



# **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 27 March 2023  
commencing at 7:00pm

The Meeting is open to the Public

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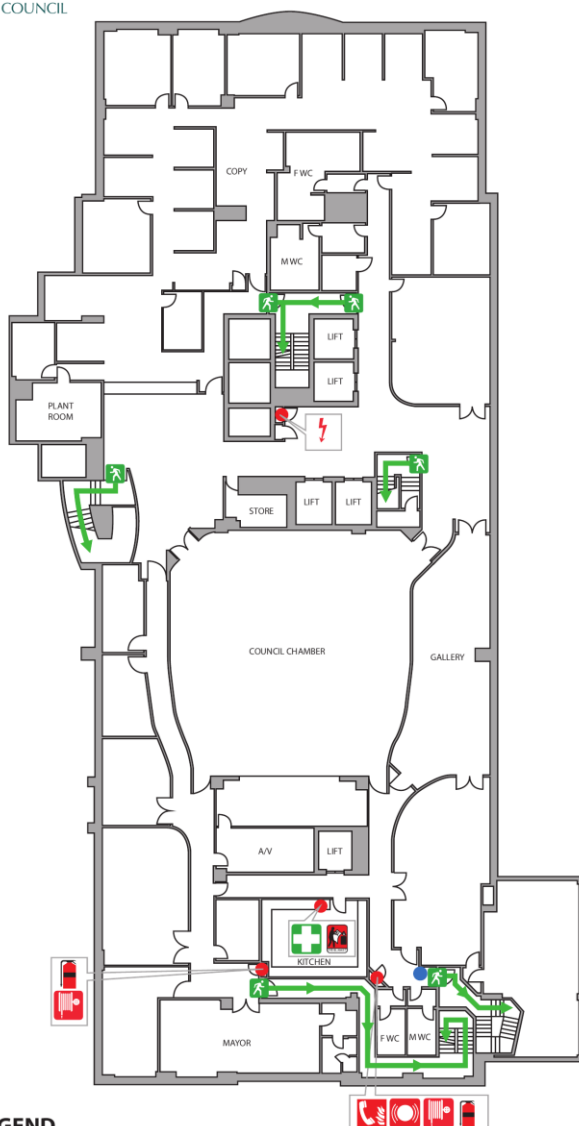
# WILLOUGHBY CITY COUNCIL

## Level 6 Floor Plan



### EVACUATION DIAGRAM

### COUNCIL CHAMBERS



#### LEGEND

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

### LEVEL 6

**Assembly Area 1:**  
Chatswood Mall, near Victor Street

**Assembly Area 2:**  
Garden of Remembrance



**Dial 000 for all emergency services**

Address: 31 Victor St, Chatswood  
Nearest Cross: Albert Ave

#### IN THE EVENT OF AN EMERGENCY

**R**emove any person from danger  
**A**lert staff and others  
**C**onfine smoke/fire and close doors  
**E**xtinguish fire, if safe to do so -  
If not, assist others and move to the Emergency Assembly Area.

#### EVACUATION PROCEDURES

**ALERT** BEEEP..BEEEP..BEEEP.

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

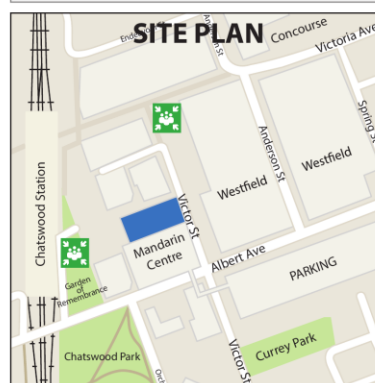
**EVACUATE** WOOP..WOOP..WOOP.

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

Listen carefully to any instructions provided by Wardens and Staff.

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

**DO NOT PANIC**



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Date of Issue: 12-2014  
Date of Review: 12-2017

NOT DRAWN TO SCALE



# COUNCIL CHAMBERS

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

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



## Council Chamber Protocol

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

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

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

### **Statement of Ethical Obligations**

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

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

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**1 OPEN MEETING**

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**2 ACKNOWLEDGEMENT OF COUNTRY**

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

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**3 REFLECTION OR PRAYER**

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

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**5 CONFIRMATION OF MINUTES**

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

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**6 DISCLOSURES OF INTERESTS**

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

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**7 PETITIONS**

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**8 OPEN AND PUBLIC FORUM**

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

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

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**9 MAYORAL MINUTE****9.1 MAYORAL MINUTE 02/2023 – ST LEONARDS / CROWS NEST 2036 PLAN – CROSS LGA BORDER WORKING PARTY****MEETING DATE: 27 MARCH 2023****1. PURPOSE OF REPORT**

To nominate one Councillor representative and an alternative delegate to participate in a working party with representatives from North Sydney and Lane Cove Councils and alongside the Deputy Mayor and a relevant strategic planning officer for Willoughby Council, to explore a coordinated approach to the planning, design and management of the St Leonards / Crows Nest precinct, including the implementation of the *St Leonards / Crows Nest 2036 Plan*.

**2. DISCUSSION**

The *St Leonards Crows Nest 2036 Plan* (2036 Plan) was prepared by the NSW State Government and released in August 2020. Its aim is to facilitate urban renewal of St Leonards and Crows Nest given their close proximity, common infrastructure, and shared governance across three Councils.

The 2036 Plan aims to deliver 6,680 new homes, planning capacity for an extra 119,979 sqm of employment floor space and 16,500 new jobs in health, education, professional services and the knowledge sector. To facilitate this, Willoughby City Council's new Local Environmental Plan incorporates changes to planning controls that are consistent with the 2036 Plan, as required by a Ministerial Direction.

The significant changes to height and density prescribed in the 2036 Plan will generate demands for open space and recreational facilities that cannot be met by the North Sydney, Willoughby and Lane Cove LGAs in isolation.

It is timely for the three LGAs to identify and address the needs of the whole of St Leonards and Crows Nest as a precinct, irrespective of local government boundaries, in order to identify ways (and projects) to collaborate to deliver open space, recreational and community facilities to meet the needs of the existing and future population.

Correspondence dated 9 March 2023 was received from North Sydney Mayor, Councillor Zoë Baker, requesting Willoughby City Council's participation in a working party on the St Leonards / Crows Nest 2036 Plan. It followed a resolution by North Sydney Council on 13 February 2023 which stated:

1. **THAT** Council invite Lane Cove and Willoughby councils to participate in a working party on the St Leonards/Crows Nest 2036 Plan.
2. **THAT** the working party consist of the mayors and a ward councillor representing the subject area together with a relevant strategic planning officer from each of the council areas.
3. **THAT** Council notes that the purpose of the working party is to explore a "coordinated approach to the planning, design and management of the centre" in the context of the 2036 Plan and to identify ways to collaborate and deliver open space, recreational and community facilities to meet the needs of the existing and future population.

It is noted also that, at its Ordinary Meeting held on 23 February 2023 Lane Cove Council resolved:

*That in the event that Council is invited by North Sydney Council to participate in a working party on the St Leonards Crows Nest 2036 as outlined in the Mayoral Minute detailed above Accepts the invitation and:*

- (a) *Nominates a Councillor from East Ward and a strategic planning officer to participate in the working party with the Mayor; and*
- (b) *Requests the working party to consider existing Bicycle Plans for each LGA and how these can be coordinated to make cycling safer in the St Leonards / Crows Nest area.*

Due to my involvement in the North Sydney Planning Panel, I have a non-pecuniary, significant interest in planning matters for the Willoughby Local Government Area including the St Leonards / Crows Nest precinct. It is likely that I will need to be involved in decisions regarding future development applications in the area. I therefore abstain from any involvement in this working party, and delegate this opportunity to the Deputy Mayor.

This Mayoral Minute is seeking nominations for an additional Councillor interested in participating in this working party alongside the Deputy Mayor and a relevant strategic planning officer from Council as well as an alternative delegate.

### 3. MOTION

**That the Council:**

- 1. Accept the invitation by North Sydney Council to participate in a working party on the St Leonards/Crows Nest 2036 Plan;**
- 2. Nominate a Councillor from Naremburn Ward to participate in the working party with the Deputy Mayor and a relevant strategic planning officer plus one alternate delegate;**
- 3. Note the purpose of the working party is to explore a “coordinated approach to the planning, design and management of the centre” in the context of the 2036 Plan and identify ways to collaborate and deliver open space, recreational and community facilities to meet the needs of the existing and future population.**

**9.2 MAYORAL MINUTE 03/2023 – GENERAL MANAGER’S CONTRACT****MEETING DATE: 27 MARCH 2023****1. PURPOSE OF REPORT**

To note the finalisation of the renewed contract between Council and the Chief Executive Officer.

**2. DISCUSSION**

At its meeting on 31 October 2022, Council resolved:

*That Council adopt the recommendations of the CEO Performance Review Committee (Attachment 1) and renew the CEO’s Contract for four years in accordance with those recommendations.*

Following discussion by Council, the proposed terms of the contract to be offered were as follows:

- (a) a 4-year term.
- (b) such term to start on 15 May 2023, upon expiry of the current contract.
- (c) a Total Remuneration Package (TRP) of \$434,100.
- (d) All other conditions of employment remain the same.

The Mayor conveyed Council's offer to the Chief Executive Officer, and a new contract with the revised terms was accepted and finalised on 3 November 2022. This contract will commence on 15 May 2023 upon expiry of the current contract.

The contract issued to the Chief Executive Officer was in compliance with the “*Standard Contract of Employment for General Managers of Local Councils in NSW*” as set down by the Office of Local Government (OLG).

The process for considering a General Manager’s performance and renewal of contract is provided for by the *OLG Guidelines*. These guidelines state as follows:

The process of deciding whether to offer a general manager a new contract should be that:

- *a performance review is conducted*
- *findings and recommendations are reported to a closed council meeting in the absence of the general manager*
- *the closed meeting considers and decides whether or not to offer a new contract and on what terms as set out in the schedules to the contract*
- *the general manager is then advised of the governing body of council’s decision in confidence by the mayor.*
- *details of the decision to offer a new contract and a salary package should be reported to an open council meeting.*

It should be noted that almost all of the process is to be in closed session of Council, with the final outcome being reported to an open session of Council. This Mayoral Minute meets these requirements and has been the first available opportunity to report the contract details to open Council.

### **3. MOTION**

**That Council note the acceptance by the Chief Executive Officer of the renewed contract, with conditions outlined in this report.**

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**10 CHIEF EXECUTIVE OFFICER'S LATE REPORT****11 MATTERS BY EXCEPTION**

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

**12 REPORTS TO COUNCIL****CUSTOMER & CORPORATE DIRECTORATE**

**12.1 INVESTMENT REPORT FOR MONTH OF FEBRUARY 2023**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. ACTUAL PERFORMANCE AGAINST INVESTMENT POLICY (2020) 3. COUNCIL HOLDINGS AND COUNTERPARTY ANALYSIS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MAXINE KENYON – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>STEPHEN NAVEN – CHIEF FINANCIAL OFFICER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>27 MARCH 2023</b>

**1. PURPOSE OF REPORT**

To provide a report setting out Council's bank balances and investment portfolio performance as at 28 February 2023 under section 625 of the *Local Government Act 1993*.

**2. OFFICER'S RECOMMENDATION**

**That Council receive the Statement of Bank Balances and Investment Holdings as at 28 February 2023.**

**3. BACKGROUND**

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

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

**4. DISCUSSION**

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

A summary of Council's holdings as at 28 February 2023 is included in **Attachment 1** (Financial Implications). Actual performance against policy settings and budget are included in **Attachment 2**.

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

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

The key financial indicators for Council's investment holdings at 28 February 2023 include:

Combined Bank Balance	\$13.7M
Investment Holdings	\$189.0M
Total Cash and Investments	<b>\$202.7M</b>
Return on Investments	3.37%, (0.19% above benchmark of 3.18%) (Refer to <b>Attachment 2</b> – Figures 3 and 4).
Actual Interest Return (Month)	\$365K (\$16K better than \$349K budget) (Refer to <b>Attachment 2</b> – Figure 5).
Actual Interest Return (Year to Date)	Actual Year to Date Interest of \$2.258K is \$332K favourable to Year to Date budget of \$1.926K.

### Restricted versus Unrestricted Cash and Investments

Total cash and investments as at 28 February 2023 was \$202.7m. Of this amount, \$187.9m, or 93% is restricted to be spent on specific purposes. This leaves \$14.8m or 7% of unrestricted cash and investments for working capital purposes to ensure Council can meet its financial obligations as they fall due.

Figure 1 shows the breakdown of cash and investments.

**Figure 1 – Restricted versus unrestricted cash and investments as at 28 February 2023**

Restriction Category	Total cash and investments as at 28 February 2023 (\$'m)	Percentage of Total Portfolio %
Internally Restricted	\$65.0M	32
Externally Restricted	\$122.9M	61
Unrestricted	\$14.8M	7
<b>Total</b>	<b>\$202.7M</b>	100

## 5. CONCLUSION

Council's investment holdings at 28 February 2023 have been made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2021*, the *Investment Policy* adopted by Council on 14 December 2020, *Ministerial Investment Order* issued February 2011 and Division of Local Government (as it was then known) *Investment Policy Guidelines* published in May 2010.

## ATTACHMENT 1

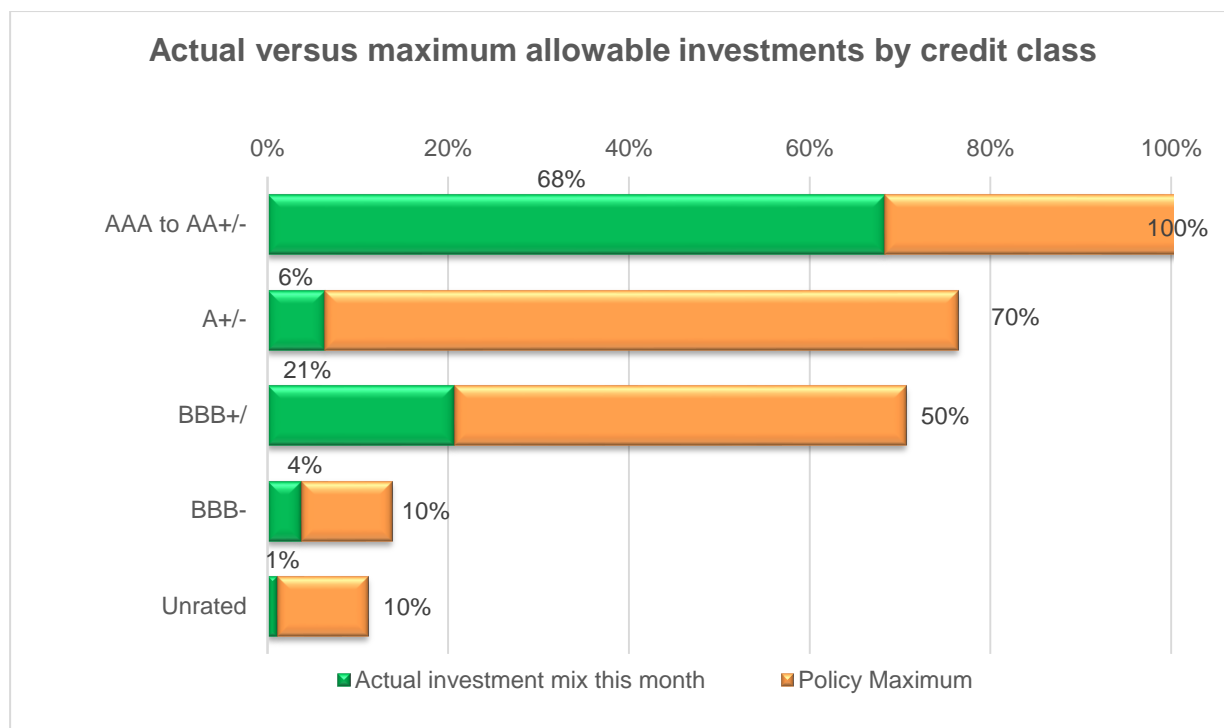
IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes/ Services	Maximise interest rate returns and comply with all relevant legislation.
Policy	This report relates to Council's <i>Investment Policy</i> which safeguards Council's investment portfolio.
Consultation	Not applicable.
Resource	Council's bank balances and investment holdings are managed within existing staff resources within the Finance Unit.
Risk	Investments in this report have been considered in light of adopted risk management guidelines around the preservation of capital, diversification, market interest rates, liquidity and maturity risks.
Legal	There are no legal considerations applicable to this report
Legislation	<p>Under <i>Section 625</i> of the <i>Local Government Act 1993</i> the Responsible Accounting Officer must provide Council with a monthly report setting out details of all money that the Council has invested.</p> <p>In accordance with Clause 212 of <i>Local Government (General) Regulation 2021</i>, this report must include Certification as to whether or not the Investments have been made in accordance with the Act, the Regulations and Council's <i>Investment Policy</i>.</p>
Budget/ Financial	<p>The monthly investment report details the interest income for the month and any other relevant information required by Council.</p> <p>Council's Cash and Investments holdings at 28 February 2023 were \$202.7M and Interest returns are on track to exceed the annual budget of \$3.4M.</p>



## ATTACHMENT 2

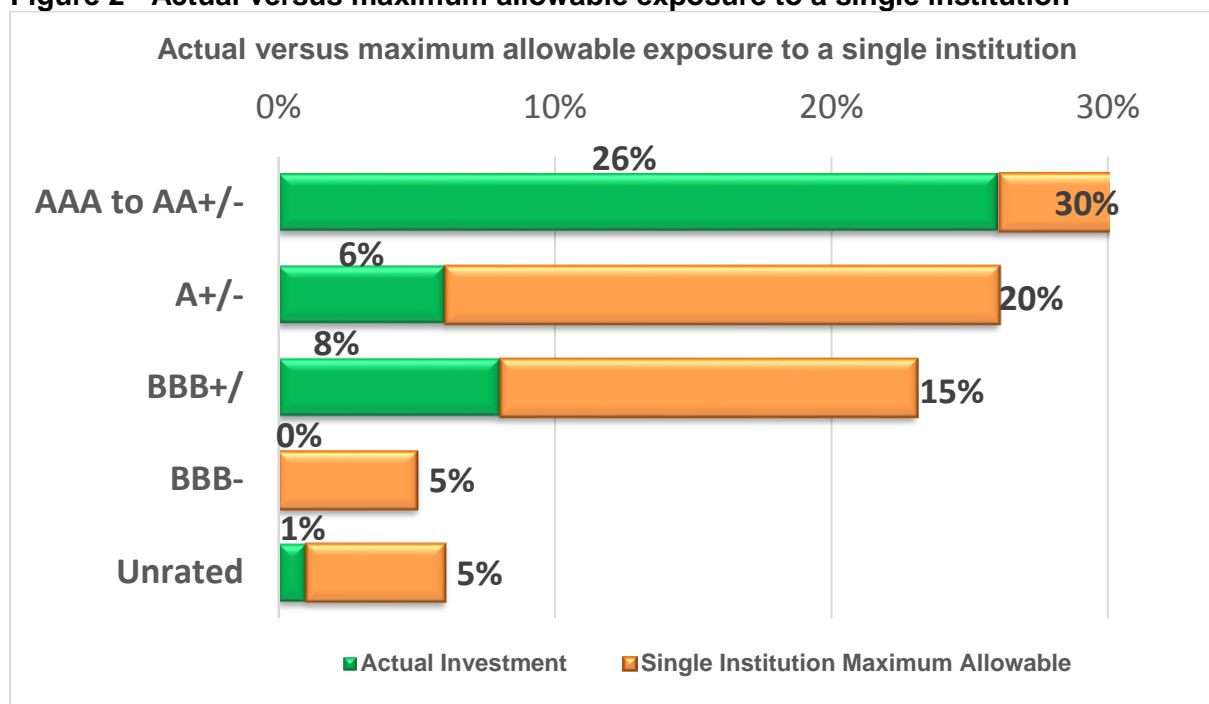
Actual Performance against Investment Policy settings and budget is detailed below:

**Figure 1 – Actual versus maximum allowable investments by credit class**



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

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

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

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

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

**Figure 3 – Interest Rate Comparison for 28 February 2023**

<u>Description</u>	<u>Average Interest Rate</u>
Council Portfolio	<u>3.37%</u>
Benchmark – Bloomberg AUSBond Bank Bill Index (1 Month)	<u>3.18%</u>
Above Benchmark Return	<u>0.19%</u>

Figure 3 shows the monthly interest rate achieved by Council on its investment portfolio compared with the one month Bloomberg AUSBond Bank Bill Index. Council's return has over performed that benchmark by 0.19%. This is because the Reserve Bank has raised the Cash Rate by 3.35% over the past nine months, moving the one month Bloomberg AUSBond Bank Bill Index to 3.18%. This volatile monthly rate is not a good comparison to Council's portfolio return, as Council's securities have maturities of up to 2 years.

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

**Figure 4 – Interest Rate Comparison – 12 Month Average**

<u>Description</u>	<u>Average Interest Rate</u>
Council Portfolio – 12 month Average	<u>1.65%</u>
Benchmark – Bloomberg AUSBond Bank Bill Index (12 Month Average)	<u>1.80%</u>
Under (over) Benchmark Return	<u>0.15%</u>

**Figure 5 – Investment Return for 28 February 2023**

<u>Description</u>	<u>Interest Achieved (\$000's)</u>
Council Actual Interest Return	<u>\$365K</u>
Budgeted Return	<u>\$349K</u>
Over (under) Budgeted Return	<u>\$16K</u>

Figure 5 provides a comparison of the actual interest return on investments for the month with the budget and shows that the monthly return is \$16K better than budget.

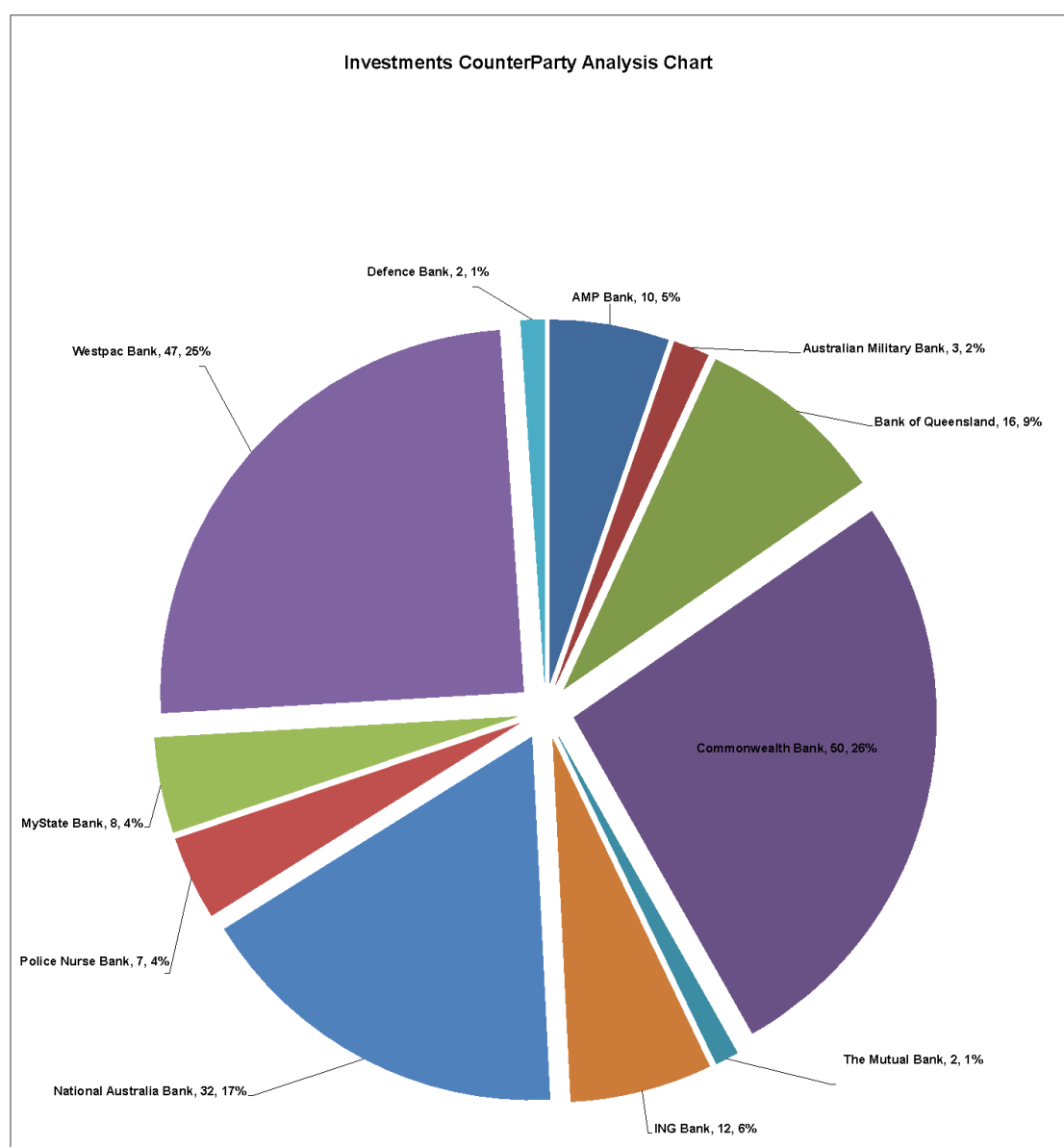
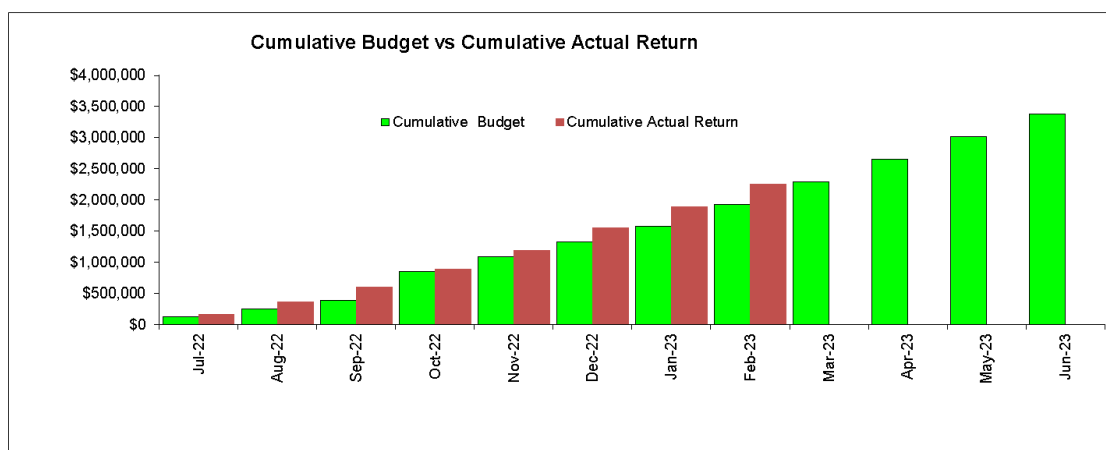
Investment Report for February 2023

Council Holdings and Counterparty Analysis

ATTACHMENT 3

LIST OF INVESTMENTS	Credit Rating	FRN /TD	Investment Amount \$	Return % p.a.	Monthly Income \$	Investment Date	Mature & Reset Date	Period/ Matur. Date
<b>Investments that matured during the month:</b>								
Bank of QLD (471426)	A2	TD	2,000,000	0.92%	403	17/02/2022	9/02/2023	Matured
Bank of QLD (418014)	BBB+	TD	2,000,000	0.53%	317	26/08/2021	16/02/2023	Matured
Commonwealth Bank ( 2038)	AA-	TD	2,000,000	0.55%	663	25/02/2021	23/02/2023	Matured
Bank of QLD ( 418016)	BBB+	TD	2,000,000	0.53%	639	26/08/2021	23/02/2023	Matured
<b>Current Investments:</b>								
National Australia Bank (27-185-3216)	A1+	TD	2,000,000	0.95%	1,458	3/03/2022	2/03/2023	0-3 mths
National Australia Bank (92-511-3146)	AA-	TD	2,000,000	0.64%	982	4/03/2021	9/03/2023	0-3 mths
ING Bank (57155)	A+	TD	1,000,000	1.20%	921	17/03/2022	16/03/2023	0-3 mths
Defence Bank ( 51389)	BBB+	TD	2,000,000	0.55%	844	18/03/2021	23/03/2023	0-3 mths
Westpac Bank ( 9861020)	A1+	TD	3,000,000	1.94%	4,465	14/04/2022	20/04/2023	0-3 mths
Commonwealth Bank ( 2096)	A1+	TD	2,000,000	2.20%	3,375	21/04/2022	20/04/2023	0-3 mths
Commonwealth Bank (2099)	A1+	TD	2,000,000	3.08%	4,725	5/05/2022	4/05/2023	0-3 mths
ING BANK (945435)	A+	TD	2,000,000	3.10%	4,756	12/05/2022	25/05/2023	0-3 mths
Bank of QLD (499685)	A2	TD	2,000,000	3.21%	4,925	26/05/2022	25/05/2023	0-3 mths
ING Bank (811179)	A+	TD	2,000,000	0.55%	844	3/06/2021	8/06/2023	4 mths
National Australia Bank (44-972-0470)	AA-	TD	2,000,000	0.60%	921	10/06/2021	15/06/2023	4 mths
National Australia Bank (90-000-7996)	AA-	TD	1,000,000	0.60%	460	17/06/2021	22/06/2023	4 mths
Commonwealth Bank ( 2102)	A1+	TD	2,000,000	4.16%	6,382	16/06/2022	22/06/2023	4 mths
ING Bank (958397)	A+	TD	1,000,000	4.05%	3,107	29/06/2022	29/06/2023	5 mths
The Mutual Bank (58415)	Unrated	TD	2,000,000	1.20%	1,841	3/02/2022	6/07/2023	5 mths
National Australia Bank ( 928770977)	AA-	TD	2,000,000	0.85%	997	15/07/2021	13/07/2023	5 mths
Westpac Bank ( 9588489)	A1+	TD	2,000,000	1.00%	1,534	25/11/2021	20/07/2023	5 mths
AMP Bank ( 228611091)	A2	TD	3,000,000	4.00%	9,205	11/08/2022	10/08/2023	6 mths
National Australia Bank ( 18-018-2816)	AA-	TD	2,000,000	0.62%	951	19/08/2021	17/08/2023	6 mths
AMP Bank ( 342693355)	A2	TD	2,000,000	4.20%	6,444	11/08/2022	17/08/2023	6 mths
Bank of QLD ( 570898)	A2	TD	3,000,000	4.15%	9,551	31/08/2022	24/08/2023	6 mths
Commonwealth Bank (2111)	A1+	TD	3,000,000	4.18%	9,620	1/09/2022	21/09/2023	7 mths
MyState Bank (80922)	A2	TD	4,000,000	4.15%	12,734	8/09/2022	21/09/2023	7 mths
Commonwealth Bank (2115)	A1+	TD	4,000,000	4.32%	13,256	21/09/2022	21/09/2023	7 mths
Westpac Bank (9462962)	AA-	TD	2,000,000	0.55%	844	23/09/2021	28/09/2023	8 mths
Westpac Bank ( 9499897)	AA-	TD	3,000,000	0.73%	1,680	14/10/2021	5/10/2023	8 mths
MyState Bank (54565)	BBB+	TD	2,000,000	0.75%	1,151	14/10/2021	12/10/2023	8 mths
AMP Bank (921019576)	A2	TD	2,000,000	4.55%	6,981	13/10/2022	19/10/2023	8 mths
Westpac Bank ( 9514107)	AA-	TD	2,000,000	0.90%	1,381	21/10/2021	26/10/2023	8 mths
Commonwealth Bank (2120)	A1+	TD	3,000,000	4.52%	10,402	27/10/2022	26/10/2023	8 mths
Westpac Bank ( 9528796)	AA-	TD	1,000,000	1.13%	867	28/10/2021	2/11/2023	9 mths
Westpac Bank (9562241)	AA-	TD	2,000,000	1.22%	1,872	11/11/2021	16/11/2023	9 mths
Westpac Bank (9415227)	AA-	TD	2,000,000	0.61%	936	26/08/2021	23/11/2023	9 mths
AMP Bank ( 706198561)	A2	TD	1,000,000	4.60%	3,529	24/11/2022	23/11/2023	9 mths
Westpac Bank (10080651)	A1+	TD	3,000,000	4.35%	10,011	23/11/2022	23/11/2023	9 mths
Westpac Bank (10080645)	A1+	TD	3,000,000	4.35%	10,011	23/11/2022	23/11/2023	9 mths
Westpac Bank (9619113)	AA-	TD	2,000,000	1.21%	1,856	9/12/2021	14/12/2023	10 mths
Westpac Bank (9298720)	AA-	TD	2,000,000	0.65%	997	17/06/2021	14/12/2023	10 mths
Commonwealth Bank (2123)	A1+	TD	5,000,000	4.69%	17,989	20/12/2022	21/12/2023	10 mths
MyState Bank (55631)	BBB+	TD	2,000,000	1.20%	1,841	9/12/2021	4/01/2024	11 mths
Commonwealth Bank (2124)	A1+	TD	5,000,000	4.69%	17,989	20/12/2022	11/01/2024	11 mths
Bank of QLD (664520)	A2	TD	7,000,000	4.55%	24,433	12/01/2023	12/01/2024	11 mths
Commonwealth Bank (2132)	A1+	TD	12,000,000	4.74%	43,634	12/01/2023	12/01/2024	11 mths
Westpac Bank (9678135)	AA-	TD	1,000,000	1.31%	1,005	14/01/2022	18/01/2024	11 mths
Commonwealth Bank (2133)	A1+	TD	5,000,000	4.71%	18,066	16/01/2023	18/01/2024	11 mths
Westpac Bank (10509567)	A1+	TD	3,000,000	4.60%	10,586	16/01/2023	18/01/2024	11 mths
Westpac Bank (10512363)	A1+	TD	4,000,000	4.60%	14,115	17/01/2023	25/01/2024	12 mths
Westpac Bank (10509535)	A1+	TD	6,000,000	4.60%	21,173	16/01/2023	1/02/2024	12 mths
Commonwealth Bank (2134)	A1+	TD	6,000,000	4.71%	21,679	16/01/2023	8/02/2024	12 mths
ING Bank (170222)	A+	TD	1,000,000	2.00%	1,534	17/02/2022	15/02/2024	12 mths
Westpac Bank (10509521)	A1+	TD	5,000,000	4.60%	17,644	16/01/2023	15/02/2024	12 mths
National Australia Bank (70-562-1720)	AA-	TD	2,000,000	1.81%	2,777	17/02/2022	22/02/2024	12 mths
Westpac Bank - Green Tailored Deposit (755324)	AA-	TD	1,000,000	4.56%	4,068	28/02/2019	1/03/2024	>12 mths
Police Nurse Bank (57025)	BBB-	TD	2,000,000	2.00%	3,068	10/03/2022	7/03/2024	>12 mths
ING Bank (57154)	A+	TD	1,000,000	2.02%	1,550	17/03/2022	21/03/2024	>12 mths
Police Nurse Bank (57153)	BBB-	TD	2,000,000	2.05%	3,145	17/03/2022	21/03/2024	>12 mths
National Australia Bank (955038589)	AA-	TD	4,000,000	2.85%	8,745	14/04/2022	18/04/2024	>12 mths
Commonwealth Bank (2100)	A1+	TD	1,000,000	3.70%	2,838	5/05/2022	16/05/2024	>12 mths
ING BANK (949745)	A-	TD	1,000,000	3.76%	2,884	26/05/2022	30/05/2024	>12 mths
National Australia Bank ( 30-862-1903)	AA-	TD	1,000,000	0.80%	614	8/07/2021	4/07/2024	>12 mths
National Australia Bank ( 29-130-3289)	AA-	TD	2,000,000	0.78%	1,197	12/08/2021	15/08/2024	>12 mths
Australian Military Bank (220824)	BBB+	TD	3,000,000	4.45%	10,241	31/08/2022	22/08/2024	>12 mths
Police & Nurses Bank ( 060235)	BBB-	TD	3,000,000	4.40%	10,126	8/09/2022	19/09/2024	>12 mths
AMP Bank (342225216)	BBB+	TD	2,000,000	4.70%	7,211	13/10/2022	17/10/2024	>12 mths
ING Bank (1015290)	A+	TD	3,000,000	4.90%	11,277	27/10/2022	24/10/2024	>12 mths
Bank of QLD ( 628601)	BBB+	TD	4,000,000	4.61%	14,146	23/11/2022	21/11/2024	>12 mths
<b>Current Investments - "New and Rollover" made during the month:</b>								
National Australia Bank (10831740)	A1+	TD	7,000,000	5.00%	5,753	23/02/2023	22/02/2024	12 months
National Australia Bank (10831779)	A1+	TD	5,000,000	5.00%	4,110	23/02/2023	22/02/2024	12 months
Total Current Investments, Monthly Interest and Weighted Return		Inv	189,000,000	3.37%	464,275			
Other Cash and Monthly Interest (11am STMM)		Cash	13,669,953		28,444			
Total Cash & Investments			202,669,953		492,719			
Amortised Break Cost					127,253			
Total Cash & Investments					365,466			
Benchmark: Bloomberg AUSBond Bank Bill Index				3.18%				
Investments Margin above Benchmark				0.19%				

Investments Maturity Period	0-3 Months	4-12 Months	> 12 Months	Total \$	chk s/be 0
Amount	18,000,000	141,000,000	30,000,000	189,000,000	0
% of Total	9.5%	74.6%	15.9%	100%	
<b>Cash &amp; Investments Return:</b>					
	Budget \$	Actual \$	Var \$		
Current Month	349,960	365,466	15,506		
Year to Date	1,925,862	2,257,653	331,791		



<b>Investment return for 2022-2023</b>		
<b>Month</b>	<b>Ausbond bank Bill Index Return % p.a</b>	<b>Returns from Investment</b>
Mar-22	0.04%	0.82%
Apr-22	0.19%	0.90%
May-22	0.41%	1.00%
Jun-22	0.62%	1.07%
Jul-22	1.46%	1.09%
Aug-22	1.84%	1.19%
Sep-22	1.79%	1.52%
Oct-22	2.89%	1.68%
Nov-22	3.07%	1.88%
Dec-22	2.98%	2.13%
Jan-23	3.18%	3.16%
Feb-23	3.18%	3.37%
<b>Annualised return</b>	<b>1.80%</b>	<b>1.65%</b>

**12.2 ADVISORY COMMITTEE EXPRESSIONS OF INTEREST - COMMUNITY MEMBERS**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. CONFIDENTIAL – RECOMMENDED MEMBERSHIP OF ADVISORY COMMITTEES 3. CONFIDENTIAL – SUMMARY OF EXPRESSION OF INTEREST ASSESSMENT (ATTACHMENTS 2-3 INCLUDED IN CLOSED AGENDA)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MAXINE KENYON – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SAMANTHA CONNOR – GOVERNANCE, RISK &amp; COMPLIANCE MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.5 – MAKE IT EASY FOR CITIZENS TO ENGAGE AND PARTICIPATE IN DECISION MAKING</b>
<b>MEETING DATE:</b>	<b>27 MARCH 2023</b>

**1. PURPOSE OF REPORT**

For Council to endorse the community members who have been short-listed for the Advisory Committees, as adopted.

**2. OFFICER'S RECOMMENDATION**

That Council:

- 1. Appoint the community members to Council's Advisory Committees as per confidential Attachment 2, and that the names be identified in the resolution.**
- 2. Hold a further Expression of Interest process to recruit members for the Access and Inclusion; the Bicentennial Reserve and Flat Rock Gully; and the Built and Cultural Heritage Advisory Committees to gain members who can represent the elements of the Advisory Committee currently missing and this be reported back to Council.**
- 3. Write to all the applicants and advise them of the outcome of the Expression of Interest process and outline the next steps for the process and to thank them for their interest and applications.**

### 3. BACKGROUND

At its meeting of 27 February 2023, Council resolved:

*That Council:*

- (a) *Adopt the Terms of Reference for the following Advisory Committees (Attachment 4) to enable commencement of the Expression of Interest for community membership:*
  1. *Bushland and Natural Heritage Advisory Committee (including the Griffin Reserves Advisory Group)*
  2. *Sustainability Advisory Committee*
  3. *Built and Cultural Heritage Advisory Committee*
  4. *Access and Inclusion Advisory Committee*
  5. *Bicentennial Reserve and Flat Rock Gully Advisory Committee*
  6. *Active and Integrated Transport Advisory Committee*
  7. *Cultural and Creative Arts Advisory Committee.*
- (b) *Note, additional resourcing to support the delivery of the seven Advisory Committees will be included in the 2022/23 Quarter 3 Budget Review and the draft 2023/24 Budget.*

This report provides Council with the results of the Expression of Interest and makes recommendations to Council on membership.

### 4. DISCUSSION

#### Expression of Interest (EOI)

An EOI process commenced on 1 March 2023 to 14 March 2023 for the seven Advisory Committees.

Advertising targeted professionals, industry experts and members of the community via direct mail to former members and those who expressed interest during the public exhibition stage; ads in the North Shore Times; print and digital flyers distributed through social media, Council facilities, universities/TAFE and networks; Council website; *Have Your Say* portal; direct mail to progress association and, direct contact from staff through existing networks. This resulted in the following marketing reach being achieved.

- Print reach 100,000
- Digital reach 247,000
- Council e-news reach 2,000
- Have Your Say database reach 7,000

A total of 72 applications were received across the seven committees outlined in Figure 1.

**Figure 1: Eligible applications received for each Advisory Committee**

Advisory Committee	Eligible applications received
Bushland and Natural Heritage Advisory Committee (including the Griffin Reserves Advisory Group)	16
Sustainability Advisory Committee	6
Built and Cultural Heritage Advisory Committee	8
Access and Inclusion Advisory Committee	11
Bicentennial Reserve and Flat Rock Gully Advisory Committee	6
Active and Integrated Transport Advisory Committee	9
Cultural and Creative Arts Advisory Committee	13
Ineligible	3



- There was an even distribution of applicants across gender.
- The age of the applicants wasn't requested, however anecdotally it would seem that the majority of the applicants were from people over 40 years of age.
- There were 40 applications from those who have been on an Advisory Committee, (nine of whom indicated experience on Committees outside WCC).
- Eight applicants nominated for more than one Advisory Committee.
- Most applicants came from within the Local Government Area, as outlined in Figure 2 below.

**Figure 2: Applicants identified suburb**

Chatswood 6	Willoughby 7	St Leonards 1	Wahroonga 1
Chatswood West 2	Willoughby East 1	Lane Cove 1	Potts Point 1
Castlecrag 12	Naremburn 6	Cheltenham 2	Killara 1
Castle Cove 4	Artarmon 5	Narraweena 1	Redfern 1
Lane Cove North 1	North Willoughby 2	Kensington 1	Campsie 1
Northbridge 5	Roseville 2	Helensburgh 1	
Middle Cove 4			

### Evaluation of applications

An Evaluation Review Panel comprising the Mayor, Deputy Mayor, Customer and Corporate Director, and respective Subject Matter Experts (SMEs) individually short-listed on 15 March and collectively reviewed short-lists on 16 March 2023.

The panel scored applicants against the selection criteria of qualifications; experience; existing networks and connections; interpersonal skills; managing conflict; strategic issues; prior experience on advisory committee; understanding and commitment to managing conflict and the Code of Conduct, and ability to attend all meetings.

In order that the committees represent a mix and balance in their membership and potential to achieve the strategic outcomes of Council, the panel also considered applicants in terms of relativity of these elements, geographic representation, previous participation and manageable numbers.

There were some applications not recommended on the basis of the above analysis. Confidential **Attachment 3** provides a summary of the assessment of application.

Each Advisory Committee has the minimum six members to commence, however the Access and Inclusion, Bicentennial Reserve and Flat Rock Gully and Built Heritage and Cultural Advisory Committees did not achieve membership that represented the full scope of the Committee.

- The Access and Inclusion Advisory Committee proposed members were specifically focused on disability issues, not the broader access and inclusion as outlined in the purpose and scope of the Terms of Reference
- There were no proposed members on the Bicentennial Reserve and Flat Rock Gully Advisory Committee who focused on the active use of Bicentennial Reserve elements
- The Built and Cultural Heritage Advisory Committee membership does not focus on indigenous heritage.

Although it is recommended to commence these Committees, it is suggested that staff hold a further EOI process to target additional members who can progress all matters outlined in the purpose and scope of each Committee and to ensure a more representative group to achieve the Terms of Reference. At the completion of an EOI process, a report will be provided to Council to endorse additional members, as per the *Advisory Committee Policy 2022*.

**Recommended members**

Recommended applicants for Council's determination were agreed by consensus, as outlined in Confidential **Attachment 2**.

As outlined in Clause 7.4 of the *Advisory Committee Policy 2022 (Model Terms of Reference)*, Councillors can attend any Advisory Committee as observers with speaking rights.

**Next Steps**

Officers will notify unsuccessful applicants of the outcome of the EOI process by 28 March 2023 and highlight opportunities for them to participate in Council engagement activities.

Successful applicants will also be notified by 28 March 2023. After this date, they will receive an induction pack and a link to complete code of conduct training. Once notified and a suitable time is agreed, subject matter experts will convene the Advisory Committees. It is anticipated this will occur prior to the end of April 2023 subject to the availability of committee members.

The details of each Advisory Committee and their Terms of Reference will be placed on Council's website.

**5. CONCLUSION**

That Council endorse the community members who have been short-listed for the Advisory Committees and support a further EOI to match membership with the strategic intent of the Committee.

## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>City Strategy Outcome</b>	5.5 – Make it easy for citizens to engage and participate in decision making
<b>Business Plan Objectives, Outcomes / Services</b>	Advisory Committees can inform a number of strategic issues and provide an opportunity to improve community engagement, along with other consultation mechanisms.
<b>Policy</b>	This matter relates to the <i>Advisory Committee Policy 2022</i> .
<b>Consultation</b>	Councillor Briefings have been held in February, June, August, September, November and December 2022; and February 2023 on Advisory Committees.
<b>Resource</b>	Resourcing the seven Advisory Committees cannot be met within existing resources, this will be considered in the usual budgetary processes.
<b>Risk</b>	There are no risks associated with this report.
<b>Legal</b>	There are no legal implications applicable to this report.
<b>Legislation</b>	<p>This recommendation aligns to the <i>Local Government Act 1993</i> guiding principles for Councils, section 8A (3) Community Participation.</p> <p>Advisory Committee members will be required to manage and declare conflicts of interest in accord with <i>Willoughby's Code of Conduct 2020</i>.</p>
<b>Budget/Financial</b>	Additional resourcing will be required and will be sought through Quarter 3 budget review and included in the draft 2023/24 budget.

**12.3 CHIEF EXECUTIVE OFFICER'S INSTRUMENT OF DELEGATION**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. REVISED CHIEF EXECUTIVE OFFICER'S INSTRUMENT OF DELEGATION 2023 3. CHIEF EXECUTIVE OFFICER'S INSTRUMENT OF DELEGATION AS AT DECEMBER 2022</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MAXINE KENYON – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SAMANTHA CONNOR – GOVERNANCE, RISK &amp; COMPLIANCE MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>27 MARCH 2023</b>

**1. PURPOSE OF REPORT**

To review the delegations by Council to the Chief Executive Officer (CEO) in accordance with Section 380 of the *Local Government Act 1993* (The Act).

**2. OFFICER'S RECOMMENDATION**

**That Council adopt the delegations of authority to the role of Chief Executive Officer (as statutory general manager) outlined in Attachment 2.**

**3. BACKGROUND**

Council last reviewed its delegations to the CEO on 12 December 2022, adopting the approach contemplated in section 377 of the Act, delegation by exception, as outlined in **Attachment 3**. This met the requirements of the Act, to review the delegations within the first 12 months of a new Council's term of office.

At the 12 December 2022 meeting Council resolved that:

- 1. Council retain the delegations of authority to the role of Chief Executive Officer (as statutory general manager) at Attachment 2 in order to fulfil its obligations under section 380 of the Local Government Act, 1993 in an efficient and effective manner,*
- 2. The delegation of authority be considered again at the March 2023 meeting after Councillors have had the opportunity for another briefing on the instrument.*

This report outlines the review of the delegations and recommends one change to the current delegations from Council to the Chief Executive Officer (as statutory general manager) at **Attachment 2**.

## 4. DISCUSSION

Officers briefed Councillors on the instrument of delegations on 6 March 2023. The briefing provided an understanding of the role of councils under the *Local Government Act 1993* (the Act), and the exercise of Council's power via delegations to the CEO.

The Act contemplates councils delegating functions and decision making to general managers in order that they can conduct the day to day management of councils. Section 377 of the Act enables councils to delegate to their general managers, or any other person or body, functions of the council except those functions specified in sections 377(1)(a) – (u) listed below.

Section 377 of the Act states:

*A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, **other than the following**:*

- (a) *the appointment of a general manager,*
- (b) *the making of a rate,*
- (c) *a determination under section 549 as to the levying of a rate,*
- (d) *the making of a charge,*
- (e) *the fixing of a fee,*
- (f) *the borrowing of money,*
- (g) *the voting of money for expenditure on its works, services or operations,*
- (h) *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),*
- (i) *the acceptance of tenders to provide services currently provided by members of staff of the council,*
- (j) *the adoption of an operational plan under section 405,*
- (k) *the adoption of a financial statement included in an annual financial report,*
- (l) *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,*
- (m) *the fixing of an amount or rate for the carrying out by the council of work on private land,*
- (n) *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,*
- (o) *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,*
- (p) *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,*
- (q) *a decision under section 356 to contribute money or otherwise grant financial assistance to persons,*
- (r) *a decision under section 234 to grant leave of absence to the holder of a civic office,*
- (s) *the making of an application, or the giving of a notice, to the Governor or Minister,*
- (t) *this power of delegation,*
- (u) *any function under this or any other Act that is expressly required to be exercised by resolution of the council.*

A general manager can only exercise, and sub delegate to staff, the powers and functions they have:

- either in their own right (given by legislation); or
- that have been delegated by Council (through either an instrument of delegation or a resolution of Council).

The power to delegate to the CEO allows Council to retain functions it believes appropriate while the CEO can be assured of a sound legal footing for the day-to-day and administrative functions of the Council at the same time as being clear about the functions that Council has retained.

As specified in the current Instrument of Delegations (**Attachment 3**) Council has specifically added the following exemptions from the CEO's delegations and retained the decision making on these matters:

1. the functions which are required by or under the Local Government Act 1993 or by or under any other Act or instrument to be performed by the governing body of the Council;
2. delegations issued by the Council to the Mayor and to Committees;
3. the making of Council policy, releasing Council policy for public consultation or exhibition, and the adoption of a Council policy (where the term policy covers LEP, DCP, Plans of Management, Voluntary Planning Agreement, Annual budget and operational plan, Delivery Program, Community Strategic Plan, strategies, policies and action plans that relate to the Willoughby LGA, elected Council and Councillors);
4. variation of contract sum over budget for amounts greater than \$5,000 or 10 per cent of the contract sum (whichever is greater);
5. writing off bad debts, including outstanding rates and charges, for amounts above \$5,000 (including GST);
6. the granting of land owner's consent for applications relating to significant Council property, excluding internal refurbishments on all Council property; and
7. leases of Council land and property under market value or for a term of more than 5 years (excluding residential tenancies).

Council's current delegations to the CEO have been reviewed as required by s380 of the Act and are consistent with Instruments of Delegations currently in place at numerous other Sydney metropolitan and regional councils noting that 40% of the councils sampled give full delegation without exception as anticipated under the Act.

It is considered that the delegation by exception and current delegations remains fit for purpose, except for one recommended change for clarity.

### **Recommended change to delegations**

The current delegations limit the CEO's authority to approve variations as follows:

*"[The CEO cannot approve] variation of contract sum over budget for amounts greater than \$5,000 or 10 percent of the contract sum (whichever is greater)."*

The wording of this delegation could be clearer including whether it applies to cumulative variations and which budget it refers to. This proposed delegation outlined below provides this clarity:

*"[The CEO does not have delegation to] approve variations that, cumulatively exceed the budget and contingency approved by Council."*

This proposed change maintains the option to vary contracts so that projects are not delayed or stopped, budgets are not exceeded and when additional external funding is received it can be managed appropriately. This recommended change does not diminish the role of Council. The current processes (as outlined below) are transparent and will continue, to ensure Council has the required approval processes, receives appropriate reporting and that staff can ensure the delivery of projects as adopted in the Operational Plan.

- Project budgets are approved by Council each year in the Operational Plan and updated in each Quarterly Budget Review
- Council has approved a contingency amount in the budget to be used when contracts are varied, when such variations are approved by the CEO they are reported to Council in each Quarterly Budget Review
- Both the Operational Plan and Quarterly Budget Reviews are public documents and reported to Council.

## **5. CONCLUSION**

Council's Instrument of Delegation to the CEO is a fundamental element of its governance framework. The current delegations remain fit for purpose with one recommended change to provide clarity, whilst maintaining the role of Council.

## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>City Strategy Outcome</b>	5.1 – Be honest, transparent and accountable in all that we do
<b>Business Plan Objectives, Outcomes / Services</b>	The CEO's instrument of delegation contains the functions of the Council that have been delegated to this role under the <i>Local Government Act 1993</i> and any other Act. This enables the CEO to facilitate the business of the Council.
<b>Policy</b>	There are no policies applicable to this report.
<b>Consultation</b>	5 December 2022 – Councillor Briefing: Delegations to the CEO 6 March 2023 – Councillor briefing: Delegations to the CEO
<b>Resource</b>	This report can be accommodated within existing resources.
<b>Risk</b>	Delegations to the Chief Executive Officer minimise risk by providing governance clarity and ensuring appropriate and efficient use of Council resources and administrative and operational processes.
<b>Legal</b>	There are no legal implications applicable to this report.
<b>Legislation</b>	<i>Local Government Act 1993</i> section 377.
<b>Budget/Financial</b>	There are no direct budgetary or financial implications applicable to this report.



## ATTACHMENT 2

**Instrument of Delegation****Delegations to the General Manager****Willoughby City Council:**

- A. Recognises that certain functions are conferred on the General Manager by the Local Government Act 1993; and pursuant to Section 377 of the Local Government Act 1993
- B. Delegates to the person holding the position of General Manager its functions under the Local Government Act 1993 and any other legislation conferring functions on the Council,  
**EXCEPT –**
  - 1. the functions which are required by or under the Local Government Act 1993 or by or under any other Act or instrument to be performed by the governing body of the Council;
  - 2. delegations issued by the Council to the Mayor and to Committees;
  - 3. the making of Council policy, releasing Council policy for public consultation or exhibition, and the adoption of a Council policy (where the term policy covers LEP, DCP, Plans of Management, Voluntary Planning Agreement, Annual budget and operational plan, Delivery Program, Community Strategic Plan, strategies, policies and action plans that relate to the Willoughby LGA, elected Council and Councillors);
  - 4. approving variations that, cumulatively exceed the budget and contingency approved by Council;
  - 5. writing off bad debts, including outstanding rates and charges, for amounts above \$5,000 (including GST);
  - 6. the granting of land owner's consent for applications relating to significant Council property, excluding internal refurbishments on all Council property; and
  - 7. leases of Council land and property under market value or for a term of more than 5 years (excluding residential tenancies).



## Instrument of Delegation

### Delegations to the General Manager

#### Willoughby City Council:

- A. Recognises that certain functions are conferred on the General Manager by the Local Government Act 1993; and pursuant to Section 377 of the Local Government Act 1993
- B. Delegates to the person holding the position of General Manager its functions under the Local Government Act 1993 and any other legislation conferring functions on the Council, **EXCEPT** –
  1. the functions which are required by or under the Local Government Act 1993 or by or under any other Act or instrument to be performed by the governing body of the Council;
  2. delegations issued by the Council to the Mayor and to Committees;
  3. the making of Council policy, releasing Council policy for public consultation or exhibition, and the adoption of a Council policy (where the term policy covers LEP, DCP, Plans of Management, Voluntary Planning Agreement, Annual budget and operational plan, Delivery Program, Community Strategic Plan, strategies, policies and action plans that relate to the Willoughby LGA, elected Council and Councillors);
  4. variation of contract sum over budget for amounts greater than \$5,000 or 10 per cent of the contract sum (whichever is greater);
  5. writing off bad debts, including outstanding rates and charges, for amounts above \$5,000 (including GST);
  6. the granting of land owner's consent for applications relating to significant Council property, excluding internal refurbishments on all Council property; and
  7. leases of Council land and property under market value or for a term of more than 5 years (excluding residential tenancies).

**Delegation authorised by resolution of Council at its Ordinary Meeting held on 12 December 2022.**

**12.4 AUDIT, RISK AND IMPROVEMENT COMMITTEE ANNUAL REPORT AND MEETING MINUTES 30 NOVEMBER 2022**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. ARIC ANNUAL REPORT 3. MINUTES ARIC MEETING 30 NOVEMBER 2022 (ATTACHMENTS 2-3 INCLUDED IN ATTACHMENT BOOKLET)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MAXINE KENYON – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SAMANTHA CONNOR – GOVERNANCE, RISK &amp; COMPLIANCE MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>27 MARCH 2023</b>

**1. PURPOSE OF REPORT**

To present Council with the Audit, Risk and Improvement Committee (ARIC) annual report and minutes of the ARIC meeting held on 30 November 2022.

**2. OFFICER'S RECOMMENDATION**

**That Council note the Audit, Risk and Improvement Committee annual report and minutes of the meeting held on 30 November 2022.**

**3. BACKGROUND**

The *Audit Risk and Improvement Committee Charter* enables the ARIC to advise Council on audit, governance, risk management and business improvement related matters, policy and strategies. The ARIC also provides independent, objective assurance about the effectiveness of Council's risk mitigation controls. The ARIC is an advisory committee only and has no authority to expend Council funds or make decisions that are binding on Council. The Charter requires that an ARIC annual report and minutes of each ARIC meeting be presented to Council.

**4. DISCUSSION****ARIC Annual Report**

The *Audit Risk and Improvement Committee Charter* requires the ARIC to present on an annual basis, a formal report to Council outlining the Committee's major achievements, issues identified and other relevant matters.

An annual report for the period January 2022 to December 2022 has been prepared by ARIC Chairperson, Ms Elizabeth Gavey, and is contained in **Attachment 2**. The annual report was prepared in consultation with ARIC members Mr Robert Lagaida, Mr Chris Davies, Councillor Robert Samuel and Councillor Jam Xia as ARIC members during the reporting period. The annual report was presented to the ARIC meeting held on 15 February 2023, where it was endorsed.

Ms Gavey will present the ARIC annual report to the meeting of Council and be available to answer any questions Councillors may have.

**Minutes of the ARIC meeting held on 30 November 2022**

The ARIC met on 30 November 2022 and discussed, amongst other things, the following:

- Council's financial performance during September and October 2022 and the impact of rising interest rates and inflationary cost pressures
- A risk management report regarding Council's major projects
- Council's Internal Audit Plan
- A 'declared business' report (Out of School Hours Service)
- A report regarding Council's approach to child safety, volunteer and vulnerable persons
- An update from the Chief Executive Officer regarding:
  - A 'Futures Summit' for Councillors regarding changes and pressures in the external operating environment of Council.
  - Recruitment.
  - CONNECT (Council's corporate systems upgrade).
  - Pressures on staff.

The minutes of the meeting have been reviewed by the ARIC Chair, adopted by the ARIC at its meeting on 15 February 2023 and are contained in **Attachment 3**.

**5. CONCLUSION**

It is recommended that Council note the Audit, Risk and Improvement Committee annual report and minutes of its meeting held on 30 November 2022.

## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>City Strategy Outcome</b>	5.1 – Be honest, transparent and accountable in all that we do
<b>Business Plan Objectives, Outcomes / Services</b>	The Audit, Risk and Improvement Committee (ARIC) is a statutory committee, which provides assurance in the areas of internal and external audit, risk management, business improvement and governance. This promotes effective performance in pursuit of the priorities outlined in the <i>Our Future Willoughby 2032 Community Strategic Plan</i> .
<b>Policy</b>	<i>Audit, Risk and Improvement Committee Charter</i>
<b>Consultation</b>	The minutes have been reviewed by the ARIC Chair and were presented to the 15 February 2023 meeting of the ARIC for final endorsement.
<b>Resource</b>	Administrative support is provided to this Committee by the Governance, Risk & Compliance team.
<b>Risk</b>	There are no risks associated with this report.
<b>Legal</b>	There are no legal implications associated with the report.
<b>Legislation</b>	There are no legislative implications associated with the report.
<b>Budget/Financial</b>	There are no budgetary or financial implications applicable to this report.

**12.5 ADDITIONAL COUNCIL MEETING REQUEST FOR 15 MAY 2023**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MAXINE KENYON – CUSTOMER &amp; CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SAMANTHA CONNOR – GOVERNANCE, RISK &amp; COMPLIANCE MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>27 MARCH 2023</b>

**1. PURPOSE OF REPORT**

This report requests an additional Council meeting outside of the adopted schedule, to adopt the Operational Plan and the Long Term Financial Plan for simultaneous public exhibition.

**2. OFFICER'S RECOMMENDATION**

**That Council hold an additional Council meeting on 15 May 2023 at 7:00pm, for consideration of the draft 2023/24 Operational Plan and Long Term Financial Plan, to be placed on public exhibition.**

**3. BACKGROUND**

As outlined in the Integrated Planning and Reporting Framework (IP&R), Council is required to adopt the 2023/24 Operational Plan, budget, fees and charges by 30 June 2023. The Long Term Financial Plan also needs to be reviewed annually.

Council's meeting dates for the 2023 calendar year were adopted at the 31 October 2022 Council meeting.

**4. DISCUSSION**

There is substantial work to prepare the 2023/24 Operational Plan, which includes the budget and fees and charges, and forms the first year of the 10 year Long Term Financial Plan. The Long Term Financial Plan requires significant review, particularly given the volatility around assumptions that will need to be amended to reflect more recent environmental factors impacting Council.

It is recommended that an additional Council meeting be held on 15 May 2023 at 7pm to enable simultaneous placement on public exhibition of both the 2023/24 Operational Plan, which includes the annual budget and fees and charges, and the Long Term Financial Plan. It is not proposed to add any further agenda items to this meeting.

This timing will still enable Council to meet the legislated timeframe of 30 June 2023 for adoption of these key documents following the required public exhibition of 28 days.

## 5. CONCLUSION

This additional meeting provides more time for staff to develop considered documents, and allows additional engagement and consideration by Councillors, prior to the public exhibition period.

## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>City Strategy Outcome</b>	5.1 – Be honest, transparent and accountable in all that we do
<b>Business Plan Objectives, Outcomes / Services</b>	This report supports Council’s meeting practices.
<b>Policy</b>	This aligns with the <i>Code of Meeting Practice 2022</i> .
<b>Consultation</b>	This was discussed at a Councillor Briefing on 20 March 2023.
<b>Resource</b>	There are no resource implications applicable to this report.
<b>Risk</b>	There are no risks applicable to this report.
<b>Legal</b>	There are no legal implications applicable to this report.
<b>Legislation</b>	There are no legislation implications applicable to this report.
<b>Budget/Financial</b>	An additional meeting can be accommodated within the existing budget.



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**PLANNING & INFRASTRUCTURE DIRECTORATE**

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**12.6 PUBLIC EXHIBITION - PLANNING AGREEMENT - 849-859 PACIFIC HIGHWAY, CHATSWOOD**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b> <b>2. DRAFT VPA – 849-859 PACIFIC HIGHWAY, CHATSWOOD</b> <b>(ATTACHMENT 2 INCLUDED IN ATTACHMENT BOOKLET)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>SYLVANIA MOK – CONTRIBUTIONS SPECIALIST</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>3.5 – MAINTAIN QUALITY OF LIFE BY BALANCING POPULATION GROWTH WITH THE PROVISION OF ASSETS AND SERVICES</b> <b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b> <b>5.3 – BALANCE THE CREATION OF NEW PUBLIC ASSETS WITH THE UPGRADE OF EXISTING PUBLIC ASSETS</b>
<b>MEETING DATE:</b>	<b>27 MARCH 2023</b>

**1. PURPOSE OF REPORT**

To seek approval to exhibit the draft Planning Agreement relating to the Planning Proposal for 849-859 Pacific Highway, Chatswood. The draft Planning Agreement has been negotiated with the applicant in accordance with Council's *Planning Agreement Policy* and *Procedures Manual*.

**2. OFFICER'S RECOMMENDATION**

That Council:

- 1. Endorse the draft Planning Agreement for 849-859 Pacific Highway, Chatswood for public exhibition in accordance with Section 7.5 of the *Environmental Planning and Assessment Act 1979* and Clause 204 of the *Environmental Planning and Assessment Regulation 2021*.**
- 2. Authorise the Chief Executive Officer to execute the Planning Agreement following public exhibition and make minor amendments which do not alter its intent.**

**3. BACKGROUND**

At its meeting of 26 April 2022, Council resolved to exhibit the Planning Proposal (PP2021/7) which seeks to amend *Willoughby Local Environmental Plan 2012* consistent with the strategic objectives of the *Chatswood CBD Planning and Urban Design Strategy*.

The Department of Planning and Environment granted Gateway Determination on 28 July 2022, which allowed for the Planning Proposal to be publicly exhibited in August and September 2022. The outcome of the exhibition will be reported at a future Council meeting.

The report considered by Council on 26 April 2022 indicated that any Planning Agreement negotiation relating to the Planning Proposal would be addressed through a separate report to Council.

If any of the Planning Proposal does not proceed to finalisation, any Planning Agreement entered into would not be activated and no payment to Council would be required. This report presents a draft Planning Agreement for 849-859 Pacific Highway Chatswood for Council's endorsement.

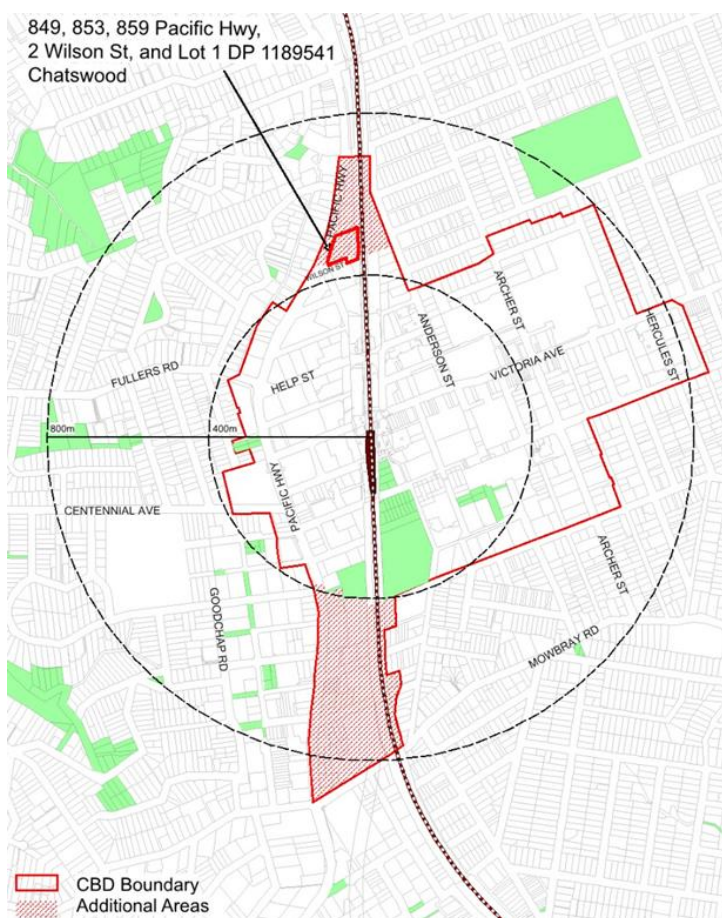
## 4. DISCUSSION

### 4.1 Exhibited Planning Proposal

The related Planning Proposal seeks to amend the Willoughby Local Environmental Plan 2012 as follows:

#### 849-859 Pacific Highway, Chatswood

- Rezone the Land from R4 High Density Residential to B4 Mixed Use.
- Increase the maximum building height from 24m to 90m.
- Increase the maximum Floor Space Ratio (FSR) from 1.5:1 to 6:1.



The proposed *Willoughby Local Environmental Plan (LEP)* amendments will result in increased density yielding additional residential floor space of approximately 14,170.20m<sup>2</sup> at this site (not including the 4% affordable housing to be provided to Council).

In line with Council's *Planning Agreement Policy* (the Policy) and its *Procedures Manual* (the Procedures Manual), an agreement for the Planning Proposal to make a contribution towards the provision of increased community infrastructure in response to the additional growth in this area is sought. The following public benefit item has been put forward by the proponent as part of the draft Planning Agreement.

#### 4.2 Acceptance of monetary contribution offer

The developer had offered a monetary contribution of \$10,840,203 to be paid in three instalments at different stages of the development. The contribution is calculated based on the Community Infrastructure Contribution (CIC) rate of \$765 per additional m<sup>2</sup> of residential floor area. This is a transitional rate which Council allowed for applications that were already being negotiated before Council's Policy and Procedures Manual was adopted.

On 28 March 2022, Council resolved to adopt the final Policy and Procedures Manual and agreed to endorse the higher rate of \$900 per additional m<sup>2</sup> of residential floor area above existing LEP controls, to be applied to any Planning Agreement associated with a Planning Proposal lodged after the adoption of the Policy.

With the related Planning Proposal lodged on 23 November 2021, the former rate of \$765 per m<sup>2</sup> was applied in this instance.

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

It is noted that if agreed, the Planning Agreement's monetary contribution will be in addition to section 7.11 development contribution applying at DA stage for the resulting residential dwellings, calculated indicatively at \$3,559,783.25 (assuming an average dwelling size of 90m<sup>2</sup> with a s7.11 rate of \$15,544 for a 2-bedroom unit).

#### 4.3 Planning Agreement as drafted

The terms within the draft Planning Agreement (**Attachment 2**) for collecting the monetary contribution from the developer have been reviewed by Council's solicitors, Lindsay Taylor Lawyers.

The legal advice sought from Lindsay Taylor Lawyers helped to refine the terms and content of the Planning Agreement in preparation for Council's consideration for exhibition. Council's solicitor took into consideration relevant legislation including the *Environmental Planning and Assessment Act 1979*, *Regulation 2021* and the *Planning Agreement Practice Note – February 2021*.

On the basis of the solicitor's advice, refinements were made to the draft Planning Agreement that align with Council's template and the Policy's *Procedures Manual* to ensure Council's best interests are served, negotiation rights are safeguarded, exposure to risk is minimised and the payment of the contribution would be secured.

### 5. CONCLUSION

The draft Planning Agreement outlining the terms for securing the monetary contribution offered have been carefully reviewed by Council's solicitors and is recommended for exhibition. The contribution offered under the Planning Agreement aligns with the Community Infrastructure Contribution scheme and the *Planning Agreement Policy* and its *Procedures Manual* which will provide valuable public benefits to the Chatswood community and is considered to be in the best interests of Council.

## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>City Strategy Outcome</b>	<p>3.5 – Maintain quality of life by balancing population growth with the provision of assets and services</p> <p>5.1 – Be honest, transparent and accountable in all that we do</p> <p>5.3 – Balance the creation of new public assets with the upgrade of existing public asset</p>
<b>Business Plan Objectives, Outcomes/ Services</b>	<p>To keep Councillors and the community informed in order to ensure transparency and confidence in the organisation.</p> <p>The monetary contributions received from these Planning Agreement will support Council's delivery of the capital works program which will facilitate and enhance social outcomes for current and future residents within the Chatswood area of the LGA.</p>
<b>Policy</b>	The Planning Agreement ensures appropriate contributions are obtained from the Planning Proposal towards agreed items of public benefit and aligns with Council's <i>Planning Agreement Policy &amp; Procedures Manual</i> which was adopted on 28 March 2022.
<b>Consultation</b>	The draft Planning Agreement is required to be placed on public exhibition for a period of 28 days in accordance with Section 7.5 of the <i>Environmental Planning and Assessment Act 1979</i> and Clause 204 of the <i>Environmental Planning and Assessment Regulation 2021</i> . Comments received will inform the finalisation of the Planning Agreement.
<b>Resource</b>	As conditioned in the terms of the draft Planning Agreement, the Developer will bear all reasonable costs of and incidentals to preparing, negotiating, executing, stamping and registering the subject Planning Agreement, and any charge, caveats or other documents related to the subject Planning Agreement.
<b>Risk</b>	The draft Planning Agreement has been prepared to ensure that it supports Council's mechanism for funding local infrastructure and is in accordance with all legislative requirements.
<b>Legal</b>	The draft Planning Agreement has been reviewed by lawyers acting for Council to ensure alignment with relevant legislation and regulations.
<b>Legislation</b>	The draft Planning Agreement has been prepared in accordance with Subdivision 2 of the <i>Environmental Planning and Assessment Act 1979</i> and Part 9, Division 1 of the <i>Environmental Planning and Assessment Regulation 2021</i> ensuring that all requirements under the Act and Regulations are met.
<b>Budget/ Financial</b>	Collecting developer contribution under a Planning Agreement is one of the funding mechanisms to assist with the provision of local infrastructure within the LGA. Contribution will be applied towards the different aspects of community infrastructure works that will provide valuable public benefits to the Chatswood community.

**12.7 COUNCIL-RELATED DEVELOPMENT APPLICATION POLICY**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. COUNCIL-RELATED DEVELOPMENT APPLICATIONS CONFLICT OF INTEREST POLICY 3. COUNCIL-RELATED DEVELOPMENT APPLICATIONS CONFLICT OF INTEREST PROCEDURE 4. AMENDMENT TO WILLOUGHBY COMMUNITY PARTICIPATION PLAN 5. EXISTING POLICY 6. DPE - COUNCIL-RELATED DEVELOPMENT APPLICATIONS CONFLICT OF INTEREST GUIDELINES (ATTACHMENTS 2-6 INCLUDED IN ATTACHMENT BOOKLET)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>MITCHELL NOBLE – HEAD OF PLANNING</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>27 MARCH 2023</b>

**1. PURPOSE OF REPORT**

Following recent amendments to the *Environmental Planning and Assessment Regulation 2021*, Council is required to adopt a policy that outlines how conflicts of interest in connection with council-related Development Applications will be handled. This report outlines the proposed Council-related Development Application Policy (the Policy) and associated Procedure, as well as subsequent changes to the Willoughby Community Participation Plan that are required to achieve legislative compliance by 3 April 2023.

**2. OFFICER'S RECOMMENDATION**

**That Council:**

- 1. Adopt the draft Council-related Development Application Conflict of Interest Policy at Attachment 2 noting it arises from a legislative change and that adoption is required by 3 April 2023 for continuity in the assessment of Council-related Development Applications and to achieve legislative compliance.**
- 2. Exhibit the Policy for a minimum of 28 days and provide a report to Council at the 26 June Ordinary Meeting outlining the results of the consultation and any further recommended changes to the Conflict of Interest for Council-related Development Applications Policy.**
- 3. Note the draft Council-related Development Application Conflict of Interest Procedure at Attachment 3, which sets out how the Policy will be implemented.**

4. **Adopt the draft amendments to the Willoughby Community Participation Plan at Attachment 4 to reflect the legislative change only, while noting that community engagement in relation to Council-related Development Applications will be further considered as part of a review of the Community Participation Plan which will be reported to Council no later than December 2023.**
5. **Revoke Council's Policy titled 'Guidelines for Assessment of Council Development Applications' at Attachment 5, as it will be superseded by the introduction of the Council-related Development Applications Policy.**
6. **That the CEO be granted delegation to make minor adjustments to the Policy that do not alter its intent.**

### 3. BACKGROUND

Council previously adopted the *Guidelines for Assessment of Council Development Applications* at **Attachment 5** in June 1997. This Policy outlined the process for the assessment of Development Applications lodged where Council is the applicant.

Legislative changes introduced by the NSW Government require the existing Policy be rescinded and a new Policy introduced by 3 April 2023. This report presents the new Policy for Council's simultaneous adoption and consultation to meet the required deadline.

### 4. DISCUSSION

#### **Council's role in development**

Council has a role as an assessor of Development Applications, but can also be a developer, landowner, or hold a commercial interest in the land it is responsible for regulating. An example of where this may occur is under the affordable housing building project, where Council is both the landowner and applicant for the affordable housing development. Where Council has this dual role, an inherent conflict of interest can arise between its interests in the development and its duty as a regulator.

#### **Legislative changes**

To date, Council has employed its own range of techniques to manage its competing interests through the Guidelines for Assessment of Council Development Applications **Attachment 5**. However, recent changes to legislation and regulations by the NSW Government requires Council to have a new Policy and management strategies to manage this conflict. The new regulations define Council-related developments as:

*A Development Application for which the council is the consent authority, that is –*

- (a) *made by or on behalf of the council, or*
- (b) *for development on land –*
  - i. *of which the council is an owner, a lessee or a licensee, or*
  - ii. *otherwise vested in or under the control of the council.*

Council cannot determine a council-related Development Application unless it has adopted a Conflict of Interest Policy and considers that policy in making its determination.

The Policy must specify how Council will manage conflicts of interest that arise in connection with council-related Development Applications, and must comply with the Council-related Development Application Conflict of Interest Guidelines published by the NSW Department of Planning and Environment at **Attachment 6**.

The following requirements have been introduced by the *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2021* to address conflicts of interest in council-related development:

- Councils must adopt and have a policy that specifies how conflicts of interest in connection with council-related Development Applications will be handled. The Policy must comply with the requirements in the Guidelines at **Attachment 6**.
- Council-related Development Applications must now be accompanied by either a management strategy statement, which explains how the council will manage potential conflicts of interest, or a statement that the council has no management strategy for the application.
- Councils must record conflicts of interest in connection with each Council-related Development Application, and the measures taken to manage the conflicts, in its existing Development Application register.
- Council-related Development Applications must be exhibited for a minimum of 28 days to ensure transparency during the assessment process.

In response to these changes, a Policy and supporting Procedure have been drafted. The Policy sets out the principles for the management of relevant Development Applications, and the Procedures outlines the process required in technical detail.

### Exclusions

The Policy and Procedure do not apply to Development Applications, which were lodged but not finally determined before the commencement date of the Policy. There are currently two Development Applications being assessed before the introduction of the Policy, being:

Address	Ref	Description
Tenancy G9, 1 Frederick Street Artarmon	DA 2023/16	Shop fit-out for Berkowitz Furniture. Council owns the land (Home HQ).
3 Abbot Road Artarmon	DA 2023/64	Demolition of existing building and construction of in-fill affordable residential flat building with basement parking and associated works. Council is the landowner and applicant.

Management strategies are not required for minor works such as:

- commercial fit outs and minor changes to the building façade
- internal alterations or additions to buildings that are not a heritage item
- advertising signage
- minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services)
- development where the council might receive a small fee for the use of their land.

It should also be noted that Council-related Development Applications do not include development on public roads managed by a council, such as driveway for a dwelling house across a footpath or other minor works.



**Timing and Next Steps**

Councils are required to have their conflict of interest policies in place prior to determining council-related Development Applications from 3 April 2023 onwards. This means that Council can determine Council-related Development Applications before 3 April 2023, but any Council-related applications lodged after that time cannot be determined until the Policy has been adopted.

It is recommended that Council simultaneously adopt the Policy at the 27 March 2023 Council Meeting to meet the legislative requirement and place it on public exhibition to seek community feedback. The feedback will then be reported back to Council in June 2023 with recommendations if any amendments are required. The Procedures will be exhibited as a supporting document.

As a result of the legislative amendments, a subsequent change to Council's Community Participation Plan is required to reflect the requirement for Council-related Development Applications to be exhibited for a minimum of 28 days. These changes are shown at **Attachment 4**.

The matter of how to best engage the community in relation to Council-related Development Applications will be further considered as part of a review of the entire Community Participation Plan which is due to be reported to Council no later than December 2023.

**5. CONCLUSION**

The adoption of the Policy will meet legislative and regulatory requirements regarding managing conflict of interests in Council-related Development Applications. Community feedback will then be sought on the Policy, and reported back to Council in June 2023.

## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>City Strategy Outcome</b>	5.1 – Be honest, transparent and accountable in all that we do
<b>Business Plan Objectives, Outcomes / Services</b>	The proposed Policy, supporting procedure and amendment to Council's Community Participation Plan will improve transparency about how Council manages conflicts of interest for Council-related development applications.
<b>Policy</b>	This report recommends the creation of a new Policy regarding conflicts of interests for Council-related development applications.
<b>Consultation</b>	As outlined in the report, it is proposed that community feedback be sought on the new Policy after it has been adopted by Council, and that a further report be considered by Council in June outlining issues raised and any recommended changes. Council will be undertaking consultation about how best to engage with the community on development matters through the review of the Community Participation Plan later this year.
<b>Resource</b>	The recommendations of this report can be accommodated within existing resources.
<b>Risk</b>	If Council does not have a policy in place, it will not be able to meet its legislative requirements or determine Council-related development applications.
<b>Legal</b>	The proposed Policy would allow Council to fulfil its legislative requirements under the <i>Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2021</i> which commences on 3 April 2023.
<b>Legislation</b>	This report and its recommendations relate to the implementation of the <i>Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2021</i> .
<b>Budget/Financial</b>	There are no direct budgetary or financial implications applicable to this report.

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

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. TRAFFIC COMMITTEE MINUTES OF 23 FEBRUARY 2023 (ATTACHMENT 2 INCLUDED IN ATTACHMENT BOOKLET)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>HUGE PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>DANIEL SUI – ACTING TRAFFIC &amp; TRANSPORT TEAM LEADER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>2.1 – ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY 2.4 – REDUCE PARKING AND TRAFFIC CONGESTION 3.1 – FOSTER FEELINGS OF SAFETY, SECURITY AND CLEANLINESS 5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>27 MARCH 2023</b>

**1. PURPOSE OF REPORT**

To advise Council of the outcome of the Traffic Committee Meeting held on 23 February 2023.

**2. OFFICER'S RECOMMENDATION**

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

**3. BACKGROUND**

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

The Committee met on 23 February 2023 and considered 4 formal items and two general business matter. The reports relating to each item in the minutes can be viewed in the Traffic Committee agenda papers on Council's website at [Willoughby City Council - Traffic Committee](#). The agenda papers include the background and motivation for each item and the community consultation timing and outcomes.

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

#### 4. DISCUSSION

The attention of Councillors is drawn to the following item and matters which were discussed:

**Item 5.2 – Naremburn Local Centre Traffic and Parking Management Plan**

TfNSW and Police provided comments (both at the meeting and outside of the Traffic Committee meeting) on the Naremburn Local Centre Parking and Vehicle Circulation Plan and Traffic Management Plan (TMP). Bike North sent an email to Council requesting a late submission on the proposed bicycle paths changes in the TMP. Council Officers met with Bike North's representatives. The specific issues raised are outlined in the meeting Minutes.

All design issues raised by TfNSW, NSW Police and Bike North have been considered and agreed changes incorporated in the revised Naremburn Local Centre Parking and Vehicle Circulation Plan and Traffic Management Plan (TMP) to allow the progression of the detailed design. A detailed design submission to the Local Traffic Committee is not required.

The Committee agreed with the Officer's recommendation.

***It is recommended that Council adopt the Traffic Committee recommendation.***

#### 5. CONCLUSION

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

## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>City Strategy Outcome</b>	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
<b>Business Plan Objectives, Outcomes / Services</b>	To ensure proper traffic management and a transparent process for decision making regarding traffic matters.
<b>Policy</b>	The Local Traffic Committee is a technical committee of the Transport for New South Wales. Council has been delegated certain powers with regard to traffic matters on Regional and Local roads. A condition of this delegation is that Council must take into account the Local Traffic Committee recommendations.
<b>Consultation</b>	Community consultation is undertaken for planning and development of formal items considered by the Local Traffic Committee and recommended to Council for approval.
<b>Resource</b>	Works are undertaken within the existing resource allocation. The recommendations do not commit Council to any additional resources.
<b>Risk</b>	Identified risks are addressed within individual reports in the minutes.
<b>Legal</b>	There are no legal issues identified
<b>Legislation</b>	All recommendations comply with relevant legislation and Transport for New South Wales Policies and Guidelines.

**12.9 WCC PROPERTY REPORT - 27 MARCH 2023**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS 2. CONFIDENTIAL – VACANCIES &amp; ARREARS 3. CONFIDENTIAL – UNSOLICITED PROPOSALS (ATTACHMENT 2–3 INCLUDED IN CLOSED AGENDA)</b>
<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>RUPERT GILROY – PROPERTY MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>27 MARCH 2023</b>

**1. PURPOSE OF REPORT**

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

**2. OFFICER'S RECOMMENDATION**

That Council:

- 1. Note the property lease portfolio report, including the information contained in Confidential Attachment 2.**
- 2. Note an Unsolicited Proposal has been received, contained in Confidential Attachment 3, and that Council Officer's will have further discussions with the proponent to be better understand their offer to Council.**

**3. BACKGROUND**

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

**4. DISCUSSION****REASON FOR CONFIDENTIALITY**

Attachment 2 and 3 are Confidential in accordance with *Section 10A(2)(d)(i) of the Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

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

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

**Tenant Update**

Trading conditions at the Concourse continue to improve, and the majority of tenants are paying their rent, and back rent, on time. There are two tenants who still owe considerable back rent which will remain a risk until it is collected, noting one of these tenant is slightly behind on their repayment, but noting they have put plans in place to ensure their rent balance is up to date.

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

Rent arrears at 28 February 2023 is \$1,255,263 (31 January 2023 \$1,444,613).

**Lease Expiries and New Leases**

For the broader property portfolio:

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

A summary of the expired leases and new leases is in **Attachment 3**.

**5. CONCLUSION**

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

## ATTACHMENT 1

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



**12.10 LEVEL OF SERVICE - MAINTENANCE**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>TENDEKAI MAPEZA – SENIOR ASSETS MANAGEMENT SPECIALIST</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>3.4 – CREATE DESIRABLE PLACES TO BE AND ENJOY</b>
<b>MEETING DATE:</b>	<b>27 MARCH 2023</b>

**1. PURPOSE OF REPORT**

This report provides an update on the maintenance budget, how the funding is spent, and the types of services that Council undertakes.

**2. OFFICER'S RECOMMENDATION**

**That Council note this report.**

**3. BACKGROUND**

In May 2022, Council resolved to:

1. Receive a number of Councillor Briefings on extent of backlog maintenance works, current service levels and a review of operating models by December 2022.
2. Engages with the community to gain a comprehensive understanding of resident, community group and business expectations regarding streetscape and public open space maintenance.
3. Prepare a report including the findings, draft service standards and service schedules, proposed scheduling and service levels, and associated timelines to deliver maintenance standards that more closely align with customer expectations, by March 2023, which can then inform future service levels and allow input in time for the 2023/24 budget process.

This report outlines the levels of maintenance that are provided by Council, and follows a comprehensive Council briefing, and will be supported with further information which will be published on Council's website outlining levels of maintenance that can help inform the 2023/24 budget setting process, as levels of service are predominately driven by budget allocation.

#### 4. DISCUSSION

The maintenance budget is set each year through the annual budgeting process which outlines and forecasts operational expenses and revenues, as well as determining funding priorities for capital projects through the annual Operational Plan and Long Term Financial Plan (the Plans).

The maintenance budget for 2022/23 (as updated at Quarterly Budget Report 2) for all streetscape related services, excluding bushland reserves, is \$11.3m. The funds are used to maintain areas that are generally referred to as 'streetscape', and encompass the Council owned areas that people experience when they are out in the community.

In a typical year the maintenance budget is approximately evenly split 50 percent on staff costs (Council employees), and 50 percent on materials and contracts. Materials and contracts can include hiring contractors or ordering supplies such as fertilizer, concrete or undertaking maintenance on sports change rooms.

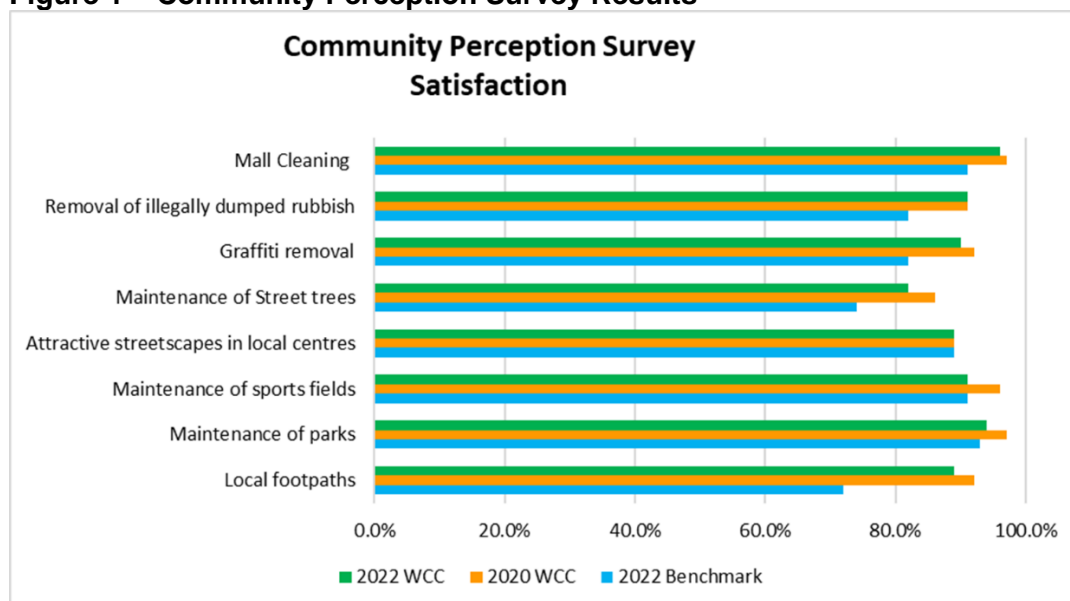
Council undertakes a range of regular works on schedules (for example, mowing of grass or emptying bins), and other work is undertaken on a reactive manner as matters arise (for example graffiti removal or litter in garden beds). Council maintains park and recreation spaces to a high standard, but due to some elements of the streetscape being managed on a reactive basis, there are some residents who have expressed dissatisfaction with the maintenance service level.

The range of reactive items can include weeding of garden beds, litter collection outside of parks, new garden bed plantings, weed and dirt removal from traffic devices, blowing leaves from footpaths and car parks. These items are not on a schedule as current resources do not permit these works to be undertaken regularly. This is typical of many councils across Sydney.

#### Community Perception of Maintenance

Every two-years Council undertakes a Community Perception Survey (CPS), which is administered by an independent third party, which seeks feedback from Willoughby residents to determine their perceptions of Council services. The results of the CPS that relate to streetscapes are outlined in Figure 1.

**Figure 1 – Community Perception Survey Results**



The 2022 survey results (green bars) shows a slight softening in satisfaction since the 2020 survey (orange bars), but the results still show Willoughby significantly outperforming the benchmark group of councils (blue bars) at a statistically significant level. The general satisfaction with streetscape maintenance across the broader community is very good.

The survey results show five services scored greater than 90% satisfaction, and all categories scoring above 80% customer satisfaction. The softening in the survey results between 2020 to 2022 is consistent with results experienced by other Councils, which in part can be attributed to the impacts of the COVID-19 pandemic (i.e. more people working from home, and in turn a greater use of public space) labour shortages to undertake the work and 2022 being the wettest year on record.

Notwithstanding the results of the Community Perception Survey, feedback from some residents demonstrates there is an expectation gap between the levels of maintenance Council is able to provide given the annual maintenance budget, and the level they would like to see.

### Streetscape Maintenance Budget

Figure 2 outlines the current budget allocation for streetscape related maintenance (as at Quarterly Budget Review 2) and shows the split of costs between staff costs, and materials and contracts.

**Figure 2 – Maintenance Budget**

Category	Budget	No. Staff	Staff Cost	Materials and Contracts
Footpath Maintenance	1,248,310	7	557,352	690,958
Kerb & Gutter Maintenance	225,241	2	198,694	26,547
Parks	2,019,728	9	1,066,376	953,352
Road Maintenance	840,122	2	263,370	576,752
Sports fields	1,521,795	4	223,175	1,298,620
Stormwater Drainage Maintenance	585,584	2	168,387	417,197
Street Cleaning	2,190,124	16	1,732,615	457,515
Street, Road and Traffic signs	263,518	2	182,013	81,505
Streetscapes and Trees	1,632,952	8	743,175	889,777
Supervisors and Admin	838,288	5	838,288	0
<b>Total</b>	<b>11,365,662</b>	<b>57</b>	<b>5,973,445</b>	<b>5,392,223</b>

Figure 2 excludes all bushland staff, and office based staff (mechanics, store person, and management) and is a list of staff providing direct front line services. This staffing level has remained stable over the preceding years.

Council employs 57 front line staff who manage the maintenance and cleaning of the Chatswood CBD and all local centres (including; Artarmon, Castlecrag, Castle Cove, Naremburn, High Street Willoughby, North Willoughby, Northbridge, Penshurst Street), 85 parks and 40 playgrounds, 303km of footpath, 373km of kerb and gutter, 220km of road, 20 sports ovals, 32 netball/basketball courts, 16 cricket pitches, one croquet ground, 160km of stormwater pipes, 5,600 storm water pits, 15 Gross Pollutant Traps, install and maintain all street signs and road markings, and manage all council owned trees including pruning. Staff also empty all bins in public spaces.

Many of these services function seven days a week, with staff commencing their first shift at 2am to ensure the parks, bins and the mall are ready for when our residents start using them in the morning. Shifts are staggered throughout the day with most staff finishing by 6pm. Staff are also on call out-of-hours in case of an emergency.

Works can also be re-prioritised when required, for example when there is a heavy downpour staff can be redirected to clean drains and inlets.

### **Reactive Works**

There are a range of works that are not on a schedule, and are managed when a resident makes a request, or it is reported by a staff member. Examples of areas that are not on a regular schedule include:

- Weeding and cleaning of Local Area Traffic Management Systems (LATMS), i.e. in excess of 1,000 roundabouts, traffic islands and devices
- Approximately 80 car parks - regular leaf blowing or weeding
- Litter patrol outside of CBD, local centres and key parks sites
- Beautification and weeding of garden beds and landscaped areas outside key areas
- Hand sweeping of kerb and gutters (i.e. sweeping between cars)
- Sweeping residential footpaths
- Regular sweeping of cycle paths

### **Sharing Information with our Residents**

A further breakdown of this information will be placed on Council's website to support residents and interested stakeholders better understand where their rates are spent on maintenance, and to provide transparency on the services that Council provides.

It will also outline elements that are not on a regular maintenance schedule.

## **5. CONCLUSION**

Council provides a high level of maintenance service to all its open spaces, which is reflected by general satisfaction levels, and a high level of presentation of key public open spaces. There are some elements of streetscapes that are managed on a reactive basis, like many Sydney councils, and maintenance funds are directed to areas of high traffic and usage on request.

## ATTACHMENT 1

<b>IMPLICATIONS</b>	<b>COMMENT</b>
<b>City Strategy Outcome</b>	3.4 – Create desirable places to be and enjoy
<b>Business Plan Objectives, Outcomes / Services</b>	<p>To provide information to Councillors on where maintenance funds are spent and levels of service that are provided.</p> <p>This report is to be considered in the context of Council's annual budgetary cycle.</p>
<b>Policy</b>	There are no policy implications applicable to this report as it relates to the provision of information.
<b>Consultation</b>	Councillors have received a detailed briefing on maintenance in March 2023, and following the release of this report further information will be provided on Council's website to enable the community to provide feedback in time for the public exhibition of the Operation Plan and Long Term Financial Plan.
<b>Resource</b>	There are no resource implications arising from this report as it represents the provision of information.
<b>Risk</b>	There are no risk implications arising from this report as it represents the provision of information.
<b>Legal</b>	There are no legal implications arising from this report as it represents the provision of information.
<b>Legislation</b>	There are no legislative implications from this report as it represents the provision of information.
<b>Budget/Financial</b>	There are no budget or financial implications arising from this report as it represents the provision of information. However, the report can be used to help Councillors and the community better understand where the maintenance budget is spent each year.

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**COMMUNITY, CULTURE & LEISURE DIRECTORATE**

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**12.11 OUTCOME OF PUBLIC EXHIBITION OF THE REVIEW OF THE SYNTHETIC SPORTSGROUND MANAGEMENT PLAN AND THE COMMUNITY USE OF SPORTS FACILITIES POLICY**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b> <b>2. ENGAGEMENT OUTCOMES REPORT FOR REVIEW OF SYNTHETIC SPORTSGROUND MANAGEMENT PLAN AND THE COMMUNITY USE OF SPORT FACILITIES POLICY.</b> <b>3. COMMUNITY USE OF SPORTS FACILITIES POLICY 2023</b> <b>4. SYNTHETIC SPORTSGROUNDS MANAGEMENT PLAN 2023</b>
<b>RESPONSIBLE OFFICER:</b>	<b>LINDA PERRINE – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>JULIE WHITFIELD – OPEN SPACE PLANNER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>3.2 – CREATE RECREATION SPACES FOR ALL</b>
<b>MEETING DATE:</b>	<b>27 MARCH 2023</b>

**1. PURPOSE OF REPORT**

To consider consultation feedback and adopt the amended *Synthetic Sportsground Management Plan 2018* and the *Community Use of Sport Facilities 2021* following the public exhibition between December 2022 and February 2023

**2. OFFICER'S RECOMMENDATION**

That Council:

1. Adopt the *Community Use of Sport Facilities Policy 2023*, with the following specific amendment:
  - (a) Sports infrastructure should be provided to meet the needs of the community without burdening future generations in accordance with Council's Projects and Capital Works prioritisation process.
2. Adopt the *Synthetic Sportsground Management Plan 2023*, with the following specific amendments:
  - (a) Extension of weekend playing hours at Northbridge Oval to be Saturday 8am – 9pm and Sunday 8am – 7pm.
  - (b) Reduction in Sunday booking time at Thomson Oval to 9am – 1pm.
  - (c) Removal of the one Sunday rest day per month at Northbridge, Thomson and Chatswood High School Ovals.
  - (d) Requirement that one Sunday per month in the Winter sports season, Northbridge Oval and Chatswood High School Oval to be used exclusively for womens /girls sport.
3. Delegate to the Chief Executive Officer the authority to finalise and execute the *Community Use of Sport Facilities Policy 2023* and the *Synthetic Sportsground Management Plan 2023* with changes to ground booking times to apply for the 2023 Winter Sport Season.

### 3. BACKGROUND

Council at its meeting of 28 November 2022 considered matters arising from the trial of extended weekend booking hours on Northbridge Oval in July/ August 2022, and resolved to:

1. *Endorse the public exhibition, between December 2022 and 20 February 2023, of an amended*
  - a. *Synthetic Sportsground Management Plan; and*
  - b. *Community Use of Sports Facilities Policy.*
2. *Receive a report in March 2023 on the outcome of the public exhibition of the amended Synthetic Sportsgrounds Management Plan and Community Use of Sports Facilities Policy.*

This report discusses the results of the community engagement and provides an amended *Community Use of Sports Facilities Policy* (CUSFP) and an amended *Synthetic Sportsground Management Plan* (SSMP) for Council to review and adopt.

### 4. DISCUSSION

#### Community engagement

Engagement with the community was undertaken as follows from early December 2022 to 20 February 2023.

- Notification letters to:
  - Field hirers / sporting clubs
  - Progress Associations
  - Property occupants around Northbridge, Thomson and Chatswood High School Ovals
- Creation of a project page on the Have Your Say portal
- Drop in sessions at each of the four synthetic fields on 1, 2, 8 and 9 February 2023 from 4pm – 6.30pm

A total of 97 HYS submissions and 17 letters were received during the exhibition period with a further 19 attendees providing general feedback across the four community drop-in sessions.

For detailed analysis on the feedback received through the Have Your Say portal please refer to the Engagement Outcomes Report found in **Attachment 2**.

#### ***Community Use of Sports Facilities Policy (CUSFP)***

The proposed key change is that “***Sports infrastructure should be provided to meet the needs of the community without burdening future generations in accordance with the Council’s Projects and Capital Works Prioritisation process.***”

The starting point for this change was that ***regional level improvements for Council sport facilities should be funded by non-Council sources, the relevant sport codes and their peak State bodies.***” As such we have included a definition of regional sport.

Regional sport facilities attract participants across local and regional geographic catchments due to their scale or standard of competition they cater for. Often, these regional sport competitions can require additional or supplementary facilities to meet their competition requirements.



Feedback on whether regional level improvement for Council sport facilities should be funded by non-Council sources was captured through the survey results and submissions with 50% of respondents supporting the proposed change, 31% against and 19% unsure. Of the feedback against the proposed change, concerns were raised regarding what was meant by regional level sport and the type of facilities required.

It was not the specific intention to exclude Council as a contributor to regional sport facilities upgrades. However, Council finances are focussed on the maintenance and renewal of the existing sports assets and meeting broader community needs. Any requests for funding will be assessed on merit in accordance with the Council's Project and Capital Works Prioritisation process and the relative community benefits versus the sports clubs' benefits.

An amendment to the Policy that encompasses Council's intent and this feedback is to alter an existing Policy Statement as follows:

**Sports infrastructure should be provided to meet the needs of the community without burdening future generations in accordance with the Council's Projects and Capital Works Prioritisation process.**

It is recommended that the change be made as the amended policy seeks to clarify that Council has limited funds and needs to balance how it meets broader community needs and the needs of regional sport. Regional sport can require a higher level of facilities, with commensurate funding and maintenance level demands on Council.

The other minor change reflects Council's Community Strategic Plan and support the principles of gender balance and equity.

The feedback from the exhibition phase showed that 80% of respondents support the principles of gender balance and equity in the provision and allocation of community sports facilities. It is recommended that this change be made.

The proposed amended *Community Use of Sport Facilities Policy* can be found at **Attachment 3**.

### ***Synthetic Sportsgrounds Management Plan (SSMP)***

The proposed changes to the *Plan* reflect a change in weekend access hours for sports hirers for synthetic fields.

The survey results and submissions from the sports groups revealed that the rule of 'one size fits all' cannot apply to the Council's management of the four synthetic sportsgrounds due to the differing games scheduling and current level of female sport participation across the LGA and the district.

As such it is recommended that flexibility is applied to the *Plan* as shown below through the proposed key changes:

- (a) **Extension of weekend playing hours at Northbridge Oval to be Saturday 8am – 9pm and Sunday 8am – 7pm.**  
Over 60% of respondents supported the extension of weekend booking hours at Northbridge Oval. Feedback on the trial undertaken in July – August 2022 had over 90% support, as reported to Council in September 2022.
- (b) **Reduction in Sunday booking time at Thomson Oval to 9am – 1pm.**  
There was 59% support, 25% against and 16% unsure from the survey. The junior sportsground is not booked on Sunday afternoons and can now provide better utilisation by the community for informal recreation.

- (c) **Removal of the one Sunday rest day per month at Northbridge, Thomson and Chatswood High School Ovals.**

There was an average of 58% support, 35% against, and 7% unsure from the survey. The removal of the monthly rest day will provide better utilisation of the existing sports facilities with a condition to support womens/girls sport on Sundays.

- (d) **Requirement that one Sunday per month in the Winter sports season, Northbridge Oval and Chatswood High School Oval to be used exclusively for womens/girls sport.**

The survey question included a provision that the proposed female sport usage would be at a local or district level. While an average of 58% of respondents support this proposed change, feedback from sporting clubs and associations noted the complexities in including restrictions on the level of sport that could be played. The proposed change regarding use for womens and girls sport was updated to reflect this feedback.

The amended *Synthetic Sportsground Management Plan* can be found at **Attachment 4**. The *Plan* confirms that there are no current plans to convert another Council sportsground to a synthetic surface.

As the Winter Sports season commences in the first week of April 2023, and subject to Council approval, it is preferred that changes to booking times be applied as soon as possible so that bookings for the Northern Suburbs Football Association and the Northbridge Football Club can be accepted for the 2023 Winter season.

## 5. CONCLUSION

The review and the amendments to the *CUSFP* and the *SSMP* have revealed the complexity of how sport is played across the North Shore district.

The public exhibition has shown that there is reasonable merit in altering the *Community Use of Sports Facilities Policy* to acknowledge that sports infrastructure should be provided to meet the needs of the community without burdening future generations. A new Policy is presented for adoption with a four-year review period.

Similarly, the public exhibition showed the complexities of managing community sport across the LGA and the district. The new Plan retains some of the current Plan (ie Gore Hill Oval), provides for better community utilisation of existing grounds (ie Thomson Oval) and provides a benefit to the growth in female sport across the LGA (ie Northbridge and Chatswood High School Ovals).

Having considered the feedback, the *Community Use of Sports Facilities Policy* and *Synthetic Sportsground Management Plan* are recommended for Council's adoption.

## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>City Strategy Outcome</b>	3.2 – Create recreation spaces for all
<b>Business Plan Objectives, Outcomes / Services</b>	Our community will have wider access to recreation spaces for their health and well-being.
<b>Policy</b>	This matter relates to Council policies - <i>Synthetic Sportsgrounds Management Plan 2018</i> and the <i>Community Use of Sport Facilities Policy 2021</i> .
<b>Consultation</b>	<p>In December 2022, a Have Your Say survey was set up on the Council website, and notification letters were emailed to:</p> <ul style="list-style-type: none"> <li>• 33 sports clubs/Associations/Organisations</li> <li>• Nine Progress Associations</li> <li>• All previous respondents to the Northbridge Oval Trial extension of weekend booking hours (103 respondents).</li> </ul> <p>In late January 2023, 1060 letters were posted to property occupants around three synthetic fields- Northbridge Oval (424), Thomson Oval (444) and Chatswood HS Oval (192). Letters were not posted around Gore Hill Oval due to the nature of the surrounding land use (commercial/ hospital/ school and cemetery.)</p> <p>Site signs for the HYS survey and the drop in sessions were installed at each of the four synthetic fields.</p> <p>Drop-in sessions were held at each synthetic field from 4pm-6.30pm at Northbridge Oval (1/2/23) with 5 attendees; Thomson Oval (2/2/23) with 4 attendees; Chatswood HS Oval (8/2/23) with 3 attendees; and Gore Hill Oval (9/2/23) with 7 attendees.</p>
<b>Resource</b>	Community engagement was undertaken with existing staff resources
<b>Risk</b>	The level of risk associated with this report is low, with moderate consequences under <i>Council's Risk Management Framework</i> .
<b>Legal</b>	<i>Local Government Act 1993</i>
<b>Legislation</b>	Not applicable
<b>Budget/Financial</b>	The community engagement and Policy/Plan development were undertaken within the existing operational budget.

**12.12 REQUEST FOR MEMORIAL SEAT IN ARTARMON RESERVE FOR MRS MARGARET SWANN**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>LINDA PERRINE – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>STEPHEN ALDERTON – OPEN SPACE &amp; RECREATION LEAD</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>2.2 – RESPECT AND CELEBRATE OUR INDIGENOUS AND NON-INDIGENOUS HISTORY AND HERITAGE</b>
<b>MEETING DATE:</b>	<b>27 MARCH 2023</b>

**1. PURPOSE OF REPORT**

To approve the request for a memorial seat and plaque in Artarmon Reserve in memory and recognition of the late Margaret Swann.

**2. OFFICER'S RECOMMENDATION**

**That Council approve the request for a memorial seat and plaque in Artarmon Reserve in honour of the late Margaret Swann.**

**3. BACKGROUND**

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

**4. DISCUSSION**

Council has received a request from Ms Christine Chipchase, daughter of long term Artarmon resident Mrs Margaret Swann to install a memorial seat and dedicated plaque in Artarmon Reserve in the honour of her late mother.

Mrs Margaret Swann lived in Burra Road for over 50 years and her garden backed onto Artarmon reserve. Throughout her time living at Burra Road Mrs Swann was an active member of the Artarmon Reserve Bushcare group.

This request for a memorial seat and plaque complies with the policy.

**5. CONCLUSION**

The request complies with Council's policy, has no direct financial implication for Council and will provide a place where the local community can visit, reflect and remember.

## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>City Strategy Outcome</b>	2.2 – Respect and celebrate our indigenous and non-indigenous history and heritage
<b>Business Plan Objectives, Outcomes / Services</b>	The recommendations of this report support the Culture and Leisure Business Plan outcome to support a City that is connected and inclusive, active, healthy, creative and safe.
<b>Policy</b>	This matter relates to Council policy – <i>Public Domain Memorial and Local Site Acknowledgement Policy 2007</i> .
<b>Consultation</b>	There are no consultation implications applicable to this report.
<b>Resource</b>	The applicant will be providing the resources for the installation of the memorial seat/bench.
<b>Risk</b>	The level of risk associated with the contents of this report is low, under <i>Council's Risk Management Framework</i> . The memorial seat/bench will be maintained as part of Council's Asset Management program.
<b>Legal</b>	There are no legal implications applicable to this report.
<b>Legislation</b>	There are no legislation implications applicable to this report.
<b>Budget/Financial</b>	The applicant will be funding the purchase and installation of the memorial seat/bench.

**12.13 CONCESSIONAL HIRE APPROVED APPLICANTS - JULY-DECEMBER 2022**

<b>ATTACHMENTS:</b>	<b>1. IMPLICATIONS</b> <b>2. APPROVED CONCESSIONAL CAT D APPLICANTS</b> <b>3. APPROVED CONCESSIONAL CAT B &amp; C APPLICANTS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>LINDA PERRINE – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>TRACEY WALKER – COMMUNITY PROJECTS OFFICER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>2.7 – PROMOTE ACCESSIBLE SERVICES FOR THE COMMUNITY</b>
<b>MEETING DATE:</b>	<b>27 MARCH 2023</b>

### 1. PURPOSE OF REPORT

For Council to note the applicants approved for 25% (Category B), 50% (Category C) and 100% (Category D) out of term concessional hire in accord with Council's Community Facilities Hire Policy.

### 2. OFFICER'S RECOMMENDATION

That Council note the following applicants approved for out of term concessional hire in accord with Council's *Community Facilities Hire Policy*.

#### Category D – 100% concession

- |                                |         |
|--------------------------------|---------|
| • Autism Community Network Inc | \$2,136 |
|--------------------------------|---------|

#### Category C – 50% concession

- |                             |            |
|-----------------------------|------------|
| • Japan Club of Sydney Inc. | \$3,327.50 |
|-----------------------------|------------|

#### Category B – 25% concession

- |  |         |
|--|---------|
| • Hamazkaine Noubar Khatchadourian Theatre Group | \$2,600 |
|--|---------|

### 3. BACKGROUND

Council's [Community Facilities Hire Policy](#) was adopted by Council 28th September 2015. Council conducts a biennial Registration of Interest (ROI) for hirers eligible to apply for a concessional rate of hire on a regular/semi regular basis. One off applications are dealt with as out of term requests as they arise.

Three concession rates available:

- Category B: Community Not for Profit organisations/Charities (funded) – 25% discount on hire fees
- Category C: Not for profit Community organisations/Interest Groups/Charities (limited funding) - 50% discount on hire fees
- Category D: Not for profit Community organisations/Interest Groups/Charities (no funding) – Full concession - 100% discount on hire fee

Concessions are allocated to applicants based on the eligibility criteria specified within the Policy which considers the focus on local community needs and interests, the applicant's financial position, the purpose for which facilities are hired and the connection to the Local Government Area.

Category D (100% discount) applies only to non-funded, unincorporated small self-help community groups with no opportunity to attract financial support from either the public or private sector, and have a limited capacity to pay for venue hire. Council recognises all Progress Associations as Category D applicants.

Organisations can apply for concessional hire of community facilities outside the formal 2-year ROI process. These are called "Out of Term Applications" are assessed using the same criteria and are valid until the close of the existing ROI period.

#### 4. DISCUSSION

The provision of Council venues and sporting fields to the community is a key part of Willoughby City Council's role in meeting the community's need through sport, recreation, health and wellbeing activities.

The categorisation of Hirers allows Council to accommodate a diversity of community needs and interests within Council facilities, and provides a transparent and accountable mechanism for determining the rate at which Hirers are charged. This process assists Council to co-ordinate community access to a mix of welfare, social, cultural, recreational and community functions, activities and services.

At its 27 August 2018 meeting Council endorsed an amendment to the *Community facilities Hire Policy* to delegate to the Chief Executive Officer approval of Out of Term Category D concessional hire applications. A summary of these Out of Term Category D concessional applications is to be reported to Council on an annual basis.

Council received 3 Out of Term applications during the 6 month period between July 2022 and December 2022 for the 2022/23 ROI program. Of these, one was approved for Category D, one for Category C, and one for Category B when assessed against the criteria.

Applications for Category D have been assessed by Council Officers and reviewed and approved by the Chief Executive Officer. A summary of Category D applications is listed at **Attachment 2**.

Applications for Category B & C are assessed by Council Officers and reviewed and approved by the Community Life Manager and the Community, Culture and Leisure Director. A summary of applications by Category is listed at **Attachment 3**.

Figure 1 provides a summary of the total annual value of Out of Term concessional hire by category for the 6-month period from July 2022 – December 2022.

**Figure 1 - Summary of Out of Term concessional hire for the 6 month period from July 2022 – December 2022**

Item	Value (\$)
Total commercial value of Out of Term applications	12,291
<b>Concession Recommended</b>	
Category B	(2,600)
Category C	(3,327.50)
Category D	(2,136)
<b>Total Concessional Value</b>	<b>(4,227.50)</b>
<b>Adjusted annual income (concession applied)</b>	<b>8,063.5</b>

The concessions detailed in Figure 1 represent a 65% discount on the full rate of hire prescribed by Council's fees and charges. Council's operational budget discounts the value of concessional hire income based on historical data for each facility.

## 5. CONCLUSION

The Concessional hire applications have been approved in accord with Council policy and are presented for noting by Council.



## ATTACHMENT 1

IMPLICATIONS	COMMENT
<b>City Strategy Outcome</b>	2.7 – Promote accessible services for the community
<b>Business Plan Objectives, Outcomes / Services</b>	The concessional hire applications listed in this report accord with the objectives of the Community Life Unit Business Plan.
<b>Policy</b>	This matter relates to the <i>Community Facilities Hire Policy</i> .
<b>Consultation</b>	Council conducts a biennial Registration of Interest (ROI) for regular hirers of Council facilities who are eligible for a concessional rate of hire. Organisations can apply for concessional hire of community facilities outside the formal 2-year ROI process, these are called “Out of Term Applications”.
<b>Resource</b>	The recommendations of this report are resourced within Council’s Operational Plan.
<b>Risk</b>	The level of risk associated with the contents of this report is low, with moderate consequences under Council’s Risk Management Framework.
<b>Legal</b>	All facilities identified in the policy have Hire Agreement Terms and Conditions which are consistent with development consent, plan of management for community land (if applicable) and operational requirements of the facility.
<b>Legislation</b>	<i>Local Government Act 1993</i>
<b>Budget/Financial</b>	Council’s operational budget reflects the concessional hire based on estimates of historical data for each community facility.

## ATTACHMENT 2

## APPROVED CONCESSIONAL APPLICATIONS – JULY – DECEMBER 2022

## Category D – 100% Concession

Applicant	Estimated cost of hire over one year Category A - full fees	Estimated cost of the concession over one year	Council facility for concessional hire	Activity Description
Autism Community Network Inc	\$2,136	\$2,136	Bales Park Centre	Social experience for families with an autistic family member to give them the opportunity to meet other families and make friendships.
Total	\$2,136	\$2,136		

## ATTACHMENT 3

## APPROVED CONCESSIONAL APPLICATIONS – JULY 2022 – DECEMBER 2022

## Category C – 50% Concession

Applicant	Estimated cost of hire over one year Category A - full fees	Estimated cost of the concession over one year	Council facility for concessional hire	Activity Description
Japan Club of Sydney Inc.	\$6,655	\$3,327.50	Chatswood Mall Booking	The festival is organised by the Japan Club of Sydney, for the benefit of the community of diverse cultural backgrounds as well as Japanese people.
<b>Total</b>	<b>\$6,655</b>	<b>\$3,327.50</b>		

## Category B – 25% Concession

Applicant	Estimated cost of hire over one year Category A - full fees	Estimated cost of the concession over one year	Council facility for concessional hire	Activity Description
Hamazkaine Noubar Khatchadourian Theatre Group	\$3,500	\$2,600	Zenith Theatre and Convention Centre	One off event – Theatre group present comedy drama presentations to the Armenian community to entertain, create awareness, etc
<b>Total</b>	<b>\$3,500</b>	<b>\$2,600</b>		

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<b>13 NOTICES OF MOTION</b>
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**13.1 NOTICE OF MOTION 04/2023 - COUNCIL ENDORSED CRIME PREVENTION PRESENTATION**

<b>RESPONSIBLE OFFICER:</b>	<b>LINDA PERRINE – COMMUNITY, CULTURE &amp; LEISURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>MICHAEL CASHIN– COMMUNITY LIFE MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>3.1 – FOSTER FEELINGS OF INCLUSION, SECURITY AND CLEANLINESS</b>
<b>MEETING DATE:</b>	<b>27 MARCH 2023</b>

**1. PURPOSE OF REPORT**

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

**2. MOTION**

**That Council endorse an apolitical Crime Prevention Presentation, presented by NSW Police, at the Dougherty Centre, for the benefit of our residents, on a date to be determined.**

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

In early February I organised a crime prevention presentation, held at Northbridge GC. Senior Constable Dominic Trevor from Chatswood Police took time out to deliver a great presentation.

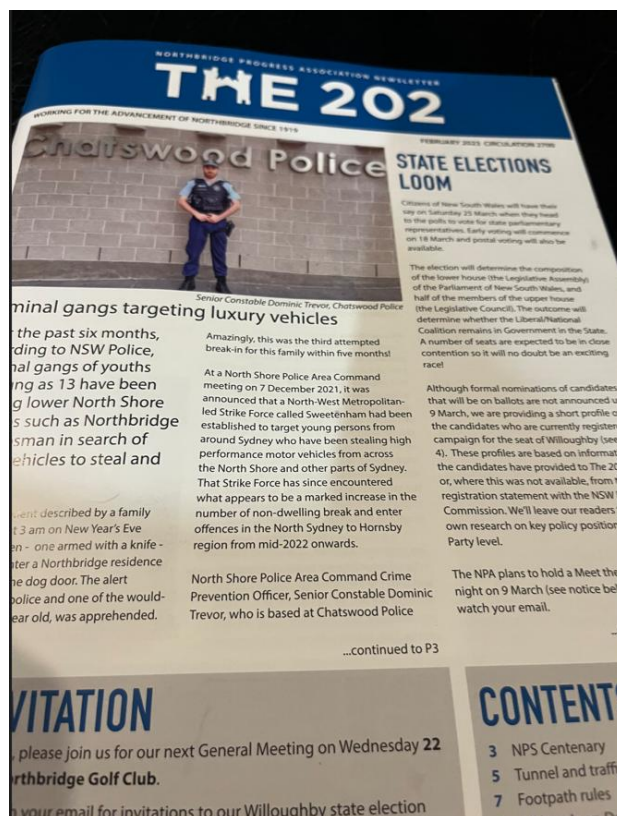
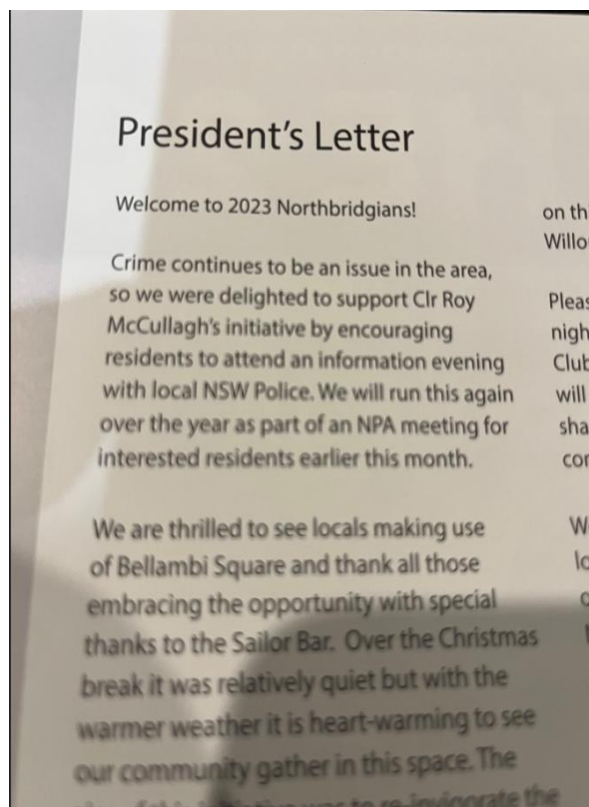
It was very well attended, with 24 residents/ families attending on the night. 5 additional residents could not attend on the night but expressed an interest in attending future events. These numbers were achieved in-spite of the event receiving minimal marketing and exposure.

9 families expressed an interest in attending via email to me, unfortunately I did not see these emails until my return from Dublin.

Out of the 24 families who attended, 8 were from Northbridge, 9 were from Castlecrag, 3 were from Chatswood, 2 were from Artarmon and 2 from Willoughby South. I feel that these numbers would have been significantly higher with Council support.

I have been asked to investigate organising similar presentations in our neighbouring suburbs within the Willoughby Electorate, however, I feel that one significant event, with the right level of promotion and support from Council and my Councillor colleagues would be sufficient.

There is no significant financial outlay for Council for this event. The positive emails of thanks that I received following the presentation in February, suggests that this would be a well-received, positive initiative.



#### 4. OFFICER'S RECOMMENDATION

That the Council consider the motion from Councillor McCullagh.

#### 5. OFFICER'S COMMENTS

Staff have been in communication with officers from the North Shore Police Area Command, who have confirmed their willingness to facilitate the crime prevention presentation.

Should Council resolve to support the Notice of Motion, arrangements could be made to book the Dougherty Community Centre and undertake promotion commensurate with existing resources.

**13.2 NOTICE OF MOTION 05/2023 - INCREASING THE MAINTENANCE BUDGET**

<b>RESPONSIBLE OFFICER:</b>	<b>MAXINE KENYON – CUSTOMER AND CORPORATE DIRECTOR</b>
<b>AUTHOR:</b>	<b>STEPHEN NAVEN – CHIEF FINANCIAL OFFICER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.6 – ENSURE VALUE FOR MONEY AND FINANCIAL SUSTAINABILITY</b>
<b>MEETING DATE:</b>	<b>27 MARCH 2023</b>

**1. PURPOSE OF REPORT**

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

**2. MOTION**

That Council:

- 1. Increase the maintenance budget by an extra \$1,000,000 per annum for the next three years to improve the presentation of our suburbs, which will be funded through normal operating revenue, noting it may require Council to run a small deficit during this period.**
- 2. The impact of the extra funding is to be reviewed at the end of the second year to determine the impact the extra funding has had and if it should continue into the future.**
- 3. The funding be prioritized for tree management, weeding (including traffic devices), litter patrols, and the general appearance of garden beds in high traffic areas.**

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

Willoughby City Council has a long and proud history of providing excellent services, parks and amenities for residents and visitors. However, the impact of recent cost increases to materials, contractors and a shortage of labour has meant the existing maintenance budget has had to stretch further. This pressure has been compounded by the fact that Council's primary source of revenue, rates, have not been keeping up with inflation for the last two years.

Council is in a sound financial position with significant financial reserves, and is in a strong working capital position. An increase of \$1,000,000 per annum is considered a modest increase in the budget for an essential service when Council generates over \$120,000,000 revenue per annum. Through time limiting the increase for 3 years, it will not impact Council's long term financial position, and it will provide an opportunity to review the effectiveness of this initiative at the end of the second year.

#### **4. OFFICER'S RECOMMENDATION**

That Council refer the motion for consideration as part of its current 2023/24 Operational Plan & Budget and Long Term Financial Plan process.

#### **5. OFFICER'S COMMENTS**

Each year Council, through a comprehensive budgeting process, outlines forecasts for operational expenses and revenues as well as determining funding priority for capital projects through the annual Operational Plan and Long Term Financial Plan (the Plans).

These Plans are endorsed by Council prior to going on public exhibition which allows members of the community to provide feedback prior to consideration and adoption by Council in June each year.

The appropriate time to consider requests for funding is through the annual budgetary cycle, to ensure all costs, revenues and other operating implications can be considered in their total context of other Council funding priorities.

The request for an additional \$1,000,000 will have an impact on Council's financial sustainability as, although only a temporary measure as proposed for three years, it will reduce Council's working capital by \$3,000,000 over the three-year period. It also may raise expectations that this funding will be ongoing once the three-year period has ended.



**13.3 NOTICE OF MOTION 06/2023 - ENGAGEMENT OF INDEPENDENT OBSERVER ON CEO REVIEW PANEL**

**RESPONSIBLE OFFICER:** MAXINE KENYON – CUSTOMER & CORPORATE DIRECTOR

**AUTHOR:** MONICA LONERGAN – PEOPLE & CULTURE MANAGER

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

**MEETING DATE:** 27 MARCH 2023

**1. PURPOSE OF REPORT**

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

**2. MOTION**

**That Council:**

- 1. Give consideration to the inclusion of an independent observer on the Chief Executive Officer's (General Manager's) Performance Review Panel, and that the Performance Review Panel, as adopted by Council at its 27 February Ordinary Meeting, be required to include an independent observer.**
- 2. Receive a report back to the April Ordinary Meeting of Council, which outlines the recruitment process for an independent observer.**

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

The Guidelines are issued under section 23A of the Act and must be taken into consideration by Councils when exercising their functions in relation to the recruitment and oversight of General Managers. They should be read in conjunction with the relevant provisions of the Act and the Local Government (General) Regulation 2021 (the Regulation) and the standard contract of employment for General Managers approved by the Departmental Chief Executive of the Office of Local Government under section 338 of the Act (the approved standard contract).

An independent observer would provide an assurance function.

The independent observer should:

- Have no association with the CEO either personally or professionally.
- Have no association with the Council's governing body.
- Have no direct stake in the satisfactory performance of Council.
- Must be someone who lives and works outside the Willoughby LGA but is trained in the performance management of General Managers.

The independent observer would be recruited through normal recruitment procedures for a fixed period and would be remunerated accordingly.

#### 4. OFFICER'S RECOMMENDATION

That Council does not require an independent observer on that basis that Council has already resolved at the Council Meeting on the 27 February 2023 for the inclusion of an independent external facilitator as part of the process.

#### 5. OFFICER'S COMMENTS

At the Council Meeting on 27 February 2023 Council resolved to:

1. *Establish a Review Panel, comprising the Mayor, Deputy Mayor and two Councillors, one of whom will be appointed by the Chief Executive Officer to conduct all relevant performance reviews and setting of performance agreements for the Chief Executive Officer, until February 2024.*  
  
*Council appointed Councillor: Cllr Wright*  
  
*CEO appointed Councillor: Cllr Eriksson*
2. *Delegate the following activities to the Panel in line with the Office of Local Government's Guideline for the Appointment and oversight of General Managers 2022*
  - *conducting performance reviews of the Chief Executive Officer including the annual review and six-month review during the relevant period,*
  - *reporting the findings and recommendations of the annual review to the council, and*
  - *development of the annual performance agreement.*
3. *Appoint an independent facilitator, utilising a procurement process, to:*
  - *provide the required training for the Panel prior to the review meeting*
  - *facilitate the process of reviewing and updating the Chief Executive Officer's Performance Agreement.*
4. *Note the process and timeline presented in Attachment 2*

As per the *Guidelines for the Appointment and Oversight of General Manager (2022)* Council established a performance review panel at their February meeting. It is the role of the Panel, as delegated by Council, to conduct the reviews, prepare any performance agreement and to report back to the Council any findings and recommendations.

Councillors who are not members of the Panel may be invited to contribute to the performance review process by providing feedback to the Mayor on the CEO's performance relevant to the agreed performance criteria. This was noted in the process presented to Council at its meeting held on 27 February 2023.

In addition Council agreed to the appointment of an independent external facilitator to assist the Panel with the performance review process. The role of this independent facilitator is to assist with the performance review process and the development of a new performance agreement. The independent facilitator also provides training to the Panel on the process.

Under the Guidelines, the Council may also consider having an independent observer on the panel. The role of the independent observer is to provide an assurance and observation function and does not participate in the review or reporting process, including reporting to Council.

Any independent observer would also be bound by the same confidentiality requirements as the Panel and full Council.

Information on what the requirements for an independent observer were sought from the Office of Local Government (OLG) and are reflected in Background information of the NOM.

OLG further advised, that if an independent observer was to be appointed they would be engaged via a procurement process facilitated by Council officers not a recruitment process. The OLG indicated that given the requirements for the independent observer, especially with regard to having experience in the performance management of General Managers, the independent observer may be procured from the same Panel as the Council's independent facilitator and t remunerated in the same way.

OLG was unable to provide further clarity on the details of the function of the independent observer in relation to the function already provided by the independent facilitator and the delegations to the Panel.

## 14 QUESTIONS WITH NOTICE

# 14.1 QUESTION WITH NOTICE 01/2023 - CAR SHARE SPACES IN WILLOUGHBY CITY

**RESPONSIBLE OFFICER:** HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

**AUTHOR:** DANIEL SUI – ACTING TRAFFIC & TRANSPORT TEAM LEADER

**CITY STRATEGY OUTCOME:** 2.1 ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGHOUT THE CITY

**MEETING DATE:** 27 MARCH 2023

Submitted by: Councillor John Moratelli

## QUESTION

- How many car share spaces have been created in Willoughby City over the past ten years?
- When has each been created during that time and what is its location?
- Is this information available anywhere on Council's website?

## ANSWER

Willoughby Council has a total of 31 car share spaces. In the last 10 years, a total of 4 car share spaces have been created.

Below is a list of all the car share spaces in Willoughby Council areas:

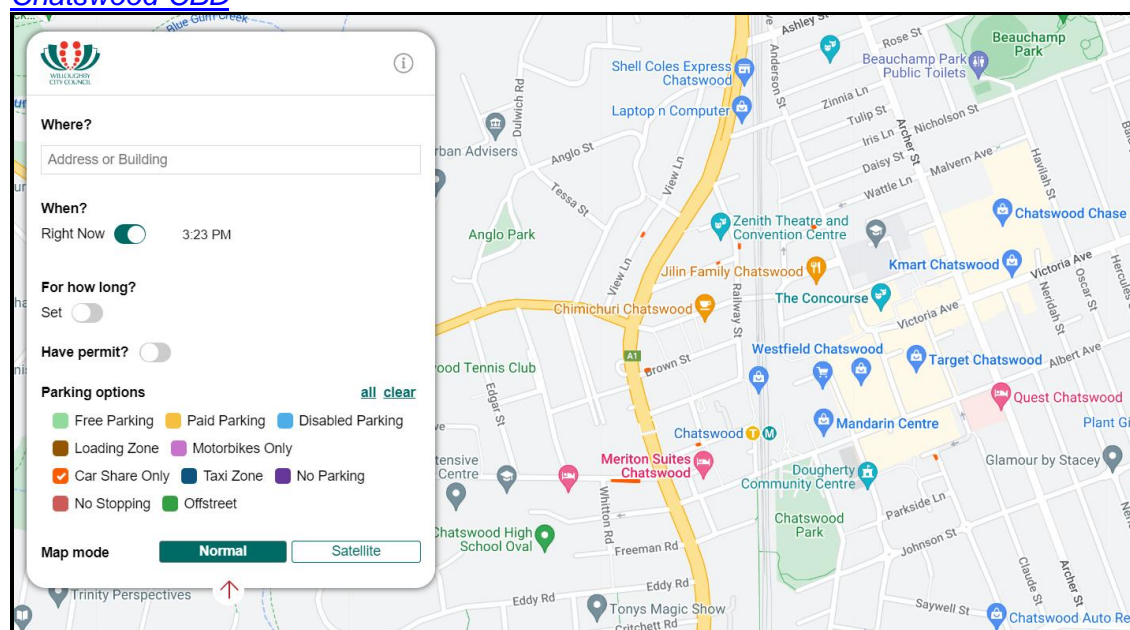
No.	Location	Number of spaces	Installed Date
1	Chatswood - Thomas Street near Katherine Street	1	4/03/2006
2	Chatswood - Railway Street near Day Street	1	15/09/2007
3	St Leonards - 7 Herbert Street	2	22/02/2011
4	Artarmon - Broughton Road near Hampden Road	1	15/08/2008
5	Artarmon - Cameron Avenue Car Park	1	20/07/2010
6	Chatswood - McIntosh Street near Anderson Street	1	13/08/2019
7	Chatswood - Centennial Avenue near Pacific Highway	1	21/10/2010
8	Artarmon - Jersey Road near Thomson Park	1	17/11/2010
9	Artarmon - Francis Road near Buller Road	1	10/12/2010
10	Artarmon - McMilan Road near Hampden Road	1	9/03/2011
11	Chatswood - Anderson Street near Tulip Street	1	22/11/2011
12	Chatswood - Brown Street near Pacific Highway	2	20/11/2011
13	Chatswood - McIntosh Street near Railway Street	1	20/11/2011
14	Artarmon - Hampden Lane near Francis Road	1	16/08/2012
15	Artarmon - Reserve Road near Jersey Road	1	16/08/2012
16	Chatswood - Devonshire Street near Parkside Lane	1	16/08/2012
17	St Leonards - 15 Herbert Street Bridge	1	6/11/2012
18	Chatswood - Daisy Street near Anderson Street	2	26/11/2012
19	Chatswood - Albert Avenue near Jacques Street	1	27/11/2012

20	Chatswood - Whitton Road near Sutherland Road	1	27/11/2012
21	Naremburn - Christie Street near Henry Lane.	1	30/11/2012
22	Chatswood - View Lane near Pacific Highway	1	13/12/2012
23	Naremburn - Willoughby Road	1	19/12/2012
24	Artarmon - Buller Road near Francis Road	1	19/12/2012
25	Naremburn - Northcote Street near Plunkett Street **	1	21/10/2013
26	St Leonards - Herbert Street near Westbourne St **	1	7/11/2013
27	St Leonards - 2 Herbert Street **	1	27/11/2013
28	Chatswood - Devonshire Street near Tingha Street **	1	8/12/2017

\*\* installed in the last 10 years

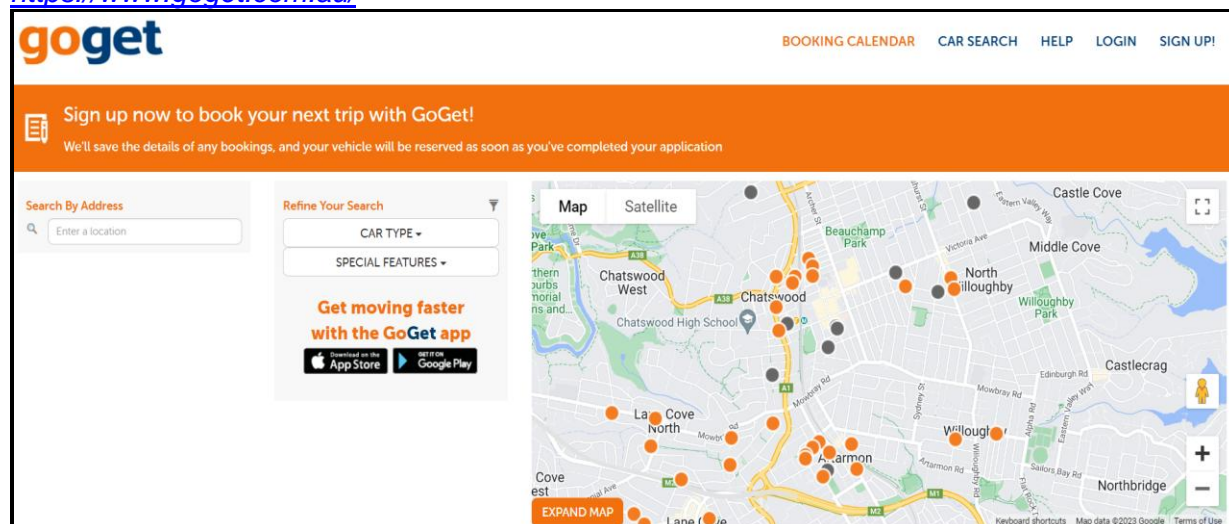
Currently, we only have the car share facility information in the CBD areas on Council website. It can be found **Chatswood CBD Parking Finder** page.

<https://www.willoughby.nsw.gov.au/Residents/Parking-and-transport/Parking/Parking-in-Chatswood-CBD>



The car share operator (go get) booking website has an online map showing all locations in Council areas.

<https://www.goget.com.au/>



**14.2 QUESTION WITH NOTICE 02/2023 - ARTARMON LOCAL CENTRE -  
PLANNED PLANTING OF EXOTICS**

<b>RESPONSIBLE OFFICER:</b>	<b>HUGH PHEMISTER – PLANNING &amp; INFRASTRUCTURE DIRECTOR</b>
<b>AUTHOR:</b>	<b>DARREN WOOD – DESIGN &amp; INFRASTRUCTURE MANAGER</b>
<b>CITY STRATEGY OUTCOME:</b>	<b>5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO</b>
<b>MEETING DATE:</b>	<b>27 MARCH 2023</b>

Submitted by: Councillor John Moratelli

**QUESTION**

In November 2020 Council adopted the Artarmon Local Centre Public Domain Masterplan which includes the design principle "Planting native species where possible". It is understood that Council is planning to use many exotic species as part of the current Artarmon streetscape works. Is this correct?

It is also understood that some of those species are environmental weed species such as agapanthus. Is this correct?

What steps have been taken to ensure that the design principle in relation to the planting of native species has been adhered to in relation to this project?

Has there been any consultation with the Bushland section of Council?

**ANSWER**

The Hampden Road urban streetscape design is informed by the Artarmon Local Centre Public Domain Masterplan (Masterplan) and Council's Street Tree Master Plan.

The Artarmon Local Centre Public Domain Masterplan includes the design principle of "planting native species where possible". The Street Tree Master Plan key objectives are:

- To plant the "right tree in the right location". Consideration needs to be given for aspect and solar access, underground & overhead services, sightlines (distances to intersections, driveways etc.), tree growth habits (footpath & road overhang), soil type etc.
- To ensure a consistent approach for species selection within the established precincts that is suited to environmental conditions which reinforce and enhance special character i.e. Heritage Conservation Areas, Bushland suburbs, industrial and residential areas.
- To increase the canopy coverage in Willoughby's streets, including the enhancement of green corridors/connectivity and faunal linkages.

The Hampden Road urban streetscape design approach balances the design principle and objectives by providing a range of hardy native and introduced species in order to reflect the local heritage character of the conservation area.

Of the street trees proposed, one is a native species (Brushbox) and the others are deciduous species (Claret Ash, Ornamental Pear and Crepe Myrtle) which enable shade in summer, autumn colour, increased solar access during winter and a connection to existing cultural tree plantings in the precinct.

None of the proposed planting varieties are on Council's or the NSW Department of Primary Industries weed lists. Council's Bushland Team were consulted during the preparation of the streetscape design.



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<b>15 CONFIDENTIAL MATTERS</b>
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<b>CONFIDENTIAL ATTACHMENTS</b>
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12.2 ADVISORY COMMITTEE EXPRESSIONS OF INTEREST – COMMUNITY MEMBERS  
12.9 WCC PROPERTY REPORT – 27 MARCH 2023

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<b>16 CONCLUSION OF THE MEETING</b>
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