



Corporate & Works Committee

Agenda: *Corporate & Works Committee*

Date: *Monday 5 June 2006*

Time: *6.00pm*

Outline Of Meeting Protocol & Procedure:

The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.

The Chairperson will commence the Order of Business as shown in the Index to the Agenda.

At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.

If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.

If there are persons representing both sides of a matter (eg applicant/objector), the person(s) against the recommendation speak first.

At the conclusion of the allotted four (4) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.

If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.

The Chairperson has the discretion whether to continue to accept speakers from the floor.

After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

Delegated Authority ("D" Items):

General financial and corporate management of the Council, except those specifically excluded by statute, by Council direction or delegated specifically to another Committee.

Note: This not to limit the discretions of nominated staff members exercising Delegated Authorities granted by the Council.

Quarterly review of Council's Management Plan.

Finance Regulations, including:-

- Authorisation of expenditures within budgetary provisions where not delegated;
- Quarterly review of Budget Review Statements;
- Quarterly and other reports on Works and Services provision; and
- Writing off of rates, fees and charges because of non-rateability, bad debts, and impracticality of collection.

Auditing.

Property Management.

Asset Management.

Traffic Management - Works Implementation.

Works and Services - Monitoring and Implementations.

Legal Matters and Legal Register.

Parks and Reserves Management.

Infrastructure Management, Design and Investigation.

To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agenda (and as may be limited by specific Council resolution).

Confirmation of Minutes of its Meeting.

Any other matter falling within the responsibility of the Corporate and Works Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed below.

Recommendation only to the Full Council ("R" Items):

Such matters as are specified in Section 377 and within the ambit of the Committee considerations.

The voting of money for expenditure on works, services and operations.

Rates, Fees and Charges.

Donations

Matters which involve broad strategic or policy initiatives within responsibilities of the Committee.

Matters not within the specified functions of the Committee.

Asset Rationalisation.

Corporate Operations:-

- Statutory Reporting; - Delegations.
- Adoption of Council's Management Plans; - Policies.
- Quality Service/Communications; - Tenders.
- Leases.
- Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes

Committee Membership:

7 Councillors

Quorum:

The quorum for a Committee meeting is 4 Councillors.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

1 June 2006

To: His Worship the Mayor, Councillor Petrie, ex-officio
Councillors John Walker (Chair)
 Keri Huxley (Deputy Chair)
 Claudia Cullen
 Marcus Ehrlich
 Tanya Excell
 Wilhelmina Gardner
 Fiona Sinclair King

Dear Councillors

Corporate & Works Committee Meeting – 5 June 2006

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Corporate and Works Committee** to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 5 June 2006 at 6.00pm.**

Gary James
General Manager

Meeting Agenda

Item	Subject	Pages
1	Leave of Absence and Apologies	
2	Late Correspondence	
3	Declarations of Interest	

Items to be Decided by this Committee using its Delegated Authority

D1	Confirmation of Minutes of Meeting held on 22 May 2006	1
D2	Workchoices Impact on Council	2
D3	Retail Electricity – 154.G	7

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

R1	Loan Borrowing – 331.G 2005/2006	11
R2	Adoption of the Policy & Guidelines for Communicating & Consulting with the Community – 941.G	14

Item No: D1 Delegated to Committee
Subject: **Confirmation of minutes of meeting held on 22 May 2006**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 22 May 2006 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.

Recommendation:

That the Minutes of the Corporate and Works Committee Meeting of 22 May 2006 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: D2 Delegated to Committee
Subject: **WorkChoices Impact on Council**
Author: Nita Carthew
Manager - Human Resources
File No:
Reason for Report: To update Council on the current impact of the WorkChoices legislation

Recommendation:

That the report be received and noted

Background:

The Workplace Relations Amendment (WorkChoices) Act 2005 and Workplace Relations Regulations 2006 commenced operation on 27 March 2006. The Act and Regulations are jointly referred to as WorkChoices. WorkChoices affect the way in which people are employed and the management of the ongoing employment relationship.

WorkChoices applies to “constitutional corporations”. North Sydney and Ku-ring-gai Councils have received written legal advice that they are considered a constitutional corporation and the Local Government & Shires Associations have advised that it would be extremely unlikely that any NSW council would not be considered a constitutional corporation.

Legal proceedings have commenced in the High Court of Australia by state governments and Unions NSW challenging the constitutional validity of the WorkChoices legislation. It is possible, but unlikely, that WorkChoices may not apply to Councils as a result of the High Court challenge. The High Court judgement is a least 3 months away. In the mean time we are proceeding with the implementation of the legislation as we are a constitutional corporation as non compliance may result in penalties under the Act.

State laws relating to matters such as Occupational Health & Safety, Anti-Discrimination, Workers Compensation, and the Local Government Act continue to apply.

Immediate Changes:

Prior to WorkChoices, Council operated under the Local Government (State) Award 2004 – 2007. Under WorkChoices, this Award has become a Notional Agreement Preserving State Awards (NAPSA). This is the previous Award with all prohibited content removed. This NAPSA will remain operational for a maximum of three years, from 27 March 2006. The Local Government and Shire Associations have prepared a NAPSA by removing the prohibited content.

Council also had five registered Enterprise Bargaining Agreements (EBA) prior to WorkChoices. Under WorkChoices, these have become Preserved State Agreements (PSA). These are the previous EBAs with prohibited content removed. The PSA will remain operational until the expiry date of the EBA or three years from 27 March 2006. Currently we are reviewing the EBAs to remove prohibited content to make them compliant PSAs

In addition we are reviewing our employment policies and procedures to be ensure compliance with WorkChoices. The payroll system is also being modified to ensure that annual leave and personal leave accumulations and accruals comply with the new requirements.

Prohibited Content

The Regulations list the “various matters that are prohibited content”. Following is a list of prohibited terms that cannot be included in any agreement:-

- a) deductions from the pay or wages of trade union membership subscriptions or dues
- b) the provision of payroll deduction facilities for trade union membership subscriptions
- c) leave to attend trade union training
- d) paid leave to attend meetings conducted by or made up of trade union members
- e) the renegotiation of a workplace agreement
- f) the rights of an organisation of employers or employees to participate in, or represent an employer or employee, in a dispute settling procedure, unless they are the choice of the employer or employee
- g) the rights of an official of an organisation of employers or employees to enter the premises of the employer
- h) restrictions on the engagement of independent contractors and requirements relating to the conditions of their engagement
- i) restrictions on the engagement of labour hire workers and requirements relating to the conditions of their engagement
- j) the forgoing of annual leave credited to an employee (unless in accordance with the Act)
- k) the provision of information about employees to a trade union, or a member acting in a representative capacity, officer, or employee of a trade union, (unless the provision of that information is required or authorised by law)
- l) terms that encourage or discourage union membership
- m) terms allowing for industrial action
- n) terms dealing with disclosure of details of workplace agreement
- o) terms providing for remedies for unfair dismissal*
- p) objectionable provisions
- q) anti-AWA provisions

* It should be noted that as Council employs more than 100 employees that the existing unfair dismissal laws continue to apply.

Prohibited content listed in the regulation relates specifically to employment agreements and the employment relationship arrangement. It does not prevent the making an operational or policy decision regarding such activities, just that prohibited content cannot be in any workplace agreement.

Australian Fair Pay Commission

WorkChoices introduced the Australian Fair Pay Commission (AFPC) as the body responsible for setting the base standard conditions for employment. The AFPC has set the minimum standards which include;

- a) minimum adult hourly pay rate of \$12.75
- b) maximum of 38 ordinary hours in a working week when averaged over a 12 month period
- c) 4 weeks annual leave (accumulative) for non-shift workers
- d) 10 days personal leave (accumulative) per year. This incorporates sick leave and carer's leave

Where an employee had provision through an award, agreement or employment arrangement for more advantageous entitlements than the AFPC standard prior to the introduction of WorkChoices, the entitlement is preserved and continues to be applicable to this employee. These preserved entitlements remain attached to the employee until such time as a change is negotiated through an agreement or the employee leaves Council's employ.

Record Keeping

WorkChoices prescribes that an organisation must keep a record relating to each employee (paid under \$55,000 and with no entitlement to overtime) with the following detail

- a) the daily start and finish time
- b) the total number of hours worked by the employee during each day
- c) the employee's nominal hours
- d) any variations to the nominal hours

During the six month transition time, Council is reviewing its current timesheet method and will alter this to comply with the legislation. Record keeping will be simplified with the introduction of the new Human Resources Information System, as it has online timesheet entry and will keep all of these records in an electronic format.

Implementation:

By the expiry date of the PSAs and/or the NAPSA, it will be necessary for each employee to have been moved onto one or more of the following employment arrangements. The options that could be implemented by the General Manager include:-

- a) Negotiate either union collective agreements or employee collective agreements with groups of employees – this would be the most likely instrument to replace the PSAs. It provides the flexibility to address a particular operational area, whilst retaining the application to a group of employees.
- b) Negotiate Australian Workplace Agreements (AWAs) with individual employees – this would be most applicable to replace the contracts and deeds of agreements that currently exist with individual employees. It is also a useful alternative for any employee that desires to negotiate separately from a collective agreement.
- c) Develop a Council wide agreement that would apply to all Council employees – this would provide the benefit from an administrative prospective, however, it will not provide the flexibility that is required to cover such diverse operations.
- d) Rely on one, or a number, of new federal awards. These awards will result from a process of award simplification, award rationalisation and rationalisation of wage and classification structures. This is expected to be some considerable time before one or a number of relevant federal awards will be available.

At the present time we have PSAs (previously Enterprise Bargaining Agreements) for

- Street Cleaning staff
- Waste Services staff
- Mechanical Workshop staff
- Business Centre Teams
- Trades staff

In addition we

- Senior Staff contract (5)
- Managers contracts (~15)
- Deeds of agreement (~10)

The remaining staff are covered by the NAPSA (previously the Local Government State Award) including the following major functional groups and types

- Library staff
- Kindergarten staff
- Parks staff
- Customer services staff
- Other Professional staff

Administrative and clerical staff
etc

We are of the opinion that federal award will be the least desirable option for both staff and the Council as it would have limited operational value as the award provisions will have only the bare minimum standards. As the Council covers a number of job classifications, it will also result in a number of federal awards to cover all employees. Because of the diversity of our workforce requirements and the number and nature of currently agreements the options of collective or individual agreement (AWAs) is the most desirable outcome for both the organisation and staff

We are progressing to meet our obligations under WorkChoices how ever we do not need to immediately commence consultation with staff about the various options. It would be prudent to wait for some further clarity on the details of the WorkChoices' requirements and possibly until the High Court has handed down its decision.

As a guide, the timeframe for negotiating new agreements to replace the current PSAs will be as follows:-

- a) Street Cleaning - 15 August 2008
- b) Waste Services – 24 January 2008
- c) Mechanical Workshop – 25 August 2008
- d) Business Centre Teams – 15 September 2008
- e) Trades – currently expired but each current employee's entitlements are preserved

Prior to the commencement of WorkChoices, negotiations were underway for an agreement in Parks & Street Trees. With the changes, these negotiations were placed on hold. However, the outcome from the negotiations has formulated a good basis for a collective agreement in this area. It is likely that this will be the first area to move through the process to form a collective agreement.

Consultation with staff:

All employees are being kept up to date by a HR newsletter, which is distributed via email and attached to payslips. This newsletter provides information regarding the changes and that are affecting them directly.

Staff briefings have also been conducted in each division by the relevant Director and Manager Human Resources. This provided staff members with the opportunity to hear how the changes may effect their employment conditions , what the implementation process would be and also it allowed the opportunity to have their questions answered.

Conclusion:

The Council's employment relationship with its staff is now regulated by the WorkChoices legislation. The entitlements of staff have been preserved in a NAPSA or PSAs which will remain in place for up to 3 years. In the short term we are taking action to meet the compliance requirements of the legislation.

In the medium to longer term we will utilise a variety of collective agreements and Australian Workplace Agreements. This will allow flexible working arrangements to meet our operational requirements whilst retaining our most important resource; our employees.

Nita Carthew
Manager – Human Resources

Geoff Clarke
Director – Corporate Services

ANNEXURES:

Nil

Item No: D3 Delegated to Committee
Subject: Retail Electricity
Author: Joe Cavagnino - Purchasing Coordinator
File No: 154.G
Reason for Report: To recommend Council renew the Department of Commerce contract with EnergyAustralia for the supply of streetlighting and conventional retail electricity.

Recommendation:

1. That Council accept the Department of Commerce contract with EnergyAustralia for the supply of retail electricity for the period 1 July 2006 to 30 June 2009.
2. That Council consider the purchase of 6% DEUS Accredited Green Power, for street lighting and/or retail large sites.

Background:

The NSW electricity market has been de-regulated and, consequently, opened to competition, effective 1 January 2002. Subsequently, the Department of Commerce went out to tender and awarded a new contract to EnergyAustralia for street lighting from 1 July 2003 to 30 June 2006.

In July 2003, Council entered into a contract with EnergyAustralia using the Department of Commerce contract pricing for the supply of streetlighting retail electricity for a three-year period. The rates on this contract are listed below:

<i>Year</i>	<i>Rate</i>
2003/04	\$2.996
2004/05	\$3.065
2005/06	\$3.156

As this contract is up for renewal and expires on 30 June 2006, the Department of Commerce, in September 2005, advertised an open tender process for the supply of retail electricity. All major retailers participated in the tender process and, subsequently, EnergyAustralia was awarded the contract for the supply of retail electricity for large sites, street lighting and traffic lights for the period 1 July 2006 to 30 June 2009.

The new rates are fixed for the three year period and listed below.

Streetlighting Retail Electricity

<i>Year</i>	<i>Rate / kWh</i>
2006/07	\$3.316
2007/08	\$3.316
2008/09	\$3.316

Conventional Retail Electricity to Large Sites

<i>Year</i>	<i>Peak / kWh</i>	<i>Shoulder</i>	<i>Off Peak / kWh</i>
2006/07	5.936	5.500	2.725
2007/08	5.936	5.500	2.725
2008/09	5.936	5.500	2.725

EnergyAustralia has surveyed all of Council's retail electricity accounts and has established that Council has one site that falls under streetlighting and three sites that fall under the "large site" category. These sites are:

Current Supply Account No	Site Address	Category	Estimated Annual Consumption in kWh
828506145	Streetlighting	Retail Electricity - Streetlighting	3,331,000
913558120	Council Chambers, 536 New South Head Rd, Double Bay	Retail Electricity – Large Site	140,000
822534845	Council Chambers, 536 New South Head Rd, Double Bay	Retail Electricity – Large Site	735,619
830101707	Cnr Cross Street & Jambaroo Lane, Double Bay	Retail Electricity – Large Site	258,000

Note: The Classification for "large sites" are locations that generally consume or have the capacity to consume more than 160,000 kWh per annum.

Council is currently under contract with EnergyAustralia for street-lighting retail electricity. The Department of Commerce have advised that, as from July 1 2006, contracts that are not in place with EnergyAustralia will default back to general rates, which will cost approx 50% more than the current contract rate.

All SSROC member Councils surveyed indicate that they will be entering into a three-year contract with EnergyAustralia for the supply of retail electricity.

DEUS Accredited Green Power

The Department of Commerce has also incorporated the following contract rates for the purchase of DEUS Accredited Green Power:

Street-lighting – DEUS Accredited Green Power

<i>Year</i>	<i>Rate /kWh</i>
2006/07	\$7.047
2007/08	\$7.047
2008/09	\$7.047

Retail Electricity to Large Sites - DEUS accredited Green Power

<i>Year</i>	<i>Peak / kWh</i>	<i>Shoulder</i>	<i>Off Peak /kWh</i>
2006/07	9.711	9.268	6.445
2007/08	9.711	9.268	6.445
2008/09	9.711	9.268	6.445

The above tables indicate that the rate for the purchase of green power is approximately 100% more than the rate to purchase standard retail electricity. Currently, Government Departments have guidelines in place which require them to purchase a minimum of 6% green power.

Council currently spends \$ 983,196.00 per annum on all of its retail electricity needs. The street-lighting proportion of this amount is estimated at \$820,000.00 per annum. Approximately 20 % of this is for electricity supply, thus the purchase of 6% DEUS accredited green power would cost in the order of \$10,000.00.

Cost Analysis on Purchasing 6% Green Power for the contracted "Large Sites"

EnergyAustralia has advised that the split in usage patterns is estimated at:

21% Peak
50% Shoulder
29% Off Peak

Peak Usage

<i>Account</i>	<i>Usage</i>	<i>Cost – Standard Electricity</i>	<i>Cost – 6 % DEUS Accredited Green Power</i>
913558120	29,400	\$1745.18	\$1811.77
822534845	154,481	\$9169.99	\$9519.85
830101707	54,180	\$3216.12	\$3289.12
	Total	\$14,131.29	\$14,620.74

Shoulder Usage

<i>Account</i>	<i>Usage</i>	<i>Cost – Standard Electricity</i>	<i>Cost – 6 % DEUS Accredited Green Power</i>
913558120	70,000	\$3850.00	\$4008.25
822534845	367,809	\$20,229.49	\$21,061.01
830101707	129,000	\$7095.00	\$7386.64
	Total	\$31,174.49	\$32,455.90

Off Peak Usage

<i>Account</i>	<i>Usage</i>	<i>Cost – Standard Electricity</i>	<i>Cost – 6 % DEUS Accredited Green Power</i>
913558120	40,600	\$1106.35	\$1196.96
822534845	213,329	\$5813.21	\$6289.33
830101707	74,820	\$2038.84	\$2205.82
	Total	\$8958.40	\$9692.11

The analysis above indicates that, if Council used the Government Guidelines and purchased 6% of Green Power retail electricity for Council's three large sites, the additional cost to Council would be approximately \$ 2,500 per annum

Conclusion:

That Council enter into a contract with EnergyAustralia at the rates specified in the above table for a period 1 July 2006 to 30 June 2009.

That Council consider the purchase of 6% DEUS Accredited Green Power, for street lighting and/or retail large sites.

Joe Cavagnino
Purchasing Coordinator

Warwick Hatton
Director Technical Services

ANNEXURES:

Nil

Item No: R1 Recommendation to Council
Subject: **Loan Borrowing**
Author: Don Johnston, Manager Finance
File No: 331G 2005/2006
Reason for Report: To obtain approval to raise the loan required in the 2005/2006 Budget

Recommendation:

1. THAT Council authorises the raising of a \$3.07m loan as required in the 2005/2006 Budget
2. THAT the General Manager be authorised to accept the most favourable quotation for a loan on the following terms:

Loan amount: \$3,070,000
Term: 10 years
Repayments: Semi annual

3. THAT The Council Seal be affixed to the loan documentation as required.

Background:

Following several considerations of loan borrowings Council, adopting a recommendation from the Strategic and Corporate Committee held on 13 September 2005, resolved in part:

C. That Council take up the loan to fund \$1.25m of infrastructure renewal projects and allocate the balance of the loan (\$1.82m) to fund the completion of the Five Ways project (\$820,000) and provide \$1m to the Rose Bay Promenade works.

The total loan funding for the three projects is \$3.07m.

Introduction:

Council's loan allocation for 2005/2006 is \$3,430,000. As discussed above, Council has resolved not to take up the full amount of the allocation. The allocation is an annual allocation and must be drawn down before 30 June 2006. Expenditure to date on the funded projects has not required an earlier drawdown of the loan. The unspent loan funds will be reserved at the end of the financial year and rolled into the 2006/2007 Budget to allow the completion of the funded projects.

Proposal:

The borrowing of money is one of the functions expressly prohibited from delegation by Council under Section 377 of the Local Government Act (the Act). The authority to raise a loan needs to be resolved by Council. At the same time, the process of seeking and accepting quotations does not lend itself to Council's Committee cycle. Quotations provided by banks are generally valid for a short period of time and require the capacity for quick response. The practical way of dealing with this is for Council to authorise the borrowing by resolution as required and also authorise the General Manager to accept the terms most favourable to Council.

It is proposed that Council seek quotations from the four major banks for a loan to be repaid in semi annual repayments over ten years. The security underlying the loan is prescribed by Regulation under Section 623 of the Act. The Local Government (General) Regulation at Clause 229 provides that the repayment of money borrowed is a charge on Council's income. Some banks may require the execution of a mortgage over Council's income under seal while others will require the acceptance of a letter of offer by the General Manager.

Section 624 of the Act allows the Minister for Local Government to impose limitations or restrictions on borrowings. These restrictions are set down the Minister's Borrowing Order and are:

A council shall not:

- 1. borrow at an interest rate in excess of the indicative rate as calculated by the New South Wales Treasury Corporation;*
- 2. borrow for a period of less than thirty (30) days nor for a period in excess of the estimated life of the asset for which the borrowing is made;*
- 3. borrow from any source outside the Commonwealth of Australia nor in any currency other than Australian currency;*
- 4. pay a placement fee exceeding 0.25% of the total amount being borrowed; or*
- 5. pay a documentation fee, or any other fee associated with a borrowing, exceeding 0.1% of the total amount being borrowed*

These additional restrictions will be observed in the evaluation of the quotations to ensure they are met. For information, the indicative borrowing rate for local government is published in *The Australian Financial Review* each Wednesday. The 10 year rate published on 24 May was 6.74%. The budget provides for repayments at a rate of 6.43% which was set prior to the recent rise in official interest rates. Depending on the final interest rate for the loan, a small adjustment may be required to the budget. At 6.74% this would be in the order of \$6,000.

A report will be submitted to the Corporate & Works Committee advising of the quotations and terms received and the final terms of the loan accepted.

Council is required to notify the Department of the borrowing within 7 days of it being raised which will be done following the drawdown of the loan which is proposed for 28 June 2006.

Conclusion:

The authorisation of borrowing requires a specific resolution by Council as it cannot be delegated. The report steps through the proposed process to raise the loan required by the 2005/2006 Budget. In summary, Council authorises the borrowing and also authorises the General Manager to accept the offer of terms most favourable to Council. Quotations will be sought from the four major banks for a loan to be repaid over 10 years. The evaluation will take into account all of the requirements imposed on Council in regard to borrowing and a report will be submitted to the Corporate & Works Committee advising of the quotations received and the final terms accepted for the loan.

The recommendation is in two parts, firstly for Council to specifically approve the raising of a \$3.07m loan for a period of tens years and, secondly, authorising the General Manager to accept the most favourable terms offered to Council.

Don Johnston
Manager Finance

Geoff Clarke
Director Corporate Services

Annexures:
Nil

Item No: R2 Recommendation to Council
Subject: **Adoption of the Policy and Guidelines for Communicating and Consulting with the Community**
Author: Kylie Walshe
File No: 941.G
Reason for Report: Presentation of submissions received following the public exhibition period and recommending amendments to the draft Policy and Guidelines.

Recommendation:

- A. That Council adopt the draft Policy and Guidelines for Communicating and Consulting with the Community as the adopted policy and guidelines in this area, with amendments as recommended in Annexure 2 of this report.

Background:

At the Corporate & Works Committee meeting of 21 February 2005, the Committee considered a report regarding the development of a policy and guidelines for consulting with the community. Council then resolved on 28 February 2005:

- A. *That Council endorse the commencement of the development of a Community Consultation Policy and Framework.*
- B. *That Council endorse the establishment of a Community Consultation Working Party, with Councillor representatives appointed by the Mayor.*

Following this resolution the draft Policy and Guidelines were developed. These were presented to Council in April, with Council resolving on 10 April 2006:

- A. *That Council approve the release of the draft Communication and Consultation Policy and the draft Guidelines for Communicating and Consulting with the Community for a public exhibition period of 28 days.*
- B. *That a further report be presented back to Council in consideration of submissions received during the public exhibition period.*

See Annexure 1 for the report to the Corporate & Works Committee on 3 April 2006.

This report details the submissions received and recommended amendments to be made to the draft documents.

Proposal:

It is recommended that Council adopt the draft Communication and Consultation Policy, Version 2 and the draft Guidelines for Communicating and Consulting with the Community, Version 2, as detailed in Annexures 3 and 4.

The adopted Policy and Guidelines will be communicated to all staff, with specific training included in the corporate training schedule. This will ensure high quality communication and consulting skills are developed by Council staff.

Consultation:

The draft Communication and Consultation Policy and the draft Guidelines for Communicating and Consulting with the Community were exhibited from Wednesday 19 April until Friday 19 May 2006. In an attempt to ensure as many residents and stakeholders had the opportunity to comment on the proposed policy and guidelines, a number of communication methods were used, including:

Notification was placed in the Wentworth Courier, Mayoral Column twice during the exhibition period.

The draft documents and an invitation to comment on the documents were placed on Council's website.

The draft documents and invitations to comment were posted to a range of members of Council committees that included community representatives, such as the Community Safety Committee. (89 sent)

The draft documents and invitations to comment were posted to resident and community groups. (133 sent)

The draft documents and invitations to comment were posted to a range of stakeholders that Council regularly consults and communicates with, such as schools, religious organisations, social groups and sporting clubs. (90 sent)

Despite the distribution of over 300 invitations and draft documents over the 28 day exhibition period a total of only 9 submissions were received. These were submitted by resident groups and individuals. Overall, the submissions support the draft Policy and Guidelines, with the majority of comments concerning the implementation and use of the Guidelines. Each submission has been summarised in Annexure 2 and are available for full viewing on request.

A review of all submissions has been undertaken, with some minor amendments recommended to be made to the draft Guidelines placed on exhibition, with no recommended amendments to the draft Policy. These amendments have been made in the draft Communication and Consultation Policy, Version 2 (Annexure 3) and the draft Guidelines for Communicating and Consulting, Version 2 (Annexure 4).

Identification of Income & Expenditure:

The adoption of this recommendation will have no impact on income or expenditure as Council is already committed to communicating and consulting with the community on issues, projects and activities.

Conclusion:

Effective community consultation is an integral part of local government. The adoption of a policy and guidelines for communicating and consulting with the community will provide clear guidelines for staff in day-to-day operations. It also demonstrates a commitment to Woollahra residents regarding the level of consultation that will be undertaken by Council in areas that affect them.

The release of the draft Communication and Consultation Policy and draft Guidelines for Communicating and Consulting with the Community for a public exhibition period provided an opportunity for community input into this important policy of Council. All submissions have been reviewed with minor amendments recommended to be made to the draft Guidelines, with no recommended amendments to the draft Policy. The adoption of the amended draft Communication and Consultation Policy and draft Guidelines for Communicating and Consulting with the Community is now recommended.

Kylie Walshe
Director Community Services

Annexures:

Annexure 1: Report to Corporate & Works, 3 April 2006

Annexure 2: Summary of Submissions received during exhibition period

Annexure 3: draft Communication & Consultation Policy, Version 2

Annexure 4: draft Guidelines for Communicating & Consulting with the Community, Version 2

Item No: R Recommendation to Council
Subject: **Draft Communication and Consultation Policy & Guidelines**
Author: Kylie Walshe
File No: 941.G
Reason for Report: To seek Council's approval of the release of the draft Communication & Consultation Policy and Guidelines for public exhibition.

Recommendation:

- C. That Council approve the release of the draft Communication and Consultation Policy and the draft Guidelines for Communicating and Consulting with the Community for a public exhibition period of 28 days.
- D. That a further report be presented back to Council in consideration of submissions received during the public exhibition period.

Background:

At the Corporate & Works Committee meeting of 21 February 2005, the Committee considered a report regarding the development of a policy and guidelines for consulting with the community (see Annexure 1). Council then resolved on 28 February 2005:

- A. *That Council endorse the commencement of the development of a Community Consultation Policy and Framework.*
- B. *That Council endorse the establishment of a Community Consultation Working Party, with Councillor representatives appointed by the Mayor.*

Following this resolution two meetings of the Community Consultation Working Party were held, with Councillor representation including Cr Petrie, Cr Huxley, Cr Excell and Cr Gardner. At the meeting of 14th April 2005 it was resolved that the Director Community Services prepare a draft Consultation Policy and Guidelines for consideration by the Committee. This was completed in September 2005, and distributed to the Working Party and all Council Divisions for comment. At this time significant amendments were recommended with the draft now presented to Council encompassing both **Communication and Consultation**.

Proposal:

The implementation of the draft Communication and Consultation Policy and Guidelines for Communicating and Consulting with the Community will assist staff and Council in determining how and when to communicate and consult with the community.

The **draft Communication and Consultation Policy** will provide a policy framework, confirming Council's commitment to communicating and consulting with the community on issues and projects that affect them. See Annexure 2 for the draft Policy.

The **draft Guidelines for Communicating & Consulting with the Community** provide a step-by-step approach to determining when to communicate and/or consult with the community and how to assess the most appropriate level of communication and/or consultation for a particular issue, project or activity, based on level of interest and impact. These are designed to be a working document that may change over time when new consultation techniques are identified. See Annexure 3 for the draft Guidelines.

Consultation:

It is important that community input is gathered in this project, with this report recommending the release of the draft Policy and Guidelines for public comment. This exhibition will be widely advertised, with notification letters sent to all community groups and advertisements placed in the Wentworth Courier.

The draft documents have undergone extensive internal consultation, with all relevant staff reviewing the draft Policy and Guidelines to ensure that they cover all current or future activities of Council. Staff also brought their expert knowledge and experience in communicating and consulting with the Woollahra community to the project.

Income & Expenditure

The adoption of this recommendation will have no impact on income or expenditure as Council is already committed to communicating and consulting with the community on issues, projects and activities.

Conclusion:

Effective community consultation is an integral part of local government. The adoption of a policy and guidelines for communicating and consulting with the community will provide clear guidelines for staff in day-to-day operations. It also demonstrates a commitment to Woollahra residents regarding the level of consultation that will be undertaken by Council in areas that affect them.

The release of the draft Communication and Consultation Policy and draft Guidelines for Communicating and Consulting with the Community for a public exhibition period will provide an opportunity for community input into this important policy of Council.

Kylie Walshe

Director Community Services

Annexures:

Annexure 1: Report to Corporate & Works, 21 February 2005

Annexure 2: draft Communication & Consultation Policy

Annexure 3: draft Guidelines for Communicating & Consulting with the Community

Item No: R Recommendation to Council
Subject: **Community Consultation Policy & Framework**
Author: Kylie Walshe
File No: 941.G
Reason for Report: To seek Council's endorsement to commence the development of a Community Consultation Policy and guidelines.

Recommendation:

- A. That Council endorse the commencement of the development of a Community Consultation Policy and Framework.
 - B. That Council endorse the establishment of a Community Consultation Working Party, with Councillor representatives as detailed in Option 1.
-

Background:

Council has demonstrated its commitment to community consultation and participation as part of its vision in the Management Plan 2004-2007, *to support and promote active community participation to achieve a healthy social environment, appropriate cultural services and an efficient infrastructure.*

In recognition of Council's responsibility and commitment to consult with the Woollahra community, this project is detailed in the Woollahra Management Plan 2004-2007, in the sub-activity 5.1 Community Services Management and also relates to sub-activity 6.1 Customer Service & Communication. Initially this project was to be completed by Community Services staff, however, as this project encompasses many activities of Council it is recommended that this project be broadened to include all Council departments.

Proposal:

Council has a clear notification policy and procedures for planning and development applications, but does not have a policy and procedure for community consultation. Community consultation is not the same as notification (which is a one way flow of information). Consultation relies on the two way flow of information and by its nature is often more complex than notification. If Council is to engage in meaningful consultation with the Woollahra community we need a policy and procedures that will ensure an effective and consistent approach.

Council currently undertakes many forms and types of consultation with residents and stakeholders, on issues ranging from strategic planning to the installation of playground equipment. The consultation undertaken for each of these projects has been developed based on the perceived level of interest or impact on the community and stakeholders. Although this method has produced excellent results in some projects the lack of a framework for how Council consults has raised some questions on the appropriateness of certain methods for particular issues. A framework for determining how and when to consult will assist staff and Councillors in determining the appropriate mechanisms to use in each situation, based on level of interest and impact.

Representative staff from each department of Council has met to discuss the project, with a commitment from all departments to contribute to the project. Alongside this, examples of consultation frameworks and guidelines have been collected from a number of other Councils, all aiming to provide a clear, consistent approach when consulting with their communities. These will provide a good starting point in the development of the framework, with the understanding that Woollahra is a unique community and requires a specific framework. Examples of these are attached in Annexure 1 for the information of Councillors.

Project Management:

An essential component in the development of a Community Consultation Policy and Framework is the participation of Councillors. The management of the project could be conducted in a number of ways, with the following two options for Council's consideration:

Option 1:

Establishment of a Working Party to develop the scope and monitor the project, with Councillor and staff representatives. This group will include the determination of the most appropriate mechanisms to consult with the community on the policy and framework. As this project covers many activities of Council it is recommended that Councillor representatives include the Chairperson of each Council Standing Committee, that is Crs Huxley, Shoebridge, Gardner and Ehrlich, and the Mayor or his nominee.

Option 2:

Establishment of an Internal Staff Working Party, to develop the brief and report progress to the Corporate and Works Committee, when required. Reports will be presented on the proposed consultation process, draft policy and draft guidelines.

Either of these options will ensure Councillor input in key stages of the project, with support from appropriate staff from each Council department. However, Option 1 is recommended as it will ensure ownership of the project by the elected representatives and that appropriate consultation and participation by the community is undertaken.

Consultation:

It is imperative that community input and participation from a wide range of residents and stakeholders is gathered in this project. It is anticipated that the consultation strategy could include a mix of the following:

- Community workshops, with representatives from different suburbs, ages, interests invited to attend facilitated workshops.

- Random telephone surveys

- Web based surveys.

- LGA wide letterbox survey and/or request for submissions.

- Use of the local media, such as Woollahra News in the Wentworth Courier.

The Working Party or Committee of Council will determine the final mix. If additional funding is required, this will need to be considered in the 2005/06 budget process.

Conclusion:

Effective community consultation is an integral part of local government. The development of a policy and framework for consulting with the community will provide clear guidelines for staff in day-to-day operations and provide a commitment to Woollahra residents of the level of consultation that will be undertaken by Council in areas that affect them.

Kylie Walshe

Director Community Services

Annexures:

Annexure 1: Examples of Community Consultation Frameworks/Guidelines – Mackay City Council, Mornington Peninsula & Warringah Council.

Draft Policy & Guidelines for Communicating & Consulting with the Community – Summary of Submissions

No.	Submission from	Comments	Reco
1	Peter Poland President Woollahra History & Heritage Society	<p>Supports the proposal & believes it will improve communication between Council and the community if implemented.</p> <p>Comments on development applications and the notification procedure: suggests a notice be placed at the address of a development application when under consideration. Would like conditions of consent to be displayed whilst work is being undertaken</p>	<p>Once adopted, Co Guidelines for all all relevant staff a</p> <p>The Policy & Gui of development ap</p> <p>However, it shoul considered by Co addressing the pla considered by the August 2000. It d supported by lega September 2000 t requiring notices t</p> <p>A further report w Control Committe resolving to reaffi</p>
2	Don White HarbourView Residents Group	<p>Applauds the intention of Council to formalise the process of involvement.</p> <p>The guidelines do not recognise the role of resident groups and the need for formal notification to these groups.</p> <p>Recommends expanding the levels of communication to include Collaborate & Empower, and is disappointed that Council does not aspire to these levels.</p>	<p>Noted</p> <p>Amendment recon resident groups in groups will be cor stakeholders relev</p> <p>As the three level Consultation, this empowerment, wh changes are recom consultation in St</p>
3	Grace Bendall Resident	<p>Attempts need to be made to contact the whole Municipality, not just a percentage of people. Suggests improvements to the website, better use of existing committees and usage of visual communication, particularly signage.</p> <p>The policy statement includes what Council wants to communicate but is not as clear about what the community wants communicated.</p> <p>Questions how council determines ‘relevant members of the community’, does Council have a list of expertise in the community?</p>	<p>Comments are not mechanisms will t which will be on t amendments recon</p> <p>Council asks the c its needs, with the undertaken in 200 informed the draft</p> <p>Council staff will identification of r understanding tha with new and unk various times thro On page 11, the C of additional stake communication ap</p>

No.	Submission from	Comments	Reco
		When consulting objects and parameters should be mutually designed by Council and stakeholders.	Noted, and will be processes.
		Implementation – everyone needs ongoing training, Councillors should be ready to talk to constituents.	Agree, with training the Guidelines.
		Review – evaluation should be on a regular basis, and include the community/public that participates.	Agree, when evaluation developed, community this feedback.
		Suggestion for improvement – that Council publish a weekly folder A3 sheet of its communications, not using the Wentworth Courier, and have it available at all newsagents in the Municipality	Council recently communication publication to be resolved not to publish communication developing communication service.
4	Maureen Clark Rose Bay Residents Association	The draft Communication Policy is excellent.	No amendments required
		The methods of consultation are excellent; suggest that a Council noticeboard be placed in every shopping centre.	Council has included in key locations and Management Plan success of these public noticeboards.
		Suggests that Development Applications be placed on the development sites to inform residents of property changes.	The Policy & Guidelines of development applications However, it should be considered by Council addressing the plan considered by the August 2000. It is supported by legal September 2000 to requiring notices to A further report will Control Committee resolving to reaffirm No amendments required
5	Georgina Michaelis CEO Miroma	Comment on Step 2 of the Guidelines – Identify Stakeholders, with reference to workers in Woollahra. How does Council propose to ensure that information/consultation takes account of local workers, adequate knowledge of these stakeholders is critical.	Comments are very reaching workers will be given when developed for release
		The Policy & Procedures for Communication are excellent, very clear.	No amendments required
		Suggest consideration of how to measure its effectiveness may need to be considered as part of its implementation.	Agree, will include in the Corporate Transparency Consultation.

No.	Submission from	Comments	Reco
6	Paula Storey Resident	Both are concise and cover the subject well. They are easily understood and cover an important area.	No amendments r
7	Elizabeth Carpenter Resident	Policy - would like to see amended sentence in implementation to include training for staff, Councillors <i>and interested members of the community, organisations and individuals.</i> Guidelines – Identifying the stakeholders. Would like to see members of the community giving a little for the betterment of the community as a whole. Sometimes decisions have to be made that affect a group or individual but overall the decision is in the interests of the whole community. Could this outcome be encouraged in Step 2?	No amendment re will be given to in and individuals in communication ar
8	Michael Rolfe The Vaucluse Progress Association	Disappointed that draft policies are not always put out on public exhibition and refusal of Council to consult with the community on the Policies for Leasing and Licensing of Council's Property Assets in November 2004. Suggest the draft Policy should be altered so that they explicitly state that all new and revised Council Policies will be exhibited for public comment before adoption.	The draft Policy & and do not prescri communication. I assessed accordin communication or basis on this. No amendments r
9	Charles Wade, Resident	Guidelines, Step 2 - Identify Stakeholders. Should Neighbourhood Watch groups be included? Should Community Safety Committee members be included specifically?	Amendments are r possible stakehold include: <i>Neighbour consultative comm Community Safet over time.</i>