generally, Council will only approve applications to clear vegetation if there is a demonstrated risk to personal safety or risk of significant to severe property damage. The classification of these risks are determined using the TRAQ assessment tool described above.

Council will generally not approve applications for a permit to clear vegetation where:

1. Vegetation is shedding leaves, fruit or bark, as this is considered a natural process
2. Vegetation is causing minor damage to property (e.g. driveways, fences, lawns)
3. There are unsubstantiated fears about large vegetation
4. Vegetation is causing a blockage to pipes, unless the damage is serious and recurring
5. Vegetation is causing minor shading, or obstructing photovoltaic (solar) panels
6. To allow for a proposed development – this application should be considered under the Development Application

7. The vegetation does not suit the existing or proposed landscape.

If proposed clearing of vegetation on public or private land exceeds the Biodiversity Offsets Scheme Entry Threshold (BOSET), an application for works is to be submitted to the Native Vegetation Panel. Council cannot issue a permit for these works.

The proposed clearing of vegetation exceeds the BOSET if it is:

- > The clearing of native trees and native vegetation of an area that exceeds the threshold (Refer to Figure 2)
- > The clearing of native trees and native vegetation is on land mapped as 'Sensitive Values' on the Biodiversity Values Map prepared by the Office of Environment and Heritage (OEH). This can be found at <https://www.environment.nsw.gov.au/biodiversity/biodiversity-values-map.htm>

Figure 2 Threshold by minimum lot size

Minimum lot size of land	Area of clearing
Less than 1 hectare	0.25 hectare or more
Less than 40 hectares but not less than 1 hectare	0.5 hectare or more
Less than 1000 hectares but not less than 40 hectares	1 hectare or more
1000 hectares or more	2 hectares or more

Lot sizes are as shown on the Willoughby LEP Lot Size Map -

<http://www.willoughby.nsw.gov.au/about-council/maps/>

Under Part 4 of the Vegetation SEPP, if the proposed clearing of vegetation exceeds the BOSET, an approval from the Native Vegetation Panel is required in order to proceed, and this Guideline does not apply.

5.12 Bushfire Risk Management

Private requests to clear vegetation on public land to mitigate bushfire risk are to be submitted to the NSW Rural Fire Service, who will assess the potential risk.

5.13 NSW Rural Fire Service 10/50 Rule

The *10/50 Vegetation Clearing Scheme* allows those in a Vegetation Clearing Entitlement Area to:

- > Clear trees on their property within 10 metres of a home; and
- > Clear underlying vegetation such as shrubs (but not trees) on their property within 50 metres of a home.

Clearing vegetation lawfully conducted in accordance with the *10/50 Vegetation Clearing Scheme*, as per the requirements of the NSW Rural Fire Service, does not require approval from Council.

To determine if land is within the 10/50 Vegetation Clearing Entitlement Area, visit

<https://www.rfs.nsw.gov.au/plan-and-prepare/1050-vegetation-clearing/tool>

Where land is not within the *10/50 Vegetation Clearing Entitlement Area*, an application must be submitted to Council. To review classification of 10/50 zoning, contact the NSW Rural Fire Service at <https://www.rfs.nsw.gov.au/>.

The *10/50 Vegetation Clearing Scheme* applies to privately owned land. Vegetation on land managed by a public entity (including Council) cannot be cleared under the *10/50 Vegetation Clearing Scheme*, and an application to the NSW Rural Fire Service, or Council must be submitted to clear.

5.14 Clearing Trees and Vegetation on Public Land

Council is responsible for the maintaining of street, park and bushland trees, where a request to carry out pruning or removal on a Council tree is made a Council officer will inspect the tree to determine any actions required.

Works Council will carry out:

1. Removal of dead, dying, hazardous or unsuitable trees
2. Pruning or removal of trees in conflict with adjacent utilities or built structures, if no other viable option is available
3. Pruning for overhead line clearance
4. Crown cleaning pruning to remove dead, diseased or defective branches or to improve pedestrian and vehicle access
5. Selective pruning for vehicle and signage sight lines
6. Root pruning to limit damage to built structure where feasible
7. Termite treatment where necessary

5.15 Community Notice of intent to clear vegetation

Where it intends to remove a tree/vegetation located in a public area/place for which it is responsible for maintenance/management the public will be notified of the proposed removal.

Public notification includes but is not limited to:

- > a notice attached to the tree/vegetation
- > inclusion in landscape or playground upgrade consultations
- > letterbox drop to residents living in the tree's immediate vicinity
- > advice to Councillors where relevant.

5.16 Tree/Vegetation Vandalism

The management and preservation of all vegetation within Willoughby LGA is governed by this Guideline, the Willoughby DCP and LEP, and the Vegetation SEPP. Unless otherwise permitted by an approval to clear vegetation or a Development Consent, vandalism, damaging and poisoning of vegetation are specifically prohibited acts. Penalties are in place for breaches of this Guideline.

The following procedures for investigating instances of vegetation vandalism in Willoughby LGA have been adopted by the Council:

1. Letter boxing the houses within vision of the vegetation requesting information
2. Erection for a minimum period of 60 days, of a large sign or banner indicating that the vegetation has been subjected to vandalism and offering rewards (up to \$10,000) for information leading to a successful prosecution
3. The vegetation is assessed as to the next appropriate action; if the vegetation is in bushland, it is left as part of the forest 'decay' cycle. If it is located in a public place where a public liability may arise i.e. park or street verge, then suitable pruning of outer branches may occur to make the vegetation more structurally 'safe' and is left in situ
4. Replace severely damaged vegetation with advanced vegetation where appropriate
5. A media release is prepared

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6. Where sufficient information is obtained, progress the investigation in co-ordination with legal advice.

Any persons found guilty of Vegetation Vandalism may be liable to a fine of up to 10,000 Penalty Units² in the Land and Environment Court, or on the spot fines may be issued.

Section 9.50-9.58 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) sets out the full range of enforcement that may be undertaken for criminal proceedings. Civil enforcement is covered under sections 9.44 – 9.46 and 9.49 of the EP&A Act. The Act can be found at <https://www.legislation.nsw.gov.au/~view/act/1979/203/part9>.

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² 1 Penalty Unit - \$110 as at 1 June 2002

6 TREE REPORT REQUIREMENTS

An arboriculture report may be needed for applications to clear vegetation.

Arboriculture reports will only be accepted when prepared by a Consultant Arborist with a **minimum qualification of Level 5 under the Australian Qualification Framework (AQF Level 5)**. The company preparing the report shall also not be financially affiliated or have a business relationship with a tree removal/pruning company. All reports must be prepared in accordance with the guidelines established within *Australian Standard AS 4373 (2007) Pruning of Amenity Trees* and *AS 4970 (2009) Protection of Trees on Development Sites*.

It is not necessary for arborist reports prepared for Council to follow the TRAQ assessment procedure; however, the review of an application by Council will utilise this tool, as will the appeals process.

The following information is required in the preparation of an arborist's report:
A template for completion of this information can be found on Council's website:

1. The name, address and phone number of the person or company preparing the report;
2. Title and qualifications of the person preparing the report;
3. Applicant's name and address;
4. The address or lot number where the vegetation is located;
5. The land owner where the vegetation is located;
6. Date of site inspection;
7. The purpose of the report (the Brief) and who commissioned the report;
8. Reference to all relevant planning laws, regulations and planning instruments pertaining to site;
9. Methodology of techniques used in the report;
10. A site plan showing the location of all relevant vegetation, numbered to correspond with text in the report. The site plan must accurately show the location of vegetation and existing or proposed buildings/structures and above/underground services, and wildlife habitats;
11. A summary of findings;
12. A table for each identified vegetation detailing:
 - 12.1 Common name and scientific name;
 - 12.2 Approximate height and age;
 - 12.3 Canopy spread;
 - 12.4 Diameter at 1.4m height (and number of trunks if more than one);
 - 12.5 Condition and structural health of the vegetation e.g. signs of dieback and other trunk indications, loss of branches, leaves, stunted/distorted growth, wounds, cavities, cracks, included bark/co-dominant branches, pests and diseases and root conditions/issues;
 - 12.6 Hazard assessment of any of the above where relevant;
 - 12.8 Estimates of the vegetation's useful life expectancy using accepted industry methods;
 - 12.9 A summary and discussion of other relevant vegetation and site information e.g. nearby structures; soil and drainage characteristics; landscape and amenity values; weather exposure; previous human intervention etc.;
 - 12.10 If pest or disease problems are affecting the health of the vegetation, further expert diagnosis and discussion of treatment may be required;

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- 12.11 Supporting evidence such as test results, annotated and relevant photographs, engineers' reports etc.;
- 12.12 Discussion of all available options and the reasons why they are recommended or not recommended e.g. can services be diverted to avoid root pruning; can a structure be relocated or rebuilt and retain the vegetation;
- 12.13 Recommended actions and the reasons for their adoption;
- 12.14 Details of any replacement vegetation planting on site, including site plan showing proposed planting locations; and
- 12.15 Resource material to be referenced in an accepted method. References not used in the report are not to be included.

6.1 Arboricultural Method Statement (AMS)

An Arboricultural Method Statement (AMS) is a document that describes all the measures to be undertaken to ensure the protection and ongoing health and viability of all the trees to be retained on a development site.

1. The Arboricultural Method Statement addresses detailed on-site tree management – including tree works and protection measures - and must comply with the following requirements:
 - a. The AMS must be prepared by a qualified arborist with a sound knowledge of construction site impacts on trees and vegetation, and experienced in construction site processes and management;
 - b. The AMS must provide for the implementation of tree management measures for the preconstruction, construction, and post-construction phases of the development, including rehabilitation measures, and a minimum of 24 months on-site monitoring and maintenance of the subject trees;
 - c. A Tree Plan (to scale) clearly showing all the trees to be removed, trees to be retained and protected, together with the locations of the relevant Tree Protection Zones (TPZ, shall form part of the AMS.
 - d. The AMS shall set up an agreed framework for maintaining effective communication between the arborist and all other involved parties;
 - e. The minimum general standards for tree protection and management measures shall comply with Australian Standard AS4970-2009 Protection of Trees on Development Sites, Australian Standard AS 4373-2007 Pruning of amenity trees;
 - f. The precise location and type of all tree and vegetation protection measures and TPZs must be confirmed on site, and protective fencing, barriers and other measures must be in place before site clearing and demolition activity commences;
 - g. Tree and vegetation protective fencing and barriers must remain in place in a functioning condition for the duration of the development.
 - h. The AMS must provide for the implementation, monitoring and supervision of any approved works within the defined TPZs. Work within the TPZ shall utilise special measures to avoid or minimise adverse impacts on the trees - including such measures as ground surface protection to avoid soil compaction, hand digging for footings and foundations, trenchless installation of services, porous paving, and similar. Specifications shall be provided for all work carried out within the TPZ. The specifications shall include appropriate documentation and illustrations, and be incorporated into the AMS and all relevant drawings and documentation relating to the development;

- i. The AMS must include a schedule of inspection hold points consistent with the phasing of construction activity, and provide for the arborist to inspect and certify that all relevant tree protection measures and specified construction techniques are implemented prior to work being undertaken adjacent to or within a designated TPZ.
 - j. The AMS is to include provision for supervising, monitoring and compliance certification by a qualified Arborist for the duration of the development and any subsequent maintenance period. Compliance Certificates must be incorporated into the copy of the AMS held on site within 24 hours of inspection, and must be available for inspection by Council Officers.
2. A copy of the AMS must be issued to the site manager prior to commencement of works;
 3. A copy of the AMS must be available on site for the duration of the development as a reference guide for site management, staff, contractors and for compliance inspections;
 4. All contractors and staff involved in works on the site are to be briefed on the tree protection and management procedures in place, and the reasons for such measures, as part of their site induction.

6.2 Other Report Types

Other reports should include at *minimum* the following *requirements*:

1. Name, Business and contact details for the professional who inspected and prepared the report
2. Qualifications and experience
3. The date of inspection
4. Name of the person or business who commissioned the report
5. Address where the tree is located
6. The purpose of the report
7. The methodology used
8. Any observations made
9. A discussion of the observations made, including all management options available
10. Supporting evidence such as photos or other inspection reports or test results

6.3 Qualified Plumbers Report

In addition to the minimum requirements the report should contain CCTV, show where the issue is located, the proximity of pipes to the tree and any alternative treatments available such as relining or realignment.

6.4 Structural Engineers Report

In addition to the minimum requirements any reports on structural damage to buildings evidence of the cause should be included. Damage to footpaths and driveways are not considered evidence of damage to buildings and this type of damage can be managed by other means.

6.5 Root Mapping

Roots should be located and exposed using minimally destructive or non-destructive techniques such as sonic tomograph, hand digging or air spades.

In addition to the minimum requirements reports should contain a plan showing the location of all excavation lines including the distances, number of roots found the condition and diameter of the roots, including where they are found.

6.6 Resistograph Reports

In addition to the minimum requirements the report must contain:

The reason why the assessment is being completed, the type of defect being tested, resonance settings and drill depth, the type and model of resistograph being used, the location of drill readings, any failure criteria being used, copies of the results from the test and assessment as to whether the defect(s) pass or fail and the reasoning behind recommendations.

6.7 Tree Protection Zones

A Tree Protection Zone (TPZ) is the area surrounding a tree that must not be disturbed by construction work to ensure the tree remains healthy.

Tree protection measures include a range of activities and structures. The most common measure used to restrict access to a TPZ is the installation of protective fencing.

If protective fencing can't be installed, or must be temporarily removed, other tree protection measures must be used including:

- > signage
- > trunk and branch protection
- > ground protection
- > root protection during works within the TPZ
- > scaffolding

How is a TPZ determined?

By multiplying a tree's DBH(m) x 12.

Eg. A tree with a trunk diameter of 500mm will require a 6m radius (0.5m x 12 = 6.0m radius TPZ)

What can't happen in a TPZ?

- > machine excavation including trenching
- > excavation for silt fencing
- > removal of turf and topsoil
- > storage/stacking of items
- > preparation of chemicals (including cement products)
- > vehicle and plant parking
- > dumping of waste
- > washing and cleaning of equipment
- > placement of fill
- > changing of soil levels
- > physical damage to the tree.

Tree Protection Zones should be completed in accordance with AS4970 – Protection of Trees on Development Sites

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7 REPLACEMENT PLANTING

Selection of vegetation for replacement planting, planting in public spaces including streets, parks and reserves, as well as private property, must consider a range of criteria. A detailed plan of vegetation selection for public land is found in both the Urban Bushland Plan of Management, and Volume 3: Street Tree Master Plan.

Additional consideration for planting in parks and reserves will be given to relevant Reserve Action Plans and Park Masterplans, which are periodically reviewed.

These plans may assist in selecting replacement trees for use where vegetation is approved for removal as part of either development consent or a permit.

7.1 Tree Planting

Where removal of vegetation is approved, replacement planting will try to occur at or near to the removal site, but must be on the same lot of land as the removal. Generally, replacement vegetation species will be selected based on criteria outlined above, and the related Council plans.

In instances where a large or mature tree is to be removed, multiple replacement species will be considered of smaller or varied sizes, in order to maintain and encourage emerging canopy.

Vegetation used as replacement planting is to be grown to best practice nursery standards as described in *AS 2303:2015 Tree Stock for Landscape Use*.

Permission is required to clear vegetation when it is vegetation planted as replacement planting under a condition of a Development Consent or other Council approval.

7.2 Tree Replacement Conditions

Where removal of vegetation is approved, replacement planting will be conditioned at a ratio of 3:1. This ratio applies to removal of private and public trees.

7.3 Tree Offset Scheme

If tree replacement is not possible on the applicant's property, the applicant may be able to enter into a deed of agreement with Council for the planting of a replacement tree/s on public land by Council (Where Council considers there is insufficient space on the property and officers grant access to the program – this may also be a partial access).

The aims of the offset planting program are:

1. To preserve and enhance Willoughby's tree canopy cover
2. To ensure replacement trees are planted when trees are approved for removal

The replacement planting offsets will generally be completed in the following order of preference:

1. As a street tree in front of the property
2. Other location within the street
3. Other streets within the surrounding suburb
4. Parks and Reserves

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Offset planting will require the applicant to pay a fee per tree, with that fee covering the cost of supply, planting and maintenance for a 24 month period.

The fee payable to Council will be listed in its published Fees & Charges. The fee will be on a per tree basis and initially set at \$2000 per tree. A pensioner concession fee of \$400 per tree will be applied to eligible applicants.

7.4 Planting Guidelines

Successful planting depends on the ability of the vegetation to rapidly establish in the selected planting location. Optimal timing for planting should be considered given existing conditions, species selected and its particular requirements regarding water, light, and temperature. In general, planting is best carried out in Autumn, during months of lower air temperatures and higher soil temperatures. Planting in summer is not recommended due to the additional stress placed on trees by high temperatures and watering requirements.

The success and long-term objectives of any planting is achieved by:

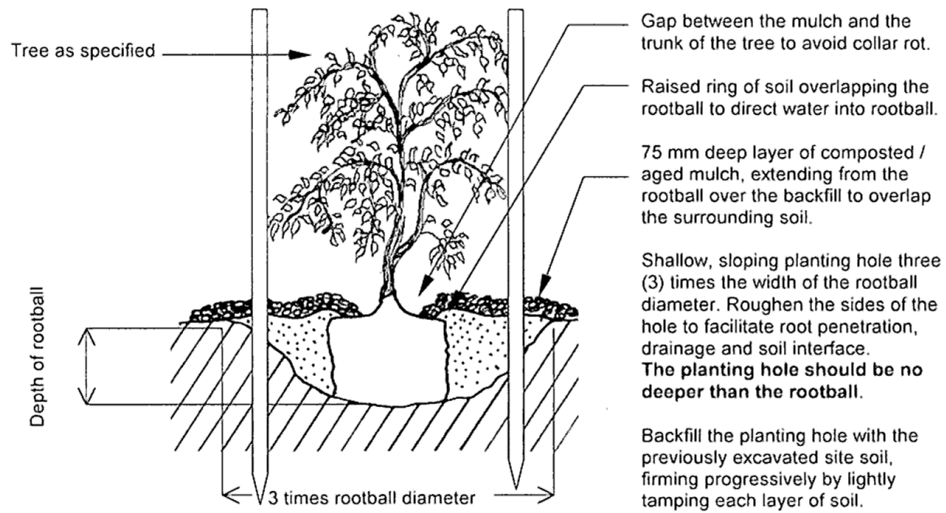
- > Completing a full assessment of the site, e.g. soils, microclimate, drainage, and
- > Selecting species appropriate to the site and suitable to the space, and
- > Application of best practice site preparation, stock handling, and
- > Planting in accordance with best practice, and
- > Ensuring adequate establishment maintenance for the circumstance.

7.5 Site Assessment and Preparation

Physical attributes of soil can affect water and oxygen availability, while chemical attributes can affect nutrient uptake in new vegetation. A soil testing kit is available from most hardware stores and provides a good indication of soil quality. Most vegetation is best planted in existing soil, however where existing soil is not suitable, imported soil or soil additives (e.g. fertiliser), should be added as per instructions from the supplier.

The following figure (3) provides a visual guide for tree planting.

Figure 3 Planting diagram



Three (3) 38 x 38 x 1800mm hardwood stakes in triangular grid pattern located outside the rootball. No ties to tree trunk. Stakes to protect tree, not support tree. Remove stakes after two years.

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8 STREET TREES

8.1 Street Tree Maintenance

Council is responsible for planting and maintaining street trees, so if you think one needs attention [contact Council](#) or call 9777 1000.

If the tree is wholly on private property it may be protected by the WDCP and may require an application to prune or remove it.

Works Council will carry out:

- > Removal of dead, dying, hazardous or unsuitable trees
 - > Pruning or removal of trees in conflict with adjacent utilities or built structures, if no other viable option is available
 - > Pruning for overhead line clearance
 - > Crown cleaning pruning to remove dead, diseased or defective branches or to improve pedestrian and vehicle access
 - > Selective pruning for vehicle and signage sight lines
 - > Root pruning to limit damage to built structure where feasible
 - > Termite treatment where necessary
- All pruning is carried out in accordance with Australian Standard 4373 Pruning of amenity trees.

Council is unlikely to remove or prune trees:

- > if they are healthy, stable and viable
- > if they shade lawns or inhibit grass growth
- > to facilitate driveway crossing where other options are available
- > to reduce fruit and leaf fall, sap drop, bird droppings or similar natural processes

8.2 Planting New Street Trees

Council is responsible for the planting of street trees. Council does not allow residents to plant their own trees of the nature strip due to safety and liability due to underground services (except where carried out as part of an approved verge planting).

Council also considers the distance from services, disabled and pram access and footpath clearance when considering where street trees are planted.

If you would like Council to plant a tree in front of your house contact [Council](#) or call 9777 1000. Council's Streetscapes team will then inspect the location and determine whether the location is suitable for a new tree.

Tree selection is based on the trees identified in the Street Tree Masterplan.

9 NATURE STRIP / VERGE MANAGEMENT

9.1 Lawn Maintenance

All residents are responsible for caring for the nature strip that fronts or adjoins onto the property in which they reside.

Council does not engage in the regular maintenance of the nature strip/road verge outside private property, this includes mowing and broadleaf weed control.

However, Council will permit alternative planting plans for nature strips/road verges on the condition that they are first approved by Council and in accordance with the guidelines below.

In circumstances where Council works (footpath reconstruction, kerb & guttering, etc.) have disturbed the nature strip, Council will assist property owners:

- a) in restoring the Council-owned verge by preparing the site and laying turf grass suitable to the site
- b) with mulch and tubestock, subject to site assessment.

9.2 Naturestrip / Verge Plantings

A turfed nature strip requires very little maintenance (mowing, watering) although it does consume fossil fuel, time and human energy, produces nothing useful and has minimum biodiversity value.

Another option is to turn your nature strip into a garden. Nature strip gardens can provide:

1. beautification and visual amenity
2. healthy exercise
3. urban re-greening
4. global warming amelioration through capturing carbon in your garden soils
5. reduction of the heat island effect that raises air temperatures in cities
6. increased water retention on site
7. increased biodiversity by attracting insects and other small animals that interact through the food web
8. opportunities for community engagement and development of social capital
9. a means by which community can be engaged with caring for and respecting public lands

Modifying nature strips with suitable landscaping is permitted, provided the modifications comply with the following guidelines:

9.3 Access

1. A pathway of 1.2 metres minimum width along the length of property is to be kept clear to allow for pedestrian access, mail, paper and other deliveries.
2. Allow min. 60cm access to vehicles and the unimpeded opening of vehicle doors from the back of the kerb to edge of plantings.
3. Provide pedestrian and disabled access between the public footpath and the roadside kerb.
4. Adequate space is left for placing rubbish and recycling bins for collection.

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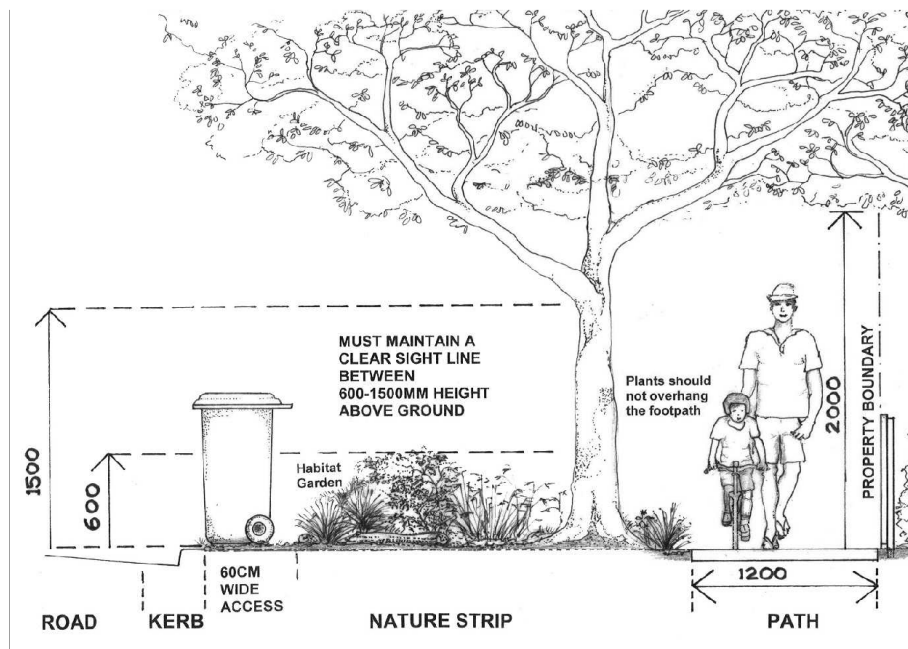
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5. Allow pedestrians to cross the garden at every 4m interval via a path if the length of the nature strip/verge is very long beside your property.



PLANTS

1. Plantings on corner blocks are limited to ground cover plants no greater than 300mm to ensure a good line of sight for motorists and pedestrians.
2. When choosing plants take into account the mature size of plants, to ensure they will not cause an obstruction for pedestrians or line of sight problems for motorists. Plants must be below 600mm/60cm or higher than 1.5m to maintain clear sight lines.
3. Plants must not have thorns, spikes, or prickles.
4. Plants must not protrude onto the footpath or pedestrian access, roads or driveways and must be maintained as such.
5. Plants should not be noxious or environmental weeds.
6. To encourage native biodiversity and to reduce water and energy consumption residents are encouraged to plant native plants, these can be food producing as well e.g. 'bush food' plants.

SITE PREPARATION

1. Removal of turf should be done by hand as mechanical excavation (bobcat/dingo) or cultivator may cause damage to underground infrastructure services. Contact Dial-Before-You-Dig p: 11 00 or visit 1100.com.au, a free referral service, before you start, to establish the location of underground services and utilities. Care should be taken when removing turf beneath street trees to avoid damage to roots.

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2. You are responsible for preparing the ground, supplying the plants and meeting any associated costs.
3. Alternatively to avoid turf removal place weed matting preferably organic biodegradable jute matting or layers of newspaper over turf and mound ground above with imported topsoil no greater than 30cm suitable for type of plants you want to plant. Don't mound or change the soil level under tree canopies. Ground which has been raised may need to be contained by raised garden bed edging with minimum height of 30cm to avoid trip hazard, but no higher than 60cm to maintain sight lines and for structural safety.
4. Trees in a good healthy condition will not be removed for the purposes of installing a verge/ nature strip garden.
5. Allow pedestrian access to beds so that you can plant and maintain without interfering with pedestrians on nearby footpath.
6. Placement of any landscape features e.g. rocks, logs, pots, water bowls should be placed a min. 80cm away from garden bed edges and be of height no greater than 60cm and dug into a prepared level surface.



PLANTING

1. Holes should be dug to maximum of twice the size and depth of the pot size. The plant is removed from the pot and planted vertically in the middle of the hole, ensuring the soil level of the potted plant is planted level with the existing soil level. Ensure plants are watered in after planting and then watered as required to ensure survival.
2. Leave a distance of 1 metre around tree trunks that are less than 300mm in diameter, to protect the health of trees and their root systems. For trees trunks greater than 300mm in diameter, 2m should be left. It is not permitted to cut, damage or remove tree roots to facilitate planting and it does not include the planting of trees or pruning of existing trees. Council is responsible for this work. Requests for new or replacement trees should be directed to the Council's Landscape Officer.

MULCHING

1. Mulching your garden will help to reduce weed growth, retain moisture and promote healthy plant growth. The mulch should be 75mm thick and kept away from the plant stem. Mulches must be stable and properly contained. Care must be taken to ensure that the road, drains and footpaths are protected from the mulch for environmental and safety purposes. Remember that the road drains alongside your verge empty into our streams, rivers and harbour.

RESOURCE CONSERVATION

1. Residents are encouraged to use native or water-wise plants. Residents are responsible for watering the plants which should be done by hand preferably with collected rainwater or recycled water. Irrigation systems are not permitted and water must not flow onto the public footpaths or into street drains.

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2. Council strongly encourages using organic products rather than synthetic fertilisers, pesticides and other chemicals.

WORK, HEALTH AND SAFETY

1. Do not leave tools, materials and equipment on the public footpath or road.
2. Avoid any holes or trip hazards.
3. Stay sun safe.
4. Wear gloves.
5. Keep site in a safe, healthy and attractive condition, free of disease, foreign matter, large amounts of dead plant material and hazards.

INSURANCE

1. Willoughby City Council's public liability insurance policy provides coverage to Council for assets under its care and control including road reserve areas such as nature strips/ verges.
2. The installation of a footpath verge garden will need to comply with Councils current policy 'Nature strips in Willoughby' and these GUIDELINES.
3. Please note that Willoughby City Council's indemnity does not prevent a third party from making a claim against the gardener responsible for the footpath verge garden for any injury, loss or damage caused by a footpath garden.

NOTE

1. Keep in mind that as this is Council owned land Council has the right to remove the garden beds if guidelines are not adhered to, beds are not maintained or for other purposes as may be required e.g. access to underground services. Council takes no responsibility for any damage to the garden.

Checklist

For a checklist on planting your naturestrip see Appendix A - CHECKLIST FOR FOOTPATH NATURE STRIP/VERGE GARDENS

10 VOLUNTEER PROGRAM

A volunteer program will be investigated that would assist those that are having difficulties in dealing with issues occurring due to natural processes (such as leaf drop).

This may involve volunteers periodically sweeping pathways of leaves for residents that are physically unable so that a healthy tree can be retained.

Interest in such a program will be evaluated as part of the community consultation process.

11 EDUCATION PROGRAM

Council will further develop its community education programs to highlight the importance of urban trees and the values and benefits they provide.

The program will include information on:

- The values of trees to the community
- Managing trees in an urban environment
- Tree planting
- Retention of dead trees as habitat
- Living with large trees

12 COMMUNITY GARDENS

Council supports the concept of community gardens as a means to develop meaningful relationships within the community to strengthen social cohesion and demonstrate leadership in the area of sustainable gardening and / or food production.

Council will assist in locating suitable community garden sites:

1. where available land exists
2. where neighbours are supportive, and
3. where a community group demonstrates interest and commitment

Suitable community garden sites can be located in private or public land, such as: schools, churches, community centres, road verges / nature strips, un-made road reserves and parks.

Any community garden developed on public land will be run by management committee, with a license agreement covering the use of the land and the committee's responsibilities.

12.1 Council's Role

Council's role in supporting the gardeners to manage Community Gardens may include:

- Providing advice, support and assistance in the establishment of the garden
- Working in co-operation with the community gardeners
- Providing input into planning and assessment and approval of community garden design proposals
- Provision of materials (compost, building materials etc) in accordance with available resources
- Where approved provide assistance with connection to water supply (no charge for ongoing water usage)
- Providing a range of garden tools (Council conducts an annual check of all Council provided tools)
- Contributing of other resources ('in kind', people, materials)
- Facilitating of community engagement with surrounding communities, local schools, developing partnerships with other garden groups and volunteers involved in community greening activities
- Assisting with promotions, media, publications and raising community awareness at events
- Informing on best practice and resources including occupational health & safety and sustainable practices
- Providing access to and delivery of educational workshops
- Guiding in developing a management plan for the community garden as required
- Reviewing and advising on possible future fee structure if required
- Ensuring the community gardeners are enjoying and receiving the benefits intended to be gained from the community garden
- Council's community garden officer is to be consulted about any garden design, planting or maintenance proposals or public events to be held on site (where on public land)
- Council retains the right to use the garden as a demonstration site for community education activities, such as tours and workshops. Council will work with the Garden Group to ensure that organised activities do not conflict inappropriately with other garden uses, such as regular working bees.
- Implementing a Licence Agreement between the garden group and Council or the land owner
- A licence agreement with the Group could be revoked or not renewed if:

- the Group disbands or ceases to function due to internal conflict. In this situation Council may try to assist the Group to resolve the conflict first by mediation or;
- the garden is not maintained or becomes unsafe for public access.

12.2 Establishing a Community Garden

Establishing a community garden can be a complex process that requires consultation with a range of stakeholders and there are a number of issues that need to be considered before a community garden is initiated.

Residents are encouraged to work in partnership with Council and other relevant organisations in the establishment of new community gardens.

In order for Council to consider supporting the development of a new community garden, applicants will need to address the site selection criteria and follow the procedures for starting a new community garden

Step 1

Form a group of interested people

Step 2

Identify a potential site and complete the basic site assessment and community garden checklist (See Appendix)

Step 3

Discuss the proposal with the land owner. *(In cases where Council is not the owner of the land, Council may assist in facilitating discussions between the group and the land owner.)*

Groups should prepare themselves for this meeting

by establishing what they want to achieve

from gaining access to the land, be able to prove their dedication to operating and effectively managing a garden, and being able to explain how the garden would operate.

Step 4

Submit an application to the land owner and include any other supporting documentation.

Step 5

Assessment by land owner.

Step 6

Application Approval

Where the application is not supported, an alternate site may be suggested. Written feedback will be provided by Council.

Step 7

Written agreements and licences established with land owner.

12.3 Community Gardener's Role

- Community gardeners are responsible for the safe maintenance, upkeep and activation of the garden spaces for the enjoyment of the community
- Each member needs to agree to the gardener's guidelines
- These guidelines are designed to define a common direction and shared values for the garden
- New garden members should be given a copy to read and sign when joining the garden

12.4 Community Gardener's Guidelines

The Garden is to provide opportunities for:

- learning the principles of organic gardening
- sharing gardening knowledge with each other and the community
- teaching residents, through public workshops, about recycling resources, reduction of water and waste, composting and other techniques associated with sustainable living; Council will assist with this if requested
- hosting events for the wider community such as gardening groups, Neighbour Day, cultural groups, art groups, schools and kindergartens etc.
- meeting and socializing with other like-minded people and
- welcoming all members of the local community.

Garden members are:

- coming together to grow vegetables, herbs, fruits and flowers using organic gardening methods by encouraging healthy soils, biodiversity and crop rotation to promote good plant health and natural pest and disease control. Chemical pesticides and fertilizers are not to be part of this approach and are not to be used.
- to incorporate efficient water use in the garden and techniques such as hand watering and mulching are strongly encouraged. When Sydney Water restrictions prevail they must be complied with.
- to ensure the garden is to be bush-friendly and should contain soil nutrients within garden beds; prevent weed infestation without harming wildlife; and provide habitat for native fauna.

Management:

- The garden is managed by a committee of members democratically elected at an Annual General Meeting each year. The Committee may consist of a number of teams working on specific aspects to ensure the above goals of the garden are met.
- Garden members are responsible for cultivating a friendly garden atmosphere. This is a shared community space, so please be respectful of your fellow community members.
- Everyone is welcome and encouraged to participate in all the joys of gardening.
- Children are strongly encouraged to participate. Adult family members or guardians are responsible for their children at all times.
- Garden members are to work in communal gardens together with others. Please sign in and out when you work in the garden.
- Produce from communal gardens will be shared with those helping to maintain these gardens.
- All garden members are expected to participate in regular working bees to maintain all areas of the garden.
- Language used should be suitable for a family environment and never abusive, threatening or rude.

- Unless a specific social occasion has been arranged, alcohol is not to be consumed at the garden and smoking is not allowed.
- Any disputes should be resolved amicably, but if this is not possible they should be referred to the Management Committee and Council's Community Garden's Officer whose decision is final.
- Shared tools and equipment should be returned to the allocated tool store and maintained in good order. If you are last on site please check that none are left on site.
- Safety is important in the garden and should be considered at all times. Please keep yourself and others safe. No electrical or motorised equipment is to be used without the express permission of the Management Committee and Council Officer. Tools should not be left on pathways. If you see a potential danger or experience a 'near miss', inform a committee member who will make a record for future action. Members are expected to read and sign the Risk Assessment & Work Health & Safety Form.

12.5 Management Committee

- Community gardens need the assistance of interested community members who are willing to donate their time and effort towards the project.
- Council recommends a core group with a range of skills and experience should form the garden management committee.
- The group should comprise at least 4 people to ensure that responsibility is shared.
- Community gardeners may wish to make a difference in the community, learn new skills or make new connections. The group will need a person to coordinate the activities of gardeners and processes for training them.

Roles

The following roles are suggested as a starting point for the group and may change over time. The roles may be combined and other gardeners are expected to work with these team members and assist when members are not available or are on holiday.

Garden Coordinator

Provide ongoing communication between gardeners, gardeners and Council and the wider community. Provide 'Welcome Packs' to new members and conduct inductions and OH & S (risk assessments). Conduct site inductions/record inductions and keep records.

Secretary/Social Management

Organise meetings, agendas, minutes, and manage correspondence. This role manages communications, both internal and external via social media, external publications and manages internal email groups; organises social or fundraising functions; coordinates workshops /events.

Garden Planning and Planting

Work with the rest of the team and importantly Council to determine planting, sourcing and harvesting. Plan various garden beds, order and purchase seeds/plants, manage crop rotation, green manure crops, crops for visitor's picking; responsible for irrigation timetable &/or systems; contributes to workshops and events.

Garden Maintenance

Coordinate working bees, soil management, composting, worm farming, pruning, organic pest management. Contribute to workshops and events. Manage garden tools, supplies, cleaning and storage.

Financial Management (also known as the Treasurer)

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Administer funds and garden fee payments, manage reimbursements, reporting of financial matters i.e. grant funding, preparing financial reports/records for meetings

Depending on number of members these roles can be combined especially in early establishment. These roles can be beneficial for the garden group as it maintains a structure that can address management issues; having a committee also helps share the tasks of garden management and avoids excessive responsibility being placed on a few people or the garden management becoming dominated by one person.

12.6 Licence Agreement, Incorporation & Insurance

As part of its responsibilities, Council approval must be obtained for the use of Council owned parks and reserves and Crown Land for community garden purposes. This assists Council and other authorities in responding to potential health and safety issues and incidents. On approval from Council for a proposed community garden, Council will enter a legal arrangement permitting the use of an area of land for the specific, agreed purpose under a licence agreement. Council recommends the licensee to occupy the approved area as an incorporated association that is required to hold a current Public Liability Insurance Policy. A community garden group will be expected to maintain the land they licence in good condition.

Why does Council encourage a community garden organisation become incorporated and obtain public liability insurance?

Council expects:

- community garden organisations to become an Incorporated Association with the NSW Department of Fair Trading so as to remain accountable to members and to operate in a legal and fair manner
- that community garden organisations obtain public liability insurance to a minimum value of \$10 million because Council does not insure organisations making use of Council owned or controlled lands. Incorporation and public liability insurance can be seen as an investment because it makes available to community garden organisations a greater range of grants than are available to unincorporated and uninsured organisations. Discounted public liability insurance may be obtained after joining Landcare Australia, The Garden Club of Australia or other organisations. Public liability insurance insures the community garden and its office holders against legal liability in the event of injury and legal action by a gardener or visitor.

Incorporation will stipulate that an organisation:

- Establish roles
 - Co-ordinator/President: Responsible for the agreed development of the community garden
 - Secretary: Organises meetings; keeps records; correspondence
 - Treasurer: Manages community garden funds; banking payments; management of grant funds; needs ability to produce a balance sheet of incoming/outgoing funds. Produces financial reports for meetings and reporting to state government authority that administers community associations.
 - Public Officer: A role called for when incorporating the public officer is a signatory for the association and a contact for official business.

The Department of Fair Trading rules will also require the group to:

- provide an annual report to the Department of Fair Trading
- adopt a constitution and set of rules; the Department has a model constitution and set of model rules that community garden groups commonly modify and submit
- hold a number of general meetings through the year, one of which will be an annual general meeting.

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13 TEMPORARY ACCESS OVER COMMUNITY LAND

Council will permit temporary access over community land where there is no viable alternative and safe method of gaining access to private property for the purposes of approved construction and /or essential maintenance work.

Examples of requests that would be considered include, but are not limited to the following:

Delivery of materials and equipment or removal of wastes associated with:

- Landscape works
- Retaining wall construction
- Water recycling tanks
- Alterations and additions
- Construction of swimming pools and tennis courts

Temporary access will not be permitted:

- across/ through bushland; and
- where there would be potential impact on substantial trees and vegetation.

Requests for temporary access over community land must be made on the appropriate Application form. (<http://www.willoughby.nsw.gov.au/about-council/councilforms/122/>)

Criteria for assessing requests to access community land include, but are not limited to:

- Current site condition over total access route
- Existing trees / their health and protection zones
- Vegetation type and natural features
- Presence of utilities - above and below ground
- Existing built assets – eg fences, walls, park furniture
- Silt and sediment controls
- Public liability insurance and public protection
- Vehicle movements across the land
- Effect of access on visual amenity of the land
- Capacity of applicant to minimise any impact on the land.

Applications will be assessed by nominated staff within the Planning and Infrastructure Directorate.

A non-refundable Permit fee will be charged for all Applications, except for Pensioners and Health Card holders. There will be an additional Damage Bond to be paid to cover the extent of potential repairs / remediation; this bond will be returned in full once the site is restored to its normal pre-access state. The Permit Fee is listed in Council's published Fees and Charges and will be indexed each year with the Council's annual Budget and Management Plan.

The permit process allows Council to protect and manage community land in a manner consistent with the Local Government Act 1993, Section 36. The guidelines for considering the granting of access over community land as listed above provide a fair and reasonable process to assess temporary access requests.

14 DEFINITIONS

Clear vegetation: Has the same meaning as in the *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*:

Cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or
Lop or otherwise remove a substantial part of the vegetation

Bushland: Has the same meaning as in *State Environmental Planning Policy No 19 (Bushland in Urban Areas) 1986*:

Land on which there is **vegetation**, which either is a remainder of the natural **vegetation** of the land or, if altered, is still representative of the structure and floristics of the natural **vegetation**

Native Vegetation: Has the same meaning as in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and *Part 5A of the Local Land Services Act 2013*:

Any of the following types of plants native to New South Wales:

- > **Trees** (including sapling or shrub or any scrub),
- > Understorey plants,
- > Groundcover (being any type of herbaceous **vegetation**),
- > Plants occurring in a wetland.

A plant is native to New South Wales if it was established in New South Wales before European settlement

Public Tree: **Trees** located on land managed by Council (**Trees** under Council's care and control)

Tree: A long lived perennial plant greater than 3m height (or will be at maturity), with one or relatively few main stems or trunks

Vegetation: Any of the following:

- > **Tree(s)** (as identified above),
- > Understorey plants,
- > Groundcover (being any type of herbaceous plant),
- > Plants occurring in a wetland

15 RELATED LEGISLATION AND DOCUMENTS

- > Biodiversity Conservation Act (NSW) 2016
- > Biosecurity Act (NSW) 2015
- > Environmental Planning and Assessment Act (NSW) 1979
- > Local Land Services Act (NSW) 2013
- > Rural Fires Amendment (Vegetation Clearing) Act (NSW) 2014
- > State Environmental Planning Policy No 19 – Bushland in Urban Areas (NSW) 1986
- > State Environmental Planning Policy (Vegetation in Non-Rural Areas) (NSW) 2017

16 FEEDBACK

Officers may provide feedback about this document by emailing, example [Council's Governance, Risk & Corporate Manager](#).

17 APPROVAL AND REVIEW DETAILS

[The editable table content below is in Arial font, 10pt, black.]

Approval and Review	Details
Directorate	<Add relevant division>
Owner	<Add relevant position, manager or team lead>
Administrator	<Add the title of position/s with overall responsibility for compliance, monitoring and review>
Approval Date	<Add approval date & the relevant approval authority, i.e. ELT, Director>
Administration Reference	<Add the relevant ECM reference number, owner, subject, Pulse CSR details>
Loaded on Intranet/Internet	<Yes/No>
Next Review Date	[DD/MM/YYYY] - <i>Governance, Risk & Corporate Planning only</i>

Approval and Amendment History	Details
Original Approval Authority & Date	<Add the relevant approval authority DD/MM/YYYY>
Amendment Authority and Date	<Add the previous approval authorities and amendment dates as Name DD/MM/YYYY; Name DD/MM/YYYY.> [Governance adds the latest amendment information]
Notes	<If relevant, add notes to alert readers about the document/s

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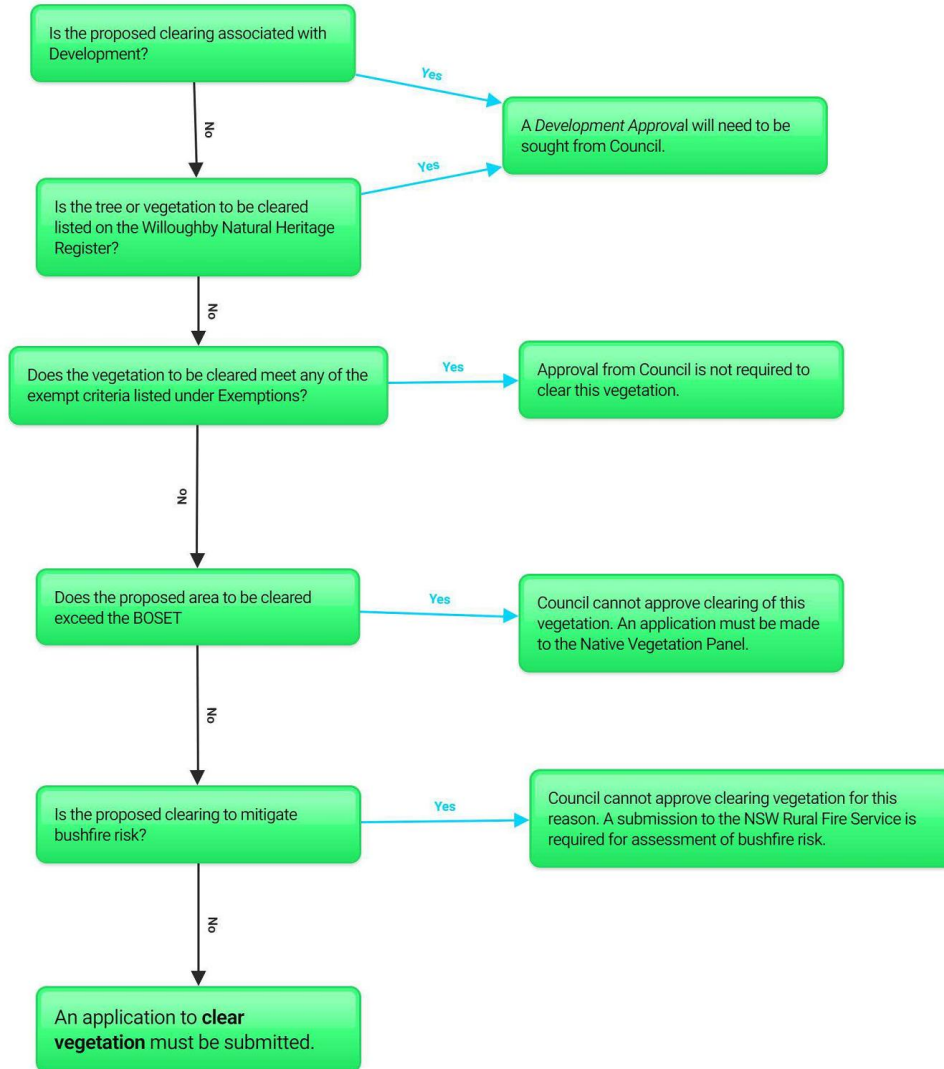
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Approval and Review	Details
	this one replaces, e.g. This document consolidates and replaces X Policy, Y Procedure and Z Procedure.>

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18 APPENDICES

18.1 Application Process



created with www.bubbl.us

Appendix A: Approval to clear vegetation

18.2 Checklist For Footpath Nature Strip/Verge Gardens

It is intended that this form will be digitised for online completion

1. Make sure you have read and understand the **NATURE STRIP/VERGE GARDENING GUIDELINES**. If you have any questions or would like to discuss your proposal please contact Council.
2. Plan your nature-strip/verge garden. Useful things to consider include the amount of sunlight the garden will receive; the type of soil present, potential run off; what style of garden will work best; proximity to trees, other gardens and other physical constraints.
3. Discuss your plans for a street garden with your neighbours and attempt to accommodate any concerns they may have.
4. Once you and your neighbours are happy with your plans, fill out the **CHECKLIST** and send it in to Council.
5. If you cannot answer **YES** for each, please call Council's Landscape Officer p: 9777 7757 to discuss.

Once completed send your checklist via:

Email: email@willoughby.nsw.gov.au

Post: Attention: Willoughby City Council PO Box 57 Chatswood NSW 2057

In person: Level 4, 31 Victor Street Chatswood NSW

COMPLETE THIS CHECKLIST BEFORE STARTING YOUR GARDEN ON THE FOOTPATH VERGE

		N/A	YES	NO
1	Is the nature-strip/verge you wish to plant out located outside your property?			
2	Will the garden be free of stakes, guide wires or protrusions which may cause a hazard to users of the footpath and road?			
3	Are the plants to be used free of thorns, spines and other sharp edges?			
4	Will the planting avoid the use of noxious or environmental weeds or plants that are known to be toxic?			
5	Have you contacted Dial Before You Dig and have you identified any underground services?			
6	Will the digging be undertaken using hand tools with excavation no deeper than 30cm? Note: Mechanised tools and equipment should not be used and care should be taken around drain pipes.			
7	Will a sufficient distance be left around trees to avoid damaging existing root systems? Note: It is not permitted to cut damage or remove tree roots to facilitate planting.			
8	Will the planting allow pedestrians to cross the garden at every 4m interval via a path?			
9	Is there enough room for opening car doors?			
10	Is there enough room for the placement of bins on collection day?			
11	Will the garden be designed to prevent water, soil, mulch or debris running off onto the road, footpath or drain?			

MAINTENANCE

1	Will the verge be regularly maintained by you to ensure it remains safe, healthy, tidy, and attractive?			
2	Will you ensure that your gardening activities will not disturb users of the footpath i.e. tools, materials and equipment will not encroach or be left on the public footpath.			

SPEAK WITH YOUR NEIGHBOURS

1	Have occupants of neighbouring properties agreed to this footpath garden?			
2	If you are a resident of a strata scheme have you consulted with the Owners Corporation?			
3	If you are not the owner of the property fronting the proposed work, do you have their agreement in writing?			

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DECLARATION

I have completed the above checklist accurately and honestly, and confirm that the PLANNED NATURE STRIP/VERGE GARDEN meets the requirements of this Policy.

Name:

.....

Email:

.....

Address of property:

.....

Signature:

.....

Date:

.....

INSURANCE NOTE

- Willoughby City Council’s public liability insurance policy provides coverage to Council for assets under its care and control including road reserve areas such as nature strips/ verges.
- The installation of a footpath verge garden will need to comply with Council’s current policy ‘Nature strips in Willoughby’ and the associated checklist.
- Please note that Willoughby City Council’s indemnity does not prevent a third party from making a claim against the gardener responsible for the footpath verge garden for any injury, loss or damage caused by a footpath garden.

PRIVACY NOTE

The purpose for which this information is being collected is for the Council to keep on record the completed checklists from residents or business owners who want to set up a verge/nature strip garden.

18.3 Community Garden Site Assessment and Checklist

It is intended that this form will be digitised for online completion

Proposed Garden Location:

Contact Information

Name:

Phone:

Email:

Address:

(A) BASIC SITE ASSESSMENT

You will need to carry out a basic site assessment to determine if your site is suitable for a community garden. Attach additional information if needed.

Assessment criteria:

Your assessment should take the following items into consideration

- Sun exposure
- Wind protection
- Safety
- Size of area
- Land ownership
- Community Support
- Water availability
- Accessibility
- Current land use
- Tool storage

Additional Information:

(B) COMMUNITY GARDEN CHECKLIST

This checklist presents ideas to consider before starting a community garden. It will form part of your application.

How many people do you have in your community garden group?

What type of community garden do you want?

Will the community garden be:

- a shared garden
- an allotment garden

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- a garden with both shared and allotments

What type of plants do you want to grow?

- herbs vegetables fruit trees
- bush foods flowers other

What facilities will you have in the garden?

- shelter tool storage
- water tank other

If other, please specify

.....

What training would you find beneficial?

- composting worm farming
- plant propagation
- garden establishment
- organic pest management

How will your garden fit in with Council Programs?

- waste reduction water conservation
- education other

If other, please specify

How will the garden be funded?

- membership fee apply for grants
- other types of self-funding.....

How will the garden be managed?

- incorporated association
- work committee
- other

How will decisions for the garden be made?

How will conflicts in the garden be resolved?

How will the garden obtain public liability insurance? (see website for further information)

- Have its own insurance
- Be covered by an existing policy
- Other

18.4 TRAQ Assessment Form

ISA Basic Tree Risk Assessment Form

Client _____ Date _____ Time _____
 Address/Tree location _____ Tree no. _____ Sheet _____ of Tree
 species _____ dbh _____ Height _____ Crown spread dia. _____
 Assessor(s) _____ Tools used _____ Time frame _____

Target number	Target description	Target protection	Target zone			Occupancy rate 1 = rare 2 = occasional 3 = frequent 4 = constant	Practical to move target?	Restriction practical?
			Target within 0.9m line	Target within 1.5m line	Target within 1.5 x Ht.			
1								
2								
3								
4								

Site Factors

History of failures _____ Topography Flat Slope 0% Aspect Site
 changes None Grade change Site clearing Changed soil hydrology Root cuts Describe _____
 Soil conditions Limited volume Saturated Shallow Compacted Pavement over roots 0% Describe _____
 Prevailing wind direction _____ Common weather Strong winds Ice Snow Heavy rain Describe _____

Tree Health and Species Profile

Vigor Low Normal High Foliage None (seasonal) None (dead) Normal _____% Chlorotic _____% Necrotic _____%
 Pests/Biotic _____ Abiotic _____
 Species failure profile Branches Trunk Roots Describe _____

Load Factors

Wind exposure Protected Partial Full Wind funneling Relative crown size Small Medium Large
 Crown density Sparse Normal Dense Interior branches Few Normal Dense Vines/Mistletoe/Moss _____
 Recent or expected change in load factors _____

Tree Defects and Conditions Affecting the Likelihood of Failure

— Crown and Branches —

Unbalanced crown LCR _____%
 Dead twigs/branches _____% overall Max. dia. _____
 Broken/Hangers Number _____ Max. dia. _____
 Over-extended branches
 Pruning history
 Crown cleaned Toppled Raised
 Reduced Topped Lion-tailed
 Flush cuts Other _____
 Condition (s) of concern _____
 Part Size _____ Fall Distance _____
 Load on defect N/A Minor Moderate Significant
 Likelihood of failure Improbable Possible Probable Imminent

Cracks Lightning damage
 Codominant Included bark
 Weak attachments Cavity/Nest hole _____% circ.
 Previous branch failures Similar branches present
 Dead/Missing bark Cankers/Galls/Burls Sapwood damage/decay
 Conks Heartwood decay
 Response growth _____
 Part Size _____ Fall Distance _____
 Load on defect N/A Minor Moderate Significant
 Likelihood of failure Improbable Possible Probable Imminent

— Trunk —

Dead/Missing bark Abnormal bark texture/color
 Codominant stems Included bark Cracks
 Sapwood damage/decay Cankers/Galls/Burls Sap ooze
 Lightning damage Heartwood decay Conks/Mushrooms
 Cavity/Nest hole _____% circ. Depth _____ Poor taper
 Lean _____° Corrected? _____
 Response growth _____
 Condition (s) of concern _____
 Part Size _____ Fall Distance _____
 Load on defect N/A Minor Moderate Significant
 Likelihood of failure Improbable Possible Probable Imminent

— Roots and Root Collar —

Collar buried/Not visible Depth _____ Stem girdling
 Dead Decay Conks/Mushrooms
 Ooze Cavity _____% circ.
 Cracks cut/Damaged roots Distance from trunk _____
 Root plate lifting Soil weakness
 Response growth _____
 Condition (s) of concern _____
 Part Size _____ Fall Distance _____
 Load on defect N/A Minor Moderate Significant
 Likelihood of failure Improbable Possible Probable Imminent

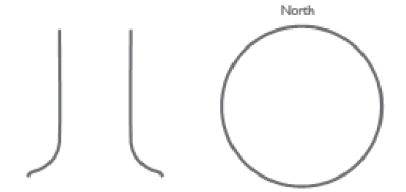
Risk Categorization																		
Target (Target number or description)	Tree part	Condition(s) of concern	Likelihood									Consequences			Risk rating (from Matrix 2)			
			Failure			Impact			Failure & Impact <small>(from Matrix 1)</small>			Negligible	Minor	Significant		Severe		
			Improbable	Possible	Probable	Imminent	Very low	Low	Medium	High	Unlikely						Somewhat	Likely

Matrix 1. Likelihood matrix.

Likelihood of Failure	Likelihood of Impact			
	Very low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

Matrix 2. Risk rating matrix.

Likelihood of Failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low



Notes, explanations, descriptions

Mitigation options

- 1. _____ Residual risk _____
- 2. _____ Residual risk _____
- 3. _____ Residual risk _____
- 4. _____ Residual risk _____

Overall tree risk rating Low Moderate High Extreme

Overall residual risk None Low Moderate High Extreme Recommended inspection interval _____

Data Final Preliminary Advanced assessment needed No Yes-Type/Reason _____

Inspection limitations None Visibility Access Vines Root collar buried Describe _____

This datasheet was produced by the International Society of Arboriculture (ISA) — 2017

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ATTACHMENT 5

WILLOUGHBY DEVELOPMENT CONTROL PLAN

CONTENT TABLE

The timeframe for completing the review process and adopting a standard template for WDCP is the end of 2020.

Part A	Introduction	Part A will be finalised and included in the standard template for Council consideration and exhibition in December 2020 .
.1	This Plan	
.2	Purpose	
A.3	Aims of the Plan	
A.4	Land covered by WDCP	
A.5	Interpretation	
A.6	Relationship to other Plans	
A.7	How is this Plan organised?	
A.8	How to use the Plan	
A.9	What controls apply to my proposal?	
Part B	Application Process	The notification process will be included in the 'Community Participation Plan' which is being prepared by Council's Community Engagement Officer. The plan is required to be completed by the end of 2019 .
B.1	When is an application needed and How is it Assessed?	
B.2	Development Application Assessment	
B.3	What information needs to be lodged for a development application?	
B.4	Notification	
Part C	General Development Guidelines	
C.1	Demolition	To be incorporated in more relevant sections of the DCP
C.2	Subdivision	To be incorporated in more relevant sections of the DCP
C.3	Sustainable Development	To be referred to Council for exhibition in December 2019
C.4	Transport Requirements for Development	To be referred to Council for exhibition in February 2020
C.5	Water Management	Adopted by Council June 2019
C.6	Access, Mobility and Adaptability	To be included in Part C4 and D2 of WDCP
C.7	Bushland and Bushfire Hazard Management	Covered by other legislation; to be deleted
C.8	Waste Management	A Waste Management Plan is currently being prepared by NSROC for northern regional Councils. A draft likely to be available by August 2020
C.9	Preservation of Trees and Vegetation	Completed; to be put on exhibition in October 2019
C.10	Foreshore Building Line	To be incorporated in Part D WDCP
C.11	Safety by Design	To be incorporated in more relevant sections of the DCP
C.12	Fencing	To be incorporated in more relevant sections of the DCP

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C.13	Contaminated Land	Covered by other legislation; to be deleted
C.14	Development near Railway Corridors or Busy Roads	Covered by other legislation; to be deleted
C.15	Undergrounding of Services	To be incorporated in more relevant sections of the DCP
C.16	Developments near Lane Cove Tunnel Ventilation Stacks	To be retained
C.17	Awnings, Public Road Encroachment and Use of Public Footways	To be included in Part E of WDCP
Part D1	Dwelling House, Dual Occupancies and Secondary Dwellings	To be referred to Council for exhibition in April 2020
Part D2	Attached dwellings, Multi dwelling housing and residential flat dwellings	To be referred to Council for exhibition in April 2020
Part E	Specific Controls for Commercial and Shop Top Housing Development	To be referred to Council for exhibition in May 2020
Part F	Industrial Development	To be referred to Council for exhibition in June 2020
Part G	Specific Development Types	
G.1	Sex Services Premises (Brothels)	To be referred to Council for exhibition in September 2020
G.2	Boarding Houses	To be incorporated in Part D WDCP
G.3	Telecommunications and Radio communications	Covered by other legislation; to be deleted
G.4	Affordable Housing	To be incorporated in Part D WDCP
G.5	Advertisement and Advertising Structures	To be referred to Council for exhibition in October 2020
G.6	Residential Care Facilities	To be incorporated in Part D WDCP
G.7	Car Dependent Businesses	To be incorporated in more relevant sections of the DCP
G.8	Child Care Centres	To be referred to Council for exhibition in November 2020
Part H	Heritage Items and Conservation Areas	To be incorporated in Part D WDCP
Part I	Controls for Specific Areas Sites	
I.1	St Leonards Station Site	To be referred to Council for exhibition in July 2020
I.2	207 Pacific Highway, St Leonards	To be referred to Council for exhibition in July 2020
I.3	63 and 63A Archer Street and 36 Bertram Street, Chatswood - Former Police Station Site	To be referred to Council for exhibition in July 2020

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I.4	Railway Street Site (Pacific Place)	To be referred to Council for exhibition in July 2020
I.5	Gore Hill Technology Park (Lots 1-6 DP 270714) 1-5 Broadcast Way (Formerly ABC Gore Hill Divestment Site- 219 Pacific Highway, Artarmon)	To be referred to Council for exhibition in July 2020
I.6	Locality 'J', West Chatswood	To be referred to Council for exhibition in July 2020
I.7	Locality 'K': 710 Mowbray Road West, Lane Cove North	To be referred to Council for exhibition in July 2020
I.8	176-194 Victoria Avenue, Chatswood (Caroma Site)	To be referred to Council for exhibition in July 2020
I.9	Locality 'L': 11 Herbert Street, St Leonards	To be referred to Council for exhibition in July 2020
I.10	14-56 Sailors Bay Road, Northbridge	To be referred to Council for exhibition in July 2020
I.11	The Concourse Development and associated sites	To be referred to Council for exhibition in July 2020
I.12	Willoughby Market Gardens	To be referred to Council for exhibition in July 2020
	SCHEDULES	
	SCHEDULE 1 – Amendments to DCP	Schedule 1 will be finalised and included in the standard template for Council consideration and exhibition in December 2020 .
	SCHEDULE 2 – Abbreviations	To be deleted
	SCHEDULE 3 – Dictionary of Terms	To be deleted; a standard dictionary will be included in the standard template

Current Review **RED**
Review Completed **GREEN**
Review in Progress **BLUE**

ATTACHMENT 5

DATE	PART
2019	
Aug	
Sep	
Oct	Part C9: Preservation of Trees and Vegetation
Nov	
Dec	Part C3: Sustainable Development
2020	
Jan	
Feb	C4: Transport Requirements for Development
March	
April	D1: Dwelling House, Dual Occupancies and Secondary Dwellings D2: Attached dwellings, Multi dwelling housing and residential flat dwellings
May	E: Specific Controls for Commercial and Shop Top Housing Development
June	F: Industrial Development
July	I: Controls for Specific Areas Sites
Aug	G8: Waste Management
Sep	G1: Sex Services Premises (Brothels)
Oct	G5: Advertisement and Advertising Structures
Nov	G9: Child Care Centres
Dec	Standard template

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16 NOTICE OF MOTIONS

16.1 NOTICE OF MOTION - CLIMATE CHANGE

RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DAVID ROBERTS – ENVIRONMENT MANAGER
CITY STRATEGY OUTCOME:	1.5 – REDUCE CARBON AND GREENHOUSE GAS EMISSIONS
MEETING DATE:	17 OCTOBER 2019

1. PURPOSE OF REPORT

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

2. MOTION

That Council:

1. Prepare a report on initiatives that Council is currently undertaking, or could be improved, which have the effect of reducing carbon emissions. The report should particularly address:
 - 1.1 adoption of a guiding principle in all Council operations to reduce carbon emissions towards the reduction targets contained in the Paris Agreement.
 - 1.2 Introduction or strengthening of existing policies that make a positive contribution to reducing carbon emissions.
 - 1.3 A specific budget provision for climate change initiatives linked to the Delivery Program.
2. Join nearly 900 jurisdictions worldwide, including 38 Australian councils, and recognise that we are in a state of climate emergency that requires immediate action by all levels of government;
3. Acknowledge that climate change poses a threat to the future of our cities, including the Willoughby Local Government Area;
4. Note the latest report of the Intergovernmental Panel on Climate Change (IPCC) 'Global Warming of 1.5 degrees Celsius';
5. Note the Federal Government's latest emissions data showing we are increasing, not reducing, our carbon emissions;
6. Join with and support the City of Sydney's resolution of 24 June 2019 and the North Sydney Council's resolution of 22 July 2019 calling upon the State and Federal Governments to declare a climate emergency and to respond to this emergency by taking urgent action to meet the emissions reduction targets contained in the Paris Agreement;
7. Encourage neighbouring Local Government Areas to join us by declaring a climate emergency and advocate to State and Federal Governments in their own right; and
8. Write to the Prime Minister, Premier of NSW and relevant State and Federal Ministers providing a copy of this resolution and calling upon them to act urgently to address climate change and its impacts

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

In the absence of policies, global warming is expected to reach 4.1 °C – 4.8 °C above pre-industrial levels by the end of the century. The emissions that drive this warming are often called Baseline scenarios and are taken from the IPCC AR5 Working Group III. Current policies presently in place around the world are projected to reduce baseline emissions and result in about 3.3°C 1 warming above pre-industrial levels.

<https://climateactiontracker.org>

There remains a substantial gap between what governments have promised to do and the total level of actions they have been undertaken to date. Furthermore, both the current policy and pledge trajectories lie well above emissions pathways consistent with the Paris Agreement long-term temperature goal.

In 2010, [Beyond Zero Emissions](#) calculated the cost of changing from fossil fuels to 100% renewable energy would be approximately \$8 per household per week, and the cost of solar and wind has fallen significantly since then. In contrast, the economic, human and environmental cost of ignoring climate change is incalculable. The cost of 1.1 metre of sea level rise will be [\\$20 billion](#) in destroyed property in NSW alone.

In 2018, UN Secretary-General Antonio Guterres warned that the world must take action in the next two years to avert the disastrous consequences of runaway climate change. "Climate change is the defining issue of our time...if we do not change course by 2020, we risk missing the point where we can avoid runaway climate change, with disastrous consequences for people and all the natural systems that sustain us".^[1]

<https://climateactiontracker.org>

https://www.ipcc.ch/site/assets/uploads/2018/02/WGIIAR5-Chap8_FINAL.pdf

<http://www.bom.gov.au/climate/updates/articles/a032.shtml>

<http://www.bom.gov.au/climate/current/statements/scs68.pdf>

<https://www.climatecouncil.org.au/wp-content/uploads/2019/04/Climate-Cuts-Cover-Ups-and-Censorship.pdf>

<https://www.forbes.com/sites/jeffmcmahon/2018/01/15/carbon-pollution-has-shoved-the-climate-backward-at-least-12-million-years-harvard-scientist-says/#32d9be3963eb>

The UN has presented an alarming report of unprecedented and accelerating decline in global biodiversity. The report found more than one million species of plants and animals are at risk of extinction many within the coming decades, more than ever before in human history.'the loss is a direct result of human activity and constitutes a direct threat to human well-being in all regions of the world.'

^[1] <https://www.un.org/sg/en/content/sg/statement/2018-09-10/secretary-generals-remarks-climate-change-delivered>

<https://www.un.org/sustainabledevelopment/blog/2019/05/nature-decline-unprecedented-report/>

Councils which have declared Climate Emergency include: North Sydney; Ryde; Randwick; Byron; Inner West; City of Sydney; Bellingen and Wollongong.

WCC action on Climate Change

The time we have available to make the necessary changes is bounded by a distinct and fast approaching deadline. We need a stronger and more prominent commitment to drive the necessary action to solve the problem at **emergency speed**.

The recent global School Strike (September 20), which included students from across Willoughby City, and the response to the UN Emergency Climate Summit (23 September), demonstrate the rising level of concern felt by many, young and old, within our community and world-wide.

It is acknowledged that Council has introduced some climate change initiatives since 2007 and has, more recently, included actions to address climate change in its Sustainability Action Plans, the *Our Green City Plan 2028* and, as required by the NSW State Government, in the draft *Local Strategies Plan Statement*.

Why an emergency approach?

The value of calling an emergency to deliver climate action is that it goes beyond business as-usual and the view that many in the community still have that suggests someone else, somewhere else will be dealing with the full impacts of climate change and that we can get by making small, incremental changes to our way of life.

Making an emergency declaration will:

- alert citizens to the pressing nature of the climate emergency;
- create a strong priority for action and budgets relating to the climate emergency;
- encourage the delivery of solutions as a package (rather than piecemeal, incremental change);
- support the development of solutions decisive enough to end the emergency condition; and
- urgently provide for temporary protection and adaptation measures while longer-term prevention and restorative measures are put in place and while they achieve their full effect.

The consolidation of the climate change action already undertaken by WCC and its proposed initiatives in a single report - which is then distributed and promoted widely - will provide a concrete basis to the declaration.

Why call an emergency at local council level?

While WCC has worked for a number of years to incorporate climate change initiatives in its programs, there is still more that can be done and an important level of leadership which Council can demonstrate. This includes:

- continuing to **exert pressure upwards** to encourage State/Territory and National Governments to develop policies and actions to stop dangerous temperature rises;
- **collaborating with other local government bodies** to share ways to tackle climate change at the local level;
- **encouraging networks** (social/ethnic, professional, activist, business, religious) in and beyond Willoughby LGA to take climate action; and

- **bringing our community with us.** There are still many people in the community who believe that Willoughby will be protected from temperature rise and its impacts because of our vegetation and coastal breezes. This not only ignores the dire heat and health impacts being felt by people in other suburbs but ultimately fails to acknowledge the advice from experts pointing to the major climate, environmental, health and security impacts we will also endure if temperature rise is not controlled in time.

WCC has taken some concrete action to tackle climate change – taking the further step of declaring a climate emergency is necessary to ensure that we elevate this issue to the level of importance it deserves. We need to see extraordinary change in the face of an extraordinary climate change threat. Alerting the community to this challenge, and the need for the fundamental changes it requires, will ensure that a strong democratic mandate is developed to protect both residents and nature now and into the future.

4. OFFICER'S COMMENTS ON THE PROPOSED MOTION

4.1 Recommendation

That Council:

1. **Note that the *Our Green City Plan 2028* adopted on 24 June 2019 accords with the Paris Agreement.**
2. **Note Council's annual investment of \$5,650,000 in 2019/20 from the e.restore levy, amongst other budget allocations, to environmental programs and works.**
3. **Acknowledge the threat climate change poses.**
4. **Endorse the immediate and longer term actions identified in the *Our Green City Plan 2028*.**
5. ***Write to the Prime Minister, Premier of NSW and relevant State and Federal Ministers providing a copy of this resolution and calling upon them to act urgently to address climate change and its impacts.***

4.2 Comments

1. **Prepare a report on initiatives that Council is currently undertaking, or could be improved, which have the effect of reducing carbon emissions. The report should particularly address:**
 - 1.1 **adoption of a guiding principle in all Council operations to reduce carbon emissions towards the reduction targets contained in the Paris Agreement.**
 - 1.2 **Introduction or strengthening of existing policies that make a positive contribution to reducing carbon emissions.**
 - 1.3 **A specific budget provision for climate change initiatives linked to the Delivery Program.**

A similar Motion was raised at the Council meeting on 13 May 2019 by Councillor Saville. The motion lapsed for want of a seconder. The officer's comment below has been updated to reflect the recent adoption by Council of *Our Green City Plan 2028* (the Plan). As the response hereafter is fulsome, and the strategies and actions are in place, officers believe that a report to Council would not add any further information or value.

Council adopted the Plan on 24 June 2019. It is a long term sustainability strategy that lays out Willoughby City Council's and our community's key needs and priorities to protect and enhance our environment and ensure future sustainable development. It sits under the wider *Our Future Willoughby 2028* community strategic plan.

The Plan supports the Paris Agreement and the United Nations Sustainable Development Goals¹ to ensure global temperatures are kept below a 2-degrees rise. Extensive consultation and community engagement was undertaken for the Plan. Relevant feedback from *Our Future Willoughby 2028* consultation was also included. Overall, the Plan reflects the needs, priorities and feedback from over 1,000 residents.

A consultant was engaged to develop:

- A benchmarking study of sustainability targets of 40 councils in Australia; and
- A comprehensive evidence based technical document to support the Plan

The community consultation, consultant's expertise and Council's influence, were combined to develop firm final targets and an action plan to achieve them. These targets include:

For Council:

- By 2020 we will emit at least 20% less GHG emissions from our operations compared with 2008/09
- By 2028 we will emit at least 50% less GHG emissions from our operations compared with 2008/09
- Our operations will achieve net-zero emissions by 2050 or sooner if viable.

For the community:

- By 2028 our community will emit at least 30% less GHG emissions compared with 2010/11

Willoughby's environmental levy (e.restore) was introduced in 2000 with strong support from the community to fund environmental works. It was expanded in 2008 following growing community concern over climate change. \$5,650,000 was allocated in 2019/20 for the environmental levy. The levy is subject to auditing by the Office of Local Government and requires annual reporting to ensure accountability to the community.

2. Join nearly 900 jurisdictions worldwide, including 38 Australian councils, and recognise that we are in a state of climate emergency that requires immediate action by all levels of government;

The Climate Emergency² has resulted from human activity increasing greenhouse gases in our atmosphere. Catastrophic levels of warming will impact humanity and supporting ecosystems if these gases are not reduced.

Globally, there are climate emergency declarations in 900 councils across 18 countries, 43 of which are Australian councils³.

¹ United Nations 'Sustainable Development Goals' accessed 25 July 2019 (<https://www.un.org/sustainabledevelopment/>)

² Council Action in the Climate Emergency 2019, accessed 30 August 2019 (<http://www.caceonline.org/a-guide-for-councils.html>)

³ Climate Emergency Councils, accessed 30 August 2019 (<http://www.caceonline.org/councils-that-have-declared.html>)

3. Acknowledge that climate change poses a threat to the future of our cities, including the Willoughby Local Government Area;

Australia faces significant environmental and economic impacts from climate change. Key climate risks to Australian cities have been identified by the Australian Government as:

- Gradual impacts (sea-level and temperature rise) and extreme events (floods, heatwaves and bushfires) may pose challenges to assets and infrastructure, including commercial and residential buildings, energy, water and communications utilities, and transport systems.
- Hotter, drier conditions, and increased bushfire risk and the incidence of heatwaves, means greater risk of human injury and interrupted labour force productivity.
- In the coastal zone, more intense storms and cyclones and rising sea levels could worsen storm surge, coastal inundation and erosion with impacts on the built environment.
- Damage to biodiversity and ecosystems that support social wellbeing, provide services such as clean air and fresh water, and offer protection from natural disasters.
- Failure in one part of a city's social, economic or infrastructure networks may have cascading or unanticipated effects elsewhere.
- The extent that population growth and urbanisation shifts to areas at higher risk of adverse climate change impacts could increase Australia's exposure to natural hazards as a whole.⁴

The NSW Government 2014 'Metropolitan Sydney Climate change snapshot'⁵ provides details of the current climate of the region and likely changes in temperature, rainfall, fire weather, hot days and cold nights. Likely changes include an increase in the number of high temperature days. Sydney's warming trend is projected to be significant compared to natural variability in temperature. Rainfall is projected to decrease in spring and winter and increase in summer and autumn. Decreases in rainfall and increasing temperatures will lead to increased severe fire weather days. In August 2019 the NSW Police Force notified Council that the start of the bushfire danger period is being brought forward to 1 September 2019 and there is "significant concern for the potential of an above normal fire season".

Council is engaging with the Resilient Sydney program as part of a global movement to coordinate the community's response to the shocks and stresses emerging in growing cities. One direction Resilient Sydney focuses on is the local adaptation to our changing climate. Key actions include managing urban heat, security of water supply, protection of critical infrastructure and disaster recovery. Council staff will work with the community on this program to better prepare, respond and recover from climate change impacts.

⁴ The Department of the Environment and Energy, Commonwealth of Australia, *Climate Change impacts in Australia* accessed 30 August 2019 (<https://www.environment.gov.au/climate-change/climate-science-data/climate-science/impacts>)

⁵ AdaptNSW, NSW Government "Metro Sydney Climate change snapshot" (2014) accessed 30 August 2019 (<https://climatechange.environment.nsw.gov.au/Climate-projections-for-NSW/Climate-projections-for-your-region/Metro-Sydney-Climate-Change-Downloads>)

4. Note the latest report of the Intergovernmental Panel on Climate Change (IPCC) 'Global Warming of 1.5 degrees Celsius';

The Intergovernmental Panel on Climate Change (*IPCC*) is the United Nations body for assessing the science related to climate change. The IPCC provides policymakers with regular assessments on climate change science, its potential future risks, and options for mitigation and adaptation⁶.

The IPCC released 'The Special Report on Global Warming of 1.5°C' in October 2018 warning global emissions need to be cut by half by 2030, and at net-zero by 2050 to limit warming to 1.5 degrees Celsius⁷. One of the key messages from this report is that we are already seeing the consequences of 1°C of global warming through more extreme weather, rising sea levels, and diminishing Arctic sea ice, among other changes. The risk associated with long-lasting or irreversible changes, such as the loss of some ecosystems, is increased with a warming of 1.5°C or higher. Limiting global warming to 1.5°C will reduce the decline in coral reefs by 70-90 percent as opposed to virtually all (>99 percent) would be lost at 2°C.

The report also highlighted some good news that some of the actions needed to limit global warming to 1.5°C are already occurring around the world, they just need to accelerate.

5. Note the Federal Government's latest emissions data showing we are increasing, not reducing, our carbon emissions;

Data released by the Federal government in June 2018 showed a 0.7% rise of carbon emissions in 2018⁸. These figures confirm Australia is not on track to meet its Paris commitment of 26-28% emissions reduction by 2030. The data shows Australia's greenhouse gas pollution levels are expected to increase over the next decade⁹.

⁶ Intergovernmental Panel on Climate Change, accessed 25 July 2019 (<https://www.ipcc.ch/>)

⁷ Intergovernmental Panel on Climate Change, "Summary for Policymakers of IPCC Special Report on Global Warming of 1.5°C approved by governments" (October 2018) accessed 25 July 2019 (<https://www.ipcc.ch/2018/10/08/summary-for-policymakers-of-ipcc-special-report-on-global-warming-of-1-5c-approved-by-governments/>)

⁸ Commonwealth of Australia "Quarterly Update of Australia's National Greenhouse Gas Inventory: December 2018" (June 2019) accessed 25 July 2019 (<https://www.environment.gov.au/system/files/resources/408fcc37-dcfd-4ab8-a4f9-facc6bd98ea6/files/nggi-quarterly-update-dec-2018.pdf>)

⁹ Climate Council "Let's get something straight Australia is not on track to meet its Paris climate target" (Dec 2018) accessed 25 July 2019 (<https://www.climatecouncil.org.au/australia-not-on-track-to-meet-climate-targets/>)

- 6. Join with and support the City of Sydney’s resolution of 24 June 2019 and the North Sydney Council’s resolution of 22 July 2019 calling upon the State and Federal Governments to declare a climate emergency and to respond to this emergency by taking urgent action to meet the emissions reduction targets contained in the Paris Agreement;**

The Willoughby community consistently communicates climate change concerns during community engagement activities with Council. Council takes these concerns seriously and has incorporated these into plans and strategies, in particular, *Our Future Willoughby 2028* and *Our Green City Plan 2028* (the Plan).

Targets in the Plan support and contribute to several global, federal and state government strategies and goals. These include the Paris Agreement, a global climate agreement developed under the United Nations Framework Convention on Climate Change at the 21st Conference of the Parties (COP21). The Paris Agreement brings 184 nations into a common cause to “undertake ambitious efforts to combat climate change and adapt to its effects”¹⁰. The NSW Climate Change Policy Framework¹¹ which outlines the state’s target of reaching net-zero emissions by 2050 is also supported by the Plan.

- 7. Encourage neighbouring Local Government Areas to join us by declaring a climate emergency and advocate to State and Federal Governments in their own right; and**

Northern Beaches Council have recently joined the growing number of Sydney councils declaring a climate emergency, including our neighbours North Sydney and Ryde Council. The City of Sydney, Randwick, Inner West and Blue Mountains City Council have also declared a climate emergency.

- 8. Write to the Prime Minister, Premier of NSW and relevant State and Federal Ministers providing a copy of this resolution and calling upon them to act urgently to address climate change and its impacts**

If resolved by Council, Council officers could write to the Prime Minister, Premier of NSW, relevant State and Federal Ministers advising them of this resolution and Council’s own greenhouse gas emission reduction targets.

¹⁰ United Nations “Climate Change” (<https://www.un.org/en/sections/issues-depth/climate-change/>)

¹¹ NSW Government ‘NSW Climate Change Policy Framework accessed 25 July 2019 (<https://www.environment.nsw.gov.au/topics/climate-change/policy-framework>)

17 CONFIDENTIAL MATTERS

17.1 CONFIDENTIAL - REJECTION OF TENDER RFT 120947 NORTHBRIDGE BOWLING CLUB AND VOTING OF ADDITIONAL FUNDS 2019/20

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	GREG MCDONALD – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	CHRIS BINNS – DESIGN & INFRASTRUCTURE MANAGER
CITY STRATEGY OUTCOME:	5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS
MEETING DATE:	17 OCTOBER 2019

REASON FOR CONFIDENTIALITY

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

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

This matter is being considered in closed session as it relates to commercial information that could disadvantage Council in future negotiations or dealings with commercial entities. Council is required to seek best value from any such negotiations or dealings. On balance, the public interest in preserving the confidentiality of this information, the disclosure of which would be likely to prejudice Council's negotiating position, outweighs the public interest in maintaining openness and transparency in decision-making because the disclosure of this information could make it impossible for Council to get a fair price and best value for this project.

18 QUESTIONS WITH NOTICE

NIL

19 CONCLUSION OF THE MEETING

NIL