



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 November 2023
commencing at 7:00pm

The Meeting is open to the Public

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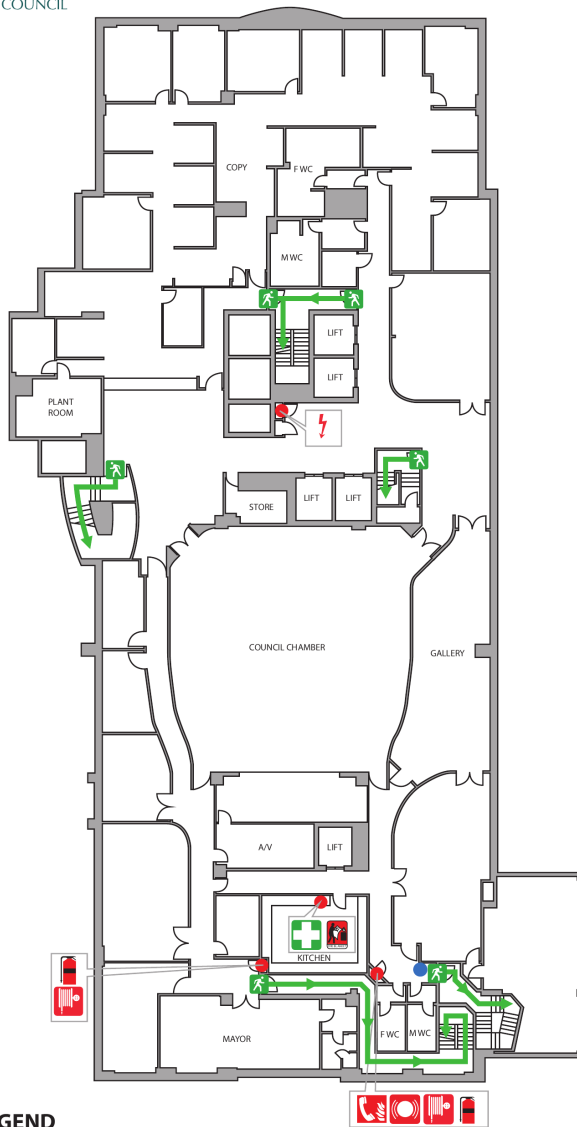
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WILLOUGHBY CITY COUNCIL

Level 6 Floor Plan



EVACUATION DIAGRAM | COUNCIL CHAMBERS



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

IN THE EVENT OF AN EMERGENCY

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

EVACUATION PROCEDURES

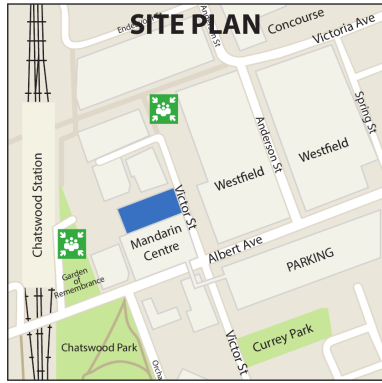
ALERT BEEEP..BEEEP..BEEEP.
 If you hear this sound you must be prepared to evacuate. Listen carefully to any instructions provided by Wardens and Staff.

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

Listen carefully to any instructions provided by Wardens and Staff.

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

DO NOT PANIC



LEGEND

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

LEVEL 6

Assembly Area 1:
 Chatswood Mall, near Victor Street

Assembly Area 2:
 Garden of Remembrance

www.beawarenolutions.com.au Date of Issue: 12-2014
 Ph 1300 71 81 31 Date of Review: 12-2017
 NOT DRAWN TO SCALE



COUNCIL CHAMBERS

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

Clr G Roussac

Clr N Wright

Clr A Greco

Clr H Eriksson

Clr J Moratelli

Clr R McCullagh

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Clr R Samuel

Clr A Rozos

Clr S Mouradian

Clr C Campbell

Clr B Zhu
Deputy Mayor

Clr J Xia

Council
Staff



Council Chamber Protocol

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

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

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

Statement of Ethical Obligations

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

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

1 OPEN MEETING

2 ACKNOWLEDGEMENT OF COUNTRY

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

3 REFLECTION OR PRAYER

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

5 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 23 October 2023, copies of which have been circulated to each member of Council, be confirmed.

6 DISCLOSURES OF INTERESTS

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

7 PETITIONS

7.1 PETITION FOR NOTING - CHATSWOOD OUT OF SCHOOL HOURS CARE

RESPONSIBLE OFFICER: MAXINE KENYON – CUSTOMER & CORPORATE DIRECTOR

AUTHOR: SAMANTHA CONNOR – GOVERNANCE, RISK & COMPLIANCE MANAGER

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

MEETING DATE: 27 NOVEMBER 2023

1. PURPOSE OF REPORT

To table a petition received, addressed to Willoughby City Council, regarding Chatswood Out of School Hours Care.

2. OFFICER'S RECOMMENDATION

That Council:

1. Note the petition regarding Chatswood Out of School Hours Care.
2. Refer the matter to the Community, Culture & Leisure Director.

3. BACKGROUND

Council's *Petition Policy* requires petitions received to be presented to the next available Council meeting. This report notes the petition and recommends to refer it to the relevant officer for consideration.

4. DISCUSSION

A petition signed by 221 signatories has been submitted, requesting:

“NOT to SHUT DOWN Chatswood OOSH (Out of School Hours Care). We have had a lot of feedback from other parents and community members express their disappointment in the closure. Our kids have highly enjoyed their afternoon care and holidays at Vacation Care, which always books up quickly. This centre has always come highly recommended by many parents and children in the area. We would like to get as many signatures as possible to petition to keep the centre open for the foreseeable future.”

5. CONCLUSION

The petition is presented for noting by Council and referral to the relevant officer.

8 OPEN AND PUBLIC FORUM

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

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

9 MAYORAL MINUTE

9.1 MAYORAL MINUTE 11/2023 – ACKNOWLEDGE THE PASSING OF JOYCE LEWIS

MEETING DATE: 27 NOVEMBER 2023

1. PURPOSE OF REPORT

To acknowledge the passing of community member Joyce Lewis.

2. DISCUSSION

The devastating news of the house fire that took the life of Joyce Lewis on Saturday 18 November has shaken our community. Joyce's family and friends are in profound grief. The neighbours of Hollywood Crescent traumatised.

Neighbours acted swiftly and courageously to combat the flames and attempted to try so desperately to help Joyce. We thank them profusely for their gallant efforts. Our thanks too, to emergency service personnel who responded quickly to this tragic event. We wish the firefighter who was injured a speedy recovery.

Joyce was an engaged member of our community, serving on Willoughby City Council's Global Friendship Committee for a number of years, and volunteering for over ten years with local not-for-profit organisation, Streetwork, who support vulnerable young people in the community to turn their lives around.

Our condolences go to Joyce's husband David, and her two daughters, as well as everyone whose lives were touched by Joyce's compassion, friendship, and care.

During this challenging time, let us draw strength from one another and demonstrate the resilience that defines our community. Together, we will navigate through this tragedy, providing support to those in need. We preserve Joyce's memory and may she rest in peace.

3. MOTION

That Council endorse the Mayoral Minute on the passing of community member Joyce Lewis, stand in respect for a minute's silence and send a letter of condolence to the family.

10 CHIEF EXECUTIVE OFFICER'S LATE REPORT

11 MATTERS BY EXCEPTION

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

12 REPORTS TO COUNCIL

CHIEF EXECUTIVE'S OFFICE

12.1 POST-EXHIBITION REPORT ON RATE RISE OPTIONS

ATTACHMENTS:	<ol style="list-style-type: none"> 1. IMPLICATIONS 2. RATE RISE OPTION COMMUNITY BROCHURE 3. ENGAGEMENT OUTCOMES REPORT 4. REPRESENTATIVE SURVEY (MICROMEX) REPORT 5. RESPONSE TO ENGAGEMENT THEMES 6. CAPACITY TO PAY (MORRISON LOW) REPORT 7. FINANCIAL HARDSHIP POLICY – RATES AND ANNUAL CHARGES 8. DRAFT LONG TERM FINANCIAL PLAN AND DELIVERY PROGRAM CHANGES FOR OPTION 2 (MAINTAIN SERVICES) 9. DRAFT LONG TERM FINANCIAL PLAN AND DELIVERY PROGRAM CHANGES FOR OPTION 3 (INCREASE SERVICES) 10. DRAFT LONG TERM FINANCIAL PLAN AND DELIVERY PROGRAM CHANGES FOR OPTION 4 (INCREASE SERVICES AND INFRASTRUCTURE) 11. KEY CHANGES BETWEEN EXISTING LONG-TERM FINANCIAL PLAN (LTFP) AND VERSIONS OF LTFP ATTACHED TO THIS REPORT (ATTACHMENTS 2 – 11 CONTAINED IN ATTACHMENT BOOKLET 1)
RESPONSIBLE OFFICER:	DEBRA JUST – CHIEF EXECUTIVE OFFICER
AUTHOR:	MARK SKELSEY – SPECIAL RATE VARIATION PROJECT MANAGER
CITY STRATEGY OUTCOME:	5.6 – ENSURE VALUE FOR MONEY AND FINANCIAL SUSTAINABILITY
MEETING DATE:	27 NOVEMBER 2023

1. PURPOSE OF REPORT

To seek Council's approval to select a preferred rate rise option to commence from 1 July 2024 following extensive community engagement undertaken between 25 September and 5 November 2023.

2. OFFICER'S RECOMMENDATION

That Council:

1. Note that community engagement activity undertaken between 25 September and 5 November 2023 shows there is strong overall community support for a Special Rate Variation (SRV).
2. Endorse Option 3 – Increase Services (15% rate rise) as its preferred 2024/25 rate rise option to inform the preparation of a SRV application to the Independent Pricing and Regulatory Tribunal (IPART).

3. **Endorse the public exhibition of the Long Term Financial Plan (LTFP) and Delivery Program 2022-26 changes which are applicable to Option 3 – Increase Services (15% rate rise) at Attachment 9.**
4. **Authorise the Chief Executive Officer to make amendments to the LTFP to update the document to integrate the IPART 2024/25 rate peg announcement made on 21 November, and other changes to the LTFP and Delivery Program 2022-26 changes which do not alter the intent or result in material changes to these documents in preparation for public exhibition of the same.**
5. **Agree to hold an additional Council meeting at 7.00pm on Tuesday, 30 January 2024, to consider the outcome of the public exhibition of the LTFP and Delivery Program 2022-26 changes, and the lodgement of a SRV application to IPART, should Council resolve to support a SRV option at this meeting.**
6. **Notify engagement participants about Council’s decision in this matter and thank them for their valued contribution.**

3. BACKGROUND

On 28 August 2023, Council resolved to support the commencement of community engagement on four rate rise options, as below:

1. *Note that the NSW Government requires councils, when consulting with their communities about a potential Special Rate Variation, outline an option which does not involve a Special Rate Variation.*
2. *The following Special Rate Variation options should accompany Option 1 (Reduce Services - no Special Rate Variation) in the engagement process.*
 - *Option 2 (Maintain) - Seek a 12% rate increase*
 - *Option 3 (Increase Services) - seek a 15% rate increase*
 - *Option 4 (Increase Services and Infrastructure) - Seek a 20% rate increase*
3. *Endorse the Community Engagement Plan at Attachment 4.*
4. *Approve a budget allocation of \$200,000 in 2023/24 from Projects and Capital Works contingency funds to implement the Community Engagement Plan.*
5. *Approve the insertion of the words “Conduct community engagement on options to deliver ongoing financial sustainability, including a potential Special Rate Variation” on pages 5 and 19 of the Council’s Delivery Program 2022-26.*
6. *Note that the results of the community engagement process will be reported to the November 2023 meeting, to inform a further decision by the Council on the financial sustainability options.*
7. *This resolution is not a decision by Council to proceed to make a submission to the Independent Pricing and Regulatory Tribunal for a Special Rate Variation and that a separate report to Council will be required later in 2023 to do so.*

Councillors were briefed on the content of this report on 30 October and 20 November 2023.

4. DISCUSSION

Rate rise options placed on public exhibition

From 25 September to 5 November 2023, four rate rise options were placed on public exhibition. Key details about the options are explained below:

Figure 1 – Key details of each rate rise option

Name	Reduce Services	Maintain Services	Increase Services	Increase Services and Infrastructure
Option number	1	2	3	4
Narrative	Council will undertake service cuts and find new revenue sources to maintain a balanced budget, without increasing rates above the NSW Government rate revenue peg. Council will have limited ability to fund new services or community projects and will be vulnerable to the impact of future financial, climate and growth shocks.	Council will be able to recover from the 12.1% inflation increase from the last two years and continue to provide highly valued services. In addition, Council will be able to accumulate modest funds for community projects and asset renewal, and have a buffer for future financial shocks, extreme weather and growth.	In addition to delivering all the outcomes under Option 2, Council will be able to set aside an additional \$2m a year for improved public area maintenance.	In addition to delivering all the outcomes in Option 3, Council will also be able to set aside an additional \$2.5m a year for community infrastructure, particularly infrastructure which supports a healthy and connected community and caters for future growth.
Overall rate rise percentage in 2024/25	3.5% (in line with assumed rate peg)	12%	15%	20%
Estimated proportion of overall rate rise attributable to Special Rate Variation (SRV)	0%	8.5%	11.5%	16.5%
Average 2024/25 residential rate increase	\$38.07 (\$0.73 a week)	\$130.52 (\$2.51 a week)	\$163.15 (\$3.14 a week)	\$217.53 (\$4.18 a week)
Average 2024/25 general business rate increase	\$228.33 (\$4.39 a week)	\$782.85 (\$15.05 a week)	\$978.56 (\$18.82 a week)	\$1,304.74 (\$25.09 a week)
Average 2024/25 Chatswood Town Centre rate increase	\$273.10 (\$5.25 a week)	\$936.34 (\$18.01 a week)	\$1,170.42 (\$22.51 a week)	\$1,560.56 (\$30.01 a week)
Cost-cutting target	\$2.8m	\$1m	\$1m	\$1m
Savings target	\$0.5m	\$1m	\$1m	\$1m

The community brochure which explained these options is available at **Attachment 2**. The options can be viewed in more detail at www.haveyoursaywilloughby.com.au/swf

The Maintain Services, Increase Services and Increase Services and Infrastructure options would all rely on a Special Rate Variation (SRV) application under Section 508(2) of the *Local Government Act*. This would involve a one-off increase to rates in 2024/25, whereby rates would increase by the approved SRV and rate peg amount. This increased amount would then stay in Council's rates base in future years, when rates would typically only increase in line with the NSW Government rate peg.

Awareness-raising and engagement activities

Activities to make community members aware of the rate rise options included:

- Sending 30,057 letters, accompanied by a six-page brochure, in the mail to all ratepayers, including ratepayers based overseas
- Sending out more than 36,000 emails to various databases
- Placing 42 pavement sticker signs at around 10 localities
- Publishing social media posts which were seen 198,853 times
- Distributing at least 1,585 flyers to businesses and passers-by

An estimated 47% of Willoughby LGA residents stated they were aware of the rate rise options. This is higher than the 34% average awareness rate for other Sydney councils which have undertaken rate rise engagement campaigns.

Activities to seek feedback from the community on the options included:

- Creating a *Securing Willoughby's Future* online Have Your Say portal which was visited 5,100 times (www.haveyoursaywilloughby.com.au/swf)
- An invitation on the Have Your Say portal to complete an online opt-in survey (1,873 respondents filled out the survey)
- Commissioning research company Micromex to undertake a representative telephone and online survey of 419 residents (survey was weighted to reflect the 18 plus age and gender profile of the LGA)
- Holding eleven engagement events attended by 56 people, including a stakeholder roundtable with Progress Associations and business groups
- Inviting respondents to make comments or submissions to explain their feedback

Sentiment outcomes

Community sentiment was measured by asking survey respondents to either:

- Rate each option against five sentiment ratings (from Very Supportive to Not At All Supportive); and
- Rank every option from one (most preferred) to four (least preferred)

The key sentiment outcomes for both the opt-in (Have Your Say) and representative (Micromex) surveys were:

- 64% of opt-in survey respondents, and 74% of representative survey respondents, ranked an SRV option as their first option.
- Across both sentiment questions, Maintain Services had the highest overall support.
- Residential landowners and renters ranked Maintain Services, and then Increase Services, as their highest ranked options.

These outcomes are further explained in Figure 2, with a detailed analysis of engagement activity available in the engagement outcomes report at **Attachment 3** and the representative (Micromex) survey report at **Attachment 4**.

Figure 2 – Overall rating and ranking results

Measure	Opt-in (Have Your Say) survey finding	Representative (Micromex) survey finding
Percentage of respondents who ranked SRV option as first option	64%	74%
<i>Option average ranking score (lower score means more preferred)</i>		
Most preferred	Maintain Services (1.93)	Maintain Services (1.97)
Second most preferred	Increase Services (2.30)	Increase Services (2.16)
Third most preferred	Reduce Services (2.58)	Reduce Services (2.82)
Least preferred	Increase Services and Infrastructure (3.19)	Increase Services and Infrastructure (3.05)
<i>Percentage at least “Somewhat Supportive” of option</i>		
Most preferred	Maintain Services (57%)	Maintain Services (72%)
Second most preferred	Reduce Services (44%)	Increase Services (65%)
Third most preferred	Increase Services (42%)	Increase Services and Infrastructure (53%)
Least preferred	Increase Services and Infrastructure (27%)	Reduce Services (38%)

Other key sentiment outcomes only available in the opt-in (Have Your Say) survey were:

- Business renters, workers and visitors ranked Increase Services as their highest ranked option, while business ratepayers ranked Reduce Services as their highest ranked option, while noting the relatively small participant base in these cohorts (see pages 14-16 at **Attachment 3**).

Other key sentiment outcomes only available in the representative (Micromex) survey were:

- Among respondents who selected one of the three SRV options as their highest ranked option, Increase Services was the preferred option.
- All age groups ranked the options in the same order as the overall ranking results. However, compared to the overall ranking result, there was marginally more support towards the SRV options among respondents aged over 65, and marginally more support towards Reduce Services among respondents aged 18-34.

- When asked why they had chosen Reduce Services as their first preference, 45% of respondents stated they selected it because other options are not affordable, or because they don't want an increase.
- About one in four respondents who chose either the Maintain Services or Increase Services option as their first preference did so because it was regarded as an 'affordable option'.
- About one in four people who chose Maintain Services as their first preference stated they wanted existing service levels to remain.
- Those who chose Increase Services or Increase Services and Infrastructure as their first preference wanted to see services, facilities and infrastructure upgraded, and were willing to pay for this.

The above results show there is strong overall community sentiment (in the order 65-75% support across the two surveys) in favour of a SRV, and in particular the Maintain Services and Increase Services options. Between 25-35% of community members did not support a special rate increase.

Verbal and written comments

In addition to the statistical data collected in the two surveys, and comments collected and analysed in the representative survey, a wide range of other verbal and written comments were collected.

This included 39 emailed comments, 26 submissions, 891 comments made as part of the opt-in online survey and 126 verbal comments made across 11 events.

A submission was received from a consultant writing on behalf of the owners of Chatswood Chase, Chatswood Westfield and Northbridge Plaza, objecting to the rate increases.

A response to the key themes raised in verbal and written comments, and the submission from the shopping centre owners, is available at **Attachment 5**.

Ratepayer capacity to pay

Council commissioned management consulting firm Morrison Low to analyse the general capacity of Willoughby's ratepayers to pay the increases contemplated across all four options. This report is available at **Attachment 6** and finds that:

- Willoughby has a relatively high socioeconomic status, a low unemployment rate, relatively low average residential rates and the lowest levels of rates outstanding among the 18 councils in the Office of Local Government's list of Group 3 councils (representing larger metropolitan councils).
- These results are indicative of a general LGA-wide capacity to pay the proposed rate increases.
- All precincts within the LGA have greater levels of advantage, and less levels of disadvantage, compared to Greater Sydney, NSW and Australia.
- The LGA's least advantaged precincts are Artarmon, St Leonards and Chatswood, but even these areas have the capacity to pay the increases.
- Even if the highest rate rise option is selected (20% increase) Willoughby's average business rate will remain mid-ranked in terms of cost among all larger metropolitan Sydney councils. In addition, businesses have a relatively low outstanding rates

percentage. Therefore, it is considered that for business ratepayers there is capacity to pay.

- Around 6% of Willoughby's residential ratepayers are pensioners. Willoughby's pensioners have an outstanding rates percentage below the LGA's overall percentage and access to specific hardship policies (rates accumulation) and rebates, which assists capacity to pay.
- Option 2 (Maintain Services) has the least impact on the ratepayers and therefore an enhanced capacity to pay when compared to the other SRV options.
- The application of the hardship policy remains an important consideration in the rollout of any rate increase.

In conclusion, the Morrison Low report provides confidence to Council that it is reasonable to proceed with any of the three SRV options (from a capacity to pay perspective).

For individual ratepayers who are concerned about the affordability of a rate increase, Council can provide support through its *Hardship Policy for Rates and Annual Charges* (adopted in 2013). This policy (available at **Attachment 7**) outlines a range of mechanisms in cases of genuine hardship, including:

- Council entering into payment agreements
- Providing rate relief following general land revaluations
- In the case of eligible pensioners, allowing rates and interest charges to accrue against property until the estate is settled.

Council has not had a formal application under this policy in the last five financial years. In addition, pensioners are eligible for up to \$250 rebate on rates and pensioners and self funded retirees are eligible for \$158 on the domestic waste management levy charge.

Preferred option

After considering the above, Increase Services (15% rate rise) is the recommended option, given that it:

- Is in line with overall community sentiment in favour of a special rate rise
- Was the most highly ranked option among representative (Micromex) survey respondents who supported an SRV and was cited as an "affordable option" by these respondents
- Will allow Council to continue to deliver highly valued services to the community
- Delivers surpluses in all nine years between 2024/25 and 2032/33, with an average annual surplus of \$4.77m. These surpluses, subject to future financial shocks such as inflation increases, could be re-invested in community services and projects
- Will allow Council to allocate an additional \$2 million a year to allow Council to invest in additional cleaning, care and beautification projects in parks, cycling and walking routes and town centres, and planting programs to boost Council's urban tree canopy. The above initiatives have been strong priorities in this term of Council (including via a resolution at the March 2023 meeting recommending an increase in the maintenance budget to be considered in the budget process). The initiatives also feature among the services rated as most important in Council's Community Perception Survey
- Will increase Council's ability to absorb future financial, extreme weather and growth shocks in an increasingly volatile environment
- Provides a stable work environment for staff attraction and retention

However, Council may also choose to select the Maintain Services or Increase Services and Infrastructure options, given they also provide significant advantages and community support for a SRV.

The Reduce Services option is not recommended, given its low community support and the fact it will lead to:

- Cuts to services which could involve reduced maintenance, reducing or cutting services to the community, and putting at risk the timely renewal of assets
- No accumulation of funds for increased community services or projects
- No buffer to manage financial shocks
- No margin for extreme weather events
- No accumulation of funds for future growth
- Reduced staff attraction and retention
- The likelihood that Council will need to apply for special rate increases in the future

Exhibition of Long Term Financial Plan and Delivery Program 2022-26 addendum

Applications for a Special Rate Variation must consider the relevant guideline published by the Office of Local Government (OLG) in 2020.

This guideline states that a SRV proposal must be thoroughly canvassed in Council's *Long Term Financial Plan 2023-2033* (LTFP) and *Delivery Program 2022-2026*, including outlining:

- The SRV's purpose and impact on Council's financial path
- Impacts on average ratepayers classified by major rating sub-categories
- Community awareness, willingness and capacity to pay the rating changes
- Productivity and cost containment measures

The intent of the guideline is to ensure an SRV is embedded into and influences Council's foundational Integrated Planning and Reporting (IP&R) documents. As such, a Council decision to support a preferred SRV option needs to be reflected in the LTFP and *Delivery Program 2022-26*, to meet OLG guidelines.

Three versions of a revised LTFP and changes to the *Delivery Program 2022-2026* have been prepared in the event an SRV is selected by Council, with each version aligning to one of the SRV options (see **Attachments 8-10**).

All versions of the LTFP differ from the currently adopted version by:

- Outlining a single SRV option (the existing LTFP refers to proposed rate increases ranging from 18.5% to 23.5%)
- Supporting a new 'base case' which will apply in 2024/25 if Council is unsuccessful in an application for one of the three SRV options. This base case is essentially the Reduce Services option (3.5% rate increase) exhibited from September-November 2023, under which Council will reduce services to maintain an ongoing fragile but balanced budget.
- Incorporating an overall \$2m savings, efficiency and non-rate revenue target for 2024/25, which is consistent with the target information presented to the community alongside the rate rise options and will assist in reducing the size of the overall rate increase. This target will be met, and explained, as part of the development and exhibition of the 2024/25 Operational Plan.
- A strengthened analysis of the societal and economic challenges to Council's budget.
- An updated sensitivity analysis for all rate rise options, which tests how the options respond to higher inflation and lower staff vacancy rates.

- Introducing new information to address the OLG guidelines, including productivity and cost containment measures, community awareness of (and willingness to pay) a rate rise, alternatives to a rate rise, average rate impacts and ratepayer capacity to pay the rise rises (see Chapter 5 of the LTFP)

A more detailed guide to the key changes between the June 2023 LTFP, and the LTFP versions presented to Council as part of this report, is available at **Attachment 11**.

The *Delivery Program 2022-2026* changes add a short narrative about the relevant SRV option to the document, and (for the Increase Services and Increase Services and Infrastructure options) initiatives which are related to those options.

It is proposed to exhibit these documents between Wednesday, 30 November 2023 and Sunday, 14 January 2024, a period of more than six weeks. The end date for the consultation is constrained by the need to hold a Council meeting and make a submission to IPART by 5 February 2024. Given there have already been two rounds of engagement on a potential SRV (between May-June 2023 and September-November 2023) the engagement period proposed is considered reasonable.

Activity to support this engagement process would involve:

- Media release
- Social media posts
- Email blast to all Have Your Say subscribers
- Notifying all people who participated in the September-November rate rise option engagement process
- In-person drop-in session
- Have Your Say survey and submission lodgement

If Council chooses Reduce Services (Option 1) then the exhibition of these documents is not required and the relevant budget planning and consultation can take place in mid-2024.

Additional meeting in January

Section 7.2 of the OLG SRV guideline (referred to above) states: *“A council must supply a copy of the resolution(s) to apply for the special variation, with its application. The Independent Pricing and Regulatory Tribunal (IPART) will not assess a special variation application unless the council demonstrates its commitment to its proposal. It is expected that councils will hold an extraordinary meeting if necessary to meet this requirement.”*

Applications for a Special Rate Variation are due to be lodged by Monday, 5 February 2024. To meet the above guideline, an additional meeting will need to be called.

The proposed meeting date of Tuesday 30 January:

- will allow sufficient time to modify Council’s application, to take into account any matters raised at the additional meeting, while also allowing sufficient time to analyse feedback from the LTFP and *Delivery Program 2022-26* exhibition
- has been timed in the week when schools return from their summer break, which should provide greater capacity for community members to address Council

If Council does decide to submit an SRV application, IPART will conduct its own consultation process in February-March 2024. IPART is expected to announce its determination on SRV applications in May 2024.

No need to send letter of intent to IPART

Historically, councils have been required to inform IPART in the month of November, if they intended to submit a SRV application in the following February.

On 24 October 2023, Council was advised by IPART that this requirement had been removed and councils could move directly to the application submission step, without any requirement to notify IPART in November.

IPART rate peg announcement for 2024/25

On 21 November 2023, the Independent Pricing and Regulatory Tribunal (IPART) published its rate peg for 2024/25. Willoughby was allocated a 5.0% rate increase.

This increase is 1.5% higher than the assumed 3.5% rate peg increase which formed the basis of community engagement on the Reduce Services option between September-November 2023.

The timing of IPART's announcement has not allowed sufficient time to update the three versions of the Long Term Financial Plan (LTFP) which are attached to this report.

The rate peg announcement has the following implications for the LTFP versions:

- For each of the SRV options, the amount gathered from the special rate increase in 2024/25 would slightly fall (down 1.5%) and the amount gathered from the rate peg would slightly increase (up by 1.5%) as follows:
 - Under the 12% option, the special rate increase amount will now be 7% (rather than the 8.5% stated in the LTFP attached to this report) and the rate peg amount will be 5.0% (rather than 3.5% stated in the LTFP).
 - Under the 15% option, the special rate increase amount will now be 10% (rather than the 11.5% stated in the LTFP attached to this report) and the rate peg amount will be 5.0% (rather than 3.5% stated in the LTFP).
 - Under the 20% option, the special rate increase amount will now be 15% (rather than the 16.5% stated in the LTFP attached to this report) and the rate peg amount will be 5.0% (rather than 3.5% stated in the LTFP).
- Under the new base case (no SRV) option presented in the report, Council would now only be required to reduce services by \$2.0m (rather than \$2.8m), due to the extra revenue gathered from the higher rate peg. Council would however still remain in a fragile financial state, with deficits in four of nine financial years and limited capacity to withstand future financial shocks. Shocks from weather events and growth will also not be buffered.

Recommendation 4 of this report is seeking approval for the CEO to be authorised to update the selected version of the LTFP, to integrate the information above, before it is placed on public exhibition.

5. CONCLUSION

Following extensive community engagement conducted between 25 September and 5 November 2023, there is strong overall community support in favour of one of the three Special Rate Variation options. The Increase Services option is recommended as the preferred rate rise option to apply from 1 July 2024 as it received community support and addresses both recovery from inflation and other revenue losses, provides a modest buffer against financial, growth and weather shocks and accords with Council's resolution to refer funding for increased services/service levels to the budgetary process.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.6 – Ensure value for money and financial sustainability
Business Plan Objectives, Outcomes / Services	This report has considered Council’s Strategic Financial Objectives to deliver financial sustainability, as outlined in the <i>Long Term Financial Plan</i> . It is also in line with an action in the <i>Delivery Program 2022-26</i> to “conduct community engagement on options to deliver ongoing financial sustainability, including a potential Special Rate Variation”.
Policy	Community engagement on the rate rise options was conducted in line with Council’s <i>Community Engagement Policy</i> and <i>Community Engagement Strategy</i> . The report refers to Council’s <i>Hardship Policy for Rates and Annual Charges</i> .
Consultation	The report and Attachments 3 and 4 refer to consultation which has taken place in relation to the rate rise options.
Resource / Budget	At the August 2023 Council meeting, Council allocated \$200,000 to run the SRV project, including to hire providers to support community engagement and the Capacity to Pay report.
Risk	As outlined in this report, without a successful SRV, Council’s financial position will be significantly weakened from 2024/25 onwards.
Legal / Legislation	This report has considered the relevant statutory framework for SRVs, as outlined in the <i>Local Government Act 1993</i> and supporting guidelines and documents.

CUSTOMER & CORPORATE DIRECTORATE

12.2 INVESTMENT REPORT FOR MONTH OF OCTOBER 2023

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

1. PURPOSE OF REPORT

To provide a report setting out Council's bank balances and investment portfolio performance as at 31 October 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 31 October 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 31 October 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 31 October 2023 include:

Combined Bank Balance	\$ 9.1M
Investment Holdings	\$206.0M
Total Cash and Investments	\$215.1M
Return on Investments	4.56%, (0.55% over benchmark of 4.01%) (Refer to Attachment 2 – Figures 3 and 4).
Actual Interest Return (Month)	\$805K (\$232K better than \$573K budget) (Refer to Attachment 2 – Figure 5).
Actual Interest Return (Year to Date)	Actual Year to Date Interest of \$2,955K is \$512K favourable to Year to Date budget of \$2,443K.

Restricted versus Unrestricted Cash and Investments

Total cash and investments as at 31 October 2023 was \$215.1M. Of this amount, \$188.1m, or 88% is restricted to be spent on specific purposes. This leaves \$27m or 12% of unrestricted cash and investments for working capital purposes to ensure Council can meet its financial obligations as they fall due.

Figure 1 shows the breakdown of cash and investments.

Figure 1 – Restricted versus unrestricted cash and investments as at 31 October 2023

Restriction Category	Total cash and investments as at 31 October 2023 (\$'m)	Percentage of Total Portfolio %
Internally Restricted	\$ 66.2M	31
Externally Restricted	\$121.9M	57
Unrestricted	\$ 27.0M	12
Total	\$215.1M	100

5. CONCLUSION

Council's investment holdings at 31 October 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.

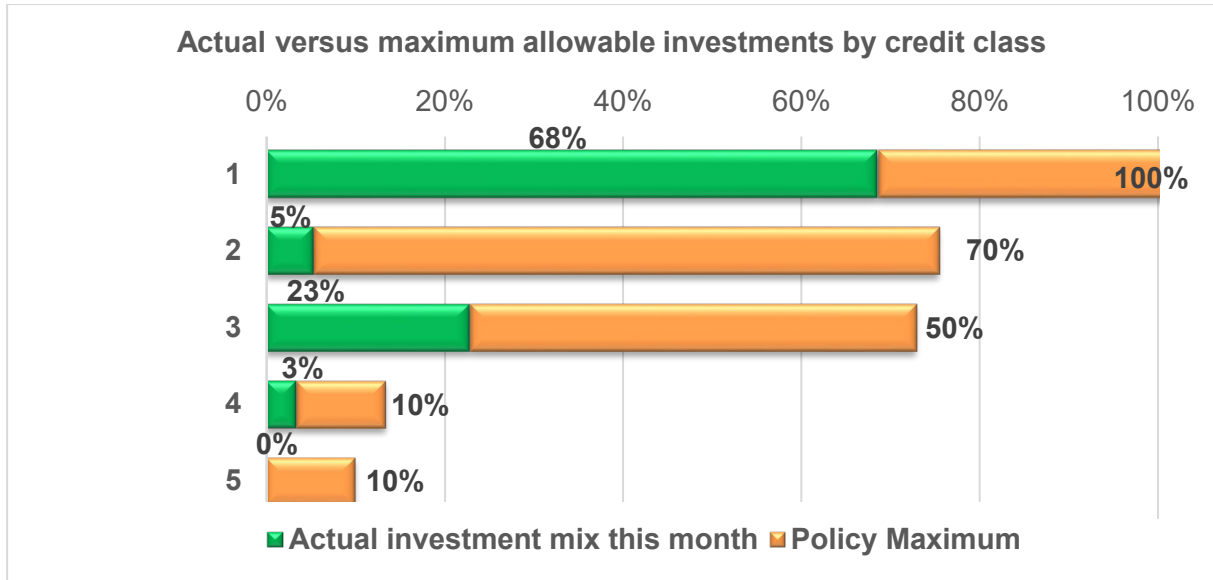
ATTACHMENT 1

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> and <i>Clause 212 of Local Government (General) Regulation 2021</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 <i>Clause 212 of 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 31 October 2023 were \$215.1M and Interest returns are on track to exceed the annual budget of \$7.3M.</p>

ATTACHMENT 2

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

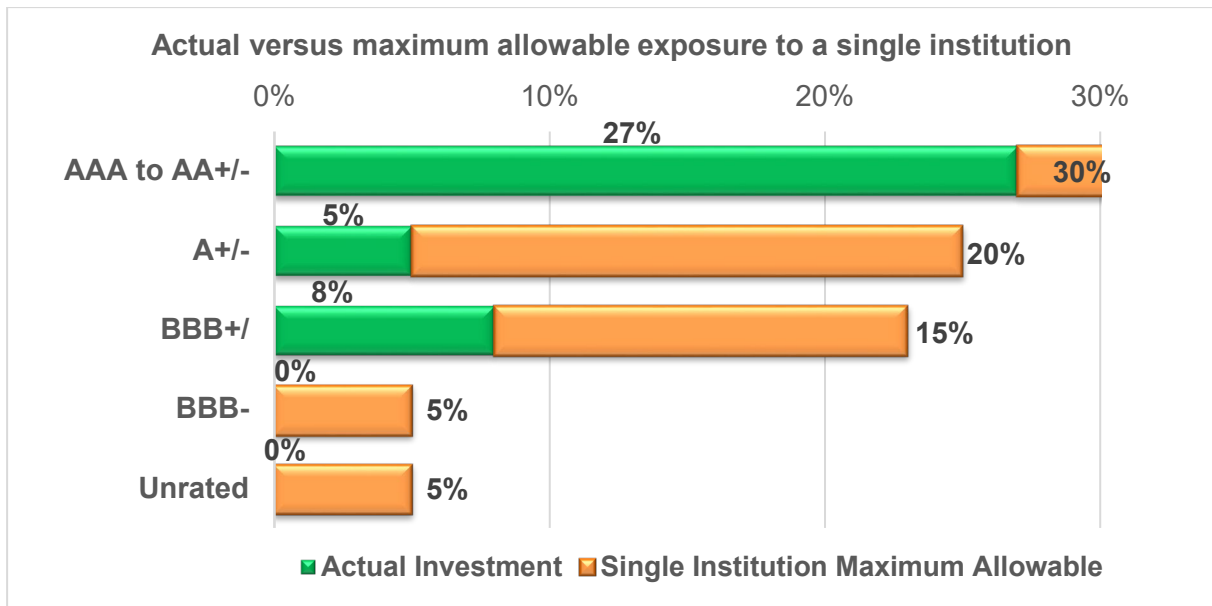
Figure 1 – Actual versus maximum allowable investments by credit class



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 31 October 2023

<u>Description</u>	<u>Average Interest Rate</u>
Council Portfolio	<u>4.56%</u>
Benchmark – Bloomberg AUSBond Bank Bill Index (1 Month)	<u>4.01%</u>
Over Benchmark Return	<u>0.55%</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 0.55%.

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

Figure 4 – Interest Rate Comparison – 12 Month Average

<u>Description</u>	<u>Average Interest Rate</u>
Council Portfolio – 12 month Average	<u>3.38%</u>
Benchmark – Bloomberg AUS Bond Bank Bill Index (12 Month Average)	<u>3.58%</u>
Under (over) Benchmark Return	<u>0.20%</u>

Figure 5 – Investment Return for 31 October 2023

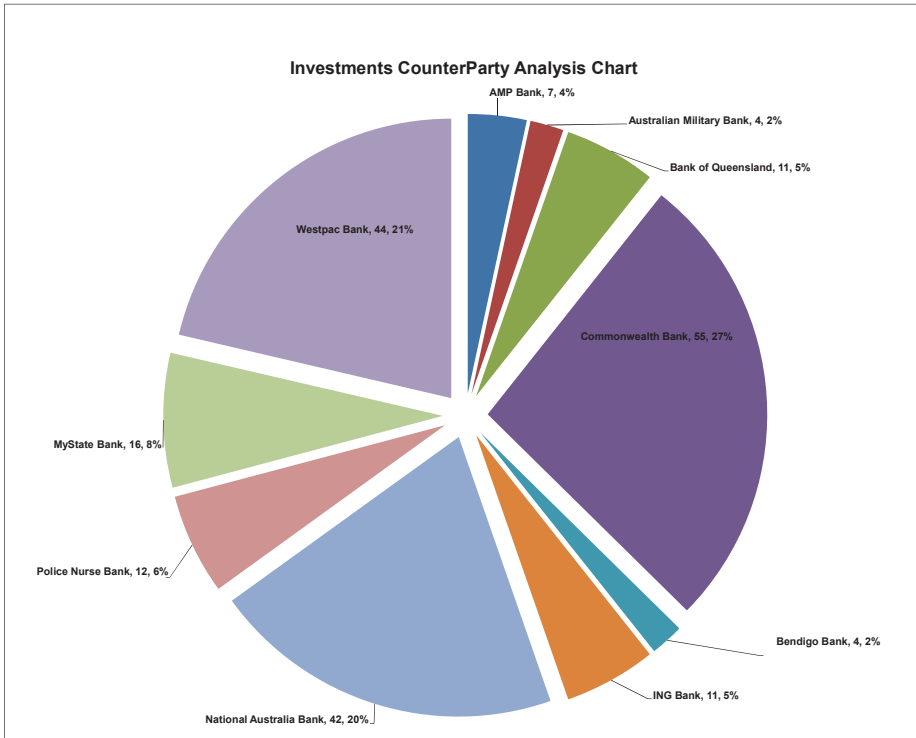
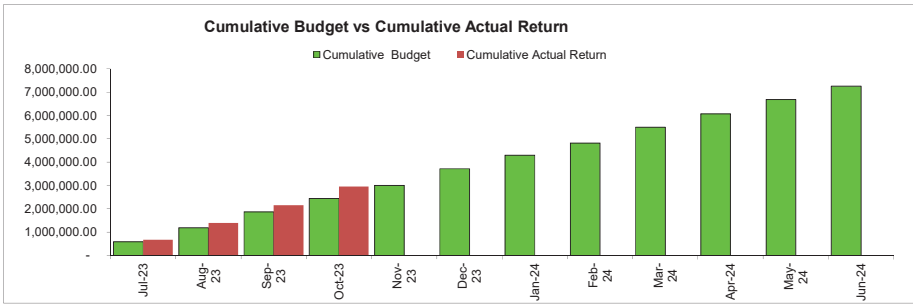
<u>Description</u>	<u>Interest Achieved (\$000's)</u>
Council Actual Interest Return	<u>\$805K</u>
Budgeted Return	<u>\$573K</u>
Over (under) Budgeted Return	<u>\$232K</u>

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 \$232K better than budget.

LIST OF INVESTMENTS	Credit Rating	FRN /TD	Investment Amount \$	Return % p.a.	Monthly Income \$	Investment Date	Mature & Reset Date	Period/ Matur. Date
Investments that matured during the month:								
Westpac Bank (9498997)	AA-	TD	3,000,000	0.73%	240	14/10/2021	05/10/2023	Matured
MyState Bank (54656)	BBB+	TD	2,000,000	0.75%	452	14/10/2021	12/10/2023	Matured
AMP Bank (921019576)	A2	TD	2,000,000	4.55%	4,488	13/10/2022	19/10/2023	Matured
Westpac Bank (9514107)	AA-	TD	2,000,000	0.90%	1,233	21/10/2021	26/10/2023	Matured
Commonwealth Bank (2120)	A1+	TD	3,000,000	4.52%	9,288	27/10/2022	26/10/2023	Matured
Current Investments:								
Westpac Bank (9528796)	AA-	TD	1,000,000	1.13%	960	28/10/2021	02/11/2023	0-3 mths
Westpac Bank (9522241)	AA-	TD	2,000,000	1.22%	2,072	11/11/2021	16/11/2023	0-3 mths
Westpac Bank (9415227)	AA-	TD	2,000,000	0.61%	1,036	26/08/2021	23/11/2023	0-3 mths
AMP Bank (706198561)	A2	TD	1,000,000	4.60%	3,907	24/11/2022	23/11/2023	0-3 mths
Westpac Bank (10060651)	A1+	TD	3,000,000	4.35%	11,084	23/11/2022	23/11/2023	0-3 mths
Westpac Bank (10060645)	A1+	TD	3,000,000	4.35%	11,084	23/11/2022	23/11/2023	0-3 mths
Westpac Bank (9619113)	AA-	TD	2,000,000	1.21%	2,055	09/12/2021	14/12/2023	0-3 mths
Westpac Bank (9298720)	AA-	TD	2,000,000	0.65%	1,104	17/06/2021	14/12/2023	0-3 mths
Commonwealth Bank (2123)	A1+	TD	5,000,000	4.69%	19,916	20/12/2022	21/12/2023	0-3 mths
MyState Bank (55631)	BBB+	TD	2,000,000	1.20%	2,038	09/12/2021	04/01/2024	0-3 mths
Commonwealth Bank (2124)	A1+	TD	5,000,000	4.69%	19,916	20/12/2022	11/01/2024	0-3 mths
Bank of QLD (664520)	A2	TD	7,000,000	4.55%	27,051	12/01/2023	12/01/2024	0-3 mths
Commonwealth Bank (2132)	A1+	TD	12,000,000	4.74%	48,309	12/01/2023	12/01/2024	0-3 mths
Westpac Bank (9678135)	AA-	TD	1,000,000	1.31%	1,113	14/01/2022	18/01/2024	0-3 mths
Commonwealth Bank (2133)	A1+	TD	5,000,000	4.71%	20,001	16/01/2023	18/01/2024	0-3 mths
Westpac Bank (10509567)	A1+	TD	3,000,000	4.60%	11,721	16/01/2023	18/01/2024	0-3 mths
Westpac Bank (10512363)	A1+	TD	4,000,000	4.60%	15,627	17/01/2023	25/01/2024	0-3 mths
Westpac Bank (10509535)	A1+	TD	6,000,000	4.60%	23,441	16/01/2023	01/02/2024	4 mths
Commonwealth Bank (2134)	A1+	TD	6,000,000	4.71%	24,002	16/01/2023	08/02/2024	4 mths
ING Bank (170222)	A+	TD	1,000,000	2.00%	1,699	17/02/2022	15/02/2024	4 mths
Westpac Bank (10509521)	A1+	TD	5,000,000	4.60%	19,534	16/01/2023	15/02/2024	4 mths
National Australia Bank (70-562-1720)	AA-	TD	2,000,000	1.81%	3,075	17/02/2022	22/02/2024	4 mths
National Australia Bank (928293939)	A1+	TD	7,000,000	5.00%	29,726	23/02/2023	22/02/2024	4 mths
National Australia Bank (928489202)	A1+	TD	5,000,000	5.00%	21,233	23/02/2023	22/02/2024	4 mths
Westpac Bank - Green Tailored Deposit (7553241)	AA-	TD	1,000,000	5.13%	4,357	28/02/2019	01/03/2024	5 mths
Police Nurse Bank (57025)	BBB-	TD	2,000,000	2.00%	3,397	10/03/2022	07/03/2024	5 mths
ING Bank (57154)	A+	TD	1,000,000	2.02%	1,716	17/03/2022	21/03/2024	5 mths
Police Nurse Bank (57153)	BBB-	TD	2,000,000	2.05%	3,482	17/03/2022	21/03/2024	5 mths
Mystate Bank (30261468)	A2	TD	4,000,000	4.60%	15,627	23/03/2023	21/03/2024	5 mths
Mystate Bank (30261472)	A2	TD	4,000,000	4.60%	15,627	23/03/2023	28/03/2024	5 mths
National Australia Bank (955038589)	AA-	TD	4,000,000	2.85%	9,682	14/04/2022	18/04/2024	6 mths
Police & Nurses Bank (180424)	A2	TD	3,000,000	4.75%	12,103	27/04/2023	18/04/2024	6 mths
Police & Nurses Bank (020524)	A2	TD	2,000,000	4.75%	8,068	27/04/2023	02/05/2024	7 mths
Commonwealth Bank (2100)	AA-	TD	1,000,000	3.70%	3,142	05/05/2022	16/05/2024	7 mths
Australian Military Bank (23052024)	A2	TD	1,000,000	5.06%	4,298	24/05/2023	23/05/2024	7 mths
ING BANK (949745)	A-	TD	1,000,000	3.76%	3,193	28/05/2022	30/05/2024	8 mths
Mystate Bank (30271360)	A2	TD	3,000,000	5.70%	14,523	27/06/2023	27/06/2024	8 mths
National Australia Bank (30-862-1903)	AA-	TD	1,000,000	0.80%	679	08/07/2021	04/07/2024	9 mths
Mystate Bank (30271364)	A2	TD	3,000,000	5.70%	14,523	27/06/2023	04/07/2024	9 mths
AMP Bank (270723)	A2	TD	4,000,000	5.55%	18,855	27/07/2023	25/07/2024	9 mths
Commonwealth Bank (2154)	A1+	TD	5,000,000	5.54%	23,526	10/08/2023	08/08/2024	10 mths
Bendigo Bank (4452208)	A2	TD	4,000,000	5.50%	18,685	27/07/2023	08/08/2024	10 mths
Commonwealth Bank (2155)	A1+	TD	6,000,000	5.57%	28,384	16/08/2023	15/08/2024	10 mths
National Australia Bank (29-130-3289)	AA-	TD	2,000,000	0.78%	1,325	12/08/2021	15/08/2024	10 mths
Commonwealth Bank (2156)	A1+	TD	3,000,000	5.44%	13,661	24/08/2023	22/08/2024	10 mths
Australian Military Bank (220824)	BBB+	TD	3,000,000	4.45%	11,338	31/08/2022	22/08/2024	10 mths
National Australia Bank (10858418)	A1+	TD	7,000,000	5.21%	30,975	24/08/2023	29/08/2024	11 mths
Commonwealth Bank (2162)	A1+	TD	7,000,000	5.36%	31,866	21/09/2023	19/09/2024	11 mths
Police & Nurses Bank (060235)	BBB-	TD	3,000,000	4.40%	11,211	08/09/2022	19/09/2024	11 mths
National Australia Bank (10862995)	A1+	TD	7,000,000	5.35%	31,807	21/09/2023	26/09/2024	12 mths
National Australia Bank (10862996)	A1+	TD	7,000,000	5.35%	31,807	21/09/2023	26/09/2024	12 mths
AMP Bank (342225216)	BBB+	TD	2,000,000	4.70%	7,984	13/10/2022	17/10/2024	12 mths
ING Bank (1015290)	A+	TD	3,000,000	4.90%	12,485	27/10/2022	24/10/2024	12 mths
Bank of QLD (628601)	BBB+	TD	4,000,000	4.61%	15,661	23/11/2022	21/11/2024	>12 mths
Current Investments - "New and Rollover" made during the month:								
Westpac Bank - Green Tailored (11151149)	A1+	TD	5,000,000	5.36%	5,140	25/10/2023	24/10/2024	12 mths
Westpac Bank (10768193)	A1+	TD	4,000,000	5.36%	4,112	25/10/2023	24/10/2024	12 mths
ING Bank (1160142)	A-	TD	5,000,000	5.40%	5,178	25/10/2023	30/10/2025	24 mths
Total Current Investments, Monthly Interest and Weighted Return		Inv	206,000,000	4.56%	756,022			
Other Cash and Monthly Interest (11am STMM)		Cash	9,081,959		48,795			
Total Cash & Investments			215,081,959		804,818			
Benchmark: Bloomberg AUSBond Bank Bill Index				4.01%				
Investments Margin above Benchmark				0.55%				

Investments Maturity Period	0-3 Months	4-12 Months	> 12 Months	Total \$	chk s/be 0
Amount	69,000,000	128,000,000	9,000,000	206,000,000	0
% of Total	33.5%	62.1%	4.4%	100%	

Cash & Investments Return:	Budget \$	Actual \$	Var. \$
Current Month	573,035	804,818	231,783
Year to Date	2,443,221	2,955,444	512,223



Investment return for 2022-2023		
Month	Ausbond bank Bill Index Return % p.a	Returns from Investment
Oct-22	2.89%	1.88%
Nov-22	3.07%	1.88%
Dec-22	2.98%	2.13%
Jan-23	3.18%	3.16%
Feb-23	3.18%	3.37%
Mar-23	3.39%	3.56%
May-23	3.53%	3.73%
Jun-23	3.72%	3.85%
Jul-23	4.48%	3.96%
Aug-23	4.39%	4.30%
Sep-23	4.18%	4.42%
Oct-23	4.01%	4.56%
Annualised return	3.58%	3.38%

12.3 PUBLIC PRESENTATION OF THE 2022/23 FINANCIAL REPORTS AND AUDITOR'S REPORTS

ATTACHMENTS:	1. IMPLICATIONS 2. WILLOUGHBY CITY COUNCIL 2022-23 ANNUAL FINANCIAL REPORTS FINAL PUBLIC EXHIBITION (ATTACHMENT 2 CONTAINED IN ATTACHMENT BOOKLET 1)
RESPONSIBLE OFFICER:	MAXINE KENYON – CUSTOMER AND CORPORATE DIRECTOR
AUTHOR:	STEPHEN NAVEN – CHIEF FINANCIAL OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	27 NOVEMBER 2023

1. PURPOSE OF REPORT

To present the audited 2022/23 Financial Reports and external auditors' reports for Willoughby City Council as required under Section 419(1) of the *Local Government Act 1993*.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Note that the audited 2022/23 financial reports including the auditor's reports have been presented to this meeting of the Council in accordance with Section 419(1) of the *Local Government Act 1993*.**
- 2. Receive the address from the external auditor, Kenneth Leung from the Audit Office of NSW, regarding the 2022/23 financial reports and auditor's report in accordance with Section 419(2) of *Local Government Act 1993*.**
- 3. Note that a copy of the auditor's reports and a copy of the audited 2022/23 financial reports have been sent to Chief Executive of the Office of Local Government as required under Section 417(5) of the *Local Government Act 1993*.**

3. BACKGROUND

Council adopted the draft financial reports and resolved to refer the financial reports for audit on 25 September 2023 as required by Section 413(1) of the *Local Government Act 1993*. In that meeting Council also resolved authorise the Mayor, Deputy Mayor, Chief Executive Officer and Chief Financial Officer to sign the Statement by Councillors and Management that is required under Section 413(2)(c) of the *Local Government Act 1993* and clause 215(1) of the *Local Government (General) Regulation 2021*.

On 18 September 2023, Councillors were briefed on the draft financial accounts to be referred to audit.

4. DISCUSSION

The 2022/23 annual financial reports for Willoughby City Council have been prepared in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2021*, *Australian Accounting Standards* and the Office of Local Government prescribed *Code of Accounting Practice and Financial Reporting 2022/23*.

Section 413 of the *Local Government Act 1993* requires Council to prepare financial reports for each year and must refer them for audit as soon as practicable after the end of that year.

A council's auditor must audit the council's financial reports as soon as practicable after they are referred to audit in accordance with Section 415(1) of the *Local Government Act 1993*.

Under Section 416(1) of the *Local Government Act 1993* financial reports for a year must be prepared and audited within the period of 4 months after the end of that year.

Section 417(5) of the *Local Government Act 1993* requires that Council send a copy of the auditor's report together with a copy of the audited financial reports to the Departmental Chief Executive. The deadline for audit completion and lodgement of the financial reports was 31 October 2023.

Council must present its audited financial reports and auditor's reports at a meeting of Council held on the date fixed for the meeting in accordance with Section 419(1) of the *Local Government Act 1993*.

Council must fix a date for the meeting and give public notice of the date fixed under Section 418(1) of the *Local Government Act 1993*. The meeting must be held at least 7 days after the date the notice is given but not more than 5 weeks after the auditor's reports are received by Council.

Council's auditor, the Audit Office of New South Wales completed their audit and issued an unmodified (clean) opinion on both the General Purpose and Special Purpose Financial Statements on 31 October 2023.

On 31 October 2023 Council sent a copy of the auditor's report together with a copy of the audited financial reports to the Office of Local Government (OLG) and the Australian Bureau of Statistics as required under Section 417(5) of the *Local Government Act 1993*.

In accordance with Section 418 of the *Local Government Act 1993*, public notice (via Council's website from 6 November 2023, social media posts and an advertisement in the North Shore Times newspaper on 9 November 2023), was given to advise that the 2022/23 financial reports and auditor reports would be presented to the public at the ordinary meeting of Council on 27 November 2023 (this meeting). Council will accept submissions on the financial reports or audit reports until 4 December (7 days after the reports are presented to Council).

The 2022/23 Consolidated Financial Reports comprise:

- General Purpose Financial Statements
- Special Purpose Financial Statements (Profit and Loss and Statement of Financial Position for Council's declared businesses of The Concourse, Willoughby Leisure Centre, Devonshire Child Care, Before/After School Care and Food Services).
- Special Schedules (Permissible Income schedule and Report on Infrastructure Assets)

The 2022/23 Consolidated Financial Reports are **Attachment 2** to this business paper.

A summary of the 2022/23 Financial Reports is provided below:

	2023 \$ '000	2022 \$ '000
Income Statement		
Total income from continuing operations	139,247	124,517
Total expenses from continuing operations	124,225	112,591
Operating result from continuing operations	15,022	11,926
Net operating result for the year	15,022	11,926
Net operating result before grants and contributions provided for capital purposes	(2,843)	956
Statement of Financial Position		
Total current assets	190,294	116,417
Total current liabilities	(48,703)	(46,813)
Total non-current assets	1,846,109	1,900,670
Total non-current liabilities	(37,359)	(37,848)
Total equity	1,950,341	1,932,426
Other financial information		
Unrestricted current ratio (times)	2.99	2.90
Operating performance ratio (%)	(4.08)%	(2.42)%
Debt service cover ratio (times)	4.12	4.51
Rates and annual charges outstanding ratio (%)	2.50%	2.59%
Infrastructure renewals ratio (%)	65.39%	83.89%
Own source operating revenue ratio (%)	79.94%	84.29%
Cash expense cover ratio (months)	22.18	22.00

Due to challenging economic conditions where high inflation saw costs growing at a faster rate than revenue, Willoughby City Council recorded an operating deficit of \$2.8 million in the 2022/23 Financial Year. This result is in line with forecasts.

Despite this deficit, the 2022/23 Financial Reports found Council in a sustainable financial position for that year. However, Council will need to address the gap between expenditure and revenue. To address this gap Council is undertaking community consultation on the potential for a Special Rate Variation (SRV), presenting the public with several options to either increase revenue, reduce expenditure, or both.

Council's 2022/23 financial performance has exceeded five of the six Office of Local Government (OLG) benchmarks for financial performance (refer Note F5-1 in the General Purpose Financial Statements). Council exceeded two of the three Office of Local Government (OLG) benchmarks for Asset Management (refer Report on Infrastructure Assets in the Special Schedules).

5. CONCLUSION

Council's auditor, the Audit Office of New South Wales completed their audit and issued an unmodified (clean) opinion on both the General Purpose and Special Purpose Financial Statements on 31 October 2023. All regulatory obligations with regard to the 2022/23 financial reports have been satisfied.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	Prepare financial reports for the year ended 30 June 2023 and achieve an unmodified audit opinion.
Policy	A summary of significant accounting policies is included in Note 1 of the Consolidated Financial Statements (refer Note A1-1 and other notes in Attachment 2).
Consultation	On 18 September 2023 Councillors were briefed on the draft Financial Reports to be referred to audit. On 20 September 2023 and 30 October 2023 the Willoughby City Council Audit and Risk Committee (ARIC) were briefed on the draft Financial Reports and endorsed them to Council. A memo was sent to Councillors on 27 October 2023 notifying them of changes between financial reports referred to audit on 25 September 2023 and the final financial reports submitted to the Office of Local Government and Australian Bureau of Statistics Council issued public notice (via Council’s website from 6 November 2023, social media posts and an advertisement in the North Shore Times newspaper on 9 November 2023), to advise that the 2022/23 financial reports and auditor reports would be presented to the public at the ordinary meeting of Council on 27 November 2023 (this meeting). Council will accept submissions on the financial reports or audit reports until 4 December (7 days after the reports are presented to Council).
Resource	The Financial Statements are prepared using existing staff resources within the Financial Strategy Unit.
Risk	Risk of non-compliance with relevant legislation. This is mitigated by careful planning and resource allocation to the preparation of the Financial Accounts and the capability of Finance resource. The risk of material misstatement is mitigated through audit by an independent auditor (Audit Office of NSW).
Legal	There are no legal considerations applicable to this report.
Legislation	The 2022/23 annual financial reports for Willoughby City Council have been prepared in accordance with the <i>Local Government Act 1993</i> , the <i>Local Government (General) Regulation 2021</i> , <i>Australian Accounting Standards</i> and the Office of Local Government prescribed <i>Code of Accounting Practice and Financial Reporting 2022/23</i> .
Budget/Financial	Internal resources used to prepare the Financial Accounts. Costs of external asset valuations and Audit Fees are within budget.

12.4 QUARTERLY BUDGET REVIEW 2023/24 - SEPTEMBER QUARTER REPORT
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ATTACHMENTS:	1. IMPLICATIONS 2. BUDGET VARIATIONS MARCH QUARTER 3. QUARTERLY BUDGET REVIEW STATEMENT 4. PRINCIPAL ACTIVITIES VARIATIONS 5. PROJECTS & CAPITAL WORKS 6. PROJECTS AND CAPITAL WORKS CONTINGENCY FUND
RESPONSIBLE OFFICER:	MAXINE KENYON – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	STEPHEN NAVEN – CHIEF FINANCIAL OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	27 NOVEMBER 2023

1. PURPOSE OF REPORT

To seek Council approval for proposed budget adjustments and to report on financial performance during the first quarter (Q1) of the 2023/24 financial year (1 July 2023 to 30 September 2023).

2. OFFICER'S RECOMMENDATION

That Council:

1. **Note the Quarterly Budget Review for 2023/24 Quarter 1 (September). Positive variances identified during the first quarter increase the projected full year budget surplus (including capital revenue) by \$4.8M to a \$17.2M surplus. The projected full year deficit before capital revenue has increased from \$2.4M to \$3.6M.**
2. **Approve the increase in Capital Grants & Contributions revenue of \$6M mainly due to additional developer contribution income received.**
3. **Approve the increase in operating budget income (excluding capital income) of \$2.6M and the increase in operating budget expense of \$3.8M resulting in a net negative impact of \$1.2M to the 2023/24 forecast full year budget operating result before capital items. The income increase mainly comes from higher return expected from interest and investment. The expense increase is mainly due to higher material & contract cost resulting from high inflation and an increase variable costs.**
4. **Approve the increase in Capital Expenditure for the 2023/24 Financial Year of \$8.8M mainly due to Victor Street upgrade project being brought forward from 2024/25 to 2023/24, the construction will commence in 2023/24.**

5. **Note the temporary allocation, under Chief Executive Officer (CEO) delegation, of \$0.3M of the Projects and Capital Works contingency budget to fund two projects where urgent work was required before Quarter 1 budget variations are approved.**

3. BACKGROUND

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

The Local Government Act 1993 mandates that specific information is to be reported to Council on a quarterly basis. *The Local Government (General) Regulation 2021* requires a council's responsible accounting officer to prepare and submit a quarterly budget review statement to the governing body of council. This report presents for Council's consideration the 2023/24 Quarter 1 financial information required under legislation.

Councillors were provided with a briefing pack providing detail on the proposed budget revisions for approval on 17 November 2023.

4. DISCUSSION

4.1 Budget Summary

The Quarterly Budget Review Statement for the 2023/24 Quarter 1 (**Attachment 3**) includes:

- The adopted budget for 2023/24.
- Year to date approved budget changes and revised current budget.
- The budget variations proposed for approval for 2023/24 Quarter 1.

The key highlights of Council's 2023/24 Quarter 1 budget review are:

- The Income and Expenses Budget Review Statement shows that the projected Net Operating position (including capital grants and contributions) for the year is a surplus of \$17.2M comprising Income of \$153.8M and Expenses of \$136.6M.
- After deducting \$20.8M of projected Grants and Contributions to be received for Capital Purposes, the projected Net Operating Result (before capital grants and contributions) for the year is a \$3.6M deficit.
- Capital expenditure is forecasted to be \$8.8M higher. Full year projected capital expenditure for 2023/24 is \$73.9M.
- Total Cash and Investments of \$217.6M as at 30 September 2023 including \$189.9M (87%) restricted for specific purposes.
- Projected unrestricted cash has decreased by \$2.1M and is expected to be \$14.3M by the end of June 2024. This is an adequate working capital balance.

4.2 Budget Variations and Variances

Figure 1 provides detail on underlying movements to the 2023/24 operating budget. Positive variances identified during the first quarter increase the projected full year budget surplus (including capital revenue) by \$4.8M to a \$17.2M surplus. The projected full year deficit before capital revenue has increased by \$1.2M from \$2.4M to \$3.6M.

Figure 1: Budget Variations (Additions/Reductions)

Account Group	Explanation	\$K
<u>Income</u>		
Rates & Annual Charges	To reflect the increase in Rates & Annual Charges of \$107k mainly due to year-to-date additional rates received.	107
User Charges and Fees	To reflect the increase in User Charges & Fees of \$935k: 1. \$1,119k mainly due to year-to-date additional Restoration income received (\$619k) and additional DA fees expected (\$500k). 2. \$271k additional fees expected from Zenith Theatre to cover additional expenditure budget. 3. \$100k from year-to-date additional income received from Chatswood Mall. 4. \$150k from design excellence. Offset against: 5. \$705k lower child care program fee due to service change from Children's Services.	935
Interest & Investment Revenue	To reflect the increase in Interest & Investment Revenue of \$1,149k due to higher returns on investments.	1,149
Other Revenues	To reflect the increase in Other Revenues of \$270k, mainly from: 1. \$149k from year-to-date additional higher parking fines income received. 2. \$75k additional legal fee recovery received by Planning. 3. \$46k from other areas.	270
Rental Income	To reflect the increase in forecast Rental Income of \$104k: 1. \$126k additional Venue Hire expected from Zenith Theatre. Offset against: 2. \$22k decrease in forecast rental income from Planning and Infrastructure.	104
Grants & Contributions - Operating	To reflect the decrease in Operating Grants of \$1k.	(1)
Grants & Contributions - Capital	To reflect the increase in Capital Grants of \$5,986k. It mainly comes from: 1. \$4,042k additional developer contribution income received. 2. \$707k of capital grants carried over from 2022/23 to complete the projects in 2023/24 including: - \$221k additional capital grant received for LATM-New 40km/h High Ped Activity Area in the St Leonards Royal North Shore Hospital precinct. - \$200k new capital grant received for Edward Street Pedestrian and Cyclist Improvement Works. - \$180k additional capital grant received for Water saving urban design program. - \$106k additional capital grant received for the Wombat Crossing project at Rohan St. 3. \$1,000k new Transport capital grant expected for Chatswood Leonards Bicycle Route Improvement Plan. 4. \$330k new capital grant TfNSW for Get NSW Active - Willoughby South quiet and green streets project.	5,986
Total Income Variation Increase/(Decrease)		8,550
<u>Expense</u>		
Employee Costs	To reflect the decrease in Employee costs of \$664k, mainly due to	(664)

	FTE Vacancies which are backfilled by agency contract personnel.	
	To reflect the increase in Materials & Contracts of \$3,509k, mainly comprised of:	
	1. \$662k increase for Contractor - Agency Contract Personnel to backfill vacancies.	
	2. \$525k increase in PlanFirst fees from Planning resulting from the expected budget increase in DA revenue.	
	3. \$442k increase from Restoration, funded by additional restoration income received.	
Materials & Contracts	4. \$428k increase from Projects & capital works.	3,809
	5. \$402k increase from Information Services	
	6. \$324k increase in Waste Disposal	
	7. \$300k increase in Planning legal budget	
	8. \$211k increase in Zenith Theatre, funded by additional income received.	
	9. \$202k increase for SRV Project as per Council Resolution.	
	10. \$138k budget increase of Strata Management Fees for Victor St.	
	11. \$175k budget increase from other areas.	
	To reflect the increase in Other Expenses of \$646k, mainly comprised of:	
	1. \$487k budget increase in the Fire and Emergency Services Levy.	
Other Expenses	2. \$196k budget increase of Subsidies and Donations from Zenith Theatre, offset by increase in venue hire income.	646
	Offset against:	
	3. \$55k lower contribution to EL Better Business Partnership program.	
	Total Expense Variation Increase/(Decrease)	3,791
Net Result	Net Increase (Decrease) to Operating Surplus	4,759

4.3 Monitoring and reporting on financial position

Staff are closely monitoring and controlling Council's financial position in light of the ongoing impact of COVID on revenues, and more recently, high inflation. Procedures include:

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

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

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

4.4 Projects and Capital Works Contingency Fund

Council set aside a proportion of Projects and Capital Works bid amounts across all program families to create float and contingency for interim approvals or unknown works. This has been approved as part of the budget adoption on 26 June 2023. The opening balance of the contingency fund is \$2.2M.

In Quarter 1, two projects were identified that needed to request contingency fund budget of \$0.3M to fund these projects in 2023/24 financial year (refer **Attachment 6**).

The Special Rate Variation project for \$0.2M is a permanent budget variance, while the traffic survey and assessment projects totalling \$0.1M are timing differences.

Council plan to reduce the contingency by \$0.2M for the Special Rate Variation project with permanent budget variances, and replenish the contingency by \$0.1M for traffic survey and assessment projects with timing differences. The contingency will decrease by \$0.2M to \$2.0M.

4.5 Other highlights

Council's first quarter (September) and projected full year 2023/24 financial performance is summarised and evaluated in the attachments. Other highlights relating to attachments include:

- During the quarter, Council's Principal Activities included 8 projects with milestones variations; 3 new projects; 1 project with project title changed and 9 carryover projects (refer **Attachment 4**).
- A review of Projects and Capital Works showed that 22 projects required additional funding and 10 projects had reduced budget during the quarter (refer **Attachment 5**).

The forecast full year expenditure on Projects and Capital Works (PCW) has been revised upward by \$9.6M from \$75.5M to \$85.1M. The \$9.6M expenditure increase is comprised of \$8.8M increase of Capital projects and \$0.8M of Operational projects.

5. CONCLUSION

Council's projected full year 2023/24 position has been significantly impacted by increase on material & contract cost at the September Quarterly Budget Review, which resulted in a further \$1.2M of negative budget adjustments during Quarter 1. The deficit before Capital Revenue is now forecast to be \$3.6M.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	To monitor and improve Council’s financial performance and ensure that all legislative requirements are met.
Policy	This report is compliant with a range of Council Policies in particular the summary of significant accounting policies included in the <i>Audited Annual Financial Statements</i> .
Consultation	Councillors were provided with a briefing pack providing detail on the proposed budget revisions for approval on 17 November 2023.
Resource	The Quarterly Budget Review is undertaken using existing staff resources within the Finance Strategy Unit.
Risk	Financial Risk is mitigated through monthly, ad-hoc and this quarterly budget review as any negative trends or issues can be identified and resolved in a timely manner.
Legal	There are no legal considerations applicable to this report.
Legislation	<i>The Local Government Act 1993</i> and <i>Clause 203 of the Local Government (General) Regulation 2021</i> .
Budget/Financial	The quarterly budget review statement for the September 2023/24 quarter includes: <ul style="list-style-type: none">• the adopted budget 2023/24.• year to date approved budget changes and revised current budget.• the budget variations during the September quarter 2023/24.

BUDGET VARIATIONS SEPTEMBER QUARTER (2023/24)

\$000's

	<u>Income</u> Increase/ Decrease ()	<u>Expenditure</u> Increase/ Decrease ()	<u>Income</u> Increase/ Decrease ()	<u>Expenditure</u> Increase/ Decrease ()	<u>Income</u> Increase/ Decrease ()	<u>Expenditure</u> Increase/ Decrease ()
Council Service:						
	<u>Income Statement</u>		<u>Capital Statement</u>		<u>Net Variations Qtr 1</u>	
General Management	0	(72)	0	0	0	(72)
Customer & Corporate	5,285	1,472	0	7,079	5,285	8,551
Community Culture & Leisure	(432)	(318)	0	11	(432)	(307)
Planning & Infrastructure	3,697	2,709	0	1,668	3,697	4,377
Total	<u>8,550</u>	<u>3,791</u>	<u>0</u>	<u>8,758</u>	<u>8,550</u>	<u>12,549</u>
Summary Of Variations:						
	<u>Income Statement</u>		<u>Capital Statement</u>		<u>Total</u>	
Total Income Variation	8,550		0		8,550	
Total Expenditure Variation	3,791		8,758		12,549	
Net Variations Qtr 1	<u>4,759</u>		<u>8,758</u>		<u>(3,999)</u>	
Reconciliation: Increase/(Decrease)	<u>Oper. Inc</u>	<u>Oper. Exp</u>	<u>Oper. Net</u>	<u>Cap Expend.</u>	<u>Reserves/Non-Cash</u>	<u>Net Result</u>
Total Variations Qtr 1	8,550	3,791	4,759	8,758	(1,895)	(2,104)

Willoughby City Council

Quarterly Budget Review Statement
 Quarter 1 2023/24 - for the period 01/07/2023 to 30/09/2023

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Willoughby City Council

Quarterly Budget Review Statement
 Quarter 1 2023/24 - for the period 01/07/2023 to 30/09/2023

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2021:

It is my opinion that the Quarterly Budget Review Statement for Willoughby City Council for the quarter ended 30/09/23 indicates that Council’s projected financial position at 30/6/24 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: Stephen Naven

Date: 13/11/2023

Stephen Naven
 Responsible Accounting Officer

Willoughby City Council

Quarterly Budget Review Statement - Income & Expenses

Quarter 1 2023/24 - for the period 01/07/2023 to 30/09/2023

Income & Expenses Budget \$000's

	Orig. Budget 2023/24	YTD Approved Budget Adjustments	Current Budget 2023/24	Vari- ation Qtr 1	Revised Budget 2023/24	Ytd Actual 2023/24
Income						
Rates & Annual Charges	73,301	0	73,301	107	73,408	73,294
User Charges & Fees	16,200	0	16,200	935	17,135	5,490
Interest & Investment Revenue	7,321	0	7,321	1,149	8,470	2,166
Other Revenues	8,876	0	8,876	270	9,146	1,583
Rental Income	14,077	0	14,077	104	14,181	3,247
Grants & Contributions - Operating	9,741	830	10,571	(1)	10,570	1,788
Grants & Contributions - Capital -Contribution (+S94)	10,995	3,769	14,764	5,986	20,750	11,613
Net Gain from the disposal of Assets	100	0	100	0	100	0
Share of interests in Joint Ventures & Associates	0	0	0	0	0	0
Total Income from continuing operations	140,611	4,599	145,210	8,550	153,760	99,181
Expenses **						
Employee Costs	50,453	0	50,453	(664)	49,789	12,638
Borrowing Costs	2,308	0	2,308	0	2,308	327
Materials & Contracts	54,858	532	55,390	3,809	59,199	12,818
Depreciation	21,565	0	21,565	0	21,565	5,392
Other Expenses	3,102	0	3,102	646	3,748	810
Net Loss from Disposal of Assets	0	0	0	0	0	0
Share of interests in Joint Ventures & Associates	0	0	0	0	0	0
Total Expenses from continuing operations	132,286	532	132,818	3,791	136,609	31,985
Net Operating Surplus/(Deficit) from continuing operations	8,325	4,067	12,392	4,759	17,151	67,196
Grants & Contribution provided for Capital Purpose	10,995	3,769	14,764	5,986	20,750	11,613
Net Operating Surplus/(Deficit) Result before capital items	(2,670)	298	(2,372)	(1,227)	(3,599)	55,583

** All expenditure types (except depreciation) may include capital expenditure which will be capitalised as assets at year end.

Willoughby City Council

Quarterly Budget Review Statement

Quarter 1 2023/24 - for the period 01/07/2023 to 30/09/2023

Capital Budget \$000's

	Orig. Budget 2023/24	YTD Approved Budget Adjustments	Current 2023/24	Vari- ation Qtr 1	Revised Budget 2023/24	YTD Actual 2023/24
Capital Funding						
Rates and Other untied Funding	(5,950)	(323)	(6,273)	396	(5,877)	(278)
Proceeds from Sale of Plant & Equipment	(100)	0	(100)	0	(100)	0
Capital Grants & Contributions	(10,055)	(4,438)	(14,493)	(2,153)	(16,646)	(2,074)
Internal Restrictions	(24,573)	(639)	(25,212)	(7,302)	(32,514)	(385)
External Restrictions	(18,057)	(1,014)	(19,071)	301	(18,770)	(2,186)
Other Capital Funding Sources	0	0	0	0	0	0
Total Capital Funding	(58,735)	(6,414)	(65,149)	(8,758)	(73,907)	(4,923)
Capital Expenditure						
New Assets						
- Plant and Equipment	0	0	0	0	0	0
- Land and Buildings	4,317	250	4,567	(95)	4,472	182
- Roads, Bridges, Footpaths	888	703	1,591	1,017	2,608	160
- Other Infrastructure	310	150	460	330	790	2
- Others	235	0	235	(24)	211	41
Renewals(Replacement)						
- Plant and Equipment	2,146	0	2,146	0	2,146	27
- Land and Buildings	5,573	714	6,287	7,153	13,440	265
- Roads, Bridges, Footpaths	10,795	3,711	14,506	311	14,817	2,230
- Other Infrastructure	34,402	867	35,269	10	35,279	1,957
- Others	69	19	88	56	144	59
Loan Repayments (Principal)	0	0	0	0	0	0
Total Capital Expenditure	58,735	6,414	65,149	8,758	73,907	4,923

Willoughby City Council

Quarterly Budget Review Statement - Income & Expenses

Quarter 1 2023/24 - for the period 01/07/2023 to 30/09/2023

Summary explanation on Recommended Changes to Revised Budget

Income & Expenses Budget

All items of income and expenditure were reviewed and the recommended changes are reflected as near as possible anticipated estimates for the year to 30 June 2024. Below are some explanations for the major changes:

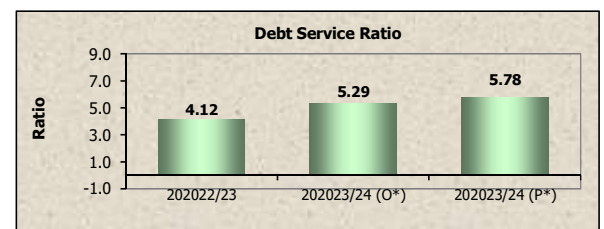
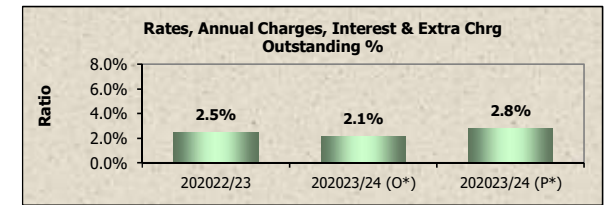
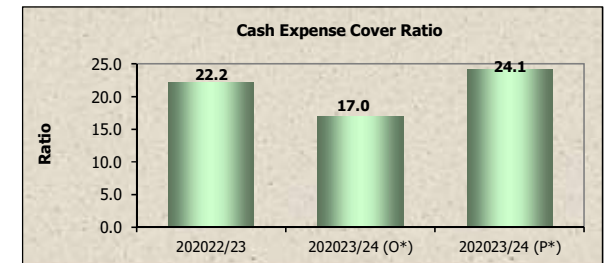
Rates & Annual Charges	To reflect the increase in Rates & Annual Charges of \$107k mainly due to year-to-date additional rates received.
User Charges & Fees	To reflect the increase in User Charges & Fees of \$935k: 1. \$1.1M mainly due to year-to-date additional Restoration income received (\$619k) and additional DA fees expected (\$500k). 2. \$271k additional fees expected from Zenith Theatre to cover additional expenditure budget. 3. \$100k from year-to-date additional income received from Chatswood Mall market permits. 4. \$150k from higher design excellence fees. Offset against: 5. \$705k lower child care program fee due to service change from Children's Services.
Interest & Investment Revenue	To reflect the increase in Interest & Investment Revenue of \$1.15M due to higher returns on investments.
Other Revenues	To reflect the increase in Other Revenues of \$270k, mainly from: 1. \$149k from year-to-date additional higher parking fines income received. 2. \$75k additional legal fee recovery received by Planning. 3. \$46k from other areas.
Rental Income	To reflect the increase in forecast Rental Income of \$104k: 1. \$126k additional Venue Hire expected from Zenith Theatre. Offset against: 2. \$22k decrease in forecast rental income from Planning and Infrastructure.
Grant & Contribution (Operating)	To reflect the decrease in Operating Grants of \$1k.

Grant & Contribution (Capital)	To reflect the increase in Capital Grants of \$6M. It mainly comes from: <ol style="list-style-type: none"> 1. \$4.04M additional developer contribution income received. 2. \$707k capital grant carried over from 2022/23 to complete the projects in 2023/24: <ul style="list-style-type: none"> - \$221k additional capital grant received for LATM-New 40km/h High Pedestrian Activity Area St Leonards Royal North Shore Hospital precinct. - \$200k new capital grant received for Edward Street Pedestrian and Cyclist Improvement Works. - \$180k additional capital grant received for Water saving urban design program. - \$106k additional capital grant received for the Wombat Crossing project at Rohan St. 3. \$1M new Transport capital grant for Chatswood Leonards Bicycle Route Improvement Plan. 4. \$330k new capital grant TfNSW for Get NSW Active - Willoughby South quiet and green streets project.
Employee Cost	To reflect the decrease in Employee costs of \$664k, mainly due to FTE Vacancies which are backfilled by agency contract personnel.
Borrowing Cost	NA
Materials & Contract	To reflect the increase in Materials & Contracts of \$3.8M, mainly comprised of: <ol style="list-style-type: none"> 1. \$662k increase for Contractor - Agency Contract Personnel to backfill vacancies. 2. \$525k increase in PlanFirst fees from Planning resulting from the expected budget increase in DA revenue. 3. \$442k increase from Restoration, funded by additional restoration income received. 4. \$428k increase from Projects & Capital Works (PCW). 5. \$402k increase from Information Services 6. \$324k increase in Waste Disposal 7. \$300k increase in Planning legal budget 8. \$211k increase in Zenith Theatre, funded by additional income received. 9. \$200k increase for SRV Project as per Council Resolution. 10. \$138k budget increase of Strata Management Fees for Victor St. 11. \$175k budget increase from other areas.
Depreciation	NA
Other Expenses	To reflect the increase in Other Expenses of \$646k, mainly comprised of: <ol style="list-style-type: none"> 1. \$487k budget increase in the Fire and Emergency Services Levy. 2. \$196k budget increase of Subsidies and Donations from Zenith Theatre, offset by increase in venue hire income. <p>Offset against:</p> <ol style="list-style-type: none"> 3. \$55k lower contribution to Better Business Partnership program.

Willoughby City Council		Quarterly Budget Review Statement					
		Quarter 1 2023/24 - for the period 01/07/2023 to 30/09/2023					
Cash & Investments Budget \$000's	EOY Actual 2022/23	B/fwd Budget 2023/24	Orig. Budget 2023/24	Current Budget 2023/24	Vari- ation Qtr 1	Revised Budget 2023/24	Ytd Actual 2023/24
Externally Restricted ⁽¹⁾							
Developer Contributions	73,834	(249)	(8,783)	64,802	4,261	69,063	77,442
All other externally restricted	46,544	(764)	(1,482)	44,298	58	44,356	45,943
Total Externally Restricted	120,378	(1,013)	(10,265)	109,100	4,319	113,419	123,385
(1) Funds that must be spent for a specific purpose							
Internally Restricted ⁽²⁾							
All Internally Restricted	64,806	(843)	(20,660)	43,303	(6,214)	37,089	66,537
Total Internally Restricted	64,806	(843)	(20,660)	43,303	(6,214)	37,089	66,537
(2) Funds that Council has earmarked for a specific purpose							
Unrestricted (ie. available after the above Restrictions)	15,392	(490)	1,464	16,366	(2,104)	14,262	27,700
Total Cash & Investments	200,576	198,230	(29,461)	168,769	(3,999)	164,770	217,622

Willoughby City Council	Quarterly Budget Review Statement
	Quarter 1 2023/24 - for the period 01/07/2023 to 30/09/2023
Cash & Investments Budget Review Statement	
<u>Comment on Cash & Investments Position</u>	
Council's cash and investment position are on target with the Operational Plan.	
Investments have been invested in accordance with Council's Investment Policy.	
The value of Cash at Bank which has been included in the Cash & Investment Statement totals \$217,621,851	
This Cash at Bank amount has been reconciled to Council's physical Bank Statements.	
The date of this bank reconciliation is 30/09/23.	
<u>Reconciliation Status</u>	
The YTD Cash & Investment figure reconciles to the actual balances held as follows:	\$ 000's
Cash at Bank (as per bank statements)	13,945
Investments on Hand	204,000
Total Cash at Bank and Investments on Hand	217,945
less: Unpresented Cheques	(38)
add: Undeposited Funds	613
less: Identified Deposits (not yet accounted in Ledger)	(935)
add: Identified Outflows (not yet accounted in Ledger)	37
less: Unidentified Deposits (not yet actioned)	
add: Unidentified Outflows (not yet actioned)	
Reconciled Cash at Bank & Investments	217,622
Balance as per Review Statement:	217,622
Difference:	-
<u>Recommended changes to revised budget</u>	
Budget Variations being recommended reflect as near as possible anticipated full year estimates.	

		Current Projection				WCC Benchmark
		Amounts 2023/24	Indicator 2023/24	Original Indicator 2023/24	Actuals Prior Periods 2022/23	
Willoughby City Council						
Quarterly Budget Review Statement						
Quarter 1 2023/24 - for the period 01/07/2023 to 30/09/2023						
Key Performance Indicators Budget Review Statement						
Budget review for the quarter ended 30 September 2023						
(\$000's)						
The Council monitors the following Key Performance Indicators:						
Cash Expense Cover Ratio						
Current year's cash and cash equivalents plus all term deposits	217,622	24.1 mths	16.95	22.2	> 3 months	
Payment from cash flow of operating and financing activities	9,031					
Rates, Annual Charges, Interest & Extra Chrg Outstanding %						
Rates, Annual & Extra Charges Outstanding	2,095	2.84%	2.11%	2.50%	< 5%	
Rates, Annual & Extra Charges Collectible	73,867					
Debt Service Cover Ratio						
Operating result before capital excl. int. & depn/impairment/amort.	20,174	5.8	5.3	4.1	> 2x	
Principal repayments plus borrowing costs	3,490					



Willoughby City Council

Quarterly Budget Review Statement
 Quarter 1 2023/24 - for the period 01/07/2023 to 30/09/2023

Contracts Budget Review Statement

Part A - Contracts Listing - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budget (Y/N)
CIVIC RISK MUTUAL LIMITED	Insurances	\$ 2,258,311.00	31/07/2023	30/06/2024	Y
CLEANAWAY	Domestic Organics Disposal	\$ 896,610.00	2/08/2023	30/06/2024	Y
DATA#3 GROUP	Software Renewal - Microsoft Licencing	\$ 474,186.67	3/08/2023	30/06/2024	Y
AUSTRALIAN PARKING AND REVENUE CONTROL	Parking Meter Maintenance	\$ 276,890.00	31/07/2023	30/06/2024	Y
APP CORPORATION PTY LIMITED	Consultant - Project Management	\$ 230,345.28	27/09/2023	30/06/2024	Y
INFOR GLOBAL SOLUTIONS (ANZ) PTY LIMITED	Software Renewal - Pathway	\$ 227,821.14	18/07/2023	30/06/2024	Y
JAMES BENNETT PTY LTD	Library - Books	\$ 215,325.00	27/07/2023	30/06/2024	Y
HAYS PERSONNEL SERVICES	Labour Hire - Facility Services Team Leader	\$ 133,535.48	22/09/2023	30/06/2024	Y
CERTIS SECURITY AUSTRALIA PTY LTD	Security	\$ 131,631.52	28/09/2023	30/06/2024	Y
GO GARDENING PTY LTD	Monthly maintenance of LATMS	\$ 121,440.00	18/07/2023	30/06/2024	Y
DEPOSITED PLAN 1028853 - 37	Strata Levies	\$ 119,078.55	9/08/2023	30/06/2024	Y
CLEANAWAY CO PTY LTD	Street Cleansing Waste Disposal	\$ 100,000.00	30/08/2023	30/06/2024	Y
PLATEAU TREE SERVICE	Tree Maintenance	\$ 100,000.00	4/07/2023	30/06/2024	Y
TREESERVE PTY LTD	Tree Maintenance	\$ 100,000.00	4/07/2023	30/06/2024	Y
SPORTS CLEAN PTY LTD	Synthetic Sports turf maintenance	\$ 95,000.00	5/07/2023	30/06/2024	Y
AUSTRALIA POST	Postage Fees for Rate Notices	\$ 95,000.00	27/09/2023	30/06/2024	Y
LIVING TURF	Greenkeeping Supplies	\$ 95,000.00	29/08/2023	30/06/2024	Y
NEXON ASIA PACIFIC PTY. LTD.	Laptops	\$ 93,016.00	29/09/2023	6/10/2023	Y
GO GARDENING PTY LTD	Stage 2 Construction works at Bales Park	\$ 90,921.60	4/09/2023	11/09/2023	Y
MUSEUMS OF HISTORY NSW	Records - Storage and Retrieval	\$ 90,000.00	16/08/2023	30/06/2024	Y
THE TRUSTEE FOR A LIVE GROUP TRUST	Event - Emerge Live at Night	\$ 88,440.00	21/08/2023	28/08/2023	Y
LANDSCAPE SOLUTIONS MAINTENANCE PTY LTD	Weed Spraying	\$ 87,770.71	3/08/2023	30/06/2024	Y
REVENUE NSW	Parking Space Levy	\$ 86,160.34	29/08/2023	30/06/2024	Y
CHARCOALBLUE PTY LIMITED	The Concourse Chatswood Lighting Upgrade	\$ 80,894.00	26/09/2023	26/09/2023	Y
AUSTRALIA POST	Postage of Mail	\$ 80,000.00	16/08/2023	30/06/2024	Y
LANDSCAPE SOLUTIONS MAINTENANCE PTY LTD	Weekly Playground Inspections	\$ 78,237.02	18/07/2023	30/06/2024	Y
BOLINDA DIGITAL PTY LTD	Library - eAudiobooks and eBooks	\$ 75,900.00	10/07/2023	30/06/2024	Y
OVERDRIVE AUSTRALIA PTY LTD	eAudiobooks and eBooks Platform Fee	\$ 73,452.94	14/07/2023	30/06/2024	Y
CERTIS SECURITY AUSTRALIA PTY LTD	Security Services at The Concourse	\$ 72,948.22	11/09/2023	30/06/2024	Y
CHRISTOPHER KENT CONSULTING PTY LTD	Consultant - Parking Meters	\$ 72,050.00	6/09/2023	13/09/2023	Y
THE SPATIAL DISTILLERY COMPANY PTY LTD	Software renewal - MapInfo	\$ 71,445.00	14/08/2023	30/06/2024	Y
HOBAN RECRUITMENT PTY LTD	Labour Hire - Parks	\$ 70,000.00	1/08/2023	8/08/2023	Y
REDMAN SOLUTIONS PTY LTD	Software Renewal - Resolve	\$ 68,832.50	30/08/2023	30/06/2024	Y
SURESEARCH	Underground Services Search	\$ 67,238.60	13/07/2023	31/08/2023	Y
STEFAN CONSULTING PTY LTD	Labour Hire - Community Liaison Officer	\$ 65,000.00	12/09/2023	19/09/2023	Y
ZIPPORAH AUS PTY LTD	Software renewal - Zipporah	\$ 62,673.56	3/07/2023	30/06/2024	Y

Willoughby City Council

Quarterly Budget Review Statement
 Quarter 1 2023/24 - for the period 01/07/2023 to 30/09/2023

Contracts Budget Review Statement

Part A - Contracts Listing - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budget (Y/N)
GMH MAINTENANCE SOLUTIONS	BBQ Cleaning	\$ 59,259.20	18/07/2023	30/06/2024	Y
TPG NETWORK PTY LTD	Internet Service	\$ 56,765.43	1/09/2023	30/06/2024	Y
LIFE FITNESS AUSTRALIA PTY LTD	Treadmills	\$ 55,000.00	1/08/2023	31/08/2023	Y
TTM CONSULTING PTY LTD	Traffic Counts - Willoughby Leisure Centre	\$ 54,989.00	24/08/2023	31/08/2023	Y
AUDIT OFFICE OF NSW	Audit Services	\$ 53,500.00	18/09/2023	25/09/2023	Y
CAVAL LIMITED	Library - Cataloguing & Processing	\$ 53,350.00	13/07/2023	30/06/2024	Y
KZEMOS AUSTRALIA PTY LTD	Candlelight Concert at The Concourse	\$ 51,430.50	5/09/2023	12/09/2023	Y
ALPINE NURSERIES SALES PTY LIMITED	Plants	\$ 50,000.00	11/07/2023	30/06/2024	Y
IVE GROUP AUSTRALIA PTY LTD	Rate notice printing 2023-2024	\$ 50,000.00	11/07/2023	30/06/2024	Y
MTC RECRUITMENT LTD	Labour Hire - Footpaths	\$ 50,000.00	5/07/2023	12/07/2023	Y
FIREGROUND PTY LIMITED	Training - Prescribed Burns	\$ 50,000.00	29/08/2023	5/09/2023	Y

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

Willoughby City Council

Quarterly Budget Review Statement

Quarter 1 2023/24 - for the period 01/07/2023 to 30/09/2023

Consultancy & Legal Expenses Budget Review Statement

Part B - Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars '\$000)	Budgeted (FY) '\$000
Consultancies	415	3,089
Legal Fees	194	920

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management.

Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Comments

There are two elements contributed to the YTD expenditure in consultancies expense:

Part of the consultancies is budgeted to two areas, Material & Contract and Consultancy cost.

Part of actual expenditure in consultancies will be capitalised at the end of financial year as part of year end project capitalisation.

First quarter variations to the 2023/24 Operational Plan principal activities are summarised here.

Projects and Capital Works

Code	Project title	Project category	Change	Reason
Adjustments for Q1 2023/24 Adopted Operational Plan				
301199	The Incinerator - Small Street Willoughby, Structural ground floor repairs	Buildings and Investment Property	Project Milestone Variation	Delay due to limited human resources following departure of project manager. Change project milestones: Commence construction from 01/05/2023 to 22/01/2024.
302361	Artarmon Parklands Pavilion - construction	Buildings and Investment Property	Project Milestone Variation	Delay in obtaining Construction Certificate. Change project milestones: Construction Commence from 17/05/2023 to 17/10/2023 Complete construction from 03/05/2024 to 30/11/2024.
301983/ 302362	Naremburn Local Centre	Public Domain	Project Milestone Variation	Delay due to design excellence review changes and requiring documentation changes to the shade structure and seating/wall arrangement. Additional investigations also required to aid Sydney Water approvals. Change project milestones: Tender from 03/07/2023 to 15/11/2023 Contractor Letter of Award from 3/09/2023 to 13/12/2023 Site works commence 29/09/2023 to 05/02/2024.
302329	Bike Plan 2024 and minor bicycle improvements	Transport - Active (Footpath/Bicycles)	Project title changed	Change the project title from ' <i>Bike Plan 2024 and minor bicycle improvements</i> ' to ' <i>Willoughby Council Cycling Strategy and Action Plan</i> ' to more accurately reflect scope and content of the project and document. The Strategy will provide an overarching framework, strategic direction for cycling and integrated transport programs with corresponding action plan in the City for the next ten years.
302458	Edinburgh Road, Castlecrag – 40km/h High Pedestrian Activity Area	Traffic Management	New Project*	Council received a funding grant (\$130K) from TfNSW to develop detailed design and construction of new speed zone 40km/h High Pedestrian Activity Area for Castlecrag local centre

Code	Project title	Project category	Change	Reason
302456	Sydney CBD to Chatswood – St Leonards and Artarmon Connection	Transport - Active (Footpath/Bicycles)	New Project*	Council received a \$1,000,000 funding grant from TfNSW to finalise the proposed cycleway detailed designs including all the proposed new traffic signals design plans.
302459	Willoughby south precinct traffic study	Traffic Management	New Project*	Traffic Study for accumulated traffic impact from the Willoughby Leisure Centre and Nine by Mirvac site.
302372	Footpath Missing Links Program	Active Transport	Project Milestone Variation	Delay of project in order to address community concerns and close out issues raised in community consultation. Commence Procurement – obtain quotes from 06/11/2023 to 30/01/2024
302335	Flat Rock Gully - stormwater upgrade - construction	Stormwater Drainage	Project Milestone Variation	Construction delayed due to issues found in Geotechnical Study. Design only 2023/24 with a future bid for funding to occur in 2024/25. Milestones and budget amended to reflect this. Detailed Design Complete from 30/12/2023 to 29/2/2024 Construction Commence amended to Tender Documentation Commence – 30/04/2024 Site Work Complete to Ready for Tender – 30/06/2024
302208	Stormwater Upgrade: Stormwater Pipe Extension - Hotham Parade	Stormwater Drainage	Project Milestone Creation	Funding allocated from 302335 to allow construction this financial year. New Milestones created: Construction Works Commence: 31/01/2024 Construction Site Works Complete: 31/03/2024 Handover documentation and practical completion 30/04/2024
302369	Rebuild and repair damaged retaining walls 25 Grafton Avenue, Naremburn	Retaining Walls	Project Milestone Variation	Delay of project and engagement of contractor to sequence with Development Application and allow access to the site in consultation with the residents Engage Contractor from 27/11/2023 to 30/01/2024

*Added to Operational Plan 2023/24.

Code	Project title	Project category	Change	Reason
302250	Asset Data, Capture & Validation Program	Buildings and Investment Property	Project Milestone variation	End of year asset capitalisations delayed. Change project milestones: Planning Phase from 31/08/2023 to 6/10/2023 Research- assess available information from 30/09/2023 to 31/10/2023. Collect relevant asset data from 28/02/2024 to 31/03/2024. Mobilisation – load asset data into Tech One from 31/03/2024 to 31/05/2024.
Carryover Projects from 2022-2023 for delivery in 2023-2024				
302243	Public Toilet Strategy - Consultancy	Corporate Services	Carryover Project	Project commenced in 2022/23. Final documentation to be presented to Councillors in 2023/24.
302161	Chatswood Commons	Buildings & Investment Property	Carryover Project	Project deferred from 2022/23. Project now proceeding following LEP implementation.
302267	Repair and rebuild retaining walls – Upper Minimbah	Retaining walls	Carryover Project	Project deferred from 2022/23. Part of rebuild and repair damaged retaining walls program.
302254	The Concourse - Membrane & Water leak remediation (Non Roof Related)	Buildings & Investment Property	Carryover Project	Project commenced in 2022/23 : Comprehensive façade report be prepared which guides work in 2023/24
302256	The Concourse - Century Venues Minor Capital Works	Buildings & Investment Property	Carryover Project	Project is delayed due to investigations into all minor and major capital works required at The Concourse.
302010	Implementation of Willoughby Integrated Transport Strategy (ITS) 2036	Urban Planning	Carryover Project	Delay due to limited human resources following departure of project manager. Next tasks will be to conduct the workshops on the Victoria Avenue Movement and Place plan and complete plan.

*Added to Operational Plan 2023/24.

Code	Project title	Project category	Change	Reason
302098	Renew water tank-Bicentennial Oval-Construction	Open Space Sport	Carryover Project	Delayed as a result of project re-scoping due to latent site conditions and in receiving EPA approval to excavate at a former landfill site. Completion due end of November.
302255	Northbridge Baths - Renewal & Repair Works	Buildings & Investment Property	Carryover Project	Project delayed to satisfy compliance issues including balustrade and stair landing treatment at water entry threshold. New completion date 30/11/23
302022	Scotts Creek Flood Study and Risk Management Plan	Stormwater and Drainage	Carryover Project	Multi-year project. Consultant continuing with data review and consultation. Due for completion in 2024/25.

*Added to Operational Plan 2023/24.

Funding Source Code: GF General Fund ; 2 Internal Reserve ; 3 External Reserve ; 4 Grant & Contribute ; 6 Infra Levy ; 7 S/W Levy ; 8 Env Levy ; 9 Sponsorship ; 10 Sundry Income ; 11 Internal Revenue ; 12 Dev Contribute

Key Direction	Project I.D. and Name	Orig. Budget 2023/24 \$'000	B/fwd Budget 2023/24 \$'000	Curr Budget 2023/24 \$'000	Var Q1 Budget 2023/24 \$'000	Rev Budget 2023/24 \$'000	YTD Sep-23 Actual \$'000	Funding Source	Sep-23 Comments for Q1 Budget Variations
	Environmental Levy - Sustainability								
1.2	400578 - Better Business Partnership (BBP) - community support program	125.0	0.0	125.0	0.5	125.5	83.7	8	Contribution to the 2023/24 Better Business Partnership program is slightly higher than expected.
	Planning and Infrastructure Management								
1.2	401210 - Greening our City 2022 - Edward-Penshurst St	450.0	0.0	450.0	-(250.0)	200.0	0.0	4	Re-prioritisation of project as a result of delay in engaging consultants.
1.2	401241 - Get NSW Active - Willoughby South quiet and green st	0.0	0.0	0.0	330.0	330.0	0.0	4	Project was included in the Operational Plan but budget was not approved due to late notification of grant funding. Budget therefore requires approval in Q1 budget review.
	Environmental Levy - Sustainability								
1.3	401012 - Water saving urban design program	215.0	0.0	215.0	180.0	395.0	1.7	8	Project scope increase, it is funded by an additional grant of \$180k received from Sydney Water.
	Strategic Planning								
2.1	401015 - Implementation of Willoughby Integrated Transport Strategy (ITS) 2036	60.0	79.5	139.5	13.7	153.2	37.3	GF	Increased budget to cover bike counts in collaboration with Traffic and Transport team.
	Traffic and Transport								
2.1	400995 - Road safety behavioural program	10.0	0.0	10.0	5.3	15.3	0.0	GF	TfNSW offered a grant of \$5.3k to deliver road safety program.

Key Direction	Project I.D. and Name	Orig. Budget 2023/24 \$'000	B/fwd Budget 2023/24 \$'000	Curr Budget 2023/24 \$'000	Var Q1 Budget 2023/24 \$'000	Rev Budget 2023/24 \$'000	YTD Sep-23 Actual \$'000	Funding Source	Sep-23 Comments for Q1 Budget Variations
2.1	400962 - Chatswood to St Leonards via Artarmon - bicycle route improvement plan – detailed design	0.0	0.0	0.0	1,000.0	1,000.0	0.0	4	Project was included in the Operational Plan but budget was not approved due to late notification of grant funding. Budget therefore requires approval in Q1 budget review.
2.1	401242 - Willoughby Leisure Centre & Nine Mirvac Traffic Study	0.0	0.0	0.0	100.0	100.0	2.5	12	A traffic study will provide recommendations on mitigation measures to improve the traffic, parking, and pedestrian activities in the area.

Key Direction	Project I.D. and Name	Orig. Budget 2023/24 \$'000	B/fwd Budget 2023/24 \$'000	Curr Budget 2023/24 \$'000	Var Q1 Budget 2023/24 \$'000	Rev Budget 2023/24 \$'000	YTD Sep-23 Actual \$'000	Funding Source	Sep-23 Comments for Q1 Budget Variations
	Work Services Road Pavement								
2.1	400774 - Bridges - Repair works to bridges - Construction	122.3	0.0	122.3	-(10.5)	111.8	13.7	3	Transfer budget to Project 200270 to complete bridge inspection work.
	Asset Management								
2.7	401101 - Public Toilet Strategy - Consultancy	0.0	4.2	4.2	0.7	4.9	4.9	GF	Consultant report completed July 2023. Total cost is over the budget by \$660.
	Multicultural Services								
2.7	401191 - Mosaic kitchen upgrade and stairlift installation	40.0	0.0	40.0	-(10.0)	30.0	0.0	4	The Mosaic kitchen upgrade was able to utilise funds from the 2022/23 property budget to commence this project thus reducing the funds required from the 2023/24 project allocation.
	IL Infrastructure Asset - Building Property								
2.7	400209 - I/L Chatswood Youth Centre Refurbishment	90.0	0.0	90.0	-(90.0)	0.0	0.0	4	Project completed in 2022/23 with funds from the Property. No funds required for 2023/24.
	Traffic and Transport								
3.1	401185 - High St, Willoughby 40km/h HPAA Study	30.0	0.0	30.0	-(30.0)	0.0	6.4	4	Project was completed in 2022/23.
3.1	401243 - Castlecrag 40kph HPAA_Edinburgh Road	0.0	0.0	0.0	130.0	130.0	0.0	4	Grant is granted for safe speed program/40kph HPAA on Edinburgh Road, Castlecrag.
	Work Services Road Pavement								
3.1	401075 - Wombat crossing on Rohan Street at Willoughby Rd, Naremburn	0.0	76.3	76.3	106.1	182.5	0.0	4	Unspent grant carried over from 2022/23 for inspection, audit and minor improvement work for all Wombat crossing sites.
	Project Management Capital								
3.2	400118 - Gore Hill Oval – design - stage 2 works	2,000.0	0.0	2,000.0	-(92.2)	1,907.8	9.7	12	Return savings from consultant and project manager position.

Key Direction	Project I.D. and Name	Orig. Budget 2023/24 \$'000	B/fwd Budget 2023/24 \$'000	Curr Budget 2023/24 \$'000	Var Q1 Budget 2023/24 \$'000	Rev Budget 2023/24 \$'000	YTD Sep-23 Actual \$'000	Funding Source	Sep-23 Comments for Q1 Budget Variations
	Open Space								
3.2	401136 - Upgrade-review & update Open Space & Recreation Plan-Study	0.0	44.9	44.9	1.1	46.0	32.2	GF	Funds returned to meet original project budget following oversight
3.2	401204 - Bicentennial Reserve-Netball courts-resheeting upper courts	200.7	0.0	200.7	124.3	325.0	0.0	2	Budget increased to include funds needed to deliver scope of project.
	Project Management Capital								
3.4	401066 - Artarmon Town Centre (Artarmon Local Centre Masterplan Civic Plaza)	0.0	3,463.0	3,463.0	248.1	3,711.1	1,363.9	4	Budget is adjusted to align with the grant funding amount.
	Work Services Retaining Walls								
3.5	401138 - Rebuild and Repair damaged retaining walls	0.0	453.0	453.0	324.6	777.6	278.6	4	\$234,601 budget top-up funded by grant carried forward from 2022/23. Another \$90k budget transferred from 401215 to complete Minimba road retaining wall.
	Economic Development								
4.5	400968 - Economic Development	50.0	0.0	50.0	15.0	65.0	18.2	GF	Additional budget required for implementation of Economic Development Strategy and Night Time Economy Strategy projects for Business Events and Mentors program and Shop Local.
	Strategic Planning								
4.6	401230 - Chatswood CBD Strategy Implementation	400.0	0.0	400.0	210.0	610.0	0.0	12	Submitted tenders exceed original project budget. Additional funding comes from the Community Infrastructure Contributions Fund.
	Information Services Management								
5.1	400043 - CONNECT software implementations Phase 3	1,600.0	0.0	1,600.0	383.5	1,983.5	720.2	2	Extra resource required to support expanded scope.

Key Direction	Project I.D. and Name	Orig. Budget 2023/24 \$'000	B/fwd Budget 2023/24 \$'000	Curr Budget 2023/24 \$'000	Var Q1 Budget 2023/24 \$'000	Rev Budget 2023/24 \$'000	YTD Sep-23 Actual \$'000	Funding Source	Sep-23 Comments for Q1 Budget Variations
	Customer and Corporate Management								
5.1	400259 - Council building - Victor Street accommodation upgrade - design	3,010.0	0.0	3,010.0	7,223.7	10,233.7	163.7	2	Project timing has been clarified and refined and most work and expenditure will occur in 2023/24. Timing difference only. Total expenditure consistent with Long Term Financial Plan and backed by reserves.
	IL Infrastructure Asset - Building Property								
5.3	401093 - Rolling Security/CCTV Renewal Program	0.0	22.0	22.0	0.9	23.0	23.0	3	The final invoice includes minor variation to the original scope.
	Property Services Council Property								
5.3	401188 - Council Property-13 Eastern Valley Way, Northbridge-upgrade	70.0	0.0	70.0	18.3	88.3	26.3	2	Project scope additions to external works and electrical compliance upgrade.
	Work Services Road Pavement								
5.3	401193 - Clive Park Car Park (construction)	27.4	0.0	27.4	-(5.1)	22.3	22.3	2	Project is completed with savings.
	Work Services Drainage								
5.3	401168 - Stormwater Renewal: Pit Upgrades - 22/23	70.9	0.0	70.9	-(70.9)	0.0	0.0	GF	Budget transferred to stormwater cleaning in Operational Budget as it is maintenance in nature, not capital work.
5.3	401169 - Stormwater Upgrade: Stormwater Pipe Extension - Hotham Parade	0.0	150.0	150.0	150.0	300.0	0.0	2	Carryover budget from 2022/23 is insufficient to fund the project scope based on quotation received. Request additional budget to complete the project to be transferred from 401170.
5.3	401170 - Bicentennial Stormwater Repair	400.0	35.4	435.4	-(150.0)	285.4	2.5	2;7	Project delayed as the construction plan is not yet finalised. Budget transferred to 401169.
	Works Services Retaining Walls & Miscellaneous Works								
5.3	401215 - Rebuild and Repair retaining walls 21 & 9-13 Cawarra Rd Emba	190.0	0.0	190.0	-(90.0)	100.0	0.0	4	Project cost saving, remaining grant fund transferred to 401138 to complete other retaining wall projects that are funded by the same grant.

Key Direction	Project I.D. and Name	Orig. Budget 2023/24 \$'000	B/fwd Budget 2023/24 \$'000	Curr Budget 2023/24 \$'000	Var Q1 Budget 2023/24 \$'000	Rev Budget 2023/24 \$'000	YTD Sep-23 Actual \$'000	Funding Source	Sep-23 Comments for Q1 Budget Variations
	Help and Service								
5.7	401198 - Cust Experience - mapping customer interactions with Council	53.0	0.0	53.0	1.2	54.2	19.1	GF	Slight variance due to phasing incorrectly between two financial years.
	401177 - Projects & Capital Works Contingency Funding (5600)	2,202.4	0.0	2,202.4	-(200.0)	2,002.4	0.0	8;GF	
	TOTAL PROJECT AND CAPITAL WORKS EXPENDITURE Q1 BUDGET VARIATIONS	68,542.1	6,945.9	75,488.0	9,568.1	85,056.2	7,348.5		

Type 1: Interim - Timing issue only – budget exists						
No.	Amount	PM No. (Pulse)	Project I.D. and Name	Sep-23 Comments for Request from PCW Contingency Fund	Permanent v Interim v NA	Replenish v Reduce Contingency
1	100,000	302459	401242 - Willoughby Leisure Centre & Nine by Mirvac Traffic Study	Funds required to undertake a traffic survey and assesment study for Willoughby south precinct (Mirvac site, Willoughby Rd/Artarmon Rd/Small St, including Small Street Willoughby Leisure Centre). This project is funded by VPA Developer contribution.	Interim - Timing only - Budget exists.	Interim Only - Replenish
Total approved requests - Interim Approval only (Replenish)		100,000				
Type 2: Extra budget required – Contingency Reduced - \$200,000						
1	200,000	N/A	200279 - Special Rate Variation 2024/25	Funds required to undertake community engagement on financial sustainability options.	Interim	Reduce Contingency
Total approved requests during the March Quarter		200,000				

PCW Contingency funding Opening Balance	2,202,447
Remaining Balance	1,902,447
Interim Approval only (Replenish)	100,000
Quarter 1 End Balance	2,002,447

12.5 ANNUAL REPORT 2022/23

ATTACHMENTS:	1. IMPLICATIONS 2. WILLOUGHBY CITY COUNCIL ANNUAL REPORT 2022/23 (ATTACHMENT 2 INCLUDED IN ATTACHMENT BOOKLET 1)
RESPONSIBLE OFFICER:	MAXINE KENYON – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	ERVINA LAY – CORPORATE PERFORMANCE MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	27 NOVEMBER 2023

1. PURPOSE OF REPORT

To present *Willoughby City Council's Annual Report 2022/2023* for the financial year ended 30 June 2023.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Receive *Willoughby City Council's Annual Report 2022/23*.**
- 2. Note that *Willoughby City Council's Annual Report 2022/23* will be sent to the Office of Local Government and published on Council's website.**

3. BACKGROUND

Council has a statutory obligation to prepare an annual report in accordance with section 428 of the *Local Government Act 1993*, the *Local Government (General) Regulation 2021* (Part 9, Division 7) and the *Integrated Planning and Reporting Guidelines* under section 406.

Accordingly, *Willoughby City Council's Annual Report for 2022/23*, **Attachment 2**, is provided for noting.

4. DISCUSSION

Council is required to report its achievements in implementing its Delivery Program and Operational Plan for the year, including how effectively the principal activities have fulfilled Council's objectives.

An Annual Report must contain:

1. A copy of the council's audited financial reports prepared in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2021*, *Australian Accounting Standards* and the Office of Local Government prescribed *Code of Accounting Practice and Financial Reporting*. This information is provided as an appendix to the Report.
2. Such other information as the regulations or the guidelines under section 406 may require.

The *Willoughby City Council Annual Report 2022/23* (**Attachment 2**) addresses all of the above legislative requirements, and provides an overview of progress for our community.

Once adopted, the Annual Report will be provided to the Minister for Local Government by 30 November 2023, as required. The Annual Report will also be made publicly available on Council's website.

The performance section of the Annual Report outlines Council's comprehensive achievements for the year. This is a great result in a challenging year of inflation, staff shortages and weather events. Council and staff have pulled together well in the face of these challenges to ensure we still provided quality services to our community.

Some of the year's highlights include:

- A high overall community satisfaction result of 95% (Community Perception Survey, November 2022).
- Council achieved a Proficient rating in risk management in an independent audit conducted by Civic Risk Mutual Insurance.
- New rolling programs to upgrade recreation facilities and expand the urban tree canopy across our area.
- New public square at Bellambi Street for community events, outdoor dining and additional green space.
- Started the Hampden Road, Artarmon streetscape transformation to improve the look and feel of the street, pedestrian safety and flow.
- Started a significant upgrade to Willoughby Leisure Centre's pools and sports hall.
- Participated in the multi-council \$1 million Environmental Protection Authority (EPA) grant-funded project, which trialled and learned from 'food only' collections from apartments.
- Attracted good attendance to the 2023 Chatswood Year of the Rabbit Festival, which injected an additional \$10.2 million into the CBD from visitors, with \$5.8 million spent on dining and entertainment.
- Developed a draft Reconciliation Action Plan (RAP) through a successful collaboration with Reconciliation Australia, incorporating valuable community feedback.
- Commenced implementing the Disability Inclusion Action Plan 2022-2026.
- Hi Neighbours program won an award at the NSW Local Government Excellence Awards, for promoting neighbour connections and reducing social isolation among high rise apartment residents.
- MOSAIC Multicultural Centre won an award from the Premier's Multicultural Community Medal for Local Government Business Excellence. MOSAIC offers a diverse range of services to meet the needs of community groups.
- Finalised new Local Environmental Plan (LEP) and Development Control Plan (DCP) to increase affordable housing, improve density at transport hubs and address environmental considerations.
- Developed and started implementing the Customer Experience Strategy 2023-2025.
- Established seven Advisory Committees to seek input from our community to assist in the development and delivery of Council's strategic priorities.

In addition to these projects, Council continued to deliver a range of other services, including but not limited to the following:

- Responded to 45,223 help and service calls
- Delivered 142 projects and capital works
- Engaged and consulted with 5,843 people
- Over 61,700 people were aware of activities on our Have Your Say website
- 36 visual arts exhibitions and the highest visitation on record with a combined 19,900 visits to our two art spaces
- Repaired and resheeted 50,000m² of road
- Constructed or improved 9,500m² of footpaths
- Planted 342 street trees in our local area
- Over 680,000 visits to all libraries
- Over 8,000 residents attended 137 environmental and community resilience activities as part of the Live Well in Willoughby program
- Continued to operate a range of services including Willoughby Leisure Centre, affordable housing and 197 parks, gardens and sporting grounds.

5. CONCLUSION

Willoughby City Council's Annual Report 2022/23 has been prepared in accordance with the requirements under the *Local Government Act 1993, the Local Government (General) Regulation 2021* and the *Integrated Planning and Reporting Guidelines* under section 406.

It presents Council's performance in implementing its Delivery Program and Operational Plan, and contains its audited financial statements. In summary, the comprehensive achievements, high community satisfaction and great results have been remarkable during a challenging year, reflecting the commitment of staff and Councillors and an active and engaged community.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	This report is part of the Integrated Planning and Reporting Framework as described in the Office of Local Government's <i>Integrated Planning and Reporting Guidelines</i> .
Policy	There are no policy considerations applicable in the preparation of the Annual Report.
Consultation	There are no consultation considerations applicable or required in preparation of the Annual Report.
Resource	The Annual Report is prepared within existing budgets and operational resources.
Risk	Failure to prepare the Annual Report is a breach of legislation, but with no action imposed.
Legal	There are no legal considerations applicable in preparation of the Annual Report.
Legislation	Section 428 of the <i>Local Government Act 1993</i> and the <i>Local Government (General) Regulation 2021</i> (Part 9, Division 7) – within 5 months after the end of each year, a council must prepare a report (its "annual report") for that year reporting as to its achievements in implementing its delivery program and the effectiveness of the principal activities in achieving the objectives at which those principal activities are directed.
Budget/Financial	This is within approved budget.

12.6 ELECTION OF DEPUTY MAYOR

ATTACHMENTS:	1. IMPLICATIONS 2. OFFICE OF LOCAL GOVERNMENT FACT SHEET – ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS 3. DEPUTY MAYOR – NOMINATION FORM
RESPONSIBLE OFFICER:	MAXINE KENYON – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CONNOR – GOVERNANCE, RISK & COMPLIANCE MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	27 NOVEMBER 2023

1. PURPOSE OF REPORT

To elect a Councillor to the position of Deputy Mayor for the period November 2023 to September 2024.

2. OFFICER'S RECOMMENDATION

That Council elect Councillor (Insert Name) to the position of Deputy Mayor, for a period of 11 months from 27 November 2023 – 13 September 2024, and record the method of voting used to conduct the election was via (Open voting / Ordinary ballot / Preferential ballot).

3. BACKGROUND

On 31 January 2022, Council elected Councillor Zhu to the position of Deputy Mayor. Council determined that the term for this position was to end in December 2022, giving three equal terms of 11 months for the duration of the current Term of Council. These terms were:

- 31 January 2022 – December 2022
- December 2022 – November 2023
- November 2023 – September 2024

Section 231 of the *Local Government Act 1993* provides inter alia, that:

- (1) *The Councillors may elect a person from among their number to be the Deputy Mayor.*
- (2) *The person may be elected for the Mayoral term or a shorter term*
- (3) *The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence, or otherwise, from exercising the function or if there is a casual vacancy in the office of Mayor.*

Council's Public Officer (Governance, Risk & Compliance Manager) has been appointed as the Returning Officer by the Chief Executive Officer.

4. DISCUSSION

The process for the election of Deputy Mayor is regulated by clause 394 and Schedule 7 of the *Local Government (General) Regulation 2005*, and *Local Government Act 1993*. The Office of Local Government (OLG) has produced a fact sheet "*Election of Mayor and Deputy Mayor by Councillors*" which outlines the procedures to be observed, a copy is contained in **Attachment 2**.

A nomination for the office of Deputy Mayor (refer **Attachment 3**) is to be made in writing to the Returning Officer and endorsed by two or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

Nominations, in writing are to be sent or delivered to the Returning Officer prior to the commencement of the meeting. However, there will be a call for additional nominations at the meeting.

The Returning Officer is to conduct the ballot and will announce the names of the nominees at the Council meeting at which the election is to be held. If only one Councillor is nominated, that Councillor is elected. If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by:

1. open voting - conducted by a show of hands
2. ordinary ballot - a secret ballot will occur
3. preferential ballot - a secret ballot will occur.

Secret ballots are not able to be conducted by remote audio-visual methods. In the event some Councillors are granted approval by the Council to participate in the Council meeting by remote audio-visual link, the election can only be held by open ballot.

Ordinary and preferential ballots are secret ballots. All Councillors must attend the meeting in person if the election is to be by either of these methods.

5. CONCLUSION

Councillors may elect a person from among their number to the position of Deputy Mayor. Council must resolve the manner of election, noting if Councillors will attend the meeting via audio visual links, Council will need to resolve that the election be held by open ballot.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	The Governance team provides support to the Mayor and Councillors and provides the arrangements needed to elect a Deputy Mayor every year.
Policy	Council's <i>Payment of Expenses and the Provision of Facilities for the Mayor and Councillors</i> policy provides for access to certain facilities for when the Deputy Mayor is acting in the position of Mayor due to the absence of the Mayor.
Consultation	There are no consultation requirements applicable to this report.
Resource	This report's recommendation was developed and can be implemented using existing allocations of resources.
Risk	The election of a Councillor to the position of Deputy Mayor mitigates risk by ensuring continuity of leadership of the Council, should the Mayor be prevented from performing a function of her role, or in the event of a causal vacancy. In these circumstances, the Deputy Mayor is able to exercise the functions of the Mayor.
Legal	There are no legal implications arising from this report's recommendation.
Legislation	The process for the election of the Deputy Mayor is stipulated in <i>Schedule 7 of the Local Government (General) Regulation 2005</i> . The Schedule has been included in Attachment 3 .
Budget/Financial	There are no cost implications for this recommendation.

Fact Sheet

ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS



Summary

Councillors must elect a mayor from among their number every two years unless they have a popularly elected mayor.

Councillors may also elect a deputy mayor. The deputy mayor may be elected for the mayoral term or a shorter term.

The election of the mayor and the deputy mayor must be conducted in accordance with clause 394 and Schedule 7 of the *Local Government (General) Regulation 2005* (the Regulation).

The purpose of this document is to assist councils to conduct mayoral and deputy mayoral elections in accordance with these requirements. It includes scripts for key activities to help returning officers exercise their functions. These scripts are provided in the text boxes inserted in the relevant parts of this document.

How can councils use this document?

Electing a mayor is an important activity. It is vital that the process is smooth, open and easy to follow and not rushed or confusing. Where necessary, it may be appropriate to stop and provide clarification for the benefit of councillors, staff or the gallery.

Returning officers can circulate this document prior to the meeting to help councillors understand the election process.

Election of a mayor after an ordinary election of councillors

An election for mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council.

The returning officer is to be the general manager or a person appointed by the general manager.

As no mayor or deputy mayor will be present at the start of the meeting, the first business of the meeting should be the election of a chairperson to preside at the meeting. Alternatively, the returning officer may assume the chair for the purpose of conducting the election.

Mid-term election of a mayor

A mayor elected by councillors holds office for two years. A mid-term mayoral election must be held in the September two years after the ordinary election of councillors or the first election of a new council following its establishment.

Procedures

Prior to the meeting

Before the council meeting at which the election is to be conducted, the returning officer will give notice of the election to the councillors.

The notice is to set out how a person may be nominated as a candidate for election as chairperson.

As returning officer, I now invite nominations for the position of mayor/deputy mayor for [name of council] for a two year period.

In accordance with the Local Government (General) Regulation 2005, two or more councillors may nominate a councillor (one of whom may be the nominee) for the position of mayor/deputy mayor. Nominations must be in writing and the nominee must consent to their nomination in writing.

A councillor may be nominated without notice for election as mayor or deputy mayor. The nomination is to be made in writing by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The returning officer checks the nomination forms and writes the nominees' names on a candidates' sheet.

At the meeting

At the start of the first meeting after an ordinary election, in the absence of a chairperson, the returning officer assumes the chair and announces that the first item of business is to be the election of a mayor.

If a chairperson is present, they announce that the first item of business is the election of the mayor then vacates the chair for the returning officer who will then conduct the election.

The returning officer reads out the names of the nominees and seeks confirmation that the nominee has accepted the nomination.

If only one councillor has been nominated for the position of mayor/deputy mayor, the nominee is elected.

As there is only one nominee for the role of mayor/deputy mayor, I declare that [name of successful candidate] is elected as mayor/deputy mayor for the ensuing two years.

If more than one candidate has been nominated, the council must determine by resolution, the method of voting for the position of mayor/deputy mayor, by way of one of the following methods:

- Open voting – i.e. by show of hands
- Ordinary ballot – i.e. a secret ballot (place an "X" against the candidate of their choice)
- Preferential ballot – i.e. place 1, 2, 3 etc. against each candidate.

The returning officer must ask for a motion to be put to the meeting by one of the councillors on the preferred method of voting for the election of a chairperson. This must then be seconded and voted on by the councillors.

Note: In the event of a tie, if there is a chairperson, they may use their casting vote. If there is a tie and no chairperson, an election for the role of chairperson should be conducted. Then the election for mayor resumes.

Open voting (show of hands)

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods.

The returning officer will advise the meeting of the method of voting and explains the process.

It has been resolved that the method of voting for the position of mayor/deputy mayor will be by show of hands.

Each councillor is entitled to vote for only one candidate in each round of voting.

I will now write each candidate's name on a slip of paper and deposit it in a barrel. The first name out of the barrel will be written first on the tally sheet, with second name out being written second on the tally sheet, etc.

When all candidates' names have been written on the tally sheet, the returning officer announces the names of the candidates and, commencing with the first candidate, states the following:

Would those councillors voting for [name of candidate] please raise your hand.

The returning officer records the number of votes for each successive candidate on the tally sheet and announces the number of votes received for each candidate.

The minute taker records the vote of each councillor.

The returning officer should check with the minute taker that each councillor has voted. If a councillor has not voted it should be confirmed that they are abstaining (an informal vote).

Two candidates

If there are only two candidates for the position of mayor/deputy mayor and the voting is higher for one candidate than another (number of formal votes recorded on the tally sheet), the returning officer then announces the result.

[Name of candidate] has the higher number of formal votes and as a result I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote**, the returning officer will advise the meeting of the following process.

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the

names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Three or more candidates

If there are three or more candidates, the candidate with the lowest number of votes for the position of mayor/deputy mayor is excluded.

[Name of candidate], having the lowest number of votes, is excluded.

The voting continues as above until there are only two candidates remaining (see voting for **two candidates** above).

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Ordinary ballot – (secret ballot)

The returning officer advises the meeting of the method of voting and explains the process.

It has been resolved that the method for voting for the position of mayor/deputy mayor will be by ordinary ballot, in other words by placing an "X" against the candidate of the councillor's choice.

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

It will be necessary to have a number of blank papers as this process may require more than one round of voting.

The returning officer writes the names on one set of the ballot papers and initials the front of each ballot paper.

A staff member distributes the ballot papers and collects them into the ballot box when completed and gives it to the returning officer who counts the votes and records them on the tally sheet.

The returning officer announces the results.

[Name of candidate], having the lowest number of votes, is excluded.

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

I declare that [name of candidate] is excluded.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

The returning officer writes the names of the remaining candidates on a further set of the ballot papers and initials the front of each ballot paper.

The staff member distributes ballot papers listing the remaining candidates and collects them into the ballot box when completed and gives it to the returning officer who again counts the votes and records them on the tally sheet and announces the results.

The process continues until two candidates remain, where a final vote takes place.

[Name of candidate] has the higher number of votes and I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote** between the two remaining candidates, the returning officer makes the following statement and announces the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel.

Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Preferential ballot

The returning officer explains the process.

It has been resolved that the method for voting for the position of mayor/deputy mayor will be by preferential ballot, i.e. placing 1, 2 and so on against the candidate of the councillor's choice in order of preference for all candidates.

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each candidate's name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The returning officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers.

A staff member distributes the ballot papers and collects them when completed and gives them to the returning officer who counts the first preference votes and records them on the tally sheet.

If a candidate has an absolute majority of first preference votes (more than half), the returning officer declares the outcome.

[Name of candidate], having an absolute majority of first preference votes, is elected as mayor/deputy mayor for the ensuing two years.

If no candidate has the absolute majority of first preference votes, the returning officer excludes the candidate with the lowest number of first preference votes.

[Name of candidate], having the lowest number of first preference votes, is excluded.

The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the returning officer announces the result.

[Name of candidate], having an absolute majority of votes, is elected as mayor/deputy mayor for the ensuing two years.

In the event of a **tied vote** where there are only two candidates remaining in the election, the returning officer explains the process.

The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel. The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

In the event that the **lowest number of votes are tied** and where there are three or more candidates remaining in the election, the returning officer advises the meeting of the process.

In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded and their preferences distributed.

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

I declare that [name of candidate] is excluded and any votes cast for them will be distributed by preference.

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Schedule 7 - Election of Mayor by Councillors

Part 1 Preliminary

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this clause:
ballot has its normal meaning of secret ballot.
open voting means voting by a show of hands or similar means.

Part 2 Ordinary ballot or open voting

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

6 Count—2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 Count—3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 Preferential ballot

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

10 Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. That candidate is elected.
- (4) In this clause, "**absolute majority**", in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

11 Tied candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Part 4 General

12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- a) to be declared to councillors at the council meeting at which the election is held by the returning officer, and
- b) to be delivered or sent to the Departmental Chief Executive and to the Chief Executive of Local Government New South Wales.



ELECTION OF DEPUTY MAYOR - MONDAY, 27 NOVEMBER 2023

NOMINATION OF CANDIDATE

In accordance with Clause 2(2) of Schedule 7 of the *Local Government (General) Regulation 2005*, two or more councillors may nominate a councillor (one of whom may be the nominee) for the position of Deputy Mayor. Nominations must be in writing and the nominee must consent to their nomination in writing.

We, the undersigned, do hereby nominate Councillor _____ for the position of Deputy Mayor.

Nominated by:

Councillor _____ Signature _____

Councillor _____ Signature _____

Date : _____

Acknowledgment of Nomination

I consent to the above nomination for the position of Deputy Mayor.

Councillor _____ Signature _____

Date : _____

12.7 CODE OF CONDUCT - ANNUAL COMPLAINT STATISTICS

ATTACHMENTS:	1. IMPLICATIONS 2. MODEL CODE OF CONDUCT – COMPLAINT STATISTICS
RESPONSIBLE OFFICER:	MAXINE KENYON – CUSTOMER & CORPORATE DIRECTOR
AUTHOR:	SAMANTHA CONNOR – GOVERNANCE, RISK & COMPLIANCE MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	27 NOVEMBER 2023

1. PURPOSE OF REPORT

To report to Council, the annual Code of Conduct Complaints Statistics for the reporting period ending 31 August 2023.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Receive and note the annual report on Code of Conduct Complaint Statistics.**
- 2. Forward a copy of the annual report on Code of Conduct Complaint Statistics to the Office of Local Government.**

3. BACKGROUND

The *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020* (the *Procedures*) require the presentation of an annual report to Council and the Office of Local Government (OLG) on Code of Conduct complaints. The report must provide data stipulated by the *Procedures*, in regards to Code of Conduct complaints concerning Councillors and the Chief Executive Officer.

4. DISCUSSION

All councils within New South Wales are required to adopt a code of conduct that incorporates the provisions of the *Model Code of Conduct for Local Councils in NSW* (the *Model Code of Conduct*). The *Model Code of Conduct* sets the minimum standards of conduct for council officials and assists council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence
- act in a way that enhances public confidence in local government.

Under the *Procedures*, each Council's Complaints Coordinator must report annually on a range of complaint statistics (for the year to September) to their Council and to the Office of Local Government within 3 months of the end of September. A copy of Council's annual report is contained in **Attachment 2**.

5. CONCLUSION

Council's consideration of this report and the referral of the statistics to the OLG ensures that Council's reporting obligations under the *Procedures* are fulfilled.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	Support Council’s <i>Code of Conduct</i> , including management of complaints made under the <i>Code</i> .
Policy	<i>Willoughby City Council Code of Conduct 2020</i> <i>The Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020</i>
Consultation	Council must report annually on code of conduct complaint statistics to the OLG and officers consult with the department on this requirement, if appropriate.
Resource	Officers within the Governance, Risk and Compliance unit are responsible for the compilation of statistics and reporting to Council and the OLG.
Risk	Consideration of this report and submission to the OLG of the annual report ensures that reporting obligations under the <i>Procedures</i> are met.
Legal	The reporting to Council and the OLG of annual statistics fulfils Council’s statutory requirements.
Legislation	Part 11 of the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020</i> requires the annual reporting complaint statistics. The <i>Procedures</i> are statutory procedures, required by section 440 AA(1) of the <i>Local Government Act 1993</i> and regulation 181 the <i>Local Government (General) Regulation 2005</i> .
Budget/Financial	The existing budget provides for administration of the <i>Willoughby City Council Model Code of Conduct 2020</i> and the <i>Procedures</i> .

Model Code of Conduct Complaints Statistics
Willoughby City Council

Number of Complaints

1 a	The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	1
b	The total number of complaints finalised in the period about councillors and the GM under the code of conduct	1

Overview of Complaints and Cost

2 a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	1
b	The number of complaints referred to the Office of Local Government (OLG) under a special complaints management arrangement	0
c	The number of code of conduct complaints referred to a conduct reviewer	0
d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	0
e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	0
f	The number of finalised code of conduct complaints investigated by a conduct reviewer	0
g	The number of finalised complaints investigated where there was found to be no breach	0
h	The number of finalised complaints investigated where there was found to be a breach	0
i	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police	0
j	The number of complaints being investigated that are not yet finalised	0
k	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	\$900.59

Preliminary Assessment Statistics

3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:	
a	To take no action (clause 6.13(a) of the 2018 and 2020 Procedures)	0
b	To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2018 and 2020 Procedures)	0
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the 2018 and 2020 Procedures)	0
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the 2018 and 2020 Procedures)	0
e	To investigate the matter (clause 6.13(e) of the 2018 and 2020 Procedures)	0

Investigation Statistics	
4	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:
a	That the council revise its policies or procedures <input type="text" value="0"/>
b	That a person or persons undertake training or other education (clause 7.37 of the 2018 Procedures or clause 7.40 of the 2020 Procedures) <input type="text" value="0"/>
5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:
a	That the council revise any of its policies or procedures (clause 7.36(a) of the 2018 Procedures or clause 7.39 of the 2020 Procedures) <input type="text" value="0"/>
b	In the case of a breach by the GM, that action be taken under the GM's contract for the breach (clause 7.36(h) of the 2018 Procedures or clause 7.37(a) of the 2020 Procedures) <input type="text" value="0"/>
c	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (clause 7.36(i) of the 2018 Procedures or clause 7.37(b) of the 2020 Procedures) <input type="text" value="0"/>
d	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 and that the matter be referred to OLG for further action (clause 7.36(j) of the 2018 Procedures or clause 7.37(c) of the 2020 Procedures) <input type="text" value="0"/>
6	Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2018 or 2020 Procedures) <input type="text" value="0"/>
Categories of misconduct	
7	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:
a	General conduct (Part 3) <input type="text" value="0"/>
b	Non-pecuniary conflict of interest (Part 5) <input type="text" value="0"/>
c	Personal benefit (Part 6) <input type="text" value="0"/>
d	Relationship between council officials (Part 7) <input type="text" value="0"/>
e	Access to information and resources (Part 8) <input type="text" value="0"/>
Outcome of determinations	
8	The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation <input type="text" value="0"/>
9	The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by OLG <input type="text" value="0"/>

PLANNING & INFRASTRUCTURE DIRECTORATE

12.8 WCC PROPERTY REPORT - NOVEMBER 2023

ATTACHMENTS:	1. IMPLICATIONS 2. CONFIDENTIAL - VACANCY AND LEASING REPORT 3. CONFIDENTIAL – 4 MCLACHLAN STREET, ARTARMON (ATTACHMENTS 2 & 3 CONTAINED IN CLOSED AGENDA)
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	RUPERT GILROY – PROPERTY MANAGER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	27 NOVEMBER 2023

1. PURPOSE OF REPORT

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

2. OFFICER'S RECOMMENDATION

That Council:

- Note the property lease portfolio report, including the information contained in Confidential Attachment 2.**
- Delegate authority to the Chief Executive Officer to negotiate and agree to commercial terms, and execute the lease for tenant in 4 McLachlan St, Artarmon as contained in Confidential Attachment 3 to the report.**

3. BACKGROUND

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

4. DISCUSSION

REASON FOR CONFIDENTIALITY

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

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

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

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

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

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

Tenant Update

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

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

Rent arrears at 31 October 2023 are \$1,018,335 (30 September 2023, \$985,241), an increase of \$70,310 over the last month which is attributable to a single tenant which will be recovered in December 2024.

Lease Expiries and New Leases

For the broader property portfolio:

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

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

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

Affordable Housing

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

5. CONCLUSION

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

ATTACHMENT 1

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

12.9 PLANNING PROPOSAL - 3 MCINTOSH STREET, 2 DAY STREET, 40 AND 42 ANDERSON STREET, CHATSWOOD

ATTACHMENTS:

1. IMPLICATIONS
2. COUNCIL DETAILED ASSESSMENT
3. COUNCIL LETTER TO PARADE CONSULTING 9 MARCH 2023
4. HONES LAWYERS LETTERS TO COUNCIL 20 MARCH, 20 APRIL AND 7 JUNE 2023
5. LETTER FROM H, J AND R VAKILI TO MAYOR, RECEIVED 27 MARCH 2023
6. COUNCIL RESPONSE ON BEHALF OF MAYOR 3 APRIL 2023
7. COUNCIL LETTERS TO HONES LAWYERS 3 APRIL, 5 MAY AND 21 JUNE 2023
8. PRE-PLANNING PROPOSAL NOTES FOLLOWING MEETING 28 AUGUST 2022
9. PLANNING PROPOSAL CONCEPT PLANS
10. WILLOUGHBY LOCAL PLANNING PANEL RECORD OF ADVICE 11 JULY 2023
11. EMAIL FROM PARADE CONSULTING 26 JULY 2023
12. COUNCIL LETTER TO PARADE CONSULTING 4 AUGUST 2023
13. EMAIL FROM PARADE CONSULTING 10 AUGUST 2023
14. LETTER FROM H AND J VAKILI DATED 15 AUGUST 2023
(ATTACHMENTS 2 – 14 CONTAINED IN ATTACHMENT BOOKLET 2)

RESPONSIBLE OFFICER:

HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR

AUTHOR:

CRAIG O'BRIEN – STRATEGIC PLANNER

CITY STRATEGY OUTCOME:

3.7 – PROMOTE HOUSING CHOICE AND AFFORDABILITY

5.4 – ANTICIPATE AND RESPOND TO CHANGING COMMUNITY AND CUSTOMER NEEDS

MEETING DATE:

27 NOVEMBER 2023

1. PURPOSE OF REPORT

The purpose of this report is to seek endorsement not to proceed with an applicant initiated Planning Proposal applying to land at 3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood.

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

2. OFFICER'S RECOMMENDATION

That Council:

1. **Does not forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979, as the Planning Proposal:**
 - (a) **Is inconsistent with Willoughby Local Environmental Plan 2012 as it does not meet the 10% affordable housing provision requirements of the plan.**
 - (b) **Is inconsistent with the strategic objectives of the Greater Sydney Region Plan and the North District Plan and the relevant directions of Willoughby Council's Local Strategic Planning Statement, which encourages the provision of affordable housing.**
 - (c) **Is inconsistent with the Chatswood CBD Planning and Urban Design Strategy 2036, as expressed in Willoughby Local Environmental Plan 2012 and Willoughby Development Control Plan, by seeking the maximum floor space and height and at the same time a reduced affordable housing rate of 4%.**
 - (d) **Does not provide updated supporting documentation satisfactorily addressing Willoughby Local Environmental Plan 2012 (Amendment 34) and Willoughby Development Control Plan (as updated).**
2. **Notify the proponent of Council's decision.**

3. BACKGROUND

The Planning Proposal was lodged on the NSW Planning Portal on 20 December 2022, with the required fees paid on 20 January 2023. The Planning Proposal was subsequently allocated the Council reference number 2023/2 and assessment commenced.

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

Under the CBD Strategy, the site was recommended as a B4 Mixed Zone with a maximum height of 90 metres and a floor space ratio of 6:1. This zone and maximum controls are subject to the satisfaction of other CBD Strategy key elements and *Willoughby Local Environmental Plan 2012* (WLEP 2012) requirements including affordable housing.

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

Under WLEP 2012 (Amendment 34), the site is located in the MU1 Mixed Use zone, with a maximum height of 90m, floor space ratio of 6:1 and maps the land within Area 3 of the Affordable Housing Map, which allows the consent authority to impose an affordable housing contribution condition requiring a contribution equivalent to 10% of the residential gross floor area.

A detailed history of the Planning Proposal has been provided in part 4.6 of this report.

4. DISCUSSION

4.1 Summary

Development within the Chatswood CBD MU1 Mixed Use zone is expected to be in accordance with the elements and vision contained within the CBD Strategy, which have been endorsed by both the Council and Department of Planning and Environment, as well as incorporated into *Willoughby Local Environmental Plan 2012*, Amendment 34, 30 June 2023 (WLEP 2012), and *Willoughby Development Control Plan* as updated (WDCP).

The fundamental issue with Planning Proposal 2023/2 is the variation from 10% affordable housing as required in *Willoughby Local Environmental Plan 2012* to 4%. This Planning Proposal accepts the uplift provided in Amendment 34 with regard to height (90m) and floor space (6:1), and seeks to vary the affordable housing controls by reducing the contribution rate by 6%. This reduction is not supported, for the reasons outlined in Part 4.10 below.

Other CBD Strategy issues, carried through to WLEP 2012 and WDCP, relate to height and floor space being based on the provision of the required 10% affordable housing contribution. In addition, the Planning Proposal does not provide updated documentation satisfactorily addressing *Willoughby Local Environmental Plan 2012* (Amendment 34) and *Willoughby Development Control Plan* (as updated).

The Planning Proposal in its current form is considered to be inconsistent with the strategic objectives of the *Greater Sydney Region Plan* and the *North District Plan* which encourages the provision of affordable housing and consistency with local strategic planning.

The Willoughby Local Planning Panel also advised that *"it is not satisfied that the planning proposal is worthy of being forwarded to the DP&E for a Gateway consideration having not demonstrated merit in relation to the affordable housing provision."*

In the absence of a scheme providing a contribution rate of 10% of the residential GFA towards affordable housing, and having regard to the other issues raised, it is recommended that Planning Proposal 2023/2 should not be forwarded to the Department of Planning and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

4.2 The Planning Proposal

The Planning Proposal has been lodged by Parade Consulting on behalf of H and J Vakili, R Vakili, and 3 McIntosh P/L.

The overall site which is the subject of this Planning Proposal involves:

- 3 McIntosh Street, being SP 2650.
Owner: Owners Corp Strata Plan 2650.
- 2 Day Street, being SP 76364.
Owner: Owners Corp Strata Plan 76364.
- 40 Anderson Street, being SP 19181.
Owner: Owners Corp Strata Plan 19181.
- 42 Anderson Street, Lot 1 DP 1604.
Owner: Owners Corp Strata Plan 1604.

The Planning Proposal originally sought to change:

- Zoning from R3 Medium Density Residential to B4 Mixed Use
- Height from 12m to 90m
- Floor Space Ratio from 0.9:1 to 6:1

The Planning Proposal proposed the provision of an affordable housing contribution calculated as 4% of the residential gross floor area.

The detailed history of this Planning Proposal is provided below in Section 4.6 of the Discussion.

Refer to **Table 1** below for a summary of the amendments proposed by Planning Proposal 2023/1 as compared to the current controls under *Willoughby Local Environmental Plan 2012* (Amendment 34).

Table 1: Summary of Planning Proposal 2023/2 Amendments

	3 McIntosh St, 2 Day St, 40 and 41 Anderson St	Compliance
Zoning		
Current WLEP 2012	MU1 Mixed Use	
Proposed in Planning Proposal	No change	Yes
Height		
Current WLEP 2012	90m	
Proposed in Planning Proposal	No change	Yes
Floor Space Ratio		
Current WLEP 2012	6:1	
Proposed in Planning Proposal	No change	Yes
Affordable Housing		
Current WLEP 2012	10% of residential GFA	
Proposed in Planning Proposal	4% of residential GFA	No 10% required

The Planning Proposal is seeking to vary the affordable housing requirement from 10% to 4% of gross residential floor area, which is the previous rate that would have applied prior to the commencement of WLEP 2012 as amended by Amendment 34.

The concept plans are at **Attachment 9**.

4.3 Subject Location

The site has a total area of 3,122m², bounded by Day Street to the north, 38 Anderson Street and McIntosh Street to the south, Anderson Street to the east, and 1 Day Street to the west. There is also a small boundary shared with 1 Cambridge Lane to the south west.

The site is battle axe in shape, primarily located with frontages to Anderson and Day Street, with a smaller frontage also to McIntosh Street. The site contains four properties but does not fully cover the block up to 1 Day Street, with 38 Anderson Street not being part of the Planning Proposal site.

To the north, on the other side of Day Street is 44-52 Anderson Street. A Planning Proposal has been made (27 June 2022) and notified (Amendment 27, 29 July 2022) on that site responding to the *Chatswood CBD Planning and Urban Design Strategy 2036* (the CBD Strategy), with a height of 90m and FSR of 6:1.

To the south, on the other side of McIntosh Street is 3-5 Help Street. A Planning Proposal has been finalised (28 March 2022) and notified (Amendment 23, 13 May 2022) on that site responding to the CBD Strategy, with a height of 90m and FSR of 6:1.

To the east, 40 and 42 Anderson Street is opposite the North Chatswood Conservation Area.

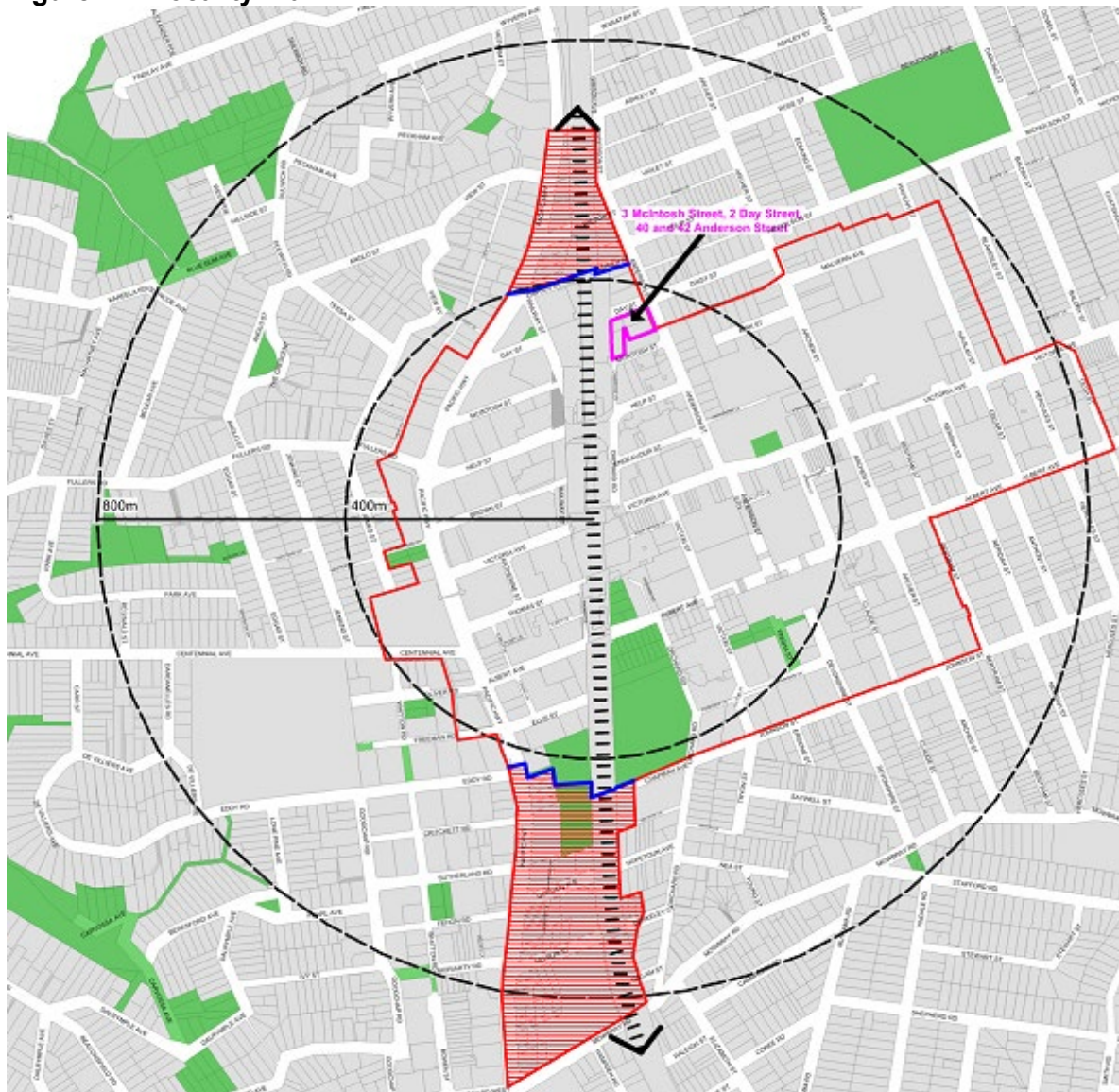
To the west of the site is a four storey medium density residential flat building at 1 Day Street. There is a publicly accessible pathway, located along the boundary of the 1 Day Street site, adjacent this Planning Proposal site running from O'Brien Street to McIntosh Street.

The site is located approximately 350m from the Chatswood Railway Station and Transport Interchange and within the expanded Chatswood CBD boundary identified in the CBD Strategy.

Figure A – Location Plan



Figure B – Locality Plan



4.4 Affordable Housing

Under *Willoughby Local Environmental Plan 2012 (Amendment 34)*, (WLEP 2012), which came into effect on 30 June 2023, contributions can be sought for the provision of affordable housing within the Chatswood CBD at a rate of 10% of the residential gross floor area. Affordable housing is addressed under Clause 6.8 and the Affordable Housing Map of WLEP 2012, with the site being located within Area 3 (10%).

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

In regards to the assessment of Planning Proposal 2023/1, the applicable affordable housing contribution rate is 10% of the total residential gross floor area under the now in force WLEP 2012.

The subject Planning Proposal proposes affordable housing contributions at 4% of total residential gross floor area.

Refer to **Table 2** below for the difference between what affordable housing contributions are required and what is proposed.

Table 2: Difference between 10% and 4% affordable housing regarding PP 2023/2

	Existing: 10%	Proposed: 4%	Difference
Indicative yield (dwellings)	162	162	N/A
Maximum residential GFA (5:1)	15,608m ²	15,608m ²	N/A
Affordable Housing Requirement	1,560.8m ²	624.32m ²	936.28m²
Indicative yield of affordable units	16	6	10
Based on following assumptions: <ul style="list-style-type: none"> • Exclusions estimated at 20% • Average unit size 80m² 			

4.5 Department of Planning and Environment Requirements

The Planning Proposal is not considered to be in accordance with the requirements under Section 3.33(2) of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment (August 2023) *Local Environmental Plan Making Guideline* for the reasons indicated below.

4.6 Strategic Considerations

The application is considered to be inconsistent with the strategic objectives of the *Greater Sydney Region Plan* and the *North District Plan* which encourages development to be consistent with strategic planning undertaken by local Councils including the provision of affordable housing.

In regards strategic planning undertaken by Willoughby Council, considerable work has been done since 2016 in the form of *Our Future Willoughby 2032*, the *Willoughby City Local Strategic Planning Statement* (February 2020), the *Chatswood CBD Planning and Urban Design Strategy 2036* (September 2020) (the CBD Strategy), the *Willoughby Housing Strategy 2036* (May 2020) and the *Willoughby Local Environmental Plan 2012* review leading to Amendment 34 (30 June 2023).

The *Greater Sydney Region Plan* (updated June 2018) emphasises the importance of affordable housing in Section 4 'Liveability', 'Housing the City', Objective 11 'Housing is more diverse and affordable'. This strategic document states in regards affordability:

"Across Greater Sydney, both home renters and purchasers face housing affordability challenges. Greater Sydney has been measured as being one of the least affordable housing markets globally and is the least affordable Australian city. This has been exacerbated in the past five years by rapid home price growth."

The *North District Plan* identifies principles for housing strategies, including:

"Affordable rental housing: through housing diversity for those on moderate incomes and affordable rental housing for low and very low-income households."

Our Future Willoughby 2032, Community Strategic Plan, identifies the following community priorities:

- Under Outcome 3 'A City that is Liveable': 3.7 Promote housing choice and affordability.
- Under Outcome 5 'A City that is effective and accountable': Anticipate and respond to changing community and customer needs.

The *Willoughby City Local Strategic Planning Statement* identifies the following priorities for 'Housing the City':

- "Priority 1 - Increasing housing diversity to cater to families, the aging population, diverse household types and key workers.
- Priority 2 - Increasing the supply of affordable housing."

It also includes an Affordable Housing target of "7-10% GFA with new housing uplift by 2036)". The matter of affordable housing is considered to be a clear priority for the City of Willoughby in 2023.

4.7 History of the Planning Proposal 2023/2 and comprehensive WLEP 2012 review, having regard to the issue of affordable housing

A timeline of events is provided below outlining the history of the Planning Proposal and comprehensive WLEP 2012 review, having regard to the issue of affordable housing.

- **22 August 2018** – A preliminary planning proposal meeting was held, at which time records show that there was discussion between Council and the Proponent regarding providing a 4% affordable housing contribution.
- **14 December 2020** - Council resolved to forward a Council initiated Planning Proposal regarding the comprehensive review of *Willoughby Local Environmental Plan 2012* to the Department of Planning and Environment (DPE) for a Gateway Determination (becoming Planning Proposal 2021/2).
- **30 August 2021** – *Willoughby Affordable Housing Feasibility Report* prepared by SGS Economics and Planning and submitted to DPE to assist in its consideration of proposed affordable housing changes. This report concluded:
"The feasibility analysis has shown that sites in Chatswood centre are likely to be developed with at least a 10 per cent contribution, consistent with the target under the NSW Government's district strategic plan."
- **24 December 2021** - A Gateway Determination was issued by DPE, enabling exhibition of Planning Proposal 2021/2.
- **5 March and 7 June 2022** - Council initiated Planning Proposal 2021/2 regarding the comprehensive review of *Willoughby Local Environmental Plan 2012* was exhibited, with an affordable housing contribution rate of 10% of residential gross floor area.

All owners were sent a letter informing them of the exhibition period, which stated:

"The changes to the LEP and DCP are designed to accommodate and plan for future growth. These documents contain the primary planning controls for our area and determine land use, height of buildings, and floor space, amongst a range of other planning controls.

The new plans can be viewed on Council's website, and Council will be hosting a range of webinars and information sessions where you can talk directly to Council

officers about what it may mean for your local area and how you can provide feedback.”

Detail on the proposed change to affordable housing was listed on the Council Have Your Say page, located on the Council web site, for the exhibition period and onwards as a record, as follows:

“Increased affordable housing in new residential developments, from 4% of Gross Floor Area (GFA) to 10%, in line with aspirations in the North District Plan and in recognition of the urgent need for more affordable rental housing in all parts of Sydney.”

As part of the exhibition material, the increase in affordable housing was also addressed in “*A Guide to Willoughby’s new draft Local Environmental Plan and draft Development Control Plan*”, prepared to assist the community in understanding the proposed changes.

- **20 July 2022** – The proponent attended a second preliminary planning proposal meeting with Council to discuss the controls that would apply to a planning proposal at the site. The proponent’s position is that Council did not mention a requirement to increase the affordable housing contribution from 4% which was proposed, to 10%.
- **28 August 2022** – The proponent had a formal Pre-Planning Proposal Meeting with Council. Notes were provided referring to a minimum requirement of 4% affordable housing. In particular, the notes stated:
“A minimum of 4% affordable housing should be provided throughout the development (rather than together) in accordance with Council’s existing LEP and DCP requirements.”

“Any additional affordable housing contribution is encouraged as part of an offer to enter a Planning Agreement”.

The notes also stated:

“If a Planning proposal is submitted based on these pre Planning Proposal Notes, comprehensive internal consultations will be undertaken, further meetings with the proponent may be required, as well as additional amendments, prior to the submission of a report to Council to determine whether the Planning Proposal should proceed to Gateway and public exhibition.”

“Council officers have used their best endeavours to assist you, but please be aware that other issues may arise during the processing of the planning proposal.

NO UNDERTAKING OR GUARANTEE CAN BE GIVEN THAT YOUR PLANNING PROPOSAL WILL BE APPROVED TO PROCEED TO A GATEWAY DETERMINATION WHEN IT IS LODGED.”

Refer to **Attachment 8** for the Pre-Planning Proposal Notes.

Comment:

Pre-Planning Proposal Meetings are encouraged by Council officers and Notes are provided to proponents in good faith to assist in the early preparation of planning proposals. The Notes do not establish ongoing controls or cover every matter that may pertain to the future development of a site at the eventual point of planning proposal lodgement – which is unknown by Council officers when the

Notes are written. It is the responsibility of a proponent to be informed of public matters that may impact the preparation of a planning proposal on a site, such as in this case, the concurrent progress of the comprehensive WLEP 2012 review and any proposed changes to controls.

Affordable housing was referred to in the Pre-Planning Proposal Notes as a minimum of 4%. The Notes also state that any planning proposal submitted based on the Notes may be subject to amendments and that no guarantee is given that a submitted planning proposal will be approved. The proposed affordable housing requirement of 10% was public knowledge at the time of the Notes and therefore a consideration in the preparation of the subject planning proposal.

- **7 December 2022** – Agenda for Council Meeting made public prior to 12 December 2022 Council Meeting. An affordable housing requirement of 10% of total residential GFA was one of the proposed changes for Council consideration.

In the Council report, it was stated:

“There are planning proposals (mainly in Chatswood CBD) that have been progressed in tandem or ahead of this comprehensive LEP review. If they have been lodged before the end of the exhibition period with a 4% agreed rate, it is proposed that rate remains as is.

A provision will be added to the final version of the LEP that will clarify this decision. These Planning Proposals are specified in Attachment 8”

- **12 December 2022** - Council initiated Planning Proposal 2021/2 was reported to a Council Meeting, supported for finalisation and to be forwarded to DPE to be made. The affordable housing provision of 10% of total residential GFA was supported. The Council initiated Planning Proposal 2021/2 did not include the site the subject of the Subject Planning Proposal on the list of planning proposals to be ‘saved’ and subject to a 4% (rather than a 10%) affordable housing contribution.

A motion was passed (Item 12.11) which included resolution 2:

“Approve the amendments to the exhibited Draft Local Environmental Plan as outlined in Attachment 8, and forward the combined document to the Department of Planning and Environment for finalisation.”

The amendments set out in Attachment 8, as adopted by the Council’s resolution and set out in the meeting minutes, included a specific change to the draft instrument. At page 1 of Attachment 8 was the following statement:

“A savings provision will be added to the final version of the LEP that will clarify the 4% will still apply to site specific Planning Proposals lodged before the making of this LEP. This will mainly apply to sites in Chatswood CBD which have a separate planning proposal.”

This was further addressed in Recommendation 1(a) in Attachment 8 which said:

“Recommendation 1(a)

Transfer all affordable housing sites from the Special Provisions Area Map to a new Affordable Housing Map with 3 rates of 4%, 7% and 10%, with a savings provision to be included that clarifies the 4% will apply to negotiated planning proposals.”

- **20 December 2022** - Subject Planning Proposal, with a 4% affordable housing contribution rate, was lodged on NSW Planning Portal.

- **20 January 2023** - Subject Planning Proposal fee paid to Council, identified as Planning Proposal 2023/2, and Council assessment commenced.
- **9 March 2023** - Council sent a letter to the proponent Parade Consulting regarding Planning Proposal 2023/2 (Refer to **Attachment 3**). This letter invited the proponent to either withdraw the Planning Proposal and receive a full refund or to increase the affordable housing provision to 10%. It was also outlined that the proponent's Planning Proposal would be on a very similar timeframe to Council's own Planning Proposal 2021/2.

The letter stated:

"A position was established in November 2022 that any Planning Proposal lodged after the 5 March and 7 June 2022 exhibition with an affordable housing component of less than 10% is unlikely to be supported as after this exhibition Council's position would be well known."

- **20 March 2023** - Hones Lawyers sent a letter to Council on behalf of the proponent (Refer to **Attachment 4**). This letter stated:
"Our client is concerned at the position taken by Council with regard to the application of a 10% affordable housing requirement ..."

Our client is not concerned however at the requirement for affordable housing in general and indeed embraces it, rather the concern arises from the reasonable understanding arising from representations made by Council, and the history of the matter, that the affordable housing requirement was to be set at 4% of gross floor area (GFA)."

The letter concludes by saying that the fairest way to address this is to include a savings provision such that the subject Planning Proposal is excluded from the application of the Council initiated Planning Proposal 2021/2.

- **27 March 2023** – Letter from H, J and R Vakili sent to the Mayor (Refer to **Attachment 5**). This letter stated in regards the 9 March 2023 Council letter:
"This letter is in direct conflict with advice that we have in writing from Willoughby Council confirming the 4% affordable housing control for our site on the 28th September 2022. We reject that "Council's position would be well known" after exhibition ..."

Comment:

No correspondence was provided by Council dated 28 September 2022. It is assumed the writer is referring to the 28 August 2022 Pre-Planning Proposal Notes. This is the only pre-PP meeting where a fee was paid and Notes were issued by Council.

- **3 April 2023** - Council sent a letter to Hones Lawyers stating the applicability of the 10% affordable housing requirement to PP 2023/2 (Refer to **Attachment 7**) and providing options moving forward. The options proposed were:
 1. Withdraw the planning proposal and receive a full refund;
 2. Revise the planning proposal to include a 10% affordable housing contribution rate; or
 3. Council assesses the planning proposal, which is unlikely to be supported.

- **3 April 2023** – Council sent a letter on behalf of Mayor to H, J and R Vakili, providing the 3 April 2023 Council letter to Hones Lawyers.
(Refer to **Attachment 6**)
- **20 April 2023** - Hones Lawyers sent a letter to Council (Refer to **Attachment 4**).
This letter stated:
“...your letter seems to rely upon “a position established in November 2022”. We are unaware of how that “position” was established. It certainly does not appear that comments from the public were sought prior to establish such a position, nor was our client afforded any opportunity to address Council concerning it”
“Irrespective to these matters, our client will not be withdrawing its planning proposal. Rather our client wishes for Council to fairly assess its proposal.”

This letter repeated the proponent’s request for a savings provision to be inserted into the instrument to ‘save’ planning proposals lodged before the making of Council initiated Planning Proposal 2021/2.
- **5 May 2023** - Council sent a letter to Hones Lawyers (Refer to **Attachment 7**) restating the applicability of the 10% affordable housing requirement to PP 2023/2 and that the PP would be progressed to a Council meeting.
- **7 June 2023** - Hones Lawyers sent a letter to Council (Refer to **Attachment 4**).
This letter stated:
“we have requested that our client’s site be included in the savings provision for Council’s planning proposal so that the 10% affordable housing criteria does not apply to its site.”
“In the event Council does not agree, then reluctantly our client has instructed us to investigate what legal options it might have to challenge any decision Council may take to not include our client in the savings provisions. In other words, to challenge the making, and decision making process, of Council’s planning proposal.”
- **21 June 2023** - Council sent a letter to Hones Lawyers (Refer to **Attachment 7**).
This letter stated:
“The position outlined in your 7 June 2023 letter is again noted. Council has also considered the final paragraph where you identify the course of action you may take going forwards.
Council continues to reaffirm the importance of affordable housing and the relevance of 10% affordable housing provision with regards to Planning Proposal 2023/002.
As previously indicated, Council staff will proceed to conclude the assessment and report the Planning Proposal to a Council Meeting for a decision. The proponent will be advised of the meeting date when it has been identified.”
- **30 June 2023** - Comprehensive WLEP 2012 review made and notified on the NSW legislation website as *Willoughby Local Environmental Plan 2012, Amendment 34*.

The Department of Planning and Environment *Plan Finalisation Report PP-2021-6242, Willoughby Local Environmental Plan 2012 (Amendment 34)*, dated June 2023, states the following in regards the consideration of affordable housing:

- “Two site specific planning proposals not supported to remain at 4%*
- *691-699 Pacific Highway, Chatswood; and*
 - *2 Day Street, 3 McIntosh Street and 40-42 Anderson Street, Chatswood*

The Department has received correspondence for the proponents of these sites raising concerns with the application of an affordable housing contribution rate of 10% instead of 4%.

The planning proposal at 691-699 Pacific Highway (PP-2022-4052) was not included on Council's resolution in the list of proposals that were sufficiently advanced to apply the 4% contribution rate.

It is Council's position that previously negotiated planning proposals lodged before the exhibition of the Comprehensive LEP review would be subject to the 4% affordable housing contribution rate and this proposal will be subject to the new 10% affordable housing contribution rate.

The planning proposal at 2 Day Street, 3 McIntosh Street and 40-42 Anderson Street (PP-2022-4316) is in a similar situation to the planning proposal at 691-699 Pacific Highway. Council has the same position on this planning proposal and it will be subject to a 10% affordable housing contribution rate."

- **26 July 2023** – Email to Council from Parade Consulting (Refer to **Attachment 11**)

This email stated:

"With regards to our Planning Proposal... we seek confirmation of the following:

1. *We understand that there is currently a difference of opinion between Council and the Project Proponent (our Client) with regards the value of the affordable housing component that should be applied to the site – and at this time (with regards to this email) I wish to park that issue to the side – for separate resolution in due course.*

To be clear, this affordable housing component issue is not the subject matter that this email is attempting to address or resolve in any way..."

- **2 August 2023** – Development Application lodged (DA 2023/194) on subject site proposing a mixed use development similar to the Planning proposal concept plans with 4% affordable housing.
- **4 August 2023** – Council sent a letter to Parade Consulting (Refer to **Attachment 12**) In addition to the fundamental issue of affordable housing, in response to the question in the 26 July 2023 email from Parade Consulting, five other issues were identified. These were:
 - All 1:1 non-residential floor space is to be located at ground level or above.
 - Based on a 1.5m tower setback for Tower 2 (the western tower) to the boundary with 38 Anderson Street, then the Tower 2 overall maximum height is to be 30m.
 - All loading and unloading is to be located within basement levels, with non-residential floor space to be maximised at ground level.
 - Addressing the issue of amalgamation with 38 Anderson Street.
 - Documentation to be updated to address WLEP 2012 (Amendment 34) and WDCP (as updated).

This letter also stated:

"In your email dated 26 July 2023, you state:

“Please advise accordingly if our planning proposal is currently adequate and sufficient to proceed with regards to any and all detail (other than the affordable housing discrepancy)”

In response, and excluding the fundamental affordable housing issue as requested, please note the following issues with this Planning Proposal and the accompanying documentations...

...To be clear and to assist you going forwards, there is a risk involved in updating the Planning Proposal to address the issues ... while not satisfactorily addressing the fundamental issue of affordable housing.

You are encouraged to satisfactorily address the fundamental issue as a priority, as already outlined in correspondence, as well as addressing the other issues identified in this letter...”

- **10 August 2023** – Email from Parade Consulting (Refer to **Attachment 13**)
The email outlined that four of the abovementioned five issues were able to be addressed and that amended plans would be prepared. In regards the issue of amalgamation, the email stated:

“At this time we are unable to include 38 Anderson Street Chatswood into our consolidated project site or this current Planning Proposal.”

On the issue of affordable housing, this email stated:

“Further correspondence will shortly be provided relating to the Affordable Housing discrepancy.”

- **15 August 2023** – Letter sent from H and J Vakili to Council (Refer to **Attachment 14**)
This letter stated:
“I trust that you will appreciate my frustration that all of our feasibility and amalgamation were carried out based on ... advice of 4%.

I sincerely hope that you can see our being caught in this administrative mishap and I desperately hope that you would kindly put a rather positive comment with regards to this matter through to the Council meeting in which our Planning Proposal is going to be discussed.”
- **17 August 2023** – Email from Council to H and J Vakili, and Parade Consulting
This email stated:
“The letter from H and J Vakili dated 15 August 2023 and email from Parade Consulting dated 10 August 2023 will be part of the consideration of this Planning Proposal at a future Council Meeting.”
- **28 August 2023** – A report on the finalisation of *Willoughby Local Environmental Plan 2012* and *Willoughby Development Control Plan* was considered at a Council Meeting. It was resolved:

“That Council:
1. *Note the making of the new Willoughby Local Environmental Plan (known as Willoughby Local Environmental Plan 2012 – Amendment 34) and Willoughby Development Control Plan 2023.”*
- **31 August 2023** – A cover sheet and plans were submitted to address the Council letter dated 4 August 2023. The amendments are as follows:

- All 1:1 non-residential floor space has been located at ground level or above.
- Eastern portion of Tower 2 (Western Tower) setback has been increased to 3m.
- All loading and unloading has been located within basement levels, with non-residential floor space to be maximised at ground level.

In regards to the amalgamation with 38 Anderson Street, the proponent has advised:

“Whilst this outcome is clearly desirable, we are not currently in a position to offer this. We are still pursuing amalgamation of the total site and will update Council if and when this situation changes.”

In regards to the provision of relevant documentation to address the above amendments, WLEP 2012 (Amendment 34, dated 30 June 2023) and WDCP and the revised car parking rates (as updated 31 July 2023), the proponent has advised:

“The Planning Proposal documentation will be updated to address the revised carparking rates.”

Comment:

The assessment of this Planning Proposal has been based on the amended documentation (including amended plans) received by Council on 31 August 2023. Concern remains regarding the exclusion of 38 Anderson Street from the Planning Proposal site, and the non-provision of the requested documentation

- **8 September 2023** – Online meeting between Council officers and M Hurst, H and R Vakili.
Positions of proponent and Council officers explained.
- **25 September 2023** - Council officers made aware of progress on possible amalgamation of 38 Anderson Street. However the Planning Proposal was unchanged in this regard.
- **5 October 2023** – Stage 1 Concept Development Application lodged (DA 2023/276) for demolition of existing structures and approval of a Building Envelope containing multistorey mixed use development with, basement car parking, and related landscaping and associated works. This application was lodged by 3 McIntosh Pty Ltd and involved 38 Anderson Street.
- **20 November 2023** – Letter from Parade Consulting stating that the proponent / applicant was now 3 McIntosh Pty Ltd, with the contact being Mecone.

A more detailed history is provided in **Attachment 2 – Detailed Assessment**.

4.8 Other Planning Proposals involving Parade Consulting as proponent, acting on behalf of H, J and R Vakili and 3 McIntosh Pty Ltd

The proponent, being Parade Consulting acting on behalf of H, J and R Vakili and 3 McIntosh Pty Ltd, has elected to progress a planning proposal at the same time as Council has been progressing the comprehensive WLEP 2012 review. The proponent has had two planning proposals progress to being made and gazetted as follows:

- 3-5 Help Street Chatswood
 - Planning Proposal 2017/8 (Council reference) lodged 19 December 2017.
 - Supported for referral to Gateway at Council Meeting 11 February 2019.
 - Gateway Determination issued by DPE 24 November 2020.

- Exhibition 24 March to 21 April 2021, and again from 3 to 21 June 2021.
- Made at the Council Meeting 28 March 2022.
- Gazetted as Amendment 23 to WLEP 2012 on 13 May 2022.
- 58 Anderson Street Chatswood
 - Planning Proposal 2018/1 (Council reference) lodged 22 January 2018.
 - Supported for referral to Gateway at Council Meeting 12 November 2018.
 - Gateway Determination issued by DPE 22 January 2021.
 - Exhibition 22 April to 20 May 2021.
 - Made at the Council Meeting 3 November 2021.
 - Gazetted as Amendment 18 to WLEP 2012 on 4 March 2022.

These two planning proposals were supported with a 4% affordable housing provision, as all were lodged, exhibited, made and gazetted prior to the comprehensive WLEP 2012 review exhibition from 5 March to 7 June 2022.

4.9 Planning Proposals eligible for 4% affordable housing and submitted based on the CBD Strategy

A total of thirteen planning proposals within the Chatswood CBD Mixed Use zone and submitted based on the CBD Strategy have been made and gazetted with 4% affordable housing. Of these thirteen, the last planning proposal to be lodged prior to 7 June 2022 was:

- 10 Gordon Avenue and 15, 17 and 19 Nelson Street Chatswood:
 - Planning Proposal 2022/3 (Council reference) submitted on NSW Planning Portal 21 May 2022 and lodged with Council 2 June 2022.
 - Supported for referral to Gateway at Council Meeting 12 December 2022.
 - Exhibition from 30 March to 27 April 2023.
 - Made at the Council Meeting 26 June 2023.
 - Gazetted as Mapping Amendment No. 3 to WLEP 2012 on 25 August 2023.

There are two other planning proposals submitted prior to the conclusion of the exhibition period, and are currently under assessment, which will also be considered with an affordable housing provision of 4%, being:

- PP 2020/6 (1 - 13 Spring Street, 56 – 76 Archer Street, 35 Albert Avenue Chatswood).
- PP 2022/1 (641-653 Pacific Highway and 655A Pacific Highway Chatswood).

4.10 CBD Strategy, WLEP 2012 and WDCP

The CBD Strategy 35 Key Elements have been incorporated, as appropriate, into *Willoughby Local Environmental Plan 2012* (WLEP), Amendment 34, made and notified on 30 June 2023 and *Willoughby Development Control Plan* (endorsed by Council and updated accordingly).

Council does not consider there to be sufficient consistency between the concept plans submitted with the planning proposal and the CBD Strategy, WLEP 2012 and WDCP to justify amending the current planning controls as proposed. As discussed above, particular concern is raised regarding the issue of affordable housing. In regards the CBD Strategy, concern is raised with Key Elements 13, 14 and 20, as detailed below:

- Key Element 13 and floor space ratio
The proposed 6:1 FSR is consistent with the CBD Strategy FSR maximum for the site, however, within that maximum, an affordable housing component of 10% is required in accordance with Amendment 34 to WLEP 2012.
Under WLEP 2012, floor space ratio is addressed in Clause 4.4 and the Floor Space Ratio Map.

- Key Element 14 and affordable housing
Affordable housing is provided within the maximum floor space ratio (4%), which is not at the required % of GFA under the new WLEP 2012 (10%).
Under WLEP 2012, affordable housing is addressed in Clause 6.8 and the Affordable Housing Map.
- Key Element 20 and height
To achieve the height permitted under the CBD Strategy, the other Key Elements are required to be satisfied. In addition, the requirements of *Willoughby Local Environmental Plan 2012* (WLEP 2012) are also to be satisfied. Particular attention is drawn to Key Element 28 and affordable housing.
Under WLEP 2012, height is addressed in Clause 4.3 and the Height of Buildings Map.

Furthermore although the minimum lot size is achieved, the inclusion of 38 Anderson Street is strongly encouraged as part of an amalgamated site, in order to achieve a comprehensive approach to planning for this block (up to the 1 Day Street western boundary), and to remove complications such as irregular shaped boundaries with neighbouring properties.

4.11 Matters to be addressed in this Planning Proposal

As noted above in the Officers recommendation, this Planning Proposal is not supported based on the fundamental issue of inadequate provision of affordable housing contributions, with the variation of 6% (from 10% to 4%) not supported.

As can be seen in the correspondence exchanged on behalf of the proponent and Council, the proponent has consistently sought for the Planning Proposal to be subject to a 4% affordable housing contribution rate, rather than the 10% that applies under WLEP 2012 (Amendment 34). The proponents position appears to be that:

- they were led to believe that a 4% affordable housing contribution was acceptable, as a result of statements made (or not made) by Council officers as part of pre-lodgement meetings;
- they believe the Council's resolutions at the 12 December 2022 meeting reflected an intention by the Council to save any planning proposals lodged before the making of the comprehensive WLEP review instrument (rather than those lodged prior to the close of the relevant exhibition period); and
- they say the Planning Proposal was substantially advanced prior to the making of WLEP 2012 (Amendment 34) and so the Council should apply the 4% contribution rate, rather than the increased 10% rate.

Council's correspondence in response identifies that Council staff disagrees with the position articulated by the proponent including because:

- statements made during pre-Planning Proposal meetings or other meetings or correspondence are not binding and are only intended to assist proponent's in preparing documentation;
- the proponent elected to progress the Planning Proposal alongside the Council's comprehensive LEP review;
- the proponent was aware of the exhibition of the comprehensive LEP review package which did not identify the site as being 'saved' and subject to a 4% contribution rate; and
- any statements of intention are only reflective of the Council's intention at that time and do not bind the position of Council at future times.

However, given that the Planning Proposal is now before Council for the purpose of considering whether to forward the Planning Proposal to the Department of Planning and

Environment to seek a Gateway Determination, it is open to the Council to consider this issue afresh.

In this regard, and having considered the correspondence exchanged and the position of the proponent anew, the position remains that the Planning Proposal cannot be supported unless it makes provision for affordable housing contributions at the rate of 10%, consistent with WLEP 2012 (Amendment 34), for the reasons summarised above.

Concern remains with 38 Anderson Street not being amalgamated with the Planning Proposal site to provide a comprehensive solution for this block.

In addition, the other matter in this Planning Proposal yet to be satisfactorily addressed is the non-provision of updated documentation to address WLEP 2012 (Amendment 34) and WDCP (as updated).

4.12 Willoughby Local Planning Panel (WLPP)

On 11 July 2023, the WLPP considered a number of issues in its review of PP-2023/2: 3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood including:

- *“compliance with the strategic framework,*
- *Percentage of affordable housing to be provided,*
- *History of Planning Proposal 2023/2 and comprehensive WLEP 2012 review – resulting in WLEP 2012 Amendment 34,*
- *Amalgamation with 38 Anderson Street, and*
- *Inconsistency with CBD Planning and Urban Design Strategy 2036 and Willoughby Development Control Plan requirements.”*

In regards PP-2023/1, the WLPP advised Council that:

“The Panel advises that while the proposal mostly meets the strategic framework it has failed to incorporate the increased affordable housing provision of 10%.

The Panel notes all landowners were notified of the increased affordable housing provision to 10% during the WLEP 2012 exhibition period between 5 March and 7 June 2022. The Panel also notes that this proposal did not form part of the savings list as determined by Council at its meeting 12 December 2022.

For these reasons, the Panel does not recommend the planning proposal in its current form.

The Panel advises it is not satisfied that the planning proposal is worthy of being forwarded to the DP&E for a Gateway consideration having not demonstrated merit in relation to the affordable housing provision.”

Refer to **Attachment 10** for the full WLPP Record of Advice.

The provision on amended plans on 31 August 2023 does not change the above WLPP advice to Council.

5. CONCLUSION

Planning Proposal 2023/2 at 3 McIntosh Street, 2 Day Street, 40 and 42 Anderson Street, Chatswood, has been assessed and is not recommended to proceed to Gateway as it:

- (a) Is inconsistent with Willoughby Local Environmental Plan 2012 as it does not meet the 10% affordable housing provision requirements of the plan.
- (b) Is inconsistent with the strategic objectives of the Greater Sydney Region Plan and the North District Plan and the relevant directions of Willoughby Council's Local Strategic Planning Statement, which encourages the provision of affordable housing.
- (c) Is inconsistent with the Chatswood CBD Planning and Urban Design Strategy 2036, as expressed in Willoughby Local Environmental Plan 2012 and Willoughby Development Control Plan, by seeking the maximum floor space and height and at the same time a reduced affordable housing rate of 4%.
- (d) Does not provide updated supporting documentation satisfactorily addressing Willoughby Local Environmental Plan 2012 (Amendment 34) and Willoughby Development Control Plan (as updated).

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	<p>3.7 – Promote housing choice and affordability</p> <p>5.4 – Anticipate and respond to changing community and customer needs</p>
Business Plan Objectives, Outcomes / Services	<p>The Planning Proposal, which proposes a 4% affordable housing provision, is not consistent with the new <i>Willoughby Local Environmental Plan 2012</i> (WLEP 2012). In addition the Planning Proposal is not consistent with the <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> (the CBD Strategy), which anticipates an affordable housing provision in this location of 10% consistent with WLEP 2012.</p>
Policy	<p>The <i>Chatswood CBD Planning and Urban Design Strategy 2036</i> was endorsed by Council on 26 June 2017, supported by the Greater Sydney Commission on 18 May 2018, and fully endorsed by the Department of Planning and Environment (DPE) on 9 July 2020 with qualifications, and noted by Council on 14 September 2020.</p> <p>The CBD Strategy aims to assist implementation of the Greater Sydney Commission <i>Greater Sydney Region Plan</i>, the <i>North District Plan</i> and the Willoughby Council <i>Local Strategic Planning Statement</i> (LSPS).</p>
Consultation	<p>In line with the normal Council process, this Planning Proposal has not been publicly exhibited. Furthermore, the Planning Proposal is not recommended for public exhibition as it is not supported.</p>
Resource	<p>No additional resources have been used to prepare this report beyond existing operational budgets.</p>
Risk	<p>The approval of this Planning Proposal would undermine <i>Willoughby Local Environmental Plan 2012</i> (WLEP) and the required affordable housing contribution rate of 10%.</p>
Legal	<p>The Planning Proposal should be consistent with <i>Willoughby Local Environmental Plan 2012</i>, the endorsed Willoughby Council <i>Local Strategic Planning Statement</i> and <i>Chatswood CBD Planning and Urban Design Strategy 2036</i>.</p>
Legislation	<p>Under <i>Environmental Planning and Assessment Act 1979</i> provisions.</p>
Budget/Financial	<p>Under WLEP 2012, 10% of the gross floor area of residential development in this location is required to be dedicated to Council and then provided for use as affordable housing in perpetuity. The proposed rate of 4% towards affordable housing is therefore contrary to this requirement.</p>

12.10 BULKY WASTE COLLECTION SERVICES

ATTACHMENTS:	1. IMPLICATIONS 2. ENGAGEMENT OUTCOMES REPORT (ATTACHMENT 2 CONTAINED IN ATTACHMENT BOOKLET 2)
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DAVID ROBERTS – ENVIRONMENT MANAGER
CITY STRATEGY OUTCOME:	1.4 – REDUCE USE OF ENERGY, WATER AND NATURAL RESOURCES AND MAXIMISE REUSE OF WASTE
MEETING DATE:	27 NOVEMBER 2023

1. PURPOSE OF REPORT

To provide the results of the Have Your Say engagement, and to seek a resolution from Council on whether to retain the existing bulky waste collection system or move to a new system where households can book up to four collections each year on dates selected by the household.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Endorse the collection method for bulky waste to occur through a fully booked system given its financial and environmental benefits while delivering the same level of service.**
- 2. Advise respondents to the *Have Your Say* engagement of the Council resolution and thank them for their contribution.**

3. BACKGROUND

At its meeting on 22 May 2023, Council resolved:

That Council:

- 1. Defers the decision to determine the method for collecting bulky goods until, or before, September 2023 to enable community consultation to better understand the needs of residents.*
- 2. Ensure community consultation includes the use of the Have Your Say platform, social media advertising, advertisement in local papers, along with a range of other cost effective ways, to an upper limit of \$15,000 (excluding internal staff time) funded from the Domestic Waste Reserve, to ensure the community feedback is captured.*

3. *Note the CEO's delegation to enter into the contract for Waste, Recyclables, Organics and Bulky Waste Collection Services with the inclusion of Council's resolution regarding the bulky goods collection service as the other services are not altered and the tender is within budget.*

4. DISCUSSION

Domestic waste collection tender

Council has awarded its waste collection contract to JJ Richards & Sons Pty Ltd (JJ Richards), with the contract due to commence on 4 March 2024. JJ Richards has provided pricing for two different collection methods for bulky waste collection, and Council now needs to decide between these two collection methods:

- Option 1: On-call collection service - where residents get four booked collection services in a calendar year.
- Option 2: Scheduled and on-call collection service (same as the existing) – where residents get three scheduled services per year on fixed dates and one booked collection service.

Council resolution for consultation using Have Your Say

Council has undertaken a comprehensive engagement with our residents through the *Have Your Say* platform to help better understand their preference for how bulky waste goods are collected. Leaflets were delivered to 28,000 households to promote the online survey, along with advertising on social and print media, kiosk advertisements and a webpage detailing the benefits of each collection system.

The consultation period was open between 7 July 2023 and 11 August, 2023. During this time there were 2,700 visits to the *Have Your Say* webpage, of which 1,400 people engaged with the information and 878 surveys were received.

The *Have Your Say* survey response indicated that 63.2% of respondents preferred to retain the existing bulky waste collection system of three scheduled and one free booked clean up.

In contrast, 36.8% indicated the desire to move to a new system of four booked services per year. The full details of the *Have Your Say* results outlined the Engagement Outcome Report in **Attachment 2**. The survey results show residents who filled out the survey preferred to keep the current collection method at a ratio of approximately 2:1.

Advantages of a fully booked system

Whilst the majority of respondents prefer to retain the existing system there are advantages to moving to a fully booked service. A fully booked collection provides the same level of service, albeit in a different way, whilst delivering significant environmental and financial savings.

Option 2, the current collection method, will cost \$897,566 per year. Whilst in comparison, the cost of a fully booked service will be \$413,670, providing annual savings of \$483,896 which represents a 53% savings. During the community engagement process residents were advised of the 53% reduction in costs.

It is also anticipated a fully booked system (Option 1) will likely provide savings in disposal of the goods, and whilst forecasting this potential saving is difficult, other council's in our region that offer a fully booked service have indicated they made savings of up to 17% in disposal cost whilst maintaining customer satisfaction. A 17% saving on disposal cost equates to a further savings of approximately \$76,336 annually.

As an example, Ku-ring-gai Council has moved to a fully booked service and continue to receive a 'highly satisfied' community rating for waste services. This means a total of approximately \$500,000 per annum can be accumulated in the Domestic Waste Management Levy reserve to implement State government mandated changes to waste management.

Any savings in the bulky goods waste collection would increase the available funds in the Domestic Waste Reserve and support the implementation to Food and Garden Organics collection (FOGO) or Food Organics (FO) collection which has been mandated by the NSW Government to commence in 2030. This will reduce the impost upon ratepayers to fund FOGO or FO services in the future as this saving will accumulate to approximately \$3m over the next six years to 2030.

A fully booked system (Option 1) allows the waste collector to better plan collection routes that are efficient and cost effective. This reduces the cost to Council but also provides a significant environmental benefit through more efficient truck movement, and reduces carbon emissions. This will add to Council's ability to achieve our net zero carbon emission target which is an important consideration. Ensuring our services are fit-for-purpose and efficient is vital in delivering a value for money service.

In the current system (Option 2) Council pays a fee for collection for every house, regardless of whether the resident presents material for collection, which can lead to Council paying for service that is not utilised. This is represented in the significant price difference between the two options. The fully booked service places incurs a cost only when the service is requested, and the cost to Council better reflects the use the use of the service.

Further engagement to better understand our customer

Following the completion of the *Have Your Say* engagement, Council sought to better understand why residents were resistant to a change of collection method, and contacted 40 participants who wanted to retain the existing bulky waste collection service to better understand their preference. The 40 residents were asked the questions outlined in Figure 1.

Figure 1: Follow up Questions

Question	Likelihood of Change
How likely or unlikely they would support the proposed new system and if they were aware that other Councils had found a reduction to landfill of approximately 367 tonnes per year.	57%
How likely or unlikely they would support moving to the new system if they knew the savings would be approximately half a million dollars and that the savings would be put towards introducing a food waste collection service and other hard to recycle items such as soft plastics.	37%

However, even though residents indicated a likelihood to change their option, when asked if they would change their preference 85% prefer to stay with the existing system, 10% would move to the new system and 5% don't mind either way. This suggests that whilst respondents will support the new system when given direct information, overall there is a reluctance to move away from the existing system.

Through the feedback it is also apparent that residents appreciate and value the ability to undertake 'urban recycling', and whilst it is not possible to determine the volume of goods recycled, it is likely to be significant. Given the booking system will batch particular areas to be collected at the same time, there will still be an opportunity to for 'urban recyclers' to access goods as is the case in current collections method. Anecdotally this has been observed in other councils who use a fully booked service.

A Third Option

During the engagement process it has been suggested that a collection method involving two booked and two scheduled (or a different combination) could be suitable.

One of the significant challenges of mixed collection system is the confusion caused when a resident books a pick-up and places their goods on the nature strip, and the neighbours see this as a signal for a scheduled service and place their goods on the nature strip, only to be told by Council to take them back in as it is not a scheduled service when they ring up to enquire why their goods were not picked up.

An increase in the number of booked services, whilst a scheduled service is still being delivered, would increase the opportunity for this confusion to occur.

5. CONCLUSION

It is a difficult decision to change a service where 2 in 3 residents strongly supported retaining the current collection method for bulky goods. However, there are significant financial savings to ratepayers, environmental savings in terms of CO2 emissions, along with increased funds available for the future introduction of FO or FOGO. Urban recycling can still be undertaken as goods will be left on the nature strips regardless of the booking type. There is also anecdotal information from other council's which indicates that residents adjust to this change of service.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	Serving the best interest of the public when purchasing assets, goods, materials and services.
Policy	This matter relates to Council's <i>Purchasing and Tendering Policy</i> .
Consultation	The tender was advertised in accordance with the provisions in the <i>Local Government Act 1993</i> .
Resource	The tender process and administration of this contract will be undertaken within existing resources within each of Council's Directorates being Customer & Corporate, Community Culture & Leisure and Planning & Infrastructure.
Risk	The level of risk associated with the contents of this report is low, with moderate consequences under Council's <i>Risk Management Framework</i> .
Legal	Officers sought legal advice throughout the tender process, when necessary.
Legislation	The tender process has been undertaken in accordance with all <i>Local Government Act</i> requirements.
Budget/Financial	This is within approved budget.

**12.11 ON SITE DISPLAY OF APPROVED PERMIT TO PRUNE
/REMOVE/TRANSPLANT TREES**

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	PAUL COLLINGS – WORKS MANAGER
CITY STRATEGY OUTCOME:	1.1 – CREATE AND ENHANCE GREEN SPACES, URBAN TREE CANOPY COVER AND GREENING
MEETING DATE:	27 NOVEMBER 2023

1. PURPOSE OF REPORT

To provide a report to Council regarding the tree removal and pruning process.

2. OFFICER'S RECOMMENDATION

That Council:

1. Note the report.
2. Consider the requirement to display a copy of the **Vegetation Management Application (TVPA) approval in a visible location at the front of a property prior to the commencement of any tree removal works.**

3. BACKGROUND

On the 28 August 2023 Council resolved:

That Council receive a report in October 2023 which reviews the tree removal process and outlines the opportunity to incorporate public visibility of the permit process along with the ability to make enhancements to council's website to report illegal tree removal and check permit validity.

This report, while delayed by other resourcing demands, addresses the resolution.

4. DISCUSSION

Willoughby has a highly engaged community who generally support protection of trees and value the benefits of a mature tree canopy which provides habitat for animals, has a cooling effect, and beautifies the suburbs.

Tree Removal or Pruning

Each year Council receives approximately 350 applications to remove or prune trees, with residents submitting a form called the *Vegetation Management Application, Permit to Prune, Remove, Transplant Trees* form (commonly referred to as TVPA).

A TVPA application to remove or prune trees generally relates to development, house extensions, or when a tree has died. The TVPA form to clear vegetation and prune or remove a tree is available on Council's website, and is required if:

- The tree has the following dimensions:
 - a height exceeding 4 metres, or
 - a trunk girth (circumference) exceeding 600 millimetres measured at 1.4 metres above ground level, or
 - a crown spread exceeding 3 metres
- The tree is a locally indigenous species that is representative of the original vegetation of the area
- Any vegetation that is located within a defined wildlife corridor or has known wildlife habitat value
- The tree is visually prominent from the street or surrounding properties and makes a positive contribution to the visual character of the locality

The current process for TVPA's requires residents to fill out a form and send it to Council (either email or post). The process requires a Council officer to manually enter the information into Council's system, which can cause delays to information being uploaded to the planning portal, specifically any attachments that are sent in with the form.

This delay has caused frustration for some residents where they see an application has been lodged, but are unable to see the application or supporting attachments until they are uploaded into the system.

New Software

Council is in the final stage of a three year roll-out of enterprise wide software solution to resolve the challenge of non-connected legacy software systems. This multi-million dollar investment will make significant improvements to our customers, our response times, how we communicate, and how our residents interact with Council.

The first stage of this software implementation included the financial and accounting module, the second stage related to work orders and task management, with the final stage including the modules that our customers will use, including TVPAs.

The new software will enable residents to fill out a TVPA form online, which will solve the problems with delays in information being available on the planning portal. The final phase of the new software will be rolled out in 2024, and is currently under development.

Public Visibility

To view TVPA's a resident can currently access Council's DA Tracker (eplanning.willoughby.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx) and view the status of a TVPAs. The DA Tracker also includes Development Applications, Construction Certificates, Building Certificates, Complying Development Certificates, and is the repository for the NSW Planning system for Willoughby Council.

Council's DA Tracker includes a search function that allows residents to search for applications by address, recently received, recently determined, or currently on exhibition. There are currently no plans to amend the DA Tracker at this stage given the planned roll-out of the corporate software.

If a resident would like to confirm a tree removal process is supported by a TVPA, then a simple search on the DA tracker will reveal if a TVPA has been issued.

TVPA Signage

There are no requirement under the *Environmental Planning and Assessment Act* (and associated regulations) to display a copy of the TVPA approval letter at the front of a property prior to the commencement of tree removal or pruning works.

However, Council could include a condition in the approval to require a resident to display a copy of this approval letter at a visible location at the front of their property for a period of five days. Suitable wording could be added to the TVPA Checklist along the lines of 'You are required to display the laminated permit 5 days prior to commencing tree works in a visible location at the front of the property.'

Council would not install this signage and it would be the responsibility of the applicant to comply with this condition. It is anticipated this extra requirement would not impose significant extra costs on the applicant, but could increase transparency within the community when trees are removed or pruned.

Reporting Illegal Tree Removal

To report suspected illegal tree removal, pruning or damage residents can contact the Customer Service Centre or use the online Customer Services Request (CSR) system on the Council website. Importantly the web sites asks residents '*If you see or hear something suspicious in the removal of trees or bushland, ring 9777 1000 immediately to report. All information will be treated confidentially*'.

The tree web page can be accessed directly from the Council home page by clicking on the tree icon (willoughby.nsw.gov.au/Residents/Trees), and it is the first page on a google search if you are looking to report tree vandalism in Willoughby.

Council will further look to increase awareness of how to report illegal tree removal through social media, and other environmental education sessions that are held.

5. CONCLUSION

Council has a robust approval process for TVPA applications, which will be enhanced to be more timely with the introduction of the final stage of the enterprise wide software customer module in 2024. Council also acts and investigates illegal tree removal, and has a process for residents to report this.

Council could consider requesting TVPA applicants to display their approval for a period of five days prior to removal of pruning activity to increase transparency with the community.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	1.1 – Create and enhance green spaces, urban tree canopy cover and greening
Business Plan Objectives, Outcomes / Services	Vegetation Management WDCP c.9, and the Vegetation Management Guidelines
Policy	This report is provided pursuant to a resolution of Council.
Consultation	No community consultation has occurred.
Resource	There are no resource requirements arising from this report.
Risk	There are no risk implications associated with this report.
Legal	There are no legal implications arising from this report.
Legislation	The management of trees is in part governed by the <i>Environmental Planning and Assessment Act</i> , and through the <i>Willoughby Council Development Control Plan and associated policies</i> .
Budget/Financial	There are no cost implications arising from this report.

**12.12 DRAFT MINUTES -SUSTAINABILITY ADVISORY COMMITTEE -13
SEPTEMBER 2023**

ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES – SUSTAINABILITY ADVISORY COMMITTEE HELD ON 13 SEPTEMBER 2023
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	PETER LISLE – SUSTAINABILITY TEAM LEADER BUSHRA SALAM – GOVERNANCE ADMINISTRATION OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	27 NOVEMBER 2023

1. PURPOSE OF REPORT

To present to Council for noting, the draft minutes of the Sustainability Advisory Committee held on 13 September 2023.

2. OFFICER'S RECOMMENDATION

That Council receive and note the draft minutes of the meeting of the Sustainability Advisory Committee held on 13 September 2023.

3. BACKGROUND

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

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

4. DISCUSSION**Standing Item – Update on carbon targets for Council and Community.**

The committee discussed carbon neutrality, offsets. Council's pathway to net zero.

Use of Artificial Turf on WCC sports fields

The Committee is in the process for deciding if it will set up a Working Party to investigate the use of artificial turf at Council sportsgrounds. The decision was deferred until the next meeting.

The Committee also discussed the future focus areas of the Committee.

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

5. CONCLUSION

These draft minutes do not bind Council to any additional resource commitment. It is recommended Council receive and note the draft minutes of the meeting of the Sustainability Advisory Committee held on 13 September 2023.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	Advisory Committees are created for the sole purpose of providing independent, expert and impartial advice on the development and implementation of strategic priorities of Council.
Policy	<i>Advisory Committees Policy 2022</i>
Consultation	The draft minutes were circulated by email to the Sustainability Advisory Committee on 13 September 2023 with comments closed on 10 October 2023. No comments were received.
Resource	There are no resourcing implications applicable to this report.
Risk	There are no risks applicable to this report.
Legal	There are no legal implications applicable to this report.
Legislation	There are no legislation implications applicable to this report.
Budget/Financial	There are no budget implications applicable to this report



ATTACHMENT 2

Minutes

Sustainability Advisory Committee

Wednesday, 13 September 2023
4:30-6:00pm

Location:	Banksia Room, Willoughby City Council, Level 6
Chair:	Councillor John Moratelli
Attendees:	Andrew Assaee – Member Gay Spies – Member Rena Czaplinska-Archer– Member Peter Lisle – Sustainability Team Leader Natalie Taylor – Council and Corporate Support Officer Bushra Salam– Governance admin Officer
Apologies/absent:	Eva Coulam – Member John Le Couteur – Member
Guests	Councillor John Moratelli Councillor Anna Greco

Agenda items

Item	Topic / Discussion	Action
1	<p>Welcome</p> <p>The meeting was opened at 5:10 pm</p> <p>Declarations of interest</p> <p>There were no Disclosures of interest submitted.</p> <p>Acknowledgement of Country</p> <p><i>Willoughby City Council acknowledges the Traditional Owners of the lands on which we meet today, the Gamaragal People, and their connections to land, waters, and community. We pay our respects to their Elders past and present, and extend that respect to all Aboriginal and Torres Strait Islander people, including those who may be in attendance today.</i></p>	
2	<p>Committee Governance</p> <p>Appointment of Chair</p> <p>Pursuant to clauses 5.4 of the Committee's Terms of Reference, the</p>	

Committee unanimously appointed Councillor John Moratelli Chair for the meeting and noted that appointment of an ongoing Chairperson be reconsidered at the third meeting of the Committee.

3 Confirmation of Minutes

Moved by Gay Spies and seconded by Rena Czaplinska-Archer the draft minutes of the meeting dated 12 July 2023 were accepted with two Amendments.

4 Actions arising from previous minutes

a) Resource Recovery questions/responses

Previous queries were answered by an email to the Committee from Peter Lisle circulated 13/9/23.

Discussion centred on the provision of the Recycle Smart door pick up service to residents. The program began in 2021 and the costs to council now approaches \$150,000 p.a. Peter Lisle agreed that the service provides a popular resource and outlined the cost of the program in cost-constrained times has to be balanced with funding for other waste service. Also all services provided by Recycle Smart may not be the best value for money – e.g. textile recycling. Residents are encouraged to first use the [Community Recycling Centre at Artarmon](#) before Recycle Smart services.

5 Strategic Activities

- **Standing Item – Update on carbon targets for Council and Community.**

Update due next meeting

Revisions to Council's current carbon targets as outlined in the Our Green City Plan are due for consideration at a Council Meeting before recess in December

The committee discussed carbon neutrality, offsets. Council's pathway to net zero.

- **Use of Artificial Turf on WCC sports fields**

The Committee is in the process of deciding if it will set up a Working Party to investigate the use of artificial turf at council sportsgrounds. The decision is deferred until the next meeting.

Discussion to recommence next meeting

6 Other Business

Next Meeting:

07 November 2023 4:00-5:30pm

Agenda Items:

- Review of Tree canopy strategy actions in connection with reducing carbon footprints
- A presentation on tree related issue, urban tree canopy, planting, biodiversity, tree removal, legislations with the view how this committee can input into this.
- How committee can engage people educating regarding the sustainability, Council to give them a framework.
- Working party on the Use of Artificial Turf

Appointment of more members (contacting old members if no expression of interest)

Green city plan link to be circulated

Meeting closed: 6:10 pm

12.13 REPORT ON USEFULNESS OF PROMOTING AWARENESS AND POSSIBLE SUBSIDISATION OF E-BIKE SUBSCRIPTION SERVICES

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DANIEL SUI – TRAFFIC & TRANSPORT TEAM LEADER LEE-ANN GOOGAN – ENVIRONMENT EDUCATION COORDINATOR
CITY STRATEGY OUTCOME:	1.2 – PROMOTE SUSTAINABLE LIFESTYLES AND PRACTICES
MEETING DATE:	27 NOVEMBER 2023

1. PURPOSE OF REPORT

To provide a report on the potential use of e-cargo bike.

2. OFFICER'S RECOMMENDATION

That Council:

- 1. Organise a 'Try an Electric Bike Day' in early 2024, to encourage bike, electric bike, and e-cargo bike use.**
- 2. Receive a report in April 2024 following the 'Try and Electric Bike Day' on the outcomes, feedback, and ownership options to further the use of bikes, e-bikes and e-cargo bikes.**

3. BACKGROUND

In October 2023 Council resolved:

That Council request the CEO to provide a report to Council's November meeting responding to the Active and Integrated Transport Advisory Committee's desire to increase the number of parents getting their children to Willoughby Public School by bicycle by evaluating the usefulness and practicality of:

- (a) raising awareness of suitable e-cargo bike subscription services; and*
- (b) providing a subsidy to the uptake of such services*

taking into account the work done by the Advisory Committee in relation to a trial of a subsidised version of the e-cargo bike subscription service offered by Lug + Carrie.

4. DISCUSSION

Willoughby's *Integrated Transport Strategy 2036* states that 'The continued growth in sales of e-bikes presents a great opportunity to further encourage cycling, especially in a hilly LGA like Willoughby. E-bikes particularly help older cyclists to continue cycling well into their senior years, providing valuable health benefits.'

Council has policies to encourage active transport and reduce private car usage to improve community welfare, health and reducing congestion through the use of active transport. Council has been undertaking the following recent active transport initiatives:

- Collaboration with the NSW State Government on active transport projects (design and infrastructure works);
- Bike counts for reporting into Council strategic plans;
- Running educational workshops through the 'Live Well in Willoughby' program that promote active travel. In the past year the Environmental Education Team have run a cycling skills lesson, bike maintenance and repair check-ins, e-bike taste tester with Bike North, EV showcases from the Australian Electric Vehicle Association, and broad promotion to encourage more cycling through 'Ride to Work/School' days, and Biketober.
- Promotion of the bicycle end-of-trip facility at 75 Albert Ave, Chatswood.
- Comprehensive information provided on cycling through the provision of bike maps at events, and the Council website which includes e-bike options

Further, a pilot project is being undertaken with Willoughby Public School in 2023 called *The Willoughby Public School Active Travel Project* which encourages all forms of active travel for children and their carers to walk or ride to school. This important project seeks to map out and enhance opportunities to make active transport easier and safer.

The use of E-cargo bikes can also an attractive alternative to driving children to school. E-cargo bikes provide the benefit of allowing an adult to ride with school age children as passengers, assisted by an electric motor, and can potentially attract people who would not normally cycle as a way of helping children get to school.

It is difficult to propose a subsidy as it is not known if this is a barrier to use of e-cargo bikes, but in the first instance Council could run some education sessions, or perhaps a 'Try an Electric Bike Day' and invite companies who sell or rent electric bikes to participate. This could be organised in conjunction with Willoughby Public School to occur in early 2024.

Following the 'Try an Electric Bike Day' information can be gathered around cost, potential subsidy, appetite and barriers to use which could be subject to a further report to Council after the event.

The 'Try an Electric Bike Day' can be funded through the Live Well in Willoughby project budget which undertakes education, and forms part of our ongoing work in active transport.

5. CONCLUSION

Council can hold a 'Try an Electric Bike Day' in early 2024 to encourage electric bike use, and e-cargo bike use; and evaluate the outcomes, benefits and options to further the use of bikes, e-bikes and e-cargo bikes and report back to Council.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	2.1 – Enhance transport choices and connections throughout the City
Business Plan Objectives, Outcomes / Services	The recommendations of this report support the plan to deliver services for cycling and pedestrians.
Policy	There are no policy implication applicable to this report, however the Willoughby Integrated Transport Strategy Strategic Direction 1 refers to education and training events for active transport.
Consultation	Consultation will be undertaken for education programs via Our Green City Plan update in 2024.
Resource	Environmental education programs will continue to be resourced as part of the Live Well in Willoughby project.
Risk	Potential for reputational risk if Council is not engaged with the community in environmental education and promotion of active transport.
Legal	There are no legal implications applicable this report.
Legislation	There are no legislative implications applicable to this report.
Budget/Financial	The Live Well in Willoughby Project is funded from the Environment Levy

COMMUNITY, CULTURE & LEISURE DIRECTORATE

12.14 GRANTS FOR THE COMMUNITY PROGRAM 2023-24 APPLICATIONS - OCTOBER

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	TRACEY WALKER – COMMUNITY PROJECTS OFFICER
CITY STRATEGY OUTCOME:	5.4 – ANTICIPATE AND RESPOND TO CHANGING COMMUNITY AND CUSTOMER NEEDS
MEETING DATE:	27 NOVEMBER 2023

1. PURPOSE OF REPORT

To seek Council endorsement for the distribution of funds under the Grants for the Community Program for the 2023/24 financial year.

2. OFFICER'S RECOMMENDATION

That Council endorse the distribution of funds through the 2023/24 Grants for the Community Program - Category 1 as follows:

- **Ms Stefania Riccardi (Artist) \$2,106**

3. BACKGROUND

The Grants for the Community Program was adopted by Council in June 2021 and provides grants of up to \$7,500.

Applications for the Program can be submitted at any time of year. Recommended applications are tabled at Council Meetings each month (or as required) for endorsement.

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

4. DISCUSSION

The Grants for the Community Program has an annual budget of \$167,550. Council has endorsed \$113,232 for distribution in the 2023/24 financial year, with \$54,318 of funds remaining.

Category 1 - Grants for the Community Program

This funding provides grants of up to \$7,500 to not for profit and sporting organisations, individuals, small businesses, social enterprises and performing arts organisations operating in the Willoughby Local Government Area (LGA).

Applicants must;

1. Be a not for profit, incorporated group or group with an auspice by an incorporated body. Profit making organisations may apply within the Green or Prosperous and Vibrant grant streams.
2. Be a community sporting group or individual athlete (Liveable grant stream only)
3. Offer services to residents in the Willoughby LGA
4. Meet the grant eligibility criteria
5. Demonstrate in your application the ability to successfully deliver the project
6. Demonstrate in your application how the project aligns with at least one of Council's CSP priorities
7. Only submit one application per applicant per year
8. Have current Public Liability Insurance (\$10 million)

Applications for October 2023

Council received a total of two applications across October 2023 from:

- Ms Stefania Riccardi (Artist)
- Artists By Any Other Name Limited

These applications are submitted under Category 1 of the Grants for the Community Program. This category provides grants to not for profit and sporting organisations, individuals, artists, small businesses, social enterprises and performing arts organisations operating in the Willoughby LGA.

Assessment of both applications is detailed below, with full funding recommended for one application while the other application is not recommended to receive funding.

Assessment

Full funding is recommended for one applicant. The recommended application is detailed in **Figure 1**.

Total Amount being sought:	\$2,106
Officer Recommendation:	\$2,106

Figure 1 - Category 1: Grants for the Community Applicants October 2023 – Full funding recommended

APPLICANT	MEETS CRITERIA	AMOUNT REQUEST	AMOUNT RECOMMEND	PROJECT OUTLINE	COMMENTS
Ms Stefania Riccardi	Yes	\$2,106	\$2,106	<p>Our many homes: living in more than one place.</p> <p>When meeting someone for the first time, a likely question to come up is: where's home for you? In this vibrant multicultural environment that we live in, the answer is likely to be "more than one place".</p> <p>The 2-day workshop we propose invites participants to make their own artist book that explore their</p>	<p>This application aligns with Councils CSP outcome 4: <i>A City that is prosperous and vibrant</i> and the following priorities: -4.6 Facilitate the viability and vibrancy of our CBD and village centres.</p> <p>The project will encourage active participation, collaboration, and learning among participants, fostering a sense of ownership and pride within our diverse community..</p>

APPLICANT	MEETS CRITERIA	AMOUNT REQUEST	AMOUNT RECOMMEND	PROJECT OUTLINE	COMMENTS
				connections and reflections with the many places we call home, including Willoughby	Officers recommend full funding.
TOTAL		\$2,106	\$2,106		

Funding is not recommended for one application from Artists By Any Other Name Limited, as this does not meet the Program's eligibility criteria, as the project is receiving funding from multiple sources. The unsuccessful application is detailed in **Figure 2**. Officers will notify the unsuccessful applicant of the outcome and provide feedback on the application.

Figure 2 - Category 1: Grants for the Community Applicants October 2023 – No Funding Recommended

APPLICANT	MEETS CRITERIA	AMOUNT REQUEST	AMOUNT RECOMMEND	PROJECT OUTLINE	COMMENTS
Artists By Any Other Name Limited	No	\$7,500	\$0	Legends and Lanterns Performance. The Legends & Lanterns performance showcases much-loved pieces from the classical Chinese repertoire complimented by a selection of Western works in a musical fusion of East meets West.	This project has been successful in sourcing approx. \$63,000 in funding from other multiple sources. Applicants with considerable opportunity to access funding from other sources are ineligible according to the Grants for the Community Program Guidelines Officers do not recommend funding.
TOTAL		\$7,500	\$0		

5. CONCLUSION

The Grants for the Community Program allows Willoughby City Council to recognise and support the vital contribution of our local community groups, performing arts groups, sporting organisations, businesses and social enterprises in developing and delivering projects that build the social, cultural, economic and environmental life of the Willoughby LGA.

The report recommends one Grants for the Community application receives funding to the value of \$2,106.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.4 – Anticipate and respond to changing community and customer needs
Business Plan Objectives, Outcomes / Services	The recommendations of this report support the Community Life Business Plan outcome to support community organisations to improve their ability to plan and deliver appropriate and accessible services to the community.
Policy	The application meets the eligibility requirements of the <i>Grants for the Community Program</i> .
Consultation	Eligible organisations, businesses and individuals are advised of the funding round.
Resource	Managed with existing resources.
Risk	The level of risk associated with the contents of this report is low, under Council's <i>Risk Management Framework</i> .
Legal	The distribution of grants funds recommended in this report meets legal requirements under for the provision of financial assistance of the <i>Local Government Act 1993, Section 356</i> .
Legislation	<i>Local Government Act 1993, Section 356</i> .
Budget/Financial	The report recommends one Grants for the Community application receives funding to the value of \$2,106. If endorsed, \$52,212 will remain in the Grants for the Community Program budget for the remainder of the 2023/24 financial year.
	The recommended funding amount in this report is allocated within the 2023/24 operational budget.

12.15 2024-2025 REGISTRATION OF INTEREST - CONCESSIONAL HIRE OF COUNCIL COMMUNITY FACILITIES

ATTACHMENTS:	1. IMPLICATIONS 2. CATEGORY D - RECOMMENDED APPLICANTS
RESPONSIBLE OFFICER:	LINDA PERRINE – CULTURE & LEISURE DIRECTOR
AUTHOR:	CHRISTINE WAYGOOD - FACILITY AND PROGRAM TEAM LEADER
CITY STRATEGY OUTCOME:	2.7 – PROMOTE ACCESSIBLE SERVICES FOR THE COMMUNITY
MEETING DATE:	27 NOVEMBER 2023

1. PURPOSE OF REPORT

To seek Council endorsement of 100% (Category D) concessional hire applications under the 2024/25 Registration of Interest (ROI) Concessional Hire process.

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

2. OFFICER'S RECOMMENDATION

That Council:

1. Endorse the following groups as eligible to receive a 100% concession (Category D) for the 2024/2025 Registration of Interest (ROI) period, on the hire of Council facilities in accord with Council's *Community Facilities Hire Policy*.
 - The Wilderness Society Sydney North
 - Willoughby Senior Citizens Knitting Group Club
 - Willoughby Seniors Citizens Club
 - DCC Narcotics & Alcoholics Anonymous (5 programs)
 - Integricare
 - Market Garden Park Community Garden Inc
 - NSW Justices Association Lower North Shore Branch
 - Lifeline Harbour to Hawkesbury Sydney Limited (Financial Counselling Service)
 - Community Flower Studio (2 programs)
 - Hoarding Support Group - Self Help
 - Italian Senior Citizens Group of Willoughby
 - Willoughby District Historical Society & Museum
 - Parkinson's NSW Ltd
 - Community Flower Studio - Training Facilitators
 - Northbridge Quilters
 - Rotary Club of Chatswood Roseville - Dance to the Nines
 - Older Women's Network Northside Wellness
 - Family Drug Support
 - Bales Park Playgroup

- **Autism Community Network**
- **Progress Associations (5 associations)**

3. BACKGROUND

Council's *Community Facilities Hire Policy* (the Policy) was adopted by Council on 28 September 2015. Under this policy, Council conducts a biennial Registration of Interest (ROI) for regular hirers of Council facilities who are eligible for a concessional rate of hire. The Registration of Interest (ROI) process ensures Council facilities provide access to a suitable mix of social, cultural, welfare, recreational activities and services for the community.

This report provides an outline of the applications requesting a 100% discount (Category D) and for Council to note the applicants approved for 25% (Category B) and 50% (Category C) concessional hire in accord with Council's *Community Facilities Hire Policy*.

4. DISCUSSION

Concessions are allocated to applicants based on the eligibility criteria specified within the *Community Facilities 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.

There are three rates of concessional hire available to hirers of Council facilities:

- 25% discount (Category B)
- 50% discount (Category C)
- 100% discount (Category D).

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.

Category C applies to Not for Profit community organisations, interest groups and charities with limited funding or Not for Profit organisations meeting a significant gap in services.

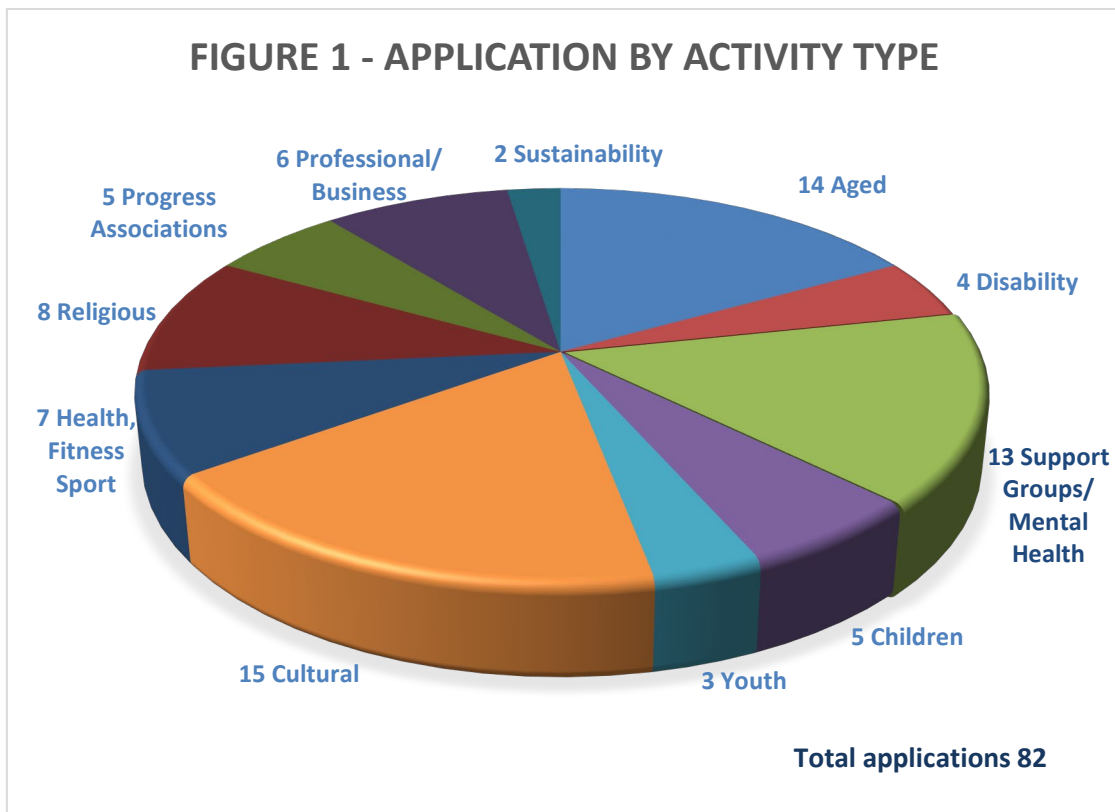
Category B applies to Not-for-Profit healthy lifestyle and community education organisations, community service/welfare agencies that have the capacity to raise funds.

Under the Policy, Category D applications received for the biennial Registration of Interest (ROI) are required to be endorsed by The Council. The Chief Executive Officer has delegated authority to approve Out of Term Category D applications. The Director Community Culture and Leisure has delegated authority to approve all applications assessed for 50% Category C and Category B 25%.

Council received **82 applications** for the 2024/25 Registration of Interest for Concessional Hire of Community Facilities. The recommended number of applications by category is:

Category B – 22 applicants
Category C – 30 applicants
Category D – 30 applicants

The recommended number of applications by activity is detailed in **Figure 1**



The *Community Facilities Hire Policy* requires Council to endorse applications assessed as Category D. Applications assessed as Category D are listed in the recommendations of this report. The value of each Category D concession is provided in **Attachment 2**.

Applications for Categories B and C are assessed by Council Officers and approved by the Community, Culture and Leisure Director.

Figure 2 provides a summary of the total annual value of concessional hire by category for the 2024/25 period.

Figure 2 - Summary of annual concessional hire for the 2024/25 period	
Item	Value (\$)
Total annual commercial value of Registration of Interest (ROI) applications	\$ 943,315
Concession Recommended	
Category B	-\$ 128,279
Category C	-\$ 140,568
Category D	-\$ 149,063
Total Annual Concessional Value	-\$ 417,910

The concessions detailed in Figure 2 represent a 44% 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.

During the 24/25 period, Council will support a wide range of community groups and organisations to the value of **\$417,910** worth of concessional hire across a number of Council's venue hire facilities and will be accounted for in the 24/25 Fees and Charges.

5. CONCLUSION

Under the *Community Facilities Hire Policy* all category D assessments (100%) applications require endorsement by Council. The recommended applicants for Category D concession detailed in this report meet the eligibility requirements of the *Community Facilities Hire Policy* and promote equitable access to services and activities for the community.

It is recommended that Council endorse of 100% (Category D) concessional hire applications under the 2024/25 Registration of Interest (ROI) Concessional Hire process.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	2.7 – Promote accessible services for the community
Business Plan Objectives, Outcomes / Services	The concessional hire applications listed in this report accord with the objectives of the Community Life Unit Business Plan
Policy	This matter relates to the <i>Community Facilities Hire Policy</i> .
Consultation	Council conducts a biennial Registration of Interest (ROI) for regular hirers of Council facilities who are eligible for a concessional rate of hire
Resource	The recommendations of this report are resourced within Council's <i>Operational Plan</i> .
Risk	The level of risk associated with the contents of this report is low, with moderate consequences under Council's Risk Management Framework with Venue Hire Agreements clearly outline the obligations and responsibility of the hirer.
Legal	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.
Legislation	<i>Local Government Act 1993</i>
Budget/Financial	Council's operational budget reflects the concessional hire based on estimates of historical data for each community facility.

CATEGORY D RECOMMENDATIONS - ROI CONCESSIONAL HIRE 2024/25

Application ID	Applicant	Council Facility	Assessors Statement in Support of Recommendation	Assessment Decision	Estimated cost of the concession over one year
ROICON24/2500014	The Wilderness Society Sydney North	DCC	The Wilderness Society Sydney actively recruits and involves local residents in sustainable practices. They do not have any sources of income.	Category D	\$1,340
ROICON24/2500018	Willoughby Senior Citizens Knitting Group Club	DCC	Significant contribution to WCSP. Volunteer run with no capacity to fundraise. Connects seniors from all cultural backgrounds, donate to charities, other community services and members in need.	Category D	\$6,257
ROICON24/2500019	Willoughby Seniors Citizens Club	DCC	Significant contribution of WCSP as the group provides social connection and inclusion of Seniors including the CALD community. Volunteer run with limited capacity to fundraise.	Category D	\$14,976
ROICON24/2500020	Federation of Willoughby Progress Associations	NCC	As per Council Resolution No 97/121	Category D	\$1,314
ROICON24/2500021	Alcoholics Anonymous	DCC	AA provides an essential community support service. It is a not for profit, volunteer run, gold coin membership organisation.	Category D	\$10,140
ROICON24/2500027	Integricare	AKC	Not for Profit organisation - supported playgroup Limited capacity to pay Essential service for LGA community - particularly CALD	Category D	\$5,040
ROICON24/2500031	Alcoholics Anonymous (Chatswood Daily Reflections Group)	DCC	Significant contribution to health and wellbeing of the community. An essential community services which is volunteer run and funded through a gold coin donation.	Category D	\$7,800

ROICON24/2500032	Market Garden Park Community Garden Inc	CC	Significant contribution to community well-being. Not for Profit volunteer organisation, charges minimal membership fees to cover insurance and garden supplies. Meetings achieve accountability to members and the community.	Category D	\$1,460
ROICON24/2500033	NSW Justices Association Lower North Shore Branch	DCC	Not or profit, volunteer JP run program which provides its service to the community for free. It also provides life long learning and training through it's monthly meetings for its JP's who also live and work in the LGA.	Category D	\$1,700
ROICON24/2500036	Lifeline Harbour to Hawkesbury Sydney Limited (Financial Counselling Service)	DCC	Not for profit organisation, Paid and Volunteer staff. Significant contribution to the community through providing support and education for those struggling with financial management.	Category D	\$11,136
ROICON24/2500037	Community Flower Studio	Youth	Significant contribution to health and well-being of the community by providing free creative outlets for young people and creating the opportunity for intergenerational connections and life long learning.	Category D	\$9,958
ROICON24/2500040	Castle Cove Progress Association	CC	As per Council Resolution No 97/121	Category D	\$584
ROICON24/2500041	Chatswood West Ward Progress Association Inc.	DCC	As per Council Resolution No 97/121	Category D	\$2,040
ROICON24/2500044	Hoarding Support Group - Self Help	DCC	Contributes to WCC CHSP by providing social and psychological support for those in need in the community who are trying to improve their own wellbeing and living conditions.	Category D	\$1,254
ROICON24/2500047	Italian Senior Citizens Group of Willoughby	WPC	Significant contribution to WCSP. Gold coin donation. Volunteer run. No capacity to fund raise.	Category D	\$5,043
ROICON24/2500052	Willoughby South Progress Assn	NCC	As per Council Resolution No 97/121	Category D	\$876

ROICON24/2500053	Willoughby District Historical Society & Museum	Library	Given Willoughby District Historical Society's relevance to the local community and the contribution they make, I recommend that this community group is supported by subsidising the venue payment for their meetings.	Category D	\$1,584
ROICON24/2500056	Parkinson's NSW Ltd	DCC	Significant contribution to health and wellbeing of the community. An essential community support group.	Category D	\$748
ROICON24/2500063	Community Flower Studio - Training Facilitators	DCC	Valuable Youth Leadership service for local community. Not for profit organisation with no fees for participants under the age of 25. Provides intergenerational, multicultural social connections as well as teaching sustainable practices.	Category D	\$5,440
ROICON24/2500065	Northbridge Quilters	WPCC	Supports social inclusion of seniors - more than 60% of members are over 70 years. NFP, volunteer run, minimal annual fee + gold coin, limited funds in reserve. The group donates craft-works to charitable groups. 50% local membership 50% regional membership	Category D	\$6,039
ROICON24/2500066	Community Flower Studio	CBD	The cost to fundraise in Willoughby is \$70 per day for a non-profit group. Community Flower studio will run a pop-up fundraising stall once a month. Over twelve months, the cost of hire is \$840. As the pop-up is run by their Youth Mental Health program and any income made from sales will go back to their youth program, it is recommended that the permit fee be fully waived in support of their program and the broader community in Willoughby.	Category D	\$840
ROICON24/2500067	Narcotics Anonymous	DCC	An essential community support service with significant contribution to the health and wellbeing of community members and their families.	Category D	\$6,700
ROICON24/2500068	Rotary Club of Chatswood Roseville - Dance to the Nines	DCC	Significant contribution to WCSP - A City that is connected, inclusive and resilient. Significant contribution to Council's Disability Inclusion Action Plan	Category D	\$1,680

ROICON24/2500073	Older Women's Network Northside Wellness	DCC	Significant contribution to WCSP by increasing resilience and connection for older women through health and wellbeing activities and providing support for women suffering from breast cancer through the production and donation of breast cushion. The Network is volunteer run and has limited capacity to fund raise.	Category D	\$14,976
ROICON24/2500075	Adult Children of Alcoholics, Sydney (ACOA)	DCC	Significant contribution to the health and wellbeing of community members. Volunteer run, gold coin donation.	Category D	\$9,275
ROICON24/2500077	Family Drug Support	Youth	Significant contribution to the health and wellbeing of community. Volunteer run, gold coin donation.	Category D	\$1,553
ROICON24/2500079	Bales Park Playgroup	Bales	The program promotes the social inclusion of children and families, numeracy and literacy and also promotes volunteering in our community. Volunteer run, gold coin, limited funds.	Category D	\$5,610
ROICON24/2500081	Autism Community Network	AKC	Social experience for families with an autistic family member. Regional membership - many families are local CALD community members. Not for profit organisation - no membership fees. Family Day is run by volunteers and there is no cost involved to participants.	Category D	\$3,024
ROICON24/2500082	Naremburn Progress Association Incorporated	NCC	As per Council Resolution No 97/121	Category D	\$2,409
ROICON24/2500085	Alcoholics Anonymous - Sunday Morning Group	DCC	AA Sunday morning support group provides essential continued support for vulnerable members of the community dealing with and recovering from alcoholism. They are volunteer run, with a gold coin donation with no capacity to fundraise. They are a low maintenance group that has been utilising the DCC Annex for many years.	Category D	\$8,268
Total					\$149,063

**12.16 COUNCILLOR NOMINATIONS TO AWARD PANEL TO ASSESS
WILLOUGHBY AUSTRALIA DAY AWARDS**

ATTACHMENTS:	1. IMPLICATIONS
RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	BERNARD LAU – FESTIVAL AND EVENTS TECHNICAL OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	27 NOVEMBER 2023

1. PURPOSE OF REPORT

To nominate Councillor representatives to an award panel to assess the nominations for the 2024 Willoughby Australia Day Awards.

2. OFFICER'S RECOMMENDATION

That Council nominate Mayor Tanya Taylor and up to two other Councillors to form an award panel to assess nominations of the 2024 Willoughby Australia Day Awards.

3. BACKGROUND

At its meeting on 11 December 2017, Council resolved to establish a panel to assess the nominations for the Willoughby Australia Day Awards. Election to the Australia Day Award review panel is to be conducted on an annual basis by Council. The panel is made up of the Mayor and typically two other Councillors.

Excerpt from Council Meeting on 11 December 2017:
*Item 17.3 COUNCILLOR NOMINATIONS TO AWARD PANEL TO ASSESS
WILLOUGHBY AUSTRALIA DAY AWARDS*

RESOLUTION

That Council nominate the Mayor and Councillors Mustaca and Wright to form an award panel to assess nominations for the 2018 Willoughby Australia Day Awards.

MOVED COUNCILLOR SAVILLE

SECONDED COUNCILLOR ZHU

4. DISCUSSION

The Willoughby Australia Day Awards is now open and closes Friday 1 December 2023.

Community is at the heart of our national day, making it the perfect time to honour and recognise the achievements of Australians making a real difference in their communities. The NSW Citizen of the Year Awards have been a part of the Australia Day in NSW program since 2005, with Local Government Areas (LGAs) embracing the program to celebrate outstanding citizens across the state. Winners of the Willoughby awards are eligible for further nomination to the state level and are assessed with other local Council award winners.

Councillors will receive documentation from all nominees by Friday 8 December 2023 and meet in the week of 11 December 2023 to select the winners in the following categories:

- **Citizen of the Year**
This award recognises a significant personal contribution to the Willoughby community by a person who lives and/or works in Willoughby, and contributes significantly to the betterment of the Willoughby community. This award is open to a person who is outstanding in the field of community services, including welfare, volunteer work, charity, the arts or sports.
- **Young Citizen of the Year**
This award recognises a young person who has demonstrated significant achievement in any field, including academic, sports, arts or business. Those eligible for this award must be aged 16 – 25 years on 26 January 2024 and live, work or attend school in Willoughby, or be involved in a local organisation.
- **Environmental Citizen of The Year**
The Environmental award was introduced in 2019, recognising outstanding efforts by individuals or organisations to preserve the environment, reduce litter and improve recycling, or use the *Return and Earn* scheme in an innovative way to fundraise for a meaningful cause.

The Award nomination forms provide that in assessing a nomination, the judging panel may consider:

- The benefit to the community from the nominee's service or contribution
- Whether the nominee has had to overcome any particular difficulties or hurdles
- Whether the nominee worked as part of a team and their role within the team
- Other outstanding achievements by the nominee
- Other recognition of the nominee's contribution or work, and
- Whether the nominee has had assistance from Council, government or other organisations.

Timeline

1 December	Award nominations close
8 December	Nominations are distributed to the judging panel
11-15 December	Judging panel meets at Council or online to select winners

5. CONCLUSION

The 2024 Willoughby Australia Day Awards highlight the achievements and contributions of residents to the Willoughby community. A judging panel is essential to ensure an open and transparent competitive process in awarding the winners in each category.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	The Events team supports the Willoughby Australia Day Awards nomination, judging and celebration processes.
Policy	<p>The Award nomination forms provide that in assessing a nomination, the judging panel may consider:</p> <ul style="list-style-type: none">• The benefit to the community from the nominee's service or contribution• Whether the nominee has had to overcome any particular difficulties or hurdles• Whether the nominee worked as part of a team and their role within the team• Other outstanding achievements by the nominee• Other recognition of the nominee's contribution or work, and• Whether the nominee has had assistance from Council, government or other organisations.
Consultation	No consultation is required as a result of this report.
Resource	The Events team provides promotional resources and work that supports the receipt, assessment and celebrations to mark Australia Day.
Risk	No risks arise as a result of this report.
Legal	No legal issues arise as a result of this report.
Legislation	<i>Local Government Act 1993 and Regulations</i>
Budget/Financial	This is within the approved budget.

12.17 DRAFT MINUTES - ACCESS AND INCLUSION ADVISORY COMMITTEE - MEETING HELD ON 19 SEPTEMBER 2023
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ATTACHMENTS:	1. IMPLICATIONS 2. MINUTES – ACCESS AND INCLUSION ADVISORY COMMITTEE HELD 19 SEPTEMBER 2023
RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	ELLEN MILLER – WCC COMMUNITY VENUES AND SERVICES TEAM LEADER BUSHRA SALAM – GOVERNANCE ADMINISTRATION OFFICER
CITY STRATEGY OUTCOME:	5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO
MEETING DATE:	27 NOVEMBER 2023

1. PURPOSE OF REPORT

To present to Council for noting, the draft minutes of the Access and Inclusion Advisory Committee meeting held on 19 September 2023.

2. OFFICER'S RECOMMENDATION

That Council receive and note the draft minutes of the meeting of the Access and Inclusion Advisory Committee held on 19 September 2023.

3. BACKGROUND

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

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

4. DISCUSSION

Points of discussion:

- **LGNSW Age-friendly Toolkit**

Community Venues & Services Team Leader (CV&S Team Leader), informed the Committee that the toolkit contains a range of ideas, resources and examples of what councils can do to strengthen positive outcomes for older people and how it aligns with outcomes in Our Future Willoughby 2032 Community Strategic Plan.

- **Standing item – Reconciliation Action Plan**

CV&S Team Leader advised the Committee the *Draft Reconciliation Action Plan* was on public exhibition via Have Your Say until 2 October 2023. The Committee was invited to provide their comments.

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

5. CONCLUSION

These draft minutes do not bind Council to any additional resource commitment. It is recommended Council receive and note the draft minutes of the meeting of the Access and Inclusion Advisory Committee held on 19 September 2023.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	Advisory Committees are created for the sole purpose of providing independent, expert and impartial advice on the development and implementation of strategic priorities of Council.
Policy	<i>Advisory Committees Policy 2022</i>
Consultation	The draft minutes were circulated by email to the Access and Inclusion Advisory Committee on 19 September 2023 with comments closed on 23 October 2023. Comments received have been included in this draft.
Resource	There are no resourcing implications applicable to this report.
Risk	There are no risks applicable to this report.
Legal	There are no legal implications applicable to this report.
Legislation	There are no legislation implications applicable to this report.
Budget/Financial	There are no budget implications applicable to this report.



Minutes

Access and Inclusion Advisory Committee

Tuesday 19 September 2023

Location:	Meeting Room, Dougherty Community Centre, Victor St, Chatswood
Chair:	Wendy Norton
Attendees:	Members: Wendy Norton, Audrey Thomas, , Julia Norton, Ella Gillis, Mark Tonga; Srishti Mahhajan; Honie Boyd; Elisha Mangassarian (via zoom); Suzanne Hartley (via Zoom) Staff: Ellen Miller – WCC Community Venues and Services Team Leader; Adam Booth – WCC Council & Corporate Support Officer; Bushra Salam – Governance Administration Officer
Apologies/absent:	Members: Glenda Hewitt; Helen Woodman
Guests	Councillor Anna Greco Julie Whitfield – Open Space Planner

Items

Item	Topic / Discussion	Action
1	<p>Welcome</p> <p>The meeting was declared open at 4:03 pm.</p>	
	<p>Acknowledgement of Country</p> <p><i>Willoughby City Council acknowledges the Traditional Owners of the lands on which we meet today, the Gamaragal People, and their connections to land, waters, and community. We pay our respects to their Elders past and present, and extend that respect to all Aboriginal and Torres Strait Islander people, including those who may be in attendance today.</i></p>	
	<p>Apologies</p> <p>Members: Glenda Hewitt; Helen Woodman</p>	
	<p>Declarations of interest</p> <p>A link to the <i>Disclosure of interest by Committee Members</i> form was circulated with the Agenda. Hardcopies were also available at the meeting.</p> <p>https://www.willoughby.nsw.gov.au/Council/Forms/Disclosure-of-interest-by-Committee-Members</p>	

Margaret Kay declared a standing non-pecuniary less than significant interest as a Director of Yourside Australia, stating, “there may be (in the future) a relationship between Yourside Australia and WCC. None known at present.”

2 Appointment of Committee Chair

Committee Resolution:

Committee Resolution:

A chair be elected at each meeting for that meeting in order to give everybody an opportunity to chair if they wish.

Nominations for Chair of the meeting:

- Audrey Thomas nominated Wendy Norton.
- No other nominations were received.

The Committee voted the Chair of the meeting be Wendy Norton.

The Committee unanimously approved.

Welcome New Members

New and existing members attended a ‘Meet and Greet’ session prior to the commencement of the meeting. The session was arranged following a Council resolution at the 28 August Council meeting.

The Chair welcomed new members Srishti Mahhajan, Honie Boyd and Elisha Mangassarian.

3 Confirmation of Minutes – 20 June 2023

The Committee unanimously adopted the minutes of the meeting of the Committee held on Tuesday 15 August 2023.

Moved: Margaret Kay

Seconded: Audrey Thomas

Carried

The Committee requested Toilet strategy plan

4 Actions from Previous Meetings

- Mr Tonga to prepare a vulnerable person discussion paper. The Committee agreed to set up a working party to aid Mr Tonga in the production of said paper in relation to identifying gaps in the current NDIS system. The first informal Working Party meeting was held on 17 October at 4pm at the Dougherty Community Centre.
- CV&S Team Leader advised the Committee the Draft Reflect Reconciliation Action Plan was currently on public exhibition via Have Your Say until 2 October 2023. Committee was invited to

The link for HYS was shared with the Committee Members.

provide their comments.

- The Committee discussed whether draft documents pertaining to access and inclusion issues should be forwarded to the Committee prior to public exhibition.

CV&S Team Leader advised that all draft documents intended for public display/community engagement needed to be approved by ELT first and then as part of the Communication Strategy be forwarded to the Committee for their input.

- The Committee unanimously resolved to note the actions of previous meetings contained in the agenda.
- Carried

5 Strategic Activities

5.1 Open Space presentation by Julie Whitfield – Open Space Planner

- **Bales Park Draft Master Plan**

Local community consultation for park improvements was undertaken in late 2022. Playground renewal is underway; sportsground renewal of drainage, irrigation and new turfing is complete. Community support for a perimeter walking path, exercise equipment and more seating.

Master plan for the park is on hold as Council shifts to place making approach under a new Public Spaces & Recreation Strategy.

Queries about playground inclusion/ access:

1. Accessible swings are sometimes hung very low and set for young children.
2. Children with autism need sensory experiences and quiet spaces. A very accessible park in the city would be better where everyone can play.
3. The seats and benches in parks are not accessible for everyone.
4. Extra things for children with disability could be added eg. Sensory wall, etc. and include all age groups.

Julie will investigate with design team. Playground renewals are planned for current financial year, with comments sought on Have Your Say.

- **Public Spaces and Recreation Strategy**

The Strategy is scheduled for the Council meeting in late October to be publicly exhibited. Strategic opportunities will guide the next 10 years. Emphasis on doing better with the

Links to HYS seeking comment of playground renewal plans.

land that Council owns – i.e. public spaces and streets. We already have arrangement with some public schools to hire their sportsgrounds. The Strategy seeks to optimise network connections for the community to enjoy the spaces that exist in the City.

Query about the Strategy- over the ten years with population increase, people's needs might change and the importance of open space will increase.

The Strategy can be reviewed earlier than 10 years if required.

5.2 LGNSW Age-friendly Toolkit

CV&S Team Leader informed the Committee that the toolkit contains a range of ideas, resources and examples of what councils can do to strengthen positive outcomes for older people and how it aligns with Outcomes in Our Future Willoughby 2032 Community Strategic Plan.

5.3 Updates on Age & Disability Activities

Numbers have increased for 18+ Dance to the Nines Disability Dance with 160 participants and carers attending September Halloween Themed event. Christmas dance scheduled for 8th December.

Under 18's Discobility event scheduled for 27th October at accessible Dougherty Community Centre.

Planning for annual Connect Collaborate Celebrate Art Competition complete. Results will be announced at morning tea on 30th November.

Social lunch club for Seniors has returned to post covid numbers with 80 seniors attending Spring luncheon. Transport was provided for those with mobility issues to ensure they can attend the lunch and connect with peers.

DCC Internet Kiosk for Seniors is well patronised with no spaces available until February 2024. New volunteer coming on-board shortly

6 Other Business

Disability Action Inclusion Plan – Annual Report

Annual Report against Willoughby's Disability Inclusion Action Plan is currently underway and will be available to the Committee at the November meeting.

WCC Community Venues and Services Team Leader to provide draft DIAP report at next Committee

meeting.

7 Next Meeting

Next meeting date

Tuesday 21 November 2023 4:00pm

Suggested agenda items

Discussion on the draft Annual Report against Willoughby's Disability Inclusion Action Plan at next Committee meeting.

8 Meeting Conclusion

The meeting concluded at 5:47 pm.

13 NOTICES OF MOTION

**13.1 NOTICE OF MOTION 30/2023 - SMOKE-FREE ZONE ALONG
ARTARMON'S HAMPDEN ROAD SHOPPING STRIP**

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DARREN WOOD – DESIGN AND INFRASTRUCTURE MANAGER
CITY STRATEGY OUTCOME:	3.4 – CREATE DESIRABLE PLACES TO BE AND ENJOY
MEETING DATE:	27 NOVEMBER 2023

1. PURPOSE OF REPORT

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

2. MOTION

That Council:

- 1. Implement a pilot project to create a smoke-free zone along Artarmon's Hampden Road shopping strip (western side of Hampden Road). This zone would extend from The Thai and Inter Desserts (Francis St end) to the bus zone outside 44 Hampden Road (near Wash Haus) to prevent second-hand smoke or vapour from e-cigarettes impacting the health of diners and shoppers, which aligns with Council's Smoke Free Policy.**
- 2. Introduce the new smoke-free zone along Hampden Road's shopping strip to coincide with the completion of the Hampden Road streetscape upgrade next year.**
- 3. Advise the community via Council's channels including social media and e-newsletters when the new zone is in force.**
- 4. Advise businesses as part of Council's current streetscape engagement program.**

**3. SUPPORTING INFORMATION PROVIDED BY THE COUNCILLOR ON THE
NOTICE OF MOTION****Smoke-free Laws**

Smoking and using e-cigarettes are banned in all enclosed public areas and certain outdoor public areas under the Smoke-free Environment Act 2000 and the Smoke-free Environment Regulation 2016. These bans protect people from harmful second-hand tobacco smoke. There is no safe level of exposure to second-hand smoke.

Willoughby's Smoke-Free policy

Willoughby's Smoke-Free policy bans smoking in the following areas:

- Within 20 (twenty) metres of all children's playgrounds;
- On all playing fields, sporting grounds and sporting facilities including Northbridge Baths
- Within all bushland, parks and reserves
- In alfresco dining areas on public land
- At all events run or sponsored by Council
- Within Chatswood Mall
- Within the Concourse
- Within ten (10) metres of Council owned or managed buildings including balconies or covered areas of those buildings, with
- the exception of those buildings leased (eg commercial premises, industrial units, residential dwellings)
- Within Council car parks
- At bus stops and taxi ranks.

Link to policy: www.willoughby.nsw.gov.au/Community/Community-Health-and-Safety/Smoke-Free-Willoughby

Artarmon's Hampden Road shopping strip

Under the existing policy, smoking is banned at alfresco dining areas along Hampden Road and at bus stops. However, it does not prevent someone smoking nearby. In practice, people sitting at alfresco dining areas can be, and are, impacted by second-hand smoke or vapour from e-cigarettes.

This Notice of Motion is proposing to introduce a pilot smoke-free zone along Hampden Road's shopping strip (western side of Hampden Road). This zone would extend from The Thai and Inter Desserts (Francis St end) to the bus zone outside 44 Hampden Road (near Wash Haus) to prevent second-hand smoke or vapour from e-cigarettes impacting the health and enjoyment of diners and shoppers.

Council Officers have advised that installation of signs can be incorporated as part of the streetscape improvements that are underway and due for completion next year.

Applying a smoke-free zone along the shopping strip will mean fewer signs are required (avoids individual signage outside each alfresco dining area), reducing signage clutter along the strip.

Ongoing enforcement of the smoke-free zone can be incorporated in current regulatory patrols.

The NSW Government and Willoughby Council are collectively investing over \$8 million on the Hampden Road upgrade which will deliver improved pedestrian safety, increased space for outdoor dining and shopping, better lighting and a new public amenity building. Introducing the new smoke-free zone can further improve Artarmon Village's public amenity.

The Artarmon Village Inc (Artarmon's Chamber of Commerce) have been consulted and expressed support for the proposal.

Future policy reviews

Willoughby's Smoke-Free policy was adopted in 2010 and is scheduled for revision. However, a review is not scheduled to occur prior to the completion of the Hampden Road upgrade work. It is proposed that this pilot can inform the policy review.

Why are No Smoking laws in place?

The ban on smoking and using e-cigarettes in outdoor public areas have been made because:

- they are often visited by children and families
- they allow limited opportunity for people to avoid second-hand smoke or vapour from e-cigarettes
- it helps reduce people's exposure to second-hand smoke
- creates a more supportive environment for those who have quit.

Display of 'No Smoking' signs

NSW Health has advised that smoke-free signage stays the same as 'No Smoking' covers both smoking tobacco and using e-cigarettes.

Signs must comply with the requirements under the *Smoke-free Environment Regulation 2016*.

4. OFFICER'S RECOMMENDATION

That Council consider the Motion.

5. OFFICER'S COMMENTS

Appropriate signs can be displayed on the western side of Hampden Road at the conclusion of the current Hampden Road streetscape upgrade within the existing project budget.

13.2 NOTICE OF MOTION 31/2023 - HISTORICAL IMAGES OF WILLOUGHBY

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	PAUL COLLINGS – WORKS MANAGER
CITY STRATEGY OUTCOME:	2.2 – RESPECT AND CELEBRATE OUR INDIGENOUS AND NON-INDIGENOUS HISTORY AND HERITAGE
MEETING DATE:	27 NOVEMBER 2023

1. PURPOSE OF REPORT

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

2. MOTION

That Council:

- 1. Ask the CEO to prepare a report back to council on the average lifespan of all the council street bins and the budget on its replacement cycle.
- no later than February 2024**
- 2. Ask the CEO to prepare a renewal plan and report back to council to identify how historical photos of the local area can be added on to the 4 sides of the new bins, with the intention of promoting our local history to pedestrians walking past, allowing the public to compare the same location in the photos.
- no later than February 2024**

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

Planning & Infrastructure department to work with Willoughby District Historical Society, The Local Studies team at Willoughby City library and Old Chatswood & The North Shore Memories Facebook group to deliver the selection of photos for each bin's location.

Some of the council street bins are slowly deteriorated over the years with some of side panels falling apart, it would be an ideal approach to promote the historical culture of our LGA during the renewal of the street bins.

Willoughby LGA has a long and rich history starting in 1835, When NSW was divided into counties. The area of what is now greater Sydney was called the County of Cumberland. Within the County of Cumberland were thirteen distinct and separate 'Hundreds' (areas of approximately one hundred square miles). The 'Hundred' covering the North Shore was the 'Hundred of Packerham'. This was further divided into five Parishes, including the Parish of Willoughby.

The Parish of Willoughby was defined as the area north from Port Jackson between Middle Harbour in the east and the Lane Cove River to the west as far as a line from Middle Harbour that was to define the present Willoughby City boundary along today's Boundary Street.

Within the Parish of Willoughby were the localities of Lane Cove, North Sydney and Mosman and the Rural District of Willoughby.

In 1865, the Municipality of North Willoughby was gazetted. This included the current Municipality of Lane Cove then known as the Lane Cove Ward. In 1867 a legislative change saw the Municipality renamed the Borough of North Willoughby. The 'North' was dropped in 1890.

The history of our local area from the early days must be promoted and protected.

The following examples of the street bins with historical photos/stories were provided by Judy Peters from the Willoughby District Historical Society:



4. OFFICER'S RECOMMENDATION

That Cr Xia develop a budget bid for the 2024/25 Operational Plan and Budget for prioritisation and consideration as part of that process.

5. OFFICER'S COMMENTS

Council currently has approximately 521 street and park litter bins. This total is made up of 341 litter bins with a surrounding structure, and 177 litter bins on stands.

The litter bins with a surround would be suitable for attaching a historical photograph of the local area. Further costing work will be undertaken, but replacement of bins with images could be in the order of \$2,000 to \$4,000 per bin depending on licencing of images and quality of bins.

Council's current budget in 2022/23 for the replacement of litter bins is \$18,750.

13.3 NOTICE OF MOTION 32/2023 - UNATTENDED SHOPPING TROLLEYS ON A PUBLIC PLACE

RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	MARK TAYLOR – SAFE CITY UNIT MANAGER
CITY STRATEGY OUTCOME:	3.4 – CREATE DESIRABLE PLACES TO BE AND ENJOY
MEETING DATE:	27 NOVEMBER 2023

1. PURPOSE OF REPORT

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

2. MOTION

That Council receive a report on the roll out of the *Public Spaces (Unattended Property) Act 2021* and ways we can effectively eliminate abandoned shopping trolleys across the LGA in March 2024.

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

Council has been engaging with shopping centres across the LGA on methods of reducing shopping trolleys leaving their premises for the past 12 months. We are still experiencing them on the street. It is time to look at what controls we can put into place to stop trolleys leaving their premises.

4. OFFICER'S RECOMMENDATION

That Council consider the Motion.

5. OFFICER'S COMMENTS

A report can be prepared for the March 2024 Council meeting.

The *Public Spaces (Unattended Property) Act 2021* and accompanying *Public Spaces (Unattended Property) Regulation 2022* commenced on 1 November 2022. The NSW Government designed for the Regulation to have a 6 month 'grace' period from 1 November, 2022 until 30 April, 2023 to allow operators and owners time to understand and comply with the new laws. Therefore the enforcement of provisions of *Public Spaces (Unattended Property) Act 2021* commenced on 1 May 2023.

This legislation replaces the *Impounding Act, 1993* and is intended to help protect valuable public spaces across NSW from abandoned and unattended items and animals.

The new laws provide councils, other public land managers and police with stronger powers and penalties to rid our public footpaths, streets, parks, bushland and waterways of abandoned and unattended property.

Between the period 1 May to 20 November, 2023, Council's Rangers have issued 78 Fines for alleged offences against *Public Spaces (Unattended Property) Act 2021* involving unattended shopping trolleys on a public place.

13.4 NOTICE OF MOTION 33/2023 - SMALL WATERCRAFT

RESPONSIBLE OFFICER:	LINDA PERRINE – COMMUNITY, CULTURE & LEISURE DIRECTOR
AUTHOR:	ANGELA CASEY - CULTURE & LEISURE MANAGER
CITY STRATEGY OUTCOME:	3.2 – CREATE RECREATION SPACES FOR ALL
MEETING DATE:	27 NOVEMBER 2023

1. PURPOSE OF REPORT

Councillors Taylor, Samuel, Mouradian, Rozos, Eriksson, McCullagh and Moratelli have indicated a joint intention that one of them move the following Notice of Motion.

2. MOTION

That Council:

- 1. Develop a strategy for the management of storage of watercraft on public land on the foreshore of middle harbour, in an effective and equitable manner, for the benefit of watercraft owners and for the convenience and enjoyment of the wider community who wish to access and use Willoughby's harbour foreshore parks and other public open spaces for general recreation.**
- 2. Consider the funding of this strategy through a 2024/25 Projects and Capital Works bid.**
- 3. Note that any costs associated with the implementation of the strategy, if adopted (such as site-specific storage facilities, and community engagement for same), would need to be considered in future Council budget considerations.**

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

Publicly owned open space around Middle Harbour is not only limited, but also highly sought after for recreational purposes. While the community has the right to access and utilise this space for activities like picnics, walking, exercising, fishing, and water access, there is no obligation for Council (the landowners or managers of the land) to provide storage facilities for privately-owned watercraft on this public land. Watercraft are stored on publicly owned foreshore land for reasons such as accessing moorings, avoiding inconvenience of transportation of watercraft to and from home, circumventing the high costs associated with commercial storage facilities, and gaining access to the harbour. It is important for individuals seeking to store watercraft on public land to recognise that such permission is a privilege.

The informal and ad-hoc storage of numerous small watercrafts on the harbour foreshores is diminishing visual aesthetics, causing environmental harm, displacing public open spaces, and limiting public access and enjoyment of certain foreshore areas.

There is currently no formal watercraft storage strategy, or watercraft storage facilities provided by Council, and limited commercial storage facilities are available. A place-based management approach should be established to consider and manage current issues. This can be achieved through the development of site-specific watercraft storage action plans, created with the support of local residents via a community engagement process. This approach can also be informed by a benchmarking exercise which considers best practice policies and strategies of similar local government areas (such as North Sydney), whilst simultaneously responding to the individual characteristics of each foreshore area.

4. OFFICER'S RECOMMENDATION

That Councillors submit a bid for the funding of a strategy as part of the 2024/25 capital works process.

5. OFFICER'S COMMENTS

The proposal required additional funding in order to engage an external consultant with specialist knowledge to develop a Place-based approach to the management of watercraft storage on public land on the foreshore of the middle harbour side of the LGA. The strategy would need to consider relevant legalisation including the *Public Spaces (Unattended Property) Act 2021* and the *Environmental Planning and Assessment Act, 1979*. The strategy would also need to explore the opinions of a range of stakeholders, who may have conflicting views on this issue.

A 2024/25 Projects and Capital Works bid would need to be submitted to develop a strategy for the management of storage of watercraft on public land.

Also note that any works identified in the strategy would require funding and subject to a budget bid process.

13.5 NOTICE OF MOTION 34/2023 - PRESERVE ROYAL NORTH SHORE HOSPITAL LAND FOR FUTURE HOSPITAL GROWTH AND PATIENT RELATED HEALTH CARE BY THE HOSPITAL

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	MITCHELL NOBLE - HEAD OF PLANNING
CITY STRATEGY OUTCOME:	5.2 – DEMONSTRATE LEADERSHIP AND ADVOCACY FOR LOCAL PRIORITIES
MEETING DATE:	27 NOVEMBER 2023

1. PURPOSE OF REPORT

Councillors Roussac and Samuel have indicated a joint intention that one of them move the following Notice of Motion.

2. MOTION

That Council write to the NSW Premier, NSW Treasurer, NSW Minister for Health and NSW Minister for Planning and Public Spaces to:

- 1. Request a community briefing on site so the community and clinicians can provide input and feedback on the proposed changes to Royal North Shore Hospital under the revised Master Plan**
- 2. Request a briefing for Council staff and Councillors**
- 3. Request the proposed timeline that articulates opportunities for community input**
- 4. Confirm that the provisions for accommodation including affordable / key worker housing, wellness services, administrative and support functions, integrated private health, commercial and retail in the Willoughby LGA is sufficient not to rely on hospital lands or lands adjacent to the hospital under the recently 'made' Local Environment Plan**
- 5. Advocate for Royal North Shore Hospital land to be reserved for patient related public health care**
- 6. Note the 140 year plus efforts of Willoughby Council, North Sydney Council, Lane Cove Council and successive State Government to reserve the land adjacent to St Leonards Station for public patient related health care including reindorsing the zoning of the significant adjacent employment zone land for services and industries connected to Health.**
- 7. That a report be prepared by Council staff and reported to the February 2023 Council meeting which summarises the Master Plan and its implications for Council and the community.**

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

The Northern Sydney Local Health District Board recently endorsed the Royal North Shore Hospital (RNSH) Campus Master Plan 2023-2063. It is understood this plan was completed under the NSW Ministry of Health and Health Infrastructure planning process.

The NSW Government's Master Plan is proposing to redevelop the southern campus of the RNSH along Herbert Street. Much of this development precludes future use of this land for patient related health care by the hospital as it primarily proposes building commercial offices, residential accommodation and retail shops. The site of this proposed redevelopment is the most accessible land on the RNSH campus, being adjacent to St Leonards train and bus interchange and easy cycling and walking distance to the soon to be opened Metro Station at Crows Nest.

The population density in the Willoughby City Council LGA and adjacent LGA will grow dramatically. Projected growth in the next 10 years is already reflected in planning documents as are recent State Government announcements to further increase density in Crows Nest. The sale or long-term lease of land for non-clinical uses means the campus will not be able to expand to accommodate future growth. Land must be available to build a new hospital and expand the facilities while the existing hospital operates. RNSH not only provides crucial services to our local community, it is also a major public teaching hospital and provides complex services to patients from across NSW.

There has been discussion that the nearby Australia Post parcel locker site in St Leonards may be surplus to their requirements.

Willoughby Council is meeting and exceeding its housing and affordable housing targets and nearby employment zones permit health and wellness businesses and administrative support

Willoughby Council has operated an Affordable Housing Program since 1998 and continues to meet its housing targets for local key employees such as nurses, police, teachers and childcare workers.

Willoughby Council will also meet and exceed its 2036 Housing Target. Willoughby Council's dwelling target is 36,385 dwellings and is forecasted to deliver 38,199 dwellings, arising from the 6,700 dwellings that have just been rezoned.

Key worker housing and residential developments are critical however should not be built on hospital land. It is imperative that the land be reserved for hospital infrastructure.

There is no apparent requirement for hospital lands to be provided for housing given the extensive nature of spaces nearby zoned for social, affordable and other housing.

There is no apparent requirement for hospital lands to be provided for retail/commercial, wellness, administration or support or integrated private health as there is an adjacent Employment Zone that has been zoned for these types of businesses reconfirmed in the recently made Local Environment Plan.

Very limited State Government engagement on the Master Plan to date

On Tuesday 22 August 2023 the Willoughby state member asked the Minister for Health the following questions related to RNSH:

1. What opportunities will exist for public input and consultation into the master plan?
2. When is this master plan proposed to be finalised?
3. Will the Australia Post site on Westbourne St, bordering the hospital campus be considered for acquisition to support future hospital expansion?
4. Will funding be provided to progress the vision to create a green space on the vacant hospital land formally occupied by the Brown Building?

On 26 September 2023 the following NSW Government response was provided:

Northern Sydney Local Health District has engaged stakeholders to provide input to the master plan, including consumer advisory groups and local council.

The master plan is considering all future space needs of the hospital's campus, and it is anticipated to be finalised by the end of 2023. The master plan is in development and no recommendation has been made about the vacant land formally occupied by the old acute hospital facility.

Link: <https://www.parliament.nsw.gov.au/la/papers/pages/ganda-tracking-details.aspx?pk=96581>

To date, Willoughby Council has sought but received minimal engagement from the NSW Government on the Master Plan. A local community group comprising concerned residents and clinicians has been seeking information but received a very limited response.

4. OFFICER'S RECOMMENDATION

That Council consider the Motion.

5. OFFICER'S COMMENTS

Council staff attended a meeting with representatives of the North Sydney Local Health District, Health Infrastructure NSW, and Fitzpatrick + Partners (Architects) regarding the draft Master Plan for the Royal North Shore Hospital on 26 July 2023.

A preliminary overview was provided to Council, and early verbal commentary was sought about opportunities and constraints.

Council staff were not notified of the finalisation of the Master Plan in October 2023, which is now available on the following websites.

Summary: <https://www.nslhd.health.nsw.gov.au/AboutUs/Documents/2023/231110-RNSH-Master-Plan-SUMMARY.pdf>

Full report: <https://www.nslhd.health.nsw.gov.au/AboutUs/Documents/2023/231108-RNSH-MP-REPORT.pdf>

13.6 NOTICE OF MOTION 35/2023 - REQUEST FOR REPORT AS TO OPTIONS TO ENCOURAGE BETTER ACCESS TO CARSHARE SERVICES

RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	DANIEL SUI – TRAFFIC & TRANSPORT TEAM LEADER
CITY STRATEGY OUTCOME:	<p>1.2 PROMOTE SUSTAINABLE LIFESTYLES AND PRACTICES</p> <p>1.5 REDUCE CARBON AND GREENHOUSE GAS EMISSIONS</p> <p>2.1 ENHANCE TRANSPORT CHOICES AND CONNECTIONS THROUGH THE CITY</p> <p>2.4 MANAGE PARKING AND REDUCE TRAFFIC CONGESTION</p>
MEETING DATE:	27 NOVEMBER 2023

1. PURPOSE OF REPORT

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

2. MOTION

That Council:

- 1. Provide a report to the February meeting of Council as to the feasibility and desirability of reducing barriers to the provision of carshare services by providing carshare companies with free access to a space for a trial period to determine whether they will then seek to apply to Council for a permanent space.**
- 2. That, amongst other things, the report should explore whether, should the company decide to apply for a permanent space all or some of the amount which would have been paid for the space during the trial period had the space been permanent, should be recovered.**

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

Greater uptake of carshare services would support Council strategies to reduce greenhouse emissions, reduce congestion and reduce pressure on parking spaces. It would also give some residents an opportunity to reduce cost of living pressures by reducing the need for private vehicles. The need for carshare companies to pay for the use of spaces acts as a disincentive to them to trial a space to assess whether there is sufficient demand to warrant applying for a permanent space. A scheme whereby a carshare company can use a space on a trial basis for free or for a nominal sum would overcome this problem. For example, there are a number of council owned car-parking areas where a space could be provided on

a trial basis such as at Castlecrag and Northbridge which are close to both shops and public transport.

The rates charged by carshare companies are such that, if a carshare arrangement is suitable to a consumer, the cost is less than owning, for instance, a second car.

4. OFFICER'S RECOMMENDATION

That Council consider the Motion.

5. OFFICER'S COMMENTS

Willoughby Council has a Car Share Policy which has been developed with guidance from the Transport for NSW Permit Parking Guidelines and Technical Direction Guidelines for on-street car share parking.

Council has approved Fees and Charges for car share permit applications. Currently, there are 31 car share spaces located in Chatswood, St Leonards, Naremburn and Artarmon, generating an annual revenue of approximately \$27,000 per year.

14 QUESTIONS WITH NOTICE

Nil.

15 CONFIDENTIAL MATTERS

15.1 CONFIDENTIAL - DRAFT PLANNING AGREEMENT - 2-6 SECOND AVENUE WILLOUGHBY EAST

ATTACHMENTS:	1. IMPLICATIONS 2. LETTER OF OFFER
RESPONSIBLE OFFICER:	HUGH PHEMISTER – PLANNING & INFRASTRUCTURE DIRECTOR
AUTHOR:	MITCHELL NOBLE, HEAD OF PLANNING
CITY STRATEGY OUTCOME:	2.2 – RESPECT AND CELEBRATE OUR INDIGENOUS AND NON-INDIGENOUS HISTORY AND HERITAGE
MEETING DATE:	27 NOVEMBER 2023

REASON FOR CONFIDENTIALITY

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

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

It is being reported in confidential session so as not to disclose privileged and confidential information in a public forum.

CONFIDENTIAL ATTACHMENTS

12.8 WCC PROPERTY REPORT – NOVEMBER 2023, ATTACHMENTS 2 & 3.

16 CONCLUSION OF THE MEETING
