



Ordinary Council

Monday 24 June 2024
6.30pm

Agenda



Council Meeting

Council will be holding Council (i.e. Ordinary and Extraordinary) meetings with the Mayor, Councillors and staff participating in person.

Members of the public are invited to attend the Council meeting in person on watch and/or listen live (via Council's website). Public participation online or by phone will be managed in accordance with meeting procedures.

Members of the public may also submit late correspondence. Instructions on how to do this are provided below:

- **To watch and/or listen to the meeting live (from 6.30pm)**
Details on how to watch and listen to the meeting live will be available at Council Agendas, Audio Recordings and Minutes.
<https://www.youtube.com/@woollahracouncil5355/streams>
- **To request to address the Council (pre-register by 10.00am on the day of the meeting)**
Pre-register to address the Committee by 10.00am on the day of the meeting by using the relevant registration form on Council's website - www.woollahra.nsw.gov.au
- **To submit late written correspondence (submit by 10.00am on the day of the meeting)**
Members of the public may submit late written correspondence on an agenda item being considered at the Council meeting. If you wish to make a written submission on an item on the agenda, please email your submission to records@woollahra.nsw.gov.au by 10.00am on the day of the meeting.

The audio recording and late correspondence considered at the meeting will be uploaded to Council's website by 5.00pm on the next business day.

Disclaimer:

By using conferencing technology or by teleconference, listening and/or speaking at Council meeting members of the public consent to their voice, image and personal information (including name and address) being recorded and publicly available on Council's website. Councillors, staff and members of the public are advised that meeting are being lived streamed, accessible via a link from Council's website.

By addressing a Council meeting, members of the public consent to their voice and personal information (including name and address) being recorded and publicly available on Council's website.

Accordingly, please ensure your address to Council is respectful and that you use appropriate language and refrain from making any defamatory statements or discriminatory comments.

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Any part of the meeting that is held in closed session will not be recorded.

People connecting to this meeting by conferencing technology or teleconference are reminded that under the *Local Government Act 1993*, the recording of meetings by a member of the public using any electronic recording device including a mobile phone or video camera is not permitted. Any person found recording without the permission of Council may be expelled from the meeting.

The audio recording of each meeting will be retained on Council's website for a minimum period of 6 months. After that period has passed, recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

For further information please visit www.woollahra.nsw.gov.au

Ordinary and Extraordinary Council Meeting Membership: 15 Councillors (including the Mayor)

Quorum: The quorum for Council meeting is 8 Councillors

Woollahra Municipal Council

Notice of Meeting

20 June 2024

To: His Worship the Mayor, Councillor Richard Shields ex-officio
Councillors Sarah Swan (Deputy Mayor)
Sean Carmichael
Peter Cavanagh
Luise Elsing
Nicola Grieve
Mary-Lou Jarvis
Harriet Price
Lucinda Regan
Matthew Robertson
Isabelle Shapiro
Mark Silcocks
Merrill Witt
Susan Wynne
Toni Zeltzer

Dear Councillors,

Ordinary Council – 24 June 2024

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Ordinary Council** meeting to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 24 June 2024 at 6.30pm.**

Members of the Public may:

- Register to address the meeting (via Zoom or in Person) by completing the relevant form available on Council's website: <https://www.woollahra.nsw.gov.au/files/assets/public/v/1/forms/code-of-meeting-practice-comp-public-forum-registration-form-items-not-on-the-agenda-2023-2024.pdf> and email the completed form to records@woollahra.nsw.gov.au by **10.00am on the day of the meeting.**
- Submit late correspondence for consideration by Councillors by emailing records@woollahra.nsw.gov.au by **10.00am on the day of the meeting.**

Watch and listen to the meeting live via Council's website:

https://www.woollahra.nsw.gov.au/council/meetings_and_committees/council_meetings/council_agendas_and_minutes.

An audio recording of the meeting will be uploaded to Council's website following the meeting by 5.00pm on the next business day.

If you have any difficulties accessing the meeting please contact (02) 9391 7001.

Regards,

Craig Swift-McNair
General Manager

Ordinary Council Meeting

Agenda

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6. Confirmation of Minutes

Item No:	6.1
Subject:	CONFIRMATION OF COUNCIL MINUTES - 11 JUNE 2024
Author:	Sue O'Connor, Governance Officer
File No:	24/92958
Purpose of the Report:	The Minutes of the Council of 11 June 2024 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.
Alignment to Delivery Program:	Strategy 11.3: Ensure effective and efficient governance and risk management.

Recommendation:

THAT the Minutes of the Council Meeting of 11 June 2024 be taken as read and confirmed.

Executive Summary:

This report presents the Council Minutes of 11 June 2024 for confirmation. The Minutes of the meeting are presented as **Attachment 1** for adoption.

Discussion:

The Council Minutes are presented as a procedural matter. Any matter arising from the Minutes can be discussed.

A copy of the Minutes are provided as **Attachment 1**.

Options:

Submission of Minutes to the Council Meeting is a procedural matter for the adoption of the Minutes.

Community Engagement and / or Internal Consultation:

No internal or external consultation has taken place in the preparation of this report.

Policy Implications:

There are no direct policy implications as a result of this report.

Financial Implications:

There are no direct financial implications as a result of this report.

Resourcing Implications:

There are no direct resourcing implications as a result of this report.

Conclusion:

The Minutes are presented for confirmation by the Council Meeting.

Attachments

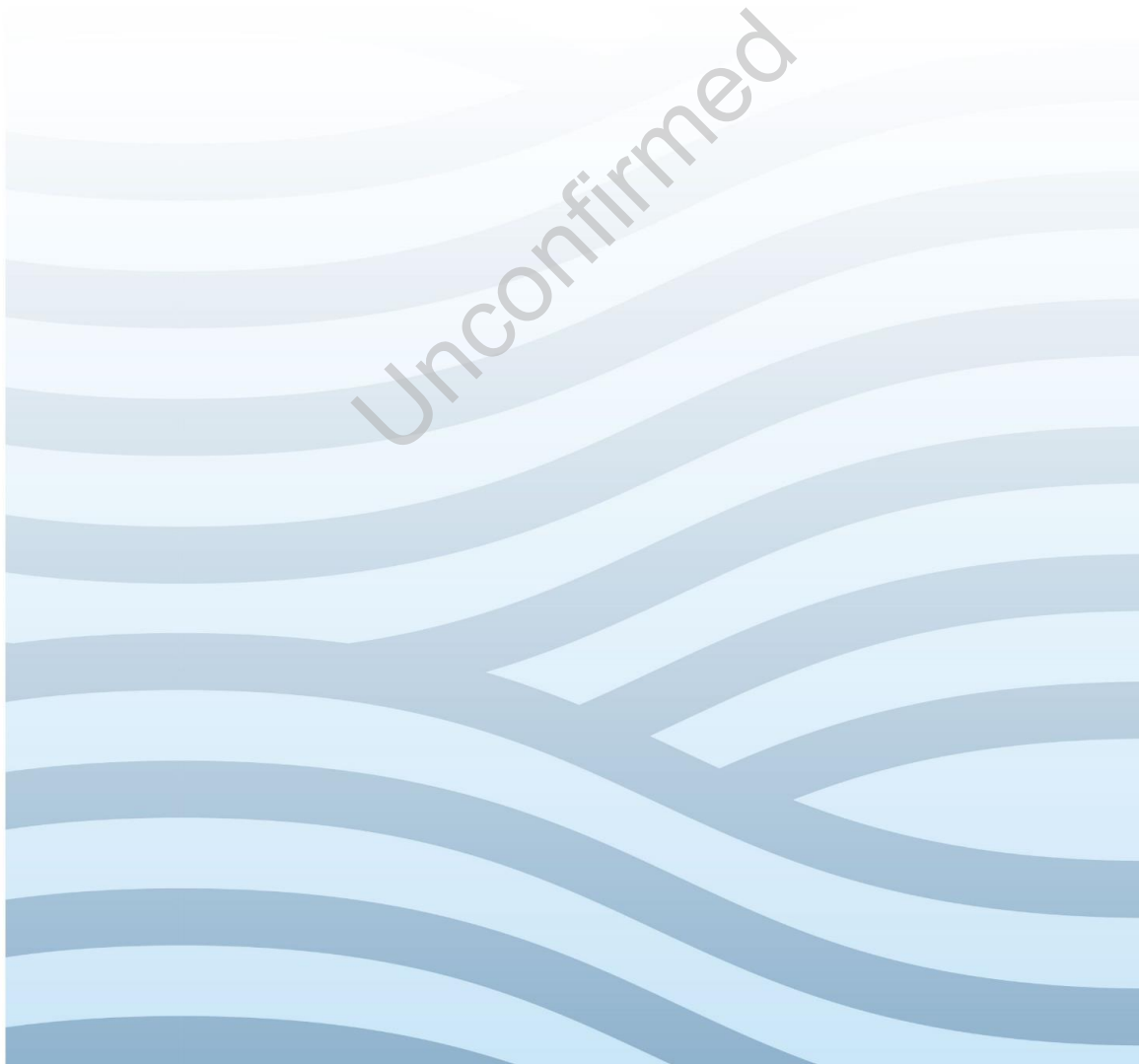
1. Unconfirmed Council Minutes - 11 Jun 2024 [↓](#) 



Ordinary Council

Tuesday 11 June 2024
6.30pm

Minutes



Unconfirmed

Ordinary Council Meeting

Tuesday 11 June 2024

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Items Determined Under Delegated Authority by Council Committees

**The following items were determined under Delegated Authority.
To see the delegated decisions of Council please refer to the individual
Committee Meeting Minutes.**

Finance, Community & Services Committee held on Monday 03 June 2024

- D1 Confirmation of Minutes of Meeting held on 6 May 2024
- D2 Woollahra Local Traffic Committee Minutes - 7 May 2024

Environmental Planning Committee held on Monday 03 June 2024

- D1 Confirmation of Minutes of Meeting held on 6 May 2024

Unconfirmed

Ordinary Council Meeting

Minutes of the Meeting of Ordinary Council held at the Council Chambers, 536 New South Head Road, Double Bay, on 11 June 2024 at 6.30pm.

- Present: His Worship the Mayor, Councillor Richard Shields ex-officio
Councillors Sarah Swan (Deputy Mayor)
Sean Carmichael
Peter Cavanagh (via Zoom)
Nicola Grieve
Mary-Lou Jarvis
Harriet Price
Lucinda Regan
Matthew Robertson (via Zoom) (joined meeting at 6.33pm during Item 6.1)
Isabelle Shapiro
Mark Silcocks
Merrill Witt
Susan Wynne (via Zoom)
Toni Zeltzer
- Staff: Emilio Andari (Manager – Engineering Services) (via Zoom)
Jennifer Chenhall (Manager – Governance & Risk)
Rhys Johnson (Governance Coordinator)
Zubin Marolia (Manager – Property & Projects) (via Zoom)
Sue Meekin (Director – Corporate Performance)
Vicki Munro (Acting Director – Community & Customer Experience)
Tom O’Hanlon (Director – Infrastructure & Sustainability)
Scott Pedder (Director – Planning & Place)
Craig Swift-McNair (General Manager)
- Also in Attendance: Christian Morris Council Consultant Item 10.1
Stu Reeve – Micromex Council Consultant Item 12.2

Note: Item 10.1 Mayoral Minute and Item 12.1 General Manager & Officer’s Report were considered after Item 17.2 Questions with Notice.

1. Opening

The Mayor declared the Ordinary Council Meeting of 11 June 2024 open and welcomed Councillors, staff and members of the public who are watching and listening to this evenings meeting.

2. Prayer

The Mayor read the Prayer:

Almighty God, you have given us a beautiful place to live in. We pray for your gift of wisdom that the decisions of this Council may benefit those we serve.

Be with us in our deliberations that this Municipality may know your blessing. Amen.

3. Acknowledgement of Country (Gadigal People and Birrabirragal People)

The Mayor read the following Acknowledgement of Country:

I would like to acknowledge that we are here today on the land of the Gadigal and Birrabirragal people, the traditional custodians of the land. On behalf of Woollahra Council, I acknowledge Aboriginal or Torres Strait Islander people attending today and I pay my respects to Elders past, present and emerging.

4. Acknowledgement of the Sovereign of the Day (King Charles III)

The Mayor read the following Acknowledgement of the Sovereign of the Day (King Charles III):

I also acknowledge, the King of Australia, King Charles III.

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5. Leave of Absence, Apologies and Attendance by Audio-Visual Link by Councillors

An apology was received and accepted from Councillor Elsing and leave of absence granted.

General Item No: 5.1 Audio-Visual Attendance

(Swan/Zeltzer)

59/24 Resolved:

THAT in accordance with clause 5.23 of Council's Code of Meeting Practice, Council approves the following Councillor participation in the Council Meeting of 11 June 2024 via Audio-Visual Link:

- Councillor Cavanagh
- Councillor Robertson
- Councillor Wynne

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

13/0

Against the Motion

Nil

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6. Confirmation of Minutes

Item No: 6.1
Subject: CONFIRMATION COUNCIL MINUTES - 13 MAY 2024
Author: Sue O'Connor, Governance Officer
File No: 24/85471
Purpose of the Report: The Minutes of the Council of 13 May 2024 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

(Silcocks/Shapiro)

60/24 Resolved:

THAT the Minutes of the Council Meeting of 13 May 2024 be taken as read and confirmed.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Against the Motion

Nil

14/0

7. Late Correspondence

Note: Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda EP Items R1 & R2 and FC&S Items R1, R4 & R8.

8. Disclosures of Interest

Councillor Grieve declared a Non-Significant, Non-Pecuniary interest in Item 13.2 R4 (Grants Program 2024/25 Recommended Projects for Funding) as Councillor Grieve is a financial member of one of the organisations under consideration, being the Rose Bay Community Garden. Councillor Grieve remained in the meeting, participated in debate and voted on the matter.

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Councillor Price declared a Non-Significant, Non-Pecuniary interest in Item 13.2 R4 (Grants Program 2024/25 Recommended Projects for Funding) as Councillor Price is a former president of one of the organisations under consideration, being the Glenmore Road Public School Parents and Citizens Association (P&C). Councillor Price remained in the meeting, participated in debate and voted on the matter.

Councillor Jarvis declared a Non-Significant, Non-Pecuniary interest in Item 13.2 R4 (Grants Program 2024/25 Recommended Projects for Funding) as Councillor Jarvis previously served as a board member on two of the organisations under consideration, being Kincoppal Rose Bay School and Our Big Kitchen. Councillor Jarvis remained in the meeting, participated in debate and voted on the matter.

9. Petitions Tabled

Nil

Unconfirmed

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10. Mayoral Minute

Item No: 10.1
Subject: **GENERAL MANAGERS CONTRACT OF EMPLOYMENT**
Author: Richard Shields, Mayor
File No: 24/55791
Purpose of the Report: To consider the General Manager's Contract of Employment in a confidential closed session.

Note: This item was considered after Item 17.2 Questions with Notice.

(Swan/Grieve)

THAT the Council resolve to enter into closed session with the press and public excluded to consider the Confidential Mayoral Minute in accordance with the provisions of Section 10A of the Local Government Act 1993.

Adopted

In Closed Session

Note: The Council discussed the Confidential Mayoral Minute.

(Silcocks/Zeltzer)

THAT the Recommendation in relation to this matter be adopted.

Adopted

In Open Session

(Zeltzer/Carmichael)

61/24 Resolved:

THAT Council:

- A. Note the information included in this General Managers Contract of Employment Mayoral Minute on the process for reappointment of the General Manager of Woollahra Council.
- B. Resolve in line with a recommendation from the General Managers Performance Review Panel, to offer Craig Swift-McNair a further five (5) year contract of employment as the General Manager of Woollahra Council, commencing on 20 July 2025, at the conclusion of the General Managers current contract.
- C. Endorse the Mayor to negotiate final details of the new contract for the General Manager, with the assistance of Mr. Christian Morris from Local Government Management Solutions.
- D. Note that this Mayoral Minute / report on the General Managers Contract of Employment will remain confidential.

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Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Nil

14/0

11. Public Forum

Nil

Unconfirmed

12. General Manager and Officer's Report

Item No: 12.1
Subject: **AUDIT, RISK & IMPROVEMENT COMMITTEE (ARIC) - APPOINTMENT OF CHAIR & INDEPENDENT MEMBERS JULY 2024 TO JULY 2028**
Author: Jennifer Chenhall, Manager Governance & Risk
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 24/96659
Purpose of the Report: To appoint independent members to the Audit, Risk & Improvement Committee (ARIC).
Alignment to Delivery Program: Strategy 11.1: Build an efficient organisation that places customers and the community at the heart of service delivery.

Note: This item was considered after Item 17.2 Questions with Notice.

Note: The Council added a new Part G to the Resolution. Original Part G became Part H.

(Swan/Grieve)

THAT the Council resolve to enter into closed session with the press and public excluded to consider the Confidential Report on this matter in accordance with the provisions of Section 10A of the Local Government Act 1993.

Adopted

In Closed Session

Note: The Council discussed the Confidential Report.

(Silcocks/Zeltzer)

THAT the Confidential Recommendation in relation to this matter be adopted.

Adopted

In Open Session

(Zeltzer/Carmichael)

62/24 Resolved:

THAT Council:

- A. Appoints the following three (3) persons as Independent Voting Members of Council's Audit, Risk & Improvement Committee (ARIC) for the period 1 July 2024 to 1 July 2028:
 - i) *Carl Millington as Chair*
 - ii) *Daniel Carbone*
 - iii) *Belinda Lawn*
- B. Notes the remuneration rate for the Chair of the ARIC as \$2,000 plus GST and the rate for the Independent Voting Members as \$1,500 plus GST per meeting, plus the relevant superannuation guarantee and claim for kilometre of travel to meetings.
- C. Notes that all persons who submitted an Expression of Interest will be thanked and advised of the outcome of their application.

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- D. Nominates the following (1) Councillor to be the non-voting member on the Audit, Risk & Improvement Committee from 1 July 2024 to 14 August 2024:
- *Councillor Carmichael*
- E. Requests that the Mayor writes to the retiring Independent Member Mr Jason Masters thanking him for his commitment and contribution to the Audit, Risk & Improvement Committee.
- F. Formally acknowledges the valuable contribution made by Ms Deborah Goodyer in her capacity as Independent Member of the ARIC since July 2022.
- G. Formally acknowledges the long-standing valuable contributions made by Councillor Grieve and Councillor Price to the Audit, Risk & Improvement Committee.
- H. Note that the report remain confidential.

Note: *In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.*

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Nil

14/0

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11 June 2024

Item No: 12.2
Subject: **COMMUNITY SATISFACTION RESEARCH 2024**
Author: Petrina Duffy, Coordinator Strategy & Performance
Approvers: Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 24/78821
Purpose of the Report: The purpose of this report is to present to Council the results of community research undertaken in March 2024 through a telephone survey with residents living in the Woollahra local government area.
Alignment to Delivery Program: Strategy 10.1: Encourage inclusive community participation and build respectful relationships through engagement and input into decision making.

(Swan/Carmichael)

63/24 Resolved:

THAT Council:

- A. Receive and note the 2024 Community Satisfaction Research Survey.
- B. Note the overall survey result, which demonstrates a very high level of 'satisfaction with Council performance' with 91% of residents being 'somewhat satisfied' to 'very satisfied' with the overall performance of Council, with this being an increase on the rating of 87% from the previous survey undertaken in 2021.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Nil

14/0

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Item No: 12.3
Subject: **PERMIT PARKING GUIDELINES - REQUEST FOR FEEDBACK ON PROPOSED AMENDMENT**
Author: Tom O'Hanlon, Director Infrastructure & Sustainability
Approver: Craig Swift-McNair, General Manager
File No: 24/97447
Purpose of the Report: To seek a resolution of Council prior to providing feedback to Transport for NSW on an amendment to the NSW Permit Parking Guidelines.
Alignment to Delivery Program: Strategy 6.2: Management of public parking on-street and off-street.

Note: Andrew Maloney addressed the Council.

(Jarvis/Grieve)

64/24 Resolved:

THAT Council request the General Manager write to Transport for NSW, objecting to the proposed amendment to the NSW Permit Parking Guideline that would require that any permit holder exception to a parking restriction must have a permissive parking limit of not less than one hour, as outlined in correspondence received by Council on 31 May 2024.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Price

13/1

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Item No: 12.4
Subject: **GRANTING OF A LEASE OF THE COOPER PARK TENNIS CENTRE**
Author: Jim Allison, Senior Property Officer
Approvers: Zubin Marolia, Manager Property & Projects
Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 24/94533
Purpose of the Report: To report the proposed grant of a lease of the Cooper Park Tennis Centre.
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

Note: Brian Gaitz of Young Aces Tennis, addressed the Council.

Note: The Council added a new Part D to the Resolution.

(Swan/Zeltzer)

THAT the Committee resolve to enter into closed session with the press and public excluded to consider the Confidential Attachments on this matter in accordance with the provisions of Section 10A (c) of the Local Government Act 1993.

Adopted

In Closed Session

Note: The Council discussed the Confidential Attachments and resolved the matter.

(Grieve/Swan)

THAT the Council move into Open Session.

Adopted

In Open Session

(Swan/Carmichael)

65/24 Resolved:

THAT Council:

- A. Enters into a lease agreement with Young Aces Cooper Park Pty Ltd ACN 677 560 128 for a seven (7) year initial term plus a seven (7) year option term, at a commencement rent of \$295,000 per annum excl. GST, with CPI annual increases and a review to market upon exercise of the option.
- B. Ensures the lease agreement includes a capital refurbishment commitment of \$913,641.86 including ancillary costs excl. GST, subject to any necessary development approval.
- C. Authorises the General Manager to execute all legal agreements required to enter into a lease agreement with Young Aces Cooper Park Pty Ltd.
- D. Requests the Mayor writes to the current operators of the Cooper Park Tennis Centre thanking them for their commitment to the community.

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Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Nil

14/0

Unconfirmed

13. Reports of the Committees

13.1 Environmental Planning Committee

Items with Recommendations from the Committee Meeting of Monday 3 June 2024 Submitted to the Council for Determination

Item No:	R1 Recommendation to Council
Subject:	SUBMISSION ON PRECINCTS FOR LOW AND MID-RISE HOUSING REFORMS
Authors:	Lyle Tamlyn, Acting Team Leader Strategic Planning Fiona Aghili, Strategic Planner
Approver:	Scott Pedder, Director Planning & Place
File No:	24/90932
Purpose of the Report:	To inform Council of the submission provided to the Department of Planning, Housing and Infrastructure on precinct selection for the low and mid-rise housing reforms.
Alignment to Delivery Program:	Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Note: Late Correspondence was tabled by Fiona Aghili, Council's Strategic Planner.

Note: The Council added a new Part iv to Part B, amended Part v of Part C, and added a new Part iv to Part D to the Resolution.

(Swan/Carmichael)

66/24 Resolved:

THAT Council:

- A. Receives and notes the report to the Environmental Planning Committee of 3 June 2024, and accompanying staff submission at Attachment 1, regarding the Department of Planning, Housing and Infrastructure's (DPHI) precinct selection for the low and mid-rise housing reforms across the Woollahra Local Government Area.
- B. Affirms that councils are best placed to appropriately plan for increased density in their municipalities, and that the DPHI has not taken into account the following:
 - i. that Woollahra Council is already meeting and exceeding the NSW State Government's five year housing target (2016-2021) by over 70%, and is on track to deliver the 6-10 year housing target (2021-2026);
 - ii. the recent endorsement of the Edgecliff Commercial Centre Strategy and the Double Bay Centre Strategy, that together would deliver the housing required by the new five-year housing target, without introducing the proposed precincts from the low and mid-rise reforms;
 - iii. the Woollahra LGA has a high population density that is significantly higher compared to other areas in Greater Sydney; and
 - iv. the Local Environmental Plan Amendment No.33 and the Woollahra Development Control Plan 2015 (Woollahra DCP 2015) Amendment No. 21 published 14 July 2023, which contains finely crafted tree canopy and deep-soil landscape controls that were developed in response to the NSW Government's 40% tree canopy target by 2036.

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- C. Opposes the DPHI's proposed station and town precinct selection for Woollahra, which consists of Edgecliff, Double Bay, Rose Bay (New South Head Road), Rose Bay North (Old South Head Road), based on the concerns outlined below:
- i. infrastructure issues relating to critical and urgent capacity constraints for water, sewerage, road, trains, buses, schooling and open space;
 - ii. significant flooding, hydrology and acid sulfate soil issues in and around Edgecliff, Double Bay and Rose Bay (New South Head Road);
 - iii. failure to address unacceptable impacts posed on Woollahra's heritage significance;
 - iv. the complete unsuitability of Rose Bay (New South Head Road) and Rose Bay North (Old South Head Road) as both lack the amenity and services required; and
 - v. failure to consider the impacts of increased density on local character and the environment, including tree canopy and deep-soil landscape in the Woollahra LGA.
- D. Notes the DPHI's failure to address key concerns previously raised by Council on the reforms including:
- i. addressing how the additional infrastructure and essential services, which are the responsibility of the NSW State Government to provide, required to support density and population growth will be adequately funded and delivered;
 - ii. addressing the impacts of the reforms when delivered in conjunction with the 30% floor space ratio and building height bonus under the Housing SEPP;
 - iii. addressing the onsite delivery of a significant amount of affordable housing in perpetuity; and
 - iv. make reference to the loss of tree canopy and loss of deep-soil landscape in the Woollahra LGA.
- E. Request the Mayor write to the Minister for Planning and Public Spaces, indicating Council's support for the staff submission at Attachment 1, and continued opposition to the low and mid-rise housing reforms across the Woollahra Local Government Area for the reasons outlined in point B - D. of this resolution.

Note: *In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.*

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Nil

14/0

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Item No: R2 Recommendation to Council
Subject: **HYDROGEOLOGICAL AND GEOTECHNICAL STUDY OF THE ROSE BAY AREA AND PROPOSED DCP AMENDMENTS**
Author: Jacquelyne Della Bosca, Executive Planner
Approvers: Kristy Welfare, Acting Manager Strategic Planning & Place
Emilio Andari, Manager Engineering Services
Tom O'Hanlon, Director Infrastructure & Sustainability
Scott Pedder, Director Planning & Place
File No: 24/74056
Purpose of the Report: To report on the findings of the hydrogeological and geotechnical study of the Rose Bay area undertaken by GHD Pty Ltd
To obtain Council's approval to exhibit an amendment to the Woollahra Development Control Plan 2015.
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Note: Late Correspondence was tabled by Scott Pedder, Council's Director Planning & Place.

Note: Council amended the Resolution.

(Zeltzer/Regan)

67/24 Resolved:

- A. Resolves to defer this item to the next meeting of Council on the 8 July 2024 to give consideration to further late correspondence on this matter.
- B. In the interim, the matter is referred back to the Environmental Planning Committee in order that staff provide further input into appropriate amendments to better protect neighbouring and other property from damage as a consequence of building approvals in the confirmed sensitive location from the Bellevue Hill Ridgeline to the Sydney Harbour foreshore including the Rose Bay basin.
- C. Requests staff address the following questions as part of the material brought back to the Environmental Planning Committee before the July full Council meeting. Much is supported by the engineer's report but the proposed amendments to date do not address the reasons for conducting the study, which is to reduce the potential for damage to neighboring and other property:
 - i. Considering the area has been identified as sensitive by the engineers' survey and report and considering there has been a multitude of reports and evidence of damage to neighbouring properties and some further afield from redevelopment in this wide location on the slope and along the basin, council officers put their minds to the German standards regarding vibration (PPV) impacts;
 - ii. Can the German vibration standard regarding vibration impact of 2.5 units be applied as an upper limit in our controls through conditions of consent in this sensitive location and in keeping with this standard?
 - iii. Can approvals that have conditions for the requirement of vibration monitors be clear exactly when these are to be put in place rather than rely on the applicant or builder. Can the timing of their installation be a clear condition of consent?
 - iv. Recommend a means by which locals and neighbors are informed when vibration standards are breached and who will notify them or how are they going to be notified. What evidence will be available to them?
 - v. Develop an open/transparent process in which locals understand when vibration limits are breached and what the recourse is.

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- vi. Using the engineer's report and previous reported cases of damage, develop a radius in which dilapidation reports are required, having regard to substrata and impacts on structural roofs.
- vii. Develop a radius around the redevelopment in which vibration monitors will need to be installed. This should go beyond the immediate neighbour considering the long history of evidence that the damage is both proximal and distal.
- viii. Propose the process, if any, by which locals who have not been captured by the monitors or dilapidation reports but who are experiencing strong vibrations with ensuing damage can have the method of building piling, excavation and sifting reviewed to reduce vibration and damage to their properties. How will this information be handled?
- ix. Acknowledging the sensitivity of this location, look at options to prohibit any excavation beyond the current excavation controls but excluding excavation required to deliver the on-site parking allowance for higher density residential development

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Nil

14/0

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Item No: R3 Recommendation to Council
Subject: **THE APPLICATION AND EFFECTIVENESS OF THE VOLUME OF EXCAVATION CONTROLS AND RECOMMENDATIONS TO REDUCE EXCAVATION IN DEVELOPMENT APPLICATIONS**
Author: Eleanor Smith, Executive Planner
Approvers: Kristy Welfare, Acting Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 24/85921
Purpose of the Report: To respond to an Environment Planning Committee resolution seeking a staff report on the application and effectiveness of current excavation controls and recommendations to mitigate the impacts of development applications with increasingly large volumes of excavation.
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Motion moved by Councillor Robertson
Seconded by Councillor Swan

THAT Council:

- A. Receive and note the report on the application and effectiveness of the volume of excavation controls and recommendations to reduce excavation in development applications.
- B. Resolve to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No. 31)* as contained at **Attachment 1** of the report to the Environmental Planning Committee of 03 June 2024.
- C. Subject to B, undertake the amendment to the *Woollahra Development Control Plan 2015* concurrently with another DCP amendment, having regard to the nature of the amendment and the resources involved in amending the DCP.

Amendment moved by Councillor Grieve
Seconded by Councillor Witt

THAT Council:

- A. Receive and note the report on the application and effectiveness of the volume of excavation controls and recommendations to reduce excavation in development applications.
- B. Resolve to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No. 31)* as contained at **Attachment 1** of the report to the Environmental Planning Committee of 03 June 2024.
- C. Subject to B, undertake the amendment to the *Woollahra Development Control Plan 2015* concurrently with another DCP amendment, having regard to the nature of the amendment and the resources involved in amending the DCP.
- D. Request staff prepare an additional report which investigates the deletion of 'Control 4' in 'Section B 3.4 Excavation' of the *Woollahra Development Control Plan (DCP) 2015* which currently enables a variation to the volume of excavation control for residential flat buildings to accommodate car parking and storage.

The Amended was put and lost.

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Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Grieve
Councillor Robertson
Councillor Witt

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Wynne
Councillor Zeltzer

3/11

The Motion was put and carried.

(Robertson/Swan)

68/24 Resolved:

THAT Council:

- A. Receive and note the report on the application and effectiveness of the volume of excavation controls and recommendations to reduce excavation in development applications.
- B. Resolve to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No. 31)* as contained at **Attachment 1** of the report to the Environmental Planning Committee of 03 June 2024.
- C. Subject to B, undertake the amendment to the *Woollahra Development Control Plan 2015* concurrently with another DCP amendment, having regard to the nature of the amendment and the resources involved in amending the DCP.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Against the Motion

Nil

14/0

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13.2 Finance, Community & Services Committee

Items with Recommendations from the Committee Meeting of Monday 3 June 2024 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **DRAFT CHILDREN, YOUTH & FAMILIES STRATEGY AND 4 YEAR ACTION PLAN**
Authors: Jamie Adams, Development Officer, Community & Culture
Maya Jankovic, Coordinator Community & Culture
Approvers: Vicki Munro, Manager Community & Culture
Patricia Occelli, Director Community & Customer Experience
File No: 24/15017
Purpose of the Report: To present the Draft Children, Youth & Families Strategy and Action Plan to Council to be placed on public exhibition for a period of 28 days.
Alignment to Delivery Program: Strategy 2.2: Understand needs of our community so that we can facilitate access to support and services.

Note: Late Correspondence was tabled by Vicki Munro, Council's Manager Community & Culture.

(Zeltzer/Silcocks)

69/24 Resolved without debate:

THAT Council:

- A. Endorse the Draft Children, Youth & Families Strategy and Action Plan presented as **Attachment 1** for the purpose of public exhibition for a period of 28 days.
- B. Notes that a further report will be tabled at a future meeting of Council on submissions received to the Draft Children, Youth & Families Strategy and Action Plan.
- C. Note that Council's preschool is in high demand with up to 100 eligible children remaining on the list after each intake.
- D. Requests that the General Manager prepare a report on the feasibility (or otherwise) of expanding the provision of pre-school services places (and that this action is included in the 2024/2025 Operational Plan).

Note: *In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.*

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Nil

14/0

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Item No: R2 Recommendation to Council
Subject: **PROPOSED APPROACH FOR THE SIR DAVID MARTIN RESERVE BUILDINGS**
Authors: Vicki Munro, Manager Community & Culture
Zubin Marolia, Manager Property & Projects
Approvers: Patricia Occelli, Director Community & Customer Experience
Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 24/69345
Purpose of the Report: To seek Council support to negotiate with existing lessees or licensees of the Sir David Martin Reserve buildings for the Drill Hall, Sail Loft and the Cottage to extend their existing leases or licenses for a further 3 years with an option for a further 3 year period.
Alignment to Delivery Program: Strategy 2.1: Build strong and respectful connections with partners so that we can enhance and protect our local area and quality of life.

(Zeltzer/Silcocks)

70/24 Resolved without debate:

THAT Council:

- A. Support entering into negotiations with existing lessees or licensees of the Drill Hall, the Sail Loft and the Cottage at Sir David Martin Reserve, namely Sailability NSW Inc. (Rushcutters Bay), Making Waves Foundation Inc., Critical Path Inc. and South Eastern Community Connect Inc. to progress the formation of extending their existing leases and or licenses, for 3 years with an option for a further 3 year period.
- B. Note that a further report on the outcomes of the negotiations will be presented to a future Council meeting.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Nil

14/0

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Item No: R3 Recommendation to Council
Subject: **DONATIONS AND SPONSORSHIP POLICY AND DRAFT OUTGOING SPONSORSHIP GUIDELINES - PUBLIC EXHIBITION FEEDBACK**
Author: Vicki Munro, Manager Community & Culture
Approver: Patricia Occelli, Director Community & Customer Experience
File No: 24/90716
Purpose of the Report: To review public exhibition comments and adopt the amended Donations and Sponsorship Policy and Outgoing Sponsorship Guidelines.
Alignment to Delivery Program: Strategy 1.1: Provide, promote and facilitate a range of community projects, programs and events that support an inclusive, thriving and sustainable community.

(Zeltzer/Silcocks)

71/24 Resolved without debate:

THAT Council:

- A. Notes the submissions received in relation to the Donations and Sponsorship Policy and draft Outgoing Sponsorship Guidelines that was placed on public exhibition from 29 April to 27 May 2024.
- B. Having considered the submissions, adopts the amended Donations and Sponsorship Policy (**Attachment 1**) and Outgoing Sponsorship Guidelines (**Attachment 2**) for implementation in the 2024/25 financial year.
- C. Allocates in the draft 2024/25 budget, \$50,000 for the Outgoing Sponsorship Program and \$6,578 for staffing resources per annum.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Against the Motion

Nil

14/0

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Item No: R4 Recommendation to Council
Subject: **GRANTS PROGRAM 2024/25 RECOMMENDED PROJECTS FOR FUNDING**
Authors: Emma Rodgers-Wilson, Development Officer, Community & Culture
Maya Jankovic, Coordinator Community & Culture
Michelle Rose, Environmental Education Officer
James Granter, Coordinator Economic Development
Micaela Hopkins, Team Leader Environment & Sustainability
Approvers: Vicki Munro, Manager Community & Culture
Patricia Occelli, Director Community & Customer Experience
Scott Pedder, Director Planning & Place
Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 24/83111
Purpose of the Report: To give consideration to the proposed funding recommendations under Council's Grants Program including Community and Cultural Grants, Environmental Grants, Placemaking Grants and Business Sector Support.
Alignment to Delivery Program: Strategy 2.1: Build strong and respectful connections with partners so that we can enhance and protect our local area and quality of life.

Note: Councillor Grieve declared a Non-Significant, Non-Pecuniary interest in this item as Councillor Grieve is a financial member of one of the organisations under consideration, being the Rose Bay Community Garden. Councillor Grieve remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Price declared a Non-Significant, Non-Pecuniary interest in this item as Councillor Price is a former president of one of the organisations under consideration, being the Glenmore Road Public School Parents and Citizens Association (P&C). Councillor Price remained in the meeting, participated in debate and voted on the matter.

Note: Councillor Jarvis declared a Non-Significant, Non-Pecuniary interest in this item as Councillor Jarvis previously served as a board member on two of the organisations under consideration, being Kincoppal Rose Bay School and Our Big Kitchen. Councillor Jarvis remained in the meeting, participated in debate and voted on the matter.

Note: Late Correspondence was tabled by Vicki Munro, Council's Manager Community & Culture.

Note: The Council amended Part A and added new Part B to the Resolution.

**Motion moved by Councillor Jarvis
Seconded by Councillor Silcocks**

- A. Approve the staff selection committee's recommendations for large and small grants under the 2024/25 Council's Grants Program as detailed in this report and related attachments excluding, Lumiere Sculpture Festival Incorporated from the Placemaking Grants recommended projects for funding of \$7,500, and the removal of funding for Pound Paws Dog Day at Double Bay of \$3,500, and consideration for the funding of the Double Bay Christmas Fair of \$7,500 be deferred to the meeting of the Finance, Community & Services Committee on 1 July 2024 for further consideration.
- B. Approve two additional Placemaking projects be approved for funding from the Placemaking Grants. These were recommended subject to funding becoming available:
 - i. Art House Gallery Australia - John Prince Siddon and Mangkaja Arts Resource Agency Exhibition at Woollahra Gallery at Redleaf for NAIDOC week 2024 – amount recommended \$4,500

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- ii. The Mito Foundation – The Bloody Long Walk East Sydney - amount recommended \$3,000
- C. Note that successful grant recipients will be invited to a Grants Awards presentation to be held on Wednesday 24 July 2024 at 2:00pm, hosted by the Mayor.
- D. Note total unspent funds are \$4,006.25 as a result of: Community and Cultural (\$1,398.25 unspent funds); Placemaking (\$108 unspent funds) and Business Sector Support (\$2,500 unspent funds).

**Amendment moved by Councillor Swan
Seconded by Councillor Wynne**

THAT Council:

- A. Approve the staff selection committee's recommendations for large and small grants under the 2024/25 Council's Grants Program as detailed in this report and related attachments excluding, Lumiere Sculpture Festival Incorporated from the Placemaking Grants recommended projects for funding of \$7,500, and include funding for Pound Paws Dog Day at Double Bay of \$3,500
- B. Defer consideration for the funding of the Double Bay Christmas Fair of \$7,500 to the meeting of the Finance, Community & Services Committee on 1 July 2024 pending a further report from staff.
- C. Approve two additional Placemaking projects be approved for funding from the Placemaking Grants. These were recommended subject to funding becoming available:
 - i. Art House Gallery Australia - John Prince Siddon and Mangkaja Arts Resource Agency Exhibition at Woollahra Gallery at Redleaf for NAIDOC week 2024 – amount recommended \$4,500
 - ii. The Mito Foundation – The Bloody Long Walk East Sydney - amount recommended \$3,000
- D. Note that successful grant recipients will be invited to a Grants Awards presentation to be held on Wednesday 24 July, 2024 at 2:00pm, hosted by the Mayor.
- E. Note total unspent funds are \$4,006.25 as a result of: Community and Cultural (\$1,398.25 unspent funds); Placemaking (\$108 unspent funds) and Business Sector Support (\$2,500 unspent funds).

The Amendment was put and carried.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Amendment

Councillor Carmichael
Councillor Cavanagh
Councillor Shapiro
Councillor Shields
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Against the Amendment

Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Silcocks

8/6

**The Amendment became the Motion.
The Motion was put and Carried.**

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(Swan/Wynne)

72/24 Resolved:

THAT Council:

- A. Approve the staff selection committee's recommendations for large and small grants under the 2024/25 Council's Grants Program as detailed in this report and related attachments excluding, Lumiere Sculpture Festival Incorporated from the Placemaking Grants recommended projects for funding of \$7,500, and include funding for Pound Paws Dog Day at Double Bay of \$3,500
- B. Defer consideration for the funding of the Double Bay Christmas Fair of \$7,500 to the meeting of the Finance, Community & Services Committee on 1 July 2024 pending a further report from staff.
- C. Approve two additional Placemaking projects be approved for funding from the Placemaking Grants. These were recommended subject to funding becoming available:
 - i. Art House Gallery Australia - John Prince Siddon and Mangkaja Arts Resource Agency Exhibition at Woollahra Gallery at Redleaf for NAIDOC week 2024 – amount recommended \$4,500
 - ii. The Mito Foundation – The Bloody Long Walk East Sydney - amount recommended \$3,000
- D. Note that successful grant recipients will be invited to a Grants Awards presentation to be held on Wednesday 24 July, 2024 at 2:00pm, hosted by the Mayor.
- E. Note total unspent funds are \$4,006.25 as a result of: Community and Cultural (\$1,398.25 unspent funds); Placemaking (\$108 unspent funds) and Business Sector Support (\$2,500 unspent funds).

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Nil

14/0

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Item No: R5 Recommendation to Council
Subject: **MAYOR AND COUNCILLOR FEES 2024/25 FINANCIAL YEAR**
Author: Rhys Johnson, Coordinator Governance
Approvers: Jennifer Chenhall, Manager Governance & Risk
Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 24/91507
Purpose of the Report: To determine the fees payable to the Mayor and Councillors for the 2024/25 Financial Year, following the release of the Local Government Remuneration Tribunal determination.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

(Zeltzer/Silcocks)

73/24 Resolved without debate:

THAT Council:

- A. In accordance with Section 248 of the Local Government Act 1993, fix the annual fee for Councillors at a maximum amount of \$22,540 for the period 1 July 2024 to 30 June 2025.
- B. In accordance with Section 249 of the Local Government Act 1993, fix the annual fee for the Mayor at a maximum amount of \$49,170 for the period 1 July 2024 to 30 June 2025, which is a fee in addition to the fee paid to the Mayor as a Councillor.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Nil

14/0

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Item No: R6 Recommendation to Council
Subject: **DRAFT RESTRICTED FUNDS POLICY**
Author: Paul Ryan, Chief Financial Officer
Approver: Sue Meekin, Director Corporate Performance
File No: 24/79246
Purpose of the Report: To report on the public exhibition of the Draft Restricted Funds Policy and to seek Council adoption.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

(Zeltzer/Silcocks)

74/24 Resolved without debate:

THAT Council:

- A. Note that no submissions were received in relation to the draft Restricted Funds Policy in response to public exhibition.
- B. Adopt the Restricted Funds Policy at **Attachment 1**.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Nil

14/0

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Item No: R7 Recommendation to Council
Subject: **MONTHLY FINANCIAL REPORT - 30 APRIL 2024
INVESTMENT HELD AS AT 31 MAY 2024**
Author: Abdullah Rayhan, Team Leader Financial Services
Approvers: Paul Ryan, Chief Financial Officer
Sue Meekin, Director Corporate Performance
File No: 24/90302
Purpose of the Report: To present the monthly financial report for April 2024 and to present a list of investments held as of 31 May 2024.
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

(Zeltzer/Silcocks)

75/24 Resolved without debate:

THAT Council:

- A. Receive and note the Monthly Financial Report – April 2024.
- B. Note that the Council's 12-month weighted average return for April 2024 on its direct investment portfolio of 5.26% (LM: 5.20%, LY: 4.16%) exceeds the benchmark 90-day AusBond Bank Bill Index of 4.40%.
- C. Note that the interest revenue for the year to date April 2024 is \$4.33M, exceeding our revised year to date budget of \$3.07M for the same period.
- D. Receive and note the list of Council's investments held as of 31 May 2024 (provided as late correspondence).

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Nil

14/0

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Item No: R8 Recommendation to Council
Subject: **REQUEST FOR TENDERS FOR THE LEASE AND OPERATION OF TRUMPER PARK TENNIS CENTRE, TRUMPER PARK, 1 QUARRY ST, PADDINGTON NSW 2021**
Author: Michelle Perez, Senior Property Officer
Approvers: Zubin Marolia, Manager Property & Projects
Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 24/83478
Purpose of the Report: To inform Council of Officers' intention to invite Tenders for the lease and operation of Trumper Park Tennis Centre.
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

Note: Late Correspondence was tabled by Tim Hirshman.

Note: Councillor Jarvis left the meeting, the time being 9.20pm.

(Grieve/Silcocks)

76/24 Resolved:

THAT Council:

- A. Resolves to initiate a Request for Tender for the lease and operation of Trumper Park Tennis Centre at 1 Quarry St, Paddington, comprising the six courts and operation of the Kiosk in connection with use of the courts.
- B. Includes provisions in the tender to allow for multi-sport use of two courts, ensuring diverse activities can take place to optimise usage of the courts.

Note: *In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.*

For the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Witt

12/1

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Item No: R9 Recommendation to Council
Subject: **REVIEW OF POLICY FOR LEASING & LICENSING OF COUNCIL CONTROLLED LAND**
Authors: Zubin Marolia, Manager Property & Projects
Tom O'Hanlon, Director Infrastructure & Sustainability
Approver: Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 24/88564
Purpose of the Report: To seek endorsement of a revised policy following a public exhibition process.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Note: Councillor Jarvis returned to the meeting, the time being 9.22pm.

(Zeltzer/Silcocks)

77/24 Resolved without debate:

THAT Council endorse the draft Leasing and Licensing of Council Controlled Land Policy, as shown at Attachment 1 of this report, for adoption.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Nil

14/0

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Item No: R10 Recommendation to Council
Subject: **STARDUST CIRCUS - PROPOSAL FOR HIRE OF LYNE PARK MAIN FIELD IN JANUARY 2025**
Authors: Roger Faulkner, Team Leader - Open Space & Recreation Planning
Paul Fraser, Manager Open Space & Trees
Approver: Tom O'Hanlon, Director Infrastructure & Sustainability
File No: 24/90665
Purpose of the Report: To seek Council approval for the proposed financial agreement with Stardust Circus to run a circus in January 2025 at Lyne Park, Rose Bay, subject to DA consent for the event.
Alignment to Delivery Program: Strategy 3.1: Promote opportunities for innovative, creative and cultural initiatives that support the community.

Motion moved by Councillor Zeltzer
Seconded by Councillor Shapiro

THAT Council:

- A. Note the pending submission of a Development Application from Stardust Circus to conduct a circus for three weeks in January 2025 at Lyne Park, Rose Bay.
- B. Approve a reduced fee of \$34,496 (incl GST) for Stardust Circus to conduct a circus for three weeks in January 2025 at the Lyne Park main field, subject to DA consent.

Amendment moved by Councillor Grieve
Seconded by Councillor Robertson

THAT Council note the pending submission of a Development Application from Stardust Circus to conduct a circus for three weeks in January 2025 at Lyne Park, Rose Bay.

The Amendment was put and lost.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Councillor Grieve
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Witt

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Jarvis
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Wynne
Councillor Zeltzer

5/9

The Motion was put and carried.

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(Zeltzer/Shapiro)

78/24 Resolved:

THAT Council:

- A. Note the pending submission of a Development Application from Stardust Circus to conduct a circus for three weeks in January 2025 at Lyne Park, Rose Bay.
- B. Approve a reduced fee of \$34,496 (incl GST) for Stardust Circus to conduct a circus for three weeks in January 2025 at the Lyne Park main field, subject to DA consent.

Note: *In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.*

For the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Jarvis
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Wynne
Councillor Zeltzer

Against the Motion

Councillor Grieve
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Witt

9/5

14. Rescission Motion

Nil

Unconfirmed

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15. Councillor Reports/Councillor Updates (Section 8.4)

Note: Councillor Reports/Councillor Updates are to be confined to condolences, congratulations, presentations and matters ruled by the Chair to be of extreme urgency (in accordance with Section 8.4 of Council's Code of Meeting Practice).

General Item No: 15.1 Queen Street West Woollahra Association / Congratulations to Neil Perry
Tabled by Councillor: Councillor Swan

Councillor Swan advised:

I would just like to congratulate and recognise the Queen Street West Woollahra Association who had their AGM on the 14 May and congratulations committee and in particular, Giles Edmonds who is the President. He and the team are doing a wonderful job with that organisation and very active.

Also, congratulations to Neil Perry, who was the sole Australian winner at the World's 50 Best Restaurants Awards for his outstanding contribution to the hospitality industry and I recognise him because of his incredible contribution to Double Bay in particular.

General Item No: 15.2 Lifeline Shop Opening
Tabled by Councillor: Councillor Swan, Councillor Shapiro & Councillor Regan

Councillor Swan advised:

I also want to congratulate the Lifeline Shop, which opened on 269 Bondi Road, I know it's not exactly in the municipality, but Woollahra Council is very supportive of Lifeline as a whole of course, but in particular this shop and I know that they're looking for homewares. So if you have homewares to donate, then please head down to 269 Bondi Road to donate. Also, Lifeline is running a push-up talent and for some reason I've just had to sign up for that. So watch this space for the guns to grow.

Councillor Shapiro further advised:

I was also at the Lifeline shop opening, as was Councillor Regan. But I won't repeat what the Deputy Mayor has said.

Councillor Regan further advised:

I would just to congratulate the team at Lifeline. Councillor Shapiro and I were there for the opening. and Councillor Sarah Grattan of the Northern Beaches Council, who's the actual CEO of Lifeline. Another person I wanted to mention is that Mayor Veitch from Randwick spoke about the important work that Lifeline did in the wake of the tragic events at Westfield Bond Junction, it was quite moving.

I am very happy to be one of their first customers and they have very nice things. So I would recommend we all go down and have a look.

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General Item No: 15.3 Screening of Countryman
Tabled by Councillor: Councillor Swan & Councillor Grieve

Councillor Swan advised:

Finally, I just wish to congratulate staff and the organisers of the screening of Countryman, which was screened at Woollahra Library in Double Bay last week as part of National Reconciliation Week. So congratulations to staff and all involved.

Councillor Grieve further advised:

I attended the Countryman filming, which was extraordinary to hear about the connection between Croatia and this Tenant Creek First Nations artist, Yogi and his connection to the Croatian family and a Bondi local, it was a very moving movie. I want to commend the staff, particularly above and beyond the movie, but the staff that pulled this together, because we had a Zoom meeting between Lola Forester who MC'd in Sydney, she runs Koori Radio, Peter, the director who was in Croatia and you had Yogi in Tennant Creek. There was any number of things that could have gone wrong. Nothing went wrong. It was incredibly pulled together.

I've seen big corporations not be able to pull this off, so I just want to thank, Grant Cummins, Maya Jankovic who is Croatian and Jenn Martin. That was a huge thing to pull off for a little Council like ourselves.

General Item No: 15.4 Passing of Grace Spyrou
Tabled by Councillor: Councillor Shapiro

Councillor Shapiro advised:

Thank you Mr. Mayor. I would just like to offer condolences the passing of Grace Spyrou, who some of you may know. I met her 20 years ago at Toastmasters. Grace was such an identity in the community. She was very involved in Rotary and did a lot of fundraising for Rotary, she was actually the initiator of Doggy Day out at Lyne Park and was involved in many other fundraising projects at Rotary Rose Bay and was also a long-time member, but importantly also a past president. I was told by his sister she was in the midst of planning a 'Rock and Dance night' when she became too ill, unfortunately to continue. So just to express condolences to her two sons, Chris and Andrew, to her grandchildren, and to her partner Neil.

Could I ask you, Mr. Mayor, to perhaps write a letter of condolence to the family and also acknowledges Grace's contribution to the community.

General Item No: 15.5 Acknowledgment of Dianne Culgan
Tabled by Councillor: Councillor Grieve

Councillor Grieve advised:

Sometimes you come across the quiet achievers in doing our job, multiple events I've been to, the gallery openings and the wonderful screening that Councillor Swan spoke about where she and I were the only ones at the MET screening, which was announced quite hilariously on the screen during the meeting.

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Thanks to a worker, there are often these beautiful floral arrangements, which are done by Dianne Culgan. She looks after Blackburn Gardens and the area, you will have all seen her, she's very quiet, but she pulls together the most beautiful floral displays from the flowers in Blackburn Gardens, and which means that we are not going out and spending money at the florist we are actually using the resources we have, and she just does it as quietly and as part of her day.

So I had like to congratulate her, particularly on the last two, the most recent opening, and also the film because they were exceptional.

General Item No: 15.6 Rose Bay Walk and Talk / Acknowledgement of Staff
Tabled by Councillor: Councillor Grieve, Councillor Jarvis & Councillor Witt

Councillor Grieve advised:

Rose Bay Walk and Talk, which was delayed because of bad weather. I have to tell you, on a Tuesday with Councillor Jarvis and Councillor Witt there were 30 people. Thirty people turned up to hear about gross pollutant traps and effluent flowing into the Harbour. It was fantastic to see. One woman came all the way from Penrith. Micaela Hopkins (Team Leader Environment & Sustainability), Michelle Rose (Environmental Education Officer) and Richmond Alcorn (Coordinator Civil Works) had everyone asking questions. It was fantastic. So if you think that people aren't interested in pipes and sewer and gross pollutant traps, then think again because it was fantastic.

Councillor Jarvis further advised:

I would like to congratulate the staff on the Rose Bay Walk and Talk, the only point for improvement I would suggest is that we need more pickup sticks because I was the only one that was picking up stuff and we had several bags. I think if we do that next time, I think everybody will join in because it actually gives them opportunity to actually see how you can improve it.

A special commendation to Michelle Rose, Richmond Alcorn and Micaela Hopkins. I think that sort of initiative shows the community at its best bringing people together.

Councillor Witt further advised:

Following up on the Rose Bay Beach walking tour, I just wanted to thank all the volunteers. It was really inspiring to learn about all the schools that have got involved on a really regular basis on cleaning the beaches. Many of you are aware, following the email correspondence this week, there has been a lot of concern and it always seems to happen after flood events about trying to keep our beaches clean and I know it puts a lot of pressure on the staff and I think using the volunteers, it is really important that it is a community effort because it is almost impossible, I think, to keep up with the amount of debris that as we learned on the walking tour, floats up to us from Parramatta River. So yes, I just wanted to acknowledge them.

General Item No: 15.7 76th Anniversary of the State of Israel
Tabled by Councillor: Councillor Jarvis & the Mayor Councillor Shields

Councillor Jarvis advised:

I attended with you, Mr Mayor and Councillor Shapiro on the 28 May, the 76th Anniversary of the State of Israel reception which was conducted in the City and present were of course, the Premier who spoke, the Leader of the Opposition that spoke. It was a wonderful. Councillor Regan and Councillor Elsing as well.

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It was a bipartisan celebration and commemoration and I think the feeling in the room was that really it was a time for us to bring communities together and stop the division that is currently being experienced as a result of the war in the Middle East. On a positive note, Rabbi Jacqueline Ninio spoke, did a very moving prayer and I want to add to the congratulations of the King's Birthday Honour. Rabbi Ninio received an OAM for her services to the Jewish community, and I was particularly proud of that because it was her father Councillor, Henry Ninio, who sadly passed away in the last year that served with me on the Adelaide City Council.

The Mayor Councillor Shields further advised:

I attended with other Councillors on 28 May, Israel's 76th Independence Day celebrations.

General Item No: 15.8 Congratulations to Sir Jonathan Mills
Tabled by Councillor: Councillor Witt

Councillor Witt advised:

I'd just like to offer my congratulations to Sir Jonathan Mills who has been awarded Companion of the Order of Australia, which is the highest award. Probably a lot of people are familiar with Jonathan, he is actually someone I have known since I was a teenager, so it's quite thrilling to know someone who has become one of our best cultural exports.

In addition to being a well-renowned composer, he ran the Edinburgh Festival from 2006 to 2014 and really put it on the map. He is also a Fellow at the University of Melbourne, Yale University, King's College London. So he is really a very forceful, amazing ambassador for Australia around the world and he is also a Woollahra local.

General Item No: 15.9 Major Fire in Rose Bay
Tabled by Councillor: Councillor Wynne

Councillor Wynne advised:

I do want to actually acknowledge our local community in Rose Bay who have rallied behind Hymie and Marilyn, who own the art shop on New South Head Road because not last the most recent Sunday, but the Sunday before there was a major fire in the premises. So as you can imagine, a local and small business, very much part of the community and they currently have no livelihood. The community has rallied around them, but also acknowledged the first responders. I happened to be out on the water at the time and there were that many fire engines going down New South Head Road. So the fire was put out very quickly. But it is always very sad when a local business and people that are very active in the community are impacted like that. So I guess our thoughts are with them and acknowledging, as I said, the importance of our first responders in these kind of things, which you hope does not happen very often.

General Item No: 15.10 Commemoration of the Battle of Crete
Tabled by Councillor: The Mayor, Councillor Shields

The Mayor Councillor Shields advised:

I attended commemoration of the Battle of Crete events on the 17 and 18 of May.

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General Item No: 15.11 Meeting with NSW Minister Paul Scully
Tabled by Councillor: The Mayor, Councillor Shields

The Mayor Councillor Shields advised:

I also attended with the General Manager and Mr Pedder a meeting with Minister Scully on 20 May, talking about housing and putting the case that pretty much as Councillor Swan so eloquently put, pretty much said exactly the same thing.

General Item No: 15.12 Double Bay Ward Meeting
Tabled by Councillor: The Mayor, Councillor Shields

The Mayor Councillor Shields advised:

I was with Councillor Silcocks and Councillor Zeltzer at the Double Bay Ward "Meet your Councillor" event, a good showing from the community.

General Item No: 15.13 Local Government Excellence Awards
Tabled by Councillor: The Mayor, Councillor Shields

The Mayor Councillor Shields advised:

Just a quick mention to the awarding of an award at the 2024 Local Government Excellence Awards. Woollahra Council was successful in the category of People, Workplace and Wellbeing. We were the winners for our boosting employee wellbeing through an early intervention program. So congratulations to our staff and to you, General Manager.

16. Notices of Motion

Item No: 16.1
Subject: **FORMER PADDINGTON BOWLING CLUB SITE**
From: Councillor Harriet Price
Date: 22 May 2024
File No: 24/88377

(Price/Wynne)

79/24 Resolved:

THAT Council:

A. Notes:

1. The former Paddington Bowling Club Site (the Site) has a long and chequered history.
2. Since the Paddington Bowling Club closed in 2015, the community has expressed disappointment that the Site was not utilised and that important green open space remained closed to the community.
3. It welcomed and applauded the 2021 decision by the former New South Wales Government to recognise the Aboriginal Land Claim made pursuant to the Aboriginal Lands Right Act 1993 (NSW) and lodged by the La Perouse Local Aboriginal Land Council (La Perouse LALC).
4. Its resolution to initiate appropriate dialogue with La Perouse LALC to discuss their priorities and vision for the Site and to offer to seek funding or grant opportunities for Aboriginal site conservation or any other means of enhancing and protecting the significance of the Site.
5. That these actions were held in abeyance pending the outcome of a challenge to the Minister's decision in the Land and Environment Court and later, the NSW Court of Appeal.
6. The New South Wales Court of Appeal decision (Quarry Street Pty Ltd v Minister Administering the Crown Land Management Act 2016 [2024] NSWCA 107), compelling the Minister to refuse the land claim (the Judgment).
7. The future of the Site is (yet again) uncertain.

B. Resolves that the Mayor writes to the relevant Minister to ascertain what steps the Government intends to take following the Judgment (including that in the event the Judgment is not challenged), ask the Minister what:

- (i) assurances the Government will give to the community that the land will be reactivated for community use?; and
- (ii) action the Government will take to ensure compliance with the terms of the lease and in particular, that the land is used in accordance with its permitted use (ie. for 'community and sporting club facilities, tourist facilities and services, access').

C. (Upon confirmation that the Judgment remains unchallenged), reaffirms its commitment to helping ensure the land is returned to public hands and made available for community use.

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Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Nil

14/0

Unconfirmed

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Item No: 16.2
Subject: NOTICE OF MOTION - UKRAINE JUNE 2024
From: Councillors Richard Shields and Sarah Swan
Date: 04 June 2024
File No: 24/97202

(Shields/Swan)

80/24 Resolved:

THAT Council:

- A. Note that the Mayor and General Manager met on Monday 13 May 2024 with representatives of the Ukrainian Council of NSW to discuss ways in which Woollahra Council might be able to show continued support of the Ukraine and the Ukrainian Community in Australia.
- B. Request the General Manager table a report to the 24 June Council meeting that details how Council could further support the Ukraine community in Australia following the ongoing invasion of Ukraine over 2 years ago. The report should include suggested initiatives and any budgetary implications for the further consideration of Council.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Nil

14/0

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Item No: 16.3
Subject: **NOTICE OF MOTION - ESTABLISHMENT OF A DESIGN REVIEW PANEL**
From: Councillors Toni Zeltzer, Susan Wynne and Sean Carmichael
Date: 05 June 2024
File No: 24/97599

(Zeltzer/Wynne)

81/24 Resolved:

That a report be brought to councillors expediently, on the formation of a Woollahra Design Review Panel. The panel is to include experts and independent design professionals appointed by Council for the purpose of providing constructive feedback on the design quality of development proposals and their affinity to local context. Development proposals may include those:

- mixed use or multi-unit residential flat buildings higher than 4 storeys;
- captured by SEPP 65;
- likely to have a significant impact on the public domain;
- considered significant development (ie CIV over \$20 Million);
- relevant to planning proposals and other matters deemed appropriate by senior planning managers.

The report should cover the cost, scope and representation for the panel.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Against the Motion

Nil

14/0

17. Questions With Notice

(Wynne/Swan)

82/24 Resolved:

THAT the Questions with Notice be received and noted.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Carmichael
Councillor Cavanagh
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Wynne
Councillor Zeltzer

Nil

14/0

QWN: 17.1
From: Councillor Regan
Subject: Questions with Notice - Breach of the Hours of Work Conditions Specified in Development Approvals

Councillor Regan asking:

Residents have reported an increasing number construction sites where builders are performing work in breach of the hours of work conditions specified in development approvals. This work often involves vibration, light and noise impacts to neighbours, amongst other things, and interferes with their amenity especially at night time. Often the breaches occur after Council ranger patrols and well into the night. Whilst fines can be issued by rangers, residents have reported that these fines are often not a deterrent to work being conducted out of hours, resulting in significant impact on neighbouring property as a consequence of these breaches.

Could the Director please outline:

1. the remedies available to Council to ensure that construction work occurs as legally permitted by the relevant development consent;
2. when and how Council will act on breaches of development consent conditions when there are works conducted out of hours on a regular basis; and
3. the steps that should be taken by residents if out of hours work occurs including details of relevant contact points at Council for residents in such circumstances.

Director Planning & Place in response:

1. *The remedies available to Council to ensure that construction work occurs as legally permitted by the relevant development consent?*

Construction work is legally required to comply with the development consent under the *Environmental Planning and Assessment Act 1979* (the Act). Council's enforcement decisions are guided by its Enforcement Policy. Where a breach of the development consent is substantiated following an investigation, the following remedies are available to Council under the Enforcement Policy:

Informal warnings – this is appropriate where the breach is of a minor nature, and it is determined that no formal enforcement action is necessary.

Official caution - A formal caution under the Fines Act 1996 may be used when a penalty notice could be issued for the breach. This may include instances where the seriousness of the breach is low and a person has no history of non-compliance.

Penalty notice / fine - A penalty notice is a financial penalty issued for specific, minor breaches of legislation. A penalty notice may be appropriate where this is no ongoing harm for a specific breach of the conditions of development consent, such a breach of approved working hours.

Civil enforcement – Orders and notices - A range of notices and orders are available to Council under the Act. Council will issue these instruments to address the harm which has occurred or is about to occur, they are not punitive. It is an offence not to comply with the requirements of these instruments.

Prosecution - Prosecutions are taken for the most serious offences where there is sufficient evidence, there is a significant breach and the reason to prosecute serves the public interest.

2. *When and how Council will act on breaches of development consent conditions when there are works conducted out of hours on a regular basis?*

Council Rangers will generally issue penalty notices to the relevant offender when works are conducted out of hours. Each breach must be considered in its own circumstances. If evidence is able to be collected to demonstrate a case for sustained and clearly intentional breaches of working hours, Council could seek further fines in the Local Court. However, this would be an extremely rare course of action that would only be taken in the most serious of cases.

3. *The steps that should be taken by residents if out of hours work occurs including details of relevant contact points at Council for residents in such circumstances.*

Resident's should report working outside of approved construction hours by calling (02) 9391 7000 and a Council Ranger will attend, if one is available.

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QWN: 17.2
From: Councillor Regan
Subject: Questions with Notice - Park n Pay App

Councillor Regan asking:

Could Council please provide an update in relation to the Notice of Motion that was passed on 15 November 2023 in relation to the Park n Pay app (see below). Specifically could Council:

1. confirm that the actions contemplated in item B and item C of the resolution were initiated and whether any feedback was received as a result; and
2. provide an estimate of timing for production of the report contemplated in item A of the resolution; and
3. provide an update on the current status of the Park n Pay app including as to whether it is still in operation, whether Council is still utilising it, how extensively it is used by Council and whether there is any update from the State Government as to the ongoing status of operation and use of the Park n Pay app.

[(Swan/Shapiro)]

Resolved without debate:

THAT Council:

- A. Request that staff provide a report and costing to continue to utilise the Park n Pay, or similar, application in Woollahra Municipality. The report should also consider options of other providers and/or multiple providers, and the costs/benefits associated with these additional providers.
- B. Request that the Mayor confer with the Mayors at the next scheduled General Manager (GM) and Mayoral meeting about the utilisation of Park n Pay in Waverly, Randwick, Bayside and Woollahra Council.
- C. Request that the Mayor write to the Mayors of each Southern Sydney Regional Organisation of Councils (SSROC) seeking their support to continue the utilisation of Park n Pay application across their respective Councils.

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Councillor Carmichael
Councillor Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Robertson
Councillor Shapiro
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Against the Motion

Nil

13/0

Manager Engineering & Services in response:

Council staff have commenced preliminary investigations on the types of smart parking systems in which the public may use to pay for on-street parking. This investigation also considers the current utilisation of Park'n'Pay and the costs/benefits associated with this application. To complete the investigation and prepare a report on the various types of smart parking systems will take approximately 3-4 months.

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Discussions between Council staff and other Councils on whether the Park'n'Pay application is still being served within their communities have been raised and it was noted that many of the other Councils in which have the Park'n'Pay application, still use this application. A decision has not yet been made by NSW Government on when Park'n'Pay will no longer be a government initiative. A request put forward from the Councils part of SSROC has not been made as yet, however at the last roundtable event held between Council staff and NSW Government representatives, the insights from various Councils raised were;

- Clear support for continuation of Park'n'Pay
- Use of parking data from the Park'n'Pay app informs broader council opportunities
- Importance of new accessibility features
- One single application preference between LGAs to help customers
- Several councils have parking strategies tied to Park'n'Pay
- Uncertainty regarding future of Park'n'Pay limiting ability to get next horizon of greater onboarding

As for the Woollahra Municipality, the Park'n'Pay application is still effectively utilised. Since the launch of the application to Woollahra in 2022 the use of this application has been steady with an approximation of 10% for all transactions made through Park'n'Pay for our metered parking areas.

18. Supplementary Responses to Previous Questions with Notice

Nil

19. Confidential Matters

Nil

20. Conclusion of the Meeting

There being no further business the meeting concluded at 10.27pm.

We certify that the pages numbered 289 to 337 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 11 June 2024 and confirmed by the Ordinary Meeting of Council on 24 June 2024 as correct.

General Manager

Mayor

Item No: 6.2
Subject: **CONFIRMATION STRATEGIC & CORPORATE COMMITTEE MINUTES - 17 JUNE 2024**
Author: Sue O'Connor, Governance Officer
File No: 24/106358
Purpose of the Report: The Minutes of the Strategic & Corporate Committee of 17 June 2024 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Recommendation:

THAT the Minutes of the Strategic & Corporate Committee Meeting of 17 June 2024 be taken as read and confirmed.

Executive Summary:

This report presents the Strategic & Corporate Committee Minutes of 17 June 2024 for confirmation by the Council Meeting. The Minutes of the meeting are presented as **Attachment 1** for adoption.

Discussion:

The Strategic & Corporate Committee Minutes are presented to the Council Meeting as a procedural matter. Any matter arising from the Minutes can be discussed. A copy of the Minutes are provided as **Attachment 1**.

Options:

Submission of Minutes to the Strategic & Corporate Committee is a procedural matter for the adoption of the Minutes.

Community Engagement and / or Internal Consultation:

No internal or external consultation has taken place in the preparation of this report.

Policy Implications:

There are no direct policy implications as a result of this report.

Financial Implications:

There are no direct financial implications as a result of this report.

Resourcing Implications:

There are no direct resourcing implications as a result of this report.

Conclusion:

The Minutes are presented for confirmation by the Council Meeting.

Attachments

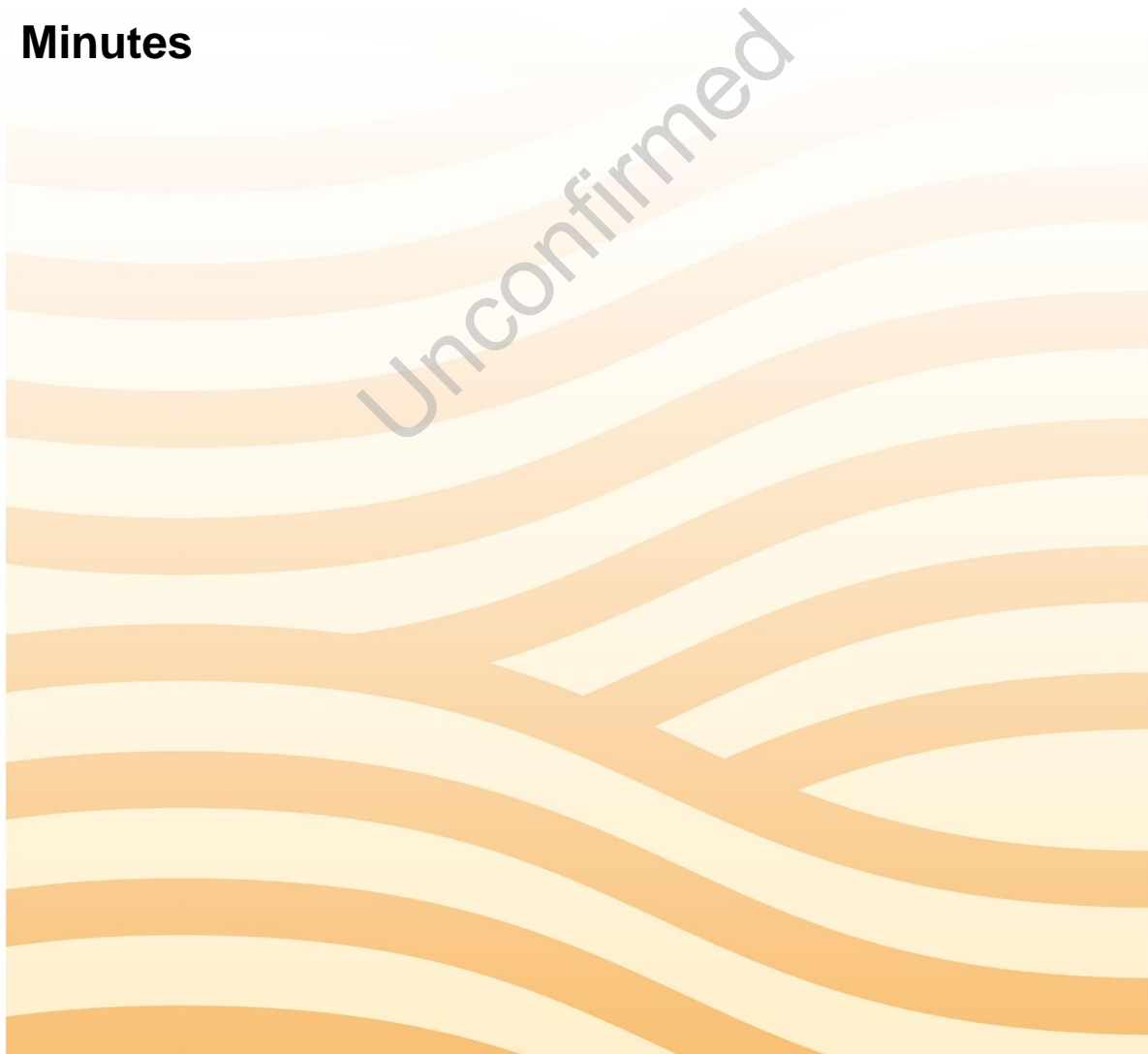
1. Unconfirmed S&C Minutes - 17 June 2024 [↓](#) 



Strategic & Corporate Committee

Monday 17 June 2024
6.30pm

Minutes



Strategic & Corporate Committee Minutes

Monday 17 June 2024

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Unconfirmed

Woollahra Municipal Council
Strategic & Corporate Committee Minutes

17 June 2024

Strategic & Corporate Committee Minutes of the Meeting held on 17 June 2024 at 6.30pm

Present: His Worship the Mayor, Councillor Richard Shields, ex-officio
Councillors: Sarah Swan (Deputy Mayor)
Sean Carmichael
Luise Elsing (via Zoom)
Nicola Grieve
Mary-Lou Jarvis (via Zoom)
Harriet Price (via Zoom)
Lucinda Regan (via Zoom)
Mark Silcocks
Merrill Witt
Toni Zeltzer

Staff: Jennifer Chenhall (Manager – Governance & Risk)
Petrina Duffy (Coordinator Strategy & Performance)
Rhys Johnson (Governance Coordinator)
Eva Leszczynska (Manager - People, Safety & Performance)
Wai Wai Liang (Strategic Planner)
Sue Meekin (Director – Corporate Performance)
Vicki Munro (Acting Director – Community & Customer Experience)
Sue O'Connor (Governance Officer)
Tom O'Hanlon (Director – Infrastructure & Sustainability)
Scott Pedder (Director – Planning & Place)
Paul Ryan (Chief Financial Officer)
Craig Swift-McNair (General Manager)
Lyle Tamlyn (Acting Team Leader – Strategic Planning)
Anne White (Manager - Strategic Planning & Place)

Also in Attendance: Nil

1. Opening

The Chair declared the Strategic & Corporate Committee of 17 June 2024 open and welcomed Councillors, staff and members of the public who are watching and listening to this evenings meeting.

2. Acknowledgement of Country (Gadigal People and Birrabirragal People)

The Chair read the following Acknowledgement of Country:

I would like to acknowledge that we are here today on the land of the Gadigal and Birrabirragal people, the traditional custodians of the land. On behalf of Woollahra Council, I acknowledge Aboriginal or Torres Strait Islander people attending today and I pay my respects to Elders past, present and emerging.

3. Acknowledgement of the Sovereign of the Day (King Charles III)

The Chair read the following Acknowledgement of the Sovereign of the Day (King Charles III): *I also acknowledge King of Australia King Charles III.*

4. Leave of Absence, Apologies and Attendance by Audio-Visual Link by Councillors

Apologies were received and accepted from Councillors Isabelle Shapiro, Peter Cavanagh, Matthew Robertson and Susan Wynne and leave of absence granted.

4.1 Attendance by Audio-Visual Link

(Swan/Carmichael)

Resolved:

THAT in accordance with clause 5.23 of Council's Code of Meeting Practice, the Committee approves the following Councillors participation in the Strategic & Corporate Committee Meeting of 17 June 2024 via Audio-Visual Link:

- Councillor Elsing
- Councillor Jarvis
- Councillor Price
- Councillor Regan

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Councillor Carmichael
Councillor Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

11/0

Against the Motion

Nil

Woollahra Municipal Council
Strategic & Corporate Committee Minutes

17 June 2024

5. Late Correspondence

Nil

6. Disclosures of Interest

Nil

Unconfirmed

Woollahra Municipal Council
Strategic & Corporate Committee Minutes

17 June 2024

Items to be Submitted to the Council for Decision with Recommendations from this Committee

Item No: R1 Recommendation to Council
Subject: **POST-EXHIBITION REPORT - DRAFT WOOLLAHRA SECTION 7.12 DEVELOPMENT CONTRIBUTIONS PLAN 2022 (AMENDMENT 2)**
Authors: Wai Wai Liang, Strategic Planner
Lyle Tamlyn, Acting Team Leader Strategic Planning
Approvers: Anne White, Manager Strategic Planning & Place
Scott Pedder, Director Planning & Place
File No: 24/89804
Purpose of the Report: To report on the exhibition of the Draft Woollahra Section 7.12 Development Contributions Plan 2022 (Amendment 2) and seek Council's approval for finalisation.
Alignment to Delivery Program: Strategy 5.2: Provide and maintain safe, clean, serviceable public infrastructure including roads, footpaths, bicycle facilities, parks, open spaces, stormwater drains and seawalls.

(Zeltzer/Swan)

Recommendation:

THAT Council approve the *Draft Woollahra Section 7.12 Development Contributions Plan 2022 (Amendment 2)* as at **Attachment 1** of the report to the Strategic and Corporate Committee of 17 June 2024.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Carmichael
Councillor Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Against the Motion

Nil

11/0

Woollahra Municipal Council
Strategic & Corporate Committee Minutes

17 June 2024

Item No: R2 Recommendation to Council
Subject: **OPERATIONAL PLAN 2024-25, LONG TERM FINANCIAL PLAN 2024-25 - 2033-34, RATING STRUCTURE AND WORKFORCE MANAGEMENT STRATEGY 2024-25 – 2027-28**
Authors: Petrina Duffy, Coordinator Strategy & Performance
Henrietta McGilvray, Senior Corporate Accountant
Esther Hii, Acting Senior Corporate Accountant
Paul Ryan, Chief Financial Officer
Approvers: Jennifer Chenhall, Manager Governance & Risk
Sue Meekin, Director Corporate Performance
Craig Swift-McNair, General Manager
File No: 24/83407
Purpose of the Report: To allow Councillors to consider community submissions and recommend any necessary changes to Council's Operational Plan 2024-25 (including Budget and Rating Structure), Long Term Financial Plan 2024-25 – 2033-34 and to endorse the Workforce Management Strategy 2024-25 – 2027-28.
Alignment to Delivery Program: Strategy 11.2: Secure Council's financial position.

**Amendment moved by Councillor Grieve
Seconded by Councillor Elsing**

- A. Note that there was 1 submission from the community in response to the following documents that were placed on public exhibition from 1 May - 29 May 2024:
- i. Operational Plan 2024-25 (including the 2024-25 budget)
 - ii. Long Term Financial Plan 2024-25 – 2033-34
- B. Having considered the submission received, adopt the draft:
- i. Operational Plan 2024-25 (including the 2024-25 budget)
 - ii. Long Term Financial Plan 2024-25 – 2033-34

Incorporating the updates to the 2024-25 budget and other documents as detailed in this report and subject to other any changes agreed at this meeting.

- C. Receive and endorse the Workforce Management Strategy (WMS) 2024-25 – 2027-28, noting that the WMS did not require public exhibition, as per the Integrated Planning & Reporting Guidelines provided by the Office of Local Government.
- D. Note that as per Section 405 of the NSW Local Government Act 1993, a copy of the:
- i. Operational Plan 2024-25 (including the 2024-25 budget)
 - ii. Long Term Financial Plan 2024-25 – 2033-34
 - iii. Workforce Management Strategy 2024-25 – 2027-28

following consideration by Council, be placed on Council's website, with a link to the relevant documents provided to the Chief Executive of the Office of Local Government.

- E. That Council make and levy the Rates and Annual Charges set out in the Rating Structure for 2024-25, which includes the approved Special Rate Variation of 7.5% being:

Category / Sub Category	Rating Structure	Amount to be Levied \$	Rates in the \$, Base Amounts & Minimums
Ordinary Rates:			
Residential	Base Charge - 50% Ad Valorem - 50%	40,296,930	\$801.00 (Base Amount) 0.03347 cents in \$

Woollahra Municipal Council
Strategic & Corporate Committee Minutes

17 June 2024

Business	Ad Valorem - subject to a minimum	1,803,437	0.17930 cents in \$; \$837.00 (minimum)
Business Sub Categories:		All Ad Valorem - subject to a minimum	
Double Bay		2,305,177	0.21280 cents in \$; \$837.00 (minimum)
Oxford Street Paddington		1,134,135	0.41750 cents in \$; \$837.00 (minimum)
Rose Bay (New South Head Road)		376,580	0.18360 cents in \$; \$837.00 (minimum)
Edgecliff		519,380	0.26580 cents in \$; \$837.00 (minimum)
Bellevue Hill		36,692	0.21440 cents in \$; \$837.00 (minimum)
Edgecliff / Grosvenor Streets, Woollahra		114,863	0.20130 cents in \$; \$837.00 (minimum)
Five Ways, Paddington		97,035	0.17470 cents in \$; \$837.00 (minimum)
New South Head Road, Vaucluse		54,726	0.22100 cents in \$; \$837.00 (minimum)
Old South Head Road, Rose Bay		81,875	0.15300 cents in \$; \$837.00 (minimum)
Old South Head Road, Vaucluse		18,950	0.11330 cents in \$; \$837.00 (minimum)
Plumer Road, Rose Bay		17,144	0.20970 cents in \$; \$837.00 (minimum)
Queen Street, Woollahra		311,173	0.15200 cents in \$; \$837.00 (minimum)
Watsons Bay		106,298	0.22140 cents in \$; \$837.00 (minimum)
Special Rate:			
Environmental & Infrastructure Renewal Levy (All Categories and sub-categories)	Base Charge - 50% Ad Valorem - 50%	5,618,873	\$106.00 (Base Amount) 0.00444 cents in \$
Total Rates		52,893,267	
Annual Charges:			
Domestic Waste Management Charge	\$638.30	16,993,601	
Stormwater Management Charges:			
Single residential dwelling	\$25.00	263,000	
Residential strata unit	\$12.50	180,000	
Business property	\$25.00 plus \$25.00 per 350m ² (or part thereof) above 350m ² in land area	47,000	
Business strata unit	\$5.00	2,500	
Total Annual Charges		17,486,101	
Total Rates & Annual Charges		70,379,368	

- F. Request Staff prepare a detailed report to be delivered before the next rating structure is adopted. This report to examine the number of properties to be adversely effected by a switch to 100% Ad Valorem, and by how much, how many other Councils use 100% Ad Valorem vs 50% base rate and anything else that is relevant. Timing report back in November 2024.

Woollahra Municipal Council
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The Amendment was put and lost.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Amendment

Councillor Elsing
Councillor Grieve
Councillor Price
Councillor Regan

Against the Amendment

Councillor Carmichael
Councillor Jarvis
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

4/7

The Motion was put and carried.

(Carmichael/Swan)

Recommendation:

THAT Council:

- A. Note that there was 1 submission from the community in response to the following documents that were placed on public exhibition from 1 May - 29 May 2024:
- i. Operational Plan 2024-25 (including the 2024-25 budget)
 - ii. Long Term Financial Plan 2024-25 – 2033-34
- B. Having considered the submission received, adopt the draft:
- i. Operational Plan 2024-25 (including the 2024-25 budget)
 - ii. Long Term Financial Plan 2024-25 – 2033-34

Incorporating the updates to the 2024-25 budget and other documents as detailed in this report and subject to other any changes agreed at this meeting.

- C. Receive and endorse the Workforce Management Strategy (WMS) 2024-25 – 2027-28, noting that the WMS did not require public exhibition, as per the Integrated Planning & Reporting Guidelines provided by the Office of Local Government.
- D. Note that as per Section 405 of the NSW Local Government Act 1993, a copy of the:
- i. Operational Plan 2024-25 (including the 2024-25 budget)
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 - iii. Workforce Management Strategy 2024-25 – 2027-28

following consideration by Council, be placed on Council's website, with a link to the relevant documents provided to the Chief Executive of the Office of Local Government.

- E. That Council make and levy the Rates and Annual Charges set out in the Rating Structure for 2024-25, which includes the approved Special Rate Variation of 7.5% being:

Category / Sub Category	Rating Structure	Amount to be Levied \$	Rates in the \$, Base Amounts & Minimums
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Business Sub Categories:			
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Stormwater Management Charges:			
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Business property	\$25.00 plus \$25.00 per 350m ² (or part thereof) above 350m ² in land area	47,000	
Business strata unit	\$5.00	2,500	
Total Annual Charges		17,486,101	
Total Rates & Annual Charges		70,379,368	

Woollahra Municipal Council
Strategic & Corporate Committee Minutes

17 June 2024

Note: In accordance with Council's Code of Meeting Practice a Division of votes is recorded on this matter.

For the Motion

Against the Motion

Councillor Carmichael
Councillor Elsing
Councillor Grieve
Councillor Jarvis
Councillor Price
Councillor Regan
Councillor Shields
Councillor Silcocks
Councillor Swan
Councillor Witt
Councillor Zeltzer

Nil

11/0

There being no further business the meeting concluded at 6.52pm.

We certify that the pages numbered 338 to 347 inclusive are the Minutes of the Strategic & Corporate Committee Meeting held on 17 June 2024 and confirmed by the Council Meeting on 24 June 2024 as correct.

Chairperson

Secretary of Committee

10. Mayoral Minute

Item No: 10.1
Subject: 2024 KING'S BIRTHDAY HONOURS LIST
Author: Richard Shields, Mayor
File No: 24/105554
Purpose of the Report: To advise Council of the local recipients of the 2024 King's Birthday Honours.

Recommendation:

THAT:

- A. A letter of congratulations, signed by the Mayor, be forwarded to the following recipients of the 2024 King's Birthday Honours
- i. Sir Jonathan Mills AC
 - ii. Ms Amanda Gordon, AM
 - iii. Mr Ian Rodney Grace, AM
 - iv. Mr Hamish Donald Blake, OAM
 - v. Mr Kalman Bloch, OAM
 - vi. Rabbi Jacqueline Ninio, OAM
 - vii. Mrs Kathy Sharon Shand, OAM
- B. A letter of congratulations, signed by the Mayor, be forwarded to Rabbi Mendy Litzman, OAM, acknowledging his award of Medal of the Order of Australia as the founder and President of Hatzolah in Sydney.

Discussion:

This Mayoral Minute is to inform the Council of the local recipients of the 2024 King's Birthday Honours Award announced on 10 June 2024.

I am pleased to share with Council that seven (7) Woollahra residents were honoured in this year's Awards and that they have been publically recognised for their significant contribution to our local and wider community.

It is important that personally and collectively these outstanding community members have been formally rewarded and recognised for demonstrating leadership in their industry or specialist service area, fostering community engagement and boosting the social, cultural and economic advancement for future generations of Australians.

Companion of the Order of Australia (AC)

- i. Sir Jonathan MILLS, AC
For eminent service to international cultural leadership and diplomacy, to the performing arts, to philanthropic ventures, and to tertiary education.

Member of the Order of Australia (AM)

- ii. Ms Amanda GORDON, AM
For significant service to psychology, and to the multicultural community.
- iii. Mr Ian Rodney GRACE, AM
For significant service to radio, and to the music industry.

Medal of the Order of Australia (OAM)

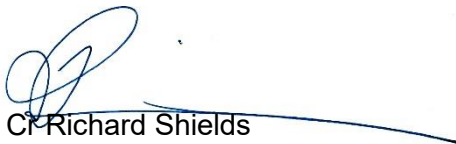
- iv. Mr Hamish Donald BLAKE, OAM
For service to the arts as an entertainer, and to the community.
- v. Mr Kalman BLOCH, OAM
For service to the community through Lions International.
- vi. Rabbi Jacqueline NINIO, OAM
For service to the Jewish community, and to interfaith organisations.
- vii. Mrs Kathy Sharon SHAND, OAM
For service to the arts, and to the community.

I would like to give a special mention of Rabbi Mendy Litzman who has received a Medal of the Order of Australia (OAM). Rabbi Litzman, OAM, is the founder and President of Hatzolah in Sydney, an organisation caring for the sick and injured in the local Jewish Community and people in need.

Conclusion:

Each recipient exemplifies exceptional community citizenship. We are thankful for their contributions to Woollahra and recognise our good fortune to live in a community where so many dedicate their time and energy to helping and inspiring others.

On behalf of Woollahra Council, I offer my congratulations to all of the 2024 King's Birthday Honours recipients.



Richard Shields
Mayor of Woollahra

Attachments

Nil

12. General Manager and Officer's Report

Item No: 12.1
Subject: **WOOLLAHRA LOCAL PLANNING PANEL - APPOINTMENT OF CHAIR AND ALTERNATE CHAIRS, EXPERTS AND RE-APPOINTMENT OF COMMUNITY REPRESENTATIVES**
Author: Jennifer Chenhall, Manager Governance & Risk
Approver: Scott Pedder, Director Planning & Place
File No: 24/99162
Purpose of the Report: To appoint Chairpersons, Alternate Chairpersons, Experts and Community Representatives to the Woollahra Local Planning Panel (WLPP)
Alignment to Delivery Program: Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

Recommendation:

THAT Council:

- A. Appoints the following Chairperson and Alternate Chairpersons, to the Woollahra Local Planning Panel for a term of three (3) years, commencing 1 July 2024, in accordance with the Minister for Planning and Public Spaces direction issued on 3 June 2024 (attached to this report) and section 2.18 of the *Environmental Planning and Assessment Act 1979*:
1. Penelope Holloway (Chairperson)
 2. Adam Seton (Alternate Chairperson)
 3. David Ryan (Alternate Chairperson)
- B. Appoint the following persons as Experts to the Woollahra Local Planning for the period of 1 July 2024 to 30 June 2027:
1. Peter Brennan
 2. Judith Clark
 3. Glennys James
 4. Megan Jones
 5. Oliver Klein
 6. Lee Kosnetter
 7. Kerry Kyriacou
 8. Helen Lochhead
 9. Larissa Ozog
 10. Amelia Thorpe
 11. Lisa Trueman
 12. Sharon Veale
 13. Heather Warton
- C. Appoint the following persons as Experts to the Woollahra Local Planning for the period of 1 July 2024 to 8 December 2025:
1. Graham Brown
 2. Sandra Robinson
- D. Re-Appoint the following persons as Community Representatives for the period of 1 July 2024 to 1 June 2025:
1. Kenneth Raphael
 2. Ronald Schaffer
 3. Malcolm Young

- E. Set the following remuneration rates for the panel members for the period of 1 July 2024 to 30 June 2027:

Chair - \$666 plus GST per item up to a maximum of \$2,000 and \$285 per hour for business that is undertaken outside of meetings

Experts - \$500 plus GST per item up to a maximum of \$1,500 and \$214 per hour for business that is undertaken outside of meetings

Community Reps- \$500 plus GST per item up to a maximum of \$1,500 plus GST and \$71 per hour for business undertaken outside of meetings

Note: The above rates do not include GST.

Note: The per meeting rate is inclusive of all the work a panel member does for a meeting, including preparation, site visits, the meeting itself and any deliberation and voting by the panel on matters considered at the meeting once the meeting is closed. The hourly rate applies to any business such as electronic determinations that the panel conducts that are not connected to one of its meetings. All members are entitled to their reasonable travel and out of pocket expenses.

- F. Resolves to undertake an Expression of Interest Process for the appointment and selection of Community Representatives to commence from 1 June 2025, noting that a report will be presented to Council to appoint new Community Representatives in April/May 2025.

Executive Summary:

The purpose of this report is to appoint a Chairperson and two (2) Alternate Chairpersons, fifteen (15) Experts and Community Representatives to the Woollahra Local Planning Panel (WLPP) to comply with the Minister's direction and the legislative requirements of the *Environmental Planning and Assessment Act 1979* (The EP & A Act).

Discussion:

The Woollahra Local Planning Panel (WLPP) has been in operation since the 26 February 2018.

Local planning panels consist of independent consultants who have expertise in areas such as planning, architecture, heritage, the environment, urban design and law. In conjunction with a community representative, they provide an independent assessment and determination of particular development applications.

The WLPP determines significant, complex and contentious development applications in the Woollahra local government area. This includes development applications for new residential flat buildings, the demolition of a heritage item, development that receives 10 or more unique objections, a departure to a statutory development standard greater than 10%, applications associated with a planning agreement or an identified conflict of interest. The selection process for local planning panel appointments is as follows:

- The Minister selects the chair and alternate chairs, to be appointed by Council.
- Council appoints the independent Expert members from a list approved by the Minister.
- Council appoints the community representatives.

The Chairperson and Alternate Chairperson/s are selected by the Department of Planning, Housing and Infrastructure (DPHI) on behalf of the Minister. The Chairperson and Alternate Chairperson/s are not selected by the elected Council or staff, but Council appoints them.

The DPHI has recruited a new pool of Chairperson and Experts for the next three year term. In April 2024, Council were sent a list of shortlisted candidates for potential Chairpersons and Alternate Chairpersons, seeking feedback from Council regarding those candidates.

The term of the current panel members (as adopted by Council) expires on 30 June 2024.

Chairperson and Alternate Chairperson/s

Senior Staff including the Director Planning and Place, Manager Development Assessment, Manager Strategic Planning and Place, Manager Legal, Compliance and Enforcement and Manager Governance and Risk reviewed the list of Chairpersons and Alternate Chairpersons provided by DPHI. Staff provided feedback on ten (10) potential Chairpersons and Alternate Chair Persons.

The Minister has approved and allocated Woollahra Council the appointment of our current Chair and two new Alternate Chairpersons for the new term's commencement on 1 July 2024. Only the Chairperson and the Alternate Chairpersons approved by the Minister can be appointed to the WLPP.

On 3 June 2024, the Minister has approved the following individuals as Chairperson and Alternate Chairpersons of the WLPP:

1. Penelope Holloway (Chairperson)
2. Adam Seton (Alternate Chairperson)
3. David Ryan (Alternate Chairperson)

Penelope Holloway was previously appointed as an Alternate Chair on the WLPP since 28 June 2021, subsequent to which she was appointed as Chair of the WLPP from 28 February 2024 until 30 June 2024 (interim arrangements). The maximum period a panel member can be appointed is six (6) years, which means the appointment of Penelope Holloway as Chair for a further period of three (3) years is within the six (6) year period.

Adam Seton and David Ryan are new appointments to the WLPP, therefore the appointment period considerations do not apply at this time.

Experts

In order for Council to comply, Council will need to nominate fifteen (15) Experts, as Council's current list of experts expires on 30 June 2024.

In May 2024, the Minister sent an Expert Member list comprising of two hundred and seventeen approved Experts. Each Expert has been approved on the basis of their professional standing, experience, technical ability and broad understanding of the development assessment process. Each expert has met one or more of the expertise requirements set out in the EP&A Act.

DPHI Local Planning Panels Fact Sheet (May 2021) states:

Each expert has completed probity checks and provided a statutory declaration that they have not been bankrupt, do not have a criminal record and are not developers or real estate agents. None of the experts is a Mayor, local councillor, or full-time local council or State government employee.

Senior Staff including the Director of Planning and Place, Manager Development Assessment, Manager Strategic Planning and Place, Manager Legal, Compliance and Enforcement and Manager Governance and Risk reviewed the list of Experts, from which two hundred and fourteen (214) approved members indicated they sought appointment to the WLPP. Staff identified 15 Experts from the Expert Member list provided by DPHI, who would provide the best fit for Woollahra and cover the most important disciplines being, planning, heritage, urban design and public administration.

No panel members can sit on a panel on a panel for greater than six (6) years. As such it is recommended that Council appoints for the term of 1 July 2024 to 30 June 2027 the following Experts:

- Peter Brennan
- Judith Clark
- Glennys James
- Megan Jones
- Oliver Klien
- Lee Kosnetter
- Kerry Kyriacou
- Helen Lochhead
- Larissa Ozog
- Amelia Thorpe
- Lisa Trueman
- Sharon Veale
- Heather Warton

All of the above Experts will not have been on the WLPP for longer than six (6) years at the conclusion of the above term.

As a result of the six (6) year tenure period, the following two Experts will reach the six (6) year time period in December 2025. As such, it is recommended that Council appoints for the term of 1 July 2024 to 8 December 2025 the following Experts:

- Graham Brown
- Sandra Robinson

All of the above recommended experts have either two or more areas of expertise, or are highly experienced practitioners with a broad range of planning knowledge and demonstrated panel experience. Each of the recommended fifteen (15) Experts would bring a very high level of expertise in development assessment, heritage, strategic planning to the Woollahra Local Planning Panel as shown below in the table which details the fifteen (15) Experts areas of expertise:

Name	Planning	Architecture	Heritage	Environment	Urban Design	Economics	Traffic & Transport	Law	Engineering	Tourism	Government and Public Administration
Peter Brennan	✓										✓
Graham Brown	✓		✓	✓	✓		✓	✓	✓		
Judith Clark	✓										
Glennys James	✓										
Megan Jones		✓	✓								
Oliver Klein	✓										
Lee Kosnetter	✓										
Kerry Kyriacou	✓				✓						✓
Helen Lochhead	✓	✓	✓	✓	✓						✓
Larissa Ozog	✓										
Sandra Robinson	✓										
Amelia Thorpe	✓	✓	✓	✓	✓		✓	✓			✓
Lisa Trueman			✓								
Sharon Veale			✓								
Heather Warton	✓		✓	✓	✓						✓

Community Representatives

The term of the current Community Representatives (as adopted by Council) expires on 30 June 2024. The current Community Representatives on the WLPP are eligible for re-appointment, however it is suggested that Council only appoint the current Community Representatives until 1 June 2025, at which time Council will have conducted an Expression of Interest process for new Community Representatives post 1 June 2025. A further report to Council will be forthcoming for new Community Members prior to 1 June 2025.

As such it is recommended that Council re-appoints for the term of 1 July 2024 to 1 June 2025:

- Kenneth Raphael
- Ronald Schaffer
- Malcolm Young

Options:

As indicated, the Chairperson and Alternate Chairpersons for the WLPP are allocated by the Minister, so there is no discretion for Council to alter this selection. Therefore the appointment of the nominated persons by Council is merely an administrative process.

There are no options available to Council as stated in the report, other than to appoint fifteen (15) Experts. Council can resolve to appoint the (15) members recommended by staff in this report or resolve to choose other Experts from the total list of Experts as provided by DPHI.

As recruitment will not commence for Community Representatives until 2025, Council will need to re-appoint the current Community Members as recommended by staff or resolve to appoint a minimum of one (1) from the current Committee Representatives.

Community Engagement and / or Internal Consultation:

Internal consultation occurred with Director of Planning and Place, Manager Development Assessment, Manager Strategic Planning and Place, Manager Legal, Compliance and Enforcement and Manager Governance and Risk in the preparation of this report.

There is no community consultation required in writing this report.

Policy Implications:

There are no policy implications as a result of this report.

Financial Implications:

There are no financial implications as a result of this report, noting that Council has a budget allocation for the relevant years for the operation of the WLPP.


Resourcing Implications:

There are no resourcing implications as a result of this report.

Conclusion:

Given the Chairperson for the WLPP are allocated by the Minister there is no discretion for Council to alter the nominations. As Council is required under legislation to have fifteen (15) Experts and Community Representatives, it is recommended that the fifteen (15) Experts nominated by staff and the current Community Representatives be appointed for the terms stipulated in the report.

Attachments

1. Letter From Minister Paul Scully MP - Local Planning Panels [↓](#) 

The Hon Paul Scully MP



Minister for Planning and Public Spaces

Ref: IRF24/658

Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360
records@woollahra.nsw.gov.au

Dear Council

I am pleased to advise Council that I have approved Penelope Holloway as Chair and Adam Seton and David Ryan as Alternate Chairs for appointment to Woollahra Municipal Council Local Planning Panel (panel). Only the chair and alternate chairs approved by me can be appointed to your panel.

I have also approved a list of independent experts from which Council is to select at least fifteen members for appointment to its panel. Details of Council's chairs and the independent expert list, along with their curricula vitae have been provided electronically to your nominated contact to proceed with appointment of your panel members.

All approved chairs and experts have successfully cleared probity checks meaning they do not have a bankruptcy or criminal record. Each has provided a statutory declaration that they are not a developer or real estate agent.

The Department of Planning, Housing and Infrastructure has developed a guide to assist councils through the selection and appointment process for panels. This is available at www.planning.nsw.gov.au/sites/default/files/2023-11/local-planning-panels-fact-sheet.pdf.%C2%A0.

Council will need to appoint its approved chairs, expert members and community representatives ahead of 1 July 2024 for a term through to 30 June 2027. Councils is reminded

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nsw.gov.au/ministerscully

that it must comply with the six-year maximum term for any panel member. This may limit continuing members and the expiry date of their term.


Please follow the Local Planning Panels Direction – Appointment of New Members, at www.planning.nsw.gov.au/sites/default/files/2023-02/local-planning-panels-direction-appointment-of-new-members-from-24-april-2023.pdf.

Council must also make sure that new panel members agree to abide by the Code of Conduct for Local Planning Panel Members when accepting their appointment. The Code of Conduct for Local Planning Panel Members, further Local Planning Panels Directions and the Local Planning Panels Remuneration Determination can be found at www.planning.nsw.gov.au/assess-and-regulate/development-assessment/local-planning-panels/statutory-rules-for-local-planning.

I would like to take this opportunity to thank you for your Council's ongoing co-operation in supporting the independence and efficient operation of its panel.

Should you have any questions, please contact Ms Aoife Wynter, Director, Planning Panels at the Department of Planning, Housing and Infrastructure on 8289 6816 or enquiry@planningpanels.nsw.gov.au.

Yours sincerely



Paul Scully MP

Minister for Planning and Public Spaces

Item No:	12.2
Subject:	RESPONSE TO NOTICE OF MOTION ON UKRAINIAN SUPPORT 2024
Author:	Vicki Munro, Manager Community & Culture
Approver:	Craig Swift-McNair, General Manager
File No:	24/104056
Purpose of the Report:	To respond to the Notice of Motion adopted on 11 June 2024 outlining possible initiatives for Council to continue its support for the Ukrainian community in Australia and more specifically across the Woollahra LGA.
Alignment to Delivery Program:	Strategy 2.1: Build strong and respectful connections with partners so that we can enhance and protect our local area and quality of life.

Recommendation:

THAT Council:

- A. Demonstrates its continued support for the Ukrainian community in Australia by supporting the proposed initiatives listed in the report.
- B. Approves the waiving of park hire and waste management fees to the value of \$8,028.80 for the proposed Family Fun Day and soccer program in support of the Ukrainian community and \$1,125 for staffing costs for the proposed Mayor's Ukrainian flag raising reception on 24 August 2024, being Ukraine Independence Day.
- C. Gives consideration to the allocation of \$7,750 at the September 2024 quarterly budget review to provide funding for the further proposed initiatives which support the Ukrainian community, as detailed in this report.

Executive Summary:

This report addresses the Notice of Motion adopted by Council at its meeting held on 11 June 2024 outlining how Council could further support the Ukrainian community in Australia. The report proposes initiatives that could be undertaken by Woollahra Council and the budgetary implications of each initiative for the draft 2024/25 budget. It is noted that this funding request is one-off and outside Council's annual Grants Program and new Outgoing Sponsorship Program.

Discussion:

At the Council meeting of 11 June 2024, Council resolved, as follows:

THAT Council:

- A. *Note that the Mayor and General Manager met on Monday 13 May 2024 with representatives of the Ukrainian Council of NSW to discuss ways in which Woollahra Council might be able to show continued support of the Ukraine.*
- B. *Request the General Manager table a report to the 24 June Council meeting that details how Council could further support the Ukraine community in Australia following the ongoing invasion of Ukraine over 2 years ago. The report should include suggested initiatives and any budgetary implications for the further consideration of Council.*

The Notice of Motion acknowledged in its background information that Council had previously resolved on 14 June 2022 to support for Ukraine as follows:

- A. *THAT Council reaffirms its condemnation of the Russian invasion of Ukraine on 24 February 2022 and its support of Ukrainians and the local Australian-Ukrainian community.*
- B. *THAT the Mayor writes to the Member for Wentworth and the Minister for Immigration, Citizenship and Multicultural Affairs to request that the number of humanitarian visas (arising from the conflict in Ukraine) be increased.*
- C. *THAT Council staff investigate and work with the Australian - Ukrainian community to identify and implement other ways to demonstrate community support for Ukraine, for example through art work, flying the Ukrainian flag or similar action.*
- D. *THAT Council having regard to the strong opposition from residents of Fullerton Street, Woollahra (and surrounding streets) to rename Fullerton Street to Ukraine Street, take no further action on the renaming of Fullerton Street.*

In accordance, with Part C of this resolution and in consultation with Ukrainian community leaders, Council delivered a range of initiatives, undertaken at a minimal cost, including but not limited to:

- Installation of street sign blades expressing support for the Ukrainian cause;
- Diplomatic car parking spaces outside the Russian Consulate in Fullerton Street were removed;
- A range of relevant information was included on Council's website in relation to support for Ukraine and the Australian-Ukrainian community;
- Use of Woollahra Gallery at Redleaf was provided to the community for a photographic exhibition of Holodomor and the Ukrainian community in Australia (titled Ukraine undefeated – Holodomor to Invasion exhibition);
- Flying of the Ukrainian Flag at the Council Chambers to commemorate the Ukraine Independence Day;
- Woollahra Libraries held an Ideas Exchange: Understanding the Conflict in Ukraine at Woollahra Library Double Bay on Thursday 21 July 2022; and
- A selection of Ukrainian books, suitable for both adults and children from the State Library of New South Wales were temporarily added to our Community Languages shelves.

Most recently, representatives of the Ukrainian Council of NSW, seeking Council support of displaced Ukrainians, noted:

- The ongoing war is having an impact on continuing new arrivals;
- The need for ongoing moral support so that the Ukrainian community does not feel that they have been forgotten; and
- Ongoing settlement needs of a new arrival community are being addressed.

Supports requested by the Ukrainian Council of NSW include the following opportunities:

- Family Fun Day 2024 to support, community building, cultural preservation and exchange, support of mental health and well-being and supporting positive community relations;
- Swimming program for displaced Ukrainians;
- Raising the Ukrainian flag over Woollahra Council Chambers on 24 August 2024, to mark Ukrainian Independence Day;
- Lighting up Woollahra Council assets (i.e. the Council Chambers or Woollahra Gallery at Redleaf) in Ukrainian colours on key dates; and
- Support of sporting opportunities through soccer.

Staff have worked with Ukraine community representatives to understand the types of supports and their costs, that could be provided, based on the above request.

Family Fun Day 2024

This community event, to be organised by the Ukrainian Council of NSW, would provide a day of enjoyment, relaxation, and community building for Ukrainian displaced people who have relocated to Australia along with the established Ukrainian community. It would also be open to the wider community to promote inclusivity, cultural understanding, and foster connections between the Ukrainian community and local residents.

The aim is to create a welcoming and supportive environment where families can connect, share experiences, and enjoy a day of fun. It would provide:

- Relocated Ukrainians with an opportunity to build a network of support within their new community;
- Demonstrate cultural preservation and exchange by showcasing Ukrainian traditions, music, dance, and cuisine;
- Improve the mental health and well-being of displaced individuals by offering a break from the stresses of relocation and adjustment;
- Create positive community relations between the Ukrainian community and local residents, fostering a spirit of inclusivity and cooperation; and
- A platform for providing information about local services, delivered by Woollahra Council and support networks. This would assist displaced individuals and families by helping them to better integrate and navigate their new environment.

The proposed event will feature a variety of activities suitable for all ages, including cultural performances, music, games, art displays, food, and interactive workshops that showcase Ukrainian heritage. Event coordination and entertainment to be coordinated by the Ukraine organising committee.

Anticipating approximately 500 attendees.

Proposed Council support:

- Access to Steyne Park, Double Bay on either 13 or 27 October 2024 from 7am to 7pm.
- Waiving park hire fees: \$107 per hour x 12hrs plus \$71 for equipment placement in the park totalling \$1,355.
- Waiving waste management fees: 15 Special Event Bins at \$27.40 per 240L bin plus a \$102.80 administration and delivery fee, totalling \$513.80.
- Financial contribution to assist with hire equipment eg Marquee, stage and sound equipment to the total value of \$7,500.

Total Cost: \$9,368.80

Swimming Program for displaced Ukrainians

Council staff have investigated a range of swimming lessons and programs that may be suitable for the Ukrainian community, which will be made available to the Ukrainian representatives for promotion to their community.

- **Public Pools:** Most (if not all) public pools across greater Sydney offer swimming lessons for both children and adults. These lessons are typically not free, but concession and pension cardholders may be eligible for discounts.
- **Private Schools:** Most private schools in greater Sydney as well as the Woollahra LGA open their swimming pools to the public for children's swimming programs at a nominal fee. Each school advertises program and fees on their website.

- **Seasonality:** In current winter months, most available lessons will be held in heated indoor pools. Outdoor and beach pools, like Bondi Icebergs, may have limited or no lessons during this season.
- **Refugee and Migrant Programs:** Additional swimming programs that may specifically target Ukrainian or other refugees and migrants may become available later in the year as local Councils announce programs funded by successful grant applications. Specific programs which support refugee and migrant communities are listed below:

Program	Details	Class size	Length of lessons & program	Cost
City of Sydney Migrant Swimming Lessons:	Weekly migrant swimming lessons at Ian Thorpe Pool. Referrals made by Asylum Seeker Centre. Weekly Ukrainian women aqua aerobics at Ian Thorpe Pool. Referrals made by South Eastern Sydney Local Health District.	5-8 people	By referral only	Free
Nereids: a culturally qualified swim school (endorsed by Royal Life Saving Australia and NSW Government)	Provides CALD-specific private swim lessons across Sydney (including the Eastern Suburbs). The service is very flexible and accommodating to the customer/s.	Options for one-on-one lessons. Groups are a maximum of 10.	Minimum of 5 lessons each for 45 minutes.	Varied (several packages are available and it depends on the class size): https://www.nereids.com.au/swimming-lesson-fees
GyMEA Community Aid & Information Service: Swimming classes for people from migrant and refugee backgrounds	Not currently running, but planning to run during Term 3. Most likely to be facilitated at Hurstville Aquatic Centre (as this is where the program has run previously)	TBC	10 weeks	\$50

Proposed Council Support:

Nil costs as only providing information.

Mayor’s morning tea reception and Ukrainian flag raising for Ukraine Independence Day on 24 August 2024

It is proposed that the Mayor will host a morning tea reception in the Thornton Room, for approximately 40-50 guests, in addition to Councillors, to coincide with the raising of the Ukrainian Flag over the Woollahra Chambers on Saturday 24 August 2024, Ukraine Independence Day. It is noted that the Ukrainian community would assist with the provision of catering.

Proposed Council Support:

- Raising the Ukrainian flag over the Council Chambers on Saturday 24 August 2024.
- Hosting a Mayoral morning tea reception to coincide with the Flag raising. Staff costs to support the event (3 staff = \$1,125) with provision of morning tea (\$250), totalling \$1,375.

Total Cost: \$1,375

Lighting up Woollahra Council assets in Ukrainian colours on key dates.

Council has investigated LED lighting for following two locations:

- 1) Woollahra Library, Double Bay (Event Space). This includes a series of internal battery powered LED lighting pods (8) that would allow a program of lights to be seen from the main library building on New South Head Road, Double Bay. The approximately cost is \$2,200 including GST which can be covered by the existing Library's 2024/25 budget. Estimated delivery is 4-6 weeks. Similar lighting pods are in use at Paddington Library and Woollahra Gallery at Redleaf.
- 2) Woollahra Council Chambers front facade. Two estimated quotes for lighting the facade of the Council Chambers (facing New South Head Road, Double Bay) have been received for \$15,000 including GST. Subject to an internal heritage approval, this system of LED lights would be hardwired and placed unobtrusively under the eaves. The lighting could be managed via an App at various times of the year for a range of approved events. Estimated delivery time and installation is 4-6 weeks.

Both options provide Council with the ability to set various lighting colours relevant to an event or celebration throughout the year. The Woollahra Gallery at Redleaf lighting unit (similar mobile battery charged) could be used, either at the front of the Gallery building or Council Chambers.

Proposed Council Support:

- The following Council buildings to be lit up in Ukrainian colours on appropriate dates - Woollahra Library at Double Bay, Paddington Library and Woollahra Gallery at Redleaf. The only new cost would be the lights for Woollahra Library at Double Bay which can be covered by the existing Library's 2024/25 budget. The other lights have already been purchased and are used throughout the year for Gallery openings and key events at each building.
- Due to the high cost of the lighting for the Woollahra Council Chambers, no further action to be taken.

Total Cost: \$2,200

Support for a community soccer program

This soccer program would target both young people and older Ukrainians to enable health and wellbeing and community connection. It is intended that the Ukrainian community would use Steyne Park, Double Bay for soccer for 20 weeks in the second half of 2024, with dates and times to be confirmed.

Proposed Council support:

- Waiving park hire fees for the soccer program
 - Younger group - Fridays - 20 weeks x 2hrs x \$77 = \$3,080
 - Older group - Sundays - 20 weeks x 2hrs x \$77 = \$3,080

Total Cost: \$6,160.

Options:

Council may resolve in line with the recommendation/s as included in this report or Council may choose to resolve in some other manner.

Community Engagement and / or Internal Consultation:

In preparing this report, staff consulted with representatives of the Ukrainian Council of NSW, the Mayor, General Manager and relevant staff from across the organisation.

Policy Implications:

There are no policy implications as a result of this report.

Financial Implications:

Budgetary implications on the draft 2024/25 budget are as follows:

Initiative	Proposed Council Assistance	Fee Waiver/ Existing Budget	Unbudgeted
Family Fun Day 2024	Fee Waiver - Park Hire	\$1,355.00	
	Fee Waiver - Waste Fees	\$ 513.80	
	Equipment Hire		\$7,500.00
Swimming Program	Nil	Nil	
Event 24 August 2024: <ul style="list-style-type: none"> • Mayoral Morning Tea • Ukrainian Flag Raising 	Mayoral Morning Tea Reception	\$1,125.00	\$250.00
Ukrainian Colours Lighting – Woollahra key assets on key dates.	Lighting at Woollahra Library -Double Bay	\$2,200.00	
Soccer Program	Fee Waiver - Park Hire	\$6,160.00	
Total		\$11,353.80	\$7,750.00

The funding request from the Ukrainian Council of NSW is outside Council's annual Grants Program and new Outgoing Sponsorship Program and totals \$19,103.80, for both in-kind and budgeted expenditure.

For future funding requests, it is strongly encouraged that the Ukrainian Council of NSW apply under Council's annual Grants and / or the new Outgoing Sponsorship program for Council funding, which opens in April each year.

Resourcing Implications:

There are minimal resourcing implications as a result of this report. Any that had specific costs have been identified in the above financial implications section of the report.

Conclusion:

Council has been proactive in its support for the Ukrainian community following the Russian invasion of the Ukraine in 2022 as demonstrated in Council's resolution of 14 June 2022.

This reports outlines new initiatives and their associated budgetary implications, if Council wishes to continue to support the Ukrainian community as resolved by Council on 11 June 2024.

Attachments

Nil

Item No: 12.3
Subject: **AUDIT, RISK & IMPROVEMENT COMMITTEE TERMS OF REFERENCE AND INTERNAL AUDIT CHARTER**
Authors: Jennifer Chenhall, Manager Governance & Risk
Cathryn Bush, Coordinator Risk Management
Approver: Sue Meekin, Director Corporate Performance
File No: 24/99140
Purpose of the Report: To present to Council an updated Audit Risk and Improvement Committee Terms of Reference and an updated Internal Audit Charter for adoption.
Alignment to Delivery Program: Strategy 11.3: Ensure effective and efficient governance and risk management.

Recommendation:

THAT Council adopt the revised Audit, Risk & Improvement Committee Terms of Reference and Internal Audit Charter as presented at Attachments 2 & 4.

Executive Summary:

In December 2023 the Local Government (General) Regulation 2022 (the Regulation) was amended to give statutory force to key elements of the Office of Local Government's (OLG) Guidelines for Risk Management and Internal Audit for Local Government NSW (the Guidelines). At the same time the OLG released new model templates for Council's Audit, Risk & Improvement Committee (ARIC) Terms of Reference and Internal Audit Charter. The purpose of this report is to present these to the Council for adoption.

Discussion:

The Local Government (General) Regulation 2022 was amended to give statutory force to key elements of the OLG Guidelines for Risk Management and Internal Audit for Local Government NSW in December 2023. For the information of Councillors a copy of the Guidelines is available via the following link <https://www.olg.nsw.gov.au/councils/governance/risk-management-audit-and-internal-controls/risk-management-and-internal-audit-framework-for-local-councils-in-nsw/>

Following the release of the Guidelines staff undertook a gap analysis against Council's current documents and ARIC composition and identified the following three actions to be completed prior to 1 July 2024:

1. Review the composition of the ARIC members and action changes as required;
2. Review Council's existing ARIC Charter and update with new Terms of Reference; and
3. Review and update of Council's Internal Audit Charter.

In accordance with Item 1 above, Council resolved the following at its meeting of 11 June 2024:

THAT Council:

- A. *Appoints the following three (3) persons as Independent Voting Members of Council's Audit, Risk & Improvement Committee (ARIC) for the period 1 July 2024 to 1 July 2028:*
 - i) *Carl Millington as Chair*
 - ii) *Daniel Carbone*
 - iii) *Belinda Lawn*

- B. *Notes the remuneration rate for the Chair of the ARIC as \$2,000 plus GST and the rate for the Independent Voting Members as \$1,500 plus GST per meeting, plus the relevant superannuation guarantee and claim for kilometre of travel to meetings.*
- C. *Notes that all persons who submitted an Expression of Interest will be thanked and advised of the outcome of their application.*
- D. *Nominates the following (1) Councillor to be the non-voting member on the Audit, Risk & Improvement Committee from 1 July 2024 to 14 August 2024:*
 - *Councillor Carmichael*
- E. *Requests that the Mayor writes to the retiring Independent Member Mr Jason Masters thanking him for his commitment and contribution to the Audit, Risk & Improvement Committee.*
- F. *Formally acknowledges the valuable contribution made by Ms Deborah Goodyer in her capacity as Independent Member of the ARIC since July 2022.*
- G. *Formally acknowledges the long-standing valuable contributions made by Councillor Grieve and Councillor Price to the Audit, Risk & Improvement Committee.*
- H. *Note that the report remain confidential.*

This reports presents drafts, based on model templates provided by the OLG, for Items 2 and 3 above to Council for adoption.

Revised Audit, Risk & Improvement Committee Terms of Reference

The Audit, Risk & Improvement Committee Terms of Reference sets out the committee's objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

A revised Audit, Risk & Improvement Committee Terms of reference is at **Attachment 1**. Significant amendments are required to Council's existing Audit, Risk & Improvement Committee Charter to reflect the new OLG model template, including a change of title from Charter to Terms of Reference. Changes to the existing Charter are shown as "strikethrough" for existing wording to be deleted and replacement wording highlighted in yellow. For ease of reference please see attached proposed Terms of Reference with no markings at **Attachment 2**.

Revised Internal Audit Charter

The Internal Audit Charter provides the framework for the conduct of the internal audit function in Woollahra Council.

A revised Internal Audit Charter is at **Attachment 3**. Significant amendments are required to Council's existing Charter to reflect the new OLG model template. Changes to the existing Charter are shown as "strikethrough" for existing wording to be deleted and replacement wording highlighted in yellow. For ease of reference please see attached proposed Charter with no markings at **Attachment 4**.

Options:

Under the Local Government (General) Regulation 2022, Council is required to have an ARIC Terms of Reference and an Internal Audit Charter. Council's current documents are not consistent with the Guidelines and the model templates released by the OLG. Drafts that are consistent with the model templates provided by the OLG are presented to Council for adoption.

Community Engagement and / or Internal Consultation:

The draft ARIC Terms of Reference and Internal Audit Charter were presented to Council's Audit, Risk and Improvement Committee at its meeting on 14 March 2024 for review and feedback prior to presentation to Council. No changes were received from the ARIC members.

Policy Implications:

The Audit, Risk & Improvement Committee Terms of Reference set out the committee's objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements. The Internal Audit Charter provides the framework for the conduct of the internal audit function in Woollahra Council.

Financial Implications:

There are no direct financial implications as a result of this report.

Council's 2024-25 budget includes an allocation of \$26,125 for Council's Audit, Risk & Improvement Committee to cover the independent member fees and associated meetings costs and \$100,000 for Council's Internal Audit function to meet the costs of external audit providers undertaking the audits.





Resourcing Implications:

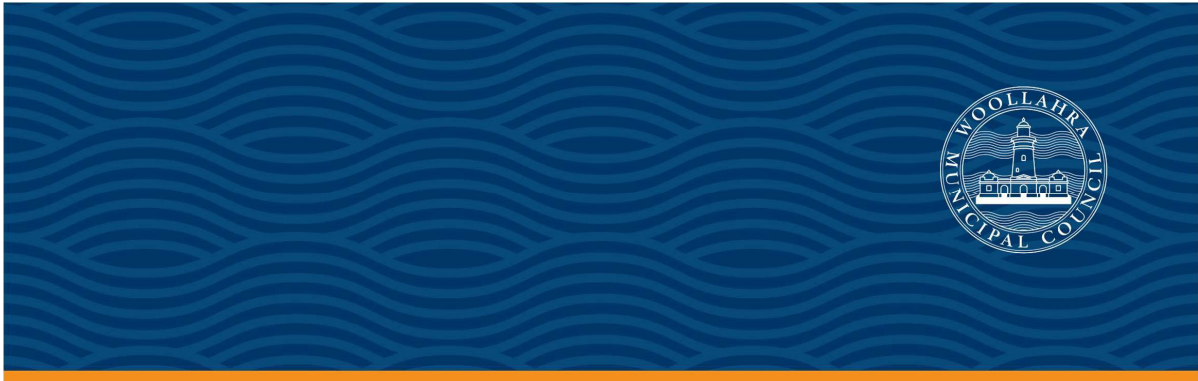
There are no direct resourcing implications as a result of this report.

Conclusion:

In December 2023 the Local Government (General) Regulation 2022 (the Regulation) was amended to give statutory force to key elements of the OLG Guidelines for Risk Management and Internal Audit for Local Government NSW (the Guidelines). At the same time the OLG released new model templates for Council's ARIC Terms of Reference and Internal Audit Charter. A revised ARIC Terms of Reference and revised Internal Audit Charter that are consistent with the OLG models are presented to Council for adoption.

Attachments

1. Audit, Risk & Improvement Committee Revised Terms of Reference - Based on Model ToFR from OLG - With Markings [↓](#) 
2. Audit, Risk & Improvement Committee Revised Terms of Reference - Based on Model ToFR from OLG - No Markings - Proposed for adoption [↓](#) 
3. Revised Internal Audit Charter - Based on Model Charter from OLG - With Markings [↓](#) 
4. Revised Internal Audit Charter - Based on Model Charter from OLG - No Markings - Proposed for adoption [↓](#) 



Audit, Risk & Improvement Committee (ARIC) Charter Terms of Reference

Adoption Date:	23 August 2021 by Council Resolution
Last Reviewed:	8 June 2022
Next Review Date:	June 2024
Division/Department:	Corporate Performance – Governance & Risk
Responsible Officer:	Manager Governance & Risk
HPE CM Record Number:	22/435047 24/41591

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

PART A – Audit Risk & Improvement Committee (ARIC) Function

1—Introduction

~~Good corporate governance of the Woollahra Council (“Council”) promotes effective and efficient delivery of services to the Woollahra community with honesty and integrity.~~

~~The Audit, Risk & Improvement Committee (“ARIC or Committee”) has an important role in the governance framework of Council by providing Council with independent oversight, objective assurance and monitoring of Council’s internal audit processes, internal controls, external reporting, risk management activities, compliance of and with Council’s policies and procedures, and performance improvement activities.~~

Woollahra Council has established (“Council”) has established an Audit, Risk and Improvement Committee (ARIC) in compliance with section 428A of the Local Government Act 1993, the Local Government (General) Regulation 2021 and the Office of Local Government’s Guidelines for risk management and internal audit for local government in NSW. These terms of reference set out the committee’s objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

2—Purpose of this Charter

~~This Charter, which is based on the guidelines issued by the Chief Executive of the Office of Local Government pursuant to s. 23A of the Local Government Act 1993, and is consistent with leading industry practice, is intended to add value and drive the qualities of effective local government; being openness, transparency and accountability. The Committee helps Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.~~

3—Status

~~The Committee is an advisory committee and has been established by resolution of the Woollahra Municipal Council on 5 September 2011.~~

1 Committee Objectives

~~The objective of the Committee is to provide independent assurance and assistance to the Council on risk management, control, governance, internal audits, organisational performance and external accountability requirements.~~

The objective of the committee is to provide independent assurance Woollahra Council by monitoring, reviewing and providing advice about the council’s governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.

~~The ARIC will in accordance with the principles outlined in Section 428, Part 4A Internal Audit of Local Government Amendment (Governance and Planning) Act 2016¹ keep under review the following aspects of the Council’s operations—~~

- ~~(a) Compliance~~
- ~~(b) risk management~~
- ~~(c) fraud and corruption control~~
- ~~(d) financial management~~
- ~~(e) governance~~

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

- ~~(f) implementation of the strategic plan, delivery program and strategies~~
- ~~(g) service reviews~~
- ~~(h) collection of performance measurement data by Council~~
- ~~(i) any other matters prescribed by the regulations~~
- ~~(j) internal audit~~

~~As part of this objective, the Committee will assess and advise whether there are adequate and effective systems of internal control in place throughout Council and will assist in the implementation of the internal and external audit plans. The Committee is also to provide information to the Council for the purpose of improving the Council's performance of its functions.~~

2 Independence

The committee is to be independent to ensure it has no real or perceived bias or conflicts of interest that may interfere with its ability to act independently and to provide council with robust, objective and unbiased advice and assurance.

The committee is to have an advisory and assurance role only and is to exercise no administrative functions, delegated financial responsibilities or any management functions of the council. The committee will provide independent advice to the council that is informed by the council's internal audit and risk management activities and information and advice provided by staff, relevant external bodies and subject matter experts.

The committee must always ensure it maintains a direct reporting line to and from the council's internal audit function and act as a mechanism for internal audit to report to the governing body and the general manager on matters affecting the performance of the internal audit function.

3 Authority

~~The Committee is established in accordance with Council's authority granted by section 355 of the Act. The Committee has no executive powers and must at all times recognise that primary responsibility for management of Council rests with the Council and the Chief Executive Officer, in accordance with the Act.~~

The Council authorises the committee, for the purposes of exercising its responsibilities, to: ARIC as a whole (but not individual members of the Committee), within the scope of its role and responsibilities, to:

- i) Obtain information it needs from any employee or external party (subject to their legal obligation to protect information). Access any information it needs from the council
- ii) Use any council resources it needs
- iii) Discuss any matters with the external auditor or other external parties (subject to confidentiality considerations) .
- iv) Have direct and unrestricted access to the general manager and senior management of the council
- v) Seek the general manager's permission to meet with any other council staff member or contractor
- vi) Discuss any matters with the external auditor or other external parties
- vii) Request the attendance of any employee or councillor at Committee meetings.
- viii) Request external legal or other professional advice, as considered necessary to meet its responsibilities. The engagement and payment of costs for that advice is subject to the prior approval by the General Manager or Mayor, if appropriate.

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

Information and documents pertaining to the committee are confidential and are not to be made publicly available. The committee may only release council information to external parties that are assisting the committee to fulfil its responsibilities with the approval of the general manager, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

4 Composition

The committee consists of an independent chairperson and [two] independent members who have voting rights and one non-voting councillor, as required under the Local Government (General) Regulation 2021.

The governing body is to appoint the chairperson and members of the committee.
Current committee members are:

Mr Jason Masters	Independent chairperson (voting)
Ms Deborah Goodyer	Independent member (voting)
Mr Carl Millington	Independent member (voting)
[name]	[Councillor] member (non-voting) (if applicable) [cannot be the Mayor]

All committee members must meet the independence and eligibility criteria prescribed under the Local Government (General) Regulation 2021.

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. This includes any term as chairperson of the committee. Members who have served an eight-year term (either as a member or as chairperson) must have a two-year break from serving on the committee before being appointed again. To preserve the committee's knowledge of the council/joint organization, ideally, no more than one member should retire from the committee because of rotation in any one year.

The terms and conditions of each member's appointment to the committee are to be set out in a letter of appointment. New members will be thoroughly inducted to their role and receive relevant information and briefings on their appointment to assist them to meet their responsibilities.

Prior to approving the reappointment or extension of the chairperson's or an independent member's term, the governing body is to undertake an assessment of the chairperson's or committee member's performance. Reappointment of the chairperson or a committee member is also to be subject to that person still meeting the independence and eligibility requirements prescribed under the Local Government (General) Regulation 2021.

Members of the committee must possess and maintain a broad range of skills, knowledge and experience relevant to the operations, governance and financial management of the council, the environment in which the council operates, and the contribution that the committee makes to the council. At least one member of the committee must have accounting or related financial management experience with an understanding of accounting and auditing standards in a local government environment. All members should have sufficient understanding of the council's financial reporting responsibilities to be able to contribute to the committee's consideration of the council's annual financial statements.

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

~~7.1 Membership of the ARIC is by virtue of the appointed position and no delegates of the members are permitted.~~

~~7.2 The ARIC shall consist of adoption by Council):~~

~~i) Members (voting)~~

~~— Three (3) Independent external members, one of which will be Chair~~

~~ii) Attendees (non-voting) (as required)~~

~~— General Manager~~

~~— Director Corporate Performance~~

~~— Chief Financial Officer~~

~~— Manager Governance & Risk~~

~~— Coordinator Risk & Improvement~~

~~— Internal Auditor~~

~~— External Auditor~~

~~iii) Invitees (non-voting) for specific Agenda items~~

~~— Three (3) non-voting Councillors as observers.~~

~~— Other Councillors may attend as observers at request.~~

~~— Other officers may attend by invitation, as requested by the ARIC or General Manager.~~

In the absence or resignation of the appointed Chair, the other current serving independent external member shall serve as the Chair for the period of absence of the duly nominated Chair.

~~7.3 Term of Office and Quorum~~

~~i) The independent external members will be appointed for a four year term ending 30 June following an ordinary Council election, after which they will be eligible for extension or re-appointment following a formal review of their performance.~~

~~ii) The maximum number of terms an independent external member can sit on the ARIC without the need for further nominations is 2 terms up to 8 years in total.~~

~~iii) The maximum period in the position of Chair is 5 years.~~

~~iv) A quorum for the Committee shall be 2.~~

~~7.4 Dispute Resolution~~

~~Members of the Committee and the Council's management should maintain an effective working relationship and seek to resolve any differences they may have in an amicable and professional way via discussion and negotiation.~~

~~In the event of a disagreement between the Committee and the General Manager or other senior managers, the dispute is to be resolved by the Council.~~

~~Unresolved disputes regarding compliance with statutory or other requirements are to be referred in the first instance to General Manager. If still unresolved disputes~~

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

are then to be referred to the Mayor. Failing resolution the matter should be referred to the Office of Local Government (OLG) in writing.

7.5 Meetings

- i) ~~The ARIC shall meet at least four times per year, with one of these meetings to include review and endorsement of the annual audited financial reports and external audit opinion as well as review and endorsement of the four (4) Year Internal Audit Plan and Annual Audit Plan.~~
- ii) ~~At each meeting Internal Audit will provide to the Committee the progress of the annual audit plan against agreed targets and timelines including a follow up report of recommendations that have been implemented in previously completed reviews.~~
- iii) ~~The ARIC at the Chair's discretion will be given the opportunity to meet on occasion with each of the external and internal auditor without the presence of management.~~
- iv) ~~A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The forward meeting plan will cover all ARIC's responsibilities as detailed in this Committee Charter.~~
- v) ~~The Chair of the Committee is to hold any additional meeting if asked to do so by another Committee member, the Council or the General Manager.~~
- vi) ~~There must be a well structured agenda prepared and provided in advance to ARIC Members along with appropriate briefing materials and minutes to record the proceedings.~~

7.6 Attendance by ARIC members, Councillors, staff and other invitees at meetings by audio-visual link.

~~ARIC members, Councillors, staff and other invitees may attend meetings of the Audit, Risk & Improvement Committee (ARIC) by audio-visual link with the approval of the General Manager.~~

7.7 Secretariat

~~The General Manager will appoint a Council employee to provide secretariat support to the Committee. The secretariat will ensure the agenda for each meeting and supporting papers are circulated after approval from the Chair at least five (5) days before the meeting and ensure that minutes of meetings are prepared and maintained.~~

~~Draft Minutes will be circulated within seven (7) days after the ARIC meeting for the purposes of seeking confirmation of the minutes "that they are a true and accurate recording of the meeting". On receipt of confirmation (or amendments) from each Committee member, the Chair will confirm the minutes as formerly being adopted by the ARIC and are ready for presentation to Council. This is to facilitate minutes of the ARIC being submitted to Council as early as possible after the ARIC meeting.~~

~~Once Minutes have been confirmed by ARIC Chair they must be submitted to the next Council meeting. An Advising attaching the confirmed minutes that were reported to Council will be submitted to the next ARIC meeting following Council meeting.~~

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

5 Roles

As required under section 428A of the Local Government Act 1993 (the Act), the role of the committee is to review and provide independent advice to the council regarding the following aspects of the council's operations:

- compliance
- risk management
- fraud control
- financial management
- governance
- implementation of the strategic plan, delivery program and strategies
- service reviews
- collection of performance measurement data by the [council/joint organisation], and
- internal audit.

The committee must also provide information to the council for the purpose of improving the council's performance of its functions.

The committee's specific audit, risk and improvement responsibilities under section 428A of the Act are outlined in Schedule 1 to these terms of reference.

The committee will act as a forum for consideration of the council's internal audit function and oversee its planning, monitoring and reporting to ensure it operates effectively.

The committee has no power to direct external audit or the way it is planned and undertaken but will act as a forum for the consideration of external audit findings.

The committee is directly responsible and accountable to the governing body for the exercise of its responsibilities. In carrying out its responsibilities, the committee must at all times recognise that primary responsibility for management of the council rests with the governing body and the general manager.

The responsibilities of the committee may be revised or expanded in consultation with, or as requested by, the governing body from time to time.

6 Responsibilities of members

Expectation of Members

~~Members of the ARIC are expected to:~~

- ~~i) Understand the relevant legislative and regulatory requirements appropriate to Council;~~
- ~~ii) Contribute the time needed to study and understand the papers provided;~~
- ~~iii) Apply good analytical skills, objectivity and good judgment;~~
- ~~iv) Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry;~~
- ~~v) Meet the requirements as set out in this Charter; and~~
- ~~vi) Abide by Council's Code of Conduct in performance of their duties on the Committee.~~

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

6.1 Independent members

The chairperson and members of the committee are expected to understand and observe the requirements of the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*. Members are also expected to:

- make themselves available as required to attend and participate in meetings
- contribute the time needed to review and understand information provided to it
- apply good analytical skills, objectivity and judgement
- act in the best interests of the council
- have the personal courage to raise and deal with tough issues, express opinions frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of inquiry
- maintain effective working relationships with the council
- have strong leadership qualities (chairperson)
- lead effective committee meetings (chairperson), and
- oversee the council's internal audit function (chairperson).

6.2 Councillor members

To preserve the independence of the committee, the councillor member of the committee is a non-voting member. Their role is to:

- relay to the committee any concerns the governing body may have regarding the council and issues being considered by the committee
- provide insights into local issues and the strategic priorities of the council that would add value to the committee's consideration of agenda items
- advise the governing body (as necessary) of the work of the committee and any issues arising from it, and
- assist the governing body to review the performance of the committee.

Issues or information the councillor member raises with or provides to the committee must relate to the matters listed in Schedule 1 and issues being considered by the committee.

The councillor member of the committee must conduct themselves in a non-partisan and professional manner. The councillor member of the committee must not engage in any conduct that seeks to politicise the activities of the committee or the internal audit function or that could be seen to do so.

If the councillor member of the committee engages in such conduct or in any other conduct that may bring the committee and its work into disrepute, the chairperson of the committee may recommend to the council, that the councillor member be removed from membership of the committee. Where the council does not agree to the committee chairperson's recommendation, the council must give reasons for its decision in writing to the chairperson.

~~In carrying out its responsibilities, the ARIC must at all times operate having regard to functions of the Council and General Manager as defined by the Local Government Act.~~

~~The responsibilities of the ARIC may be reviewed or expanded by the Committee from time to time, subject to adoption by Council.~~

~~The ARIC's role will be in accordance with the principles outlined in Section 428A, Part 4A Internal Audit of Local Government Amendment (Governance and Planning) Act~~

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

~~2016¹ with particular emphasis on:~~

- ~~— Risk management;~~
- ~~— Internal Audit Function including its reports;~~
- ~~— External Audit;~~
- ~~— Compliance & Governance;~~
- ~~- Fraud and Corruption Prevention Strategy.~~

Specific details of each element are outlined below.

~~6.2 Risk Management~~

- ~~i) — Review and monitor Council's risk management framework and review its compliance with relevant risk management standards.~~
- ~~ii) — Satisfy itself that Management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud and corruption.~~

~~6.3 Internal Audit Function~~

- ~~i) — Support the independence of the Internal Audit Function as a management responsibility defined within the Internal Audit Policy.~~
- ~~ii) — Provide advice, when requested, on the appointment of Internal Audit contractors.~~
- ~~iii) — Review and endorse 3 Year Internal Audit Plan and Annual Audit Plan as developed by the Internal Auditor including consideration of the Enterprise Risk Management Plan.~~
- ~~iv) — Review audit reports and consider significant issues identified in audit reports and action taken on issues raised.~~
- ~~v) — Monitor the acceptance and implementation of report recommendations that come to the ARIC.~~
- ~~vi) — Periodically review and endorse to Council the Internal Audit Charter to ensure appropriate organisational structures, authority, access and reporting arrangements are in place.~~
- ~~vii) — Confirm that an independent review on the performance of Internal Audit is conducted at least every five (5) years.~~
- ~~viii) — Periodically review the progress against the 4 Year Internal Audit Plan and Annual Audit Plan.~~
- ~~ix) — Meet at least annually, with the internal audit representative "in-camera" without the presence of management.~~

~~6.4 External Audit~~

- ~~i) — Satisfy itself the annual financial reports comply with applicable Australian Accounting Standards and supported by appropriate management sign-off on the statements and the adequacy of internal controls.~~
- ~~ii) — Providing input and feedback on the financial statement and performance~~

¹ Approved by, not gazetted
Woollahra Municipal Council
Last Reviewed: March 2024

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

~~audit coverage proposed by external audit, and providing feedback on the external audit services provided;~~

- ~~iii) Review all significant issues raised in relevant External Audit reports completed and monitor management's implementation of audit recommendations (included in the Management Letter).~~
- ~~iv) Provide advice to Council on action taken on significant issues raised in relevant external audit reports and better practice guides~~
- ~~v) Meet at least annually with the external audit representative, "in camera", without the presence of management.~~

~~6.5 Compliance & Governance~~

- ~~i) Satisfy itself that Council has an effective and efficient Compliance and Governance Program and Control Self-Assessment Program in place.~~
- ~~ii) Satisfy itself that Management has in place appropriate policies and procedures and if these are periodically reviewed and updated.~~
- ~~iii) Consider processes in place to ensure compliance with procedures, laws, regulations, standards, statutory requirements, and best practice guidelines.~~
- ~~iv) Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies.~~
- ~~v) Appropriate policies and procedures are in place for the management and exercise of delegations.~~
- ~~vi) Management has taken steps to embed a culture which is committed to ethical and lawful behaviour, as outlined in Council's Code of Conduct.~~

~~6.6 Fraud and Corruption Prevention~~

- ~~i) Foster a culture of ethics in the organisation that contributes to a culture of healthy questioning, continuous improvement, strategic thinking and informed judgement.~~
- ~~ii) Review the Council's Fraud and Corruption Prevention Plan and monitor progress.~~
- ~~iii) Receive reports (and investigations) on fraud and corruption, risks, monitor trends, and monitor the appropriateness of preventative strategies.~~

~~7 Conduct Code of Conduct and Conflicts of Interest~~

~~All members of the Committee are to abide by Council's Code of Conduct and must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.~~

~~Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interests, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interests exists. The final arbiter of such a decision is the Chair of the ARIC.~~

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

6.3 Conduct

Independent committee members are required to comply with the council's Code of Conduct.

Complaints alleging breaches of the council's Code of Conduct by an independent committee member are to be dealt with in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW. The general manager must consult with the governing body before taking any disciplinary action against an independent committee member in response to a breach of the council's.

6.4 Conflicts of interest

Once a year, committee members must provide written declarations to the council stating that they do not have any conflicts of interest that would preclude them from being members of the committee. Independent committee members are 'designated persons' for the purposes of the council's Code of Conduct and must also complete and submit returns of their interests.

Committee members and observers must declare any pecuniary or non-pecuniary conflicts of interest they may have in a matter being considered at the meeting at the start of each meeting or as soon as they become aware of the conflict of interest. Where a committee member or observer declares a pecuniary or a significant non-pecuniary conflict of interest, they must remove themselves from committee deliberations on the issue. Details of conflicts of interest declared at meetings must be appropriately minuted.

6.5 Standards

Committee members are to conduct their work in accordance with the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and AS/NZS ISO 31000 Risk Management, where applicable.

8 Work Plans

The work of the committee is to be thoroughly planned and executed. The committee must develop a strategic work plan every four years to ensure that the matters listed in Schedule 1 are reviewed by the committee and considered by the internal audit function when developing their risk-based program of internal audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate.

The committee may, in consultation with the governing body, vary the strategic work plan at any time to address new or emerging risks. The governing body may also, by resolution, request the committee to approve a variation to the strategic work plan. Any decision to vary the strategic work plan must be made by the committee.

The committee must also develop an annual work plan to guide its work, and the work of the internal audit function over the forward year.

The committee may, in consultation with the governing body, vary the annual work plan to address new or emerging risks. The governing body may also, by resolution, request the committee to approve a variation to the annual work plan. Any decision to vary the annual work plan must be made by the committee.

When considering whether to vary the strategic or annual work plans, the committee must consider the impact of the variation on the internal audit function's existing workload and the completion of pre-existing priorities and activities identified under the work plan.

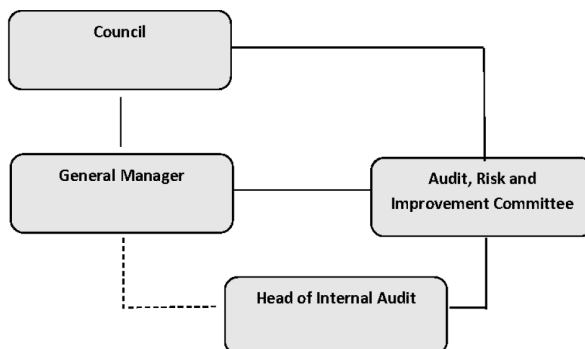
Audit, Risk & Improvement Committee (ARIC) Terms of Reference

Reporting to Council

The ARIC will report to the Council on a quarterly basis or at other times, if required.

The Diagram below shows the reporting relationship. The dotted line represents the 'administrative' reporting line and the bold line represents the 'functional' reporting line:

Diagram 1:



9 Assurance reporting

The committee must regularly report to the council to ensure that it is kept informed of matters considered by the committee and any emerging issues that may influence the strategic direction of the council or the achievement of the council's goals and objectives.

The committee will provide an update to the governing body and the general manager of its activities and opinions after every committee meeting.

The committee will provide an annual assessment to the governing body and the general manager on the committee's work and its opinion on how the council is performing.

The committee will provide a comprehensive assessment every council term of the matters listed in Schedule 1 to the governing body and the general manager.

The committee may at any time report to the governing body or the general manager on any other matter it deems of sufficient importance to warrant their attention. The mayor and the chairperson of the committee may also meet at any time to discuss issues relating to the work of the committee.

Should the governing body require additional information, a request for the information may be made to the chairperson by resolution. The chairperson is only required to provide the information requested by the governing body where the chairperson is satisfied that it is reasonably necessary for the governing body to receive the information for the purposes of performing its functions under the Local Government Act. Individual councillors are not entitled to request or receive information from the committee.

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

10 Administrative arrangements

10.1 Meetings

The committee will meet at least four times per year, including a special meeting to review the council's financial statements].

The committee can hold additional meetings when significant unexpected issues arise, or if the chairperson is asked to hold an additional meeting by a committee member, the general manager or the governing body.

Committee meetings can be held in person, by telephone or videoconference. Proxies are not permitted to attend meetings if a committee member cannot attend.

A quorum will consist of a majority of independent voting members. Where the vote is tied, the chairperson has the casting vote.

The chairperson of the committee will decide the agenda for each committee meeting. Each committee meeting is to be minuted to preserve a record of the issues considered and the actions and decisions taken by the committee.

The mayor, general manager and the internal audit coordinator should attend committee meetings as non-voting observers. The external auditor (or their representative) is to be invited to each committee meeting as an independent observer. The chairperson can request the council's chief financial officer, head of risk management, senior managers or any councillors, any employee/contractor of the council and any subject matter expert to attend committee meetings. Where requested to attend a meeting, persons must attend the meeting where possible and provide any information requested. Observers have no voting rights and can be excluded from a meeting by the chairperson at any time.

The committee can hold closed meetings whenever it needs to discuss confidential or sensitive issues with only voting members of the committee present.

The committee must meet separately with the internal audit coordinator and the council's external auditor at least once each year.

10.2 Dispute resolution

Members of the committee and the council's management should maintain an effective working relationship and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.

In the event of a disagreement between the committee and the general manager or other senior managers, the dispute is to be resolved by the governing body.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive of the Office of Local Government in writing.

10.3 Secretariat

The general manager will nominate a staff member to provide secretariat support to the committee. The secretariat will ensure the agenda for each meeting and supporting papers are circulated after approval from the chairperson at least one week before the meeting and ensure that minutes of meetings are prepared and maintained. Minutes must be approved by the chairperson and circulated within fourteen days of the meeting to each member.

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

10.4 Resignation and dismissal of members

Where the chairperson or a committee member is unable to complete their term or does not intend to seek reappointment after the expiry of their term, they should give six months notice to the chairperson and the governing body prior to their resignation to allow the council to ensure a smooth transition to a new chairperson or committee member.

The governing body can, by resolution, terminate the appointment of the chairperson or an independent committee member before the expiry of their term where that person has:

- breached the council's Code of Conduct
- performed unsatisfactorily or not to expectations
- declared, or is found to be in, a position of a conflict of interest which is unresolvable
- been declared bankrupt or found to be insolvent
- experienced an adverse change in business status
- been charged with a serious criminal offence
- been proven to be in serious breach of their obligations under any legislation, or
- experienced an adverse change in capacity or capability.

The position of a councillor member on the committee can be terminated at any time by the governing body by resolution.

10.4 Review arrangements

At least once every council term, the governing body must review or arrange for an external review of the effectiveness of the committee.

These terms of reference must be reviewed annually by the committee and once each council term by the governing body. Any substantive changes are to be approved by the governing body.

~~11 Induction~~

~~New members will receive relevant information and briefings on their appointment to assist them to meet their responsibilities.~~

~~12 Performance Assessment of the Committee and its members~~

~~The Chair of the Committee shall initiate a review of the performance of the Committee at least annually. The review will be conducted on a self-assessment basis (unless otherwise determined by the Chair), with appropriate input from management and any other relevant stakeholders, as determined by the Chair. Following this a review of the Committee will be undertaken by Council on its finding.~~

~~13 Review of Audit Risk & Improvement Committee Charter~~

- ~~1. At least once every two years, the ARIC will review its Charter to ensure it remains current and reflects the Committee's role and objectives.~~
- ~~2. The Council is required to approve any changes recommended to this ARIC Charter as and when required.~~

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

11 Documentation/References

	HPECM Reference

12 Related Policies and Procedures

	HPECM Reference

13 Further information

For further information on council's Audit, Risk and Improvement Committee (ARIC), contact [name] on [email address] or by phone [phone number].

Reviewed by chairperson of the Audit, Risk and Improvement Committee (ARIC)

[signed]

[date]

14 Policy Amendments

Date	Responsible Officer	Description
11 June 2021	Manager Business Assurance & Improvement	New Corporate template, update to Charter
6 August 2021	Manager Business Assurance & Improvement	Charter updated to reflect discussion from the A&AC meeting held on 3 August 2021.
23 August 2021	Manager Business Assurance & Improvement	Adopted by Council 23 August 2021.
8 June 2022	Manager Governance & Risk	Charter updated to reflect proposed change to the number of Independent Members and reference nomination of 3 Councillors as non-voting members. Note: Further review of the Charter to be undertaken once OLG releases the new Risk Management and Internal Audit Framework for Local Councils in NSW.

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

Schedule 1 – Audit, Risk and Improvement Committee (ARIC) responsibilities

Note: Each council/joint organisation is to determine the responsibilities of its committee related to each matter listed in section 428A of the Local Government Act 1993 and list them in Schedule 1 to the committee's terms of reference.

Suggested responsibilities are provided below and further detailed in core requirement 1 and Appendix 2 of the Guidelines for Risk Management and Internal Audit for Local Government in NSW.

Audit

Internal audit

- Provide overall strategic oversight of internal audit activities
- Act as a forum for communication between the governing body, general manager, senior management, the internal audit function and external audit
- Coordinate, as far as is practicable, the work programs of internal audit and other assurance and review functions
- Review and advise the council:
 - on whether the council is providing the resources necessary to successfully deliver the internal audit function
 - if the council is complying with internal audit requirements, including conformance with the International Professional Practices Framework
 - if the council's internal audit charter is appropriate and whether the internal audit policies and procedures and audit/risk methodologies used by the council are suitable
 - of the strategic four-year work plan and annual work plan of internal audits to be undertaken by the council's internal audit function
 - if the council's internal audit activities are effective, including the performance of the internal audit coordinator and the internal audit function
 - of the findings and recommendations of internal audits conducted, and corrective actions needed to address issues raised
 - of the implementation by the council of these corrective actions
 - on the appointment of the internal audit coordinator and external providers, and
 - if the internal audit function is structured appropriately and has sufficient skills and expertise to meet its responsibilities

External audit

- Act as a forum for communication between the governing body, general manager, senior management, the internal audit function and external audit
- Coordinate as far as is practicable, the work programs of internal audit and external audit
- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided
- Review all external plans and reports in respect of planned or completed audits and monitor council's implementation of audit recommendations
- Provide advice to the governing body and/or general manager on action taken on significant issues raised in relevant external audit reports and better practice guides

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

Risk

Risk management

Review and advise the council/joint organisation:

- if the council has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- whether the council is providing the resources necessary to successfully implement its risk management framework
- whether the council's/joint organisation's risk management framework is adequate and effective for identifying and managing the risks the council faces, including those associated with individual projects, programs and other activities
- if risk management is integrated across all levels of the council/joint organisation and across all processes, operations, services, decision-making, functions and reporting
- of the adequacy of risk reports and documentation, for example, the council's risk register and risk profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if the council has taken steps to embed a culture which is committed to ethical and lawful behaviour
- if there is a positive risk culture within the council and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how the council's risk management approach impacts on the council's insurance arrangements
- of the effectiveness of the council's/joint organisation's management of its assets, and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

Internal controls

Review and advise the council:

- whether the council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether the council has in place relevant policies and procedures and that these are periodically reviewed and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- if the council's monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

Compliance

Review and advise the council of the adequacy and effectiveness of the council's compliance framework, including:

- if the council has appropriately considered legal and compliance risks as part of the council's risk management framework
- how the council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- whether appropriate processes are in place to assess compliance.

Fraud and corruption

Review and advise the council of the adequacy and effectiveness of the council's fraud and corruption prevention framework and activities, including whether the council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

Financial management

Review and advise the council:

- if the council is complying with accounting standards and external accountability requirements
- of the appropriateness of the council's accounting policies and disclosures
- of the implications for the council of the findings of external audits and performance audits and the council's responses and implementation of recommendations
- whether the council's financial statement preparation procedures and timelines are sound
- the accuracy of the council's annual financial statements prior to external audit, including:
 - management compliance/representations
 - significant accounting and reporting issues
 - the methods used by the council to account for significant or unusual transactions and areas of significant estimates or judgements
 - appropriate management signoff on the statements
- if effective processes are in place to ensure financial information included in the council's annual report is consistent with signed financial statements
- if the council's financial management processes are adequate
- the adequacy of cash management policies and procedures
- if there are adequate controls over financial processes, for example:
 - appropriate authorisation and approval of payments and transactions
 - adequate segregation of duties
 - timely reconciliation of accounts and balances
 - review of unusual and high value purchases
- if policies and procedures for management review and consideration of the financial position and performance of the council are adequate
- if the council's grants and tied funding policies and procedures are sound.

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

Governance

Review and advise the council regarding its governance framework, including the council's:

- decision-making processes
- implementation of governance policies and procedures
- reporting lines and accountability
- assignment of key roles and responsibilities
- committee structure
- management oversight responsibilities
- human resources and performance management activities
- reporting and communication activities
- information and communications technology (ICT) governance, and
- management and governance of the use of data, information and knowledge

Improvement

Strategic planning

Review and advise the council:

- of the adequacy and effectiveness of the council's integrated, planning and reporting (IP&R) processes
- if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- whether the council is successfully implementing and achieving its IP&R objectives and strategies.

Service reviews and business improvement

- Act as a forum for communication and monitoring of any audits conducted by external bodies and the implementation of corrective actions (for example, NSW government agencies, Commonwealth government agencies, insurance bodies)
- Review and advise the council:
 - If the council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
 - if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
 - how the council can improve its service delivery and the council's performance of its business and functions generally

Performance data and measurement

Review and advise the council:

- if the council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- if the performance indicators the council uses are effective, and
- of the adequacy of performance data collection and reporting.



Audit, Risk & Improvement Committee (ARIC) Terms of Reference

Adoption Date:	by Council Resolution;
Last Reviewed:	19 June 2024; 8 June 2022: previous version adoption date 23 August 2021.
Next Review Date:	June 2028
Division/Department:	Corporate Performance – Governance & Risk
Responsible Officer:	Manager Governance & Risk
Reference Number::	24/41591

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

Woollahra Council has established ("Council") has established an Audit, Risk and Improvement Committee (ARIC) in compliance with section 428A of the Local Government Act 1993, the Local Government (General) Regulation 2021 and the Office of Local Government's Guidelines for risk management and internal audit for local government in NSW. These terms of reference set out the committee's objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

1 Objective

The objective of the committee is to provide independent assurance Woollahra Council by monitoring, reviewing and providing advice about the council's governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance.

2 Independence

The committee is to be independent to ensure it has no real or perceived bias or conflicts of interest that may interfere with its ability to act independently and to provide council with robust, objective and unbiased advice and assurance.

The committee is to have an advisory and assurance role only and is to exercise no administrative functions, delegated financial responsibilities or any management functions of the council. The committee will provide independent advice to the council that is informed by the council's internal audit and risk management activities and information and advice provided by staff, relevant external bodies and subject matter experts.

The committee must always ensure it maintains a direct reporting line to and from the council's internal audit function and act as a mechanism for internal audit to report to the governing body and the general manager on matters affecting the performance of the internal audit function.

3 Authority

The Council authorises the committee, for the purposes of exercising its responsibilities, to:

- i) Access any information it needs from the council
- ii) Use any council resources it needs
- iii) Discuss any matters with the external auditor or other external parties
- iv) Have direct and unrestricted access to the general manager and senior management of the council
- v) Seek the general manager's permission to meet with any other council staff member or contractor
- vi) Discuss any matters with the external auditor or other external parties
- vii) Request the attendance of any employee at Committee meetings.
- viii) Request external legal or other professional advice, as considered necessary to meet its responsibilities. The engagement and payment of costs for that advice is subject to the prior approval by the General Manager or Mayor, if appropriate. Information and documents pertaining to the committee are confidential and are not

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

to be made publicly available. The committee may only release council information to external parties that are assisting the committee to fulfil its responsibilities with the approval of the general manager, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

4 Composition

The committee consists of an independent chairperson and [two] independent members who have voting rights and one non-voting councillor, as required under the Local Government (General) Regulation 2021.

The governing body is to appoint the chairperson and members of the committee. From 1 July 2024 the Chairperson, Independent Members and members of the Committee are:

Carl Millington	Independent chairperson (voting)
Daniel Carbone	Independent member (voting)
Belinda Lawn	Independent member (voting)
Councillor Sean Carmichael	Councillor member (non-voting) until September 2024

All committee members must meet the independence and eligibility criteria prescribed under the Local Government (General) Regulation 2021.

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. This includes any term as chairperson of the committee. Members who have served an eight-year term (either as a member or as chairperson) must have a two-year break from serving on the committee before being appointed again. To preserve the committee's knowledge of the council/joint organization, ideally, no more than one member should retire from the committee because of rotation in any one year.

The terms and conditions of each member's appointment to the committee are to be set out in a letter of appointment. New members will be thoroughly inducted to their role and receive relevant information and briefings on their appointment to assist them to meet their responsibilities.

Prior to approving the reappointment or extension of the chairperson's or an independent member's term, the governing body is to undertake an assessment of the chairperson's or committee member's performance. Reappointment of the chairperson or a committee member is also to be subject to that person still meeting the independence and eligibility requirements prescribed under the Local Government (General) Regulation 2021.

Members of the committee must possess and maintain a broad range of skills, knowledge and experience relevant to the operations, governance and financial management of the council, the environment in which the council operates, and the contribution that the committee makes to the council. At least one member of the committee must have accounting or related financial management experience with an understanding of accounting and auditing standards in a local government environment. All members should have sufficient understanding of the council's financial reporting responsibilities to be able to contribute to the committee's consideration of the council's annual financial statements.

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

In the absence or resignation of the appointed Chair, the other current serving independent external member shall serve as the Chair for the period of absence of the duly nominated Chair.

5 Roles

As required under section 428A of the Local Government Act 1993 (the Act), the role of the committee is to review and provide independent advice to the council regarding the following aspects of the council's operations:

- compliance
- risk management
- fraud control
- financial management
- governance
- implementation of the strategic plan, delivery program and strategies
- service reviews
- collection of performance measurement data by the [council/joint organisation], and
- internal audit.

The committee must also provide information to the council for the purpose of improving the council's performance of its functions.

The committee's specific audit, risk and improvement responsibilities under section 428A of the Act are outlined in Schedule 1 to these terms of reference.

The committee will act as a forum for consideration of the council's internal audit function and oversee its planning, monitoring and reporting to ensure it operates effectively.

The committee has no power to direct external audit or the way it is planned and undertaken but will act as a forum for the consideration of external audit findings.

The committee is directly responsible and accountable to the governing body for the exercise of its responsibilities. In carrying out its responsibilities, the committee must at all times recognise that primary responsibility for management of the council rests with the governing body and the general manager.

The responsibilities of the committee may be revised or expanded in consultation with, or as requested by, the governing body from time to time.

6 Responsibilities of members

6.1 Independent members

The chairperson and members of the committee are expected to understand and observe the requirements of the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*. Members are also expected to:

- make themselves available as required to attend and participate in meetings
- contribute the time needed to review and understand information provided to it
- apply good analytical skills, objectivity and judgement
- act in the best interests of the council

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

- have the personal courage to raise and deal with tough issues, express opinions frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of inquiry
- maintain effective working relationships with the council
- have strong leadership qualities (chairperson)
- lead effective committee meetings (chairperson), and
- oversee the council's internal audit function (chairperson).

6.2 Councillor members

To preserve the independence of the committee, the councillor member of the committee is a non-voting member. Their role is to:

- relay to the committee any concerns the governing body may have regarding the council and issues being considered by the committee
- provide insights into local issues and the strategic priorities of the council that would add value to the committee's consideration of agenda items
- advise the governing body (as necessary) of the work of the committee and any issues arising from it, and
- assist the governing body to review the performance of the committee.

Issues or information the councillor member raises with or provides to the committee must relate to the matters listed in Schedule 1 and issues being considered by the committee.

The councillor member of the committee must conduct themselves in a non-partisan and professional manner. The councillor member of the committee must not engage in any conduct that seeks to politicise the activities of the committee or the internal audit function or that could be seen to do so.

If the councillor member of the committee engages in such conduct or in any other conduct that may bring the committee and its work into disrepute, the chairperson of the committee may recommend to the council, that the councillor member be removed from membership of the committee. Where the council does not agree to the committee chairperson's recommendation, the council must give reasons for its decision in writing to the chairperson.

6.3 Conduct

Independent committee members are required to comply with the council's Code of Conduct.

Complaints alleging breaches of the council's Code of Conduct by an independent committee member are to be dealt with in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW. The general manager must consult with the governing body before taking any disciplinary action against an independent committee member in response to a breach of the council's.

6.4 Conflicts of interest

Once a year, committee members must provide written declarations to the council stating that they do not have any conflicts of interest that would preclude them from being members of the committee. Independent committee members are 'designated persons' for the purposes of the council's Code of Conduct and must also complete and submit returns of their interests.

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

Committee members and observers must declare any pecuniary or non-pecuniary conflicts of interest they may have in a matter being considered at the meeting at the start of each meeting or as soon as they become aware of the conflict of interest. Where a committee member or observer declares a pecuniary or a significant non-pecuniary conflict of interest, they must remove themselves from committee deliberations on the issue. Details of conflicts of interest declared at meetings must be appropriately minuted.

6.5 Standards

Committee members are to conduct their work in accordance with the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and AS/NZS ISO 31000 Risk Management, where applicable.

7 Work Plans

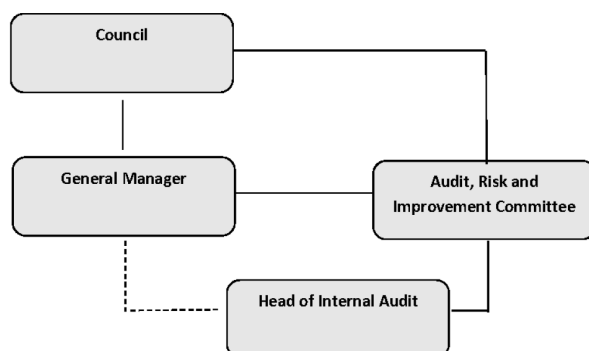
The work of the committee is to be thoroughly planned and executed. The committee must develop a strategic work plan every four years to ensure that the matters listed in Schedule 1 are reviewed by the committee and considered by the internal audit function when developing their risk-based program of internal audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate.

The committee may, in consultation with the governing body, vary the strategic work plan at any time to address new or emerging risks. The governing body may also, by resolution, request the committee to approve a variation to the strategic work plan. Any decision to vary the strategic work plan must be made by the committee.

The committee must also develop an annual work plan to guide its work, and the work of the internal audit function over the forward year.

The committee may, in consultation with the governing body, vary the annual work plan to address new or emerging risks. The governing body may also, by resolution, request the committee to approve a variation to the annual work plan. Any decision to vary the annual work plan must be made by the committee.

When considering whether to vary the strategic or annual work plans, the committee must consider the impact of the variation on the internal audit function’s existing workload and the completion of pre-existing priorities and activities identified under the work plan.



Audit, Risk & Improvement Committee (ARIC) Terms of Reference

8 Assurance reporting

The committee must regularly report to the council to ensure that it is kept informed of matters considered by the committee and any emerging issues that may influence the strategic direction of the council or the achievement of the council's goals and objectives.

The committee will provide an update to the governing body and the general manager of its activities and opinions after every committee meeting.

The committee will provide an annual assessment to the governing body and the general manager on the committee's work and its opinion on how the council is performing.

The committee will provide a comprehensive assessment every council term of the matters listed in Schedule 1 to the governing body and the general manager.

The committee may at any time report to the governing body or the general manager on any other matter it deems of sufficient importance to warrant their attention. The mayor and the chairperson of the committee may also meet at any time to discuss issues relating to the work of the committee.

Should the governing body require additional information, a request for the information may be made to the chairperson by resolution. The chairperson is only required to provide the information requested by the governing body where the chairperson is satisfied that it is reasonably necessary for the governing body to receive the information for the purposes of performing its functions under the Local Government Act. Individual councillors are not entitled to request or receive information from the committee.

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

9 Administrative arrangements

9.1 Meetings

The committee will meet at least four times per year, including a special meeting to review the council's financial statements].

The committee can hold additional meetings when significant unexpected issues arise, or if the chairperson is asked to hold an additional meeting by a committee member, the general manager or the governing body.

Committee meetings can be held in person, by telephone or videoconference. Proxies are not permitted to attend meetings if a committee member cannot attend.

A quorum will consist of a majority of independent voting members. Where the vote is tied, the chairperson has the casting vote.

The chairperson of the committee will decide the agenda for each committee meeting. Each committee meeting is to be minuted to preserve a record of the issues considered and the actions and decisions taken by the committee.

The mayor, general manager and the internal audit coordinator should attend committee meetings as non-voting observers. The external auditor (or their representative) is to be invited to each committee meeting as an independent observer. The chairperson can request the council's chief financial officer, head of risk management, senior managers or any councillors, any employee/contractor of the council and any subject matter expert to attend committee meetings. Where requested to attend a meeting, persons must attend the meeting where possible and provide any information requested. Observers have no voting rights and can be excluded from a meeting by the chairperson at any time.

The committee can hold closed meetings whenever it needs to discuss confidential or sensitive issues with only voting members of the committee present.

The committee must meet separately with the internal audit coordinator and the council's external auditor at least once each year.

9.2 Dispute resolution

Members of the committee and the council's management should maintain an effective working relationship and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.

In the event of a disagreement between the committee and the general manager or other senior managers, the dispute is to be resolved by the governing body.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive of the Office of Local Government in writing.

9.3 Secretariat

The general manager will nominate a staff member to provide secretariat support to the committee. The secretariat will ensure the agenda for each meeting and supporting papers are circulated after approval from the chairperson at least one week before the meeting and ensure that minutes of meetings are prepared and maintained. Minutes must be approved by the chairperson and circulated within fourteen days of the meeting to each member.

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

9.4 Resignation and dismissal of members

Where the chairperson or a committee member is unable to complete their term or does not intend to seek reappointment after the expiry of their term, they should give six months notice to the chairperson and the governing body prior to their resignation to allow the council to ensure a smooth transition to a new chairperson or committee member.

The governing body can, by resolution, terminate the appointment of the chairperson or an independent committee member before the expiry of their term where that person has:

- breached the council's Code of Conduct
- performed unsatisfactorily or not to expectations
- declared, or is found to be in, a position of a conflict of interest which is unresolvable
- been declared bankrupt or found to be insolvent
- experienced an adverse change in business status
- been charged with a serious criminal offence
- been proven to be in serious breach of their obligations under any legislation, or
- experienced an adverse change in capacity or capability.

The position of a councillor member on the committee can be terminated at any time by the governing body by resolution.

9.5 Review arrangements

At least once every council term, the governing body must review or arrange for an external review of the effectiveness of the committee.

These terms of reference must be reviewed annually by the committee and once each council term by the governing body. Any substantive changes are to be approved by the governing body.

10 Documentation/References

	HPECM Reference

11 Related Policies and Procedures

	HPECM Reference

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

12 Further information

For further information on council's Audit, Risk and Improvement Committee (ARIC), contact [name] on [email address] or by phone [phone number].

Reviewed by chairperson of the Audit, Risk and Improvement Committee (ARIC)

[signed]

[date]

13 Policy Amendments

Date	Responsible Officer	Description
11 June 2021	Manager Business Assurance & Improvement	New Corporate template, update to Charter
6 August 2021	Manager Business Assurance & Improvement	Charter updated to reflect discussion from the A&AC meeting held on 3 August 2021.
23 August 2021	Manager Business Assurance & Improvement	Adopted by Council 23 August 2021.
8 June 2022	Manager Governance & Risk	Charter updated to reflect proposed change to the number of Independent Members and reference nomination of 3 Councillors as non-voting members. Note: Further review of the Charter to be undertaken once OLG releases the new Risk Management and Internal Audit Framework for Local Councils in NSW.
7 March 2024	Manager Governance & Risk	Changes proposed in line with model document issued by the Office of Local Government.
19 June 2024	Manager Governance & Risk Coordinator Risk Management	Minor administrative edits in line with model document issued by the Office of Local Government

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

Schedule 1 – Audit, Risk and Improvement Committee (ARIC) responsibilities

Note: *Each council/joint organisation is to determine the responsibilities of its committee related to each matter listed in section 428A of the Local Government Act 1993 and list them in Schedule 1 to the committee's terms of reference.*

Suggested responsibilities are provided below and further detailed in core requirement 1 and Appendix 2 of the Guidelines for Risk Management and Internal Audit for Local Government in NSW.

Audit

Internal audit

- Provide overall strategic oversight of internal audit activities
- Act as a forum for communication between the governing body, general manager, senior management, the internal audit function and external audit
- Coordinate, as far as is practicable, the work programs of internal audit and other assurance and review functions
- Review and advise the council:
 - on whether the council is providing the resources necessary to successfully deliver the internal audit function
 - if the council is complying with internal audit requirements, including conformance with the International Professional Practices Framework
 - if the council's internal audit charter is appropriate and whether the internal audit policies and procedures and audit/risk methodologies used by the council are suitable
 - of the strategic four-year work plan and annual work plan of internal audits to be undertaken by the council's internal audit function
 - if the council's internal audit activities are effective, including the performance of the internal audit coordinator and the internal audit function
 - of the findings and recommendations of internal audits conducted, and corrective actions needed to address issues raised
 - of the implementation by the council of these corrective actions
 - on the appointment of the internal audit coordinator and external providers, and
 - if the internal audit function is structured appropriately and has sufficient skills and expertise to meet its responsibilities

External audit

- Act as a forum for communication between the governing body, general manager, senior management, the internal audit function and external audit
- Coordinate as far as is practicable, the work programs of internal audit and external audit
- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided
- Review all external plans and reports in respect of planned or completed audits and monitor council's implementation of audit recommendations
- Provide advice to the governing body and/or general manager on action taken on significant issues raised in relevant external audit reports and better practice guides

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

Risk

Risk management

Review and advise the council/joint organisation:

- if the council has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- whether the council is providing the resources necessary to successfully implement its risk management framework
- whether the council's/joint organisation's risk management framework is adequate and effective for identifying and managing the risks the council faces, including those associated with individual projects, programs and other activities
- if risk management is integrated across all levels of the council/joint organisation and across all processes, operations, services, decision-making, functions and reporting
- of the adequacy of risk reports and documentation, for example, the council's risk register and risk profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if the council has taken steps to embed a culture which is committed to ethical and lawful behaviour
- if there is a positive risk culture within the council and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how the council's risk management approach impacts on the council's insurance arrangements
- of the effectiveness of the council's/joint organisation's management of its assets, and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

Internal controls

Review and advise the council:

- whether the council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether the council has in place relevant policies and procedures and that these are periodically reviewed and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- if the council's monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

Compliance

Review and advise the council of the adequacy and effectiveness of the council's compliance framework, including:

- if the council has appropriately considered legal and compliance risks as part of the council's risk management framework
- how the council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- whether appropriate processes are in place to assess compliance.

Fraud and corruption

Review and advise the council of the adequacy and effectiveness of the council's fraud and corruption prevention framework and activities, including whether the council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

Financial management

Review and advise the council:

- if the council is complying with accounting standards and external accountability requirements
- of the appropriateness of the council's accounting policies and disclosures
- of the implications for the council of the findings of external audits and performance audits and the council's responses and implementation of recommendations
- whether the council's financial statement preparation procedures and timelines are sound
- the accuracy of the council's annual financial statements prior to external audit, including:
 - management compliance/representations
 - significant accounting and reporting issues
 - the methods used by the council to account for significant or unusual transactions and areas of significant estimates or judgements
 - appropriate management signoff on the statements
- if effective processes are in place to ensure financial information included in the council's annual report is consistent with signed financial statements
- if the council's financial management processes are adequate
- the adequacy of cash management policies and procedures
- if there are adequate controls over financial processes, for example:
 - appropriate authorisation and approval of payments and transactions
 - adequate segregation of duties
 - timely reconciliation of accounts and balances
 - review of unusual and high value purchases
- if policies and procedures for management review and consideration of the financial position and performance of the council are adequate
- if the council's grants and tied funding policies and procedures are sound.

Audit, Risk & Improvement Committee (ARIC) Terms of Reference

Governance

Review and advise the council regarding its governance framework, including the council's:

- decision-making processes
- implementation of governance policies and procedures
- reporting lines and accountability
- assignment of key roles and responsibilities
- committee structure
- management oversight responsibilities
- human resources and performance management activities
- reporting and communication activities
- information and communications technology (ICT) governance, and
- management and governance of the use of data, information and knowledge

Improvement

Strategic planning

Review and advise the council:

- of the adequacy and effectiveness of the council's integrated, planning and reporting (IP&R) processes
- if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- whether the council is successfully implementing and achieving its IP&R objectives and strategies.

Service reviews and business improvement

- Act as a forum for communication and monitoring of any audits conducted by external bodies and the implementation of corrective actions (for example, NSW government agencies, Commonwealth government agencies, insurance bodies)
- Review and advise the council:
 - If the council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
 - if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
 - how the council can improve its service delivery and the council's performance of its business and functions generally

Performance data and measurement

Review and advise the council:

- if the council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- if the performance indicators the council uses are effective, and
- of the adequacy of performance data collection and reporting.



Internal Audit Charter

Adoption Date:	23 August 2021 by Council Resolution
Last Reviewed:	23 August 2021 -19 June 2024
Next Review Date:	Once each Council term by Council on recommendation of Audit Risk and Improvement Committee; and Annually by the Audit, Risk and Improvement Committee
Division/Department:	General Manager/ Business Assurance & Improvement Corporate Performance - Governance & Risk
Responsible Officer:	Manager Business Assurance & Improvement Governance & Risk
HPE CM Record Number:	24/41593

PART A - Internal Audit Function

Council has established the Internal Audit function as a key component of the council's governance and assurance framework, in compliance with the Local Government (General) Regulation 2021 and the Office of Local Government's Guidelines for risk management and internal audit for local government in NSW. This charter provides the framework for the conduct of the internal audit function in the Council and has been approved by the governing body taking into account the advice of the council's Audit, Risk and Improvement Committee (ARIC).

~~The Council has adopted a whole of Council approach to the development of our Business Assurance Framework. A robust business assurance framework relies on the utilisation of good risk management practices and processes and internal controls that will promote effective and efficient business operations. Internal Audit is a key component of the Business Assurance Framework.~~

~~Internal Audit is an essential process and the Internal Auditor should be independent in order to provide an objective assurance designed to add value and improve council's operations.~~

~~Internal Audit aims to provide assurance to Senior Management, the Audit, Risk & Improvement Committee (ARIC) and to the Council. It involves substantive testing of controls and business processes. The Council recognises the importance of such an independent and objective process to obtain reasonable assurance that business objectives are being met.~~

~~The purpose of the Charter is to define the Internal Audit function, purpose, authority, duties and responsibilities and the role of the Internal Auditor.~~

1 Purpose of Internal Audit

Internal audit is an independent, objective assurance and consulting activity designed to add value and improve the council's operations. It helps the council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

Internal audit provides an independent and objective review and advisory service to provide advice to the governing body, General Manager and Audit, Risk and Improvement Committee (ARIC) about the council's governance processes, risk management and control frameworks and its

Internal Audit Charter

external accountability obligations. It also assists the council to improve its business performance.

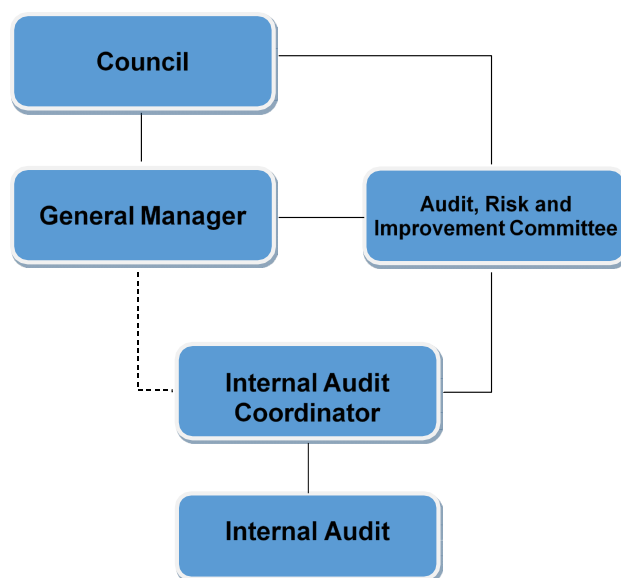
2 Independence

Council's Internal Audit Function is to be independent of the council so it can provide an unbiased assessment of the council's operations and risk and control activities.

[Internal Audit reports functionally to the council's Audit, Risk and Improvement Committee (ARIC) on the results of completed audits, and for strategic direction and accountability purposes, and reports administratively to the General Manager to facilitate day-to-day operations. Internal audit activities are not subject to direction by the council and the council's management has no role in the exercise of the council's internal audit activities.

The Diagram below shows the reporting relationship. The dual reporting line is prescribed where the dotted line represents the 'administrative' reporting line and the bold line represents the 'functional' reporting line.

Diagram 1: Reporting relationship



The Audit, Risk and Improvement Committee (ARIC) is responsible for communicating any internal audit issues or information to the governing body. Should the governing body require additional information, a request for the information may be made to the chairperson by resolution.

The chairperson is only required to provide the information requested by the governing body where the chairperson is satisfied that it is reasonably necessary for the governing body to receive the information for the purposes of performing its functions under the Local Government Act. Individual councilors are not entitled to request or receive information from the committee.

Internal Audit Charter

~~[Detail any delegations made by the general manager/executive officer regarding their internal audit responsibilities].~~

The General Manager must consult with the chairperson of the council's Audit, Risk and Improvement Committee (ARIC) before appointing or making decisions affecting the employment of the Internal Audit Coordinator.

Where the chairperson of the council's Audit, Risk and Improvement Committee (ARIC) has any concerns about the treatment of the [internal audit coordinator], or any action taken that may compromise their ability to undertake their functions independently, they can report their concerns to the governing body.

The Internal Audit Coordinator is to confirm at least annually to the Audit, Risk and Improvement Committee (ARIC) the independence of internal audit activities from the council.

3 Authority

Council authorises Internal Audit to have full, free and unrestricted access to all functions, premises, assets, personnel, records and other documentation and information that the Internal Audit Coordinator considers necessary for Internal Audit to undertake its responsibilities.

All records, documentation and information accessed while undertaking internal audit activities are to be used solely for the conduct of those activities. The Internal Audit Coordinator and individual internal audit staff are responsible and accountable for maintaining the confidentiality of the information they receive when undertaking their work.

All internal audit documentation is to remain the property of Council including where internal audit services are performed by an external third-party provider.

Information and documents pertaining to the Internal Audit are not to be made publicly available. Internal Audit may only release Council information to external parties that are assisting Internal Audit to undertake its responsibilities with the approval of the General Manager, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

4 Role

Internal Audit is to support the council's Audit, Risk and Improvement Committee (ARIC) to review and provide independent advice to the council in accordance with section 428A of the Local Government Act 1993. This includes conducting internal audits of council and monitoring the implementation of corrective actions.

The Internal Audit is to also play an active role in:

- developing and maintaining a culture of accountability and integrity
- facilitating the integration of risk management into day-to-day business activities and processes, and
- promoting a culture of high ethical standards.

Internal Audit has no direct authority or responsibility for the activities it reviews. [Name of internal audit function] has no responsibility for developing or implementing procedures or systems and does not prepare records or engage in council functions or activities (except in carrying out its own functions).

Internal Audit Charter

The work of Internal Audit does not relieve the staff of Council from their accountability to discharge their responsibilities. All Council staff are responsible for risk management and the operation and enhancement of internal control. This includes responsibility for implementing remedial action endorsed by management following an internal audit.

5 Internal Audit Coordinator

Outsourced internal audit function

Council's Internal Audit is to be led by a member of council's staff with sufficient skills, knowledge and experience to ensure it fulfills its role and responsibilities to the council and the Audit, Risk and Improvement Committee (ARIC). The Internal Audit Coordinator must be independent, impartial, unbiased and objective when performing their work and free from any conflicts of interest.

Responsibilities of the Internal Audit Coordinator include:

- contract management
- managing the internal audit budget
- ensuring the external provider completes internal audits in line with the Audit, Risk and Improvement Committee (ARIC)'s annual work plan and four-year strategic work plan
- forwarding audit reports by the external provider to the Audit, Risk and Improvement Committee (ARIC)

- acting as a liaison between the external provider and the Audit, Risk and Improvement Committee (ARIC)
- monitoring the council's implementation of corrective actions that arise from the findings of audits and reporting progress to the Audit, Risk and Improvement Committee (ARIC), and
- assisting the Audit, Risk and Improvement Committee (ARIC) to ensure the council's internal audit activities comply with the Office of Local Government's Guidelines for risk management and internal audit for local government in NSW (effective from 1 July 2024).

~~[Details of any dual responsibilities and independence safeguards]~~

~~[Details of any shared arrangements]~~

1.

6 Out-sourced internal audit team

Council is to contract an external third-party provider to undertake its internal audit activities. To ensure the independence of the external provider, the Internal Audit Coordinator is to ensure the external provider:

- does not conduct any audits on specific council operations or areas that they have worked on within the last two years
- is not the same provider conducting the Council's external audit
- is not the auditor of any contractors of the council that may be subject to the internal audit, and
- can satisfy the requirements of the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*.

The Internal Audit Coordinator must consult with the Audit, Risk and Improvement Committee (ARIC) and General Manager regarding the appropriateness of the skills, knowledge and experience of any external provider before they are engaged by the Council.

7 Reporting Line of Internal Audit Performing internal audit activities

~~The internal audit function, through the Head of Internal Audit, reports functionally to the Audit & Risk Improvement Committee on the results of completed audits, and the strategic direction and accountability purposes, and reports administratively to the General Manager to facilitate day to day operations.~~

~~The Head of Internal Audit has direct access to the General Manager to discuss audit and risk issues when required. The Internal Audit functions, activities, program and the results of all Internal Audits must be referred to~~

the ARIC.

The work of Internal Audit is to be thoroughly planned and executed. The Council's Audit, Risk and Improvement Committee (ARIC) must develop a strategic work plan every four years to ensure that the matters listed in Schedule 1 are reviewed by the committee and considered by the internal audit function when developing their risk-based program of internal audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate.

The committee must also develop an annual work plan to guide the work of the internal audit function over the forward year.

The strategic internal audit work plan is to be based on an assessment of the goals, objectives and business risks of Council, and shall take into consideration any special requirements of the Audit, Risk & Improvement Committee and the Executive Leadership Team.

The Internal Audit Coordinator has discretionary authority to adjust the annual work plan as a result of receiving special requests from the Executive Leadership Team to conduct reviews that are not on the plan, with these to be endorsed at the next meeting of the Audit, Risk & Improvement Committee.

All internal audit activities are to be performed in a manner that is consistent with relevant professional standards including the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and AS/NZS ISO 31000 Risk Management (the current Australian Risk Management standard) or equivalent as amended from time to time.

The Internal Audit Coordinator is to provide the findings and recommendations of internal audits to the Audit, Risk and Improvement Committee (ARIC) at the end of each audit. Each report is to include a response from the relevant senior manager.

The Internal Audit Coordinator is to establish an ongoing monitoring system to follow up council's progress in implementing corrective actions.

The General Manager, in consultation with the Audit, Risk and Improvement Committee (ARIC), is to develop and maintain policies and procedures to guide the operation of the Council's Internal Audit function.

The Internal Audit Coordinator is to ensure that the Audit, Risk and Improvement Committee (ARIC) is advised at each of the committee's meetings of the internal audit activities completed during that quarter, progress in implementing the annual work plan and progress made implementing corrective actions.

8 Conduct

Internal audit personnel must comply with the Council's Code of Conduct. Complaints about breaches of council's Code of Conduct by internal audit personnel are to be dealt with in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*. The General Manager must consult with the Council's Audit, Risk and Improvement Committee (ARIC) before any disciplinary action is taken against the Internal Audit Coordinator in response to a breach of the council's Code of Conduct.

Internal auditors must also comply with the Code of Ethics for the Professional Practice of

Internal Auditing issued by the Institute of Internal Auditors.

Conflicts of Interest are to be managed in accordance with Council's Code of Conduct and relevant policies and procedures. Instances of perceived or actual conflicts of interest by the Internal Audit Coordinator are to be reported to the General Manager and further reported to the Audit, Risk & Improvement Committee where such conflicts cannot be managed.

Breaches of this Charter may result in an investigation of the alleged breach in line with relevant Council policies including the Model Code of Conduct.

Any alleged criminal offence or allegation of corrupt conduct will be referred to the relevant external agency.

When engaging internal auditor contractors, the Internal Audit Coordinator shall take steps to identify, evaluate the significance, and manage any perceived or actual conflicts of interest that may impinge upon internal audit work.

9 Administrative arrangements

Audit, Risk and Improvement Committee (ARIC) meetings

The Internal Audit Coordinator will attend Audit, Risk and Improvement Committee (ARIC) meetings as an independent non-voting observer. The Internal Audit Coordinator can be excluded from meetings by the Committee at any time.

The Internal Audit Coordinator must meet separately with the Audit, Risk and Improvement Committee (ARIC) at least once per year.

The Internal Audit Coordinator can meet with the chairperson of the Audit, Risk and Improvement Committee (ARIC) at any time, as necessary, between committee meetings.

External audit

Internal and external audit activities will be coordinated to help ensure the adequacy of overall audit coverage and to minimise duplication of effort.

Periodic meetings and contact between internal and external audit shall be held to discuss matters of mutual interest and to facilitate coordination.

External audit will have full and free access to all internal audit plans, working papers and reports.

Dispute resolution

Internal Audit should maintain an effective working relationship with the Council and the Audit, Risk and Improvement Committee (ARIC) and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.

In the event of a disagreement between Internal Audit and the Council, the dispute is to be resolved by the General Manager and/or the Audit, Risk and Improvement Committee (ARIC). Disputes between Internal Audit and the Audit, Risk and Improvement Committee (ARIC) are to be resolved by the governing body.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to

[Internal Audit Charter](#)

the Departmental Chief Executive of the Office of Local Government in writing.

Review arrangements

The Council's Audit, Risk and Improvement Committee (ARIC) must review the performance of the internal audit function each year and report its findings to the governing body. A strategic review of the performance of the Internal Audit function must be conducted each council term that considers the views of an external party with a strong knowledge of internal audit and reported to the Council.

10 Review of the Internal Audit Charter

This charter is to be reviewed annually by the committee and once each council term by the governing body. Any substantive changes are to be approved by the governing body.

The Council's Internal Audit Charter will also be reviewed periodically to ensure it remains up-to-date and reflects the current scope of internal audit work.

From time-to-time circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made including branding, Council Officer position titles or department changes and legislative name or title changes are considered minor in nature and not required to be formally endorsed.

Any changes, other than administrative changes, to this Internal Audit Charter will be endorsed by the Audit, Risk and Improvement Committee (ARIC) and approved by the Council.

11 Further information

For further information on council's internal audit activities, contact Council's Coordinator Internal Audit - Manager Governance & Risk by email risk@woollahra.nsw.gov.au or by phone 93491 7000.

Reviewed by Internal Audit Coordinator

[sign and date]

Reviewed by chairperson of the Council's Audit, Risk and Improvement Committee (ARIC)

[sign and date]

Reviewed by General Manager

[sign and date]

Reviewed by council in accordance with a resolution of the governing body

[sign and date]

[insert resolution reference and insert Council meeting date.]

12 Documentation/ References/ Relevant Legislation Instruments and Standards

	HPECM Reference
Risk Management Standard	
<i>Standards of professional practice issued by the Institute of Internal Auditors</i>	
<i>Local Government (General) Regulation 2021</i>	
<i>Local Government Act 1993</i>	
<i>Local Government Amendment (Governance and Planning) Act 2016</i>	
<i>Independent Commission against Corruption Act 1988</i>	

13 Related Policies and Procedures

	HPECM Reference
Audit, Risk and Improvement Committee Terms of Reference	24/41591

14 Version Control - Document History

Date	Responsible Officer	Description
11 June 2021	Manager Business Assurance & Improvement	New Corporate template, update to Charter
6 August 2021	Manager Business Assurance & Improvement	Charter updated to reflect discussion from the A&AC meeting held on 3 August 2021.
7 March 2024	Manager Governance & Risk	Changes proposed in line with model document issued by the Office of Local Government.
19 June 2024	Coordinator Risk Management Manager Governance & Risk	Revised and updated document aligned to OLG Model Charter and administrative edits.

Internal Audit Charter

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Scope

The scope of services provided by Internal Audit includes, but not limited to:

- ~~Examining and evaluating the adequacy and effectiveness of internal controls, governance and the status of ethical behaviour~~
- ~~Ascertaining conformity with the goals and objectives of the Council~~
- ~~Assessing the economic and efficient use of resources~~
- ~~Examining compliance with policies, procedures, plans and legislation~~
- ~~Assessing the reliability and integrity of information~~
- ~~Assessment of the safeguarding of assets~~
- ~~Any special investigations as directed by the General Manager or requested by the ARIC.~~

~~The Internal Auditor is authorised to undertake a comprehensive program of internal audit work in the form of reviews, consultancy advice, evaluations, appraisals, assessments and investigations of functions, processes, controls and governance frameworks in the context of supporting the Council's business objectives.~~

~~The Internal Auditor is authorised to have full, free and unrestricted access to all functions, property, personnel, records, information, accounts, files, monies and other documentation, as necessary for the conduct of their audit work. The Internal auditor can seek information and explanations and assistance from employees of the Council.~~

15 Duties of Internal Auditor

It is the duty of the Internal Auditor to carry out the Internal Audit functions in the most professional manner, maintaining independence from line management and not compromising impartial and unbiased judgment.

At all times, confidentiality shall be preserved and discretion exercised by the Internal Auditor to ensure that information of a private, confidential or sensitive nature, gathered through the performance of the Internal Audit process, is not divulged, except where necessary in performance of that task.

The Internal Auditor will ensure safekeeping of any books, accounts, files, documents, papers, or other items whilst in their possession and return these to their customary holder as soon as possible.

16 Responsibilities

Council's Internal Auditor is responsible for:

- i) development and co-ordination of Council's risk based four year Internal Audit Plan for a four year period (to coincide with the term of Council) and Annual Audit Plan derived from the sum of all individual Department Audit Plans; Council's risk registers and any other auditable areas as defined by the Internal Auditor, General Manager and/or the ARIC.
- ii) compliance with the Council's Code of Conduct and professional auditing standards.

- ~~iii) compliance to the WMC Internal Audit Policy and WMC Internal Audit Charter.~~
- ~~iv) provision of reports on the results of internal audits conducted reporting to the ARIC.~~
- ~~v) provision of regular summary reports on the progress of the annual audit plan to the General Manager and the ARIC.~~
- ~~vi) monitoring previous internal audit recommendations and reporting to the General Manager and the ARIC.~~
- ~~vii) management reviews at the request of the General Manager; and~~
- ~~viii) provision of advice and guidance when sought by management or the ARIC.~~
- ~~ix) Meet at least annually in camera with the ARIC without the presence of management.~~

Council's Management is responsible for:

- ~~i) Ensuring internal audit have timely access to including but not limited to management, staff, other personnel, records, systems etc. to undertake the internal audit in a timely manner;~~
- ~~ii) Provide constructive review in a timely manner of the draft report and where there are differences of opinion provide evidence to substantiate differences, noting that internal audit has the final say on the report;~~
- ~~iii) Provide realistic timelines on recommendations so that any risks identified can be managed with the recommendations, or if an extended timeframe, what additional short term actions may be undertaken to manage the risks.~~
- ~~iv) Be available to attend the ARIC when the internal audit report is presented to discuss and issues or related matters from the report.~~

17 Code of Conduct & Conflict of Interest

The Internal Auditor is to abide by Council's Code of Conduct and must declare any conflicts of interest prior to the commencement of any internal audit.

Instances of perceived or actual conflicts of interest are to be reported immediately to the ARIC and the General Manager.

The Internal Auditor shall not undertake any audit work on Council's operations where the Internal Auditor has held a position of responsibility for the auditable area unless a period of two years has expired since holding that position of responsibility. In addition, in the circumstances where the appointed internal auditor has provided consulting services regarding a particular operation/service they are not permitted to undertake an audit to provide assurance on that operation/service.

The Internal Auditor is expected to adopt professional ethical standards in order to meet his/her responsibility to the Council. The Internal Auditor must comply with the principles and rules of conduct as stated in the Institute of Internal Auditors, The IIA's Code of Ethics¹, in place and as amended from time to time viz:

Principles of Conduct

The principles that are relevant to the profession and practice of internal auditing are:

Integrity

The integrity of the Internal Auditor establishes trust and provides the basis for reliance on their judgement.

Objectivity

The Internal Auditor exhibits the highest level of professional objectivity in gathering, evaluating, and communicating information about the activity or process being examined. The Internal Auditor makes a balanced assessment of all the relevant circumstances and is not unduly influenced by their own interests or by others in forming judgements.

Confidentiality

¹ Adopted by The IIA Board of Directors, June 17, 2000

~~The Internal Auditor respects the value and ownership of information received and does not disclose information without appropriate authority unless there is a legal or professional obligation to do so.~~

Competency

~~The Internal Auditor applies the knowledge, skills, and experience needed in the performance of internal auditing services.~~

Rules of Conduct

~~The rules of conduct that describe behaviour norms expected of internal auditors are:~~

Integrity:

~~The Internal Auditor will:~~

- ~~i) Perform their work with honesty, diligence, and responsibility~~
- ~~ii) Observe the law and make disclosures expected by the law and the profession~~
- ~~iii) Not knowingly be a party to any illegal activity, or engage in acts that are discreditable to the profession of internal auditing or to the organisation~~
- ~~iv) Respect and contribute to the legitimate and ethical objectives of the Organisation~~

Objectivity

~~The Internal Auditor will:~~

- ~~i) Not participate in any activity or relationship that may impair or be presumed to impair their unbiased assessment. This participation includes those activities or relationships that may be in conflict with the interests of the organisation~~
- ~~ii) Not accept anything that may impair or be presumed to impair their professional judgement~~
- ~~iii) Disclose all material facts known to them that, if not disclosed, may distort the reporting of activities under review.~~

Confidentiality

~~The Internal Auditor will:~~

- ~~iv) Be prudent in the use and protection of information acquired in the course of their duties~~
- ~~v) Not use information for any personal gain or in any manner that would be contrary to the law or detrimental to the legitimate and ethical objectives of the organisation~~

Competency

~~The Internal Auditor will:~~

- ~~vi) Engage only in those services for which they have the necessary knowledge, skills, and experience~~
- ~~vii) Perform internal auditing services in accordance with the Standards for the Professional Practice of Internal Auditing²~~

²The Institute of Internal Auditors: <http://www.theiia.org/guidance/standards-and-guidance>

Internal Audit Charter

~~xii) Continually improve their proficiency and the effectiveness and quality of their services.~~

~~Every five (5) years, in consultation with the ARIC, arrange for an independent, external review of the Internal Audit Function. The review to be conducted must follow Quality Assurance and Improvement Program (Check with Mark Griffiths he has proper name/context).~~

~~On completion of the review, a program of improvements will be produced including a balance scorecard.~~

~~Any substantive changes are to be approved by the Council following endorsement by the ARIC.~~

This charter is to be reviewed annually by the committee and once each council term by the governing body. Any substantive changes are to be approved by the governing body.

Schedule 1 – internal audit function responsibilities

Audit

Internal audit

- Conduct internal audits as directed by the council's Audit, Risk and Improvement Committee (ARIC).
- Implement the council's annual and four-year strategic internal audit work plans.
- Monitor the implementation by the council of corrective actions.
- Assist the council to develop and maintain a culture of accountability and integrity.
- Facilitate the integration of risk management into day-to-day business activities and processes.
- Promote a culture of high ethical standards.

External audit

- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided.
- Review all external plans and reports in respect of planned or completed audits and monitor the council's implementation of audit recommendations.
- Provide advice on action taken on significant issues raised in relevant external audit reports and better practice guides.

Risk

Risk management

Review and advise:

- if the council has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- whether the council's risk management framework is adequate and effective for identifying and managing the risks the council faces, including those associated with individual projects, programs and other activities
- if risk management is integrated across all levels of the council and across all processes, operations, services, decision-making, functions and reporting
- of the adequacy of risk reports and documentation, for example, the council's risk register and risk profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations

Internal Audit Charter

- if the council has taken steps to embed a culture which is committed to ethical and lawful behaviour
- if there is a positive risk culture within the council and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how the council's risk management approach impacts on the council's insurance arrangements
- of the effectiveness of the council's management of its assets, and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

Internal controls

Review and advise:

- whether the council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether the council has in place relevant policies and procedures and that these are periodically reviewed and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- if the council's monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

Compliance

Review and advise of the adequacy and effectiveness of the council's compliance framework, including:

- if the council has appropriately considered legal and compliance risks as part of the council's risk management framework
- how the council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- whether appropriate processes are in place to assess compliance.

Fraud and corruption

Review and advise of the adequacy and effectiveness of the council's fraud and corruption prevention framework and activities, including whether the council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

Financial management

Review and advise:

- if the council is complying with accounting standards and external accountability requirements
- of the appropriateness of the council's accounting policies and disclosures
- of the implications for the council of the findings of external audits and performance audits and the council's responses and implementation of recommendations
- whether the council's financial statement preparation procedures and timelines are sound
- the accuracy of the council's annual financial statements prior to external audit, including:
 - management compliance/representations
 - significant accounting and reporting issues
 - the methods used by the council to account for significant or unusual transactions and areas of significant estimates or judgements
 - appropriate management signoff on the statements
- if effective processes are in place to ensure financial information included in the council's report is consistent with signed financial statements
- if the council's financial management processes are adequate
- the adequacy of cash management policies and procedures
- if there are adequate controls over financial processes, for example:
 - appropriate authorisation and approval of payments and transactions
 - adequate segregation of duties
 - timely reconciliation of accounts and balances
 - review of unusual and high value purchases
- if policies and procedures for management review and consideration of the financial position and performance of the council are adequate
- if the council's grants and tied funding policies and procedures are sound.

Governance

Review and advise of the adequacy of the council governance framework, including the council's:

- decision-making processes
- implementation of governance policies and procedures
- reporting lines and accountability
- assignment of key roles and responsibilities
- committee structure
- management oversight responsibilities
- human resources and performance management activities
- reporting and communication activities
- information and communications technology (ICT) governance, and
- management and governance of the use of data, information and knowledge.

Improvement

Strategic planning

Review and advise:

- of the adequacy and effectiveness of the council's integrated, planning and reporting (IP&R) processes
- if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- whether the council is successfully implementing and achieving its IP&R objectives and strategies.

Service reviews and business improvement

Review and advise:

- if the council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
- if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
- how the council can improve its service delivery and the council's performance of its business and functions generally

Performance data and measurement

Review and advise:

- if the council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- if the performance indicators the council uses are effective, and
- of the adequacy of performance data collection and reporting.



Internal Audit Charter

Adoption Date:	by Council Resolution
Last Reviewed:	19 June 2024
Next Review Date:	Once each Council term by Council on the recommendation of Audit Risk and Improvement Committee; and Annually by the Audit, Risk and Improvement Committee
Division/Department:	Corporate Performance - Governance & Risk
Responsible Officer:	Manager Governance & Risk
HPE CM Record Number:	24/41593

PART A - Internal Audit Function

Woollahra Council (Council) has established an Internal Audit function as a key component of Council's governance and assurance framework, in compliance with the Local Government (General) Regulation 2021 and the Office of Local Government's Guidelines for risk management and internal audit for local government in NSW. This Charter provides the framework for the conduct of the Internal Audit function in Council and has been approved by the governing body taking into account the advice of Council's Audit, Risk and Improvement Committee (ARIC).

1 Purpose of Internal Audit

Internal audit is an independent, objective assurance and consulting activity designed to add value and improve Council's operations. It helps Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

Internal audit provides an independent and objective review and advisory service to provide advice to the governing body, General Manager and Council's Audit, Risk and Improvement Committee (ARIC), about Council's governance processes, risk management and control frameworks and its external accountability obligations. It also assists Council to improve its business performance.

2 Independence

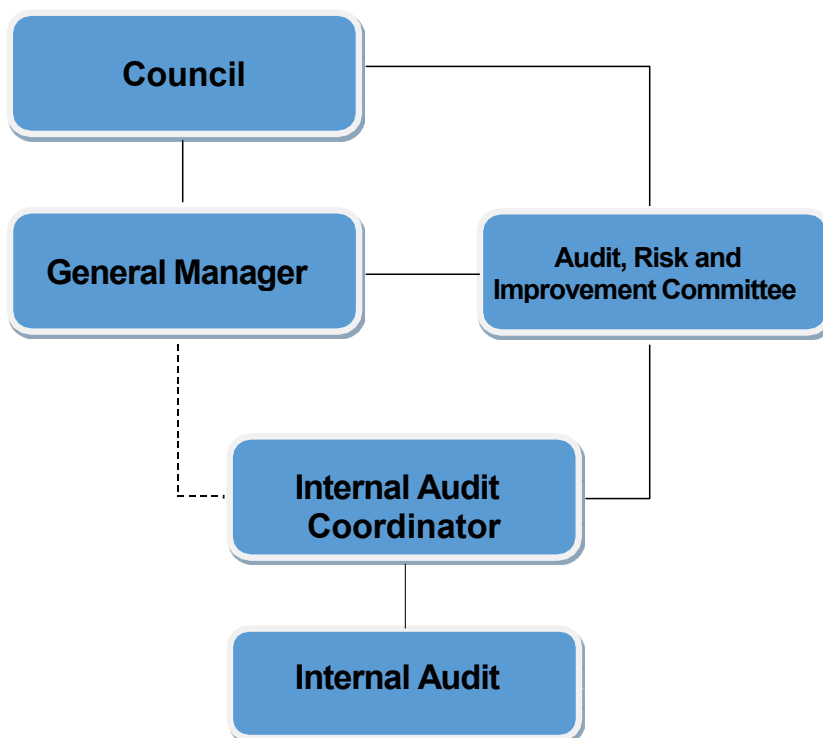
Council's Internal Audit function is to be independent of Council so it can provide an unbiased assessment of Council's operations and risk and control activities.

The Internal Audit function reports functionally to Council's ARIC, on the results of completed audits, and for strategic direction and accountability purposes, and reports administratively to the General Manager to facilitate day-to-day operations.

Internal audit activities are not subject to the direction by Council and Council's management has no role in the exercise of Council's internal audit activities.

The dual reporting line (as shown below) is prescribed where the dotted line represents the 'administrative' reporting line and the bold line represents the 'functional' reporting line, as shown below.

Diagram 1: Reporting relationship



ARIC is responsible for communicating any internal audit issues or information to the governing body. Should the governing body require additional information, a request for the information may be made to the ARIC chairperson by resolution.

The chairperson is only required to provide the information requested by the governing body where the chairperson is satisfied that it is reasonably necessary for the governing body to receive the information for the purposes of performing its functions under the *Local Government Act 1993*. Individual Councillors are not entitled to request or receive information from the Committee.

The General Manager must consult with the chairperson of Council’s ARIC before appointing or making decisions affecting the employment of the Internal Audit Coordinator.

Where the Chairperson of Council’s ARIC has any concerns about the treatment of the Internal Audit Coordinator, or any action taken that may compromise their ability to undertake their functions independently, they can report their concerns to the governing body.

The Internal Audit Coordinator is to confirm at least annually to the ARIC, the independence of internal audit activities from Council.

3 Authority

Council authorises Internal Audit to have full, free and unrestricted access to all functions, premises, assets, personnel, records and other documentation and information that the Internal Audit Coordinator considers necessary for Internal Audit to undertake its responsibilities.

All records, documentation and information accessed while undertaking internal audit activities are to be used solely for the conduct of those activities. The Internal Audit Coordinator and individual internal audit staff are responsible and accountable for maintaining the confidentiality of the information they receive when undertaking their work.

All internal audit documentation is to remain the property of Council including where internal audit services are performed by an external third-party provider.

Information and documents pertaining to the Internal Audit are not to be made publicly available. Internal Audit may only release Council information to external parties that are assisting Internal Audit to undertake its responsibilities with the approval of the General Manager, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

4 Role

Internal Audit is to support Council's ARIC to review and provide independent advice to Council in accordance with section 428A of the Local Government Act 1993. This includes conducting internal audits of council and monitoring the implementation of corrective actions.

Internal Audit is to also play an active role in:

- developing and maintaining a culture of accountability and integrity
- facilitating the integration of risk management into day-to-day business activities and processes, and
- promoting a culture of high ethical standards.

Internal Audit has no direct authority or responsibility for the activities it reviews. Internal Audit has no responsibility for developing or implementing procedures or systems and does not prepare records or engage in council functions or activities (except in carrying out its own functions).

The work of Internal Audit function does not relieve the staff of Council from their accountability to discharge their responsibilities. All Council staff are responsible for risk management and the operation and enhancement of internal control. This includes responsibility for implementing any remedial action endorsed by management following an internal audit.

5 Internal Audit Coordinator

Outsourced internal audit function

Council's Internal Audit function is to be led by a member of Council's staff with sufficient skills, knowledge and experience to ensure it fulfills its role and responsibilities to Council and the ARIC. The Internal Audit Coordinator must be independent, impartial, unbiased and objective when performing their work and free from any conflicts of interest.

Responsibilities of the Internal Audit Coordinator include:

- contract management
- managing the internal audit budget
- ensuring the external provider completes internal audits in line with the ARIC's annual work plan and four-year strategic work plan
- forwarding audit reports by the external provider to the ARIC
- acting as a liaison between the external provider and the ARIC
- monitoring Council's implementation of corrective actions that arise from the findings of audits and reporting progress to the ARIC, and
- assisting the ARIC to ensure Council's internal audit activities comply with the Office of Local Government's Guidelines for risk management and internal audit for local government in NSW (*effective from 1 July 2024*).

6 Out-sourced internal audit team

Council is to contract an external third-party provider to undertake its internal audit activities. To ensure the independence of the external provider, the Internal Audit Coordinator is to ensure the external provider:

- does not conduct any audits on specific council operations or areas that they have worked on within the last two years
- is not the same provider conducting Council's external audit
- is not the auditor of any contractors of Council that may be subject to the internal audit, and
- can satisfy the requirements of the Office of Local Government's *Guidelines for risk management and internal audit for local government in NSW*.

The Internal Audit Coordinator must consult with the ARIC and the General Manager regarding the appropriateness of the skills, knowledge and experience of any external provider before they are engaged by Council.

7 Performing internal audit activities

The work of Internal Audit is to be thoroughly planned and executed. Council's ARIC must develop a strategic work plan every four years to ensure that the matters listed in Schedule 1 are reviewed by the committee and considered by the

internal audit function when developing their risk-based program of internal audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate.

The committee must also develop an annual work plan to guide the work of the internal audit function over the forward year.

The strategic internal audit work plan is to be based on an assessment of the goals, objectives and business risks of Council, and shall take into consideration any special requirements of the ARIC and the Executive Leadership Team.

The Internal Audit Coordinator has discretionary authority to adjust the annual work plan as a result of receiving special requests from the Executive Leadership Team to conduct reviews that are not on the plan, with these to be endorsed at the next meeting of the ARIC.

All internal audit activities are to be performed in a manner that is consistent with relevant professional standards including the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and AS/NZS ISO 31000 Risk Management (the current Australian Risk Management standard) or equivalent as amended from time to time.

The Internal Audit Coordinator is to provide the findings and recommendations of internal audits to the ARIC at the end of each audit. Each report is to include a response from the relevant Senior Manager.

The Internal Audit Coordinator is to establish an ongoing monitoring system to follow up council's progress in implementing corrective actions.

The General Manager, in consultation with the ARIC, is to develop and maintain policies and procedures to guide the operation of Council's Internal Audit function.

The Internal Audit Coordinator is to ensure that the ARIC is advised at each of the committee's meetings of the internal audit activities completed during that quarter, progress in implementing the annual work plan and progress made implementing corrective actions.

8 Conduct

Internal audit personnel must comply with Council's Code of Conduct. Complaints about breaches of Council's Code of Conduct by internal audit personnel are to be dealt with in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*. The General Manager must consult with Council's ARIC before any disciplinary action is taken against the Internal Audit Coordinator in response to a breach of Council's Code of Conduct.

Internal auditors must also comply with the Code of Ethics for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors.

Conflicts of Interest are to be managed in accordance with Council's Code of Conduct and relevant policies and procedures. Instances of perceived or actual conflicts of interest by the Internal Audit Coordinator are to be reported to the

General Manager and further reported to the Audit, Risk & Improvement Committee where such conflicts cannot be managed.

Breaches of this Charter may result in an investigation of the alleged breach in line with relevant Council policies including the Model Code of Conduct.

Any alleged criminal offence or allegation of corrupt conduct will be referred to relevant external agencies.

When engaging internal auditor contractors, the Internal Audit Coordinator shall take steps to identify, evaluate the significance, and manage any perceived or actual conflicts of interest that may impinge upon internal audit work.

9 Administrative arrangements

Audit, Risk and Improvement Committee (ARIC) meetings

The Internal Audit Coordinator will attend ARIC meetings as an independent non-voting observer. The Internal Audit Coordinator can be excluded from meetings by the Committee at any time.

The Internal Audit Coordinator must meet separately with the ARIC at least once per year.

The Internal Audit Coordinator can meet with the chairperson of the ARIC at any time, as necessary, between committee meetings.

External audit

Internal and external audit activities will be coordinated to help ensure the adequacy of overall audit coverage and to minimise duplication of effort.

Periodic meetings and contact between internal and external audit shall be held to discuss matters of mutual interest and to facilitate coordination.

External audit will have full and free access to all internal audit plans, working papers and reports.

Dispute resolution

Internal Audit should maintain an effective working relationship with Council and the ARIC and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.

In the event of a disagreement between the Internal Audit and Council, the dispute is to be resolved by the General Manager and/or the ARIC. Disputes between Internal Audit and the ARIC are to be resolved by the governing body.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive of the Office of Local Government in writing.

Review arrangements

Council's ARIC must review the performance of the internal audit function each year and report its findings to the governing body. A strategic review of the performance of the Internal Audit function must be conducted each council term that considers the views of an external party with a strong knowledge of internal audit and reported to Council.

10 Review of the Internal Audit Charter

This charter is to be reviewed annually by the committee and once each council term by the governing body. Any substantive changes are to be approved by the governing body.

Council's Internal Audit Charter will also be reviewed periodically to ensure it remains up-to-date and reflects the current scope of the internal audit work.

From time-to-time circumstances may change leading to the need for minor administrative changes to this Charter. Where an update does not materially alter the contents, such a change may be made including branding, Council Officer position titles or department changes and legislative names or title changes are considered minor in nature and not required to be formally endorsed.

Any changes, other than administrative changes to this Charter will be endorsed by the ARIC and approved by Council.

11 Further information

For further information on council's internal audit activities, contact Council's Coordinator Internal Audit - Manager Governance & Risk at risk@woollahra.nsw.gov.au or 9391 7000.

Reviewed by Internal Audit Coordinator

[sign and date]

Reviewed by chairperson of Council's Audit, Risk and Improvement Committee (ARIC)

[sign and date]

Reviewed by General Manager

[sign and date]

Reviewed by council in accordance with a resolution of the governing body

[sign and date]

[insert resolution reference and insert Council meeting date.]

12 Documentation/ References/ Relevant Legislation Instruments and Standards

	HPECM Reference
Risk Management Standard	
<i>Standards of professional practice issued by the Institute of Internal Auditors</i>	
<i>Local Government (General) Regulation 2021</i>	
<i>Local Government Act 1993</i>	
<i>Local Government Amendment (Governance and Planning) Act 2016</i>	
<i>Independent Commission against Corruption Act 1988</i>	

13 Related Policies and Procedures

	HPECM Reference
Audit, Risk and Improvement Committee Terms of Reference	24/41591

14 Version Control - Document History

Date	Responsible Officer	Description
11 June 2021	Manager Business Assurance & Improvement	New Corporate template, update to Charter
6 August 2021	Manager Business Assurance & Improvement	Charter updated to reflect discussion from the A&AC meeting held on 3 August 2021.
7 March 2024	Manager Governance & Risk	Changes proposed in line with model document issued by the Office of Local Government.
19 June 2024	Coordinator Risk Management Manager Governance & Risk	Revised and updated document aligned to OLG Model Charter and administrative edits.

Schedule 1 – internal audit function responsibilities

Audit

Internal audit

- Conduct internal audits as directed by Council's Audit, Risk and Improvement Committee (ARIC).
- Implement Council's annual and four-year strategic internal audit work plans.
- Monitor the implementation by Council of corrective actions.
- Assist Council to develop and maintain a culture of accountability and integrity.
- Facilitate the integration of risk management into day-to-day business activities and processes.
- Promote a culture of high ethical standards.

External audit

- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided.
- Review all external plans and reports in respect of planned or completed audits and monitor Council's implementation of audit recommendations.
- Provide advice, where appropriate, on action taken on significant issues raised in relevant external audit reports and better practice guides.

Risk

Risk management

Review and advise:

- if Council has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- whether Council's risk management framework is adequate and effective for identifying and managing the risks Council faces, including those associated with individual projects, programs and other activities
- if risk management is integrated across all levels of Council and across all processes, operations, services, decision-making, functions and reporting
- of the adequacy of risk reports and documentation, for example, Council's risk register and risk profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if Council has taken steps to embed a culture which is committed to ethical and lawful behaviour

Internal Audit Charter

- if there is a positive risk culture within Council and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how Council's risk management approach impacts on Council's insurance arrangements
- of the effectiveness of Council's management of its assets, and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

Internal controls

Review and advise:

- whether Council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether Council has in place relevant policies and procedures and that these are periodically reviewed and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- if Council's monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

Compliance

Review and advise of the adequacy and effectiveness of Council's compliance framework, including:

- if Council has appropriately considered legal and compliance risks as part of Council's risk management framework
- how Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- whether appropriate processes are in place to assess compliance.

Fraud and corruption

Review and advise of the adequacy and effectiveness of Council's fraud and corruption prevention framework and activities, including whether Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

Financial management

Review and advise:

- if Council is complying with accounting standards and external accountability requirements

- of the appropriateness of Council's accounting policies and disclosures
- of the implications for Council of the findings of external audits and performance audits and Council's responses and implementation of recommendations
- whether Council's financial statement preparation procedures and timelines are sound
- the accuracy of Council's annual financial statements prior to external audit, including:
 - management compliance/representations
 - significant accounting and reporting issues
 - the methods used by Council to account for significant or unusual transactions and areas of significant estimates or judgements
 - appropriate management signoff on the statements
- if effective processes are in place to ensure financial information included in Council's report is consistent with signed financial statements
- if Council's financial management processes are adequate
- the adequacy of cash management policies and procedures
- if there are adequate controls over financial processes, for example:
 - appropriate authorisation and approval of payments and transactions
 - adequate segregation of duties
 - timely reconciliation of accounts and balances
 - review of unusual and high value purchases
- if policies and procedures for management review and consideration of the financial position and performance of Council are adequate
- if Council's grants and tied funding policies and procedures are sound.

Governance

Review and advise of the adequacy of Council's governance framework, including Council's:

- decision-making processes
- implementation of governance policies and procedures
- reporting lines and accountability
- assignment of key roles and responsibilities
- committee structure
- management oversight responsibilities
- human resources and performance management activities
- reporting and communication activities
- information and communications technology (ICT) governance, and
- management and governance of the use of data, information and knowledge.

Improvement

Strategic planning

Review and advise:

- of the adequacy and effectiveness of Council's integrated, planning and reporting (IP&R) processes
- if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- whether Council is successfully implementing and achieving its IP&R objectives and strategies.

Service reviews and business improvement

Review and advise:

- if Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
- if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
- how Council can improve its service delivery and Council's performance of its business and functions generally

Performance data and measurement

Review and advise:

- if Council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- if the performance indicators Council uses are effective, and
- of the adequacy of performance data collection and reporting.

13.1 Strategic & Corporate Committee

Items with Recommendations from the Committee Meeting of Monday 17 June 2024 Submitted to the Council for Determination

Item No:	R1 Recommendation to Council
Subject:	POST-EXHIBITION REPORT - DRAFT WOOLLAHRA SECTION 7.12 DEVELOPMENT CONTRIBUTIONS PLAN 2022 (AMENDMENT 2)
Authors:	Wai Wai Liang, Strategic Planner Lyle Tamlyn, Acting Team Leader Strategic Planning
Approvers:	Anne White, Manager Strategic Planning & Place Scott Pedder, Director Planning & Place
File No:	24/89804
Purpose of the Report:	To report on the exhibition of the Draft Woollahra Section 7.12 Development Contributions Plan 2022 (Amendment 2) and seek Council's approval for finalisation.
Alignment to Delivery Program:	Strategy 5.2: Provide and maintain safe, clean, serviceable public infrastructure including roads, footpaths, bicycle facilities, parks, open spaces, stormwater drains and seawalls.

Recommendation:

THAT Council approve the *Draft Woollahra Section 7.12 Development Contributions Plan 2022 (Amendment 2)* as at **Attachment 1** of the report to the Strategic and Corporate Committee of 17 June 2024.

Item No: R2 Recommendation to Council
Subject: **OPERATIONAL PLAN 2024-25, LONG TERM FINANCIAL PLAN 2024-25 - 2033-34, RATING STRUCTURE AND WORKFORCE MANAGEMENT STRATEGY 2024-25 – 2027-28**
Authors: Petrina Duffy, Coordinator Strategy & Performance
 Henrietta McGilvray, Senior Corporate Accountant
 Esther Hii, Acting Senior Corporate Accountant
 Paul Ryan, Chief Financial Officer
Approvers: Jennifer Chenhall, Manager Governance & Risk
 Sue Meekin, Director Corporate Performance
 Craig Swift-McNair, General Manager
File No: 24/83407
Purpose of the Report: To allow Councillors to consider community submissions and recommend any necessary changes to Council’s Operational Plan 2024-25 (including Budget and Rating Structure), Long Term Financial Plan 2024-25 – 2033-34 and to endorse the Workforce Management Strategy 2024-25 – 2027-28.
Alignment to Delivery Program: Strategy 11.2: Secure Council’s financial position.

Recommendation:

THAT Council:

- A. Note that there was 1 submission from the community in response to the following documents that were placed on public exhibition from 1 May - 29 May 2024:
 - i. Operational Plan 2024-25 (including the 2024-25 budget)
 - ii. Long Term Financial Plan 2024-25 – 2033-34
- B. Having considered the submission received, adopt the draft:
 - i. Operational Plan 2024-25 (including the 2024-25 budget)
 - ii. Long Term Financial Plan 2024-25 – 2033-34

Incorporating the updates to the 2024-25 budget and other documents as detailed in this report and subject to other any changes agreed at this meeting.

- C. Receive and endorse the Workforce Management Strategy (WMS) 2024-25 – 2027-28, noting that the WMS did not require public exhibition, as per the Integrated Planning & Reporting Guidelines provided by the Office of Local Government.
- D. Note that as per Section 405 of the NSW Local Government Act 1993, a copy of the:
 - i. Operational Plan 2024-25 (including the 2024-25 budget)
 - ii. Long Term Financial Plan 2024-25 – 2033-34
 - iii. Workforce Management Strategy 2024-25 – 2027-28

following consideration by Council, be placed on Council’s website, with a link to the relevant documents provided to the Chief Executive of the Office of Local Government.

- E. That Council make and levy the Rates and Annual Charges set out in the Rating Structure for 2024-25, which includes the approved Special Rate Variation of 7.5% being:

Category / Sub Category	Rating Structure	Amount to be Levied \$	Rates in the \$, Base Amounts & Minimums
Ordinary Rates:			
Residential	Base Charge - 50% Ad Valorem - 50%	40,296,930	\$801.00 (Base Amount) 0.03347 cents in \$

Business	Ad Valorem - subject to a minimum	1,803,437	0.17930 cents in \$; \$837.00 (minimum)
<i>Business Sub Categories:</i>		All Ad Valorem - subject to a minimum	
Double Bay		2,305,177	0.21280 cents in \$; \$837.00 (minimum)
Oxford Street Paddington		1,134,135	0.41750 cents in \$; \$837.00 (minimum)
Rose Bay (New South Head Road)		376,580	0.18360 cents in \$; \$837.00 (minimum)
Edgecliff		519,380	0.26580 cents in \$; \$837.00 (minimum)
Bellevue Hill		36,692	0.21440 cents in \$; \$837.00 (minimum)
Edgecliff / Grosvenor Streets, Woollahra		114,863	0.20130 cents in \$; \$837.00 (minimum)
Five Ways, Paddington		97,035	0.17470 cents in \$; \$837.00 (minimum)
New South Head Road, Vaucluse		54,726	0.22100 cents in \$; \$837.00 (minimum)
Old South Head Road, Rose Bay		81,875	0.15300 cents in \$; \$837.00 (minimum)
Old South Head Road, Vaucluse		18,950	0.11330 cents in \$; \$837.00 (minimum)
Plumer Road, Rose Bay		17,144	0.20970 cents in \$; \$837.00 (minimum)
Queen Street, Woollahra		311,173	0.15200 cents in \$; \$837.00 (minimum)
Watsons Bay		106,298	0.22140 cents in \$; \$837.00 (minimum)
Special Rate:			
Environmental & Infrastructure Renewal Levy (All Categories and sub-categories)	Base Charge - 50% Ad Valorem - 50%	5,618,873	\$106.00 (Base Amount) 0.00444 cents in \$
Total Rates		52,893,267	
Annual Charges:			
Domestic Waste Management Charge	\$638.30	16,993,601	
Stormwater Management Charges:			
Single residential dwelling	\$25.00	263,000	
Residential strata unit	\$12.50	180,000	
Business property	\$25.00 plus \$25.00 per 350m ² (or part thereof) above 350m ² in land area	47,000	
Business strata unit	\$5.00	2,500	
Total Annual Charges		17,486,101	
Total Rates & Annual Charges		70,379,368	

15. Councillor Reports/Councillor Updates (Section 8.4)

Note: Councillor Reports/Councillor Updates are to be confined to condolences, congratulations, presentations and matters ruled by the Chair to be of extreme urgency (in accordance with Section 8.4 of Council's Code of Meeting Practice).

16. Notices of Motion

Item No: 16.1
Subject: **NOTICE OF MOTION - COUNCIL COMMITTEE STRUCTURE**
From: Councillors Nicola Grieve, Sarah Swan, Susan Wynne and Matthew Robertson
Date: 19 June 2024
File No: 24/106263

THAT Council:

- A. Request the General Manager prepare a report for consideration at an Ordinary Council meeting no later than 12 August 2024, covering options for alternative Council committee structures and meeting schedules to those currently in place.
 - B. Request the General Manager table the above-mentioned report at the first meeting of the newly elected Council (post the 14 September 2024 Council elections), with a view to informing decision making by the new Council about the committee structure and meeting schedule for the 2024-2028 term of Council.
-