28 October 2005

NOTICE OF COUNCIL MEETING

A meeting of the Council of Burwood will be held in the Council Chamber, first floor, 2 Conder Street, Burwood on Tuesday 1 November 2005 at 6:00 pm.

Pat Romano
GENERAL MANAGER

Our Mission
Burwood Council will create a quality lifestyle for its citizens by promoting harmony and excellence in the delivery of its services
CONFLICT OF INTERESTS

What is a “Conflict of Interests” - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include interest of a financial nature).

Remoteness
A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

Who has a Pecuniary Interest? - A person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
- The person, or
- Another person with whom the person is associated (see below).

Relatives, Partners
A person is taken to have a pecuniary interest in a matter if:
- The person’s spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. “Relative”, in relation to a person means any of the following:
(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person’s spouse;
(b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter
However, a person is not taken to have a pecuniary interest in a matter:
- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings
- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
  (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
  (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - A person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Participation in Meetings Despite Pecuniary Interest (S 452 Act)
A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

Non-pecuniary Interests - Must be disclosed in meetings.
There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:
- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

Disclosures to be Recorded (s 453 Act)
A disclosure (and the reason/s for the disclosure) made at a meeting of the Council or Council Committee or Sub-Committee must be recorded in the minutes of the meeting.

~00o~~~

28 October 2005
Burwood Council recognises that Aboriginal people lived along the Cooks River for thousands of years prior to European settlement. They developed an enormous body of knowledge and skill to harness the resources provided by the river and surrounding lands. The Aboriginal people, who lived around Burwood, were known as the Wangal people. Although the Wangal people travelled about in order to trade and search for food, their territory was the land on the southern bank of the Parramatta River. Their boundaries extended to the west of Iron Cove to as far as Homebush Bay, with a southern boundary along the watershed between Cooks River and Sydney Harbour.

AGENDA.

PRAYER

“Lord, we humbly beseech thee to vouchsafe thy blessing on this Council, direct and prosper its deliberations for the advancement of this area and the true welfare of its people.”

APOLOGIES/LEAVE OF ABSENCES

CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the following Meeting of Burwood Council:

Council Meeting held on Tuesday 27 September 2005

as typed and circulated, be confirmed and signed as a true record of the proceedings of that meeting.

DECLARATIONS OF INTERESTS BY COUNCILLORS

ADDRESS BY THE PUBLIC ON AGENDA ITEMS

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MAYORAL MINUTES

No Items

NOTICES OF MOTION

No Items

REPORT OF COMMITTEES

No Items
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CONFIDENTIAL ITEMS

No Items

QUESTIONS WITHOUT NOTICE

Councillors are required to submit any Questions Without Notice in writing.
(ITEM IN17/05) WOODSTOCK RUNNERS INC.

REPORT BY DIRECTOR OF BUSINESS & CORPORATE SERVICES

Summary
The Woodstock Runners Inc. has written to Council thanking it for its contribution to the 20th Annual Woodstock Fun Run held on Sunday the 7th August 2005.

Background
The Woodstock Runners held their yearly event which attracts approximately 500 runners on 7 August 2005. The run is divided into two divisions with the races commencing at 8.30 am in Burwood and concluding in Fitzroy Street, Burwood.

With the event there are fees and charges applicable for the hire of Woodstock Park. In 2003, 2004 and 2005 Council has sponsored the event by allowing a 50% reduction in the fees.

Proposal
The Woodstock Runners Inc. has now written to Council thanking it for its contribution to the event.

It made special mention of the courteous front counter staff and staff under the leadership of the Parks Superintendent.

No Decision – Information Item Only

Attachments
1. Letter from Woodstock Runners Inc. 1 page(s)
Woodstock Runners Inc.
PO Box 672
Burwood NSW 1805

Web: www.woodstock.coolrunning.com.au
Club Email woodstock@coolrunning.com.au
Fun Run Email woodstockfunrun@coolrunning.com.au

President
Steve Hadlow

Race Director
Ken Flarrety

Burwood Council
2 Conder St,
Burwood 2134.

Re 20th Annual Woodstock Fun Run held on Sunday the 7th August, 2005.

I am writing to thank you for the wonderful contribution made by your organization to this year's Fun Run.

Without help from organizations like yours, we would not be able to put on a community event. I would like to make particular mention of the courteous front counter staff and also people from parks under the leadership of Chris Lane (including Lionel).

Thank You

Ken Flarrety
Race Director 2004 & 5.

28 October 2005
(ITEM IN18/05) PROPERTY COUNCIL INVESTMENT EXPO

REPORT BY DEVELOPMENT REVIEW & BUSINESS MANAGER

Summary
Burwood Council is to participate as an exhibitor in the forthcoming inaugural Property Council Investment Expo to be held on 22 November 2005 at the Australian Technology Park Conference Centre, Sydney as part of its public relations program.

Background
The Property Council of Australia represents the interests of investors and developers in the property market. There has been renewed interest from such investors and developers seeking opportunities in non-traditional markets such as local and state government urban renewal projects. In addition, the State Government has commenced development of the Metropolitan Strategy for Sydney stating that a “renewed centres policy” will be one of its centrepieces.

The Property Council has therefore identified an opportunity to bring investors, developers and councils together at a forum that allows councils to showcase investment opportunities in their regions.

As the Burwood local government area is positioned to become an important regional centre over the next 10-20 years and in the process of planning for imminent future growth and renewal projects, it is an ideal time to promote Burwood as a proposition for investors and developers at the Investment Expo.

The Expo is a one day event and will be targeted at investors, developers, government, planners, architects, builders and contractors. Council’s exhibition space and information package is under planning and the booth will be attended by key staff. The Mayor and Councillors will receive invitations to attend the forum.

Financial

The total cost to participate in the Property Council’s Investment Expo 05 will be in the vicinity of $9,500 - $10,500. This amount includes the $4,400 (incl. GST) to secure a booth and approximately $5,000-$6,000 for the booth fit-out and promotional material.

No Decision – Information Item Only

Attachments
1. Investment Council Expo Program 1 page(s)
<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:30am</td>
<td>Registration</td>
</tr>
<tr>
<td>8:00am</td>
<td>Commencement of Exhibition</td>
</tr>
<tr>
<td></td>
<td>Welcome by NSW President, Property Council of Australia</td>
</tr>
<tr>
<td></td>
<td><strong>Mark Gray</strong></td>
</tr>
<tr>
<td></td>
<td>Manager NSW Projects, Leighton Properties</td>
</tr>
<tr>
<td></td>
<td>Keynote Address</td>
</tr>
<tr>
<td></td>
<td><strong>The Hon Frank Sartor MP [TBC]</strong></td>
</tr>
<tr>
<td></td>
<td>Minister for Planning, Minister for Redfern Waterloo, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer)</td>
</tr>
<tr>
<td></td>
<td>Moderator, NSW President, Property Council of Australia</td>
</tr>
<tr>
<td></td>
<td><strong>Mark Gray</strong></td>
</tr>
<tr>
<td></td>
<td>Manager NSW Projects, Leighton Properties</td>
</tr>
<tr>
<td></td>
<td>Panel</td>
</tr>
<tr>
<td></td>
<td><strong>Trevor Hamilton</strong></td>
</tr>
<tr>
<td></td>
<td>Director, NettletonTribe</td>
</tr>
<tr>
<td></td>
<td><strong>Genia McCaffery</strong></td>
</tr>
<tr>
<td></td>
<td>Mayor, North Sydney Council</td>
</tr>
<tr>
<td></td>
<td>President, Local Government Association of NSW</td>
</tr>
<tr>
<td></td>
<td><strong>Dennis O’Regan</strong></td>
</tr>
<tr>
<td></td>
<td>Director, Multiplex Constructions</td>
</tr>
<tr>
<td></td>
<td>**Gail Connelly <strong>[TBC]</strong></td>
</tr>
<tr>
<td></td>
<td>(formerly DPI/NR)</td>
</tr>
<tr>
<td></td>
<td>Final Announcements</td>
</tr>
<tr>
<td></td>
<td><strong>Ken Morrison</strong></td>
</tr>
<tr>
<td></td>
<td>Executive Director NSW, Property Council of Australia</td>
</tr>
<tr>
<td></td>
<td>Vote of Thanks</td>
</tr>
<tr>
<td></td>
<td>[Sponsor]</td>
</tr>
<tr>
<td></td>
<td>Exhibition Resumes</td>
</tr>
<tr>
<td>2:00pm</td>
<td>CLOSE</td>
</tr>
</tbody>
</table>

Sponsored by
**ITEM IN19/05** PETITIONS

File No: P.0865.000

REPORT BY ACTING SENIOR MANAGER GOVERNANCE

Five (5) petitions (see details below) have been received since the last Ordinary Council Meeting.

<table>
<thead>
<tr>
<th>Date Received</th>
<th>Petition Subject</th>
<th>No. of Signatures</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 30 August 2005</td>
<td>Requesting Council to remove “No Stopping” signs in Croydon Avenue, Croydon.</td>
<td>43</td>
<td>Director Technical Services &amp; Operations</td>
</tr>
<tr>
<td>2. 16 September 2005</td>
<td>Supporting B &amp; P Blake of Georges River Rd, Croydon Park that their dogs do not bark excessively.</td>
<td>5</td>
<td>Director Technical Services &amp; Operations</td>
</tr>
<tr>
<td>3. 21 September 2005</td>
<td>Objecting to Development Application for extensions to an existing Church at 55 Boyle Street, Croydon Park</td>
<td>39</td>
<td>Director Planning &amp; Environment</td>
</tr>
<tr>
<td>4. 26 September 2005</td>
<td>Requesting traffic calming devices in Mosely Street, Strathfield</td>
<td>17</td>
<td>Director Technical Services &amp; Operations</td>
</tr>
<tr>
<td>5. 11 October 2005</td>
<td>Requesting two hour parking restrictions on both sides of Simpson Avenue, Burwood.</td>
<td>6</td>
<td>Director Technical Services &amp; Operations</td>
</tr>
</tbody>
</table>

No Decision – Information Item Only

**Attachments**

There are no attachments for this report.
(ITEM 99/05) PECUNIARY INTEREST RETURNS AND REGISTER

REPORT BY ACTING SENIOR MANAGER GOVERNANCE

Summary
In accordance with Section 450A of the Local Government Act:

- The General Manager must keep a Register of Pecuniary Interest Returns and the returns must be available for inspection by members of the public.
- The General Manager must arrange for the tabling of returns at the first meeting held after the last day of the period for lodgement (ie. the first Council meeting after the end of September.)

Background
Each year, Councillors, the General Manager, senior staff and designated persons are required to lodge as at 30 June:

- A completed Ordinary Pecuniary Interest Return by 30 September each year, or
- A completed Primary Pecuniary Interest Return within three months of attaining the position of Councillor, senior staff or designated person.

All returns for Councillors, the General Manager, senior staff and designated persons have been completed and lodged.

Recommendation
That the Ordinary Pecuniary Interest Returns for the period 1 July 2004 to 30 June 2005 be noted and accepted as tabled.

Attachments
There are no attachments for this report.
(ITEM 100/05) COUNCILLORS EXPENSES AND FACILITIES POLICY - RESULTS OF PUBLIC EXHIBITION

File No: C.0660.000

REPORT BY ACTING SENIOR MANAGER GOVERNANCE

Summary
Council has reviewed the Councillors Expenses & Facilities policy and the draft policy was subsequently placed on public exhibition. No comments or objections were received within the advertising period. It is now recommended that the draft policy be adopted with a minor amendment.

Background
The Local Government Act was recently amended and included a requirement that Councils annually adopt an expenses and facilities policy.

Council considered a report in relation to this matter (copy attached) at the meeting held on 23 August 2005. Council resolved to amend the current policy and place the draft policy on public exhibition as required by the Act. The amended policy highlighting the proposed changes was advertised and placed on public exhibition.

Proposal
The draft policy is now referred to Council for determination, and if adopted, the new policy must be referred to the Department of Local Government (DLG) within 28 days of the Council resolution to adopt the new policy.

Councillor related expenses that are not covered by the Councillors’ Expenses and Facilities Policy and that exceed fifty dollars ($50) can only be purchased through use of Council’s procurement policy which requires the completion of a purchasing order. The purchasing order needs approval from the office of the General Manager prior to the purchase.

Consultation
The draft policy highlighting the proposed changes was advertised in the local press and made available for the public to view at Council’s Customer Service Centre, the Burwood Library and Council’s website during the period 6 September to 4 October, 2005. During this period no submissions or objections were received to the proposed amendments.

Planning or Policy Implications
Refer to the attached report considered by Council at the meeting held on 23 August 2005.

Financial Implications
There are no major financial implications.
Conclusion
The changes to the current policy proposed by resolution at the Council meeting held on 23 August 2005 have been exhibited in accordance with the provisions of the Act and no submissions have been received. Council may now formally adopt the draft policy.

Recommendation(s)
1. That the proposed amendments to the Councillors’ Expenses and Facilities Policy as placed on public exhibition, be adopted.
2. That a copy of the adopted policy be submitted to the Department of Local Government with advice that no public submissions were received during the statutory advertising period.

Attachments
1. Report & Minutes from Council Meeting 23 August 2005 6 page(s)
2. Councillors Expenses and Facilities Policy 21 page(s)
MINUTES OF COUNCIL MEETING 23 AUGUST 2005

ITEM 74/05 LOCAL GOVERNMENT AMENDMENT ACT & REVIEW OF COUNCILLORS EXPENSES & FACILITIES POLICY

Summary
This report provides an overview of the new Local Government Amendment Act 2005 and also provides for the annual review of the Councillors’ Expenses & Facilities Policy, as required by the new legislation.

158/05 RESOLVED (Unanimously) -

1. That the details in relation to the new Local Government Amendment Act 2005 be noted.

2. That the Councillors’ Expenses & Facilities Policy be amended as follows:

REIMBURSEMENT OF EXPENSES
Clause (i) Common Expenses – to be amended as follows
Councillors will be reimbursed for the following common expenses:
Postage; telephone expenses (including mobile phone expenses); letterhead & envelopes; internet & email access; photocopy & facsimile expenses; Christmas cards; Child Care expenses; Business Cards and stationery (including, but not limited to A4 paper, pens, paper, pads etc).

The following total (maximum) reimbursements will apply:

<table>
<thead>
<tr>
<th>Max/ month</th>
<th>Max/annum</th>
<th>Position</th>
<th>Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>$325</td>
<td>$3,900</td>
<td>Councillor</td>
<td>September to September</td>
</tr>
<tr>
<td>$387.50</td>
<td>$4,650</td>
<td>Deputy Mayor</td>
<td>September to September</td>
</tr>
<tr>
<td>$275</td>
<td>$3,300</td>
<td>Mayor (with Council-owned mobile phone provided in accordance with the “Provision of Facilities to the Mayor &amp; Councillors” Clause)</td>
<td>September to September</td>
</tr>
<tr>
<td>$565</td>
<td>$6,800</td>
<td>Mayor (with reimbursement for a privately-owned mobile phone, which is paid for in full by the Mayor)</td>
<td>September to September</td>
</tr>
</tbody>
</table>

The above amounts will be paid to each Councillor being for reimbursement for all (and only) the above common expenses. This reimbursement is payable monthly in arrears for each month (or part of a month) for which the Councillor holds office.

Councillors are required to keep their own records of actual common expenses incurred, including copies of receipts and other relevant supporting documentation. These receipts are to be provided to Council at the end of the 11th month of the Councillor year. If receipts cannot be provided to verify at least the amount of the reimbursement paid to the Councillor over the relevant period, the amount of any short fall between the total value of the receipts provided and the amount of common expenses paid to the Councillor will be deducted from the Councillor’s Allowance for the 12th month of the Councillor year.

*Note: Business Cards are to be in accordance with the attached pro-forma (see Appendix 1).

REIMBURSEMENT OF EXPENSES
Clause (ii) Business Cards - to be deleted
This clause to be deleted as business cards are to be included in the Common Expenses

This is page 12 of the Minutes of the Ordinary Meeting of Burwood Council held on 23 August 2005
MINUTES OF COUNCIL MEETING 23 AUGUST 2005

allowance.

PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS
The following be added to the table detailing the provision of facilities to the Mayor and Councillors:

<table>
<thead>
<tr>
<th>Facility to be provided to:</th>
<th>Facility</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillors</td>
<td>Laptop Computer</td>
<td>A Laptop computer will be provided to each Councillor for use for Council business. Appropriate business software will be installed.</td>
</tr>
</tbody>
</table>

3. That the proposed amendments to the Councillors’ Expenses & Facilities Policy be publicly exhibited for 28 days and that any submissions received and a response to those submissions be reported back to the Council prior to 30 November 2005, in order to comply with the new legislation.

(Moved Councillor Nanva/Seconded Councillor Christogorge)
COUNCIL MEETING 23 AUGUST 2005

(ITEM 74/05) LOCAL GOVERNMENT AMENDMENT ACT & REVIEW OF COUNCILLORS EXPENSES & FACILITIES POLICY

REPORT BY SENIOR MANAGER GOVERNANCE

Summary

This report provides an overview of the new Local Government Amendment Act 2005 and also provides for the annual review of the Councillors' Expenses & Facilities Policy, as required by the new legislation.

Background

Attached is a copy of a circular from the Department of Local Government (DLG) in relation to the provisions of the Local Government Amendment Act 2005 (which commenced on 15 July 2005 by proclamation of the Governor).

Proposal

Summary of changes

A summary of the provisions of the new Act, is as follows:

- Councils given a 12 month window to apply to reduce their number of Councillors;
- Councils now need to adopt an expenses and facilities policy annually (after public consultation);
- Councils now need to use standard employment contracts when appointing General Managers and other senior staff (or renewing their contracts);
- The pecuniary interest provisions of the act are clarified;
- The public private partnership (PPP) provisions are amended to revise the definition of PPP and remove the requirement for Councils to invite tenders prior to forming a PPP.

The impact of these changes on Burwood is discussed in the attached brochure prepared by Council's Governance Section.

Consultation

Public consultation must be undertaken prior to adopting a Councillors' Expenses & Facilities Policy. The consultation must be undertaken and the new document adopted by 30 November each year. The new policy, submissions and Council's response to those submissions, must then be submitted to the DLG within 28 days of the Council resolution to adopt the new policy.

Planning or Policy Implications

See attached brochure.

The current Councillors' Expenses & Facilities Policy provides:

(i) Common Expenses

Councillors will be reimbursed for the following common expenses:

- Postage; telephone expenses (including mobile phone expenses); letterhead & envelopes; internet & email access; photocopy & facsimile expenses; Christmas cards; Child Care expenses; and stationery (including, but not limited to A4 paper, pens, paper, pads etc).
COUNCIL MEETING 23 AUGUST 2005

A total (maximum) reimbursement of $2,400 per annum (being September to September) will be paid to each Councillor being for reimbursement for all (and only) the above common expenses. This reimbursement is payable monthly in arrears for each month (or part of a month) for which the Councillor holds office. Those expenses detailed above are the only common expenses that will be reimbursed under this section of the Councillors’ Expenses & Facilities Policy.

Councillors are required to keep their own records of actual common expenses incurred, including copies of receipts and other relevant supporting documentation. These receipts are to be provided to Council at the end of the 11th month of the Councillor year. If receipts cannot be provided to verify at least the amount of the reimbursement paid to the Councillors over the relevant period, the amount of any short fall between the total value of the receipts provided and the amount of common expenses paid to the Councillor will be deducted from the Councillors Allowance for the 12th month of the Councillor year.

(ii) Business Cards*
Councillors will be reimbursed for the cost of business cards up to the following limits:
- Councillors: $300 per annum (being September to September)
- Deputy Mayor: $450 per annum (being September to September)
- Mayor: $600 per annum (being September to September)

This reimbursement is to be effective from September 2004 and is in addition to, and separate to, the amount currently allocated to each Councillor on an annual basis for Common Expenses (see above).

*Note: Business Cards are to be in accordance with the attached pro-forma (see Appendix 1).

A number of Councillors have suggested that the allowance for mobile phones is not adequately provided for in the Common expenses area and have suggested that a separate allowance be provided for mobile phones. Councillors have also indicated that the current process of providing receipts on an annual basis to justify an allowance that is paid on a monthly basis has created some difficulties. In order to deal with both of these issues, it is suggested that the policy be amended to provide for the following:

(i) Common Expenses
Councillors will be reimbursed for the following common expenses:
- Postage; letterhead & envelopes; internet & email access; photocopy & facsimile expenses;
- Christmas cards; Child Care expenses; and stationery (including, but not limited to A4 paper, pens, paper, pads etc).

These expenses are subject to the following maximum reimbursement per annum (being September to September) and may be claimed on a monthly basis, subject to the provision of an appropriate and adequate receipt(s) and other relevant supporting documentation;
- Postage expenses – $250 per annum
- Letterhead – $250 per annum
- Internet & Email access – $600 per annum
- Photocopy & Facsimile expenses – $250 per annum
- Christmas Cards – $250 per annum
- Child Care Expenses – $600 per annum
- Stationery (including, but not limited to A4 paper, pens, pads, envelopes etc) – $200 per annum.
[Note: Any stationery claimed must be for use by a Councillor in their official capacity as an elected representative].

(ii) Business Cards*
Councillors will be reimbursed for the cost of business cards up to the following limits:
- Councillors: $300 per annum (being September to September)
COUNCIL MEETING 23 AUGUST 2005

Deputy Mayor $450 per annum (being September to September)
Mayor $600 per annum (being September to September)

This reimbursement is to be effective from September 2004.

*Note: Business Cards are to be in accordance with the attached pro-forma (see Appendix 1).

(ii) Telephone expenses (including mobile phone expenses)
Councillors will be reimbursed for telephone expenses, including mobile phone expenses, up to the following limits:
Councillors $1,200 per annum (being September to September)
Deputy Mayor $1,800 per annum (being September to September)

Note: This reimbursement is unable to be claimed by the Mayor, who is provided with a Council-owned mobile phone. The use and reimbursement of that phone is provided for under the heading “Provision of Facilities to the Mayor and Councillors,” as follows;

<table>
<thead>
<tr>
<th>Mayor</th>
<th>Mobile Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A mobile phone for use on Council business or business associated with the role of Mayor. Payment of service and equipment charges and all calls made on Council business will be paid for by the Council up to a maximum of $3,500 per Mayoral term (being September to September). Any costs above $3,500 will be paid by the Mayor personally.</td>
</tr>
</tbody>
</table>

In addition, there is no reference in the current policy about the provision of laptop computers to Councillors. Councillors have recently been issued with laptops as a component of the Council Chambers upgrade project and a reference to this should now be included in the Councillors’ Expenses & Facilities Policy under the heading “Provision of Facilities to Mayor & Councillors.”

It should be noted that the DLG is currently in the process of preparing guidelines (under Section 23A of the new Local Government Amendment Act) with regards to the scope and extent of the expenses that may be claimed by, and the equipment and facilities provided to, Mayors and Councillors. Councils will be required to comply with those guidelines, once issued.

Financial Implications
No major financial implications.

Options
There is no discretion in relation to complying with the new legislation, but there is some discretion for Councillors in reviewing its Councillors’ Expenses & Facilities Policy.

Conclusion
The impact of the new Local Government Amendment Act on Burwood Council will mainly be in the area of PPPs and the full impact of this area is unable to be assessed until the PPP Guidelines have been developed by the DLG.

With respect to the review of the Councillors’ Expenses & Facilities Policy, it is suggested that the proposed changes (as detailed above) be incorporated in a draft policy for public exhibition and that any submissions received and a response to those submissions be reported back to the Council prior to 30 November 2005, in order to comply with the new legislation.
COUNCIL MEETING 23 AUGUST 2005

Recommendation(s)

1. That the details in relation to the new Local Government Amendment Act 2005 be noted.

2. That the proposed amendments to the Councillors' Expenses & Facilities Policy be incorporated in a draft policy and the draft policy be publicly exhibited for 28 days and that any submissions received and a response to those submissions be reported back to the Council prior to 30 November 2005, in order to comply with the new legislation.

Attachments

1. Circular from the Department of Local Government in relation to the Local Government Amendment Act 2005 (Circular #05-34) 3 page(s)

2. Brochure in relation to impact of Local Government Amendment Act on Burwood Council 1 page(s)
COUNCILLORS’ EXPENSES & FACILITIES POLICY

(Section 248 to 254 of the Local Government Act 1993)
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POLICY OBJECTIVES

To ensure that the fees paid, civic expenses reimbursed and facilities provided to the Mayor, Deputy Mayor and Councillors are appropriate to the importance of the Office and are consistently applied and transparent.

To ensure that no Councillors suffer hardship by reason of meeting their civic responsibilities as an elected person.

To adequately reimburse Councillors for expenses incurred in the performance of their duties, including expenses incurred in becoming adequately informed on subjects relevant to their civic duties.

LEGISLATIVE & LEGAL REQUIREMENTS

Fixing and payment of annual fees for Councillors – Section 248

*248. (1) A council must pay each Councillor an annual fee.

(2) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.

(3) The annual fee so fixed must be the same for each Councillor.

(4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*

Fixing and payment of annual fees for the Mayor – Section 249

*249. (1) A council must pay the mayor an annual fee.

(2) The annual fee must be paid in addition to the fee paid to the mayor as a Councillor.

(3) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.

(4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.

(5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.*

At what intervals are fees to be paid? – Section 250

*250. Fees payable under this Division by a council are payable monthly in arrears for each month (or part of a month) for which the Councillor holds office.*

What is the consequence of paying fees? – Section 251

*251. (1) A person is not, for the purposes of any Act, taken to be an employee of a council and is not disqualified from holding civic office merely because the person is paid a fee under this Division.

(2) A fee paid under this Division does not constitute salary for the purposes of any Act.*

Payment of expenses and provision of facilities – Section 252

*252. (1) A council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other Councillors in relation to discharging the functions of civic office.

(2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a Councillor of a facility provided by the council to the mayor or Councillor.*
Public notice of proposed policy concerning expenses and facilities – Section 253

"253. Before adopting a policy for the payment of expenses or provision of facilities, the council must give at least 28 days' public notice of the proposal."

Decision to be made in open meeting – Section 254

"254. The council or a council committee all the members of which are Councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or at which any proposal concerning those matters is discussed or considered.

Note: Section 428(2)(f) requires a council to include, in its annual report:
- The total amount of money expended during the year on mayoral fees and Councillor fees;
- The council's policy on the provision of facilities for, and the payment of expenses to, Councillors;
- The total amount of money expended during the year on providing those facilities and paying those expenses."

Payment of Annual Allowance

The Local Government Remuneration Tribunal is required to determine fees not later than 1 May in each year, the maximum amount of fees to be paid during the following year to Councillors and the Mayor (s.248).

Burwood Council has fixed the annual fees at the maximum level in accordance with the Remuneration Tribunal determination.

Burwood Council has in the past also paid an allowance to the Deputy Mayor. This allowance amounts to 10% of the Mayoral Allowance and is deducted from the Mayoral Allowance. This practice is subject to review every September at the time of electing a Deputy Mayor.

Insurance

Councillors are to receive the benefit of insurance cover for:

Councillors' and Officers' Liability – which provides indemnity to Councillors in circumstances where they cannot be indemnified by Council.

The indemnity provided by this policy is, therefore, to the Councillor personally and covers liability to pay civil damages, their legal costs and other costs incurred in defending a claim. This policy only covers matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors provided that performance or exercise of the relevant civic duty or function is in the opinion of Council bona fide and/or proper and is carried out in good faith, as required under Section 731 of the Local Government Act 1993

Council reimbursement – which provides indemnity for the Council in respect of the costs it has incurred in indemnifying Councillors in successfully defending claims, in circumstances where the Council is obliged to indemnify the individuals in accordance with Section 731 of the Local Government Act 1993

Section 731 of the Local Government Act, states:
"A matter or thing done by .................. a Council, a Councillor or employee of the Council or any person acting under the direction of .................. the Council does not, if the matter or thing was done in good faith for the purpose of executing this or any other Act, and for end on behalf of the ...............Council, subject a Council, an employee or a person so acting personally to any action, liability claim or demand."

It should be noted that the insurance policy does not cover criminal liability (including legal costs) arising from a breach of statute.
REIMBURSEMENT OF EXPENSES

(i) Common Expenses
Councillors will be reimbursed for the following common expenses:
Postage; telephone expenses (including mobile phone expenses); letterhead & envelopes; internet & email access;
photocopy & facsimile expenses; Christmas cards; Child Care expenses; Business Cards and stationery (including, but
not limited to A4 paper, pens, paper, pads etc).

The following total (maximum) reimbursements will apply:

<table>
<thead>
<tr>
<th>Max/month</th>
<th>Max/annum</th>
<th>Position</th>
<th>Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>$225</td>
<td>$3,900</td>
<td>Councillor</td>
<td>September to September</td>
</tr>
<tr>
<td>$287.50</td>
<td>$4,650</td>
<td>Deputy Mayor</td>
<td>September to September</td>
</tr>
<tr>
<td>$275</td>
<td>$3,300</td>
<td>Mayor (with Council-owned mobile phone provided in accordance with the “Provision of Facilities to the Mayor &amp; Councillors” Clause)</td>
<td>September to September</td>
</tr>
<tr>
<td>$565</td>
<td>$6,600</td>
<td>Mayor (with reimbursement for a privately-owned mobile phone, which is paid for in full by the Mayor)</td>
<td>September to September</td>
</tr>
</tbody>
</table>

The above amounts will be paid to each Councillor being for reimbursement for all (and only) the above common expenses. This reimbursement is payable monthly in arrears for each month (or part of a month) for which the Councillor holds office.

Councillors are required to keep their own records of actual common expenses incurred, including copies of receipts and other relevant supporting documentation. These receipts are to be provided to Council at the end of the 11th month of the Councillor year. If receipts cannot be provided to verify at least the amount of the reimbursement paid to the Councillors over the relevant period, the amount of any short fall between the total value of the receipts provided and the amount of common expenses paid to the Councillor will be deducted from the Councillors Allowance for the 12th month of the Councillor year.

*Note: Business Cards are to be in accordance with the attached pro-forma (see Appendix 1).*

(ii) Legal expenses incurred in connection with investigations or hearings by investigative bodies (see Appendix 3 for details of how to apply for reimbursement of legal expenses incurred in connection with investigations or hearings by investigative bodies)

Definitions
The following definitions apply for the purpose of this Policy:

Investigative body means:
- the Police Service or the police force of another State or a Territory;
- the Ombudsman’s Office;
- the Independent Commission Against Corruption (the ICAC);
- the New South Wales Crime Commission;
- Australian Crime Commission;
- the Australian Federal Police;
- a Royal Commission;
Councillors’ Expenses & Facilities Policy

- the Director of Public Prosecutions of New South Wales, of another State or a Territory, or of the Commonwealth;
- the Department of Corrective Services;
- the Department of Juvenile Justice; or
- any other investigative body constituted under legislation that Council resolves to amend its Councillors’ Expenses & Facilities Policy to include from time to time.

**No adverse finding or recommendation** means that the investigative body has confirmed, either by way of a written report, or otherwise, that it has made no finding of corrupt conduct, maladministration or criminality (whichever is relevant given the relevant investigative body and the particular investigation or hearings being conducted) with respect to the Councillor.

**Legal Expenses** means any fees charged for legal representation or legal advice.

**Council will reimburse Councillors for legal expenses incurred in connection with investigations or hearings by investigative bodies in the following situations:**

1. **Councillor’s conduct subject of investigation by an investigative body**

   Council will reimburse a councillor for legal expenses incurred in connection with:

   (a) attendance at an interview conducted by the investigative body;
   (b) attendance at a cautioned interview conducted by the investigative body;
   (c) acting as a witness under summons or at the request of the investigative body; or
   (d) attendance at a hearing (public or private) conducted by the investigative body;

   where:
   
   i. the Councillor is the subject of an investigation by the investigative body or a hearing conducted by the investigative body; and

   ii. the subject-matter of the investigation or hearing by the investigative body arises from the Councillor’s bona fide discharge of a duty or function of their office as Mayor or Councillor; and

   iii. Council is of the opinion that the discharge of the relevant duty or function was bona fide; and

   iv. the investigative body confirms that it has completed the investigation or hearing/s and that no adverse finding or recommendation has been made with respect to the Councillor; and

   v. the Councillor has, in responding to the investigative body’s request, complied with any reasonable and lawful directions of the councillor’s insurer and/or the General Manager.

2. **Councillor’s conduct not the subject of the investigation or hearing**

   Council will reimburse a councillor for legal expenses incurred in connection with:

   (a) attendance at an interview conducted by the investigative body;
   (b) acting as a witness under summons or at the request of the investigative body; or
   (c) attendance at a hearing (public or private) conducted by the investigative body;

   where:
ATTACHMENT 2

Business and Corporate Services Report No. 100
Councillors Expenses and Facilities Policy - Results of Public Exhibition
Councillors Expenses and Facilities Policy

Councillor's Expenses & Facilities Policy

i. the Councillor is not the subject of an investigation or hearing conducted by the investigative body; and

ii. the substantial focus of the investigative body's subpoena or reason for requesting attendance of the councillor is to obtain information from the councillor that directly derives from the Councillor's discharge of a duty or function of their office as Mayor or Councillor; and

iii. Council is of the opinion that the discharge of the relevant duty or function was bona fide; and

iv. the investigative body confirms that it has completed the investigation or Public Hearing and that no adverse finding or recommendation has been made with respect to the Councillor; and

v. the Councillor has, in responding to the investigative body's request, compiled with any reasonable and lawful direction of the Council's insurer and/or the General Manager.

Additional limitations with respect to reimbursement of legal expenses incurred in connection with an investigation or hearing conducted by an investigative body

(1) A Councillor may only be reimbursed for legal expenses under this Policy where the expenses have been incurred on or after the commencement of the term of the Councillor during which these provisions were introduced, that is, March 2004.

(2) Provided the other requirements under this Policy for reimbursement of legal expenses incurred in connection with an investigation or hearing conducted by an investigative body under these provisions are satisfied, it is no bar to reimbursement that a person no longer holds office as a Councillor at the time the legal expenses are incurred or the person makes the claim for reimbursement.

(3) Legal expenses incurred by a Councillor will only be paid following the investigative body confirming that it has completed its Investigation and Hearings (where relevant) and confirming its findings in writing, or, where a Report is to be prepared pursuant to the relevant legislation, publishing its Report.

(4) A Councillor may only be reimbursed for legal expenses incurred as a result of being called as a witness to an investigation conducted by the ICAC if they have first made an application to the Attorney General for legal assistance pursuant to section 52 of the Independent Commission Against Corruption Act 1988 and they have written confirmation that such an application has been refused.

(5) This Policy does not preclude a Councillor claiming non-legal expenses incurred by a Councillor while appearing as a witness before ICAC from ICAC pursuant to section 51 of the ICAC Act, or a Councillor's receiving such a payment.

Note: See Appendix 3 for details of how to apply for reimbursement of legal expenses incurred in connection with investigations or hearings by investigative bodies.

(iii) Travel expenses
Councillors will be reimbursed for "out-of-pocket" expenses incurred in attending approved courses, conferences, seminars, Council Meetings (including Council Committee Meetings) or other authorised business of Council, (including travel to any organisation to which a Councillor has been appointed as a delegate or any other activity which has been authorised by the Council). This reimbursement does not extend to travel that is considered to be of a personal nature and is not authorised business of the Council or an approved course, conference etc. Examples of travel expenses that are able to be reimbursed under this clause include: travel associated with the Mayor acting in his/her official capacity and representing the Council, a Councillor representing the Mayor in his/her official capacity, travel associated with a...
trip/visit that has been officially authorised by the Council. An example of travel expenses that are NOT able to be reimbursed under this clause is: were an individual Councillor visits a Government Department in relation to a matter initiated by the Councillor personally, whether it is business that is related to the Council or not.

The calculation of the amount payable for travel in a Councillor's private vehicle shall be the rate payable for claims by Council staff under the NSW (Local Government) State Award.

Claims for reimbursement of travel expenses must be submitted on the claim form attached to this policy (see Appendix 2).

Upon request to the Mayor or General Manager, a Councillor may be provided with a Cab-charge docket to facilitate their attendance at meetings and activities referred to in the above paragraph.

(iv) Expenses incurred at conferences, seminars and courses

Conferences/Seminars/Courses within NSW (for the purposes of this policy, the ACT is also considered to be within NSW)

Councillors may attend conferences, seminars and courses within the Sydney Metropolitan Area with the General Manager’s approval and within budgetary constraints. Conferences outside the Sydney Metropolitan Area must be approved by Council prior to attendance.

Council will meet the following expenses incurred by Councillors attending conferences, seminars or courses:
<table>
<thead>
<tr>
<th>Type of expense</th>
<th>Details</th>
<th>Amount payable by Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registration</td>
<td>Includes official luncheons, dinners and tours relevant to the conference.</td>
<td>Actual registration cost</td>
</tr>
<tr>
<td>Accommodation</td>
<td>Delegates will be accommodated in the hotel where the conference, seminar or training course is held or another nearby and suitable hotel of a similar standard. Council will provide accommodation of an acceptable standard, at the rate of a double room for each Councillor. Council will not pay for accommodation within the Sydney Metropolitan Area except under special circumstances approved by the Council. Accommodation expenses include the night before and/or after the conference/seminar as necessary.</td>
<td>Actual cost</td>
</tr>
<tr>
<td>Travel</td>
<td>By Council vehicle, private vehicle*, hire vehicle, rail or air. Persons using private vehicles are to be reimbursed in accordance with the rate payable for claims by Council staff under the NSW (Local Government) State Award (subject to the cost not exceeding the Economy Class airfare to the same destination). Travel by air will be by Economy Class.</td>
<td></td>
</tr>
<tr>
<td>Parking</td>
<td>Parking station fees will be met where expenses can be justified.</td>
<td>Actual cost</td>
</tr>
</tbody>
</table>

*No private cars are allowed.
## Councillors Expenses and Facilities Policy

### Results of Public Exhibition

**Type of expense** | **Details** | **Amount payable by Council**
--- | --- | ---
**Transfers** | Council will meet the cost of transferring Councillors from their place of abode to the airport and return from the airport to their place of abode. Council will also meet the cost of transferring delegates from the airport to their hotel and return at the conclusion of the conference, seminar, training course. Should a Councillor be accommodated in a hotel not being the site of the conference and the delegate is travelling in their own private car, Council will meet the cost of travelling from the hotel to the site of the conference and/or the Conference social functions and return each day of the conference. Where, as a result of attending a conference, a Councillor visits another Council in the course of his/her elected member duties or to further his/her knowledge of Local Government, Council will meet the cost of transfer of the delegate from his/her hotel to the nearest Council and return. | Actual cost. Rate per kilometre in accordance with rate payable for claims by Council staff under the NSW (Local Government) State Award. Actual cost or rate per kilometre in accordance with rate payable for claims by Council staff under the NSW (Local Government) State Award. |
**Meals** | Council will meet the cost of breakfast, lunch and dinner for Councillors where any of these meals are not provided as part of the conference. Council will also meet the cost of reasonable drinks accompanying the meal. The payment of meals and drinks for persons who are not Council's authorised representatives will be met by Council where it is reasonably necessary to reciprocate hospitality to other Council's representatives. | Actual cost. |
**Incidental Expenses** | Council will meet the cost of telephone calls from the delegate to his/her immediate family and to Council during the period of the conference. Any other telephone expenses are to be paid for by Councillors. Council will not meet the cost of laundry or dry cleaning services. Such services are to be met by Councillors. Council will not meet the cost of any tips provided by the Councilors. Council will not meet the cost of expenses incurred for the use of the bar fridge provided in a hotel room. Council will not meet the cost of any expenses incurred at bars (including the bar located at the hotel) other than where Councillors are reciprocating hospitality extended to them by other Councils' delegates. | Actual cost. Actual cost for reciprocating hospitality limited to $60 per Councillor per conference. |

*Note: Claims for accidental damage to Councillors’ private vehicles will not be met by Council.*
A Councillor who travels on Council business will:
- Travel with all due expedition and any time incurred in anything other than Council business shall not be included in expenses paid by Council.
- Travel by the shortest practical route.

Payment of expenses
Council will where possible pay expenses directly to the hotel. However, Councillors should be aware that it may be necessary to pay day-to-day expenses out of their own pocket. Councillors may then submit a claim (on the claim form appended to this policy) for reimbursement of those expenses in accordance with this policy.

The General Manager reserves the right to decline the reimbursement of any expenses he/she considers to be inappropriate or unreasonable.

Interstate/overseas travel/conferences
Council will pay the same expenses as detailed above (for conferences within NSW) for Councillors travelling interstate and overseas on Council business only if Council resolves that such travel be undertaken. The proposal will be considered at an Open Council Meeting through a report from the General Manager. Reports are to indicate:

Who is to take part in the travel
- The objectives for undertaking the trip, including an explanation of the benefits that will accrue to the community/Council from taking the trip.
- The duration of the trip and general details of travel arrangements.
- The approximate cost of the trip, including accommodation and other expenses payable.
- If the trip is to be sponsored by private enterprise, ICAC guidelines and reporting structures shall be followed.

For overseas travel, travel records need to be kept where the travel involves more than 6 nights away from the Councillor's ordinary place of residence. A daily meal and an incidental expenses allowance will be paid to each authorised attendee in accordance with the Australian Fringe Benefits Taxation Guidelines, provided that such expenses are subject to a period of stay not exceeding the period for the conference or authorised business plus one day each way for travelling.

Claims for reimbursement of conferences/seminars/courses expenses must be submitted on the claim form attached to this policy (see Appendix 2).
## Provision of Facilities to the Mayor & Councillors

<table>
<thead>
<tr>
<th>Facility to be provided to:</th>
<th>Facility</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillors/Mayor</td>
<td>Councillors’ Office*</td>
<td>A shared office in the Council Chambers building suitably furnished.</td>
</tr>
<tr>
<td>Mayor</td>
<td>Mayor’s Office*</td>
<td>An office in the Council Chambers building suitably furnished.</td>
</tr>
<tr>
<td>Councillors/Mayor</td>
<td>Access to a personal computer (PC) &amp; printer*</td>
<td>Council will provide a PC and printer in the Councillors/Mayor’s Office in the Council Chambers building for accessing Local Government legislation, Council policies, minutes and business papers, the internet and email and for use in discharging the functions of civic office. The supply of printer toner cartridges, PC software and maintenance will be Council’s responsibility. All other incidentals required for use of the PC &amp; printer is the individual Councillor’s/Mayor’s responsibility.</td>
</tr>
<tr>
<td>Councillors/Mayor</td>
<td>Access to a telephone*</td>
<td>Council will provide a telephone in the Councillors/Mayor’s Office in the Council Chambers building for making local and STD calls only, in association with Councillors/Mayor’s duties.</td>
</tr>
<tr>
<td>Councillors</td>
<td>Mailbox*</td>
<td>A lockable mail box in the Council Chambers building.</td>
</tr>
<tr>
<td>Councillors</td>
<td>Remote control device*</td>
<td>A remote control device for the entrance gates to the basement car park of the Council Chambers building for parking underneath the building on meeting nights and outside of working hours.</td>
</tr>
<tr>
<td>Councillors</td>
<td>Local Government &amp; Council documentation</td>
<td>A copy of the Bluff’s Local Government Handbook and all relevant codes and policies of the Council.</td>
</tr>
<tr>
<td>Councillors/Mayor/Deputy Mayor</td>
<td>Name badges</td>
<td>A suitable name badge for use in association Council business.</td>
</tr>
<tr>
<td>Councillors</td>
<td>Security swipe card*</td>
<td>A security swipe card for access to the Councillors’ office within the Council Chamber building and public areas of the Council Chambers building.</td>
</tr>
<tr>
<td>Mayor</td>
<td>Security swipe card*</td>
<td>A security swipe card for access to the Councillors’ office within the Council Chamber building and public areas of the Council Chambers building.</td>
</tr>
<tr>
<td>Councillors</td>
<td>Security code for Council Chambers alarm</td>
<td>A security code for the Council Chambers alarm system for access to the Council Chambers on weekends. This access is to be via the basement car park.</td>
</tr>
<tr>
<td>Councillors</td>
<td>Meals &amp; refreshments associated with Council/Committee Meetings</td>
<td>Provision of meals and refreshments associated with the attendance at Council and Council Committee Meetings and Council workshops. The standard of meals is to be determined by the General Manager within budgetary constraints.</td>
</tr>
<tr>
<td>Councillors</td>
<td>Access to a Council “pool” vehicle*</td>
<td>A Councillor may use a Council-owned pool vehicle (if one is available) to facilitate Councillors’ travelling requirements, for the following purposes:</td>
</tr>
</tbody>
</table>
- Travel to and from seminars and conferences. |
- Travel to and from Council business outside the areas, subject to the General Manager’s approval. |
- Other journeys approved by the General Manager. Use of a Council vehicle is taken to be certification by the Councillor concerned that the travel to be undertaken falls within the categories of permissible journeys listed above. Councillors will pick up and return the vehicle to the Council. Except in cases of an emergency, the vehicle is not to be driven by anyone other than the Councillor who has requested the vehicle or another Councillor of Burnwood Council. |
## Council's Expenses & Facilities Policy

<table>
<thead>
<tr>
<th>Facility to be provided to</th>
<th>Facility</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor</td>
<td>Mayoral vehicle*</td>
<td>A Mayoral vehicle will be provided for the Mayor’s use in accordance with the Council’s Vehicle Policy. The Mayoral vehicle will be fully maintained by Council for use by the Mayor for official, civic, ceremonial duties and appropriate private use. The Council recognises that the Mayoral vehicle may be used incidentally for private purposes and accepts that use without charge, however, the use of the Mayoral vehicle for private purposes outside the Sydney Metropolitan Area must be paid for on the basis of the rate per kilometre set down in the Executive Staff Kit prepared by the Local Government &amp; Shires Associations of NSW. (The Sydney Metropolitan boundary, for the purpose of this policy, is deemed to be bounded by the outer Council boundaries of the Councils of Sutherland, Campbelltown, Camden, Liverpool, Penrith, Blacktown, Bankstown Hills, Hornsby and Penrith).</td>
</tr>
<tr>
<td>Mayor</td>
<td>Car parking*</td>
<td>A petrol card will also be provided to fuel the Mayoral vehicle. An allotted parking space underneath the Council Chambers building.</td>
</tr>
<tr>
<td>Mayor</td>
<td>Robes of office and Mayoral Chain*</td>
<td>A Mayor will receive robes and a Mayoral Chain of Office for official/civic/ceremonial use.</td>
</tr>
</tbody>
</table>
| Mayor                     | Refreshments                  | • A liquor cabinet located in the Mayoral Office, which will be maintained and stocked by Council within budgetary limits.  
• Council will provide tea, coffee and refreshments to the Mayor when fulfilling the Mayoral duties within budgetary limits. |
| Mayor                     | Mobile phone*                 | A mobile phone for use on Council business or business associated with the role of Mayor. Payment of service and equipment charges and all calls made on Council business will be paid for by the Council up to a maximum of $3,500 per Mayoral term (being September to September). Any costs above $3,500 will be paid by the Mayor personally. |
| Mayor                     | Mayoral expenses budget       | Use of the Mayoral Expenses budget as approved by Council as part of the annual budget process. The allocation may be spent on receptions and other relevant expenses of office in accordance with the Mayor’s determination, but shall only be spent on a pro-rata basis (with an allowable 20% variation) for any particular Mayor’s term of office. For example, if during any one financial year, a Mayor holds office for 3 months of the year, that particular Mayor may spend a maximum of 3/12 of the budget allocation (plus the allowable 20% variance). For the purpose of this calculation the Mayoral term of office is taken to mean the number of full months in office. |
| Mayor                     | Staff support                 | The Mayor will also be provided with secretarial, executive and professional support in his/her role as Mayor. |
| Councillors               | Laptop Computer*              | A laptop computer will be provided to each Councillor for use for Council business. Appropriate business software will be installed on the computer. |

Note: Council will not provide access to a photocopier or facsimile machine for Councillors' use. The use of both of these facilities is provided for in the "Reimbursement of Expenses" section of this policy.

Note: Those facilities marked with an asterisk (*) remain the property of Council and must be returned to Council upon any Councillor ceasing to hold office.

Use of Council facilities

The use of Council facilities generally is to be directly related to the business of the Council. Council facilities are not to be used for political or private purposes.
The use of the Council Chambers is restricted to civic occasions only (hosted by the Mayor or the Mayor's representative) or as authorised by the General Manager.
Appendix 1
Pro-forma for Councillors’ Business Cards –

Councillors’ business cards may follow either of the following formats.
Appendix 2
CLAIM FOR REIMBURSEMENT OF EXPENSES BY COUNCILLOWS

I hereby submit my claim for reimbursement of expenses in accordance with the provisions of the Local Government Act and Council's Councillors' Expenses & Facilities Policy.

Name of claimant: ................................................

Claim for reimbursement of expenses:

<table>
<thead>
<tr>
<th>Date</th>
<th>Nature of Business</th>
<th>Nature of Claim</th>
<th>Amount Claimed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
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<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Claim for reimbursement of travel expenses:

<table>
<thead>
<tr>
<th>Date &amp; Nature of business (to include where the travel was to and the purpose of the travel)</th>
<th>Method of travel</th>
<th>Distance in kms</th>
<th>Rate/km</th>
<th>Amount claimed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total amount claimed: ........................................................................................................ $

Please note: Receipts must be attached to this claim form in order for reimbursement to be processed.

Signature: ........................................................................

Date: ........................................................................
Appendix 3
How to apply for reimbursement of legal expenses incurred in connection with investigations or hearings by investigative bodies

1. **To whom do you make the application for reimbursement?**
   The application for reimbursement of legal expenses should be made in writing to the General Manager.

2. **When can you make an application for reimbursement?**
   An application for reimbursement of legal expenses may be made at any time after the expenses have been incurred.

   However, the decision as to whether to provide reimbursement will only occur once the investigative body has:

   1. Confirmed in writing that it has completed the investigation/s or hearing/s or, where a Report is to be prepared pursuant to the relevant legislation, published its Report; and

   2. Confirmed in writing that no adverse finding or recommendation has been made with respect to you.

   *Note: The policy provides that “no adverse finding or recommendation” means no finding of corrupt conduct, maladministration or criminality (whichever is relevant given the relevant investigative body and the particular investigation or hearing being conducted).*

3. **Requirement for previous application to the Attorney-General where acting as a witness before an ICAC hearing**
   If you have been called as a witness at a hearing (public or private) conducted by the Independent Commission Against Corruption (ICAC), you must have:

   3.1 **Prior to or during your appearance as a witness at the hearing,** applied in writing to the Attorney General for financial assistance with respect to your legal representation, pursuant to section 62 of the Independent Commission Against Corruption Act 1988; and

   3.2 **Have been refused such financial assistance.**

   *Note: Your application to the Attorney-General will need to include the full details of your financial situation and, provided your summons does not prevent you from doing so, the evidence you expect to give.*

4. **What other eligibility requirements need to be addressed in your application?**
   Your application should:

   4.1 **specify whether you are currently a Councillor or Mayor, or have been a former Councillor or Mayor (in which case you must have been acting in this office at any time from March 2004 onwards);**

   4.2 **specify which investigative body has conducted the relevant interview/s and hearing/s (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);**

   *Note: see the definition of “Investigative body” in the Policy.*

   4.3 **state whether you are the subject of the investigation/s and/or the hearing/s and, if not, specify who is the subject (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);**

   *Note: where you are uncertain as to whether you are the subject of the investigation/s and/or the hearing/s, or as to who the subject is, you should state this.*

   4.4 **provide details of the request or summons to attend an interview/s or hearing/s by the relevant investigative body (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);**
4.5 detail the legal expenses incurred in connection with attending the interview/s or hearing/s (public or private);

4.6 describe the nature of the information the investigative body has, through requesting an interview or your attendance at a hearing, sought from you (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);

4.7 describe how the information the investigative body has sought from you directly derives from your discharge of duties or your exercise of functions as the Mayor or as a Councillor (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);

4.8 state whether you are satisfied you discharged the duties or exercised the functions in question in good faith or with honest intent (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);

4.9 show that you have complied with any reasonable and lawful direction of your insurer and/or the General Manager (if there has been any such direction); and

4.10 provide evidence that the investigative body has:

- confirmed in writing that it has completed the investigation/s or hearing/s or, where a Report is to be provided pursuant to the relevant legislation, published its Report;

- confirmed in writing that no adverse finding or recommendation has been made with respect to you.

Note: You may choose to submit your application without this confirmation – however, no decision as to whether to provide reimbursement will be made until this confirmation has occurred.

5. What documents need to be included with your application?

5.1 A copy of the document requesting your attendance at an interview/s or hearing/s by the investigative body, for example, a letter or summons (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);

5.2 If you have been called as a witness at a hearing (public or private) conducted by ICAC, a copy of your request to the Attorney-General for legal assistance pursuant of section 52 of the Independent Commission Against Corruption Act 1988, and a copy of the Attorney General’s response;

5.3 Copies of any invoices issued to you for legal expenses (fees charged for legal representation or legal advice) in connection with the interview/s or hearing/s and any receipts for payment for such invoices;

5.4 Confirmation in writing from the investigative body that it has completed its investigation/s or hearing/s or, where a Report has been prepared, a copy of the Report;

5.5 Where not included in the Report, or where a Report is not provided, written confirmation that no adverse finding or recommendation has been made with respect to you;

5.6 Any other documents relevant to the eligibility requirements outlined in paragraph 4.

6. What will happen where a suppression order or other order restricting disclosure of information applies?

6.1 Where you have been ordered by the investigative body, for example, in your summons, not to disclose information which the Policy requires you to provide (see paragraph 4 and 5 above), you should refrain from including such information in your application.

6.2 Once any suppression order or other order has been lifted by the investigative body, you should immediately provide the General Manager with the information previously omitted from your application.
Councillors Expenses and Facilities Policy

6.3 The General Manager may not be able to consider your application, including referring it to Council for a determination regarding the bona fide discharge of your duties or exercise of your functions (see paragraph 7 below) until such information is provided.

7. Will Council need to pass a resolution regarding my application?

7.1 Yes, Council will need to pass a resolution that it is satisfied the discharge of your relevant duty or function was "bona fide", that is, in good faith or with an honest intent.

7.2 Accordingly, where the General Manager is satisfied that your application has satisfied the other eligibility requirements, the General Manager will refer your application to Council for a determination as to whether it is satisfied your discharge of your duty (or duties) or exercise of your function (or functions) was "bona fide."

7.3 Where Council is not satisfied of the above, Council should provide reasons for its determination.

7.4 Where Council resolves that it is satisfied of the "bona fide" discharge of your duties or exercise of your functions as set out above, the General Manager may make a final determination, as an operational matter, as to whether reimbursement of legal expenses should occur under the Policy.

8. Conflict of interest

8.1 You will need to comply with the pecuniary interest provisions of the Local Government Act 1993, and the pecuniary interest and conflict of interest provisions of Council’s Code of Conduct.

8.2 This would include disclosing your interest at the meeting where Council is determining whether it is satisfied your discharge of your duty (or duties) or exercise of your function (or functions) was bona fide, leaving the meeting and remaining out of sight of the meeting and not participating in discussion or voting on the matter.
(ITEM 101/05) LIBRARY ANNUAL REPORT FOR 2004/2005

File No: L.0155.000

REPORT BY MANAGER BURWOOD LIBRARY

Summary
The library service continues to be well used by the community, evidence of this may be seen in increases in loans in several collections, most noticeably the audio visual collections which have increased by 15.52% when compared to the previous financial year. Increased interest in new formats such as DVDs, improved layout of the library to showcase the AV collections and expansion of the collection have all contributed to these improved circulation figures. Loans of multicultural materials, particularly from the Chinese collection, continue to rise steadily with 1.79% increase in loans this year, although overall loans dropped slightly by 1.19%.

Methods of accessing information are changing within the community and thus the library is experiencing increased demand for electronic services. Bookings to use Internet PCs in the library have increased by 11.5% to 6,372 hours of internet use over the financial year. In addition the library’s website has had over 125,000 hits over the same period. This excellent result may have been influenced by the redevelopment of the library’s website, which has highlighted services such as the online databases and catalogue.

The library has introduced several new services over the past year, including running a successful Summer Holiday Reading Programme through December and January. Live Homework Help providing access to qualified tutors for guidance with homework via a live Internet connection was launched in April and a Chinese Audio Visual collection was launched in March.

OVERVIEW

Highlights:
Loans from the audio visual collections have increased by 15.52% when compared to the previous financial year. Increased interest in new formats such as DVDs, improved layout of the library to showcase the AV collections and expansion of the collection have all contributed to the improved circulation figures. Loans of multicultural materials, particularly from the Chinese collection, continue to rise steadily with 1.79% increase in loans this year

The community is changing in the way it accesses information and uses library materials, evidence of this can be seen in the data for Internet use and the use of materials within the library. Bookings to use Internet PCs in the library have increased by 11.5% to 6,372 hours of internet use, in addition the library’s website has had over 125,000 hits over the last financial year. This excellent result may have been influenced by the redevelopment of the library’s website, which has highlighted services such as the online databases and catalogue. Use of hardcopy materials within the library has increased by 7.97% over the past year.

Improved shelving layout in the library has enabled the removal of difficult to access high shelves and piecemeal shelving of various vintages and sizes. The result is a more open, logical layout, which has had most impact on the audio-visual collection, Fiction, Large Print, Periodicals, Young Adult and the ground floor section of the Non-fiction collection.
New Services
A successful Summer Holiday Reading Programme was run in December and January. It attracted 79 participants and will provide a framework to build on the programme each year.

Live Homework Help was launched in April and is growing in popularity. It provides access to qualified tutors for guidance with homework and research problems via a live Internet connection.

The Chinese Audio Visual collection was launched in March and is proving a very popular addition to the library’s expanding Chinese collections.

STATISTICS

Circulation:
Overall loans have dropped slightly in comparison to the previous year. During most of the previous financial year Strathfield Library operated from temporary premises and anecdotal evidence indicates that Burwood Library took on new members during this time. With the opening of Strathfield in April 2004 these members would have returned to that library. Further evidence for this may be seen in the 7.12% increase in loans for the April to June Quarter of 2005.

Loans in some specific collections have increased following improved display of the collection and boosting numbers of items in those collections. For example loans of non-book materials (videos, DVDs, CD ROMs and music CDs) have increased by 15.52%.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Fiction*</td>
<td>63468</td>
<td>66321</td>
<td>68358</td>
<td>39199</td>
<td>37881</td>
<td>16.31</td>
<td>-3.36</td>
</tr>
<tr>
<td>Adult Non-fiction*</td>
<td>71188</td>
<td>70298</td>
<td>72302</td>
<td>42434</td>
<td>37032</td>
<td>15.96</td>
<td>-12.73</td>
</tr>
<tr>
<td>Serials*</td>
<td>13725</td>
<td>16764</td>
<td>17584</td>
<td>5250</td>
<td>5592</td>
<td>2.41</td>
<td>6.51</td>
</tr>
<tr>
<td>Non-Book</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>18253</td>
<td>21086</td>
<td>9.08</td>
<td>15.52</td>
</tr>
<tr>
<td>Young Adult</td>
<td>4973</td>
<td>5856</td>
<td>6079</td>
<td>4417</td>
<td>4150</td>
<td>1.79</td>
<td>-6.04</td>
</tr>
<tr>
<td>Children’s*</td>
<td>64613</td>
<td>73909</td>
<td>78570</td>
<td>67930</td>
<td>67862</td>
<td>29.22</td>
<td>-0.10</td>
</tr>
<tr>
<td>Multicultural</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>57564</td>
<td>58596</td>
<td>25.23</td>
<td>1.79</td>
</tr>
<tr>
<td>TOTALS</td>
<td>69586</td>
<td>79765</td>
<td>84649</td>
<td>235047</td>
<td>232242</td>
<td>100.00</td>
<td>-1.19</td>
</tr>
</tbody>
</table>

* Adult fiction & non-fiction, serials and Children’s circulation statistics as reported from the Joint Library Service (JLS) up to June 2003 included non-English language loans of these categories, which have been separated out for reporting this year.

Multicultural Materials Circulation
Loans from the Multicultural collections continue to show steady growth, with most of this growth emerging from the Chinese collection. Demand has varied for some of the languages spoken by communities with smaller populations in the Burwood LGA, with some languages seeing increasing loans and many decreasing. Monitoring of demand from these communities is ongoing.

28 October 2005
**Multicultural Materials Circulation**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of loans</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(excluding periodicals)</td>
<td>35713</td>
<td>45269</td>
<td>48036</td>
<td>51025</td>
<td>50590</td>
</tr>
</tbody>
</table>

**Multicultural loans (including periodicals) by language 2004/2005**

<table>
<thead>
<tr>
<th>Collection</th>
<th>Number of Loans 2003/4</th>
<th>Number of Loans 2004/5</th>
<th>% of total loans 2004/5</th>
<th>% change over previous year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chinese</td>
<td>48035</td>
<td>50130</td>
<td>21.6%</td>
<td>4.36</td>
</tr>
<tr>
<td>Korean</td>
<td>6850</td>
<td>5764</td>
<td>2.48%</td>
<td>-15.85</td>
</tr>
<tr>
<td>Vietnamese</td>
<td>280</td>
<td>223</td>
<td>0.10%</td>
<td>-20.36</td>
</tr>
<tr>
<td>Spanish</td>
<td>251</td>
<td>182</td>
<td>0.08%</td>
<td>-27.49</td>
</tr>
<tr>
<td>Italian</td>
<td>214</td>
<td>210</td>
<td>0.09%</td>
<td>-1.87</td>
</tr>
<tr>
<td>Croatian</td>
<td>156</td>
<td>68</td>
<td>0.03%</td>
<td>-56.41</td>
</tr>
<tr>
<td>Greek</td>
<td>99</td>
<td>21</td>
<td>0.01%</td>
<td>-78.00</td>
</tr>
<tr>
<td>Other</td>
<td>1679</td>
<td>1998</td>
<td>0.86%</td>
<td>19.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>57564</strong></td>
<td><strong>58596</strong></td>
<td><strong>25.23%</strong></td>
<td><strong>1.79</strong></td>
</tr>
</tbody>
</table>

**In-house use**

The following table indicates how many items were picked up at the beginning of each day after being used the previous day. This does not include use of items such as newspapers, which are used many times throughout the day, therefore the figures in the table below represent an under-reporting of the actual use of materials within the library. These figures illustrate an emerging trend in libraries; for members of the public to come in to the library and use resources without becoming a member or borrowing as they show an increase of 7.97%.

**Number of items used in-house**

<table>
<thead>
<tr>
<th></th>
<th>2003/4</th>
<th>2004/5</th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
<td>402</td>
<td>1271</td>
</tr>
<tr>
<td>August</td>
<td>1666</td>
<td>1413</td>
</tr>
<tr>
<td>September</td>
<td>1516</td>
<td>2192</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>3584</strong></td>
<td><strong>4876</strong></td>
</tr>
<tr>
<td>October</td>
<td>1583</td>
<td>1497</td>
</tr>
<tr>
<td>November</td>
<td>1280</td>
<td>1306</td>
</tr>
<tr>
<td>December</td>
<td>772</td>
<td>1115</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>3635</strong></td>
<td><strong>3918</strong></td>
</tr>
<tr>
<td>January</td>
<td>1017</td>
<td>994</td>
</tr>
<tr>
<td>February</td>
<td>1422</td>
<td>879</td>
</tr>
<tr>
<td>March</td>
<td>1821</td>
<td>1537</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>4260</strong></td>
<td><strong>3410</strong></td>
</tr>
<tr>
<td>April</td>
<td>967</td>
<td>1155</td>
</tr>
<tr>
<td>May</td>
<td>1317</td>
<td>1425</td>
</tr>
<tr>
<td>June</td>
<td>1276</td>
<td>1454</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>3560</strong></td>
<td><strong>4034</strong></td>
</tr>
<tr>
<td><strong>Annual totals</strong></td>
<td><strong>15039</strong></td>
<td><strong>16238</strong></td>
</tr>
</tbody>
</table>
Visits
Burwood Library has shown a steady increase in the number of visits to the library over the past several years. While this year’s visits are down on the previous year, they are still significantly more than in 2002/3 (an increase of 6.39%).

Number of Visits

<table>
<thead>
<tr>
<th></th>
<th>2001/2 (JLS)</th>
<th>2002/3 (JLS)</th>
<th>2003/4</th>
<th>2004/5</th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
<td></td>
<td></td>
<td>21155</td>
<td></td>
</tr>
<tr>
<td>August</td>
<td></td>
<td></td>
<td>21780</td>
<td></td>
</tr>
<tr>
<td>September</td>
<td></td>
<td></td>
<td>21377</td>
<td></td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td>67694</td>
<td>64312</td>
<td></td>
<td></td>
</tr>
<tr>
<td>October</td>
<td>22141</td>
<td>21690</td>
<td></td>
<td></td>
</tr>
<tr>
<td>November</td>
<td>20613</td>
<td>19443</td>
<td></td>
<td></td>
</tr>
<tr>
<td>December</td>
<td>16336</td>
<td>14572</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td>59090</td>
<td>55705</td>
<td></td>
<td></td>
</tr>
<tr>
<td>January</td>
<td>18291</td>
<td>17082</td>
<td></td>
<td></td>
</tr>
<tr>
<td>February</td>
<td>18879</td>
<td>17603</td>
<td></td>
<td></td>
</tr>
<tr>
<td>March</td>
<td>22410</td>
<td>22028</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td>59580</td>
<td>56713</td>
<td></td>
<td></td>
</tr>
<tr>
<td>April</td>
<td>18258</td>
<td>21008</td>
<td></td>
<td></td>
</tr>
<tr>
<td>May</td>
<td>20791</td>
<td>19604</td>
<td></td>
<td></td>
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<tr>
<td>June</td>
<td>20401</td>
<td>18690</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td>59450</td>
<td>59302</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>212106</td>
<td>221848</td>
<td>245814</td>
<td>236032</td>
</tr>
</tbody>
</table>

Information Enquiries
Library staff are asked a variety of questions including directions, assistance with equipment, library policy & procedure and in depth reference enquiries. The following table only records information requests ie: those which involve the knowledge, use, recommendations, interpretation, or instruction in the use of one or more informational sources. These figures are derived from four sample weeks in February, May, August and November. A significant increase of 30% has been recorded this financial year.

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Completed on the day</td>
<td>17264</td>
<td>22,451</td>
</tr>
<tr>
<td>Completed later</td>
<td>767</td>
<td>702</td>
</tr>
<tr>
<td>Unable to be completed</td>
<td>364</td>
<td>377</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>18538</td>
<td>23,530</td>
</tr>
<tr>
<td>Percentage completed on the day</td>
<td>93.1%</td>
<td>95.4%</td>
</tr>
</tbody>
</table>

PC Use
An increase of 11.48% has been observed in Internet use this financial year. An additional PC was installed to accommodate the live Homework Help programme in March. It is evident that the preceding months have also shown a sizeable increase in Internet usage. During the same period word processing usage has decreased.
Internet Usage - Number of bookings

<table>
<thead>
<tr>
<th></th>
<th>2002/3 (JLS)</th>
<th>2003/4</th>
<th>2004/5</th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
<td>984</td>
<td>999</td>
<td>1282</td>
</tr>
<tr>
<td>August</td>
<td>1067</td>
<td>*966</td>
<td>1148</td>
</tr>
<tr>
<td>September</td>
<td>995</td>
<td>*1044</td>
<td>1138</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>3046</strong></td>
<td><strong>3009</strong></td>
<td><strong>3568</strong></td>
</tr>
<tr>
<td>October</td>
<td>1019</td>
<td>*1126</td>
<td>1003</td>
</tr>
<tr>
<td>November</td>
<td>1043</td>
<td>642</td>
<td>1129</td>
</tr>
<tr>
<td>December</td>
<td>879</td>
<td>853</td>
<td>837</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>2941</strong></td>
<td><strong>2621</strong></td>
<td><strong>2969</strong></td>
</tr>
<tr>
<td>January</td>
<td>994</td>
<td>1031</td>
<td>1119</td>
</tr>
<tr>
<td>February</td>
<td>764</td>
<td>1065</td>
<td>995</td>
</tr>
<tr>
<td>March</td>
<td>906</td>
<td>909</td>
<td>1066</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>2664</strong></td>
<td><strong>3005</strong></td>
<td><strong>3180</strong></td>
</tr>
<tr>
<td>April</td>
<td>796</td>
<td>888</td>
<td>*914</td>
</tr>
<tr>
<td>May</td>
<td>922</td>
<td>1056</td>
<td>1018</td>
</tr>
<tr>
<td>June</td>
<td>894</td>
<td>853</td>
<td>1095</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>2612</strong></td>
<td><strong>2797</strong></td>
<td><strong>3027</strong></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>11263</strong></td>
<td><strong>11432</strong></td>
<td><strong>12744</strong></td>
</tr>
</tbody>
</table>

* Outages occurred during these months.

Word Processing Usage – Number of bookings

<table>
<thead>
<tr>
<th></th>
<th>2002/3 (JLS)</th>
<th>2003/4</th>
<th>2004/5</th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
<td>27</td>
<td>26</td>
<td>21</td>
</tr>
<tr>
<td>August</td>
<td>27</td>
<td>19</td>
<td>11</td>
</tr>
<tr>
<td>September</td>
<td>35</td>
<td>13</td>
<td>18</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>89</strong></td>
<td><strong>58</strong></td>
<td><strong>50</strong></td>
</tr>
<tr>
<td>October</td>
<td>48</td>
<td>25</td>
<td>17</td>
</tr>
<tr>
<td>November</td>
<td>34</td>
<td>13</td>
<td>19</td>
</tr>
<tr>
<td>December</td>
<td>26</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>108</strong></td>
<td><strong>47</strong></td>
<td><strong>43</strong></td>
</tr>
<tr>
<td>January</td>
<td>33</td>
<td>7</td>
<td>15</td>
</tr>
<tr>
<td>February</td>
<td>26</td>
<td>14</td>
<td>16</td>
</tr>
<tr>
<td>March</td>
<td>45</td>
<td>28</td>
<td>6</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>104</strong></td>
<td><strong>49</strong></td>
<td><strong>37</strong></td>
</tr>
<tr>
<td>April</td>
<td>20</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>May</td>
<td>28</td>
<td>15</td>
<td>12</td>
</tr>
<tr>
<td>June</td>
<td>21</td>
<td>8</td>
<td>21</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>69</strong></td>
<td><strong>30</strong></td>
<td><strong>36</strong></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>370</strong></td>
<td><strong>184</strong></td>
<td><strong>166</strong></td>
</tr>
</tbody>
</table>

Website Hits

The Internet is an important means of delivering information to library patrons and the number of hits on the library’s website reflects this. Members of the public can access useful information such as contact details, hours of opening, services and events as well as find a gateway to full-text online databases. Website hits were not reported for the previous financial year.
Library Website Hits

<table>
<thead>
<tr>
<th></th>
<th>2004/5</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
<td>9867</td>
<td></td>
</tr>
<tr>
<td>August</td>
<td>16651</td>
<td></td>
</tr>
<tr>
<td>September</td>
<td>11978</td>
<td></td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>38496</strong></td>
<td></td>
</tr>
<tr>
<td>October</td>
<td>5504</td>
<td></td>
</tr>
<tr>
<td>November</td>
<td>6311</td>
<td></td>
</tr>
<tr>
<td>December</td>
<td>5898</td>
<td></td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>17713</strong></td>
<td></td>
</tr>
<tr>
<td>January</td>
<td>10826</td>
<td></td>
</tr>
<tr>
<td>February</td>
<td>12096</td>
<td></td>
</tr>
<tr>
<td>March</td>
<td>8786</td>
<td></td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>31708</strong></td>
<td></td>
</tr>
<tr>
<td>April</td>
<td>10475</td>
<td></td>
</tr>
<tr>
<td>May</td>
<td>10381</td>
<td></td>
</tr>
<tr>
<td>June</td>
<td>17878</td>
<td></td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>38734</strong></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>126651</strong></td>
<td></td>
</tr>
</tbody>
</table>

Membership

Although the number of new members joining the library has not been as high as the previous year, following a purge of inactive members from the membership database, the total library membership has been increasing steadily. This would seem to indicate that established members are continuing to use the library and renewing their membership.

Number of new members added

<table>
<thead>
<tr>
<th></th>
<th>2003/4</th>
<th>2004/5</th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
<td>438</td>
<td>346</td>
</tr>
<tr>
<td>August</td>
<td>391</td>
<td>327</td>
</tr>
<tr>
<td>September</td>
<td>370</td>
<td>331</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>1199</strong></td>
<td><strong>1004</strong></td>
</tr>
<tr>
<td>October</td>
<td>343</td>
<td>258</td>
</tr>
<tr>
<td>November</td>
<td>337</td>
<td>210</td>
</tr>
<tr>
<td>December</td>
<td>285</td>
<td>222</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>965</strong></td>
<td><strong>690</strong></td>
</tr>
<tr>
<td>January</td>
<td>377</td>
<td>300</td>
</tr>
<tr>
<td>February</td>
<td>326</td>
<td>295</td>
</tr>
<tr>
<td>March</td>
<td>466</td>
<td>337</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>1169</strong></td>
<td><strong>932</strong></td>
</tr>
<tr>
<td>April</td>
<td>312</td>
<td>368</td>
</tr>
<tr>
<td>May</td>
<td>334</td>
<td>306</td>
</tr>
<tr>
<td>June</td>
<td>326</td>
<td>286</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td><strong>972</strong></td>
<td><strong>960</strong></td>
</tr>
<tr>
<td><strong>Jul 03 - Jun 04</strong></td>
<td><strong>4305</strong></td>
<td><strong>3586</strong></td>
</tr>
</tbody>
</table>

Collections

Staff are constantly reviewing the library’s collections to ensure good coverage across subject areas, authors and genres. The audiovisual and multicultural collections were given particular attention.
this year, and while actual stock may not have increased significantly as a result of the high attrition rate in these collections, new material has been carefully selected to suit Burwood’s community.

**Number of Items in Collections**

<table>
<thead>
<tr>
<th>COLLECTION</th>
<th>No of Items in Collection at 30.6.2004</th>
<th>No of Items in Collection at 30.6.2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Fiction</td>
<td>13495</td>
<td>13535</td>
</tr>
<tr>
<td>Adult Non-fiction</td>
<td>24702</td>
<td>25094</td>
</tr>
<tr>
<td>Reference</td>
<td>4318</td>
<td>3897</td>
</tr>
<tr>
<td>Family &amp; Local History</td>
<td>2333</td>
<td>2441</td>
</tr>
<tr>
<td>Serials</td>
<td>1676</td>
<td>1666</td>
</tr>
<tr>
<td>Non-Book</td>
<td>3822</td>
<td>3898</td>
</tr>
<tr>
<td>Young Adult</td>
<td>1553</td>
<td>1644</td>
</tr>
<tr>
<td>Junior</td>
<td>14643</td>
<td>14505</td>
</tr>
<tr>
<td>Total Multicultural</td>
<td>9307</td>
<td>10104</td>
</tr>
<tr>
<td><strong>TOTAL ITEMS</strong></td>
<td><strong>75849</strong></td>
<td><strong>76784</strong></td>
</tr>
</tbody>
</table>

**Programmes & Promotional Activities**
The library held a number of programmes and promotional activities throughout the year including promoting genealogy resources during Seniors Week, monthly Chinese Film Shows, School Holiday Activities, a Youth Week Writing Competition, Summer Reading Programme. In addition regular displays are mounted to commemorate significant events & holidays, and booklists and a members’ newsletter are published. Children’s book week proved to be very successful with 19 primary school classes attending – a total of 970 children who were introduced to the library and its services during an engaging programme.

**Activities Held**

<table>
<thead>
<tr>
<th>Type of Activity</th>
<th>2004/5</th>
<th>2005/6</th>
<th>Attendance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number Presented</td>
<td>Number Presented</td>
<td></td>
</tr>
<tr>
<td>Adult Displays</td>
<td>17</td>
<td>18</td>
<td>-</td>
</tr>
<tr>
<td>Adult Events</td>
<td>7</td>
<td>15</td>
<td>278</td>
</tr>
<tr>
<td>Adult Publication</td>
<td>8</td>
<td>19</td>
<td>-</td>
</tr>
<tr>
<td>Children’s Displays</td>
<td>4</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Children’s Events</td>
<td>10</td>
<td>13</td>
<td>1,029</td>
</tr>
<tr>
<td>Children’s Publication</td>
<td>1</td>
<td>6</td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation**
That the information be noted.

**Attachments**
There are no attachments for this report.
(ITEM 102/05) INVESTMENT OF COUNCIL'S FUNDS AS AT 30 SEPTEMBER 2005

File No: B.0190.000

REPORT BY FINANCIAL ACCOUNTANT

Summary
In accordance with Clause 16(1) of the Local Government (Financial Management) Regulation 1993, this report details all money that the council has invested under Section 625 of the Local Government Act 1993.

Background
The total return on investment in September was 0.54%, out performed benchmark by 0.06% in the month.

Burwood Council Portfolio
Executive Summary September 2005

Benchmark: UBS Warburg 90 Day Bank Bill Index
Return Objective: Benchmark + 0.35% after fees, rolling 12 months
Portfolio Balance: $9,205,681.88
Portfolio Manager: Jasper Gale
Portfolio Adviser: Stewart Calderwood

Portfolio Performance

<table>
<thead>
<tr>
<th></th>
<th>Month</th>
<th>Quarter</th>
<th>Since Inception (15 June '05)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Return</td>
<td>0.54%</td>
<td>1.59%</td>
<td>1.80%</td>
</tr>
<tr>
<td>Benchmark Index (UBS Warburg 90 Day Bank Bill Index)</td>
<td>0.46%</td>
<td>1.42%</td>
<td>1.66%</td>
</tr>
<tr>
<td>Benchmark Target (Index + 0.35% p.a.)</td>
<td>0.48%</td>
<td>1.51%</td>
<td>1.75%</td>
</tr>
<tr>
<td>Excess Performance</td>
<td>+0.06%</td>
<td>+0.08%</td>
<td>+0.05%</td>
</tr>
</tbody>
</table>

Investment Objective
Grange aims to provide Burwood Council with a regular source of income above the rates available in the short-term money market by investing in interest bearing securities.

The portfolio’s return objective is to outperform the UBS Warburg 90 Day Bank Bill Index consistently, over rolling twelve month periods.

Investment Style
The portfolio is actively managed from a bottom up perspective, with instruments selected from a diverse range of interest rate securities.

The investment style involves active management of risks to seek to provide a diversified portfolio that minimises risk and achieves consistent returns above the benchmark.
**Investment Process**

Grange regularly monitors the primary and secondary interest rate markets, in order to identify securities that it considers are under-priced on a yield and relative value basis.

Grange screens these securities using proprietary credit analysis and valuation models to find suitable investment opportunities with sufficient liquidity.

Grange actively manages interest rate risk by allocating between fixed and floating rate securities when required.

Subject to agreed investment policy guidelines, Grange builds a portfolio, which represents the optimal expected return on a risk adjusted basis.

All securities included in portfolios are authorised investments as per NSW Local Government requirements.

**Recommended Exposure Guidelines**

**Asset Exposure**

<table>
<thead>
<tr>
<th></th>
<th>Cash (&lt;12mths)</th>
<th>IBS Non-ADI</th>
<th>IBS ADI</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>0 - 100%</strong></td>
<td>0 - 100%</td>
<td>0 - 75%</td>
<td>25 - 100%</td>
</tr>
</tbody>
</table>

**Credit Exposure**

<table>
<thead>
<tr>
<th></th>
<th>Unrated*</th>
<th>A+ to A-</th>
<th>AAA to AA-</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>0 - 100%</strong></td>
<td>0 - 50%</td>
<td>0 - 60%</td>
<td>0 - 100%</td>
</tr>
</tbody>
</table>

*ADI Only

**Maximum Exposure to a Single Issuer: 20%**

**Potential Investments**

- Bonds
- Debentures
- Term Deposits
- Negotiable Certificates of Deposit
- Transferable Certificates of Deposit
- Floating Rate Notes
- Bank Bills
- Cash Deposits
- Other approved securities

**Issued by:**

- Government
- Corporates
- Banks
- Building Societies
- Credit Unions

**Monthly Returns**

<table>
<thead>
<tr>
<th></th>
<th>Jun 05</th>
<th>Jul 05</th>
<th>Aug 05</th>
<th>Sep 05</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burwood Portfolio</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>UBSW Bank Bill Index</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Growth Since Inception</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Historical Investment Performance (Advised)

<table>
<thead>
<tr>
<th>Month Ending</th>
<th>Portfolio Balance</th>
<th>Return (p.a.)</th>
<th>Return (period)</th>
<th>12 Mth Return</th>
</tr>
</thead>
<tbody>
<tr>
<td>30-Jun-05</td>
<td>$7,628,18</td>
<td>9</td>
<td>4.99%</td>
<td>0.20%</td>
</tr>
<tr>
<td>31-Jul-05</td>
<td>$6,676,18</td>
<td>5</td>
<td>6.77%</td>
<td>0.62%</td>
</tr>
<tr>
<td>31-Aug-05</td>
<td>$6,704,34</td>
<td>4</td>
<td>5.08%</td>
<td>0.42%</td>
</tr>
<tr>
<td>30-Sep-05</td>
<td>$9,205,68</td>
<td>1</td>
<td>6.78%</td>
<td>0.54%</td>
</tr>
</tbody>
</table>

Top 5 Securities

<table>
<thead>
<tr>
<th>Issuer</th>
<th>Type</th>
<th>(%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Macquarie CMT</td>
<td>CMT</td>
<td>11.40</td>
</tr>
<tr>
<td>Octagonal (AAA)</td>
<td>CDO FRN</td>
<td>11.10</td>
</tr>
<tr>
<td>CBA (A+)</td>
<td>ADI FRN</td>
<td>11.00</td>
</tr>
<tr>
<td>Quartz (AA)</td>
<td>CDO FRN</td>
<td>10.90</td>
</tr>
<tr>
<td>Griffin (AA) – AAA</td>
<td>CDO FRN</td>
<td>6.20</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>50.60</strong></td>
</tr>
</tbody>
</table>

Economic Commentary

For the month
September saw rising bond yields from quite low bond yields at the beginning of the month. The month started with concern that record high oil prices in the wake of Hurricane Katrina could curtail strong global economic growth. Weak growth fears rapidly faded as various US Federal Reserve (Fed) officials commented that hurricane damage and high oil prices represented only a temporary blip to strong US economic growth. The Fed also dealt a blow to market speculation of a possible pause in lifting US cash rates by increasing the rate another 25 basis points at its September policy meeting and indicating smaller rate increases at coming policy meetings. Australian bond yields, apart from being led higher by US bond yields, received an added boost from stronger local economic readings including the release early in the month of a stronger than expected Q2 GDP reading and another much stronger than expected employment growth reading for the month of August. While the Reserve Bank left its cash rate unchanged at 5.50% for a sixth consecutive month, by month end speculation was building of the possibility of another cash rate increase before year end. The US 10 year bond yield mostly rose through the month and finished at 4.33%, from
4.01% at the end of August. The Australian 10 year bond yield increased more than its US counterpart and was up from 5.05% at the end of August to 5.36% at the end of September.

For the quarter
During the three months to September bond yields fluctuated regularly within a half percentage point trading range for US and Australian 10 year bond yields. Concerns about possible weakness in global economic growth were more prominent earlier in the quarter, but confirmation of resilient US economic growth readings plus improving Australian economic growth caused bond yields to trend higher through the quarter. The US Federal Reserve lifted cash rates by 25 basis points at both of its policy meetings during the quarter while the Reserve Bank kept the Australian cash rate unchanged and announced August that it had moved from tightening policy bias to neutral after evidence of less wage and inflation pressure than it had previously forecast. While undulating regularly, the US 10 year bond yield increased from 3.91% at the end of June to 4.33% at the end of September. The Australian 10 year bond yield increased over the same period from 5.11% to 5.36%

Looking ahead
US growth prospects remain firm, even with high oil prices and after allowing for recent hurricane damage. Indeed, hurricane reconstruction spending could lift US economic growth, more particularly in early 2006 and could add to building inflation pressure. In Australia, the Reserve Bank may have been premature in declaring inflation pressure capped given recent indications of a still very tight labour market and some lift in retail prices. The risk has increased thus leading to Australian cash rates needing to be lifted further over coming months and upward pressure on bond yields may increase as well.

Recommendation
That the report be adopted.

Attachments
There are no attachments for this report.
(ITEM 103/05) ADOPTION OF AUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2005

File No: A.0070.000(MT)

REPORT BY DIRECTOR OF BUSINESS & CORPORATE SERVICES

Summary
In accordance with section 418(1) (a) of the Local Government Act 1993, Council must fix a date for the meeting at which it proposes to present its audited financial reports, together with the auditor’s reports. The presentation of this report to this Council meeting fulfils this requirement in the LGA 1993.

In all material respects, the financial statements are presented fairly in accordance with Australian Accounting Standards and other mandatory professional reporting requirements (Urgent Issues Group Consensus views) and statutory requirements so as to present a view which is consistent with our understanding of the Council’s and the economic entity’s financial position, the result of their operations and their cash flows.

Background
In accordance with section 422(4) of the Local Government Act 1993, Council called tenders for provision of auditing services for a term of 6 years (section 424(1) of the Act), commencing from 2001/02. The tender was awarded and approved by the Ordinary Council Meeting on 27 November 2001. The successful tenderer, Acumen Alliance was appointed to provide auditing services for financial year ended 30 June 2002 to financial year ending 30 June 2007.

The auditors concluded final audit of the 2004/05 financial statements in mid September 2005 and have forwarded their Independent Audit Report and Report on the Conduct of the Audit to Council. In accordance with section 413(2) of the Act, the financial statements have been signed by the Mayor, Deputy Mayor and the General Manager (as Responsible Accounting Officer).

Consultation
In accordance with section 418(1) (b) of the Act, Council has given public notices of this meeting by advertising in the local newspapers, the Courier on 17th October 2005 and the Glebe on 19th and 26th October 2005 respectively. Copies of the audited financial reports and auditor’s reports have been placed at the Chambers for members of the public to view. Any written submissions received from the public will be presented to the meeting for Councillors deliberation and consideration. At the time of printing this report no submissions had been received.

Legal Compliance
In accordance with the NSW Local Government Act and Local Government (Financial Management) Regulation, the followings have been complied with:-

- A copy of the audited financial reports and auditor’s report were sent to the Department of Local Government on the 21/10/2005.
- Public notices have been given for the presentation of the 2004/05 financial reports.
- The date of this meeting was given to the public at least 7 days after the date of public notices given and not more than 5 weeks after the auditor’s reports were received.
Financial Reports
The 2004/05 consolidated financial reports relate to the General Fund of Council.

Consolidated Operating Results
The Statement of Financial Performance for the year ended 30 June 2005 reports a surplus of $1.138 million compared to an Original Budget deficit of $209,000. There are a number of variations that contributed to the improvement in the budget result as detailed below. The main one was the Gain from Sale of Assets of $1.516 million resulting from the sale of Greenwood Hall, Bennett Street land and insurance claim Fitzroy Centre. Notes relating to other main variations are detailed below:

Expenses from Ordinary Activities (Note 3 in Financial Statements 2004/05)

Employee Costs
Increase in employee costs when compared to actual 2003/04 attributable to vacant positions as at 1st July 2004 being filled during 2004/05 in accordance with Council’s adopted Organizational Structure, new award increases effective from November 2004 and increase in Employee Leave Entitlements, Superannuation contributions, Workers’ Compensation Insurance, Fringe Benefit Tax and training costs. When compared to the original 2004/05 budget of $10.180 million there is a reduction of $70,000.

Borrowing Costs
Reduced interest paid on loans as a result of early repayment of loans in 2003/04.

Other Expenses
Reduction in Bad and Doubtful debts $850,000 achieved by improved debt recovery procedures and proper analysis of outstanding debtors as at 30 June 2004.

Increase in Legal Expenses $560,000. The major reasons for this increase were:

Major legal expenses incurred in 2004/05 include:

- DA refusal Appeals on 1-3 Belmore Street, 67-73 Shaftsbury Road and 1-3 Railway Parade $179,000
- Various Class 1 and Class 4 proceedings $76,000
- Advice requested by Council on special projects
  - Civic Centre redevelopment $82,000 (Grant Funded)
  - Burwood Town Centre Draft LEP $30,000 (Grant Funded)
  - Shopping Trolleys $22,000
  - 1-17 Elsie Street $47,000
- Tenders including consultancy services tenders and development of procurement policy and probity requirements $74,000
- ICAC related matters $43,000

Decrease in Insurance - $249,000 written back in 2003/04 of a provision made in 2001/02 relating to HIH on advice from insurance company. Therefore actual 2004 insurance paid $594,000.

Decrease in telephone costs $36,000.

Decrease in Other Consultancies costs $185,400.
Materials & Contracts

Increase attributed to overall increase in costs such as fuel, building and repair materials and purchase of additional materials for repair of Council’s assets and infrastructure.

Loss from Interests in Joint Ventures & Associates

$127,000 adjustment to finalise the winding up of the Joint Library Committee after agreement reached with Canada Bay Council. The matter has been prolonged as agreement could not be reached at the appropriate time for the proper distribution of the assets and liabilities of the service.

Revenues from Ordinary Activities (Note 4 in Financial Statements 2004/05)

Rates & Annual Charges

Additional income in 2004-05 is in accordance with the special rate variation approved by the Minister for Local Government. As well additional income was generated by an increase in the number of rateable properties.

User Charges & Fees

Income from development application fees was less in 2004-05 compared to 2003-04 as there was a decline in the value and number of development applications processed.

Interest

Interest received during 2004-05 was less as a result of a reduction in cash held during the year, being expenditure of Section 94 contributions and Reserve funds.

Other Revenues

Engineering & Administration Income 2003-04 included internal design income of $160,000 being costs capitalized to the Walksafe program.

Income from car parking fees and fines in 2004-05 was more than 2003-04 as parking fees increased, additional parking patrol officers employed with an increase in parking patrols to improve the provision of public parking in the CBD.

Superannuation income $114,000 is bringing to account Council’s recognized 2004-05 income under Division D of the defined benefits superannuation scheme in accordance with AASB 1028, paragraph 6.10.

Other includes internal income of $172,000 for capitalization of project management.

Grants

Pensioner DWM Subsidy 2004-05 $59,000 shown separately.

Contributions

Reduction in S94 Contributions in 2004-05 due to downturn in building activity.
Developer contribution $1.279 million new income levied by Council in 2004-05 for specific capital works.

Contributions – roads, footpaths and kerb & guttering 2004-05 $1.091 million includes $560,000 transfer of prior years’ income from damage deposit trust fund.

**Gain or Loss on Sale of Assets (Note 5 in the Financial Statements 2004/05):**

2004-05 includes profit on sale of Greenwood Hall, Bennett Street land, insurance claim Fitzroy centre and profit on sale of motor vehicles and plant.

**Cash Assets & Investment Securities (Note 6 in the Financial Statements 2004/05):**

Total cash & investments as at 30\textsuperscript{th} June 2005 $8.671 million (Current & Non-Current) compared to $11.633 million as at 30\textsuperscript{th} June 2004.

Note 6 (b) lists the internal and external restricted cash held in reserve.

Unrestricted cash as at 30th June 2005 $293,000.

**Receivables (Note 7 in the Financial Statements 2004/05):**

Rates & annual charges - small increase in amount outstanding as at 30 June 2005. Debt collection procedures in place to maintain minimum balance outstanding.

Deferred debtor 2004-05 $1.019 million relates to cash to be received in 2005 for:

- Sale of Bennett Street Land $840,000
- RTA 2004-05 Repair Program Grant $170,000
- Accrued Interest Investments $9,000

Sundry debtors 2003-04 $650,000 included amounts due to Council for waste removal charges, tipping fees, etc. 2004-05 Tip closed, no fees due.

Other - $517,000 represents the value of the income brought to account under Division D defined benefits superannuation scheme in accordance with AASB1028, paragraph 6.10.

**Payables, Interest Bearing Liabilities and Provisions (Note 10(a) in the Financial Statements 2004/05):**

Payables – 2004-05 goods & services $1.38 million and accrued expenses $284,000, total $1.679 million compares to 2003-04 good & services $1.026 million and accrued expenses $649,000 total $1.675 million.

Payables – other 2004-05 $45,000 total of miscellaneous liability accounts.

**Statement of Cash Flows (Note 11 in the Financial Statements 2004/05):**

The statement reports the cash assets (current and non-current) held at the beginning and end of the reporting period. It is a reconciliation of net cash provided by operating activities (Surplus) added to net movements (Increase/Decrease) in cash assets for the 2004-05 financial year.

The result is a total of $1.461 million net cash being provided by operating activities.
Commitments for Expenditure (Note 12 in the Financial Statements 2004/05):

Capital commitments represent orders /contracts in place for such expenditure as purchase of plant, Burwood Park, Cheltenham Road Park and Croydon Park Town Centre.

Finance Lease commitments represent the remaining monthly payments on the current lease for purchase of the colour photocopier.

Operating lease commitments $226,000 represents the remaining monthly repayments on current leases. Items include garbage bins, garbage truck and photocopiers.

Performance Ratios (Note 13 in the Financial Statements 2004/05):

The note provides various financial ratios in assessing Council’s financial performance as at 30 June 2005 as required by the Department of Local Government for comparative purposes and are as follows:-

<table>
<thead>
<tr>
<th>Performance Measurement</th>
<th>2004/05</th>
<th>2003/04</th>
<th>2002/03</th>
<th>2001/02</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Ratio</td>
<td>1.61 : 1</td>
<td>1.60 : 1</td>
<td>2.87:1</td>
<td>3.89:1</td>
</tr>
<tr>
<td>Unrestricted Current Ratio</td>
<td>1.52 : 1</td>
<td>1.35 : 1</td>
<td>2.20:1</td>
<td>2.33:1</td>
</tr>
<tr>
<td>Debt Service Ratio</td>
<td>1.98%</td>
<td>20.5%*</td>
<td>5.00%</td>
<td>4.42%</td>
</tr>
<tr>
<td>Rate Coverage Ratio</td>
<td>53.85%</td>
<td>55.8%</td>
<td>51.5%</td>
<td>57.9%</td>
</tr>
<tr>
<td>Rates &amp; Annual Charges</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outstanding Percentage</td>
<td>1.76%</td>
<td>1.6%</td>
<td>3.90%</td>
<td>2.16%</td>
</tr>
</tbody>
</table>

Based on the Comparative Information on NSW Local Government Councils issued by the Department of Local Government for 2003/04 for Group 2, Council’s performance can be compared by its neighbouring councils as follows:-

2003/04:

<table>
<thead>
<tr>
<th>Performance Measurement</th>
<th>Burwood</th>
<th>Canada Bay</th>
<th>Strathfield</th>
<th>Leichhardt</th>
<th>Auburn</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unrestricted Current Ratio</td>
<td>1.35 : 1</td>
<td>1.94 : 1</td>
<td>2.48 : 1</td>
<td>3.00 : 1</td>
<td>3.76 : 1</td>
</tr>
<tr>
<td>Debt Service Ratio</td>
<td>20.5%*</td>
<td>2.11%</td>
<td>5.68%</td>
<td>7.38%</td>
<td>2.78%</td>
</tr>
</tbody>
</table>

Note: Unrestricted Current Ratio in Group 2 average = 2.28
Debt Service Ratio in Group 2 average = 2.91%

* Retirement of substantial loans in 2003/05 affects this ratio.

Council’s Current Ratio and Unrestricted Current Ratio will improve further in future years as outstanding current loans will be significantly reduced and cash held will increase. A current ratio of 2:1 is generally viewed by the industry as good (Department of Local Government Statistical Publication).

The decrease in the Debt Service Ratio reflects the early repayment of loans made in 2003-04. The Rate Coverage Ratio of 53.85% indicates that Council’s revenue source relies heavily on levying of annual rates & charges. Other sources of funds are needed to reduce the dependency on rates & annual charges income.
Financial Instruments (Note 15 in the Financial Statements 2004/05):

The majority of cash held is shown as “Listed Investments” representing funds invested through Grange Securities Limited rather than shown as “Unlisted Investments” in 2003-04 being Term Deposits.

Financial Liabilities
Decrease in bank loans is the result of early repayment of loans in 2003-04 in accordance with Council’s strategy to be debt free in 2010.

Conclusion
The Minister for Local Government gave approval for a special rate variation of an additional 6% for 2004/05 rate levies, equating to additional rate income of some $600,000 a year to Council’s general revenues.

Cash Assets at the beginning of the reporting period was $11.4 million and at the end of the reporting period was $8.5 million. Net cash provided by operating activities was $1.461 million, net cash used from sale and purchase of assets was $4.233 million and net cash used in repayment of loans and lease liabilities was $186,000. Council will continue to monitor future cash flows to ensure sufficient cash is available to fund established reserves (restricted assets) and provide funds to meet approved budget expenditure.

Recommendation(s)
That in accordance with section 413(2)(c) of the Local Government Act and clause 22 of the Local Government (Financial Management) Regulation, Council make the following declaration that:-

A. Council’s financial reports have been drawn up in accordance with the Local Government Act, 1993 and associated Regulations; the Statement of Accounting Concept; the Local Government Code of Accounting Practice and Financial Reporting; and the Australian Accounting Standards.

B. Council’s Special Purpose Financial Reports have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting and the NSW Government Policy Statement “Application of National Competition Policy to Local Government” as well as the Department of Local Government Guidelines “Pricing & Costing for Council Business : A Guide to Competitive Neutrality”.

C. These reports present fairly the Council’s financial position and performance for the year.

D. These reports accord with the Council’s accounting and other records.

E. The signatories to these Financial Reports and Special Purpose Financial Reports know of nothing that would make these reports false or misleading in any way.

F. That the 2004/05 Audited Financial Reports, Special Purpose Financial Reports and Auditor’s Reports have been sent to the Department of Local Government before the due date (on 7 November 2005).

G. That the Council’s long term financial plan, as advertised publicly and adopted by Council, is achieving the targets and results as planned and as such Council’s financial health is improving and will continue to improve in future years.

28 October 2005
Attachments
There are no attachments for this report.
(ITEM 104/05) IMPOUNDED SHOPPING TROLLEY FEE WAIVERS

File No: S.0130.000

REPORT BY ACTING DIRECTOR OF OPERATIONS & TECHNICAL SERVICES

Summary
This Report seeks to update Council on the public notification process conducted following the resolutions adopted on 23 August 2005 in relation to the proposed waiving of impounding fees. The Report seeks Council's adoption of the proposed fee waiver categories, and authority for the General Manager to sign any Agreement between Council and any retailer under which the retailer agrees to immediately comply with Council’s Policy for the Management of Abandoned or Unattended Shopping Trolleys.

Background
On 23 August 2005, Council resolved (173/05) to advertise the proposed waiving of certain impounding / conveying, storage and administration fees for shopping trolleys impounded up until 4 November 2005 for any retailer (on a store-by-store basis) that agrees (by way of a Deed of Agreement entered into on or before 4 November 2005) to immediately comply with Council’s Policy for the Management of Abandoned or Unattended Shopping Trolleys.

Council has now undertaken public notification of this proposed fee waiver category, together with the proposed fee waiver category applying where an impounded trolley forms part of an effective deposit/refund scheme or trolley containment system implemented by the retailer owning the trolley. The proposed fee categories were advertised for the statutorily required 28 days. No submissions were received from the public.

Proposal
Since no submissions have been received regarding the proposed fee waiver categories, it is now proposed that Council adopt the categories with the minor amendments outlined below.

It is recommended that the date for retailers to enter into an Agreement with Council under which the retailer agrees to immediately comply with Council's Policy for the Management of Abandoned or Unattended Shopping Trolleys be extended to 30 November 2005. It is anticipated that this will allow the parties sufficient time to enter into the Agreement.

It is also proposed that Council and the retailer in each case enter into an Agreement rather than a Deed of Agreement, and that the General Manager be authorised to sign any such Agreement. A 'model' Agreement has been developed (see Attachment 1).

Once the Agreement has been entered into with the retailer, Council may proceed with the waiver of the impounding fees for any of the retailer's shopping trolleys impounded up to 30 November 2005.

Consultation
Consultation with stakeholders has been undertaken via the Shopping Trolley Working Party.

Planning or Policy Implications
No Planning or Policy implications.
Financial Implications
No Financial implications.

Options
Nil.

Conclusion
Council has received no submissions on the proposed fee waivers during the 28 day notification period, and can now determine its fee waiver categories and thereby implement its proposed fee waiver scheme for impounded shopping trolleys. To allow for any Agreement to be entered into by Council in a timely manner, a resolution allowing the General Manager to sign such an Agreement on Council’s behalf is required.

Recommendation(s)
1. That the following categories be determined for waiving impounding fees for shopping trolleys under section 610E of the Local Government Act 1993:
   - **Category A** - Any impounding (conveying) fee, administration (service notice) fee and/or storage fee for impounded shopping trolleys may be waived where:
     - the trolley has been impounded by Council as at 23 August 2005 OR is impounded by Council between 24 August 2005 and 30 November 2005; and
     - the retailer owning the trolley has agreed (by way of Agreement entered into on or before 30 November 2005) to immediately comply with Council's *Policy for the Management of Abandoned or Unattended Shopping Trolleys.*
   - **Category B** - Any impounding (conveying) fee and/or storage fee may be waived where:
     - the trolley has been impounded between 24 August 2005 and 24 August 2006; and
     - the trolley forms part of an effective deposit/refund scheme or trolley containment system (as defined in Council's *Policy for the Management of Abandoned or Unattended Shopping Trolleys*) implemented by the retailer owning the trolley in compliance with Council's *Policy for the Management of Abandoned or Unattended Shopping Trolleys.*
     - The Administration fee (currently $14.00) will still apply.

2. That all affected retailers be notified of the fee waiver categories.

3. That the General Manager be authorised to sign any Agreement between Council and any retailer (on a store-by-store basis) under which the retailer agrees to immediately comply with Council’s *Policy for the Management of Abandoned or Unattended Shopping Trolleys.*

Attachments
1. 'Model' Agreement Between Council and Retailer 2 page(s)
Agreement

DATE / 2005

BETWEEN

Burwood Council of 2 Conder Street, Burwood, NSW 2134. (Council)

AND

[Retailer entity] of [address]. (Retailer)

RECITALS

A. Council and the Retailer acknowledge the risk posed by abandoned and unattended shopping trolleys to persons and property, and the general amenity of the Retailer's premises and/or the area around the Retailer's premises.

B. The Retailer agrees to comply with Council's Policy for the Management of Abandoned or Unattended Shopping Trolleys, adopted by Council on 23 August 2005 (the Policy) in accordance with the terms of this Agreement.

In consideration of Council paying to the Retailer an amount of $1.00 on or before the date of this Agreement, receipt of which is hereby acknowledged, the parties agree as follows:

1. The Retailer agrees to, as from the date of this Agreement, comply with and be bound by the provisions of the Policy in respect of shopping trolleys used by its retail store. Where there is any inconsistency between the Policy and this Agreement, this Agreement will prevail to the extent of the inconsistency.

2. In implementing an effective trolley management system as required under paragraph 5 of the Policy (a Trolley Management System), the Retailer must, among other things:

   2.1 ensure the Trolley Management System is implemented on or before 24 February 2006;

   2.2 comply with, and ensure the Trolley Management System complies with all laws and all relevant codes of practice and Australian Standards;

   2.3 obtain all necessary approvals, licences, permits and permissions in connection with the Trolley Management System;

   2.4 remain fully responsible and liable for the Trolley Management System irrespective of Council being a party to this Agreement or any comment or review by Council; and

   2.5 provide notice to Council in writing as soon as possible after the implementation of any Trolley Management System has been completed.

3. The Retailer must at all times ensure that the Trolley Management System is properly maintained and does not present a danger of injury or damage to any person or property.
Technical Services and Operations Report No. 104
Impounded Shopping Trolley Fee Waivers
'Model' Agreement Between Council and Retailer

4. The Retailer acknowledges and agrees that Council:

4.1 must comply with all statutory and legal obligations and procedures required of it under the Local Government Act 1993 (NSW); and

4.2 must not and does not in entering into this Agreement, in any way inhibit, fetter or prejudice itself in the proper exercise of any of its functions, duties or powers under any relevant legislation in relation to any act or decision made or to be made, including but not limited to those under the Impounding Act 1993 (NSW), the Protection of the Environment Operations Act 1997 (NSW) and the Local Government Act 1993 (NSW).

5. Each party must pay its own legal costs and expenses in relation to the negotiation, preparation and execution of this Agreement.

6. This Agreement is governed by and is to be construed in accordance with the laws of New South Wales. Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts of New South Wales and waives any right to object to proceedings being brought in those courts.

EXECUTED by the parties

SIGNEd for and on behalf of BURWOOD COUNCIL by its duly authorised officer pursuant to resolution no. # dated # 2005 in the presence of:

Name: Pat Romano
Title: General Manager

Witness

EXECUTED by the RETAILER by being signed by those persons who are authorised to sign for the company:

Director
Full name
Usual address
Director (or Company Secretary)
Full name
Usual address
Summary
This Report seeks to inform Council of a request from Woolworth’s Limited to enter into a licence agreement with Burwood Council for the provision of trolley bays in the Council owned Belmore Street Car Park.

Background
The Council owned Belmore Street car park is adjacent to the Burwood Plaza Shopping Centre.

There is direct access from the Council car park into the shopping centre and therefore it is frequented by numerous customers of the Plaza.

Woolworth’s Limited are a tenant of the Plaza and as such, their customers often use shopping trolleys to move goods from the store to the car park. Unfortunately, such trolleys are often left unattended in the car park, posing an inconvenience and potential danger to all users.

To reduce such problems, Woolworth’s Limited has proposed to enter into a licence agreement with Council for the provision of trolley bays in the Council owned car park.

Proposal
It is proposed that Council require the licence agreement to include a number of conditions, including that:

- The proposed sites for the trolley bays within the car park be determined by the General Manager;
- Construction of the trolley bays satisfy any applicable statutory requirements and town planning controls;
- Construction of the trolley bays comply with any specifications or requirements imposed by Council;
- Construction of the trolley bays be at Woolworth's expense;
- Woolworth's pay Council an annual licence fee for usage of each designated site within the car park;
- Woolworth’s agree to immediately install a trolley management system, as outlined in Council’s Policy for the Management of Abandoned or Unattended Shopping Trolleys (such as a coin operated deposit/refund scheme);
- Woolworth’s properly maintain the trolley bays following construction;
- Woolworth’s to be responsible for the risk of the trolley bays for the duration of the licence term;
- Woolworth’s is to take out the appropriate insurances, as directed by Council in respect of the trolley bays.

If any other retailer within Burwood Plaza also requests that Council enter into a licence agreement for the provision of trolley bays in the carpark, it is proposed that a similar approach be adopted with respect to Council’s consideration of their request.

Consultation
Consultation with stakeholders has been undertaken via the Shopping Trolley Working Party.
Planning or Policy Implications
Planning consent may be required for the construction of trolley bays within the car park.

Financial Implications
The licence fees could partly offset any loss of revenue from the reduction in the number of parking spaces.

Options
Nil.

Conclusion
The proposed construction of trolley bays in the Belmore Street car park (at the retailer’s expense) is likely to benefit all parties including the retailer, Council and the users of the car park.

Recommendation
1. That the General Manager be authorised to negotiate and enter into an Agreement with Woolworth’s or any retailer whose store is located within Burwood Plaza to install trolley bays in the Belmore Street Car Park, provided the Agreement contains the following conditions:
   a) The proposed sites for the trolley bays within the car park be determined by the General Manager;
   b) Construction of the trolley bays satisfy any applicable statutory requirements and town planning controls;
   c) Construction of the trolley bays comply with any specifications or requirements imposed by Council;
   d) Construction of the trolley bays be at the retailer's expense;
   e) The retailer pay Council an annual licence fee for usage of each designated site within the carpark;
   f) The retailer agree to immediately install a trolley management system, as outlined in Council’s Policy for the Management of Abandoned or Unattended Shopping Trolleys (such as a coin operated deposit/refund scheme);
   g) The retailer properly maintain the trolley bays following construction;
   h) The retailer accepts all responsibility of risk for the trolley bays and provides Council with the appropriate indemnities as directed by Council; and
   i) The retailer takes out the relevant insurances, as directed by Council in respect of the trolley bays.
2. That the General Manager or Mayor be authorised to sign and place Council’s Seal upon an Agreement between Council and any retailer as described in Recommendation 1.

Attachments
1. Letter from Woolworths Limited 1 page(s)
19 October 2005

Mr Robert Cummins
Burwood Council
PO Box 240
BURWOOD NSW 1805

Via facsimile: (02) 9911 9900

Dear Robert,

RE: Woolworths Limited, Proposal to Licence Trolley Storage Bays
Burwood Council Car Park, Wynne Avenue Burwood NSW

Woolworths Limited hereby expresses interest in entering into a licence agreement with Burwood Council for the provision of trolley bays in the Councils Belmore Street parking area. The exact locations of the bays are to be discussed with Council.

Subject to the agreement with Council, Woolworths proposes to have the locations in the areas that previously had trolley bays installed and since removed by council.

Should you have any further queries in this matter, please do not hesitate to contact the undersigned on (02) 8852 1142 or 9437 266 024

Yours Faithfully,
Woolworths Limited

Brett Henson
PROPERTY MANAGER - NSW
(ITEM 106/05) DRAFT CONSOLIDATED BURWOOD DEVELOPMENT CONTROL PLAN

REPORT BY ACTING DIRECTOR OF PLANNING & ENVIRONMENT

Summary
As a result of recent amendments to Part 3 of the Environmental Planning & Assessment Act 1979, it is proposed that Council review and consolidate all DCPs that apply to the whole Burwood local government area into one new DCP.

Background
Recent amendments to Part 3 of the Environmental Planning and Assessment Act 1979 introduce new requirements that Council must comply with when preparing a new development control plan (DCP) or amending an existing DCP (which constitutes the making of a new DCP). Council must ensure that:

- the new DCP is the only DCP that applies to the land;
- the provisions of the DCP do not replicate the provisions of any environmental planning instrument (EPI) applying to the land; and
- the provisions of the DCP are not inconsistent with, and do not prevent compliance with, the provisions of any EPI applying to the land.

If the requirement that only one new DCP apply to a site is not complied with, all of the DCPs currently applying to the site will have no effect.

As Council has recently exhibited draft DCP 35 - Public Domain Works, which will be considered by Council for adoption shortly (the subject of a separate report), it is timely that Council review all of its DCPs to ensure compliance with these new requirements.

Proposal
It is proposed that Council review and consolidate all DCPs that apply to the whole Burwood local government area into one new DCP, in accordance with the new requirements for DCPs in Part 3 of the Environmental Planning and Assessment Act 1979.

Each of Council’s existing individual DCPs will form the various ‘parts’ of the proposed consolidated DCP. The draft DCP will also contain a statement to ensure that in the case of any inconsistency or duplication with the Burwood Planning Scheme Ordinance 1979 (BPSO) or other EPI, the provisions of the BPSO and other EPIs will prevail.

Consultation
The draft consolidated DCP in its entirety will be publicly exhibited for a period of 28 days in accordance with the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000. The exhibition of the draft consolidated DCP will be notified in a local newspaper. A further report detailing any submissions made during the exhibition period in relation to the draft DCP will be provided to Council.
Planning or Policy Implications
The consolidation and review of Council's DCPs will reduce the number of DCPs that apply within the Burwood Local Government Area, will make it easier for land owners to ascertain what planning controls apply to a site and will ensure that there is no inconsistency between the provisions of Council's DCPs and the planning instruments that apply to the Burwood Local Government Area. Following the preparation of a Consolidated LEP, which Council is required to complete within three years, further work on the consolidating DCP will be required to ensure there are no inconsistencies with the new LEP.

Financial Implications
Council will need to meet the cost of the review of Council's existing DCPs and the preparation and making of the new DCP. Council may also need to engage a planning consultant to assist with reviewing and consolidating Council's DCPs. Provision for such work exists within Council’s budget.

Options
If Council wishes to make any new DCPs or amend any existing DCPs, such as the creation of draft DCP 35 – Public Works, the new provisions of the Environmental Planning & Assessment Act 1979 will apply. If Council does not proceed with the consolidated DCP and wishes to proceed with any new DCPs or amendments to DCPs, such DCPs will have no effect. In this regard, Council has no option but to proceed with the draft consolidated DCP.

Conclusion
If Council wishes to be able to make any new DCPs or amend any existing DCPs, the new provisions of the Environmental Planning & Assessment Act 1979 will apply. As Council will shortly be considering draft DCP 35 – Public Works, it is vital that the process of commencing a draft consolidating DCP be commenced as soon as possible so that those proposed provisions may be included in the draft consolidated DCP.

Recommendation(s)
1. That Council resolve to prepare a draft DCP that consolidates all existing DCPs that apply within the Burwood local government area in accordance with the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.
2. That the draft consolidated DCP be placed on public exhibition for 28 days in accordance with the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000, and details of any submissions received during the exhibition period be considered.
3. That following public exhibition of the draft consolidated DCP and consideration of any submissions made, the matter be reported back to Council for further consideration.

Attachments
There are no attachments for this report.
(ITEM 107/05) STREET PARTY POLICY

REPORT BY ACTING DIRECTOR OF OPERATIONS & TECHNICAL SERVICES

Summary
On 27 September 2005, Council assured the residents of Burwood Local Government Area that a ‘Street Party’ Policy would be considered for adoption in November 2005. This Report seeks a resolution of Council to adopt a formal ‘Street Party Policy’ and gives various options regarding the setting of an appropriate permit fee.

Background
Council does not currently have a formal policy on ‘street parties’. Previously, Council has approved street parties on an ad-hoc basis, with applicants charged only the minimum ‘barricade hire’ fee, currently $74.00. Council has previously considered street party applicants as ‘casual hirers’, and as such, has not requested separate public liability insurance.

Under Council’s current schedule of fees and charges, any applicant attempting to gain Council permission for a street party that requires the temporary closure of a road would be liable for a fee of $361.00, on top of barricade hire fees of between $74.00 and $506.00.

Proposal
As street parties involve more than a simple road closure and barricade hire, it is proposed that Council adopts a formal Street Party Policy. This policy will allow potential organisers to use a single document and attached application forms to apply for a ‘street party’. The policy will also ensure the wide range of Council services required for a street party can be provided for a single fee.

To ensure the safety of all residents and visitors and to minimise disruption to nearby residents and businesses not involved in the event, certain steps must be undertaken by Council, the organisers and the participants. To ensure all parties are aware of their responsibilities, Council’s requirements are outlined in the proposed Policy.

Consultation
Council’s insurer has advised that ‘street parties’ are currently not technically covered under Council’s existing public liability insurance policy and have recommended that Council requires all applicants to acquire public liability insurance to the value of $10 million for each street party.

Planning or Policy Implications
This is a new Policy of Council.

Financial Implications
It is estimated that the total cost of each Street Party to Council is between $1,000 and $1,500, depending on the size/scope of the party. The majority of costs are/will be incurred as a result of:

- Site assessment;
- Preparation of traffic control plan and reports;
- Notification of affected residents/businesses (and assessment of submissions);
- Delivery/collection of barricades, signs and lights.
Options
Council has the following options regarding public liability insurance:
1. Require the applicant to organise and pay for public liability insurance;
2. Require the applicant to organise and pay for insurance and then Council refund this cost;
3. Apply to Council’s insurer to have street parties covered by Council’s public liability insurance policy.

Council has the following options regarding fees and charges:
1. Set a ‘subsidised’ fee for each street party, recognising the community benefits created by each successful street party;
2. Set a ‘full cost recovery’ fee equal to the cost of producing a traffic management plan and supplying the necessary barricades, lights, signs etc.

Conclusion
A ‘Street Party Policy’ will allow Council to outline its requirements of any applicant and will allow potential organisers to use a simplified application form. The requirement of public liability insurance will allow Council to continue to provide street party related services, without significant financial or legal risk to Council.

Recommendation(s)
1. That Council adopts the new Street Party Policy as a policy of Council;
2. That on adoption of the new Street Party Policy, the implementations contained within commence immediately and its adoption is noted and included in Council’s Policy Register as being effective as of 2 November 2005;
3. That the proposed ‘street party permit fee’, including all barricade hire and the preparation of a traffic management plan, be set at $74.00 and be advertised accordingly;
4. That the street party permit fee be reviewed annually as part of the Management Plan and Schedule of Fees & Charges review;
5. That due to Council’s limited resources, the total number of street parties approved per financial year be limited, and that the General Manager has the sole discretion to approve/deny any application based on this criteria;
6. That Council applies to its insurer to have all approved ‘street parties’ covered by Council’s public liability insurance policy.

Attachments
1. Street Party Policy and Permit Application Form 8 page(s)
Street Party Policy

Street Party Policy and Permit Application Form
# Street Party Policy

Street Party Policy and Permit Application Form

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1. INTRODUCTION

Street parties offer residents of Burwood Local Government Area (LGA) the opportunity to hold a party on Council owned local roads.

This Policy, and the attached application form, outlines the steps required by street party organisers to ensure that any approved street party can run smoothly and the inconvenience and cost to those not involved, including all residents and visitors to Burwood LGA are minimised.

2. OBJECTIVES

The objectives of this Policy are to summarise Council’s position regarding street parties in order to:

2.1 outline the responsibilities of street party organisers and Council regarding traffic management, insurance and fees/charges;

2.2 ensure that all affected parties are notified of a proposed street party and are given reasonable opportunity to make a submission prior to assessment/decision by Council;

2.3 maintain a balance between the community benefits of street parties and the impact on Council’s workload/finances;

3. ROAD CLOSURE

This policy covers all street parties that require the closure of a local road. As each street within Burwood LGA is different, each application for a street party will be judged on its merits.

The major consideration for Council is that the proposed party location must be ‘fit for purpose’. As such, Council will generally not allow street parties to be held on certain streets such as main roads.

As the closure of any road, even for a short period of time, has the potential to inconvenience all road users, Council will require six (6) weeks in order to develop a traffic management plan for all street parties.

Please note that for safety reasons, once the barricades are in place and the road is closed, no vehicles (other than emergency vehicles) will be able to pass the barriers and enter/exit the closed road.

4. PUBLIC LIABILITY INSURANCE

To minimise the risk for the party organiser and Council during a street party, Council requires public liability insurance cover of $10 million for each approved street party. Unless otherwise approved by Council, the organiser of the Street Party is responsible for organising and paying for this public liability insurance.
5. STREET PARTY ORGANISER CHECKLIST

The organiser(s) of a street party must ensure that:

5.1 An application for a street party is sent to Council at least six weeks prior to the scheduled event;

5.2 If initial approval is granted, the organiser must then:
   5.2.1 Pay the relevant fee to Council;
   5.2.2 Ensure that public liability insurance of at least $10 million is organised;
   5.2.3 Supply any additional information as required.

To allow for a successful party, the organiser should also ensure that:

5.3 The proposed party is supported by the majority of residents of the street;
5.4 Religious and cultural differences are considered (see www.religioustolerance.org for more information);
5.5 A wet weather contingency plan is developed;
5.6 Safety equipment is available including a fire extinguisher and first aid kit;
5.7 No illegal activities are allowed, including the sale of food/drinks without an appropriate permit;
5.8 All waste is disposed of appropriately;
5.9 Noise is kept to a minimum;
5.10 Council equipment including barricades and signs are not damaged.

6. COUNCIL ASSISTANCE

For approved street parties, Council will:

6.1 Develop a traffic management plan to ensure minimum disruption for surrounding streets (to Australian Standard 1742.3);
6.2 Notify all local residents, outlining the times/locations of road closures/disruptions;
6.3 Notify all relevant emergency services including NSW Fire Brigades, NSW Police and NSW Ambulance Service;
6.4 Supply temporary barricades, lights and signage prior to the party site;
6.5 Remove temporary barricades, lights and signage after the party.
7. **APPLICATION PROCESS**

7.1 Upon receipt of a completed application form (attached), Council will undertake a preliminary assessment of the proposed site. As Council’s resources are limited, only a limited number of parties can be approved in each financial year. Applications will be assessed in order of their receipt and Council therefore encourages applicants to apply as early as possible.

7.2 If Council considers that the proposed party date/site is appropriate, Council will write to the applicant notifying of preliminary approval;

7.3 If preliminary approval is granted, the applicant must then pay the appropriate fee and ensure that public liability insurance is obtained;

7.4 When all fees are paid and insurance obtained, Council will arrange with the applicant suitable times for the delivery of barricades, lights and signs as required in the traffic management plan.

8. **APPLICATION FORMS**

As the assessment of an application for a street party permit is a two step process, applicants should firstly complete the attached Street Party Permit Application Form. This form should be sent to:

Burwood Council  
Attention: Events Coordinator  
PO Box 240  
BURWOOD NSW 1805

If your application is given preliminary approval, you will then need to complete the attached Street Party Permit Fee Payment Form and submit this form along with the appropriate fee and proof of public liability insurance.

For more information on Council’s Street Party Policy and application process, please call Council’s Events Coordinator on (02) 9911 9911 or email council@burwood.nsw.gov.au
STREET PARTY PERMIT APPLICATION FORM

A completed Permit Application Form must be returned to Council at least six (6) weeks before the date of the proposed street party. Late applications will not be considered.

SECTION A – APPLICANT DETAILS

<table>
<thead>
<tr>
<th>Name:</th>
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<tr>
<td>Organisation or Group:</td>
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<td>Postal Address:</td>
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<td>Fax Number:</td>
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SECTION B – PROPOSED ROAD CLOSURE DETAILS

| Street Name: |                                      |
| Between Streets: | and                                      |
| Suburb: |                                      |
| Proposed Date: |                                      |
| Times: |                                      |
| Start: |                                      |
| Finish: |                                      |
| Number of Properties Affected: |                                      |
| Number of Attendees Expected: |                                      |
SECTION C. SUPPORTING MATERIAL

Applicants are advised to provide/attach additional information to allow Council to process the application, such as letters of support, waste management strategies, petitions, maps, photographs etc. Please note that such materials cannot be returned by Council.

Council will write to all affected residents notifying them that an application for a street party permit has been received. Residents will then have the opportunity to make a submission regarding your application. It is therefore recommended that applicants canvas their neighbours, and seek their support, prior to applying for a street party permit.

SECTION D. CONDITIONS OF FINAL APPROVAL

If your application is approved and a permit is granted, the following conditions will apply:

1. For successful applications, the applicable permit fee, as set by Council, must be paid no later than 14 days before the date of the street party.
2. Public Liability Insurance of $10,000,000 is required.
3. Residents of all properties affected by the temporary street closure will be notified by Council and have 14 days to make submissions to Council on the proposed street closure.
4. The activities of the party must not unduly interfere with normal pedestrian usage of the street.
5. Noise, including amplified noise, must be kept at a reasonable level so as not to cause annoyance to other persons.
6. The permit holder must not allow the sale of any food or alcohol.
7. The permit holder is responsible for the appropriate disposal of rubbish and the street must be left in a clean and tidy state.
8. The permit holder is to abide by any reasonable direction given by an Authorised Officer of Burwood Council or member of the NSW Police Service.
9. All barriers must be placed in accordance with the Traffic Management Plan and are not to be moved (unless an emergency arises) during the street party.
10. Contact details must be provided for the permit holder or a designated person to be responsible for liaising with Council’s Works Manager who will arrange the temporary street closure barricades and traffic signage.

SECTION E. SIGNATURE OF APPLICANT

I hereby agree to be bound by the above conditions and acknowledge that approval of any street party permit is at the discretion of the General Manager.

SIGNATURE: ___________________________ DATE:____________________
STREET PARTY PERMIT FEE PAYMENT FORM

This form is for use only by applicants for a Street Party Permit that have been notified in writing by Council that their application for a Permit has been given preliminary approval.

SECTION A - APPLICANT DETAILS

Name: ________________________________

Postal Address: ________________________________


SECTION B - APPROVED STREET PARTY AND ROAD CLOSURE DETAILS

Street: ________________________________

Between Streets: ________________________________ and ________________________________

Suburb: ________________________________

Approved Date: ________________________________

Approved Times: Start: ________________________________

Finish: ________________________________

SECTION C - PUBLIC LIABILITY INSURANCE DETAILS

Insurance Provider (Company Name): ________________________________

Providers Postal Address: ________________________________

Amount (Minimum $10 million) ________________________________