



## ORDINARY MEETING OF COUNCIL TO BE HELD ON TUESDAY, 18 FEBRUARY 2025 AT 7:00PM LEVEL 3, COUNCIL CHAMBER

### AGENDA

\*\* \*\* \* \*\* \* \*\* \*

NOTE: For Full Details, See Council's Website –  
<https://www.krg.nsw.gov.au> under the link to business papers

The Livestream can be viewed here:  
<https://www.krg.nsw.gov.au/Council/Council-meetings/Council-meeting-live-stream>

**Disclaimer:** All Ku-ring-gai Council Ordinary Meetings of Council are livestreamed for on-demand viewing on the KRG website. Although Council will do its best to ensure the public is excluded from the livestream, Council cannot guarantee a person's image and/or voice won't be broadcast. Accordingly, attendance at Council meetings is considered consent by a person for their image and/or voice to be webcast. Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings. As per clause 15.21 of Council's Code of Meeting Practice, a person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording or photograph of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council.

In accordance with clause 3.23 of the Model Code of Meeting Practice, Councillors are reminded of the oath or affirmation of office made under section 233A of the Act, and of their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

Please refer to Part 4 of Council's Code of Conduct for Pecuniary Interests and Part 5 of Council's Code of Conduct for Non-Pecuniary Interests.

The Oath or Affirmation taken is as below:

**Oath:**

I *[name of Councillor]* swear that I will undertake the duties of the office of Councillor in the best interests of the people of the Ku-ring-gai Local Government area and the Ku-ring-gai Council, and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgement.

**Affirmation:**

I *[name of Councillor]* solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of the Ku-ring-gai Local Government area and the Ku-ring-gai Council, and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgement.

## **APOLOGIES**

## **DECLARATIONS OF INTEREST**

## **DOCUMENTS CIRCULATED TO COUNCILLORS**

## **CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING**

### **NOTE:**

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of confidential attachments to the following General Business reports:

Nil.

## **CONFIRMATION OF MINUTES**

### **Minutes of Ordinary Meeting of Council**

**13**

File: EM00043/11/1

Meeting held 17 December 2024

Minutes numbered 233 to 249

## **MINUTES FROM THE MAYOR**

### **MM.1 2025 Australia Day Honours and Citizen of the Year Awards**

**29**

File: CY00785/4

I am pleased to inform you that two members of the Ku-ring-gai community, through their outstanding achievements and services to the community, have been awarded 2025 Australia Day Honours.

We are very proud to have these dedicated and talented Australians as members of the Ku-ring-gai community.

I would like to read to you the names of these Australia Day Honours recipients and, on behalf of Council, congratulate them on their excellent contributions to Australian society.

**Mrs Jennifer Gai ANDERSON OAM**, for service to the community of Ku-ring-gai

Mrs Jennifer Anderson OAM was a longstanding Ku-ring-gai Mayor and a Councillor between 2006 and 2021. In 2021 she became Ku-ring-gai's longest serving mayor, holding the position from 2011 to 2012, 2013 to 2015 and consecutive terms during 2016-2017, 2017-2019 and 2019-2021. In 2017 she was presented with the NSW Ministers' Award for Women in Local Government for her service to the Council. She is recognised as an

Emeritus Mayor of Ku-ring-gai by the NSW Local Government Association and received the Excellence Award from Local Government NSW in 2021.

In addition to her contribution to local government, Mrs Anderson has a distinguished and wide-ranging record of service to numerous community organisations. She has served as a board member of the Hornsby Ku-ring-gai Women's Shelter; the Ku-ring-gai Youth Development Service; Ku-ring-gai Meals on Wheels; Eryldene Historic House; Tulkiyan Historic House; the NSW Parents Council and the NSW Federation of Parents' and Citizens' Association.

Mrs Anderson has been a Company Director of Ku-ring-gai Financial Services (Lindfield Community Bank) since 2023. She is a current Patron of the Hornsby Ku-ring-gai Women's Shelter, the Ku-ring-gai Historical Society and the Ku-ring-gai division of St John's Ambulance Brigade. She is also a former Patron of the Ku-ring-gai Horticultural Society, Gordon District Cricket Club and the Ku-ring-gai Amateur Swimming Club.

**Mr Samuel Stuart CLARK AM AFSM**, for distinguished service as a member of an Australian fire service

Mr Samuel Stuart Clark AM joined the Elouera Rural Fire Brigade in 1973 and has since served as a member of the Ku-ring-gai, Killara and Hornsby Communications brigades. He served as the Communications Brigade captain from 2017 to 2024 and is currently the Killara Brigade deputy captain and president.

Mr Clark has played a key role in the Killara Brigade's establishment, engaging both state and local governments to secure land and build a brigade station, delivering enhanced local firefighting capability. A respected senior member, he has given his time and legal expertise freely for the betterment of the NSW Rural Fire Service (NSW RFS), contributing to projects including the development of the Code of Conduct and Ethics, disciplinary processes, Brigade Constitutional reform and the Brigade Management Handbook.

Mr Clark has played an integral role in the establishment of the modern NSW RFS, mentoring generations of leaders and contributing to the professionalism for which the agency is now known. As the architect of the service's organisational structure, he worked with successive commissioners to implement necessary legislative and corporate changes to shape the service. The NSW RFS is indebted to Mr Clark for his unwavering commitment.

I also congratulate Ku-ring-gai Citizen of the Year winners for 2025:

Citizen of the Year	–	<b>Madeleine Steel</b>
Young Citizen of the Year	–	<b>Matthew Hayes</b>
Environmental Citizen of the Year	–	<b>Sofia Zvolanek</b>
Mayor's Award for an Outstanding Contribution by a Community Group	–	<b>Hornsby Ku-ring-gai Women's Shelter</b>

On behalf of Council, I congratulate all these award winners on their outstanding achievements.

Ku-ring-gai should be proud that it has citizens being recognised at the highest level for their selfless dedication, commitment and contribution to local, national and international communities.

**Recommendation:**

- A. That Council acknowledge the outstanding contribution made by these recipients of 2025 Australia Day Honours to the Ku-ring-gai community and to the well-being of our society.
- B. That the Mayor write to the recipients on behalf of Council to congratulate them on receiving their award, including a copy of this Mayoral Minute

MM.2 **VALE Geoffrey Basser, An Inspirational Mentor For Youth**

**31**

File: CY00455/13

It is my sad duty to inform Council and our community of the passing of a much-loved mentor and passionate advocate for youth, Geoffrey Basser.

Geoffrey passed away last month at the age of 95. During his long life he never stopped pursuing ways to support and encourage young people.

Born in Lithgow, Geoffrey became interested in community service at a young age, joining the APEX organisation in 1947.

He continued participating in APEX when he moved to Sydney for work and then joined Rotary. Through his involvement with the Lindfield Rotary Club in the early 2000s, Geoffrey helped establish the KYDS youth counselling service in Lindfield.

From its inception KYDS fulfilled a deep need for youth-based mental health support, long before it was funded by various government agencies.

Thanks to Geoffrey's pioneering leadership, KYDS now provides a range of free counselling services to support young people aged 10-18 without the need for referrals, a health plan or even a Medicare card.

In Port Stephens where he eventually retired, he also pioneered the creation of a free youth mental health counselling service known as Jupiter.

Geoffrey's obituary had the words 'We thought he'd live forever', a testament to his energy, selflessness and inspirational presence in his family and the Port Stephens and Ku-ring-gai communities.

On behalf of Council and our residents, I extend our deepest condolences to his widow Nanette and sister Barbara, his children Ian, Elise, Susan and Pru and his nine grandchildren. Rest in peace Geoffrey, you will be missed.

**Recommendation:**

- A. That the Mayoral Minute be received and noted
- B. That we stand for a minute's silence to honour Geoffrey Basser

C. That the Mayor write to Geoffrey Bassier's family and encloses a copy of the Mayoral Minute

MM.3 **Memorandum of Understanding between Ku-ring-gai Council and the Ku-ring-gai Chamber of Commerce**

33

File: S09435

This Mayoral Minute seeks Council's endorsement of a draft Memorandum of Understanding (MOU) between Ku-ring-gai Council and the Ku-ring-gai Chamber of Commerce.

The intent of the MOU is to establish a formal collaborative relationship between Council and the Chamber, in the interests of stimulating local economic growth and assisting small to medium local businesses.

Since 2009 the Ku-ring-gai Chamber of Commerce has played a vital role in supporting local small businesses through networking opportunities and providing advocacy within the Ku-ring-gai area.

The Council has developed its own program of business support, delivering training programs, events, networking and professional development opportunities and providing information on other business support available through government agencies and associated organisations.

Council and the Chamber share a fundamental goal of fostering a thriving local business community and supporting a strong local economy. Given the complementary nature of their activities and shared goals, establishing a formal collaborative framework through an MOU presents a logical step forward.

The proposed MOU aims to:

1. Provide a structured approach to strengthening connections and mutual collaboration
2. Leverage the distinct strengths and resources of both organisations
3. Heighten support for the local business community and raise awareness of the support available
4. Foster stronger working relationships between the parties
5. Establish clear protocols for collaboration

Similar arrangements are already established in neighbouring council areas, with Willoughby City Council and Hornsby Council having implemented MOUs with their respective Chambers of Commerce.

Such agreements facilitate collaboration while maintaining open channels for feedback and ideas.

As Mayor, I believe that strengthening relationships with organisations such as the Ku-ring-gai Chamber of Commerce will play an important role in promoting local businesses. It is a view that I am sure my Council colleagues also share.

**Recommendation:**

- A. That Council endorse the draft Memorandum of Understanding between Ku-ring-gai Council and Ku-ring-gai Chamber of Commerce
- B. That the Mayor and General Manager are authorised to execute the MOU on behalf of Council
- C. That the General Manager or his delegate are to implement the collaborative framework outlined in the MOU

MM.4 **General Manager performance review panel members**

37

File: EM00046/1

At the 17 October 2023 Council meeting, Council resolved to establish a selection panel to oversee the recruitment of a new General Manager with the assistance of an independent recruitment consultant. It was also agreed that the panel be comprised of the Mayor (then Councillor Sam Ngai), Deputy Mayor (then myself) and two other Councillors. Following a vote, Councillors Alec Taylor and Kim Wheatley were appointed to the panel.

Following the successful appointment of the General Manager, the selection panel reconvened to work with the external consultant and GM to develop a comprehensive performance agreement.

Under the Office of Local Government (OLG) Guidelines for the Appointment and Oversight of General Managers (**Attachment A1**), the governing body must establish a panel to undertake the General Manager's performance reviews. The guidelines state that "performance review panels should comprise of the mayor, the deputy mayor, another councillor nominated by council and a councillor nominated by the general manager". The General Manager has advised that he does not wish to nominate a panel member.

Performance must be reviewed at least annually against the agreed criteria for the position. The Guidelines recommend that full responsibility for performance management be delegated to the panel, including discussions about performance, any actions that should be taken and the determination of a new performance agreement.

Following the local government elections in September last year, I would like to provide new and returning Councillors with the opportunity to express an interest in joining myself and the Deputy Mayor on the panel.

As outlined in the Guidelines, all Councillors will be able to contribute to the review process by providing feedback on the General Manager's performance against the agreed performance criteria. The panel will report back to Council in a closed session on the findings and recommendations of the performance review, and further information about the process and timeframes will be communicated separately.

**Recommendation:**

That Council:

- A. Delegate the review of the General Manager's performance to a panel comprised of the Mayor, Deputy Mayor and two Councillors

- B. Engage the independent external consultant to support the review
- C. Appoint two Councillors to the performance review panel by voting for individual appointments before confirming these appointments by resolution.

## PETITIONS

## GENERAL BUSINESS

- i. *The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to have a site inspection.*
- ii. *The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to adopt in accordance with the officer's recommendation allowing for minor changes without debate.*

GB.1 **Minutes of Audit, Risk & Improvement Committee meeting held on 12 December 2024** **59**

File: CY00458/13

To provide Council with the minutes from the Audit, Risk & Improvement Committee meeting held on 12 December 2024 for adoption.

**Recommendation:**

That the minutes from the Audit, Risk & Improvement Committee meeting held on 12 December 2024 be adopted.

GB.2 **Audit, Risk & Improvement Committee - Extension of Appointment: Independent Chair and Independent Member** **68**

File: CY00458/12

To consider offering an extension of appointment to the current Independent Chair and an Independent Member of Council's Audit, Risk & Improvement Committee.

**Recommendation:**

Refer to the recommendations contained in the body of the report.

GB.3 **Status of Women's Advisory Committee meeting minutes of 27 November 2024** **72**

File: S13683

To provide Council with the minutes from the Status of Women's Advisory Committee meeting held on 27 November 2024.

**Recommendation:**

That Council:

- A. Consider and endorse the minutes of the Status of Women’s Advisory Committee meeting held on 27 November 2024.
- B. Acknowledge the resignation of Rhonda Smyth from the Status of Women’s Advisory Committee.
- C. Endorse the appointment of Leanne Fry to the Status of Women’s Advisory Committee.

GB.4 **Heritage Reference Committee meeting minutes of 5 December 2024** **82**

File: CY00413/12

To have Council consider the minutes from previous Heritage Reference Committee ('HRC') meeting held on 5 December 2024.

**Recommendation:**

That Council receives and notes the HRC minutes from 5 December 2024.

GB.5 **2024 - 2025 Budget Review - 2nd Quarter ended December 2024** **90**

File: EM00046/1

To inform Council of the results of the second quarter budget review of 2024/25 and proposed adjustments to the annual budget based on the actual financial performance and trend for the period 1 July 2024 to 31 December 2024.

**Recommendation:**

That the December 2024/25 Quarterly Budget Review and the recommended changes are received and noted.

GB.6 **Analysis of Land and Environment Court Costs - 2nd Quarter 2024 to 2025** **111**

File: FY00623/7

To report legal costs in relation to development control matters in the Land and Environment Court for the quarter ended 31 December 2024.

**Recommendation:**

That the analysis of Land and Environment Court costs for the period ended 31 December 2024 be received and noted.

GB.7 **Investment Report as at 31 December 2024** **123**

File: FY00623/7

To present Council’s investment portfolio performance for December 2024.



**Recommendation:**

That the summary of investments performance for December 2024 be received and noted; and that the Certificate of the Responsible Accounting Officer be noted and the report adopted.

GB.8 **Investment Report as at 31 January 2025** **131**

File: FY00623/7

To present Council's investment portfolio performance for January 2025.

**Recommendation:**

That the summary of investments performance for January 2025 be received and noted; and that the Certificate of the Responsible Accounting Officer be noted and the report adopted.

GB.9 **Disclosures of Interest Returns Register** **139**

File: EM00046/1

To table Council's Clause 4.23 Disclosure of Interest Returns Register inclusive of the Returns made by Councillor Balachandran and Councillor Devlin in accordance with Schedule 1 of the Ku-ring-gai Council Code of Conduct (the Code).

**Recommendation:**

That the updated Disclosure of Interest Returns Register be noted.

GB.10 **Submission on the Office of Local Government's Proposed Amendments to the Model Code of Meeting Practice** **143**

File: EM00046/1

To approve a submission to the Office of Local Government's (OLG) consultation on the proposed amendments to the Model Code of Meeting Practice.

**Recommendation:**

That Council approve the draft submission to the OLG's consultation on the proposed amendments to the Model Code of Meeting Practice, at Attachment A2.

GB.11 **Draft Submission - IPART Discussion Paper: Review of our approach to assessing contributions plans** **162**

File: S12758

The purpose of this report is to put the draft response prepared by staff in response to IPART's invitation for submissions to Council for consideration.

**Recommendation:**

That Council resolve to forward the attached draft submission, prepared by staff, to IPART as a formal submission, noting that a draft was submitted by the deadline on 7 February 2025 with a cover note to the effect that it would be presented to this February OMC.

GB.12 **Alternative Scenarios to the TOD SEPP - Project Update** **174**

File: S14427

To provide Council with an update on the development of alternative scenarios to the TOD SEPP.

**Recommendation:**

That Council receive and note the update report on planning for alternative scenarios to the TOD SEPP.

**EXTRA REPORTS CIRCULATED TO MEETING**

**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

NM.1 **Norman Griffiths Oval Upgrade Project Update** **178**

File: S13191

**Notice of Motion from Councillors Pettett and Devlin dated 31 January 2025**

The Norman Griffiths Oval at West Pymble is currently undergoing a major upgrade. Council resolved in March 2023 to proceed with the project as planned. Acknowledging that there was some concern, the broader community was excited that this project was finally underway after many years in the pipeline. The Oval upgrade includes a new all-weather synthetic surface, new lighting and pathways, an electronic scoreboard and an improved drainage system, catering for environmental factors.

The initial total cost of the upgrade was estimated at \$3.3m, (later revised estimated budget is \$4.77m as of April 2024) with local football clubs contributing around \$1m in club funds and government grants. The current estimated budget of this upgrade as of January 2025 is yet to be advised. The latest update (Council's eNews 29th November 2024) has an estimated completion in mid-2025. The community is concerned about the significant budget blowout and substantial time-delays in completing this project.

Given the delays, cost and heightened community concern, it is prudent that Council provide greater transparency and understanding of the project management, and progress status of the upgrade works for Councillors and the community.

We, therefore, move:

That Council staff provide a detailed report to the Ordinary Meeting of Council in March 2025 about the cost and time to completion of the Norman Griffiths upgrade. The report to include, but not limited to, the following, some of which may include confidential information:

- A. Current cost versus budgeted cost;
- B. The nature of current variations under contention and associated costs. Including a forecast cost of completion;
- C. The status of the negotiations pertaining to aforementioned variations;
- D. Updated scope of works, specifying responsibilities for both Council and contractors;
- E. The timeframe in place to complete remaining works, including handover date and return to public use;
- F. The details of – if any – dealings with NSW Environmental Protection Agency;
- G. The details of – if any – dealings with Sydney Water;
- H. Full breakdown of all environmental protection provisions incorporated into the project, differentiating what was included in the initial design and what have been additional inclusions since construction began;
- I. Full breakdown of delays, detailing responsible party and cause; and but not limited to,
- J. The point at which – if necessary – that Council may need to decide to terminate the existing contract and pursue completion of works with other parties.

**Recommendation:**

That the above Notice of Motion as printed be adopted.

NM.2 **Vernon Street Dog Park Lighting**

**180**

File: S03670

**Notice of Motion from Councillors Pettett and Devlin dated 31 January 2025**

The dog park on Vernon Street, South Turramurra, is well-used and is an integral open space for the secluded South Turramurra community. This park is allowing dogs to play and exercise safely in an off-leash area, as well as allowing residents to meet-up, socialise and support their physical and mental wellbeing.

This off-leash area requires appropriate lighting to allow usage in the evenings. As the days become shorter in the cooler months, and after day-light-savings ends, there are less hours available for dogs to be exercised as there is no lighting at this location. In winter there is no option to utilise the off-leash area after hours for those that come home from work after 5:00pm. This causes access and safety risks for the community. The off-leash area at Lofberg Oval West Pymble, for example, is well utilised after hours because of the installation of appropriate cost-effective lighting which is on a timer.

We, therefore, move:

That Council install cost effective lighting in the Vernon Street South Turramurra dog off-leash area, outlining a project timeline for completion to the Ordinary Meeting of Council in March 2025.

**Recommendation:**

That the above Notice of Motion as printed be adopted.

NM.3 **Auluba Oval Facilities Upgrade Project**

**181**

File: S02811

**Notice of Motion from Councillors Pettett and Devlin dated 31 January 2025**

Council staff have been working with the Kissing Point Sporting Club since 2022 to upgrade the existing outdated change rooms and toilet amenities. The change rooms are used for both winter and summer sports, with the toilets also used by the public. Noting that there are no separate public toilets at the South Turramurra shopping village precinct. These facilities are no longer fit for purpose and require a much-needed upgrade.

To date, several design configurations have been drafted by staff and explored with the football club. Each configuration had an approximate budget. Since 2022 building costs have escalated, and Councillors and the community need to be informed of the current status of this project, including estimated costs, the program of works – noting a date for the resumption of public use, as well as the planning project responsibilities of Council and any contractor.

As we are now in early-2025, it is time to refocus efforts on this project, with a focus on delivery before the end of 2026.

We, therefore, move:

Council staff to provide a report to the Ordinary Meeting of Council in April 2025, which includes the following; but not limited to,

- A. Current plans for the upgrade;
- B. Budget estimates for the current proposal, and the funding source and any funding gap
- C. The timeframe for the tender process, intended works program, and commencement and handover dates.

**Recommendation:**

That the above Notice of Motion as printed be adopted.

**BUSINESS WITHOUT NOTICE – SUBJECT TO CLAUSE 9.3 OF CODE OF MEETING PRACTICE**

**QUESTIONS WITH NOTICE**

QN.1 **Norman Griffiths Oval**

**182**

File: EM00046/1

**INSPECTIONS– SETTING OF TIME, DATE AND RENDEZVOUS**

## MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 17 DECEMBER 2024

- Present: The Mayor, Councillor Christine Kay (Chairperson)  
Councillors M Devlin & J Pettett (Comenarra Ward)  
Councillors I Balachandran & B Ward (Gordon Ward)  
Councillor S Ngai (Roseville Ward)  
Councillor M Smith (St Ives Ward)  
Councillors C Spencer & K Wheatley (Wahroonga Ward)
- Staff Present: General Manager (David Marshall)  
Director Community (Janice Bevan)  
Director Corporate (Angela Apostol)  
Director Development & Regulation (Michael Miocic)  
Director Operations (Peter Lichaa)  
Acting Director Strategy & Environment (Jacob Sife)  
Corporate Lawyer (Jamie Taylor)  
Manager Corporate Communications (Virginia Leafa)  
Acting Team Leader Governance (Jane Fitzpatrick)  
Coordinator Executive Support (Sigrid Banzer)
- Others Present: Antony Fabbro (Manager Urban & Heritage Planning)  
Rathna Rana (Executive Urban Planner)  
Craig Wyse (Team Leader Urban Planning)

*The Meeting commenced at 7:00PM*

*The Mayor offered the Acknowledgement of Country and Prayer*

233

### **APOLOGIES**

File: S02194

Councillor Spencer advised of an apology from Councillor Taylor as he is on leave.

The General Manager advised of an apology from the Director of Strategy & Environment, Andrew Watson, due to being on leave with Jacob Sife acting as Director.

#### **Resolved:**

*(Moved: Councillors Wheatley/Pettett)*

That the apologies be accepted and leave of absence granted.

**CARRIED UNANIMOUSLY**

## DECLARATIONS OF INTEREST

The Mayor referred to the necessity for Councillors and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

Councillor Wheatley declared a non-significant, non-pecuniary interest in GB.13 Public EV Charging Proposals - NSW Kerbside Charging Program Round 1 as she has had business dealings with this company. Councillor Wheatley will be leaving the room during debate on this item.

Councillor Ward declared a non-significant, non-pecuniary interest in GB.2 Ku-ring-gai Community Grants Program - Request to Reallocate Grant Funds as she serves on the board of SHARE SMR Inc. Councillor Ward will be leaving the room during debate on this item.

## DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor referred to the documents circulated in the Councillors' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

**Confidential Memorandums:** A confidential memorandum for item GB.11 Legal advice from Shaw Reynolds Re: Low and Mid-rise Housing SEPP Dual Occupancy Provisions for Ku-ring-gai Council LEP 2015 was circulated to the Mayor and Councillors on 9 December 2024.

## 234 CONFIRMATION OF ATTACHMENTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499/9

### **Resolved:**

*(Moved: Councillors Balachandran/Smith)*

### **GB.6 RFT2-2024 Playspace Upgrade Lorraine Taylor Reserve**

In accordance with 10A(2)(d)(i):

Attachment 1: RFT2-2024 Playspace Upgrade Lorraine Taylor Reserve – List of Submitters

Attachment 2: RFT2-2024 Playspace Upgrade Lorraine Taylor Reserve – Tender Evaluation Report

### **GB. 7 RFT34-2024 Design and Construct 25M Indoor Pool Refurbishment KFAC**

In accordance with 10A(2)(d)(i):

Attachment 1: RFT34-2024 Design and Construct 25M Indoor Pool Refurbishment KFAC – List of Submitters

Attachment 2: RFT34-2024 Design and Construct 25M Indoor Pool Refurbishment KFAC – Tender Evaluation Report

### **GB.13 Public EV Charging Proposals - NSW Kerbside Charging Program Round 1**

In accordance with 10A(2)(d)(i):

Attachment 5: EVIE Networks Proposed Commercial Rates – April 2024

**CARRIED UNANIMOUSLY**

## **CONFIRMATION OF MINUTES**

### 235 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 26 November 2024

Minutes numbered 212 to 232

#### **Resolved:**

*(Moved: Councillors Spencer/Ward)*

That Minutes numbered 212 to 232 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

## **MINUTES FROM THE MAYOR**

Nil.

## **PETITIONS**

### 236 **16 Burns Road & 81 Coonanbarra Road, Wahroonga, Application eDA0478/24 - Long Day Care Centre**

File: EM00043/11/1

*Vide: PT.1*

Petition to Ku-ring-gai Council

Application No: eDA0478/24

Applicant: Architectural Projects Pty Limited

Property: 16 Burns Road & 81 Coonanbarra Road WAHROONGA NSW 2076

The size and scale of the proposed development (84 children, 15 staff, 1½ levels above ground/ 2 level underground parking for 18 vehicles) does not fit within the established character of a heritage conservation area and is considered out of context for the locality. This development is not suitable in a low- density residential area and does not meet minimum regulatory requirements in its current form.

Burns Road and Coonanbarra Road are already at capacity for parked cars and traffic, with over 6,000 students attending 12 separate campuses within 1km of the subject development together with commuters parking to access the railway station 500m from the site. Double parking, blocked driveways and pedestrian near-misses are already a daily occurrence in the area, and this will be further exacerbated through additional street parking and traffic. Access to the Centre's underground parking is only 50 metres from the Burns/ Coonanbarra Rd's intersection.

The proposed development includes a shortfall of on-site car parking (relative to the minimum requirement). Further, relying upon 18 very tight basement car parking spaces for drop off and staff over two levels with scissor-lift access for staff parking in this location is not appropriate. Many parents attending child-care centres are reluctant to use difficult basement level/ underground car parking and will seek to use on-street car parking, which is extremely limited in this location.

As a long day care facility operating from 7:00am to 6:00pm within 500 metres of Wahroonga Rail station, a large proportion of parents attending the centre will park.

Restricting resident parking and creating further congestion through the addition of 50 to 100 additional vehicles.

External outdoor open play spaces are minimal and in one case severely compromised by a 22m high Japanese Cedar. This centre is akin to a "battery- hen" style operation – on a residential block. As this development site is currently too small to subdivide into two residences within this LGA to accommodate two families, it is clearly totally inappropriate to accommodate 200 plus children, staff, carers, visitors and parents each day.

The proposed development has several areas of concern and non-compliance including insufficient setback from neighbouring properties, insufficient on- site parking (does not meet minimum requirements), significant loss of 18 trees within the DA and an inevitable future amendment must include the removal of the 22m Japanese Cedar that currently dominates the block using safety concerns for the 99 children and staff (plus parents and visitors) underneath its expansive canopy.

The proposed development relies upon restrictive management measures in attempting to achieve compliance with acoustic requirements. This is indicative of the size and scale of the proposed development being more suited to existing commercial/retail centres, next to schools or on major roads. The rear of the development sits well above the neighbouring fence lines on the northern and western boundaries with no capacity to mitigate the acoustic impact of 84 children,



15 staff and a significant number of parents and carers attending the site daily following the removal of almost all vegetation.

The addition of 8 x 660 litre industrial waste bins each week from the Centre will create further aesthetic and traffic parking issues on Burns Road. A standard, red-lidded residential garbage bin is only 120 litres so this is equivalent to 44 residential bins.

The modern concrete industrial design is inconsistent with surrounding low density period homes in a Heritage Conservation Area including Listed 1898 item "Hazeldean" next door where its curtilage and heritage integrity will be severely compromised through the removal of all trees along its boundary and its proximity to the new contemporary building and parking access. There are four (4) additional Listed items within 50 metres of this development - opposite the site at 17 Burns Rd and 25 Burns Rd and 81A and 83 Coonanbarra Rd. The underground car park will be directly on the Hazeldean boundary line, and the building above has minimal (and non-compliant) setback in places.

The proposed development results in a substantial impact on the privacy of neighbours, in particular, residents of "Hazeldean" 14 Burns Road, 16A Burns Road, 81 and 81a Coonanbarra Rd, particularly to the rear of the site where the block falls away and proposed rooms/ play areas will overlook neighbouring properties with no privacy mitigation.

The developer has already completed unauthorised storm water building works at 81 Coonanbarra Rd without Council consent – suggesting potential compliance issues in future should the development proceed.

Accordingly, by adding my name and address to this petition, I confirm I am a resident living within the Ku-ring-gai Council LGA, I object to the proposed development, I authorise Change.org to provide my contact details to the Petitioner and Ku-ring-gai Council and urge Ku-ring-gai Council to reject the Development Application submitted.

(319 signatures).

**Resolved:**

*(Moved: Councillors Wheatley/Devlin)*

That the petition be received and referred to the appropriate Officer of Council for attention.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**

237

**Code of Conduct - Complaint Statistics**

File: S08447  
*Vide: GB.1*

To report statistics in relation to complaints as required by the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020 for the twelve months to 31 August 2024.

**Resolved:**

*(Moved: Councillors Spencer/Pettett)*

That the report pursuant to Part 11 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020 be received and noted

**CARRIED UNANIMOUSLY**

238 **Investment Report as at 30 November 2024**

File: FY00623/7  
*Vide: GB.3*

To present Council's investment portfolio performance for November 2024.

**Resolved:**

*(Moved: Councillors Spencer/Pettett)*

That:

- A. The summary of investments and performance for November 2024 be received and noted.
- B. The Certificate of the Responsible Accounting Officer be noted and the report adopted.

**CARRIED UNANIMOUSLY**

239 **Project Status Report - November 2024**

File: FY00621/7  
*Vide: GB.4*

To provide Council with the Project Status Report for August – November 2024.

**Resolved:**

*(Moved: Councillors Spencer/Pettett)*

- A. That Council receive and note the Project Status Report for the period August - November 2024.
- B. That the Project Status Report be placed on Council's website.

**CARRIED UNANIMOUSLY**

240

### **Ku-ring-gai Traffic Committee Meeting Dates for 2025**

File: CY00022/16

*Vide: GB.5*

To determine the Ku-ring-gai Traffic Committee meeting dates for 2025.

#### **Resolved:**

*(Moved: Councillors Spencer/Pettett)*

- A. That the Ku-ring-gai Traffic Committee meetings in 2025 be scheduled for the dates as follows:
  - 26 February 2025
  - 28 May 2025
  - 27 August 2025
  - 26 November 2025
- B. That Ku-ring-gai Traffic Committee meetings are held only as required.

**CARRIED UNANIMOUSLY**

241

### **RFT2-2024 Playspace Upgrade Lorraine Taylor Reserve**

File: RFT2-2024/R

*Vide: GB.6*

To consider the tenders received for RFT2-2024 Playspace Upgrade Lorraine Taylor Reserve St Ives and to appoint the preferred tenderer.

#### **Resolved:**

*(Moved: Councillors Spencer/Pettett)*

That:

- A. Council accepts the tender submission from Tenderer 'A' to carry out the Playspace Upgrade Lorraine Taylor Reserve St Ives.
- B. The Mayor and General Manager be delegated authority to execute all tender documents on Council's behalf in relation to the contract.
- C. The Seal of Council be affixed to all necessary documents.
- D. All tenderers be advised of Council's decision in accordance with Clause 178 of the Local Government Tendering Regulation 2021.

**CARRIED UNANIMOUSLY**

242 **RFT34-2024 Design and Construct - 25M Indoor pool refurbishment  
KFAC**

File: RFT34-2024/R

*Vide: GB.7*

To consider the tenders received for RFT34-2024 Design and Construct 25M Indoor Pool Refurbishment KFAC and to appoint the preferred tenderer.

**Resolved:**

*(Moved: Councillors Spencer/Pettett)*

That:

- A. As a result of considering the tenders submitted for the proposed RFT34-2024 Design and construction 25M Indoor Pool Refurbishment KFAC contract, and pursuant to Clause 178(1) of the Local Government (General) Regulation 2021 ("the Regulation"), Council declines to accept any of the tenders.
- B. Fresh tenders as referred to in clause 178(3)(b)-(d) of the Regulation not be invited due to the current deadlines and condition of the pool.
- C. Pursuant to Clause 178(3)(e) of the Regulation, the General Manager enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender in terms acceptable to Council's requirements.
- D. The Mayor and the General Manager be delegated authority to execute all documents on Council's behalf in relation to any contract formed as a result of the above.
- E. The Seal of Council be affixed to all necessary documents.
- F. All tenderers be advised of Council's decision in accordance with clause 178 of the Regulation.

**CARRIED UNANIMOUSLY**

243 **Heritage Reference Committee meeting minutes of 7 November 2024**

File: CY00413/12

*Vide: GB.8*

To have Council consider the minutes from previous Heritage Reference Committee ('HRC') meeting held on 7 November 2024.

**Resolved:**

*(Moved: Councillors Spencer/Pettett)*

That Council receive and note the HRC minutes from the meeting held on 7 November 2024.

**CARRIED UNANIMOUSLY**

244 **Ku-ring-gai Green Grid Draft Strategy**

File: S12691

*Vide: GB.9*

To provide an overview of the draft Ku-ring-gai Green Grid Strategy and seek Council's endorsement to place the draft strategy on public exhibition.

**Resolved:**

*(Moved: Councillors Spencer/Pettett)*

That Council endorse the draft Ku-ring-gai Green Grid Strategy for public exhibition

**CARRIED UNANIMOUSLY**

245 **Affordable Housing Options Paper and Draft Affordable Housing Policy**

File: S12139-12

*Vide: GB.10*

For Council to consider the Affordable Housing Options Paper and Draft Ku-ring-gai Affordable Housing Policy for public exhibition.

**Resolved:**

*(Moved: Councillors Spencer/Pettett)*

- A. To advance Ku-ring-gai's affordable housing objectives Council pursue the implementation of:
  - 1. An Affordable Housing Policy;
  - 2. An Affordable Housing Contributions Scheme.
- B. The Draft Affordable Housing Policy (**Attachment A2**) be placed on public exhibition for a period of 28 days. A report is to be brought back to Council to consider any feedback on the Draft Policy.
- C. The Affordable Housing Options Paper (**Attachment A1**) and the Education Brochure (**Attachment A3**) be made available as a supporting study to the public exhibition of the Draft Affordable Housing Policy
- D. That prior to exhibition the Director of Strategy and Environment be given the authority to make minor changes of a typographical nature that do not alter the overall content to any significant degree

**CARRIED UNANIMOUSLY**

*After having declared an interest in item GB. 13, Councillor Wheatley withdrew from Chambers during discussion and did not vote on the matter.*

246 **Public EV Charging Proposals - NSW Kerbside Charging Program Round 1**

File: S13127

*Vide: GB. 13*

This report presents the community consultation results for five (5) EVIE Networks site proposals that have been awarded Round 1 funding. This report also recommends which of these site proposals to progress through planning assessments, based on the community consultation results.

**Resolved:**

*(Moved: Councillors Spencer/Ngai)*

- A. That Council progresses the necessary approval assessments and negotiation of commercial terms required for development of the site proposals at:
  - 1. 9 Coonanbarra Road, Wahroonga;
  - 2. 2-8 Turramurra Avenue and Gilroy Lane, Turramurra;
  - 3. 1 Reading Avenue, East Killara; and
  - 4. 2 Lord Street, Roseville.

- B. Subject to assessment and negotiation of commercial terms, that Council approves the development and installation of the proposed chargers for the above sites.

**CARRIED UNANIMOUSLY**

*Councillor Wheatley returned to Chambers.*

*After having declared an interest in item GB.2, Councillor Ward withdrew from Chambers during discussion and did not vote on the matter.*

247 **Ku-ring-gai Community Grants Program - Request to Reallocate Grant Funds**

File: FY00432/15

*Vide: GB.2*

For Council to consider a request from SHARE Inc. to reallocate grant funding, which was initially awarded for a Diwali celebration in October 2024, to a Holi Festival event proposed for February 2025.

**MOTION:**

*(Moved: Councillors Spencer/Pettett)*

That the request for the funds to be reallocated be refused and refunded to Council.

**AMENDMENT:**

*(Moved: Councillors Smith/Wheatley)*

- A. That Council approve the request from SHARE Inc to reallocate \$2,300 Community Grant funding for a Diwali event in October 2024, to a Holi festival celebration proposed for March 2025.
- B. That SHARE Inc be notified of Council's decision.

*Councillor Balachandran moved a Procedural Motion asking the Mayor to seek a vote on the matter as there had been 2 speakers For and 2 Against.*

The Procedural Motion was put and **CARRIED UNANIMOUSLY**.

The Amendment was put and declared **CARRIED**.

*For the Amendment:*

*Councillors Balachandran, Devlin, Ngai,  
Smith and Wheatley*

*Against the Amendment: The Mayor, Councillor Kay, Pettett and Spencer*

The Motion was put and declared **CARRIED**.

*For the Motion: Councillors Balachandran, Devlin, Ngai, Smith and Wheatley*

*Against the Motion: The Mayor, Councillor Kay, Pettett and Spencer*

**Resolved:**

*(Moved: Councillors Smith/Wheatley)*

- A. That Council approve the request from SHARE Inc to reallocate \$2,300 Community Grant funding for a Diwali event in October 2024, to a Holi festival celebration proposed for March 2025.
- B. That SHARE Inc be notified of Council's decision.

*For the Resolution: Councillors Balachandran, Devlin, Ngai, Smith and Wheatley*

*Against the Resolution: The Mayor, Councillor Kay, Pettett and Spencer*

*Councillor Ward returned to Chambers.*

248 **Low and Mid-Rise Housing SEPP Proposed Dual Occupancy Provisions for Ku-ring-gai Local Environmental Plan 2015**

File: S14428  
*Vide: GB.11*

To seek Council's support to progress discussions with State government on the dual occupancy component of the *Low and Mid-rise Housing* reforms, namely on minimum lot sizes.

**MOTION:**

*(Moved: Councillors Spencer/Pettett)*

- A. That it be noted that this report only concerns the dual occupancy provisions of the Low and Mid-Rise Housing SEPP and excludes provisions relating to other housing types such as townhouses, terraces, two storey apartment blocks and mid-rise apartment blocks which the NSW Government has not yet commenced.



- B. That Council present the three minimum lot size Options within this report to the Department of Planning, Housing and Infrastructure to progress the next steps, including community consultation.
- C. That the following steps be taken by Council staff following Council's Resolution:
  - i. meet with DPHI to discuss the proposed Options;
  - ii. conduct a public exhibition of the Options, or variations of the Options, that are supported by DPHI.
- D. That the public exhibition results be reported to Council to seek Council's endorsement of a final minimum lot size.
- E. The adopted minimum lot sizes for dual occupancy include a provision for the requirement of an 18 metre minimum lot width.
- F. That the Director Strategy and Environment be given delegation to correct errors and improve clarification upon advice of the consultant Hill Thalys, that do not alter the direction of the Options.

The Motion was put and **CARRIED UNANIMOUSLY.**

**Resolved:**

*(Moved: Councillors Spencer/Pettett)*

- A. That it be noted that this report only concerns the dual occupancy provisions of the Low and Mid-Rise Housing SEPP and excludes provisions relating to other housing types such as townhouses, terraces, two storey apartment blocks and mid-rise apartment blocks which the NSW Government has not yet commenced.
- B. That Council present the three minimum lot size Options within this report to the Department of Planning, Housing and Infrastructure to progress the next steps, including community consultation.
- C. That the following steps be taken by Council staff following Council's Resolution:
  - i. meet with DPHI to discuss the proposed Options;
  - ii. conduct a public exhibition of the Options, or variations of the Options, that are supported by DPHI.
- D. That the public exhibition results be reported to Council to seek Council's endorsement of a final minimum lot size.
- E. The adopted minimum lot sizes for dual occupancy include a provision for the requirement of an 18 metre minimum lot width.
- F. That the Director Strategy and Environment be given delegation to correct errors and improve clarification upon advice of the consultant Hill Thalys, that do not alter the direction of the Options.

**CARRIED UNANIMOUSLY****249 Draft Terms of Reference - Environment Committee and Smart Transport Advisory Committee**

File: S14696

*Vide: GB.12*

For Council to consider the draft Terms of Reference of the Environment Committee and the Smart Transport Advisory Committee for adoption and to make appointments to these committees.

**MOTION:**

*(Moved: The Mayor, Councillor Kay/Wheatley)*

That Council:

- A. adopt the Environment Committee and Smart Transport Advisory Committee Terms of Reference
- B. survey the members of the previous Sustainable Recreation and Active Transport Committees to improve effectiveness and governance for the newly formed committees
- C. seek expressions of interest for community membership, and report recommendations back to Council by 8 April 2025
- D. appoint a Chairperson and Deputy Chairperson when community membership recommendations are brought back to Council, and
- E. make any required changes to the Advisory and Reference Committee Guidelines

The Motion was put and **CARRIED UNANIMOUSLY**.

**Resolved:**

*(Moved: Councillors Kay/Wheatley)*

That Council:

- A. adopt the Environment Committee and Smart Transport Advisory Committee Terms of Reference

- B. survey the members of the previous Sustainable Recreation and Active Transport Committees to improve effectiveness and governance for the newly formed committees
- C. seek expressions of interest for community membership, and report recommendations back to Council by 8 April 2025
- D. appoint a Chairperson and Deputy Chairperson when community membership recommendations are brought back to Council, and
- E. make any required changes to the Advisory and Reference Committee Guidelines

**CARRIED UNANIMOUSLY**

**BUSINESS WITHOUT NOTICE – SUBJECT TO CLAUSE 9.3 OF CODE OF MEETING PRACTICE**

Nil.

**QUESTIONS WITH NOTICE**

Nil.

**INSPECTIONS– SETTING OF TIME, DATE AND RENDEZVOUS**

Nil.

*The Meeting closed at 8.11pm*

The Minutes of the Ordinary Meeting of Council held on 17 December 2024 (Pages 1 - 27) were confirmed as a full and accurate record of proceedings on <Insert confirmation date ...>

---

General Manager

---

Mayor / Chairperson

---

---

## MAYORAL MINUTE

---

---

### 2025 AUSTRALIA DAY HONOURS AND CITIZEN OF THE YEAR AWARDS

I am pleased to inform you that two members of the Ku-ring-gai community, through their outstanding achievements and services to the community, have been awarded 2025 Australia Day Honours.

We are very proud to have these dedicated and talented Australians as members of the Ku-ring-gai community.

I would like to read to you the names of these Australia Day Honours recipients and, on behalf of Council, congratulate them on their excellent contributions to Australian society.

**Mrs Jennifer Gai ANDERSON OAM**, for service to the community of Ku-ring-gai

Mrs Jennifer Anderson OAM was a longstanding Ku-ring-gai Mayor and a Councillor between 2006 and 2021. In 2021 she became Ku-ring-gai's longest serving mayor, holding the position from 2011 to 2012, 2013 to 2015 and consecutive terms during 2016-2017, 2017-2019 and 2019-2021. In 2017 she was presented with the NSW Ministers' Award for Women in Local Government for her service to the Council. She is recognised as an Emeritus Mayor of Ku-ring-gai by the NSW Local Government Association and received the Excellence Award from Local Government NSW in 2021.

In addition to her contribution to local government, Mrs Anderson has a distinguished and wide-ranging record of service to numerous community organisations. She has served as a board member of the Hornsby Ku-ring-gai Women's Shelter; the Ku-ring-gai Youth Development Service; Ku-ring-gai Meals on Wheels; Eryldene Historic House; Tulkiyan Historic House; the NSW Parents Council and the NSW Federation of Parents' and Citizens' Association.

Mrs Anderson has been a Company Director of Ku-ring-gai Financial Services (Lindfield Community Bank) since 2023. She is a current Patron of the Hornsby Ku-ring-gai Women's Shelter, the Ku-ring-gai Historical Society and the Ku-ring-gai division of St John's Ambulance Brigade. She is also a former Patron of the Ku-ring-gai Horticultural Society, Gordon District Cricket Club and the Ku-ring-gai Amateur Swimming Club.

**Mr Samuel Stuart CLARK AM AFSM**, for distinguished service as a member of an Australian fire service

Mr Samuel Stuart Clark AM joined the Elouera Rural Fire Brigade in 1973 and has since served as a member of the Ku-ring-gai, Killara and Hornsby Communications brigades. He served as the Communications Brigade captain from 2017 to 2024 and is currently the Killara Brigade deputy captain and president.

Mr Clark has played a key role in the Killara Brigade's establishment, engaging both state and local governments to secure land and build a brigade station, delivering enhanced local firefighting capability. A respected senior member, he has given his time and legal expertise freely for the betterment of the NSW Rural Fire Service (NSW RFS), contributing to projects including the

Item MM.1

CY00785/4  
29 January 2025

development of the Code of Conduct and Ethics, disciplinary processes, Brigade Constitutional reform and the Brigade Management Handbook.

Mr Clark has played an integral role in the establishment of the modern NSW RFS, mentoring generations of leaders and contributing to the professionalism for which the agency is now known. As the architect of the service's organisational structure, he worked with successive commissioners to implement necessary legislative and corporate changes to shape the service. The NSW RFS is indebted to Mr Clark for his unwavering commitment.

I also congratulate Ku-ring-gai Citizen of the Year winners for 2025:

Citizen of the Year	-	<b>Madeleine Steel</b>
Young Citizen of the Year	-	<b>Matthew Hayes</b>
Environmental Citizen of the Year	-	<b>Sofia Zvolanek</b>
Mayor's Award for an Outstanding Contribution by a Community Group	-	<b>Hornsby Ku-ring-gai Women's Shelter</b>

On behalf of Council, I congratulate all these award winners on their outstanding achievements.

Ku-ring-gai should be proud that it has citizens being recognised at the highest level for their selfless dedication, commitment and contribution to local, national and international communities.

**RECOMMENDATION:**

- A. That Council acknowledge the outstanding contribution made by these recipients of 2025 Australia Day Honours to the Ku-ring-gai community and to the well-being of our society.
- B. That the Mayor write to the recipients on behalf of Council to congratulate them on receiving their award, including a copy of this Mayoral Minute

Councillor Christine Kay  
Mayor

---

---

## MAYORAL MINUTE

---

---

### **VALE GEOFFREY BASSER, AN INSPIRATIONAL MENTOR FOR YOUTH**

It is my sad duty to inform Council and our community of the passing of a much-loved mentor and passionate advocate for youth, Geoffrey Basser.

Geoffrey passed away last month at the age of 95. During his long life he never stopped pursuing ways to support and encourage young people.

Born in Lithgow, Geoffrey became interested in community service at a young age, joining the APEX organisation in 1947.

He continued participating in APEX when he moved to Sydney for work and then joined Rotary. Through his involvement with the Lindfield Rotary Club in the early 2000s, Geoffrey helped establish the KYDS youth counselling service in Lindfield.

From its inception KYDS fulfilled a deep need for youth-based mental health support, long before it was funded by various government agencies.

Thanks to Geoffrey's pioneering leadership, KYDS now provides a range of free counselling services to support young people aged 10-18 without the need for referrals, a health plan or even a Medicare card.

In Port Stephens where he eventually retired, he also pioneered the creation of a free youth mental health counselling service known as Jupiter.

Geoffrey's obituary had the words 'We thought he'd live forever', a testament to his energy, selflessness and inspirational presence in his family and the Port Stephens and Ku-ring-gai communities.

On behalf of Council and our residents, I extend our deepest condolences to his widow Nanette and sister Barbara, his children Ian, Elise, Susan and Pru and his nine grandchildren. Rest in peace Geoffrey, you will be missed.

### **RECOMMENDATION:**

- A. That the Mayoral Minute be received and noted
- B. That we stand for a minute's silence to honour Geoffrey Basser
- C. That the Mayor write to Geoffrey Basser's family and encloses a copy of the Mayoral Minute

Item MM.2

CY00455/13

Councillor Christine Kay  
Mayor

---

---

## MAYORAL MINUTE

---

---

### MEMORANDUM OF UNDERSTANDING BETWEEN KU-RING-GAI COUNCIL AND THE KU-RING-GAI CHAMBER OF COMMERCE

This Mayoral Minute seeks Council's endorsement of a draft Memorandum of Understanding (MOU) between Ku-ring-gai Council and the Ku-ring-gai Chamber of Commerce.

The intent of the MOU is to establish a formal collaborative relationship between Council and the Chamber, in the interests of stimulating local economic growth and assisting small to medium local businesses.

Since 2009 the Ku-ring-gai Chamber of Commerce has played a vital role in supporting local small businesses through networking opportunities and providing advocacy within the Ku-ring-gai area. The Council has developed its own program of business support, delivering training programs, events, networking and professional development opportunities and providing information on other business support available through government agencies and associated organisations.

Council and the Chamber share a fundamental goal of fostering a thriving local business community and supporting a strong local economy. Given the complementary nature of their activities and shared goals, establishing a formal collaborative framework through an MOU presents a logical step forward.

The proposed MOU aims to:

1. Provide a structured approach to strengthening connections and mutual collaboration
2. Leverage the distinct strengths and resources of both organisations
3. Heighten support for the local business community and raise awareness of the support available
4. Foster stronger working relationships between the parties
5. Establish clear protocols for collaboration

Similar arrangements are already established in neighbouring council areas, with Willoughby City Council and Hornsby Council having implemented MOUs with their respective Chambers of Commerce.

Such agreements facilitate collaboration while maintaining open channels for feedback and ideas. As Mayor, I believe that strengthening relationships with organisations such as the Ku-ring-gai Chamber of Commerce will play an important role in promoting local businesses. It is a view that I am sure my Council colleagues also share.

#### RECOMMENDATION:

- A. That Council endorse the draft Memorandum of Understanding between Ku-ring-gai Council and Ku-ring-gai Chamber of Commerce
- B. That the Mayor and General Manager are authorised to execute the MOU on behalf of Council



Item MM.3

S09435

- C. That the General Manager or his delegate are to implement the collaborative framework outlined in the MOU

Councillor Christine Kay  
Mayor

**Attachments:**    A1 [↓](#) Draft Memorandum of Understanding    2025/027577

## **Draft Memorandum of Understanding**

Between the Ku-ring-gai Council and Ku-ring-gai Chamber of Commerce

### **Background**

Ku-ring-gai Council (Council) and Ku-ring-gai Chamber Commerce (the Chamber) have a common vision to support the local economy in the Ku-ring-gai Local Government Area (LGA).

### **Statements of recognition**

1. Both parties acknowledge their individual and joint responsibilities in facilitating improvement of economic and business conditions in the area.
2. Council recognises the Chamber as a broad-based representative organisation for the local business community.
3. The Chamber recognises the Council's statutory role in planning for the area's future and providing for the needs of the diverse community.
4. The Chamber acknowledges the Council's responsibility to deliver community services and amenities in collaboration with various agencies and organisations.

### **Aims and objectives**

The Council and the Chamber will work together to achieve the following objectives:

1. Collaborate on economic opportunities and strategies aligned with Council's Community Strategic Plan and supporting documents.
2. Provide support and expertise to each other, leveraging knowledge and networking assets as appropriate.
3. Collaborate when planning economic development projects, processes, and related strategic matters.
4. Recognise the Chamber as a key point of contact for community business representation.
5. Where appropriate jointly seek, promote, and advocate for projects and grant/event funding.
6. Assist to raise the Chamber's profile.

### **Operating approach**

Both parties commit to:

1. Maintain open and honest discussion.
2. Respect confidentiality requirements.
3. Respect each other's decision-making processes.
4. Consult on issues affecting the business environment in a timely manner.
5. Uphold the objectives of this MOU.
6. Respond to requests promptly.
7. Ensure attendance at key events by appropriate representatives.

**Implementation**

**1. Meetings**

- i. Annual strategy meeting between the Chamber and Council to discuss local economic issues, projects and associated matters.
- ii. Quarterly operational meeting between Council staff and Chamber leadership representatives to discuss:
  - a) Progress updates on agreed activities
  - b) Future collaborative projects
  - c) Discuss local business matters

**2. Engagement**

Council will invite Chamber representatives to participate in relevant engagement and consultative activities as appropriate.

**3. Events**

Both parties will ensure representatives attend each other's business-related events as appropriate.

**4. Chamber commitments**

The Chamber commits to:

- i. Actively engage the business community in Council consultations
- ii. Provide business community feedback to Council

**5. Collaborative activities**

- i. Building relationships with external stakeholders
- ii. Communication support through social media and other platforms
- iii. Joint promotion of business events
- iv. Educational programs for new and emerging businesses
- v. Regular advocacy meetings

## SIGNATURES

\_\_\_\_\_

For Council

Date:

\_\_\_\_\_

For Chamber of Commerce

Date:

---

## MAYORAL MINUTE

---

### GENERAL MANAGER PERFORMANCE REVIEW PANEL MEMBERS

At the 17 October 2023 Council meeting, Council resolved to establish a selection panel to oversee the recruitment of a new General Manager with the assistance of an independent recruitment consultant. It was also agreed that the panel be comprised of the Mayor (then Councillor Sam Ngai), Deputy Mayor (then myself) and two other Councillors. Following a vote, Councillors Alec Taylor and Kim Wheatley were appointed to the panel.

Following the successful appointment of the General Manager, the selection panel reconvened to work with the external consultant and GM to develop a comprehensive performance agreement.

Under the Office of Local Government (OLG) Guidelines for the Appointment and Oversight of General Managers (**Attachment A1**), the governing body must establish a panel to undertake the General Manager's performance reviews. The guidelines state that "performance review panels should comprise of the mayor, the deputy mayor, another councillor nominated by council and a councillor nominated by the general manager". The General Manager has advised that he does not wish to nominate a panel member.

Performance must be reviewed at least annually against the agreed criteria for the position. The Guidelines recommend that full responsibility for performance management be delegated to the panel, including discussions about performance, any actions that should be taken and the determination of a new performance agreement.

Following the local government elections in September last year, I would like to provide new and returning Councillors with the opportunity to express an interest in joining myself and the Deputy Mayor on the panel.

As outlined in the Guidelines, all Councillors will be able to contribute to the review process by providing feedback on the General Manager's performance against the agreed performance criteria. The panel will report back to Council in a closed session on the findings and recommendations of the performance review, and further information about the process and timeframes will be communicated separately.

### RECOMMENDATION:

That Council:

- A. Delegate the review of the General Manager's performance to a panel comprised of the Mayor, Deputy Mayor and two Councillors
- B. Engage the independent external consultant to support the review
- C. Appoint two Councillors to the performance review panel by voting for individual appointments before confirming these appointments by resolution.

Item MM.4

EM00046/1

Councillor Christine Kay  
Mayor

**Attachments:** A1 [↓](#) Office of Local Government (OLG) Guidelines for the  
Appointment and Oversight of General Managers 2022

2025/009232

# Guidelines for the Appointment and Oversight of General Managers

---

2022



---

Office of Local Government, Department of Planning and Environment  
5 O'Keefe Avenue Locked Bag 3015 Phone 02 4428 4100 [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)  
NOWRA NSW 2541 NOWRA NSW 2541 TTY 02 4428 4209 [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact Client Services on 02 4428 4100.

**DISCLAIMER**

While every effort has been made to ensure the accuracy of the information in this publication, the Department of Planning, Industry and Environment expressly disclaims any liability to any person in respect of anything done or not done as a result of the contents of the publication or the data provided.

© NSW Department of Planning and Environment 2022  
Produced by the Department of Planning and Environment

---

---

## **TABLE OF CONTENTS**

TABLE OF CONTENTS.....	3
INTRODUCTION .....	4
ROLE OF THE GENERAL MANAGER.....	5
RECRUITMENT AND SELECTION .....	7
DAY-TO-DAY OVERSIGHT AND LIAISON WITH THE GENERAL MANAGER.....	10
PERFORMANCE MANAGEMENT .....	11
REMUNERATION AND REWARD.....	14
SEPARATION .....	15
RENEWING THE GENERAL MANAGER’S CONTRACT.....	18
Appendix 1 – Performance management timelines .....	19
Appendix 2 – Stages of performance management.....	20



---

## INTRODUCTION

The *Local Government Act 1993* (the Act) requires councils to appoint a person to be the council's general manager (section 334).

One of the prescribed functions of the governing body of a council is to determine the process for the appointment of the general manager and to monitor their performance (section 223).

These Guidelines have been developed to assist councillors when performing their functions under the Act relating to the appointment of general managers and overseeing their performance. They provide guidance on:

- the role of the general manager and the importance of a good working relationship between councillors and the general manager
- the recruitment process and the appointment of a general manager
- day to day oversight of and liaison with the general manager
- the performance review process
- separation, and
- renewal of the general manager's contract.

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

---

## **ROLE OF THE GENERAL MANAGER**

Councillors comprise the governing body of a council and make decisions by passing resolutions. It is the general manager's role to implement the lawful decisions of the council and to carry out the functions conferred on them by the Act and Regulation and other legislation.

General managers also perform other functions delegated to them by the governing body.

The governing body monitors the implementation of its decisions through the general manager's reports to council meetings.

### **Key functions of the general manager**

The Act confers certain functions on general managers of councils (section 335). Key aspects of the general manager's role are set out below:

#### **Management of the council**

The general manager is responsible for conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies approved by the governing body of the council and implementing without undue delay, lawful decisions of the governing body.

#### **Assisting the governing body to set the strategic direction**

The general manager also plays a key role in assisting the governing body to develop the council's strategic direction. The general manager is responsible for guiding the preparation of the community strategic plan and the council's response to it via the delivery program and operational plans. The general manager is also responsible for implementing the delivery program and operational plans and reports to the governing body on their

implementation. More information on this is available on the Office of Local Government's [website](#).

#### **Determining the organisation structure**

The general manager is responsible for determining the organisation structure of the council (other than senior staff positions) following consultation with the governing body and in accordance with the budget approved by the governing body (section 332). The positions within the organisation structure of the council must be determined to give effect to the priorities set out in the council's strategic plans, including the community strategic plan and delivery program.

#### **Appointment and direction of staff**

The general manager is responsible for the appointment and direction of staff and their dismissal. The general manager must consult with the governing body before appointing or dismissing senior staff.

#### **Supporting councillors**

The general manager is also responsible for ensuring councillors are provided with the information and the advice they require to make informed decisions and to carry out their civic duties.

The general manager should ensure that council meeting business papers contain sufficient information to allow councillors to make informed decisions and to allow them to effectively monitor and review the council's operations and performance. This will assist councils in ensuring they are complying with statutory requirements, keeping within the budget approved by the council, and achieving the strategic goals set by the council in its delivery program and operational Plan.

The governing body may direct the general manager to provide councillors with advice but

cannot direct them as to the content of that advice.

Requests by councillors for assistance or information outside of meetings should be made to the general manager unless the general manager has authorised another staff member to receive such requests. The *Model Code of Conduct for Local Councils in NSW* contemplates that councils should adopt a policy to provide guidance on interactions between councillors and staff. The policy should be agreed to by both the governing body and the general manager. To assist councils, the Office of Local Government has prepared a model councillor and staff interaction policy which reflects best practice. This is available on the Office of Local Government's [website](#).

## **The delegation of functions to the general manager**

A governing body may delegate certain functions of the council to the general manager but cannot delegate the functions set out in section 377(1) of the Act. The delegation of a council's functions must be made by resolution and be evidenced in writing. Delegations must be reviewed during the first 12 months of each term of the council (section 380).

The general manager may sub-delegate a function delegated to them by the governing body (section 378). However, the general manager still retains responsibility to ensure that any sub-delegated function is carried out appropriately.

## **The importance of a good working relationship with the general manager**

The position of general manager is pivotal in a council. It is the interface between the governing body which sets the strategic

direction of the council and monitors its performance, and the administrative body of the council, headed by the general manager, which implements the decisions of the governing body. A good working relationship between the general manager and the councillors is therefore critical for good governance and a well-functioning council. Where this relationship breaks down, this can quickly lead to dysfunction.

The Centre for Local Government at the University of Technology in Sydney has identified the following as key components of a good working relationship between councillors and the general manager:

- mutual trust and respect
- councillors publicly supporting the work of the general manager
- councillors dealing with any performance concerns through appropriate channels e.g., not the media or council meetings
- councillors not getting involved in the day-to-day operational matters of the council (which makes it difficult for the general manager to do their job)
- councillors having a clear understanding of how and when to approach the general manager or other staff for information or support and following agreed protocols
- regular meetings between the general manager, mayor and councillors to ask questions and share information and advice
- respect of confidentiality, and
- any conflict is dealt with professionally and quickly and where it can't be addressed informally, proper processes are followed.

---

## **RECRUITMENT AND SELECTION**

### **Requirements of the *Local Government Act 1993***

One of the prescribed functions of the governing body of a council is to determine the process for the appointment of the general manager (section 223).

When recruiting a new general manager, the position must be advertised in a manner sufficient to enable suitably qualified persons to apply for the position (section 348).

As with the appointment of all council staff, councils must ensure that the appointment of the general manager is made using merit selection principles (section 349). Recruitment using merit selection is a competitive process where the applicant who demonstrates that they have the best qualifications and experience relevant to the role is appointed. Equal employment opportunity principles also apply to the recruitment of general managers (sections 349 and 344).

The recruitment process must be open and transparent, but the confidentiality of individual applicants must be maintained. A failure to maintain appropriate confidentiality may constitute a breach of the Act, the council's code of conduct and the *Privacy and Personal Information Protection Act 1998*.

Councils should engage an external recruitment consultant to assist them with the recruitment process and that person should have a role in verifying that proper processes and procedures are followed in the appointment of the general manager.

There are a range of possible approaches to undertaking the recruitment of the general manager. The guidance contained in these Guidelines reflects what the Office of Local Government considers to be best practice.

### **The pre-interview phase**

As noted above, the council's governing body is responsible for determining the process for recruiting the general manager.

The governing body should delegate the task of recruitment to a selection panel led by the mayor and approve the recruitment process. The panel will report back to the governing body on the process and recommend the most meritorious applicant for appointment by the council.

The selection panel should consist of at least the mayor, the deputy mayor, another councillor and a suitably qualified person independent of the council. Where practicable, the selection panel membership should remain the same throughout the entire recruitment process.

Selection panels should, where possible, have a mix of genders.

The council's governing body should delegate to one person (generally the mayor) the task of ensuring:

- the selection panel is established
- the general manager's position description is current and evaluated in terms of salary to reflect the responsibilities of the position
- the proposed salary range reflects the responsibilities and duties of the position
- the position is advertised according to the requirements of the Act
- information packages are prepared, and
- applicants selected for interview are notified.

The mayor, or another person independent of council staff, should be the contact person for the position and should maintain confidentiality with respect to contact by potential applicants.

## Interview phase

Interviews should be held as soon as possible after candidates are short listed.

Questions should be designed to reflect the selection criteria for the position and assist the selection panel to assess the suitability of the candidate for the position.

Interviews should be kept confidential.

All written references must be checked. The selection panel must delegate the task of contacting referees to one panel member. Other panel members should not contact referees.

If contact with someone other than a nominated referee is required, the applicant's permission must be sought.

At least 2 referees must be contacted and asked questions about the candidate relevant to the selection criteria.

Where tertiary qualifications are relied on, they should be produced for inspection and if necessary, for verification.

Appropriate background checks must be undertaken, for example, bankruptcy and criminal records checks and whether the candidate has been disqualified from managing a corporation by the Australian Securities and Investments Commission. For guidance on better practice recruitment background checks, see the Australian Standard AS 4811:2022 [Workforce Screening](#) and the Independent Commission Against Corruption's publication, *Strengthening employment screening practices in the NSW public sector* which is available on its [website](#).

## Selection panel report

The selection panel is responsible for preparing a report to the council's governing body that:

- outlines the selection process

- recommends the most meritorious applicant with reasons
- recommends an eligibility list if appropriate
- recommends that no appointment is made if the outcome of interviews is that there are no suitable applicants.

This report should be confidential and reported to a closed meeting of the council.

The appointment of a general manager is a non-delegable function of the council under section 377 of the Act and a general manager cannot be appointed without a formal resolution of the council.

The council's governing body must by resolution approve the position of the general manager being offered to the successful candidate before the position is offered to the candidate.

## Finalising the appointment

The mayor makes the offer of employment after the governing body has resolved to appoint the successful candidate. The initial offer can be made by telephone.

Conditions such as term of the contract (1-5 years) and remuneration package (within the range approved by the governing body of the council) can be discussed by telephone but must be confirmed in writing.

The standard contract of employment for general managers approved by the Departmental Chief Executive of the Office of Local Government under section 338 of the Act must be used. The approved standard contract is available on the Office's [website](#). The terms of the approved standard contract must not be varied. Only the term of the contract and the schedules to the approved standard contract can be adapted by councils.

General managers must be employed for 1–5 years.

The contract governs:

- the duties and functions of general managers
- performance agreements
- the process for renewal of employment contracts
- termination of employment and termination payments
- salary increases, and
- leave entitlements.

It should be noted that the Departmental Chief Executive of the Office of Local Government cannot approve individual variations to the standard terms of the contract.

Candidates who are placed on the eligibility list and unsuccessful applicants should be advised of the outcome of the recruitment process before the successful applicant's details are made public.

## **Record keeping**

Councils should retain all records created as part of the recruitment process including the advertisement, position description, selection criteria, questions asked at interview, interview panel notes, selection panel reports and notes of any discussions with the selected candidate. These records are required to be stored and disposed of in accordance with the *State Records Act 1998*.

---

## **DAY-TO-DAY OVERSIGHT AND LIAISON WITH THE GENERAL MANAGER**

While one of the prescribed functions of the governing body is to monitor the general manager's performance, day-to-day oversight of and liaison with the general manager should be undertaken by the mayor.

The mayor's role in the day-to-day management of the general manager should include:

- approving leave
- approving expenses incurred, and
- receiving and managing complaints about the general manager in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*.

The council's governing body should ensure there are adequate and appropriate policies in place to guide the mayor in the day-to-day oversight of and liaison with the general manager and keep those policies under regular review.

Some of the key policies the governing body should ensure are in place are those relating to:

- leave
- travel
- credit cards
- purchasing and procurement
- expenses and facilities
- petty cash, and
- financial and non-financial delegations of authority.

The governing body should also ensure there are appropriate policies in place with respect to the expenditure of council funds and reporting requirements in relation to that expenditure.

The council's governing body should satisfy itself that any policy governing the conferral of a benefit on the general manager, such as use of a motor vehicle, allows the actual dollar value of that benefit to be quantified so it can be accurately reflected in the general manager's salary package in Schedule C to the approved standard contract.

---

## **PERFORMANCE MANAGEMENT**

### **Managing the performance of the general manager**

The general manager is made accountable to the council for their performance principally through their contract of employment.

The role of the governing body is to monitor the general manager's performance in accordance with their contract of employment.

The performance of the general manager must be reviewed at least annually against the agreed performance criteria for the position. Councils may also choose to undertake more frequent interim reviews of the general manager's performance.

The agreed performance criteria must be set out in an agreement that is signed within three months of the commencement of the contract. Development of the performance agreement is discussed below.

### **Establishing a performance review panel**

The governing body must establish a performance review panel led by the mayor, and delegate the task of undertaking the general manager's performance reviews to the panel. The extent of the delegation should be clear.

It is recommended that full responsibility for performance management be delegated to the performance review panel, including discussions about performance, any actions that should be taken and the determination of the new performance agreement.

Performance review panels should comprise of the mayor, the deputy mayor, another councillor nominated by council and a councillor nominated by the general manager.

The council's governing body may also consider including an independent observer on the panel. Panel members should be trained in the performance management of general managers.

The role of the review panel includes:

- conducting performance reviews
- reporting the findings and recommendations of reviews to the council, and
- development of the performance agreement.

The governing body and the general manager may agree on the involvement of a suitably qualified external facilitator such as a human resources professional to assist with the performance review process and the development of a new performance agreement. That person may be selected by the governing body or the performance review panel.

Councillors who are not members of the performance review panel may be invited to contribute to the performance review process by providing feedback to the mayor on the general manager's performance relevant to the agreed performance criteria.

All councillors should be notified of relevant dates in the performance review cycle and be kept advised of the panel's findings and recommendations.

The panel should report back to the governing body of the council in a closed session on the findings and recommendations of performance reviews as soon as practicable following any performance review. This should not be an opportunity to debate the results or revisit the general manager's performance review. The general manager should not be present when the matter is considered.



The performance agreement, action plan and any associated records that contain specific information about the work performance or conduct of the general manager are to remain confidential unless otherwise agreed to by the general manager or are required to be disclosed by law. The unauthorised disclosure of this information may constitute a breach of the Act, the council's code of conduct and the *Privacy and Personal Information Protection Act 1998*.

## **Establishing the performance agreement**

The performance agreement is the most important component of successful performance management. The performance agreement should include clearly defined and measurable performance indicators against which the general manager's performance can be measured.

As one of the general manager's key responsibilities is to oversee the implementation of the council's strategic direction, it is important to align the general manager's performance criteria to the goals contained in the community strategic plan, and the council's delivery program and operational plans.

The performance agreement should also include indicators relevant to the general manager's personal contribution to the council's key achievements and their core capabilities, including leadership qualities.

The performance agreement should also include indicators related to promoting and maintaining an ethical culture within the council. These could include the conduct and measurement of the outcomes from staff surveys and the promotion of whistleblowing procedures under the *Public Interest Disclosures Act 1994* and the reporting of suspected wrongdoing to appropriate oversight agencies including the Independent Commission Against Corruption and the Office of Local Government.

The performance agreement should contain but not be limited to key indicators that measure how well the general manager has met the council's expectations with respect to:

- service delivery targets in the council's delivery program and operational plans
- budget compliance
- organisational capability
- timeliness and accuracy of information and advice to councillors
- timely implementation of council resolutions
- management of organisational risks
- promotion of an ethical culture
- ensuring a safe workplace and facilitating compliance with the *Work Health and Safety Act 2011*, and
- leadership and providing a consultative and supportive working environment for staff etc.

## **Performance review process**

The approved standard contract requires that the performance of the general manager must be formally reviewed at least annually. The governing body of the council may also undertake interim performance reviews as appropriate.

The assessment should include:

- a self-assessment by the general manager, and
- an assessment by the review panel of the general manager's performance against the performance agreement.

The performance review meeting should be scheduled with sufficient notice to all parties in accordance with clauses 7.6 and 7.7 of the approved standard contract. These require:

- the general manager to give the council 21 days' written notice that an annual performance review is due, and
- the council to give the general manager at least 10 days' written notice that the performance review is to be conducted.

The meeting should concentrate on constructive dialogue about the general manager's performance against all sections of the performance agreement.

The meeting should identify any areas of concern and agreed actions to address those concerns.

In undertaking the performance review, care must be taken to ensure that the review is conducted fairly and in accordance with the principles of natural justice. The appointment by the council, in agreement with the general manager, of a suitably qualified external facilitator to advise on the process (see above) should assist councils to comply with these requirements.

The council's governing body must advise the general manager, in writing, in clear terms, the outcome of any performance review.

The new performance agreement for the next period should be prepared as soon as possible after the completion of the previous period. The agreement should be presented to the governing body of the council for discussion in a closed meeting together with the outcomes of the previous review period.

---

## **REMUNERATION AND REWARD**

Under the approved standard contract, general managers are entitled to an annual increase in their salary package on each anniversary of the contract, equivalent to the latest percentage increase in remuneration for NSW public sector senior executive office holders as determined by the Statutory and Other Offices Remuneration Tribunal.

Councils may also approve discretionary increases to the general manager's total remuneration package under the approved standard contract as a reward for good performance. Discretionary increases may only be approved after a formal review of the general manager's performance has been undertaken and the general manager's performance has been assessed as being better than satisfactory.

Any discretionary increases should be modest and in line with community expectations and only apply for one year unless the council determines that it is to apply for the balance of the contract. All discretionary increases in remuneration, together with the reasons for the increase, must be reported to an open meeting of the council.

Councils may also on one occasion during the term of the contract approve the payment of a retention bonus to the general manager as an incentive for them to serve out their contract. If approved, the retention bonus is to be accrued on an annual, pro-rata basis for the remainder of the contract and is to be paid at the end of the contract period.

---

## SEPARATION

### Termination of the general manager's employment

The approved standard contract sets out how the general manager's employment contract can be terminated before its expiry date by either the governing body or the general manager (see clause 10 of the approved standard contract). The circumstances in which the general manager's employment contract may be terminated are set out below:

#### By agreement

The contract may be terminated at any time by written agreement between the council and the general manager.

#### Resignation

The general manager may terminate the contract by giving 4 weeks written notice to the governing body of the council.

#### Incapacity

A council may terminate the general manager's contract by giving them 4 weeks written notice or by paying the equivalent of 4 weeks' remuneration calculated in accordance with Schedule C of the approved standard contract where:

- the general manager has become incapacitated for 12 weeks or more
- they have exhausted their sick leave, and
- the duration of the incapacity is either indefinite or for a period that would make it unreasonable for the contract to be continued.

#### Poor performance

A council may terminate the general manager's contract by giving them 13 weeks written notice or by paying the equivalent of 13 weeks' remuneration calculated in accordance with Schedule C of the approved

standard contract on grounds of poor performance.

A council may only terminate the general manager's contract on the grounds of poor performance where:

- a performance review has been conducted, and
- the council has concluded that the general manager's performance falls short of the performance criteria or the terms of their performance agreement, and
- the general manager has been afforded a reasonable opportunity to utilise dispute resolution under clause 17 of the contract (see below).

#### No fault termination

A council may terminate the general manager's contract at any time by giving them 38 weeks written notice or paying the equivalent of 38 weeks remuneration calculated in accordance with Schedule C of the approved standard contract. If there are less than 38 weeks left to run in the term of the general manager's contract, the council can pay out the balance of the contract in lieu of notice.

Where the council proposes to terminate the general manager's contract on these grounds, if either party requests it and both parties agree, they may participate in mediation in relation to the proposed decision to terminate the contract. If the council does not agree to participate in mediation, it must give the general manager reasons for its decision where the general manager requests them.

Where a council terminates the contract on these grounds, it must give the general manager reasons for its decision to terminate their employment where the general manager requests it.

### **Summary dismissal**

Councils may summarily dismiss the general manager on the grounds set out under clause 10.4 of the approved standard contract. These include:

- serious or persistent breach of the employment contract
- serious and wilful disobedience of any reasonable and lawful instruction or direction given by the council,
- serious and wilful misconduct, dishonesty, insubordination or neglect in the discharge of the general manager's duties and functions under their contract,
- failure to comply with any law or council policy concerning sexual harassment or racial or religious vilification
- serious or persistent breach of the council's code of conduct
- commission of a crime, resulting in conviction and sentencing (whether or not by way of periodic detention), which affects the general manager's ability to perform their duties and functions satisfactorily, or that brings the council into disrepute
- absence without approval for a period of 3 or more consecutive business days.

### **Automatic termination**

The general manager's contract of employment is automatically terminated where the general manager becomes bankrupt, or they are disqualified from managing a corporation under Part 2D.6 of the *Corporations Act 2001*.

Where this occurs, the general manager's employment with the council automatically ends without the need for a decision by the council to terminate their contract of employment.

## **Suspension of the general manager**

Councils may suspend the general manager, for example while allegations against them are

being investigated. Suspension should be on full pay for a clearly defined period. Councils should not suspend a general manager's employment without first seeking expert legal advice. It would not be appropriate to seek advice from council human resources staff on the proposed suspension of the general manager.

Any decision to suspend a general manager should be made at a closed council meeting, having first carefully considered the expert legal advice received in relation to the specific matter.

The principals of procedural fairness apply to any decision to suspend a general manager, i.e., the general manager must be advised of the circumstances leading to their suspension, the reasons for the suspension, the period of the suspension and be given a right to respond to the decision to suspend.

## **Dispute resolution**

The approved standard contract contains a dispute resolution clause at clause 17. These provisions are designed to encourage councils and general managers to attempt to resolve disputes when they arise.

Councils are required to offer the general manager an opportunity to utilise dispute resolution before they can terminate their employment for poor performance.

Where it is proposed to terminate the contract on the "no fault" grounds (clause 10.3.1(e)), if either party requests it and both parties agree, they may participate in mediation under clause 17 in relation to the proposed decision to terminate. If the council does not agree to participate in mediation, it must give the general manager reasons for its decision where the general manager requests them.

The governing body of the council should ideally resolve to delegate this function to the mayor or a panel of 3 councillors including the mayor.

If the dispute involves the mayor, then the deputy mayor should take the mayor's place. If there is no deputy mayor then the governing body should resolve to appoint another councillor to take the mayor's place.

The governing body of the council and the general manager should agree on an independent mediator to mediate the dispute. The approved standard contract allows the Departmental Chief Executive of the Office of Local Government to appoint a mediator where the parties cannot agree on one.

Councils and general managers may also agree on a mediator when the contract is made.

---

## **RENEWING THE GENERAL MANAGER'S CONTRACT**

Clause 5 of the approved standard contract sets out the process for renewing the general manager's contract of employment. The key steps in the process are as follows:

- At least 9 months before the contract expires (or 6 months if the term of employment is for less than 3 years), the general manager must apply to the council in writing if seeking re-appointment to the position
- At least 6 months before the contract expires (or 3 months if the term of employment is for less than 3 years), the council must respond to the general manager's application by notifying the general manager in writing of its decision to either offer the general manager a new contract of employment (and on what terms) or to decline their application for re-appointment
- At least 3 months before the contract expires (or 1 month if the term of employment is for less than 3 years) the general manager must notify the council in writing of their decision to either accept or decline the offer made by the council.

Approval may be sought from the Departmental Chief Executive of the Office of Local Government to vary these timeframes in exceptional or unforeseen circumstances.

The terms of the new contract of employment, and in particular the schedules to the new contract, should be set out in the letter of offer. Before offering a new contract, the council should carefully review the terms of the schedules to the new contract.

The governing body should ensure that the performance criteria of the new performance agreement adequately reflect its expectations of the general manager's performance.

The governing body should also consider previous performance reviews conducted under previous contracts.

The process of deciding whether to offer the general manager a new contract should be as follows:

- a performance review is conducted
- findings and recommendations are reported to a closed council meeting in the absence of the general manager
- the closed meeting considers and decides whether to offer a new contract of employment to the general manager and on what terms as set out in the schedules to the contract
- the mayor informs the general manager of the council's decision.

Details of the decision to offer a new contract and a salary package should be reported to an open council meeting.

## Appendix 1 – Performance management timelines

<b>Timeline</b>	<b>Activity</b>	<b>Responsibility</b>
At commencement of each new council	Provide induction training on performance management of the general manager	Council
Within 3 months of the commencement date of the contract	A performance agreement setting out agreed performance criteria must be signed between the general manager and the council	Council or council panel General Manager
Within 2 months of the signing of the performance agreement	The general manager must prepare and submit to the council an action plan which sets out how the performance criteria are to be met	General Manager
21 days' notice (before annual review)	The general manager gives the council written notice that an annual performance review is due	General Manager
At least 10 days' notice	The council must give the general manager written notice that the performance review is to be conducted	Council or council panel
After 6 months	The council may also decide, with the agreement of the general manager, to provide interim feedback to the general manager midway through the annual review period	Council or council panel General Manager
Prior to the annual review	Ensure all councillors on the review panel have been trained in performance management of general managers	Council
Prior to the annual performance review	The general manager may submit to council a self-assessment of their performance	General Manager
Annually	The general manager's performance must be reviewed having regard to the performance criteria in the agreement	Council or council panel General Manager
Annually	The performance agreement must be reviewed and varied by agreement	Council or council panel General Manager
Within 6 weeks of the conclusion of the performance review	Council will prepare and send to the general manager a written statement with council's conclusions on the general manager's performance during the performance review period	Council or council panel
As soon as possible after receipt of the statement	The general manager and the council will agree on any variation to the performance agreement for the next period of review	Council or council panel General Manager



## Appendix 2 – Stages of performance management

STAGE	ACTION	PROCESS
1. Developing performance agreement	<ul style="list-style-type: none"> <li>▪ Examine the position description and contract</li> <li>▪ List all position responsibilities from the position description</li> <li>▪ Identify stakeholder expectations</li> <li>▪ List the key strategic objectives from the delivery program and operational plans</li> <li>▪ Develop performance measures (identify indicators - set standards)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Good planning</li> <li>▪ Direct and effective communication</li> <li>▪ Open negotiation</li> <li>▪ Joint goal setting</li> </ul>
2. Action planning	<ul style="list-style-type: none"> <li>▪ Develop specific strategies to meet strategic objectives</li> <li>▪ Identify resources</li> <li>▪ Delegate tasks (e.g., put these delegated tasks into the performance agreements for other senior staff)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Detailed analysis</li> <li>▪ Two-way communication</li> <li>▪ Detailed documentation</li> </ul>
3. Monitoring progress (feedback halfway through the review period)	<ul style="list-style-type: none"> <li>▪ Assess performance</li> <li>▪ Give constructive feedback</li> <li>▪ Adjust priorities and reset performance measures if appropriate</li> </ul>	<ul style="list-style-type: none"> <li>▪ Communication</li> <li>▪ Avoid bias</li> <li>▪ Counselling</li> <li>▪ Coaching</li> <li>▪ Joint problem solving</li> </ul>
4. Annual	<ul style="list-style-type: none"> <li>▪ Assess performance against measures</li> <li>▪ Give constructive feedback</li> <li>▪ Identify poor performance and necessary corrective action</li> <li>▪ Identify outstanding performance and show appreciation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Evaluation of the reasons behind performance being as assessed</li> <li>▪ Open, straightforward communication (as bias free as possible)</li> <li>▪ negotiation</li> <li>▪ Counselling, support, training</li> <li>▪ Documenting</li> <li>▪ Decision making</li> </ul>
5. Developing revised agreement	See stage 1	See Stage 1

---

---

## MINUTES OF AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD ON 12 DECEMBER 2024

---

---

### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To provide Council with the minutes from the Audit, Risk & Improvement Committee meeting held on 12 December 2024 for adoption.

**BACKGROUND:**

The Meeting Procedures contained within the **Council Advisory/ Reference Committees Guideline** (the Guideline) provides, in part, that:

*The draft minutes of a meeting will be circulated to committee members within ten working days of the meeting. Members will be provided with five working days to comment on the accuracy of the minutes. The minutes will subsequently be referred to the Chairperson for approval as an accurate record of the meeting.*

*Once approved by the Chairperson, the minutes will be put to an ordinary meeting of Council for adoption. The recommendations of a committee, so far as adopted by the Council at an ordinary meeting of Council, are resolutions of the Council.*

*The minutes will also be placed on the agenda to be noted at the subsequent committee meeting.*

**COMMENTS:**

In accordance with the Guideline the draft minutes of the Audit Risk & Improvement Committee meeting held on 12 December 2024 were circulated to the committee members for comment after which they were approved by the Chair.

**RECOMMENDATION:**

That the minutes from the Audit, Risk & Improvement Committee meeting held on 12 December 2024 be adopted.

## PURPOSE OF REPORT

To provide Council with the minutes from the Audit, Risk & Improvement Committee meeting held on 12 December 2024 for adoption.

## BACKGROUND

The current **Council Advisory/ Reference Committees Guideline** ('The Guideline') was adopted by Council on the 16 July 2024.

The Meeting Procedures contained within the Guideline provides, in part, that:

*The draft minutes of a meeting will be circulated to committee members within ten working days of the meeting. Members will be provided with five working days to comment on the accuracy of the minutes. The minutes will subsequently be referred to the Chairperson for approval as an accurate record of the meeting.*

*Once approved by the Chairperson, the minutes will be put to an ordinary meeting of Council for adoption. The recommendations of a committee, so far as adopted by the Council at an ordinary meeting of Council, are resolutions of the Council.*

*The minutes will also be placed on the agenda to be noted at the subsequent committee meeting.*

## COMMENTS

In accordance with the Guideline the draft minutes of the Audit Risk & Improvement Committee meeting held on 12 December 2024 were circulated to committee members for comment after which they were approved by the Chair.

These minutes are now provided to Council for adoption (**Refer Attachment A1**).

## INTEGRATED PLANNING AND REPORTING

Leadership and governance

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
The organisation is recognised and distinguished by its ethical decision-making, efficient management, innovation and quality customer service.	Integrated risk management, compliance and internal control systems are in place to identify, assess, monitor and manage risks throughout the organisation.	Manage, coordinate, support and facilitate the effective operation of Council's Internal Audit function.

## GOVERNANCE MATTERS

To improve governance and transparency with respect to the operation of the Audit, Risk & Improvement Committee.

## **RISK MANAGEMENT**

There are no risk management considerations associated with this report.

## **FINANCIAL CONSIDERATIONS**

There is no financial impact associated with this report.

## **SOCIAL CONSIDERATIONS**

There are no social implications associated with this report.

## **ENVIRONMENTAL CONSIDERATIONS**

There are no environmental implications associated with this report.

## **COMMUNITY CONSULTATION**

Not applicable.

## **INTERNAL CONSULTATION**

Not applicable.

## **SUMMARY**

A copy of the minutes from the Audit, Risk & Improvement Committee meeting held on 12 December 2024 are attached for adoption.

## **RECOMMENDATION:**

That the minutes from the Audit, Risk & Improvement Committee meeting held on 12 December 2024 be adopted.

Jennie Keato  
Manager People and Culture

**Attachments:** [A1](#) ↓ Minutes of Audit, Risk and Improvement Committee Meeting held on 12 December 2024

2025/008164

**MINUTES OF AUDIT, RISK AND IMPROVEMENT COMMITTEE  
HELD ON THURSDAY, 12 DECEMBER 2024**

Committee Members:	Brian Hrnjak, External Independent Member - Chairperson Michael Ellacott, External Independent Member Phu Nguyen, External Independent Member
Also Present:	David Marshall, General Manager Janice Bevan, Director Community Angela Apostol, Director Corporate Michael Miocic, Director Development and Regulation Jacob Sife, A/Director Strategy and Environment Peter Lichaa, Director Operations Christopher M Jones, Manager Governance & Corporate Strategy Jennie Keato, Manager People & Culture Jo Zhu, Team Leader Risk Advisory Mohua Mukherjee, Head of Internal Audit Shared Services Ben Eastment, Xref (Guest) Stu Reeves, Micromex (Guest) Penny Corkill, Centium (Guest)
Observers:	The Mayor, Christine Kay
Apologies:	Councillor Alec Taylor Deputy Mayor Kim Wheatley

*The Meeting commenced at 5.00PM*

**DECLARATIONS OF INTEREST**

No interest was declared.

**DOCUMENTS CIRCULATED AT MEETING**

**Late Items:** Nil

**CONFIRMATION OF MINUTES**

AC30 **Minutes of Audit, Risk and Improvement Committee**

File: CY00458/12

Meeting held 19 September 2024

**The Committee Recommends:**

(Moved: Councillors Ellacott/Nguyen)

That Minutes circulated to the Committee were taken as read and confirmed as an

accurate record of the proceedings of the Meeting.

### **UPDATE FROM THE GENERAL MANAGER**

The General Manager provided the Committee with an update on the outcomes of the local government elections in September 2024, and an update on the Transport Oriented Development (TOD) policy, including legal action and community engagement.

### **EMPLOYEE OPINION SURVEY RESULTS**

Manager People and Culture and Ben Eastment (Xref) provided the Committee with an overview of the 2024 employee opinion survey results.

### **COMMUNITY SATISFACTION SURVEY RESULTS**

Manager Governance & Corporate Strategy and Stu Reeves (Micromex) provided the Committee with a summary of the results from the 2024 community satisfaction research. The full report is available [here](#).

### **GENERAL BUSINESS**

#### **AC31 Completed Internal Audit Report**

File: CY00458/12  
*Vide: GB.1*

To provide the ARIC with Internal audit reports completed this period.  
Penny Corkill (Centium) provided the Committee with the results and recommendations from the records management audit.

**The Committee Recommends:**  
(Moved: Councillors Ellacott/Nguyen)

That the report for the internal audit of records management be received and noted.

#### **AC32 Review of Major Projects (Excl LVH) Governance Arrangements**

File: CY00458/12  
*Vide: GB.2*

To provide the ARIC with an update of Council's major projects being managed by the Strategy and Environment Department.

**The Committee Recommends:**  
(Moved: Councillors Ellacott/Nguyen)

That the ARIC note the updates contained within this report.

#### **AC33 Review of Major Projects within the Operations Department Governance Arrangements - Lindfield Avenue and Tryon Road Streetscape Upgrade**

File: S14592

*Vide: GB.3*

To provide the ARIC with an update of the Lindfield Avenue and Tryon Road Streetscape Upgrade being managed by the Operations Department.

**The Committee Recommends:**

(Moved: Councillors Ellacott/Nguyen)

That the ARIC note the updates contained within this report.

AC34

**Review of Major Projects within the Operations Department  
Governance Arrangements - Cultural and Environmental and  
Education Centre (CEEC)**

File: S14592

*Vide: GB.4*

To provide the ARIC with an update on the Cultural and Environmental Education Centre (CEEC) at St Ives Showgrounds being managed by the Operations Department.

**The Committee Recommends:**

(Moved: Councillors Ellacott/Nguyen)

That the ARIC note the updates contained within this report.

AC35

**Risk Management Update**

File: CY00458/12

*Vide: GB.5*

To update the Audit Risk and Improvement Committee on the recent developments and key indicators of Council's Risk Advisory portfolios across Enterprise Risk Management (ERM), Work Health and Safety (WHS), Public Liability (PL) and Worker's Compensation (WC) for the reporting period covering Q3 2024 (01/07/2024 to 30/09/2024).

**The Committee Recommends:**

(Moved: Councillors Ellacott/Nguyen)

The report is received and noted with key developments and initiatives in ERM, WHS, WC and PL acknowledged.

AC36 **Internal Audit Plan and Status Report**

File: CY00458/12

*Vide: GB.6*

To update the Audit, Risk and Improvement Committee on the work of the internal audit function as well as other items of interest.

Head of Internal Audit Shared Services noted that contracts with audit providers are coming up for review.

**The Committee Recommends:**  
(Moved: Councillors Ellacott/Nguyen)

It is recommended that the ARIC:

- A. Receives and notes the internal audit status report.
- B. Approves the addition of the Focused Procurement Audit to the FY 24-25 internal audit plan.

AC37 **Status of outstanding internal audit recommendations**

File: CY00458/12

*Vide: GB.7*

Report on the progress of previous internal audit recommendations made.

**The Committee Recommends:**  
(Moved: Councillors Nguyen/Ellacott)

That this report and attached listings of open internal audit recommendations be received and noted.

AC38 **ARIC Workplan - Minor Updates**

File: CY00458/12

*Vide: GB.8*

The purpose of this report is to obtain approval from the Audit, Risk & Improvement Committee (ARIC) for minor updates to the ARIC Workplan (the 'Workplan').

**The Committee Recommends:**  
(Moved: Councillors Ellacott/Nguyen)

It is recommended that the ARIC adopt the revised ARIC Workplan as provided in Attachment A1.



AC39 **Compliance and Reporting Requirements Sep 2024 - Nov 2024**

File: CY00458/12

*Vide: GB.9*

To provide the Audit, Risk and Improvement Committee with a summary of actions taken against compliance and reporting requirements set out by the Office of Local Government (OLG).

**The Committee Recommends:**

(Moved: Councillors Ellacott/ Nguyen)

That the Committee receive and note the report.

AC40 **GIPAA, PPIPA and HRIPA Statistics Sep 2024 - Nov 2024**

File: CY00458/12

*Vide: GB.10*

To provide the Audit, Risk and Improvement Committee with a summary of Council's actions in response to applications received under the *Government Information (Public Access) Act 2009* (GIPA Act), *Privacy and Personal Information Protection Act 1998* (PPIPA Act) and *Health Records and Information Privacy Act 2002* (HRIPA Act) for the period September to November 2024.

**The Committee Recommends:**

(Moved: Councillors Ellacott/ Nguyen)

That the Committee receive and note the report.

AC41 **Summary of Legislative and Policy Updates  
Sep 2024 - Nov 2024**

File: CY00458/12

*Vide: GB.11*

To provide the Audit, Risk and Improvement Committee with a summary of Council's actions in response to relevant circulars, legislative updates and other matters that impact the local government sector.

**The Committee Recommends:**

(Moved: Councillors Ellacott/ Nguyen)

That the Committee receives and notes the report.

AC42 **Monitoring and measuring organisational performance**

File: CY00458/12

*Vide: GB.12*

To provide an overview of how Council currently measures and reports on its performance under the integrated planning and reporting (IP&R) framework and future directions.

**The Committee Recommends:**

(Moved: Councillors Ellacott/ Nguyen)

That the Committee note this report.

AC43 **Audit Risk & Improvement Committee 2025 Meeting Dates**

File: CY00458/12

*Vide: GB.13*

To provide the Committee with an overview of the proposed meeting dates for 2025.

**The Committee Recommends:**

(Moved: Councillors Ellacott/ Nguyen)

That the Committee receive and note the contents of this report.

AC44 **ARIC Annual Report**

File: CY00458/12

*Vide: GB.14*

To table the ARIC Annual Report at the Committee meeting on 12 December.

The Committee recommended that minor edits be made to sections of the report to ensure it reflects the independence of the ARIC.

**The Committee Recommends:**

(Moved: Councillors Ellacott/ Nguyen)

That the Audit, Risk and Improvement Committee endorse the ARIC Chair's Annual Report 23-24 for tabling before Council, subject to minor edits as discussed at the meeting.

**OTHER BUSINESS**

Nil

*The Meeting closed at 7:43pm*

---

## AUDIT, RISK & IMPROVEMENT COMMITTEE - EXTENSION OF APPOINTMENT: INDEPENDENT CHAIR AND INDEPENDENT MEMBER

---

### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To consider offering an extension of appointment to the current Independent Chair and an Independent Member of Council’s Audit, Risk & Improvement Committee.

**BACKGROUND:**

In November 2022 Council undertook an Expression of Interest (EOI) process to fill the position of Independent Chair of the Audit Risk & Improvement Committee.

The recommended applicant for the position of Independent Chair was already on Council’s Audit Risk & Improvement Committee as an Independent Member. The appointment of this person to the Independent Chair therefore created a further vacancy in the position of Independent Member, for which the second preferred applicant from the EOI was recommended.

During their meeting of 14 February 2023 (C.1) Council endorsed the recommended applicants for appointment to each position as follows:

- *Independent Chair* – for a period of two (2) years commencing from 1 March 2023
- *Independent Member* –for a period of two (2) years commencing from 1 March 2023.

**COMMENTS:**

The *Audit Risk & Improvement Committee Terms of Reference* which took effect from 1 July 2024, provide that Members will be appointed for up to a four-year term. Members can be reappointed for one further term, but the total period of continuous membership cannot exceed eight years. Reappointment is based on performance and subject to the Member still meeting the independence and eligibility requirements.

**RECOMMENDATION:**

Refer to the recommendations contained in the body of the report.

## PURPOSE OF REPORT

To consider offering an extension of appointment to the current Independent Chair and an Independent Member of Council's Audit, Risk & Improvement Committee.

## BACKGROUND

In November 2022 Council undertook an Expression of Interest (EOI) process to fill the position of Independent Chair of the Audit Risk & Improvement Committee.

Expressions of Interest were invited through a public advertisement that appeared on three virtual job boards; SEEK, The Institute of Internal Auditors and Women on Boards. The advertisement was also posted on Councils Website and LinkedIn page.

A selection panel was established to review the applications against the advertised criteria and to conduct interviews. Applicants were invited for interview based on their ability to meet the independence and eligibility requirements as set down by the Office of Local Government in the Council Circular issued on 20 July 2022, which now form part of the OLG *Guidelines for Risk Management and Internal Audit for Local Government in NSW* and Councils *Audit Risk & Improvement Committee Terms of Reference*.

The recommended applicant for the position of Independent Chair was already on Council's Audit Risk & Improvement Committee as an Independent Member. The appointment of this person to the Independent Chair therefore created a further vacancy in the position of Independent Member, for which the second preferred applicant from the EOI was recommended.

During their meeting of 14 February 2023 (C.1) Council endorsed the recommended applicants for appointment to each position as follows:

- *Independent Chair* – for a period of two (2) years commencing from 1 March 2023.
- *Independent Member* – for a period of two (2) years commencing from 1 March 2023.

## COMMENTS

The term of office for the current Independent Chair and the subject Independent Member of Council's Audit Risk & Improvement Committee will expire on 28 February 2025.

The *Audit Risk & Improvement Committee Terms of Reference*, which took effect from 1 July 2024, provides that Members will be appointed for up to a four-year term. Members can be reappointed for one further term, but the total period of continuous membership cannot exceed eight years. Reappointment is based on performance and subject to the Member still meeting the independence and eligibility requirements.

An overview of the membership history pertaining to the current Independent Chair and the subject Independent Member is provided below.

- Independent Chair: The occupant of this role was originally appointed as an Independent Member in 2019 and was subsequently appointed as Independent Chair in 2023. Under the *Audit Risk & Improvement Committee Terms of Reference*, this person can be offered one

extension in the current role however their total term on the committee cannot exceed 8 years. This being the case, this person can be offered an extension of up to 2 years.

- Independent Member: The occupant of this role was originally appointed as an Independent Member in 2023. Under the *Audit Risk & Improvement Committee Terms of Reference* this person can be offered one extension of up to 4 years.

To determine the length of extension for the subject independent member, consideration must also be given to the importance of staggering the terms of the three independent members to ensure continuity and stability is maintained within the Committee. Given that the second independent member was appointed in July 2024 with the current term ending in July 2028 and the current Chair will cease at the end of 2026 (subject to his current term being extended as recommended in this report) it would be appropriate to offer the subject independent member an extension of 1 year, concluding at the end of 2025.

During the last 24-month term, the Independent Chair and the subject Independent Member have demonstrated extensive skills and experience and are valued members of the committee. They continue to meet the independence and eligibility requirements.

Considering the above, it is recommended that Council offer an extension of appointment of 2 years to the current Independent Chair and 1 year to the subject Independent Member.

## INTEGRATED PLANNING AND REPORTING

### Leadership

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
L3.1: The organisation provides ethical and transparent decision-making, efficient management, and quality customer service.	L3.1.1: Integrated risk management, compliance and internal control systems are in place to identify, assess, monitor and manage risks throughout the organisation.	L4.1.1.1 Manage and coordinate a compliant and effective Enterprise Risk Management system.

## GOVERNANCE MATTERS

The objective of the Audit, Risk & Improvement Committee is to provide independent assurance and assistance to Council on risk management, control, governance and external accountabilities.

## RISK MANAGEMENT

The Audit, Risk & Improvement Committee reviews Council’s risk management framework and compliance with risk management standards.

## FINANCIAL CONSIDERATIONS

The Independent Chair of the Audit, Risk & Improvement Committee is paid a standard fee of \$1200 (plus GST) per meeting.

The Independent Member of the Audit, Risk & Improvement Committee is paid a standard fee of \$1000 (plus GST) per meeting.

There are usually four or five meetings held per year and the applicable fee is inclusive of all preparation and travel for each.

## **SOCIAL CONSIDERATIONS**

There are no social considerations associated with this report.

## **ENVIRONMENTAL CONSIDERATIONS**

There are no environmental considerations associated with this report.

## **COMMUNITY CONSULTATION**

In November 2023 Expressions of Interest were invited through a public advertisement that appeared on three virtual job boards; SEEK, The Institute of Internal Auditors and Women on Boards. The advertisement was also posted on Councils Website and LinkedIn page.

## **INTERNAL CONSULTATION**

None undertaken or required.

## **SUMMARY**

The term of office for the current Independent Chair and the subject Independent Member of Council's Audit Risk & Improvement Committee will expire on 28 February 2025.

In accordance with the *Audit, Risk & Improvement Committee Terms of Reference* Council can offer an extension of appointment of 2 years to the current Independent Chair and 1 year to the subject Independent Member.

## **RECOMMENDATION:**

It is recommended that:

- A. The current Independent Chair of the Audit, Risk & Improvement Committee, is offered an extension of appointment for a period of 2 years commencing from 2 March 2025.
- B. The subject Independent Member of the Audit, Risk & Improvement Committee, is offered an extension of appointment for a period of 1 year commencing from 2 March 2025.

Jennie Keato  
Manager People and Culture

David Marshall  
General Manager

---

---

## STATUS OF WOMEN'S ADVISORY COMMITTEE MEETING MINUTES OF 27 NOVEMBER 2024

---

---

### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To provide Council with the minutes from the Status of Women's Advisory Committee meeting held on 27 November 2024.
<b>BACKGROUND:</b>	Council is required to consider and endorse minutes from the Status of Women's Advisory Committee, and to make them publicly available via Council's website.
<b>COMMENTS:</b>	This was the inaugural meeting of the Status of Women's Advisory Committee. A number of items were discussed at the meeting including 16 Days of Activism Against Gender-Based Violence, Prevention of Violence Against Women Action Plan, NextGen Forum and International Women's Day forum to be held in March 2025.
<b>RECOMMENDATION:</b>	That Council:
(Refer to the full Recommendation at the end of this report)	<ul style="list-style-type: none"><li>A. Consider and endorse the minutes of the Status of Women's Advisory Committee meeting held on 27 November 2024.</li><li>B. Acknowledge the resignation of Rhonda Smyth from the Status of Women's Advisory Committee.</li><li>C. Endorse the appointment of Leanne Fry to the Status of Women's Advisory Committee.</li></ul>

**PURPOSE OF REPORT**

To provide Council with the minutes from the Status of Women’s Advisory Committee meeting held on 27 November 2024.

**BACKGROUND**

Council is required to consider and endorse minutes from the Status of Women’s Advisory Committee, and to make them publicly available via Council’s website. The Status of Women’s Advisory Committee minutes have been confirmed by the Status of Women’s Advisory Committee members prior to them being presented to Council.

**COMMENTS**

This was the inaugural meeting of the Status of Women’s Advisory Committee. A number of items were discussed including 16 Days of Activism Against Gender-Based Violence, Prevention of Violence Against Women Action Plan, NextGen Forum and International Women’s Day celebration to be held on 6 March, 2025.

The Status of Women’s Advisory Committee was advised of the resignation of Rhonda Smyth, who has moved overseas. In accordance with the Council Advisory and Reference Committee guidelines, committee vacancies are to be filled by reserves in the order recommended by the assessment panel. Leanne Fry, who has demonstrated a strong interest and contributions in the disability sector, is next on the reserve list. The Committee recommends that Leanne Fry be invited to join the Status of Women’s Advisory Committee.

**INTEGRATED PLANNING AND REPORTING**

Community, People and Culture

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
<p>C3.1: A community where opportunities are provided for all voices to be heard and where community stewardship, participation and engagement is supported and promoted.</p> <p>L3.1: The organisation is recognised and distinguished by its ethical decision making, efficient management, innovation and quality customer service.</p>	<p>C3.1.1 Enhance opportunities for social interaction to foster community participation, connectedness and a sense of pride in the community and local areas.</p> <p>L3.1.2: Council’s Governance framework is developed to ensure probity and transparency</p>	<p>C3.1.1.3: Resource and support volunteers by providing information, training and participation opportunities and recognising their contribution to the community.</p> <p>L3.1.2.1: Ensure that Council and Committee Meetings are managed effectively and in accordance with relevant legislation, codes and guidelines.</p>



## **GOVERNANCE MATTERS**

The Status of Women's Advisory Committee operates within a framework prescribed by Terms of Reference consistent with Council's Code of Conduct, confidentiality and record management policies and procedures.

## **RISK IMPLICATION STATEMENT**

There are no significant risks that arise from the recommendations contained in this report.

## **FINANCIAL CONSIDERATIONS**

The Committee is an Advisory Committee and does not have the power to incur expenditure or to bind Council. There are no financial impacts associated with this report.

## **SOCIAL CONSIDERATIONS**

The inaugural meeting of the Status of Women's Advisory Committee focused on governance matters and key Council initiatives supporting gender equity and safety. The Committee members reaffirmed their commitment to raising awareness, supporting advocacy efforts, and fostering community collaboration to promote safety, inclusion, and leadership opportunities for women.

## **ENVIRONMENTAL CONSIDERATIONS**

There are no environmental implications associated with this report.

## **COMMUNITY CONSULTATION**

Community consultation is not required.

## **INTERNAL CONSULTATION**

Internal consultation is not required.

## **SUMMARY**

The inaugural Status of Women's Advisory Committee meeting was held on 27 November 2024. Under the Terms of Reference for this committee Council is required to consider and receive the minutes, and to make them publicly available via Council's website.

## **RECOMMENDATION:**

That Council:

- A. Consider and endorse the minutes of the Status of Women's Advisory Committee meeting held on 27 November 2024.
- B. Acknowledge the resignation of Rhonda Smyth from the Status of Women's Advisory Committee.
- C. Endorse the appointment of Leanne Fry to the Status of Women's Advisory Committee.

Ordinary Meeting of Council - 18 February 2025


GB.3 / 74

Item GB.3

S13683

Danny Houseas  
Manager Community Development

Janice Bevan  
Director Community

**Attachments:** [A1](#)  Minutes - Women's Advisory Committee Meeting held on 27 November 2024

2025/026709

**MINUTES OF STATUS OF WOMEN'S ADVISORY COMMITTEE  
HELD ON WEDNESDAY 27 NOVEMBER 2024**

- Present: Mayor Christine Kay (Chairperson)  
Councillor Indu Balachandran (Deputy Chairperson)  
Councillor Barbara Ward  
Arti Kumria  
Michele Bell  
Susan Parker  
Jessica Stone-Herbert  
Unis Goh  
Jebby Philips  
Peta-Jane Maynard  
Madeleine Steel  
Adrienne Bennett  
Karthika Sivarajan  
Rowenna Allabush - Online
- Staff Present: Director Community, Janice Bevan  
Director Development and Regulation, Michael Miocic  
Manager Community Development, Danny Houseas  
Manager Governance and Corporate Strategy, Christopher M Jones  
Policy and Administration Officer, Kim Harris  
Policy and Administration Office, Nicky Hammond
- Others Present:
- Apologies: Angela Budai  
Samantha Bing  
Anjali Sharma  
David Marshall, General Manager  
Coordinator Youth Services, Lily Giles

*The Meeting commenced at 12:30 PM*

**DECLARATIONS OF INTEREST**

Non-pecuniary non-significant interests were declared for the following agenda items and individuals, who did not participate in the consideration of these matters:

Nil.

**MATTERS ARISING FROM PREVIOUS MEETING**

Nil.

## **NOTING OF MINUTES**

### **01 Minutes of Status of Women's Advisory Committee**

File: S13683

#### **The Committee Recommends:**

As this was the inaugural meeting of the Status of Women's Advisory Committee, there were no previous minutes to review.

## **GENERAL BUSINESS**

### **02 Open and Welcome**

File: S13683

*Vide: GB.1*

Facilitated by Mayor Christine Kay

- Acknowledgement of First Nations people
- Apologies
- Opening remarks including importance of the committee, and relevant activities including 16 Days of Activism, Prevention of Violence Against Women Action Plan and International Women's Day.
- All attendees then provided a self-introduction, sharing their experience and involvement in women's issues, professional backgrounds, reasons for applying for the committee, and their expectations for the Status of Women's Committee.

#### **The Committee Recommends:**

That the above points be received and noted.

### **03 Governance**

File: S13683

*Vide: GB.2*

Facilitated by Christopher Jones, Manager of Governance and Corporate Strategy, who provided a high-level overview of the roles and responsibilities of Advisory Committees:

- Committees and reference groups play a key role in engaging with in the community on various issues.
- Councillors are appointed as Chairperson and Deputy Chairperson every two years, while community members are selected through an EOI process every four years, with the option for reappointment or withdrawal at any time.

- The Chairperson is responsible for ensuring meeting efficiency, encouraging member participation, and maintaining adherence to procedures.
- Members will receive at least three days' notice of meetings. Minutes will be taken by Council staff and circulated for review.
- The quorum for meetings is five, and members must inform the committee if they are unable to attend.
- The Advisory Committee serves solely in an advisory capacity, with no decision-making authority, however it can provide recommendations for Council consideration
- All members are bound by the Council's Code of Conduct, which emphasises appropriate behaviour, confidentiality, and transparency in managing conflicts of interest.
- Conflicts of interest must be declared and recorded, with the affected member withdrawing from discussions on the matter.
- For any governance issues or matters related to the Code of Conduct, members can seek guidance from the Advisory Committee facilitators or Christopher Jones, Manager of Governance and Corporate Strategy

Links to the Code of Conduct and Council Advisory and Reference Committee Guidelines were provided to the committee.

**The Committee Recommends:**

That the above points be received and noted.

04 **16 Days of Activism**

File: S13683

*Vide: GB.3*

Facilitated by Kim Harris

- The 16 Days of Activism Against Gender-Based Violence is an annual international campaign that runs from 25 November 25 until 10 December 10. The aim is to raise awareness and encourage actions that prevent and eliminate all forms of violence against women and girls. Ku-ring-gai Council has initiated several actions including a "say No to Gender Based Violence" email signature for staff to use, and a "Ku-ring-gai Says No to Gender Based Violence banner outside Council Chambers.
- A Prevention of Violence Against Women Action Plan 2024/2025 has been developed and endorse by Council, and a Domestic and family Violence Webpage has been created.
- Council has also established a grant program providing funding for Domestic and Family Violence Prevention and celebrated White Ribbon Day.
- Journalist and author Jess Hill talked to an audience of over 200 people about her book See What You Made Me Do at the Gordon library
- Council supported the Walk the Talk local event at Waitara PCYC.

**The Committee Recommends**

That the above points be received and noted.

05 **Prevention of Violence Against Women Action Plan**

File: S13683

*Vide: GB.4*

Facilitated by Nicky Hammond

- In August 2024, Council endorsed a 2024/25 Prevention of Violence Against Women Action Plan. The Action Plan outlines Council's intentions to address domestic and family violence in the local area over the next 12 months.
- The Action Plan, aligned with state priorities, is structured into the following four key focus areas based on the four domains of the National Plan to End Violence against Women and Children 2022-2032:
  - Primary prevention
  - Early intervention
  - Sector development and support
  - Resilience and Empowerment
- To inform the development of the Action Plan, a working group was formed including Ku-ring-gai Council staff and representatives from Catholic Care, Cass, Department of Communities and Justice, Hornsby Ku-ring-gai Multicultural Network, Hornsby Ku-ring-gai Women's Shelter, Ku-ring-gai Neighbourhood Centre, Ku-ring-gai Rotary, KYDS, Lifeline, NSW Police Force, Relationships Australia, SSI, Women's Shed including several representatives from the Hornsby Ku-ring-gai DV Network.
- Actions already completed or in process include the delivery of a DV Aware workshop in partnership with Lifeline, the development of an internal communications strategy, resources and training development, the establishment of the Status of Women's Advisory Committee, the Nextgen Forum, joining the Hornsby Ku-ring-gai DV Network, Domestic and Family Violence Grant, Community engagement and promoting local events.
- Council plans to deliver internal training and increase awareness for staff, deliver targeted information sessions and information material to the community, build partnerships, provide education opportunities, host the annual International Women's Day 2025 event, deliver the 2025 Community Grants, acknowledge Remembrance Day, undertake further research, develop a 2025 - 2028 Action Plan and invite members of the Status of Women's Advisory Committee to participate by attending events, participate in working groups and providing advice to Council.

**The Committee Recommends:**

That the above points be received and noted.

06 **NextGen Forum**

File: S13683

*Vide: GB.5*

Facilitated by Nicky Hammond

- On the Friday 22 November 2024 approximately 80 students from 4 local high schools were invited to participate in our NextGen Forum. The Forum focused on healthy, respectful relationships.
- The event was organised in partnership with ElephantEd, a NSW Department of Education-endorsed youth-led organisation, and supported by youth mental health organisations KYDS and Headspace.
- Students from Lindfield Learning Village, Knox Grammar, Pymble Ladies College, and Killara High, ranging from Years 7 to 10, took part in the Forum
- The final activity - a Take It Back Activity, was an opportunity for students to develop a strategy about healthy relationships, that they could take back to their school community. More specifically to develop an action or initiative to educate, inspire, or facilitate positive change.
- The feedback from students, teachers and the organisations who participated has been very positive. It was a meaningful and fun day for those involved.

**The Committee Recommends:**

That the above points be received and noted.

07

**IWD Program March 2025**

File: S13683

*Vide: GB.6*

Facilitated by Mayor Christine Kay

- The IWD 2025 theme is 'March Forward' As we reflect on this theme we acknowledge the triumphs of women who have come before us and come together to light the way for those who will follow in our footsteps.
- Council is seeking input from Committee members to organise and deliver next year's program
- Suggestions and recommendations from Committee members are welcome for speakers and discussion topics
- Some possible discussion points include:
  - Empowering Women, Empowering Communities
  - Equity for All: Women Leading Change
  - Breaking Barriers, Building Futures
  - Celebrating Women's Achievements, Driving Gender Equity
  - Inspiring Generations: Women, Leadership, and Legacy

**The Committee Recommends:**

That the above points be received and noted.

08

**Resignation of Rhonda Smyth and Reserves List**

File: S13683

*Vide: GB.8*

- Rhonda Smyth has resigned from the Committee as she has moved overseas. She extends her best wishes to the Committee for its future work.
- As outlined in the Council Advisory and Reference Committee Guidelines, vacancies on the Committee can be filled by reserves in the order recommended by the assessment panel.
- Leanne Fry next in order on the reserve list as recommended by the panel.
- It is recommended that Leanne Fry be invited to join the Status of Women's Advisory Committee

**The Committee Recommends:**

That the Council acknowledges the resignation of Rhonda Smith and endorses Leanne Fry as her replacement.

09 **Future Meeting Dates and Times 2025**

File: S13683

*Vide: GB.9*

The following meeting dates:

Tuesday, 11 February 2025, at 10:00 AM

Tuesday, 6 May 2025, at 6:00 PM

Tuesday, 5 August 2025, at 10:00 AM

•Tuesday, 4 November 2025, at 6:00 PM

**The Committee Recommends:**

That the above dates be received and noted.

**OTHER BUSINESS**

- Jebby Philips requested that Council staff provide information on local demographics, including details such as where women reside, their countries of origin, languages spoken, qualifications, and income levels. Additionally, information was sought on how many people accessed and viewed the Strategic Plan. The Committee was advised that this information is available on Council's website under the Demographic Profile and ID Atlas at <https://profile.id.com.au/ku-ring-gai>.
- 
- Unis Goh requested that agendas for the February meeting be sent in advance to allow members sufficient time to prepare for the meeting. Agendas will be provided as an attachment to the meeting invite approximately 1 week prior to the meeting.
- 
- Unis Goh also highlighted the Draft NSW Homelessness Strategy 2025–2035 for distribution to members. Members are encouraged to make submissions to the NSW Government by the closing date, 14 February 2025.

*The Meeting closed at 2:27PM.*



---

---

## HERITAGE REFERENCE COMMITTEE MEETING MINUTES OF 5 DECEMBER 2024

---

---

### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To have Council consider the minutes from previous Heritage Reference Committee ('HRC') meeting held on 5 December 2024.

**BACKGROUND:**

Council is required to consider and receive the minutes of the Heritage Reference Committee and to make them publicly available via Council's website. HRC minutes are confirmed by HRC prior to being presented to Council.

**COMMENTS:**

The Heritage Reference Committee minutes under consideration are attached.

**RECOMMENDATION:**

(Refer to the full Recommendation at the end of this report)

That Council receives and notes the HRC minutes from 5 December 2024.

## PURPOSE OF REPORT

To have Council consider the minutes from previous Heritage Reference Committee ('HRC') meeting held on 5 December 2024.

## BACKGROUND

Council is required to consider and receive the minutes of the HRC and to make them publicly available via Council's website. HRC minutes are confirmed by HRC prior to being presented at the OMC. The minutes from the HRC meeting were circulated to HRC members by email following the meeting for confirmation.

## COMMENTS

The Heritage Reference Committee minutes under consideration are at **Attachment A1**.

## INTEGRATED PLANNING AND REPORTING

Theme 3: Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
Ku-ring-gai's heritage is protected, promoted and responsibly managed.	Strategies, plans and processes are in place to effectively protect and preserve Ku-ring-gai's heritage assets.	Implement, monitor and review Ku-ring-gai's heritage planning controls and Heritage Strategy.  Promote local heritage in consultation with key stakeholders.

## GOVERNANCE MATTERS

Consisting of seven members, the Heritage Reference Committee includes Councillors, heritage practitioners and community members. The Committee provides advice on heritage matters and assists with the promotion, understanding and appreciation of heritage. While not a decision-making body, the Committee plays an important function in shaping Ku-ring-gai's future. This Committee is also an important link in Council's communication strategy with the community.

## RISK MANAGEMENT

The Committee provides advice on heritage matters and assists with the promotion, understanding and appreciation of heritage. While not a decision-making body, the Committee nevertheless plays an important function in shaping Ku-ring-gai's future. This Committee is also an important link in Council's communication strategy with the community.

## FINANCIAL CONSIDERATIONS

The costs of running the Heritage Reference Committee are covered by the Strategy and Environment Department's budget.

## **SOCIAL CONSIDERATIONS**

The aims of the Heritage Reference Committee are to provide advice to Council on heritage matters and to provide assistance to Council in promoting an understanding and appreciation of heritage, including matters of social heritage significance.

## **ENVIRONMENTAL CONSIDERATIONS**

A role of the Heritage Reference Committee is to support Council in identifying and managing Ku-ring-gai's Cultural Heritage.

## **COMMUNITY CONSULTATION**

The Heritage Reference Committee meets on a monthly basis or as required and notification of meetings is provided on Council's website.

## **INTERNAL CONSULTATION**

The Heritage Reference Committee includes Councillors and heritage practitioners and is facilitated by Council staff. Where relevant, consultation with other Departments may occur in particular with Council's heritage advisors in Development & Regulation.

## **SUMMARY**

Council is required to consider and receive the minutes of the HRC and to make them publicly available via Council's website. HRC minutes are confirmed by HRC prior to being presented at an Ordinary Meeting of Council. These minutes are now being referred to Council.

## **RECOMMENDATION:**

That Council receive and note the HRC minutes from the meeting held on 5 December 2024.

Claudine Loffi  
Heritage Specialist Planner

Craige Wyse  
Team Leader Urban Planning

Antony Fabbro  
Manager Urban & Heritage Planning

Andrew Watson  
Director Strategy & Environment

**Attachments:**    A1 [↓](#) Heritage Reference Committee minutes of 5 December 2024    2024/404977

**MINUTES OF HERITAGE REFERENCE COMMITTEE  
HELD ON THURSDAY, 5 DECEMBER 2024**

Present: Councillor K Wheatley (Chairperson) (Wahroonga Ward)  
Councillor I Balachandran (Deputy Chairperson) (Gordon Ward)  
Mr Robert Moore – National Trust  
Ms Lorna Watt – Ku-ring-gai Historical Society  
Ms Margaret Skilbeck – Australian Institute of Architects  
Ms Zeny Edwards – Local Historian and Community Member  
Mr Chris Bluett- Community Member

Staff Present: Manager Urban & Heritage Planning (Antony Fabbro)  
Team Leader Urban Planning (Craig Wyse)  
Heritage Specialist Planner (Claudine Loffi)  
Strategic Planner Heritage (Philippa Hayes)  
Heritage Research Assistant (Kerrily Sullivan)

Others Present: Councillor C Kay - Ku-ring-gai Council (Mayor)

Apologies: Nil

*The Meeting commenced at 12:30 PM*

**DECLARATIONS OF INTEREST**

GB. 3 Heritage assessments for comment - Robert Moore declared he provided past advice to the owners with no current or ongoing involvement.

**MATTERS ARISING FROM PREVIOUS MEETING**

**NOTING OF MINUTES**

**Minutes of Heritage Reference Committee**

File: CY00413/12

Meeting held 7 November 2024

**RESOLVED:**

Previously circulated and confirmed minutes were noted.

## **GENERAL BUSINESS**

### **Briefing on heritage item planning for alternative housing scenarios**

File: CY00413/12

*Vide: GB.1*

Urban design team leader, Bill Royal, overviewed the proposed measures to minimise impacts on heritage items in Council's exhibited housing scenarios, compared to the blanket provisions of the Transport Oriented Development State Environmental Planning Policy (the TOD SEPP). The Committee queried and confirmed that these housing scenarios propose to remove and replace the existing TOD SEPP, noting the recent Court mediation agreement. The Committee also queried and confirmed that these housing scenarios do not intend to redevelop heritage items in the same manner as surrounding unlisted sites, but to better integrate and adaptively re-use the retained significant items into appropriate surrounding development.

The Committee generally supported Council's housing scenario treatment of heritage items by integrating retained and adapted items into surrounding development, transferable development rights for items, and master-planning heritage items and surrounds for customised development responses. The Committee indicated this can be a good option if done well. The Committee noted the benefits for items for preventing devaluing, encouraging restoration, continued item use and maintenance. Further benefits noted were greater Council input into site specific controls, development resolution, and retained application of the DCP controls for item surrounds.

Discussed issues include the feasibility for integrated heritage item development, item uses options, item gardens and vegetation. The importance of building setbacks and challenges of confined sites were discussed. The need to identify detailed site and landscape features was discussed as part of a Conservation Management Plan at the Development Application stage. The importance of significance assessments for heritage items was also noted.

Examples of past integrated item and residential development, of varying scales were also discussed, including the process, building scale, uses, and positive outcomes.

The reduced number of affected items was also discussed as a result of redirecting higher density to locations with fewer heritage items and out of existing conservation areas, reduced by 136 items within existing heritage conservation areas to approximately 30 heritage items outside of conservation areas.

This treatment was generally considered a more favourable outcome for heritage items and their setting than the TOD SEPP, while noting more detail is to follow.

#### **RESOLVED:**

The Heritage Reference Committee received and noted the briefing, supports in principle the proposed treatment of heritage items in the proposed housing scenarios as more favourable to the TOD SEPP, and notes further details shall follow.

### **Her-story Project Update**

File: S13598

*Vide: GB.2*

The Committee noted the properties with updated inventories. The ongoing progress and selection for inventory updates was discussed. Staff agreed to recirculate the list of addresses to members. The contribution of outgoing research assistant, Kirrily Sullivan, was acknowledged.

### **RESOLVED:**

The Heritage Reference Committee received and noted the heritage items with updated online inventories since the last report.

### **Heritage assessments for comment**

File: CY00413/12

*Vide: GB.3*

Robert Moore observed and remained available for questions. The Committee discussed the proponent's heritage assessment seeking delisting, noting this is being treated as confidential until reported to Council.

The Committee noted that only one Heritage Council criteria of local heritage significance is required to meet the listing threshold and that Council's assessment supports four satisfied criteria. The Committee noted the proponent's heritage assessment concludes the item may satisfy a number of criteria and did not demonstrate or conclude that no Heritage Council criteria are satisfied for delisting consideration under these NSW heritage standards.

The Committee recommended that further investigation, enquiry, or evidence was required to support that criteria are not satisfied, including social significance. In relation to social significance, it was noted that the Historical Society input has not been sought and community reported concerns about the façade painting indicate potential social significance. Detracting statements alone are not sufficient.

The Historical Society Committee member identified that the first owner, Simpson, is a significant local figure in the development of the suburb through his senior position in the influential Progress Association. This association has not been identified in the heritage assessment or Council's inventory. The Committee agreed this new information likely fulfils extra Heritage Council criteria for historical associations, and potentially social significance. The Committee recommended referring this research to the consultant, to be supplied by the Committee member following the meeting, for consideration in a revised heritage assessment.

The Committee noted that the delisting recommendation in the heritage assessment is primarily based on context or setting in relation to the built apartments across the road and potential further apartments permitted by the TOD

SEPP on adjoining sites to the heritage item.

The Committee discussed whether surrounding development or development standards affect the Heritage Council criteria for listing the heritage item. The Committee noted the setting adds a dimension to how the building presents to the street. The Committee noted that the former historic prestige of the street has changed. The Committee noted the adjoining sites currently contain houses with no TOD developments yet to be proposed, assessed, approved or built.

The Committee noted that the potential contextual impact from the TOD SEPP is caused by a planning and development issue that Council is currently seeking to rectify through changes to the planning and development framework rather than changes to listing, as discussed in the previous item.

In relation to the criteria and setting for the heritage item, the Committee noted that the important listing consideration is whether the subject building provides evidence of the historical, aesthetic, social and other criteria. The Committee observed that Council needs to objectively validate the significance of the item.

The Committee discussed the comparisons and subject building alterations raised in the heritage assessment in relation to the building's significance. The Committee noted that the face brick painting of the subject building occurred without Council's approval before the current item listing and that these works are reversible.

The Committee supported the Council-approved two-storey rear addition as acceptable for a heritage item, retaining original internal and external features. The Committee commented that heritage items can be viewed as dynamic, supporting appropriate changes which retain significance.

The Committee noted that the approved addition is not yet constructed. The Committee noted that the existing building alterations include setback side dormers for a second storey in the attic, and a side timber ground floor addition that is a verandah enclosure with the original verandah post retained. The Committee also discussed the maintenance of the building and site, noting its current state as unoccupied and with construction site fencing.

The Committee expressed caution about delisting based on common and reversible paintwork and additions that were approved as having an acceptable impact on the significance of the heritage item.

**RESOLVED:**

The Heritage Reference Committee received and noted the report and attachments. The Heritage Reference Committee recommends the Simpson history information is referred to the heritage assessment author for consideration in a revised heritage assessment under the historical associations and social criteria. The Heritage Reference Committee recommends that further investigation, enquiry, or evidence is required in the heritage assessment to support that Heritage Council criteria are not satisfied including social significance.

## **OTHER BUSINESS**

### **Committee improvements**

Discussion on improvements was invited, following the recent Committee member survey report. The Committee recommended filling the heritage research assistant position to continue the inventory completion work, acknowledging the value this provides to Council and the community.

### **Pymble Town Hall works inspection**

The Committee considered the staff invitation to inspect the completed external works and proposed an inspection after the next scheduled meeting of 20 February.

*The Meeting closed at 1:40pm*



---

## 2024 - 2025 BUDGET REVIEW - 2ND QUARTER ENDED DECEMBER 2024

---

### EXECUTIVE SUMMARY

**,PURPOSE OF REPORT:**

To inform Council of the results of the second quarter budget review of 2024/25 and proposed adjustments to the annual budget based on the actual financial performance and trend for the period 1 July 2024 to 31 December 2024.

**BACKGROUND:**

Section 203(1) of the Local Government Regulation 2005 requires that at the end of each quarter, a Budget Review Statement be prepared and submitted to Council that provides the latest estimate of Income and Expenditure for the current financial year (2024/25).

**COMMENTS:**

The recommended budget adjustments outlined in this review are expected to improve the net operating result by \$1.7m. This improvement primarily arises from increased interest earned on investments and higher user fees which is partially offset by increased material and contracts as detailed in this report.

After adjusting for restricted items and capital expenditure the change in net working capital is a decrease of \$390k.

**RECOMMENDATION:**

That the December 2024/25 Quarterly Budget Review and the recommended changes are received and noted.

## PURPOSE OF REPORT

To inform Council of the results of the second quarter budget review of 2024/25 and proposed adjustments to the annual budget based on the actual financial performance and trend for the period 1 July 2024 to 31 December 2024.

## BACKGROUND

In accordance with Part 9, Division 3, Clause 203 of the Local Government (General) Regulation 2005 ("The Regulation"):

- (1) Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.*
- (2) A budget review statement must include or be accompanied by:
  - a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*
  - b) if that position is unsatisfactory, recommendations for remedial action.**
- (3) A budget review statement must also include any information required by the Code to be included in such a statement.*

The Office of Local Government has developed a set of minimum requirements that assists councils in meeting their obligations as set out in legislation.

At the Council meeting held on 18 June 2024, Council adopted the Revised Delivery Program 2024-2026 & Operational Plan 2024-2025, which incorporated the Annual Budget for 2024-2025.

## COMMENTS

This review analyses the financial performance of the Council during the second quarter of the 2024/25 financial year and forecasts an end of financial year position. The review recommends budget adjustments for both operating and capital budgets.

Budget adjustments proposed in this review will improve the net operating result (excluding capital grants) by \$1.7m. This is mainly due to additional interest on investments (partly restricted to external reserves). The increase in revenue is partly offset by increases in materials and contractor costs and operating and capital projects as detailed further in this report.

From a funding position, after adjusting for capital and operational project movements and restricted items, the change in net working capital is a decrease of \$390k. This is primarily due to increased expenditure related to NSW housing reforms and recent storm events.

## Proposed adjustments to forecast budget

### Operating Income

The recommended net increase in operating income, totalling \$2.05m, primarily results from increased interest on investments (partly restricted) and increased user fees:

- **User charges and fees** – an increase of (\$22k) is attributed to the additional revenue from St Ives Showground venue hire activities.
- **Interest and investments income** – an increase of (\$2.03m) resulting from favourable interest rates and from a higher than anticipated balance in investment portfolio. Of the increase in investment revenue (\$1.2m) is restricted to development contributions reserves and (\$650k) is allocated to Norman Griffith Oval upgrade and (\$150k) allocated to consulting for road condition and valuation works.

### Operating expenditure

The recommended net increase in operating expenditure, totalling \$309k is primarily due to increase in operating material and contracts costs (\$250k) and net increase in operating project expenditure (\$59k) as detailed below:

- **Materials and contracts** - net increase of (\$250k) attributed to consulting for road condition valuation works (\$150k) and additional clean-up costs associated with the storm mid-January 2025 (\$100k).
- **Operational projects expenditure** - net increase of (\$59k) due to,
  - Increase in consulting costs associated with the NSW housing policy reforms (\$300k).
  - Decrease due to internal transfers to capital projects totalling (\$241k) consisting of public EV chargers (\$65k) and Caley's Pond and Banks Track Boardwalk (\$176k).

### Capital Budget

- Adjustments to the capital budget attributed to the budget transfers between operational and capital projects and reduction in capital budget:
  - Increase in Norman Griffith Oval Upgrade (\$1.8m). The proposed budget adjustment of relates to a combination of unanticipated project costs which include the amount for the contracted works. These costs include professional services; legal services; site environmental management and controls including water extraction and increase to project scope since award of tender.
  - Increase in Public EV chargers (\$65k) transferred from operational projects.
  - Increase in Caley's Pond and Banks Track Boardwalk (\$176k) transferred from operational projects.
  - Decrease in Roads Rehabilitation Program FY25 capital project (\$1.15m).

Details by project and other budget adjustments are detailed further in the report and listed in Attachment A2.

### **Quarterly Budget Review Statements (QBRS)**

The Quarterly Budget Review Statements (QBRS) as prescribed by the OLG guidelines are composed of the following budget review reports:

- Operating and Capital Budget Review Statement (Table 1)
- Proposed Operating and Capital Budget Adjustments by Resource Group (Table 2)
- Income and Expenses Statement by Theme (Table 3)
- Cash and Investments position (Table 4)
- Contracts and Consultancy Expenses (Table 5)
- Capital and Operational Projects Summary (Table 6)
- Statement by the Responsible Accounting Officer

These statements are shown below.

Item GB.5

EM00046/1  
7 January 2025

Table 1

**Ku-Ring-Gai Council**  
**September Budget Review Statement**  
**Operating and Capital Budget Review Statement**  
Period: 01/07/2024 - 31/12/2024

(\$'000)	ORIGINAL Budget 2024/25	Approved Carried Forwards	Council Resolution By Separate Report*	September Review	Revised Budget 2024/25	Recommende d Changes For Council Resolution	PROJECTED Year End Result 2024/25 Q2	ACTUAL YTD 2024/25	Variance
<b>Income</b>									
Rates and Annual Charges	103,059				103,059		103,059	103,229	-170
User Charges and Fees	23,174			25	23,199	22	23,221	11,800	11,399
Other Revenues	13,749			373	14,122		14,122	8,043	6,079
Interest & Investments Income	7,094				7,094	2,027	9,121	5,519	1,575
Operating Grants & Contributions	9,839			382	10,221		10,221	3,196	7,025
<b>Total Income</b>	<b>156,914</b>			<b>780</b>	<b>157,695</b>	<b>2,049</b>	<b>159,744</b>	<b>131,787</b>	<b>25,908</b>
<b>Expenses</b>									
Employee Costs	51,124			200	51,324		51,324	23,988	27,336
Materials & Contracts	62,849			139	62,988	250	63,238	33,987	29,001
Interest Expense	1,277				1,277		1,277	646	631
Other Expenses	5,947		14		5,961		5,961	2,637	3,324
Depreciation	27,884				27,884		27,884	13,624	14,260
Operating Projects Expense	7,632	6,330	20	-770	13,212	59	13,271	4,315	8,897
<b>Total Expenses</b>	<b>156,714</b>	<b>6,330</b>	<b>34</b>	<b>-431</b>	<b>162,645</b>	<b>309</b>	<b>162,954</b>	<b>79,197</b>	<b>83,448</b>
<b>Net Operating Result</b>	<b>200</b>	<b>-6,330</b>	<b>-34</b>	<b>1,211</b>	<b>-4,951</b>	<b>1,740</b>	<b>-3,211</b>	<b>52,590</b>	<b>-57,541</b>
Capital Grants & Contributions	1,985	2,492		-566	3,911		3,911	989	2,922
Development Contributions	11,590				11,590		11,590	4,589	7,001
Gain(Loss)on Asset Disposal & FV adjustments								1,216	-1,216
<b>Net Operating Result incl Capital inc.</b>	<b>13,775</b>	<b>-3,838</b>	<b>-34</b>	<b>645</b>	<b>10,551</b>	<b>1,740</b>	<b>12,291</b>	<b>59,384</b>	<b>-48,834</b>
Add: Depreciation & Non Cash items	27,884				27,884		27,884	13,624	14,260
Add: Book Value of Assets Sold								707	-707
<b>Cash Available to Fund Projects</b>	<b>41,659</b>	<b>-3,838</b>	<b>-34</b>	<b>645</b>	<b>38,435</b>	<b>1,740</b>	<b>40,175</b>	<b>73,715</b>	<b>-35,281</b>
<b>Funding</b>									
<b>Net Reserves</b>									
Net Reserves Funding	18,700	60,031		-50,218	28,513	-1,239	27,274	-3,269	31,782
Cash from Borrowings									
<b>Total Capital Funding</b>	<b>60,360</b>	<b>56,193</b>	<b>-34</b>	<b>-49,573</b>	<b>66,948</b>	<b>501</b>	<b>67,449</b>	<b>70,447</b>	<b>-3,498</b>
<b>Capital Expenditure</b>									
New Assets & Asset Upgrades	21,385	35,220		-24,448	32,160	65	32,225	19,401	-12,756
Asset Replacement	35,592	20,975		-24,925	31,641	826	32,467	7,780	-23,861
Loan Repayments	3,281				3,281		3,281	945	-2,336
<b>Total Capital Expenditure</b> <small>(incl. Loan repaym.)</small>	<b>60,258</b>	<b>56,195</b>		<b>-49,373</b>	<b>67,082</b>	<b>891</b>	<b>67,973</b>	<b>28,126</b>	<b>-38,952</b>
<b>Net Working Capital Change</b>	<b>100</b>		<b>-34</b>	<b>-200</b>	<b>-134</b>	<b>-390</b>	<b>-524</b>	<b>42,320</b>	<b>-42,451</b>

**Proposed Budget Adjustments**

The table below lists the proposed budget adjustments, including comments for the December Quarterly Budget Review.

Item GB.5

EM00046/1  
7 January 2025

Table 2

**Major Operating and Capital Budget Variations by Resource Group**  
Period: 01/07/2024 - 31/12/2024

Income	Increase/Decrease	Proposed Adjustments '\$000	Comments
User Fees	✔	22	Increase fee income from St Ives Showground (\$22k).
Interest & Investments Revenue	✔	2,027	Increase due to favourable interest rates and higher than anticipated investment portfolio. (\$1.23m) is restricted to developer contribution reserve, (\$650k) is allocated to Norman Griffith Oval Upgrade and (\$150k) allocated to consulting for road condition and valuation.
<b>Net Increase in Income</b>	✔	<b>2,049</b>	
Expenditure	Increase/Decrease	\$000	Comments
Materials & Contracts	✘	250	Mainly due to (\$150k) consulting costs for road condition and valuation works (funded from increased interest revenue) and (\$100k) clean-up costs associated with storm mid-January 2025.
Operating Projects Expense	✘	59	Increase due to consulting costs associated with the proposed changes to NSW housing policy project (\$300k). This is partly offset by transfer to capital projects for public EV chargers (\$65k) and Caley's Pond and Banks Track Boardwalk capital project (\$176k).
<b>Net Increase in Expense</b>	✘	<b>309</b>	
<b>Capital Income &amp; Operating Variance</b>	✔	<b>1,740</b>	
Funding	Transfer To / From	\$000	Comments
Net Reserve Funding	✔	-1,239	Interest revenue restricted to developer contributions reserve.
<b>TOTAL CAPITAL FUNDING</b>		<b>501</b>	
Capital Expenditure	✘	891	Increase mainly due to Norman Griffith oval upgrade (\$1.8m) funded from (\$1.1m) temporary reduction in Roads Rehabilitation Program FY25 and (\$650k) interest revenue, as well as transfer from operating projects for public EV chargers (\$65k) and Caley's Pond and Banks Track Boardwalk capital project (\$176k).
<b>Net Working Capital Change</b>		<b>-390</b>	

Attachment A2 summarises all proposed budget adjustments for Projects.

The table below splits the current budget by six themes identified within Council's Delivery Program 2023 – 2026. These themes are used as a platform for planning our activities to address the community's stated needs and aspirations.

Item GB.5

EM00046/1  
7 January 2025

Table 3

**Quarterly Budget Review Statement  
Income & Expenses By Theme**  
Period: 01/07/2024 - 31/12/2024

(*(\$000))	ORIGINAL Budget 2024/25	Approved Carried Forwards	Council Resolution By Separate Report*	Revised Budget 2024/25	Recommended Changes For Council Resolution	PROJECTED Year End Result 2024/25 Q2	ACTUAL YTD 2024/25
<b>Operating Income</b>							
Access, Traffic & Transport	4,005			3,994		3,994	1,390
Community, People & Culture	14,032			14,057		14,057	8,004
Natural Environment	24,729			25,028		25,028	24,881
Leadership & Governance	94,143			94,143	788	94,932	86,092
Local Economy & Employment							
Places, Spaces & Infrastructure	20,006			20,473	1,261	21,734	11,420
<b>Total Operating Income</b>	<b>156,915</b>			<b>157,694</b>	<b>2,049</b>	<b>159,744</b>	<b>131,787</b>
<b>Operating Expenditure</b>							
Access, Traffic & Transport	2,708			2,672		2,672	1,195
Community, People & Culture	29,409	600	34	29,979		29,979	14,967
Natural Environment	30,938	2,267		33,101	-241	32,861	15,934
Leadership & Governance	30,429	1,740		31,972	300	32,272	16,060
Local Economy & Employment	208			208		208	104
Places, Spaces & Infrastructure	63,024	1,723		64,715	250	64,965	30,937
<b>Total Operating Expenses</b>	<b>156,714</b>	<b>6,330</b>	<b>34</b>	<b>162,645</b>	<b>309</b>	<b>162,954</b>	<b>79,197</b>
<b>Operating Result</b>	<b>200</b>	<b>-6,330</b>	<b>-34</b>	<b>-4,951</b>	<b>1,740</b>	<b>-3,211</b>	<b>52,590</b>

**Cash and Investments position**

Restricted funds are invested in accordance with Council’s Investment Policy. Total investments portfolio as at the end of December quarter is \$219m.

Table 4

**Quarterly Budget Review Statement  
Cash and Investments Balances**  
Period: 01/07/2024 - 31/12/2024

\$000	Opening Balance at 01/07/2024	Approved Original Budget 2024/25 Expenditure	Original Income	Approved Carried Forwards	Council Resolution By Separate Report	Revised Budget 2024/25	Recommended Changes For Council Resolution	PROJECTED Year End Result 2024/25 Q2	ACTUAL YTD
<b>Externally Restricted</b>									
Infrastructure Levy*		-3,447	3,447						1,490
Environmental Levy	4,171	-3,886	3,596	-3,187		2,722		2,722	4,811
Devel <sup>f</sup> Contribution (\$7.11)	116,023	-32,291	15,032	-33,223		103,771	1,239	105,010	113,191
Unexpended Grants	12,163	-2,741	2,120	-2,486		9,056		9,056	11,575
Domestic Waste	9,372			-169		9,203		9,203	11,425
External Loans	5,697			-5,697		0		0	2,897
<b>Total - Externally Restricted</b>	<b>147,426</b>	<b>-42,365</b>	<b>24,196</b>	<b>-44,761</b>		<b>127,650</b>	<b>1,239</b>	<b>128,889</b>	<b>145,389</b>
<b>Restricted</b>									
Intern. Projects Reserves	54,338	-16,263	16,776	-15,123		46,736		46,736	59,473
Intern. Liabilities Reserves - incl. Asset Sale Reserve	5,733	-2,018	353	-146		3,976		3,976	5,903
<b>Total Restricted</b>	<b>207,496</b>	<b>-60,646</b>	<b>41,325</b>	<b>-60,030</b>		<b>178,363</b>	<b>1,239</b>	<b>179,602</b>	<b>210,765</b>
Unrestricted Funds	5,156		100		-34	5,023	-390	4,633	7,973
<b>Total Cash &amp; Investments</b>	<b>212,653</b>	<b>-60,646</b>	<b>41,425</b>	<b>-60,030</b>	<b>-34</b>	<b>183,386</b>	<b>849</b>	<b>184,235</b>	<b>218,738</b>
Add: Unpresented Cash Items									400
<b>Total Cash &amp; Investments as per December Investment Report</b>									<b>219,138</b>

\* Correction to \$55k Infrastructure Levy reported in Sept QBR.

A detailed **Restricted Assets Report** as at December 2024 (Actual) is shown in **Attachment A1**.

**Contracts and Consultancy Expenses**

Table 5

**Quarterly Budget Review Statement  
Contracts Listing**  
Period: 01/10/2024 - 31/12/2024

Contractor	Contract Detail & Purpose	Contract Value \$000	Commencement Date	Duration of Contract (Months)	Budgeted (Y/N)
Beccscomm Pty Ltd	Housing alternatives community engagement	105	Nov-24	6 months	Y
C W Concrete Pty Ltd	Minor works, Eastern Arterial Rd East Killara	59	Nov-24	12 months	Y
Community Engagement Consulting Australia Pty Ltd	Community strategic plan for council	53	Nov-24	6 months	Y
Department of Planning Housing and Infrastructure	Land valuation services	242	Oct-24	6 months	Y
Graham Brooks Arboricultural Tree Services Pty Ltd	Tree testing reports	50	Oct-24	6 months	Y
J.E.C. Air Conditioning Services	Air conditioning, Gordon	120	Nov-24	18 months	Y
Konica Minolta Business Solutions Australia Pty Ltd	Printer equipment	326	Nov-24	12 months	Y
Northern Fencing Specialists Pty Ltd	Fencing upgrade, Samuel King Oval	99	Dec-24	18 months	Y
O'Hara Brothers Services Pty Ltd	Tennis courts repairs,Warrimoo	105	Dec-24	18 months	Y
Optimal Civil Pty Ltd	Minor works, Perth Ave East Lindfield	340	Nov-24	12 months	Y
Optimal Civil Pty Ltd	Minor works, Mona vale Link Rd St. Ives	108	Dec-24	12 months	Y
Optimal Stormwater Pty Ltd	Minor works, Pentecost Ave Turrumurra	136	Nov-24	12 months	Y
Payble Pty Ltd	Software licence	100	Dec-24	12 months	Y
Peopletrans Pty Ltd	Transport impact assessment, Killara	108	Oct-24	6 months	Y
Spackman Mossop Michaels Pty Ltd	Consulting service, Kissing point Rd Turrumurra	65	Oct-24	6 months	Y
Specialised Pavement Services Pty Ltd	Street sweeping charges	299	Nov-24	12 months	Y
Synthetic Sports Group Pty Ltd	Tennis courts resurfacing Loyal Henry and Warrimoo	106	Oct-24	18 months	Y
SJB Architects (NSW) Pty Ltd	Consulting Fees	247	Dec-24	12 months	Y
R&J Construction & Excavation Pty Ltd	Roof restoration & wall painting Pymble Townhall	75	Dec-24	18 months	Y
R&J Construction & Excavation Pty Ltd	Gym upgrade Fitness Aquaitic Centre	64	Dec-24	18 months	Y
JPI Concrete and Landscaping Pty Ltd	Minor works, Allambie Avenue East Lindfield	56	Nov-24	12 months	Y
Engineered Solutions for Bldg Sustainability Pty Ltd	Planning, design and delivery services KFAC	83	Oct-24	12 months	Y
Tonkin Consulting Pty Ltd	Minor works, Redleaf Avenue Wahroonga	78	Dec-24	12 months	Y
Vestone Capital Pty Ltd	Consulting Fees	54	Nov-24	6 months	Y
Waterforms International Pty Ltd	Water feature maintance Lindfield Village Green	52	Dec-24	12 months	Y
Whittaker Civil Pty Ltd	Minor works, Footpath Collins Rd St. Ives	114	Dec-24	12 months	Y



**Consultancy and Legal Expenses**

Expense	Cost YTD \$000	Budgeted (Y/N)
Consultants - General	2,368	Y
Consultants - Recruitment	-	Y
Consultants - Legal	1,288	Y
Consultants - Investments	5	Y
<b>Total</b>	<b>3,661</b>	

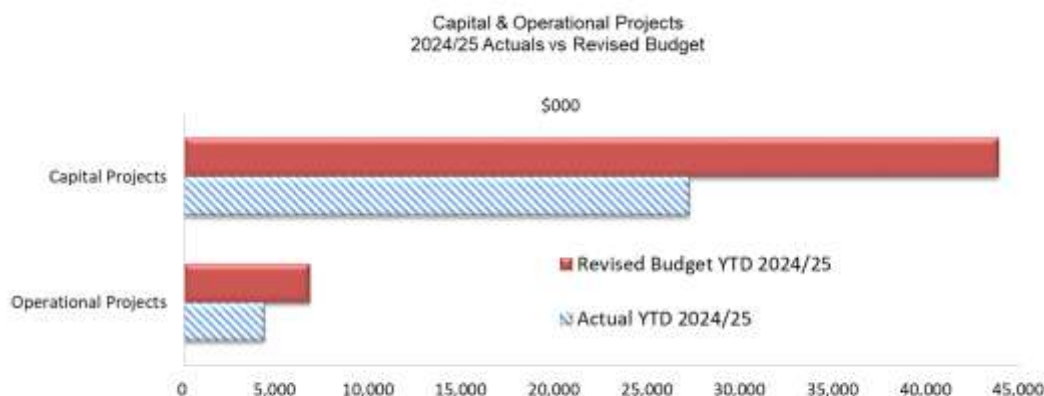
**Capital & Operational Projects Summary**

Actual expenditure for capital and operational projects for the period ending 31 December 2024 is (\$31.5m) or 41% against the full year revised budget of (\$77m).

The table and chart below show the YTD actual project expenditure against 2024/25 full year revised budget and projected forecast.

Table 6

Capital & Operational Projects \$000	Actual YTD 2024/25	Revised Budget YTD 2024/25	Variance as at 31 December 2024	Full Year Revised Budget Before Q2	Recommended Changes For Council Resolution	PROJECTED Year End Result 2024/25
Operational Projects	4,315	6,781	-2,466	13,212	59	13,271
Capital Projects	27,181	43,866	-16,685	63,801	891	64,692
<b>Total Projects</b>	<b>31,496</b>	<b>50,647</b>	<b>-19,151</b>	<b>77,013</b>	<b>950</b>	<b>77,963</b>



The December review recommends a net increase of \$950k to the forecast projects budget resulting in a total revised budget of \$78m.

The major variations and projects proposed for adjustment are listed below:

- **Capital projects**
  - Public EV chargers (\$65k) funded environmental levy operating projects.
  - Caley’s Pond and Banks Track Boardwalk (\$176k) funded from transfer of environmental levy Operational project.

Item GB.5

EM00046/1  
7 January 2025

- Increase in Norman Griffith Oval Upgrade Project (\$1.8m). The proposed budget adjustment of relates to a combination of unanticipated project costs which include the amount for the contracted works. These costs include professional services; legal services; site environmental management and controls including water extraction and increase to project scope since award of tender.
- **Operational projects budget:**
  - Increase in consulting costs associated with proposed changes to NSW housing reforms (\$300k).
- **Transfer from operational to capital projects:**
  - Public EV chargers (\$65k) funded environmental levy.
  - Caley’s Pond and Banks Track Boardwalk (\$176k) funded from environmental levy.

All Proposed Budget adjustments for each Project and explanation for the changes are detailed in *Attachment A2 – Summary of Capital and Operational Project Budget Adjustments*

**Statement by Responsible Accounting Officer**

It is my opinion that the Quarterly Budget Review Statement for Ku-ring-gai Council for the quarter ended 31 December 2024 indicates that Council’s projected financial position at 30 June 2025 will be satisfactory, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

**INTEGRATED PLANNING AND REPORTING**

Theme 6: Leadership and Governance

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
L2.1 Council rigorously manages its financial resources and assets to maximise delivery of services.	L2.1.2 Council’s financial services provide accurate, timely, open and honest advice to the community.	Manages financial performance to achieve targets as defined in the Long-Term Financial Plan.

**GOVERNANCE MATTERS**

Section 203(1) of the Local Government Regulation 2005 requires that at the end of each quarter, a Budget Review Statement be prepared and submitted to Council that provides the latest estimate of Income and Expenditure for the current financial year.

**RISK MANAGEMENT**

Income and expenditure is managed through the quarterly budget review process. Although some income and expenditure cannot be directly controlled, it can be monitored, and action taken to mitigate potential financial or budgetary risk. Further, Council staff utilise monthly management reporting for managing operational and project income and expenditure, and any budget variations are reported to the Director. The management team are also provided with monthly financial reports that allow executives to make informed decisions and plan ahead to ensure budget targets are met.

## **FINANCIAL CONSIDERATIONS**

Financial impacts from recommended budget adjustments are discussed in detail in other sections of this report.

## **SOCIAL CONSIDERATIONS**

Not applicable.

## **ENVIRONMENTAL CONSIDERATIONS**

Not applicable.

## **COMMUNITY CONSULTATION**

Not applicable.

## **INTERNAL CONSULTATION**

Finance met with directors and managers as part of the Quarterly Budget Review process to ensure departmental budget targets reflect current forecasts.

## **SUMMARY**

Budget adjustments proposed in this review will improve the net operating result (excluding capital grants) by (\$1.7m). This is mainly due to additional income from investments (partly restricted to external reserves) and user fees. This is partly offset by increases in materials and contracts, operating and capital project costs as detailed in this report.

The capital budget will see a net increase of \$950k to the forecast projects budget as detailed in the report.

After adjusting for restricted items, net working capital decreased by (\$390k). This is primarily due to increased expenditure related to NSW housing reforms and recent storm events. Despite this decrease, current working capital remains sustainable and will be closely monitored to ensure it stays on track through the end of the financial year.

## **RECOMMENDATION:**

That the December 2024 Quarterly Budget Review and the recommended changes be received and noted.

Item GB.5

EM00046/1  
7 January 2025

Angela Apostol  
Director Corporate

Mette Kofoed  
Acting Manager Finance

- Attachments:**
- A1 [↓](#) Attachment A1 - Restricted Assets Report - December 2024 2025/026996
  - A2 [↓](#) Attachment A2 - Summary of Capital and Operational Projects Budget Adjustments - December 2024 2025/027526

Attachment A1



## Restricted Assets Report Actual as at December 2024

2024/25

ACTUAL to December 2024

Reserve	Balance at 1/7/2024	Income	Expenditure	Interest Allocation	Balance at December 2024
<b>INTERNALLY RESTRICTED RESERVES</b>					
Infrastructure & Facilities	48,613,658	9,454,810	4,197,918	1,233,510	55,104,061
Revenue Fund Carry Forward works	5,724,400	0	1,355,540	0	4,368,860
Assets Sale - CP 2010	642,145	0	21,212	0	620,933
Bonds & Deposits	670,038	0	0	0	670,038
Election	1,238,800	144,717	4,813	0	1,378,704
Employee Leave Entitlements	3,181,606	51,773	0	0	3,233,379
<b>SUB-TOTAL INTERNAL</b>	<b>60,070,647</b>	<b>9,651,301</b>	<b>5,579,482</b>	<b>1,233,510</b>	<b>65,375,975</b>
<b>EXTERNALLY RESTRICTED RESERVES</b>					
<b>Pre 1993 and 1993 Plans</b>					
Car Parking	17,918	0	0	441	18,359
Car Parking	845,553	0	12,933	20,673	853,293
<b>2000/2003 PLAN</b>					
Open Space	214,282	0	26	5,279	219,535
<b>SEPP 5 PLAN</b>					
Open Space	388,351	0	0	9,568	397,919
<b>2004-2009 PLAN (not transferred to 2010 Plan)</b>					
Local Parks & Sporting Facilities-LGA	841,913	0	37,263	20,284	824,934
Child Care Facilities	3,086,946	0	856	76,045	3,162,136
<b>2010 PLAN (Including 2004-2009 &amp; Town Centres Plans)</b>					
Local Parks & Sporting Facilities-South	15,865,011	166,588	418,849	387,774	16,000,524
Local Parks & Sporting Facilities-North	51,375,195	997,235	3,704,731	1,232,426	49,900,125
Local Recreational, Cultural & Social Facilities	5,455,570	130,894	65,440	135,220	5,656,245
New Roads & Road Modifications	-4,042,972	148,456	546,676	0	-4,441,192
Townscape, Transport & Pedestrian Facilities	25,702,564	508,022	288,138	635,967	26,558,415
<b>Section s7.12 PLAN</b>					
s7.12 Contributions	16,272,548	2,637,330	5,237,704	368,888	14,041,062
<b>SUB-TOTAL s7.11 and 7.12</b>	<b>116,022,879</b>	<b>4,588,525</b>	<b>10,312,615</b>	<b>2,892,567</b>	<b>113,191,355</b>
<b>OTHER RESERVES</b>					
Infrastructure Levy	0	2,026,729	537,211	0	1,489,519
Environmental Levy	4,170,680	2,113,892	1,473,346	0	4,811,226
Unexpended Grants	12,162,609	0	588,064	0	11,574,545
Domestic Waste	9,372,212	14,522,007	12,469,304	0	11,424,915
External Loan	5,697,200	0	2,799,800	0	2,897,400
<b>SUB-TOTAL OTHER EXTERNAL</b>	<b>31,402,701</b>	<b>18,662,629</b>	<b>17,867,725</b>	<b>0</b>	<b>32,197,605</b>
<b>TOTAL RESERVES</b>	<b>207,496,227</b>	<b>32,902,455</b>	<b>33,759,822</b>	<b>4,126,077</b>	<b>210,764,935</b>
<b>UNRESTRICTED CASH</b>	<b>5,156,394</b>			<b>1,187,823</b>	<b>7,973,202</b>
<b>TOTAL CASH (INVESTMENTS)</b>	<b>212,652,621</b>	<b>32,902,455</b>	<b>33,759,822</b>	<b>5,313,900</b>	<b>218,738,137</b>

**ATTACHMENT NO: 2 - ATTACHMENT A2 - SUMMARY OF CAPITAL AND OPERATIONAL PROJECTS BUDGET ADJUSTMENTS - DECEMBER 2024**

**ITEM NO: GB.5**

Attachment A2  
**Ku-ring-gai Council**  
**Quarterly Budget Review - Summary of Capital & Operational Project Budget Adjustments by Program**  
**July - December 2024**

Projects by Program \$000	December YTD Actual	December YTD Budget	December YTD Variance	Revised Budget Q1	Recommended Changes For Council Resolution	PROJECTED Year End Result 2024/25 Q2	Comments
Biodiversity	211	450	(239)	849		849	No adjustment to forecast
Bridges and Other Road Assets	12	828	(816)	1,655		1,655	No adjustment to forecast
Building Works & Maintenance	878	1,751	(872)	2,244	67	2,311	T/F \$67k from Public Toilets Program
Capital Building Works	364	724	(359)	1,162	100	1,262	T/F \$100k from Public Toilets Program
Car Parks	3		3				No adjustment to forecast
Catchment Analysis		19	(19)	38		38	No adjustment to forecast
Catchment Management & Analysis	84	252	(167)	487		487	No adjustment to forecast
Communication	1	30	(29)	60		60	No adjustment to forecast
Community Centres & Halls	83	194	(111)	388		388	No adjustment to forecast
Community Development	114	97	17	194		194	No adjustment to forecast
Community Partnerships	613	1,876	(1,263)	1,334		1,334	No adjustment to forecast

**ATTACHMENT NO: 2 - ATTACHMENT A2 - SUMMARY OF CAPITAL AND OPERATIONAL PROJECTS BUDGET ADJUSTMENTS - DECEMBER 2024**

**ITEM NO: GB.5**

Projects by Program \$000	December YTD Actual	December YTD Budget	December YTD Variance	Revised Budget Q1	Recommended Changes For Council Resolution	PROJECTED Year End Result 2024/25 Q2	Comments
Community Projects	149	425	(277)	841		841	No adjustment to forecast
Contributions Program Administration	115	362	(247)	316		316	No adjustment to forecast
Drainage Structures	424	1,158	(735)	2,273		2,273	No adjustment to forecast
Environmental Levy Projects	180	819	(639)	1,651	(176)	1,475	T/F \$176k to Open Space/Recreational Assets
Fencing & Parking Areas	118	430	(313)	612		612	No adjustment to forecast
Fire Management		8	(8)	15		15	No adjustment to forecast
Footpaths	785	1,034	(249)	1,990		1,990	No adjustment to forecast
Gordon Golf Course		65	(65)	131		131	No adjustment to forecast
Heritage Planning	8	159	(151)	318		318	No adjustment to forecast
Human Resources	44	161	(117)	323		323	No adjustment to forecast
Information Technology	492	852	(361)	1,703		1,703	No adjustment to forecast
Land Sales	67	220	(153)	315		315	No adjustment to forecast
Library Resources	689	714	(25)	1,427		1,427	No adjustment to forecast

**ATTACHMENT NO: 2 - ATTACHMENT A2 - SUMMARY OF CAPITAL AND OPERATIONAL PROJECTS BUDGET ADJUSTMENTS - DECEMBER 2024**

**ITEM NO: GB.5**

Projects by Program \$000	December YTD Actual	December YTD Budget	December YTD Variance	Revised Budget Q1	Recommended Changes For Council Resolution	PROJECTED Year End Result 2024/25 Q2	Comments
Open Space Acquisition	8,584	6,844	1,741	10,498		10,498	No adjustment to forecast
Open Space/Recreational Assets	54	594	(540)	853	176	1,029	T/F \$176k from Environment levy Projects
Operating Projects	14	51	(37)	72		72	No adjustment to forecast
Other	0	138	(137)	288		288	No adjustment to forecast
Other Operating Projects	533	940	(408)	1,914	300	2,214	\$300k consulting costs associated with the proposed changes to NSW housing policy
Parks Development	852	2,950	(2,098)	2,590		2,590	No adjustment to forecast
Planning Projects	57	75	(18)	150		150	No adjustment to forecast
Plant & Vehicles	837	1,080	(242)	2,159		2,159	No adjustment to forecast
Playgrounds	89	1,082	(993)	1,675		1,675	No adjustment to forecast
Project Management	565	513	51	1,011		1,011	No adjustment to forecast
Public Toilets	22	602	(580)	762	(167)	595	T/F \$100k to Capital Building Works.T/F \$67k to Building Works & Maintenance
Recreation Facilities	2	39	(37)	45		45	No adjustment to forecast
Regulation & Enforcement	3	46	(43)	114		114	No adjustment to forecast



**ATTACHMENT NO: 2 - ATTACHMENT A2 - SUMMARY OF CAPITAL AND OPERATIONAL PROJECTS BUDGET ADJUSTMENTS - DECEMBER 2024**

**ITEM NO: GB.5**

Projects by Program \$000	December YTD Actual	December YTD Budget	December YTD Variance	Revised Budget Q1	Recommended Changes For Council Resolution	PROJECTED Year End Result 2024/25 Q2	Comments
Roads New & Upgrade	794	1,834	(1,040)	2,977		2,977	No adjustment to forecast
Roads Renewal Program	2,206	4,625	(2,418)	8,928	(1,150)	7,778	7/7 \$1.15m (I&F) to Norman Griffith Oval Upgrade
Sports Courts	8,544	6,291	2,253	8,604		8,604	No adjustment to forecast
Sportsfields	815	1,109	(294)	1,637	1,800	3,437	7/7 \$1.8m to Norman Griffith Oval Upgrade funded from Roads Renewal Program \$1.15m (I&F) and increased interest revenue \$620k
Street Furniture	130	123	7	245		245	No adjustment to forecast
Sustainable Energy	151	502	(351)	667		667	No adjustment to forecast
Swimming Pool		247	(247)	844		844	No adjustment to forecast
Town Centre & Urban Design	417	335	83	670		670	No adjustment to forecast
Town Centre Streetscape	181	3,597	(3,415)	2,076		2,076	No adjustment to forecast
Town Centres	481	1,628	(1,147)	2,094		2,094	No adjustment to forecast
Traffic Facilities	400	2,047	(1,647)	4,605		4,605	No adjustment to forecast
Transport	152	239	(87)	255		255	No adjustment to forecast
Tree Planting	15	113	(98)	226		226	No adjustment to forecast

**ATTACHMENT NO: 2 - ATTACHMENT A2 - SUMMARY OF CAPITAL AND OPERATIONAL PROJECTS BUDGET ADJUSTMENTS - DECEMBER 2024**

**ITEM NO: GB.5**

Projects by Program \$000	December YTD Actual	December YTD Budget	December YTD Variance	Revised Budget Q1	Recommended Changes For Council Resolution	PROJECTED Year End Result 2024/25 Q2	Comments
Waste & Recycling	157	176	(20)	432		432	No adjustment to forecast
Water & Catchments	1	9	(8)	18		18	No adjustment to forecast
Water Sensitive Urban Design	5	193	(188)	281		281	No adjustment to forecast
<b>Total Projects</b>	<b>31,496</b>	<b>50,647</b>	<b>(19,151)</b>	<b>77,013</b>	<b>950</b>	<b>77,953</b>	

**ATTACHMENT NO: 2 - ATTACHMENT A2 - SUMMARY OF CAPITAL AND OPERATIONAL PROJECTS BUDGET ADJUSTMENTS - DECEMBER 2024**

**ITEM NO: GB.5**

Attachment A2  
**Ku-ring-gai Council**  
**Quarterly Budget Review - Summary of Capital & Operational Project Budget Adjustments**  
**July - December 2024**

Program	Project Number	Project Description	Revised Expenditure Budget Q1	Revised Expenditure Budget Q2	Expenditure Budget Adjustment Inc/(Dec)	Internal Project Funding Budget Adj Q2 Inc/(Dec)	Additional Revenue Budget Adj Q2 Inc/(Dec)	Additional Reserve Funding Budget Adj Q2 Inc/(Dec)	Recurrent Budget Inflow Budget Adj Q2 Inc/(Dec)	Comments
BUILD/CAP	101220	Building Services Capital Program	\$150,900	\$250,900	\$100,000	\$100,000				T/F \$100k from PW111063 - Public Toilets Refurbishment for project completion.
<b>BUILD/CAP Subtotal</b>			<b>\$150,900</b>	<b>\$250,900</b>	<b>\$100,000</b>	<b>\$100,000</b>				
BUILDING	114027	Corston Library Roof Replacement (PRJ100643)	\$113,500	\$180,500	\$67,000	\$67,000				T/F \$67k from PW111063 - Public Toilets Refurbishment for project completion.
<b>BUILDING Subtotal</b>			<b>\$113,500</b>	<b>\$180,500</b>	<b>\$67,000</b>	<b>\$67,000</b>				
DRAINAGE	114016	Minor Drainage Works (FY24)	\$104,500	\$2,400	(\$22,100)	(\$22,100)				T/F \$22.1k to PW115096 Stormwater Drainage - Minor Works FY25.
DRAINAGE	115096	Stormwater Drainage - Minor Works FY25	\$92,100	\$114,200	\$22,100	\$22,100				T/F \$22.1k from PW114016 Minor Drainage Works FY24.
<b>DRAINAGE Subtotal</b>			<b>\$196,600</b>	<b>\$116,600</b>	<b>\$196,600</b>					
ENV/LEVY	112033	Public EV Chargers	\$410,100	\$475,100	\$65,000	\$65,000				T/F \$65k from PW112052 Environmental Levy Operational Projects.
ENV/LEVY	112152	Environmental Levy Operational Projects	\$653,900	\$412,900	(\$241,000)	(\$241,000)				T/F \$65k to PW112033 Public EV Chargers. T/F \$176k to PW113029 Galleys Pond and Banks Track Boardwalk.

**ATTACHMENT NO: 2 - ATTACHMENT A2 - SUMMARY OF CAPITAL AND OPERATIONAL PROJECTS BUDGET ADJUSTMENTS - DECEMBER 2024**

**ITEM NO: GB.5**

Program	Project Number	Project Description	Revised Expenditure Budget Q1	Revised Expenditure Budget Q2	Expenditure Budget Adjustment Inc/(Dec)	Internal Project Funding Budget Adj Q2 Inc/(Dec)	Additional Revenue Budget Adj Q2 Inc/(Dec)	Additional Reserve Funding Budget Adj Q2 Inc/(Dec)	Recurrent Budget Internal Transfer Budget Adj Q2 Inc/(Dec)	Comments
ENWLEVY Subtotal			\$1,084,000	\$898,000	(\$176,000)	(\$176,000)				
OPSPREC	113029	Caley's Pond and Banks Track Boardwalk	\$492,800	\$688,800	\$176,000	\$176,000				Tf/ \$176k (EnwLevy) from PW112152 Environmental Levy Operational Projects.
OPSPREC Subtotal			\$492,800	\$688,800	\$176,000	\$176,000				
OTHEROPE	114063	TOD SEPP	\$23,200	\$323,200	\$300,000				\$300,000	Increase of \$300k consulting costs associated with the proposed changes to NSW housing policy.
OTHEROPE Subtotal			\$23,200	\$323,200	\$300,000				\$300,000	
PUBLICICTO	111063	Public Toilets Refurbishment	\$512,000	\$345,000	(\$167,000)	(\$167,000)				Tf/ \$100k to PW101220 Building Services Capital Program; Tf/ \$67k to PW101220 Building Services Capital Program Replacement (PRU100649)
PUBLICICTO Subtotal			\$512,000	\$345,000	(\$167,000)	(\$167,000)				
ROADS	115094	Roads Rehabilitation Program - Ku-ring-gai LGA FY25	\$7,553,100	\$6,403,100	(\$1,150,000)	(\$1,150,000)				Tf/ \$1.15m (8F) to PW107167 Norman Griffith Oval Upgrade
ROADS Subtotal			\$7,553,100	\$6,403,100	(\$1,150,000)	(\$1,150,000)				
SPFIELDS	107167	Norman Griffiths Oval Upgrade	\$553,300	\$2,353,300	\$1,800,000	\$1,150,000			\$650,000	Tf/ \$1.15m (8F) from PW115094 Roads Rehabilitation Program Ku-ring-gai LGA FY25 and allocate \$650k from increased interest revenue.
SPFIELDS Subtotal			\$553,300	\$2,353,300	\$1,800,000	\$1,150,000			\$650,000	
SUSTAINA	104238	Sustainability data management and reporting system	\$48,400	\$68,400	\$20,000	\$20,000				Tf/ \$20k from PW108001 Operational energy management.

**ATTACHMENT NO: 2 - ATTACHMENT A2 - SUMMARY OF CAPITAL AND OPERATIONAL PROJECTS BUDGET ADJUSTMENTS - DECEMBER 2024**

**ITEM NO: GB.5**

Program	Project Number	Project Description	Revised Expenditure Budget Q1	Revised Expenditure Budget Q2	Expenditure Budget Adjustment Inc/(Dec)	Internal Project Funding Budget Adj Q2 Inc/(Dec)	Additional Revenue Budget Adj Q2 Inc/(Dec)	Additional Reserve Funding Budget Adj Q2 Inc/(Dec)	Recurrent Budget Internal Transfer Budget Adj Q2 Inc/(Dec)	Comments
SUSTAINA	108001	Operational energy management	\$370,100	\$350,100	(\$20,000)	(\$20,000)				T/ \$20K to PW104238 Sustainability data management and reporting system.
<b>SUSTAINA Subtotal</b>			<b>\$418,500</b>	<b>\$418,500</b>						
TRAFFAC	114051	Turramurra Avenue – Pedestrian Crossing	\$57,500		(\$57,500)	(\$57,500)				T/ \$57.5K to PW115023 Speed Cushions Installation.
TRAFFAC	115023	Speed Cushions Installation	\$55,100	\$112,600	\$57,500	\$57,500				T/ \$37.5K from PW114051 Turramurra Avenue – Pedestrian Crossing.
<b>TRAFFAC Subtotal</b>			<b>\$112,600</b>	<b>\$112,600</b>						
					<b>\$950,000</b>				<b>\$950,000</b>	

---

## ANALYSIS OF LAND AND ENVIRONMENT COURT COSTS - 2ND QUARTER 2024 TO 2025

---

### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To report legal costs in relation to development control matters in the Land and Environment Court for the quarter ended 31 December 2024.

**BACKGROUND:**

A person may commence proceedings in the Land and Environment Court in relation to a development application which has either been refused by Council or is deemed to have been refused. An appeal may also be commenced in relation to conditions of development consent and the issue of building information certificates and orders.

**COMMENTS:**

For the six months ended 31 December 2024, Council's legal and associated payments in relation to the Land and Environment Court were \$458,256. This compares with the annual budget of \$1,338,800.

**RECOMMENDATION:**

That the analysis of Land and Environment Court costs for the period ended 31 December 2024 be received and noted.

## PURPOSE OF REPORT

To report legal costs in relation to development control matters in the Land and Environment Court for the quarter ended 31 December 2024.

## BACKGROUND

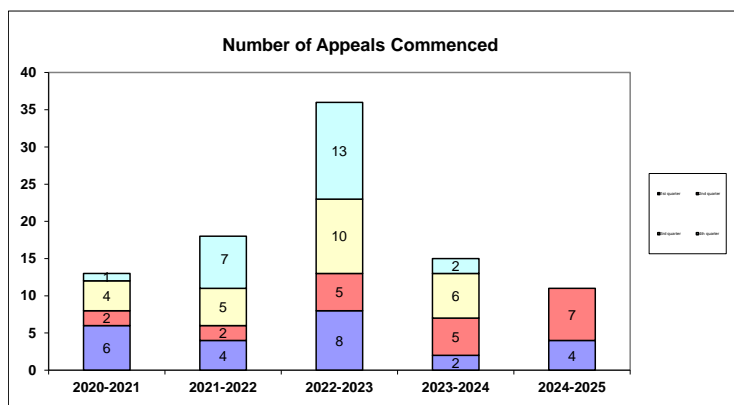
A person may commence proceedings in the Land and Environment Court in relation to a development application which has either been refused by Council or is deemed to have been refused (a development application is deemed to have been refused if it has not been determined within a period of 40 days or such longer period that may be calculated in accordance with the Act). An appeal may also be commenced in relation to conditions of development consent and the issue of building certificates and orders. Council is a respondent to such proceedings.

## COMMENTS

### APPEALS LODGED

In the quarter ended 31 December 2024 there were seven new appeals lodged with the Land and Environment Court. The number of appeals received in prior years is as follows:

Financial year	Number of appeals received (whole year)
2020/2021	13
2021/2022	18
2022/2023	36
2023/2024	15
2024/2025 (as at 31 DEC 2024)	11



The appeals commenced during the quarter to 31 December 2024 concerned the following subject matters:

- Construction of multi-storey recreation facility
- Single dwelling
- Multi dwelling

Council was also in receipt of two appeals against Development Control Orders and two appeals against refusal to issue Building Information Certificates.

### COSTS

For the six months ended 31 December 2024, Council made payments totalling \$458,256 on appeals and associated expenses in relation to Land & Environment Court matters. This compares with the annual budget of \$1,338,800.

In addition to expenditure on appeals, a further amount of \$16,232 was spent in obtaining expert advice regarding development assessment matters.

Land & Environment Court Costs 2020/2021 - 2024/2025					
<i>Financial Year</i>	<i>Total Costs</i>	<i>1st quarter September</i>	<i>2nd quarter December</i>	<i>3rd quarter March</i>	<i>4th quarter June</i>
2020/2021* ( 13 appeals lodged)	\$1,512,459	\$356,735	\$501,925	\$278,510	\$375,289
2021/2022 * (18 appeals lodged)	\$1,114,447	\$402,328	\$258,053	\$226,500	\$227,566
2022/2023 (36 appeals lodged)	\$1,261,734	\$324,397	\$300,017	\$474,367	\$162,953
2023/2024 (15 appeals lodged)	\$1,183,240	\$381,788	\$366,869	\$204,835	\$229,748
2024/2025 (11 appeals lodged)	\$458,256	\$246,574	\$211,682		

\* Costs reported to Council in previous reports

The costs incurred in the period to 31 December 2024 represent 34.23% of the annual budget of \$1,338,800.

The commencement of appeals does not lie within the control of Council, however there a number of factors that appear to influence the volume of appeals:



Item GB.6

FY00623/7  
20 January 2025

- Amendments to the *Environmental Planning and Assessment Act* made in 2013 and then reintroduced in 2022 reduced the timeframe for lodgement of an appeal from twelve months to six months. This had the effect of applicants for more substantial and complex development proposals lodging appeals for no other reason than as a mechanism to preserve early appeal rights.
- In addition, the prospect of changing economic market conditions in recent periods appears to have led to urgency on the part of developers, with a particularly high number and proportion of appeals commenced at an early stage on the basis of deemed refusal. As a result, Court listings are currently heavily booked and long delays for several months for the holding of both mediation conferences and hearings are occurring.
- Due to the abovementioned delays, the Court has increasingly required parties to participate in without-prejudice meetings in the meantime. These meetings have tended to result in additional iterations of amended plans being provided by applicants during the appeal process and therefore, additional costs.
- The additional pressure on development application processing times arising from the most recent Statement of Expectations issued to all NSW councils by the current Minister for Planning in July 2024.

Notwithstanding these factors, Council's overall success rate in appeals has been high.

In relation to costs recovered, the amount of \$90,286 had been recovered at 31 December 2024 compared to an annual budget for costs recovered of \$121,300.

## OUTCOMES

At an early stage of each appeal, Council as respondent, is required to file with the Court a Statement of Facts and Contentions outlining the grounds which Council asserts as warranting refusal of a development, or alternatively, that may be addressed by way of conditions of consent.

In cases where issues raised by Council are capable of resolution by the provision by the applicant of additional information or amendment of the proposal, it is the Court's expectation that this should occur. The Court's current practice of listing appeals for a preliminary mediation conference before a Commissioner of the Court pursuant to section 34 of the *Land & Environment Court Act*, strongly encourages this.

In this context, any of three outcomes can be regarded as favourable, namely:

1. If the appeal is in relation to a deemed refusal of an application which, upon assessment, is appropriate for approval: that the development is determined by Council, allowing the appeal to be discontinued by the applicant and avoiding as much as is practicable the incurring of unnecessary legal costs;
2. If the issues raised by Council are capable of resolution by the applicant providing further information, or amending the proposal: that this occurs, so that development consent should be granted, either by Council or the Court;

3. If the issues raised by Council are either not capable of resolution or the applicant declines to take the steps that are necessary to resolve them: that the appeal is either discontinued by the applicant, or dismissed (refused) by the Court.

Three matters were concluded during the quarter. A favourable outcome was achieved in all matters:

- One appeal was discontinued and,
- two appeals were resolved by agreement in relation to an amended proposal.

As at 31 December 2024, there was a total of 16 matters proceeding before the Court.

## INTEGRATED PLANNING AND REPORTING

Leadership & Governance

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
L2.1 Council rigorously manages its financial resources and assets to maximise delivery of services.	Achieve financial sustainability targets identified in the Long Term Financial Plan.	Undertake quarterly reporting to Council on the financial performance of the organisation.

## GOVERNANCE MATTERS

Under Section 428 of the Local Government Act 1993, Council is required to report legal costs, and the outcome of each case in its Annual Report.

## RISK MANAGEMENT

Quarterly reporting of legal costs to Council together with information about the number, character and outcomes of proceedings enable ongoing oversight of this area of Council's activity.

## FINANCIAL CONSIDERATIONS

Land & Environment Court legal costs form part of Council's recurrent operating budget.

## SOCIAL CONSIDERATIONS

None undertaken or required.

## ENVIRONMENTAL CONSIDERATIONS

None undertaken or required.

## **COMMUNITY CONSULTATION**

None undertaken or required.

## **INTERNAL CONSULTATION**

This report has been developed with input from Council's Corporate Lawyer, Director Corporate and Director Development & Regulation.

## **SUMMARY**

For the period ended 31 December 2024, Council made payments totalling \$458,256 on Land & Environment Court appeals. This compares with the annual budget of \$1,338,800.

## **RECOMMENDATION:**

That the analysis of Land and Environment Court costs for the period ended 31 December 2024 be received and noted.

Tony Ly  
Financial Accounting Officer

Jamie Taylor  
Corporate Lawyer

Michael Miocic  
Director Development & Regulation

**Attachments:** [A1↓](#) Individual Case Summary December 2024 - Land and Environment Court Costs

2025/021021

**ATTACHMENT NO: 1 - INDIVIDUAL CASE SUMMARY DECEMBER  
2024 - LAND AND ENVIRONMENT COURT COSTS**

**ITEM NO: GB.6**

Index of Case Summary / December 2024 - Land and Environment Court Costs GB.6

No	Date Lodged	Appeal #	Appellant	Property Address	DA No	Job No	Decision Appealed Against	Solicitor	Hearing Date	Decision Date	Commissioner	Result	Costs reported in previous periods \$	Year To Date Costs as at 31 December 2024 \$
1	June 6, 2023	23/181035	Sumeet Rupani & Honey Rupani	113 Junction Road and 160 Eastern Road Wairoanga	DA0162/23	500782	Appeal against the deemed refusal seeking consent for the construction of a childcare centre with basement parking and associated works.	Sparkle Helmore	N/A	N/A	N/A	Resolved by agreement in relation to amended proposal on 17 September 2024	51,539	58,795
2	June 27, 2023	23/205549	Xueman Wang	3 Graham Avenue Pymble	DA0114/23	500785	Appeal against the deemed refusal for the construction of a two storey home, pool and tennis court.	Maddocks	N/A	N/A	N/A	Resolved by agreement in relation to amended proposal on 19 December 2023	28,158	7,388
3	July 21, 2023	23/232448	Stanford Jones Pty Ltd	20 Memorial Avenue St Ives	DA0185/23	500787	Appeal against the deemed refusal for the demolition of existing structures and the construction of five independent living units.	Hones Lawyers	N/A	N/A	N/A	Resolved by agreement in relation to amended proposal on 14 August 2024	50,334	16,995
4	November 14, 2023	23/361087	D-Studio Architects Pty Ltd	2 Kilara Avenue Rietara	DA0377/23	500790	Appeal against deemed refusal for the demolition of existing structures and the construction of three storey multi-dwelling housing and associated works	Shaw Reynolds Lawyers	N/A	N/A	N/A	Discontinued on 1 October 2024	40,395	31,391

**ATTACHMENT NO: 1 - INDIVIDUAL CASE SUMMARY DECEMBER  
2024 - LAND AND ENVIRONMENT COURT COSTS**

**ITEM NO: GB.6**

Index of Case Summary/December 2024 - Land and Environment Court/Costs, GB

No	Date Lodged	Appeal #	Appellant	Property Address	DA No	Job No	Decision Appealed Against	Solicitor	Hearing Date	Decision Date	Commissioner	Result	Costs reported in periods \$	Year To Date Costs as at 31 December 2024 \$
5	November 28, 2023	234430325	Belleaxe Projects Pty Ltd	35 Water Street Wainroonga	DA0236723	500791	Appeal against deemed refusal for the Torrens title subdivision of the existing 04 into 10 lots and construction of a new dwelling and pool and outbuilding and associated works	Sparkie Helmore	N/A	N/A	N/A	Resolved by agreement in relation to amended proposal on 11 September 2024	34,785	21,307
6	December 7, 2023	234443328	Stuart Gelder	33B and 35 Cassold Road Wainroonga	DA0370723	500792	Appeal against deemed refusal for demolition of existing structure and construction of new residential basement parking and associated works	Sparkie Helmore	N/A	N/A	N/A	Resolved by agreement in relation to amended proposal on 13 September 2024	18,710	22,749
7	December 8, 2023	234445350	Turramurra Avenue Development Pty Ltd	16-21 Gtroy Road and 14-18 Turramurra Avenue Turramurra	MCD0060023	500783	Appeal against deemed refusal which seeks consent to modify the Turramurra Avenue Development Pty Ltd v Kuring-gai Council	Wilshire Webb Strachan Beattie	N/A	N/A	N/A	Resolved by agreement in relation to amended proposal on 11 October 2024	1,674	5,077
8	February 23, 2024	2477931	CPDM Pty Ltd	5-9 Nulla Nulla Street Turramurra	DA0246723	500795	Appeal against deemed refusal which seeks demolition of existing dwelling and construction of a 13 multi-storey townhouse	Shaw Reynolds Lawyers	N/A	N/A	N/A	Resolved by agreement in relation to amended proposal on 7 August 2024	28,481	15,377
9	March 1, 2024	2477949	Eternity Era Capital Pty Ltd	12 Burns Road Wainroonga	DA0383723	500796	Appeal against deemed refusal which seeks consent for Torrens title subdivision, alterations to existing dwelling and construction of dual occupancy	Sparkie Helmore	N/A	N/A	N/A	Resolved by agreement in relation to amended proposal on 9 October 2024	9,800	48,990

**ATTACHMENT NO: 1 - INDIVIDUAL CASE SUMMARY DECEMBER  
2024 - LAND AND ENVIRONMENT COURT COSTS**

**ITEM NO: GB.6**

Index of Case Summary / December 2024 - Land and Environment Court Costs GB.6

No	Date Lodged	Appeal #	Appellant	Property Address	DA No	Job No	Decision Appealed Against	Solicitor	Hearing Date	Decision Date	Commissioner	Result	Costs reported in previous periods \$	Year To Date Costs as at 31 December 2024 \$
10	March 6, 2024	24/86550	Carisakai Pty Ltd	18 Clermiston Avenue Killara	eDA013123	500797	Appeal against deemed refusal which seeks consent for alterations to a two storey addition to existing dwelling and ancillary works	Shaw Reynolds Lawyers	N/A	N/A	N/A	Not concluded	11,262	39,245
11	March 15, 2024	24/100039	Ransom Primer Pty Ltd	186 Pacific Highway Roseville	DA0466722	500798	Appeal against refusal of consent which seeks demolition of existing structures and construction of multi-unit residential flat and associated works	HVIL Ebsworth	N/A	N/A	N/A	Not concluded	19,597	23,278
12	March 18, 2024	24/102982	Haven Place Pty Ltd ATC Trust Haven Place Unit Trust	6-8 Newhaven Place St Ives	eDA019523	500799	Appeal against deemed refusal which seeks consent for demolition of existing structures and construction of residential multi-unit flat building and basement carpark	Sparke Helmore	N/A	N/A	N/A	Not concluded	10,095	24,466
13	June 24, 2024	24/232723	Ransom Primer Pty Ltd	26 Pacific Highway	DA0532722	500800	Appeal against refusal which seeks consent for the demolition of existing structures and construction of multi-unit residential flat building and associated works	HVIL Ebsworth	N/A	N/A	N/A	Not concluded	0	25,549

**ATTACHMENT NO: 1 - INDIVIDUAL CASE SUMMARY DECEMBER  
2024 - LAND AND ENVIRONMENT COURT COSTS**

**ITEM NO: GB.6**

Index of Case Summary / December 2024 - Land and Environment Court Costs GB.6

No	Date Lodged	Appeal #	Appellant	Property Address	DA No	Job No	Decision Appealed Against	Solicitor	Hearing Date	Decision Date	Commissioner	Result	Costs reported in previous periods \$	Year To Date Costs as at 31 December 2024 \$
14	June 28, 2024	24/238749	Kate McCutcheon & Richard Horton	33 Marian Street Killara	DA038523	500801	Appeal against refusal which seeks consent for alterations and additions including new swimming pool, outbuilding gazebo, landscaping and associated works	Shaw Reynolds Lawyers	N/A	N/A	N/A	Not concluded	0	48,698
15	August 16, 2024	24/302328	Lauren Suwari	27 Kintore St Wahroonga	eDA019324	500803	Appeal against deemed refusal which seeks demolition of existing construction of a two storey dwelling with basement car park, pool cabana and tennis court	Shaw Reynolds Lawyers	N/A	N/A	N/A	Not concluded	0	14,594
16	September 6, 2024	24/309913	Nathawat Kityanyong	20 Coronga Crescent Killara	eDA019223	500804	Appeal against deemed refusal which seeks consent for the demolition of existing structures and construction of a new dwelling including pool and outbuilding	Sparkle Helmore	N/A	N/A	N/A	Not concluded	0	15,036
17	August 29, 2024	24/320410	Wen Jing Zhao & Mark Zhang	70 Warangi Street Turramurra	eDA011424	500805	Appeal against refusal which seeks consent for the construction of a tennis court and associated driveway, stormwater and landscaping works	Shaw Reynolds Lawyers	N/A	N/A	N/A	Not concluded	0	13,957

**ATTACHMENT NO: 1 - INDIVIDUAL CASE SUMMARY DECEMBER  
2024 - LAND AND ENVIRONMENT COURT COSTS**

**ITEM NO: GB.6**

Index of Case Summary / December 2024 - Land and Environment Court Costs GB.6

No	Date Lodged	Appeal #	Appellant	Property Address	DA No	Job No	Decision Appealed Against	Solicitor	Hearing Date	Decision Date	Commissioner	Result	Costs reported in previous periods \$	Year To Date Costs as at 31 December 2024 \$
18	October 1, 2024	24/362709	Lorraine Fashion Pty Ltd	6 West Street Pymble	eDA019123	500806	Appeal against refusal which seeks consent for the demolition of an existing building and construction of a new multi-storey indoor recreation facility with lower-level cafes and basement parking	Sparkle Helmore	N/A	N/A	N/A	Not concluded	0	6,697
19	October 3, 2024	24/366056	Mengmeng Chen	5 Norfolk Street Killara	eDA009624	500807	Appeal against refusal which seeks consent for the construction of a two storey single house, pool and associated landscaping works	Sparkle Helmore	N/A	N/A	N/A	Not concluded	0	4,450
20	October 10, 2024	24/375019	McIntyre Development Pty Ltd	26-30 McIntyre Street Gordon	eMOD007624	500808	Appeal to modify consent granted by the Court	Wilshire Webb Staunton Beattie	N/A	N/A	N/A	Not concluded	0	908
21	October 23, 2024	24/393199	Saemin Kim & Soon Young Kim	122 Fiddens Wharf Road Killara	eDA020924	500809	Appeal against refusal which seeks consent for alterations and additions to an existing dwelling, construction of a pool and associated works	Sparkle Helmore	N/A	N/A	N/A	Not concluded	0	5,350



**ATTACHMENT NO: 1 - INDIVIDUAL CASE SUMMARY DECEMBER  
2024 - LAND AND ENVIRONMENT COURT COSTS**

**ITEM NO: GB.6**

Individual Case Summary/December 2024 - Land and Environment Court Costs.XLSX

No	Date Lodged	Appeal #	Appellant	Property Address	DA No	Job No	Decision Appealed Against	Solicitor	Hearing Date	Decision Date	Commissioner	Result	Costs reported in previous periods \$	Year To Date Costs as at 31 December 2024 \$
22	October 28, 2024	24400982	Beaconsfield Pte Pty Ltd	4-4A Beaconsfield Parade Lindfield	eDA037524	500810	Appeal against deemed refusal for the demolition of existing structures, tree removal, construction of apartments, basement carpark and associated works	Sparkle Helmore	N/A	N/A	N/A	Not concluded	0	5,980
<b>Total Legal Costs</b>													<b>458,256</b>	

---

---

## INVESTMENT REPORT AS AT 31 DECEMBER 2024

---

---

### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To present Council's investment portfolio performance for December 2024.

**BACKGROUND:**

Council's investments are reported monthly to Council in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005 and Council's Investment Policy.

**COMMENTS:**

The net return on investments for the financial year to the end of December 2024 was \$5,314,000, against the budget of \$4,158,000 giving a year-to-date favourable variance of \$1,156,000. The favourable variance will be reflected in the 2024-25 December Quarterly Budget Review.

**RECOMMENDATION:**

That the summary of investments performance for December 2024 be received and noted; and that the Certificate of the Responsible Accounting Officer be noted and the report adopted.

## PURPOSE OF REPORT

To present Council’s investment portfolio performance for December 2024.

## BACKGROUND

Council’s investments are reported monthly to Council in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005 and Council’s Investment Policy.

## COMMENTS

### Investment Portfolio Performance Snapshot

The table below provides the investments portfolio performance against targets identified in Council’s Investment Policy as well as other key performance indicators based on industry benchmarks.

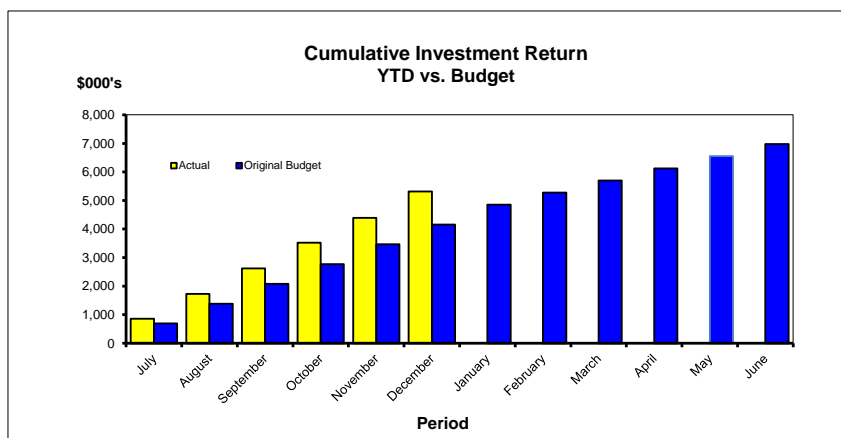
Performance Indicator & Policy Targets	Indicator	Details
<b>Portfolio Performance vs. Benchmark</b>	✓	Council's investment performance aligned with the Industry benchmark
<b>Monthly Investment Income vs. Budget</b>	✓	Council's income from investments exceeded monthly budget
<b>Investment Policy Compliance:</b>		
Legislative Requirements	✓	Fully compliant
Portfolio Credit Rating Limit	✓	Fully compliant
Institutional Exposure Limits	✓	Fully compliant
Term to Maturity Limits	✓	Fully compliant

### Cumulative Investment Returns against Budget

The net return on investments for the financial year ending 31 December 2024 was \$5,314,000, compared to the budget of \$4,158,000, resulting in a favourable year-to-date variance of \$1,156,000. This favourable variance is attributed to higher than expected average interest rates and a larger than anticipated investment portfolio. The favourable outcome will be reflected in the 2024-25 December Quarterly Budget Review to Council.

\$000's	Dec-24	Dec-24 Year To Date
Investment Return	924	5,314
Budget	694	4,158
<b>Variance</b>	<b>230</b>	<b>1,156</b>

A comparison of the cumulative investment returns against year-to-date budget is shown in the chart below.



### Cash Flow and Investment Movements

Council’s total cash and investment portfolio as at 31 December 2024 was \$219,139,000 compared to \$224,619,000 at the end of November 2024, a net cash outflow of \$5,480,000 mainly due to creditor payments.

During the month, one investment matured.

Investment Name	Investment Rating (S&P)	New/Re-Investments \$' 000	Investments Matured/Sold \$' 000	Interest Rate %
Northern Territory Treasury Corporation Bond 4 Year	AA-	0	2,000	1.10
<b>TOTAL</b>		<b>0</b>	<b>2,000</b>	

### Investment Performance against Industry Benchmark

Overall, the investment performance in December was above the industry benchmark.

The benchmark is specific to the type of investment and the details are provided below. AusBond Bank Bill Index is used for all Council’s investments.

Table 1 - Investments Performance against Industry Benchmarks

Investment Type	Annualised DEC 2024 YTD Return %	Annualised Industry Benchmark %	Variance %
At Call/Cash/Term Deposits/FRNs (Benchmark is AusBond Bank Bill Index)	4.87	4.51	0.36

Table 2 below provides a summary of all investments by type and performance during the month.

Table 2 - Investments Portfolio Summary during December 2024

Item GB.7

FY00623/7  
16 January 2025

Investment Name	Investment Rating	Invested at 31-Dec-2024 \$000's	Month Return (%)	Annualised YTD Return (%)	Total Invested (%)	Market Value at 31-Dec-2024 \$000's	Maturity
<b>At Call/Cash Account**</b>							
Westpac At-Call	AA-	912	0.00	0.00	0.42	912	At Call
Westpac Bank Deposit Max-I Investment	AA-	18,732	0.42	5.97	8.55	18,732	At Call
Westpac Bank Deposit Transport NSW Grant (LCH)	AA+	62	0.10	1.32	0.03	62	At Call
AMP Bank EASYSaver Account	BBB+	394	0.24	3.16	0.18	394	At Call
<b>Sub Total</b>		<b>20,100</b>				<b>20,100</b>	
<b>Term Deposits</b>							
Bank of China 3 Month Term Deposit	A	5,000	0.41	4.99	2.28	5,000	Jan-25
Bank of China 3 Month Term Deposit	A	9,800	0.41	5.02	4.47	9,800	Feb-25
MyState Bank 1 Year Term Deposit	BBB+	5,000	0.42	5.15	2.28	5,000	Mar-25
ING Bank 1 Year Term Deposit	A+	5,000	0.42	5.21	2.28	5,000	Apr-25
Northern Territory Treasury Corporation Bond 4 Year	AA-	3,500	0.09	1.10	1.60	3,500	May-25
Rabobank Australia 1 Year Term Deposit	A+	5,000	0.43	5.31	2.28	5,000	May-25
Rabobank Australia 1 Year Term Deposit	A+	5,000	0.43	5.31	2.28	5,000	May-25
ING Bank 2 Year Term Deposit	A	5,000	0.44	5.41	2.28	5,000	Jun-25
Rabobank Australia 1 Year Term Deposit	A+	5,000	0.45	5.50	2.28	5,000	Jun-25
Rabobank Australia 1 Year Term Deposit	A+	6,000	0.44	5.38	2.74	6,000	May-25
National Australia Bank 1 Year Term Deposit	AA-	5,000	0.44	5.37	2.28	5,000	Jun-25
Bank of Queensland 3 Year Term Deposit	BBB+	4,000	0.36	4.40	1.83	4,000	Jul-25
Bank of Queensland 3 Year Term Deposit	BBB+	4,000	0.37	4.50	1.83	4,000	Aug-25
National Australia Bank 1 Year Term Deposit	AA-	6,000	0.41	5.00	2.74	6,000	Aug-25
Bank of Queensland 3 Year Term Deposit	BBB+	5,000	0.40	4.95	2.28	5,000	Feb-26
ING Bank 3 Year Term Deposit	A	5,000	0.43	5.30	2.28	5,000	Jun-26
P&N Bank 3 Year Term Deposit	BBB	5,000	0.45	5.50	2.28	5,000	Jul-26
Westpac 5 Year Term Deposit	AA-	4,000	0.21	2.50	1.83	4,000	Feb-27
Rabobank Australia 3 Year Term Deposit	A+	5,000	0.42	5.12	2.28	5,000	May-27
Macquarie Bank 5 Year Term Deposit	A	1,000	0.37	4.55	0.46	1,000	Sep-27
Macquarie Bank 5 Year Term Deposit	A	1,000	0.37	4.55	0.46	1,000	Sep-27
ING Bank 5 Year Term Deposit	A	5,000	0.42	5.13	2.28	5,000	Feb-28
ING Bank 5 Year Term Deposit	A	5,000	0.42	5.20	2.28	5,000	Jun-28
Rabobank Australia 5 Year Term Deposit	A+	5,000	0.42	5.20	2.28	5,000	Feb-29
Rabobank Australia 5 Year Term Deposit	A+	6,000	0.42	5.15	2.74	6,000	Feb-29
ING Bank 5 Year Term Deposit	A+	5,000	0.42	5.13	2.28	5,000	Feb-29
Rabobank Australia 5 Year Term Deposit	A+	3,000	0.44	5.35	1.37	3,000	Apr-29
Rabobank Australia 5 Year Term Deposit	A+	6,000	0.40	4.85	2.74	6,000	Aug-29
<b>Sub Total</b>		<b>134,300</b>				<b>134,300</b>	
<b>Fixed &amp; Floating Rate Notes (FRNs)</b>							
Westpac Fixed Rate Senior Medium Term Notes	AA-	3,200	0.23	2.77	1.46	3,200	Mar-25
Royal Bank of Canada 3 Year Fixed Cover Bonds	AAA	4,600	0.31	3.79	2.10	4,612	May-25
Mutual Bank 1 Year Floating Bond	BBB+	3,000	0.46	5.56	1.37	3,000	May-25
NAB 3 Year Fixed Senior Bond	AA-	4,599	0.33	4.08	2.10	4,606	May-25
UBS 5 Year FRN	A+	1,300	0.44	5.42	0.59	1,316	Jul-25
Commonwealth Bank 3 Year Fixed Senior Note	AA-	3,499	0.35	4.32	1.60	3,549	Aug-25
Suncorp Bank 3 Year Fixed Senior Note	A+	2,000	0.37	4.50	0.91	2,030	Aug-25
MyState Bank 3 Year Senior FRN	BBB+	1,500	0.48	5.85	0.68	1,500	Oct-25
Suncorp-Metway Ltd 3 Year Fixed Covered Bond	AAA	2,200	0.41	4.96	1.00	2,227	Oct-25
Bendigo Bank 5 Year FRN	BBB+	1,700	0.41	5.00	0.78	1,708	Dec-25
Suncorp-Metway Limited 5 Year FRN	AA-	4,500	0.43	5.33	2.05	8,174	Jan-27
Commonwealth Bank 5 Year Fixed Senior Note	AA-	3,494	0.37	4.55	1.59	3,553	Aug-27
AMP Bank 3 Year FRN	BBB+	3,400	0.48	5.83	1.55	3,422	Aug-27
ANZ Bank 5 Year Senior FRN	AA-	800	0.46	5.62	0.37	800	Mar-28
Bank of Queensland 5 Year Floating Covered Bond	AAA	1,750	0.47	5.71	0.80	1,773	May-28
Bendigo Bank 5 Year Floating Covered Bond	AAA	2,800	0.47	5.67	1.28	2,834	Jun-28
Suncorp Metway 5 Year Floating Covered Bond	AAA	3,000	0.46	5.60	1.37	3,036	Jul-28
Commonwealth Bank of Australia 5 Year Senior FRN	AA-	5,000	0.45	5.43	2.28	5,067	Aug-28
ANZ 5 Year FRN Senior	AA-	4,200	0.45	5.44	1.92	4,225	Sep-28
Rabobank Australia 5 Year Fixed MTNs	A+	4,000	0.42	5.15	1.83	4,127	Feb-29
Suncorp Metway 5 Year Fixed MTNs	AA-	1,597	0.40	4.89	0.73	1,624	Mar-29
Rabobank Australia 5 Year Senior MTN	A+	2,600	0.44	5.43	1.19	2,632	Jul-29
<b>Sub Total</b>		<b>64,739</b>				<b>69,015</b>	
<b>Total Portfolio</b>		<b>219,139</b>		<b>*4.94</b>	<b>100.00</b>	<b>223,415</b>	
<b>Matured/Traded Investments - Weighted YTD Average Return (%)</b>				<b>4.58</b>			
<b>Weighted Average Overall Return Year To date (%)</b>				<b>4.87</b>			

\* Weighted average returns.

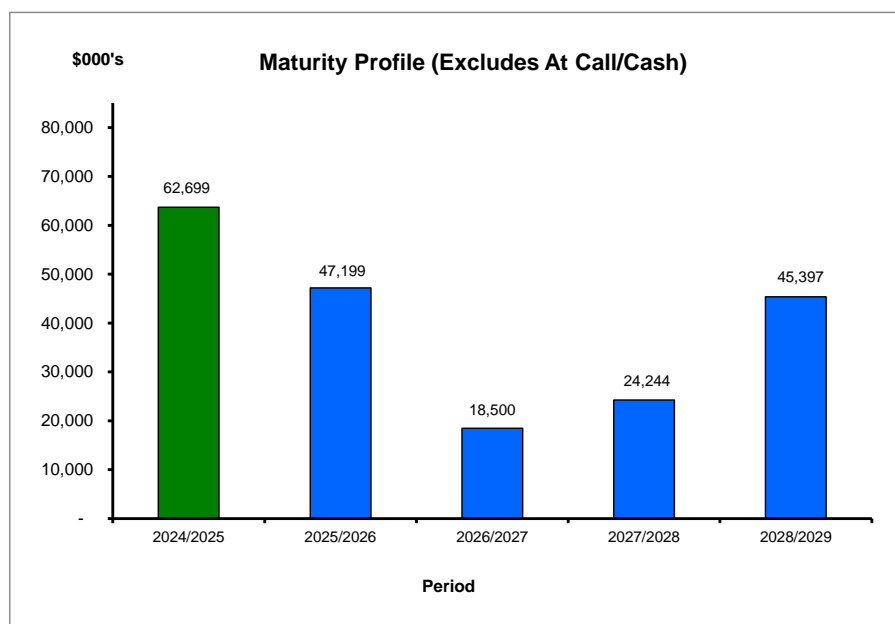
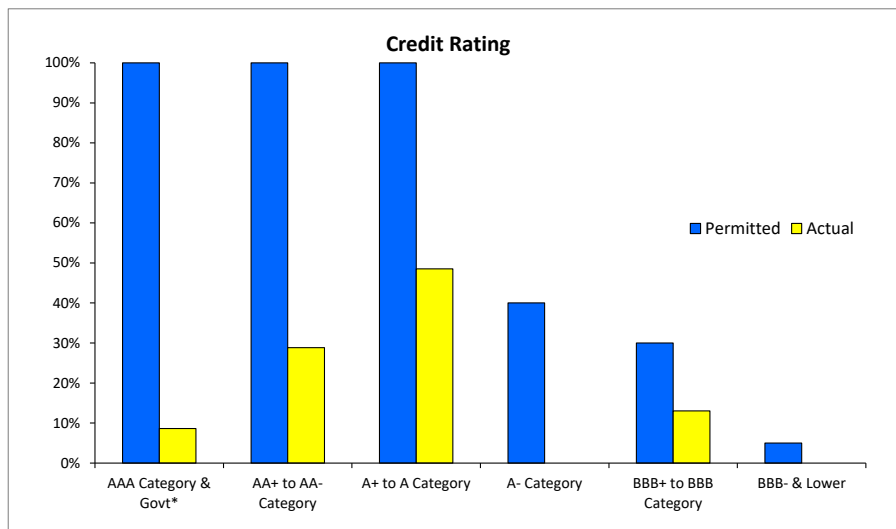
\*\* Funds in at-call/short term accounts are working funds kept for the purpose of meeting short term cash outflow requirements. Large balance for the month is due to planned property acquisitions. At-call investments portfolio is being monitored on a regular basis to ensure funds are reinvested at higher rates when opportunities arise, whilst also keeping an adequate balance for short-term cash outflows.

### Investment by Credit rating and Maturity Profile

The allocation of Council’s investments by credit rating and the maturity profile are shown below:

Rating Group	Permitted	Actual	Permitted Less Actual
AAA Category & Govt*	100%	9%	91%
AA+ to AA- Category	100%	29%	71%
A+ to A Category	100%	49%	51%
A- Category	40%	0%	40%
BBB+ to BBB Category	30%	13%	17%
BBB- & Lower	5%	0%	5%

\* Government guaranteed ADI deposits (first \$250,000 investment that Council holds with any bank, credit union, and building society)



## INTEGRATED PLANNING AND REPORTING

### Leadership & Governance

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
L2.1 Council rigorously manages its financial resources and assets to maximise delivery of services	Council maintains and improves its long-term financial position and performance	Continue to analyse opportunities to expand the revenue base of Council

## GOVERNANCE MATTERS

Council’s investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation 2005 and Council’s Investment Policy.

Section 212 of the Local Government (General) Regulation 2005 states:

- (1) *The responsible accounting officer of a council:*
- (a) *must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:*
    - (i) *if only one ordinary meeting of the council is held in a month, at that meeting, or*
    - (ii) *if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and*
  - (b) *must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council’s investment policies.*
- (2) *The report must be made up to the last day of the month immediately preceding the meeting.*

## RISK MANAGEMENT

Council manages the risk associated with investments by diversifying the types of investment, credit quality, counterparty exposure and term to maturity profile.

Council invests its funds in accordance with The Ministerial Investment Order.

All investments are made with consideration of advice from Council’s appointed investment advisor, CPG Research & Advisory.

## FINANCIAL CONSIDERATIONS

The budget for interest on investments for the financial year 2024/2025 is \$6,973,300. Of this amount approximately \$3,664,300 is restricted for the benefit of future expenditure relating to development contributions, \$1,299,200 transferred to the internally restricted Infrastructure & Facility Reserve, and the remainder of \$2,009,800 is available for operations. The budget will be adjusted in the 2024 – 25 December Quarterly Budget Review to reflect the favourable performance year to date.

## **SOCIAL CONSIDERATIONS**

Not applicable.

## **ENVIRONMENTAL CONSIDERATIONS**

Not applicable.

## **COMMUNITY CONSULTATION**

None undertaken or required.

## **INTERNAL CONSULTATION**

None undertaken or required.

## **Certification - Responsible Accounting Officer**

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government General Regulation 2005 and Council's Investment Policy.

## **SUMMARY**

As at 31 December 2024:

- Council's total cash and investment portfolio is \$219,139,000, an decrease of \$5,480,000 from the previous month.
- The net return on investments for the financial year to the end of 31 December 2024 was \$5,314,000 against the budget of \$4,158,000, resulting in a favourable year-to-date variance of \$1,156,000, due to a higher average interest rate than originally budgeted and a larger investments portfolio than anticipated. The budget will be adjusted in the 2024 – 25 December Quarterly Budget Review to reflect the favourable performance.

## **RECOMMENDATION:**

That:

- A. The summary of investments and performance for December 2024 be received and noted.
- B. The Certificate of the Responsible Accounting Officer be noted and the report adopted.

Tony Ly  
Financial Accounting Officer

Angela Apostol  
Director Corporate



Ordinary Meeting of Council - 18 February 2025

GB.7 / 129

Item GB.7

FY00623/7  
16 January 2025

Mette Kofoed  
**Acting Manager Finance**

---

---

## INVESTMENT REPORT AS AT 31 JANUARY 2025

---

---

### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To present Council's investment portfolio performance for January 2025.

**BACKGROUND:**

Council's investments are reported monthly to Council in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005 and Council's Investment Policy.

**COMMENTS:**

The net return on investments for the financial year to the end of January 2025 was \$6,176,000, against the budget of \$4,852,000 giving a year-to-date favourable variance of \$1,324,000. The favourable variance will be reflected in the 2024-25 December Quarterly Budget Review.

**RECOMMENDATION:**

That the summary of investments performance for January 2025 be received and noted; and that the Certificate of the Responsible Accounting Officer be noted and the report adopted.

## PURPOSE OF REPORT

To present Council’s investment portfolio performance for January 2025.

## BACKGROUND

Council’s investments are reported monthly to Council in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005 and Council’s Investment Policy.

## COMMENTS

### Investment Portfolio Performance Snapshot

The table below provides the investments portfolio performance against targets identified in Council’s Investment Policy as well as other key performance indicators based on industry benchmarks.

Performance Indicator & Policy Targets	Indicator	Details
<b>Portfolio Performance vs. Benchmark</b>	✓	Council's investment performance aligned with the Industry benchmark
<b>Monthly Investment Income vs. Budget</b>	✓	Council's income from investments exceeded monthly budget
<b>Investment Policy Compliance:</b>		
Legislative Requirements	✓	Fully compliant
Portfolio Credit Rating Limit	✓	Fully compliant
Institutional Exposure Limits	✓	Fully compliant
Term to Maturity Limits	✓	Fully compliant

### Cumulative Investment Returns against Budget

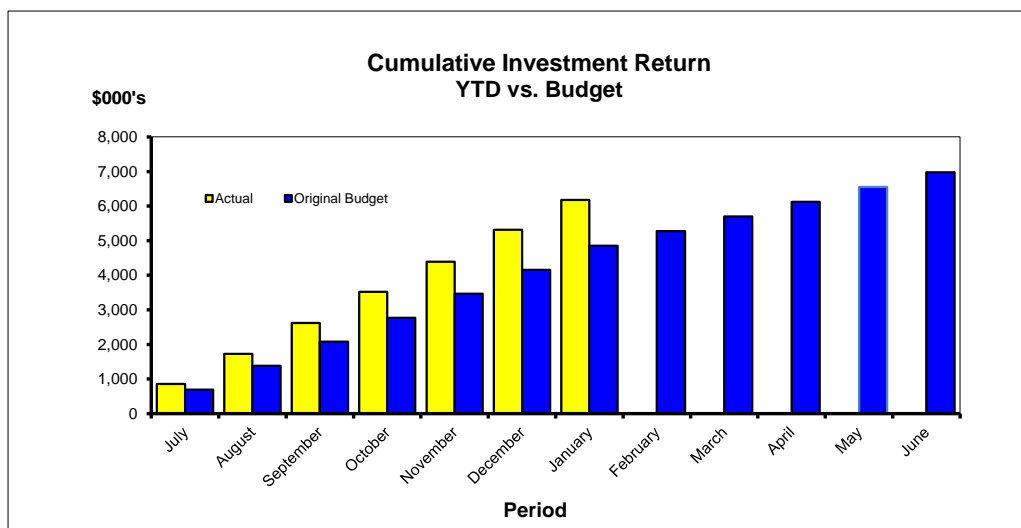
The net return on investments for the financial year ending 31 January 2025 was \$6,176,000, compared to the budget of \$4,852,000, resulting in a favourable year-to-date variance of \$1,324,000, due to a higher average interest rate than originally budgeted and a larger investments portfolio than anticipated. The favourable outcome will be reflected in the 2024-25 December Quarterly Budget Review to Council.

\$000's	Jan-25	Jan-25 Year To Date
Investment Return	862	6,176
Budget	694	4,852
<b>Variance</b>	<b>168</b>	<b>1,324</b>

Item GB.8

FY00623/7  
22 January 2025

A comparison of the cumulative investment returns against year-to-date budget is shown in the chart below.



Cash Flow and Investment Movements

Council’s total cash and investment portfolio as at 31 January 2025 was \$204,638,000 compared to \$219,139,000 at the end of December 2024, a net cash outflow of \$14,501,000 were mainly due to a large contract progress payment for the St Ives High School Sport Centre and a property acquisition for future open space.

During the month, one investment has matured.

Investment Name	Investment Rating (S&P)	New/Re-Investments \$' 000	Investments Matured/Sold \$' 000	Interest Rate %
Bank of China 3 Month Term Deposit	AA-	0	5,000	4.99
<b>TOTAL</b>		<b>0</b>	<b>5,000</b>	

Investment Performance against Industry Benchmark

Overall, the investment performance in January was above the industry benchmark.

The benchmark is specific to the type of investment and the details are provided below. AusBond Bank Bill Index is used for all Council’s investments.

Table 1 - Investments Performance against Industry Benchmarks

Investment Type	Annualised JAN 2025 YTD Return %	Annualised Industry Benchmark %	Variance %
At Call/Cash/Term Deposits/FRNs (Benchmark is AusBond Bank Bill Index)	4.85	4.51	0.34

Item GB.8

FY00623/7  
22 January 2025

Table 2 below provides a summary of all investments by type and performance during the month.

Table 2 - Investments Portfolio Summary during January 2025

Investment Name	Investment Rating	Invested at 31-Jan-2025 \$000's	Month Return (%)	Annualised YTD Return (%)	Total Invested (%)	Market Value at 31-Jan-2025 \$000's	Maturity
<b>At Call/Cash Account**</b>							
Westpac At-Call	AA-	962	0.00	0.00	0.47	962	At Call
Westpac Bank Deposit Max-1 Investment	AA-	9,180	0.26	5.35	4.49	9,180	At Call
Westpac Bank Deposit Transport NSW Grant (LCH)	AA+	62	0.10	1.29	0.03	62	At Call
AMP Bank EASYS AVER Account	BBB+	395	0.25	3.14	0.19	395	At Call
<b>Sub Total</b>		<b>10,599</b>				<b>10,599</b>	
<b>Term Deposits</b>							
Bank of China 3 Month Term Deposit	A	9,800	0.41	5.02	4.79	9,800	Feb-25
MyState Bank 1 Year Term Deposit	BBB+	5,000	0.42	5.15	2.44	5,000	Mar-25
ING Bank 1 Year Term Deposit	A+	5,000	0.42	5.21	2.44	5,000	Apr-25
Northern Territory Treasury Corporation Bond 4 Year	AA-	3,500	0.09	1.10	1.71	3,500	May-25
Rabobank Australia 1 Year Term Deposit	A+	5,000	0.43	5.31	2.44	5,000	May-25
Rabobank Australia 1 Year Term Deposit	A+	5,000	0.43	5.31	2.44	5,000	May-25
ING Bank 2 Year Term Deposit	A	5,000	0.44	5.41	2.44	5,000	Jun-25
Rabobank Australia 1 Yera Term Deposit	A+	5,000	0.45	5.50	2.44	5,000	Jun-25
Rabobank Australia 1 Year Term Deposit	A+	6,000	0.44	5.38	2.93	6,000	May-25
National Australia Bank 1 Year Term Deposit	AA-	5,000	0.44	5.37	2.44	5,000	Jun-25
Bank of Queensland 3 Year Term Deposit	BBB+	4,000	0.36	4.40	1.95	4,000	Jul-25
Bank of Queensland 3 Year Term Deposit	BBB+	4,000	0.37	4.50	1.95	4,000	Aug-25
National Australia Bank 1 Year Term Deposit	AA-	6,000	0.41	5.00	2.93	6,000	Aug-25
Bank of Queensland 3 Year Term Deposit	BBB+	5,000	0.40	4.95	2.44	5,000	Feb-26
ING Bank 3 Year Term Deposit	A	5,000	0.43	5.30	2.44	5,000	Jun-26
P&N Bank 3 Year Term Deposit	BBB	5,000	0.45	5.50	2.44	5,000	Jul-26
Westpac 5 Year Term Deposit	AA-	4,000	0.21	2.50	1.95	4,000	Feb-27
Rabobank Australia 3 Year Term Deposit	A+	5,000	0.42	5.12	2.44	5,000	May-27
Macquarie Bank 5 Year Term Deposit	A	1,000	0.37	4.55	0.49	1,000	Sep-27
Macquarie Bank 5 Year Term Deposit	A	1,000	0.37	4.55	0.49	1,000	Sep-27
ING Bank 5 Year Term Deposit	A	5,000	0.42	5.13	2.44	5,000	Feb-28
ING Bank 5 Year Term Deposit	A	5,000	0.42	5.20	2.44	5,000	Jun-28
Rabobank Australia 5 Year Term Deposit	A+	5,000	0.42	5.20	2.44	5,000	Feb-29
Rabobank Australia 5 Year Term Deposit	A+	6,000	0.42	5.15	2.93	6,000	Feb-29
ING Bank 5 Year Term Deposit	A+	5,000	0.42	5.13	2.44	5,000	Feb-29
Rabobank Australia 5 Year Term Deposit	A+	3,000	0.44	5.35	1.47	3,000	Apr-29
Rabobank Australia 5 Year Term Deposit	A+	6,000	0.40	4.85	2.93	6,000	Aug-29
<b>Sub Total</b>		<b>129,300</b>				<b>129,300</b>	
Investment Name	Investment Rating	Invested at 31-Jan-2025 \$000's	Month Return (%)	Annualised YTD Return (%)	Total Invested (%)	Market Value at 31-Dec-2024 \$000's***	Maturity
<b>Fixed &amp; Floating Rate Notes (FRNs)</b>							
Westpac Fixed Rate Senior Medium Term Notes	AA-	3,200	0.23	2.77	1.56	3,200	Mar-25
Royal Bank of Canada 3 Year Fixed Cover Bonds	AAA	4,600	0.31	3.79	2.25	4,612	May-25
Mutual Bank 1 Year Floating Bond	BBB+	3,000	0.46	5.56	1.47	3,000	May-25
NAB 3 Year Fixed Senior Bond	AA-	4,599	0.33	4.08	2.25	4,606	May-25
UBS 5 Year FRN	A+	1,300	0.44	5.41	0.64	1,316	Jul-25
Commonwealth Bank 3 Year Fixed Senior Note	AA-	3,499	0.35	4.32	1.71	3,549	Aug-25
Suncorp Bank 3 Year Fixed Senior Note	A+	2,000	0.37	4.50	0.98	2,030	Aug-25
Mystate Bank 3 Year Senior FRN	BBB+	1,500	0.47	5.84	0.73	1,500	Oct-25
Suncorp-Metway Ltd 3 Year Fixed Covered Bond	AAA	2,200	0.41	4.96	1.08	2,227	Oct-25
Bendigo Bank 5 Year FRN	BBB+	1,700	0.41	5.00	0.83	1,708	Dec-25
Suncorp-Metway Limited 5 Year FRN	AA-	4,500	0.43	5.31	2.20	8,174	Jan-27
Commonwealth Bank 5 Year Fixed Senior Note	AA-	3,494	0.37	4.55	1.71	3,553	Aug-27
AMP Bank 3 Year FRN	BBB+	3,400	0.48	5.84	1.66	3,422	Aug-27
ANZ Bank 5 Year Senior FRN	AA-	800	0.46	5.61	0.39	800	Mar-28
Bank of Queensland 5 Year Floating Covered Bond	AAA	1,750	0.47	5.72	0.86	1,773	May-28
Bendigo Bank 5 Year Floating Covered Bond	AAA	2,800	0.47	5.68	1.37	2,834	Jun-28
Suncorp Metway 5 Year Floating Covered Bond	AAA	3,000	0.45	5.59	1.47	3,036	Jul-28
Commonwealth Bank of Australia 5 Year Senior FRN	AA-	5,000	0.45	5.44	2.44	5,067	Aug-28
ANZ 5 Year FRN Senior	AA-	4,200	0.45	5.45	2.05	4,225	Sep-28
Rabobank Australia 5 Year Fixed MTNs	A+	4,000	0.42	5.15	1.95	4,127	Feb-29
Suncorp Metway 5 Year Fixed MTNs	AA-	1,597	0.40	4.89	0.78	1,624	Mar-29
Rabobank Australia 5 Year Senior MTN	A+	2,600	0.44	5.42	1.27	2,632	Jul-29
<b>Sub Total</b>		<b>64,739</b>				<b>69,015</b>	
<b>Total Portfolio</b>		<b>204,638</b>		<b>*4.91</b>	<b>100.00</b>	<b>208,914</b>	
<b>Matured/Traded Investments - Weighted YTD Average Return (%)</b>				<b>4.60</b>			
<b>Weighted Average Overall Return Year To date (%)</b>				<b>4.85</b>			

\* Weighted average returns.

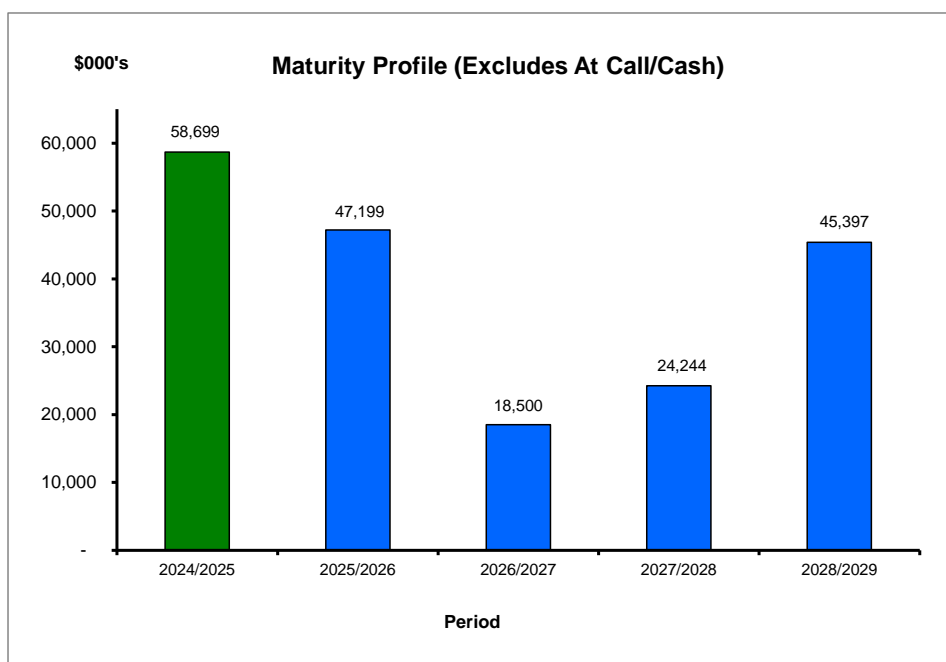
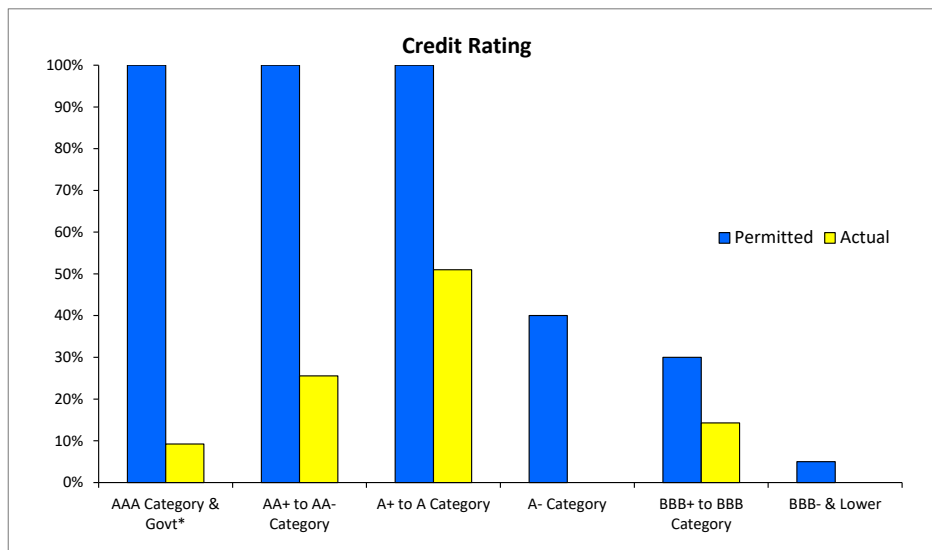
\*\* Funds in at-call/short term accounts are working funds kept for the purpose of meeting short term cash outflow requirements. Large balance for the month is due to planned property acquisitions. At-call investments portfolio is being monitored on a regular basis to ensure funds are reinvested at higher rates when opportunities arise, whilst also keeping an adequate balance for short-term cash outflows.

\*\*\* Market Values as at 31 January 2025 were not available at the time of writing the report.

### Investment by Credit rating and Maturity Profile

The allocation of Council's investments by credit rating and the maturity profile are shown below:

Rating Group	Permitted	Actual	Permitted Less Actual
AAA Category & Govt*	100%	9%	91%
AA+ to AA- Category	100%	26%	74%
A+ to A Category	100%	51%	49%
A- Category	40%	0%	40%
BBB+ to BBB Category	30%	14%	16%
BBB- & Lower	5%	0%	5%



## INTEGRATED PLANNING AND REPORTING

### Leadership & Governance

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
L2.1 Council rigorously manages its financial resources and assets to maximise delivery of services	Council maintains and improves its long-term financial position and performance	Continue to analyse opportunities to expand the revenue base of Council

## GOVERNANCE MATTERS

Council’s investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation 2005 and Council’s Investment Policy.

Section 212 of the Local Government (General) Regulation 2005 states:

- (1) *The responsible accounting officer of a council:*
- (a) *must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:*
    - (i) *if only one ordinary meeting of the council is held in a month, at that meeting, or*
    - (ii) *if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and*
  - (b) *must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council’s investment policies.*
- (2) *The report must be made up to the last day of the month immediately preceding the meeting.*

## RISK MANAGEMENT

Council manages the risk associated with investments by diversifying the types of investment, credit quality, counterparty exposure and term to maturity profile.

Council invests its funds in accordance with The Ministerial Investment Order.

All investments are made with consideration of advice from Council’s appointed investment advisor, CPG Research & Advisory.

## FINANCIAL CONSIDERATIONS

The budget for interest on investments for the financial year 2024/2025 is \$6,973,300. Of this amount approximately \$3,664,300 is restricted for the benefit of future expenditure relating to development contributions, \$1,299,200 transferred to the internally restricted Infrastructure & Facility Reserve, and the remainder of \$2,009,800 is available for operations. The budget will be adjusted in the 2024 – 25 December Quarterly Budget Review to reflect the favourable performance.

## **SOCIAL CONSIDERATIONS**

Not applicable.

## **ENVIRONMENTAL CONSIDERATIONS**

Not applicable.

## **COMMUNITY CONSULTATION**

None undertaken or required.

## **INTERNAL CONSULTATION**

None undertaken or required.

## **Certification - Responsible Accounting Officer**

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government General Regulation 2005 and Council's Investment Policy.

## **SUMMARY**

As at 31 January 2025:

- Council's total cash and investment portfolio is \$204,638,000, a decrease of \$14,501,000 from the previous month, this were mainly due to a large contract progress payment for the St Ives High School Sport Centre and a property acquisition for future open space.
- The net return on investments for the financial year to the end of 31 January 2025 was \$6,176,000 against the budget of \$4,852,000, resulting in a favourable year-to-date variance of \$1,324,000, due to a higher average interest rate than originally budgeted and a larger investments portfolio than anticipated. The budget will be adjusted in the 2024 – 25 December Quarterly Budget Review to reflect the favourable performance.

## **RECOMMENDATION:**

That:

- A. The summary of investments and performance for January 2025 be received and noted.
- B. The Certificate of the Responsible Accounting Officer be noted and the report adopted.

Tony Ly  
Financial Accounting Officer

Angela Apostol  
Director Corporate



Ordinary Meeting of Council - 18 February 2025

GB.8 / 137

Item GB.8

FY00623/7  
22 January 2025

Mette Kofoed  
**Acting Manager Finance**

---

---

## DISCLOSURES OF INTEREST RETURNS REGISTER

---

---

### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To table Council's Clause 4.23 Disclosure of Interest Returns Register inclusive of the Returns made by Councillor Balachandran and Councillor Devlin in accordance with Schedule 1 of the Ku-ring-gai Council Code of Conduct (the Code).

**BACKGROUND:**

The Code of Conduct (the Code) places specific obligations on Councillors, Council delegates and Council staff involved in making decisions or giving advice on Council matters to act honestly and responsibly in carrying out their functions.

Newly elected Councillors need to complete and lodge a Written Disclosure of Interest Return within 3 months of becoming a Councillor. The form of the Return is prescribed in Schedule 2 of the Code of Conduct. Clause 4.27 of the Code requires that the Disclosure of Interest Return Register be tabled at the first meeting after the last day the Return is required to be lodged.

**COMMENTS:**

The returns received from the two newly elected Councillors have been collated into the Register. The Register will be available for viewing at the Ordinary Meeting of Council and published to Council's website.

**RECOMMENDATION:**

That the updated Disclosure of Interest Returns Register be noted.

## PURPOSE OF REPORT

To table Council’s Clause 4.23 Disclosure of Interest Returns Register inclusive of the Returns made by Councillor Balachandran and Councillor Devlin in accordance with Schedule 1 of the Kuring-gai Council Code of Conduct (the Code).

## BACKGROUND

The Code of Conduct (the Code) places specific obligations on Councillors, Council delegates and Council staff involved in making decisions or giving advice on Council matters to act honestly and responsibly in carrying out their functions.

Newly elected Councillors need to complete and lodge a Written Disclosure of Interest Return within 3 months of becoming a Councillor. The form of the Return is prescribed in Schedule 2 of the Code of Conduct. This obligation to lodge Returns is as much a protection for Councillors as it is for the community.

Clause 4.27 of the Code requires that the Disclosure of Interest Return Register be tabled at the first meeting after the last day the Return is required to be lodged.

Under Clause 4.27 of the Code of Conduct, the General Manager must table the Register of Returns at the first meeting after the lodgement date. Councils must make it available for inspection to any member of the public upon request. The Return is also relied upon in complaints concerning pecuniary interest breaches and issues relating to probity.

## COMMENTS

The Returns received from Councillor Balachandran and Councillor Devlin have been collated into the Register. The Register will be available for viewing at the Ordinary Meeting of Council.

Council must make all returns of interests publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009 (the GIPA Act) and Regulation. Once tabled at Council, the Register will be published on Council’s website (with signatures and residential addresses redacted).

## INTEGRATED PLANNING AND REPORTING

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
The organisation is recognised and distinguished by its ethical decision-making, efficient management, innovation and quality customer service.	Council's Governance framework is developed to ensure probity and transparency.	Comply with the requirements of the Local Government Act and Regulations.

## **GOVERNANCE MATTERS**

Clause 4.23 of the Code of Conduct (the Code) requires newly elected Councillors to complete and lodge a Written Disclosure of Interest Return within 3 months of becoming a Councillor. With the 2024 Local Government Election results being finalised on 3 October 2024, the last day for the two newly elected Councillors to lodge their Returns was 3 January 2025. Under Clause 4.27 of the Code, Returns must be tabled at the first Council meeting held after the last day of lodgement. The meeting of 18 February 2025 is the first meeting after the last day of lodgement.

## **RISK IMPLICATION STATEMENT**

The primary risk associated with the recommendation/s contained in this report is related to regulatory procedures and Council policy.

There are no material risks that arise from the recommendations contained in this report. Minor issues may occur, but these can be managed within Council's current policies, procedures, resources and budget.

There is an inherent risk of failure to meet statutory compliance if lodgement of Returns by the due date is not met, or if disclosures have not been completed in accordance with the Code, as prescribed.

## **FINANCIAL CONSIDERATIONS**

Nil.

## **SOCIAL CONSIDERATIONS**

Nil.

## **ENVIRONMENTAL CONSIDERATIONS**

Nil.

## **COMMUNITY CONSULTATION**

Nil.

## **INTERNAL CONSULTATION**

Nil.

## **SUMMARY**

Newly elected Councillors need to complete and lodge a Written Disclosure of Interest Return within 3 months of becoming a Councillor. The form of the Return is prescribed in Schedule 2 of the Code of Conduct.

Item GB.9

EM00046/1  
15 January 2025

The register has been updated to include the Returns made by Councillor Balachandran and Councillor Devlin in accordance with Schedule 1 of the Ku-ring-gai Council Code of Conduct (the Code).

**RECOMMENDATION:**

That the updated Disclosure of Interest Returns Register be noted.

Eliza Gilbank-Heim  
**Governance Support Officer**

---

---

## SUBMISSION ON THE OFFICE OF LOCAL GOVERNMENT'S PROPOSED AMENDMENTS TO THE MODEL CODE OF MEETING PRACTICE

---

---

### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To approve a submission to the Office of Local Government's (OLG) consultation on the proposed amendments to the Model Code of Meeting Practice.

**BACKGROUND:**

The NSW Government's Councillor Conduct Framework is under review with the aim to facilitate and support local decision making. As part of this review, the OLG is inviting feedback from the local government sector and others on proposed amendments to the Model Code of Meeting Practice.

**COMMENTS:**

A draft submission has been prepared which is broadly supportive of amendments aimed at improving transparency, integrity and good governance. However, some of the amendments are impractical, undermine the statutory role of the general manager or hinder the smooth running of Council meetings.

**RECOMMENDATION:**

That Council approve the draft submission to the OLG's consultation on the proposed amendments to the Model Code of Meeting Practice, at Attachment A2.

## PURPOSE OF REPORT

To approve a submission to the Office of Local Government's (OLG) consultation on the proposed amendments to the Model Code of Meeting Practice.

## BACKGROUND

The NSW Government's Councillor Conduct Framework is under review with the aim to facilitate and support local decision making. The OLG released a discussion paper in September 2024 titled 'Councillor conduct and meeting practice: a new framework'. Council resolved to provide a submission to the OLG on 22 October 2024.

As part of these reforms, the OLG is inviting feedback from the local government sector and others on proposed amendments to the Model Code of Meeting Practice. A consultation draft of the new Model Code and accompanying paper has been published on OLG's website and is in attached at **Attachment A1**. Submissions will be accepted up to **Friday 28 February 2025**.

## COMMENTS

A draft submission has been prepared (see **Attachment A2**) for Council's consideration.

The draft submission is broadly supportive of the amendments aimed at improving transparency, integrity and good governance. However, some of the amendments are impractical, undermine the statutory role of the general manager or hinder the smooth running of Council meetings. Council's concerns and feedback include the following:

- **Questions with notice:** Council does not support the removal of restrictions on raising complaints about the general manager and staff in questions with notice.
- **Pre-meeting briefings:** Council has already provided its response on the proposed ban on pre-meeting briefings.
- **Public forums:** Council would prefer that the (optional) provisions on the operation of public forums be retained in the Code.
- **Attendance by audio-visual link:** Council does not support restrictions on remote attendance at meetings.
- **Staff attendance:** Council does not support amendments that would shift responsibility for determining staff attendance at meetings to the council.
- **Voting on planning decisions:** Council supports the amendments requiring that staff reports be considered by Council before making decisions on planning matters, but does not support a new requirement for councils to provide reasons for their decision.
- **Resolutions at closed meetings:** Council supports the principle of transparency and availability of business papers to the public but is concerned about how this would be implemented in practice.

- **Acts of disorder:** Council does not support the definition of disorderly conduct based on the practices and expectations in the NSW Legislative Assembly.

## INTEGRATED PLANNING AND REPORTING

### Leadership

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
L1.1: A shared long-term vision underpins strategic collaboration and partnerships and builds leadership capacity.	L1.1.2: Council leads the community by advocating, influencing, collaborating and partnering to the benefit of the local area.	L1.1.2.1: Proactively influence and respond to Commonwealth and NSW policy development and reforms affecting Ku-ring-gai, including the NSW Government’s proposed housing policies, in line with the objectives in the Community Strategic Plan.
L4.1: The organisation provides ethical and transparent decision-making, efficient management, and quality customer service.	L4.1.2: Council’s Governance framework is developed to ensure probity and transparency.	L4.1.2.1: Ensure that Council and Committee meetings are managed effectively and in accordance with relevant legislation, codes and guidelines.

## GOVERNANCE MATTERS

Standards of meeting practice are currently prescribed under the Model Code of Meeting Practice for Local Councils in NSW (Model Code of Meeting Practice). Ku-ring-gai Council has adopted a Code of Meeting Practice that is consistent with the model code.

## RISK IMPLICATION STATEMENT

The primary risk associated with the recommendation/s contained in this report is related to regulatory procedures and Council policy.

There are no material risks that arise from the recommendations contained in this report. Minor issues may occur, but these can be managed within Council’s current policies, procedures, resources and budget.

## FINANCIAL CONSIDERATIONS

Nil.

## SOCIAL CONSIDERATIONS

Nil.

## ENVIRONMENTAL CONSIDERATIONS

Nil.



## COMMUNITY CONSULTATION

Nil.

## INTERNAL CONSULTATION

Submission has been reviewed by the Corporate Lawyer.

## SUMMARY

A draft submission to the OLG's proposed amendments to the Model Code of Meeting Practice has been prepared. It is broadly supportive of amendments aimed at improving transparency, integrity, and good governance. Feedback has been provided on the amendments deemed impractical or likely to negatively impact the efficiency of meeting practices, highlighting concerns about their potential to disrupt council operations, reduce flexibility, and create unnecessary administrative burdens.

## RECOMMENDATION:

That Council approve the draft submission to the OLG's consultation on the proposed amendments to the Model Code of Meeting Practice, at **Attachment A2**.

Eliza Gilbank-Heim  
Governance Support Officer

<b>Attachments:</b>	A1 <a href="#">↓</a>	A New Model Code of Meeting Practice - consultation draft	2025/026570
	A2 <a href="#">↓</a>	Ku-ring-gai Council Model Code of Meeting Practice submission	2025/026590

Office of Local Government



# A new model code of meeting practice

Consultation draft

December 2024

[olg.nsw.gov.au](http://olg.nsw.gov.au)



# Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning, Housing and Infrastructure

[dphi.nsw.gov.au](http://dphi.nsw.gov.au)

## Access to services

The Office of Local Government is located at:  
Street Address: Levels 1 & 2, 5 O'Keeffe Avenue, Nowra NSW 2541  
Postal Address: Locked Bag 3015, Nowra, NSW 2541  
Phone: 02 4428 4100  
Fax: 02 4428 4199  
TTY: 02 4428 4209  
Email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)  
Website: [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)

## Alternative media publications

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact Client Services on 02 4428 4100.

## Copyright and disclaimer

While every effort has been made to ensure the accuracy of the information in this publication, the Office of Local Government expressly disclaims any liability to any person in respect of anything done or not done as a result of the contents of the publication or the data provided.

© NSW Office of Local Government, Department of Planning, Housing and Infrastructure 2024

Published by the NSW Office of Local Government, Department of Planning, Housing and Infrastructure

# Contents

<b>Minister's foreword</b>	<b>4</b>
<b>Introduction</b>	<b>5</b>
<b>What is the Model Meeting Code?</b>	<b>5</b>
<b>What policy objectives inform the proposed amendments?</b>	<b>6</b>
<b>What changes are being proposed?</b>	<b>7</b>
<b>Promoting transparency, integrity and public participation</b>	<b>7</b>
<b>Promoting the dignity of the council chamber</b>	<b>8</b>
<b>Depoliticising the role of the general manager</b>	<b>8</b>
<b>Simplifying the Model Meeting Code</b>	<b>9</b>
<b>Restricting councils from holding briefing sessions</b>	<b>9</b>
<b>What are the next steps?</b>	<b>10</b>
<b>Submissions</b>	<b>11</b>
Have your say	11
Key questions to consider:	11
How to make a submission	11
Closing date	11
Privacy Notice	11
Further information	11

## Minister's foreword

Council meetings are where a council's most important decisions are made. They are where councillors, as democratically elected representatives, set the future direction of their council. For these reasons, it is important that meetings are effective, allow for robust, respectful debate and result in actionable outcomes for New South Wales communities.

Unfortunately, there has been a shift in the culture in local government. Debate in council meetings has been stifled by code of conduct complaints that aim to silence councillors from expressing contrary views. Rather than productively disagreeing, there have been too many cases where councillors have resorted to disorderly conduct, distracting from the critical work that is done in council meetings. By making changes to the Model Code of Meeting Practice for Local Councils in NSW, I hope to set a new balance between mayors, councillors and general managers and restore dignity to the council chamber.

Under the *Local Government Act 1993*, mayors are responsible for presiding at meetings of the council. Under the proposed changes outlined in this paper and the consultation draft of the new Model Meeting Code, they will have greater powers to control the agenda and activities of their council and better enforce order in meetings. Mayors will have the power to take immediate action against disorderly councillors or members of the public in meetings, which I hope will lessen the need for councils to resort to the broken code of conduct process. By further providing that mayors be granted respect, by standing when they enter, councils can begin to build a culture where it is the accepted duty of the mayor to run a dignified and democratic council chamber.

The changes will also reinforce the boundaries between councillors and general managers by depoliticising the role they play in council meetings. General managers will no longer need to provide advice on motions requiring the expenditure of funds. Disputes over the future direction of a council and the spending of ratepayer money should rightfully occur between elected councillors.



**The Hon. Ron Hoenig MP**  
**Minister for Local Government**

The most important of the reforms is to end private councillor briefing sessions. While well-intentioned as a means of educating councillors on matters before council, these sessions have had a corrosive effect on the transparency of council decision making. Communities are entitled to know the deliberations of their councillors and the nature of the advice given to assist them in making responsible decisions. These changes will ensure that all material given to a councillor to make a decision in a council meeting is provided in a public fashion.

Local government is the legitimate third tier of Government in New South Wales. Through these reforms, I aim to uplift the standards at council meetings so that they should, as best as possible, resemble the forthright and effective debate that occurs at the State and Federal levels. It is the duty of all councils to work together to provide outcomes that lead to better lives for the communities they are elected to serve. These outcomes are decided within the confines of the council chambers. It is critical that councillors can make these informed decisions in an environment that supports democracy, transparency and where elected representatives are given the respect they deserve.

---

## Introduction

---

The Office of Local Government (OLG) is inviting feedback from the local government sector and others on proposed amendments to the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code).

A consultation draft of the new Model Meeting Code has been published on OLG's website at [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au). The proposed amendments to the Model Meeting Code are indicated in track changes.

The amendments are part of the Government's agenda to ensure that councillors are visibly in control of their councils, demonstrating to the community that decision making is genuinely local.

The reform of the codes and procedures governing how councillors gather, debate and make decisions was flagged by the Minister for Local Government as part of the discussion paper issued in September, "[Councillor conduct and meeting practice: a new framework](#)".

The proposed amendments to the Model Meeting Code are the first tranche of reforms to the regulation of meetings. The second tranche will be legislated in 2025 as part of the measures implemented to reform the regulation of councillor conduct and will have a particular focus on behaviour at meetings.

Information on how to make a submission together with targeted questions is provided at the end of this paper.

The feedback OLG receives will be used to inform the amendments that are ultimately made to the Model Meeting Code.

It is anticipated that the new Model Meeting Code will be prescribed in early 2025.

---

## What is the Model Meeting Code?

---

The Model Meeting Code is prescribed under the *Local Government Act 1993* (the Act) and the Local Government (General) Regulation 2021 (the Regulation).

Section 360 of the Act provides that:

- The regulations may prescribe a model code of meeting practice for the conduct of meetings of councils and committees of councils of which all the members are councillors.
- The Model Meeting Code may contain both mandatory and non-mandatory provisions.
- A council must, not later than 12 months after an ordinary election of councillors, adopt a code of meeting practice that incorporates the mandatory provisions of the model meeting code prescribed by the regulations. The adopted code may also incorporate the non-mandatory provisions and other provisions.
- A meeting code adopted or amended by the council must not contain provisions that are inconsistent with the mandatory provisions.
- A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by it.

The current version of the Model Meeting Code was prescribed in 2021.

---

## What policy objectives inform the proposed amendments?

---

The proposed amendments to the Model Meeting Code have been foreshadowed in the discussion paper OLG issued in September, "[Councillor conduct and meeting practice: a new framework](#)" (the September discussion paper).

A council chamber is a chamber of democracy, and the mayor as figurehead represents the authority of that council.

A key focus of the Government's reform agenda for the regulation of council meetings, is to promote community confidence in councils' decision making by ensuring that the forum in which decisions are made is conducted in a way that is befitting to a democratic institution comprising of elected representatives.

As observed in the September discussion paper, council meetings can be conducted without the appropriate level of dignity or reverence that suggests the importance of the debate and the need for civility. Councillors are not expected to agree with each other. In fact, debate is encouraged, but the debate should be fair and respectful.

The September discussion paper proposed the following reforms to the way council meetings are conducted:

- Conferring power on mayors to expel councillors for acts of disorder and to remove a councillor's entitlement to receive a fee for the month in which they have been expelled from a meeting.
- Requiring councillors to apologise for an act of disorder at the meeting at which it occurs and, if they fail to comply at that meeting, at each subsequent meeting until they comply. Each failure to apologise becomes an act of misbehaviour and may see the councillor lose their entitlement to receive their fee for a further month.
- Expanding the grounds for mayors to expel members of the public from the chamber for acts of disorder and enable the issuing of a penalty infringement notice where members of the public refuse to leave a meeting after being expelled.
- Promoting transparency and addressing corruption risks by banning councillor briefing sessions. The community has the right to understand the mode of reasoning behind council decisions without material being provided to councillors by council staff behind closed doors.

The proposed amendments to the Model Meeting Code give effect to many of these reforms and expand upon them. They are designed to deliver the following outcomes:

- promoting transparency, integrity and public participation
- promoting the dignity of the council chamber
- depoliticising the role of the general manager
- simplifying the Model Meeting Code.

The amendments to the Model Meeting Code will be given legal force through an update to the reference to the code in the Regulation. These amendments will also prescribe the restrictions on briefing sessions.

---

## What changes are being proposed?

---

A brief overview of the proposed changes is provided below. This is not a complete or detailed summary of the proposed changes.

Councils and others should review the accompanying draft Model Meeting Code for a more complete and detailed view of the proposed changes. These are made in track changes in the document.

---

## Promoting transparency, integrity and public participation

---

The proposed amendments will promote greater transparency and public participation by:

- Removing pre-meeting councillor briefings. It is the Government's expectation that any material provided to councillors, other than the mayor, that will affect or impact or be considered by councillors in their deliberations or decisions made on behalf of the community must be provided to them in either a committee meeting or council meeting. The restriction on briefing sessions will be prescribed in the Regulation.
- Requiring information considered at closed meetings to be made public after it ceases to be confidential, as recommended by ICAC. The general manager will, after consulting with the council, be required to publish business papers for items considered in closed meetings on the council's website after the information in them ceases to be confidential.
- Requiring recordings of meetings to be published on council websites for longer. Recordings must be published on council websites for the balance of the council term, or, in the case of an election year, for at least 12 months.
- Providing that councils must not make final planning decisions without a staff report containing an assessment and recommendation, as recommended by ICAC.
- Requiring councils to give reasons where they make a decision on a planning matter that departs from the staff recommendation, as recommended by ICAC.



---

## Promoting the dignity of the council chamber

---

The proposed amendments will promote the dignity of the council chamber by:

- Enhancing the authority of the mayor. The mayor will be permitted to call extraordinary meetings without a request and the restrictions on mayoral minutes will be removed.
- Requiring councillors to stand when a councillor addresses the meeting, or when the mayor enters the chamber, as well as by mandating modes of address at meetings.
- Removing the option for councils to reduce the duration of speeches, to ensure all councillors may have their say on important community issues.
- Making clear to the community that decisions are made in council meetings and not in other forums that the community can't access, like briefing sessions.
- Refining the definitions of disorder to remove phrases that could be weaponised to impede debate.
- Providing as a default that councillors are to attend meetings in person. Councillors will only be permitted to attend meetings by audio visual link where they are prevented from attending a meeting in person because of ill health or another medical reason or unforeseen caring responsibilities. Councillors will not be permitted to participate in meetings at which a mayoral election is being held by audio visual link. To facilitate this, the rules governing attendance at meetings by audio visual link will be mandated.
- Restricting the circumstances in which the council may withhold a leave of absence. Where a councillor gives an apology from attending a meeting, the council will be deemed to have accepted the apology and granted a leave of absence from the meeting unless the council resolves otherwise and gives reasons for its decision.
- Removing the option for staff to attend meetings by audio visual link.
- Strengthening the deterrence against disorder by codifying the common law position that allows councillors to be expelled from successive meetings where they fail to apologise for an act of disorder at an earlier meeting.

---

## Depoliticising the role of the general manager

---

The proposed amendments will depoliticise the role of the general manager by:

- Removing the requirement for general managers to prepare reports for notices of motion. General managers will no longer be required to prepare reports on notices of motions with financial implications or to identify sources of funding where a notice of motion proposes expenditure that has not been budgeted for. These will be matters for the council to determine.
- Providing that the mayor, not the general manager has discretion on whether council staff should respond to questions with notice. It will be open to the mayor to rule a question with notice out of order at the meeting if it breaches the disorder provisions of the council's code of meeting practice.
- Conferring responsibility on the council to determine staff attendance at meetings. Because councillors are best placed to determine what support they require from staff at meetings, it will be a matter for the council to determine which staff attend meetings.

---

## Simplifying the Model Meeting Code

---

The proposed amendments will simplify the Model Meeting Code by:

- Streamlining the code by removing unnecessary provisions.
- Removing the non-mandatory rules governing public forums. Councils will be free to determine their own rules for public forums.
- Simplifying the rules governing public representations to the council on the closure of meetings to the public.
- Simplifying the rules for dealing with urgent business without notice at meetings.
- Simplifying the rules of debate by removing the provisions allowing motions to be foreshadowed.
- Mandating some current non-mandatory provisions including those allowing meetings to be cancelled or held by audio visual link in the event of natural disasters and public health emergencies and those governing councillors' attendance at meetings by audio visual link.

---

## Restricting councils from holding briefing sessions

---

Proposed amendments to the Regulation will restrict councils from holding briefing sessions. The amendments will establish the appropriate ways councillors are to make decisions and receive information based on the following principles:

- Decision making by councillors must be through a resolution adopted at a council or committee meeting.
- Information is to be provided to councillors through clear and established channels:
  - information may be provided to councillors by staff in response to a request for information or action made through the councillor request system,
  - general information to assist councillors' understanding of sector wide issues (e.g. legislative changes), should be received from the general manager (and other external sources),
  - training materials to meet learning and development requirements come through established training programs,
  - information to enable councillors to understand the function, service delivery standards, strengths, weaknesses, threats and opportunities of council operations should be provided in periodic workshop format (e.g. an annual strategic planning workshop), and
  - information requiring a specific decision or resolution of council is to be provided by the general manager as a part of a report prepared for the business papers of a council or committee meeting.
- The distribution of information in a meeting or format that is not consistent with the above pathways (e.g. through briefing sessions), is not permitted.
- The mayor will not be subject to these restrictions and may receive information in order to undertake their functions under the Act.

---

## What are the next steps?

---

After reviewing submissions received on the consultation draft of the Model Meeting Code, the Minister's approval will be sought for the prescription of the new Model Meeting Code. If approved, it will be prescribed by Regulation.

The amendment Regulation prescribing the new Model Meeting Code will also contain provisions that will amend the Regulation to give effect to some of the proposed new measures contained in it, including:

- changes to the definitions of acts of disorder,
- a requirement for recordings of meetings to be retained on council websites for at least 12 months or for the balance of the council term, whichever is the longer period, and
- the pathways in which councillors can receive information and the restriction on briefing sessions.

As noted above, the proposed amendments to the Model Meeting Code are the first tranche of the Government's reform agenda for the regulation of council meetings.

In 2025, the Government will be introducing legislation to implement the reforms to the regulation of councillor

conduct foreshadowed in the September discussion paper. These will have a particular focus on behaviour at meetings and will complement the proposed amendments to the Model Meeting Code.

The proposed amendments to the Act will:

- empower mayors to expel councillors from meetings for acts of disorder
- remove a councillor's entitlement to receive a fee for a month in which they have been expelled from a meeting
- confer a right of review on councillors in relation to a decision to expel them from a meeting and the resulting loss of their entitlement to receive a fee.

Amendments will also be made to the Act and Regulation (as required) to empower councils to issue penalty infringement notices to members of the public who disrupt meetings.

---

## Submissions

---

### Have your say

We now want to hear from you.

### Key questions to consider:

- Will the proposed amendments made in the consultation draft of the Model Meeting Code achieve the policy outcomes identified in this paper?
- Are there any other amendments you would suggest that will achieve these policy outcomes?
- Will the proposed amendments have any unintended consequences?
- Are there any other amendments the Government should consider?

### How to make a submission

Submissions can be made using the online form available on OLG's website at [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au).

OR

By email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)

OR

By post: Office of Local Government  
Locked Bag 3015 NOWRA NSW 2541

Submissions should be labelled "Model Meeting Code amendments" and marked to the attention of OLG's Council Governance Team.

### Closing date

**COB Friday 28 February 2025**

## Privacy Notice

When you give us your feedback, OLG will be collecting some personal information about you, in particular:

- your name
- your email address
- the name of your organisation (if provided).

All feedback received through this consultation process may be made **publicly available**. Please do not include any personal information in your feedback that you do not want published.

As part of the consultation process, we may need to share your information with people outside OLG, including other public authorities and government agencies. We may also use your email contact details to send you notifications about further feedback opportunities or the outcome of the consultation.

You should also be aware there may be circumstances when OLG is required by law to release information (for example, in accordance with the requirements of the *Government Information (Public Access) Act 2009*). There is also a privacy policy located on OLG's website that explains how some data is automatically collected (such as your internet protocol (IP) address) whenever you visit OLG's website. The link to that policy is <https://www.olg.nsw.gov.au/about-us/privacy-policy/>

### Further information

For more information, please contact OLG's Council Governance Team on (02) 4428 4100 or via email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).

---

Office of Local Government

---

[olg.nsw.gov.au](http://olg.nsw.gov.au)



## **Ku-ring-gai Council Submission on amendments to the Model Code of Meeting Practice**

Ku-ring-gai Council supports the objectives of the proposed reforms to promote transparency, integrity and public participation, promote the dignity of the council chamber, depoliticise the role of the general manager and simplify the Model Meeting Code.

We believe it is essential to have a clear, unambiguous and practicable Code of Meeting Practice. This not only supports the overall functioning of councils but also promotes sound public decision-making, enhances credibility and fosters community trust. The conduct of efficient meetings serves as a sign of good governance. Well-managed meetings demonstrate a strong partnership and effective relationship between the council's governing body and its administration.

Council welcomes the opportunity to provide feedback on the proposed amendments to the Model Code of Meeting Practice. Council is broadly supportive of the proposed amendments but would like to provide comment on the following:

### **Questions with notice**

Ku-ring-gai Council recommends retaining clause 3.15 which prevents councillors from putting complaints or allegations about the general manager or staff as questions with notice.

This provision protects staff from unfair criticism, airing of personal grievances and reputational damage. Retaining this clause supports the smooth running of meetings and effective relationships between councillors and staff. There are more appropriate mechanisms to deal with allegations of wrongdoing via internal and external grievance procedures.

We also recommend changes to clause 3.16 to allow for an oral response to a question with notice to be provided if it is recorded verbatim in the minutes of the meeting.

### **Pre-meeting briefing sessions**

Ku-ring-gai Council has previously expressed concerns with the proposed ban on private pre-meeting briefing sessions with councillors (clauses 3.22 - 3.38). Individual councillors have the right to request information and advice from staff. We believe that pre-meeting briefings provide the best opportunity to provide councillors with the same information and advice at the same time.

Public briefings limit the ability of councillors to seek frank, honest, apolitical and impartial advice on complex policy, operational, and financial matters and objective information on the risks and benefits of options that they need to consider.

### **Public Forums**

Ku-ring-gai Council recommends retaining the (optional) provisions under section 4 relating to the conduct of public forums or replace them with separate guidelines.

Removal of these provisions means that councils have no guidance on how to set rules for public forums that provide a safe, fair and orderly way for members of the public to address council. This may lead to inconsistent opportunities for community participation across the state and omission of key procedures and protocols that are there to protect councillors and members of the public and deal with disorder.

**Attendance by councillors at meetings by audio-visual link**

Ku-ring-gai Council does not support the amendments to clause 5.19 that would limit the circumstances where councillors may attend meetings by audio-visual link. The current arrangements reflect modern standards and community expectations around attendance at meetings, and consistent with arrangements in place for NSW and Commonwealth parliamentary committees.

Restricting the ability of Councillors to participate remotely in council meetings disadvantages those with work or carer commitments and may discourage them from running for office. The changes would also place a stronger requirement on Councillors to provide evidence of medical or carers responsibilities (including sensitive personal and/or health information) to support their request, and the general manager may be expected to decide on whether these grounds are sufficient under clause 5.20.

**Attendance of the general manager and other staff at meetings**

Ku-ring-gai Council does not support the amendment to clause 5.43 that confers responsibility on council to determine staff attendance at meetings.

This amendment undermines the statutory role of the General Manager in managing staff and the efficient and effective operation of the organisation. The General Manager possesses in-depth knowledge of staff availability, expertise and which staff are best suited to attend specific meetings to ensure efficient and effective decision-making. It is also unclear how this would be implemented in practice and staff may be subject to repeated or contradictory requests to be present or excluded from a given meeting.

**Voting on planning decisions**

Ku-ring-gai Council supports the new provision that a staff report must be provided on a final planning decision put to councils (new clause 11.12). This is consistent with current practice at Ku-ring-gai Council.

However, we do not support the new clause 11.13 that would require councils to provide reasons for its decision. While it is intended to improve transparency and accountability, it may be impractical where there are dissenting views. This provision would require councillors to agree on their reasons for amending or rejecting the officer's recommendation. However, each councillor will have their own views on why they support or do not support a particular motion. This amendment would require councils to debate and vote on their reasons for making a decision as well as the decision itself, undermining the efficient operation of council meetings.

**Resolutions passed at closed meetings to be made public**

Ku-ring-gai Council has significant concerns with proposed requirements that business papers be published once their content is no longer confidential (new clauses 14.19 and 14.20). While we support improvements to transparency and public access to information, these amendments are completely unworkable as drafted.

This could give rise to an open-ended duty on the general manager to continually monitor all previous business papers, determine whether all the reasons for them being made confidential have lapsed, consult with the council and then publish them. Such a duty may be unworkable.

Identifying the exact point at which information transitions from confidential to public domain is complex. This requires careful consideration of legal obligations, privacy law, commercial-

in-confidence agreements, legal proceedings and ongoing investigations. This would require ongoing assessment and monitoring of all confidential papers and consultation with multiple third parties.

The proposed amendments make no allowance for public interest considerations (e.g. release of personal and other confidential information that is of little or no benefit to the public) or the partial release of information (i.e. with redactions).

It is also unclear whether these amendments are intended to apply retrospectively (i.e. to business papers already dealt with under previous terms of council).

The Office of Local Government may also need to review against offences relating to unauthorised disclosure of information under section 664 of the Local Government Act.

Implementing this requirement would require additional staff resources (with the expertise to make decisions about information release) and time for document review, redaction and re-publication.

Members of the public and stakeholders may also challenge general managers to release information under this requirement.

There are already more appropriate mechanisms in place for members of the public to seek access to this information via the Government Information (Public Access) Act 2009.

Ku-ring-gai Council suggests a more efficient and effective approach would be to require that Councils review papers after the end of each council term to identify any that can be released (in accordance with information access and other relevant laws), and/or a requirement that councils notify the public that anyone may seek access to confidential business papers by lodging an information access (GIPA) request and publishing any business papers released on the website.

#### **Acts of disorder**

Ku-ring-gai Council does not support the amendments to clause 15.11 that define an act of disorder as including conduct that would be regarded as disorderly in the NSW Legislative Assembly.

Conduct should not be defined by other protocols that are otherwise irrelevant to the operation of council meetings. The rules and practices of the Parliament are specified in Standing and Sessional Orders and open to significant discretion of the Speaker. In line with current House procedures, what constitutes an act of disorder could include:

- Persistently and wilfully obstructing Council business or disregarding the authority of the Chairperson
- Use of offensive words or language, gestures or behaviours that are discriminatory (e.g. sexist, racist or homophobic).

#### **Time limits on council meetings**

Ku-ring-gai Council recommends retaining the current version of clause 18.1. The most practical way for council to determine a time to conclude meetings is to explicitly note it in the Code of Meeting Practice. A clearly specified limit on the duration of meetings also supports efficient conduct of the meeting and planning for staff, security and other administrative arrangements.



---

## **DRAFT SUBMISSION - IPART DISCUSSION PAPER: REVIEW OF OUR APPROACH TO ASSESSING CONTRIBUTIONS PLANS**

---

### **EXECUTIVE SUMMARY**

**PURPOSE OF REPORT:**

The purpose of this report is to put the draft response prepared by staff in response to IPART's invitation for submissions to Council for consideration.

**BACKGROUND:**

On 25 November 2024, IPART issued a Discussion Paper on the processes for reviewing s7.11 contributions plans that exceed the thresholds set by the NSW State Government. This was accompanied by draft benchmark costs intended to assist Councils in preparing a contributions plan for IPART review. It was not possible to assess and comment on these documents for the December 24 OMC as the reporting deadline also fell that same week.

**COMMENTS:**

It is important that Ku-ring-gai makes a submission to IPART especially as it relates to benchmark costs for infrastructure in established areas, to ensure all options are open should council take this pathway towards funding additional infrastructure supporting growth.

**RECOMMENDATION:**

[Refer to the full Recommendation at the end of this report]

That Council resolve to forward the attached draft submission, prepared by staff, to IPART as a formal submission, noting that a draft was submitted by the deadline on 7 February 2025 with a cover note to the effect that it would be presented to this February OMC.

## PURPOSE OF REPORT

The purpose of this report is to put the draft response prepared by staff in response to IPART's invitation for submissions to Council for consideration.

## BACKGROUND

On 25 November 2024, IPART issued a Discussion Paper on the processes for reviewing s7.11 contributions plans that exceed the thresholds set by the NSW State Government. This was accompanied by draft benchmark costs intended to assist councils in preparing a contributions plan for IPART review. A webinar was held on Monday, 9 December 2024 and attended by staff from both the Strategy and Operations Departments of Council.

The deadline for submissions was 7 February 2025. It was not possible to assess and comment on these documents for the December 2024 OMC as the reporting deadline also fell that same week. A draft submission was submitted pending council endorsement and subject to any changes that might be made as a result.

## COMMENTS

The Independent Pricing and Regulatory Tribunal (IPART) is charged with assessing Local Infrastructure Contributions Plans (prepared by councils under s7.11 of the *Environmental Planning and Assessment Act 1979*) that seek to levy contributions from new development (including densifying redevelopment) to fund direct infrastructure demands that will cost more to deliver than the established cap of \$20,000 per dwelling in established areas (and \$30,000 per dwelling/lot in greenfield areas). This cap was first issued by Ministerial Direction in 2009. It has been re-issued a number of times but never inflated. Any review of Ku-ring-gai's current s7.11 Contributions Plan is likely to become subject to an IPART assessment process.

Late last year, IPART issued a discussion paper entitled "review of our approach to assessing contributions plans" together with a draft benchmark cost report by Genus Advisory (GA). This relates to the processes IPART use to assess draft contributions plans prepared by councils supported by indicative cost benchmarks. It is in Ku-ring-gai Council's interest to make a submission on this matter. The draft submission at **Attachment A1** relates to the administrative processes and the technical cost benchmarks and has been prepared by staff of both the Strategy and Environment and Operations Departments. The submission deadline was Friday, 7 February 2025. As such a draft staff submission has been provided with a covering letter to the effect that the submission will be presented to the first OMC of the calendar year and may change.

**INTEGRATED PLANNING AND REPORTING**

Theme Three: Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai.	Strategies, plans and processes are in place to effectively manage the impact of new development.	P8.1.1.1.1-2 Ku-ring-gai Contributions Plan 2010 ensures new development contributes towards the cost of delivering supporting infrastructure.
P4.1 Our centres offer a broad range of shops and services and contain lively urban village spaces where people can live, work, shop, meet and spend leisure time.	Plans to revitalise local centres are being progressively implemented and achieve quality design outcomes in collaboration with key agencies, landholders and the community.	C6.1.2.1.2; C4.1.2.1.3 New public infrastructure is planned to support new development and ensure that everyone who lives and works in Ku-ring-gai continues to enjoy access to public facilities.
P8.1 An improved standard of infrastructure that meets the community’s service level standards and Council’s obligations as the custodian of our community’s assets	Our public infrastructure and assets are planned, managed and funded to meet community expectations, defined levels of service and address inter-generational equity	C6.1.2.1.2; C4.1.2.1.3 New public infrastructure is planned to support new development and ensure that everyone who lives and works in Ku-ring-gai continues to enjoy access to public facilities.

**GOVERNANCE MATTERS**

There are no direct governance issues associated with making a submission to an independent but associated government entity.

**RISK IMPLICATION STATEMENT**

The only risk associated with the recommendation contained in this report is related to a perceived financial risk in not making this submission, if Council otherwise incurs potentially avoidable delays in reviewing its s7.11 contributions plan because the IPART benchmark costs do not adequately reflect the actual costs of delivering infrastructure in built-up areas where the infrastructure is subject to intensive, concentrated use and past land uses (and potential contamination) impact infrastructure design. This risk can be addressed to the best of council’s ability by making this submission. While this may not change the benchmarked costs, it will flag any foreseeable concerns arising from our direct past experience in infrastructure delivery specifically in Ku-ring-gai.

**FINANCIAL CONSIDERATIONS**

There are no direct financial issues arising from making the submission. Indirect issues could arise as a result of not taking advantage of the opportunity that has been presented by IPART, which is actively seeking the views of Local Government, to make such a submission at this point in time, particularly in respect of the proposed cost benchmarks as they apply to an established area.

## **SOCIAL CONSIDERATIONS**

There are no social considerations arising directly from the making of a submission on technical matters related to the process of assessment of contributions plans and analysis of the direct costs of the local infrastructure works program. Local infrastructure contributions are sought by councils for the purposes of supporting the delivery of local infrastructure so it is in everyone's interest that the processes of IPART assessment are efficient and effective.

## **ENVIRONMENTAL CONSIDERATIONS**

There are no direct environmental considerations arising from this submission. It is in council's interests to support the effective inclusion of costs for environmentally sensitive design and stormwater reuse for future infrastructure delivery that is to be wholly or partly funded by local infrastructure contributions under s7.11.

## **COMMUNITY CONSULTATION**

This is a draft submission on administrative processes and technical cost benchmarks which will not be binding on council. Community consultation is not possible within the timeframe for consultation and would be of limited additional benefit. A submission on an administrative process of assessment is quite distinct from the process of preparing any actual contribution plan review, which would be subject to a statutory community consultation by council plus further consultation by IPART itself.

## **INTERNAL CONSULTATION**

Staff from Strategy and Operations have been directly involved in the coordinated preparation of this submission. The draft report was considered at GMD on Thursday, 30 January 2025.

## **SUMMARY**

This report presents the draft Ku-ring-gai Council submission on the "IPART Discussion Paper: Review our approach to assessing contributions plans" (and the associated draft benchmark costs prepared on behalf of IPART by Genus Advisory aka GA) for endorsement by council as a formal submission. Councillors should note that as the deadline for submissions was Friday, 7 February 2025, a draft has been submitted on time but with a covering letter to the effect that the submission would be presented to the February OMC and there may be changes arising.

## **RECOMMENDATION:**

- A. That Council resolve to forward the attached draft submission, prepared by staff, to IPART as a formal submission, noting that a draft was submitted by the deadline on 7 February 2025 with a covering letter to the effect that it would be presented to this February OMC.
- B. That the General Manager be authorised to make minor changes to the submission where they are of a minor or editorial nature and otherwise progress the interests of Council consistent within this matter.

Item GB.11

S12758

Kate Paterson  
Infrastructure Coordinator

Antony Fabbro  
Manager Urban & Heritage Planning

Andrew Watson  
Director Strategy & Environment

**Attachments:**    A1 [↓](#) Draft IPART submission    2025/028550

**Ku-ring-gai Council Staff draft Response to IPART Discussion Paper – Review of IPART'S approach to assessing contributions plans**

Ku-ring-gai Council thanks the Independent Pricing and Regulatory Tribunal (IPART) for the opportunity to provide feedback on the Discussion Paper: Review of our approach to assessing contributions plans.

Ku-ring-gai Council does not currently have an IPART reviewed contributions plan but foreshadows that this may be an essential outcome of a comprehensive review of the current s7.11 contributions plan during 2025 (subject to council endorsing this approach in a future meeting). In view of the need for draft submissions to be submitted prior to the first Council Meeting of the year (to be held on 18 February 2025), this submission has been prepared by staff and must be considered a draft until it is formally endorsed by Council (together with any requested amendments).

The Ku-ring-gai Council Local Government Area (LGA) contains four currently released Transport Orientated Development (TOD) areas around Roseville, Lindfield, Killara and Gordon stations, which are located in the southern half of the LGA. While council is undertaking its own planning for these areas, all of the alternative options council is evaluating (following our November-December 2024 community consultation programme) comprise the same growth targets, being 23,200 dwellings - which translates to approximately 46,000 new residents at average occupancy rates for residential units - supported by feasibility testing.

To place this target in context, Ku-ring-gai Council currently has 126,983 residents (2023 ERP) and approximately 46,000 dwellings (2021 census) being 67:33 (houses to units), across the entire LGA (as distinct from the southern half of the LGA where all four of the TOD stations are located). This equates to an effective potential dwelling increase of 50% across the LGA but an effective doubling of the dwellings in the southern half of the LGA; and a prospective increase in population of about 36% over the current LGA-wide population, but concentrated in the southern half of the LGA.

This target represents a significant increase in density and population to be retrofitted into an established area with high land prices, recently raised even more by the development potential created by the TOD amendments. The delivery horizon for this growth is currently unclear and development delivery is likely to be disjointed, defined by where a developer is able to put together a contiguous development site.

**List of Issues for Stakeholder Comment****1. What do you think could be improved about how IPART assesses contributions plans?**

Ku-ring-gai Council currently has no direct experience of the IPART assessment process. The multiple engagement and exhibition processes are not as clear as they might be, and it seems as if there could be opportunities for streamlining or undertaking concurrent engagement processes. Ku-ring-gai Council would be keen to work with IPART on the engagement processes to obtain the best value input on an efficient timeline.

In an established area, where there are fewer opportunities for direct delivery of infrastructure by the development industry as works-in-kind, it is challenging to both identify and to engage individual industry stakeholders active in the LGA.

**2. Do you support using a suitable land value index to update land costs in your CP? Is there any other guidance about our assessment of land acquisition costs that would support your preparation of CPs?**

Yes. Land costs are subject to different inflationary pressures compared to goods or materials or labour costs and any index or process should be directly relevant and stand up to comparative testing over time.

It would be most helpful for IPART to provide definitive advice on this matter. Ku-ring-gai's current s7.11 contributions plan was prepared using a valuation report into (then) current land values in each suburb where a local centre was targeted for uplift and land acquisition for new parks and, in some centres, link roads. These were updated quarterly by the Established House Price Index published by the ABS until this abruptly ceased publication without warning. Internal tracking showed that the EHPI performed well against actual acquisition costs, however that index is no longer available. Guidance concerning a more reliable, as well as equally accurate, source of land inflation would be of assistance.

**3. Do you support IPART using Urban Development Program growth forecasts as the agreed measure for population forecasts when assessing contribution plans?**

Only as one aspect of forecasting, and to be given lower weight when other evidence prevails.

The UDP programme can be more reactive than proactive when it comes to upzoning in established areas. For example, the Urban Development Program (UDP) is yet to be updated to include the four Ku-ring-gai TOD areas first announced in late 2023 and in effect since April 2024. The current (as of 3 February 2025) UDP 6-year housing supply forecast from 2023-24 to 2028-29 (updated on 28 October 2024) for Ku-ring-gai is 1,605 dwellings. As of late-January 2025 there are nine (9) State Significant Development Applications at the SEARS or EIS preparation stage listed on the Major Project website for sites in Ku-ring-gai. Of these, six provide estimates of potential dwelling yields totalling 1,021 prospective dwellings, and the remaining three are likely to yield around 250 more. As such, the combined estimate from those nine current SSDs is approximately 80% of the six-year target under the UDP. This figure does not include DAs and pre-DAs currently under discussion directly with council.

The Greater Sydney Commission was not able to issue dwelling targets for established areas such as Ku-ring-gai before it was disbanded. As such, it is difficult to see how prospective growth could have been quantified and included in the UDP prior to the substantial progression of formal strategic planning processes. These planning processes should inform the preparation and assessment of the s7.11 contributions plan as well as the amendments to the LEP (or SEPP) as it is desirable that these processes occur concurrently. The current version of the UDP could not be considered adequate for the purposes of assessing a s7.11 review, as it may not be amended to include the foreshadowed growth in the current TOD areas until a later date, which would be too late to incorporate the funding required for the delivery of supporting infrastructure in the s7.11 contributions plan review.

**4. Do you have any feedback on our proposal to provide guidance to councils on our assessment of reasonable timeframes in CPs?**

Reasonable timeframes for infrastructure design and delivery, in terms of reasonable levels of future-proofing, will change relative to the type of infrastructure. In the case of new parks in high density areas, the quality of finishes must be enough to sustain intensive use from initial

opening. Highly trafficked pedestrian areas, such as the access to railway stations and bus interchanges, must have durable surfaces.

Efficient design includes such considerations as:

- planning for climate change adaptability (water efficiency, shade coverage);
- allowing for tree girth to increase by concentric removable grids;
- facilitating porous surfaces on hard stand areas to minimise stormwater run-off;
- including larger stormwater detention capabilities to slow downstream run-off and to facilitate stormwater re-use for irrigation; and
- including turning phase arrows for future activation in new or upgraded signalised intersections.

**5. Do you have any feedback on our proposal to develop guidance on how we identify and assess the Practice Note criterion 'other relevant matters'?**

There should be guidance but by criteria rather than prescription, so as not to exclude meritorious emergent relevant matters that might arise in the future. For example, changes in how we address climate change may have an impact on best-practice design of infrastructure. There is also a concern that internal borrowings (which are encouraged for the efficient and timely delivery of infrastructure) may have to be repaid even if a category were to be removed from, or redefined within, the essential works list. Efficient use of the public domain may mean accommodating passive recreation uses as well as the movement of people, cycles and vehicles – which may contribute towards compensating for the unaffordability of acquiring adequate land for new urban parks.

**6. Are there any other areas of IPART's assessment of contributions plans that you would like guidance on?**

A list of expected supporting studies by type of infrastructure would be instructive to ensure that the suite of documentation is comprehensive at the early stages of drafting.

**7. Do you support our proposal for IPART to convene regular forums about our CP assessment process? Should these be separate forums for councils and developers?**

Yes, especially for councils who are yet to be involved in an IPART process. It is less clear if it would be productive to have multiple stakeholders in the same forums as it could limit the opportunity for open questions. In the case of brownfield development areas, it is more challenging to identify a broad range of active developers (as compared to a few of the larger firms which have been recently active) so developer forums would be more likely to engage industry representatives such as the UDIA or Property Council.

The \$20,000/\$30,000 cap was first issued in a Ministerial Direction in 2009 (that version later repealed and replaced but with the figures unchanged). While there have been many iterations of the Direction since, the maximum figure has not been inflated at any time over the last fifteen years. Land acquisition costs are not what they were in 2009 and construction costs have recently increased significantly. While the cap remains in place, and remains uninflated, more councils will tip into requiring an IPART assessment simply to deliver basic supporting infrastructure.



**8. Would you support IPART holding a stakeholder workshop on the CP when we receive the council's plan for assessment?**

Ku-ring-gai Council is keen to support a streamlined and time-efficient consultation process. It would be preferable to have a substantially complete draft of the contributions plan with any initial IPART feedback already incorporated, particularly for councils that are new to the process and for established area councils where opportunities for delivering infrastructure as works-in-kind are fairly limited. This would minimise the risks to the assessment timeframe of any need for repeated consultations and re-exhibition.

**9. Would you support IPART inviting submissions on the CP as soon as we receive the council's plan for assessment in addition to submissions on our draft reports?**

It is not fully clear to us how this relates to the council exhibition process. A council should reasonably be given an opportunity to address any issues arising in the initial draft submission in order to obtain maximum benefit from the consultation process and to minimise the risk of any need for re-exhibition, which could extend the timelines significantly. Seeking further input in a second round can also lead to consultation fatigue and be of limited additional benefit.

**10. Do you support a performance-based approach to assess nexus for open space, consistent with the Draft Greener Places Design Guide?**

Yes. With a performance-based approach existing urban parks will need to be of higher quality to support larger populations in a smaller footprint due to availability and affordability of land.

Council will need to balance land acquisition with the more intensive re-use of existing space as well as dual use of other pedestrian spaces such as footpaths. Notwithstanding, there is no escaping the inevitability that the quantum of local open space per capita is going to reduce significantly. The current s711 contributions plan provides for local parks in the redeveloping, densifying areas at a rate of 2.75sqm/capita (less than 10% of the 28.3sqm/capita of the industry standard), however it is unlikely that even this minimal rate of acquisition will be sustainable for the TOD areas. Residents of units have an even greater need for public parkland than residents of single dwelling houses due to reduced access to private open space.

**11. Do you have any feedback about the list of local infrastructure benchmarks? Are there any other infrastructure items that you think should be included?**

Ku-ring-gai council staff make the following comments on observed omissions from the benchmarks provided:

**T-1.20 – Concrete pathway / footpath / shareway/ cycleway**  
150mm thick trafficable concrete – not included.

**OSE – 1.02 – BBQ Area**  
Bin, bubbler - not included.

**OSE – 1.24 – Playground / exercise equipment**  
Very limited scope for equipment. Could include the following:

- Nature play inclusions
- Mulch softfall
- Sand softfall

**OSE – 1.26 – Shade sail**

We would normally include geotechnical investigation as part of preliminaries for shade sail installation.

**OSE-1.01 – Amenities Buildings**

Single building amenities provision is effective for a single field, however in reviewing the sub-items for a double field, the provision of a single additional toilet for both male and female is not practical as with the having only two change rooms as opposed to four change rooms. The rationale applied is flawed, given both playing fields both will be in use at the same time thereby doubling the number of users. Again, this demand also applies to a triple field (rare in the LGA), but this issue has arisen in Ku-ring-gai at the North Turramurra Recreation Area (NTRA).

**OSE-1.02 – BBQ Area**

The provision of sink unit should not be excluded and should be included as a minimum requirement.

**OSE-1.09 – Playing Fields**

The minimum standard for the industry is to include irrigation, detention tank for recycling. Pricing again is underestimated at the Base Sand Carpet Profile to \$75per/sqm @ 17,200sqm (Soccer) = \$1,290,000. The benchmarks costs show a figure of \$1,054,680

**OSE-1.31 – Synthetic playing surfaces**

Drainage is again excluded but that is required to ensure proper management and long-term operations. This is a minimum for any new build as it is a fundamental part of the field construction that addresses environmental issues such as microplastics.

**General Comments**

The IPART Benchmarks are missing a number of key items including:

- Provision of standalone storage facilities
- Athletic tracks, including long jump, shot put cages and associated items
- Skate Park – of various sizes
- Water Play
- Pump tracks
- Furniture – bins, bubblers, bike racks and signage are not included within open space infrastructure items.

**Dual use of civic spaces and the public domain**

With a move towards quality urban parks away from traditional turfed open space, more street furniture needs to be included, along with infrastructure suitable for infill development including rooftops and civic spaces over underground car parking. Strata vaults for trees, tree guards, podium planting, balustrades, porous paving, digital interface furniture e.g. charging stations, and public art.

**12. Do you have any feedback about the updated draft individual infrastructure benchmarks?**

Ku-ring-gai council staff make the following comments on content from the benchmarks provided:

**Contingency rates**

Section 5.2.9 recommends contingency rates for various phases of projects. It is our view that 10%-15% contingency for the planning phase of projects is significantly low. In our recent

experience, design consultants have adopted 30% contingency at the early stages of planning and concept design of projects, and this should be the minimum contingency for this stage given the level of risk and degree of uncertainty at this point in the design process.

In reviewing the source document - *Genus Advisory, IPART Benchmark Costs for Local Infrastructure, 12 November 2024, p 14*, it is apparent that the contingencies are added dependent on where the project sits. i.e. if we are at the planning phase of a Transport project 40% contingency is added. We suggest the comment should be that Open Space Embellishment Contingency is still considered low and should be at least in line with Stormwater if not Transport projects.

#### **Raised pedestrian crossings and Speed humps**

For Local Infrastructure Item Reference: T-1.29 (Pedestrian crossing), the draft Benchmark document states that a flat top road hump is a separate item (item 1.9.1) however mention of item 1.9.1 or a flat top road hump cannot be found elsewhere in the draft Benchmark document or the Discussion Paper. As a raised/flat top road hump pedestrian crossing is effectively the Transport for NSW standard for pedestrian crossings, item 1.9.1 should be clarified/detailed, or better still, a standalone benchmark rate for a raised pedestrian crossing should also be provided. As with any new pedestrian crossing that is retrofitted, existing lighting is unlikely to be adequate and allowance for lighting installation/upgrade also should be a standard inclusion. Depending on the location and nearby infrastructure, new/upgraded lighting at pedestrian crossings could add \$40-\$60,000 to the cost of a pedestrian crossing installation.

#### **13. Do you have any feedback on our proposal to adopt the updated draft benchmarks for individual local infrastructure items?**

While benchmarks are a useful tool, both for plan preparation and plan assessment, it must be open for a council to make a case for variations based on direct experience of delivery.

Simply applying historical standards and benchmarks to determine needs will not address the unique issues facing metropolitan areas like the Ku-ring-gai LGA. As identified in the Open Space and Recreation Needs Study, assessment for parks and recreation facilities provision, both land acquisition and embellishment, should be based on a range of indicators including population growth and change, strategic context, best-practice, innovation, changing participation trends, community engagement, tailored open space classifications, and population and proximity-based benchmarking.

#### **14. Would our updated individual infrastructure benchmarks be useful to you in preparing your contributions plan, particularly at an early stage?**

Ku-ring-gai Council staff anticipate utilising the published benchmarks in the plan preparation stages and welcome the present opportunity to provide feedback – building on the feedback we provided in 2021 and, along with a number of other similar established area councils, in an online forum following that consultation process. Ku-ring-gai Council reserves the potential to make a case for variations where our direct experience supports such a case.

#### **15. Do you have any feedback about the draft aggregate benchmarks?**

The key issues with the current draft version have been covered in our responses to Questions 11 and 12.

Aggregate costs are generally impractical to apply to most works that need to be retrofitted into an established area. It is doubtful whether a Net Developable Area could be clearly

defined for a redeveloping area based on varying feasibility and the presence of existing infrastructure which may or may not be fit for future demands.

Ku-ring-gai Council does estimate its own aggregated cost for the embellishment of an average new park of approximately 3000sqm in size inclusive of the key elements (which are itemised in the initial estimate) to derive a reasonable budget for the future delivery of the local parks. The actual design for each park will be refined at the time of delivery with community consultation.

Aggregate costs for the delivery of roads and stormwater are likely to be more challenging due to the unique topography in Ku-ring-gai. The most intensive redevelopment is taking place – and will continue to be concentrated – alongside the heavy rail line which runs along the top of a ridgeline. Most of the redevelopment areas slope downhill on both sides of this ridgeline, in some places, quite steeply.

**16. Do you have any feedback on using the draft aggregate benchmarks to assess reasonable costs in a CP?**

The benchmarks are a useful point of reference, however, if a council can make a clear case for refinement, or a different approach, the case should be able to be assessed on its merits.

For example, in an established area experiencing intensive densification and with very high land costs per square metre, every square centimetre of land for a new park must be designed to maximise intensive use for a variety of ages groups and activities. This means durable surfaces, half courts, dual use of paths & children's bike tracks, selective planting and fencing to divide active/passive usage areas. Additionally, the areas that are redeveloping are often steeply sloping meaning that significant changes of level and crossfalls need to be accommodated in open spaces, streets and footpath areas, by way of terraces, retaining walls, ramps and steps.

**17. Do you have feedback on the methodology used to develop the draft aggregate benchmarks?**

Genus Advisory (GA) has identified a number of constraints for Infill sites; however, it does not list heritage including potential archaeology, nor does it adequately assess environmental constraints that can and do impact infill development within heritage conservation areas or sites that have environmental significance. By way of example, significant heritage works have been undertaken in every redevelopment in Parramatta centre.

**18. Would you be willing to provide work schedules or other relevant information to us to support the development of our aggregate benchmarks?**

This possibility can be the subject of further discussion but should not be taken to be a commitment to provide actual costs for any given project at this point in time.

---

---

## ALTERNATIVE SCENARIOS TO THE TOD SEPP - PROJECT UPDATE

---

---

### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To provide Council with an update on the development of alternative scenarios to the TOD SEPP.

**BACKGROUND:**

At the Extraordinary Meeting of Council of 8 May 2024 Council resolved to commence studies around the four Transport Oriented Development precincts of Gordon, Killara, Lindfield, and Roseville. Council's aim was to explore better resident outcomes than what was expected to be implemented under the TOD SEPP. The SEPP came into force on 13 May 2024 largely unamended. Council also requested the studies, scenario analysis and community engagement be presented before councillors within nine months for a decision.

**COMMENTS:**

On 15 November, Council commenced community and stakeholder engagement on five housing scenarios for areas close to Roseville, Lindfield, Killara and Gordon stations, which all deliver the same level of housing as proposed under the NSW Government's Transport Oriented Development (TOD) controls. Submissions closed on 17 December 2024.

Staff are currently analysing submissions, and in conjunction with its consultant team are developing a preferred option based on the exhibited scenarios and feedback received. Councillors will be briefed on the preferred option in early February. Thereafter it will be reported to Council in March for public exhibition in March/April 2025.

**RECOMMENDATION:**

(Refer to the full Recommendation at the end of this report)

That Council receive and note the update report on planning for alternative scenarios to the TOD SEPP.

## PURPOSE OF REPORT

To provide Council with an update on the development of alternative scenarios to the TOD SEPP.

## BACKGROUND

At the Extraordinary Meeting of Council of 8 May 2024 Council resolved to commence studies around the four Transport Oriented Development precincts of Gordon, Killara, Lindfield, and Roseville. Council’s aim was to explore better resident outcomes than what was expected to be implemented under the TOD SEPP.

The SEPP provisions came into force on 13 May 2024 largely unamended.

## COMMENTS

Council’s resolution of 8 May 2024 requires, among other things, that “[t]he studies, scenario analysis and community engagement should be presented before councillors within nine months for a decision”.

On 15 November, Council commenced community and stakeholder engagement on five housing scenarios for areas close to Roseville, Lindfield, Killara and Gordon stations, which all deliver the same level of housing as proposed under the NSW Government’s Transport Oriented Development (TOD) controls.

The Council’s scenarios, however, include innovative measures to better protect tree canopy and heritage areas and items. The scenarios also support measures to revitalise and strengthen Ku-ring-gai commercial centres.

Submissions closed on 17 December 2024.

Council staff are currently analysing submissions, and in conjunction with its consultant team from SJB, are developing a preferred option based on the exhibited scenarios and feedback received. Councillors will be briefed on the preferred option in early February. Thereafter it will be reported to Council in March for public exhibition in March/April 2025.

A report to Council finalising the alternative scenario and associated planning controls is expected to be reported to Council for final adoption in May 2025.

## INTEGRATED PLANNING AND REPORTING

### Theme – Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	P2.1.1 Land use strategies, plans and processes are in place to effectively manage the impact of new development	P2.1.1.1 Commence development of plans and strategies as required by the Greater Sydney Commission’s North District Plan.

## **GOVERNANCE MATTERS**

Council's Integrated Planning and Reporting documents are based on a set of long-standing community values and aspirations which will fundamentally be undermined by implementation of the State Government's Transport Oriented Development (TOD) Program and proposed Low and Mid-Rise Housing SEPP.

## **RISK IMPLICATION STATEMENT**

There are no material risks that arise from the recommendations contained in this report. Minor issues may occur, but these can be managed within Council's current policies, procedures, resources and budget.

Community acceptance of alternate scenarios to that reflected in the TOD SEPP amendments requires robust and transparent engagement practices where all affected community stakeholders have an opportunity to participate.

## **FINANCIAL CONSIDERATIONS**

The preparation of the TOD Scenarios has required significant staff resources, additional studies, and programs to prepare and review the information e.g., Development Feasibility Study, Traffic Studies, Heritage Conservation area assessments and computer Urban Design programs.

## **SOCIAL CONSIDERATIONS**

The social implications of the TOD Program have been detailed in a number of reports to Council, submissions to Government and DPHI, as well as a number of presentations to the community.

## **ENVIRONMENTAL CONSIDERATIONS**

The environmental implications of the TOD Program have been detailed in a number of reports to Council, submissions to Government and DPHI, as well as a number of presentations to the community.

## **COMMUNITY CONSULTATION**

A communication and community engagement program in relation to proposed land-use scenarios being considered by Council as alternatives to the Transport Oriented Development (TOD) State Environmental Planning Policy (SEPP) was adopted by Council at an Extraordinary Meeting of Council on 30 November 2024. This communication and engagement program was rolled out through November and December 2024.

Councillors were provided a briefing on the headline outcomes of this program on 9 January 2025.

A detailed analysis of submissions and survey results will be included in a report back to Council in March 2024 outlining a preferred alternative to the TOD.

## **INTERNAL CONSULTATION**

As appropriate, consultation has occurred with the Corporate Lawyer, Director Development and Regulation, Manager Corporate Communications and the Corporate Communications team, and the General Manager.

Item GB.12

S14427

Councillors have been briefed on the TOD alternative scenarios and the proposed community engagement strategy on a number of occasions, most recently on 9 January 2025.

A detailed briefing on the preferred TOD alternative scenario is scheduled for 6 February 2025.

### **SUMMARY**

On 15 November, Council commenced community and stakeholder engagement on five housing scenarios for areas close to Roseville, Lindfield, Killara and Gordon stations, which all deliver the same level of housing as proposed under the NSW Government's Transport Oriented Development (TOD) controls.

Submissions closed on 17 December 2024.

Council staff are currently analysing submissions, and in conjunction with its consultant team from SJB, are developing a preferred option based on the exhibited scenarios and feedback received. Councillors will be briefed on the preferred option in early February. Thereafter it will be reported to Council in March for public exhibition in March/April 2025.

A report to Council finalising the alternative scenario and associated planning controls is expected to be reported to Council for final adoption in May 2025.

### **RECOMMENDATION:**

That Council receive and note the update report on planning for alternative scenarios to the TOD SEPP.

Andrew Watson  
Director Strategy & Environment



---

---

## NOTICE OF MOTION

---

---

### NORMAN GRIFFITHS OVAL UPGRADE PROJECT UPDATE

#### Notice of Motion from Councillors Pettett and Devlin dated 31 January 2025

The Norman Griffiths Oval at West Pymble is currently undergoing a major upgrade. Council resolved in March 2023 to proceed with the project as planned. Acknowledging that there was some concern, the broader community was excited that this project was finally underway after many years in the pipeline. The Oval upgrade includes a new all-weather synthetic surface, new lighting and pathways, an electronic scoreboard and an improved drainage system, catering for environmental factors.

The initial total cost of the upgrade was estimated at \$3.3m, (later revised estimated budget is \$4.77m as of April 2024) with local football clubs contributing around \$1m in club funds and government grants. The current estimated budget of this upgrade as of January 2025 is yet to be advised. The latest update (Council's eNews 29th November 2024) has an estimated completion in mid-2025. The community is concerned about the significant budget blowout and substantial time-delays in completing this project.

Given the delays, cost and heightened community concern, it is prudent that Council provide greater transparency and understanding of the project management, and progress status of the upgrade works for Councillors and the community.

We, therefore, move:

That Council staff provide a detailed report to the Ordinary Meeting of Council in March 2025 about the cost and time to completion of the Norman Griffiths upgrade. The report to include, but not limited to, the following, some of which may include confidential information:

- A. Current cost versus budgeted cost;
- B. The nature of current variations under contention and associated costs. Including a forecast cost of completion;
- C. The status of the negotiations pertaining to aforementioned variations;
- D. Updated scope of works, specifying responsibilities for both Council and contractors;
- E. The timeframe in place to complete remaining works, including handover date and return to public use;
- F. The details of – if any – dealings with NSW Environmental Protection Agency;
- G. The details of – if any – dealings with Sydney Water;
- H. Full breakdown of all environmental protection provisions incorporated into the project, differentiating what was included in the initial design and what have been additional inclusions since construction began;
- I. Full breakdown of delays, detailing responsible party and cause; and but not limited to,
- J. The point at which – if necessary – that Council may need to decide to terminate the existing contract and pursue completion of works with other parties.

**RECOMMENDATION:**

That the above Notice of Motion as printed be adopted.

Councillor Jeff Pettett  
**Councillor for Comenarra Ward**

Councillor Matt Devlin  
**Councillor Comenarra Ward**

---

---

## NOTICE OF MOTION

---

---

### VERNON STREET DOG PARK LIGHTING

#### Notice of Motion from Councillors Pettett and Devlin dated 31 January 2025

The dog park on Vernon Street, South Turrumurra, is well-used and is an integral open space for the secluded South Turrumurra community. This park is allowing dogs to play and exercise safely in an off-leash area, as well as allowing residents to meet-up, socialise and support their physical and mental wellbeing.

This off-leash area requires appropriate lighting to allow usage in the evenings. As the days become shorter in the cooler months, and after day-light-savings ends, there are less hours available for dogs to be exercised as there is no lighting at this location. In winter there is no option to utilise the off-leash area after hours for those that come home from work after 5:00pm. This causes access and safety risks for the community. The off-leash area at Lofberg Oval West Pymble, for example, is well utilised after hours because of the installation of appropriate cost-effective lighting which is on a timer.

We, therefore, move:

That Council install cost effective lighting in the Vernon Street South Turrumurra dog off-leash area, outlining a project timeline for completion to the Ordinary Meeting of Council in March 2025.

#### **RECOMMENDATION:**

That the above Notice of Motion as printed be adopted.

Councillor Jeff Pettett  
Councillor for Comenarra Ward

Councillor Matt Devlin  
Councillor Comenarra Ward

---

---

## **NOTICE OF MOTION**

---

---

### **AULUBA OVAL FACILITIES UPGRADE PROJECT**

#### **Notice of Motion from Councillors Pettett and Devlin dated 31 January 2025**

Council staff have been working with the Kissing Point Sporting Club since 2022 to upgrade the existing outdated change rooms and toilet amenities. The change rooms are used for both winter and summer sports, with the toilets also used by the public. Noting that there are no separate public toilets at the South Turrumurra shopping village precinct. These facilities are no longer fit for purpose and require a much-needed upgrade.

To date, several design configurations have been drafted by staff and explored with the football club. Each configuration had an approximate budget. Since 2022 building costs have escalated, and Councillors and the community need to be informed of the current status of this project, including estimated costs, the program of works – noting a date for the resumption of public use, as well as the planning project responsibilities of Council and any contractor.

As we are now in early-2025, it is time to refocus efforts on this project, with a focus on delivery before the end of 2026.

We, therefore, move:

Council staff to provide a report to the Ordinary Meeting of Council in April 2025, which includes the following; but not limited to,

- A. Current plans for the upgrade;
- B. Budget estimates for the current proposal, and the funding source and any funding gap;
- C. The timeframe for the tender process, intended works program, and commencement and handover dates.

#### **RECOMMENDATION:**

That the above Notice of Motion as printed be adopted.

Councillor Jeff Pettett  
**Councillor for Comenarra Ward**

Councillor Matt Devlin  
**Councillor Comenarra Ward**

---

---

## QUESTION WITH NOTICE

---

---

### NORMAN GRIFFITHS OVAL

#### QUESTION:

Question from The Mayor, Councillor Kay dated 31 January 2025

1. What are the potential legal risks and liabilities of proceeding with the proposed work without obtaining an independent flood study that includes Probable Maximum Flood (PMF) assessment (as required by Regulation 171A of the EPA regulations), especially important in the event of continued flooding, water pollution or damaging environmental impact?
2. Has an independent expert provided any written confirmation or formal "sign-off" that the design will actually work as a 2.4 million litre detention tank?
3. Has a formal written opinion of the cost to completion of the current design, including a financial risk analysis quantifying additional cost blowouts, been obtained? If so, what are these projected cost?
4. What would be the cost of installing a natural turf surface at Norman Griffiths Oval given the works already completed, and would it lower the financial and environmental risks associated with the project?
5. Has a pollutant load analysis been undertaken for the oval?
6. Has council examined the environmental impact of any changes to groundwater seepage associated with the aquifer referred to in ecologist Roger Lembits report sent to council staff and councillors in 2023?
7. Has Council conducted a survey of Quarry Creek's water path to establish a benchmark for assessing future flood impacts on water flow?

Councillor Christine Kay  
Mayor