

# *Burwood Council*

heritage ▪ progress ▪ pride

## ORDINARY MEETING

Notice is hereby given that a meeting of the Council of Burwood will be held in the Council Chamber, Suite 1, Level 2, 1-17 Elsie Street, Burwood on Tuesday 28 November 2017 at 6.00pm to consider the matters contained in the attached Agenda.

Michael McMahon  
**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.

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.

**Non-pecuniary** – are private or personal interests the Council official has that do not amount to a pecuniary interest as defined in the Local Government Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

**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
- The person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, or
- A company or other body of which the person, or a nominee, partner or employer of the person, is a member.

**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, partner, employer or company or other body, or
- Just because the person is a member of, or is employed by, a Council or statutory body or is employed by the Crown.
- 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 so long as the person has no beneficial interest in any shares of the company or body.

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)

### 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 the Act 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.

### What interests do not have to be disclosed (S 448 Act)?

- (a) an interest as an elector,
- (b) an interest as a ratepayer or person liable to pay a charge,
- (c) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Part,
- (d) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part,
- (e) an interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not),
- (f) an interest of a member of a council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee,
- (g) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument other than an instrument that effects a change of the permissible uses of:
  - (i) land in which the person or a person, company or body referred to in section 443 (1) (b) or (c) has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or
  - (ii) land adjoining, adjacent to or in proximity to land referred to in subparagraph (i), if the person or the person, company or body referred to in section 443 (1) (b) or (c) would by reason of the proprietary interest have a pecuniary interest in the proposal,
- (h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company,

- (i) an interest of a person arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership,
- (j) an interest of a person arising from the making by the council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
  - (i) the performance by the council at the expense of the relative of any work or service in connection with roads or sanitation,
  - (ii) security for damage to footpaths or roads,
  - (iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council or by or under any contract,
- (k) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor),
- (l) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252,
- (m) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor,
- (n) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person,
- (o) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or member of a council committee,
- (p) an interest arising from appointment of a councillor to a body as representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

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 448 of the Local Government Act.

**Non-pecuniary Interests** - Must be disclosed in meetings.

If you are a Council official, other than a member of staff of Council and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) Remove the source of the conflict by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council official;
- b) Have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in Section 451(2) of the Act apply.

If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

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

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# AGENDA

**FOR AN ORDINARY MEETING OF BURWOOD COUNCIL  
TO BE HELD ON TUESDAY 28 NOVEMBER 2017 IN THE COUNCIL CHAMBERS, 1-17 ELSIE STREET,  
BURWOOD COMMENCING AT 6.00 PM.**

**I DECLARE THE MEETING OPENED AT (READ BY MAYOR)**

**ACKNOWLEDGEMENT OF COUNTRY (READ BY MAYOR)**

*"I would like to acknowledge the Wangal people who are the Traditional Custodian of this Land. I would also like to pay respect to the Elders both past and present of the Wangal Nation and extend that respect to other Aboriginals present".*

**PRAYER (READ BY MAYOR)**

*"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."*

**TAPE RECORDING OF MEETING (READ BY MAYOR)**

*"Members of the Public are advised that Meetings of Council and Council Committees are audio recorded for the purpose of assisting with the preparation of Minutes."*

*The tape recordings will be subject to the provisions of the Government Information (Public Access) Act 2009 (GIPA).*

*Tapes are destroyed two (2) months after the date of the recording"*

**APOLOGIES/LEAVE OF ABSENCES**

**DECLARATIONS OF INTERESTS BY COUNCILLORS**

**DECLARATION OF POLITICAL DONATIONS (READ BY MAYOR)**

*"Councillors & Members of the Gallery*

*As a result of recent changes to the Legislation that governs the legal process for the determination of Development Applications before Council, a person who makes a relevant application to Council or any person with a financial interest in the application must now disclose any reportable political donation or gift made to any local Councillor or employee of Council. Council will now require in its Development Application Forms this disclosure to be made.*

*Council is also required to publish on its website all reportable political donations or gifts. Should any person having business before Council this evening and being an applicant or party having a financial interest in such application feel that they have not made the appropriate disclosure, Council now invites them to approach the General Manager and to make their disclosure according to Law."*

**RECORDING OF COUNCILLORS VOTING ON PLANNING DECISIONS**

*In accordance with Section 375A of the Local Government Act a division must be called for and taken on every Environmental Planning & Assessment decision. The names of those Councillors supporting and those opposed to the decision are to be recorded in the meeting minutes and the register retained by the General Manager.*



## **OPEN FORUM ACKNOWLEDGMENT (READ BY MAYOR)**

*The Mayor to ask each speaker to confirm that they had read the guidelines about addressing the Council and acknowledge that they had been informed that the meeting was being recorded and that the Council accepts no responsibility for any defamatory comments made. Speakers should refrain from providing personal information unless it is necessary to the subject being discussed, particularly where the personal information relates to persons not present at the meeting*

## **OPEN FORUM COMMENCES**

## **CONFIRMATION OF MINUTES**

### ***Recommendation***

That the Minutes of the following Meeting of Burwood Council:

A. Council Meeting held on 24 October 2017

copies of which were previously circulated to all Councillors be and hereby confirmed as a true and correct record of the proceedings of that meeting.

## **ADDRESS BY THE PUBLIC ON AGENDA ITEMS ACKNOWLEDGMENT (READ BY MAYOR)**

*The Mayor to ask each speaker to confirm that they had read the guidelines about addressing the Council and acknowledge that they had been informed that the meeting was being recorded and that the Council accepts no responsibility for any defamatory comments made.*

## **ADDRESS BY THE PUBLIC ON AGENDA ITEMS COMMENCES**

## **MAYORAL MINUTES**

## **GENERAL BUSINESS**

(ITEM 81/17)	DRAFT - VOLUNTARY PLANNING AGREEMENT FOR 8-14 LYONS STREET, STRATHFIELD .....	7
(ITEM 82/17)	DRAFT - VOLUNTARY PLANNING AGREEMENT - 14 RAILWAY PARADE, BURWOOD.....	30
(ITEM 83/17)	ADOPTION OF AUDITED FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2017 .....	50
(ITEM 84/17)	BUDGET REVIEW FOR QUARTER ENDING 30 SEPTEMBER 2017 .....	157
(ITEM 85/17)	INVESTMENT REPORT AS AT 31 OCTOBER 2017 .....	169
(ITEM 86/17)	DELIVERY PROGRAM 2013/17 - QUARTERLY REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2017 .....	174
(ITEM 69/17)	ESTABLISHMENT - INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP) ...	214
(ITEM 87/17)	REVIEW OF THE CODE OF CONDUCT WITHIN 12 MONTHS AFTER THE ORDINARY ELECTION - SECTION 440(7) OF THE LOCAL GOVERNMENT ACT 1993 .....	220
(ITEM 88/17)	COUNCIL/COMMITTEE MEETINGS AND COUNCILLOR BRIEFING SESSIONS SCHEDULE FOR 2018.....	273
(ITEM 89/17)	FUNDING OUR FUTURE - COMMUNITY CONSULTATION .....	276

## REPORTS OF COMMITTEES

(ITEM RC5/17)	NOVEMBER 2017 BURWOOD LOCAL TRAFFIC COMMITTEE MINUTES. ....	283
---------------	---	-----

## INFORMATION ITEMS

(ITEM IN31/17)	SAFE & CLEAN TEAM - QUARTERLY PERFORMANCE REPORT .....	298
(ITEM IN32/17)	BEAUTIFICATION OF TOWN CENTRES PROJECT - UPDATE REPORT No. 4 .....	299
(ITEM IN33/17)	ABANDONED SHOPPING TROLLEY MANAGEMENT .....	308
(ITEM IN34/17)	ANNUAL REPORT 2016-2017 .....	311
(ITEM IN35/17)	ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 24 OCTOBER 2017 .....	312

## CONFIDENTIAL ITEMS

(ITEM 90/17)	NO. 13 APPIAN WAY BURWOOD, UPDATE REPORT INCLUDING PROPOSED COMPULSORY EASEMENT ACQUISITION
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*That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) of the Local Government Act, 1993, as the matter involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

## QUESTIONS WITHOUT NOTICE

*Councillors are requested to submit any Questions Without Notice in writing.*

## **(ITEM 81/17) DRAFT - VOLUNTARY PLANNING AGREEMENT FOR 8-14 LYONS STREET, STRATHFIELD**

File No: 17/49600

REPORT BY DEPUTY GENERAL MANAGER LAND, INFRASTRUCTURE & ENVIRONMENT

**Applicant:** Urbanlink Pty Ltd  
**Owner:** ARM Holdings Pty Ltd  
**Company Director:** Albert Metledge

### **Summary**

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) in connection with a Modification Application for 8-14 Lyons Street, Strathfield have been publicly notified in accordance with the relevant legislation. The draft VPA will provide for the developer to pay a monetary contribution to Council for additional floor space. Council's endorsement is sought to enter into the VPA after the granting of the consent for the Modification Application.

### **Background**

The application to modify Consent No. BD.2016.007 involves the addition of one storey (to an approved nine storey building) containing seven new apartments and a roof top terrace.

The proposal seeks to provide 519.2 square metres of additional Gross Floor Area (GFA) above what is currently permitted by the *Burwood Local Environmental Plan* (BLEP).

### **Draft VPA and EN**

The draft VPA will:

- Provide a monetary contribution to Council for the purposes of providing, augmenting or improving open space, community facilities or other public facilities as determined by Council in accordance with the *Burwood Open Space and Community Facilities Study* undertaken for Council
- Provide the developer, in exchange for making the monetary contribution, additional Floor Space Ratio (FSR) over the development site, based on the *Burwood Town Centre Urban Design Study* undertaken for Council, which recommended a maximum 10% FSR increase.

Under the draft VPA the developer proposes to pay Council \$778,800 based on the monetary contribution rate of \$1,500 per square metre additional GFA.

The draft VPA and EN were referred to Council's solicitors for their advice and vetting. The documents have been modified in negotiation with the applicant in response to the legal advice. Further minor revision of the draft VPA may be necessary prior to execution, e.g. updating footer or insertion of dates. Any changes will not alter the purpose or intention of the VPA.

### **Consultation**

Following the modification and negotiation of the document contents, the draft VPA and EN were publicly notified for a period of 28 days from 26 September 2017 to 24 October 2017. The public notice was placed in the local newspaper and on Council's website. Hard copies were also made available to view at Council's Customer Service Centre. No submissions have been received in response to the public exhibition.

## **Planning or Policy Implications**

Council has a *Planning Agreement Policy*. The Policy contains an acceptability test which stipulates the matters that Council should consider when determining whether or not to enter into a VPA. Consideration of these matters against the draft VPA is outlined below:

1. The VPA is directed towards a proper legitimate planning purpose. The VPA provides funds to Council to be used to provide the augmentation or improvement of open space, community facilities or other public facilities, consistent with the *Burwood Open Space and Community Facilities Study*.
2. The VPA would result in a public benefit. The contribution to Council would be used towards public facilities.
3. The VPA provides a reasonable means of achieving the relevant purpose. The *Burwood Open Space and Community Facilities Study* recommended a monetary contribution rate for additional development.
4. The VPA would be taken into consideration in the assessment of the Modification Application. The Modification Application must stand on its own merits from a design, planning and amenity perspective, which has been the subject of a separate and independent planning assessment. If the VPA is not entered into, approval of the Modification Application could not be granted.
5. The VPA would produce outcomes that meet the general values and expectations of the community, and protect the overall public interest. The provision, augmentation and improvement of public facilities by Council are an expectation of the community. The VPA provides Council with the financial resources to assist in the delivery.
6. The VPA promotes Council's strategic objectives as outlined in Clause 2.1 of Council's *Planning Agreements Policy*, particularly:
  - Objective 'a' – to provide an enhanced and more flexible development contributions system for Council. The VPA encourages flexibility by enabling a monetary contribution towards public facilities, to the mutual benefit of the developer and the community.
  - Objective 'b' – to supplement or replace, as appropriate, the application of s94 and s94A of the Act for development. The VPA supplements Council's Section 94A Plan because the VPA contribution is on top of established Section 94A contributions.
  - Objective 'e' – to lever planning benefits from development wherever possible. The VPA would facilitate the provision of public facilities, which represent a public benefit.
7. The VPA conforms to the fundamental principles governing the Council's use of planning agreements as set out in Clause 2.2 of the *Planning Agreements Policy*, particularly:
  - Principle 'a' – planning decisions may not be bought or sold through planning agreements. Council is not obliged to support the Modification Application and instead, each application must be considered on the individual merit.
  - Principle 'd' – Council will not use planning agreements for any purpose other than a proper planning purpose. The manner in which the VPA is proposed to be used is in accordance with Council's studies.
8. There are not considered to be any circumstances that may preclude the Council from entering into the VPA should it determine to do so.

**Financial Implications**

The VPA would provide for a monetary contribution of \$778,800, based on the \$1,500 square metres additional GFA rate to Council for the provision of the augmentation or improvement of open space, community facilities, or other public facilities. Council would be obliged under legislation to allocate, the contribution and any return on its investment to the provision of, or the recoupment of the cost of providing public facilities.

The provision of public facilities by Council would not coincide with the completion of the subject development, and would be undertaken at a time determined by Council at its discretion.

**Conclusion**

The VPA will help secure a monetary contribution of \$ 778,800 for the provision of public facilities. It is recommended that arrangements be made for the execution of the VPA by Council authorising the signing of the agreement, after the granting of the Modification Application but prior to the issue of the amended Construction Certificate, which would include a condition on the amended consent requiring that the VPA be entered into.

**Recommendation(s)**

1. That Council enter into the VPA for 8-14 Lyons Street Strathfield for the provision of a monetary contribution of \$778,800 towards public facilities after the granting of the consent for the Modification Application which would include a condition on the amended consent requiring that the VPA be entered into.
2. That Council authorise the General Manager to sign the VPA and any related documentation under his Power of Attorney.
3. That Council authorise the General Manager to endorse the minor revisions of the VPA documents prior to execution.
4. That the Developer pay the monetary contribution (dollar value dependant on the final determination of the Modification Application) to Council, on or before, the execution of the VPA by Council.

**Attachments**

- 1 [!\[\]\(5950fde355bafc747b20583b30242b59\_img.jpg\)](#) VPA and EN for 8-14 Lyons Street, Strathfield

## **Planning Agreement**

**Burwood Council (Council)**

**ARM Holdings Pty Ltd ATF The Albert Metledge Family Trust ACN [056 604 070]**  
**(Developer)**

## Contents

<b>1.</b>	<b>Planning agreement under the Act .....</b>	<b>2</b>
<b>2.</b>	<b>Application of this Agreement.....</b>	<b>2</b>
<b>3.</b>	<b>Operation of this Agreement .....</b>	<b>2</b>
<b>4.</b>	<b>Application of section 94 and section 94a of the Act to the Development</b>	<b>2</b>
<b>5.</b>	<b>Definitions and interpretation.....</b>	<b>2</b>
5.1	Definitions.....	2
5.2	Interpretation .....	4
<b>6.</b>	<b>Development Contributions to be made under this Agreement .....</b>	<b>4</b>
<b>7.</b>	<b>Application of the Development Contributions.....</b>	<b>5</b>
7.1	Use of Contribution by Council .....	5
7.2	Public Facilities.....	5
<b>8.</b>	<b>Registration on Title .....</b>	<b>5</b>
8.1	Land ownership / Mortgagees consent.....	5
8.2	Registration of Agreement .....	5
8.3	Release and discharge of Agreement .....	6
8.4	Registration of Caveat by Council.....	6
<b>9.</b>	<b>Assignment and dealing with Land.....</b>	<b>6</b>
<b>10.</b>	<b>Acknowledgements .....</b>	<b>7</b>
10.1	Planning Certificates .....	7
10.2	Consent Authority.....	7
<b>11.</b>	<b>Dispute Resolution .....</b>	<b>7</b>
11.1	Not commence .....	7
11.2	Written notice of dispute.....	7
11.3	Attempt to resolve .....	7
11.4	Mediation.....	7
11.5	Court proceedings.....	7
11.6	Not use information .....	7
11.7	No prejudice .....	8
<b>12.</b>	<b>Enforcement.....</b>	<b>8</b>
12.1	Enforcement in Court .....	8
<b>13.</b>	<b>Notices.....</b>	<b>8</b>
13.1	Written Notice.....	8
13.2	Change of Address .....	9
13.3	Time for Service of Notice.....	9
13.4	Service after hours, on Weekends and Holidays.....	9
<b>14.</b>	<b>Approvals and consent .....</b>	<b>9</b>
<b>15.</b>	<b>Assignment and Dealings .....</b>	<b>9</b>

## ATTACHMENT 1

ITEM /17 Draft - Voluntary Planning Agreement for 8-14 Lyons Street, Strathfield.DOC  
VPA and EN for 8-14 Lyons Street, Strathfield

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<b>16.</b>	<b>Costs .....</b>	<b>9</b>
<b>17.</b>	<b>Entire agreement .....</b>	<b>9</b>
<b>18.</b>	<b>Further acts .....</b>	<b>10</b>
<b>19.</b>	<b>Governing law and jurisdiction .....</b>	<b>10</b>
<b>20.</b>	<b>Joint and individual liability and benefits .....</b>	<b>10</b>
<b>21.</b>	<b>No fetter .....</b>	<b>10</b>
<b>22.</b>	<b>Representations and warranties .....</b>	<b>10</b>
<b>23.</b>	<b>Severability.....</b>	<b>10</b>
<b>24.</b>	<b>Modification.....</b>	<b>10</b>
<b>25.</b>	<b>Waiver .....</b>	<b>10</b>
<b>26.</b>	<b>Explanatory Note .....</b>	<b>11</b>
<b>27.</b>	<b>GST .....</b>	<b>11</b>
27.1	Words .....	11
27.2	Supply.....	11
<b>28.</b>	<b>Confidentiality .....</b>	<b>11</b>
<b>29.</b>	<b>Release from Agreement.....</b>	<b>11</b>
	<b>Schedule .....</b>	



## ATTACHMENT 1

ITEM /17 Draft - Voluntary Planning Agreement for 8-14 Lyons Street, Strathfield.DOC  
VPA and EN for 8-14 Lyons Street, Strathfield

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### Details

#### Date

#### Parties

Name	<b>Burwood Council</b>	
Description	<b>Council</b>	
Notice Details	Address	Suite 1, Level 2, 1-17 Elsie Street Burwood NSW
Name	ARM Holdings Pty Ltd ATF The Albert Metledge Family Trust	
ACN	056 604 070	
Description	<b>Developer</b>	
Notice Details	Address	c/o Ernst & Young, Level 42, 680 George St Sydney NSW 2000

### Background

- A. The Developer is the registered proprietor of the Land,
- B. On 14 January 2016, the Developer made a Development Application to the Council for Development Consent to carry out the Development construction of a 9 storey mixed use development comprising commercial tenancies on ground level and 51 residential units above basement car parking on the Land.
- C. On 12 May 2017, the Developer made the Modification Application to the Council for Development Consent to amend Development Consent 7/2016 by introducing an additional level of residential units for a total of 58 residential units, as well as rooftop communal open space on the Land.
- D. The Developer has offered to enter into this agreement to make a Development Contribution towards Public Facilities if Development Consent is granted to the Development

## Operative Provisions

### 1. Planning agreement under the Act

The Parties agree that this Agreement is a planning agreement within the meaning of s93F of the Act.

### 2. Application of this Agreement

This Agreement applies to:

- (a) the Land, and
- (b) the Development, and
- (c) the Modification Application.

### 3. Operation of this Agreement

The Parties agree that this Agreement:

- (a) is effective and binding on the Parties upon execution by both Parties of this Agreement;
- (b) will operate from the date of the grant by the Council of the Modification Application for the Development;
- (c) will remain in force and effect until the earlier of:
  - (i) termination by operation of the Law;
  - (ii) satisfaction of all the obligations under this Agreement; or
  - (iii) termination in accordance with the terms of this Agreement.

### 4. Application of section 94 and section 94a of the Act to the Development

- (a) This Agreement does not exclude the application of:
  - (i) section 94 or section 94A of the Act;
  - (ii) any Affordable Housing Levy;
  - (iii) any other monetary contributions;

in connection with Development Consent 2016.179 or the Modification Application for the Development.

- (b) Benefits under this Agreement are not to be taken into account in determining a development contribution under section 94 or section 94A.

## ATTACHMENT 1

### ITEM /17 Draft - Voluntary Planning Agreement for 8-14 Lyons Street, Strathfield.DOC VPA and EN for 8-14 Lyons Street, Strathfield

## 5. Definitions and interpretation

### 5.1 Definitions

In this Agreement the following definitions apply:

**Act** means the *Environmental Planning and Assessment Act 1979* (NSW).

**Approval** means any approvals, consents, section 96 modifications, Part 4A certificates or approvals under the Act, certificates, construction certificates, occupation certificates, complying development certificates, permits, endorsements, licences, conditions or requirements (and any variation to them) which may be required by this Agreement or the Development Consent.

**Authority** means any government, local government, statutory, public, ministerial, administrative, fiscal or other authority or body, and includes the Sydney Planning Panel or such other consent authority as may be lawfully appointed and authorised to grant an Approval, including an accredited certifier defined under the Act.

**Business Day** means any day except Saturday or Sunday or a day which is a public holiday in Sydney.

**Construction Certificate** means a certificate issued under Part 4A of the Act approving building work to be carried out on the Land for the whole or part of the work for the Development granted Development Consent.

**Dealing** means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land.

**Development** means the development of the Land in accordance with the Development Consent 2016.179 lodged with the Council on 14 January 2016 and the Modification Application.

**Development Application** has the same meaning as in the Act.

**Development Consent** has the same meaning as in the Act.

**Development Contribution** means a monetary contribution, the dedication of land free of cost or the provision of a material public benefit identified in this Agreement.

**Explanatory Note** means the note set out in Schedule 1 of this Agreement

**FSR** means the floor space ratio as defined in the Burwood Local Environmental Plan 2012.

**GST** has the same meaning as in the GST Law.

**GST Law** has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

**Land** means the allotments described in the table below:

Address	Legal description
8 Lyons Street	SP53871
10-12 Lyons Street	Lot 39 Section 1 DP555

## ATTACHMENT 1

### ITEM /17 Draft - Voluntary Planning Agreement for 8-14 Lyons Street, Strathfield.DOC VPA and EN for 8-14 Lyons Street, Strathfield

Address	Legal description
14 Lyons Street	Lot B DP 391206

**Modification Application** means the application under s96(2) of the Act lodged with the Council by the Developer on 12 May 2017 seeking to modify Development Consent 7/2016 relating to the Land.

**Monetary Contribution** means the sum of \$778,800.00 (seven hundred and seventy eight thousand eight hundred dollars).

**Party** means a party to this Agreement, including their successors and assigns.

**Public Benefit** means the Monetary Contribution.

**Public Facilities** means the augmentation or improving of public open space, community facilities, or other public facilities as determined by the Council.

**Regulation** means the *Environmental Planning and Assessment Regulation 2000* (NSW).

## 5.2 Interpretation

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
- (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
- (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.
- (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
- (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- (f) A reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- (g) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
- (h) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.

## **ATTACHMENT 1**

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### **ITEM /17 Draft - Voluntary Planning Agreement for 8-14 Lyons Street, Strathfield.DOC VPA and EN for 8-14 Lyons Street, Strathfield**

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- (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- (k) References to the word 'include' or 'including' are to be construed without limitation.
- (l) A reference to this Agreement includes the agreement recorded in this Agreement.
- (m) A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns.
- (n) Any schedules and attachments form part of this Agreement.

## **6. Development Contributions to be made under this Agreement**

- (a) Subject to clause 6(e) the Developer must pay to the Council the Monetary Contribution prior to the issue of the first Construction Certificate for the Development.
- (b) The Developer covenants and agrees not to make an application for the issue of any Construction Certificate until the Monetary Contribution required to be made to the Council hereunder has been paid.
- (c) The payment of the Monetary Contribution must be by way of delivery of a bank cheque to the Council which must be:
  - (i) made payable to the Council; and
  - (ii) in a form acceptable to the Council.
- (d) The Monetary Contribution will be taken to have been made when the Council notifies the Developer in writing that the bank cheque has been received and cleared funds have been deposited in the Council's bank account.
- (e) If the Developer determines not to take up the Development Consent for the Development, the Developer must provide written notice to the Council of the Developer's:
  - (i) intention to not take up the Development Consent and
  - (ii) surrender of the Development Consent for the Development in accordance with section 104A of the Act.

## **7. Application of the Development Contributions**

### **7.1 Use of Contribution by Council**

The Monetary Contribution paid by the Developer under this Agreement will be used by the Council to develop Public Facilities.

## ATTACHMENT 1

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### ITEM /17 Draft - Voluntary Planning Agreement for 8-14 Lyons Street, Strathfield.DOC VPA and EN for 8-14 Lyons Street, Strathfield

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#### 7.2 Public Facilities

The Public Facilities will:

- (a) not be provided to coincide with the conduct or completion of the Development;
- (b) be constructed at a time determined by the Council at its absolute discretion;
- (c) be available for use by the general public and will not be restricted for use by patrons of the Development.

#### 8. Registration on Title

##### 8.1 Land ownership / Mortgagees consent

The Developer represents and warrants that:

- (a) it is the registered proprietor of the Land; and
- (b) it has obtained the consent of all persons that have an interest in the Land prior to executing this Agreement.

##### 8.2 Registration of Agreement

- (a) The Developer agrees it will procure the registration of this Agreement under the *Real Property Act 1900* (NSW) in the relevant folios of the register for the Land in accordance with section 93H of the Act.
- (b) The Developer at its own expense will, prior to the execution of this Agreement, take all practical steps and otherwise do anything that Council reasonably requires, to procure:
  - (i) the consent of each person who:
    - (A) has an estate or interest in the Land registered in the Land; and
    - (B) is seized or possessed of an estate or interest in the Land; and
  - (ii) the execution of any documents; and
  - (iii) an acceptance of the terms of this agreement and an acknowledgement in writing from any existing mortgagee in relation to the Land that the mortgagee will adhere to the provisions of this Agreement if it takes possession of the Land as Mortgagee in possession; and
  - (iv) the production of the relevant duplicate certificates of titleto enable the registration of this Agreement under the *Real Property Act 1900* (NSW) in the relevant folios of the register for the Land in accordance with section 93H of the Act.
- (c) The Developer, at its own expense, will take all practical steps, and otherwise do anything that the Council reasonably requires:

## ATTACHMENT 1

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### ITEM /17 Draft - Voluntary Planning Agreement for 8-14 Lyons Street, Strathfield.DOC VPA and EN for 8-14 Lyons Street, Strathfield

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- (i) to procure the lodgement of this Agreement with the Registrar-General as soon as reasonably practicable after the Agreement is entered into by the Parties but in any event, no later than 20 Business Days after that date;
- (ii) to procure the registration of this Agreement by the Registrar-General either in relevant folios of the register for the Land; or in the General Register of Deed if this Agreement relates to land not under the *Real Property Act 1900* (NSW) as soon as reasonably practicable after the Agreement is lodged for registration but, in any event, no later than 20 Business Days after the date on which the Developer lodges this Agreement with the Registrar-General.

#### 8.3 Release and discharge of Agreement

The Council agrees to do all things reasonably required by the Developer to release and discharge this Agreement with respect to any part of the Land upon the Developer satisfying all of its obligations under this Agreement in respect of the Land, and is not otherwise in default of any of the obligations under this Agreement.

#### 8.4 Registration of Caveat by the Council

- (a) Until such time as registration of this Agreement on the Certificates of Title to the Land, the Developer agrees that the Council may lodge any caveat reasonably necessary to prevent any dealing with the Land or any part of it in a manner which is inconsistent with this Agreement.
- (b) If the Council lodges a caveat in accordance with this clause, then the Council will do all things reasonably required to ensure that the caveat does not prevent or delay either the registration of this Agreement or any related Dealing with the Land. The Council will promptly, following registration of this Agreement, do all things reasonably required to remove the caveat from the title to the Land.

### 9. Assignment and dealing with Land

- (a) Subject to paragraph (b), the Developer must not transfer its interest in any of the whole or any part of the Land unless the proposed transferee accepts the obligations of this Agreement.
- (b) For the purpose of giving effect to paragraph (a) the Council, the Developer and any transferee must enter into a novation agreement where the transferee agrees to carry out the obligations of the Developer under this Agreement and the Developer is released, from the date of execution of the novation agreement, from the obligations contained in this Agreement to the extent that they:
  - (i) are novated to the transferee; and
  - (ii) remain to be performed.

### 10. Acknowledgements

#### 10.1 Planning Certificates

The Developer acknowledges that the Council may include a notation on Planning Certificates under section 149(5) of the Act in relation to this Agreement.

## ATTACHMENT 1

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### ITEM /17 Draft - Voluntary Planning Agreement for 8-14 Lyons Street, Strathfield.DOC VPA and EN for 8-14 Lyons Street, Strathfield

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#### 10.2 Consent Authority

The Parties acknowledge that the Council is a consent authority with statutory rights and obligations pursuant to the terms of the Act and other legislation.

#### 11. Dispute Resolution

##### 11.1 Not commence

If a dispute arises between the parties in relation to this agreement, the parties must not commence any court proceedings relating to the dispute unless the parties have complied with this clause.

##### 11.2 Written notice of dispute

If a party believes that there is a dispute in respect of the Agreement then:

- (a) the party must give notice in writing to the other party stating that there is a dispute (the Dispute Notice); and
- (b) the Dispute Notice must outline:
  - (i) the nature of the dispute;
  - (ii) the alleged basis of the dispute; and
  - (iii) the position which the party issuing the Notice of Dispute believes to be correct.

##### 11.3 Representatives of Parties to Meet

Within 10 Business Days after a Dispute Notice being served, the representatives of each of the parties must meet in order to resolve the notified dispute..

##### 11.4 Mediation

If the notified dispute is not resolved within 10 Business Days after the nominated representatives have met, (or any further period agreed in writing by them) and the parties do not agree as to:

- (a) the dispute resolution technique and procedures to be adopted;
- (b) the timetable for all steps in those procedures; or
- (c) the selection and compensation of any independent person required for such technique,

the parties must mediate the dispute in accordance with the Mediation Rules of the Law Society of NSW. The parties must request the president of the Law Society of NSW or the president's nominee to select the mediator and determine the mediator's remuneration.

##### 11.5 Court proceedings

If the dispute is not resolved within 42 days after a Dispute Notice is served then any party which has complied with the provisions of this clause, including participation in a mediation pursuant to clause 11.4, may in writing terminate any dispute resolution



## ATTACHMENT 1

---

### ITEM /17 Draft - Voluntary Planning Agreement for 8-14 Lyons Street, Strathfield.DOC VPA and EN for 8-14 Lyons Street, Strathfield

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process undertaken under this clause and may then commence court proceedings in relation to the dispute.

#### **11.6 Not use information**

The parties acknowledge the purpose of any exchange of information or documents or the making of any offer of settlement under this clause is to attempt to settle the dispute. No party may use any information or documents obtained through any dispute resolution process undertaken under this clause for any purpose other than in an attempt to settle the dispute.

#### **11.7 No prejudice**

This clause does not prejudice the right of a party to institute court proceedings for urgent injunctive or declaratory relief in relation to any matter arising out of or relating to this Agreement.

### **12. Enforcement**

#### **12.1 Enforcement in Court**

- (a) This Agreement may be otherwise enforced by either party in any court of competent jurisdiction.
- (b) For the avoidance of doubt, nothing in this Agreement prevents:
  - (i) a party from bringing proceedings in the Land Environment Court to enforce any aspect of this Agreement or any matter to which this Agreement relates; and
  - (ii) the Council from exercising any function under the Act or law relating to the enforcement of any aspect of this Agreement or any matter to which this Agreement relates.

### **13. Notices**

#### **13.1 Written Notice**

Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

- (a) Delivered or posted to that Party at its address set out below.
- (b) Faxed to that Party at its fax number set out below.
- (c) Emailed to that Party at its email address set out below.

#### **Council**

Attention: The General Manager

Address: Suite 1, Level 2, 1-17 Elsie Street Burwood 2134

Post: PO Box 240, Burwood NSW 1805

## ATTACHMENT 1

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### ITEM /17 Draft - Voluntary Planning Agreement for 8-14 Lyons Street, Strathfield.DOC VPA and EN for 8-14 Lyons Street, Strathfield

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Fax Number: (02) 9911 9900

Email: [council@burwood.nsw.gov.au](mailto:council@burwood.nsw.gov.au)

#### **Developer**

Attention: Antony Metledge

Address: c/o Ernst & Young, Level 42, 680 George St, Sydney NSW 2000

Post: PO Box 1235, Strathfield NSW 2135

Fax Number: 02 9746 6715

Email: [antony@armholdings.com.au](mailto:antony@armholdings.com.au)

#### **13.2 Change of Address**

If a Party gives the other Party three (3) business days' notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.

#### **13.3 Time for Service of Notice**

Any notice, consent, information, application or request is to be treated as given or made at the following time if it is:

- (a) delivered, when it is left at the relevant address.
- (b) sent by post, two (2) business days after it is posted.
- (c) sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.

#### **13.4 Service after hours, on Weekends and Holidays**

If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

#### **14. Approvals and consent**

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

#### **15. Assignment and Dealings**

The Developer agrees that this Agreement shall be binding upon the Developer and upon their respective transferees, assignees or successors.

**16. Costs**

The Developer agrees to pay its own costs directly related and incidental to negotiation, preparing, executing, stamping and registering the Agreement, including any costs of lodging / removing caveats on the title to the Land. The Developer will also pay the Council's reasonable legal costs and disbursements in connection with the negotiation, preparation, execution, carrying into effect of this agreement.

**17. Entire agreement**

- (a) This Agreement constitutes the entire agreement between the Parties regarding the matters set out on it and superseded any prior representations, understandings or arrangements made between the Parties, whether orally or in writing.
- (b) No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

**18. Further acts**

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

**19. Governing law and jurisdiction**

This Agreement is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

**20. Joint and individual liability and benefits**

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by two (2) or more persons binds them jointly and each of them individually, and any benefit in favour of two (2) or more persons is for the benefit of them jointly and each of them individually.

**21. No fetter**

Nothing in this Agreement shall be construed as requiring the Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

**22. Representations and warranties**

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

**23. Severability**

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable

and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

**24. Modification**

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

**25. Waiver**

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

**26. Explanatory Note**

The explanatory note put on exhibition with this Agreement is not to be used in construing the terms of this Agreement.

**27. GST**

**27.1 Words**

All words in this clause which are also defined in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) ("the GST Act") have a corresponding meaning to that in the GST Act.

**27.2 Supply**

- (a) The consideration for any supply under this Agreement excludes GST.
- (b) Where a party to this Agreement is taken to have made a supply to another party, the recipient of that supply must, in addition to the consideration payable for the supply and when paying the consideration for the supply, also pay to the maker of the supply an amount equal to the GST payable in respect of that supply. The recipient of a supply must also pay the GST payable in respect of a supply for which no monetary consideration is payable when the maker of the supply demands payment.
- (c) The maker of a supply must give the recipient a tax invoice in the form required by the GST Act at the same time it receives payment from the recipient of the GST payable for that supply.
- (d) Despite any other provision of this Agreement, any amount payable under this Agreement, which is calculated by reference to an amount paid or incurred by a party to this Agreement, is reduced by the amount of any input tax credit to which that party or a member of its GST Group is entitled in respect of that amount.

## **ATTACHMENT 1**

---

**ITEM /17 Draft - Voluntary Planning Agreement for 8-14 Lyons Street, Strathfield.DOC  
VPA and EN for 8-14 Lyons Street, Strathfield**

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### **28. Confidentiality**

The terms of this Agreement are not confidential and this Agreement may be treated as a public document and exhibited or reported without restriction by any party.

ATTACHMENT 1

ITEM /17 Draft - Voluntary Planning Agreement for 8-14 Lyons Street, Strathfield.DOC  
VPA and EN for 8-14 Lyons Street, Strathfield

## Signing page

### EXECUTED AS AN AGREEMENT

Signed for and on behalf of **Burwood** )  
**Council** by its attorney, **Michael Gerard** )  
**McMahon**, under power of attorney dated )  
6 July 2011 registered book 4615 )  
number 590, in the presence of: )

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Attorney

\_\_\_\_\_  
(Print) Name of Witness

\_\_\_\_\_  
**Michael Gerard McMahon**  
(Print) Full Name of Attorney

\_\_\_\_\_  
Level 2, 1 – 17 Elsie Street, Burwood, New  
South Wales, 2134  
(Print) Address

By executing this document, the attorney  
certifies that he has not received notification  
of revocation of the power of attorney.

On behalf of ARM Holdings Pty Ltd ATF The Albert Metledge Family Trust

ACN 056 604 070 executed this agreement )  
pursuant to section 127 of the Corporations )  
Act by: )  
)

\_\_\_\_\_  
Signature of Director/Secretary

\_\_\_\_\_  
Signature of Director

\_\_\_\_\_  
Print Full Name of Director/Secretary

\_\_\_\_\_  
Print Name of Director

Date \_\_\_\_\_

## Schedule 1

### Explanatory Note

#### Environmental Planning and Assessment Regulation 2000 (NSW)

#### (Clause 25E)

#### Agreement

#### Under s93F of the Environmental Planning and Assessment Act 1979 (NSW)

#### 1. Parties

Burwood Council (**Council**)

Address: Suite 1 Level 2, 1-17 Elsie Street Burwood NSW 2134.

and

ARM Holdings Pty Ltd ATF The Albert Metledge Family Trust (**Developer**)

ACN 056 604 070.

Address: c/o Ernst & Young, Level 42, 680 George St, Sydney NSW 2000.

#### 2. Description of the Land to which the Agreement Applies

The Land comprises allotments described in the table below:

Address	Legal description
8 Lyons Street	SP53871
10-12 Lyons Street	Lot 39 Section 1 DP555
14 Lyons Street	Lot B DP 391206

The Developer is the registered proprietor of the Land.

#### 3. Description of Proposed Development

The construction of a 10 storey mixed use development comprising commercial tenancies on ground level and 58 residential units above basement car parking on the Land.

#### 4. Summary of Objectives, Nature and Effect of the Agreement

##### 4.1 Summary of Objectives

The objective of the Agreement is for the Developer to make a development contribution to the Council upon the grant of Development Consent for the Development.

The Agreement is a planning Agreement under s93F of the *Environmental Planning and Assessment Act 1979 (Act)*. The Agreement is a voluntary Agreement under which Monetary Contribution (as defined in clause 5.1 of the Agreement) are made by the Developer for various public purposes (as defined in s93F(2) of the Act).

## **4.2 Effect of the Agreement**

The Agreement:

- (a) relates to the carrying out of the Development on the Land;
- (b) does not exclude the application of s94 & s94A of the Act to the Development;
- (c) does not exclude the application of s94EF of the Act to the Development;
- (d) requires the Developer to make the Monetary Contribution which will be used by the Council for a material public benefit.

## **5. Assessment of the Merits of the Agreement**

### **5.1 The Planning Purposes Served by the Agreement**

The Agreement serves the following planning purposes:

- (a) contributing to the Council's public works program to provide for better public facilities within the Council's local government area;
- (b) activating the streetscape and contributing to a diversity of commercial services in the local community through the provision of commercial floor space within the Development; and
- (c) contributing to improved landscaping in the public domain.

### **5.2 How the Agreement Promotes the Objects of the Environmental Planning and Assessment Act 1979 (NSW)**

The Agreement promotes the following objects of the Act:

- (a) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
- (b) the promotion and co-ordination of the orderly and economic use and development of land; and
- (c) the provision and co-ordination of community services and facilities.

The Agreement provides for a reasonable means of achieving those purposes as set out in section 5.1 above.

## **6. How the Agreement Promotes the Public Interest**

### **6.1 How Agreement Promotes the purposes of the *Local Government Act 1993*(NSW)**

The Council is the planning authority that would be a party to the Agreement. The Council is a public authority constituted under the *Local Government Act 1993*.

The Agreement promotes the following purposes of this Act:

- (a) Section 7(a):



## ATTACHMENT 1

---

### ITEM /17 Draft - Voluntary Planning Agreement for 8-14 Lyons Street, Strathfield.DOC VPA and EN for 8-14 Lyons Street, Strathfield

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to provide the legal framework for the system of local government for New South Wales ...

(b) Section 7(d):

To facilitate engagement with the local community by councils, councillors and other persons and bodies that constitute the system of local government

The Agreement promotes the above purposes of the Act in the same way that is set out in section 5.1 above.

#### **6.2 How Agreement Promotes the Elements of the Council's Charter**

The Agreement promotes Council's Charter(now Guiding Principles) under section 8A of the *Local Government Act 1993* (NSW) by:

- (a) providing strong and effective representation, leadership, planning and decision-making; and
- (b) planning strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulations to meet the diverse needs of the local community..

It does this through the means set out in section 5.1 above.

#### **6.3 Whether the Agreement Conforms with the Council's Capital Works Program**

The Agreement conforms with Council's Capital Works Program to the extent that it will supplement the Program by providing the Monetary Contribution and s94 Development Contributions to provide public facilities.

#### **6.4 Whether the Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued**

The Agreement contains requirements that must be complied with prior to the issue of the first Construction Certificate for the Development.

The Agreement does not specify that certain requirements must be complied with before a Construction Certificate or Subdivision Certificate is issued.

#### **7. The Impact of the Agreement on the Public or Any Section of the Public**

The Agreement has a positive impact on the public, and in particular, the residents of the local community. This is because the Agreement provides an opportunity to improve the range and quality of services available to the local community and contributes to an improved public domain.

#### **8. Other Matters**

None.

## **(ITEM 82/17) DRAFT - VOLUNTARY PLANNING AGREEMENT - 14 RAILWAY PARADE, BURWOOD**

File No: 17/50820

REPORT BY DEPUTY GENERAL MANAGER LAND, INFRASTRUCTURE &amp; ENVIRONMENT

**Applicant:** GM Architects  
**Owner:** Tuo Yuan Development Pty Ltd  
**Company Directors:** Jianmin Cao and John Wei Cao

### **Summary**

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) in connection with a Development Application (DA) for 14 Railway Parade Burwood have been publicly notified in accordance with the relevant legislation. The draft VPA will provide for the developer to pay a monetary contribution in exchange of additional development on the site. Council's endorsement is now sought to enter into the VPA after the granting of the consent of the DA.

### **Background**

DA BD.2017.032 proposes a 19 storey mixed use development. The proposal seeks to provide 321.5 square metres of additional Gross Floor Area (GFA) above what is currently permitted by the *Burwood Local Environmental Plan* (BLEP).

### **Draft VPA and EN**

The draft VPA will:

- Provide a monetary contribution to Council for the purposes of providing, augmenting or improving open space, community facilities or other public facilities as determined by Council in accordance with the *Burwood Open Space and Community Facilities Study* undertaken for Council
- Provide the developer, in exchange for making the monetary contribution, additional Floor Space Ratio (FSR) over the development site, based on the *Burwood Town Centre Urban Design Study* undertaken for Council, which recommended a maximum 10% FSR increase.

Under the draft VPA the developer proposes to pay Council \$482,250 based on the monetary contribution rate of \$1,500 per square metre additional GFA.

The draft VPA and EN were referred to Council's solicitors for their advice and vetting. The documents have been modified in negotiation with the applicant in response to the legal advice. Further minor revision of the draft VPA may be necessary prior to execution, e.g. updating footer or insertion of dates. Any changes will not alter the purpose or intention of the VPA.

### **Consultation**

Following the modification and negotiation of the document contents, the draft VPA and EN were publicly notified for a period of 28 days from 17 October 2017 to 14 November 2017. The public notice was placed in the local newspaper and on Council's website. Hard copies were also made available to view at Council's Customer Service Centre. No submissions have been received in response to the public exhibition.

### **Planning or Policy Implications**

Council has a *Planning Agreement Policy*. The Policy contains an acceptability test which stipulates the matters that Council should consider when determining whether or not to enter into a

VPA.

Consideration of these matters against the draft VPA is outlined below:

1. The VPA is directed towards a proper legitimate planning purpose. The VPA provides funds to Council to be used to provide the augmentation or improvement of open space, community facilities or other public facilities, consistent with the *Burwood Open Space and Community Facilities Study*.
2. The VPA would result in a public benefit. The contribution to Council would be used towards public facilities.
3. The VPA provides a reasonable means of achieving the relevant purpose. The *Burwood Open Space and Community Facilities Study* recommended a monetary contribution rate for additional development.
4. The VPA would be taken into consideration in the assessment of the DA. The DA must stand on its own merits from a design, planning and amenity perspective, which has been the subject of a separate and independent planning assessment. If the VPA is not entered into, approval of the DA could not be granted.
5. The VPA would produce outcomes that meet the general values and expectations of the community, and protect the overall public interest. The provision, augmentation and improvement of public facilities by Council are an expectation of the community. The VPA provides Council with the financial resources to assist in the delivery.
6. The VPA promotes Council's strategic objectives as outlined in Clause 2.1 of Council's *Planning Agreements Policy*, particularly:
  - Objective 'a' – to provide an enhanced and more flexible development contributions system for Council. The VPA encourages flexibility by enabling a monetary contribution towards public facilities, to the mutual benefit of the developer and the community.
  - Objective 'b' – to supplement or replace, as appropriate, the application of s94 and s94A of the Act for development. The VPA supplements Council's Section 94A Plan because the VPA contribution is on top of established Section 94A contributions.
  - Objective 'e' – to lever planning benefits from development wherever possible. The VPA would facilitate the provision of public facilities, which represent a public benefit.
7. The VPA conforms to the fundamental principles governing the Council's use of planning agreements as set out in Clause 2.2 of the *Planning Agreements Policy*, particularly:
  - Principle 'a' – planning decisions may not be bought or sold through planning agreements. Council is not obliged to support the DA and instead, each application must be considered on the individual merit.
  - Principle 'd' – Council will not use planning agreements for any purpose other than a proper planning purpose. The manner in which the VPA is proposed to be used is in accordance with Council's studies.
8. There are not considered to be any circumstances that may preclude the Council from entering into the VPA should it determine to do so.

### **Financial Implications**

The VPA would provide for a monetary contribution of \$482,250 (depending on the final determination of the DA), based on the \$1,500 square metres additional GFA rate to Council for

the provision of the augmentation or improvement of open space, community facilities, or other public facilities. Council would be obliged under legislation to allocate, the contribution and any return on its investment to the provision of, or the recoupment of the cost of providing public facilities. The provision of public facilities by Council would not coincide with the completion of the subject development, and would be undertaken at a time determined by Council at its discretion.

### **Conclusion**

The VPA will help secure a monetary contribution of \$482,250 for the provision of public facilities. It is recommended that arrangements be made for the execution of the VPA by Council authorising the signing of the agreement, after the granting of the Development Application but prior to the issue of the Construction Certificate, which would include a condition on the consent requiring that the VPA be entered into.

### ***Recommendation(s)***

1. That Council enter into the VPA for 14 Railway Parade Burwood for the provision of a monetary contribution of \$482,250 towards public facilities after the granting of the consent for DA BD.2017.032 which would include a condition on the consent requiring that the VPA be entered into.
2. That Council authorise the General Manager to sign the VPA and any related documentation under his Power of Attorney.
3. That Council authorise the General Manager to endorse the minor revisions of the VPA documents prior to execution.
4. That the Developer pay the monetary contribution (dollar value dependant on the final determination of the DA) to Council, on or before, the execution of the VPA by Council.

### **Attachments**

- 1 [↓](#) Attachment to Council Report - VPA and EN for 14 Railway Parade, Burwood

## Planning Agreement

14 Railway Parade, Burwood NSW 2134

### Parties

**Burwood Council (ABN 84 362 114 428)** of Suite 1, Level 2, 1-17 Elsie Street, Burwood in the State of New South Wales

(Council)

and

**Tuo Yuan Development Pty Ltd (ACN 600 322 521)** of 1311, 28 Harbour Street, Sydney in the State of New South Wales

(Developer )

## ATTACHMENT 1

### ITEM /17 Draft - Voluntary Planning Agreement - 14 Railway Parade, Burwood.DOC Attachment to Council Report - VPA and EN for 14 Railway Parade, Burwood

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#### TABLE OF CONTENTS

1. Planning Agreement under the Act .....	3
2. Application of this Planning Agreement.....	3
3. Operation of this Planning Agreement.....	4
4. Definitions and interpretation .....	4
5. Development Contributions to be made under this Agreement .....	6
6. Application of the Development Contributions .....	7
7. Application of section 94 and section 94A of the Act to the Development .....	7
8. Registration of this Agreement.....	7
9. Acknowledgments.....	8
10. Dispute resolution.....	8
11. Enforcement.....	9
12. Notices .....	9
13. Approvals and consent .....	10
14. Assignment and dealings .....	11
15. Costs .....	11
16. Entire Agreement .....	11
17. Further acts .....	11
18. Governing law and jurisdiction .....	11
19. Joint and individual liability and benefits .....	11
20. No fetter.....	11
21. Representations and warranties.....	12
22. Severability .....	12
23. Modification.....	12
24. Waiver .....	12
25. Explanatory note .....	12
26. GST.....	12
27. Confidentiality .....	13
28. Release from Planning Agreement .....	13
<b>29. Counterparts.....</b>	<b>13</b>
Schedule 1 - Explanatory Note .....	15

PLANNING AGREEMENT

**PARTIES**

**Burwood Council** (ABN 84 362 114 428) of Suite 1, Level 2, 1-17 Elsie Street Burwood in the State of New South Wales (the **Council**)

and

**Tuo Yuan Development Pty Ltd** ACN 600 322 521 of 1311, ABN (56 600 322 521) 28 Harbour Street Sydney in the State of New South Wales (Registered Office: '1311', 28 Harbour Street, Sydney NSW 2000) (**Developer**)

**Background:**

- A. The Developer is the registered proprietor of the Land and intends to develop the Land.
- B. On 8 March 2017, the Development Application was submitted by the Developer to the Council for development consent for development to be carried out on the Land for the purpose of constructing commercial/shop suites and residential apartments.
- C. The Developer has offered to enter into this Agreement with the Council.
- D. The Development Application was accompanied by an offer by the Developer to enter into this Planning Agreement seeking approval for additional floor space over the maximum floor space ratio (FSR) for the Land, in exchange for making a Monetary Contribution towards the Public Facilities as determined by the Council if the Development Consent was granted
- E. As contemplated by section 93F of the Act, the parties wish to enter into a Planning Agreement with respect to 10% increase in FSR for the Land associated with the Development Application.

**Operative Provisions**

1. **Planning Agreement under the Act**

The Parties acknowledge and agree that this Planning Agreement constitutes a planning agreement within the meaning of section 93F of the Act and is governed by Part 4 of the Act.

2. **Application of this Planning Agreement**

This Agreement applies to the Land and the Development.

**3. Operation of this Planning Agreement**

- 3.1 This Planning Agreement takes effect on the date of this Planning Agreement after execution by both parties, subject to clause 3.2.
- 3.2 This Planning Agreement will remain in force and effect until:
- (a) it is terminated by operation of Law; or
  - (b) all obligations are performed or satisfied; or
  - (c) the Development Consent is surrendered in accordance with the Act; or
  - (d) it is otherwise discharged or terminated in accordance with the terms of this Planning Agreement.

**4. Definitions and interpretation**

- 4.1 In this Agreement the following definitions apply:

**Act** means the *Environmental Planning and Assessment Act 1979* (NSW).

**Agreement** means this agreement and includes any attachments and schedules.

**Approval** means any approvals, consents, section 96 modifications, Part 4A certificates or approvals under the Act, certificates, construction certificates, occupation certificates, complying development certificates, permits, endorsements, licences, conditions or requirements (and any variation to them) which may be required by this Planning Agreement or the Development Consent.

**Authority** means any government, local government, statutory, public, ministerial, administrative, fiscal or other authority or body, and includes the Sydney Central Planning Panel or such other consent authority as may be lawfully appointed and authorised to grant an Approval, including an accredited certifier defined under the Act.

**Business Day** means any day except Saturday or Sunday or a day which is a public holiday in Sydney.

**Construction Certificate** means a certificate issued under Part 4A of the Act approving building work to be carried out on the Land for the whole or part of the work consented to under the Development Consent on the Land.

**Dealing** in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land.

**Development** means the development of the Land in accordance with the Development Application No. BD.2017.032 as made by the Developer and as a result of any conditions of Development Consent.

**Development Application** means Application No. BD.2017.032 lodged with the Council on or about 8 March 2017.

**Development Consent** means the consent granted in connection with the Development Application.



**Development Contribution** means a monetary contribution, the dedication of land free of cost or the provision of a material public benefit.

**Dispute Notice** means a notice issued by either party to the other party where there is a dispute in respect of this Planning Agreement.

**Explanatory Note** means the Explanatory Note set out in Schedule 1 of this Planning Agreement.

**GST** has the meaning as in the GST Law.

**GST Law** has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of GST.

**Land** means Lot C in Deposited Plan 321515 situated at and known as 14 Railway Parade Burwood NSW 2134.

**Law** means:

- a) the common law including principles of equity; and
- b) the requirement of all statutes, rules, ordinances, codes, instruments, regulations, proclamations, by-laws or consent by an Authority, that presently apply or that may apply in the future.

**Monetary Contribution** means the sum of \$482,250.00 (Four Hundred and Eighty Two Thousand Two Hundred & Fifty Dollars) excluding GST representing \$1,500.00 x 321.5m<sup>2</sup> payable by the Developer to the Council.

**Party** means a party to this Planning Agreement, including their successors and assigns.

**Planning Agreement** means this Agreement.

**Public Benefit** means the Monetary Contribution.

**Public Facilities** means the provision, augmentation or improving of open space, community facilities, or other public facilities as determined by the Council.

**Register** means the Torrens title register maintained under the Real Property Act 1900 (NSW).

- 4.2 In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:
- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
  - (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
  - (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.
  - (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.

- (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- (f) A reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- (g) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
- (h) An expression importing a natural person including any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and reference to any gender denotes the other genders.
- (k) References to the word 'include' or 'including' are to be construed without limitation.
- (l) A reference to this Agreement includes the agreement recorded in this Agreement.
- (m) A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns.
- (n) Any schedules and attachments form part of this Agreement.

#### **4.3 Compliance with New Laws**

If a law is changed or a new Law comes into force (both referred to as "New Law", and the Developer is obliged by the New Law to perform certain works or pay an amount which it is required to do in accordance with this Planning Agreement or which was not contemplated at the time of entering into this Planning Agreement, then, to the extent that the relevant obligation is required under the New Law and the Agreement, compliance with the New Law will constitute compliance with the relevant obligation under this Planning Agreement.

#### **5. Development Contributions to be made under this Agreement**

- 5.1 The Developer will pay to the Council the Monetary Contribution after Development Consent and prior to the issue of the Construction Certificate for the Development.
- 5.2 The payment of the Monetary Contribution will be by way of the delivery of a bank cheque to the Council which must be:
  - (a) made payable to the Council; and
  - (b) in a form acceptable to the Council.
- 5.3 The Developer covenants and agrees not to make an application for the issue of any Construction Certificate until the Monetary Contribution required to be made to the Council hereunder has been paid. The Monetary Contribution will be taken to have been

made when the Council notifies the Developer in writing that the bank cheque has been received and in cleared funds or electronic funds have been deposited into Council's bank account.

- 5.4 Subsequent to payment of the Monetary Contribution, in the event the Development Consent is not taken up by the Developer or an application for the issue of the Construction Certificate is refused, Council will refund the amount of the Monetary Contribution to the Developer within 14 days of notice being given to Council by the Developer of such event.
- 5.5 Notwithstanding any refund of the Monetary Contribution pursuant to clause 5.4 of this Agreement, the Planning Agreement shall continue to have effect.

## **6. Application of the Development Contributions**

- 6.1 The Monetary Contribution paid by the Developer under this Agreement will be used by the Council to develop and provide Public Facilities.
- 6.2 The Public Facilities will:
- (a) not be provided to coincide with the conduct or completion of the Development;
  - (b) be constructed at a time determined by the Council at its absolute discretion;
  - (c) be available for use by the general public and will not be restricted for use by patrons of the Development.

## **7. Application of section 94 and section 94A of the Act to the Development**

This Planning Agreement does not exclude the application of:

- (a) section 94 or section 94A of the Act;
- (b) any affordable Housing Levy;
- (c) any other monetary contributions

in connection with the Development Application. Benefits under this Agreement are not to be taken into account in determining a development contribution under section 94 or section 94A of the Act.

## **8. Registration of this Agreement**

- 8.1 The Developer further covenants with the Council:
- (a) that prior to the issue of any Construction Certificate for the Development, or within such further time as the parties hereto agree, they shall do all things reasonably necessary to obtain the consent to the registration of this Agreement over the title to the Land pursuant to section 93H of the Act from all persons who have an interest in the Land;

## ATTACHMENT 1

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- (b) that forthwith after receiving the consents specified in subclause (a) hereof they shall cause this Planning Agreement to be registered on the title of the Land;
- (c) that if this Planning Agreement is not registered on the title to the Land, and if the Developer should propose to sell the Land or any part thereof then it shall:
  - (i) within seven (7) days of listing the Land or any part thereof for sale, either through an agent or privately, notify the Council of such intention;
  - (ii) as a condition of any sale, require that the incoming purchaser enter into with Council a like agreement to this present Agreement in which substantially the same covenants as set out herein shall apply;
  - (iii) within seven (7) days of exchange of contracts for the sale, notify the Council of the sale and provide the Council with a copy of the contract;
  - (iv) within twenty one (21) days of receipt from the Council of a replacement agreement between the Council and the purchaser substantially in the form of this Agreement, have it executed by the purchaser and return it to the Council;
  - (v) that if this Agreement is not registered on the title to the Land, and if the Developer should propose otherwise than by sale to transfer or assign its interest in the Land or any part thereof to a transferee or assignee, then it shall before effecting such assignment or transfer have the incoming transferee or assignee enter into an agreement with the Council substantially in the form of this Planning Agreement insofar as concerns the interest assigned or transferred and shall provide same to the Council.

8.2 The Developer further covenants and agrees with the Council that pending the registration of this Planning Agreement on the title of the Land as required by clause 8.1, the Council shall be entitled to register a caveat at Land & Property Information over the title to the Land to protect its interest therein pursuant to this Planning Agreement

## 9. Acknowledgments

- 9.1 The Developer acknowledges the Council may include a notation on Planning Certificates under section 149(5) of the Act in relation to this Planning Agreement.
- 9.2 The parties acknowledge that the Council is a consent authority with statutory rights and obligations pursuant to the terms of the Act and other legislation.

## 10. Dispute resolution

- 10.1 If a party believes that there is a dispute in respect of this Agreement then:
  - (a) the party must give notice in writing to the other party stating that there is a dispute (**Dispute Notice**); and
  - (b) the Dispute Notice must outline:
    - (i) what the party believes the dispute to be;

- (ii) what the party wants to achieve;
- (iii) what the party believes will settle the dispute; and
- (iv) who will be the party's representative to negotiate the dispute.

- 10.2 Within fifteen (15) business days of a Dispute Notice being served, the representatives of each of the parties must meet in order to resolve the dispute.
- 10.3 Both parties must adhere to the dispute resolution procedure set out in this Planning Agreement. The only time that either party may depart from the dispute resolution procedure set out in this clause is when urgent interlocutory relief is required to restrain a breach or threatened breach of this Planning Agreement.
- 10.4 If the parties cannot resolve the dispute after adhering to the dispute resolution procedure set out in this Planning Agreement then either party may seek any other avenues available to it in order to resolve the dispute.

## **11. Enforcement**

- 11.1 This Planning Agreement may be otherwise enforced by either party in any court of competent jurisdiction.
- 11.2 For the avoidance of doubt, nothing in this Planning Agreement prevents:
- (a) a party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Planning Agreement or any matter to which this Planning Agreement relates; and
  - (b) the Council from exercising any function under the Act or law relating to the enforcement of any aspect of this Planning Agreement or any matter to which this Planning Agreement relates.
- 11.3 The rights of the Council expressly provided for herein are cumulative and in addition to and not exclusive of the rights of the Council existing at law or which the Council would otherwise have available to it.

## **12. Notices**

- 12.1 Any notice, consent, information, application or request that must or may be given or made to a party under this Planning Agreement is only given or made if it is in writing and sent in one of the following ways:
- (a) Delivered or posted to that party at its address set out below.
  - (b) Faxed to that party at its fax number set out below.
  - (c) Email to that party at its email address set out below.

## ATTACHMENT 1

### ITEM /17 Draft - Voluntary Planning Agreement - 14 Railway Parade, Burwood.DOC Attachment to Council Report - VPA and EN for 14 Railway Parade, Burwood

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#### **Council**

Attention: The General Manager  
Address: Suite 1, Level 2, 1-17 Elsie Street Burwood 2134  
Post: PO Box 240, Burwood NSW 1805  
Fax Number: (02) 9911 9900  
Email: [council@burwood.nsw.gov.au](mailto:council@burwood.nsw.gov.au)

#### **Developer**

Attention: John Wei Cao  
Address: 1311, 28 Harbour Street Sydney NSW 2000  
Post: 1311, 28 Harbour Street Sydney NSW 2000  
Email: [tuoyuan2014@hotmail.com](mailto:tuoyuan2014@hotmail.com)

- 12.2 If a party gives the other party three (3) business days' notice of a change of its address or fax number or email, any notice, consent, information, application or request is only given or made by that other party if it is delivered, posted or faxed to the latest address, fax number, or email address.
- 12.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:
- (a) If it is delivered, when it is left at the relevant address.
  - (b) If it is sent by post, two (2) business days after it is posted.
  - (c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error-free transmission to the correct fax number.
  - (d) If it is sent by email, at the time it is sent.
- 12.4 If any notice, consent, information, application or request is delivered, or an error-free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5:00pm on that day on the place of the party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

### **13. Approvals and consent**

Except as otherwise set out in this Planning Agreement, and subject to any statutory obligations, a party may give or withhold an approval or consent to be given under this Planning Agreement in that party's absolute discretion and subject to any conditions determined by the party. A party is not obligated to give its reasons for giving or withholding consent or for giving consent subject to conditions.

**14. Assignment and dealings**

The Developer agrees that this Planning Agreement shall be binding upon the Developer and its respective transferees, assignees or successors.

**15. Costs**

15.1 The Developer shall bear the Council's costs directly related, and incidental to negotiating, preparing, executing, stamping and registering the Planning Agreement, including any costs of lodging/removing caveats on the title to the Land.

15.2 The Developer will pay Council's reasonable legal costs not exceeding \$5,000.00 (five thousand dollars) directly related, and incidental to negotiating, preparing, executing, stamping and registering the Planning Agreement and of drafting, registering and removing caveats on the title to the Land. Such costs shall be paid immediately upon request.

**16. Entire Agreement**

This Planning Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No party can rely on an earlier document, or anything said or done by another party, or by a director, officer, agent or employee of that party, before this Planning Agreement was executed, except as permitted by law.

**17. Further acts**

Each party must promptly execute all documents and do all things that another party from time to time reasonably requests to affect, perfect or complete this Planning Agreement and all transactions incidental to it.

**18. Governing law and jurisdiction**

This Planning Agreement is governed by the law of New South Wales. The parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The parties will not object to the exercise of jurisdiction by those courts on any basis.

**19. Joint and individual liability and benefits**

Except as otherwise set out in this Planning Agreement, any agreement, covenant, representation or warranty under this Planning Agreement by two (2) or more persons binds them jointly and each of them individually, and any benefit in favour of two (2) or more persons is for the benefit of them jointly and each of them individually.

**20. No fetter**

Nothing in this Planning Agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be constructed as limiting or fettering in any way the exercise of any statutory discretion or duty.

**21. Representations and warranties**

The parties represent and warrant that they have power to enter into this Planning Agreement and comply with their obligations under the Planning Agreement and that entry into this Planning Agreement will not result in the breach of any law.

**22. Severability**

If a clause or part of a clause of this Planning Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Planning Agreement, but the rest of this Planning Agreement is not affected.

**23. Modification**

No modification of this Planning Agreement will be of any force or effect unless it is in writing and signed by the parties to this Planning Agreement.

**24. Waiver**

The fact that a party fails to do, or delays in doing, something the party is entitled to do under this Planning Agreement, does not amount to a waiver of any obligations of, or breach of obligations by, another party. A waiver by a party is only effective if it is in writing. A written waiver by a party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

**25. Explanatory note**

The explanatory note put on exhibition with this Planning Agreement is not to be used in construing the terms of this Planning Agreement.

**26. GST**

- 26.1 All words in this clause which are also defined in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) ("the GST Act") have a corresponding meaning to that in the GST Act.
- 26.2 The consideration for any supply or sums payable under this Planning Agreement are exclusive of GST.
- 26.3 Where a party to this Planning Agreement is taken to have made a supply to another party, the recipient of that supply must, in addition to the consideration payable for the



supply and when paying the consideration for the supply, also pay to the maker of the supply an amount equal to the GST payable in respect of that supply. The recipient of a supply must also pay the GST payable in respect of a supply for which no monetary consideration is payable when the maker of the supply demands payment.

- 26.4 The maker of a supply must give the recipient a tax invoice in the form required by the GST Act at the same time it receives payment from the recipient of the GST payable for that supply.

**27. Confidentiality**

The terms of this Planning Agreement are not confidential and this Planning Agreement may be treated as a public document and exhibited or reported without restriction by any party.

**28. Release from Planning Agreement**

Once the Council is satisfied that the Developer has fully complied with all of their obligations under this Planning Agreement, the Council agrees to provide a full release and discharge of this Planning Agreement with respect of the whole of the Land. In such circumstances the Council will do all things reasonably necessary, including the execution of any documents to enable the Developer to remove any caveat and the notation of this Planning Agreement on the title to the Land.

**29. Counterparts**

This Planning Agreement may be executed in counterparts. All counterparts when taken together are to be taken to constitute one instrument.

## ATTACHMENT 1

### ITEM /17 Draft - Voluntary Planning Agreement - 14 Railway Parade, Burwood.DOC Attachment to Council Report - VPA and EN for 14 Railway Parade, Burwood

#### EXECUTED AS AN AGREEMENT

Signed for and on behalf of **Burwood Council** by )  
its attorney, **Michael Gerard McMahon**, under )  
power of attorney dated 6 July 2011 registered )  
book 4615 number 590, in the presence of: )

.....  
Signature of Witness

.....  
(Print) Name of Witness

.....  
Signature of Attorney

.....  
Michael Gerard McMahon

.....  
(Print) Full Name of Attorney

.....  
Level 2, 1 - 17 Elsie Street, Burwood, New South  
Wales, 2134

.....  
(Print) Address

By executing this document, the attorney certifies  
that he has not received notification of revocation  
of the power of attorney.

**On behalf of Tuo Yuan Development Pty Ltd ACN 600 322 521:**

**Tuo Yuan Development Pty Ltd ACN 600 322 521** executed this agreement pursuant to section  
127 of the Corporations Act 2001 (Cth) in the presence of:

.....  
Signature of Director/Secretary

.....  
Print Full Name of Director/Secretary

.....  
Date

.....  
Signature of Director

.....  
Print Name of Director

## Schedule 1 - Explanatory Note

### PLANNING AGREEMENT - Explanatory Note

*Environmental Planning and Assessment Regulation 2000 (NSW) (EP&A Regulation 2000)*

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#### Planning Agreement for the provision of monetary contribution for public benefit at 14 Railway Parade Burwood NSW 2134

Under Section 93F of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act)

#### 1. Parties

The parties to the Planning Agreement are:

- (1) Burwood Council ABN 84 362 114 428 of Suite 1, Level 2, 1-17 Elsie Street Burwood in the State of New South Wales (**Council**)
- (2) Tuo Yuan Development Pty Ltd ACN 600 322 521 (ABN{56 600 322 521} ) 28 Harbour Street Sydney in the State of New South Wales (Registered Office: '1311', 28 Harbour Street, Sydney NSW 2000) (**Developer**)

(3)

#### 2. Description of Subject Land

The land to which the Planning Agreement relates to is as follows:

Folio Identifiers: Lot C in Deposited Plan 321515  
 Location: 14 Railway Parade Burwood NSW 2134

The Developer is also the registered proprietor of the abovementioned land.

#### 3. Description of Proposed Development

The Developer has lodged a development application (being BD.2017.032) for the land which proposes to construct commercial/shop suites and residential apartments. The application includes a voluntary planning agreement for material and financial contribution to Council as a public benefit as part of the application seeking approval for additional gross floor space of 321.5m<sup>2</sup> of residential floor space above what the Burwood LEP would normally allow overall.

#### 4. Summary of Objectives, Nature and Effect of the Planning Agreement

[Clause 25E(1)(a) of the EP&A Regulation 2000]

The intent of the Planning Agreement is to ensure that public benefits are provided in the form of provision, augmentation or improvement of open space, community facilities or other public facilities as determined by Council.

The Planning Agreement requires the Developer to make a monetary Contribution to Council for an amount of \$482,250 (excluding GST) being \$1,500.00 (excluding GST) {Note: \$1,100

applies to Burwood Road North only) per square metre (321.5m<sup>2</sup>) of GFA in excess of the permitted GFA limit for the development payable after development consent is granted and before issue of a Construction Certificate.

## **5. Assessment of the Merits of the Planning Agreement**

[Clause 25E(1)(b) of the EP&A Regulation 2000]

### **5.1 The planning purposes served by the Planning Agreement**

[Clause 25E(2)(e) of the EP&A Regulation 2000]

The Planning Agreement serves the following planning purpose:

- The monetary contributions paid by the Developer under this Planning Agreement will be used by Council to provide, augment, or improve open space, community facilities, or other public facilities as determined by Council.

Whether the Planning Agreement provides for a reasonable means of achieving that purpose:

- (i) Council has conducted an Urban Design Study which revealed that in parts of the Burwood Town Centre, including the area in which the subject Land is located, there is some potential for a maximum increase of 10% in FSR. Council has also prepared a Burwood Open Space and Community Facilities Study, which identified public benefit requirements in the Burwood Local Government Area.
- (ii) The Planning Agreement will secure a considerable material benefit to the public as the Council is to use, or put the monetary contribution towards, the provision of material benefits such as civil infrastructure, public domain upgrades and facilities for the Burwood Town Centre, which will not only benefit the users and those in the immediate vicinity of the Burwood Town Centre but the wider Burwood population. This is considered to be a substantial public benefit and the Planning Agreement achieves this objective of delivering the benefit.

### **5.2 Promotion of the public interest**

[Clause 25E(2)(a) and (c) of the EP&A Regulation 2000]

The Planning Agreement promotes the public interest by:

- Ensuring the orderly use and development of land by ensuring that public benefits are provided where a development site achieves additional Floor Space Ratio.

The Planning Agreement promotes one or more of the objects of the EP&A Act as follows:

- (i) The proper management and development of land for the purpose of promoting the social and economic welfare of the community and a better environment;
- (ii) The provision and co-ordination of community services and facilities; and
- (iii) Opportunities for public involvement and participation in environmental planning and assessment.

### **5.3 Promotion of the Council's charter**

[Clause 25E(2)(d) of the EP&A Regulation 2000]

The Planning Agreement promotes one or more of the elements of Council's charter under Section 8 of the *Local Government Act 1993* (NSW) as follows [italicised sections come directly from the Charter]:

- (i) Council undertakes to provide *adequate, equitable and appropriate services for the community*. The Planning Agreement provides the monetary resources to assist Council in the provision of civil infrastructure, public domain upgrades and facilities for the augmentation, or improvement of open space, community facilities, and other public facilities for the Burwood Town Centre and ensures that those *facilities are managed efficiently and effectively*. Council is the *custodian and trustee of public assets* and has a responsibility to *effectively plan for, account for, and manage the assets*.
- (ii) Council undertakes to involve *councillors, members of the public, users of facilities and services, and council staff* in its activities. The Planning Agreement process provides an opportunity for the community and stakeholders to be involved and interested people are invited to make comment during the exhibition period. The public exhibition and the consideration of this matter at Council meetings are intended to *keep the local community informed*.

#### **5.4 Capital Works Program**

[Clause 25E(2)(f) of the EP&A Regulation 2000]

Whether Council has a capital works program, and if so, whether the Planning Agreement conforms with or promotes that capital works program:

- Council has in place a capital works program, but the program does not, to date, identify public benefits within the Burwood Town Centre.
- Council has prepared a Burwood Community Facilities and Open Space Study which identifies works and improvements to community facilities and open space to be carried out. These are known as public benefits. This study will inform the capital works program as it is reviewed annually where those public benefits will be included within the capital works program including when and where sufficient funds are available.

#### **6. Whether the draft Planning Agreement specifies that certain requirements must be complied with before a construction certificate is issued.**

The Planning Agreement provides that the monetary contribution be paid prior to the issue of a construction certificate for the proposed development.

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## **(ITEM 83/17) ADOPTION OF AUDITED FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2017**

File No: 17/41918

REPORT BY CHIEF FINANCE OFFICER

### **Summary**

In accordance with Section 418 (1)(a) of the *Local Government Act 1993* (the Act), Council must fix a date for the meeting at which it proposes to present its Audited Financial Report, together with the Auditor's Report. The presentation of this Report to this Council Meeting fulfils this requirement.

In all material respects, the financial statements are presented fairly in accordance with Australian Accounting Standards and other mandatory professional reporting requirements and statutory requirements so as to present a view which is consistent with Council's understanding of the financial position, the operating result and cash flows.

### **Background**

As per the resolution of the 25 July 2017 Council Meeting, the Financial Reports for year ending 30 June 2017 were presented to Council's Auditor for audit.

The auditors concluded the final audit of the 2016/2017 Financial Statements in August 2017 and have forwarded their Independent Audit Report and Report on the Conduct of the Audit to Council for inclusion in the Financial Reports for submission to the Office of Local Government. A copy is attached to this report.

Council's Auditor presented the Draft Financial Statements to the Audit, Risk and Improvement Committee, at the meeting held on 8 November 2017 where the auditor gave a presentation and answered questions on the presented statements. Copies of the presentation and the conduct of the audit were forwarded to Committee members. The Committee members present at the meeting accepted the Financial Statements with no alterations.

### **Consultation**

In accordance with Section 418(1)(b) of the Act, Council has given public notice of this meeting by advertising in the Inner West Courier on 31 October 2017. Copies of the Audited Financial Reports and Auditor's Report were placed on Public Exhibition at the Council Chambers, Burwood Library and Community Hub and on Council's website for members of the public to view. Any written submissions received from the public will be deliberated and considered by the General Manager and copies forwarded to Council's Auditors.

### **Planning or Policy Implications**

In accordance with the *Local Government Act 1993* and *Local Government (General) Regulation 2005*, the following have been complied with:

- A copy of the Audited Financial Reports and Auditor's Report were delivered to the Office of Local Government.
- Public notice has been given for the presentation of the 2016/2017 Financial Reports.
- The date of this meeting was advised to the public after the date of public notices given and not more than five weeks after the Auditor's Report was received.

### **Financial Implications**

There are no direct financial implications from the presentation of the Audited Financial Reports to Council.

**Conclusion**

The 2016/2017 Consolidated Financial Reports relate to the General Fund of Council. During the course of the audit no material adjustments to the financial statements were identified. The audited financial reports were forwarded to the Office of Local Government in accordance with legislative requirements.

**Recommendation(s)**

1. That in accordance with Section 413(2)(c) of the *Local Government Act 1993* and Clause 215 of the *Local Government (General) Regulation 2005*, Council make the following declaration:
  - a. That 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 update no. 25; and the Australian Accounting Standards.
  - b. The Audited financial reports present fairly the Council's financial position and performance for the year.
  - c. These reports accord with Council's accounting and other records.
2. That Council note that the 2016/2017 Audited Financial Reports and Auditor's Report have been forwarded to the Office of Local Government.

**Attachments**

- 1 [↓](#) General Purpose Financial Statements year ended 30 June 2017 110 Pages

ATTACHMENT 1

ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC  
General Purpose Financial Statements year ended 30 June 2017





## Burwood Council

### General Purpose Financial Statements for the year ended 30 June 2017

Contents	Page
<b>1. Understanding Council's Financial Statements</b>	2
<b>2. Statement by Councillors and Management</b>	3
<b>3. Primary Financial Statements:</b>	
– Income Statement	4
– Statement of Comprehensive Income	5
– Statement of Financial Position	6
– Statement of Changes in Equity	7
– Statement of Cash Flows	8
<b>4. Notes to the Financial Statements</b>	9
<b>5. Independent Auditor's Reports:</b>	
– On the Financial Statements (Sect 417 [2])	81
– On the Conduct of the Audit (Sect 417 [3])	84

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#### Overview

- (i) These financial statements are General Purpose Financial Statements and cover the operations for Burwood Council.
- (ii) Burwood Council is a body politic of NSW, Australia – being constituted as a local government area by proclamation and is duly empowered by the *Local Government Act 1993* (LGA).

Council's guiding principles are detailed in Chapter 3 of the LGA and includes:

- principles applying to the exercise of functions generally by council,
- principles to be applied when making decisions,
- principles of community participation,
- principles of sound financial management, and
- principles for strategic planning relating to the development of an integrated planning and reporting framework.

A description of the nature of Council's operations and its principal activities are provided in Note 2(b).

- (iii) All figures presented in these financial statements are presented in Australian currency.
- (iv) These financial statements were authorised for issue by the Council on 18 October 2017. Council has the power to amend and reissue these financial statements.
-

## Burwood Council

### General Purpose Financial Statements for the year ended 30 June 2017

## Understanding Council's financial statements

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### Introduction

Each year, individual local governments across New South Wales are required to present a set of audited financial statements to their council and community.

### What you will find in the statements

The financial statements set out the financial performance, financial position and cash flows of Council for the financial year ended 30 June 2017.

The format of the financial statements is standard across all NSW Councils and complies with both the accounting and reporting requirements of Australian Accounting Standards and requirements as set down by the Office of Local Government.

### About the Councillor/Management Statement

The financial statements must be certified by senior staff as 'presenting fairly' the Council's financial results for the year and are required to be adopted by Council – ensuring both responsibility for and ownership of the financial statements.

### About the primary financial statements

The financial statements incorporate five 'primary' financial statements:

#### 1. The Income Statement

Summarises Council's financial performance for the year, listing all income and expenses.

This statement also displays Council's original adopted budget to provide a comparison between what was projected and what actually occurred.

#### 2. The Statement of Comprehensive Income

Primarily records changes in the fair value of Council's Infrastructure, Property, Plant and Equipment.

#### 3. The Statement of Financial Position

A 30 June snapshot of Council's financial position indicating its assets, liabilities and "net wealth".

#### 4. The Statement of Changes in Equity

The overall change for the year (in dollars) of Council's "net wealth".

### 5. The Statement of Cash Flows

Indicates where Council's cash came from and where it was spent. This statement also displays Council's original adopted budget to provide a comparison between what was projected and what actually occurred.

### About the Notes to the Financial Statements

The Notes to the Financial Statements provide greater detail and additional information on the five primary financial statements.

### About the Auditor's Reports

Council's annual financial statements are required to be audited by the NSW Audit Office. In NSW the auditor provides 2 audit reports:

1. an opinion on whether the financial statements present fairly the Council's financial performance and position, and
2. their observations on the conduct of the audit, including commentary on the Council's financial performance and financial position.

### Who uses the financial statements?

The financial statements are publicly available documents and must be presented at a Council meeting between seven days and five weeks after the date of the Audit Report.

The public can make submissions to Council up to seven days subsequent to the public presentation of the financial statements.

Council is required to forward an audited set of financial statements to the Office of Local Government.

### More information

A review of Council's financial performance and position for the 16/17 financial year can be found at Note 29 of the financial statements.

**Burwood Council**

**General Purpose Financial Statements**  
for the year ended 30 June 2017

**Statement by Councillors and Management**  
made pursuant to Section 413(2)(c) of the *Local Government Act 1993 (NSW)* (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:


- the *Local Government Act 1993 (NSW)* (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and professional pronouncements, and
- the Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these financial statements:

- present fairly the Council's operating result and financial position for the year, and
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 25 July 2017.



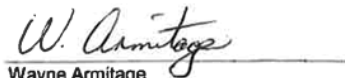
Councillor Faker  
Mayor



Councillor Mannah  
Councillor



Michael McMahon  
General manager



Wayne Armitage  
Responsible accounting officer

# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

#### Income Statement for the year ended 30 June 2017

Budget <sup>1</sup> 2017	\$ '000	Notes	Actual 2017	Actual 2016
<b>Income from continuing operations</b>				
<b>Revenue:</b>				
24,241	Rates and annual charges	3a	24,927	22,888
9,091	User charges and fees	3b	10,235	9,563
1,145	Interest and investment revenue	3c	1,215	2,048
4,055	Other revenues	3d	4,810	4,642
4,197	Grants and contributions provided for operating purposes	3e,f	3,901	3,628
4,314	Grants and contributions provided for capital purposes	3e,f	3,954	8,156
<b>Other income:</b>				
—	Net gains from the disposal of assets	5	124	37
—	Net share of interests in joint ventures and associates using the equity method	19	53	—
<b>47,043</b>	<b>Total income from continuing operations</b>		<b>49,219</b>	<b>50,962</b>
<b>Expenses from continuing operations</b>				
18,858	Employee benefits and on-costs	4a	17,462	17,634
340	Borrowing costs	4b	335	354
9,890	Materials and contracts	4c	10,201	10,956
6,620	Depreciation and amortisation	4d	6,719	6,392
—	Impairment	4d	96	—
8,546	Other expenses	4e	7,666	7,390
—	Net share of interests in joint ventures and associates using the equity method	19	—	89
<b>44,254</b>	<b>Total expenses from continuing operations</b>		<b>42,479</b>	<b>42,815</b>
<b>2,789</b>	<b>Operating result from continuing operations</b>		<b>6,740</b>	<b>8,147</b>
<b>Discontinued operations</b>				
—	Net profit/(loss) from discontinued operations	24	—	—
<b>2,789</b>	<b>Net operating result for the year</b>		<b>6,740</b>	<b>8,147</b>
2,789	Net operating result attributable to Council		6,740	8,147
—	Net operating result attributable to non-controlling interests		—	—
<b>(1,525)</b>	<b>Net operating result for the year before grants and contributions provided for capital purposes</b>		<b>2,786</b>	<b>(9)</b>

<sup>1</sup> Original budget is unaudited.

Original budget as approved by Council – refer Note 16

This statement should be read in conjunction with the accompanying notes.

page 4

# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

#### Statement of Comprehensive Income for the year ended 30 June 2017

\$ '000	Notes	Actual 2017	Actual 2016
<b>Net operating result for the year</b> (as per Income Statement)		<b>6,740</b>	<b>8,147</b>
<b>Other comprehensive income:</b>			
Amounts which will not be reclassified subsequently to the operating result			
Gain (loss) on revaluation of I,PP&E	20b (ii)	10,569	5,711
<b>Total items which will not be reclassified subsequently to the operating result</b>		<b>10,569</b>	<b>5,711</b>
Amounts which will be reclassified subsequently to the operating result when specific conditions are met			
Nil			
<b>Total other comprehensive income for the year</b>		<b>10,569</b>	<b>5,711</b>
<b>Total comprehensive income for the year</b>		<b>17,309</b>	<b>13,858</b>
<b>Total comprehensive income attributable to Council</b>		<b>17,309</b>	<b>13,858</b>
<b>Total comprehensive income attributable to non-controlling interests</b>		<b>—</b>	<b>—</b>

This statement should be read in conjunction with the accompanying notes.

page 5

# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

#### Statement of Financial Position as at 30 June 2017

\$ '000	Notes	Actual 2017	Actual 2016
<b>ASSETS</b>			
<b>Current assets</b>			
Cash and cash equivalents	6a	6,327	7,196
Investments	6b	39,750	32,253
Receivables	7	2,501	3,899
Inventories	8	—	—
Other	8	415	342
Non-current assets classified as 'held for sale'	22	—	—
<b>Total current assets</b>		<b>48,993</b>	<b>43,690</b>
<b>Non-current assets</b>			
Investments	6b	—	—
Infrastructure, property, plant and equipment	9	367,977	356,145
Investments accounted for using the equity method	19	30	—
Investment property	14	3,600	3,500
Intangible assets	25	—	—
<b>Total non-current assets</b>		<b>371,607</b>	<b>359,645</b>
<b>TOTAL ASSETS</b>		<b>420,600</b>	<b>403,335</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>			
Payables	10	8,857	8,998
Income received in advance	10	1,087	725
Borrowings	10	480	444
Provisions	10	6,685	6,421
<b>Total current liabilities</b>		<b>17,109</b>	<b>16,588</b>
<b>Non-current liabilities</b>			
Payables	10	—	—
Borrowings	10	5,480	5,960
Provisions	10	113	175
Investments accounted for using the equity method	19	—	23
<b>Total non-current liabilities</b>		<b>5,593</b>	<b>6,158</b>
<b>TOTAL LIABILITIES</b>		<b>22,702</b>	<b>22,746</b>
<b>Net assets</b>		<b>397,898</b>	<b>380,589</b>
<b>EQUITY</b>			
Retained earnings	20	196,859	190,119
Revaluation reserves	20	201,039	190,470
Other reserves	20	—	—
<b>Council equity interest</b>		<b>397,898</b>	<b>380,589</b>
<b>Non-controlling equity interests</b>		<b>—</b>	<b>—</b>
<b>Total equity</b>		<b>397,898</b>	<b>380,589</b>

This statement should be read in conjunction with the accompanying notes.

page 6



# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

#### Statement of Cash Flows

for the year ended 30 June 2017

Budget 2017	\$ '000	Notes	Actual 2017	Actual 2016
<b>Cash flows from operating activities</b>				
<b>Receipts:</b>				
24,205	Rates and annual charges		24,895	22,866
9,075	User charges and fees		11,968	9,951
1,119	Investment and interest revenue received		1,194	2,016
9,747	Grants and contributions		8,176	11,576
1,400	Bonds, deposits and retention amounts received		1,640	1,975
4,130	Other		7,175	6,558
<b>Payments:</b>				
(18,852)	Employee benefits and on-costs		(17,064)	(17,062)
(9,910)	Materials and contracts		(12,687)	(12,575)
(341)	Borrowing costs		(336)	(355)
(850)	Bonds, deposits and retention amounts refunded		(1,136)	(937)
(8,538)	Other		(8,799)	(8,091)
<b>11,185</b>	<b>Net cash provided (or used in) operating activities</b>	11b	<b>15,026</b>	<b>15,922</b>
<b>Cash flows from investing activities</b>				
<b>Receipts:</b>				
55,000	Sale of investment securities		55,000	58,500
850	Sale of infrastructure, property, plant and equipment		2,357	781
<b>Payments:</b>				
(55,000)	Purchase of investment securities		(62,497)	(59,237)
(6,591)	Purchase of infrastructure, property, plant and equipment		(10,311)	(17,700)
<b>(5,741)</b>	<b>Net cash provided (or used in) investing activities</b>		<b>(15,451)</b>	<b>(17,656)</b>
<b>Cash flows from financing activities</b>				
<b>Receipts:</b>				
Nil				
<b>Payments:</b>				
(444)	Repayment of borrowings and advances		(444)	(422)
<b>(444)</b>	<b>Net cash flow provided (used in) financing activities</b>		<b>(444)</b>	<b>(422)</b>
<b>5,000</b>	<b>Net increase/(decrease) in cash and cash equivalents</b>		<b>(869)</b>	<b>(2,156)</b>
9,692	Plus: cash and cash equivalents – beginning of year	11a	7,196	9,352
<b>14,692</b>	<b>Cash and cash equivalents – end of the year</b>	11a	<b>6,327</b>	<b>7,196</b>
Additional Information:				
plus:	Investments on hand – end of year	6b	39,750	32,253
	<b>Total cash, cash equivalents and investments</b>		<b>46,077</b>	<b>39,449</b>

Please refer to Note 11 for information on the following:

- Non-cash financing and investing activities
- Financing arrangements
- Net cash flow disclosures relating to any discontinued operations

This statement should be read in conjunction with the accompanying notes.

page 8



## Burwood Council

### Notes to the Financial Statements for the year ended 30 June 2017

#### Contents of the notes accompanying the financial statements

Note	Details	Page
1	Summary of significant accounting policies	10
2(a)	Council functions/activities – financial information	22
2(b)	Council functions/activities – component descriptions	23
3	Income from continuing operations	24
4	Expenses from continuing operations	29
5	Gains or losses from the disposal of assets	33
6(a)	Cash and cash equivalent assets	34
6(b)	Investments	34
6(c)	Restricted cash, cash equivalents and investments – details	35
7	Receivables	37
8	Inventories and other assets	38
9(a)	Infrastructure, property, plant and equipment	39
9(b)	Externally restricted infrastructure, property, plant and equipment	40
9(c)	Infrastructure, property, plant and equipment – current year impairments	40
10(a)	Payables, borrowings and provisions	41
10(b)	Description of (and movements in) provisions	42
11	Statement of cash flows – additional information	43
12	Commitments for expenditure	45
13	Statement of performance measures:	
13a (i)	Local government industry indicators (consolidated)	46
13a (ii)	Local government industry graphs (consolidated)	47
14	Investment properties	49
15	Financial risk management	50
16	Material budget variations	54
17	Statement of developer contributions	56
18	Contingencies and other liabilities/assets not recognised	58
19	Interests in other entities	60
20	Retained earnings, revaluation reserves, changes in accounting policies, changes in accounting estimates and errors	63
21	Financial result and financial position by fund	63 n/a
22	'Held for sale' non-current assets and disposal groups	64 n/a
23	Events occurring after the reporting date	64 n/a
24	Discontinued operations	64 n/a
25	Intangible assets	64 n/a
26	Reinstatement, rehabilitation and restoration liabilities	64 n/a
27	Fair value measurement	65
28	Related party disclosures	78
<b>Additional council disclosures</b>		
29	Financial review	79
30	Council information and contact details	80

**n/a** – not applicable

## Burwood Council

### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 1. Summary of significant accounting policies

The principal accounting policies adopted in the preparation of these consolidated financial statements are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

##### **(a) Basis of preparation**

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards and Australian Accounting Interpretations, the Local Government Act 1993 (NSW) and Regulations, and the Local Government Code of Accounting Practice and Financial Reporting. Council is a not for-profit entity for the purpose of preparing these financial statements.

##### **(i) New and amended standards adopted by Council**

AASB 124 Related Party Disclosures was adopted during the year, the impact of this standard had no impact on reporting financial position or performance, however note 28 has been added.

AASB 2014-3 Amendments to Australian Accounting Standards – Accounting for Acquisitions of Interests in Joint Operations [AASB 1 and AASB 11] – this Standard has had no impact on Council.

##### **(ii) Early adoption of standards**

Council has not elected to apply any pronouncements before their operative date in the annual reporting period beginning 1 July 2016.

##### **(iii) Historical cost convention**

These financial statements have been prepared under the historical cost convention, as modified by the revaluation of certain financial assets and liabilities and certain classes of property, plant and equipment and investment property.

##### **(iv) Significant accounting estimates and judgements**

The preparation of financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the Council's accounting policies.

Estimates and judgements are continually evaluated and are based on historical experience and other factors, including expectations of future events that may have a financial impact on the Council and that are believed to be reasonable under the circumstances.

##### **Critical accounting estimates and assumptions**

Council makes estimates and assumptions concerning the future. The resulting accounting estimates will, by definition, seldom equal the related actual results. The estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year include:

- (i) Estimated fair values of investment properties
- (ii) Estimated fair values of infrastructure, property, plant and equipment,

##### **Significant judgements in applying the Council's accounting policies**

- (i) Impairment of Receivables

Council has made a significant judgement about the impairment of a number of its receivables in Note 7.

##### **(b) Revenue recognition**

Council recognises revenue when the amount of revenue can be reliably measured, it is probable that future economic benefits will flow to the Council and specific criteria have been met for each of the Council's activities as described below.

Council bases its estimates on historical results, taking into consideration the type of customer, the type of transaction and the specifics of each arrangement.

Revenue is measured at the fair value of the consideration received or receivable. Revenue is measured on major income categories as follows:

## Burwood Council

## Notes to the Financial Statements

for the year ended 30 June 2017

## Note 1. Summary of significant accounting policies (continued)

**(i) Rates, annual charges, grants and contributions**

Rates, annual charges, grants and contributions (including developer contributions) are recognised as revenue when the Council obtains control over the assets comprising these receipts. Developer contributions may only be expended for the purposes for which the contributions were required, but the Council may apply contributions according to the priorities established in work schedules.

Control over assets acquired from rates and annual charges is obtained at the commencement of the rating year as it is an enforceable debt linked to the rateable property or, where earlier, upon receipt of the rates.

Control over granted assets/contributed assets is normally obtained upon their receipt (or acquittal) or upon earlier notification that a grant has been secured, and is valued at their fair value at the date of transfer.

Where grants or contributions recognised as revenues during the financial year were obtained on condition that they be expended in a particular manner or used over a particular period and those conditions were un-discharged at reporting date, the unused grant or contribution is disclosed in Note 3(g). The note also discloses the amount of unused grant or contribution from prior years that was expended on Council's operations during the current year.

A liability is recognised in respect of revenue that is reciprocal in nature to the extent that the requisite service has not been provided at reporting date.

**(ii) User charges and fees**

User charges and fees (including parking fees and fines) are recognised as revenue when the service has been provided or when the penalty has been applied, whichever first occurs.

**(iii) Sale of infrastructure, property, plant and equipment**

The profit or loss on sale of an asset is determined when control of the asset has irrevocably passed to the buyer.

**(iv) Interest**

Interest income is recognised using the effective interest rate at the date that interest is earned.

**(v) Rent**

Rental income is accounted for on a straight-line basis over the lease term.

**(vi) Dividend income**

Revenue is recognised when the Council's right to receive the payment is established, which is generally when shareholders approve the dividend.

**(vii) Other income**

Other income is recorded when the payment is due, the value of the payment is notified, or the payment is received, whichever occurs first.

**(c) Principles of consolidation****(i) The Consolidated Fund**

In accordance with the provisions of Section 409(1) of the Local Government Act 1993 (NSW), all money and property received by Council is held in the Council's Consolidated Fund unless it is required to be held in the Council's Trust Fund.

The consolidated fund and other entities through which the Council controls resources to carry on its functions have been included in the financial statements forming part of this report.

**(ii) The Trust Fund**

In accordance with the provisions of Section 411 of the Local Government Act 1993 (NSW) (as amended), a separate and distinct Trust Fund is maintained to account for all money and property received by the Council in trust which must be applied only for the purposes of, or in accordance with the trusts relating to those monies. Trust monies and property subject to Council's control have been included in these reports.

Trust monies and property held by Council but not subject to the control of Council have been excluded from these reports. A separate statement of monies

## Burwood Council

### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 1. Summary of significant accounting policies (continued)

held in the Trust Fund is available for inspection at the Council office by any person free of charge.

##### (iii) County Councils

Council is not a member of any county councils.

##### (iv) Interests in other entities

###### Subsidiaries

Council has no interest in any subsidiaries.

###### Joint arrangements

Council has no interest in any joint arrangements.

###### Joint ventures

Interests in joint ventures are accounted for using the equity method in accordance with AASB128 Associates and Joint Ventures. Under this method, the investment is initially recognised as a cost and the carrying amount is increased or decreased to recognise the Council's share of the profit or loss and other comprehensive income of the investee after the date of acquisition.

If the Council's share of losses of a joint venture equals or exceeds its interest in the joint venture, the Council discontinues recognising its share of further losses.

The Council's share in the joint venture's gains or losses arising from transactions between itself and its joint venture are eliminated.

Adjustments are made to the joint venture's accounting policies where they are different from those of the Council for the purpose of the consolidated financial statements.

##### (d) Leases

Leases of property, plant and equipment where Council, as lessee, has substantially all the risks and rewards of ownership are classified as finance leases.

Finance leases are capitalised at the lease's inception at the fair value of the leased property or, if lower, the present value of the minimum lease payments. The corresponding rental obligations, net

of finance charges, are included in other short-term and long-term payables. Each lease payment is allocated between the liability and finance cost. The finance cost is charged to the income statement over the lease period so as to produce a constant periodic rate of interest on the remaining balance of the liability for each period.

The property, plant and equipment acquired under finance leases is depreciated over the asset's useful life or over the shorter of the asset's useful life and the lease term if there is no reasonable certainty that Council will obtain ownership at the end of the lease term.

Leases in which a significant portion of the risks and rewards of ownership are not transferred to Council as lessee are classified as operating leases. Payments made under operating leases (net of any incentives received from the lessor) are charged to the income statement on a straight-line basis over the period of the lease.

Lease income from operating leases where Council is a lessor is recognised as income on a straight-line basis over the lease term.

##### (e) Impairment of assets

Intangible assets that have an indefinite useful life or are not yet available for use are not subject to amortisation and are tested annually for impairment, or more frequently if events or changes in circumstances indicate that they might be impaired.

Other assets are tested for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use.

For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash inflows that are largely independent of the cash inflows from other assets or groups of assets (cash-generating units). Non-financial assets that suffered an impairment are reviewed for possible reversal of the impairment at each reporting date.



## Burwood Council

### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 1. Summary of significant accounting policies (continued)

##### (f) Cash and cash equivalents

For Statement of Cash Flow presentation purposes, cash and cash equivalents includes

- cash on hand;
- deposits held at call with financial institutions;
- other short-term, highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value; and
- bank overdrafts.

Bank overdrafts are shown within borrowings in current liabilities on the Statement of Financial Position.

##### (g) Inventories

###### (i) Raw materials and stores, work in progress and finished goods

Raw materials and stores, work in progress and finished goods are stated at the lower of cost and net realisable value.

Cost comprises direct materials, direct labour, and an appropriate proportion of variable and fixed overhead expenditure, the latter being allocated on the basis of normal operating capacity. Costs are assigned to individual items of inventory on basis of weighted average costs. Costs of purchased inventory are determined after deducting rebates and discounts.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

###### (ii) Inventory held for distribution

Inventory held for distribution is held at cost, adjusted where applicable for any loss of service potential.

##### (iii) Land held for resale/capitalisation of borrowing costs

Land held for resale is stated at the lower of cost and net realisable value. Cost is assigned by specific identification and includes the cost of acquisition, and development and borrowing costs during development. When development is completed borrowing costs and other holding charges are expensed as incurred.

Borrowing costs included in the cost of land held for resale are those costs that would have been avoided if the expenditure on the acquisition and development of the land had not been made. Borrowing costs incurred while active development is interrupted for extended periods are recognised as expenses.

##### (h) Non-current assets (or disposal groups) held for sale and discontinued operations

Non-current assets (or disposal groups) are classified as held for sale if their carrying amount will be recovered principally through a sale transaction rather than through continuing use.

They are measured at the lower of their carrying amount and fair value less costs to sell, except for assets such as deferred tax assets; assets arising from employee benefits; financial assets; and investment properties that are carried at fair value and contractual rights under insurance contracts, which are specifically exempt from this requirement.

An impairment loss is recognised for any initial or subsequent write-down of the asset (or disposal group) to fair value less costs to sell. A gain is recognised for any subsequent increases in fair value less costs to sell of an asset (or disposal group), but not in excess of any cumulative impairment loss previously recognised. A gain or loss not previously recognised by the date of the sale of the non-current asset (or disposal group) is recognised at the date of de-recognition.

Non-current assets (including those that are part of a disposal group) are not depreciated or amortised while they are classified as held for sale. Interest and other expenses attributable to the liabilities of a

## Burwood Council

### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 1. Summary of significant accounting policies (continued)

disposal group classified as held for sale continue to be recognised.

#### (i) Investments and other financial assets

##### Classification

Council classifies its financial assets in the following categories: financial assets at fair value through profit or loss; loans and receivables; held-to-maturity investments; and available-for-sale financial assets.

The classification depends on the purpose for which the investments were acquired. Management determines the classification of its investments at initial recognition and, in the case of assets classified as held-to-maturity, re-evaluates this designation at each reporting date.

##### (i) Financial assets at fair value through profit or loss

Financial assets at fair value through profit or loss are financial assets held for trading. A financial asset is classified in this category if acquired principally for the purpose of selling in the short-term. Assets in this category are classified as current assets.

##### (ii) Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. They are included in current assets, except for those with maturities greater than 12 months after the reporting date which that are classified as non-current assets.

Loans and receivables are included in other receivables (note 8) and receivables (note 7) in the Statement of Financial Position.

Receivables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method, less provision for impairment. Receivables are generally due for settlement within 30 days.

Cash flows relating to short-term receivables are not discounted if the effect of discounting is immaterial.

#### (iii) Held-to-maturity investments

Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturities that Council's management has the positive intention and ability to hold to maturity. If Council were to sell other than an insignificant amount of held-to-maturity financial assets, the whole category would be tainted and reclassified as available-for-sale.

Held-to-maturity financial assets are included in non-current assets, except for those with maturities less than 12 months from the reporting date, that are classified as current assets.

#### (iv) Available-for-sale financial assets

Available-for-sale financial assets are non-derivatives that are either designated in this category or not classified in any of the other categories. They are included in non-current assets unless management intends to dispose of the investment within 12 months of the reporting date.

Investments are designated as available-for-sale if they do not have fixed maturities and fixed or determinable payments and management intends to hold them for the medium to long term.

#### Recognition and de-recognition

Regular purchases and sales of financial assets are recognised on trade-date: the date on which Council commits to purchase or sell the asset.

Investments are initially recognised at fair value plus transaction costs for all financial assets not carried at fair value through profit or loss. Financial assets carried at fair value through profit or loss are initially recognised at fair value and transaction costs are expensed in the income statement.

Financial assets are derecognised when the rights to receive cash flows from the financial assets have expired or have been transferred and Council has transferred substantially all the risks and rewards of ownership.

When securities classified as available-for-sale are sold, the accumulated fair value adjustments recognised in equity are included in the income statement as gains and losses from investment securities.

## Burwood Council

### Notes to the Financial Statements

for the year ended 30 June 2017

#### Note 1. Summary of significant accounting policies (continued)

##### Subsequent measurement

Loans and receivables and held-to-maturity investments are carried at amortised cost using the effective interest method.

Changes in the fair value of other monetary and non-monetary securities classified as available-for-sale are recognised in equity.

##### Impairment

Council assesses at the end of each reporting period whether there is objective evidence that a financial asset or group of financial assets is impaired.

A financial asset or a group of financial assets is impaired and impairment losses are incurred only if there is objective evidence of impairment as a result of one or more events that occurred after the initial recognition of the asset (a 'loss event') and that loss event (or events) has an impact on the estimated future cash flows of the financial asset or group of financial assets that can be reliably estimated.

In the case of equity investments classified as available-for-sale, a significant or prolonged decline in the fair value of the security below its cost is considered an indicator that the assets are impaired.

##### (i) Assets carried at amortised cost

For loans and receivables the amount of the loss is measured as the difference between the asset's carrying amount and the present value of estimated future cash flows (excluding future credit losses that have not been incurred) discounted at the financial asset's original effective interest rate.

The carrying amount of the asset is reduced and the amount of the loss is recognised in profit or loss. If a loan or held-to-maturity investment has a variable interest rate, the discount rate for measuring any impairment loss is the current effective interest rate determined under the contract. As a practical expedient, the Council may measure impairment on the basis of an instrument's fair value using an observable market price.

Collectability of receivables is reviewed on an on-going basis. Debts that are known to be uncollectible are written off by reducing the carrying amount directly. An allowance account (provision for impairment of receivables) is used when there is

objective evidence that Council will not be able to collect all amounts due according to the original terms of the receivables.

Significant financial difficulties of the debtor, probability that the debtor will enter bankruptcy or financial reorganisation, and default or delinquency in payments (more than 30 days overdue) are considered indicators that the receivable is impaired. The amount of the impairment allowance is the difference between the asset's carrying amount and the present value of estimated future cash flows, discounted at the original effective interest rate.

The amount of the impairment loss is recognised in the income statement within other expenses. When a receivable for which an impairment allowance had been recognised becomes uncollectible in a subsequent period it is written off against the allowance account. Subsequent recoveries of amounts previously written off are credited against other expenses in the income statement.

##### Investment Policy

Council has an approved investment policy complying with Section 625 of the Local Government Act 1993 (NSW) and Clause 212 of the Local Government (General) Regulation 2005 (NSW).

Investments are placed and managed in accordance with that policy and having particular regard to authorised investments prescribed under the Ministerial Local Government Investment Order. Council maintains an investment policy that complies with the Act and ensures that it, or its representatives, exercise the care, diligence and skill that a prudent person would exercise in investing Council funds.

Council amended its policy following revisions to the Ministerial Local Government Investment Order (the Order) arising from the Cole Inquiry recommendations. Certain investments the Council holds are no longer prescribed; however, they have been retained under grandfathering provisions of the Order. These will be disposed of when most financially advantageous to Council.

## Burwood Council

Notes to the Financial Statements  
for the year ended 30 June 2017

## Note 1. Summary of significant accounting policies (continued)

**(j) Fair value estimation – financial instruments**

The fair value of financial assets and financial liabilities must be estimated for recognition and measurement or for disclosure purposes.

The fair value of financial instruments traded in active markets is based on quoted market prices at the reporting date.

The fair value of financial instruments that are not traded in an active market is determined using valuation techniques. Council uses a variety of methods and makes assumptions that are based on market conditions existing at each reporting date. Other techniques, such as estimated discounted cash flows, are used to determine fair value for the remaining financial instruments.

The nominal value less estimated credit adjustments of trade receivables and payables are assumed to approximate their fair values. The fair value of financial liabilities for disclosure purposes is estimated by discounting the future contractual cash flows at the current market interest rate that is available to the Council for similar financial instruments.

**(k) Infrastructure, property, plant and equipment (IPPE)**

Council's assets have been progressively revalued to fair value in accordance with a staged implementation advised by the Office of Local Government. At reporting date, the following classes of IPPE were stated at their fair value:

**Externally valued:**

- Operational land
- Community land
- Buildings – specialised/non-specialised
- Roads assets including roads, bridges and footpaths
- Stormwater drainage
- Swimming pools
- Other open space/recreational assets
- Other infrastructure

**Internally valued:**

Council currently does not internally value asset classes.

**As approximated by depreciated historical cost:**

- Plant and equipment
- Other structures
- Other assets

Non-specialised assets with short useful lives are measured at depreciated historical cost as an approximation of fair value. Council has assessed that any difference between fair value and depreciated historical cost is unlikely to be material.

For all other asset classes, Council assesses at each reporting date whether there is any indication that a revalued asset's carrying amount may differ materially from that which would be determined if the asset were revalued at the reporting date. If any such indication exists, Council determines the asset's fair value and revalue the asset to that amount. Full revaluations are undertaken for all assets on a five-year cycle.

Increases in the carrying amounts arising on revaluation are credited to the asset revaluation reserve. To the extent that the increase reverses a decrease previously recognising profit or loss relating to that asset class, the increase is first recognised as profit or loss.

Decreases that reverse previous increases of assets in the same class are first charged against revaluation reserves directly in equity to the extent of the remaining reserve attributable to the class; all other decreases are charged to the Income Statement.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to Council and the cost of the item can be measured reliably. All other repairs and maintenance are charged to the income statement during the financial period in which they are incurred.

**Depreciation**

Land is not depreciated.



## Burwood Council

## Notes to the Financial Statements

for the year ended 30 June 2017

## Note 1. Summary of significant accounting policies (continued)

Depreciation on other assets is calculated using the straight line method to allocate their cost, net of their residual values, over their estimated useful lives as follows:

**Plant and equipment**

- Office equipment	5 to 10 years
- Office furniture	10 to 20 years
- Computer equipment	5 years
- Vehicles	5 to 10 years
- Heavy plant/road making equipment	5 to 10 years
- Other plant and equipment	5 to 15 years

**Other equipment**

- Playground equipment	5 to 15 years
- Benches, seats etc.	10 to 20 years

**Buildings**

- Buildings: masonry	50 to 100 years
- Buildings: other	20 to 100 years

**Stormwater assets**

- Drains	100 to 200 years
- Culverts	80 to 100 years

**Transportation assets**

- Sealed roads: surface	25 to 30 years
- Sealed roads: structure	Infinite
- Unsealed roads	20 years
- Bridge: concrete	100 years
- Bridge: other	50 years
- Road pavements	75 to 225 years
- Kerb, gutter and footpaths	50 to 90 years

**Other infrastructure assets**

- Bulk earthworks	Infinite
- Swimming pools	50 years
- Other open space/ recreational assets	5 to 15 years

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at each reporting date.

Gains and losses on disposals are determined by comparing proceeds with carrying amount. These are included in the income statement.

**(l) Investment property**

Investment property, principally comprising freehold office buildings, is held for long-term rental yields and is not occupied by the Council.

Investment property is carried at fair value, representing an open-market value determined annually by external valuers.

Annual changes in the fair value of investment properties are recorded in the Income Statement as part of 'other income'.

Full revaluations are carried out every 3 years with an appropriate index utilised each year in between the full revaluations.

The last full revaluation for Council's investment properties was dated 30 June 2017 by Scott Fullarton Valuations Pty Ltd.

Properties that are under construction for future use as investment properties are regarded as investment properties. These are also carried at fair value unless the fair value cannot yet be reliably determined. Where that is the case, the property will be accounted for at cost until either the fair value becomes reliably determinable or construction is complete.

**(m) Payables**

These amounts represent liabilities for goods and services provided to the Council prior to the end of financial year that are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

**(n) Borrowings**

Borrowings are initially recognised at fair value, net of transaction costs incurred. Borrowings are subsequently measured at amortised cost. Any difference between the proceeds (net of transaction costs) and the redemption amount is recognised in the income statement over the period of the borrowings using the effective interest method.

Fees paid on the establishment of loan facilities are recognised as transaction costs of the loan to the

## Burwood Council

## Notes to the Financial Statements

for the year ended 30 June 2017

## Note 1. Summary of significant accounting policies (continued)

extent that it is probable that some or all of the facility will be drawn down. In this case, the fee is deferred until the draw down occurs. To the extent there is no evidence that it is probable that some or all of the facility will be drawn down, the fee is capitalised as a prepayment for liquidity services and amortised over the period of the facility to which it relates.

Borrowings are removed from the Statement of Financial Position when the obligation specified in the contract is discharged, cancelled or expired. The difference between the carrying amount of a financial liability that has been extinguished or transferred to another party and the consideration paid, including any non-cash assets transferred or liabilities assumed, is recognised in other income or finance cost.

Borrowings are classified as current liabilities unless Council has an unconditional right to defer settlement of the liability for at least 12 months after the reporting date.

**(o) Borrowing costs**

Borrowing costs incurred for the construction of any qualifying asset are capitalised during the period of time that is required to complete and prepare the asset for its intended use or sale. Other borrowing costs are expensed.

**(p) Provisions**

Provisions are recognised when Council has a present legal or constructive obligation as a result of past events, it is probable that an outflow of resources will be required to settle the obligation, and the amount has been reliably estimated.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

Provisions are measured at the present value of management's best estimate of the expenditure required to settle the present obligation at the reporting date. The discount rate used to determine

the present value reflects current market assessments of the time value of money and the risks specific to the liability. The increase in the provision due to the passage of time is recognised as interest expense.

**(q) Employee benefits****(i) Short-term obligations**

Liabilities for wages and salaries, including non-monetary benefits, annual leave and accumulating sick leave expected to be wholly settled within 12 months after the end of the period in which the employees render the related service are recognised in respect of employees' services up to the end of the reporting period and are measured at the amounts expected to be paid when the liabilities are settled.

The liability for annual leave and accumulating sick leave is recognised in the provision for employee benefits. All other short-term employee benefit obligations are presented as payables.

**(ii) Other long-term employee benefit obligations**

The liability for long service leave and annual leave that is not expected to be wholly settled within 12 months after the end of the period in which the employees render the related service is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the end of the reporting period using the projected unit credit method.

Consideration is given to expected future wage and salary levels, experience of employee departures, and periods of service. Expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity and currency that match, as closely as possible, the estimated future cash outflows.

The obligations are presented as current liabilities in the Statement of Financial Position if the Council does not have an unconditional right to defer settlement for at least 12 months after the reporting date, regardless of when the actual settlement is expected to occur.

## Burwood Council

### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 1. Summary of significant accounting policies (continued)

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##### (iii) Retirement benefit obligations

All employees of the Council are entitled to benefits on retirement, disability or death. Council contributes to various defined benefit plans and defined contribution plans on behalf of its employees.

##### Defined Benefit Plans

A liability or asset in respect of defined benefit superannuation plans would ordinarily be recognised in the Statement of Financial Position, and measured as the present value of the defined benefit obligation at the reporting date plus unrecognised actuarial gains (less unrecognised actuarial losses) less the fair value of the superannuation fund's assets at that date and any unrecognised past service cost.

The present value of the defined benefit obligation is based on expected future payments that arise from membership of the fund to the reporting date, calculated annually by independent actuaries using the projected unit credit method.

Consideration is given to expected future wage and salary levels, experience of employee departures, and periods of service. However, when this information is not reliably available, Council accounts for its obligations to defined benefit plans on the same basis as its obligations to defined contribution plans, i.e. as an expense when it becomes payable.

##### Defined Contribution Plans

Contributions to defined contribution plans are recognised as an expense as they become payable. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in the future payments is available.

##### (r) Land under roads

Land under roads acquired after 1 July 2008 is recognised in accordance with AASB 116 – Property, Plant and Equipment.

Land under roads is land under roadways and road reserves including land under footpaths, nature strips and median strips.

Council has elected not to recognise land under roads acquired before 1 July 2008 in accordance with AASB 1051 Land Under Roads.

Land under roads acquired after 1 July 2008 is recognised in accordance with AASB 116 Property, Plant and Equipment.

##### (s) Self-insurance

Council has decided to self-insure for various risks, including public liability and professional indemnity through a Joint Venture activity: "CivicRisk Mutual" comprising a number of Local Government Council's.

A provision for self-insurance has been made to recognise outstanding claims, the amount of which is detailed in Note 10. Council also maintains cash and investments to meet expected future claims; these are detailed in Note 6(c).

##### (t) Intangible assets

###### *IT development and software*

Costs incurred in developing products or systems and costs incurred in acquiring software and licenses that will contribute to future period financial benefits through revenue generation and/or cost reduction are capitalised to software and systems.

Costs capitalised include external direct costs of materials and service, direct payroll, and payroll related costs of employees' time spent on the project.

Amortisation is calculated on a straight line basis over periods generally ranging from three to five years.

IT development costs include only those costs directly attributable to the development phase and are only recognised following completion of technical feasibility, and where Council has an intention and ability to use the asset.

##### (u) Crown reserves

Crown Reserves under Council's care and control are recognised as assets of the Council. While ownership of the reserves remains with the Crown,

## Burwood Council

## Notes to the Financial Statements

for the year ended 30 June 2017

## Note 1. Summary of significant accounting policies (continued)

Council retains operational control of the reserves and is responsible for their maintenance and use in accordance with the specific purposes to which the reserves are dedicated.

Improvements on Crown Reserves are also recorded as assets, while maintenance costs incurred by Council and revenues relating to the reserves are recognised within Council's Income Statement.

**(v) Rural fire service assets**

Council does not operate a Rural Fire Service.

**(w) Goods and Services Tax (GST)**

Revenues, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the taxation authority. In this case it is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to the taxation authority is included with other receivables or payables in the Statement of Financial Position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which that are recoverable from, or payable to the taxation authority are presented as operating cash flows.

**(x) New accounting standards and interpretations issued not yet effective**

Certain new accounting standards and interpretations have been published that are not mandatory for the current reporting period and which have not been applied.

As at the date of authorisation of the financial statements, the standards and interpretations listed below were in issue but not yet effective.

**Effective for annual reporting periods beginning on or after 1 January 2017**

- AASB 2014-5 Amendments to Australian Accounting Standards arising from AASB 15
- AASB 2015-8 Amendments to Australian Accounting Standards – Effective Date of AASB 15
- AASB 2016-2 Amendments to Australian Accounting Standards – Disclosure Initiative: Amendments to AASB 107
- AASB 2016-7 Amendments to Australian Accounting Standards – Deferral of AASB 15 for Not-for-Profit Entities

**Effective for annual reporting periods beginning on or after 13 February 2017**

- AASB 2017-2 Amendments to Australian Accounting Standards – Further Annual Improvements 2014- 16 Cycle

**Effective for annual reporting periods beginning on or after 13 December 2017**

- AASB 2017-1 Amendments to Australian Accounting Standards – Transfers of Investment Property, Annual Improvements 2014-2016 Cycle and Other Amendments

**Effective for annual reporting periods beginning on or after 1 January 2018**

- AASB 9 Financial Instruments (December 2009)
- AASB 15 Revenue from Contracts with Customers
- AASB 2010-7 Amendments to Australian Accounting Standards arising from AASB 9 (December 2010)
- AASB 2014-1 Amendments to Australian Accounting Standards (Part E)
- AASB 2014-7 Amendments to Australian Accounting Standards arising from AASB 9 (December 2014)AASB 1057 Application of Australian Accounting Standards
- AASB 2016-3 Amendments to Australian Accounting Standards – Clarifications to AASB 15
- AASB 2016-6 Amendments to Australian Accounting Standards – Applying AASB 9 Financial Instruments with AASB 4 Insurance Contracts



## Burwood Council

### Notes to the Financial Statements

for the year ended 30 June 2017

#### Note 1. Summary of significant accounting policies (continued)

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##### **Effective for annual reporting periods beginning on or after 1 January 2019**

- AASB 16 Leases
- AASB 16 Leases (Appendix D)
- AASB 2016-8 Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Entities
- AASB 1058 Income of Not-for-Profit Entities
- AASB 2016-8 Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Entities

The full impact of these standards has yet to be ascertained or quantified but will range from additional and/or revised disclosures to changes in how certain transactions and balances are accounted for.

##### **(y) Rounding of amounts**

Unless otherwise indicated, amounts in the financial statements have been rounded off to the nearest thousand dollars.

##### **(z) Comparative figures**

To ensure comparability with the current reporting period's figures, some comparative period line items and amounts may have been reclassified or individually reported for the first time within these financial statements and/or the notes.

##### **(aa) Disclaimer**

Nothing contained within these statements may be taken to be an admission of any liability to any person under any circumstance.

**ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC**  
**General Purpose Financial Statements year ended 30 June 2017**

## Burwood Council

**Notes to the Financial Statements**  
for the year ended 30 June 2017

**Note 2(a). Council functions/activities – financial information**

\$ '000	Income, expenses and assets have been directly attributed to the following functions/activities. Details of these functions/activities are provided in Note 2(b).													
	Functions/activities	Income from continuing operations			Expenses from continuing operations			Operating result from continuing operations			Grants included in income from continuing operations		Total assets held (current and non-current)	
		Original budget 2017	Actual 2017	Actual 2016	Original budget 2017	Actual 2017	Actual 2016	Original budget 2017	Actual 2017	Actual 2016	Actual 2017	Actual 2016		
Governance		7	8	16	685	555	540	(678)	(547)	(524)	–	–	47,780	44,677
Administration		1,626	3,945	2,006	9,838	10,347	10,825	(8,212)	(6,402)	(8,819)	69	74	37,515	30,189
Public order and safety		232	173	283	1,754	1,754	1,763	(1,522)	(1,581)	(1,480)	–	–	1,879	1,872
Health		220	246	176	285	357	317	(65)	(111)	(141)	–	–	83	98
Environment		5,962	5,750	5,834	7,536	7,281	7,190	(1,574)	(1,531)	(1,356)	320	358	28,734	30,813
Community services and education		1,225	1,277	1,250	2,352	2,440	2,434	(1,127)	(1,163)	(1,184)	1,238	1,207	2,687	2,825
Housing and community amenities		5,173	3,195	7,913	2,797	3,069	4,018	2,376	126	3,885	80	80	1,076	1,165
Recreation and culture		1,660	2,251	2,033	8,038	7,976	7,365	(6,378)	(5,725)	(5,332)	310	186	82,807	79,757
Mining, manufacturing and construction		–	–	–	375	437	437	(375)	(437)	(437)	–	–	77	99
Transport and communication		9,298	9,748	10,371	10,594	8,263	7,837	(1,296)	1,485	2,534	551	720	217,932	211,840
<b>Total functions and activities</b>		<b>25,403</b>	<b>26,593</b>	<b>29,882</b>	<b>44,254</b>	<b>42,479</b>	<b>42,726</b>	<b>(18,851)</b>	<b>(15,886)</b>	<b>(12,844)</b>	<b>2,568</b>	<b>2,625</b>	<b>420,570</b>	<b>403,335</b>
Share of gains/(losses) in associates and joint ventures (using the equity method)		–	53	–	–	–	89	–	53	(89)	–	–	30	–
General purpose income <sup>1</sup>		21,640	22,573	21,080	–	–	–	21,640	22,573	21,080	1,649	1,161	–	–
<b>Operating result from continuing operations</b>		<b>47,043</b>	<b>49,219</b>	<b>50,962</b>	<b>44,254</b>	<b>42,479</b>	<b>42,815</b>	<b>2,789</b>	<b>6,740</b>	<b>8,147</b>	<b>4,217</b>	<b>3,786</b>	<b>420,600</b>	<b>403,335</b>

1. Includes: rates and annual charges (incl. ex-gratia), unified general purpose grants and unrestricted interest and investment income.

## Burwood Council

### Notes to the Financial Statements

for the year ended 30 June 2017

### Note 2(b). Council functions/activities – component descriptions

**Details relating to the Council's functions/activities as reported in Note 2(a) are as follows:**

#### GOVERNANCE

Includes costs relating to Council's role as a component of democratic government, including elections, members' fees and expenses, subscriptions to local authority associations, meetings of Council and policy-making committees, public disclosure (e.g. GIPA), and legislative compliance.

#### ADMINISTRATION

Includes corporate support and other support services, engineering works, and any Council policy compliance.

#### PUBLIC ORDER AND SAFETY

Includes Council's fire and emergency services levy, fire protection, emergency services, beach control, enforcement of regulations and animal control.

#### HEALTH

Includes immunisation, food control, health centres etc.

#### ENVIRONMENT

Includes noxious plants and insect/vermin control; other environmental protection; solid waste management, including domestic waste; other waste management; other sanitation; and garbage, street cleaning, drainage and stormwater management.

#### COMMUNITY SERVICES AND EDUCATION

Includes administration and education; social protection (welfare); migrant, Aboriginal and other community services and administration (excluding accommodation – as it is covered under 'housing and community amenities'); youth services; aged and disabled persons services; children's services, including family day care; child care; and other family and children services.

#### HOUSING AND COMMUNITY AMENITIES

Includes public cemeteries; public conveniences; street lighting; town planning; other community amenities, including housing development and accommodation for families and children, aged persons, disabled persons, migrants and Indigenous persons.

#### RECREATION AND CULTURE

Includes public libraries; museums; art galleries; community centres and halls, including public halls and performing arts venues; sporting grounds and venues; swimming pools; parks; gardens; lakes; and other sporting, recreational and cultural services.

#### MINING, MANUFACTURING AND CONSTRUCTION

Includes building control, quarries and pits, mineral resources, and abattoirs.

#### TRANSPORT AND COMMUNICATION

Urban local, urban regional, includes sealed and unsealed roads, bridges, footpaths, parking areas, and aerodromes.

#### ECONOMIC AFFAIRS

Includes camping areas and caravan parks; tourism and area promotion; industrial development promotion; sale yards and markets; real estate development; commercial nurseries; and other business undertakings.

# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

#### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 3. Income from continuing operations

\$ '000	Notes	Actual 2017	Actual 2016
<b>(a) Rates and annual charges</b>			
<b>Ordinary rates</b>			
Residential		14,620	13,144
Business		5,208	4,890
<b>Total ordinary rates</b>		<b>19,828</b>	<b>18,034</b>
<b>Special rates</b>			
Nil			
<b>Annual charges</b> (pursuant to s.496, s.496A, s.496B, s.501 & s.611)			
Domestic waste management services		4,774	4,536
Stormwater management services		276	267
Section 611 charges		49	51
<b>Total annual charges</b>		<b>5,099</b>	<b>4,854</b>
<b>TOTAL RATES AND ANNUAL CHARGES</b>		<b>24,927</b>	<b>22,888</b>

Council has used 2013 year valuations provided by the NSW Valuer General in calculating its rates.



# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

#### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 3. Income from continuing operations (continued)

\$ '000	Notes	Actual 2017	Actual 2016
<b>(b) User charges and fees</b>			
<b>Specific user charges</b> (per s.502 – specific 'actual use' charges)			
Domestic waste management services		29	27
Waste management services (non-domestic)		438	425
<b>Total user charges</b>		<b>467</b>	<b>452</b>
<b>Other user charges and fees</b>			
<b>(i) Fees and charges – statutory and regulatory functions (per s.608)</b>			
Developer fees		727	626
Engineering and administration		1,044	980
Licence and inspection fees		297	212
Licence fees – outdoor eating		129	144
Private works – section 67		280	238
Section 149 certificates (EPA Act)		93	105
Section 603 certificates		47	49
Other		1	1
<b>Total fees and charges – statutory/regulatory</b>		<b>2,618</b>	<b>2,355</b>
<b>(ii) Fees and charges – other (incl. general user charges (per s.608))</b>			
Car parking meters		1,809	1,743
Car parking station		1,012	1,029
Community centres		208	194
Cultural event hire charges		79	84
Fire and emergency services levy (FESL) implementation		84	–
Leaseback fees – Council vehicles		200	211
Park rents		112	106
Property rental – commercial		833	706
Property rental – residential		208	207
Street furniture advertising income		1,002	941
Swimming centre and gym fees		1,531	1,477
Other		72	58
<b>Total fees and charges – other</b>		<b>7,150</b>	<b>6,756</b>
<b>TOTAL USER CHARGES AND FEES</b>		<b>10,235</b>	<b>9,563</b>

**ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC**  
**General Purpose Financial Statements year ended 30 June 2017**

Financial Statements 2017

## Burwood Council

Notes to the Financial Statements  
for the year ended 30 June 2017

## Note 3. Income from continuing operations (continued)

\$ '000	Notes	Actual 2017	Actual 2016
<b>(c) Interest and investment revenue (including losses)</b>			
<b>Interest</b>			
– Interest on overdue rates and annual charges (incl. special purpose rates)		41	44
– Interest earned on investments (interest and coupon payment income)		1,167	1,328
<b>Dividend income</b>		7	664
<b>Fair value adjustments</b>			
– Fair valuation movements in investments (at fair value or held for trading)		–	12
<b><u>TOTAL INTEREST AND INVESTMENT REVENUE</u></b>		<b><u>1,215</u></b>	<b><u>2,048</u></b>
<b>Interest revenue is attributable to:</b>			
<b>Unrestricted investments/financial assets:</b>			
Overdue rates and annual charges (general fund)		41	44
General Council cash and investments		1,055	1,841
<b>Restricted investments/funds – external:</b>			
Development contributions			
– Section 94		119	163
<b><u>Total interest and investment revenue recognised</u></b>		<b><u>1,215</u></b>	<b><u>2,048</u></b>
<b>(d) Other revenues</b>			
Fair value increments – investment properties	14	100	80
Rental income – investment properties	14	304	294
Fines		35	32
Fines – parking		3,853	3,579
Legal fees recovery – rates and charges (extra charges)		25	24
Legal fees recovery – other		33	176
Animal control fees		5	37
Diesel rebate		5	4
Insurance claim recoveries		6	–
OHS incentive rebate		103	51
Other – Refund Carbon Tax		–	120
Recycling (domestic waste)		130	118
Sale of abandoned vehicles		2	10
Sales – general		27	24
Sales – library		19	24
Workers compensation recovery		36	3
Other – refunds		60	–
Other		67	66
<b><u>TOTAL OTHER REVENUE</u></b>		<b><u>4,810</u></b>	<b><u>4,642</u></b>

# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

#### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 3. Income from continuing operations (continued)

\$ '000	2017 Operating	2016 Operating	2017 Capital	2016 Capital
<b>(e) Grants</b>				
<b>General purpose (untied)</b>				
Financial assistance – general component	1,100	731	–	–
Financial assistance – local roads component	368	248	–	–
Pensioners' rates subsidies – general component	181	182	–	–
<b>Total general purpose</b>	<b>1,649</b>	<b>1,161</b>	<b>–</b>	<b>–</b>
<b>Specific purpose</b>				
Pensioners' rates subsidies:				
– Domestic waste management	54	58	–	–
Community services	1,238	1,207	–	–
Employment and training programs	–	3	–	–
Environmental protection	214	212	–	–
Flood mitigation	52	88	–	–
Library – per capita	67	67	–	–
Library – special projects	1	2	33	32
LIRS subsidy	52	55	–	–
Other – family leave subsidy	12	16	–	–
Recreation and culture	–	–	209	85
Street lighting	80	80	–	–
Traffic route subsidy	21	20	–	–
Transport (roads to recovery)	–	–	389	337
Transport (other roads and bridges funding)	71	63	70	300
Other	5	–	–	–
<b>Total specific purpose</b>	<b>1,867</b>	<b>1,871</b>	<b>701</b>	<b>754</b>
<b>Total grants</b>	<b>3,516</b>	<b>3,032</b>	<b>701</b>	<b>754</b>
<b>Grant revenue is attributable to:</b>				
– Commonwealth funding	2,442	1,948	598	337
– State funding	1,074	1,084	103	417
	<b>3,516</b>	<b>3,032</b>	<b>701</b>	<b>754</b>

**ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC**  
**General Purpose Financial Statements year ended 30 June 2017**

Financial Statements 2017

## Burwood Council

Notes to the Financial Statements  
for the year ended 30 June 2017

## Note 3. Income from continuing operations (continued)

\$ '000	2017 Operating	2016 Operating	2017 Capital	2016 Capital
(f) Contributions				
<b>Developer contributions:</b>				
<b>(s93 &amp; s94 – EP&amp;A Act, s64 of the LGA):</b>				
S 93F – contributions using planning agreements	–	–	880	3,938
S 94A – fixed development consent levies	–	–	1,116	2,632
<b>Total developer contributions</b> 17	<b>–</b>	<b>–</b>	<b>1,996</b>	<b>6,570</b>
<b>Other contributions:</b>				
Community services	23	30	–	–
Drainage	22	–	–	–
Kerb and gutter	189	420	1,257	832
Other councils – joint works/services	10	3	–	–
Recreation and culture	24	26	–	–
RMS contributions (regional roads, block grant)	98	96	–	–
Other	19	21	–	–
<b>Total other contributions</b>	<b>385</b>	<b>596</b>	<b>1,257</b>	<b>832</b>
<b>Total contributions</b>	<b>385</b>	<b>596</b>	<b>3,253</b>	<b>7,402</b>
<b>TOTAL GRANTS AND CONTRIBUTIONS</b>	<b>3,901</b>	<b>3,628</b>	<b>3,954</b>	<b>8,156</b>

\$ '000	Actual 2017	Actual 2016
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## (g) Unspent grants and contributions

**Certain grants and contributions are obtained by Council on condition that they be spent in a specified manner:**

Unexpended at the close of the previous reporting period	11,846	8,068
<b>Add:</b> grants and contributions recognised in the current period but not yet spent:	2,393	6,414
<b>Less:</b> grants and contributions recognised in a previous reporting period now spent:	(2,929)	(2,636)
<b>Net increase (decrease) in restricted assets during the period</b>	<b>(536)</b>	<b>3,778</b>
<b>Unexpended and held as restricted assets</b>	<b>11,310</b>	<b>11,846</b>
<b>Comprising:</b>		
– Specific purpose unexpended grants	894	791
– Developer contributions	10,416	11,055
	<b>11,310</b>	<b>11,846</b>

# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

#### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 4. Expenses from continuing operations

\$ '000	Notes	Actual 2017	Actual 2016
<b>(a) Employee benefits and on-costs</b>			
Salaries and wages		13,116	12,946
Employee leave entitlements (ELE)		2,275	2,461
Superannuation		1,619	1,597
Superannuation – defined benefit plans		29	27
Workers' compensation insurance		330	314
Fringe benefit tax (FBT)		152	218
Training costs (other than salaries and wages)		102	149
<b>Total employee costs</b>		<b>17,623</b>	<b>17,712</b>
Less: capitalised costs		(161)	(78)
<b>TOTAL EMPLOYEE COSTS EXPENSED</b>		<b>17,462</b>	<b>17,634</b>
Number of 'full-time equivalent' employees (FTE) at year end		170	170
<b>(b) Borrowing costs</b>			
<b>(i) Interest bearing liability costs</b>			
Interest on loans		335	354
<b>Total interest bearing liability costs expensed</b>		<b>335</b>	<b>354</b>
<b>(ii) Other borrowing costs</b>			
Nil			
<b>TOTAL BORROWING COSTS EXPENSED</b>		<b>335</b>	<b>354</b>

# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

#### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 4. Expenses from continuing operations (continued)

\$ '000	Notes	Actual 2017	Actual 2016
<b>(c) Materials and contracts</b>			
Raw materials and consumables		1,421	1,383
Contractor and consultancy costs			
– Agency staff		1,575	1,283
– Domestic waste		912	862
– General		3,997	3,888
– Recycling		487	466
– SDR processing		488	522
– Contractor and consultancy costs		655	759
Auditors remuneration <sup>(1)</sup>		58	53
Legal expenses:			
– Legal expenses: planning and development		215	146
– Legal expenses: debt recovery		27	28
– Legal expenses: other		215	1,394
Operating leases:			
– Operating lease rentals: minimum lease payments <sup>(2)</sup>		151	172
<b>TOTAL MATERIALS AND CONTRACTS</b>		<b>10,201</b>	<b>10,956</b>
<b>1. Auditor remuneration</b>			
a. During the year, the following fees were incurred for services provided by the Auditor-General:			
<b>(i) Audit and other assurance services</b>			
– Audit and review of financial statements: Auditor-General		55	–
<b>Remuneration for audit and other assurance services</b>		<b>55</b>	<b>–</b>
<b>Total Auditor-General remuneration</b>		<b>55</b>	<b>–</b>
<b>(ii) Audit and other assurance services</b>			
– Audit and review of financial statements: Council's Auditor		–	41
– Other audit and assurance services		3	12
<b>Remuneration for other services</b>		<b>3</b>	<b>53</b>
<b>Total Auditor remuneration</b>		<b>58</b>	<b>53</b>
<b>2. Operating lease payments are attributable to:</b>			
Computers		127	85
Other		24	87
		<b>151</b>	<b>172</b>

# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

#### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 4. Expenses from continuing operations (continued)

\$ '000	Notes	Actual 2017	Actual 2016
(d) Depreciation, amortisation and impairment			
Plant and equipment		767	871
Office equipment		151	150
Furniture and fittings		296	243
Land improvements (depreciable)		219	175
Infrastructure:			
– Buildings – non-specialised		87	73
– Buildings – specialised		993	912
– Other structures		90	256
– Roads		1,951	1,907
– Footpaths		687	676
– Other road assets		161	–
– Stormwater drainage		654	649
– Swimming pools		122	121
– Other open space/recreational assets		212	–
Other assets			
– Library books		126	138
– Other		203	221
<b>Total depreciation and amortisation costs</b>		<b>6,719</b>	<b>6,392</b>
<b>Impairment</b>			
Infrastructure:			
– Buildings – non-specialised		96	–
<b>Total gross impairment costs</b>		<b>96</b>	<b>–</b>
<b>TOTAL DEPRECIATION AND IMPAIRMENT COSTS EXPENSED</b>		<b>6,815</b>	<b>6,392</b>

# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

#### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 4. Expenses from continuing operations (continued)

\$ '000	Notes	Actual 2017	Actual 2016
<b>(e) Other expenses</b>			
Advertising		192	193
Bad and doubtful debts		53	32
Bank charges		154	141
Computing		978	952
Contributions/levies to other levels of government			
– Department of planning levy		73	71
– Emergency services levy (includes FRNSW, SES, and RFS levies)		63	58
– NSW fire brigade levy		481	453
– Waste levy		4	–
Councillor expenses – mayoral fee		41	40
Councillor expenses – councillors' fees		113	110
Councillors' expenses (incl. mayor) – other (excluding fees above)		87	143
Donations, contributions and assistance to other organisations (Section 356)		38	38
Electricity and heating		322	278
Insurance		634	639
Postage		101	92
Printing and stationery		245	236
Rental		71	78
Strata levy		138	77
Street lighting		522	538
Subscriptions and publications		122	145
Subscriptions LGA and SSROC		111	107
Telephone and communications		70	76
Valuation fees – council properties		8	3
Valuation fees – rates land values		49	49
Waste disposal fees		2,670	2,690
Water and sewerage charges		113	118
Other - Refund Property Deposit		191	–
Other		22	33
<b><u>TOTAL OTHER EXPENSES</u></b>		<b><u>7,666</u></b>	<b><u>7,390</u></b>



# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

#### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 5. Gains or losses from the disposal of assets

\$ '000	Notes	Actual 2017	Actual 2016
<b>Property</b> (excl. investment property)			
Proceeds from disposal – property		–	16
<b>Net gain/(loss) on disposal</b>		<b>–</b>	<b>16</b>
<b>Plant and equipment</b>			
Proceeds from disposal – plant and equipment		634	765
Less: carrying amount of plant and equipment assets sold/written off		(540)	(740)
<b>Net gain/(loss) on disposal</b>		<b>94</b>	<b>25</b>
<b>Infrastructure</b>			
Proceeds from disposal – infrastructure		1,723	–
Less: carrying amount of infrastructure assets sold/written off		(1,693)	(3)
<b>Net gain/(loss) on disposal</b>		<b>30</b>	<b>(3)</b>
<b>Financial assets</b>			
Proceeds from disposal/redemptions/maturities – financial assets		55,000	58,500
Less: carrying amount of financial assets sold/redeemed/matured		(55,000)	(58,500)
<b>Net gain/(loss) on disposal</b>		<b>–</b>	<b>–</b>
<b>Other – Office Furniture</b>			
Less: carrying amount of Other – Office Furniture assets sold/written off		–	(1)
<b>Net gain/(loss) on disposal</b>		<b>–</b>	<b>(1)</b>
<b>NET GAIN/(LOSS) ON DISPOSAL OF ASSETS</b>		<b>124</b>	<b>37</b>

During 2015-16, Council sold part of Marmaduke Street boundary to boundary including underground drains. These assets could not be identified within Council's asset register and were given a nominal value for sale.

# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

#### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 6a. – Cash assets and Note 6b. – investments

		2017 Actual Current	2017 Actual Non-current	2016 Actual Current	2016 Actual Non-current
\$ '000	Notes				
<b>Cash and cash equivalents (Note 6a)</b>					
Cash on hand and at bank		1,230	–	1,651	–
Cash-equivalent assets <sup>1</sup>					
– Deposits at call		3,097	–	3,045	–
– Short-term deposits		2,000	–	2,500	–
<b>Total cash and cash equivalents</b>		<b>6,327</b>	<b>–</b>	<b>7,196</b>	<b>–</b>
<b>Investments (Note 6b)</b>					
– Long term deposits		32,000	–	25,500	–
– NCD's, FRN's (with maturities > 3 months)		7,750	–	6,750	–
– CDO's		–	–	3	–
<b>Total investments</b>		<b>39,750</b>	<b>–</b>	<b>32,253</b>	<b>–</b>
<b>TOTAL CASH ASSETS, CASH EQUIVALENTS AND INVESTMENTS</b>		<b>46,077</b>	<b>–</b>	<b>39,449</b>	<b>–</b>

<sup>1</sup> Those investments where time to maturity (from date of purchase) is < 3 mths.

**Cash, cash equivalents and investments were  
classified at year end in accordance with  
AASB 139 as follows:**

<b>Cash and cash equivalents</b>					
<b>a. 'At fair value through the profit and loss'</b>		<b>6,327</b>	<b>–</b>	<b>7,196</b>	<b>–</b>
<b>Investments</b>					
<b>a. 'At fair value through the profit and loss'</b>					
– 'Held for trading'		–	–	3	–
<b>b. 'Held to maturity'</b>		<b>39,750</b>	<b>–</b>	<b>32,250</b>	<b>–</b>
<b>Investments</b>		<b>39,750</b>	<b>–</b>	<b>32,253</b>	<b>–</b>

Refer to Note 27. Fair value measurement for information regarding the fair value of investments held.

# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

#### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 6c. Restricted cash, cash equivalents and investments – details

\$ '000	2017 Actual Current	2017 Actual Non-current	2016 Actual Current	2016 Actual Non-current
Total cash, cash equivalents and investments	46,077	–	39,449	–
attributable to:				
External restrictions (refer below)	14,170	–	15,062	–
Internal restrictions (refer below)	26,633	–	21,124	–
Unrestricted	5,274	–	3,263	–
	46,077	–	39,449	–

2017 \$ '000	Opening balance	Transfers to restrictions	Transfers from restrictions	Closing balance
-----------------	--------------------	------------------------------	--------------------------------	--------------------

#### Details of restrictions

##### External restrictions – included in liabilities

Nil

##### External restrictions – other

Developer contributions – general	(D)	11,055	2,115	(2,754)	10,416
Specific purpose unexpended grants	(F)	791	103	–	894
Domestic waste management	(G)	1,886	393	–	2,279
Stormwater management	(G)	–	276	(276)	–
Unexpended general purpose loans		1,330	–	(749)	581
External restrictions – other		15,062	2,887	(3,779)	14,170
Total external restrictions		15,062	2,887	(3,779)	14,170

D Development contributions which are not yet expended for the provision of services and amenities in accordance with contributions plans (refer Note 17).

F Grants which are not yet expended for the purposes for which the grants were obtained. (refer Note 1 (b))

G Water, sewerage, domestic waste management (DWM) and other special rates/levies/charges are externally restricted assets and must be applied for the purposes for which they were raised.

# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

#### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 6c. Restricted cash, cash equivalents and investments – details (continued)

2017 \$ '000	Opening balance	Transfers to restrictions	Transfers from restrictions	Closing balance
<b>Internal restrictions</b>				
Plant and vehicle replacement	2,627	1,467	(521)	3,573
Employees leave entitlement	1,356	37	–	1,393
Carry over works	1,078	400	–	1,478
Deposits, retentions and bonds	4,144	504	–	4,648
Burwood park upgrade	1,000	–	–	1,000
Car park upgrades	574	–	–	574
CCTV	178	319	–	497
Election	220	50	–	270
Enfield aquatic centre maintenance/upgrade	966	75	–	1,041
Future property investment	4,394	1,723	(200)	5,917
Information technology	438	75	(201)	312
Infrastructure (SRV)	–	748	(748)	–
Insurances	786	200	–	986
WHS	30	100	–	130
Parking meter replacement	250	50	(223)	77
Property maintenance	560	290	–	850
Property sales	500	–	–	500
Road and footpath restorations (Private Works)	527	22	–	549
Woodstock community building upgrade	667	–	(380)	287
Wangal park upgrade	640	–	(640)	–
LATMs	–	54	–	54
Organisational Alignment	–	500	–	500
Payments in Advance	–	351	–	351
Financial Assistance Grant (Inadvance)	–	500	–	500
Technology Enhancements	–	950	–	950
Other	189	12	(5)	196
<b>Total internal restrictions</b>	<b>21,124</b>	<b>8,427</b>	<b>(2,918)</b>	<b>26,633</b>
<b>TOTAL RESTRICTIONS</b>	<b>36,186</b>	<b>11,314</b>	<b>(6,697)</b>	<b>40,803</b>

**ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC**  
**General Purpose Financial Statements year ended 30 June 2017**

Financial Statements 2017

## Burwood Council

Notes to the Financial Statements  
for the year ended 30 June 2017

## Note 7. Receivables

\$ '000	Notes	2017		2016	
		Current	Non-current	Current	Non-current
<b>Purpose</b>					
Rates and annual charges		567	—	535	—
Interest and extra charges		59	—	69	—
User charges and fees		181	—	602	—
Private works		233	—	424	—
Accrued revenues					
– Interest on investments		290	—	259	—
– Parking fine income		336	—	315	—
– Other income accruals		154	—	164	—
Government grants and subsidies		250	—	317	—
Net GST receivable		537	—	1,267	—
Workers compensation premium refund		4	—	4	—
Other debtors		9	—	9	—
<b>Total</b>		<b>2,620</b>	<b>—</b>	<b>3,965</b>	<b>—</b>
<b>Less: provision for impairment</b>					
User charges and fees		(119)	—	(66)	—
<b>Total provision for impairment – receivables</b>		<b>(119)</b>	<b>—</b>	<b>(66)</b>	<b>—</b>
<b>TOTAL NET RECEIVABLES</b>		<b>2,501</b>	<b>—</b>	<b>3,899</b>	<b>—</b>
<b>Externally restricted receivables</b>					
Domestic waste management		117	—	121	—
Stormwater management		7	—	7	—
<b>Total external restrictions</b>		<b>124</b>	<b>—</b>	<b>128</b>	<b>—</b>
<b>Internally restricted receivables</b>					
Nil					
<b>Unrestricted receivables</b>		<b>2,377</b>	<b>—</b>	<b>3,771</b>	<b>—</b>
<b>TOTAL NET RECEIVABLES</b>		<b>2,501</b>	<b>—</b>	<b>3,899</b>	<b>—</b>

**Notes on debtors above:**

- (i) Rates and annual charges outstanding are secured against the property.
- (ii) Doubtful rates debtors are provided for where the value of the property is less than the debt outstanding.  
An allowance for other doubtful debts is made when there is objective evidence that a receivable is impaired.
- (iii) Interest was charged on overdue rates and charges at 8.50% (2016 8.50%).  
Generally all other receivables are non-interest bearing.
- (iv) Please refer to Note 15 for issues concerning credit risk and fair value disclosures.

# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

#### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 8. Inventories and other assets

\$ '000	Notes	2017		2016	
		Current	Non-current	Current	Non-current
(a) Inventories					
Nil					
(b) Other assets					
Prepayments		415	—	342	—
<u>TOTAL OTHER ASSETS</u>		<u>415</u>	<u>—</u>	<u>342</u>	<u>—</u>

#### Externally restricted assets

There are no restrictions applicable to the above assets.

ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC  
General Purpose Financial Statements year ended 30 June 2017

Burwood Council

Financial Statements 2017

Notes to the Financial Statements  
for the year ended 30 June 2017

Note 9a. Infrastructure, property, plant and equipment

Asset class	as at 30/6/2016			Asset movements during the reporting period							as at 30/6/2017			
	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount	Additions renewals	Additions new assets	Carrying value of disposals	Depreciation expense	Impairment loss (recognised in P/L)	WIP transfers	Adjustments and transfers	Revaluation increments to equity (A/R)	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount
\$ '000														
Capital work in progress	1,364	–	1,364	173	52	–	–	–	(1,363)	–	–	226	–	226
Plant and equipment	8,902	4,981	3,921	257	573	(540)	(767)	–	–	(314)	–	7,660	4,530	3,130
Office equipment	2,606	2,047	559	–	119	(1)	(151)	–	–	(3)	–	2,311	1,789	522
Furniture and fittings	3,704	1,504	2,200	87	68	–	(296)	–	–	317	–	4,353	1,977	2,376
Land:														
– Operational land	43,732	–	43,732	–	–	–	–	–	–	–	–	43,732	–	43,732
– Community land	31,622	–	31,622	–	–	–	–	–	–	–	4,961	36,583	–	36,583
Land improvements – depreciable	12,750	2,966	9,784	197	1,963	(62)	(219)	–	1,294	117	–	16,216	3,142	13,074
Infrastructure:														
– Buildings – non-specialised	3,947	2,171	1,776	–	–	–	(87)	(96)	–	(68)	–	4,413	2,888	1,525
– Buildings – specialised	60,402	16,216	44,186	186	–	–	(993)	–	–	68	–	60,122	16,676	43,446
– Other structures	4,165	703	3,462	28	298	–	(90)	–	34	(734)	–	3,495	497	2,998
– Roads	199,690	58,209	141,481	2,045	–	(584)	(1,951)	–	5	–	–	200,497	59,500	140,997
– Footpaths	55,365	20,333	35,032	2,231	–	(740)	(687)	–	7	–	–	56,365	20,522	35,843
– Other road assets	–	–	–	1	656	–	(161)	–	1	734	5,608	68,415	1,593	6,839
– Stormwater drainage	68,123	40,040	28,083	564	271	(295)	(654)	–	9	–	–	68,415	40,437	27,978
– Swimming pools	5,252	2,070	3,182	73	–	–	(122)	–	–	–	–	5,325	2,192	3,133
– Other open space/recreational assets	6,939	1,996	4,943	45	22	–	(212)	–	8	(117)	–	6,885	2,195	4,690
Other assets:														
– Library books	4,012	3,675	337	–	133	–	(126)	–	–	–	–	1,462	1,119	343
– Other	2,668	2,187	481	61	208	(11)	(203)	–	5	–	–	2,917	2,375	542
TOTAL INFRASTRUCTURE, PROPERTY, PLANT AND EQUIP.	515,243	159,098	356,145	5,948	4,363	(2,233)	(5,719)	(96)	–	–	10,569	529,409	161,432	367,977

Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets).

Refer to Note 27. Fair value measurement for information regarding the fair value of other infrastructure, property, plant and equipment.

# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

#### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 9b. Externally restricted infrastructure, property, plant and equipment

\$ '000 Class of asset	Actual 2017			Actual 2016		
	Gross carrying amount	Accumulated depn. and impairment	Net carrying amount	Gross carrying amount	Accumulated depn. and impairment	Net carrying amount
Domestic waste management Plant and equipment	791	575	216	1,009	758	251
<b>Total DWM</b>	<b>791</b>	<b>575</b>	<b>216</b>	<b>1,009</b>	<b>758</b>	<b>251</b>
<b>TOTAL RESTRICTED I,PP&amp;E</b>	<b>791</b>	<b>575</b>	<b>216</b>	<b>1,009</b>	<b>758</b>	<b>251</b>

#### Note 9c. Infrastructure, property, plant and equipment – current year impairments

##### (i) Impairment losses recognised in the Income Statement:

Building - 12 Burleigh St. structural assessment indicates building is showing signs of impairment.	(96)	–
<b>Total impairment losses</b>	<b>(96)</b>	<b>–</b>



# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

#### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 10a. Payables, borrowings and provisions

\$ '000	Notes	2017		2016	
		Current	Non-current	Current	Non-current
<b>Payables</b>					
Goods and services – operating expenditure		3,312	–	3,793	–
Accrued expenses:					
– Borrowings		16	–	17	–
– Salaries and wages		644	–	410	–
– Other expenditure accruals		232	–	629	–
Security bonds, deposits and retentions		4,648	–	4,144	–
Other		5	–	5	–
<b>Total payables</b>		<b>8,857</b>	<b>–</b>	<b>8,998</b>	<b>–</b>
<b>Income received in advance</b>					
Payments received in advance		1,087	–	725	–
<b>Total income received in advance</b>		<b>1,087</b>	<b>–</b>	<b>725</b>	<b>–</b>
<b>Borrowings</b>					
Loans – secured <sup>1</sup>		480	5,480	444	5,960
<b>Total borrowings</b>		<b>480</b>	<b>5,480</b>	<b>444</b>	<b>5,960</b>
<b>Provisions</b>					
<b>Employee benefits:</b>					
Annual leave		1,962	–	2,007	–
Long service leave		4,206	106	3,964	169
Other leave – time in lieu		120	–	94	–
Other leave – rostered days off		278	–	220	–
ELE on-costs		119	7	136	6
<b>Total provisions</b>		<b>6,685</b>	<b>113</b>	<b>6,421</b>	<b>175</b>
<b>TOTAL PAYABLES, BORROWINGS AND PROVISIONS</b>					
		<b>17,109</b>	<b>5,593</b>	<b>16,588</b>	<b>6,135</b>
<b>(i) Liabilities relating to restricted assets</b>					
		2017		2016	
		Current	Non-current	Current	Non-current
<b>Externally restricted assets</b>					
Domestic waste management		326	19	266	17
<b>Liabilities relating to externally restricted assets</b>		<b>326</b>	<b>19</b>	<b>266</b>	<b>17</b>
<b>Internally restricted assets</b>					
Nil					
<b>Total liabilities relating to restricted assets</b>		<b>326</b>	<b>19</b>	<b>266</b>	<b>17</b>
<b>Total liabilities relating to unrestricted assets</b>		<b>16,783</b>	<b>5,574</b>	<b>16,322</b>	<b>6,118</b>
<b>TOTAL PAYABLES, BORROWINGS AND PROVISIONS</b>		<b>17,109</b>	<b>5,593</b>	<b>16,588</b>	<b>6,135</b>

<sup>1</sup>. Loans are secured over the general rating income of Council

Disclosures on liability interest rate risk exposures, fair value disclosures and security can be found in Note 15.

# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

#### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 10a. Payables, borrowings and provisions (continued)

	Actual 2017	Actual 2016
\$ '000		

#### (ii) Current liabilities not anticipated to be settled within the next twelve months

The following liabilities, even though classified as current, are not expected to be settled in the next 12 months.

Provisions – employees benefits	5,039	4,834
Payables – security bonds, deposits and retentions	3,905	3,554
	<b>8,944</b>	<b>8,388</b>

#### Note 10b. Description of and movements in provisions

Class of provision	2016	2017				Closing balance as at 30/6/17
	Opening balance as at 1/7/16	Additional provisions	Decrease due to payments	Remeasurement effects due to discounting	Unused amounts reversed	
Annual leave	2,007	1,085	(1,130)	–	–	1,962
Long service leave	4,133	416	(237)	–	–	4,312
Other leave - TIL/RDO	314	282	(198)	–	–	398
ELE on-costs	142	–	(16)	–	–	126
<b>TOTAL</b>	<b>6,596</b>	<b>1,783</b>	<b>(1,581)</b>	<b>–</b>	<b>–</b>	<b>6,798</b>

- a. Employees leave entitlements and on-costs represents those benefits accrued and payable and an estimate of those that will become payable in the future as a result of past service.

## Burwood Council

Notes to the Financial Statements  
for the year ended 30 June 2017

## Note 11. Statement of cash flows – additional information

\$ '000	Notes	Actual 2017	Actual 2016
<b>(a) Reconciliation of cash assets</b>			
Total cash and cash equivalent assets	6a	6,327	7,196
Less bank overdraft	10	–	–
<b>Balance as per the Statement of Cash Flows</b>		<b>6,327</b>	<b>7,196</b>
<b>(b) Reconciliation of net operating result to cash provided from operating activities</b>			
<b>Net operating result from Income Statement</b>		<b>6,740</b>	<b>8,147</b>
<b>Adjust for non-cash items:</b>			
Depreciation and amortisation		6,719	6,392
Net losses/(gains) on disposal of assets		(124)	(37)
Non-cash capital grants and contributions		–	(320)
Losses/(gains) recognised on fair value re-measurements through the P&L:			
– Investments classified as 'at fair value' or 'held for trading'		–	(12)
– Investment properties		(100)	(80)
Share of net (profits) or losses of associates/joint ventures		(53)	89
<b>+/- Movement in operating assets and liabilities and other cash items:</b>			
Decrease/(increase) in receivables		1,345	(1,970)
Increase/(decrease) in provision for doubtful debts		53	17
Decrease/(increase) in other assets		(73)	(51)
Increase/(decrease) in payables		(481)	1,911
Increase/(decrease) in accrued interest payable		(1)	(1)
Increase/(decrease) in other accrued expenses payable		(163)	148
Increase/(decrease) in other liabilities		866	1,194
Increase/(decrease) in employee leave entitlements		202	495
<b>Net cash provided from/(used in) operating activities from the Statement of Cash Flows</b>		<b>15,026</b>	<b>15,922</b>

## Burwood Council

Notes to the Financial Statements  
for the year ended 30 June 2017

## Note 11. Statement of cash flows – additional information (continued)

\$ '000	Notes	Actual 2017	Actual 2016
<b>(c) Non-cash investing and financing activities</b>			
S94 contributions 'in kind'		–	320
<b>Total non-cash investing and financing activities</b>		<b>–</b>	<b>320</b>

During the 2015-16 financial year Council was granted a licence to occupy a room in a development at 17-23 Croydon Ave for a period of 12 years from Catholic Healthcare Limited as part of a Section 94 Contribution. The room will be used for the training of Elderly People on information technology. Council upon the expiration of the licence will return the room back to Catholic Health Care Limited.

**(d) Financing arrangements**

**(i) Unrestricted access was available at balance date to the following lines of credit:**

Credit cards/purchase cards	50	50
<b>Total financing arrangements</b>	<b>50</b>	<b>50</b>
<b>Amounts utilised as at balance date:</b>		
– Credit cards/purchase cards	15	16
<b>Total financing arrangements utilised</b>	<b>15</b>	<b>16</b>

**(ii) Secured loan liabilities**

Loans are secured by a mortgage over future years rate revenue only.

**(e) Bank guarantees**

Nil

**ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC**  
**General Purpose Financial Statements year ended 30 June 2017**

Financial Statements 2017

## Burwood Council

Notes to the Financial Statements  
for the year ended 30 June 2017

## Note 12. Commitments for expenditure

\$ '000	Notes	Actual 2017	Actual 2016
<b>(a) Capital commitments (exclusive of GST)</b>			
Capital expenditure committed for at the reporting date but not recognised in the financial statements as liabilities:			
<b>Property, plant and equipment</b>			
Buildings		1,094	23
Plant and equipment		604	170
Land improvements		61	159
Other – Structures		74	–
Other – Infrastructure		499	–
<b>Total commitments</b>		<b>2,332</b>	<b>352</b>
<b>These expenditures are payable as follows:</b>			
Within the next year		2,332	352
<b>Total payable</b>		<b>2,332</b>	<b>352</b>
<b>Sources for funding of capital commitments:</b>			
Unrestricted general funds		152	–
Future grants and contributions		452	–
Externally restricted reserves		1,124	159
Internally restricted reserves		604	170
Unexpended loans		–	23
<b>Total sources of funding</b>		<b>2,332</b>	<b>352</b>

**Details of capital commitments**

Plant – The replacement of two Trucks one with elevated work platform and the other with mounted crane  
Infrastructure – Road and Pavement works within the Burwood Local Area  
Land Improvements – Tree Planting at Wangal Park  
Buildings – Wangal Park Picnic Shelters and BBQ's  
Buildings – Enfield Aquatic Centre Building change room upgrade and solar panels

**(b) Finance lease commitments**

Nil

**(c) Operating lease commitments (non-cancellable)****a. Commitments under non-cancellable operating leases at the reporting date, but not recognised as liabilities are payable:**

Within the next year	167	128
Later than one year and not later than 5 years	41	90
<b>Total non-cancellable operating lease commitments</b>	<b>208</b>	<b>218</b>

**b. Non-cancellable operating leases include the following assets:**

- Office Equipment leased has an average lease term of 2 years remaining.  
Contingent rentals may be payable depending on the condition of items or usage during the lease term.

**Conditions relating to operating leases:**

- All operating lease agreements are secured only against the leased asset.
- No lease agreements impose any financial restrictions on Council regarding future debt etc.

## Burwood Council

Notes to the Financial Statements  
for the year ended 30 June 2017

## Note 13a(i). Statement of performance measurement – indicators (consolidated)

	Amounts 2017	Indicator 2017	Prior periods 2016 2015		Benchmark
<b>\$ '000</b>					
<b>Local government industry indicators – consolidated</b>					
<b>1. Operating performance ratio</b>					
Total continuing operating revenue <sup>(1)</sup> excluding capital grants and contributions less operating expenses	<u>2,509</u>	5.58%	-0.11%	-4.66%	>0.00%
Total continuing operating revenue <sup>(1)</sup> excluding capital grants and contributions	<u>44,988</u>				
<b>2. Own source operating revenue ratio</b>					
Total continuing operating revenue <sup>(1)</sup> excluding all grants and contributions	<u>41,087</u>	83.95%	76.82%	87.10%	>60.00%
Total continuing operating revenue <sup>(1)</sup>	<u>48,942</u>				
<b>3. Unrestricted current ratio</b>					
Current assets less all external restrictions <sup>(2)</sup>	<u>34,699</u>	4.43x	3.59x	5.03x	>1.5x
Current liabilities less specific purpose liabilities <sup>(3, 4)</sup>	<u>7,839</u>				
<b>4. Debt service cover ratio</b>					
Operating result <sup>(1)</sup> before capital excluding interest and depreciation/impairment/amortisation	<u>9,659</u>	12.40x	8.63x	8.05x	>2x
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)	<u>779</u>				
<b>5. Rates, annual charges, interest and extra charges outstanding percentage</b>					
Rates, annual and extra charges outstanding	<u>626</u>	2.45%	2.57%	2.59%	< 5%
Rates, annual and extra charges collectible	<u>25,597</u>				Metro <10% Rural
<b>6. Cash expense cover ratio</b>					
Current year's cash and cash equivalents plus all term deposits	<u>38,327</u>	11.37 mths	9.9 mths	12.1 mths	> 3 mths
Payments from cash flow of operating and financing activities	<u>3,372</u>				

## Notes

<sup>(1)</sup> Excludes fair value adjustments and reversal of revaluation decrements, net gain/(loss) on sale of assets and the net share of interests in joint ventures and associates.

<sup>(2)</sup> Refer Notes 6-8 inclusive.

Also excludes any real estate and land for resale not expected to be sold in the next 12 months.

<sup>(3)</sup> Refer to Note 10(a).

<sup>(4)</sup> Refer to Note 10(a)(ii) – excludes all payables and provisions not expected to be paid in the next 12 months (incl. ELE).

# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

#### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 13a(ii). Local government industry indicators – graphs (consolidated)

<p><b>1. Operating performance ratio</b></p> <p>Benchmark: — Minimum <math>\geq 0.00\%</math> Source for benchmark: Code of Accounting Practice and Financial Reporting #25</p>	<p><b>Purpose of operating performance ratio</b></p> <p>This ratio measures Council's achievement of containing operating expenditure within operating revenue.</p>	<p><b>Commentary on 2016/17 result</b></p> <p><b>2016/17 ratio 5.58%</b></p> <p>Council's Operating Performance Ratio has improved significantly during the current year. Council's strategies to address the gap over longer term are now evident ie Special Rate Variation, budget monitoring and expanding rating based.</p>
<p><b>2. Own source operating revenue ratio</b></p> <p>Benchmark: — Minimum <math>\geq 60.00\%</math> Source for benchmark: Code of Accounting Practice and Financial Reporting #25</p>	<p><b>Purpose of own source operating revenue ratio</b></p> <p>This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions.</p>	<p><b>Commentary on 2016/17 result</b></p> <p><b>2016/17 ratio 83.95%</b></p> <p>Council is above the benchmark of 60%. Council continues to review its annual fees and charges to maximise its fee structure. Council has an increased forecast rating base associated with the new LEP and Special Rate Variation.</p>
<p><b>3. Unrestricted current ratio</b></p> <p>Benchmark: — Minimum <math>\geq 1.50</math> Source for benchmark: Code of Accounting Practice and Financial Reporting #25</p>	<p><b>Purpose of unrestricted current ratio</b></p> <p>To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.</p>	<p><b>Commentary on 2016/17 result</b></p> <p><b>2016/17 ratio 4.43x</b></p> <p>Council's Unrestricted Current Ratio has increased during the year, this is attributed to the increase in Cash and Investments.</p>



# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

### Notes to the Financial Statements for the year ended 30 June 2017

### Note 13a(ii). Local government industry indicators – graphs (consolidated)

<div><p><b>4. Debt service cover ratio</b></p><table border="1"><thead><tr><th>Year</th><th>Ratio (x)</th></tr></thead><tbody><tr><td>2014</td><td>10.8</td></tr><tr><td>2015</td><td>8.0</td></tr><tr><td>2016</td><td>8.6</td></tr><tr><td>2017</td><td>12.4</td></tr></tbody></table><p>Benchmark: <span style="color: blue;">—</span> Minimum <math>\geq 2.00</math></p><p>Source for benchmark: Code of Accounting Practice and Financial Reporting #25</p></div>	Year	Ratio (x)	2014	10.8	2015	8.0	2016	8.6	2017	12.4	<div><p><b>Purpose of debt service cover ratio</b></p><p>This ratio measures the availability of operating cash to service debt including interest, principal and lease payments</p></div>	<div><p><b>Commentary on 2016/17 result</b></p><p><b>2016/17 ratio 12.40x</b></p><p>Council's Debt Service Ratio has increased on last year due to a better than expected Operating Result taking into account the larger than expected Capital Grants and Contributions of 2015-16 financial year.</p></div>
Year	Ratio (x)											
2014	10.8											
2015	8.0											
2016	8.6											
2017	12.4											
<div><p>Ratio achieves benchmark</p><p>Ratio is outside benchmark</p></div>												

<div><p><b>5. Rates, annual charges, interest and extra charges outstanding percentage</b></p><table border="1"><thead><tr><th>Year</th><th>Ratio %</th></tr></thead><tbody><tr><td>2014</td><td>2.53%</td></tr><tr><td>2015</td><td>2.59%</td></tr><tr><td>2016</td><td>2.57%</td></tr><tr><td>2017</td><td>2.45%</td></tr></tbody></table><p>Benchmark: <span style="color: blue;">—</span> Maximum <math>&lt; 5.00\%</math></p><p>Source for Benchmark: Code of Accounting Practice and Financial Reporting #25</p></div>	Year	Ratio %	2014	2.53%	2015	2.59%	2016	2.57%	2017	2.45%	<div><p><b>Purpose of rates and annual charges outstanding ratio</b></p><p>To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.</p></div>	<div><p><b>Commentary on 2016/17 result</b></p><p><b>2016/17 ratio 2.45%</b></p><p>Council actively pursues the recovery of Rates and Extra Charges as shown by the lower than the Office of Local Government benchmark.</p></div>
Year	Ratio %											
2014	2.53%											
2015	2.59%											
2016	2.57%											
2017	2.45%											
<div><p>Ratio is within Benchmark</p><p>Ratio is outside Benchmark</p></div>												

<div><p><b>6. Cash expense cover ratio</b></p><table border="1"><thead><tr><th>Year</th><th>Ratio (mths)</th></tr></thead><tbody><tr><td>2014</td><td>11.7</td></tr><tr><td>2015</td><td>12.1</td></tr><tr><td>2016</td><td>9.9</td></tr><tr><td>2017</td><td>11.4</td></tr></tbody></table><p>Benchmark: <span style="color: blue;">—</span> Minimum <math>\geq 3.00</math></p><p>Source for benchmark: Code of Accounting Practice and Financial Reporting #25</p></div>	Year	Ratio (mths)	2014	11.7	2015	12.1	2016	9.9	2017	11.4	<div><p><b>Purpose of cash expense cover ratio</b></p><p>This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.</p></div>	<div><p><b>Commentary on 2016/17 result</b></p><p><b>2016/17 ratio 11.37 mths</b></p><p>Council is well above the benchmark of 3 months.</p></div>
Year	Ratio (mths)											
2014	11.7											
2015	12.1											
2016	9.9											
2017	11.4											
<div><p>Ratio achieves benchmark</p><p>Ratio is outside benchmark</p></div>												



## Burwood Council

Notes to the Financial Statements  
 for the year ended 30 June 2017

## Note 14. Investment properties

\$ '000	Notes	Actual 2017	Actual 2016
<b>(a) Investment properties at fair value</b>			
<b>Investment properties on hand</b>		<b>3,600</b>	<b>3,500</b>
<b>Reconciliation of annual movement:</b>			
Opening balance		3,500	3,420
– Net gain/(loss) from fair value adjustments		100	80
<b>CLOSING BALANCE – INVESTMENT PROPERTIES</b>		<b>3,600</b>	<b>3,500</b>

**(b) Valuation basis**

The basis of valuation of investment properties is fair value, being the amounts for which the properties could be exchanged between willing parties in arms length transaction, based on current prices in an active market for similar properties in the same location and condition and subject to similar leases.

The 2017 revaluations were based on independent assessments made by:  
 Scott Fullarton Valuations Pty Ltd (FAP)

**(c) Contractual obligations at reporting date**

Refer to Note 12 for disclosures relating to any capital and service obligations that have been contracted.

**(d) Investment property income and expenditure – summary**

<b>Rental income from investment properties:</b>			
– Minimum lease payments		304	294
<b>Net revenue contribution from investment properties</b>		<b>304</b>	<b>294</b>
plus:			
Fair value movement for year		100	80
<b>Total income attributable to investment properties</b>		<b>404</b>	<b>374</b>

Refer to Note 27. Fair value measurement for information regarding the fair value of investment properties held.

## Burwood Council

### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 15. Financial risk management

\$ '000

##### Risk management

Council's activities expose it to a variety of financial risks including **(1)** price risk, **(2)** credit risk, **(3)** liquidity risk and **(4)** interest rate risk.

The Council's overall risk management program focuses on the unpredictability of financial markets and seeks to minimise potential adverse effects on the financial performance of the Council.

Council does not engage in transactions expressed in foreign currencies and is therefore not subject to foreign currency risk.

Financial risk management is carried out by Council's finance section under policies approved by the Council.

A comparison by category of the carrying amounts and fair values of Council's financial assets and financial liabilities recognised in the financial statements is presented below.

	Carrying value		Fair value	
	2017	2016	2017	2016
<b>Financial assets</b>				
Cash and cash equivalents	6,327	7,196	6,327	7,196
Investments				
– 'Held for trading'	–	3	–	3
– 'Held to maturity'	39,750	32,250	39,750	32,250
Receivables	2,501	3,899	2,501	3,899
<b>Total financial assets</b>	<b>48,578</b>	<b>43,348</b>	<b>48,578</b>	<b>43,348</b>
<b>Financial liabilities</b>				
Payables	8,857	8,998	8,857	8,998
Loans/advances	5,960	6,404	5,960	6,404
<b>Total financial liabilities</b>	<b>14,817</b>	<b>15,402</b>	<b>14,817</b>	<b>15,402</b>

Fair value is determined as follows:

- **Cash** and **cash equivalents, receivables, payables** – are estimated to be the carrying value that approximates market value.
- **Borrowings** and **held-to-maturity** investments – are based upon estimated future cash flows discounted by the current mkt interest rates applicable to assets and liabilities with similar risk profiles, unless quoted market prices are available.
- Financial assets classified (i) '**at fair value through profit and loss**' or (ii) '**available-for-sale**' – are based upon quoted market prices (in active markets for identical investments) at the reporting date or independent valuation.

Refer to Note 27. Fair value measurement for information regarding the fair value of financial assets and liabilities.

## Burwood Council

### Notes to the Financial Statements

for the year ended 30 June 2017

#### Note 15. Financial risk management (continued)

\$ '000

Council's objective is to maximise its return on cash and investments whilst maintaining an adequate level of liquidity and preserving capital.

Council's finance area manages the cash and Investments portfolio with the assistance of independent advisors.

Council has an investment policy which complies with the *Local Government Act 1993* and Minister's investment order. This policy is regularly reviewed by Council and its staff and an investment report is tabled before Council on a monthly basis setting out the portfolio breakup and its performance.

The risks associated with the investments held are:

- **Price risk** – the risk that the capital value of Investments may fluctuate due to changes in market prices, whether there changes are caused by factors specific to individual financial instruments or their issuers or are caused by factors affecting similar instruments traded in a market.
- **Interest rate risk** – the risk that movements in interest rates could affect returns and income.
- **Credit risk** – the risk that the investment counterparty will not complete their obligations particular to a financial instrument, resulting in a financial loss to Council – be it of a capital or income nature.

Council manages these risks (amongst other measures) by diversifying its portfolio and only purchasing investments with high credit ratings or capital guarantees.

In some circumstances Council also seeks advice from independent advisers before placing any funds in cash equivalents and investments.

#### (a) Market risk – price risk and interest rate risk

The following represents a summary of the sensitivity of Council's Income Statement and accumulated surplus (for the reporting period) due to a change in either the price of a financial asset or the interest rates applicable.

It is assumed that the change in interest rates would have been constant throughout the reporting period.

	Increase of values/rates		Decrease of values/rates	
	Profit	Equity	Profit	Equity
<b>2017</b>				
Possible impact of a 1% movement in interest rates	460	460	(460)	(460)
<b>2016</b>				
Possible impact of a 1% movement in interest rates	394	394	(394)	(394)

## Burwood Council

## Notes to the Financial Statements

for the year ended 30 June 2017

## Note 15. Financial risk management (continued)

\$ '000

## (b) Credit risk

Council's major receivables comprise (i) rates and annual charges and (ii) user charges and fees.

The major risk associated with these receivables is credit risk – the risk that debts due and payable to Council may not be repaid in full.

Council manages this risk by monitoring outstanding debt and employing stringent debt recovery procedures. It also encourages ratepayers to pay their rates by the due date through incentives.

Credit risk on rates and annual charges is minimised by the ability of Council to secure a charge over the land relating to the debts – that is, the land can be sold to recover the debt. Council is also able to charge interest on overdue rates and annual charges at higher than market rates which further encourages the payment of debt.

There are no significant concentrations of credit risk, whether through exposure to individual customers, specific industry sectors and/or regions.

Council makes suitable provision for doubtful receivables as required and carries out credit checks on most non-rate debtors.

There are no material receivables that have been subjected to a re-negotiation of repayment terms.

A profile of Council's receivables credit risk at balance date follows:

		2017 Rates and annual charges	2017 Other receivables	2016 Rates and annual charges	2016 Other receivables
<b>(i) Ageing of receivables – %</b>					
Current (not yet overdue)		0%	33%	0%	33%
Overdue		100%	67%	100%	67%
		<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>(ii) Ageing of receivables – value</b>					
Rates and annual charges	Other receivables	Rates and annual charges	Other receivables	Rates and annual charges	Other receivables
Current	Current	–	1,638	–	2,405
< 1 year overdue	0 – 30 days overdue	316	252	280	724
1 – 2 years overdue	31 – 60 days overdue	–	40	–	84
2 – 5 years overdue	61 – 90 days overdue	89	10	92	31
> 5 years overdue	> 91 days overdue	162	113	163	186
		<b>567</b>	<b>2,053</b>	<b>535</b>	<b>3,430</b>
<b>(iii) Movement in provision for impairment of receivables</b>					
				2017	2016
Balance at the beginning of the year				66	49
+ new provisions recognised during the year				54	22
– amounts already provided for and written off this year				(1)	(5)
<b>Balance at the end of the year</b>				<b>119</b>	<b>66</b>

**ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC**  
**General Purpose Financial Statements year ended 30 June 2017**

Financial Statements 2017

## Burwood Council

Notes to the Financial Statements  
for the year ended 30 June 2017

## Note 15. Financial risk management (continued)

\$ '000

## (c) Liquidity risk

Payables and borrowings are both subject to liquidity risk – the risk that insufficient funds may be on hand to meet payment obligations as and when they fall due.

Council manages this risk by monitoring its cash flow requirements and liquidity levels and maintaining an adequate cash buffer.

Payment terms can (in extenuating circumstances) also be extended and overdraft facilities utilised as required.

The contractual undiscounted cash outflows (ie. principal and interest) of Council's payables and borrowings are set out in the maturity table below:

\$ '000	Subject to no maturity	≤ 1 Year	1-2 Yrs	payable in:				≥ 5 Yrs	Total cash outflows	Actual carrying values
				2-3 Yrs	3-4 Yrs	4-5 Yrs				
<b>2017</b>										
Trade/other payables	4,648	4,209	–	–	–	–	–	–	8,857	<b>8,857</b>
Loans and advances	–	790	797	804	811	748	2,410	6,360	<b>5,960</b>	
<b>Total financial liabilities</b>	<b>4,648</b>	<b>4,999</b>	<b>797</b>	<b>804</b>	<b>811</b>	<b>748</b>	<b>2,410</b>	<b>15,217</b>	<b>14,817</b>	
<b>2016</b>										
Trade/other payables	4,144	4,854	–	–	–	–	–	–	8,998	<b>8,998</b>
Loans and advances	–	784	790	797	804	811	2,822	6,808	<b>6,404</b>	
<b>Total financial liabilities</b>	<b>4,144</b>	<b>5,638</b>	<b>790</b>	<b>797</b>	<b>804</b>	<b>811</b>	<b>2,822</b>	<b>15,806</b>	<b>15,402</b>	

Borrowings are also subject to interest rate risk – the risk that movements in interest rates could adversely affect funding costs and debt servicing requirements. Council manages this risk through the diversification of borrowing types, maturities and interest rate structures.

The following interest rates were applicable to Council's borrowings at balance date:

	2017		2016	
	Carrying value	Average interest rate	Carrying value	Average interest rate
Trade/other payables	8,857	0.00%	8,998	0.00%
Loans and advances – fixed interest rate	2,856	5.30%	3,224	5.30%
Loans and advances – variable interest rate	3,104	4.00%	3,180	4.00%
	<b>14,817</b>		<b>15,402</b>	

# ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC

## General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

### Notes to the Financial Statements for the year ended 30 June 2017

### Note 16. Material budget variations

\$ '000

Council's original financial budget for 16/17 was adopted by the Council on 24 May 2016.

While the Income Statement included in this General Purpose Financial Report must disclose the original budget adopted by Council, the *Local Government Act 1993* requires Council to review its financial budget on a quarterly basis, so that it is able to manage the various variations between actuals versus budget that invariably occur throughout the year.

This note sets out the details of **material variations** between Council's original budget and its actual results for the year as per the Income Statement – even though such variations may have been adjusted for during each quarterly budget review.

**Note that for variations\* of budget to actual :**

Material variations represent those variances that amount to **10%** or more of the original budgeted figure.

**F** = Favourable budget variation, **U** = Unfavourable budget variation

\$ '000	2017 Budget	2017 Actual	2017 Variance*	
<b>REVENUES</b>				
<b>Rates and annual charges</b>	<b>24,241</b>	<b>24,927</b>	<b>686</b>	<b>3% F</b>
<b>User charges and fees</b>	<b>9,091</b>	<b>10,235</b>	<b>1,144</b>	<b>13% F</b>
The variance is attributed to increased development works within the Burwood Town Centre and surrounding area. These works have contributed to increased Development Application income \$246k, Road Closure, Work Permits \$290k and \$73k in Private Works. In addition Council has received additional \$300k income at the Enfield Aquatic Centre due to improved financial management and marketing of the centre, additional amounts of \$83k for the implementation of the Fire Emergency Services Levy for costs incurred, Car Parking of \$53k and \$57k in Street Furniture Advertising.				
<b>Interest and investment revenue</b>	<b>1,145</b>	<b>1,215</b>	<b>70</b>	<b>6% F</b>
<b>Other revenues</b>	<b>4,055</b>	<b>4,810</b>	<b>755</b>	<b>19% F</b>
Council received an increased Fair Value adjustment of \$100k on it's Investment Property through the yearly revaluation process. An additional amount of \$60k in Legal Costs recovered through successful environmental and planning compliance processes and a \$59k in Workers Compensation incentive bonus rebate. \$550k in Parking income attributed to increased weekend and night patrols.				
<b>Operating grants and contributions</b>	<b>4,197</b>	<b>3,901</b>	<b>(296)</b>	<b>(7%) U</b>
<b>Capital grants and contributions</b>	<b>4,314</b>	<b>3,954</b>	<b>(360)</b>	<b>(8%) U</b>
<b>Net gains from disposal of assets</b>	<b>–</b>	<b>124</b>	<b>124</b>	<b>0% F</b>
Council sold part of Marmaduke Street which was not budgeted. This sale has been an ongoing matter for several years requiring complex easements and rights of way to finalise the sale. In addition to the sale of Marmaduke Street Council wrote off infrastructure assets as part of its renewal programme replacing the written down value of the assets with the current replacement cost of the renewal.				
<b>Joint ventures and associates - net profits</b>	<b>–</b>	<b>53</b>	<b>53</b>	<b>0% F</b>
Council does not budget for it's Joint Venture.				



# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2017

### Burwood Council

#### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 16. Material budget variations (continued)

\$ '000	2017 Budget	2017 Actual	2017 Variance*	
<b>EXPENSES</b>				
Employee benefits and on-costs	18,858	17,462	1,396	7% F
Borrowing costs	340	335	5	1% F
Materials and contracts	9,890	10,201	(311)	(3%) U
Depreciation and amortisation	6,620	6,719	(99)	(1%) U
Other expenses	8,546	7,666	880	10% F

The variance is attributed through continued savings associated with new contracts for Electricity and Street Lighting charges \$290k and insurance premiums \$225k. Further savings in Advertising \$150k, Printing and Stationery \$63k, Telephone charges \$56k, Water rates and Gas charges \$38k, Waste Disposal and Subscription fees \$22k. In addition there was a further saving of \$20k in Councillors expenses as a result of the retirement of a Councillor during 2015-16 not being replaced.

#### Budget variations relating to Council's Cash Flow Statement include:

<b>Cash flows from operating activities</b>	<b>11,185</b>	<b>15,026</b>	<b>3,841</b>	<b>34.3%</b>	<b>F</b>
The variance between Actual and Budget were related to additional rate assessments coming on line, advanced payment of Financial Assistance Grant for 2017-18, increased Development Application and associated works income within the Burwood town Centre and adjoining area, additional Enfield Aquatic Centre income and Car Parking income. In addition there were savings within Employee costs which in most part were offset against an increase in Contract - Temporary Staffing and increased refunds of Damage Deposits and Bonds along with savings in Utility charges and Advertising fees.					
<b>Cash flows from investing activities</b>	<b>(5,741)</b>	<b>(15,451)</b>	<b>(9,710)</b>	<b>169.1%</b>	<b>U</b>
The variance between Actual and Budget was associated with Capital expenditure carryovers from previous years, the finalisation of Wangal Park upgrade and carryover infrastructure works. In addition the sale of part of Marmaduke Street which was not budgeted for as this sale has been an ongoing matter for several years requiring complex easements and rights of way to finalise the sale.					
<b>Cash flows from financing activities</b>	<b>(444)</b>	<b>(444)</b>	<b>—</b>	<b>0.0%</b>	<b>F</b>

**Burwood Council****Notes to the Financial Statements**  
for the year ended 30 June 2017**Note 17. Statement of developer contributions**

\$ '000

Council recovers contributions, raises levies and enters into planning agreements on development works that are subject to a development consent issued by Council. All contributions must be spent/utilised for the specific purpose they were levied and any interest applicable to unspent funds must be attributed to remaining funds.

The following tables detail the receipt, interest and use of the above contributions and levies and the value of all remaining funds which are 'restricted' in their future use.

**SUMMARY OF CONTRIBUTIONS AND LEVIES**

PURPOSE	Opening balance	Contributions received during the year		Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
		Cash	Non-cash					
Traffic facilities	412	-	-	4	(130)	-	286	-
Parking	315	-	-	3	-	-	318	-
Burwood town centre	5,010	340	-	52	(273)	-	5,129	-
Burwood LGA	1,282	776	-	18	(1,787)	-	289	-
<b>S94 contributions – under a plan</b>	<b>7,019</b>	<b>1,116</b>	-	<b>77</b>	<b>(2,190)</b>	-	<b>6,022</b>	-
<b>Total S94 revenue under plans</b>	<b>7,019</b>	<b>1,116</b>	-	<b>77</b>	<b>(2,190)</b>	-	<b>6,022</b>	-
S93F planning agreements	4,036	880	-	42	(564)	-	4,394	-
<b>Total contributions</b>	<b>11,055</b>	<b>1,996</b>	-	<b>119</b>	<b>(2,754)</b>	-	<b>10,416</b>	-



## Burwood Council

Notes to the Financial Statements  
for the year ended 30 June 2017

## Note 17. Statement of developer contributions (continued)

\$ '000

## S94 CONTRIBUTIONS – UNDER A PLAN

## CONTRIBUTION PLAN NUMBER - 94A New LEP

PURPOSE	Opening balance	Contributions received during the year		Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
		Cash	Non-cash					
Traffic facilities	412	–	–	4	(130)	–	286	–
Parking	315	–	–	3	–	–	318	–
Burwood town centre	5,010	340	–	52	(273)	–	5,129	–
Burwood LGA	1,282	776	–	18	(1,787)	–	289	–
<b>Total</b>	<b>7,019</b>	<b>1,116</b>	<b>–</b>	<b>77</b>	<b>(2,190)</b>	<b>–</b>	<b>6,022</b>	<b>–</b>

## Burwood Council

### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 18. Contingencies and other assets/liabilities not recognised

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\$ '000

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The following assets and liabilities do not qualify for recognition in the Statement of Financial Position, but their knowledge and disclosure is considered relevant to the users of Council's financial report.

#### LIABILITIES NOT RECOGNISED:

##### 1. Guarantees

##### (i) Defined benefit superannuation contribution plans

Council participates in an employer-sponsored defined benefit superannuation scheme, and makes contributions as determined by the superannuation scheme's trustees.

Member councils bear responsibility of ensuring there are sufficient funds available to pay out the required benefits as they fall due.

The schemes most recent full actuarial review indicated that the net assets of the scheme were not sufficient to meet the accrued benefits of the schemes defined benefit member category with member councils required to make significantly higher contributions in future years.

The Local Government Superannuation Scheme however is unable to provide Council with an accurate estimate of its share of the net deficit and accordingly Council has not recorded any net liability from its defined benefit scheme obligations in accordance with AASB 119.

Future contributions made to the defined benefit scheme to rectify the net deficit position will be recognised as an expense when they become payable – similar to the accounting for defined contributions plans.

##### (ii) StateCover Limited

Council is a member of StateCover Mutual Limited and holds a partly paid share in the entity.

StateCover is a company providing workers compensation insurance cover to the NSW local government industry and specifically Council.

Council has a contingent liability to contribute further equity in the event of the erosion of the company's capital base as a result of the company's past performance and/or claims experience or as a result of any increased prudential requirements from APRA.

These future equity contributions would be required to maintain the company's minimum level of net assets in accordance with its licence requirements.

##### (iii) Other guarantees

Council has provided no other guarantees other than those listed above.

##### 2. Other liabilities

##### (i) Third party claims

The Council is involved from time to time in various claims incidental to the ordinary course of business including claims for damages relating to its services.

Council believes that it is appropriately covered for all claims through its insurance coverage and does not expect any material liabilities to eventuate.

## Burwood Council

### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 18. Contingencies and other assets/liabilities not recognised (continued)

\$ '000

##### LIABILITIES NOT RECOGNISED (continued):

##### 2. Other liabilities

##### (ii) S94 plans

Council levies section 94/94A contributions upon various development across the Council area through the required contributions plans.

As part of these plans, Council has received funds for which it will be required to expend the monies in accordance with those plans.

As well, these plans indicate proposed future expenditure to be undertaken by Council, which will be funded by making levies and receipting funds in future years or where a shortfall exists by the use of Council's general funds.

These future expenses do not yet qualify as liabilities as of the reporting date, but represent Council's intention to spend funds in the manner and timing set out in those plans.

##### (iii) Potential land acquisitions due to planning restrictions imposed by Council

Council has classified a number of privately owned land parcels as local open space or bushland.

As a result, where notified in writing by the various owners, Council will be required to purchase these land parcels.

At reporting date, reliable estimates as to the value of any potential liability (and subsequent land asset) from such potential acquisitions has not been possible.

##### (iv) Joint Venture

Council is a member of Mutual Management Services Ltd which is a company limited by guarantee and was created to provide administration services to the three CivicRisk self-insurance pools CivicRisk West (Westpool), CivicRisk Metro (Metropool) and CivicRisk (United Independent Pools).

Mutual Management Services operates as a mutual for the benefit of the member Councils which make up the combined CivicRisk membership.

Mutual Management Services was created to move the administration staff and responsibilities from CivicRisk West to a separate entity that provides the services to all three pools. The creation of the administration company was an internal structure change to assist with meeting commercial obligations rather than a change in the underlying operations.

##### ASSETS NOT RECOGNISED:

##### (i) Land under roads

As permitted under AASB 1051, Council has elected not to bring to account land under roads that it owned or controlled up to and including 30/6/08.

##### (ii) Infringement notices/fines

Fines and penalty income, the result of Council issuing infringement notices is followed up and collected by the Infringement Processing Bureau.

Council's revenue recognition policy for such income is to account for it as revenue on receipt.

Accordingly, at year end, there is a potential asset due to Council representing issued but unpaid infringement notices.

Due to the limited information available on the status, value and duration of outstanding notices, Council is unable to determine the value of outstanding income.

## Burwood Council

### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 19. Interests in other entities

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\$ '000

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Council's objectives can and in some cases are best met through the use of separate entities and operations.

These operations and entities range from 100% ownership and control through to lower levels of ownership and control via co-operative arrangements with other councils, bodies and other outside organisations.

The accounting and reporting for these various entities, operations and arrangements varies in accordance with accounting standards, depending on the level of council's (i) interest and (ii) control and the type (form) of entity/operation, as follows;

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##### Controlled entities (subsidiaries)

*Note 19(a)*

Operational arrangements where Council's control (but not necessarily interest) exceeds 50%.

##### Joint ventures and associates

*Note 19(b)*

Joint ventures are operational arrangements where the parties that have joint control have rights to the net assets of the arrangement.

Associates are separate entities where Council has significant influence over the operations (but neither controls nor jointly controls them).

##### Joint operations

*Note 19(c)*

Operational arrangements where the parties that have joint control have rights to specific assets and obligations for specific liabilities relating to the arrangement rather than a right to the net assets of the arrangement.

##### Unconsolidated structured entities

*Note 19(d)*

Unconsolidated structured entities represent "special vehicles" that Council has an interest in but which are not controlled by Council and therefore not consolidated as a subsidiary, joint arrangement or associate. Attributes of structured entities include restricted activities, a narrow and well-defined objective and insufficient equity to finance its activities without financial support.

##### Subsidiaries, joint arrangements and associates not recognised

*Note 19(e)*

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#### Accounting recognition:

(i) Subsidiaries disclosed under Note 19(a) and joint operations disclosed at Note 19(c) are accounted for on a 'line by line' consolidation basis within the Income Statement and Statement of Financial Position.

(ii) Joint ventures and associates as per Note 19(b) are accounted for using the equity accounting method and are disclosed as a 1 line entry in both the Income Statement and Statement of Financial Position.

	Council's share of net income		Council's share of net assets	
	Actual	Actual	Actual	Actual
	2017	2016	2017	2016
Joint ventures	53	(89)	30	(23)
Associates	—	—	—	—
<b>Total</b>	<b>53</b>	<b>(89)</b>	<b>30</b>	<b>(23)</b>

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**ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC**  
**General Purpose Financial Statements year ended 30 June 2017**

Financial Statements 2017

## Burwood Council

Notes to the Financial Statements  
for the year ended 30 June 2017

## Note 19. Interests in other entities (continued)

\$ '000

## (a) Controlled entities (subsidiaries) – being entities and operations controlled by Council

Council has no interest in any controlled entities (subsidiaries).

## (b) Joint ventures and associates

Council has incorporated the following joint ventures and associates into its consolidated financial statements.

## (a) Net carrying amounts – Council's share

Name of entity	Nature of relationship	Measurement method	2017	2016
CivicRisk Metro	Joint Venture	Equity Method	(10)	(57)
CivicRisk Mutual	Joint Venture	Equity Method	40	34
<b>Total carrying amounts – material joint ventures and associates</b>			<b>30</b>	<b>(23)</b>

## (b) Details

Name of entity	Principal activity	Place of business
CivicRisk Metro	Local Government insurance coverage	Penrith
CivicRisk Mutual	Local Government insurance coverage	Penrith

## (c) Relevant interests and fair values

Name of entity	Quoted fair value		Interest in outputs		Interest in ownership		Proportion of voting power	
	2017	2016	2017	2016	2017	2016	2017	2016
CivicRisk Metro	n/a	n/a	-0.1%	-0.6%	-0.1%	-0.6%	14.3%	14.3%
CivicRisk Mutual	n/a	n/a	0.6%	0.5%	0.6%	0.5%	5.9%	5.9%

## (d) Summarised financial information for joint ventures and associates

Statement of financial position	CivicRisk Metro		CivicRisk Mutual	
	2017	2016	2017	2016
<b>Current assets</b>				
Cash and cash equivalents	28	28	506	170
Other current assets	5,738	5,998	6,239	4,177
<b>Non-current assets</b>	<b>18,168</b>	<b>16,408</b>	<b>5,889</b>	<b>8,539</b>
<b>Current liabilities</b>				
Current financial liabilities (excluding trade and other payables and provisions)	1,443	1,659	2,891	2,800
Other current liabilities	150	206	423	346
<b>Non-current liabilities</b>				
Non-current financial liabilities (excluding trade and other payables and provisions)	<b>10,730</b>	<b>11,147</b>	<b>2,830</b>	<b>2,454</b>
<b>Net assets</b>	<b>11,611</b>	<b>9,422</b>	<b>6,490</b>	<b>7,286</b>

page 61

## Burwood Council

Notes to the Financial Statements  
for the year ended 30 June 2017

## Note 19. Interests in other entities (continued)

\$ '000

## (b) Joint ventures and associates

## (d) Summarised financial information for joint ventures and associates

	CivicRisk Metro		CivicRisk Mutual	
	2017	2016	2017	2016
<b>Reconciliation of the carrying amount</b>				
Opening net assets (1 July)	9,422	8,372	7,286	7,517
Profit/(loss) for the period	2,189	1,050	(796)	(231)
<b>Closing net assets</b>	<b>11,611</b>	<b>9,422</b>	<b>6,490</b>	<b>7,286</b>
<b>Council's share of net assets (%)</b>	<b>-0.08%</b>	<b>-0.6%</b>	<b>0.6%</b>	<b>0.5%</b>
<b>Council's share of net assets (\$)</b>	<b>(10)</b>	<b>(57)</b>	<b>40</b>	<b>34</b>
<b>Statement of comprehensive income</b>				
Income	2,781	3,590	8,302	8,551
Interest income	1,089	774	584	423
Other expenses	(1,681)	(3,314)	(9,682)	(9,205)
<b>Profit/(loss) from continuing operations</b>	<b>2,189</b>	<b>1,050</b>	<b>(796)</b>	<b>(231)</b>
<b>Profit/(loss) for period</b>	<b>2,189</b>	<b>1,050</b>	<b>(796)</b>	<b>(231)</b>
<b>Total comprehensive income</b>	<b>2,189</b>	<b>1,050</b>	<b>(796)</b>	<b>(231)</b>
<b>Share of income – Council (%)</b>	<b>2.17%</b>	<b>-6.9%</b>	<b>-0.8%</b>	<b>7.7%</b>
<b>Profit/(loss) – Council (\$)</b>	<b>47</b>	<b>(72)</b>	<b>6</b>	<b>(18)</b>
<b>Total comprehensive income – Council (\$)</b>	<b>47</b>	<b>(72)</b>	<b>6</b>	<b>(18)</b>

## (c) Joint operations

Council has no interest in any joint operations.

## (d) Unconsolidated structured entities

Council has no unconsolidated structured entities

## (e) Subsidiaries, joint arrangements and associates not recognised

None.

## Burwood Council

Notes to the Financial Statements  
for the year ended 30 June 2017

**Note 20. Retained earnings, revaluation reserves, changes in accounting policies, changes in accounting estimates and errors**

\$ '000	Notes	Actual 2017	Actual 2016
<b>(a) Retained earnings</b>			
<b>Movements in retained earnings were as follows:</b>			
Balance at beginning of year (from previous years audited accounts)		190,119	181,972
a. Net operating result for the year		6,740	8,147
<b>Balance at end of the reporting period</b>		<b>196,859</b>	<b>190,119</b>
<b>(b) Revaluation reserves</b>			
<b>(i) Reserves are represented by:</b>			
– Infrastructure, property, plant and equipment revaluation reserve		201,039	190,470
<b>Total</b>		<b>201,039</b>	<b>190,470</b>
<b>(ii) Reconciliation of movements in reserves:</b>			
<b>Infrastructure, property, plant and equipment revaluation reserve</b>			
– Opening balance		190,470	184,759
– Revaluations for the year	9(a)	10,569	5,711
<b>– Balance at end of year</b>		<b>201,039</b>	<b>190,470</b>
<b>TOTAL VALUE OF RESERVES</b>		<b>201,039</b>	<b>190,470</b>

**(iii) Nature and purpose of reserves****Infrastructure, property, plant and equipment revaluation reserve**

– The infrastructure, property, plant and equipment revaluation reserve is used to record increments/decrements of non-current asset values due to their revaluation.

**(c) Correction of error/s relating to a previous reporting period**

Council made no correction of errors during the current reporting period.

**(d) Voluntary changes in accounting policies**

Council made no voluntary changes in any accounting policies during the year.

**Note 21. Financial result and financial position by fund**

Council utilises only a general fund for its operations.



## Burwood Council

### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 22. 'Held for sale' non-current assets and disposal groups

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\$ '000

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Council did not classify any non-current assets or disposal groups as 'held for sale'.

#### Note 23. Events occurring after the reporting date

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Events that occur between the end of the reporting period (30 June 2017) and the date when the financial statements are 'authorised for issue' have been taken into account in preparing these statements.

Council has adopted the date of receipt of the Auditors' Report as the applicable 'authorised for issue' date relating to these General Purpose Financial Statements.

Accordingly, the 'authorised for issue' date is 18/10/17.

Events that occur after the reporting period represent one of two types:

##### (i) Events that provide evidence of conditions that existed at the reporting period

These financial statements (and the figures therein) incorporate all 'adjusting events' that provided evidence of conditions that existed at 30 June 2017.

##### (ii) Events that provide evidence of conditions that arose after the reporting period

These financial statements (and figures therein) do not incorporate any 'non-adjusting events' that have occurred after 30 June 2017 and which are only indicative of conditions that arose after 30 June 2017.

**On 27 July 2017, the NSW Government announced that council mergers currently before the courts would not proceed. Burwood Council's pending merger with City of Canada Bay and Strathfield Municipal Councils, as a result, has been abandoned.**

#### Note 24. Discontinued operations

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Council has not classified any of its operations as 'discontinued'.

#### Note 25. Intangible assets

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Intangible assets represent identifiable non-monetary assets without physical substance.

Council is unaware of any control over intangible assets that warrant recognition in the financial statements, including either internally generated and developed assets or purchased assets.

#### Note 26. Reinstatement, rehabilitation and restoration liabilities

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Council has no outstanding obligations to make, restore, rehabilitate or reinstate any of its assets/operations.



## Burwood Council

Notes to the Financial Statements  
for the year ended 30 June 2017

## Note 27. Fair value measurement

\$ '000

The Council measures the following asset and liability classes at fair value on a recurring basis:

- Infrastructure, property, plant and equipment
- Investment property
- Financial assets and liabilities

The fair value of assets and liabilities must be estimated in accordance with various accounting standards for either recognition and measurement requirements or for disclosure purposes.

AASB 13 Fair Value Measurement requires all assets and liabilities measured at fair value to be assigned to a 'level' in the fair value hierarchy as follows:

**Level 1:** Unadjusted quoted prices in active markets for identical assets or liabilities that the entity can access at the measurement date.

**Level 2:** Inputs other than quoted prices included within level 1 that are observable for the asset or liability, either directly or indirectly.

**Level 3:** Inputs for the asset or liability that are not based on observable market data (unobservable inputs).

(1) The following table presents all assets and liabilities that have been measured and recognised at fair values:

		Fair value measurement hierarchy			
2017		Level 1	Level 2	Level 3	Total
	Date of latest valuation	Quoted prices in active mkt	Significant observable inputs	Significant unobservable inputs	
Recurring fair value measurements					
Investment properties					
Investment Property	30/06/17	–	–	3,600	3,600
Total investment properties		–	–	3,600	3,600
Infrastructure, property, plant and equipment					
Plant and office equipment and furniture and fitting	30/06/17	–	–	6,028	6,028
Operational land	30/06/13	–	–	43,732	43,732
Community land	30/06/17	–	–	36,583	36,583
Land improvements – depreciable	30/06/16	–	–	13,074	13,074
Buildings – non-specialised and specialised	30/06/13	–	–	44,971	44,971
Other structures	30/06/17	–	–	2,998	2,998
Roads	30/06/16	–	–	140,997	140,997
Footpaths and kerb and gutter	30/06/16	–	–	35,843	35,843
Drainage infrastructure	30/06/16	–	–	27,978	27,978
Swimming pools	30/06/13	–	–	3,133	3,133
Library books	30/06/16	–	–	343	343
Other assets	30/06/14	–	–	542	542
Openspace/Recreational	30/06/16	–	–	4,690	4,690
Other Road Assets	1/07/16	–	–	6,839	6,839
Total infrastructure, property, plant and equipment		–	–	367,751	367,751

## Burwood Council

Notes to the Financial Statements  
for the year ended 30 June 2017

## Note 27. Fair value measurement (continued)

\$ '000

(1) The following table presents all assets and liabilities that have been measured and recognised at fair values (continued):

Fair value measurement hierarchy					
Level 1	Level 2	Level 3	Total		
Quoted prices in active mkts	Significant observable inputs	Significant unobservable inputs			
2016					
Recurring fair value measurements					
Financial assets					
Investments					
– ‘Held for trading’	30/06/16	–	–	3	3
Total financial assets		–	–	3	3
Investment properties					
Investment Property	30/06/16	–	–	3,500	3,500
Total investment properties		–	–	3,500	3,500
Infrastructure, property, plant and equipment					
Plant and office equipment and furniture and fitting	30/06/16	–	–	6,680	6,680
Operational land	30/06/13	–	–	43,732	43,732
Community land	30/06/16	–	–	31,622	31,622
Land improvements – depreciable	30/06/16	–	–	9,784	9,784
Buildings – non-specialised and specialised	30/06/13	–	–	45,962	45,962
Other structures	30/06/16	–	–	3,462	3,462
Roads	30/06/15	–	–	141,481	141,481
Footpaths and kerb and gutter	30/06/15	–	–	35,032	35,032
Drainage infrastructure	30/06/15	–	–	28,083	28,083
Swimming pools	30/06/13	–	–	3,182	3,182
Library books	30/06/16	–	–	337	337
Other assets	30/06/14	–	–	481	481
Openspace/Recreational	30/06/16	–	–	4,943	4,943
Total infrastructure, property, plant and equipment		–	–	354,781	354,781

## (2) Transfers between level 1 and level 2 fair value hierarchies

During the year, there were no transfers between level 1 and level 2 fair value hierarchies for recurring fair value measurements.

**Burwood Council****Notes to the Financial Statements**  
for the year ended 30 June 2017**Note 27. Fair value measurement (continued)****(3) Valuation techniques used to derive level 2 and level 3 fair values**

Where Council is unable to derive fair valuations using quoted market prices of identical assets (i.e. level 1 inputs), Council instead utilises a spread of both observable inputs (level 2 inputs) and unobservable inputs (level 3 inputs).

The fair valuation techniques Council has employed while utilising level 2 and level 3 inputs are as follows:

**Financial assets**

Investments - At fair value through profit or loss were represented by Lehman Brothers Global Property Note (CDO). Council obtained valuations from its Investment Advisor on a monthly basis and at the end of each reporting period to ensure the financial statements reflect the most up-to-date valuation. During the year Council received dividends through the group "Class Actions" in recovering losses sustained through Lehman Brothers Australia Ltd and Grange Securities Ltd which extinguished the balance of invested Council's funds in Collateralised Debt Obligations (CDO).

There was no change to the valuation process during the reporting period.

**Investment properties**

Council obtains independent valuations of its investment property on an annual basis and at the end of each reporting period to ensure the financial statements reflect the most up-to-date valuation. The best evidence of fair value is the current price in an active market for similar assets. The investment property valuation is included in level 3 of the hierarchy. The key unobservable input to the valuation is the price per square metre.

The fair value of the investment property is determined by an independent, qualified valuer on an annual basis who has experience in the location of the property. The Council reviews the valuation report and discusses significant movements with the valuer. As at 30 June 2017 the valuation of the investment property was performed by Scott Fullarton Valuations Pty Ltd, Director Scott Fullarton, FAPI, Certified Practising Valuer, Registered Valuer No. 2144.

There was a change to the valuation process during the reporting period.

**Burwood Council****Notes to the Financial Statements**  
for the year ended 30 June 2017**Note 27. Fair value measurement (continued)****Infrastructure, property, plant and equipment****Plant & Equipment, Office Equipment and Furniture & Fittings**

Plant & Equipment, Office Equipment and Furniture & Fittings are valued at cost but disclosed at fair value in the notes. The carrying amount of these assets is assumed to approximate fair value due to the nature of the items. Examples of assets within these classes are as follows:

- Plant and Equipment – Trucks, tractors, ride-on mowers, street sweepers, earthmoving equipment, mini vans and motor vehicles
- Office Equipment – Computer equipment, flat screen monitors, whiteboards, refrigerators etc
- Furniture & Fittings – Chairs, desks and display systems

The key unobservable inputs to the valuation are the remaining useful life and the residual value.

**Operational Land**

This asset class comprises all of Council's land classified as Operational Land under the NSW Local Government Act 1993. The key unobservable input to the valuation is the price per square metre. The last valuation was undertaken at 30 June 2013 and was performed by Scott Fullarton Valuations Pty Ltd, Director Scott Fullarton, FAPI, Certified Practising Valuer, Registered Valuer No. 2144.

Generally, fair value is the most advantageous price reasonably obtainable by the seller and the most advantageous price reasonably obtained by the buyer. This is not necessarily the market selling price of the asset, rather, it is regarded as the maximum value that Council would rationally pay to acquire the asset if it did not hold it, taking into account quoted market price in an active and liquid market, the current market price of the same or similar asset, the cost of replacing the asset, if management intend to replace the asset, the remaining useful life and condition of the asset, and cash flows from the future use and disposal. There has been no change to the valuation process during the reporting period.

**Community Land**

Valuations of all Council's Community Land and Council managed land were based on either the land values provided by the Valuer-General or an average unit rate based on the land values for similar properties where the Valuer-General did not provide a land value having regard to the highest and best use for this land. As these rates were not considered to be observable market evidence they have been classified as Level 3.

**Burwood Council****Notes to the Financial Statements**  
for the year ended 30 June 2017**Note 27. Fair value measurement (continued)****Land Improvements – Depreciable**

This asset class comprises land improvements such as gardens, mulched areas, wetlands, streetscaping and landscaping. These assets may be located on parks, reserves and also within road reserves. Land Improvements were valued in-house using the cost approach by experienced Council engineering staff.

The cost approach has been utilised whereby the replacement cost was estimated for each asset by taking into account a range of factors. Inputs such as estimates of pattern of consumption, residual value, asset condition and useful life required extensive professional judgement and impacted significantly on the final determination of fair value. As such these assets were all classified as having been valued using Level 3 valuation inputs. There has been no change to the valuation process during the reporting period.

**Buildings Non-Specialised and Specialised**

Buildings were valued by Scott Fullarton Valuations Pty Ltd, Director Scott Fullarton, FAPI, Certified Practising Valuer, Registered Valuer No. 2144 in June 2013 using the cost approach. The approach estimated the replacement cost for each building by componentising the buildings into significant parts with different useful lives and taking into account a range of factors. While all buildings were physically inspected inputs such as estimates of residual value and pattern of consumption required extensive professional judgement and impacted significantly on the final determination of fair value. As such these assets were classified as having been valued using Level 3 valuation inputs.

During the financial year Council refurbished a building (Woodstock Community Centre) and the Grandstand at the Enfield Aquatic Centre. Costs to refurbish were current costs. There has been no change to the valuation process during the reporting period.

**Other Structures**

This asset class comprises retaining walls, shade structures and filtration system and shed.

The cost approach has been utilised whereby the replacement cost was estimated for each asset by taking into account a range of factors. Inputs such as estimates of pattern of consumption, residual value, asset condition and useful life required extensive professional judgement and impacted significantly on the final determination of fair value. As such these assets were all classified as having been valued using Level 3 valuation inputs. There has been no change to the valuation process during the reporting period.

During the financial year Council built a multipurpose facility (Workshed, Water Recycling system, with underground Tank and Leachate Management system) in Wangal Park. Costs to build were current costs.



**Burwood Council****Notes to the Financial Statements**  
for the year ended 30 June 2017**Note 27. Fair value measurement (continued)****Roads**

This asset class comprises the Road Carriageway and Suburb Markers. The road carriageway is defined as the trafficable portion of a road, between but not including the kerb and gutter. The 'Cost Approach' using Level 3 inputs was used to value the road carriageway and other road infrastructure. Valuations for the road carriageway, comprising surface, pavement and formation were based on calculations carried out by JRA, Jeff Roorda Associates during 2015, utilising the detailed pavement information residing in Council's Pavement Management System - "Assetic System".

The cost approach was utilised with inputs such as estimates pattern of consumption, asset condition and useful life requiring extensive professional judgement which impacted significantly on the final determination of fair value. Additionally due to limitations in the historical records of very long lived assets there some uncertainty regarding the actual design, specifications and dimensions of some assets.

During the year Council wrote off Road infrastructure assets as part of it's renewal programme replacing the written down value with the current replacement cost.

**Footpaths and Kerb & Gutter**

Footpaths were valued by JRA, Jeff Roorda Associates during 2015 using the cost approach. Footpaths and Kerb & Gutter were segmented to match the adjacent road segment where possible and no further componentisation was undertaken. Footpaths and Kerb & Gutter were originally mapped and condition assessed using a combination of video condition assessment and physical inspection. Condition information is updated as changes in the network are observed through regular inspections.

During the year Council wrote off Footpath and Kerb & Gutter infrastructure assets as part of it's renewal programme replacing the written down value with the current replacement cost.

**Other Road assets**

This asset class comprises Roundabouts, Speed humps, Traffic calming devices, Street Furniture, Bus Shelters and Fencing. These assets were valued by JRA, Jeff Roorda Associates during 2016 using the cost approach method utilising inputs such as estimated asset condition and useful life requiring extensive professional judgement which impacted significantly on the final determination of fair value.

**Burwood Council****Notes to the Financial Statements**  
for the year ended 30 June 2017**Note 27. Fair value measurement (continued)****Drainage Infrastructure**

Assets within this class comprise pits, pipes, open channels, headwalls and various types of water quality devices.

The 'Cost Approach' estimated the replacement cost for each asset by componentising the assets into significant parts with different useful lives and taking into account a range of factors. The Level of componentisation adopted by Council is in accordance with OLG Circular 09-09 and the Institute of Public Works Engineers Australia's International Infrastructure Management Manual (IIMM). Inputs such as estimates of the pattern of consumption, asset condition and useful life required extensive professional judgement and impacted significantly on the final determination of fair value. Additionally due to limitations in the historical records of very long lived assets there is uncertainty regarding the actual design, specifications and dimensions of some assets. The Drainage system was valued by JRA, Jeff Roorda Associates during 2015 using the cost approach.

During the year Council wrote off Drainage infrastructure assets as part of it's renewal programme replacing the written down value with the current replacement cost.

**Swimming Pools**

Assets within this class comprise Council's Enfield Aquatic Centre. The indoor and outdoor pools at the aquatic centre was valued by Scott Fullarton Valuations Pty Ltd in June 2013 using the cost approach. The approach estimated the replacement cost for each pool by componentising its significant parts.

Inputs such as estimates of the pattern of consumption, asset condition and useful life required extensive professional judgement which impacted significantly on the final determination of fair value. There has been no change to the valuation process during the reporting period. There has been no change to the valuation process during the reporting period.

**Other Open Space/Recreational Assets**

Assets within this class comprise tennis courts and fencing, synthetic turf surfaces, barbecues, playground equipment, shade structures and soft fall, park furniture, park lighting, fitness equipment, bocce courts, gazebos and signage which were valued by Jeff Roorda and Associates in June 2016 using the cost approach method.

Inputs such as estimates of the pattern of consumption, asset condition and useful life required extensive professional judgement which impacted significantly on the final determination of fair value.

## Burwood Council

### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 27. Fair value measurement (continued)

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##### Library Books

Library Books are valued at cost but are disclosed at fair value in the notes. The carrying amount of these assets is assumed to approximate fair value due to the nature of the items.

Council reviews the value of these assets against quoted prices for the gross current replacement cost of similar assets and by taking account of the pattern of consumption, estimated remaining useful life and the residual value. There has been no change to the valuation process during the reporting period.

##### Other Assets

This asset class comprises Computer Software implementation costs, flagpoles and flags and miscellaneous computer software.

##### Non-current assets classified as 'held for sale'

Council does not have assets classified as "held for sale".



**ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC**  
**General Purpose Financial Statements year ended 30 June 2017**

## Burwood Council

**Notes to the Financial Statements**  
for the year ended 30 June 2017

**Note 27. Fair value measurement (continued)**

\$ '000

**(4). Fair value measurements using significant unobservable inputs (level 3)****a. The following tables present the changes in level 3 fair value asset classes.**

	Held for trading	Investment property	Plant and equipment	Operational land	Community land	Land improvements depreciable	Buildings	Other structures	<b>Total</b>
<b>Opening balance – 1/7/15</b>	504	3,420	6,954	43,732	29,515	7,105	38,190	3,988	133,408
Purchases (GBV)	–	–	1,731	–	–	461	8,690	977	11,859
Disposals (WDV)	(513)	–	(741)	–	–	–	–	–	(1,254)
Depreciation and impairment	–	–	(1,264)	–	–	(175)	(984)	(256)	(2,679)
Other movement (Fair value adjustment)	12	80	–	–	2,107	896	–	(1,506)	1,589
Other movement (WIP Transfers)	–	–	–	–	–	1,497	66	259	1,822
<b>Closing balance – 30/6/16</b>	<b>3</b>	<b>3,500</b>	<b>6,680</b>	<b>43,732</b>	<b>31,622</b>	<b>9,784</b>	<b>45,962</b>	<b>3,462</b>	<b>144,745</b>
Transfers from/(to) another asset class	–	–	–	–	–	117	–	(733)	(616)
Purchases (GBV)	–	–	1,103	–	–	2,160	186	325	3,774
Disposals (WDV)	(3)	–	(541)	–	–	(62)	–	–	(606)
Depreciation and impairment	–	–	(1,214)	–	–	(219)	(1,177)	(90)	(2,700)
Other movement (Fair value adjustment)	–	100	–	–	–	–	–	–	100
Other movement (WIP Transfers)	–	–	–	–	–	1,294	–	34	1,328
<b>Closing balance – 30/6/17</b>	<b>–</b>	<b>3,600</b>	<b>6,028</b>	<b>43,732</b>	<b>31,622</b>	<b>13,074</b>	<b>44,971</b>	<b>2,998</b>	<b>146,025</b>

<sup>1</sup> FV gains recognised in the Income Statement relating to assets still on hand at year end total:

YE 15/16  
YE 16/17

12	80	–	–	–	–	–	–	–	92
–	100	–	–	–	–	–	–	–	100
page 73									

## Burwood Council

Notes to the Financial Statements  
for the year ended 30 June 2017

## Note 27. Fair value measurement (continued)

\$ '000

## (4). Fair value measurements using significant unobservable inputs (level 3) continued

## a. The following tables present the changes in level 3 fair value asset classes. (continued)

	Other Road Assets	Open space/ Recreational	Roads	Footpaths	Drainage	Swimming pool	Library books	Other assets	Total
<b>Opening balance – 1/7/15</b>	–	–	139,828	34,523	28,052	3,260	351	1,139	207,153
Purchases (GBV)	–	135	3,347	1,064	655	13	124	157	5,495
Depreciation and impairment	–	–	(1,907)	(676)	(649)	(121)	(138)	(221)	(3,712)
Other movement (Fair value adjustment)	–	2,148	–	–	–	–	–	(594)	1,554
Other movement (WIP Transfers)	–	2,660	213	121	25	30	–	–	3,049
<b>Closing balance – 30/6/16</b>	–	<b>4,943</b>	<b>141,481</b>	<b>35,032</b>	<b>28,083</b>	<b>3,182</b>	<b>337</b>	<b>481</b>	<b>213,539</b>
Transfers from/(to) another asset class	734	(117)	–	–	–	–	–	–	617
Purchases (GBV)	657	66	2,045	2,231	835	73	132	269	6,308
Disposals (WDV)	–	–	(583)	(740)	(295)	–	–	(10)	(1,628)
Depreciation and impairment	(161)	–	(1,951)	(687)	(654)	(122)	(126)	(203)	(3,904)
Other movement (Fair value adjustment)	5,608	–	–	–	–	–	–	–	5,608
Other movement (WIP Transfers)	1	8	5	7	9	–	–	5	35
<b>Closing balance – 30/6/17</b>	<b>6,839</b>	<b>4,900</b>	<b>140,997</b>	<b>35,843</b>	<b>27,978</b>	<b>3,133</b>	<b>343</b>	<b>542</b>	<b>220,575</b>

**Burwood Council****Notes to the Financial Statements**  
for the year ended 30 June 2017**Note 27. Fair value measurement (continued)****(4). Fair value measurements using significant unobservable inputs (level 3)****b. Significant unobservable valuation inputs used (for level 3 asset classes) and their relationship to fair value.**

The following table summarises the quantitative information relating to the significant unobservable inputs used in deriving the various level 3 asset class fair values.

**Financial assets**

<b>Class</b>	<b>Fair value (30/6/17) \$'000</b>	<b>Valuation technique/s</b>	<b>Unobservable inputs</b>
Held for Trading	0	Market Value	<ul style="list-style-type: none"> <li>Unit Price</li> </ul>

**Investment properties**

<b>Class</b>	<b>Fair value (30/6/17) \$'000</b>	<b>Valuation technique/s</b>	<b>Unobservable inputs</b>
Commercial Office and Retail	3,600	Qualified Valuer	<ul style="list-style-type: none"> <li>Estimated rental value (rate per square metre)</li> <li>Rental Yield</li> </ul>

## Burwood Council

Notes to the Financial Statements  
for the year ended 30 June 2017

## Note 27. Fair value measurement (continued)

## I, PP&amp;E

Class	Fair value (30/6/17) \$'000	Valuation technique/s	Unobservable inputs
Plant & Equipment, Office Equipment and Furniture & Fittings	6,028	Cost approach	<ul style="list-style-type: none"> <li>Gross Replacement Cost</li> <li>Remaining useful life</li> <li>Residual value</li> </ul>
Operational Land	43,732	Qualified Valuer	<ul style="list-style-type: none"> <li>Price per square metre</li> </ul>
Community Land	36,583	Land values obtained from the NSW Valuer General	<ul style="list-style-type: none"> <li>Unimproved Capital Value (price per square metre)</li> </ul>
Land Improvements – depreciable	13,074	Cost approach	<ul style="list-style-type: none"> <li>Gross Replacement Cost</li> <li>Asset Condition</li> <li>Remaining useful life</li> <li>Residual value</li> </ul>
Buildings	44,971	Qualified Valuer	<ul style="list-style-type: none"> <li>Gross Replacement Cost</li> <li>Asset Condition</li> <li>Remaining useful life</li> <li>Residual value</li> </ul>
Other Structures	2,998	Cost approach	<ul style="list-style-type: none"> <li>Gross Replacement Cost</li> <li>Asset Condition</li> <li>Remaining useful life</li> </ul>
Roads	140,997	Qualified Valuer	<ul style="list-style-type: none"> <li>Gross Replacement Cost</li> <li>Asset Condition</li> <li>Remaining useful life</li> </ul>
Footpaths	35,843	Qualified Valuer	<ul style="list-style-type: none"> <li>Gross Replacement Cost</li> <li>Asset Condition</li> <li>Remaining useful life</li> </ul>

## Burwood Council

Notes to the Financial Statements  
for the year ended 30 June 2017

## Note 27. Fair value measurement (continued)

Class	Fair value (30/6/17) \$'000	Valuation technique/s	Unobservable inputs
Other Road Assets	6,839	Qualified Valuer	<ul style="list-style-type: none"> <li>Gross Replacement Cost</li> <li>Asset Condition</li> <li>Remaining useful life</li> </ul>
Drainage Infrastructure	27,978	Qualified Valuer	<ul style="list-style-type: none"> <li>Gross Replacement Cost</li> <li>Asset Condition</li> <li>Remaining useful life</li> </ul>
Swimming Pools	3,133	Qualified Valuer	<ul style="list-style-type: none"> <li>Gross Replacement Cost</li> <li>Asset Condition</li> <li>Remaining useful life</li> </ul>
Library Books	343	Cost approach	<ul style="list-style-type: none"> <li>Gross Replacement Cost</li> <li>Asset Condition</li> <li>Remaining useful life</li> </ul>
Other - Open Space / Recreational	4,690	Qualified Valuer	<ul style="list-style-type: none"> <li>Gross Replacement Cost</li> <li>Asset Condition</li> <li>Remaining useful life</li> </ul>
Other Assets	542	Cost approach	<ul style="list-style-type: none"> <li>Gross Replacement Cost</li> <li>Asset Condition</li> <li>Remaining useful life</li> <li>Residual value</li> </ul>

## c. The valuation process for level 3 fair value measurements

Valuation process has been incorporated within 3 above.

## (5). Highest and best use

All of Council's non-financial assets are considered to being utilised for their highest and best use.

**Burwood Council****Notes to the Financial Statements**  
for the year ended 30 June 2017**Note 28. Related party disclosures**

\$ '000

**a. Key management personnel**

Key management personnel (KMP) of the council are those persons having the authority and responsibility for planning, directing and controlling the activities of the council, directly or indirectly.

The aggregate amount of KMP compensation included in the Income Statement is:

	Actual 2017
<b>Compensation:</b>	
Short-term benefits	1,150
Post-employment benefits	155
Other long-term benefits	37
Termination benefits	16

**Total****1,358****b. Other transactions with KMP and their related parties**

Council has determined that transactions at arm's length between KMP and Council as part of Council delivering a public service objective (e.g. access to library or Council swimming pool by KMP) will not be disclosed.

There have been no transactions identified through the related party disclosure process indicating to be any significant disclosures from Key Management Persons during the year ended 30 June 2017.

# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Financial Statements 2016

### Burwood Council

#### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 29. Financial review

\$ '000

#### Key financial figures of Council over the past 5 years

Financial performance figures	2017	2016	2015	2014	2013
<b>Inflows:</b>					
Rates and annual charges revenue	24,927	22,888	21,577	20,669	19,013
User charges revenue	10,235	9,563	8,765	7,648	7,553
Interest and investment revenue (losses)	1,215	2,048	1,356	1,619	2,132
Grants income – operating and capital	4,217	3,786	2,891	2,729	3,601
Total income from continuing operations	49,219	50,962	44,503	45,553	40,328
Sale proceeds from I,PP&E	2,357	781	3,962	9,599	671
New loan borrowings and advances	–	–	2,000	1,000	1,000
<b>Outflows:</b>					
Employee benefits and on-cost expenses	17,462	17,634	16,937	16,172	15,722
Borrowing costs	335	354	325	260	392
Materials and contracts expenses	10,201	10,956	10,066	8,691	8,599
Total expenses from continuing operations	42,479	42,815	41,310	40,579	39,570
Total cash purchases of I,PP&E	10,311	17,700	9,483	26,367	8,298
Total loan repayments (incl. finance leases)	444	422	324	197	4,609
Operating surplus/(deficit) (excl. capital income)	2,786	(9)	1,695	(2,792)	(2,387)
<b>Financial position figures</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>
Current assets	48,993	43,690	43,093	39,170	50,402
Current liabilities	17,109	16,588	12,793	11,246	11,040
Net current assets	31,884	27,102	30,300	27,924	39,362
Available working capital (Unrestricted net current assets)	(1,552)	(2,081)	1,643	1,040	8,755
Cash and investments – unrestricted	5,274	3,263	3,239	1,613	1,430
Cash and investments – internal restrictions	26,633	21,124	25,560	21,724	26,070
Cash and investments – total	46,077	39,449	40,856	36,887	40,048
Total borrowings outstanding (Loans, advances and finance leases)	5,960	6,404	6,826	5,150	4,347
Total value of I,PP&E (excl. land and earthworks)	449,094	439,889	425,645	484,074	463,710
Total accumulated depreciation	161,432	159,098	159,342	190,139	186,874
Indicative remaining useful life (as a % of GBV)	64%	64%	63%	61%	60%

Source: published audited financial statements of Council (current year and prior year)

page 79

## Burwood Council

### Notes to the Financial Statements for the year ended 30 June 2017

#### Note 30. Council information and contact details

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**Principal place of business:**

Suite 1, Level 2, 1-17 Elsie Street  
Burwood NSW 2134

**Contact details****Mailing address:**

PO Box 240  
Burwood NSW 2134

**Opening hours:**

Monday to Friday 8.30am to 4.45pm

**Telephone:** 02 9911 9911

**Facsimile:** 02 9911 9900

**Internet:** [www.burwood.nsw.gov.au](http://www.burwood.nsw.gov.au)

**Email:** [council@burwood.nsw.gov.au](mailto:council@burwood.nsw.gov.au)

**Officers****GENERAL MANAGER**

Michael McMahon

**RESPONSIBLE ACCOUNTING OFFICER**

Wayne Armitage

**PUBLIC OFFICER**

Tommaso Briscese

**AUDITORS**

Audit Office of NSW  
Level 15  
1 Margaret Street  
Sydney NSW 2000

**Elected members****MAYOR**

Councillor Faker

**COUNCILLORS**

Councillor Furneaux-Cook  
Councillor Chan  
Councillor Crichton  
Councillor Del Duca  
Councillor Dixit  
Councillor Mannah

**Other information**

**ABN:** 84 362 114 428





## INDEPENDENT AUDITOR'S REPORT

### Report on the general purpose financial statements

#### Burwood Council

To the Councillors of Burwood Council

### Opinion

I have audited the accompanying financial statements of Burwood Council (the Council), which comprise the statement of financial position as at 30 June 2017, the income statement, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the Statement by Councillors and Management.

In my opinion,

- the Council's accounting records have been kept in accordance with the requirements of the *Local Government Act 1993*, Chapter 13, Part 3, Division 2 (the Division)
- the financial statements:
  - have been presented, in all material respects, in accordance with the requirements of this Division
  - are consistent with the Council's accounting records
  - present fairly, in all material respects, the financial position of the Council as at 30 June 2017, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- all information relevant to the conduct of the audit has been obtained
- no material deficiencies in the accounting records or financial statements have come to light during the audit.

My opinion should be read in conjunction with the rest of this report.

### Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

### **Other Matter**

The financial statements of the Council for the year ended 30 June 2016 were audited by another auditor who expressed an unmodified opinion on that financial statement on 5 September 2016.

### **The Councillors' Responsibility for the Financial Statements**

The Councillors are responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the *Local Government Act 1993*, and for such internal control as the Councillors determine is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Councillors must assess the Council's ability to continue as a going concern except where the Council will be dissolved or amalgamated by an Act of Parliament. The assessment must disclose, as applicable, matters related to going concern and the appropriateness of using the going concern basis of accounting.

### **Auditor's Responsibility for the Audit of the Financial Statements**

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: [www.auasb.gov.au/auditors\\_responsibilities/ar3.pdf](http://www.auasb.gov.au/auditors_responsibilities/ar3.pdf). The description forms part of my auditor's report.

## ATTACHMENT 1

### ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

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My opinion does *not* provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- on the Original Budget information included in the Income Statement, Statement of Cash Flows, Note 2(a) and Note 16 budget variation explanations
- on the attached Special Schedules
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.



Renee Meimaroglou  
Director, Financial Audit Services

18 October 2017  
SYDNEY



Mr John Faker  
Mayor  
Burwood Council  
PO Box 240  
BURWOOD NSW 1805

Contact: Renee Meimaroglou  
Phone no: 02 9275 7100  
Our ref: D1723525/1702

17 October 2017

Dear Mayor

**Report on the Conduct of the Audit  
for the year ended 30 June 2017  
Burwood Council**

I have audited the general purpose financial statements of Burwood Council (the Council) for the year ended 30 June 2017 as required by s415 of the *Local Government Act 1993* (the Act).

I expressed an unmodified opinion on the Council's general purpose financial statements.

This Report on the Conduct of the Audit (the Report) for the Council for the year ended 30 June 2017 is issued in accordance with section 417 of the Act. This Report should be read in conjunction with my audit opinion on the general purpose financial statements issued under section 417(2) of the Act.

Our insights inform and challenge government to improve outcomes for citizens



## INCOME STATEMENT

### Operating result

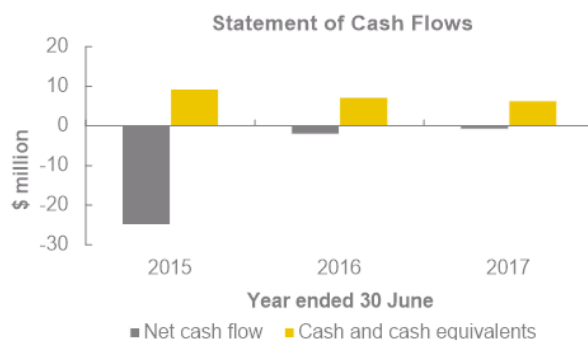
	2017 \$m	2016 \$m	Variance %
Rates and annual charges revenue	24.9	22.9	8.7 ↑
Grants and contributions revenue	7.9	11.8	33.1 ↓
Operating result for the year	6.7	8.1	17.3 ↓
Net operating result before capital amounts	2.8	--	↑

The operating result for the year was a surplus of \$6.7 million (2016: \$8.1 million) and included a depreciation expense of \$6.7 million (2016: \$6.4 million). The lower operating result is mainly due to a decrease in developer contributions received compared to the previous year. Last year, the Council experienced significant development activity within the Burwood Local Government Area.

Rates and annual charges represent 51 per cent of Council's total revenues and increased by 8.9 per cent from the previous year. The increase is due to Council receiving a special rate variation of 7 per cent and an expanding rates base due to development activity during the year.

## STATEMENT OF CASH FLOWS

The Statement of Cash Flows illustrates the flow of cash and cash equivalents moving in and out of Council during the year and reveals that cash decreased by \$869,000 to \$6.3 million at the close of the year.



In addition to operating activities which contributed net cash inflow of \$15.0 million (2016: \$15.9 million), there were proceeds from the sale of assets (\$2.4 million) and the disposal of investments securities (\$55 million). Cash outflows other than operating activities were used to purchase investment securities (\$62.5 million), purchase and construct assets (\$10.3 million) and repay loans (\$444,000).

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## FINANCIAL POSITION

### Cash and Investments

Restricted Cash and Investments	2017	2016	Commentary
	\$m	\$m	
External restrictions	14.2	15.1	Cash and investments amounted \$46.1 million at 30 June 2017 (2016: \$39.4 million). The increase is mainly due to the Council's surplus for the year and lower capital expenditure compared to the previous year.
Internal restrictions	26.6	21.1	
Unrestricted	5.3	3.2	
<b>Cash and investments</b>	<b>46.1</b>	<b>39.4</b>	

Externally restricted cash and investments are restricted in their use by externally imposed requirements. These include unspent development contributions and specific purpose grants, unexpended loans and domestic waste charges.

Internally restricted cash and investments have been restricted in their use by resolution or policy of Council to reflect forward plans and identified programs of works. These totalled \$26.6 million and their purpose is fully disclosed in Note 6 of the financial statements.

The Council's unrestricted cash and investments amounted to \$5.3 million, which is available to provide liquidity for day to day operations.

### Debt

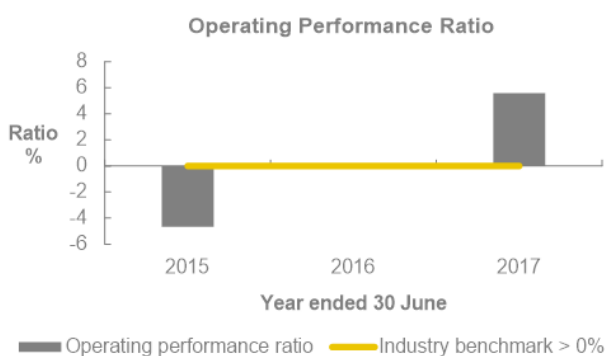
After repaying principal and interest of \$779,000 during the financial year, total debt as at 30 June 2017 is \$6.0 million (2016: \$6.4 million).

## PERFORMANCE RATIOS

The definition of each ratio analysed below (except for the 'building and infrastructure renewals ratio') is included in Note 13 of the Council's audited general purpose financial statements. The 'building and infrastructure renewals ratio' is defined in Council's Special Schedule 7.

### Operating performance ratio

The 'operating performance ratio' measures how well council contained operating expenditure within operating revenue (excluding capital grants and contributions, fair value adjustments, and reversal of revaluation decrements). The benchmark set by the Office of Local Government (OLG) is greater than zero per cent.



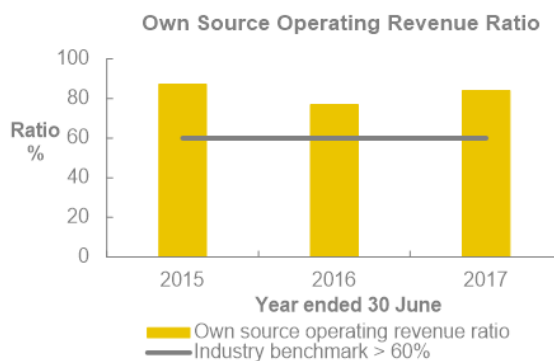
Council's operating performance indicator of 6 per cent (-0.11 per cent in 2016) exceeded the benchmark due to a significantly improved operating result before capital grants and contributions. This is mainly due to the Council receiving a special rate variation for 2016-17 and an expanding rates base due to recent development activity.

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### Own source operating revenue ratio

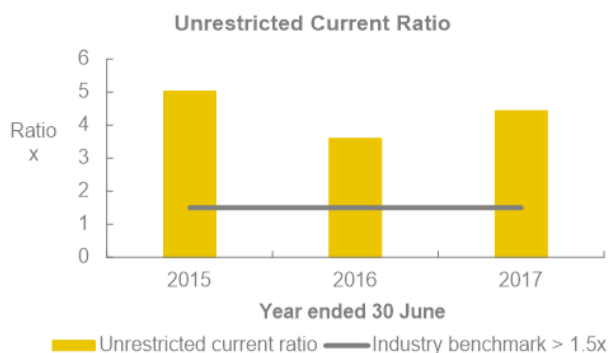
The 'own source operating revenue ratio' measures council's fiscal flexibility and the degree to which it relies on external funding sources such as operating grants and contributions. The benchmark set by OLG is greater than 60 per cent.



Council's own source operating revenue ratio was 84 per cent in 2016-17 (77 per cent in 2016), exceeding the benchmark of 60 per cent.

### Unrestricted current ratio

The 'unrestricted current ratio' is specific to local government and represents council's ability to meet its short-term obligations as they fall due. The benchmark set by OLG is greater than 1.5 times.



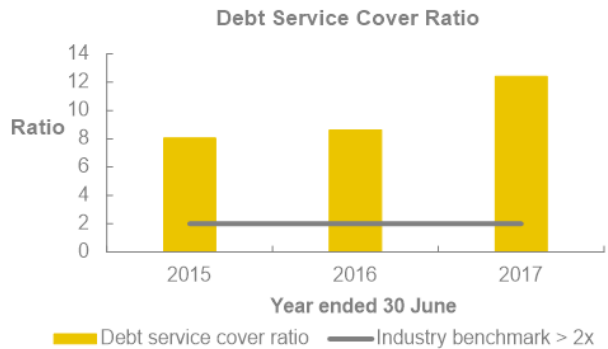
Council's unrestricted current ratio increased to 4.4 as at 30 June 2017 (3.6 in 2016) and exceeded the benchmark of 1.5 times. The improvement in the ratio is due to increased cash and investments.

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### Debt service cover ratio

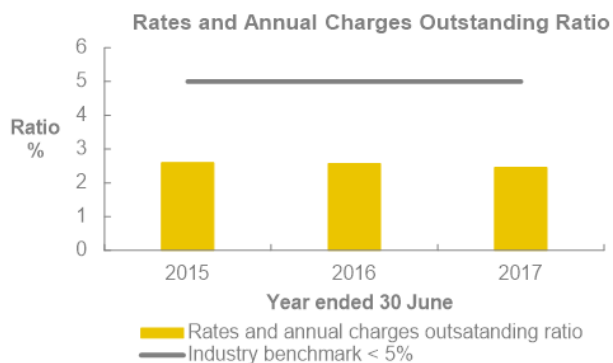
The 'debt service cover ratio' measures the operating cash to service debt including interest, principal and lease payments. The benchmark set by OLG is greater than two times.



The debt service cover ratio for the Council as at 30 June 2017 is 12.4 (8.6 in 2016). This improvement is mainly due to Council's improved operating result before capital grants and contributions.

### Rates and annual charges outstanding ratio

The 'rates and annual charges outstanding ratio' assesses the impact of uncollected rates and annual charges on council's liquidity and the adequacy of debt recovery efforts. The benchmark set by OLG is below 5 per cent for metro councils.



The rates and annual charges outstanding ratio stood at 2.5 per cent as at 30 June 2017 (2.6 per cent in 2016) and continues to better the industry benchmark of being below 5 per cent. Management attribute this result to actively pursuing the recovery of outstanding amounts.

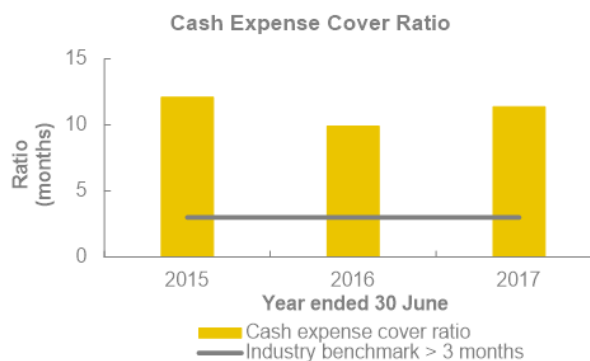


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### Cash expense cover ratio

This liquidity ratio indicates the number of months the council can continue paying for its immediate expenses without additional cash inflow. The benchmark set by OLG is greater than three months.

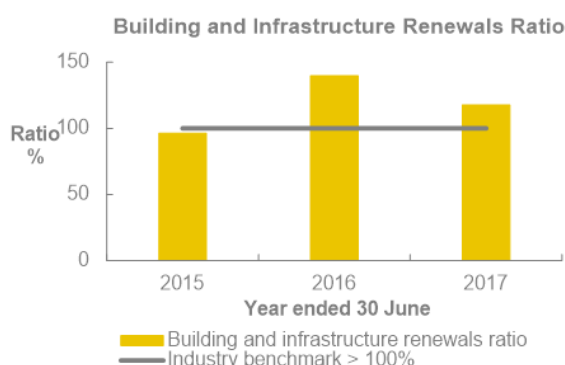


Council's cash expense cover ratio was over eleven months and continues to easily exceed the benchmark of three months.

### Building and infrastructure renewals ratio

The 'building and infrastructure renewals ratio' assesses the rate at which these assets are being renewed against the rate at which they are depreciating. The benchmark set by OLG is greater than 100 per cent.

This ratio is sourced from information contained in council's Special Schedule 7 which has not been audited.



Special Schedule No. 7 disclosed infrastructure renewals for 2017 represented 118 per cent (140 per cent in 2016) of the depreciation charges for those assets; exceeding the benchmark of 100 per cent.

## OTHER MATTERS

### New accounting standards implemented

#### AASB 124 'Related Party Disclosures'

Effective for annual reporting periods beginning on or 1 July 2016

AASB 2015-6 extended the scope of AASB 124 to include not-for-profit public sector entities. As a result, Council's financial statements disclosed the:

- compensation paid to their key management personnel
- nature of their related party relationships
- amount and nature of their related party transactions, outstanding balances and commitments.

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### **Asset Revaluations**

Council's infrastructure, property, plant and equipment are required to be carried at fair value with revaluations of each asset class to be performed at least every five years.

During the year, community land and other road assets were revalued. This resulted in a net increase of \$10.6 million recognised directly in Asset Revaluation Reserves.

### **Legislative compliance**

My audit procedures did not identify any instances of non-compliance with legislative requirements or a material deficiency in the Council's accounting records or financial reports. The Council's:

- accounting records were maintained in a manner and form to allow the general purpose financial statements to be prepared and effectively audited
- staff provided all accounting records and information relevant to the audit.

A handwritten signature in black ink, appearing to read "R. Meimaroglou".

Renee Meimaroglou  
Director, Financial Audit Services

18 October 2017  
SYDNEY

cc: Mr Michael McMahon, General Manager  
Chair of the Audit Committee  
Mr Tim Hurst, Acting Chief Executive of the Office of Local Government

# Burwood Council

SPECIAL PURPOSE FINANCIAL STATEMENTS  
for the year ended 30 June 2017



**Burwood Council**  
heritage • progress • pride

*To make Burwood vibrant, prosperous,  
progressive and proud of its history and heritage*

## ATTACHMENT 1

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### ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

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SPFS 2017

Burwood Council

Special Purpose Financial Statements  
for the year ended 30 June 2017

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Council has no business activities in the context of National Competition Policy

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page 1

# Burwood Council

SPECIAL SCHEDULES  
for the year ended 30 June 2017



**Burwood Council**  
heritage • progress • pride

*To make Burwood vibrant, prosperous,  
progressive and proud of its history and heritage*

## ATTACHMENT 1

### ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

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Special Schedules 2017

#### Burwood Council

#### Special Schedules for the year ended 30 June 2017

#### Contents

Page

#### Special Schedules<sup>1</sup>

Special Schedule 1	Net Cost of Services	2
Special Schedule 2(a)	Statement of Long Term Debt (all purposes)	4
Special Schedule 2(b)	Statement of Internal Loans (Sect. 410(3) LGA 1993)	n/a
Special Schedule 3	Water Supply Operations – incl. Income Statement	n/a
Special Schedule 4	Water Supply – Statement of Financial Position	n/a
Special Schedule 5	Sewerage Service Operations – incl. Income Statement	n/a
Special Schedule 6	Sewerage Service – Statement of Financial Position	n/a
Notes to Special Schedules 3 and 5		n/a
Special Schedule 7	Report on Infrastructure Assets	5
Special Schedule 8	Permissible Income Calculation	9

<sup>1</sup> Special Schedules are not audited (with the exception of Special Schedule 8).

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#### Background

- (i) These Special Schedules have been designed to meet the requirements of special purpose users such as;
- the NSW Grants Commission
  - the Australian Bureau of Statistics (ABS),
  - the NSW Office of Water (NOW), and
  - the Office of Local Government (OLG).
- (ii) The financial data is collected for various uses including;
- the allocation of Financial Assistance Grants,
  - the incorporation of Local Government financial figures in national statistics,
  - the monitoring of loan approvals,
  - the allocation of borrowing rights, and
  - the monitoring of the financial activities of specific services.

# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Special Schedules 2017

### Burwood Council

### Special Schedule 1 – Net Cost of Services for the year ended 30 June 2017

\$'000				
Function or activity	Expenses from continuing operations	Income from continuing operations		Net cost of services
		Non-capital	Capital	
<b>Governance</b>	555	8	–	(547)
<b>Administration</b>	10,347	3,945	–	(6,402)
<b>Public order and safety</b>				
Fire service levy, fire protection, emergency services	561	–	–	(561)
Beach control	–	–	–	–
Enforcement of local government regulations	832	40	–	(792)
Animal control	99	4	–	(95)
Other	262	129	–	(133)
<b>Total public order and safety</b>	<b>1,754</b>	<b>173</b>	<b>–</b>	<b>(1,581)</b>
<b>Health</b>	<b>357</b>	<b>246</b>	<b>–</b>	<b>(111)</b>
<b>Environment</b>				
Noxious plants and insect/vermin control	–	–	–	–
Other environmental protection	275	214	–	(61)
Solid waste management	4,777	5,426	–	649
Street cleaning	1,326	–	–	(1,326)
Drainage	–	–	–	–
Stormwater management	903	75	35	(793)
<b>Total environment</b>	<b>7,281</b>	<b>5,715</b>	<b>35</b>	<b>(1,531)</b>
<b>Community services and education</b>				
Administration and education	544	21	–	(523)
Social protection (welfare)	82	–	–	(82)
Aged persons and disabled	1,264	1,192	–	(72)
Children's services	550	64	–	(486)
<b>Total community services and education</b>	<b>2,440</b>	<b>1,277</b>	<b>–</b>	<b>(1,163)</b>
<b>Housing and community amenities</b>				
Public cemeteries	–	–	–	–
Public conveniences	135	–	–	(135)
Street lighting	539	82	–	(457)
Town planning	2,395	1,117	1,996	718
Other community amenities	–	–	–	–
<b>Total housing and community amenities</b>	<b>3,069</b>	<b>1,199</b>	<b>1,996</b>	<b>126</b>
<b>Water supplies</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>
<b>Sewerage services</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>

# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Special Schedules 2017

### Burwood Council

#### Special Schedule 1 – Net Cost of Services (continued) for the year ended 30 June 2017

\$'000				
Function or activity	Expenses from continuing operations	Income from continuing operations		Net cost of services
		Non-capital	Capital	
<b>Recreation and culture</b>				
Public libraries	2,272	100	33	(2,139)
Museums	—	—	—	—
Art galleries	—	—	—	—
Community centres and halls	620	207	—	(413)
Performing arts venues	—	—	—	—
Other performing arts	—	—	—	—
Other cultural services	—	—	—	—
Sporting grounds and venues	1,126	110	—	(1,016)
Swimming pools	2,136	1,573	—	(563)
Parks and gardens (lakes)	1,822	19	209	(1,594)
Other sport and recreation	—	—	—	—
<b>Total recreation and culture</b>	<b>7,976</b>	<b>2,009</b>	<b>242</b>	<b>(5,725)</b>
<b>Fuel and energy</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>Agriculture</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>Mining, manufacturing and construction</b>				
Building control	437	—	—	(437)
Other mining, manufacturing and construction	—	—	—	—
<b>Total mining, manufacturing and const.</b>	<b>437</b>	<b>—</b>	<b>—</b>	<b>(437)</b>
<b>Transport and communication</b>				
Urban roads (UR) – local	2,849	(230)	1,611	(1,468)
Urban roads – regional	—	—	—	—
Sealed rural roads (SRR) – local	—	—	—	—
Sealed rural roads (SRR) – regional	—	—	—	—
Unsealed rural roads (URR) – local	—	—	—	—
Unsealed rural roads (URR) – regional	—	—	—	—
Bridges on UR – local	—	—	—	—
Bridges on SRR – local	—	—	—	—
Bridges on URR – local	—	—	—	—
Bridges on regional roads	—	—	—	—
Parking areas	3,102	6,730	—	3,628
Footpaths	1,614	(337)	—	(1,951)
Aerodromes	—	—	—	—
Other transport and communication	698	1,904	70	1,276
<b>Total transport and communication</b>	<b>8,263</b>	<b>8,067</b>	<b>1,681</b>	<b>1,485</b>
<b>Economic affairs</b>				
Camping areas and caravan parks	—	—	—	—
Other economic affairs	—	—	—	—
<b>Total economic affairs</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>Totals – functions</b>	<b>42,479</b>	<b>22,639</b>	<b>3,954</b>	<b>(15,886)</b>
<b>General purpose revenues <sup>(1)</sup></b>		<b>22,573</b>		<b>22,573</b>
<b>Share of interests – joint ventures and associates using the equity method</b>	<b>—</b>	<b>53</b>		<b>53</b>
<b>NET OPERATING RESULT <sup>(2)</sup></b>	<b>42,479</b>	<b>45,265</b>	<b>3,954</b>	<b>6,740</b>

(1) Includes: rates and annual charges (including ex gratia, excluding water and sewer), non-capital general purpose

(2) As reported in the Income Statement

grants, interest on investments (excluding externally restricted assets) and interest on overdue rates and annual charges



# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

### Burwood Council

Special Schedules 2017

### Special Schedule 2(a) – Statement of Long Term Debt (all purpose) for the year ended 30 June 2017

Classification of debt	Principal outstanding at beginning of the year			New loans raised during the year	Debt redemption during the year		Transfers to sinking funds	Interest applicable for year	Principal outstanding at the end of the year		
	Current	Non-current	Total		From revenue	Sinking funds			Current	Non-current	Total
<b>Loans (by source)</b>											
Commonwealth Government	–	–	–	–	–	–	–	–	–	–	–
NSW Treasury Corporation	–	–	–	–	–	–	–	–	–	–	–
Other State Government	–	–	–	–	–	–	–	–	–	–	–
Public subscription	–	–	–	–	–	–	–	–	–	–	–
Financial institutions	444	5,960	6,404	–	444	–	–	335	480	5,480	5,960
Other	–	–	–	–	–	–	–	–	–	–	–
<b>Total loans</b>	444	5,960	6,404	–	444	–	–	335	480	5,480	5,960
<b>Other long term debt</b>											
Ratepayers advances	–	–	–	–	–	–	–	–	–	–	–
Government advances	–	–	–	–	–	–	–	–	–	–	–
Finance leases	–	–	–	–	–	–	–	–	–	–	–
Deferred payments	–	–	–	–	–	–	–	–	–	–	–
<b>Total long term debt</b>	–	–	–	–	–	–	–	–	–	–	–
<b>Total debt</b>	444	5,960	6,404	–	444	–	–	335	480	5,480	5,960

Notes: excludes (i) internal loans and (ii) principal inflows/outflows relating to loan re-financing.  
This schedule is prepared using the **face value** of debt obligations, rather than **fair value** (which are reported in the GPFs).

**ATTACHMENT 1**

**ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC**  
**General Purpose Financial Statements year ended 30 June 2017**

**Burwood Council**

Special Schedules 2017

**Special Schedule 7 – Report on Infrastructure Assets as at 30 June 2017**

\$'000												
Asset class	Asset category	Estimated cost to bring assets to satisfactory standard	Estimated cost to bring to the agreed level of service set by Council	2016/17 Required maintenance <sup>a</sup>	2016/17 Actual maintenance	Net carrying amount	Gross replacement cost (GRC)	Assets in condition as a percentage of gross replacement cost				
								1	2	3	4	5
Buildings	Council Offices / Administration Centre	100	200	150	170	11,478	11,923	100%	0%	0%	0%	0%
	Council Works Depot	250	600	100	84	432	1,936	0%	0%	0%	100%	0%
	Council Public Halls	250	250	100	207	3,516	6,576	60%	40%	0%	0%	0%
	Libraries	–	–	150	230	6,828	12,418	100%	0%	0%	0%	0%
	Other Buildings	225	225	50	114	1,745	2,399	85%	15%	0%	0%	0%
	Child Care Centres	40	40	60	49	2,267	3,756	0%	100%	0%	0%	0%
	Amenities Buildings	80	160	80	75	1,886	4,195	10%	0%	75%	15%	0%
	Other – SES	100	100	–	8	183	813	0%	0%	100%	0%	0%
	Other – Council Houses	500	500	50	75	1,525	4,413	0%	17%	83%	0%	0%
	Other – Car Park	85	85	100	294	15,111	16,106	50%	50%	0%	0%	0%
	Sub-total	1,630	2,160	840	1,306	44,971	64,535	60.1%	24.1%	11.8%	4.0%	0.0%
Other structures	Other structures	200	200	450	196	2,998	3,495	60%	15%	15%	10%	0%
	Sub-total	200	200	450	196	2,998	3,495	60.0%	15.0%	15.0%	10.0%	0.0%
Roads	Sealed Roads Surface	7,002	7,002	436	437	16,784	31,491	21%	18%	33%	22%	6%
	Sealed Roads Structure	974	974	109	125	124,213	164,639	24%	23%	49%	4%	0%
	Footpaths	–	–	379	402	17,512	22,827	11%	12%	70%	7%	0%
	Other road assets	–	–	326	333	6,838	8,432	38%	57%	4%	1%	0%
	Kerb & Gutter	–	–	172	221	18,331	31,351	4%	8%	87%	1%	0%
	Sub-total	7,976	7,976	1,422	1,518	183,679	258,740	20.5%	20.7%	52.0%	6.0%	0.7%

# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

### Burwood Council

Special Schedules 2017

### Special Schedule 7 – Report on Infrastructure Assets as at 30 June 2017 (continued)

\$'000												
Asset class	Asset category	Estimated cost to bring assets to satisfactory standard	Estimated cost to bring to the agreed level of service set by Council	2016/17 Required maintenance <sup>a</sup>	2016/17 Actual maintenance	Net carrying amount	Gross replacement cost (GRC)	Assets in condition as a percentage of gross replacement cost				
								1	2	3	4	5
Stormwater drainage	Stormwater Pipes	8,529	8,529	614	200	21,878	56,533	46%	13%	12%	4%	25%
	Stormwater Pits and Grates	1,398	1,398	153	40	6,100	10,910	46%	13%	12%	4%	25%
	Sub-total	9,927	9,927	767	240	27,978	67,443	46.0%	13.0%	12.0%	4.0%	25.0%
Open space/recreational assets	Swimming pools	700	700	400	391	3,133	5,325	25%	45%	30%	0%	0%
	Openspace / Recreational	–	–	1,800	2,175	4,690	6,885	30%	30%	40%	0%	0%
	Sub-total	700	700	2,200	2,566	7,823	12,210	27.8%	36.5%	35.6%	0.0%	0.0%
TOTAL – ALL ASSETS		20,433	20,963	5,679	5,826	267,449	406,423	31.6%	20.4%	38.2%	5.2%	4.6%

#### Notes:

<sup>a</sup> Required maintenance is the amount identified in Council's asset management plans.

#### Infrastructure asset condition assessment 'key'

1	Excellent	No work required (normal maintenance)
2	Good	Only minor maintenance work required
3	Average	Maintenance work required
4	Poor	Renewal required
5	Very poor	Urgent renewal/upgrading required

## Burwood Council

**Special Schedule 7 – Report on Infrastructure Assets** (continued)  
 for the year ended 30 June 2017

\$ '000	Amounts 2017	Indicator 2017	Benchmark	Prior periods 2016      2015	
Infrastructure asset performance indicators * consolidated					
1. Infrastructure renewals ratio					
Asset renewals <sup>(1)</sup>	5,948	117.71%	>= 100%	139.73%	96.28%
Depreciation, amortisation and impairment	5,053				
2. Infrastructure backlog ratio					
Estimated cost to bring assets to a satisfactory standard	20,433	7.28%	< 2.00%	7.64%	7.89%
Net carrying amount of infrastructure assets	280,523				
3. Asset maintenance ratio					
Actual asset maintenance	5,826	1.03	> 1.00	0.91	0.72
Required asset maintenance	5,679				
4. Cost to bring assets to agreed service level					
Estimated cost to bring assets to an agreed service level set by Council	20,963	5.16%		5.22%	5.50%
Gross replacement cost	406,423				

## Notes

\* All asset performance indicators are calculated using the asset classes identified in the previous table.

<sup>(1)</sup> Asset renewals represent the replacement and/or refurbishment of existing assets to an equivalent capacity/performance as opposed to the acquisition of new assets (or the refurbishment of old assets) that increases capacity/performance.

# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Special Schedules 2017

### Burwood Council

#### Special Schedule 7 – Report on Infrastructure Assets (continued) for the year ended 30 June 2017

<p><b>1. Infrastructure renewals ratio</b></p> <p>Benchmark: 100.00% Source for benchmark: Code of Accounting Practice and Financial Reporting #25</p>	<p><b>Purpose of asset renewals ratio</b></p> <p>To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating.</p>	<p><b>Commentary on 2016/17 result</b></p> <p><b>2016/17 Ratio 117.71%</b></p> <p>Council has commenced a strategic asset management programme to effectively manage Council's assets.</p>
<p><b>2. Infrastructure backlog ratio</b></p> <p>Benchmark: 2.00% Source for benchmark: Code of Accounting Practice and Financial Reporting #25</p>	<p><b>Purpose of infrastructure backlog ratio</b></p> <p>This ratio shows what proportion the backlog is against the total value of a Council's infrastructure.</p>	<p><b>Commentary on 2016/17 result</b></p> <p><b>2016/17 Ratio 7.28%</b></p> <p>Council has commenced a strategic asset management programme to effectively manage Council's assets. Through the Infrastructure asset revaluation process in 2014-15 financial year Council has continued to reduce the infrastructure backlog.</p>
<p><b>3. Asset maintenance ratio</b></p> <p>Benchmark: 1.00 Source for benchmark: Code of Accounting Practice and Financial Reporting #25</p>	<p><b>Purpose of asset maintenance ratio</b></p> <p>Compares actual vs. required annual asset maintenance. A ratio above 1.0 indicates Council is investing enough funds to stop the infrastructure backlog growing.</p>	<p><b>Commentary on 2016/17 result</b></p> <p><b>2016/17 Ratio 1.03 x</b></p> <p>Council has commenced a strategic asset management programme to effectively manage Council's assets. This review has again resulted in an improved position for the year.</p>
<p><b>4. Cost to bring assets to agreed service level</b></p>	<p><b>Purpose of agreed service level ratio</b></p> <p>This ratio provides a snapshot of the proportion of outstanding renewal works compared to the total value of assets under Council's care and stewardship.</p>	<p><b>Commentary on 2016/17 result</b></p> <p><b>2016/17 Ratio 5.16%</b></p> <p>Council has commenced a strategic asset management programme to effectively manage Council's assets.</p>

# ATTACHMENT 1

## ITEM /17 Adoption of Audited Financial Reports for the Year Ended 30 June 2017.DOC General Purpose Financial Statements year ended 30 June 2017

Special Schedules 2017

### Burwood Council

### Special Schedule 8 – Permissible Income Calculation for the year ended 30 June 2018

\$'000		Calculation 2016/17	Calculation 2017/18
<b>Notional general income calculation <sup>(1)</sup></b>			
Last year notional general income yield	a	18,286	19,778
Plus or minus adjustments <sup>(2)</sup>	b	208	460
<b>Notional general income</b>	c = (a + b)	<b>18,494</b>	<b>20,238</b>
<b>Permissible income calculation</b>			
Special variation percentage <sup>(3)</sup>	d	7.00%	7.50%
Or rate peg percentage	e	0.00%	0.00%
Or crown land adjustment (incl. rate peg percentage)	f	0.00%	0.00%
Less expiring special variation amount	g	—	—
Plus special variation amount	h = d x (c - g)	1,295	1,518
Or plus rate peg amount	i = c x e	—	—
Or plus Crown land adjustment and rate peg amount	j = c x f	—	—
<b>Sub-total</b>	k = (c + g + h + i + j)	<b>19,789</b>	<b>21,756</b>
Plus (or minus) last year's carry forward total	l	(2)	(1)
Less valuation objections claimed in the previous year	m	(10)	—
<b>Sub-total</b>	n = (l + m)	<b>(12)</b>	<b>(1)</b>
<b>Total permissible income</b>	o = k + n	<b>19,777</b>	<b>21,754</b>
Less notional general income yield	p	19,778	21,654
<b>Catch-up or (excess) result</b>	q = o - p	<b>(1)</b>	<b>100</b>
Plus income lost due to valuation objections claimed <sup>(4)</sup>	r	—	—
Less unused catch-up <sup>(5)</sup>	s	—	—
<b>Carry forward to next year</b>	t = q + r - s	<b>(1)</b>	<b>100</b>

#### Notes

- (1) The notional general income will not reconcile with rate income in the financial statements in the corresponding year. The statements are reported on an accrual accounting basis which include amounts that relate to prior years' rates income.
- (2) Adjustments account for changes in the number of assessments and any increase or decrease in land value occurring during the year. The adjustments are called 'supplementary valuations' as defined in the *Valuation of Land Act 1916*.
- (3) The 'special variation percentage' is inclusive of the rate peg percentage and where applicable Crown land adjustment.
- (4) Valuation objections are unexpected changes in land values as a result of land owners successfully objecting to the land value issued by the Valuer-General. Councils can claim the value of the income lost due to valuation objections in any single year.
- (5) Unused catch-up amounts will be deducted if they are not caught up within 2 years. Usually councils will have a nominal carry forward figure. These amounts can be adjusted for in setting the rates in a future year.
- (6) Carry forward amounts which are in excess (an amount that exceeds the permissible income) require ministerial approval by order published in the *NSW Government Gazette* in accordance with section 512 of the *Local Government Act 1993*. The OLG will extract these amounts from Council's Special Schedule 8 in the financial data return (FDR) to administer this process.

page 9



## INDEPENDENT AUDITOR'S REPORT

### Special Schedule No. 8

#### Burwood Council

To the Councillors of Burwood Council

### Opinion

I have audited the accompanying special purpose financial statement comprising the reconciliation of total permissible general income (Special Schedule No. 8) of Burwood Council (the Council) for the year ending 30 June 2018.

In my opinion, Special Schedule No. 8 of Burwood Council for 30 June 2018 is prepared, in all material respects in accordance with the requirements of the Local Government Code of Accounting Practice and Financial Reporting (LG Code) issued by the Office of Local Government (OLG), and is in accordance with the books and records of the Council.

My opinion should be read in conjunction with the rest of this report, and in particular the Emphasis of Matter paragraph, which describes the basis of accounting.

### Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of Special Schedule No.8' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.



### **Emphasis of Matter - Basis of Accounting**

Without modifying my opinion, I draw attention to the notes and explanations in Special Schedule No. 8 that instruct councils in its preparation so it complies with OLG's requirements as described in the LG Code. As a result, Special Schedule No. 8 may not be suitable for another purpose.

### **Other Matter**

Special Schedule No.8 of the Council for the year ended 30 June 2017 was audited by another auditor who expressed an unmodified opinion on Special Schedule No. 8 on 5 September 2016.

### **Councillors' Responsibility for Special Schedule No. 8**

The Councillors of the Council are responsible for the preparation of Special Schedule No. 8 in accordance with the LG Code. The Councillors' responsibility also includes such internal control as the Councillors determine is necessary to enable the preparation of Special Schedule No. 8 that is free from material misstatement, whether due to fraud or error.

In preparing Special Schedule No.8, the Councillors must assess the Council's ability to continue as a going concern except where the Council will be dissolved or amalgamated by an Act of Parliament. The assessment must disclose, as applicable, matters related to going concern and the appropriateness of using the going concern basis of accounting.

### **Auditor's Responsibility for the Audit of Special Schedule No. 8**

My objectives are to:

- obtain reasonable assurance whether Special Schedule No. 8 as a whole is free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on Special Schedule No.8.

A description of my responsibilities for the audit of Special Schedule No.8 is located at the Auditing and Assurance Standards Board website at [http://www.auasb.gov.au/auditors\\_responsibilities/ar8.pdf](http://www.auasb.gov.au/auditors_responsibilities/ar8.pdf). The description forms part of my auditor's report.

My opinion does not provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- about the security and controls over the electronic publication of the audited Special Schedule No.8 on any website where they may be presented
- about any other information which may have been hyperlinked to/from Special Schedule No 8.



Renee Meimaroglou  
Director, Financial Audit Services

18 October 2017  
SYDNEY



## (ITEM 84/17) BUDGET REVIEW FOR QUARTER ENDING 30 SEPTEMBER 2017

File No: 17/49775

REPORT BY CHIEF FINANCE OFFICER

### **Summary**

The 2017-18 Budget was adopted at the Council Meeting held on 27 June 2017 with a surplus of \$73,578. The adopted budget was prepared on the basis of the organisational structure which includes three divisions (Office of the General Manager, Corporate, Governance and Community and Land, Infrastructure and Environment).

This report provides Council with the financial results for the period ending 30 September 2017, 2017-18 Financial Year. In accordance with Clause 203(1) *Local Government (General) Regulations 2005* (the Regulation) the responsible accounting officer is required to prepare and submit to Council a budget review statement no later than two months after the end of each quarter (except the June Quarter).

The following Statement of Budget Income and Expenditure identifies a forecast funding surplus of \$82,947 as at 30 September 2017 compared to the adopted forecast surplus of \$73,578. The reasons for the net increase of \$9,369 are outlined in the report.

### **Background**

Included in this report is the budget forecast of Income and Expenditure Statement which is based on external and internal reporting consolidations to improve the transparency and consistency of reported information. This statement forms part of a group of statements which must be reported to Council on a quarterly basis in accordance with Clause 202(3) *Local Government (General) Regulations*. These statements are known as the Quarterly Budget Review Statements (QBRs).

Council's budget is prepared on a program basis and forecasts expected operating and capital income and expenditure for the year. To fund the budget, Council also utilises funds held in reserve that have accumulated in prior years such as Section 94A Contributions and Internally Restricted Reserves.

The Local Government Code of Accounting Practice and Financial Reporting requires Council to prepare its General Purpose Annual Financial Reports in accordance with the Australian Accounting Standards. This requires Council to:

- implement full accrual accounting, including capitalisation of infrastructure assets
- prepare consolidated financial statements incorporating all functions and entities under the control of Council
- adapt to a change in accounting focus from the fund result for the year (i.e. the movement in working funds) to the gain/ (loss) from ordinary activities

Each of these requirements is applied at the time of preparing the Annual Financial Reports at 30 June each year. However, with respect to the budget process Council is still focusing on the funding result of reporting. The financial result for the year is determined and audited and the Financial Reports and Auditor's Report are included in Council's Annual Report.

BURWOOD COUNCIL					
Statement of Budget Income & Expenditure					
as at 30 September 2017					
<b>Income</b>					
Type	Budget	Recommended Amendments	Forecasted Year End	Reference	Actuals
Rates & Annual Charges	(26,496,057)	(162,425)	(26,658,482)	1	(26,656,289)
User Charges & Fees	(9,445,549)	(85,000)	(9,530,549)	2	(3,176,954)
Interest & Investment Revenue	(1,150,000)	-	(1,150,000)	3	(263,540)
Other Revenue	(4,320,225)	9,600	(4,310,625)	4	(922,038)
Operating Grants & Contributions	(3,611,321)	(144,570)	(3,755,891)	5	(566,296)
Capital Grants & Contributions	(5,865,146)	(2,045,840)	(7,910,986)	6	(1,282,266)
Carryover Grants	-	-	-	7	-
<b>Total Income</b>	<b>(50,888,298)</b>	<b>(2,428,235)</b>	<b>(53,316,533)</b>		<b>(32,867,383)</b>
<b>Expenditure</b>					
Type	Budget	Recommended Amendments	Forecasted Year End	Reference	Actuals
Employment Costs	19,788,940	(135,224)	19,653,716	8	4,129,181
Borrowing Costs	310,220	-	310,220	9	66,200
Materials & Contracts	10,467,781	439,066	10,906,847	10	1,709,370
Depreciation	7,075,000	-	7,075,000	11	2,358,333
Other Expenses	8,798,155	342,926	9,141,081	12	1,867,575
<b>Total Expenditure</b>	<b>46,440,096</b>	<b>646,768</b>	<b>47,086,864</b>		<b>10,130,658</b>
<b>Net Operating Result</b>	<b>(4,448,202)</b>	<b>(1,781,467)</b>	<b>(6,229,669)</b>		<b>(22,736,724)</b>
<b>Net Operating Result before Capital Items</b>	<b>1,416,944</b>	<b>264,373</b>	<b>1,681,317</b>		<b>(21,454,458)</b>
<b>Funding Statement</b>					
Net Operating Result	(4,448,202)	(1,781,467)	(6,229,669)		(22,736,724)
Add Back Non Cash Items					
Depreciation	(7,075,000)	-	(7,075,000)	13	(2,358,333)
Movement in ELE	-	-	-		-
<b>Adjusted Net Operating Result</b>	<b>(11,523,202)</b>	<b>(1,781,467)</b>	<b>(13,304,669)</b>		<b>(25,095,057)</b>
<b>Source of Capital Funds</b>					
Sale of Assets	(800,000)	-	(800,000)	14	(90,101)
Loan Funding	-	(20,000)	(20,000)	15	-
Transferred From Section 94	(3,100,000)	(1,834,734)	(4,934,734)	16	-
Transferred From Reserves	(4,040,000)	(1,326,563)	(5,366,563)	17	-
Add Back Non Cash Property	-	-	-		-
<b>Funds Available</b>	<b>(19,463,202)</b>	<b>(4,962,764)</b>	<b>(24,425,966)</b>		<b>(25,185,159)</b>
<b>Funds Utilised:</b>					
Acquisition of Assets	13,995,915	5,218,395	19,214,310	18	1,787,667
Loan Principal Repayment	480,080	-	480,080	19	114,081
Transfer to Section 94	4,032,000	-	4,032,000	20	-
Transfer to Reserves	881,629	(265,000)	616,629	21	-
<b>Budget Result</b>	<b>(73,578)</b>	<b>(9,369)</b>	<b>(82,947)</b>		<b>(23,283,411)</b>

The material variations greater than \$15,000 are detailed in the following section which are cross referenced to the Income and Expenditure type on the face of the above report.

**Total Income from continuing operations**

Income from continuing operations was originally forecast at \$50,888,298. This has now been revised up by \$2,428,235 to \$53,316,533. The major items resulting in this forecast income adjustment include:

**Reference 1 – Rates and Annual Charges**

An increase in Council's Rating Base of \$162,425 attributed to an increase in residential strata units coming on line and the re-categorisation of property within the Town Centre of \$127,425 and an increase in Domestic Waste Management Charges of \$35,000.

**Reference 2 – User Charges and Fees**

An overall increase of \$85,000 primarily due to the following:

- An increase of \$25,000 in Enfield Aquatic Centre income due to an increase in commercial lane hire through the new fee structure introduced.
- A \$60,000 increase in Road Closure Permits due to the increased development occurring presently within the Burwood Local Government Area.

**Reference 4 – Other Revenue**

A decrease of \$9,600 primarily attributed to the new Library Fee structure in relation to Library Fines for late returns. This fee was removed from Council's Fees and Charges.

There were other budget movements within the classification of Other Revenues which were under \$15,000 resulting in minor adjustments to the overall budget.

**Reference 5 – Operating Grants and Contributions**

An increase in Operating Grants and Contributions of \$144,570 relates to:

- An increase in the Roads to Recovery Grant of \$117,770. The Federal Government brought forward Burwood's contribution from 2018-19 financial year.
- An amount of \$26,800 was received from Burwood RSL toward community and youth programs. (Connecting our Youth, International Day for People, Play and Learn and Grandparents Day).

The expenditure items for these grants and contribution monies are distributed within Reference 10 - Materials and Contracts.

Further grant payments will be brought to account as received.

**Reference 6 – Capital Grants and Contributions**

During 2016-17 Council received notification of successful Grant applications from Metropolitan Greenspace for \$317,463 and the Department of Infrastructure and Regional Development for \$1,000,000 toward Wangal Park embellishment works. During 2016-17 work commenced on the projects, as part of the quarterly budget review the balance of these funds are now required to be brought to account.

- Metropolitan Greenspace balance of funds \$136,412 and Department of Infrastructure and Regional Development \$978,949. Expenditure associated with the grants have been adjusted accordingly within Reference 18 – Acquisition of Assets.
- A Grant has been received from Roads and Maritime Services for \$80,000 for a roundabout at the intersection of Tavistock and Tullimbar Streets. Expenditure associated with the grants have been adjusted accordingly within Reference 18 – Acquisition of Assets.

- Amounts totalling \$850,479 have been received from developers for infrastructure restoration works within the Town Centre associated with developments. Expenditure associated with these contributions has been adjusted accordingly within Reference 18 – Acquisition of Assets.

### **Total Expenditure from Continuing Operations**

Expenditure from continuing operations was originally forecast at \$46,440,096. This figure has now been revised up by \$646,768 to \$47,086,864. The major items resulting in this forecast expenditure adjustment include:

#### **Reference 8 – Employment Costs**

An overall decrease in employee costs of \$135,224 is attributed to, but not limited to, transfers from various Business Units Wages and Salaries components to Contractors – Temporary Staff who are employed to fill vacant positions within the Organisation. Areas which required the transfers during the quarter from Wages and Salaries were Information Technology, Clean Up Services, Customer Services, Records and Fleet.

Note that there is a commensurate offset within Reference 10 – Materials and Contracts.

There were other budget movements within the classification of Employee Costs which resulted in little or no change to the actual overall budget.

#### **Reference 10 – Materials and Contracts**

An additional expenditure amount of \$439,066 was attributed to various movements within Business Units throughout the budget. Significant movements and additional funding requests were:

- Infrastructure works – Roads to Recovery \$140,731. Contra Reference 5 – Operating Grants and Contributions and Reference 16 – Transferred from Section 94.
- \$50,000 for Council's Community Strategic Plan not originally allowed for at budgeting.
- \$124,150 for Strategic Planning Heritage Review and LEP completion. Contra funding within Reference 16 – Transferred from Section 94 Contribution and Reference 17 - Transferred from Reserve.
- Contract Temporary Staff - \$130,209 to fill vacant positions throughout the organisation. These funds were partially sourced from savings within the Wages and Salaries respective budgets within Reference 8 – Employment Costs.

There were other budget movements within the classification of Materials and Contracts. These movements had no significant change to the actual overall budget or were transferred to Other Expenses.

#### **Reference 12 – Other Expenses**

An overall increase in expenditure amounting to \$342,926 was attributed to various movements within Business Units throughout the budget. Significant movements and additional funding requests include:

- An increase in Waste Disposal Charges of \$300,000 in Domestic Waste Residential Management. These additional costs were required due to increased contractual obligations and are funded by the reduction within the Domestic Waste Transfer to Reserve - Reference 21 and increased Domestic Waste Management Charges Reference 1 – Rates and Annual Charges.
- \$38,500 SSROC subscription shortfall as per Council's October resolution.

There were other budget movements within the classification of Other Expenses which were either offset with savings from within respective budgets or funded from Materials and Contracts.

### **Capital Expenditure**

#### **Reference 18 – Acquisition of Assets**

Council's original adopted 2017-18 Capital Budget, as per Delivery Plan, was \$13,995,915. During the first quarter there has been an increase of \$5,218,395 to \$19,214,310.

#### ***Capital Plant, Equipment and Other Assets:***

Expenditure to 30 September 2017 represents 37.15% of the revised budget as shown in the table below. The additional amount of \$838,000 has been added for the purchase of three Heavy Fleet plant items which were ordered in 2016-17 but were only delivered during September 2017. These items were a Street Sweeper, Hiab Truck with Crane and a Mobile Elevated Platform. Source of funding from Reference 17 – Transferred from Reserve

#### ***Property Acquisitions/Disposals:***

There have been no property acquisitions or disposals during the September quarter.

#### ***Capital Works Program:***

During the September quarter review the Capital Program Working Party assessed and revised the 2017-18 Capital Works Program based on recommendations from the respective Project Managers have made the following adjustments:

- A net increase of \$10,000 for Library Books and Resources a subsequent saving from within the Library operational budget.
- \$140,731 for the 2017-18 Roads to Recovery program, additional Federal Grant Funding. Reference 5 – Operating Grant & Contributions and Reference 16 – Transferred from S94 contributions.
- \$80,000 RMS Grant funding for Roundabout at Tavistock and Tullimbar Streets. Funding source Reference 6 – Capital Grants & Contributions.
- Infrastructure Drainage Works at Victoria and Shaftesbury Avenue \$338,000. Funding source Reference 16 – Transferred from S94 contributions.
- Wangal Park embellishment works totalling \$1,433,185. Funding sources Reference 6 – Capital Grants & Contributions, Reference 16 - Transferred from Section 94 contributions and Reference 17 – Transferred from Reserves.
- A reduction of \$145,000 in Corporate Projects to fund additional costs associated with the installation BBQ's and Picnic Shelter costs in Wangal Park.
- Wangal Park Workshed \$20,000 balance carried over from 2016-17 completion of works (installation of equipment). Funding source Reference 15 - Loans.
- Henley Park Chess Board – an increase of \$25,000 carry over works from 2016-17. Funding source Reference 16 - Transferred from Section 94 contributions
- An increase in Playground Equipment of \$400,000 for Henley Park (Mitchell Street and Portland Street) and Russell Street Reserve. Funding sources Reference 16 - Transferred from Section 94 contributions and Reference 17 – Transferred from Reserves.
- Burwood Road Street Lighting of \$100,000 a project carried over from 2016-17. Funding source Reference 16 - Transferred from Section 94 contributions.
- Private Works infrastructure works associated with Town Centre development an additional amount of \$850,479. Funding source Reference 6 – Capital Grants & Contributions.

- Blair Park preliminary flood light investigation works of \$20,000 within Reference 16 - Transferred from Section 94 Contributions.
- An additional amount of \$78,000 for Information Technology projects (Skype for Business and Finance accounts payable automation). Funding source from Reference 17 – Transferred from Reserves.
- Enfield Aquatic Centre Stage 1 upgrade completion of works and Solar Panelling carried over from 2016-17 of \$730,000 along with \$150,000 for the Stage 2 Design and Development proposal. Funding source Reference 16 - Transferred from Section 94 Contributions.
- 8 Conder Street (New Council Chambers) Design and Development proposal carry over from 2016-17, \$150,000. Funding source Reference 16 - Transferred from Section 94 Contributions.

BURWOOD COUNCIL					
Statement of Capital Income & Expenditure					
Budget Review as at 30 September 2017					
<u>Income</u>					
Adopted Variations					
	<u>Budget</u>	<u>September</u>	<u>Amended Budget</u>	<u>Reference</u>	<u>Actuals</u>
<b>Capital Expenditure</b>					
Renewal Assets (Replacement):					
Fleet Capital Acquisitions Sales	1,250,000	838,000	2,088,000	18	775,628
Grant Funded Capital Works	117,769	140,731	258,500	18	-
Roads	1,150,000	53,000	1,203,000	18	210,790
Traffic Facilities	500,000	80,000	580,000	18	2,078
Footpaths	1,180,000	-	1,180,000	18	-
Kerb & Gutter	335,000	(53,000)	282,000	18	-
Drainage	425,000	338,000	763,000	18	337,930
Park Improvements	2,750,000	1,478,185	4,228,185	18	104,602
Playground Equip	100,000	400,000	500,000	18	-
Street Furniture	200,000	100,000	300,000	18	1,700
Restorations & Private Works	500,000	850,479	1,350,479	18	144,414
Library Collection	143,146	10,000	153,146	18	18,024
Lib Resources	30,000	-	30,000	18	2,638
IT Projects	270,000	78,000	348,000	18	49,708
Corporate Projects	500,000	(145,000)	355,000	18	-
Council Buildings	2,500,000	170,000	2,670,000	18	12,349
Enfield Pool	2,000,000	880,000	2,880,000	18	108,029
Domestic Waste Collection	45,000	-	45,000	18	19,779
<b>Total Capital Expenditure</b>	<b>13,995,915</b>	<b>5,218,395</b>	<b>19,214,310</b>		<b>1,787,667</b>
<b>Capital Funding</b>					
Rates & other Charges	(6,805,915)	(2,037,098)	(8,843,013)		
Capital Grants & Contributions	(1,833,146)	(2,045,840)	(3,878,986)	17	
Loan Funding	-	(20,000)	(20,000)		
Domestic Waste Charge	(45,000)		(45,000)		
Sale of Assets	(800,000)	-	(800,000)		
<b>Reserves:</b>					
Section 94 Funding	(3,025,000)	(1,834,734)	(4,859,734)		
Reserve Funding	(3,320,000)	(1,326,563)	(4,646,563)		
<b>Total Capital Funding</b>	<b>(13,995,915)</b>	<b>(5,218,395)</b>	<b>(19,214,310)</b>		

**Reference 15 - Loan Funding**

An amount of \$20,000 relating to Wangal Park Workshed

***Transfers to and From Reserves:*****Reference 16 – Transferred from Section 94**

An increase of \$1,834,734 relating to the following projects:

- 8 Conder Street Design and Development \$150,000
- Enfield Aquatic Centre Stage 1 upgrade an amount of \$880,000
- Russell Street Reserve Playground Equipment \$85,000
- Drainage Works Victoria and Shaftesbury Road \$338,000
- Wangal Park \$136,411
- Burwood Road Street Lighting \$100,000
- Roads to Recovery – Wentworth Road \$22,961
- Parramatta Road Urban Transformation Strategy \$12,362
- Burwood TP – LEP \$85,000
- Henley Park Chess Board \$25,000

**Reference 17 – Transferred from Reserve**

An increase of \$1,326,563 relating to the following projects:

- Skype Project \$50,000
- Heritage Review completion of the project \$39,150
- Accounts Payable Automation \$28,000
- Wangal Park Tree Planting Stage 1 \$56,413
- \$315,000 Playgrounds at Henley Park (Mitchell St), Henley Park (Portland St) and Russell Street Reserve
- Heavy Fleet acquisition \$838,000

**Reference 21 – Transfer to Reserve**

A reduction of \$265,000 to cover the cost of additional waste charges in relation to the Domestic Waste Disposal Costs.

## Cash and Investments Budget Review Statement

Budget Review for quarter ended 30 September 2017					
Cash & Investments					
	Opening Balance as at 1 July 2017 000s	Original Budget 2017-18 000s	Budget Review September 2017-18 000s	Projected Year End Result 000s	Actual YTD figures 000s
Total Cash, Cash Equivalents and Investment Securities	46,077	43,850	40,404	40,404	45,732
<b>Restrictions</b>					
<b>External Restrictions</b>					
Developers Contributions	10,416	932	-1,835	9,513	9,513
Specific Purpose Unexpended Grants	894	-		894	894
Loans	581	-	-20	561	561
Stormwater Management	-	-		-	-
Domestic Waste Management	2,279	281	-265	2,295	2,295
Total External Restrictions	14,170	1,213	-2,120	13,263	13,263
<b>Internal Restrictions</b>					
Plant & Vehicle Replacement	3,573	-200	-838	2,535	2,535
Employees Leave Entitlements	1,393	-		1,393	1,393
Carry Over Works	1,478		-315	1,163	1,163
Deposits, Retentions & Bonds	4,648			4,648	4,648
Financial Assistance Grant (advance)	500			500	500
Information Technology	312	-95	-78	139	139
WHS	130			130	130
Parking Meters Replacement	77	50		127	127
Property Sales	500	-500		-	-
Future Property Investment	5,917	-1,500		4,417	4,417
LATMs	54			54	54
Woodstock Community Building	287			287	287
Election	270	-220		50	50
Property Maintenance	850			850	850
Burwood Park Upgrade	1,000	-300		700	700
Car Park Upgrades	574			574	574
Enfield Aquatic Centre Maintenance/Upgrade	1,041	-825		216	216
Road & Footpath Restorations	549			549	549
Insurances	986	150		1,136	1,136
CCTV	497			497	497
Organisational Alignment	500			500	500
Technology Enhancements	950			950	950
Payments in Advance	351			351	351
Other	196		-95	101	101
Total Internal Restrictions	26,633	-3,440	-1,326	21,867	21,867
Total Restrictions	40,803	-2,227	-3,446	35,130	35,130
Unrestricted Cash	5,274	5,274	5,274	5,274	10,602

Council's Current Unrestricted Cash is distorted as Council has received a high volume of rate revenue as at 30 September 2017. The Unrestricted Cash figure will fluctuate during the year as it will be used to fund planned expenditure.



**Investments:**

Council's investments have been made in accordance with the Investment Policy and the Investment Guidelines issued by the Minister for Local Government at the time of their placement. As at 30 September 2017, Council's investment portfolio stood at \$49,729,509. Council's Investments are tabled on a monthly basis as a separate report.

**Cash:**

Council's Finance Staff undertake a monthly bank reconciliation, which reconciles funds held in Council's General Fund Bank Account with those within its ledger. The most recent reconciliation was undertaken on 4 October 2017 for the month ending 30 September 2017 and the balance in Council's General Fund Bank Account totalled \$342,575.55.

**Key Performance Indicators Statement**

In assessing an organisation's financial position, there are a number of performance indicators that can assist to easily identify whether or not an organisation is financially sound. These indicators and their associated benchmarks, as stipulated by the Local Government NSW are set out below.

	Performance Indicator	2017-18 Original Budget	2017-18 Budget Sept Review	Local Government or NSW Treasury Corp Bench Mark	March Quarter Comments
1	Operating Performance Ratio	1.71%	1.86%	Greater or equal to break-even	Tracking to revised result
2	Consolidated Budget Result	\$73,578 Surplus	\$82,947 Surplus	N/A	Current budget tracking to revised result.
3	Unrestricted Current Ratio	4.43:1	4.65:1	Greater or equal to 1.5:1	Currently trending above the benchmark.
4	Debt Service Result	1.76%	1.74%	Greater than Zero	Tracking as per Budget.
5	Rates and Annual Charges Outstanding %	102.45%	58.52%	Less than or equal to 5%	For the year to 30 September 2017 Council has received \$11,210,085 in payment of Rates, Annual Charges and Interest levied which equates to 41.48% paid.
6	Building and Infrastructure Renewals Ratio	210%	259%	>100% or 1:1	Ratio has improved due to works carried over from previous year and new works commissioned during the quarter.

**1. Operating Performance Ratio**

The Operating Performance Ratio measures the ability of Council to contain operating expenditure within operating revenue excluding capital amounts. An indicator of "equal to or greater than zero percent".

**2. Consolidated (Budget) Result**

The Consolidated (Budget) Result is the increase or call on Council funds which shows the source and application of both Operating and Capital Income and Expenditure along with transfers to and from Reserves applicable to those activities. A Surplus is a positive financial indicator.

### 3. Unrestricted Current Ratio

The Unrestricted Current Ratio is an industry based liquidity ratio which measures the serviceability of debt. Over time the preferred level of adherence has shifted from 2:1 (or \$2 in cash for every \$1 of debt) to 1.5:1. Some local government practitioners (including independent auditors) consider 1:1 is satisfactory. Council currently projects to have a ratio of 4.65:1 at years end. A ratio greater than 1.5 is a positive financial indicator.

### 4. Debt Service Result

This ratio measures annual debt service costs (Principal and Interest) against operating result before capital excluding interest and depreciation. NSW Treasury Corporation benchmark suggests an indicator at 2% minimum. A ratio of 2.1 or more is a positive financial indicator.

### 5. Rates and Annual Charges Outstanding Percentage

This indicator measures the collectability of Council's rates and annual charges revenue and highlights the strengths of collection policies and strategies. A ratio of 5% or less is a positive financial indicator. Currently Council has collected 41.48% of the Rates and Annual Charges raised, based on these figures a collection rate for the year will be in the same percentage band as previous years, below the Office of Local Government recommended 5% level.

### 6. Building and Infrastructure Renewal Ratio

This ratio indicates the rate of renewal/replacement of existing assets as against the depreciation of the same category of Assets. A ratio greater than one is a positive financial indicator.

## Budget Review Contracts and Other Expenses

### Part A – Contracts Listing

The following contracts were entered into by Council during the quarter ending 30 September 2017.

Contractor	Contract Details and Purpose	Commencement Date	Duration of contract	Budgeted
Creative Recreation Solutions	Removal and Supply of Playgrounds at Portland Street, Mitchell Street (Henley Park) and Russell Street Reserve	1 July 2017	31 December 2017	Y
Glenn Simpson Landscapes	Construction, Supply and Installation of Wangal Park Playground	14 August 2017	30 November 2017	Y
Quest Effect Pty Ltd	Safe and Clean	1 October 2017	1 October 2020	Y

## Part B – Legal Expenses

Type	Individual Matter	Expenditure YTD (\$)	Recovery YTD (\$)	Fines YTD (\$)
Rates Recovery Action	Various Properties	16,832	15,778	
Advice	Organisational Development	2,211		
Land & Environment Court Appeal	7B-9 Church Street Burwood			
Local Court	13 Morwick St - Nascon Property Group			
Advice	33 Tavistock Street Croydon Park - illegal use			
Advice	146-150 Liverpool Road Enfield			
Local Court	Water Pollution - Vestra Construction Pty Ltd			
Advice	18 George Street Burwood - illegal tree removal			
Land & Environment Court Appeal	31 Conder Street Burwood			
Advice	2 Culdees Road Burwood Heights	10,785		
Advice	45 Cheltenham Road Croydon - illegal use			
Advice	248-250 Liverpool Road Enfield			
Advice	Voluntary Planning Agreement (VPA) - conditions	660		
Local Court	Master Moco Pty Ltd - La Plaka Shop 1-4, 258-264 Burwood Rd	3,178		
Advice	7 Dickinson Street Croydon Park	660		
Voluntary Planning Agreement (VPA)	11-13 Burwood Road, Burwood	3,178	3,178	
Land & Environment Court Appeal	12-14 Gloucester Street Burwood	16,867		
Supreme Court	13 Appian Way Burwood	30,004		
Voluntary Planning Agreement (VPA)	180-186 Burwood Road, 7-9 Burleigh Street Burwood		2,963	
Voluntary Planning Agreement (VPA)	23-27 George Street Burwood		2,991	
Voluntary Planning Agreement (VPA)	9-15 George Street Burwood		3,029	
Voluntary Planning Agreement (VPA)	6 Railway Parade Burwood		3,088	
Voluntary Planning Agreement (VPA)	29 George Street Burwood			
Voluntary Planning Agreement (VPA)	4 Railway Parade Burwood			
Voluntary Planning Agreement (VPA)	Strathfield Recreation Club			
Voluntary Planning Agreement (VPA)	39-47 Belmore Street, 6-14 Conder Street, 11-19 Wynne Avenue Burwood			
Voluntary Planning Agreement (VPA)	Holdmark Property Group			
Voluntary Planning Agreement (VPA)	25-29 Mitchell Street Croydon Park			
Voluntary Planning Agreement (VPA)	2-14 Elsie Street Burwood	3,010	3,010	
Voluntary Planning Agreement (VPA)	1-12 & 14 Lyons Street Burwood	3,319	3,319	
Voluntary Planning Agreement (VPA)	17 Deane Street Burwood	3,063		
Land & Environment Court Appeal	1-3 Elizabeth Street Burwood			
Land & Environment Court Appeal	13 Appian Way Burwood - E Lorenzato			
Advice	Strathfield Partners - erect sign without approval Parramatta Rd & Mosely St			
Advice	Consent to transfer of Interest by Burwood Montessori Academy	244		
Advice	Constantinos Kontos - Littering Offence	1,194		
Advice	10 Gladstone St - building breaches	1,664		5,800
Voluntary Planning Agreement (VPA)	21-23 Belmore Street Burwood	2,000	2,000	
Advice	42-44 Meryla Street Burwood	2,055		
Local Court	Moits Pty Ltd - development contra consent	2,756		
Land & Environment Court Appeal	21-23 Gladstone Street Burwood	4,448		
Advice	2a Comer Street - Woodstock Child Care Centre Lease	310		
Voluntary Planning Agreement (VPA)	185F Burwood Road Burwood		1,787	
Voluntary Planning Agreement (VPA)	1 Lyons Street Strathfield		2,032	
Voluntary Planning Agreement (VPA)	20 The Strand Croydon		800	
Advice	10-12 Burwood Road Burwood - development contrary to consent	1,813		
Advice	14 Brighton Street - Tree works without consent			
Advice	20A Angelo St Burwood - Liana Sugrono unlawful works			
Advice	Child Development & Education Centre - parking without approval	2,125		
Advice	Joe Hassarati and Co Pty Ltd building consent breach on Liverpool Road			
Land & Environment Court Appeal	9-11 Oxford Street and 98 Wentworth Road Burwood			
Advice	6 Railway Parade Burwood			
Land & Environment Court Appeal	62-66 Parramatta Rd Croydon			
		112,376	43,975	5,800
<b>Annual Budget</b>		<b>314,600</b>		

## Conclusion

The current forecast budget result and the variations identified as part of the 30 September 2017 Quarter review have been undertaken by the Executive Team and the Chief Finance Officer. During this quarter carryover Capital Works projects were brought forward with the corresponding expenditure and funding sources. There were minor income and expenditure changes made throughout the budget which had minimal effect on the projected surplus.

There are a number of budget items that will require close monitoring and reviewed over the next three months, including Enforcement Fine income, Car Parking income, Development Application income and Town Planning Consultancy expenses, Temporary Agency Staff expenses, Wages and Salaries Overtime, Commercial Waste activities, Footpath and Kerb and Gutter Maintenance, Private Works, Road and Footpath Restoration works and Enfield Aquatic Centre revenue and expenditure.

**Regulatory Compliance**

In compliance with the requirements of Clause 203(2) of the Regulations, the Responsible Accounting Officer must prepare and submit to Council a budget review statement and form an opinion as to whether the statements indicate that the financial position of the Council is satisfactory. The Chief Finance Officer has been delegated as the Responsible Accounting Officer by the General Manager.

The following is the Responsible Accounting Officer (Chief Finance Officer) opinion:

*"It is my opinion that the Quarterly Budget Review Statement for Burwood Council for the quarter ended 30 September 2017 indicated in the above report, takes into account and reflects the changing economic and other conditions that are currently impacting on Council. Council is in a satisfactory position however, it will be essential for the forecast Surplus to be continually monitored by the Executive and their immediate Managers during the remainder of the financial year, with particular attention being provided to maintaining revenue streams and monitoring expenditure to deliver the forecast surplus and pursue strategies to maintain Council's sustainability"*

**Recommendation(s)**

1. That the Budget Review Statement of the 2017-18 Budget as at 30 September 2017, including the statement by the Responsible Accounting Officer, Chief Finance Officer, be received and noted.
2. That in accordance with Clauses 203 and 211 of the *Local Government (General) Regulations 2005*, the revised estimates of income and expenditure for 2017-18 surplus of \$82,947, as shown in the report be approved and that Council's adopted budget be adjusted accordingly and that the expenditure and income variations projected in the report be, and are hereby voted.

**Attachments**

There are no attachments for this report.

**(ITEM 85/17) INVESTMENT REPORT AS AT 31 OCTOBER 2017**

File No: 17/51283

REPORT BY CHIEF FINANCE OFFICER

**Summary**

In accordance with Clause 212 of the *Local Government (General) Regulation 2005*, this report details all money that Council has invested under Section 625 of the *Local Government Act 1993*.

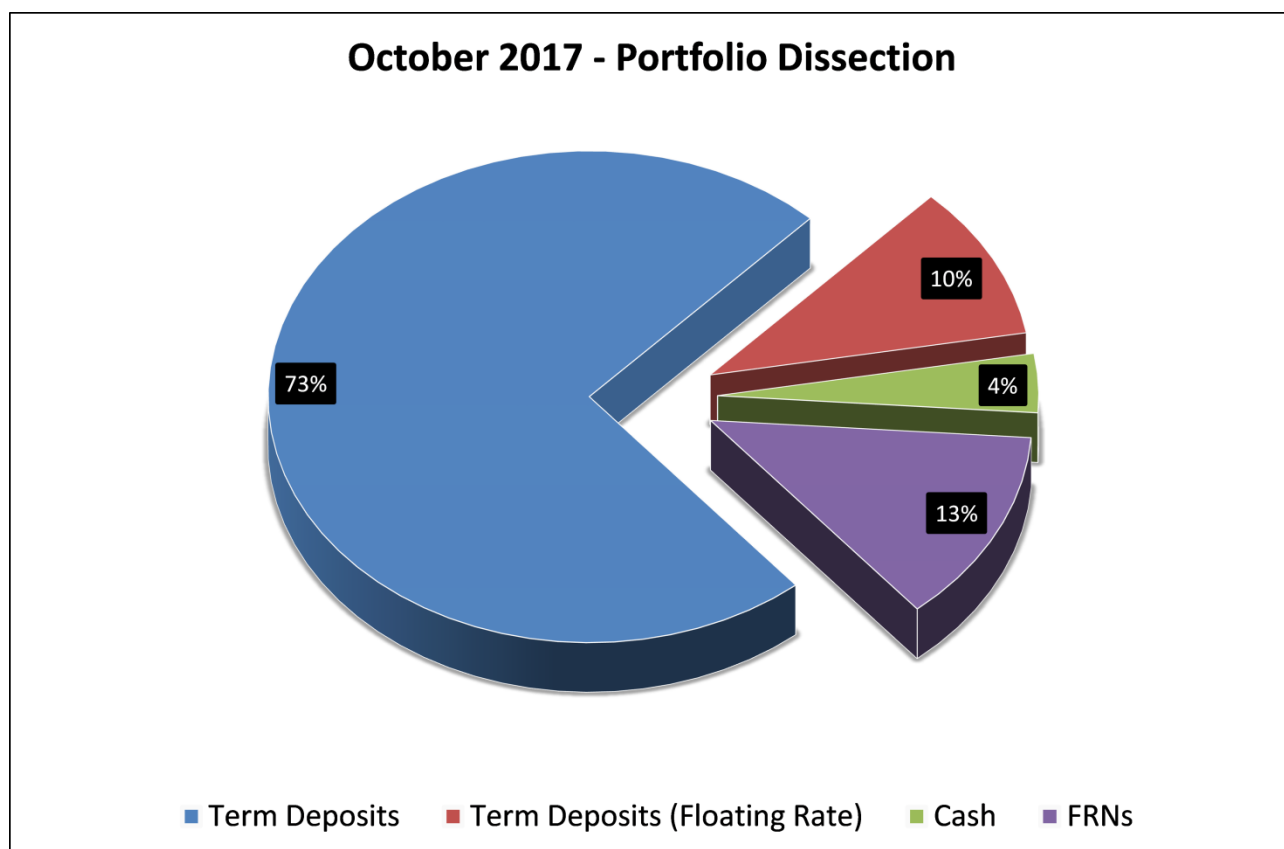
**Background**

As provided for in Clause 212 of the *Local Government (General) Regulation 2005*, a report listing Council's investments must be presented to Council.

Council's investments are made up of a number of direct investments, some of which are managed or advised by external agencies.

**Investment Portfolio**

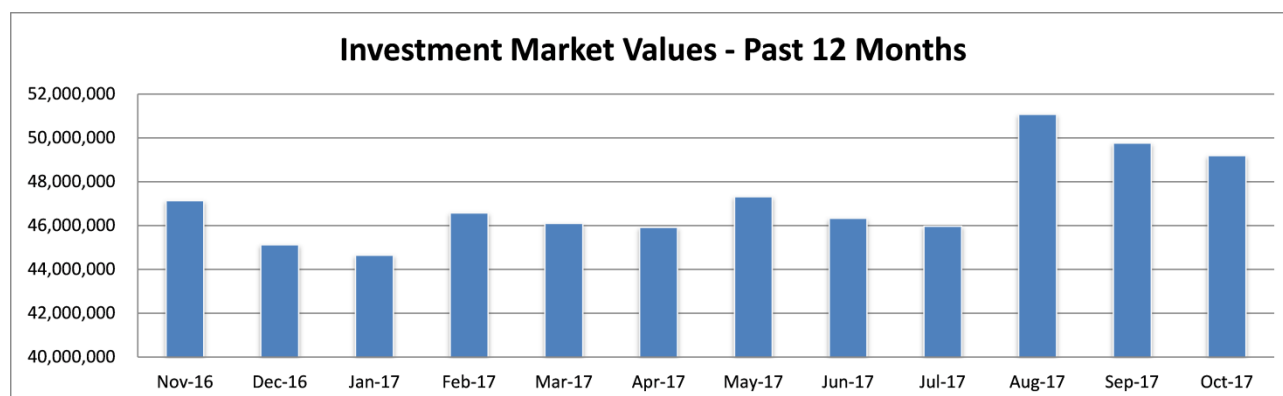
Council has a diversified investment portfolio and has a number of direct investments in term deposits. The investment portfolio as at 31 October 2017 is:



As at 31 October 2017 Council held the following term deposits:

Purchase Date	Financial Institution	Principal Amount	Interest Rate	Investment Days	Maturity Date
10 Jul 17	National Australia Bank	2,000,000	2.43%	120	07 Nov 17
08 Sep 17	National Australia Bank	3,000,000	2.52%	90	07 Dec 17
12 Sep 17	National Australia Bank	3,000,000	2.52%	90	11 Dec 17
20 Sep 17	National Australia Bank	3,000,000	2.51%	91	20 Dec 17
07 Jun 17	ING Bank (Curve)	3,000,000	2.63%	210	03 Jan 18
03 Oct 17	National Australia Bank	2,000,000	2.50%	92	03 Jan 18
28 Aug 17	ME Bank (Curve)	2,000,000	2.50%	182	26 Feb 18
17 Oct 17	Bank of Queensland	3,000,000	2.60%	182	17 Apr 18
04 Sep 17	AMP Bank (Imperium)	3,000,000	2.60%	270	01 Jun 18
20 Sep 17	AMP Bank (Imperium)	2,000,000	2.60%	271	18 Jun 18
24 Oct 17	National Australia Bank	2,000,000	2.54%	273	24 Jul 18
31 Aug 17	Westpac	3,000,000	2.61%	365	31 Aug 18
23 Oct 17	ING Bank (Curve)	3,000,000	2.96%	730	23 Oct 19
30 Oct 17	ING Bank (Imperium)	2,000,000	2.91%	730	30 Oct 19
<b>Total</b>		<b>36,000,000</b>			

The following graph highlights Council's investment balances for the past 12 months:



Council's investment portfolio is recognised at market value and some of its investments are based on the midpoint valuations of the underlying assets and are subject to market conditions that occur over the month.

Council's investment balances as at reporting date and for the previous two months are detailed in Attachment 1. Definitions on the types of investments are detailed in Attachment 2.

### **Investment Performance and Market Commentary**

The Reserve Bank of Australia (RBA) at its 6 November 2017 Board Meeting kept the official cash rate unchanged at 1.50% per annum. "... The global economy is continuing to improve, labour markets' have tightened and further above-trend growth is expected in a number of advanced economies, although uncertainties remain. Growth in the Chinese economy is being supported by increased spending on infrastructure and property construction, with the high level of debt continuing to present a medium-term risk.

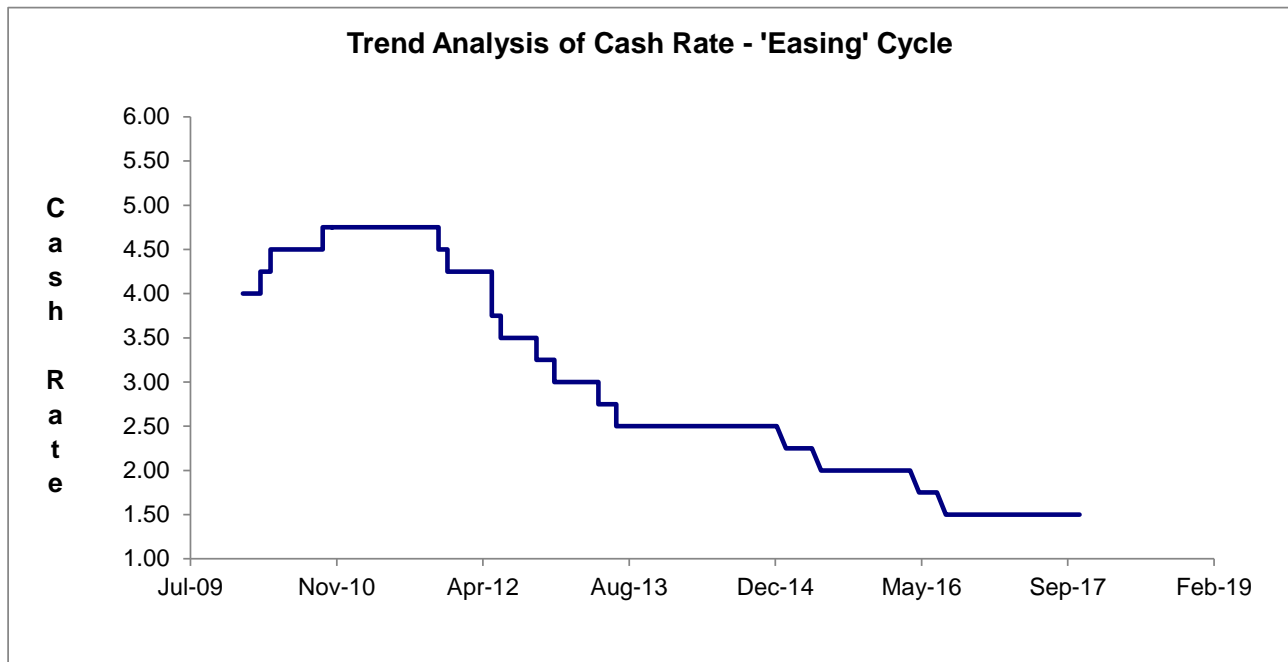
Domestically, the RBA forecast is for GDP growth to pick up and to average around 3 per cent over the next few years. Business conditions are positive and capacity utilisation has increased. The outlook for non-mining business investment has improved, with the forward-looking indicators being more positive than they have been for some time. Increased public infrastructure investment is also supporting the economy.

Employment has been rising in all states and has been accompanied by a rise in labour force participation. Stronger conditions in the labour market should see some lift in wage growth over

time. Inflation remains low and is expected to pick up gradually as the economy strengthens.

The Board has judged that holding the stance of monetary policy unchanged at this meeting would be consistent with sustainable growth in the economy and achieving the inflation target over time....“ Statement by Philip Lowe, Governor: Monetary Policy Decision – 6 November 2017

The following graph provides information on the current RBA monetary policy:



### ***Recommendation(s)***

1. That the Investment Report for 31 October 2017 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

### **Attachments**

- 1 [↓](#) Investment Register - October 2017
- 2 [↓](#) Types of Investments

# ITEM /17 Investment Report as at 31 October 2017.DOC

## Investment Register - October 2017

### BURWOOD COUNCIL INVESTMENT PORTFOLIO as at 31 October 2017

Investment Adviser	Issuer	ADI or N-ADI	Investment Name	Type	Rating S&P	Invested Amount	Market Value as at 31 August	Market Value as at 30 September	Market Value as at Reporting Date	% of Total Invested
<b>Cash</b>										
Council	Commonwealth Bank	ADI	Operating Account	Cash	AA-	787,154	2,712,732	486,784	787,154	3.86
Council	Commonwealth Bank	ADI	Online Saver	At Call	AA-	1,054,258	5,046,528	961,360	1,054,258	2.14
Council	AVP Bank Limited	ADI	AVP Business Saver & Voice Account	At Call / Notice 30 days	A	58,465	58,261	58,365	58,465	0.12
<b>Term Deposits</b>										
Council	AVP Bank (Curve)	ADI	AVP Bank	Term Deposit	A	-	3,000,000	-	-	-
Council	AVP Bank (Curve)	ADI	AVP Bank	Term Deposit	A	-	2,000,000	-	-	-
Council	Bank of Queensland	ADI	Bank of Queensland	Term Deposit	BBB+	-	2,000,000	2,000,000	-	-
Council	BankWest	ADI	Bank of Western Australia	Term Deposit	AA-	-	3,000,000	-	-	-
Council	ING Bank (Curve)	ADI	ING Bank	Term Deposit	A-	-	3,000,000	-	-	-
Council	ME Bank (Curve)	ADI	ME Bank	Term Deposit	BBB	-	2,000,000	2,000,000	2,000,000	4.07
Council	Westpac	ADI	Westpac	Term Deposit	AA-	-	3,000,000	3,000,000	3,000,000	6.10
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	-	2,000,000	2,000,000	2,000,000	4.07
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	-	2,000,000	2,000,000	2,000,000	4.07
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	-	2,000,000	2,000,000	2,000,000	4.07
Council	Suncorp-Metway Limited	ADI	Suncorp	Term Deposit	AA-	-	4,000,000	4,000,000	4,000,000	8.10
Council	ING Bank (Curve)	ADI	ING Bank	Term Deposit	A-	-	3,000,000	3,000,000	3,000,000	6.10
Council	ING Bank (Imparum)	ADI	ING Bank	Term Deposit	AA-	-	3,000,000	3,000,000	3,000,000	6.10
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	-	2,000,000	2,000,000	2,000,000	4.07
Council	AVP Bank (Imparum)	ADI	AVP Bank	Term Deposit	A	-	2,000,000	-	-	-
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	-	3,000,000	-	-	-
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	-	3,000,000	-	-	-
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	-	3,000,000	-	-	-
Council	Bank of Queensland	ADI	Bank of Queensland	Term Deposit	BBB+	-	-	-	-	-
Council	ING Bank (Curve)	ADI	ING Bank	Term Deposit	A-	-	3,000,000	-	-	-
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	-	2,000,000	-	-	-
Council	ING Bank (Imparum)	ADI	ING Bank	Term Deposit	A-	-	2,000,000	-	-	-
<b>Term Deposits - Fixed &amp; Floating Rates</b>										
Council	Commonwealth Bank	ADI	Commonwealth Bank	Global Fixed Income Deposit 0.5 Yr fixed plus 4.5 yr (90day BBSW + 0.80 bps)	AA-	2,000,000	2,000,000	2,000,000	2,000,000	4.07
Council	Westpac	ADI	Westpac	Coupon Select Deposit 2 Yr Fixed plus 3 Yr (90day BBSW + 1.05 bps)	AA-	3,000,000	3,000,000	3,000,000	3,000,000	6.10
<b>Floating Rate Notes</b>										
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Floating Rate Notes (90 day BBSW and -44 bps)	A+	2,000,000	2,000,000	2,006,168	2,011,354	4.09
Council	Bank of Queensland	ADI	Bank of Queensland	Floating Rate Notes (90 day BBSW + 100 bps)	A-	1,000,000	1,000,000	1,004,714	1,006,887	2.05
Council	Bendigo-Adelaide	ADI	Bendigo Bank & Adelaide Bank	Floating Rate Notes (90 day BBSW + 110 bps)	BBB+	1,000,000	1,000,000	1,004,314	1,006,797	2.04
Council	Commonwealth Bank	ADI	Commonwealth Bank	Floating Rate Notes (90 day BBSW + 78 bps)	AA-	-	1,000,000	-	-	-
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Floating Rate Notes (90 day BBSW and -44 bps)	A+	1,500,000	1,500,000	1,500,864	1,503,608	3.08
Council	AVP Bank Limited	ADI	AVP Bank Limited	Floating Rate Notes (90 day BBSW + 110 bps)	A	750,000	750,000	755,690	756,440	1.54
<b>Grand Total</b>						<b>43,149,877</b>	<b>51,067,819</b>	<b>43,754,349</b>	<b>43,182,333</b>	<b>75.60</b>

Credit Ratings	Comments
AAA	Extremely strong capacity to meet financial commitments
AA	Very strong capacity to meet financial commitments. Highest Rating
A	Strong capacity to meet financial commitments but somewhat susceptible to adverse economic conditions and changes in circumstances.
BBB	Adequate capacity to meet financial commitments but more subject to adverse economic conditions.
CCC	Currently vulnerable and dependent on favourable business, financial and economic conditions to meet financial commitments.
D	Payment default on financial commitments
+	Means that a rating may be raised
-	Means that a rating may be lowered

**Certificate of Responsible Accounting Officer**  
I hereby certify that the investments listed have been made in accordance with Section 675 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's investment Policies at the time of their placement.

*W. Ambridge*

Wayne Ambridge

Chief Finance Officer



**Types of Investments**

Council's investment portfolio consists of the following types of investment:

1. **Cash and Deposits at Call** – Cash and Deposits at Call accounts are a flexible savings facility providing a competitive rate of interest for funds which are at call (available within 24hours). These accounts enable us to control Council's cashflows along with council's General Fund Bank account. Interest rates are updated in accordance with movements in market rates.

The following investments are classified as Cash and Deposits at Call:

- Commonwealth Bank of Australia – Online Saver AA-
- AMP Business Saver and Notice – At Call/Notice AA-
- Macquarie Treasury – At Call account A
- UBS Bank – At Call High Yield account A

2. **Floating Rate Notes (FRN)** - FRNs are a contractual obligation whereby the issuer has an obligation to pay the investor an interest coupon payment which is based on a margin above bank bill. The risk to the investor is the ability of the issuer to meet the obligation.

FRNs are either sub-debt or senior-debt which means that they are guaranteed by the bank that issues them with sub-debt notes rated a notch lower than the bank itself. The reason for this is that the hierarchy for payments of debt in event of default is:

- a. Term Deposits
- b. Global Fixed Income Deposits
- c. Senior Debt
- d. Subordinated Debt
- e. Hybrids
- f. Preference shares
- g. Equity holders

In the case of default, the purchaser of subordinated debt is not paid until the senior debt holders are paid in full. Subordinated debt is therefore more risky than senior debt.

## (ITEM 86/17) DELIVERY PROGRAM 2013/17 - QUARTERLY REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2017

File No: 17/49924

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE &amp; COMMUNITY

### **Summary**

Following the introduction of the Integrated Planning and Reporting framework in 2009, Section 404(5) of the *Local Government Act 1993* requires that the General Manager provide progress reports to the Council, at least every six months, as to its progress with respect to the principal activities detailed in its Delivery Program.

As per Burwood Council's Delivery Program 2013/17 (Strategic Goal 2.1.2), a review of the Program is to be presented to Council on a quarterly basis.

### **Background**

The report reflects the structure of the Delivery Program 2013/17 and Operational Plan 2017/18, which in turn follow the targets identified by the Community in 2010 and 2013 as part of the Burwood2030 Community Strategic Plan.

The Operational Plan covers the period 1 July 2017 to 30 June 2018, and is a continuation of the sub-set of the Delivery Program 2013/17, which was adopted at the June 2017 Council meeting.

The strategic goals are divided into five themes:

- A Sense of Community
- Leadership Through Innovation
- A Sustainable Natural Environment
- Accessible Services and Facilities
- A Vibrant Economic Community

Each strategic goal is divided into actions, which represent the specific initiatives Council proposes to implement to achieve the identified targets. The Delivery Program includes a total of 256 actions, allocated into quarters as part of the annual Operational Plan.

The reporting structure features:

- planned action
- identified performance measure
- target (indicating in which quarter Council plans to start or deliver the service)
- status (a management assessment of the project/activity)
- comment

### **Reporting Structure**

Key users are required to provide a rating (Status) and a comment for each strategic action they are responsible for. The rating options are as follows:

On Track	The activity/project has been completed on time, or is ongoing and progressing regularly
Watch	The activity/project in underway, but has not been completed on time, or its completion date has been postponed
No Activity	The activity/project has not started
Not Due	No activity is planned for that specific quarter

These requirements support and promote a continuous risk evaluation process for staff and management, which allows the identification of risks and opportunities at an early stage in the delivery of activities/projects.

### Measuring our success

For the period 1 July – 30 September 2017, Council has registered the following progress:

Status	Number
On Track	247
Watch	2
No Activity	0
Not Due	7
<b>Total</b>	<b>256</b>

In addition to the full Quarterly Review report (see attached) the General Manager and Executive Team provide to Council and the public an exception report highlighting and explaining the top 5 actions that have been rated as “Watch” or “No Activity” based on a management risk assessment.

For the reporting period 1 July – 30 September 2017 there were Zero “No Activity” items, two “Watch” items and seven “Not Due” items.

Below is a summary of the “Watch” items:

Strategic Goal	Action	Target	Comment
1.2.11 Provide new learn-to-swim and lifesaving programs and encourage community participation.	1.2.11.1 Introduce a new Squad Swimming Program.	Increase participation in the Squad Swimming Program by 5% per year.	Attendance in the squad program has declined from the same quarter in 2016. Research to be undertaken to determine the future scope of the program.
1.2.11 Provide new learn-to-swim and lifesaving programs and encourage community participation.	1.2.11.2 Introduce new Life Saving initiatives aimed at teaching children basic lifesaving skills.	Increase participation in the Learn-to-Swim Program by 5% per year.	Attendance in the learn-to-swim program has declined from the same quarter 2016. Research to be undertaken to determine the future scope of the program.

### Consultation

Once the Plan is endorsed by Council, the Delivery Program Quarterly Report will be made available to the public on Council’s Website, and in hard copy at the Library and Community Hub, and at the Customer Service Centre.

### Planning or Policy Implications

In accordance with Section 404(5) of the *Local Government Act 1993* the General Manager must provide progress reports to the Council, at least every six months, as to its progress with respect to the principal activities detailed in its Delivery Program. Burwood Council’s Delivery Program 2013/17 (Strategic Goal 2.1.2) requires that a review of the Program is to be presented to Council on a quarterly basis.

**Financial Implications**

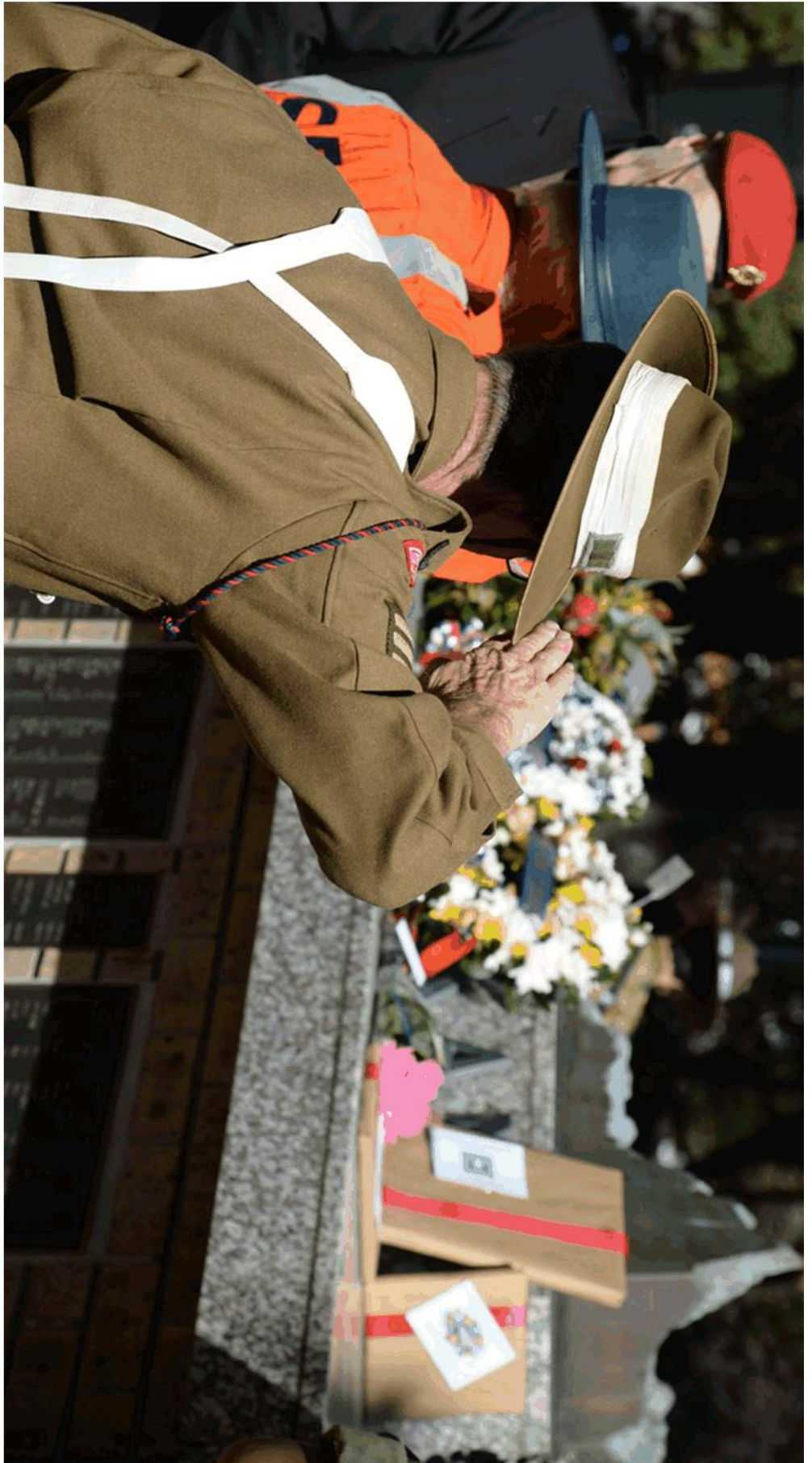
No Financial implications.

***Recommendation(s)***

That Council endorse the Delivery Program 2013/17 Quarterly Report for the period ending 30 September 2017.

**Attachments**

1 [!\[\]\(ec9132f1d27c8919987d92907322654d\_img.jpg\)](#) Operational Plan 2017-18 Quarter 1



*Burwood Council*  
heritage • progress • pride

**Operational Plan 2017-18**  
Quarterly Report  
For the period ending 30 September

## HOW TO READ THE OPERATIONAL PLAN 2017-18 – QUARTERLY REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2017

### Themes

The Operational Plan is divided into five themes:

- **A Sense of Community**
- **Leadership Through Innovation**
- **A Sustainable Natural Environment**
- **Accessible Services and Facilities**
- **A Vibrant Economic Community**

### Strategic Goals

Each theme is divided into strategic goals, which address the priorities identified by the community during the Burwood2030 Community Strategic Plan consultation.

### Responsibility

Identifies the team in Council responsible for the delivery of the specific strategic goal.

### Service

The services Council carries out on an ongoing basis.

### Action





The specific initiative that Council proposes to implement to achieve a strategic goal.

### Service Standard

The performance indicator against which the actions will be measured.

### Quarter

Indicates in which of the quarters Council plans to start or deliver the service.

-  Denotes Council has commenced the action or that the action is ongoing
-  Denotes Council has completed the action
-  Denotes no activities are scheduled for that quarter
-  Denotes the action will commence and be completed in the same quarter

Council's management team supports and promotes a continuous risk evaluation process, which allows the identification of risks and opportunities at an early stage in the delivery of activities/projects.

The quarterly report includes a status rating for each of the strategic actions.

The status options are as follows:

**On Track** The activity/project has been completed on time, or is ongoing and progressing regularly

**Watch** The activity/project is underway, but has not been completed on time, or its completion date has been postponed

**No Activity** The activity/project has not started

**Not Due** No activity is planned for that specific quarter



ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC  
Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
1 - A Sense of Community							
1.1 - A safe community for residents, workers and visitors							
1.1.1 - Maintain clean and attractive streets and public spaces.							
Lead Assets, Landscape, Architecture, Urban Design & Contracts Secondary Works, Operation & Parks	Capital Works	Complete Capital Works on time, within budget and to standards, including Walksafe Program, Road Resurfacing, kerb & gutter and stormwater.	95% Completed	●	On Track	Capital Works projects completed during this quarter include: Road stabilisation works at Tangara St East between Portland St and Stanley St and Stanley St between Tangara St East and Georges River Rd. Kerb and Gutter, footpath and drainage reconstruction works at Kent Ave. Stormwater drainage and road reconstruction works at Victoria Ave. Construction of new Henley Park Chess Set. Kerb and Gutter, Footpath and Concrete Road reconstruction at Queen St Young St to Wright St. Road Resurfacing works at MacDonald Cres. Concrete road pavement reconstruction at Paisley Rd. Kerb and Gutter reconstruction at Portland St from Tullimbar St to Georges River Rd. Footpath reconstruction at Shafesbury Rd from Brooklyn St to Balmore St. Stormwater Drainage works at Wentworth Rd from Angel Rd to Nicholson St. Stormwater drainage works at Seymour St at intersection with Keller Pt. Construction of new off street Parking Bays at Yandarlo St and Hexiol St from Burwood Rd to Trelawney Ave.	
	Stormwater Drainage Network	Maintain, clean stormwater drainage network.	Inspected pits in critical locations (not spots) twice a year.	●	On Track	Capital Works projects underway during this quarter include: Stormwater construction works at Wentworth Rd from Angel Rd to Nicholson St. Stormwater construction works at Church St at the intersection with Burwood Rd.	
	Lead Works, Operation & Parks Secondary Works, Operation & Parks	Blocked drainage pits cleaned	Within seven working days after being reported	●	On Track	Council actively inspects pits identified as being hot spot or critical and schedule cleaning of these pits as required.	
	Lead Assets, Landscape, Architecture, Urban Design & Contracts Secondary Works, Operation & Parks	Clean footpaths in CBD areas of Strathfield, Croydon Park, Croydon, Burwood and Enfield.	Daily	●	On Track	Reactively Council responds to Customer requests within the stipulated timeframes. Proactively, Council inspects pits determined as being high risk or critical and schedule for cleans routinely	
	Lead Works, Operation & Parks Secondary Works, Operation & Parks	Remove dumped rubbish from shopping precincts, carparks and streets.	Collected within two working days from request.	●	On Track	Footpaths in CBDs are done with a combination of machine/manual sweeping techniques on a daily basis.	
	Maintain planter boxes along footpaths in CBD areas.	Monthly	●	On Track	All dumped rubbish is collected within 2 days of request in accordance with agreed levels of service.  There has been a change in the process for illegal dumping with the new illegal Waste Officer carrying out thorough investigations. While it may take a little longer to remove illegal dumping in some cases, it has proven worthwhile with the decrease in areas where this illegal activity was prevalent.  Planter boxes in the CBD areas are serviced for litter removal on a daily basis by both Council sweeping staff and the Safe and Clean contractors.  Parks and Garden staff replenished the planter boxes in Burwood Rd with additional coloured plants.  New planter boxes were planted in Durms Lane and Victoria St west.		
Operational Plan Quarterly Report – Quarter 1, 2017/18							
Page 1 of 35							

# ATTACHMENT 1

## ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC

### Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
	Lead: Assets, Landscape, Architecture, Urban Design & Contracts Secondary: Works, Operation & Parks	Street Cleaning	Street sweeping.	Streets swept within a three week cycle with urgent requests responded to within three working days.	●	On Track	Burwood's road network of 91 lineal kms is swept over a 3 week sweeping cycle. 30 lineal kms are completed every week of the 3 week cycle on a set routine.  In addition to the weekly average an additional 13 lineal kms of reactive sweeping activities e.g. CRMs, known hotspots and residents requests is undertaken our current level of sweeping is 2 weeks.
		Carpark Cleaning	Provide clean and safe parking areas and landscaped areas.	Major carparks (Wynne Ave, Parnell St, Elizabeth St, Fitzroy St, Myrta St) cleaned daily.	●	On Track	Council utilises a combination of machine/manual sweeping techniques for cleaning of major/minor car parks 5 days a week, with additional clean ups as required.
		Crime & Safety	Implement Council's Graffiti Management Strategy.	Graffiti removed within five working days.	●	On Track	Reactively Council responds to customer requests for removal of Graffiti from Council owned infrastructure and any other offensive Graffiti within the stipulated timeframes. Pro-actively, Council's Graffiti Team inspects hot-spots and cleans as required.
		Carpark Cleaning	Weed spraying of streets and carpark areas	Four times per year.	●	On Track	Selective weed removal in some areas carried out this quarter.  Weed spraying by contractors of all streets and Council car parks in the Burwood LGA scheduled for commencement 6/1/17.
	Lead: Parks Secondary: Works, Operation & Parks	Street Cleaning	Mowing of nature strips based on eligibility.	Every six weeks.	●	On Track	Council provides a nature strip mowing service to residents that are aged pensioners or have medical conditions preventing them from carrying out mowing activities. This service is provided on a six week cycle by mowing contractors.  Residents need to apply to Council and provide proof of eligibility to receive this service such as an aged pension card or letter from their doctor.
		Asset Management Plans	Update asset management plans for civil assets including kerb & gutter, footpath, storm water and roads.	Update plans as assets are upgraded.	●	On Track	Council has completed new road infrastructure condition data capture and assessment following the previous data capture and assessment that was done in 2012. This new condition data has been imported into Council's New Asset Management Software ASSETIC, which was procured and is being implemented and configured to prioritise, schedule and formulate forward capital and maintenance works programs. This will assist Council to strategically manage its civil assets and provide real time condition data for these assets which will be used to update asset management plans.
		Tree Maintenance	Respond to tree maintenance requests.	Requests addressed within 28 days.	●	On Track	76 Customer Service Requests (CRM) completed for all tree maintenance works with 95% compliant with service standard.  Tree trimming CRM requests were 94% compliant with Councils 28 working day service standard
		Street Cleaning	Clean area around bus shelters.	Daily in Burwood, Croydon and Strathfield CBD areas.  Twice weekly outside CBD areas.	●	On Track	All bus shelters within the CBDs are cleaned on a daily basis.  Approx 110 bus shelters are located outside the CBD areas and are cleaned twice a week.



**ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC**  
**Operational Plan 2017-18 Quarter 1**

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
	Lead: Assets, Landscape, Architecture, Urban Design & Contracts Secondary: Works, Operation & Parks	Asset Management Plans	Undertake inspections of footpaths in high pedestrian areas.	100% of footpaths in high pedestrian areas assessed annually ie Town Centre, schools, commercial areas etc.	●	On Track	Council has completed new road infrastructure condition data capture and assessment following the previous data capture and assessment that was done in 2012. This new condition data has been imported into Council's New Asset Management Software ASSETIC which was procured and is being implemented and configured to prioritise, schedule and formulate forward capital and maintenance works programs. This will assist Council to strategically manage its civil assets and provide real time condition data for these assets which will be used to update asset management plans. High Pedestrian areas will be assessed annually and footpath condition data updated in ASSETIC accordingly.
				10% of drainage system assessed annually via CCTV inspections.	●	On Track	Council was successful in receiving grant funding from the Office of Environment and Heritage (OEH), to carry out Overland Flow Flood Studies for all its stormwater drainage catchments. All of these overland flow flood studies are ongoing and final draft reports have been completed. This will provide Council with flood and drainage assessment information on the storm water system for those catchments. Council also investigates and undertakes various CCTV inspections throughout the year of its stormwater drainage network.
		Street Lighting	Effectively maintain liaison with Energy Australia in regards to the design, supply, maintenance, alteration and upgrading of street lighting services.	Quarterly Planning Meetings and reporting of outages within twenty four hours.	●	On Track	Street lighting outages have been investigated within a 24 hour period of initial report, with Ausgrid being notified upon completion of preliminary audit where necessary. The average repair time confirmed in Ausgrid's Performance Management Plan for its public lighting assets is 3.5 days from receipt of fault report. This is within the minimum Ausgrid service standard of less than 8 days.
			Attend to queries in regards to street lighting, negotiate and follow up with Energy Australia.	100% of resident queries / complaints investigated and attended to within fourteen days including response.	●	On Track	Street lighting investigations and night audits have been undertaken for the following locations within the Burwood LGA: St Pauls Close, Chelmsford Avenue, Lea Street, David Street, Devonshire Street, Tahlee Street, Murray Street, Brady Street, Ann Street, Malvern Avenue, The Strand, Meira Street, Waratah Street, Arthur Street, The Boulevard, Russel Street, Railway Parade, Elsie Street and Henley Park. 100% of all required upgrades and maintenance works that were required have been completed successfully and within Ausgrid's minimum service standards of less than 8 days.
	Lead: Works, Operation & Parks Secondary: Works, Operation & Parks	Clean-up Service	Provide a service to remove household items.	Provision of two Clean-up Services per annum – one scheduled & one at call.	●	On Track	All scheduled (area clean ups) are up to date. Booked clean up are also up to date.
		Public Litter Bins	Provide waste collection for public areas.	Public waste bins in CBD areas (Be Tidy Bins) emptied daily and as required in high traffic areas.	●	On Track	All be-tidy bins within all the CBDs are emptied 7 days a week.
				Wash public waste bins monthly.	●	On Track	All stainless steel bi-tidy surrounds are hi-pressure washed monthly and as required.

# ATTACHMENT 1

## ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC

### Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
Lead: Assets, Landscape, Architecture, Urban Design & Contracts Secondary Works, Operation & Parks	Infrastructure Maintenance Work	Measure, evaluate asset condition and develop forward programs.	Infrastructure Assets Maintenance Program, including roads, footpaths, kerb and gutter and drainage, developed by 30 April each year for the following financial year and forward programs reported quarterly.	100% investigated, assessed and programmed within two working days.	<div></div>	On Track	Council has completed new road infrastructure condition data capture and assessment following the previous data capture and assessment that was done in 2012.  This new condition data has been imported into Council's New Asset Management Software ASSETIC which was procured and is being used to prioritise, schedule and formulate forward capital and maintenance works programs.
				100% investigated, assessed and programmed within four working days.	<div></div>	On Track	Reactively Council responds to Customer Requests within the stipulated time frames. Pro-actively, Council's Civil Team and Contractors are tasked with making safe identified defects whilst working within the area. Defects investigated, assessed and programmed within 2 working days.
					<div></div>	On Track	Reactively Council responds to Customer Requests within the stipulated time frames. Pro-actively, Council's Civil Team and Contractors are tasked with making safe identified Defects whilst working within the area, defects investigated assessed and programmed within 4 working days.
					<div></div>	On Track	The Safe & Clean Team perform daily cleaning and reporting services along the main business streets in the Burwood Local Government Area. The Safe & Clean Team remove light litter and small spills whilst they walk along the main business streets and report any safety issues to the relevant Council Team for action.
Lead: Compliance Secondary Works, Operation & Parks	Burwood Safe and Clean Program	Ongoing cleaning and inspection of footpaths in the Burwood CBD and surrounding streets	Cleaning and inspection of footpaths in Croydon, Strathfield and Liverpool Road Shopping precincts	Weekly	<div></div>	On Track	The Safe & Clean Team perform daily cleaning and reporting services along the main business streets in the Burwood Local Government Area. The Safe & Clean Team remove light litter and small spills whilst they walk along the main businesses streets and report any safety issues to the relevant Council Team for action.
				Daily	<div></div>	On Track	Council's Safe & Clean Team patrol main business streets on a daily basis removing and reporting all illegal advertising material on display on public structures in the Local Government Area (LGA). Council Outdoor Maintenance Crew also assist by removing and reporting illegal advertising material outside the area patrolled by the Safe & Clean Team. Council's Law Enforcement Officer investigate and enforce unlawful advertising in the LGA.
				Weekly	<div></div>	On Track	Council's Safe & Clean Team patrol main business streets on a daily basis removing and reporting all illegal advertising material on display on public structures in the Local Government Area (LGA). Council Outdoor Maintenance Crew also assist by removing and reporting illegal advertising material outside the area patrolled by the Safe & Clean Team. Council's Law Enforcement Officer investigate and enforce unlawful advertising in the LGA.
				Daily	<div></div>	On Track	Council's Safe & Clean Team and Law Enforcement Teams patrol all streets on a daily basis where the activity of outdoor eating/drinking occurs in the Local Government Area. The patrols ensure that the activity is approved and/or in compliance with any such approval. Council's Law Enforcement Team enforce any party not acting in compliance with their approval or acting without approval.

Operational Plan Quarterly Report – Quarter 1, 2017/18

Page 4 of 35

# ATTACHMENT 1

## ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC

### Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
1.1.2 - Work with key partners and the community to reduce crime and improve community safety.	Lead: Compliance Secondary: Compliance	City Safe Program	Maintain a strategic CCTV capability	Authorised requests for footage completed within two working days.	●	On Track	Council's City Safe Program works closely with the Local Police to ensure that public domain areas with CCTV camera coverage are monitored during crime times and all crime activity that occurs within this location is enforced by Police.
	Community Development (Community Safety)		Meet and discuss crime activity and trends with Police.	Meet on a monthly basis.	●	On Track	Council Officers meet with Local Police on a weekly basis to discuss crime trends and patterns to develop strategies to combat any increases in crime. Council and Police have a good and active working relationship.
	Lead: Community and Library Services Secondary: Compliance		Work in partnership with the Police on community safety and crime prevention issues and attend key meetings, including safety precinct committees and Liquor Accord.	Attend all scheduled meetings and have a proactive representation in the Accord.	●	On Track	Monthly meetings between Council staff and the NSW Police are continuing to identify crime trends in the area to inform appropriate prevention strategies. Safety Household Safety Booklet launched and distributed to all households in the Burwood Local Government Area with the campaign positively received by residents. All scheduled meetings of the Safety Precinct Committee and Liquor Accord were attended.
	Lead: Compliance Secondary: Compliance	Networking	Attend SSROC Compliance meetings to promote networking between Councils.	Attend all scheduled meetings.	●	On Track	Councils with the Sydney Region Of Councils meet on a quarterly basis to discuss issues and ways for improvement to the quality of service provided by each Council.
1.1.3 - Support and implement programs that aim to reduce anti-social behaviour such as graffiti and littering.							
1.2 - High quality activities, facilities and services	Lead: Community and Library Services Secondary: Compliance	Crime & Safety	Implement recommendations from Council's Crime Prevention Plan and Graffiti Management Strategy.	Recommendations adopted by Council are implemented.	●	On Track	Graffiti awareness campaign continues to assist business owners with strategies to remove graffiti from their premises.
	1.2.1 - Engage the community in decision making processes about activities, facilities and services.						
	Lead: Community and Library Services	Community Development (Youth Services)	Co-ordinate and support Burwood Youth Advisory Group (BYAG) to plan and implement annual Youth Week.	Youth Week event delivered by BYAG annually.	●	On Track	Burwood Council were selected as finalists for the 2017 Local Government NSW Youth Week Awards for the 'Do it for Cancer Pop Up Hair Salon Youth Week Event'. Burwood Youth Advisory Group members attended the Awards Event where they received a Highly Commended award. Planning has commenced for Youth Week 2018.
1.2.2 - Pursue partnerships and opportunities to access additional funding to maintain, upgrade and develop new recreational facilities and meeting places for the community.							
Operational Plan Quarterly Report – Quarter 1, 2017/18							

# ATTACHMENT 1

## ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC

### Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
1.2.3 - Support existing sport and recreation groups to provide services and facilities.	Lead: Community and Library Services Secondary: Landscape & Urban Design	Grant Funding	Actively apply for grants to provide community and recreational facilities.	Number and value of grants approved.	●	On Track	Council has been successful in receiving funding of \$1,000,000 for the embellishment of Wangal Park. This funding has been initiated by the Federal Minister Mr. Craig Launder MP. The timeline for the construction of the various park facilities has been determined and construction works have been staged as applicable.
			Actively apply for grants to support and enhance delivery of community development and community services programs.	Number and value of grants approved.	●	On Track	Council has been successful in receiving funding of \$1,300,000 for the upgrade of facilities in Blair Park to include new sports field flood lighting. The timeline for the construction of the various park upgrade facilities has been confirmed and construction works will be staged as applicable.
						On Track	The works are under way at Wangal Park for the \$354,962.50 grant under the Metropolitan Greenspace Program. This work includes the design and construction of the shared pedestrian and bicycle path (now completed) and solar lights which is under design at the moment.
1.2.4 - Upgrade existing playground areas and park structures to cater for wider community and provide pet friendly facilities.	Lead: Community and Library Services Secondary: Landscape & Urban Design	Grant Funding	Actively apply for grants to support and enhance delivery of community development and community services programs.	Number and value of grants approved.	●	On Track	Council will apply for further grant funding for suitable projects as opportunities arise.
						On Track	The Community Development team was successful in securing a number of grants this quarter.
						On Track	Three grants were received through the Club Grants scheme totalling \$23,000. This included \$5,000 to run a Play and Learn Program for local families, \$8,000 toward the annual Grovability Festival for people with a disability, and \$10,000 for a new Burnwood Youth Outreach project - Connecting Our Youth.
1.2.4 - Upgrade existing playground areas and park structures to cater for wider community and provide pet friendly facilities.	Lead: Community and Library Services Secondary: Landscape & Urban Design	Grant Funding	Actively apply for grants to support and enhance delivery of community development and community services programs.	Number and value of grants approved.	●	On Track	Additionally, the team received \$6,600 from Central & Eastern Sydney Primary Health Network to run a program of activities to address anxiety in children and teens.
						On Track	Finally the team received a grant of \$3,800 from Department of Family and Community Services (FACS) to run a Grandparents Day activity called Happy, Healthy Grandparents.
						On Track	Community facilities were available for use during the reporting period.
1.2.4 - Upgrade existing playground areas and park structures to cater for wider community and provide pet friendly facilities.	Lead: Customer Service & Records	Community Facilities	Offer community facilities.	Community facilities available for use.	●	On Track	Parks prepared for activities requested/requested, and park hire fees applied as per Council's adopted Fees and Charges for 2017-18.
	Lead: Parks		Offer parks for hire.	Parks available for hire.	●	On Track	A tender for the design and construction of new play equipment in Henley Park and Russell Street Reserve has been finalised and a contractor has been commissioned. Construction has been delayed due to delays in the construction of the play equipment. Russell Street playground is due to commence in December 2017 weather permitting.
	Lead: Landscape & Urban Design	Parkgrounds & Pet Friendly Parks	Investigate opportunities for further pet friendly areas as requested by the community	Incorporated into specific Plans of Management and Capital Works Program as necessary.	●	On Track	A landscape architectural firm has designed a new children's playground for Wangal Park. The tender

# ATTACHMENT 1

## ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC

### Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
1.2.5 - Upgrade existing playground areas and park structures to cater for wider community							
	Lead: Landscape & Urban Design Secondary: Community Services	Park Equipment Upgrading	Ensure accurate assessment of park equipment and future requirements to provide a basis for capital works budget.	Replace play equipment according to Playground Replacement Schedule.		On Track	for the construction of the playground has been posted and closed on 18 July 2017. Successful contractor was commissioned and works are now in progress. Installation of the outdoor chess set in Henley Park is completed.
							A tender for the design and construction of new play equipment in Henley Park and Russell Street Reserve has been finalised and a contractor has been commissioned. Construction has been delayed due to delays in the construction of the play equipment. Russell Street playground is due to commence in December 2017 weather permitting.  A landscape architectural firm has designed a new children's playground for Wangal Park. The tender for the construction of the playground has been posted and closed on 18 July 2017. Successful contractor was commissioned and works are now in progress. Installation of the outdoor chess set in Henley Park is completed.  The design for new sports field lighting in Blair Park is now completed. A tender was posted to supply and install the new floodlighting as Council received confirmation of the support funding from the Federal Government for this project.
1.2.6 - Develop and encourage volunteer opportunities							
	Lead: Community and Library Services	Community Development (Volunteering)	Work with CHSP/CCSP and other agencies to support volunteering, including partnering with culturally specific organisations to increase the number of volunteers of CALD background.	Strategic partnerships established and CALD volunteer members increased.		On Track	During the quarter, Volunteer Network had 193 enquiries regarding volunteering, conducted 22 volunteer interviews and referred 138 volunteers to not for profit organisations in the Inner West Area. Council received 61 enquiries regarding volunteering specifically in the Burwood LGA.  Strategic partnerships were established and maintained during the quarter with TAFE NSW South Western Sydney Institute and Australian Nursing Home Foundation to increase the number of volunteers from CALD backgrounds. This will lead to an increase in CALD volunteer numbers over time.  During the quarter, Volunteer Network had 193 enquiries regarding volunteering, conducted 22 volunteer interviews and referred 138 volunteers to not for profit organisations in the Inner West Area. Council received 61 enquiries regarding volunteering specifically in the Burwood LGA.  Volunteer Network continues to promote volunteer opportunities through GoVolunteer and Volunteer Network websites and advertises volunteering through the local media.
1.2.7 - Develop appropriate and relevant training in order to build CHSP/CCSP (Commonwealth Home Support Programme/Community Care Support Program) capacity across the Inner West area.							
	Lead: Community and Library Services	Home and Community Care (HACC) Services	Work with CHSP/CCSP-funded service providers across the Inner West area on training and development.	Training sessions and CHSP/CCSP forums conducted monthly.		On Track	The Inner West Sector Support Development Officer (SSDO) has been working with the Inner West Aged and Disability Care providers in order to assist with smooth implementation of various government reforms.  The SSDO has also been working with services regarding budgeting, funding agreement requirements
Operational Plan Quarterly Report – Quarter 1, 2017/18							
Page 7 of 35							



**ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC**  
**Operational Plan 2017-18 Quarter 1**

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
1.2.8 - Facilitate access to Podiatry Services	Lead: Community and Library Services	Community Development (Podiatry Services)	Facilitate Podiatry client assessments and re-assessments and access to clinic services.	Increase number of Podiatry clients as per funding requirements (1,150 clients).	●	On Track	Referrals for the Inner West Home & Community Podiatry Service are received through My Aged Care. Current client numbers now exceed and 1200 there is no further capacity at the present time to enrol new clients.
	Lead: Information Technology	Information Systems	Provide free Wi-Fi internet facilities to the public at Council's Library.	Wi-Fi connectivity within Library building available every day during opening hours.	●	On Track	Wi-Fi Services have been provided with no interruptions to date.
	Lead: Enfield Aquatic Centre	Enfield Aquatic Centre	Maintain pool water quality.	Swimming Pool water tested every two hours during business hours, with levels kept within NSW Health Guidelines Standards.	●	On Track	Water testing and treatment of all bodies of water at the centre are undertaken in line with NSW Health Guidelines and Royal Life Saving Society of Australia (RLSSA) - Guidelines for Safe Pool Operation (SSPO).
	1.2.11 - Provide new learn-to-swim and life saving programs and encourage community participation.						
	Lead: Enfield Aquatic Centre	Enfield Aquatic Centre	Introduce a new Squad Swimming Program.	Increase participation in the Squad Swimming Program by 5% per year.	●	Watch	Attendance in the squad program has declined from the same quarter in 2016. Research to be undertaken to determine the future scope of the program.
1.2.12 - Implement best practice customer service at Enfield Aquatic Centre.	Lead: Enfield Aquatic Centre	Enfield Aquatic Centre	Introduce new Life Saving initiatives aimed at teaching children basic life saving skills.	Increase participation in the Learn-to-Swim Program by 5% per year.	●	Watch	Attendance in the learn to swim program has declined from the same quarter 2016. Research to be undertaken to determine the future scope of the program.
	Lead: Enfield Aquatic Centre	Enfield Aquatic Centre	Maintain standards of Customer Service.	Conduct regular Customer Feedback Surveys across all services and products with an Annual Report submitted to Council's Executive.	●	On Track	Customer satisfaction survey conducted in first quarter 2017-2018. Results to be reported to the Council executive and used to guide future improvements at the centre.
1.2.13 - Implement five hectares of new open space facilities in Wangai Park.	Lead: Landscape & Urban Design	Wangai Park - Implement Federal Government Grant	Picnic Shelters and Barbecue Areas	Works completed by October 2017	●	On Track	All of the five small picnic shelters were completed by the end of October 2017. The installation of the outdoor furniture and electric BBQ units are currently underway. The large picnic shelter is scheduled for completion by the end of November 2017.

ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC  
Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
1.3 - A well informed, supported and engaged community	1.3.1 - Maintain up-to-date information on the community profile to support planning and program development	Lead: Community and Library Services  Community Development (Community Profile)	Basketball Half Court	Works completed by October 2017	●	On Track	The Half Basketball Court was completed and opened to the public in time for the October 2017 long weekend.
			Shared bicycle pedestrian paths with solar lighting	Works completed by November 2017	●	On Track	The shared bicycle path was completed in December 2016. The detailed design for the solar lights is currently in progress.
			Playground	Works completed by December 2017	●	On Track	Construction works on the children's playground are progressing well and completion is on track for early December 2017.
			Planting plan, implemented where possible	Works completed by December 2018	●	On Track	The Margat Park planting plan is being progressively rolled out in conjunction with the completion of the various stages of the embellishment works.
			Commission and construct a skate park facility	Works completed by February 2018	●	On Track	The earthworks have commenced in preparation for the concrete slab for the skate park. The skate park equipment has been ordered and is on track for installation by February 2018.
	1.3.2 - Provide information to the community on Council's activities, facilities and services using communications that can be accessed by all people in the community.	Lead: Media, Communications & Events Secondary: Information Technology  Council's Website	Ongoing maintenance of Council's Website	Daily updates	●	On Track	Council's website is maintained daily to provide current news and information on Council's services, policies, events and meetings. Key documents such as public exhibitions, minutes and agendas. Development Applications and employment opportunities at Council are routinely published on the website. In addition, Council's social media pages are monitored and updated daily. This quarter, Council improved accessibility and functionality by updating various sections of the website with large icons directing customers to relevant information.
			Improvement of accessibility and content functionality	Provide translation of major sections of website and most important documents.	●	On Track	Council's Business page on its website features a section in Chinese in order to provide information to the diverse business community. Council had 156 views on translation service pages this quarter.
			Improve interaction between Council and stakeholders through the web.	Increase number of customer visits through the web and report monthly to Executive Team and six monthly to the Community.	●	On Track	Council's website had 128,397 views during the quarter, an increase in traffic by 5%. Council's social media audience continues to grow with a 7.3% increase across Facebook, Twitter, Instagram and LinkedIn this quarter. Council has also expanded its communication on YouTube publishing regular videos on events, projects and initiatives. Council has digitised its forms to make applications quicker and easier for residents and stakeholders.
			Forms on a range of Council's services including events, road safety, traffic and transport, and council meetings				
Operational Plan Quarterly Report – Quarter 1, 2017/18							
Page 9 of 35							

# ATTACHMENT 1

## ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC

### Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
1.3.3 - Preserving information.	Lead: Customer Service & Records	Media Communication	Notify residents of important decisions via media, notice boards, newsletters and other communications tools.	As required.		On Track	can now be accessed on Council's website with more forms to be digitised over the next quarter.
			Prepare media releases for all major events and initiatives of Council.	Number of releases		On Track	Council disseminates news and information to residents through media releases, fortnightly Mayoral Columns, mail outs and advertisements in local papers.
				Number published		On Track	Information is made available on Council's website and social media pages which are updated daily. In particular, Council used these methods of communication extensively to raise awareness on Council's events and initiatives including Sandakan Memorial and Local Government Elections.
					On Track	Council prepared 6 media releases on key issues and initiatives including Sandakan Memorial, Burwood Festival launch, National Tree Day, Local Government Elections and abandoned shopping trolleys. Media releases were uploaded onto the Council website after distribution.	
1.3.4 - Provide information to the community on Library services.	Lead: Community and Library Services Secondary: Media Communications & Events	Community Development (Library)	Identify records with historical significance and preserve hard copy records in accordance with legislative requirements.	As per Records Monitoring and Maintenance Program.		On Track	Council collection is currently being reviewed to prioritise preservation program.
			Distribute Library's services information via flyers, email database, website, local media, notice boards.	Increase delivery of information about Library services		On Track	The Library staff provided a wide range of information to the local community during first quarter 2017/2018 via the Council website, brochures, displays in the Library and Community Hub, face to face customer interactions, seminars, workshops, Twitter and Instagram.
						On Track	In total 160,352 people visited the Library and Community Hub during the quarter.
						On Track	There were 795 new registrations for Library membership during first quarter 2017/2018. Total membership at the end of July 2017 was 20,199
1.3.5 - Promote Library services to the community.							
1.3.6 - Provide a range of services for children and young people.	Lead: Community and Library Services Secondary: Media Communications & Events	Community Development (Library)	Undertake actions to increase membership of the Library.	Number of new members measured and reported every six months.		On Track	There were 795 new registrations for Library membership during first quarter 2017/2018. Total membership at the end of July 2017 was 20,199
			Provide direct services including Mobile Playvan for parents with children from 0-6 years, and youth services 12 – 24yrs in Council facilities.	Mobile Playvan runs twice per week during school terms and one youth developmental project to be delivered per annum.		On Track	Mobile Play Van ran successfully for term three (first quarter 2017/2018). New families attended each week and on one Thursday in August over 100 people attended. There were only two forced cancellations of sessions due to adverse weather.
						On Track	
						On Track	
Operational Plan Quarterly Report – Quarter 1, 2017/18							
Page 10 of 35							



ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC  
Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
1.4 - A community that celebrates diversity							
1.4.1 - Celebrate the achievement of community leaders.							
Lead: Media, Communications & Events Secondary: Community Services	Community Leadership Achievements	Acknowledge and celebrate achievements of community leaders/groups.	Number of nominations received for community leader awards.	●	On Track	Council celebrated the achievements of local veterans and service personnel as part of the Sandakan Memorial Service. These achievements were promoted on Council's website, social media and media release.	
			Promote community and community leaders' achievements through media articles and Council's publications.	●	On Track	Council celebrated the achievements of local veterans and service personnel as part of the Sandakan Memorial Service. These achievements were promoted on Council's website, social media and media release.	
			In conjunction with Council's initiatives and awards programs.	●	On Track		
1.4.2 - Improve access to information on government services.							
Lead: Media, Communications & Events	Government Information Services	Inform stakeholders about key services provided by Council.	Keep frequently accessed document list on website up to date.	●	On Track	The Frequently Accessed Documents and Frequently Asked Questions page can be accessed from the quick links section on Council's homepage. The page includes information on the most common enquiries and provides a list in alphabetical order of the most popularly viewed and requested documents. This section is updated regularly to ensure content is up to date. The section of the website received 451 views, a 3.2% increase since last quarter.	
Lead: Community and Library Services	Community Development (Library)	Identify government information sources and provide access through library information systems and databases.	Computer terminals available for access.	●	On Track	The Library and Community Hub gives customers access to 30 public computers and a WiFi network providing access to the internet. In the first quarter there were 8,322 PC bookings made, 16,109 WiFi logins and 10,183 devices connected to the network.	
1.4.3 - Develop strategic relationships with multicultural service providers.							
Lead: Community and Library Services	Community Development (Multicultural Services)	Develop appropriate approaches to linking with the Multicultural Community	New relationships established with multicultural groups.	●	On Track	The Library staff continued to actively engage with the multicultural community in the area during first quarter with workshops provided in Cantonese and Mandarin focussing on tax information, early childhood development and English conversation classes.	
		Engage with and develop relationships with multicultural service providers.	Increase the percentage of community cultural groups that participate and engage with the Library.	●	On Track	People from multicultural community groups in Burwood are active participants in Library Services programmes such as Burwood Babies, Pre-school storytime, the school holiday programme, English conversation classes for adults and the knitters group. Wrapped with Love. Programmes conducted specifically in Cantonese and Mandarin included an early childhood development seminar and a taxation workshop.	
1.4.4 - Promote healthy and active living.							
Operational Plan Quarterly Report – Quarter 1, 2017/18							
Page 11 of 35							

ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC  
Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
	Lead: Community and Library Services	Events	Facilitate the delivery of programs that promote healthy lifestyle, community well being and active ageing.	Deliver a minimum of one initiative per annum.	●	On Track	Term 3 (first quarter 2017/2018) community programmes held across Council's Community Centres continued to offer low-cost healthy ageing activities, such as Zumba, line-dancing and a range of art and craft activities.
<b>1.4.5 - Promote sporting activities and the arts to bring people together.</b>							
	Lead: Media, Communications & Events	Government Information Services	Invite and engage local artists, crafts groups, local schools' arts departments to join Council's events in the form of display or competitions.	Create a designated area for local artists and groups at Council's civic events.	●	On Track	As part of the Burwood festival project we are bringing to Burwood Park artists from the Sydney region, which will be performing their abilities while interacting with the local community. Schools and local businesses will be involved in a number of activities on and off stage. A live street art area will also be setup for the first time at Burwood Festival.
<b>1.4.6 - Promote usage of Library by multicultural groups and residents.</b>							
	Lead: Community and Library Services	Community Development (Multicultural Services)	Provide book collection items to reflect the needs and interests of the multicultural community.	Increase number of foreign languages publications in accordance with Census data and community needs.	●	On Track	A total of 248 items in Korean, Hindi and Chinese were added to the Library's collections during the quarter. The items included books, DVDs, CDs and magazines for both adults and children.
<b>1.4.7 - Improve communications between Council and the community by implementing a range of communication tools including face to face, web based, social media channels and alternative formats to communicate with people with a disability.</b>							
	Lead: Community and Library Services Secondary: Media, Communications & Events	Community Development (People with a Disability)	Develop a communications strategy in relation to the Disability Action Plan (DAP).	Information sessions held in relation to implementation of the Disability Inclusion Action Plan, including for Council staff who work with people with disabilities.	●	On Track	Council's Disability Inclusion Action Plan took effect on 1 July 2017. Council is committed to running a series of disability inclusion awareness raising workshops involving all staff during 2017/2018.
	Lead: Media, Communications & Events Secondary: Media, Communications & Events		Improve accessibility of Council's website	List of Council services published on Council's Website with text size options available and improve "readability" of documents for visually impaired users.	●	On Track	Council's mobile website provides a simplified interface for visually impaired users. Over 36% of Council's overall website traffic comes from smart phones or tablet devices. Council's website features an identifiable link on each page to increase text size. The website is also available in "Text Version" to provide improved "readability" with a simplified view for visually impaired users.  Documents are uploaded on Council's website in both PDF and Word format, as per the Federal Government's Web Content Accessibility Guidelines V2.0. This allows for the use of computerised reading software.
<b>1.4.8 - Continue the publication of Council news in local media including local newspapers.</b>							
	Lead: Media, Communications & Events	Media	Provide information to the public through publications such as Mayoral columns, Burwood Update resident's newsletter and other publications.	Mayoral column published in the local newspapers a minimum of once a month.	●	On Track	The Mayoral Column appears fortnightly in local publications (Inner West Courier) and includes the following information: <ul style="list-style-type: none"> <li>• Mayor's Message</li> <li>• Latest news and information on events and initiatives</li> <li>• Development applications received and approved by Council</li> <li>• Times and dates of upcoming Council Meetings</li> <li>• Contact information</li> <li>• Council's values</li> <li>• Link to social media pages</li> </ul> The column is also published on the Council website and social media pages. In addition, a Mayoral Column is published in various community papers in Arabic, Chinese, Greek and Italian.

**ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC**

**Operational Plan 2017-18 Quarter 1**

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
1.4.9 - Promote volunteering opportunities.	Lead: Community and Library Services	Community Development (Volunteering)	Produce timely and appropriate Media Releases.	Burwood Update Residents Newsletter produced quarterly	●	On Track	The Burwood Update Summer Edition will be distributed to 16,000 households and businesses across the LGA in the next quarter, in line with the seasonal schedule. The Update included the latest news and information on Council's services and initiative. The Update will also made available online.
				Newsletter made available in electronic format.	●	On Track	The Burwood Update is made available electronically on Council's website and promoted on social media.
				Within one day.	●	On Track	Media releases are produced and distributed to media outlets within one day. An initial response to all media enquiries is made within the first two hours.
1.5 - A sense of community pride	Lead: Strategic Planning	Heritage	Advertise volunteering opportunities on multimedia formats.	The number of enquiries, interviews and recruitments increases annually.	●	On Track	The Volunteer Network continued to advertise volunteering opportunities across a diverse range of media, including the GoVolunteer and Volunteer Network websites. As a result, Volunteer Network had 193 enquiries regarding volunteering, conducted 22 volunteer interviews and referred 138 volunteers to non profit organisations in the Inner West Area.
			Initiate volunteering programs that embrace mentoring and skills development.	The number of enquiries, interviews and recruitments increases annually.	●	On Track	Volunteer Network offered training to volunteers and organisations within the Inner West. Volunteer Network assisted volunteers within Burwood Council to engage in projects that gave them the experience and knowledge to further develop their skills.
							During the quarter, Volunteer Network had 193 enquiries regarding volunteering, conducted 22 volunteer interviews and referred 138 volunteers to not for profit organisations in the Inner West Area.
1.5.1 - Preserve Burwood's diverse heritage and provide more information on the history of the area.	Lead: Strategic Planning	Heritage	Provide comment/input on heritage-related Development Applications (DAs).	100% of DA referrals responded to within fifteen working days.	●	On Track	A total of 24 heritage referrals for the period, 17 referrals responded to in 10 days and 19 in 15 days, and 5 were over.
			Provide information on heritage of the Burwood area on Council's website and in Council's publications.	80% responded to within ten working days.	●	On Track	The heritage information on Council's website is current and is updated when needs arise.
				Up to date heritage information included on Council's website.	●	On Track	
1.5.2 - Provide leadership on community values.	Lead: Media, Communications & Events	Promotion of Values	Incorporate Council's Values in advertising material, publications and signage.	Council's Values included in Council's fortnightly Mayoral Column, quarterly newsletter Burwood Update, Website and on selected advertisements.	●	On Track	Council's community values: Governance, Service, Sustainability and Respect feature on fortnightly Mayoral Column publications and in other forms of advertising and correspondence wherever possible. The meaning and importance of these values can be viewed on Council's website.
1.5.3 - Identify ways to promote heritage and encourage the preservation of Burwood's historic buildings.	Lead: Media, Communications & Events Secondary: Strategic Planning	Heritage	Promotion through Heritage Week.	Participation in Heritage Week.	●	On Track	During the heritage week we have hosted a tour of the Memorials in Burwood Park as part of the Heritage Week.
							The tours, conducted by the Burwood Historical Society, highlighted the main memorials in Burwood Park and
Operational Plan Quarterly Report – Quarter 1, 2017/18							
Page 13 of 35							

# ATTACHMENT 1

## ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC

### Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
1.5.4 - Develop campaigns designed to facilitate community and neighbour interaction.							
1.5.4 - Develop campaigns designed to facilitate community and neighbour interaction.	Lead: Community and Library Services Secondary: Media Communications & Events	Events	Deliver Neighbourhood Week initiative	One activity held per year	●	On Track	Planning is under way for the 2018 event
	Lead: Media Communications & Events Secondary: Community Services	Events	Engage different cultural groups in civic events and commemorative services.	Promotional material sent to community groups in the lead up to each major Council event and commemorative service	●	On Track	During the fourth quarter Burwood Council delivered two Commemorative Services, the Anzac Day Commemorative March and Dawn Service and the National Servicemen's Commemorative Service.  In the lead up to both of these Services 17,000 promotional DL fliers were letter boxed dropped to local residents and businesses in the Burwood LGA. Personalised letters were also sent to local schools, day care centres, childcare centres and other local groups inviting them to participate in the service. Media releases about the two Digitally, the Services were promoted on the Burwood Council website and via Council's social media channels, including Facebook, Twitter and Instagram. The website was also updated with images after each Service. An image of the promotional flyer for each Service was also placed on the screens in the Council Chambers.  A letter was also sent to residents and businesses around Burwood Park and along Burwood Road to notify them of possible disruptions due to the Anzac Day March, as well as a courtesy notice regarding both Services.  During this quarter, the Sandakan Remembrance Service was held and attended by over 350 people. This attendance rate has slightly increased compared to last year.  The amount of local schools attending and participating in the Service hasn't changed from last year.
1.6 - Improved interactions between young and older people							
1.6.1 - Establish regular interaction between young people and councillors eg. Annual Youth Council, Youth advisory groups.							
Lead: Community and Library Services	Events	Facilitate informal discussions between youth and Council.	Conduct one event per year for young people.	●	On Track	Council successfully ran two child and adolescent anxiety seminars for both service providers and parents of adolescents who experience anxiety. The seminars aimed to provide practical tips from industry professionals. Resources were also created including an interactive challengebox, pod cast and online quiz. Both seminars were a success with over 90 attendees at each.  Council together with the Burwood Youth Advisory Group also ran a series of live Facebook and Instagram feeds at Burwood Festival this year. Over 1,000 people viewed the live videos on Council's social media where BYAG members interviewed and promoted the main	

Operational Plan Quarterly Report – Quarter 1, 2017/18

Page 14 of 35

**ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC**  
**Operational Plan 2017-18 Quarter 1**

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
1.6.2 - Provide access to online information services.	Lead: Media, Communications & Events	Online Services	Improve accessibility of Council's website.	Run a quarterly information session on Council's website at Seniors' Computer Club.		On Track	An information session will be undertaken at the commencement of the upcoming Seniors Computer Club term.
	Lead: Community and Library Services	Events	Investigate opportunities for activities that support intergenerational engagement.	One intergenerational activity delivered per year.		On Track	The annual Seniors Week Festival will take place again in 2018 and will include an intergenerational component.
	1.6.3 - Provide opportunities that facilitate interaction between young and older people.						
2 - Leadership through Innovation							
2.1 - Community confidence in Council's decision making							
2.1.1 - Report decisions back to the community through open forums.							
	Lead: Executive Team	Executive Functions	Conduct workshops, special meetings and/or forums on major initiatives.	Conduct a minimum of four workshops, special meetings and/or forums per annum.		On Track	During the quarter Council provided the following workshops: Vertical Gardens - 25 participants Australian Animals Display - 60 participants
2.1.2 - Develop performance measures and provide status updates to the community on key Council projects and plans.							
	Lead: Executive Team Secondary: Executive Manager	Executive Functions	Council's commitments and responsibilities under the Delivery Program, Operational Plan, Budget are met and relevant Acts are complied with.	Progress report on Delivery Program and Operational Plan presented to the Council and Community on a quarterly basis.		On Track	Regular quarterly reports are presented to Council and the community on the progress of Delivery Program 2013-17 and Operational Plan 2017-18. This document represents the quarterly report in relation to the period 1 July - 31 September 2017.
		Statutory Reporting	Annual Report is completed in accordance with the requirements of the Local Government Act.	Lodged by 30 November each year.		On Track	The Annual Report for 2015/16 was adopted by Council at the October 2016 meeting, and referred to the Office of Local Government. It was also sent to the State Library for their record.
			Operational Plan is completed in accordance with the requirements of the Local Government Act and placed on Public Exhibition for a period of 28 days prior to formal endorsement.	Adopted by 30 June each year.		On Track	The Operational Plan for 2017/18 was adopted by Council at the 27 June 2017 meeting.
2.1.3 - Audit and evaluate projects and plans when they fail to meet stated performance measures.							
	Lead: Executive Team	Executive Functions	Develop a work program covering the Burwood2030 Community Strategic Plan.	Preparing timetables for the delivery of the work program with exception reporting for the Executive.		On Track	In accordance with the Integrated Planning and Reporting framework, the delivery of the goals identified by the community in the Burwood2030 Community Strategic Plan is achieved through Council's four year Delivery Program and the annual Operational Plan. The Delivery Program lists the actions identified as necessary to achieve the community's priorities. The Operational Plan details Council's budget and identifies specific initiatives that are able to be funded each year, including a list of major capital works and their
Operational Plan Quarterly Report – Quarter 1, 2017/18							

Page 13 of 35



# ATTACHMENT 1

## ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC

### Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
2.1.4 - Provide community education on Council policies and regulations.							
	Lead: Governance	Community Education	All Council approved Policies are published on Council's website.	Published within two weeks of approval			The Local Approvals Policy for Managing Waste in Public Places was published in the quarter. All Council/Committee Meeting Agendas and Minutes have been published on Council's website for the quarter
			Ensure that Agendas and Minutes from Council and Building and Development Committee Meetings are published on Council's website.	Published three days prior to each Meeting.		On Track	
2.1.5 - Hold Council Meetings.							
	Lead: Governance	Council Meetings	Ensure Council Meetings are held in accordance with the requirements of the Local Government Act 1993.	Schedule 10 Council Meetings per year		On Track	Council Meetings held in this quarter were 25 July 2017 and 26 September 2017.
2.1.6 - Develop appropriate programs and services to improve communications between different cultural groups and between cultural groups and the Council.							
	Lead: Media, Communications & Events	Communication with Cultural Groups	Engage cultural groups in Council's civic events.	Cultural groups included in performance program at each Council event.		On Track	Cultural groups are invited to participate in Council's major civic events where relevant and appropriate. During this quarter, one major civic event was held, the Sandakan Remembrance Service. This Commemorative Service was not deemed suitable for performances by cultural groups.  Council supported the TVB Australia Carnival event which included a main stage programme with performances by popular international and local Asian acts.  For Burwood Festival we have included a Japanese group in the stage programme in collaboration with the Information and Culture Section Consulate-General of Japan in Sydney.  A total of 131 activities were held during first quarter with over 1,900 people in attendance. The activities include: a Mad Hatters' Tea Party held at Enfield Aquatic Centre, Scratch Coding classes for children, a seminar on the history of bicycles in Australia, hearing tests conducted by Hearing Australia and Book Week celebrations with students from St Josephs Primary School, Enfield Primary School and Burwood Public School.
	Lead: Community and Library Services		Design library programs to bring together community cultural groups and improve communication between those groups and Council.	Minimum 300 activities conducted per year.		On Track	
2.1.7 - Hold regular open forums for face to face discussions between Council and the Community.							
	Lead: Governance	Open Forums	Conduct Open Forum at Council Meetings.	An Open Forum is scheduled for each Council Meeting.		On Track	Open Forum is conducted at each Council Meeting.
2.1.8 - Provide language aide services and translate key documents into main community languages.							
	Lead: Media, Communications & Events Secondary: Customer Service & Records	Translations	Promote Council's language aide service, and the available interpreter service.	Visible signage at key Council venues and reminders included in all Council publications in different languages.		On Track	Council uses various large screen displays at Railway Square on Burwood Road, Council Chambers and the Library and Community Hub to provide information and promote initiatives in a simple and visual format. Signage promoting Council's language aid services is on display at Council's Customer Services and Library and Community Hub. In addition, contact details for Council's interpreter service feature in all Council publications including advertisements, residential newsletters and signage. This information is also available in all outgoing mail and newsletters in the following languages: Arabic, Chinese, Croatian, Greek, Italian, Korean, Spanish, Russian and Tamil.
Operational Plan Quarterly Report – Quarter 1, 2017/18							
Page 16 of 35							

# ATTACHMENT 1

## ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC

### Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
2.1.9 - Maintain the currency, legislative compliance and clarity of Council's Policy Manual.							
	Lead: Governance	Policies, Procedures, Corporate Practices and Plans	Maintain Council's Policy/Procedures/ Corporate Practices/Plans of Management Register.	Register updated and reviewed in part at a minimum of three Policy, Corporate Practices and Procedures Panel meetings		On Track	The Policy Register is maintained after each Panel Meeting.
			Review Policies/Procedures/Corporate Practices/Plans.	Conduct six Policy, Corporate Practices and Procedures Panel meetings per year.		On Track	A Panel meeting was held 7 July 2017 for the quarter. No business items for the months of August and September.
	2.1.10 - Comply with Local Government reforms promoted by the NSW State Government.						
	Lead: Executive Manager	Policies, Procedures, Corporate Practices and Plans	Implement the recommendations from The Local Government Independent Review Panel Report.	As required subject to release of reports and guidelines by the NSW State Government.		On Track	The NSW Government abandoned the amalgamation proposal for Burwood, Canada Bay and Strathfield Councils. No further action is required in relation to the LG Independent Review Panel Report.
	Lead: Governance		Implement the recommendations from The Local Government Act Review.	As required subject to release of reports and guidelines by the NSW State Government.		On Track	All reports and guidelines released within the Corporate Governance area have been implemented.
	2.1.11 - Implement best practice governance strategies.						
	Lead: Executive Team	Legislative Requirements	Ensure that new Division of Local Government Guidelines Practice Notices and Model Codes are complied with.	Processes and procedures implemented to comply with new Division of Local Government Guidelines Practice Notices and Model Codes.		On Track	Council continues to be briefed on updates of legislation and circulars from the Office of Local Government. In particular, during the quarter the councillors were briefed on the introduction of the Independent Hearing and Assessment Panels (IHAP), which will become effective by 1 March 2018.
	2.1.12 - Maintain an effective, open complaint handling processes.						
	Lead: Executive Manager Secondary: Customer Service & Records	Complaint Handling	Ensure methodology to lodge a complaint is simple and clearly advertised to the public.	Complaint and feedback lodging system advertised on Council's website and at Customer Service counter.		On Track	All complaints received by Council and actions taken in relation to the complaints are recorded on Council's database system (TRIM) and allocated a log number to track progress of each matter. A further monthly review of the complaints received and outcomes is discussed and monitored by the Executive Team. Data on Code of Conduct complaints and Public Interest Disclosures is regularly reported to Council, the public and external agencies (NSW Ombudsman and Office of Local Government) through annual reports and other frameworks.
			Investigate complaints made.	Complaints are investigated in accordance with Council's Policy/Procedure/Guidelines.		On Track	All complaints received by Council are acknowledged, assessed and responded to. All complaints are entered into Council's corporate database to allow for reporting and trend analysis.
			Produce a report of all complaints received under the Complaints Management Policy to the Executive Team.	On a monthly basis.		On Track	A monthly report on complaints received is presented to the Executive Team. An assessment is undertaken and if necessary the Executive Team recommends steps to improve processes and reduce further complaints. The review of the complaint and any further steps to improve customer relations is undertaken to ensure consistency with the policy.

ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC  
Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
2.1.13 - Monitor and manage personal and private information.	Lead: Governance	Privacy & Personal Information and Government Information Public Access (GIPA)	Comply with statutory requirements under the Privacy & Personal Information Act and the Government Information Public Access (GIPA) Act.	In accordance with Council's Complaints Handling Policy.	●	On Track	All complaints received by Council and actions taken in relation to the complaints are recorded on Council's database system (TRIM) and allocated a log number to track progress of each matter. A further monthly review of the complaints received and outcomes is discussed and monitored by the Executive team. Data on Code of Conduct complaints and Public Interest Disclosures is regularly reported to Council, the public and external agencies (NSW Ombudsman and Office of Local Government) through annual reports and other frameworks.
	Lead: Governance	Privacy & Personal Information and Government Information Public Access (GIPA)	Comply with statutory requirements under the Privacy & Personal Information Act and the Government Information Public Access (GIPA) Act.	Applications are responded to within the statutory time frame.	●	On Track	No applications have been received this quarter.
	Lead: Customer Service & Records	Records Maintenance	Create, scan and process new Development Applications for submission to Council's Building and Development Section for assessment.	Within one day.	●	On Track	During the quarter 44 Development Applications, 45 Development Applications and 8 Pre Development Applications were submitted to Building Development. Nine applications were delivered outside the Service Standard.
	Lead: Customer Service & Records	Records Maintenance	Provide required supporting documents in relation to Government Information Public Access (GIPA) Act applications to Council's Governance Section.	Provide Council's Governance Section with relevant files within three days.	●	On Track	Supporting documents and files related to Government Information Public Access (GIPA) Act applications were provided to Governance in accordance with the service standard.
2.1.14 - Undertake records management in accordance with State Records Act legislative requirements.	Lead: Customer Service & Records	Records Maintenance	Retention and disposal of records.	Annually.	●	On Track	Records has closed, sentenced and appraised folders for disposal in accordance with the General Retention and Disposal Authority, Local Government Records.
	Lead: Customer Service & Records	Records Maintenance	Scan, process and distribute incoming daily mail.	Within one day.	●	On Track	Daily mail processed, scanned, registered and distributed.
	Lead: Customer Service & Records	Records Maintenance	Increase user uptake of Electronic Document Management System.	Monthly training and reporting.	●	On Track	TRIM (Council's Electronic Document Management System) training has been provided to new and existing staff.
	Lead: Governance	Procurement and Purchasing	To coordinate Council's Tender Process in accordance with: - Local Government Regulation 2005 - Local Government Act 1993 - Tendering Guidelines for NSW Local Government 2009 - Burwood Council Tendering Procedure	Number of Tenders successfully delivered.	●	On Track	During the September 2017 quarter there were three Tenders approved by the General Manager, as follows: ▪ For the Removal and Supply of Playgrounds at Portland and Mitchell Streets (Henley Park) and Russell Street Reserve ▪ Construction, Supply and Installation of Wangal Park Playground, and ▪ Safe and Clean project throughout the local government area.
2.1.17 - Provide education to Councillors on changes to legislation.			Ensure effective and efficient purchasing and procurement of goods and services across Council.	Implement a Procurement Strategy and update Procurement Policy as required.	●	On Track	In accordance with Council's Corporate Review Practice the Procurement Strategy and Purchasing and Contract Management Corporate Practice are current.



# ATTACHMENT 1

## ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC

### Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
2.2 - Strong partnerships to benefit the community							
2.2.1 - Improve dialogue with neighbouring councils to share resources and assets to improve provision of services.							
Lead: Governance	Councillors' Training	Conduct training sessions.	Provide the necessary education resources and tools to Councillors and hold workshops within three months of major changes to legislation.	●	On Track	Councillor inductions have been held for the new elected body as follows: <ul style="list-style-type: none"><li>Code of Conduct which included Conflicts of Interest and Public Interest Disclosures</li><li>Integrated Planning and Reporting</li><li>Financial Management</li></ul> Further sessions will be conducted which include the Code of Meeting Practice, Political Donations, Councillors' Expenses and Facilities, Related Party Disclosures, Planning and Development Assessment more in-depth sessions will be organised in the areas of Conflicts of Interest and Public Interest Disclosures.	
Lead: Executive Team	Resource Sharing	Participation in the Southern Sydney Regional Organisation of Councils (SSROC).	Active participation in relevant SSROC activities.	●	On Track	Council management participates in the following SSROC working groups: <ul style="list-style-type: none"><li>The GM at the delegates meeting in conjunction with the elected Councillors</li><li>General Managers Meeting which meets each month</li><li>Environmental Managers' Group</li><li>Waste Management Group</li><li>Human Resources Managers' Group</li><li>Public Works Management Group</li><li>Records Management Group</li><li>Regulatory Work Group</li><li>Supply Management Group</li><li>Shared Services Senior Managers' Group</li><li>Library Management Group</li></ul>	
2.2.2 - Monitor State and Federal government policies that have the potential to impact Burwood Council.							
Lead: Executive Team	Policies, Procedures, Corporate Practices and Plans	Prepare updates and regularly brief the Council on changes in relevant State and Federal policies.	Inform the Council as new relevant policies are circulated	●	On Track	The following circulars have been issued that affect Council: <ul style="list-style-type: none"><li>Induction and Ongoing Professional Development for Mayors and Councillors</li><li>Further Phase 1 amendments to the Local Government Act</li></ul>	
2.3 - Responsible employer of choice							
2.3.1 - Attract, engage, develop and retain the best and most highly skilled staff to strengthen workforce capability.							
Lead: Organisational Development Secondary: Governance	Staff Relations	Ensure that management induces staff appropriately.	Conduct four induction programs per calendar year.	●	On Track	All New employees are given individual one on one inductions into Council specific to their position requirements and including all appropriate policies, procedures and corporate practices.  In this quarter a formal induction was not conducted due to lack of numbers. All contractors, agency staff, volunteers, temporary employees, and casual employees receive a mini induction and on line learning training which they are required to complete within the first week of engagement.  Council maintains strong professional working relationships with all employee associations and industry stakeholders. The main focus for this quarter was the implementation of the 2017 Local Government (State) Award in July 2017.  During this quarter the Consultative Committee met on 3	
Operational Plan Quarterly Report – Quarter 1, 2017/18							
Page 19 of 35							

# ATTACHMENT 1

## ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
			Provide learning and development opportunities to equip staff to undertake their roles effectively	Develop and implement an annual Organisational Development Learning and Development Plan	●	On Track	occasions, dealing with the issues of non- amalgamation of Council, end of financial year CAP Performance Reviews, Election of the new Council, Review of Committee Constitution.
			Manage payroll process.	Delivery of pays on a fortnightly basis.	●	On Track	A Draft Learning Development Plan was developed as part of Council's amalgamation activities. With the amalgamation not proceeding, the Plan was reviewed during this quarter and is to be updated to reflect Council's new direction.
					●	On Track	During this quarter, Code of Conduct training was a mandatory programme for all staff to undertake. Also MR Driver training, Traffic Control and First Aid training were undertaken. For R U OK Day in September a number of mental health workshops were conducted for staff.
					●	On Track	Payment of wages and salaries completed on fortnightly basis. CAP Performance Review adjustments were completed during this quarter. All leave recorded accurately on TechOne system
2.3.2 - Implement best practice Human Resource policies and strategies.	Lead: Organisational Development	Policies, Procedures, Corporate Practices and Plans	Implement, educate and communicate to staff and stakeholders on policy, procedure, entitlements and workplace change.	Coordinate the implementation of the Human Resources Strategy and Workforce Plan and the development of associated policies, guidelines and corporate practices.	●	On Track	End of month reporting includes leave reports, end of month deduction and superannuation reporting. Balancing of end of month payroll as per audit requirements. Balancing end of month Superannuation as per audit and statutory requirements.
				Consolidate and implement strategies for: - Succession Planning - Employee Reward and Recognition - Performance Management System	●	On Track	Council's 2015- 2019 Workforce Management Plan is currently being reviewed in this quarter as a result of the non-amalgamation of Council and the development of a new Community Strategic Plan on the election of the new Council in September 2018.
					●	On Track	During this quarter the CAP Performance Management System was modified following on from extensive consultation with staff to modify and streamline the process. A review of the Workforce Management Plan and Succession Plan commenced prior to Council undertaking the new Community Strategic Plan.
2.3.3 - Provide a safe work environment.	Lead: Organisational Development	Risk Management	Manage Council's insurance portfolio including public liability, motor vehicle accidents and property claims.	Review insurance portfolios annually in consultation with Council's brokers for commercial, market and service delivery improvement.	●	On Track	The insurance portfolio is managed in consultation with the CivicRisk Mutual brokers' and insurer's advice and is reviewed on annually basis. CivicRisk Mutual Insurance Portfolio is being reviewed from June till October 2017. The pool's brokers Willis Towers Watson have undertaken a review of the local and international market to ensure that members of CivicRisk Mutual obtain the best possible cover and premiums. All insurance renewals from Council's end have been submitted to Willis Towers Watson.

# ATTACHMENT 1

## ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
Operational Plan Quarterly Report – Quarter 1, 2017/18				Report to the Executive Team on Council's claims and key aspects of risk management issues and strategies on a quarterly basis.	●	On Track	Throughout the quarter the Manager Organisation Development provides fortnightly updates to the Executive Committee on any major risk management or significant insurance matter.
				Conduct and report annually on risk management self audit and prepare action plan.	●●	On Track	The Executive was provided with comprehensive yearly Risk & Insurance Report from the Risk Management Coordinator at the August 2017 Executive meeting.
							Manager Organisation Development and Risk Management Coordinator provide monthly updates to the Risk Management Committee on any major risk management or significant insurance matter.
							Risk Management Action plan for 2017 was approved by the Risk Management Committee and it was dependant on possible amalgamation. As amalgamation is not proceeding the Committee decided to amend the Action Plan in January 2018 with new projects.
							As approved by the Fleet Management Committee this quarter, Risk Management Coordinator negotiated with IAG/CGU Risk Department to engage them to undertake a Fleet Risk Management Review consisting of: Initial Risk Survey Report, Implementation & training and Reporting over next 12 months.
							Approval this quarter was given for InConsult to start the project of generating Business Continuity Plans for the Library and Community Hub, Works Depot and Enfield Aquatic Centre.
			Develop, promote and implement strategic risk management.	Risk Management Committee to meet at least six times each year.	●	On Track	For this current reporting quarter the Committee has met three times addressing the following issues, topics and discussing the followings: Protecting Crowded Places from Terrorism, Insurance Policy Renewals, Claims of Interest, IAG/CGU Report on Electrical Hazards Awareness, Risk issues in generating and issuing a Section 149 certificate, End of Year finance risk issues and Principal Arranged Insurance options.
	Work, Health and Safety		Develop, implement and review Council's Work, Health and Safety system, policy, procedures and guidelines, to comply with relevant legislation.	Review and implement Work, Health and Safety policies, procedures and forms, every two years.	●	On Track	All Safe Work Method Statements have been reviewed and staff have been inducted in the relevant Safe Work Method Statements.
							Safe Operating Procedures have all been reviewed and staff are being inducted into the relevant Safe Operating Procedures.
							All Corporate Practices have been reviewed and awaiting approval.
							During this quarter, a Draft Drug and Alcohol in the Workplace Corporate Practice has been prepared and currently waiting on Work Health and Safety Committee members to review and provide comment before submitted for approval and implemented in early 2018.
				Report risks, hazards, near miss and incidents to ensure appropriate remedial and corrective actions are undertaken by relevant sections of Council.	●	On Track	All Accidents, Incidents and Near Misses are reported to the Work Health and Safety Coordinator and recorded for reporting purposes.
							Number of incidents (including near misses) for the first quarter were: 3 – Lost Time 1- Medical Treatment

# ATTACHMENT 1

## ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
2.4 - Ensure Burwood Council is financially sustainable	2.4.1 - Maintain an Investment Strategy and Policy.		Effective management of Workers Compensation administration, Return-to-Work (RTW) programs and health and wellbeing initiatives.	Process workers compensation claims with insurer within prescribed timeframes including case management and monitoring of Return-to-Work (RTW) programs.	●	On Track	<p>2. Near Misses 2 First Aid Treatment 7. Notifications</p> <p>All pre start checklists are completed daily with any hazards correctly immediately</p> <p>All workers compensation claims continue to be effectively managed to ensure a timely return to work of the injured employees.</p> <p>All claims for workers compensation were processed and reported to Council's insurer StateCover within the prescribed statutory time frame.</p> <p>Council's Work Health and Safety Co-ordinator is responsible for ensuring that all Return to Work Programs (RTWP) with the injured worker, medical professional and supervisor are monitored and reviewed to ensure suitable duties are provided to the injured worker with a return to pre-injury duties in a safe and timely manner.</p> <p>During this quarter there were 3 lost time injuries claims.</p> <p>WHS Coordinator attended the Metro Group Meeting with StateCover in August 2017.</p> <p>Claims Review Meeting with StateCover held in August 2017.</p> <p>2 new Fire Wardens trained into Fire Warden Procedure for Chambers.</p> <p>Drivers Licences were updated and verified and recorded in the skills register.</p> <p>Understanding the Recover at Work Process Workshops were conducted with Supervisors.</p> <p>The following training has been given to the appropriate staff:</p> <ul style="list-style-type: none"> <li>Procedure for the Fire Control Panel Training at the Depot</li> <li>Ergonomic Assessments conducted for the Podiatry Staff</li> </ul> <p>Healthy and well-being articles advertised in the FUSE Tool Box Talks given on the following health and well-being:</p> <ul style="list-style-type: none"> <li>Eye care</li> <li>Fighting Fatigue,</li> <li>Safety Tips on Driving</li> <li>Stroke Week</li> <li>RUOK day</li> <li>Benefits of Walking</li> <li>Navigating Change</li> <li>Flex and Stretching</li> </ul>
			Coordinate health, safety and wellbeing initiatives including Work, Health and Safety training, Health Fair, Safety Week and vaccinations programs.		●	On Track	

Operational Plan Quarterly Report – Quarter 1, 2017/18

Page 23 of 35

**ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC**  
**Operational Plan 2017-18 Quarter 1**

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
<b>3 - A Sustainable Natural Environment</b>							
<b>3.1 - Maintain and enhance open green spaces and streetscapes</b>							
<b>3.1.1 - Implement strong planning controls to protect open green space.</b>							
	Lead: Landscape & Urban Design Secondary: Strategic Planning	Planning Instruments	Review planning provisions and/or development controls in accordance with Council resolutions, in relation to open space provision.	Planning Policies enhance and protect open and green space where appropriate.	●	On Track	Burwood Development Control Plan set out controls for providing open and green space on sites, podiums and rooftops of developments.
<b>3.1.2 - Provide adequate funding to maintain open space areas.</b>							
	Lead: Strategic Planning Secondary: Strategic Planning	Section 94 Contribution Plans	Review Contributions Plans Works Schedule to be in line with Council's Capital Works Program.	Contribution Plan provides for open space capital works.	●	On Track	Contributions collected from the Section 94A Contributions Plans are used to fund open space capital works.
	Lead: Landscape & Urban Design Secondary: Strategic Planning	Grant Funding	Apply for Grant funding for open space	Number and value of grant received.	●	On Track	Council has been successful in receiving funding of \$1,000,000 for the embellishment of Wangal Park. This funding has been initiated by the Federal Minister Mr. Craig Laundy MP. The timeline for the construction of the various park facilities has been determined and construction works will be staged as applicable. The construction of the half basketball court has been completed and the installation of the five dog picnic shelters are underway.  Council has been successful in receiving funding of \$1,300,000 for the upgrade of facilities in Blair Park to include new sports field flood lighting. The timeline for the construction of the various park upgrade facilities has been confirmed and construction works will be staged as applicable. A tender was posted to supply and install the new sports field floodlighting.  The works for the construction of the main shared path and other ancillary paths are now completed at Wangal Park under the \$554,362.50 grant from the Metropolitan Greenspace Program. Design options for the solar lights around the pathway network are currently being investigated. Council will apply for further grant funding for suitable projects as opportunities arise.
<b>3.1.3 - Pursue partnerships and opportunities to create new open spaces.</b>							
	Lead: Building & Development Secondary: Strategic Planning	Open Space	Negotiate with developers upon redevelopment of sites for additional open space.	Number of planning agreements and/or conditions of consent that provide additional public open space.	●	On Track	There were no planning agreements and/or conditions of consent that provided additional public open space last quarter.
<b>3.1.4 - Ensure all public parks and open spaces are accessible, maintained and well managed to meet the current and future recreation needs of the community.</b>							
	Lead: Parks Secondary: Parks	Park Maintenance	Maintenance of parks, including litter collection, cleaning of paths, toilets maintenance, BBQ plates cleaning, tables & benches.	Parks cleaned weekly.	●	On Track	Parks and reserves serviced daily or weekly depending on location and usage. Works carried out include toilet, BBQs, picnic area facilities cleaning and servicing.  Rubbish/litter removal, emptying of bins including dog litter bins, Playground inspections and repairs.  Mowing and garden bed maintenance.
			Maintenance of flower bed displays in Burwood Park.	Annual flower beds will have three to four displays per year that coincide with Council Events.	●	On Track	Annual display beds prepared and planted to provide colour that coincides with the timing of events that are held in Burwood Park. This quarter Burwood Festival was the main event.



# ATTACHMENT 1

## ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
Operational Plan Quarterly Report – Quarter 1, 2017/18			Turfing Maintenance including sprinkler system.	Comprehensive inspections completed one month prior to relevant sporting seasons commencement.	●	On Track	Have been looking at reducing the number of annual plantings in each bed and supplementing with more permanent perennial plantings to provide more colour all year round.
				Line marking of sporting fields maintained at minimum of 4 weeks cycles.	●	On Track	Line marking of playing fields is generally on a two week cycle. However as the season progresses and the grass fields wear, this often become necessary to do on a weekly basis.
				Some fields such as Henley park are heavily uses seven days a week and obviously require additional line marking than other areas. Fields such as Henley Park are at capacity and show a lot of wear and tear by seasons end.			
				Sporting fields fertilised during March-April period.	●	On Track	Comprehensive amendment and fertilising program carried out at Henley, Blair and Flockhart Park in September this quarter.
				Soil analysis test for turf nutrient requirements undertaken annually in July and August.	●●	On Track	Soil tests carried out in August and an amendment and fertilising program was developed for the sporting fields based on the results of the testing.
				Fields aerated and fertilised where required annually in September-October.	●	On Track	Prior to the fertilising and amendment applications the fields were heavily aerated with a machine called an Agriavalor that alleviates the compaction on the fields from the seasons wear.
				This machine leaves the surface a little rougher in the short term but provides better results in the long term.			
				Worn down turfed areas re-turfed where required during the September-December period.	●	On Track	Re-turfing of worn areas at Henly Park required the laying of nearly 4000m <sup>2</sup> of turf at Henley Park and 2000m <sup>2</sup> at Blair Park.
				Fields are sprayed for broad leaf weeds during August-October period and as required for crowfoot infestations.	●	On Track	These are the most heavily use playing field locations. All areas of Henley, Blair, Burnwood Park and a large area of Flockhart Park were sprayed for broad leaf weeds this quarter which includes snail.
				Also unleashed dog areas at Grant Park were sprayed. Notification as per Council's Pesticide Notification Plan was carried out prior to the spraying.			
Operational Plan Quarterly Report – Quarter 1, 2017/18				Cricket pitches line marked on regular basis.	●	On Track	Cricket pitches are line marked as required for both winter and summer competitions.
				Cricket pitch on field 1 at Henley Park was replaced for the beginning of the season.			
				Sporting fields oversowed for high traffic areas where required during March-April period.	●	On Track	Cricket pitches are line marked as required for both winter and summer competitions.

# ATTACHMENT 1

## ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC

### Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
3.2 - Improve waste management	Lead: Parks Secondary: Parks	Park Maintenance	Herbicide/insecticide spraying	Fields mown on a 1.4 weeks cycle subject to season and sporting activities.  Fields set up for soccer season and during March-April period	●	On Track	Sporting fields generally mown on 1- 2 week cycles depending on grass growth and type of sporting activities.
			Pruning of park trees and Phoenix palms	Major parks (Henley, Wangal, Blair, Burwood, Woodstock, Flockhart) sprayed during the August to September period and for broad leaf and bindi weeds. Additional spraying undertaken as and when required.  Phoenix Palms are pruned once per year and then as programmed. Park trees are pruned as required.	●	On Track	Soccer post removed this quarter at the end of the season when sporting clubs and schools competitions were completed.
			Mowing of parks and playing fields.	Equipment maintained in accordance with relevant standards and carry out minimum weekly inspections and repairs as required, and comprehensive inspection carried out quarterly.	●	On Track	Broad leaf weed spraying which includes Bindi was carried out at Burwood, Wangal, Flockhart, Grant and Blair Parks.
			Provide playground equipment that comply with the relevant Australian Standards and undertake regular inspections.	Passive areas mown on a 2.4 week cycle, depending on season.	●	On Track	Palm pruning carried out in Burwood Park especially on main oval surrounds. A few palms required removal in the eastern section of the park due to dying from the incurable disease Fusarium.
			Identify actions from Disability Discrimination Action Plan that are relevant to open spaces.	Capital Works Plan to consider the actions of the Plan	●	On Track	Playground routine visual inspections are carried out by park staff on a daily or weekly basis depending on playground location and usage
					●	On Track	A playground consultant contractor carries out a more comprehensive inspection on a quarterly basis.
							Replacement playgrounds installations are pending for Henley, Blair Park and Russell Street Reserve.
							The scheduled replacement of play equipment in Henley Park and Russell Street Reserve has been designed to include some equal access play equipment. Access to the play equipment will be via the path network in the parks which are graded for equal access.
							The design for the new playground at Wangal Park is now completed to include equal access and some equal access play equipment. The installation of picnic shelters at Wangal Park has commenced with equal access to them provided.
							The Wangal Park Masterplan has provisions for equal access throughout the Park. The recently completed path network throughout the park has been designed and constructed to provide equal access. Other park's capital works will be considered according to the DDA Plan.
3.2.1 - Better promote existing recycling services.			Maintain methane system to EPA Standard in Wangal Park	As required.	●	On Track	The Gas Lateral Migration Abatement System is operating as designed. Routine testing results indicate the system is operating successfully.
			Maintain leachate system to Sydney Water Standard in Wangal Park	As required.	●	On Track	The Leachate System is operating as designed. Routine testing results indicate the system is operating successfully.
Operational Plan Quarterly Report – Quarter 1, 2017/18							
Page 26 of 35							



**ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC**  
**Operational Plan 2017-18 Quarter 1**

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
3.2.2 - Encourage a reduction in waste generation through community education.	Lead: Environment & Health Secondary: Media Communications & Events	Education	Provide education and information about Council's recycling services.	Produce website updates, media releases and multi-lingual pamphlets to targeted problem multi-unit dwellings.	●	On Track	New signs have been produced for recycling rooms in multi unit dwellings. They form part of project to improve recycling / minimise contamination. Website is regularly reviewed to ensure information is current.
				Offer free environmental workshops for schools on waste and sustainability.	●	On Track	Program will be recommenced in new school year 2018.
				Facilitate diversion of e-waste from waste stream through promotion of e-waste drop off centres and e-waste collection events.	●	On Track	E-waste drop off events are conducted and available at depot twice per month on Saturdays. There were six events held in the reporting quarter.
				Conducted twice per year	●	On Track	Currently being conducted as part of multi unit dwelling recycling improvement program. A number of multi unit dwellings were audited and identified as requiring education and signage. Reporting on results at completion of project.
				Undertake bin contamination audits for recycling.	●	On Track	A report with the results of the Multi Unit Dwelling Project will be submitted upon completion of the program.
			Give awards to most improved recyclers for each bin audit program.	○	Not Due	Program currently deferred with focus shifted to recycling improvement in Multi Unit Dwellings Project.	
			Conduct bin audit every two years in accordance with Department of Environment Protection Authority (EPA) approved methodology.	●	On Track	Council conducts kerbside audits every two years as considered best practice and in line with recommendations from the NSW EPA. Full audit due 2018 calendar year.	
			Promote waste reduction through programs such as home composting and worm farming.	●	On Track	Council continued the compost revolution program during the reporting quarter.	
				Media release produced twice per year and advertisement flyer available at Customer Service and distributed at Council's initiatives and events.	●	On Track	Compost bins and worm farms at discounted prices are available for sale to residents. Program is included in Council website which also includes how to purchase options.
				Conduct free workshops for residents on composting and organic gardening.	●	On Track	Workshops delivered through leading lightly program and will be continued through year.
3.2.3 - Implement strategies to increase recycling and reduce waste to landfill.	Lead: Environment & Health	Waste	Develop a Strategic Waste Action Plan to achieve 70% diversion of waste from landfill to reprocessing facilities by 2021 as required by the Waste Avoidance and Resource Recovery Act.	Conduct two workshops per year for residents as requested.	●	On Track	2 workshops were held in the reporting quarter.
				Achieve 70% diversion rate by 30 June 2021. Subject to the provision of reprocessing facilities.	●	On Track	Council has entered into a contract with Veolia environmental services for the treatment of waste through a Mechanical Biological Treatment Plant (MBT). Contract commenced on 1 July 2017 and guarantees a diversion of 53% from Council's residual waste stream, which when added to other recycling services will achieve the 70% diversion rate.
3.3 - Educate the community on sustainable practices							
3.3.1 - Hold a program of workshops to encourage more sustainable practices around the home and provide these in different languages, as required.							

**ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC**  
**Operational Plan 2017-18 Quarter 1**

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
3.3.2 - Promote public transport and more active forms of transport such as cycling and walking.	Lead: Environment & Health Secondary: Media, Communications & Events	Workshops	Conduct eco living workshops to promote sustainable practices.	Conduct a minimum of four workshops per year in Chinese & English.	<div></div>	On Track	Council has partnered with Southern Sydney Region of Councils to conduct a number of workshops in Chinese in the 2018 Calendar year. Planning and scheduling of workshops currently under way with further details of workshops to be announced next year.
	Lead: Traffic & Transport Secondary: Environment & Health	Cycleways	Ensure new developments provide bicycle facilities in line with Council's Development Control Plan (DCP).	New major development within the Burwood Town Centre will be required to have bicycle facilities.	<div></div>	On Track	During this Quarter, 16 referrals for major developments within the Burwood Local Government Area were received and assessed by the Traffic and Transport Team with bicycle parking facilities required as a condition of consent.
	3.3.3 - Encourage residents to reduce the amount of hard surfaces at their properties (eg. Concrete yards).						
3.3.4 - Focus planning on environmentally sustainable development to reduce impacts on the environment.	Lead: Building & Development Secondary: Strategic Planning	Planning Instruments	Provide information to residents on the impact of impervious surfaces on the Environment	Relevant information provided in Council's Development Application Starter Kits.	<div></div>	On Track	This information has been included in a fact sheet for Residential Development on Council's web site.
	Lead: Building & Development Secondary: Strategic Planning	Planning Instruments	Encourage four to five star building designs.	Number of four to five star building designs received for major developments.	<div></div>	On Track	Council received 4 major development applications last quarter for designs with a 4 to 5 star rating.
	3.4 - Leadership in environmental sustainability						
3.4.1 - Provide regular street sweeping to keep rubbish from entering stormwater drainage system.							
3.4.2 - Develop programs that encourage the community to take pride in the cleanliness and maintenance of the Local Government Area.	Lead: Works, Operation & Parks	Clean Drainage Network	Stencil labelling of all Council's drainage pits.	Major drainage pits completed by December 2017.	<div></div>	On Track	Council is routinely updating and reviewing our network data to determine the exact locations of critical pits.
	Lead: Environment & Health Secondary: Media, Communications & Events	Environmental education	Encourage Community ownership of our Council.	Participate in annual 'Clean up Australia Day'.	<div></div>	Not Due	Clean Up Australia day is held annually in March of each Calendar year.
			Implement Council's Litter and Illegal Dumping Strategy.	Run regular campaigns to raise awareness and promote Dob in a Dumper phone number.	<div></div>	On Track	Council has received funding for a full time Illegal Dumping Officer position to tackle the incidents of illegal dumping in the Burwood Council area. Along with increased patrols and investigation a number of signs will be installed in key locations across the city.
3.4.3 - Promote greater use of more efficient green technologies and alternative energy sources.				Use CCTV cameras as a deterrent for illegal dumping.	<div></div>	On Track	The use of CCTV cameras as a deterrent for illegal dumping continues to be utilised across the Burwood Council area.
				Report quarterly on levels on illegal dumping, including tonnage and number of incidents.	<div></div>	On Track	There were 191 incidents of illegal dumping reported in this period.
	3.4.3 - Promote greater use of more efficient green technologies and alternative energy sources.						
	Lead: Environment & Health Secondary: Assets, Property & Building Services	Green technologies & Alternative Energy Sources	Support and promote Federal and State Government initiatives in the rollout of green technology grants and rebate schemes.	Report take up of rebates by the community and recorded participation in schemes available through Government information services.	<div></div>	Not Due	There are no rebate schemes currently being offered via Councils.
			Promote to the community and participate in the annual Earth Hour event.	Participate in Earth Hour.	<div></div>	Not Due	Earth Hour will be held in March 2018

# ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC

## Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
<b>3.4.4 - Develop management plans that improve the performance of Council operations to address global warming.</b>							
	Lead: Environment & Health	Develop Management Plans	<ul style="list-style-type: none"> <li>Monitor actions from: <ul style="list-style-type: none"> <li>- Green Action Plan</li> <li>- Sustainability Action Plan</li> <li>- Water Savings Action Plan</li> <li>- Cities for Climate Protection program - Local Action Plan</li> <li>- Strategic Waste Action Plan</li> <li>- Litter and Illegal Dumping Plan</li> </ul> </li> </ul>	Annual report to Council.	●	On Track	Annual report to be submitted to February 2018 Council meeting
<b>4 - Accessible Services and Facilities</b>							
<b>4.1 - Effective traffic management and adequate parking provision</b>							
<b>4.1.1 - Investigate an increase in bus priority lanes along local roads.</b>							
	Lead: Traffic & Transport	Bus Priority Lanes	Investigate opportunities for bus priority lanes to improve public transport efficiency.	Work with RMS and Transport NSW to identify location for improved bus access.	●	On Track	Council has worked with Transport for NSW to review Rapid Bus Routes through the LGA as part of the Bus Priority Infrastructure Program.
<b>4.1.2 - Investigate options for effective traffic management and increased public parking.</b>							
	Lead: Building & Development Secondary: Traffic & Transport	Additional parking and traffic management	Encourage opportunities for additional traffic measurement measures and provision of public parking within developments.	Number of developments where traffic management measures and additional parking are provided.	●	On Track	There were 25 referrals made to Council's Traffic & Transport section for comment during this quarter with 4 applications also being referred to RMS for comment.
<b>4.1.3 - Develop a whole of LGA parking strategy.</b>							
	Lead: Traffic & Transport Secondary: Compliance	Parking Strategy	Undertake review of Burwood Public Parking Strategy.	Undertake a review every 18-24 months to identify areas requiring improvement.	●	On Track	A review of the Burwood Public Parking Strategy is currently under way with consultation having been undertaken with residents of Murray Street with regards to on-street parking. Streets on the periphery of the Parking Strategy have all had parking occupancy audits undertaken to identify additional streets for possible inclusion into the Parking Strategy.
		Assessment of New Developments	Ensure new developments provide sufficient off-street parking in line with Council's DCPs.	Traffic, transport and parking comments provided within 14 days.	●	On Track	During this Quarter, a total of 16 Development Applications were assessed by the Traffic and Transport Team in accordance with Council's DCP.
<b>4.1.4 - Consult pedestrians as key stakeholders in traffic management planning.</b>							
	Lead: Traffic & Transport	Traffic Management Planning	Design of traffic facilities such as pedestrian refuges, roundabouts, cycle ways to be produced on time.	Investigate all requests for traffic facilities and design them in accordance with Australian Standards and RMS Guidelines.	●	On Track	All of Council's traffic facilities are designed to relevant Australian Standards and the Roads and Maritime Services (RMS) Guidelines and Technical Directions.
<b>4.1.5 - Work with RMS and Transport NSW in the development of integrated transport plans.</b>							
	Lead: Traffic & Transport Secondary: Strategic Planning	Integrated Transport Plans	Work with RMS, STA, NSW Police, Local State Member, Chambers of Commerce and major stakeholders as part of the Local Traffic Committee to develop and review new traffic and parking initiatives.	Local Traffic Committee to meet monthly.	●	On Track	The July 2017 Burwood Local Traffic Committee meetings were held successfully with a total of 6 items for consideration by committee members.
<b>4.1.6 - Expand the Burwood bike plan.</b>							
	Lead: Traffic & Transport	Cycleways	Apply for grant funding for cycling facilities from external sources	Number and value of grants received.	●	On Track	Burwood Council's cycleway network is currently being assessed with a view to include some additional cycle links as part of the state governments Urban Amenity Improvement Project. No grants have been applied for in this Quarter.
<b>Operational Plan Quarterly Report – Quarter 1, 2017/18</b>							
<b>Page 29 of 35</b>							

**ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC**  
**Operational Plan 2017-18 Quarter 1**

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
<b>4.2 - Accessible services and facilities that are well utilised</b>							
<b>4.2.1 - Explore options for funding new spaces and upgrading old facilities.</b>							
	Lead: Assets, Property & Building Services	Grant Funding	Identify appropriate spaces for expansion to include leisure activities.	Submit grant applications.	○	Not Due	Will apply for grant funding when it becomes available.
		Accessible Infrastructure and Services	Design and construct a community facility in Burwood Park, as part of the Stage 2 Burwood Park Pavilion project.	Works to be completed by 28 February 2018.	●	On Track	Design development of the proposed community facility is in progress.
<b>4.2.2 - Install ramps and lifts to improve accessibility of the town centre for seniors, people with a disability and parents with prams.</b>							
	Lead: Assets, Landscape, Architecture, Urban Design & Contracts Secondary: Community Services	Accessible Infrastructure and Services	Identify appropriate location and build access ramps for prams and wheelchairs.	Capital Works Plan to consider the actions of the Plan.	●	On Track	During this quarter Council has upgraded five (5) new pram ramps across the LGA. It should be noted that pram ramps are constructed/upgraded in conjunction with capital and maintenance works projects.
<b>4.2.3 - Support the development of increased safe cycleways and collaborate with adjacent councils to improve connections throughout the Inner West.</b>							
	Lead: Traffic & Transport Secondary: Community Services	Cycleways	Improve access and connections between recreational facilities, open space, and linkages to neighbouring Councils' cycleways.	Regularly meet with local bicycle groups and neighbouring Councils to identify opportunities for new cycleway linkages.	●	On Track	Burwood Council's cycleway network is currently being assessed with a view to include some additional cycle links as part of the state governments Urban Amenities Improvement Project. Consultation with neighbouring Councils will be undertaken as required.
<b>4.2.4 - Develop and implement road safety programs to achieve Council's road safety objectives.</b>							
	Lead: Traffic & Transport	Road safety	Apply for funding and run targeted programs such as Kiss and Ride area safety around schools, cyclists safety, child restraint, senior citizens safety, pedestrians safety, speeding, learners drivers.	Run a minimum of three programs per year, subject to funding.	●	On Track	Council has successfully obtained grant funding for "Watch Out Cars About", "Slow Down", and "Buckle Up Bubs and Kids" programs from the Roads and Maritime Services (RMS). These programs were run throughout the 2016/17 financial year. The "I look out before you step out" pedestrian safety stencils were rolled out along the Burwood Rd Shopping Centre during this quarter.
<b>4.2.5 - Deliver programs targeted to families and children aged 0-12 years.</b>							
	Lead: Community and Library Services	Community Development (Children and Families Services)	Facilitate and deliver inter-agency network meetings for providers of services to Families and Children.	Six inter-agency network meetings held per annum.	●	On Track	The Child and Families Interagency Network meetings have been delivered by the Families NSW Coordinator with the assistance of the Children, Families and Cultural Development Officer. The staff have also been working together to plan the child and adolescent anxiety project to be delivered in the next quarter.
			Deliver Families and Children events.	One event held per annum.	●	On Track	The Children, Families and Cultural Development Officer continued to run the Community Soccer programme weekly during school term in Burwood Park.
			Provide information, training and resources targeted to Families and Children.	Children's directory kept up to date.	●	On Track	The Children's Directory is continually updated and downloaded from Burwood Council's website. During Child Protection Week (3-9 September) the Children, Families and Cultural Development Officer organised Child Safe Training for those working/volunteering in the disability sector. The session was delivered by the Office of the Children's Guardian (OCG) and reached full capacity with 32 in attendance.
<b>Operational Plan Quarterly Report – Quarter 1, 2017/18</b>							

**ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC**  
**Operational Plan 2017-18 Quarter 1**

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
4.2.6 - Improve accessibility of Council owned community facilities.							
	Lead: Community and Library Services Secondary: Assets, Landscape, Architecture, Urban Design & Contracts	Accessible Infrastructure and Services	Implement actions from Disability Inclusion Action Plan including actions that are relevant to community facilities.	Annual progress report presented to Council by 30 June each year.		On Track	A progress report on the implementation of the Disability Inclusion Action Plan will be provided to Council at the end of 2017/2018
4.3 - Safe facilities and services							
4.3.1 - Design footpaths to increase pedestrian only spaces for improved pedestrian access and safety.							
	Lead: Assets, Landscape, Architecture, Urban Design & Contracts	Civil Footpath Design	To delineate between pedestrian only and shared footpaths.	Clearly identify shared paths.		On Track	Construction of any future shared paths will be designed in accordance with all relevant guidelines & standards such as RMS, Austroads and Council.
4.3.2 - Improve street lighting and lighting in public places.							
	Lead: Assets, Landscape, Architecture, Urban Design & Contracts Secondary: Community Services	Street Lighting	Review Council's Street Lighting Program with a view to balancing safety, environmental and sustainability aspects.	Undertake regular night audits.		On Track	Following several successful public lighting trials of new LED technology, Ausgrid has now included a number of LED lights in their default list of approved lanterns for pedestrian (P) category lighting. This LED lighting has been found to improve reliability, increase energy efficiency and reduce overall costs for Council. As of 30 September 2017, 284 LED lights have been installed within the Burwood LGA. Ausgrid is now in the process of developing LED lighting for vehicle (V) category lighting and an accelerated replacement program which will further assist in reducing costs for Council but more importantly will create lighting consistency and contribute in decreasing greenhouse gas emissions.
4.4 - Encourage active and healthy lives							
4.4.1 - Support and implement programs for seniors, people with disabilities and their carers.							
	Lead: Community and Library Services	Community Development (Ageing)	Provide a range of activities to support health and well being for seniors, people with disabilities and their carers, as per Council's Ageing Strategy.	Agreed number of programs and activities delivered.		On Track	Council continued to run its monthly Seniors Social Group program from July to September 2017.  Staff held a Christmas in July event that featured health related talks on how resistance training can help treat and prevent dementia, diabetes and depression.  In August there was a talk on downsizing and decluttering, a topic of high importance to seniors who are considering moving to smaller units or into independent living.  The September theme was dementia awareness, and there was a talk titled 'Master Your Mind- Is Stress Affecting Your Day to Day Life?'  All events were well attended and received
4.5 - Vibrant and clean streetscape							
4.5.1 - Undertake programs that aim to reduce graffiti and littering in local neighbourhoods and the town centre.							
	Lead: Compliance Secondary: Media, Communications & Events	Education	Promote Council's 'Dob in a Dumpster' program targeting littering in the LGA	Leaflets to be distributed on known offending streets highlighting littering trend increases.		On Track	Council takes a proactive stance against unlawful dumping of rubbish with programs such as Council's 'Dob in a Dumpster' Program being developed to target the people causing the issue. The program encourages
Operational Plan Quarterly Report – Quarter 1, 2017/18							
Page 31 of 35							



ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC  
Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
	Lead: Community and Library Services Secondary: Media Communications & Events		Promote information and phone numbers for the Graffiti Line	Two articles per year to be posted in local media papers educating the community of the program.		On Track	residents to report unlawful rubbish dumping offenders to Council for prosecution.
			Graffiti Line number maintained in Council's website, newsletters and publications.			On Track	Council take a proactive stance against unlawful rubbish dumping with the development of a "Dob in a Dumpster" program. The program is enforced by Council's Compliance Team with any person identified dumping unlawfully being prosecuted. Articles are also developed to provide communication of the program.
			Council continued to promote information on how to deal with graffiti, including the Graffiti Line number.				
4.5.2 - Activate streetscapes through local events.							
	Lead: Media Communications & Events	Events	Produce and promote an annual program of civic events.	Number of events delivered and increase in attendance.		On Track	One major civic event was held this quarter, the Sandakan Remembrance Service which was attended by over 350 people. The Council supported, TVB Australia Carnival, was attended by more than 4000 people.
4.5.3 - Encourage architectural integrity and aesthetically appealing buildings.							
	Lead: Strategic Planning Secondary: Strategic Planning	Planning Instruments	Review planning provisions and/or development controls, including Paramatta Road Urban Transformation Strategy, in accordance with Council resolutions, in relation to architectural integrity and aesthetically appealing buildings.	Planning Policies to enhance and promote architectural integrity and aesthetically appealing buildings.		On Track	The Planning Proposal to include design excellence provisions in the Burwood Local Environmental Plan is near completion. The Burwood Development Control Plan contains more detailed provisions to promote architectural integrity and aesthetically appealing buildings.
	Lead: Building & Development Secondary: Strategic Planning	Development Assessment	Assessment of Development Applications to ensure substantial compliance with State Environmental Planning Policy (SEPP) 65 & NSW Residential Flat Design Code (RFD-C).	Number of Development Applications assessments.		On Track	During this quarter Council applied residential design quality planning controls to the assessment & determination of 3 major developments and also referred a further 2 major development applications to urban design architects for specialist advice to assist in providing high quality urban design outcomes.
4.5.4 - Provide Development Application assessment as per Environment and Planning Assessment Act.							
	Lead: Building & Development	Development Assessment	Assess development applications in a timely and professional manner.	Development applications assessment time not to exceed the median and mean assessment time for NSW Department of Local Government Group 2 Councils.		On Track	The mean & median figures for the last quarter were 113 and 98 days respectively compared to the Group 2 performance monitoring figures of 66 & 51 days. This included the assessment and determination of 3 major developments within that time. Council has also engaged additional resources to assist with the assessment of development applications.
				Number of requests for review of determination of Development Applications pursuant to Section 82A of the Environment and Planning Assessment Act.		On Track	There was one request for a review of a development application during this time which was completed by an independent town planning consultant which resulted in the approval of the approval of the development application.
4.6 - Minimise risk and ensure continuity of critical business functions							
4.6.1 - Implement best practice records and risk management strategies.							
	Lead: Customer Service & Records Secondary: Information Technology	Management of Council's records systems in accordance with the State Records Act	Monitor Records Management Plan	Required records are available.		On Track	Required records were available within service level time frames.
Operational Plan Quarterly Report – Quarter 1, 2017/18							
Page 32 of 35							

# ATTACHMENT 1

## ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC

### Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
4.6.2 - Facilitate training and education awareness programs regarding risk management.	Lead: Information Technology Secondary: Information Technology	Policies, Procedures, Corporate Practices and Plans	Manage an Information Business Continuity & Disaster Recovery Plan in relation to Information Communication Technology (ICT)	Test ICT Business Continuity & Disaster Recovery Procedures annually.	<div></div>	Not Due	Due to be delivered in the fourth quarter.
	Lead: Organisational Development	Risk Management	Develop training and education program in Strategic risk management.	All staff are informed and understand risk as it relates to their position and responsibilities.	<div></div>	On Track	Each year, Council's insurer, CivicRisk Mutual provides members with a range of training and information sessions dealing with different topics within the Enterprise Risk Management sphere so that Council staff from various departments can attend and acquire/expand their knowledge, raise awareness's on their roles, obligations and responsibility in relation to Enterprise Risk Management.  In August 2017, 5 Council staff attended a Risky Recreation workshop organised by CivicRisk. This program focused on the risk management of rivers, swimming pools, water parks and all recreational facilities that local government is responsible for both as service provider and their safety and management as well as discussing and learning from previous liability cases in other Councils.  Also in August 2017, 4 Council staff attended a Electrical Hazard Workshop organised by IGA/GU through CivicRisk Mutual in relation to: Common Hazards in Council Occupancies, Common Hazard Control Measures, How to Minimise Potential Damage to the Property and Relevant Guidelines.  Review and updating of Council's Enterprise Risk Register commenced in this quarter.
4.6.3 - Maintain an appropriate insurance program.							
	Lead: Organisational Development	Insurance	Manage Council's insurance portfolio.	Review insurance portfolios annually in consultation with Council's brokers for commercial, market and service delivery improvements.	<div></div>	On Track	The insurance portfolio is managed in consultation with the CivicRisk Mutual, brokers' and insurer's advice and is reviewed on annually basis.  CivicRisk Mutual Insurance Portfolio is being reviewed from June till October 2017. The pool's brokers Willis Towers Watson have undertaken a review of the local and international market to ensure that members of CivicRisk Mutual obtain the best possible cover and premiums.  All insurance renewals and questionnaires from Council's end had been submitted to Willis Towers Watson.
4.6.4 - Provide suitable reliable information technology hardware and software across the organisation.							
	Lead: Information Technology	Hardware Infrastructure	Develop, implement, manage and support Council's Information Technology Hardware	Provide management and support to Council's desktops, laptops, servers and network infrastructure to agreed service level.	<div></div>	On Track	Service has been provided to standard to date.
		Information Systems	Develop, implement, manage and support Council's Information Communications Technology (ICT) Information Systems	Provide management and support to Council's Information systems and Software Applications to agreed service levels.	<div></div>	On Track	Service has been provided to standard to date.
5 - A Vibrant Economic Community							
Operational Plan Quarterly Report – Quarter 1, 2017/18							
Page 33 of 35							

# ATTACHMENT 1

## ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC Operational Plan 2017-18 Quarter 1

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
<b>5.1 - Support and manage Burwood's major centre status</b>							
<b>5.1.1 - Implement economic development strategies.</b>							
Lead: Media, Communications & Events	Economic Development	Cooperate and identify partnership opportunities with all local Chambers of Commerce.	Engage local Chambers of Commerce on major Council projects and promote a minimum of two meetings per year between Council management and Chambers' Presidents.		○	On Track	Council made preliminary contact with local Chambers groups with the intention of conducting a meeting in the upcoming quarters.
<b>5.1.2 - Pursue funding for infrastructure that supports commercial activities such as public transport.</b>							
Lead: Traffic & Transport	Grant Funding	Apply for grant funding for transport facilities.	Number and value of successful grants		●	On Track	A submissions was made for 2018/19 National Black Spot Program to treat the length of Everton Road Strathfield between Moseley Street and Wentworth Road due to the number of accidents recorded in this area.
<b>5.1.3 - Encourage mixed use buildings – commercial and residential to maximise use of buildings in the town centre.</b>							
Lead: Strategic Planning	Planning Instruments	Review planning provisions and/or development controls, in accordance with Council resolutions, in relation to mixed use	Planning Policies to enhance and promote mix use.		●	On Track	All business zones in the Burwood Local Government Area allow mixed use developments under the Burwood Local Environmental Plan.
		Review the Comprehensive LEP every five years, in accordance with NSW Government requirements.	Review to commence by 1 June 2020.		○	On Track	A major review of the Burwood LEP is tied with the District Plan which is still in draft form.
<b>5.2 - Support small business</b>							
<b>5.2.1 - Develop programs to strengthen and sustain small businesses.</b>							
Lead: Environment & Health Secondary: Media, Communications & Events	Public Health	Implement an inspection program for premises that present a potential public health risk to ensure compliance with the requirements of the Food Act 2003, Food Safety Standards, Public Health Act 1991 & Regulations and the Local Government Act 1993 & Regulations.	Ensure all registered premises are inspected at least once per year and higher risk premises at least twice per year.		●	On Track	Registered premises inspection program continuing. There were 44 health inspection carried out in the reporting quarter.
		Regulate and enforce the process in accordance with Food Act and Council's Enforcement Policy.	Monitor and record number of Improvement Notices, Prohibition Orders, Penalty Notices and Prosecutions issued by Council's Environmental Health Officers.		●	On Track	Enforcement action taken as considered necessary. There were: <ul style="list-style-type: none"> <li>2 Improvement notices issued,</li> <li>4 Penalty notices issued and</li> <li>2 Prohibition Notices issued for the reporting quarter.</li> </ul>
	Education	Provide enforcement action information to NSW Food Authority to enable timely updating of Name and Shame Register for Food Shops.	Submit Annual Food Activity report to the NSW Food Authority by end of July each year.		●	On Track	Annual Food activity report completed and submitted to Food Authority in accordance with legislative requirements.
		Conduct two food handling, hygiene and safety workshops for food shop operators.	Conduct two work shops per year. One of the workshops is to be in a language other than English.		○	On Track	Workshops for 2016/2017 have been completed and further workshops will be held in 3rd and 4th quarter of 2017/2018 reporting year.
		Provide advice and factsheets to shop keepers in their preferred language about food safety and other health issues.	Environment and Health Officers to maintain supply of fact sheets in other languages for distribution at time of inspection and make them available on Council's website.		●	On Track	Environmental Health Officers maintain and have available fact sheets in a variety of languages and on a range of specific topics for distribution to shopkeepers as necessary.
		Provide environmental and health advice and conditions on submitted Development Applications to ensure compliance with standards and legislation as necessary.	Examine and condition development applications as necessary.		●	On Track	Development applications are reviewed as required and appropriate conditions relating to environment and health concerns are included in consents. There were 23 development applications assessed by the Environment and health Team during the reporting quarter.



**ITEM /17 Delivery Program 2013/17 - Quarterly Report for the period ending 30 September 2017.DOC**  
**Operational Plan 2017-18 Quarter 1**

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
5.2.2 - Support and facilitate opportunities for home based businesses to grow and prosper, develop skills and enhance community capacity.	Lead: Strategic Planning	Planning Instruments	Respond to and investigate public health complaints.	Report number of complaints investigated and processed.	●	On Track	Public Health complaints are investigated and appropriate action taken to rectify where warranted. There were 9 public health complaints investigated by the environment and health team during the reporting quarter.
			Review of Comprehensive Local Environment Plan (LEP) in response to emerging issues, including but not limited to :- The Greater Sydney Commission District Plan - Parramatta Road Urban Transformation Strategy - Merged Council Entity	As required.	●	On Track	Burwood LEP is reviewed as required and in response to emerging issues. There have been over 10 amendments since the LEP came into force in 2012.
5.2.3 - Explore opportunities to activate Burwood's economy after hours such as markets on the weekends or in the evenings including arts, crafts and farmers markets.							
	Lead: Media Communications & Events	Events	Investigate opportunity to hold markets in conjunction with other civic events.	Inclusion of market-type sections at Council's major civic events.	●	On Track	Burwood Council incorporates market-type sections in its major civic events where relevant and appropriate. The only major civic event held during this quarter was the Sandakan Remembrance Service which was not deemed appropriate for the inclusion of a market-type section. The Council supported TVB Australia Carnival, event held on Saturday 2 September included a market-type section with over 50 stalls.
5.3 - Increase employment and training opportunities							
5.3.1 - Build links and partnerships with educational institutions for the development of diverse local skills and to increase local provision of employment and training for the community.							
	Lead: Organisational Development	Identify Opportunities	Provide opportunities within Council service provision for youth employment, student placements and traineeships where appropriate.	Continue to promote and support local learning institutions with work experience, traineeships and student placements opportunities.	●	On Track	During this quarter, Council hosted 2 students from Southern Cross Vocational College and they were placed within various sections of Council and obtained experience in administration, community services, records management, human resources and events. Council in this quarter also advertised a number of casual Customer Service Officer and Shelter positions in the local High Schools. 2 Civil Engineering work placement students were engaged in this quarter.
5.4 - Economic centre growth and preserved residential areas							
5.4.1 - Preserve local heritage through relevant planning strategies.							
	Lead: Strategic Planning Secondary Building & Development	Heritage Protection	Ensure that all development applications relating to heritage items or Heritage Conservation Areas are referred to the Senior Strategic Planner – Heritage Adviser for comment.	80% of DA's relating to heritage items or Heritage Conservation Areas referred to Strategic Planning for comment to be answered within 10 days. 100% of DA's to be answered within fifteen days.	●	On Track	There were 24 heritage referrals received in the period, around 70% dealt with within 10 days and 80% within 15 working days.
5.4.2 - Ensure compliance with State Government Planning System Reform.							
	Lead: Strategic Planning Secondary Building & Development	Planning Instruments	Review implications and implement reviews of Burwood Council's plans according to reforms outcomes.	As State Government Planning System Reform reports are published	○	Not Due	There has not been any State Government Planning System Reform report.

## **(ITEM 69/17) ESTABLISHMENT - INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP)**

File No: 16/23497

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE & COMMUNITY

### **Summary**

This report was submitted to Council at the October 2017 Council Meeting. At that meeting Council resolved as follows:

1. That the item be deferred to the November 2017 Council Meeting to be in line with the Hills Shire Council report seeking an exemption from the Minister from having an IHAP.
2. That the Mayor make representation to the Minister to seek an exemption from having an IHAP.

Council has received information that the Hills Shire Council sought the exemption on 25 August 2017 and has not received any response to date.

The Mayor has now made representation to the Minister to seek an exemption from the constitution of a local planning panel as required by Section 23J (2) (a) of the *Environmental Planning and Assessment Act 1979* (EP&AA).

In the event that the Minister does not grant the exemption from the constitution of the Panel and to ensure that Council meets legislative obligations to have an Independent Hearing and Assessment Panel (IHAP) in place by 1 March 2018, the report has been resubmitted to Council for determination.

In August 2017 the EP&AA was amended in relation to the establishment and operation of local planning panels called IHAP.

An IHAP is a panel of three independent expert members and a community member who assesses development applications (DAs) made to Council. Under these provisions of the EP&AA, Councillors will no longer be able to determine development applications. This function will be performed by either the IHAP, Council Officers, or the Joint Regional Planning Panel.

This report is now resubmitted to Council to advise of the changes to the legislation and that Council is required to have an IHAP in place prior to 1 March 2018.

### **Background**

The establishment of an IHAP is mandatory for all Councils in Sydney and for Wollongong City Council. The purpose of the IHAP is to ensure that the process of assessment and determination of DAs with high value, sensitivity or strategic importance is transparent and accountable.

The IHAP is not subject to the direction or control of the Council (governing body), except in relation to any matter relating to the procedure of the IHAP (or to the time within which it is to deal with a matter) that is not inconsistent with any directions of the Minister under section 117 of the EP&AA.

The criteria that will determine when DAs will be determined by IHAP is as follows:

<b>Value</b>	DAs with a value of more than \$5 million but less than \$30 million
<b>Conflict of Interest</b>	DAs for which the applicant or owner is the Council, a Councillor, a member of the Councillor's family, a member of Council Staff, or a State or Federal member of Parliament.

<b>Contentiousness</b>	DAs that receive 10 or more objections from different households. Where a petition is received this is classed as one objection.
<b>Strategic Importance</b>	DAs accompanied by a proposed voluntary planning agreement.
<b>Departure from Development Standards</b>	DAs seeking to depart by more than 10% from a development standard.
<b>High-risk Development Types</b>	DAs associated with a higher risk of corruption, including: <ul style="list-style-type: none"> <li>▪ Residential flat buildings assessed under SEPP 65</li> <li>▪ Demolition of heritage items</li> <li>▪ Licensed places of public entertainment and sex industry premises</li> <li>▪ Designated development, as set out in the <i>Environmental Planning and Assessment Regulation 2000</i></li> </ul>
<b>Modifications</b>	Modification applications that meet the above criteria.

## Appointment of Members

The Department of Planning and Environment (the Department) will be establishing a pool of independent, suitably qualified persons from which the chair and expert members must be drawn. The expert members will have to be qualified in one or more of the following disciplines:

- planning
- architecture
- heritage
- the environment
- urban design
- economics
- traffic and transport
- law
- engineering
- tourism
- government and public administration

The chair must have expertise in law or government and public administration. The Minister for Planning is responsible for the direct appointment of the chair for each Council and for the approval of the pool of expert persons. Council is responsible for the appointment of the community member and the choice of two expert members to be selected from the pool of experts.

Council will be able to appoint alternate expert members, as members will not always be available to participate in the determination process as they may not be available or have a conflict of interest. The Department has suggested each Council should identify six alternates.

The recruitment process is a state-wide merit-based process. Expressions of interest were sought by the Department and the closing date for the process was 17 September 2017.

Councillors, property developers or real estate agents cannot be IHAP members. If an IHAP member becomes a councillor, property developer or real estate agent, he or she will cease to be a panel member.

The Department has also indicated that the *Environmental Planning and Assessment Regulation 2005* will be reviewed in relation to fees for Development Applications in light of the cost of compulsory establishment of the IHAPs.

## IHAP Operations

**Number of Panel Members** – the Chair, two expert members and one community member.

**The Chair** – has a casting vote and is able to choose which members attend the IHAP meeting depending on the expertise required.

**Quorum** - is three members.

**Term of Office** - subject to the EP&AA and the regulations, for a period not exceeding three years as is specified in the member's instrument of appointment (attached). Members can be reappointed. Members cannot hold office for more than six years in total.

**Remuneration** – members are entitled to be paid in line with the Minister determination. Payment is inclusive of travelling and subsistence allowances. A person acting in the place of a member of the IHAP is entitled to be paid the same remuneration.

**Removal from Office** – Council may remove a member from office at any time for any reason and without notice. However, the General Manager must provide a written statement of the reasons for removal and make that statement publicly available.

**Meetings** - the IHAP must give public notice of times and places of its meetings. Meetings must be conducted in public and electronic recordings (either audio and video or audio only) must be made publicly available on Council's website.

The Minister will set more detailed directions about how IHAPs must operate, drawing on the procedures for Regional Planning Panels and existing IHAPs. These will relate to matters such as how meetings and site visits should be conducted, voting and procedures, and reporting requirements.

### **Council Responsibilities on an Ongoing Basis**

Council will be responsible for:

1. the provision of information or reports with respect to the exercise of the IHAP
2. the provision of staff and facilities for the purpose of enabling the IHAP to exercise its functions
3. monitoring of the performance of the IHAP
4. providing a report to the Secretariat of the Department each year or other period on the following:
  - whether the IHAP had been constituted by Council during the reporting period
  - matters referred to the IHAP during the reporting period

### **Proposal**

In accordance with the legislation Council must constitute a single IHAP for the whole of the local government area by 1 March 2018. If Council fails to constitute an IHAP, the Minister may constitute the IHAP.

That authority be given to the General Manager to establish the IHAP for Burwood Council in accordance with the requirements of the EP&AA and any directives by the Minister for Planning.

### **Consultation**

Documents informing the establishment of IHAPs are the EP&AA *and Electoral Legislation Amendment (Planning Panels and Enforcement) Bill 2017*, the Department's IHAP Relevant

Provisions, Frequently Asked Questions and NSW Government Planning Panels Role Statement IHAP Members.

### **Planning or Policy Implications**

The General Manager's Delegations will need to be amended to reflect the criteria for IHAP determination of Development Applications.

### **Financial Implications**

Council will be responsible for meeting the operating costs of the IHAP. This includes sitting fees for IHAP members. The Department estimates the annual costs of operating an IHAP to be around \$100,000 a year. Costs will depend on how often the IHAP is required to meet, and on the number of development applications.

### **Conclusion**

That Council resolve in accordance with the requirements of the *Environmental Planning & Assessment Act 1979* to proceed with the establishment of an IHAP and commence advertising for the Community Member of the IHAP via expressions of interests.

### **Recommendation(s)**

1. That an Independent Hearing and Assessment Panel be established for Burwood Council in accordance with the requirements of the *Environmental Planning & Assessment Act 1979* and any directives by the Minister for Planning by 1 March 2018.
2. That the General Manager immediately seek expressions of interests for the appointment of the Community Member and alternates of the IHAP in accordance with guidelines issued by the Department of Planning and Environment.
3. That the General Manager's Delegations be amended to reflect the criteria for IHAP determination of Development Applications.

### **Attachments**

- 1 [↓](#) Role Statement: Chairs and Members for the Independent Hearing and Assessment Panels



## **Role Statement: Chairs and members for the Independent Hearing and Assessment Panels**

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### **1. Scope**

The scope of this Statement of Appointment is for the appointment of Chairs and members to Independent Hearing and Assessment Panels (IHAP) for each council in the Greater Sydney Region and Wollongong. The creation of these IHAPs is empowered through the *Environmental Planning and Assessment Act 1979* (the Act).

#### **Description of Entity**

The IHAPs are constituted under the Act and are independent bodies and are not subject to the direction of the Council, or Minister, except on matters relating to IHAP procedures. The Chairs and members are required to be experts in at least one area of planning, architecture, heritage, the environment, urban design, economics, traffic and transport, law, engineering, tourism, or government and public administration. The Chairs must have expertise in at least law or government and public administration.

The principal functions of the IHAPs are to determine local development applications (DAs) and provide advice on planning proposals.

### **2. Capability Areas**

IHAP Chairs and members must be able to demonstrate the following:

- a. An ability to communicate complex and sensitive information in a tactful manner to all planning panel stakeholders;
- b. A sound understanding of:
  - i. Accountability measures;
  - ii. The planning and environmental framework of NSW, and legislative process;
  - iii. The business and environment in which the panel will operate; and
  - iv. Risk management principles.
- c. Extensive senior level experience in a designated area of expertise relevant to IHAPs;
- d. A professional and ethical approach to the exercise of duties;
- e. Qualification, related industry experience and subject matter expertise in a relevant field.

Chairs should additionally be able to demonstrate:

- f. Leadership qualities and the ability to promote effective working relationships in complex organisations;
- g. Extensive knowledge in areas such as: risk management, management control frameworks, and governance and business operations;
- h. A capacity to form independent judgements and willingness to constructively challenge suggested approach, with a view to tact and inclusion of all relevant opinions of the panel.



### 3. Competencies - Role Related

The following competencies are required to be successful in the role:

- **Knowledge and Specialist Expertise** – to be viewed as the authority in one or more of the following disciplines: planning, architecture, heritage, the environment, urban design, economics, traffic and transport, law, engineering, tourism, or government and public administration.  
Chairs must have expertise in at least law or government and public administration.
- **Communication** – ability to communicate technical matters and decisions with a diverse range of stakeholders.

Chairs must also be able to:

- **Facilitate Leadership** – the ability to inform and debrief fellow panel members and relevant stakeholders on current matters and strategies, and the ability to lead constructive and timely discussion and debate, drawing on the expertise of the panel to review strategies.
- **Influence, Negotiate and Drive** – the demonstrated ability to influence a variety of stakeholders, negotiate suggested approach with the business and drive contentious strategies against organisational resistance.
- **Management of Risk** – experience in managing areas of major risk to the organisation.

### 4. Competencies – Personal

The following are personal competencies which will form part of an effective individual in either of these roles, however Chair candidates would be expected to show these at a higher level:

- **Integrity** – fulfilling a Panel member's duties and responsibilities, acting ethically, not disclosing commercial in confidence information, having appropriate independence, putting the panel's interest before personal interests.
- **Collegial Communicator** – the ability to engage and communicate with all relevant stakeholders.
- **Emotional Intelligence** – as well as self-awareness and self-management.
- **Commercial Astuteness** - demonstrated good business instinct and acumen, and be able to use this in a variety of situations.
- **Commercial Judgement and Instinct** – all Panel members need to demonstrate good business instinct and acumen to be able to assimilate and synthesise complex information.
- Be an active contributor with genuine interest in the panel and its business.

### 5. Remuneration

To be set by the Minister.

### 6. Term of Appointment

The maximum term for a single appointment to a panel is up to three (3) years.

## **(ITEM 87/17) REVIEW OF THE CODE OF CONDUCT WITHIN 12 MONTHS AFTER THE ORDINARY ELECTION - SECTION 440(7) OF THE LOCAL GOVERNMENT ACT 1993**

File No: 17/49743

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE & COMMUNITY

### **Summary**

Council is required to review the Code of Conduct following the Ordinary Council Election in 2017 in accordance with section 440(7) of the *Local Government Act 1993* (the Act).

The Code of Conduct including the Administration of the Code of Conduct Procedures is now submitted to Council for adoption.

### **Background**

The Code of Conduct was last adopted by the Council on 23 May 2017 (Min. No. 41/17). At the time the Code was thoroughly reviewed in light of the changes to *Local Government Amendment (Councillors Misconduct and Poor Performance Act) 2015*. Those changes had an effect on the Act and are listed below:

- Councillors who have previously been suspended on two or more occasions will be automatically disqualified from holding office in a Council for five years if they are suspended on a further occasion. Councillors who have been suspended on two or more occasions will be written to directly by the Office of Local Government.
- The definition of “misconduct” has been expended to include acts or omission by Councillors that are intended to prevent the proper or effective function of a council or a committee of a council (e.g. by disrupting decision making).
- Councillors will no longer be permitted to participate in the consideration of the making, amendment, alteration or repeal of an environmental planning instrument applying to the whole of or a significant part of their local government area that they have pecuniary interest in, unless:
  - the only interests affected by the changes are the interest they or their relatives have in their principal places of residence
  - they have made a special disclosure of the affected interests
- Notice is no longer required of a motion to censure a Councillor for misconduct under Section 440(g) of the Act. Under the Procedures of the Administration of the Code of Conduct, Councils can only formally censure a Councillor for misconduct where this is recommended in a report by an independent investigator. This will be reported to the Councillor by Council’s Complaints Co-ordinator (Internal Ombudsman).

Key changes that were made to the Code are summarised below:

- Amendment, alteration, repeal - Making of a Principal Environmental Planning Instrument applying to the whole or a significant part of the Council area - Clause 4.29 has been amended to include point (b) *the non-pecuniary conflict of interests arises only because of an interest that the person has in that person’s principal place of residence*.
- Where Council has developed additional policies, corporate practices and procedures to complement the Code of Conduct, these documents provide clear direction on the requirements, they have been listed under the appropriate section in the Code and Procedures.



- Additional recommendations by the Internal Ombudsman have been included throughout the document and marked additional Burwood Council Clause.

Council is required to adopt the Models provided by the Office of Local Government. The Models can only be added to or enhanced without changing its intent. Burwood Council's Code of Conduct and the Procedure for the Administration of the Code of Conduct have been enhanced with the recommendations from ICAC Report April 2011 and the additional clauses specific to Burwood including clauses suggested by the Internal Ombudsman.

### **Proposal**

In accordance with section 440(7) of the Act Council must, within 12 months after each ordinary election, review its adopted code and make such adjustments as it considers appropriate within twelve months of each Ordinary Council Election.

The review conducted in May 2017 was designed to:

- Ensure a faster but fair investigation process for Councillor misconduct
- Remove impediments to effective action in response to serious corrupt conduct
- Maximise the effectiveness of Performance Improvement Orders issued by the Minister for Local Government to a Council
- More effectively address Council maladministration
- Ensured that the Code and Procedures met the requirements of:
  - *Local Government Amendment (Councillors Misconduct and Poor Performance Act) 2015*
  - *Local Government Act 1993*
  - *Local Government (General) Regulations 2005*
  - The Office of Local Government's Model Code of Conduct and the Procedures for the Administration of the Code of Conduct

In light of this review and the enhancement of the Code and the Procedures it is in order for the new Council to reaffirm the Code of Conduct including the Procedures for the Administration of the Code of Conduct.

### **Planning or Policy Implications**

To ensure that all Public Officials of Burwood Council are aware of the provisions of Council's Code of Conduct, training was provided to newly elected Council at the Councillor's Induction session on 24 October 2017 and all Council Officers were provided training in the months of June and July 2017.

### **Consultation**

The Code of Conduct including the Administration of the Code of Conduct Procedures will be published on Council's website for viewing by members of the public, provided to the Councillors through the Councillor Portal and Council Officers have access through Council's intranet.

### **Financial Implications**

No Financial implications.

### **Conclusion**

The Code of Conduct including the Administration of the Code of Conduct Procedures ensures Council's Code and Procedures are in line with the requirements legislation and the directives from

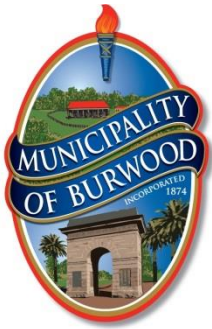
the Office of Local Government.

***Recommendation(s)***

That Council reaffirm and adopt the Code of Conduct including the Administration of the Code of Conduct Procedures in accordance with section 440(7) of the *Local Government Act 1993*.

**Attachments**

1 [↓](#) Code of Conduct including the Administration of the Code of Procedures



# *Burwood Council*

heritage ▪ progress ▪ pride

## **CODE OF CONDUCT AND PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT**

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**Based on the Office of Local Government Model Code of Conduct with additions  
clauses relating to Burwood Council**

PO Box 240, BURWOOD NSW 1805  
Suite 1, Level 2, 1-17 Elsie Street, BURWOOD NSW 2134  
Phone: 9911-9911 Fax: 9911-9900  
Email: [Council@burwood.nsw.gov.au](mailto:Council@burwood.nsw.gov.au)  
Website: [www.burwood.nsw.gov.au](http://www.burwood.nsw.gov.au)

Public Document  
Adopted by the Council: 23 May 2017 (Min. No. 41/17)  
Trim No.: 17/26430  
Version No: 6 Code of Conduct  
Version No: 2 Procedures for the Administration of the Code of Conduct  
Ownership: Governance

## ATTACHMENT 1

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

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PART 1	INTRODUCTION TO THE CODE OF CONDUCT .....	4
PART 2	PURPOSE OF THE CODE OF CONDUCT .....	4
PART 3	GENERAL CONDUCT OBLIGATIONS .....	4
PART 4	CONFLICT OF INTERESTS.....	8
PART 5	PERSONAL BENEFIT .....	11
PART 6	RELATIONSHIP BETWEEN COUNCIL OFFICIALS .....	13
PART 7	ACCESS TO INFORMATION AND COUNCIL RESOURCES.....	15
PART 8	MAINTAINING THE INTEGRITY OF THIS CODE.....	18
PART 9	DEFINITIONS.....	20
PART 10	ADDITIONAL CLAUSES SPECIFIC TO BURWOOD COUNCIL .....	20
PART 11	RELATED DOCUMENTS .....	21
PART 12	REVIEW .....	21
PART 13	CONTACT .....	21
PART 1	INTRODUCTION TO THE PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT.....	24
PART 2	DEFINITIONS.....	24
PART 3	ADMINISTRATIVE FRAMEWORK.....	25
PART 4	HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?.....	26
PART 5	HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED? .....	28
PART 6	PRELIMINARY ASSESSMENT .....	32
PART 7	OPERATIONS OF CONDUCT REVIEW COMMITTEES .....	35
PART 8	INVESTIGATIONS.....	37
PART 9	RIGHTS OF REVIEW .....	43
PART 10	PROCEDURAL IRREGULARITIES .....	45
PART 11	PRACTICE DIRECTIONS.....	45
PART 12	REPORTING ON COMPLAINTS STATISTICS .....	46
PART 13	CONFIDENTIALITY.....	46
	CODE PROCEDURE FLOWCHART .....	47
PART 1	INTRODUCTION TO THE CODE OF CONDUCT .....	4
PART 2	PURPOSE OF THE CODE OF CONDUCT .....	4
PART 3	GENERAL CONDUCT OBLIGATIONS .....	4
PART 4	CONFLICT OF INTERESTS.....	8
PART 5	PERSONAL BENEFIT .....	11
PART 6	RELATIONSHIP BETWEEN COUNCIL OFFICIALS .....	13
PART 7	ACCESS TO INFORMATION AND COUNCIL RESOURCES.....	15
PART 8	MAINTAINING THE INTEGRITY OF THIS CODE.....	18
PART 9	DEFINITIONS.....	20
PART 10	ADDITIONAL CLAUSES SPECIFIC TO BURWOOD COUNCIL .....	20
PART 11	RELATED DOCUMENTS .....	21
PART 12	REVIEW .....	21
PART 13	CONTACT .....	21
PART 1	INTRODUCTION TO THE PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT.....	24
PART 2	DEFINITIONS.....	24
PART 3	ADMINISTRATIVE FRAMEWORK.....	25
PART 5	HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED? .....	28
PART 6	PRELIMINARY ASSESSMENT .....	32

## ATTACHMENT 1

---

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

---

PART 7	OPERATIONS OF CONDUCT REVIEW COMMITTEES .....	35
PART 8	INVESTIGATIONS.....	37
PART 9	RIGHTS OF REVIEW .....	43
PART 10	PROCEDURAL IRREGULARITIES .....	45
PART 11	PRACTICE DIRECTIONS.....	45
PART 12	REPORTING ON COMPLAINTS STATISTICS .....	46
PART 13	CONFIDENTIALITY .....	46
	CODE PROCEDURE FLOWCHART .....	47

**ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC**  
**Code of Conduct including the Administration of the Code of Procedures**

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**PART 1 INTRODUCTION TO THE CODE OF CONDUCT**

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The Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every Council to adopt a code of conduct that incorporates the provisions of the Model Code. For the purposes of section 440 of the Act, the Model Code of Conduct comprises all parts of this document.

Councillors, Administrators, members of staff of Council, independent conduct reviewers, members of Council committees including a conduct review committee and delegates of the Council must comply with the applicable provisions of Council's code of conduct in carrying out their functions as Council officials. It is the personal responsibility of Council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind.

Failure by a Councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the Act. The Act provides for a range of penalties that may be imposed on Councillors for misconduct, including suspension or disqualification from civic office. A Councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with Council's code of conduct may give rise to disciplinary action.

The Code of Conduct also includes the ICAC recommendations from the outcome of the Magnus Investigation (the investigation into alleged corrupt conduct involving a Burwood Council former General Manager and others on 20 April 2011) and additional clauses specific to Burwood Council.

**PART 2 PURPOSE OF THE CODE OF CONDUCT**

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The Model Code of Conduct sets the minimum requirements of conduct for Council officials in carrying out their functions. The Model Code is prescribed by regulation.

The Model Code of Conduct has been developed to assist Council officials to:

- understand the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in the integrity of local government.

**PART 3 GENERAL CONDUCT OBLIGATIONS**

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**General Conduct**

- 3.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the Council or holders of civic office into disrepute. Specifically, you must not act in a way that:
- a. contravenes the Act, associated regulations, Council's relevant administrative requirements and policies
  - b. is detrimental to the pursuit of the charter of a Council
  - c. is improper or unethical
  - d. is an abuse of power or otherwise amounts to misconduct
  - e. causes, comprises or involves intimidation, harassment or verbal abuse

## ATTACHMENT 1

---

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

---

- f. causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
- g. causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6A*)

- 3.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439*)
- 3.3 You must treat others with respect at all times.

#### **Fairness and Equity**

- 3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

#### **Harassment and Discrimination**

- 3.6 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

#### **Workplace Bullying (Burwood Council Clause)**

- 3.7 You must not engage in behaviour which constitutes workplace bullying.
- 3.8 Workplace bullying is defined as repeated behaviour directed towards another person which is unreasonable and/or unfair. Bullying comprises behaviours that a reasonable person would expect to victimise, harass, humiliate, offend, intimidate, belittle, demean, undermine, or threaten the other person, and which may create a risk to that person's health (physical or mental), safety, or welfare.

Further information can be found in Council's Discrimination, Harassment, Bullying Corporate Practice and Grievance Procedure.

#### **Development Decisions**

- 3.9 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 3.10 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

## ATTACHMENT 1

---

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

---

#### **Binding Caucus Votes**

- 3.11 You must not participate in binding caucus votes in relation to matters to be considered at a Council or committee meeting.
- 3.12 For the purposes of clause 3.9, a binding caucus vote is a process whereby a group of Councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the Council or committee irrespective of the personal views of individual members of the group on the merits of the matter before the Council or committee.
- 3.13 Clause 3.9 does not prohibit Councillors from discussing a matter before the Council or committee prior to considering the matter in question at a Council or committee meeting or from voluntarily holding a shared view with other Councillors on the merits of a matter.
- 3.14 Clause 3.9 does not apply to a decision to elect the Mayor or Deputy Mayor or to nominate a person to be a member of a Council committee.

Further information can be found in Council's Councillor Induction, Briefings & Workshops Policy and the Code of Meeting Practice.

#### **Electronic and Social Media (Burwood Council Clause)**

- 3.15 You must not use Council's electronic communications (including, but not limited to the Internet, the email system, mobile phones, text messaging services, and social media access) in any manner which could be construed as disparaging or defamatory of colleagues or Council, or which could bring Council into disrepute.
- 3.16 You must not use any electronic communications or social media facilities, at work or otherwise, to engage in bullying or harassing behaviours towards colleagues or any other person.
- 3.17 You must not use any electronic communications or social media facilities, at work or otherwise, in a manner which identifies you as a Council official and which could be construed as bringing Council into disrepute.

Further information can be found in Council's Use and Monitoring of Network, Skype and Internet Corporate Practice.

#### **Fraud and Corruption (Burwood Council Clause)**

- 3.18 You must not engage or participate in an act that may constitute fraud or corruption.
- 3.19 For the purpose of this Part, fraud and corruption are defined as follows:
- Fraud is defined as 'dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit' – Australian Standard for Fraud and Corruption Control (AS8001-2008).



## ATTACHMENT 1

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

---

- b. Corruption is defined as 'dishonest activity in which a director, executive, manager, employee or contractor of any entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity' – Australian Standard for Fraud and Corruption Control (AS8001-2008).
- c. The general nature of corruption, and acts which may constitute corrupt conduct, are defined under sections 7, 8 and 9 of the *Independent Commission Against Corruption Act 1988* (ICAC Act).

3.20 You must not ignore or condone any act that you reasonably suspect to constitute fraud or corruption.

3.21 Should you have an honest belief or suspicion, on reasonable grounds, that a fraudulent or corrupt act has been committed, you must disclose this to the Internal Ombudsman, the General Manager, or a Nominated Disclosure Officer (NDO) at the earliest opportunity.

Further information can be found in Council's:

- *Public Interest Disclosures Act 1994* – Internal Reporting Policy
- *Public Interest Disclosures Act 1994* - Procedure For Assessing Disclosures and Investigations
- Fraud and Corruption Prevention Policy
- Fraud and Corruption Prevention Action Plan

3.22 The General Manager has a statutory obligation, under section 11 of the ICAC Act, to report suspicions of corrupt conduct to the Independent Commission Against Corruption. Any Council official is, therefore, expected to report any reasonable suspicion of fraud or corruption in accordance with clause 3.21.

#### **Salary Overpayments (Burwood Council Clause)**

3.23 If you receive an over payment by Council, and you know or believe that payment to be incorrect, you are expected to take such steps as are reasonable in the circumstances to ensure that the amount is returned in accordance with the Australian Tax Office's guidelines.

#### **Obligation to Report Criminal Convictions or Other Factors - that may affect your employment or ability to carry out your workplace duties (Burwood Council Clause)**

3.24 If, during the course of your employment at Council, you incur a criminal conviction, you must report this to Organisation Development at the earliest practical opportunity, but at the latest, within 10 working days of receiving the conviction.

3.25 If your working rights in Australia change during the course of your employment, such that they may impact upon your continued employment at Council, you must report this to Organisational Development at the earliest practical opportunity, but at the latest, within 10 working days of the changes being made.

3.26 If you are required to operate a vehicle in the course of your duties, you must notify your supervisor or in the case of the Mayor the General Manager, if your driving licence is no longer valid, even if only for a period of time. This must be reported at the earliest practical opportunity, but at the latest, within 10 working days of the change to your driving licence status being made.

## ATTACHMENT 1

---

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

---

#### Child Protection (Burwood Council Clause)

- 3.27 For the purpose of this Part, the term “child abuse” is defined as “physical and/or emotional harm to a person who is under the age of 18 years”, and it typically takes the form of physical, psychological, sexual abuse, maltreatment and/or neglect. Further guidance on child abuse can be found on the NSW Office of Children’s Guardian website.
- 3.28 When dealing with a person (staff or customer) who is under the age of 18 years, you must not engage in behaviour which constitutes (or could be perceived to be) child abuse.
- 3.29 You are expected to take all reasonable steps to ensure that a person whom you interact with in your daily work and who is under the age of 18 years is not exposed to child abuse.
- 3.30 For those staff whose role is defined as a “mandatory reporter” under the *Children and Young Persons (Care and Protection) Act 1998*, you are expected to fulfil the requirements of you that are set out therein.
- 3.31 For all staff, whether defined as a “mandatory reporter” or not, you are expected to take all reasonable steps to ensure that you prevent and/or that you report known or suspected instances of child abuse by another staff member to the Internal Ombudsman.

Further information can be found in Council’s Child Protection Corporate Practice.

#### PART 4 CONFLICT OF INTERESTS

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- 4.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 4.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 4.3 Any conflict of interests must be managed to uphold the probity of Council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 4.4 Private interests can be of two types: pecuniary or non-pecuniary.

Further information can be found in Council’s:

- Conflicts of Interest Policy
- A Guide for Completing Disclosure of Interest Returns

#### What is a Pecuniary Interest?

- 4.5 A pecuniary interest is 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. (*section 442*)
- 4.6 A person will also be taken to have a pecuniary interest in a matter if that person’s spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (*section 443*)

## ATTACHMENT 1

---

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

---

- 4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
- Councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (*section 449*)
  - Councillors and members of Council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (*section 451*)
  - designated persons immediately declare, in writing, any pecuniary interest. (*section 459*)
- 4.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the General Manager and other senior staff of the Council.
- 4.9 Where you are a member of staff of Council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the General Manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

#### What are Non-pecuniary Interests?

- 4.10 Non-pecuniary interests are private or personal interests the Council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.
- 4.11 The political views of a Councillor do not constitute a private interest.

#### Managing Non-pecuniary Conflict of Interests

- 4.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.
- 4.13 If a disclosure is made at a Council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.
- 4.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.
- 4.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:
- a relationship between a Council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
  - other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship

## ATTACHMENT 1

---

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

---

- c. an affiliation between the Council official and an organisation, sporting body, club, corporation or association that is particularly strong.
- 4.16 If you are a Council official, other than a member of staff of Council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:
- a. remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council official
  - b. have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply.
- 4.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.
- 4.18 If you are a member of staff of Council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 4.19 Despite clause 4.16(b), a Councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate Council's decision-making role to Council staff through the General Manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not Council would be deprived of a quorum if one or more Councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

#### Reportable Political Donations

- 4.20 Councillors should note that matters before Council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 4.21 Where a Councillor has received or knowingly benefitted from a reportable political donation:
- a. made by a major political donor in the previous four years
  - b. where the major political donor has a matter before Council
- then the Councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.16(b).
- 4.22 For the purposes of this Part:
- a. a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*,
  - b. a "major political donor" is a "major political donor" for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.
- 4.23 Councillors should note that political donations below \$1,000, or political donations to a registered political party or group by which a Councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.
- 4.24 If a Councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 4.21, that Councillor is not prevented from participating in a

## ATTACHMENT 1

---

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

---

decision to delegate Council's decision-making role to Council staff through the General Manager or appointing another person or body to make the decision in accordance with the law (see clause 4.19 above).

#### Loss of Quorum as a Result of Compliance with this Part

- 4.25 Where a majority of Councillors are precluded under this Part from consideration of a matter the Council or committee must resolve to delegate consideration of the matter in question to another person.
- 4.26 Where a majority of Councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the Councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.
- 4.27 The Chief Executive will only exempt a Councillor from complying with a requirement under this Part where:
- a. compliance by Councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
  - b. the matter relates to the exercise of a function of the Council that may not be delegated under section 377 of the Act.
- 4.28 Where the Chief Executive exempts a Councillor from complying with a requirement under this Part, the Councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.
- 4.29 A Councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:
- a. the matter is a proposal relating to:
    - i) the making of a principal environmental planning instrument applying to the whole or a significant part of the Council's area, or
    - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the Council's area, and
  - b. the non-pecuniary conflict of interests arises only because of an interest that a person has in that person's principal place of residence, and
  - c. the Councillor declares the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

#### Other Business or Employment

- 4.30 If you are a member of staff of Council considering outside employment or contract work that relates to the business of the Council or that might conflict with your Council duties, you must notify and seek the approval of the General Manager in writing. (*section 353*)

## ATTACHMENT 1

---

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

---

- 4.31 As a member of staff, you must ensure that any outside employment or business you engage in will not:
- conflict with your official duties
  - involve using confidential information or Council resources obtained through your work with the Council
  - require you to work while on Council duty
  - discredit or disadvantage the Council

Further information can be found in Council's Secondary Employment Corporate Practice.

#### Personal Dealings with Council

- 4.32 You may have reason to deal with your Council in your personal capacity (for example, as a ratepayer, recipient of a Council service or applicant for a consent granted by Council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

Further information can be found in Council's Conflicts of Interest Corporate Practice.

## PART 5 PERSONAL BENEFIT

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For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

#### Gifts and Benefits

- 5.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the Council.
- 5.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Further information can be found in Council's:

- Gifts and Benefits Policy
- Bribes and Inducements Fact Sheet
- Councillors' Expenses and Facilities Policy
- Statement of Business Ethics

#### Token Gifts and Benefits

- 5.3 Generally speaking, token gifts and benefits include:
- free or subsidised meals, beverages or refreshments provided in conjunction with:
    - the discussion of official business
    - Council work related events such as training, education sessions, workshops



## ATTACHMENT 1

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

---

#### Code of Conduct including the Administration of the Code of Procedures

---

- iii) conferences
  - iv) Council functions or events
  - v) social functions organised by groups, such as Council committees and community organisations
- b. invitations to and attendance at local social, cultural or sporting events
  - c. gifts of single bottles of reasonably priced alcohol to individual Council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
  - d. ties, scarves, coasters, tie pins, diaries, chocolates or flowers
  - e. prizes of token value.

#### Gifts and Benefits of Value

- 5.4 Notwithstanding clause 5.3, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

#### How are Offers of Gifts and Benefits to be Dealt With?

- 5.5 You must not:
- a. seek or accept a bribe or other improper inducement
  - b. seek gifts or benefits of any kind
  - c. accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
  - d. accept any gift or benefit of more than token value
  - e. accept an offer of cash or a cash-like gift, regardless of the amount.
- 5.6 For the purposes of clause 5.5(e), a “cash-like gift” includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.
- 5.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the General Manager. The recipient, supervisor, Mayor or General Manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to Council, unless the nature of the gift or benefit makes this impractical.
- 5.8 Notwithstanding clause 5.7, where you are offered, and refuse, or receive a gift or benefit, irrespective of its value, this must be disclosed promptly through completing a Gift and Benefit disclosure form and sent to the Deputy General Manager Corporate Governance and Community for approved action (refuse, return, keep, share with team or surrender to Council) and the Governance Co-ordinator (or delegate) will record this in the Gifts Register. Do not use or consume the gift until the Deputy General Manager Corporate Governance and Community recommends an action. Council Officers should forward the Gift and Benefit disclosure form to their supervisor first who will forward onto the Deputy General Manager Corporate Governance and Community. (Burwood Council Clause)

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**ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC**  
**Code of Conduct including the Administration of the Code of Procedures**

---

**Improper and Undue Influence**

- 5.9 You must not use your position to influence other Council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A Councillor will not be in breach of this clause where they seek to influence other Council officials through the appropriate exercise of their representative functions.
- 5.10 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for Council in order to obtain a private benefit for yourself or for any other person or body.

**PART 6 RELATIONSHIP BETWEEN COUNCIL OFFICIALS**

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**Obligations of Councillors and Administrators**

- 6.1 Each Council is a body politic. The Councillors or administrator/s are the governing body of the Council. The governing body has the responsibility of directing and controlling the affairs of the Council in accordance with the Act and is responsible for policy determinations, for example, those relating to workforce policy.
- 6.2 Councillors or Administrators must not:
- a. direct Council staff other than by giving appropriate direction to the General Manager in the performance of Council's functions by way of Council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (*section 352*)
  - b. in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the member or delegate (*Schedule 6A of the Act*)
  - c. contact a member of the staff of the Council on Council related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council staff that have been authorised by the Council and the General Manager
  - d. contact or issue instructions to any of Council's contractors or tenderers, including Council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to Council's external auditors or the Chair of Council's audit committee who may be provided with any information by individual Councillors reasonably necessary for the external auditor or audit committee to effectively perform their functions.

Further information can be found in Council's Councillors Access to Information and Councillor Interaction with Council Officers Policy.

**Obligations of Staff**

- 6.3 The General Manager is responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation of the decisions of the Council without delay.
- 6.4 Members of staff of Council must:
- a. give their attention to the business of Council while on duty



## ATTACHMENT 1

---

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

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- b. ensure that their work is carried out efficiently, economically and effectively
- c. carry out lawful directions given by any person having authority to give such directions
- d. give effect to the lawful decisions, policies, and procedures of the Council, whether or not the staff member agrees with or approves of them
- e. ensure that any participation in political activities outside the service of the Council does not conflict with the performance of their official duties

#### Obligations During Meetings

- 6.5 You must act in accordance with Council's Code of Meeting Practice, if Council has adopted one, and the *Local Government (General) Regulation 2005* during Council and committee meetings.
- 6.6 You must show respect to the chair, other Council officials and any members of the public present during Council and committee meetings or other formal proceedings of the Council.

#### Inappropriate Interactions

- 6.7 You must not engage in any of the following inappropriate interactions:
  - a. Councillors and Administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.
  - b. Council staff approaching Councillors and Administrators to discuss individual or operational staff matters other than broader workforce policy issues.
  - c. Council staff refusing to give information that is available to other Councillors to a particular Councillor.
  - d. Councillors and Administrators who have lodged a development application with Council, discussing the matter with Council staff in staff-only areas of the Council.
  - e. Councillors and Administrators being overbearing or threatening to Council staff.
  - f. Councillors and Administrators making personal attacks on Council staff in a public forum.
  - g. Councillors and Administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make.
  - h. Council staff providing ad hoc advice to Councillors and Administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
  - i. Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.
  - j. Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council's General Manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

Further information can be found in Council's Councillors Access to Information and Councillor Interaction with Council Officers Policy.

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**ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC**  
**Code of Conduct including the Administration of the Code of Procedures**

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## **PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES**

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### **Councillor and Administrator Access to Information**

- 7.1 The General Manager and the Public Officer are responsible for ensuring that members of the public, Councillors and Administrators can gain access to the documents available under the *Government Information (Public Access) Act 2009*.
- 7.2 The General Manager must provide Councillors and Administrators with information sufficient to enable them to carry out their civic office functions.
- 7.3 Members of staff of Council must provide full and timely information to Councillors and Administrators sufficient to enable them to carry out their civic office functions and in accordance with Council procedures.
- 7.4 Members of staff of Council who provide any information to a particular Councillor in the performance of their civic duties must also make it available to any other Councillor who requests it and in accordance with Council procedures.
- 7.5 Councillors and Administrators who have a private (as distinct from civic) interest in a document of Council have the same rights of access as any member of the public.

Further information can be found in Council's:

- Councillors Access to Information and Councillor Interaction with Council Officers Policy
- Agency Information Guide
- Privacy Management Plan
- Information Security Corporate Practice

### **Councillors and Administrators to Properly Examine and Consider Information**

- 7.6 Councillors and Administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with Council's charter.

Further information can be found in Council's Charter – Decision Making.

### **Refusal of Access to Documents**

- 7.7 Where the General Manager and public officer determine to refuse access to a document sought by a Councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the Councillor or administrator to perform their civic duty (see clause 7.2). The General Manager or public officer must state the reasons for the decision if access is refused.

### **Use of Certain Council Information**

- 7.8 In regard to information obtained in your capacity as a Council official, you must:
  - a. only access Council information needed for Council business
  - b. not use that Council information for private purposes
  - c. not seek or obtain, either directly or indirectly, any financial benefit or other improper

## ATTACHMENT 1

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### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

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- advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with Council
- d. only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

#### Use and Security of Confidential Information

7.9 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.

7.10 In addition to your general obligations relating to the use of Council information, you must:

- a. protect confidential information
- b. only release confidential information if you have authority to do so
- c. only use confidential information for the purpose it is intended to be used
- d. not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- e. not use confidential information with the intention to cause harm or detriment to your Council or any other person or body
- f. not disclose any information discussed during a confidential session of a Council meeting.

Further information can be found in Council's Information Security Corporate Practice.

#### Personal Information

7.11 When dealing with personal information you must comply with:

- a. the *Privacy and Personal Information Protection Act 1998*
- b. the *Health Records and Information Privacy Act 2002*
- c. the Information Protection Principles and Health Privacy Principles
- d. Council's Privacy Management Plan
- e. the Privacy Code of Practice for Local Government – Office of Local Government

Further information can be found in Council's Privacy Management Plan.

#### Use of Council Resources

7.12 You must use Council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

7.13 Union delegates and consultative committee members may have reasonable access to Council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a. the representation of members with respect to disciplinary matters
- b. the representation of employees with respect to grievances and disputes
- c. functions associated with the role of the local consultative committee.

7.14 You must be scrupulous in your use of Council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.

## ATTACHMENT 1

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### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

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- 7.15 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 7.16 You must not use Council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 7.17 You must not use Council letterhead, Council crests and other information that could give the appearance it is official Council material for:
- a. the purpose of assisting your election campaign or the election campaign of others, or
  - b. for other non-official purposes.
- 7.18 You must not convert any property of the Council to your own use unless properly authorised.
- 7.19 You must not use Council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Further information can be found in Council's:

- Disposal of Council Assets Corporate Practice and Procedures
- Motor Vehicles Corporate Practice
- Use of Council Intellectual Property (Including Logos) on Personalised Stationery
- Use of Council Resources Policy
- Use of Council Provide Mobile Phones Policy
- Use and Monitoring of Network, Email and Internet Corporate Practice

#### **Councillor Access to Council Buildings**

- 7.20 Councillors and Administrators are entitled to have access to the Council chamber, committee room, Mayor's office (subject to availability), Councillors' rooms, and public areas of Council's buildings during normal business hours and for meetings. Councillors and Administrators needing access to these facilities at other times must obtain authority from the General Manager.
- 7.21 Councillors and Administrators must not enter staff-only areas of Council buildings without the approval of the General Manager (or delegate) or as provided in the procedures governing the interaction of Councillors and Council staff.
- 7.22 Councillors and Administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence Council staff decisions.

Further information can be found in Council's Councillors Access to Information and Councillor Interaction with Council Officers Policy.

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## **PART 8 MAINTAINING THE INTEGRITY OF THIS CODE**

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- 8.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

## ATTACHMENT 1

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

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#### Complaints Made for an Improper Purpose

- 8.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.
- 8.3 For the purposes of clause 8.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- to intimidate or harass another Council official
  - to damage another Council official's reputation
  - to obtain a political advantage
  - to influence a Council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
  - to influence the Council in the exercise of its functions or to prevent or disrupt the exercise of those functions
  - to avoid disciplinary action under this code
  - to take reprisal action against a person for making a complaint under this code except as may be otherwise specifically permitted under this code
  - to take reprisal action against a person for exercising a function prescribed under the procedures for the administration of this code except as may be otherwise specifically permitted under this code
  - to prevent or disrupt the effective administration of this code.

#### Detrimental Action

- 8.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this code except as may be otherwise specifically permitted under this code.
- 8.5 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this code except as may be otherwise specifically permitted under this code.
- 8.6 For the purposes of clauses 8.4 and 8.5 detrimental action is an action causing, comprising or involving any of the following:
- injury, damage or loss
  - intimidation or harassment
  - discrimination, disadvantage or adverse treatment in relation to employment
  - dismissal from, or prejudice in, employment
  - disciplinary proceedings.

Further information can be found in Councils:

- *Public Interest Disclosures Act 1994* – Internal Reporting Policy
- *Public Interest Disclosures Act 1994* - Procedure For Assessing Disclosures and Investigations

#### Compliance with Requirements under this Code

- 8.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.

## ATTACHMENT 1

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### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

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- 8.8 You must comply with a reasonable and lawful request made by a person exercising a function under this code.
- 8.9 You must comply with a practice ruling made by the Office of Local Government.
- 8.10 Where you are a Councillor or the General Manager, you must comply with any Council resolution requiring you to take action as a result of a breach of this code.

#### **Disclosure of Information about the Consideration of a Matter Under this Code**

- 8.11 You must report breaches of this code in accordance with the reporting requirements under this code.
- 8.12 You must not make allegations of suspected breaches of this code at Council meetings or in other public forums.
- 8.13 You must not disclose information about the consideration of a matter under this code except for the purposes of seeking legal advice unless the disclosure is otherwise permitted under this code.

#### **Complaints Alleging a Breach of this Part**

- 8.14 Complaints alleging a breach of this Part (Part 8) by a Councillor, the General Manager or an administrator are to be made to the Office of Local Government.
- 8.15 Complaints alleging a breach of this Part by other Council officials are to be made to the General Manager.

#### **Complaints Generally Alleging a Breach (Burwood Council Clause)**

- 8.16 The Complaints Co-ordinator for Council is the Internal Ombudsman.
- 8.17 Complaints alleging a breach of this Code (other than Part 8) by a Councillor, the General Manager or an administrator, are to be referred to the Complaints Co-ordinator for appropriate handling through the Conduct Reviewer process.
- 8.18 Complaints alleging any breach of this Code by other Council officials (including all staff except the General Manager) are to be referred to the Complaints Co-ordinator (and/or delegate).
- 8.19 The responsibility for investigating any alleged breaches of this Code by other Council officials (including all staff except the General Manager) rests with the Complaints Co-ordinator (and/or delegate).

Further information can be found in Council's:

- *Public Interest Disclosures Act 1994* - Procedure For Assessing Disclosures and Investigations
- Discipline and Formal Warnings Corporate Practice

## ATTACHMENT 1

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC Code of Conduct including the Administration of the Code of Procedures

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#### PART 9 DEFINITIONS

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In the Model Code of Conduct the following definitions apply:

- **the Act** - the *Local Government Act 1993*
- **act of disorder** - see the definition in clause 256 of the *Local Government (General) Regulation 2005*
- **administrator** - an administrator of a Council appointed under the Act other than an administrator appointed under section 66
- **Chief Executive** - Chief Executive of the Office of Local Government
- **Committee** - a Council committee
- **conflict of interests** - a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
- **Council committee** - a committee established by resolution of Council
- **“Council committee member”** - a person other than a Councillor or member of staff of a Council who is a member of a Council committee
- **Council official** - includes Councillors, members of staff of Council, Administrators, Council committee members, conduct reviewers and delegates of Council
- **Councillor** - a person elected or appointed to civic office and includes a Mayor
- **delegate of Council** - a person (other than a Councillor or member of staff of a Council) or body, and the individual members of that body, to whom a function of the Council is delegated
- **designated person** - see the definition in section 441 of the Act
- **election campaign** - includes Council, State and Federal election campaigns
- **personal information** - information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion
- **the Regulation** - the *Local Government (General) Regulation 2005*
- **The term “you”** - used in the Model Code of Conduct refers to Council Officials.
- **The phrase “this code”** - used in the Model Code of Conduct refers also to the procedures for the administration of the Model Code of Conduct prescribed under the *Local Government (General) Regulation 2005*.

#### PART 10 ADDITIONAL CLAUSES SPECIFIC TO BURWOOD COUNCIL

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- 10.1 Burwood Council strictly prohibits the distribution of any election material at any Burwood Council event including citizenship ceremonies but not limited to and in any Burwood



## ATTACHMENT 1

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### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

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Council related event or related media by Councillors, members of staff or Council delegates, whether they are acting in their official or other capacity.

- 10.2 A Councillor, member of staff or delegate who, honestly and faithfully, observes the requirements of this Code and any relevant law, is entitled to expect the publicly expressed support of his or her Council and colleagues against unfair allegations of dishonesty, or partial performance of his or her public or professional duties.
- 10.3 The Mayor to monitor decisions and actions of the General Manager where they relate to potential detrimental actions against a staff member or contractor who has provided information about alleged misconduct by the General Manager (ICAC Report April 2011).
- 10.4 Burwood Council strictly prohibits Council Officers to distribute any election material at any Burwood Council Local Government Election.

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## PART 11 RELATED DOCUMENTS

Council has developed additional policies, corporate practices and procedures to complement the Code of Conduct, these documents provide additional information and provide clear direction on the requirements. These are as follows:

- Agency Information Guide
- A Guide for Completing Disclosure of Interest Returns
- Bribes and Inducements Fact Sheet
- Child Protection Corporate Practice
- Conflict of Interest Policy
- Code of Meeting Practice
- Complaints Management Policy
- Council Charter – Decision Making
- Councillors Access to Information and Councillor Interaction with Council Officers Policy
- Councillor Induction, Briefings & Workshops Policy
- Councillors Expenses and Facilities Policy
- Discrimination, Harassment Bullying Corporate Practice and Grievance Procedures
- Discipline and Formal Warnings Corporate Practice
- Disposal of Council Assets Corporate Practice and Procedures
- Gifts and Benefits Policy
- Fraud and Corruption Prevention Policy
- Fraud and Corruption Prevention Action Plan
- Information Security Corporate Practice
- Motor Vehicle Corporate Practice
- *Public Interest Disclosures Act 1994* – Internal Reporting Policy
- *Public Interest Disclosures Act 1994* - Procedure For Assessing Disclosures and Investigations
- Privacy Management Plan (including Health Records and Information)
- Secondary Employment Corporate Practice
- Statement of Business Ethics
- Use of Council Resources Corporate Practice
- Use of Council Provided Mobile Phones Corporate Practice
- Use and Monitoring of Network, Email and Internet Corporate Practice

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## PART 12 REVIEW

To be reviewed when changes to legislation occur.



## **ATTACHMENT 1**

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### **ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC**

#### **Code of Conduct including the Administration of the Code of Procedures**

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## **PART 13 CONTACT**

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If you have any concerns, queries, or would simply like advice or guidance about any aspect of the Code of Conduct, please feel free to contact one of the Council Officers listed below:

- Governance Co-ordinator – Policy on 9911 9910
- Internal Ombudsman (Complaint Co-ordinator) – Breaches on 9911 9808
- General Manager on 9911 9802

**ATTACHMENT 1**

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**ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC**  
**Code of Conduct including the Administration of the Code of Procedures**

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**PROCEDURES FOR THE ADMINISTRATION OF  
THE CODE OF CONDUCT**

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## ATTACHMENT 1

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC Code of Conduct including the Administration of the Code of Procedures

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#### PART 1 INTRODUCTION TO THE PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

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These procedures ("the Model Code Procedures") are prescribed for the purposes of the administration of the Model Code of Conduct for Local Councils in NSW ("the Model Code"). The Model Code and Model Code Procedures are made under Sections 440 and 440AA respectively of the *Local Government Act 1993* ("the Act") and the *Local Government (General) Regulation 2005* ("the Regulation").

Sections 440 and 440AA of the Act require every Council to adopt a Code of Conduct and procedures for the administration of the Code of Conduct that incorporate the provisions of the Model Code and Model Code Procedures respectively.

In adopting procedures for the administration of their adopted codes of conduct, Councils may supplement the Model Code Procedures. However provisions of a Council's adopted procedures that are not consistent with those prescribed under the Model Code Procedures will have no effect.

#### PART 2 DEFINITIONS

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For the purposes of the procedures, the following definitions apply:

- **the Act** - *the Local Government Act 1993*
- **administrator** - an administrator of a Council appointed under the Act other than an administrator appointed under Section 66
- **Code of Conduct** - a Code of Conduct adopted under Section 440 of the Act
- **Code of Conduct Complaint** - a complaint that alleges conduct on the part of a Council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the Council's Code of Conduct
- **Complainant** - a person who makes a Code of Conduct complaint
- **Complainant Councillor** - a Councillor who makes a Code of Conduct complaint
- **Complaints Co-ordinator** - a person appointed by the General Manager under these procedures as a Complaints Co-ordinator
- **Conduct Reviewer** - a person appointed under these procedures to review allegations of breaches of the Code of Conduct by Councillors or the General Manager
- **Council Committee** - a Committee established by resolution of Council
- **Council Committee member** - a person other than a Councillor or member of staff of a Council who is a member of a Council Committee
- **Councillor** - a person elected or appointed to civic office and includes a Mayor
- **Council Official** - includes Councillors, members of staff of Council, administrators, Council Committee members, Conduct Reviewers and delegates of Council
- **Delegate of Council** - a person (other than a Councillor or member of staff of a Council) or body and the individual members of that body to whom a function of the Council is delegated

## ATTACHMENT 1

---

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

---

- **Investigator** - a Conduct Reviewer or Conduct Review Committee
- **The Office** - the Office of Local Government, Department of Premier and Cabinet
- **The Regulation** - the *Local Government (General) Regulation 2005*
- **Subject Person** - a person whose conduct is the subject of investigation by a Conduct Reviewer or Conduct Review Committee under these procedures

### **PART 3 ADMINISTRATIVE FRAMEWORK**

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#### **The Establishment of a Panel of Conduct Reviewers**

- 3.1 The Council must by resolution establish a panel of Conduct Reviewers.
- 3.2 The Council may by resolution enter into an arrangement with one or more other Councils to share a panel of Conduct Reviewers.
- 3.3 The panel of Conduct Reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the Council's panel of Conduct Reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a member of a panel of Conduct Reviewers, a person must, at a minimum, meet the following requirements:
  - a. an understanding of local government
  - b. knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*
  - c. knowledge and experience of one or more of the following:
    - i. investigations
    - ii. law
    - iii. public administration
    - iv. public sector ethics
    - v. alternative dispute resolution
  - d. meet the eligibility requirements for membership of a panel of Conduct Reviewers under Clause 3.6
- 3.6 A person is not eligible to be a member of the panel of Conduct Reviewers if they are:
  - a. a Councillor
  - b. a nominee for election as a Councillor
  - c. an administrator
  - d. an employee of a Council
  - e. a member of the Commonwealth Parliament or any State Parliament or Territory Assembly
  - f. a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly

## ATTACHMENT 1

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### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

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- g. a person who has a conviction for an indictable offence that is not an expired conviction
- 3.7 A person is not precluded from being a member of the Council's Panel of Conduct Reviewers if they are a member of another Council's Panel of Conduct Reviewers.
- 3.8 A panel of Conduct Reviewers established under this Part is to have a term of up to four years.
- 3.9 The Council may terminate the panel of Conduct Reviewers at any time by resolution.
- 3.10 When the term of the Conduct Reviewers concludes or is terminated, the Council must establish a new panel of Conduct Reviewers in accordance with the requirements of this Part.
- 3.11 A person who was a member of a previous panel of Conduct Reviewers established by the Council may be a member of subsequent panels of Conduct Reviewers established by the Council.

#### The Appointment of Complaints Co-ordinators

- 3.12 The General Manager must appoint a member of staff of the Council to act as a Complaints Co-ordinator. Where practicable, the Complaints Co-ordinator should be a senior and suitably qualified member of staff.
- 3.13 The General Manager may appoint other members of staff to act as alternates to the Complaints Co-ordinator.
- 3.14 The General Manager must not undertake the role of Complaints Co-ordinator.
- 3.15 The person appointed as Complaints Co-ordinator or alternate Complaints Co-ordinator must also be a Nominated Disclosures Co-ordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.16 The role of the Complaints Co-ordinator is to:
  - a. Co-ordinate the management of complaints made under the Council's Code of Conduct
  - b. liaise with and provide administrative support to a Conduct Reviewer or Conduct Review Committee
  - c. liaise with the Office of Local Government
  - d. arrange the annual reporting of Code of Conduct complaints statistics

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## PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

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### What is a "Code of Conduct complaint"?

- 4.1 For the purpose of these procedures, a Code of Conduct complaint is a complaint that alleges conduct on the part of a Council Official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the Council's Code of Conduct.

## ATTACHMENT 1

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### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

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- 4.2 Only Code of Conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a “Code of Conduct complaint” are to be dealt with under Council’s routine complaints management processes.

#### **When must a Code of Conduct complaint be made?**

- 4.3 A Code of Conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.4 A complaint made after three months may only be accepted if the General Manager, or, in the case of a complaint about the General Manager, the Mayor, is satisfied that there are compelling grounds for the matter to be dealt with under the Code of Conduct.

#### **How may a Code of Conduct complaint about a Council Official other than the General Manager be made?**

- 4.5 All Code of Conduct complaints other than those relating to the General Manager are to be made to the General Manager in writing.
- 4.6 Where a Code of Conduct complaint about a Council official other than the General Manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.7 In making a Code of Conduct complaint about a Council official other than the General Manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.8 The General Manager or, where the complaint is referred to a Conduct Reviewer, the Conduct Reviewer, must consider the complainant’s preferences in deciding how to deal with the complaint.
- 4.9 Notwithstanding Clauses 4.5 and 4.6, where the General Manager becomes aware of a possible breach of the Council’s Code of Conduct, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

#### **How may a Code of Conduct complaint about the General Manager be made?**

- 4.10 Code of Conduct complaints about the General Manager are to be made to the Mayor in writing.
- 4.11 Where a Code of Conduct complaint about the General Manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.12 In making a Code of Conduct complaint about the General Manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.13 The Mayor or, where the complaint is referred to a Conduct Reviewer, the Conduct Reviewer, must consider the complainant’s preferences in deciding how to deal with the complaint.

## ATTACHMENT 1

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### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

---

- 4.14 Notwithstanding Clauses 4.10 and 4.11, where the Mayor becomes aware of a possible breach of the Council's Code of Conduct by the General Manager, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.
- 4.14(a) If the Mayor is also implicated, the complaint should be referred to the Office of Local Government (refer ICAC Report April 2011) and the Complainant must be advised in writing.

## **PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?**

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### **How are Code of Conduct complaints about staff (other than the General Manager) to be dealt with?**

- 5.1 The General Manager is responsible for making enquiries or causing enquiries to be made into Code of Conduct complaints about members of staff of Council and for determining the outcome of such complaints.
- 5.2 Where the General Manager decides not to make enquiries into a Code of Conduct complaint about a member of staff, the General Manager must give the complainant reasons in writing for their decision.
- 5.3 Without limiting Clause 5.2, the General Manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 5.4 Enquiries made into staff conduct that might give rise to disciplinary action must occur in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.5 Sanctions for staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

### **How are Code of Conduct complaints about delegates of Council and Council Committee members to be dealt with?**

- 5.6 The General Manager is responsible for making enquiries or causing enquiries to be made into Code of Conduct complaints about delegates of Council and Council Committee members and for determining the outcome of such complaints.
- 5.7 Where the General Manager decides not to make enquiries into a Code of Conduct complaint about a delegate of Council or a Council Committee member, the General Manager must give the complainant reasons in writing for their decision.
- 5.8 Without limiting Clause 5.7, the General Manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 5.9 Sanctions for delegates of Council and/or members of Council Committees depend on the severity, scale and importance of the breach and may include one or more of the following:

## ATTACHMENT 1

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### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

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#### Code of Conduct including the Administration of the Code of Procedures

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- a. censure
  - b. requiring the person to apologise to any person or organisation adversely affected by the breach
  - c. prosecution for any breach of the law
  - d. removing or restricting the person's delegation
  - e. removing the person from membership of the relevant Council Committee
- 5.10 Prior to imposing a sanction against a delegate of Council or a Council Committee member under Clause 5.9, the General Manager or any person making enquiries on behalf of the General Manager must comply with the requirements of procedural fairness. In particular:
- a. the substance of the allegation (including the relevant provision/s of Council's Code of Conduct that the alleged conduct is in breach of) must be put to the person the subject of the allegation
  - b. the person must be given an opportunity to respond to the allegation
  - c. the General Manager must consider the person's response in deciding whether to impose a sanction under Clause 5.9.

#### **How are Code of Conduct complaints about Conduct Reviewers to be dealt with?**

- 5.11 The General Manager must refer all Code of Conduct complaints about Conduct Reviewers to the Office for its consideration.
- 5.12 The General Manager must notify the complainant of the referral of their complaint in writing.
- 5.13 The General Manager must implement any recommendation made by the Office as a result of its consideration of a Code of Conduct complaint about a Conduct Reviewer.

#### **How are Code of Conduct complaints about administrators to be dealt with?**

- 5.14 The General Manager must refer all Code of Conduct complaints about administrators to the Office for its consideration.
- 5.15 The General Manager must notify the complainant of the referral of their complaint in writing.

#### **How are Code of Conduct complaints about Councillors to be dealt with?**

- 5.16 The General Manager must refer the following Code of Conduct complaints about Councillors to the Office:
- a. complaints alleging a breach of the pecuniary interest provisions of the Act
  - b. complaints alleging a failure to comply with a requirement under the Code of Conduct to disclose and appropriately manage conflicts of interests arising from reportable political donations (see Section 328B)
  - c. complaints alleging a breach of Part 8 of the Code of Conduct relating to the maintenance of the integrity of the Code
  - d. complaints the subject of a special complaints management arrangement with the Office under Clause 5.40



## ATTACHMENT 1

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### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

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- 5.17 Where the General Manager refers a complaint to the Office under Clause 5.16, the General Manager must notify the complainant of the referral in writing.
- 5.18 Where the General Manager considers it to be practicable and appropriate to do so, the General Manager may seek to resolve Code of Conduct complaints about Councillors, other than those requiring referral to the Office under Clause 5.16, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the Complaints Co-ordinator under Clause 5.20.
- 5.19 Where the General Manager resolves a Code of Conduct complaint under Clause 5.18 to the General Manager's satisfaction, the General Manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.20 The General Manager must refer all Code of Conduct complaints about Councillors other than those referred to the Office under Clause 5.16 or resolved under Clause 5.18 to the Complaints Co-ordinator.

#### How are Code of Conduct complaints about the General Manager to be dealt with?

- 5.21 The Mayor must refer the following Code of Conduct complaints about the General Manager to the Office:
- a. complaints alleging a breach of the pecuniary interest provisions of the Act
  - b. complaints alleging a breach of Part 8 of the Code of Conduct relating to the maintenance of the integrity of the Code
  - c. complaints the subject of a special complaints management arrangement with the Office under Clause 5.40
- 5.21a In exceptional circumstances the Mayor may consider the suspension of the General Manager in response to a serious breach of the Code of Conduct. Prior to making this decision the Mayor must seek the advice of the Chief Executive, Office of Local Government.
- 5.22 Where the Mayor refers a complaint to the Office under Clause 5.21, the Mayor must notify the complainant of the referral in writing.
- 5.23 Where the Mayor considers it to be practicable and appropriate to do so, he or she may seek to resolve Code of Conduct complaints about the General Manager, other than those requiring referral to the Office under Clause 5.21, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the Complaints Co-ordinator under Clause 5.25.
- 5.24 Where the Mayor resolves a Code of Conduct complaint under Clause 5.23 to the Mayor's satisfaction, the Mayor must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.25 The Mayor must refer all Code of Conduct complaints about the General Manager other than those referred to the Office under Clause 5.21 or resolved under Clause 5.23 to the Complaints Co-ordinator.

## ATTACHMENT 1

---

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

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#### Referral of Code of Conduct Complaints to External Agencies

- 5.26 The General Manager, Mayor or a Conduct Reviewer or Conduct Review Committee may, at any time, refer a Code of Conduct complaint to an external agency or body such as, but not limited to, the Office, the Independent Commission Against Corruption, the NSW Ombudsman or the NSW Police Force for its consideration, where they consider such a referral is warranted.
- 5.27 Where the General Manager, Mayor, Conduct Reviewer or Conduct Review Committee refers a complaint to an external agency or body under Clause 5.26, they must notify the complainant of the referral in writing where it is appropriate for them to do so.
- 5.28 Referral of a matter to an external agency or body shall finalise consideration of the matter under the Code of Conduct unless the Council is subsequently advised otherwise by the referral agency or body.

#### Disclosure of the identity of complainants

- 5.29 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a. the complainant consents in writing to the disclosure
  - b. it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint
  - c. it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed
  - d. a Conduct Reviewer or Conduct Review Committee is of the opinion that disclosure of the information is necessary to investigate the matter effectively
  - e. it is otherwise in the public interest to do so
- 5.30 Clause 5.29 does not apply to Code of Conduct complaints made by Councillors about other Councillors or the General Manager.
- 5.31 Where a Councillor makes a Code of Conduct complaint about another Councillor or the General Manager and the complainant Councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.32 A request made by a complainant Councillor under Clause 5.31 must be made at the time they make a Code of Conduct complaint and must state the grounds upon which the request is made.
- 5.33 The General Manager or Mayor or, where the matter is referred, a Conduct Reviewer or Conduct Review Committee must consider a request made under Clause 5.31 before disclosing information that identifies or tends to identify the complainant Councillor but are not obliged to comply with the request.
- 5.34 Where a complainant Councillor makes a request under Clause 5.31, the General Manager or Mayor or, where the matter is referred, a Conduct Reviewer or Conduct Review Committee shall notify the Councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

## ATTACHMENT 1

---

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

---

#### Code of Conduct complaints made as Public Interest Disclosures

- 5.35 Code of Conduct complaints that are made as public interest disclosures under the *Public Interest Disclosures Act 1994* are to be managed in accordance with the requirements of that Act, the Council's internal reporting policy and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.36 For a Code of Conduct complaint to be dealt with as a public interest disclosure, the complainant must state at the outset and in writing at the time of making the complaint that it is made as a public interest disclosure.
- 5.37 Where a Councillor makes a Code of Conduct complaint about another Councillor or the General Manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant Councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.38 Where a complainant Councillor declines to consent to the disclosure of their identity as the complainant under Clause 5.37, the General Manager or the Mayor must refer the complaint to the Office for consideration. Such a referral must be made under Section 26 of the *Public Interest Disclosures Act 1994*.

Further information can be found in Council's:

- *Public Interest Disclosures Act 1994* – Internal Reporting Policy
- *Public Interest Disclosures Act 1994* – Procedure for Assessing Disclosures and Investigations

#### Special Complaints Management Arrangements

- 5.39 The General Manager may request in writing that the Office enter into a special complaints management arrangement with the Council in relation to Code of Conduct complaints made by or about a person or persons.
- 5.40 Where the Office receives a request under Clause 5.39, it may agree to enter into a special complaints management arrangement where it is satisfied that the number or nature of Code of Conduct complaints made by or about a person or persons has:
- a. imposed an undue and disproportionate cost burden on the Council's administration of its Code of Conduct
  - b. impeded or disrupted the effective administration by the Council of its Code of Conduct
  - c. impeded or disrupted the effective functioning of the Council
- 5.41 A special complaints management arrangement must be in writing and must specify the following:
- a. the Code of Conduct complaints the arrangement relates to
  - b. the period that the arrangement will be in force
- 5.42 The Office may by notice in writing, amend or terminate a special complaints management arrangement at any time.

## ATTACHMENT 1

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

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#### Code of Conduct including the Administration of the Code of Procedures

---

- 5.43 While a special complaints management arrangement is in force, an officer of the Office (the assessing Divisional officer) must undertake the preliminary assessment of the Code of Conduct complaints specified in the arrangement in accordance with the requirements of these procedures except as provided by Clause 5.44 below.
- 5.44 Where, following a preliminary assessment, the assessing Divisional officer determines that a Code of Conduct complaint warrants investigation by a Conduct Reviewer or a Conduct Review Committee, the assessing Divisional officer shall notify the Complaints Co-ordinator in writing of their determination and the reasons for their determination. The Complaints Co-ordinator must comply with the recommendation of the assessing Divisional officer.
- 5.45 Prior to the expiry of a special complaints management arrangement, the Office shall, in consultation with the General Manager, review the arrangement to determine whether it should be renewed or amended.
- 5.46 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under Clause 5.45.

## PART 6 PRELIMINARY ASSESSMENT

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### Referral of Code of Conduct Complaints to Conduct Reviewers

- 6.1 The Complaints Co-ordinator must refer to a Conduct Reviewer all Code of Conduct complaints about Councillors or the General Manager submitted to the Complaints Co-ordinator within 21 days of receipt of a complaint by the General Manager or the Mayor.
- 6.2 For the purposes of Clause 6.1, the Complaints Co-ordinator will refer a complaint to a Conduct Reviewer selected from:
- a. a panel of Conduct Reviewers established by the Council, or
  - b. a panel of Conduct Reviewers established by an organisation approved by the Chief Executive of the Office
- 6.3 In selecting a suitable Conduct Reviewer, the Complaints Co-ordinator may have regard to the qualifications and experience of members of the panel of Conduct Reviewers.
- 6.4 A Conduct Reviewer must not accept the referral of a Code of Conduct complaint where:
- a. they have a conflict of interest in relation to the matter referred to them
  - b. a reasonable apprehension of bias arises in relation to their consideration of the matter
  - c. they or their employer has entered into one or more contracts with the Council in the two years preceding the referral and they or their employer have received or expect to receive payments under the contract or contracts of a cumulative value that exceeds \$100K
  - d. at the time of the referral, they or their employer are the Council's legal service providers or are a member of a panel of legal service providers appointed by the Council
- 6.5 For the purposes of Clause 6.4(a), a Conduct Reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be

## ATTACHMENT 1

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### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

---

influenced by a private interest when carrying out their public duty (see Clause 4.1 of the Code of Conduct).

- 6.6 For the purposes of Clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the Conduct Reviewer might not bring an impartial and unprejudiced mind to the matter referred to the Conduct Reviewer.
- 6.7 Where the Complaints Co-ordinator refers a matter to a Conduct Reviewer, they will provide the Conduct Reviewer with a copy of the Code of Conduct complaint and any other information relevant to the matter held by the Council.
- 6.8 The Complaints Co-ordinator must notify the complainant in writing that the matter has been referred to a Conduct Reviewer and advise which Conduct Reviewer the matter has been referred to.

#### Preliminary Assessment by a Conduct Reviewer

- 6.9 The Conduct Reviewer is to undertake a preliminary assessment of a complaint referred to them by the Complaints Co-ordinator for the purposes of determining how the complaint is to be managed.
- 6.10 The Conduct Reviewer may determine to do one or more of the following in relation to a complaint referred to them by the Complaints Co-ordinator:
- a. to take no action
  - b. to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology
  - c. to refer the matter back to the General Manager or, in the case of a complaint about the General Manager, the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, or apology
  - d. to refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Office or the Police
  - e. to investigate the matter
  - f. to recommend that the Complaints Co-ordinator convene a Conduct Review Committee to investigate the matter
- 6.11 In determining how to deal with a matter under Clause 6.10, the Conduct Reviewer must have regard to the complaint assessment criteria prescribed under Clause 6.27.
- 6.12 The Conduct Reviewer may make such enquiries the Conduct Reviewer considers to be reasonably necessary to determine what option to exercise under Clause 6.10.
- 6.13 The Conduct Reviewer may request the Complaints Co-ordinator to provide such additional information the Conduct Reviewer considers to be reasonably necessary to determine what option to exercise in relation to the matter under Clause 6.10. The Complaints Co-ordinator will, as far as is reasonably practicable, supply any information requested by the Conduct Reviewer.
- 6.14 The Conduct Reviewer must refer to the Office any complaints referred to him or her that should have been referred to the Office under Clauses 5.16 and 5.21.

## ATTACHMENT 1

---

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

---

- 6.15 The Conduct Reviewer must determine to take no action on a complaint that is not a Code of Conduct complaint for the purposes of these procedures.
- 6.16 Where the Conduct Reviewer completes their preliminary assessment of a complaint by determining to exercise an option under Clause 6.10, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it and this will finalise consideration of the matter under these procedures.
- 6.17 Where the Conduct Reviewer refers a complaint to another agency or body, they must notify the complainant of the referral in writing where it is appropriate for them to do so.
- 6.18 The Conduct Reviewer may only determine to investigate a matter or to recommend that a Conduct Review Committee be convened to investigate a matter where they are satisfied as to the following:
- a. that the complaint is a “Code of Conduct Complaint” for the purposes of these procedures
  - b. that the alleged conduct, on its face, is sufficiently serious to warrant investigation
  - c. that the matter is one that could not or should not be resolved by alternative means
- 6.19 The Conduct Reviewer may only determine to recommend that a Conduct Review Committee be convened to investigate a matter after consulting with the Complaints Co-ordinator and where they are satisfied that it would not be practicable or appropriate for the matter to be investigated by a sole Conduct Reviewer.
- 6.20 The Conduct Reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the Complaints Co-ordinator.
- 6.21 The Conduct Reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint except as may be specifically required under these procedures.

#### Referral back to the General Manager or Mayor for Resolution

- 6.22 Where the Conduct Reviewer determines to refer a matter back to the General Manager or to the Mayor to be resolved by alternative and appropriate means, they must write to the General Manager or, in the case of a complaint about the General Manager, to the Mayor, recommending the means by which the complaint may be resolved.
- 6.23 The Conduct Reviewer must consult with the General Manager or Mayor prior to referring a matter back to them under Clause 6.22.
- 6.24 The General Manager or Mayor may decline to accept the Conduct Reviewer’s recommendation. Where the General Manager or Mayor declines to do so, the Conduct Reviewer may determine to deal with the complaint by other means under Clause 6.10.
- 6.25 Where the Conduct Reviewer refers a matter back to the General Manager or Mayor under Clause 6.22, the General Manager or, in the case of a complaint about the General Manager, the Mayor, is responsible for implementing or overseeing the implementation of the Conduct Reviewer’s recommendation.
- 6.26 Where the Conduct Reviewer refers a matter back to the General Manager or Mayor under Clause 6.22, the General Manager, or, in the case of a complaint about the General Manager, the Mayor, must advise the complainant in writing of the steps taken to



## ATTACHMENT 1

---

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

---

implement the Conduct Reviewer's recommendation once these steps have been completed.

#### Complaints Assessment Criteria

- 6.27 In undertaking the preliminary assessment of a complaint, the Conduct Reviewer may have regard to the following considerations:
- a. whether the complaint is a "Code of Conduct complaint"
  - b. whether the complaint is trivial, frivolous, vexatious or not made in good faith
  - c. whether the complaint discloses prima facie evidence of a breach of the code
  - d. whether the complaint raises issues that would be more appropriately dealt with by another agency or body
  - e. whether there is or was an alternative and satisfactory means of redress available to the complainant in relation to the conduct complained of
  - f. whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation or apology
  - g. whether the issue/s giving rise to the complaint have previously been addressed or resolved
  - h. whether the conduct complained of forms part of a pattern of conduct
  - i. whether there were mitigating circumstances giving rise to the conduct complained of
  - j. the seriousness of the alleged conduct
  - k. the significance of the conduct or the impact of the conduct for the Council
  - l. how much time has passed since the alleged conduct occurred
  - m. such other considerations that the Conduct Reviewer considers may be relevant to the assessment of the complaint

Further information can be found in Council's *Public Interest Disclosures Act 1994* – Procedure for Assessing Disclosures and Investigations.

## PART 7 OPERATIONS OF CONDUCT REVIEW COMMITTEES

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- 7.1 Where a Conduct Reviewer recommends that the Complaints Co-ordinator convene a Conduct Review Committee to investigate a matter, the Conduct Reviewer must notify the Complaints Co-ordinator of their recommendation and the reasons for their recommendation in writing.
- 7.2 The Complaints Co-ordinator must convene a Conduct Review Committee comprising three Conduct Reviewers selected from:
- a. a panel of Conduct Reviewers established by the Council
  - b. a panel of Conduct Reviewers established by an organisation approved by the Chief Executive of the Office
- 7.3 In selecting suitable Conduct Reviewers for membership of a Conduct Review Committee convened under Clause 7.2, the Complaints Co-ordinator may have regard to the following:
- a. the qualifications and experience of members of the panel of Conduct Reviewers
  - b. any recommendation made by the Conduct Reviewer about the membership of the Committee

## ATTACHMENT 1

---

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

---

- 7.4 The Conduct Reviewer who made the preliminary assessment of the complaint must not be a member of a Conduct Review Committee convened under Clause 7.2.
- 7.5 A member of a panel of Conduct Reviewers may not be appointed to a Conduct Review Committee where they would otherwise be precluded from accepting a referral of the matter to be considered by the Committee under Clause 6.4.
- 7.6 Where the Complaints Co-ordinator convenes a Conduct Review Committee, they will advise the complainant in writing that the Committee has been convened and the membership of the Committee.
- 7.7 Where, after a Conduct Review Committee has been convened, a member of the Committee becomes unavailable to participate in further consideration of the matter, the Complaints Co-ordinator may appoint another person from a panel of Conduct Reviewers to replace them.
- 7.8 Meetings of a Conduct Review Committee may be conducted in person or by teleconference.
- 7.9 The members of the Conduct Review Committee must elect a chairperson of the Committee.
- 7.10 A quorum for a meeting of the Conduct Review Committee is two members.
- 7.11 Business is not to be conducted at any meeting of the Conduct Review Committee unless a quorum is present.
- 7.12 If a quorum is not present at a meeting of the Conduct Review Committee, it must be adjourned to a time and date that is specified.
- 7.13 Each member of the Conduct Review Committee is entitled to one vote in relation to a matter. In the event of an equality of votes being cast, the chairperson will have a casting vote.
- 7.14 If the vote on a matter is not unanimous, then this should be noted in the report of the Conduct Review Committee in which it makes its determination in relation to the matter.
- 7.15 The chairperson may make a ruling on questions of procedure and the chairperson's ruling is to be final.
- 7.16 The Conduct Review Committee may only conduct business in the absence of the public.
- 7.17 The Conduct Review Committee must maintain proper records of its proceedings.
- 7.18 The Complaints Co-ordinator shall undertake the following functions in support of a Conduct Review Committee:
- a. provide procedural advice where required
  - b. ensure adequate resources are provided including secretarial support
  - c. attend meetings of the Conduct Review Committee in an advisory capacity
  - d. provide advice about Council's processes where requested



## ATTACHMENT 1

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

---

#### Code of Conduct including the Administration of the Code of Procedures

---

- 7.19 The Complaints Co-ordinator must not be present at, or in sight of a meeting of, the Conduct Review Committee where it makes its final determination in relation to the matter.
- 7.20 The Conduct Review Committee may adopt procedures governing the conduct of its meetings that supplement these procedures. However any procedures adopted by the Committee must not be inconsistent with these procedures.

## **PART 8 INVESTIGATIONS**

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### **What matters may a Conduct Reviewer or Conduct Review Committee investigate?**

- 8.1 A Conduct Reviewer or Conduct Review Committee (hereafter referred to as an "investigator") may investigate a Code of Conduct complaint that has been referred to them by the Complaints Co-ordinator and any matters related to or arising from that complaint.
- 8.2 Where an investigator identifies further separate possible breaches of the Code of Conduct that are not related to or arise from the Code of Conduct complaint that has been referred to them, they are to report the matters separately in writing to the General Manager, or, in the case of alleged conduct on the part of the General Manager, to the Mayor.
- 8.3 The General Manager or the Mayor is to deal with a matter reported to them by an investigator under Clause 8.2 as if it were a new Code of Conduct complaint in accordance with these procedures.

### **How are Investigations to be commenced?**

- 8.4 The investigator must at the outset of their investigation provide a written notice of investigation to the subject person. The notice of investigation must:
- a. disclose the substance of the allegations against the subject person
  - b. advise of the relevant provisions of the Code of Conduct that apply to the alleged conduct
  - c. advise of the process to be followed in investigating the matter
  - d. invite the subject person to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice
  - e. provide the subject person the opportunity to address the investigator on the matter within such reasonable time specified in the notice
- 8.5 The subject person may within 14 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the subject person to identify the substance of the allegation against them.
- 8.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the subject person in relation to the matter referred to them.

## ATTACHMENT 1

---

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

---

- 8.7 Where an investigator issues an amended notice of investigation, they will provide the subject person with a further opportunity to make a written submission in response to the amended notice of investigation within 28 days or such other reasonable period specified by the investigator in the amended notice.
- 8.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the Complaints Co-ordinator and the General Manager, or in the case of a complaint about the General Manager, to the Mayor. The notice must:
- a. advise them of the matter the investigator is investigating
  - b. in the case of the notice to the complainant, invite them to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice

#### Written and Oral Submissions

- 8.9 Where the subject person or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 8.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 8.11 Prior to preparing a draft report, the investigator must give the subject person an opportunity to address the investigator on the matter being investigated. The subject person may do so in person or by telephone.
- 8.12 Where the subject person fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the subject person.
- 8.13 Where the subject person accepts the opportunity to address the investigator in person, they may have a support person or legal advisor in attendance. The support person or legal advisor will act in an advisory or support role to the subject person only. They must not speak on behalf of the subject person or otherwise interfere with or disrupt proceedings.
- 8.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

#### How are Investigations to be conducted?

- 8.15 Investigations are to be undertaken without undue delay within one working day.
- 8.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 8.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 8.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.

## ATTACHMENT 1

---

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

---

- 8.19 An investigator may request that the Complaints Co-ordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The Complaints Co-ordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Further information can be found in Council's *Public Interest Disclosures Act 1994* – Procedure for Assessing Disclosures and Investigations.

#### Referral or Resolution of a Matter after the Commencement of an Investigation

- 8.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
- a. resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology
  - b. refer the matter to the General Manager, or, in the case of a complaint about the General Manager, to the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology
  - c. refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Office or the NSW Police Force
- 8.21 Where an investigator determines to exercise any of the options under Clause 8.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 8.22 Where an investigator determines to exercise any of the options under Clause 8.20 after the commencement of an investigation, they may by written notice to the subject person, the complainant, the Complaints Co-ordinator and the General Manager, or in the case of a complaint about the General Manager, the Mayor, discontinue their investigation of the matter.
- 8.23 Where the investigator discontinues their investigation of a matter under Clause 8.22, this shall finalise the consideration of the matter under these procedures.
- 8.24 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under Clause 8.20 or to discontinue their investigation except as may be specifically required under these procedures.

#### Draft Investigation Reports

- 8.25 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 8.26 The investigator must provide their draft report to the subject person and invite them to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.
- 8.27 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant

## ATTACHMENT 1

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### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

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#### Code of Conduct including the Administration of the Code of Procedures

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extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.

- 8.28 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 8.29 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. Where as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the subject person or an affected person, they must provide the subject person or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 8.30 Where the subject person or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 8.31 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

#### Final Investigation Reports

- 8.32 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under Clause 8.22.
- 8.33 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 8.34 The investigator's final report must:
- a. make findings of fact in relation to the matter investigated
  - b. make a determination that the conduct investigated either
    - i. constitutes a breach of the Code of Conduct
    - ii. does not constitute a breach of the Code of Conduct
  - c. provide reasons for the determination
- 8.35 Where the investigator determines that the conduct investigated constitutes a breach of the Code of Conduct, the investigator may make one or more of the following recommendations:
- a. that the Council revise any of its policies, corporate practices or procedures
  - b. that the subject person undertake any training or other education relevant to the conduct giving rise to the breach
  - c. that the subject person be counselled for their conduct
  - d. that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
  - e. that findings of inappropriate conduct be made public

## ATTACHMENT 1

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### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

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#### Code of Conduct including the Administration of the Code of Procedures

---

- f. in the case of a breach by the General Manager, that action be taken under the General Manager's contract for the breach
- g. in the case of a breach by a Councillor, that the Councillor be formally censured for the breach under Section 440G of the Act
- h. in the case of a breach by a Councillor, that the Council resolves as follows:
  - i. that the Councillor be formally censured for the breach under Section 440G of the Act
  - ii. that the matter be referred to the Office for further action under the misconduct provisions of the Act

8.36 Where the investigator determines that the conduct investigated does not constitute a breach of the Code of Conduct, the investigator may make one or more of the following recommendations:

- a. that the Council revise any of its policies, corporate practices or procedures
- b. that a person or persons undertake any training or other education

8.37 In making a recommendation under Clause 8.35, the investigator may have regard to the following:

- a. the seriousness of the breach
- b. whether the breach can be easily remedied or rectified
- c. whether the subject person has remedied or rectified their conduct
- d. whether the subject person has expressed contrition
- e. whether there were any mitigating circumstances
- f. the age, physical or mental health or special infirmity of the subject person
- g. whether the breach is technical or trivial only
- h. any previous breaches
- i. whether the breach forms part of a pattern of conduct
- j. the degree of reckless intention or negligence of the subject person
- k. the extent to which the breach has affected other parties or the Council as a whole
- l. the harm or potential harm to the reputation of the Council or local government arising from the conduct
- m. whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
- n. whether an educative approach would be more appropriate than a punitive one
- o. the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action
- p. what action or remedy would be in the public interest

8.38 At a minimum, the investigator's final report must contain the following information:

- a. a description of the allegations against the subject person
- b. the relevant provisions of the Code of Conduct that apply to the alleged conduct investigated
- c. a statement of reasons as to why the Conduct Reviewer considered that the matter warranted investigation
- d. a statement of reasons as to why the Conduct Reviewer considered that the matter was one that could not or should not be resolved by alternative means
- e. where the matter is investigated by a Conduct Review Committee, a statement as to why the matter was one that warranted investigation by a Conduct Review Committee instead of a sole Conduct Reviewer

## ATTACHMENT 1

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

---

#### Code of Conduct including the Administration of the Code of Procedures

---

- f. a description of any attempts made to resolve the matter by use of alternative means
- g. the steps taken to investigate the matter
- h. the facts of the matter
- i. the investigator's findings in relation to the facts of the matter and the reasons for those findings
- j. the investigator's determination and the reasons for that determination
- k. any recommendations

- 8.39 The investigator must provide a copy of their report to the Complaints Co-ordinator, the subject person and the complainant.
- 8.40 Where the investigator has determined that there has not been a breach of the Code of Conduct, the Complaints Co-ordinator must provide a copy of the investigator's report to the General Manager or, where the report relates to the General Manager's conduct, to the Mayor and this will finalise consideration of the matter under these procedures.
- 8.41 Where the investigator has determined that there has been a breach of the Code of Conduct and makes a recommendation or recommendations under Clause 8.35, paragraph (a), the Complaints Co-ordinator must provide a copy of the investigator's report to the General Manager. Where the General Manager agrees with the recommendation/s, the General Manager is responsible for implementing the recommendation/s. If the recommendations are not supported by the General Manager, the General Manager's final determination, with reasons, must be recorded.
- 8.42 Where the investigator has determined that there has been a breach of the Code of Conduct and makes a recommendation or recommendations under Clause 8.35, paragraphs (b) or (c), the Complaints Co-ordinator must provide a copy of the investigator's report to the General Manager or, where the report relates to the General Manager's conduct, to the Mayor. The General Manager is responsible for arranging the implementation of the recommendation/s where the report relates to a Councillor's conduct. The Mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the General Manager's conduct.
- 8.43 Where the investigator has determined that there has been a breach of the Code of Conduct and makes a recommendation or recommendations under Clause 8.35, paragraphs (d) to (h), the Complaints Co-ordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary Council meeting for the Council's consideration unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary Council Meeting following the election.

#### Consideration of the Final Investigation Report by Council

- 8.44 The role of the Council in relation to a final investigation report is to impose a sanction where an investigator determines that there has been a breach of the Code of Conduct and makes a recommendation in their final report under Clause 8.35, paragraphs (d) to (h).
- 8.45 The Council is to close its meeting to the public to consider the final investigation report where it is permitted to do so under Section 10A of the Act.
- 8.46 Where the complainant is a Councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant Councillor

## ATTACHMENT 1

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### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

---

may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the Act or the Code.

- 8.47 Prior to imposing a sanction, the Council must provide the subject person with an opportunity to make an oral submission to the Council. The subject person is to confine their submission to addressing the investigator's recommendation/s.
- 8.48 Once the subject person has completed their oral submission they must absent themselves from the meeting and, where they are a Councillor, take no part in any discussion or voting on the matter.
- 8.49 The Council must not invite oral submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 8.50 Prior to imposing a sanction, the Council may by resolution:
- a. request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report
  - b. seek an opinion by the Office in relation to the report
- 8.51 The Council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 8.52 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 8.53 Where the investigator prepares a supplementary report, they must provide copies to the Complaints Co-ordinator who shall provide a copy each to the Council, the subject person and the complainant.
- 8.54 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the Complaints Co-ordinator.
- 8.55 The Council is only required to provide the subject person a further opportunity to address it on a supplementary report where the supplementary report contains new information that is adverse to them.
- 8.56 A Council may by resolution impose one or more of the following sanctions on a subject person:
- a. that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the resolution
  - b. that findings of inappropriate conduct be made public
  - c. in the case of a breach by the General Manager, that action be taken under the General Manager's contract for the breach
  - d. in the case of a breach by a Councillor, that the Councillor be formally censured for the breach under Section 440G of the Act
  - e. in the case of a breach by a Councillor:
    - i. that the Councillor be formally censured for the breach under Section 440G of the Act
    - ii. that the matter be referred to the Office for further action under the misconduct provisions of the Act



## ATTACHMENT 1

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### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

---

- 8.57 The Council is not obliged to adopt the investigator's recommendation/s. Where the Council does not adopt the investigator's recommendation/s, the Council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 8.58 The Council may, by resolution, impose a sanction on the subject person under Clause 8.56 different to the sanction recommended by the investigator in their final report.
- 8.59 Where the Council resolves not to adopt the investigator's recommendation/s, the Complaints Co-ordinator must notify the Office of the Council's decision and the reasons for it.

## PART 9 RIGHTS OF REVIEW

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### Failure to Comply with a Requirement under these Procedures

- 9.1 Where any person believes that a person has failed to comply with a requirement prescribed under these procedures, they may, at any time prior to the Council's consideration of an investigator's final report, raise their concerns in writing with the Office.

### Practice Rulings

- 9.2 Where a subject person and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 9.3 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 9.4 Where the Office makes a practice ruling, all parties are to comply with it.
- 9.5 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

### Requests for Review

- 9.6 A person the subject of a sanction imposed under Part 8 of these procedures other than one imposed under Clause 8.56, paragraph (e), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 9.7 A review under Clause 9.6 may be sought on the following grounds:
- a. that the investigator has failed to comply with a requirement under these procedures
  - b. that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the Code of Conduct
  - c. that the Council has failed to comply with a requirement under these procedures in imposing a sanction



## ATTACHMENT 1

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### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

---

- 9.8 A request for a review made under Clause 9.6 must be made in writing and must specify the grounds upon which the person believes the investigator or the Council has erred.
- 9.9 The Office may decline to conduct a review, where the grounds upon which the review is sought are not sufficiently specified.
- 9.10 The Office may undertake a review of a matter without receiving a request under Clause 9.6.
- 9.11 The Office will undertake a review of the matter on the papers. However, the Office may request that the Complaints Co-ordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The Complaints Co-ordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 9.12 Where a person requests a review under Clause 9.6, the Office may direct the Council to defer any action to implement a sanction. The Council must comply with a direction to defer action by the Office.
- 9.13 The Office must notify the person who requested the review and the Complaints Co-ordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 9.14 Where the Office considers that the investigator or the Council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed.
- 9.15 In the case of a sanction implemented by the General Manager or Mayor under Clause 8.42, where the Office recommends that the decision to impose a sanction be reviewed:
- a. the Complaints Co-ordinator must provide a copy of the Office's determination in relation to the matter to the General Manager or the Mayor
  - b. the General Manager or Mayor must review any action taken by them to implement the sanction
  - c. the General Manager or Mayor must consider the Office's recommendation in doing so
- 9.16 In the case of a sanction imposed by the Council by resolution under Clause 8.56, where the Office recommends that the decision to impose a sanction be reviewed:
- a. the Complaints Co-ordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary Council meeting unless the meeting is to be held within the four weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary Council meeting following the election
  - b. the Council must:
    - i. review its decision to impose the sanction
    - ii. consider the Office's recommendation in doing so
    - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter

## ATTACHMENT 1

### ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC

#### Code of Conduct including the Administration of the Code of Procedures

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- 9.17 Where having reviewed its previous decision in relation to a matter under Clause 9.16 the Council resolves to reaffirm its previous decision, the Council must state in its resolution its reasons for doing so.

#### PART 10 PROCEDURAL IRREGULARITIES

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- 10.1 A failure to comply with these procedures does not, on its own, constitute a breach of the Code of Conduct except as may be otherwise specifically provided under the Code of Conduct.
- 10.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
- a. the non-compliance is isolated and/or minor in nature
  - b. reasonable steps are taken to correct the non-compliance
  - c. reasonable steps are taken to address the consequences of the non-compliance

#### PART 11 PRACTICE DIRECTIONS

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- 11.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 11.2 The Office will issue practice directions in writing, by circular to all Councils.
- 11.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

#### PART 12 REPORTING ON COMPLAINTS STATISTICS

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- 12.1 The Complaints Co-ordinator must arrange for the following statistics to be reported to the Council within three months of the end of September of each year:
- a. the total number of Code of Conduct complaints made about Councillors and the General Manager under the Code of Conduct in the year to September
  - b. the number of Code of Conduct complaints referred to a Conduct Reviewer
  - c. the number of Code of Conduct complaints finalised by a Conduct Reviewer at the preliminary assessment stage and the outcome of those complaints
  - d. the number of Code of Conduct complaints investigated by a Conduct Reviewer
  - e. the number of Code of Conduct complaints investigated by a Conduct Review Committee
  - f. without identifying particular matters, the outcome of Code of Conduct complaints investigated by a Conduct Reviewer or Conduct Review Committee under these procedures
  - g. the number of matter reviewed by the Office and, without identifying particular matters, the outcome of the reviews
  - h. The total cost of dealing with Code of Conduct complaints made about Councillors and the General Manager in the year to September, including staff costs
- 12.2 The Council is to provide the Office with a report containing the statistics referred to in Clause 12.1 within three months of the end of September of each year.

## **ATTACHMENT 1**

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**ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC**  
**Code of Conduct including the Administration of the Code of Procedures**

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### **PART 13 CONFIDENTIALITY**

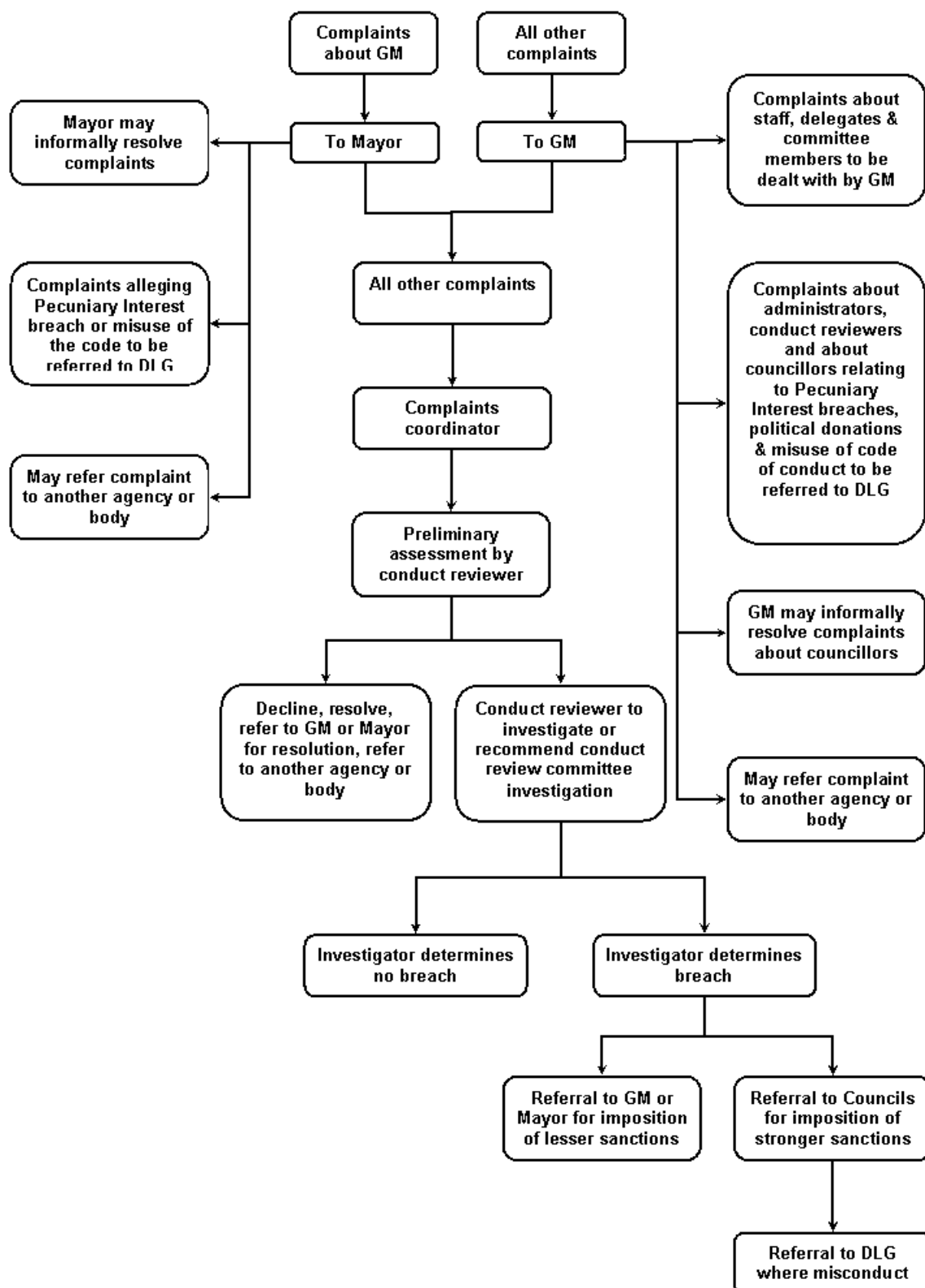
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- 13.1 Information about Code of Conduct complaints and the management and investigation of Code of Conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

## ATTACHMENT 1

**ITEM /17 Review of the Code of Conduct within 12 months after the Ordinary Election - Section 440(7) of the Local Government Act 1993.DOC**  
**Code of Conduct including the Administration of the Code of Procedures**

### CODE PROCEDURE FLOWCHART



**Note: the flowchart is a general outline as prescribe by the Office of Local Government**

## (ITEM 88/17) COUNCIL/COMMITTEE MEETINGS AND COUNCILLOR BRIEFING SESSIONS SCHEDULE FOR 2018

File No: 17/49720

REPORT BY GENERAL MANAGER

### **Summary**

The proposed 2018 Schedule for Council Meetings, Building and Development Committee Meetings and Councillor Briefing Sessions is presented to Council for endorsement.

### **Background**

Under Section 365 of the *Local Government Act 1993*, Council is required to meet at least 10 times during any year, with each meeting to be held in a different month.

The purpose of the Councillors Briefings is to keep Councillors informed of changes to legislation, to hold training on Council policies and procedures and to workshop and/or have input into Council strategies. The sessions are held in line with Council's Councillor Induction, Briefings and Workshop Policy. It should be noted that briefing sessions, induction sessions and workshops are informal gatherings and are not to be used for detailed or advanced discussion where agreement is reached and/or a (de-facto) decision is made. These sessions are not open to the Public.

### **Proposal**

Council's adopted Code of Meeting Practice states that Building and Development Committee Meetings are held on the second Tuesday of each month and Council Meetings are held on the fourth Tuesday of each month. To ensure there is no clash with other events, public holidays or conferences during 2018, the proposed Schedule is now submitted for adoption.

Building and Development Committee Meetings will cease to operate from 1 March 2018 when the Independent Hearing and Assessment Panel (IHAP) commences.

### **PROPOSED SCHEDULE FOR 2018**

<b>Date</b>	<b>Building &amp; Development Committee</b>	<b>Council</b>
13 February 2018	<b>x</b>	
6 February 2018		<b>x</b>
27 March 2018		<b>x</b>
24 April 2018		<b>x</b>
22 May 2018		<b>x</b>
17-20 June 2018 – National General Assembly		
26 June 2018		<b>x</b>
24 July 2018		<b>x</b>
21 August 2018		<b>x</b>
25 September 2018		<b>x</b>
30 October 2018		<b>x</b>
21-23 October 2018 – LGNSW Annual Conference		
27 November 2018		<b>x</b>
11 December 2018		<b>x</b>

Councillor Briefing Sessions are conducted every two months, on a Tuesday commencing at 5.00 pm prior to the Council Meeting and concluding at 6.00pm. Councillors will be invited via email which will include a summary of the items to be discussed and any relevant documentation.

### PROPOSED SCHEDULE FOR 2018

Date
6 February 2018
24 April 2018
24 July 2018
23 October 2018
11 December 2018

If there are no items for discussion, the meeting may not be conducted or alternately times and dates may be altered, if required. The Mayor and General Manager will make that decision after consultation.

### **Consultation**

As dates have not been determined for the National General Assembly and LGNSW Annual Conference, Council Officers will consult with the Office of Local Government NSW, the National General Assembly and the NSW Government regarding conference dates.

### **Conclusion**

Council is required to set the dates for Council/Committee Meetings and advertise such dates in a timely manner to ensure both Councillors and members of the Community can attend.

The Councillors Briefings are held in line with Council's Councillor Induction, Briefings and Workshop Policy.

### ***Recommendation(s)***

1. That the following schedule of Meeting Dates be adopted for 2018, with all Council Meetings scheduled to start at 6:00 pm and all Building and Development Committee Meetings at 6:00 pm in the Council Chambers, Suite 1, Level 2, 1-17 Elsie Street, Burwood:

Date	Building & Development Committee	Council
13 February 2018	<b>x</b>	
6 February 2018		<b>x</b>
27 March 2018		<b>x</b>
24 April 2018		<b>x</b>
22 May 2018		<b>x</b>
12 June 2018 – National General Assembly		
26 June 2018		<b>x</b>
24 July 2018		<b>x</b>
21 August 2018		<b>x</b>
25 September 2018		<b>x</b>
30 October 2018		<b>x</b>
21-23 October 2018 – LGNSW Annual		

Conference		
27 November 2018		<b>x</b>
11 December 2018		<b>x</b>

2. That the following schedule of Briefing Sessions be adopted for 2018, with all Sessions to commence at 5:00 pm and conclude at 6.00pm, prior to the Council/Committee Meeting:

Date
6 February 2018
24 April 2018
24 July 2018
23 October 2018
11 December 2018

### **Attachments**

There are no attachments for this report.

**(ITEM 89/17) FUNDING OUR FUTURE - COMMUNITY CONSULTATION**

File No: 17/52557

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE &amp; COMMUNITY

**Summary**

Over the past few years, Burwood Council has made a concerted effort to continue improving infrastructure while maintaining a sound financial position.

Despite this, external pressures and rising costs of service delivery means that Council is unable to sustain its current capital program in line with the community's expectations without either compromising existing services or seeking additional funding options.

Therefore, Council is seeking additional funding options including a proposed special variation and discounted loans in order to maintain existing services while improving the conditions of local roads, footpaths, kerbs, gutters and drains.

Council will undertake an extensive community consultation in order to inform the community and to determine its preferred funding model to ensure Council can continue to deliver its current service level.

**Background**

In 2010, Council spoke with the community in order to determine its priorities for the future. Following 9 months of extensive consultation, the community's vision was incorporated into the *Burwood2030* Community Strategic Plan. One of the main priorities identified in this process was the need to improve and maintain local infrastructure such as roads, footpaths, kerbs and gutters, drainage and parks with 84 per cent of residents considering this an important priority for Council.

Council then formulated a Resourcing Strategy which included a Long Term Financial Plan (LTFP), Asset Management Plan and Workforce Plan. These strategies provided an assessment of Council's current and forecasted capacity to ensure Council could sustainably carry out the community's needs and desires.

Once these Plans were implemented, Council undertook an extensive audit of all the roads footpaths, kerbs and gutter in the Local Government Area in 2012. Each footpath, road, kerb and gutter was given a category ranking between 1-5 based on their condition, forming the basis of Council's long term capital works management strategy. In addition, the audit identified an existing infrastructure backlog of \$180 million.

However, the rising costs associated with the delivery of infrastructure renewal became higher than the income received through the rates levy. This is due to Council's major source of revenue being limited in growth as a result of rate pegging. Despite consecutive years of positive financial results, the community's increasing demand for services and the rising costs associated with providing them meant that Council was unable to address the backlog of infrastructure.

Subsequently, Council conducted an extensive community consultation (*Funding our Future*) in 2013 to inform the residents of the need to address the infrastructure backlog and seek their feedback on preferred funding models. Included in the feedback was the proposal to seek a special variation with the Independent Pricing and Regulatory Tribunal (IPART). The consultation indicated that 99 per cent of residents thought it was 'somewhat important' for Council to implement programs that will provide for better infrastructure and service. In addition, 67 per cent of residents were 'somewhat supportive' of Burwood Council implementing a special variation.

Following the consultation, Council made an application to IPART for a special variation over a seven year period from 2014-15 to 2020-21. Council was only successful in obtaining a special variation for a four year period, expiring 2017-18. IPART determined that a seven year increase



with a 7.5 per cent increase over the final three years of the variation would be too impactful on ratepayers despite there being an established need for the increase.

A second infrastructure audit was undertaken in 2016 to reassess the condition rating of Council's roads, footpaths, kerbs and gutters. The audit indicated an improvement in the overall condition of assets from 3.02 to 2.90 however demonstrated a clear need for further priority works to be undertaken.

Council's infrastructure backlog was also evaluated independently, revealing an overall backlog of \$20 million. The significant decrease in the backlog was due to both the capital works undertaken during the special variation period and a less conservative recalculation. Similar analysis undertaken by the NSW Government in 2016 determined Burwood Council's infrastructure backlog to be 58 per cent which is significantly higher than neighbouring Councils; Canada Bay (4 per cent) and Strathfield 3 (per cent).

Furthermore, since applying for the special variation in 2013, Council's population has increased by approximately 6.5 per cent with a population density of 53.85 persons per hectare (Census 2017) with further increases expected based on major planning proposals currently being assessment by the Regional Planning Panel and Council. This increase in population and density has led to further strain being placed on local infrastructure which results in quicker deterioration of the rating conditions of assets than previously anticipated.

In addition, there has become increasing pressure from the NSW Government placed on Local Governments in order to meet housing and population targets, and provide additional services and resources to the community without additional funding provided. The proposed merger of Burwood Council was withdrawn by the NSW Government in July 2017; as a result Council is ineligible to receive the \$25 million funding commitment through the Stronger Communities Fund.

Therefore, there is a clear need for Council to seek additional funding methods in order to ensure that Council can adequately tackle the current infrastructure backlog while maintaining existing levels of service.

### **Proposal**

Council has identified three funding methods in order to ensure that Council can improve its existing capital works program without compromising or reprioritising any services.

#### **Option 1: Apply for Special Variation**

Council is currently in the fourth year of a special variation which expires at the cessation of this financial year (2017-18). Council had originally applied for a multi-year special variation from 2014-15 under section 508A of the *Local Government Act* 1993, requesting annual increases of 5.5 per cent, 6.5 per cent and 7 per cent for the first three years and 7.5 per cent in each of the 4 years thereafter. IPART only approved the first four years of the special variation. As a result, Council might experience a shortfall in expenditure from the 2018-19 financial year which might lead to a decline in services under the current funding model.

Therefore, in order to ensure that Council can continue to deliver services at its current level, Council is proposing to seek community feedback on three service and funding options to determine the community's capacity and willingness to pay a special variation. The options will include two different special variation models over a three year period with a significantly lower cumulative increase from the original special variation application, in order to reduce the impact on ratepayers. This will allow Council to consult with the community to determine which model the community would have the capacity and willingness to pay.

**What are the options?**

<b>DECLINE IN SERVICE</b> (Option 1)	<b>Current service levels would be maintained in the short term, but later decline. Rates increase only by approved 'rate peg' amount. Council's capital works program may be compromised and priority will be given to essential infrastructure projects.</b>
<b>MAINTAIN SERVICE</b> (Option 2)	<b>Maintain current service levels and priority infrastructure. Rates will increase progressively each year over three years commencing 2018-19 at a lower rate than Option 3. Council's capital works program may be affected</b>
<b>IMPROVE SERVICE</b> (Option 3)	<b>Improved service levels, new capital projects, upgrading and maintaining of existing infrastructure. Rates will increase progressively each year over three years at a higher rate than Option 2.</b>

**What is the percentage increase in rates per year?**

	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>Compounded increase</b>	<b>Total income</b>
<b>DECLINE IN SERVICE</b>	2.5% (rate peg)	2.5% (rate peg)	2.5% (rate peg)	7.68%	\$1.655m
<b>MAINTAIN SERVICE</b>	3.5%	3.5%	3.5%	10.87%	\$2.354m
<b>IMPROVE SERVICE</b>	4.5%	4.5%	4.5%	14.12%	\$3.057m

*Note: All scenarios include the rate peg adjustment by IPART estimated at 2.5%*

**Impact on ratepayers**

Council has ensured that the proposed special variation has a minimal impact to ratepayers. The rate increase would cost ratepayers on average no more than 50 cents extra per week based on the 'improved services' option.

Furthermore, Council is currently in the process of implementing an incremental increase to the Pensioner Rebate Scheme, in addition to the current \$250 rebate. The Scheme will negate the impact a special variation will have to pensioners to ensure that they will not be affected by the increase in rates. The proposed increase to the rebate scheme is as follows:

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
Increase in Rebate	\$50	\$75	\$100

**Special variation timeframe:**

<b>DATE</b>	<b>OUTCOME</b>
15 December 2017	Notice of intention for special variation due to IPART
12 February 2018	Special variation application due*
15 May 2018	Determination made by IPART

\* Council must resolve to apply for special variation prior to lodgement

**Option 2: Apply for Loans**

Council may apply for a discounted loan facility with NSW Treasury Corporation (TCorp) through the Office of Local Government for projects which make up part of Council's annual expenditure programs.

It is recommended that Council apply for two \$1 million loans, across a two year period, in order to provide additional resources to fund important capital works projects and reduce the infrastructure backlog. This loan would allow the same level of expenditure as the 'improve service' option of a

special variation over a two year period however Council will then be required to repay the loan and interest over a set period.

Council will seek the following loaning structure:

	2017-18	2018-19	Total
<b>LOAN AMOUNT</b>	\$1 million	\$1 million	\$2 million

In order to be eligible, Council must satisfy TCorp's credit criteria. This will be assessed by TCorp in determining whether Council is financially sustainable to apply for a loan. If the loan is approved, Council will then seek offers from financial institutions on interest repayments.

Council will be required to write to the NSW Office of Local Government to request an investment borrowing facility for 2017-18. A loan for the 2018-19 must be incorporated into Council's Budget 2018-19 and placed on public exhibition.

### **Option 3: Alternative funding options**

Council has incorporated funding options in its LTFP which are based on best estimates for growth in non-rating income. In saying this, external pressures have made it difficult for Council to rely on non-rating income while maintaining its current level of capital works in order to reduce the infrastructure backlog.

Council recently adopted the Australian Business Excellence Framework which provides a framework for process mapping and service review. Council will utilise the framework in order to identify measures to improve financial sustainability which will allow Council to continue to deliver its capital works program. It is anticipated that these methods will include a review of existing services and organisational structure, investment strategies and procurement practices.

It needs to be noted, however, that the implementation of the Australian Business Excellence Framework will occur over a minimum of 3-5 years, and therefore it is not expected to generate immediate savings or efficiencies in the short term.

Furthermore, Council will continue to seek funding opportunities where possible to ease financial burden, reduce dependency on alternate income sources and potentially fast track the delivery of actions outlined in Council's Integrated Planning and Reporting process. However, grant funding cannot be considered a sustainable long term funding option for Council.

### **Consultation**

Since 2010, Burwood Council has maintained an ongoing dialogue with residents on its priorities for the future.

In particular, in 2013 Council undertook an extensive community consultation to seek the community's willingness and capacity to pay for a special variation over a seven year period. The consultation indicated that residents strongly desired that Council implement programs that will provide for better infrastructure and service with more than two-thirds of residents 'somewhat supportive' of Burwood Council implementing a special variation.

Since the implementation of the special variation, Council has provided ongoing reporting of the outcomes to the community through its IP&R framework and regular communication on its capital works program.

Prior to applying for a special variation to IPART, Council must undertake consultation with the community to determine their capacity and willingness to pay. Therefore, Council will undertake a continuation of the previous Funding our Future consultation and present revised funding and service options to the community.

The consultation will be incorporated within the Community Strategic Plan Engagement Strategy which was endorsed by Council on 24 October 2017, as recommended by IPART.

The consultation will be undertaken between November 2017 and February 2018 and will comprise the following activities:

TIMEFRAME	METHOD OF ENGAGEMENT	TARGET MARKET	ACTION
November 2017	Information Kit to Councillors	Councillors	An Information Kit including an FAQ will be distributed to Councillors
	Mayoral Letter and Special Newsletter	Mail out to residents and businesses in Burwood LGA	A letter incorporating information on the process with feedback mechanisms
	Online campaign	Online users	Designated section on Council's website which will include all the required information. All social media pages will feature relevant branding. Ongoing posts on social media.
	Media Releases	Local publication: (circulation of 80,000+): Inner West Courier	A series of media releases will be distributed to local media outlets
	Phone Survey	<ul style="list-style-type: none"> <li>Results will provide a statistically valid representation of the LGA</li> </ul>	Phone survey with a random sample with translators available for CALD members
	Mayoral Column	Local publications (circulation of 80,000+): Inner West Courier	Ongoing items in the fortnightly mayoral column
	Paper advertising: Local papers	Local publications (circulation of 80,000+): <ul style="list-style-type: none"> <li>Inner West Courier</li> </ul>	Advertisements will include information; and how to comment, links to the website and online survey
	Paper advertising: Cultural and Linguistically Diverse (CALD) media	<ul style="list-style-type: none"> <li>CALD Papers</li> </ul>	Inform CALD members of the community how to access information
	Letters/emails to community groups	Groups include: <ul style="list-style-type: none"> <li>Seniors</li> <li>CALD</li> <li>Disability</li> <li>Family &amp; Children</li> </ul>	Letters/emails will be sent to community groups
	Email to news subscribers	<ul style="list-style-type: none"> <li>Residents and stakeholders who signed up to Council's e-news services</li> </ul>	Email containing information on CSP, how to provide feedback, link to the survey
	Letter to local Chambers of Commerce	Local Chambers of Commerce: <ul style="list-style-type: none"> <li>Strathfield</li> <li>Croydon Park</li> </ul>	Include information to pass onto members

TIMEFRAME	METHOD OF ENGAGEMENT	TARGET MARKET	ACTION
		<ul style="list-style-type: none"> <li>Burwood</li> </ul>	
	Live Twitter session	<ul style="list-style-type: none"> <li>Twitter followers (2,800+)</li> </ul>	A half hour Q&A session answering questions on CSP
December 2017	Section in Burwood Update Newsletter – December Edition	Mail out to households and businesses in Burwood LGA	Section allocated to information on the CSP
	2 x Staff workshops	Internal stakeholders	Facilitated workshop based on feedback received
January 2017	2 x public meetings	Nominated stakeholders	Public meetings will provide qualitative data and expand on responses from phone surveys
	Councillor Workshop	Councillors	Facilitated workshop based on feedback received
February 2017	Online survey	Online users	Collateral material will promote the online survey where available
Ongoing	Static displays	Visitors to Council facilities	Signage at Council's facilities: Chambers, Library, Woodstock and EAC
	Social Media	Digital community (7,000+) who may typically not engage with Council through traditional forms of communications	The Social Media campaign will feature a series of posts on the CSP, linking back to the website and online survey.

### **Planning or Policy Implications**

Council's budget and Long Term Financial Plan will need to be reviewed and amended, subject to the final decision by Council.

### **Financial Implications**

The consultation will be incorporated into Council's endorsed Community Strategic Plan Engagement Strategy, therefore no additional costs are anticipated.

### **Options**

Council has the options of:

- Undertaking community consultation to seek the community's willingness and capacity to pay for a three year special variation and subsequently apply for a special variation
- Applying for two \$1 million loans over a two year period
- Utilise the Australian Business Excellence Framework in order to review services and identify any potential savings

### **Conclusion**

Council must identify additional funding methods in order to continue to provide the current level of service in line with the community's expectations and desires. Alternatively, Council will be required to compromise or reprioritise existing services in order to reduce the infrastructure backlog while maintaining local roads, footpaths, drains, kerbs and gutter.

Therefore, Council should consult with the community on the available funding options and put forward proposed options for a special variation. It is important to ascertain the community's capacity and willingness to pay for a special variation prior to applying to IPART to seek an increase.

Once consultation has taken place, the findings will be presented to Council in order to identify which funding model is feasible.

Council will then make a determination on whether to apply for a special variation at its Meeting of 6 February 2018. Special variation applications must be submitted to IPART by 12 February 2018.

### ***Recommendation(s)***

1. That Council endorse the *Funding our Future* community consultation to be incorporated into the Community Strategic Plan Engagement Strategy.
2. That Council resolve to notify the Independent Pricing and Regulatory Tribunal of its intent to apply for a special variation by 15 December 2017.
3. That Council write to the Office of Local Government to request an investment borrowing facility of \$1 million for the 2017-18 financial year and seek offers from financial institutions on interest if borrowing is approved.
4. That Council incorporate a loan borrowing of up to \$1 million in the Budget 2018-19 and Operational Plan.
5. That the outcomes of the community consultation are presented to Council at a workshop in February 2018.
6. That Council make a determination on whether to apply for a special variation at its Meeting of 6 February 2018.
7. That the General Manager undertakes business reviews to identify potential savings and report back to Council on the savings.

### **Attachments**

There are no attachments for this report.

## **(ITEM RC5/17) NOVEMBER 2017 BURWOOD LOCAL TRAFFIC COMMITTEE MINUTES**

File No: 17/52519

REPORT BY DEPUTY GENERAL MANAGER LAND, INFRASTRUCTURE & ENVIRONMENT

### **Summary**

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of November 2017. The Minutes are hereby submitted to the Ordinary Council Meeting for consideration and adoption by Council.

### ***Recommendation(s)***

That the minutes of the Burwood Local Traffic Committee of November 2017 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

## **(ITEM LTC24/17) WESTFIELD BURWOOD CHRISTMAS SANTA SHUTTLE - INSTALLATION OF 'NO PARKING - MINI BUS EXCEPTED' SIGNAGE AT VARIOUS LOCATIONS**

### ***Recommendation***

That Council approve the installation of seven temporary 'No Parking 10.00am – 7.00pm' signage at various locations around the Burwood LGA as per the report, between 15 December 2017 and 24 December 2017.

## **(ITEM LTC25/17) DATES FOR 2018 BURWOOD LOCAL TRAFFIC COMMITTEE MEETINGS**

### ***Recommendation***

That the following dates be adopted for the 2018 Burwood Local Traffic Committee Meeting:

February	Thursday 1 February 2018
March	Thursday 1 March 2018
April	Thursday 5 April 2018
May	Thursday 3 May 2018
June	Thursday 7 June 2018
July	Thursday 5 July 2018
August	Thursday 2 August 2018
September	Thursday 6 September 2018
October	Thursday 4 October 2018

### **Attachments**

- 1 [↓](#) Agenda BLTC November 2017
- 2 [↓](#) Minutes BLTC November 2017



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## **NOTICE OF BURWOOD LOCAL TRAFFIC COMMITTEE MEETING**

The November meeting of the Burwood Local Traffic Committee will be held electronically with the Agenda distributed to members via email. The minutes from the October meeting have been emailed to members for comments. All comments are requested to be returned to Council by 5.00pm on Friday 3 November 2017.

Michael McMahon  
**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**

Suite 1, Level 2, 1-17 Elsie Street, Burwood NSW 2134, PO Box 240 Burwood NSW 1805  
phone: 9911 9911 facsimile: 9911 9900  
email: [council@burwood.nsw.gov.au](mailto:council@burwood.nsw.gov.au)  
website: [www.burwood.nsw.gov.au](http://www.burwood.nsw.gov.au)



## AGENDA

### APOLOGIES/LEAVE OF ABSENCES

### CONFIRMATION OF MINUTES

#### *Recommendation*

That the Minutes of the following Meeting of Burwood Local Traffic Committee held on Thursday 5 October 2017 as typed and circulated, be confirmed and signed as a true record of the proceedings of that meeting.

### GENERAL BUSINESS

- (ITEM LTC24/17) WESTFIELD BURWOOD CHRISTMAS SANTA SHUTTLE - INSTALLATION  
OF 'NO PARKING - MINI BUS EXCEPTED' SIGNAGE AT VARIOUS  
LOCATIONS ..... 3
- (ITEM LTC25/17) DATES FOR 2018 BURWOOD LOCAL TRAFFIC COMMITTEE MEETINGS ..... 12

**(ITEM LTC24/17) WESTFIELD BURWOOD CHRISTMAS SANTA SHUTTLE  
- INSTALLATION OF 'NO PARKING - MINI BUS EXCEPTED' SIGNAGE AT  
VARIOUS LOCATIONS**

File No: 17/50464

REPORT BY TRAFFIC ENGINEERING OFFICER

**Summary**

Westfield Burwood is developing a free shuttle bus service for local residents and workers travelling from within the Burwood Local Government Area to Westfield during the Christmas period. The service will run from Friday 15 December 2017 to Sunday 24 December 2017.

**Background**

This year, Westfield Burwood is focused on developing a Christmas program which provides customers with less stress, greater convenience and more festivity. Consistent with shopping centres across Sydney, the Christmas season sees Westfield Burwood experience an influx of shoppers and with that, an increased impact on the car park and surrounding traffic will occur.

As a result, Westfield Burwood has developed an initiative which provides the centre with a positive community message as well as tangible benefits to local residents. The free "Santa Shuttle Bus" will provide a viable, convenient alternative to shoppers who may ordinarily choose to drive their cars. The objectives are to provide customers convenience with access to the shopping centre, ease carpark pressure, reducing local traffic flows, reduce trolley removal from the centre and provide a positive convenience and service story to local residents.

The free shuttle bus service will avoid existing bus routes to further service local residents from Burwood, Croydon and Strathfield with access to Westfield Burwood. The free shuttle bus service will be completely wrapped with Westfield Burwood Christmas brand and co-branding with Burwood Council.

**Proposal**

The Santa Shuttle Bus service will be a free service to local residents and workers operating between the hours of 11.00AM to 7.00PM daily. The service will commence on Friday 15 December 2017 to Sunday 24 December with the last service on Sunday 24 December 2017 at 6.00PM.

The shuttle bus has a capacity of 24 passengers with a centre ambassador on board to assist and manage all enquiries. The temporary shuttle will stop at 7 locations in Burwood, Croydon and Strathfield with departure from Victoria Street, Burwood every half hour. The service route is estimated to be completed between 20 - 25 minutes.

The 7 temporary stops will include temporary shuttle service signage at the following locations:

1. Victoria Street East, Burwood – Exiting 'No Parking' area adjacent centre entrance to be modified to allow shuttle buses
2. Monash Parade, Croydon – northern side, west of Alexandra Avenue - Unrestricted parking area converted to 'No Parking – Mini Buses Excepted 10am – 7pm'
3. Young Street, Croydon - Eastern side - Existing Bus Zone used by school only (PLC term 4 ends 5 December)
4. Clifton Avenue, Burwood – Southern side – Existing '2P Parking' area to be converted to 'No Parking – Mini Buses Excepted 10am – 7pm'
5. Nicholson Street, Burwood – Southern side – Existing '2P Parking' area to be converted to 'No Parking – Mini Buses Excepted 10am – 7pm'

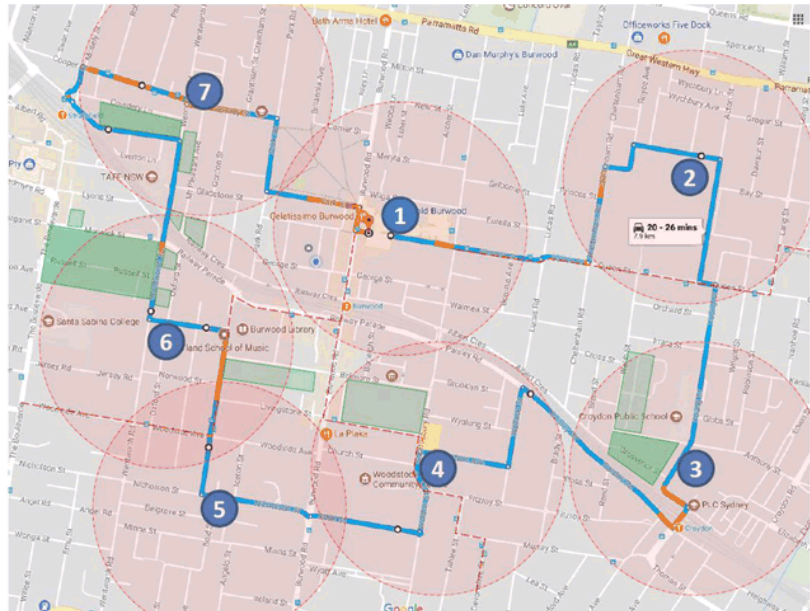
## ATTACHMENT 1

### ITEM /17 November 2017 Burwood Local Traffic Committee Minutes.DOC Agenda BLTC November 2017

#### BURWOOD LOCAL TRAFFIC COMMITTEE

2 NOVEMBER 2017

6. Hornsey Street, Burwood – Southern side – Existing '1P Parking' area to be converted to 'No Parking – Mini Buses Excepted 10am – 7pm'
7. Rowley Street, Burwood – Northern side – Existing '1P Parking' area to be converted to 'No Parking – Mini Buses Excepted 10am – 7pm'



The proposed 'No Parking – Mini Bus excepted' zone will not be placed fronting residential properties except for Rowley Street, Burwood. The first 6 chosen stops are located fronting existing school zones and side properties. The locations of parking were chosen to prevent any loss of on-street parking spaces for local residents.

#### Consultation

Westfield Burwood has employed Twentieth Letter P/L to assess the feasibility of conducting the Santa Shopper Shuttle with an estimate of servicing 7 local stops and 250+ customers daily during the Christmas period.

#### Financial Implications

The signage is estimated to cost \$1,400.00 and will be funded from the 2017/18 Traffic Facilities Budget.

#### Recommendations

That Council approve the installation of seven temporary 'No Parking - Mini Bus excepted 10am – 7pm' signage at various locations as per the report around Burwood LGA between 15 December and 24 December 2017.

#### Attachments

- 1 Westfield Shuttle Bus Stop Locations

## ATTACHMENT 1

ITEM /17 November 2017 Burwood Local Traffic Committee Minutes.DOC  
Agenda BLTC November 2017

## ATTACHMENT 1

ITEM /17 Westfield Burwood Christmas Santa Shuttle - Installation of 'No Parking - Mini Bus  
Excepted' signage at various locations.DOC  
Westfield Shuttle Bus Stop Locations

1 Victoria Street East - Existing 'No Parking' zone on northern side  
Modify to allow Mini Buses





## ATTACHMENT 1

ITEM /17 November 2017 Burwood Local Traffic Committee Minutes.DOC  
Agenda BLTC November 2017

## ATTACHMENT 1

ITEM /17 Westfield Burwood Christmas Santa Shuttle - Installation of 'No Parking - Mini Bus  
Excepted' signage at various locations.DOC  
Westfield Shuttle Bus Stop Locations

2

Monash Parade - Northern side, west of Alexandra Ave  
Unrestricted parking area converted to 'No Parking – Mini Buses Excepted 10am – 7pm'



## ATTACHMENT 1

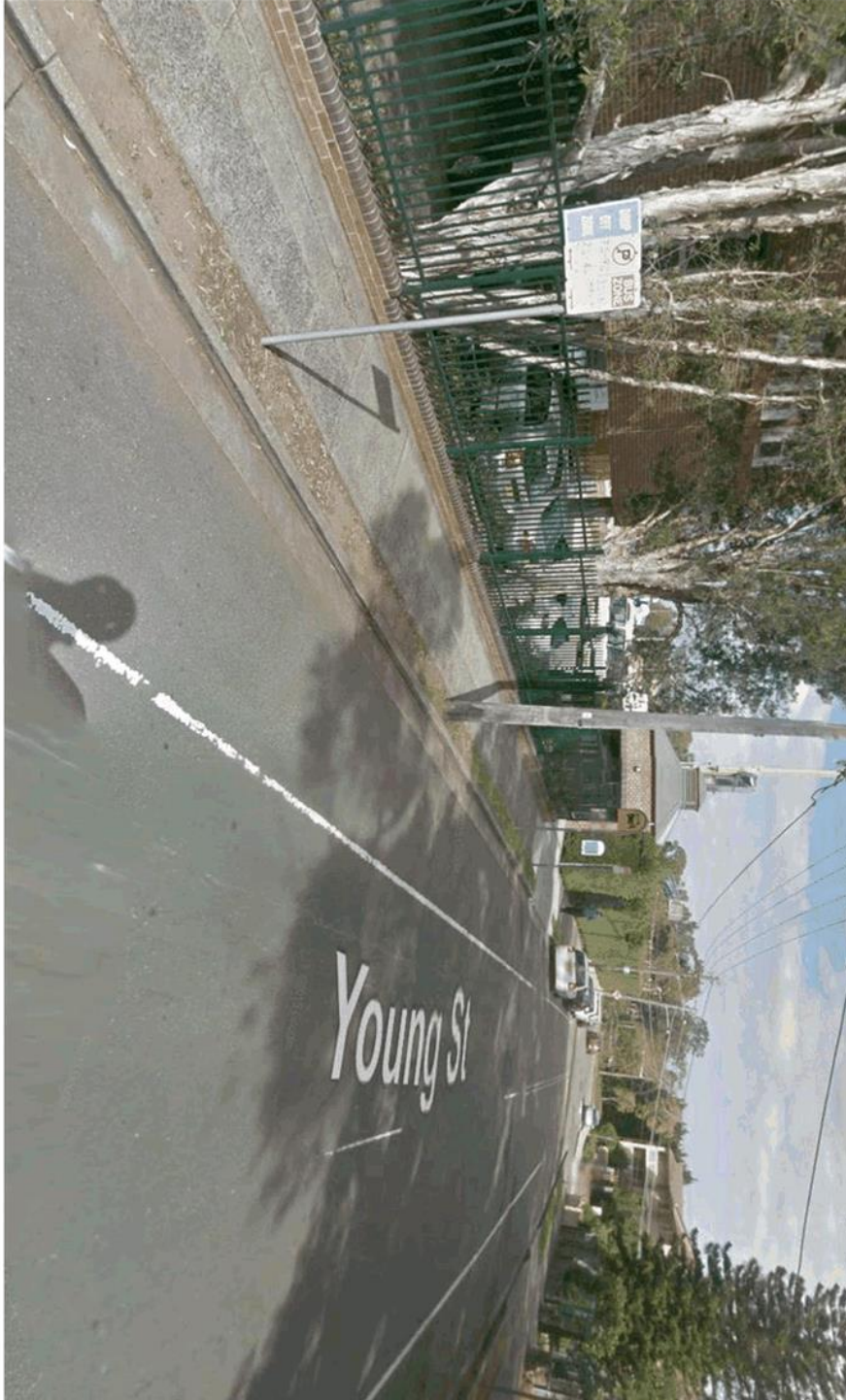
ITEM /17 November 2017 Burwood Local Traffic Committee Minutes.DOC  
Agenda BLTC November 2017

## ATTACHMENT 1

ITEM /17 Westfield Burwood Christmas Santa Shuttle - Installation of 'No Parking - Mini Bus  
Excepted' signage at various locations.DOC  
Westfield Shuttle Bus Stop Locations

### 3 Young Street – Eastern side

Existing Bus Zone used by school only (PLC term 4 ends 5 December)





## ATTACHMENT 1

ITEM /17 November 2017 Burwood Local Traffic Committee Minutes.DOC  
Agenda BLTC November 2017

## ATTACHMENT 1

ITEM /17 Westfield Burwood Christmas Santa Shuttle - Installation of 'No Parking - Mini Bus  
Excepted' signage at various locations.DOC  
Westfield Shuttle Bus Stop Locations

4

Clifton Avenue – southern side

Existing 2P Parking area to be converted to 'No Parking – Mini Buses Excepted 10am – 7pm'



## ATTACHMENT 1

ITEM /17 November 2017 Burwood Local Traffic Committee Minutes.DOC  
Agenda BLTC November 2017

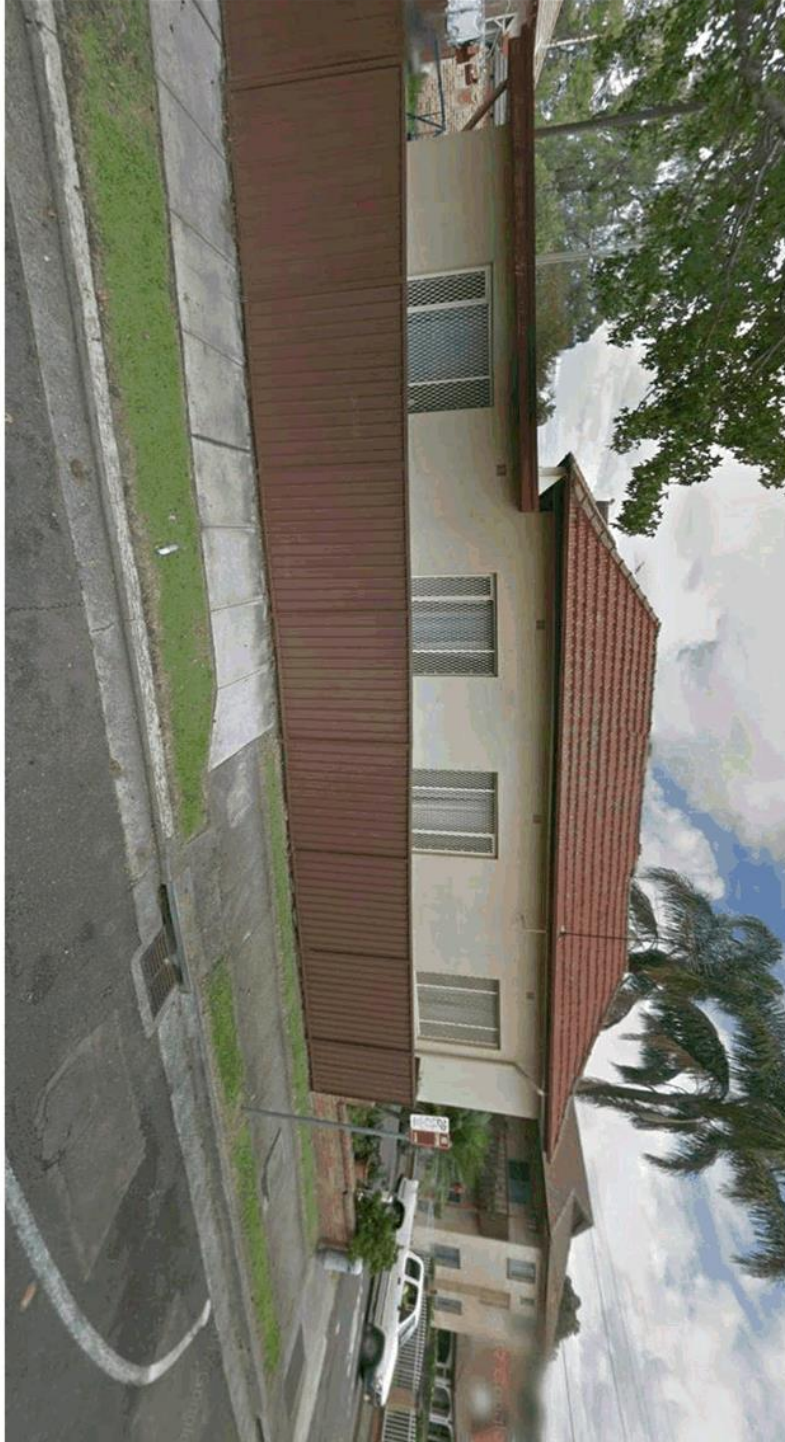
## ATTACHMENT 1

ITEM /17 Westfield Burwood Christmas Santa Shuttle - Installation of 'No Parking - Mini Bus  
Excepted' signage at various locations.DOC  
Westfield Shuttle Bus Stop Locations

5

Nicholson Street – Southern side

Existing 2P Parking area to be converted to 'No Parking – Mini Buses Excepted 10am – 7pm'





## ATTACHMENT 1

ITEM /17 November 2017 Burwood Local Traffic Committee Minutes.DOC  
Agenda BLTC November 2017

## ATTACHMENT 1

ITEM /17 Westfield Burwood Christmas Santa Shuttle - Installation of 'No Parking - Mini Bus  
Excepted' signage at various locations.DOC  
Westfield Shuttle Bus Stop Locations

6

Hornsey Street – Southern side

Existing 1P Parking area to be converted to 'No Parking – Mini Buses Excepted 10am – 7pm'



## ATTACHMENT 1

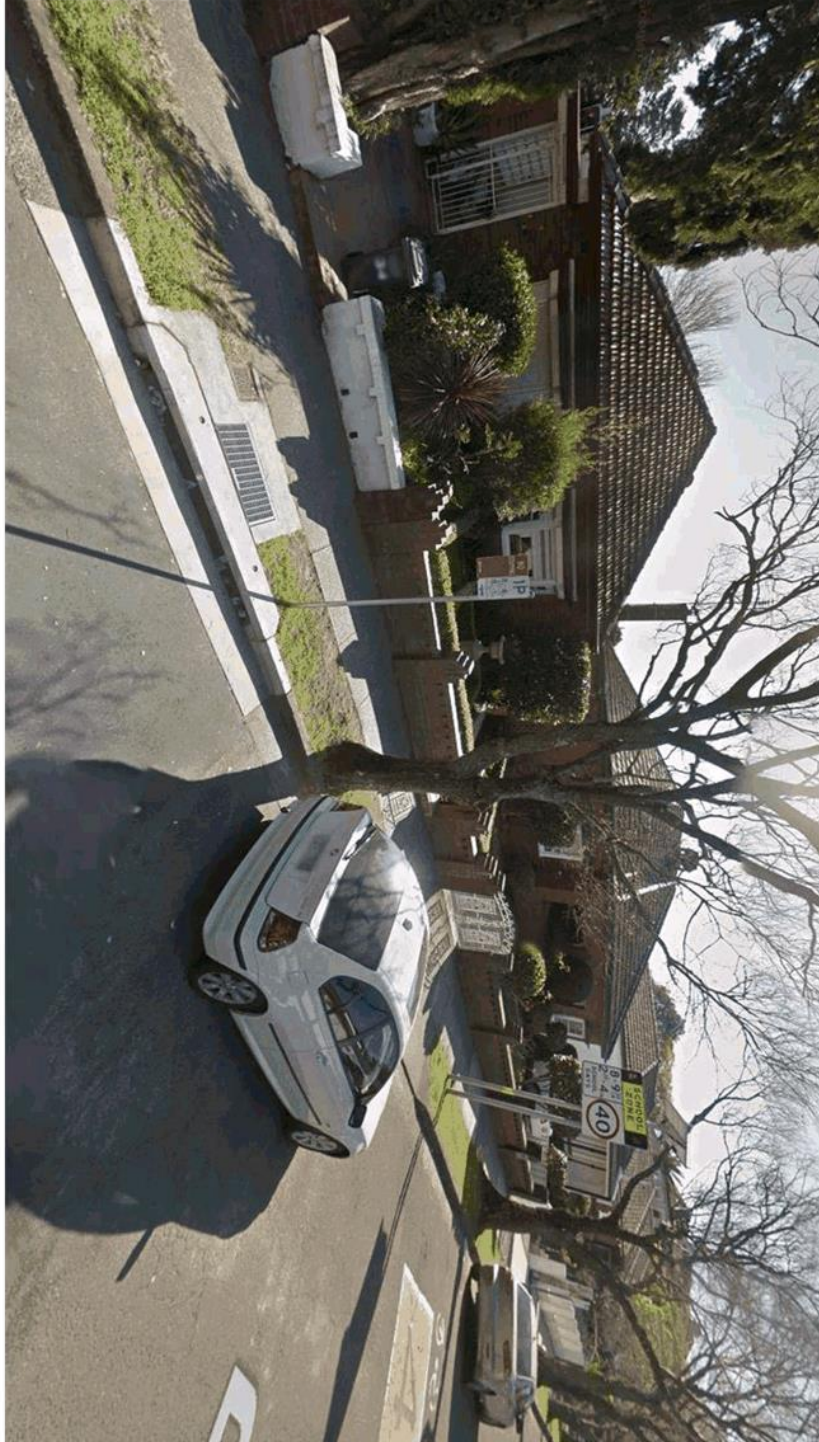
ITEM /17 November 2017 Burwood Local Traffic Committee Minutes.DOC  
Agenda BLTC November 2017

## ATTACHMENT 1

ITEM /17 Westfield Burwood Christmas Santa Shuttle - Installation of 'No Parking - Mini Bus  
Excepted' signage at various locations.DOC  
Westfield Shuttle Bus Stop Locations

### 7 Rowley Street – Northern side

Existing 1P Parking area to be converted to 'No Parking – Mini Buses Excepted 10am – 7pm'





## ATTACHMENT 1

### ITEM /17 November 2017 Burwood Local Traffic Committee Minutes.DOC Agenda BLTC November 2017

BURWOOD LOCAL TRAFFIC COMMITTEE

2 NOVEMBER 2017

#### (ITEM LTC25/17) DATES FOR 2018 BURWOOD LOCAL TRAFFIC COMMITTEE MEETINGS

File No: 17/50534

REPORT BY MANAGER TRAFFIC & TRANSPORT

##### **Summary**

The purpose of this report is to propose dates for the 2018 Burwood Local Traffic Committee Meetings.

##### **Background**

The following dates are proposed for the 2018 Burwood Local Traffic Committee Meetings:

February	Thursday 1 February 2018
March	Thursday 1 March 2018
April	Thursday 5 April 2018
May	Thursday 3 May 2018
June	Thursday 7 June 2018
July	Thursday 5 July 2018
August	Thursday 2 August 2018
September	Thursday 6 September 2018
October	Thursday 4 October 2018
November	Thursday 1 November 2018

All meetings to commence at 9.30am in Council Chambers unless informed otherwise.

##### **Recommendation**

That the following dates be adopted for the 2018 Burwood Local Traffic Committee Meeting:

February	Thursday 1 February 2018
March	Thursday 1 March 2018
April	Thursday 5 April 2018
May	Thursday 3 May 2018
June	Thursday 7 June 2018
July	Thursday 5 July 2018
August	Thursday 2 August 2018
September	Thursday 6 September 2018
October	Thursday 4 October 2018
November	Thursday 1 November 2018

##### **Attachments**

There are no attachments for this report.



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## BURWOOD LOCAL TRAFFIC COMMITTEE MEETING

MINUTES OF THE MEETING OF THE BURWOOD LOCAL TRAFFIC COMMITTEE held at the Council Chamber, Suite 1, Level 2, 1-17 Elsie Street, Burwood on November 2017 .

### ATTENDANCE

Cr John Faker (Mayor) Chairperson  
Sgt Trudy Crowther, NSW Police Service  
Mr Kristian Calcagno, Roads and Maritime Services  
Ms Jodi McKay, State Member for Strathfield  
Mr Peter Whitney, State Transit Authority  
Mr Doug Sutherland AM, JP, Burwood Chamber of Commerce

Mr Bruce Macdonnell, Deputy General Manager Land, Infrastructure and Environment  
Mr John Inglese, Burwood Council, Senior Manager Assets and Design  
Mr Roberto Di Federico, Burwood Council, Manager Traffic and Transport  
Mr Robert Ristevski, Burwood Council, Engineer – Traffic and Design  
Mr Henry Huynh, Burwood Council, Traffic Engineering Officer  
Ms Megan Pigram, Burwood Council, Road Safety Officer

### APOLOGIES

That there were no apologies.

### CONFIRMATION OF MINUTES

That the minutes of the Burwood Local Traffic Committee of Burwood held on Thursday 5 October 2017, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

### GENERAL BUSINESS

#### **(ITEM LTC24/17) WESTFIELD BURWOOD CHRISTMAS SANTA SHUTTLE - INSTALLATION OF 'NO PARKING - MINI BUS EXCEPTED' SIGNAGE AT VARIOUS LOCATIONS**

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##### **Summary**

Westfield Burwood is developing a free shuttle bus service for local residents and workers travelling from within the Burwood Local Government Area to Westfield during the Christmas period. The service will run from Friday 15 December 2017 to Sunday 24 December 2017.

##### **RESPONSES**

RMS does not support the use of the "No Parking- Mini Bus Excepted" sign as this is a non-standard sign. The same outcome can be achieved through the use of a "No Parking" restrictions.

##### **Recommendations**

That Council approve the installation of seven temporary 'No Parking 10am – 7pm' signage at various locations as per the report around Burwood LGA between 15 December and 24 December 2017.

## ATTACHMENT 2

### ITEM /17 November 2017 Burwood Local Traffic Committee Minutes.DOC Minutes BLTC November 2017

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#### MINUTES OF BURWOOD LOCAL TRAFFIC COMMITTEE MEETING 2 NOVEMBER 2017

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#### **(ITEM LTC25/17) DATES FOR 2018 BURWOOD LOCAL TRAFFIC COMMITTEE MEETINGS**

##### **Summary**

The purpose of this report is to propose dates for the 2018 Burwood Local Traffic Committee Meetings.

##### **Recommendation**

That the following dates be adopted for the 2018 Burwood Local Traffic Committee Meeting:

February	Thursday 1 February 2018
March	Thursday 1 March 2018
April	Thursday 5 April 2018
May	Thursday 3 May 2018
June	Thursday 7 June 2018
July	Thursday 5 July 2018
August	Thursday 2 August 2018
September	Thursday 6 September 2018
October	Thursday 4 October 2018
November	Thursday 1 November 2018

This concluded the business of the meeting.

Confirmed this

**MAYOR  
CHAIRPERSON**

**DEPUTY GENERAL MANAGER - LAND,  
INFRASTRUCTURE & ENVIRONMENT**

## (ITEM IN31/17) SAFE & CLEAN TEAM - QUARTERLY PERFORMANCE REPORT

File No: 17/46609

REPORT BY DEPUTY GENERAL MANAGER LAND, INFRASTRUCTURE &amp; ENVIRONMENT

### **Summary**

This Report provides performance information on the Safe & Clean Team (the Team) for the first quarter of the 2017/2018 period.

The Team operates on a daily basis between the hours of 10.00am and 6.00pm and patrols all main business streets in the Burwood Local Government Area (LGA) including Burwood Road, Liverpool Road, The Boulevarde, The Strand and Georges River Road. The Team, like the name suggests, focuses on ensuring that the main business streets are always clean by removing light litter and cleaning infrastructure as well as reporting all crime activity to Police and all local law breaches to Council. The Team provides a physical customer service presence for Council along the main business streets. Below is a summary of their performance for the period:

Activity	July 2017	August 2017	September 2017	Total
Rubbish removed from roadway	1748 litres 15 (120L bins)	1819 litres 15 (120L bins)	1784 litres 15 (120L bins)	5351 litres 45 (120L bins)
Shopping trolleys reported and removed	199	220	189	608
Advertising posters removed	55	25	40	120
Report Graffiti on Council Property	17	6	0	23
Report Road Obstructions	0	0	0	0
Report Crime	0	0	0	0
Small spill clean ups	0	0	3	3
Distribute information leaflets	95	0	0	95
Report maintenance issues	0	0	1	1

The shopping trolleys left abandoned on the streets were reported to the relevant service providers and for collection within a 24 hour period. Council is working towards a solution as highlighted in the Abandoned Shopping Trolley Management report also being tabled at this meeting.

The advertising posters were mainly small handwritten signs on light poles or similar that were physically removed by the Team. Of the areas patrols, rubbish requiring removal from roadways was most abundant on Burwood Road Burwood. This is consistent with the high pedestrian traffic in the area.

Overall the presence of the Safe & Clean Team has made a huge impact towards the beautification of the main streets and the safety of the local community.

### **No Decision – Information Item Only**

### **Attachments**

There are no attachments for this report.

## (ITEM IN32/17) BEAUTIFICATION OF TOWN CENTRES PROJECT - UPDATE REPORT NO. 4

File No: 17/50069

REPORT BY DEPUTY GENERAL MANAGER LAND, INFRASTRUCTURE &amp; ENVIRONMENT

### Summary

Following Mayoral Minute No. 14/14 from the 23 June 2014 Ordinary Council meeting, this Town Centre Beautification Program Update Report No. 4 has been prepared to update Council on the considerable progress of the Town Centres Beautification Projects since the last report in October 2016.

Since the last report the following projects have been implemented:

1. **Burwood Road, Burwood - New Decorative Safety Fencing** - In November 2016 a new café style laminated glass and stainless café fence was installed along the Burwood Road frontage of Westfield Shopping Centre, in particular in front of Gelatissimo and Sahara by the Park. This was a test case for future similar fencing replacements along Burwood Road Burwood.
2. **Burwood Road, Burwood - Amendment to the Burwood Development Control Plan (BDCP) to Allow New Café Style Awnings** - In October 2017 Council approved amendments to the BDCP to allow for the installation of fixed outdoor café awnings on the Council footway. GMU P/L were commissioned to prepare the Burwood Road Awning Study. This document has now given Council and business owners along Burwood Road in the Burwood Town Centre (BTC) a guide for the design of future fixed outdoor café awnings. The first Development Application (DA) submitted by a business for a fixed café awning has been received from Sahara by the Park.
3. **The Strand Croydon - New Clock Tower and Heritage Sandstone Plinth** - In December 2016 the installation of the new clock tower and heritage sandstone plinth was completed near the Croydon post office.
4. **Georges River Road, Croydon Park - New Clock Tower** - In March 2017 the installation of the new Clock Tower was completed on the corner of Georges River Road and Beaufort Street Croydon Park.
5. **Dunns Lane and Victoria Street, Burwood - Planter Boxes** - Additional Planter Boxes have been installed in Dunns Lane and Victoria Street Burwood and lattice and climbing plans will be installed behind the Dunns Lane planter boxes in the near future.
6. **Dunns Lane, Burwood - Decorative Screening** - Two large decorative screens were installed at the rear of two of the businesses fronting Burwood Road. These screens have improved the visual amenity along the eastern side of Dunns Lane Burwood.
7. **Dunns Lane and Victoria Street, Burwood - Raised Traffic/Pedestrian Thresholds** - Three cobblestone style pedestrian thresholds were constructed in July 2017 at the following intersections:
  - Dunns Lane and Park Avenue, Burwood
  - Dunns Lane and John Street, Burwood
  - Victoria Street and Elsie Street, Burwood

These devices have improved the visual amenity of this area as well as improving pedestrian safety along this section of roadway.

8. **Burwood Road, Burwood – Burwood Town Centre (BTC) Tree Pruning** - All Street Trees along Burwood Road Burwood, between Park Avenue and Clarence Street were crown lifted in October 2017.
9. **Burwood Park Permanent Palm Tree Lighting** - Permanent palm tree lighting will be installed to the 17 palm trees in Burwood Park by the end of November 2017.
10. **Footpath Improvements with Granite Style Pavers Inside and Outside the BTC** - Footpath improvements have been made both inside and outside of the BTC including, but not limited to, the following locations:

Inside the BTC:

- Corner of Park Avenue and Dunns Lane, Burwood - new granite paving, kerbs and gutters
- Burwood Road, between Park Avenue and Railway Parade, Burwood - new crashed granite and paving works around the base of all street trees
- Corner of George Street, Mary Street and Deane Street, Burwood - new granite paving, kerbs and gutters
- No. 42-44 Meryla Street, Burwood - new granite paving, kerbs and gutters
- Railway Parade, Burwood - heritage weighbridge and jib crane reinstatement

Outside the BTC:

- Southeast and southwest corners of Burwood Road and Liverpool Road, Strathfield - new granite paving, kerbs and gutters
- No. 276-280 Liverpool Road, Enfield - new granite paving, kerbs and gutters
- No. 266-270 Liverpool Road, Enfield - new granite paving, kerbs and gutters
- No. 10-12 Burwood Road, Burwood - new granite paving, kerbs and gutters
- Corner of Liverpool Road and Willie Street, Strathfield - new granite paving, kerbs and gutters
- Woodstock Park - new granite paving
- Various developments along Morwick Street, Strathfield - new granite paving, kerbs and gutters and street trees

11. Further investigation into the placement of additional street trees in Clarence Street, Burwood

Council will be provided with further update reports on the progress of the Town Centre Beautification Program on a regular basis.

#### **No Decision – Information Item Only**

#### **Attachments**




- 1 [↓](#) Attachment to Council Report 28.11.2017 - Beautification of Town Centres Project - Update Report No.4



## ATTACHMENT 1

### ITEM /17 Beautification of Town Centres Project - Update Report No. 4.DOC Attachment to Council Report 28.11.2017 - Beautification of Town Centres Project - Update Report No.4

#### Beautification of Town Centres Project – Attachment A

Project Description	Photo
Burwood Road – New decorative safety fencing	
Burwood Road, between Park Avenue and Railway Parade – (new crashed granite and paving works around the base of all street trees).	
The Strand Croydon – New Clock Tower and Heritage Sandstone Plinth	




## ATTACHMENT 1

### ITEM /17 Beautification of Town Centres Project - Update Report No. 4.DOC Attachment to Council Report 28.11.2017 - Beautification of Town Centres Project - Update Report No.4

Project Description	Photo
Georges River Road – New Clock Tower	
Dunns Lane and Victoria Street – Planter Boxes	
Dunns Lane – Decorate Screening	

## ATTACHMENT 1




### ITEM /17 Beautification of Town Centres Project - Update Report No. 4.DOC Attachment to Council Report 28.11.2017 - Beautification of Town Centres Project - Update Report No.4

Project Description	Photo
	
<p>Dunns Lane and Victoria Street – Raised traffic/pedestrian thresholds</p> <ul style="list-style-type: none"> <li>▪ Dunns Lane and Park Avenue</li> <li>▪ Dunns Lane and John Street</li> <li>▪ Victoria Street and Elsie Street</li> </ul>	 



## ATTACHMENT 1

### ITEM /17 Beautification of Town Centres Project - Update Report No. 4.DOC Attachment to Council Report 28.11.2017 - Beautification of Town Centres Project - Update Report No.4

Project Description	Photo
	
Burwood Road, Burwood CBD – Tree Pruning	 

## ATTACHMENT 1

### ITEM /17 Beautification of Town Centres Project - Update Report No. 4.DOC Attachment to Council Report 28.11.2017 - Beautification of Town Centres Project - Update Report No.4

Project Description	Photo
<p>Railway Parade – (Heritage Weighbridge and Jib Crane reinstatement).</p>	 
<p>Southeast and southwest corners of Burwood Road and Liverpool Road (new granite paving, K&amp;G)</p>	


## ATTACHMENT 1

**ITEM /17 Beautification of Town Centres Project - Update Report No. 4.DOC**  
**Attachment to Council Report 28.11.2017 - Beautification of Town Centres Project -**  
**Update Report No.4**

Project Description	Photo
	
<p>Corner of George Street, Mary Street and Deane Street, - (new granite paving, K&amp;G)</p>	

## ATTACHMENT 1

### ITEM /17 Beautification of Town Centres Project - Update Report No. 4.DOC Attachment to Council Report 28.11.2017 - Beautification of Town Centres Project - Update Report No.4

Project Description	Photo
<p>Burwood Park - Permanent Palm Tree Lighting - Permanent Palm Tree Lighting will be installed during in the 17 Palm trees in Burwood Park by the end of November 2017.</p>	



**(ITEM IN33/17) ABANDONED SHOPPING TROLLEY MANAGEMENT**

File No: 17/50320

REPORT BY DEPUTY GENERAL MANAGER LAND, INFRASTRUCTURE &amp; ENVIRONMENT

**Summary**

On 29 August 2017 the Mayor, General Manager and other Council Officers met with numerous shopping trolley owners, collectors and shopping centre management companies to discuss the increasing issues associated with shopping trolleys being abandoned in public areas.

The request from Council at this meeting was for the trolley owners and the shopping centre management companies to explore options to install electronic restriction devices to shopping trolleys preventing them from leaving the centres and to install signage in their respective centres informing users to stop dumping trolleys in public places. At this stage, no response has been received from any shopping trolley owner or shopping centre management company to any of these proposals.

Council's Senior Manager Compliance provided a list of shopping trolley dumping hotspots to trolley owners and collectors in a request for increased patrols and faster collection processes. Council's Compliance Team have also been reporting individual trolleys to the trolley owners and collectors via their owners mobile phone applications (apps) and webpages in an attempt secure faster collection turnover, however, unfortunately it appears that the trolley collector's patrols have dropped-off and in some instances the trolley collection process is not occurring at all.

The Senior Manager Compliance has made numerous attempts to meet and speak with Woolworths and Coles management representatives in regards to forming a partnership in managing shopping trolley collections, however, at this stage both companies have failed to return calls or attend scheduled meetings.

Council's Compliance Team have sent thousands of letters to local residents seeking assistance in reporting people dumping shopping trolleys to try and stop people removing them from shopping centres in the first place, however, Council has not received any assistance to date nor have the instances of shopping trolleys being abandoned in public places reduced.

On 26 September 2017 Council a Mayoral Minute was raised for the investigation into abandoned shopping trolley management in the Burwood Local Government Area (LGA). The Mayoral Minute was lodged after extensive community engagement highlighting that shopping trolleys were being left abandoned in streets in the LGA were causing problems for local residents.

As a result of the Mayoral Minute, Compliance procedures have been amended and updated to include a specific shopping trolley impounding processes and Compliance officers have been trained in the process.

On 20 October 2017, a letter was sent to four State Ministers (The Minister for Transport & Infrastructure, The Minister for Local Government, The Minister for Innovation & Better Regulation and the Minister for Planning) seeking assistance in exploring legislative options to help manage the problems of shopping trolleys being left in public areas holistically throughout New South Wales.

At present local Councils are reliant on individual planning conditions and the *Impounding Act* provisions to manage shopping trolleys dumped in public places. The issue with these current legislative provisions are as follows:

- a. The planning provisions which allow Council to impose trolley locking devices or similar treatments as a condition of consent can only be imposed when Development Applications (DAs) are submitted and cannot be added retrospectively to existing shopping centres. Until

a DA is submitted, such conditions cannot be included and some shopping centres may not require a DA for many years.

- b. The *Impounding Act* provisions, which can provide some relief, are problematic in terms of the timeframes for impounding and the resource draining effect of processing the large volume of shopping trolleys. The true cost of impounding trolleys is substantial and the impounded item places custodial responsibilities upon Council until the trolleys are claimed. The volume of trolleys to potentially be impounded could be significant enough to overrun Council existing storage facilities.

In terms of individual planning provisions imposed when a Development Application is submitted, Council will be seeking the following terms:

1. For all shopping trolleys to be installed with electronic restriction devices preventing access from the centres
2. The installation of appropriate signage in the trolley owners locations and at every exit, informing trolley users not to remove the trolleys
3. For the shopping centre owners to prevent removal and ensure that any shopping trolley belonging to a store owner within the centre does not leave the boundary of the premise

Please note that the above points are a summary of potential conditions and are not the final detailed condition to be imposed for future DA's. The detailed condition will be reliant upon consultation and feedback with a legal representative and planning officer.

The abovementioned future consent provisions may assist in reducing the number of trolleys in public places and provide Council with planning enforcement provisions to address this issue with every trolley and shopping centre owner if trolleys are observed in public areas.

The Compliance Team has developed an informational leaflet which is currently being distributed by a Law Enforcement Officer at the entrance of the shopping centres over a period of one hour on a daily basis. The leaflet is handed to every person leaving the shopping centre with a trolley and the information on the leaflet informs them of the consequences in the event that the trolley is abandoned.

A media campaign will also be established focusing on the following points:

1. Informing people to stop leaving shopping trolleys in public places
2. Articles highlighting the shopping trolleys being processed by Council as abandoned

The impounding process has commenced and Council Officers are no longer entering dumped trolleys on the trolley collection apps and awaiting collection before starting the process. Council's Compliance Team are placing orange stickers on trolleys abandoned in public places to identify them as being processed. The trolley owner will be informed and if the trolley is not collected after the legislative time frame has expired it will be impounded with additional costs being imposed upon the trolley owner upon collection.

Council is also tackling this problem at an individual level, with two people recently sighted leaving shopping trolleys in public places having been caught by Council's Compliance Team. A fine can be issued to any person observed abandoning a trolley in a public place and these two people will be fined once the investigation has been completed.

Council is also seeking legal advice to establish whether this fine can also be imposed upon a trolley owner (a corporation rather than an individual) after the expiration of the impounding timeframe. If the legal advice is that this action would likely be successful, Council will also be fining the trolley owners for each trolley that remains impounded by Council after the legislative timeframe expires.

Council is exploring all options available to resolve this issue but unless the State Government assists in developing holistic legislative provisions against the trolley and shopping centre owners preventing the trolley from leaving their centres the issue is going to be difficult to prevent and time and resource consuming for Council.

**No Decision – Information Item Only**

**Attachments**

There are no attachments for this report.

**(ITEM IN34/17) ANNUAL REPORT 2016-2017**

File No: 17/51428

REPORT BY DEPUTY GENERAL MANAGER, CORPORATE, GOVERNANCE &amp; COMMUNITY

**Summary**

Burwood Council's Annual Report for the period 2016-2017 has been prepared in accordance with the *Local Government Act 1993* (the Act) and the Office of Local Government's Annual Report requirements.

**Background**

The report is prepared annually to comply with Sections 428 and 406 of the Act and Clause 217 of the *Local Government (General) Regulation 2005* and must be provided to the Minister for Local Government by 30 November each year.

The annual report includes a report (State of the Environment Report in accordance with Section 428A of the Act) as to the state of the environment in the Local Government Area in relation to the objectives for the environment established by the Community Strategic Plan.

In addition, the report includes a summary of expenditure for funds generated through the Special Rate Variation approved by IPART in June 2014.

**Consultation**

The Annual Report will be made available to the public on Council's website in the form of an e-book, as well as in hard copy at the Council's Administration Building and Burwood Library and Community Hub.

Council has also developed an infographics video summarising key aspects of the organisation's performance over the 2016-2017 Financial Year. The video will be made available on Council's website, Facebook page, and on the TV screens available at various Council venues.

**No Decision – Information Item Only****Attachments**

Annual Report will be provided separately

## (ITEM IN35/17) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 24 OCTOBER 2017

File No: 17/51485

REPORT BY GENERAL MANAGER

### **Summary**

At the Council Meeting of 24 October 2017 the following Questions without Notice (QWN) were submitted by Councillors. Council Officers responded to the QWN and Councillors were notified on 3 November 2017 of the outcome of the QWN.

These are now submitted as part of the Council Agenda for Public Notification.

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 24 OCTOBER 2017	
Question	Response
<p><b><u>Cr Furneaux-Cook</u></b></p> <p><b>Question 1:</b></p> <p>The developer of the Wynne/Belmore Streets site continues to breach operating hours (cranes and trucks) both am and pm despite fines:</p> <ol style="list-style-type: none"> <li>1. Can/when do the Law Enforcement Officers patrol this area?</li> <li>2. Are the fines enough to cause the developer to cease work?</li> <li>3. Can Council stop the developer after a continued non-compliance?</li> </ol>	<p><b><u>Senior Manager Compliance</u></b></p> <p>This site is patrolled on a daily basis and several Penalty Infringement Notices (PINs) have been issue for non-compliance. In some instances issuing PINs will change the behavior of a building site and ensure compliance, however, for other matters Council has pursued legal proceedings in the courts if the process of issuing PINs does not seem to curve the non-compliant behaviour.</p> <p>The ultimate intervention through the courts is the best way to resolve non-compliance issues, however, the courts have made it clear to Council that they do not want to be used as a vehicle for achieving compliance unless the PIN process has first been exhausted.</p> <p>When perusing matters in the courts, Council requires participation by civilian witnesses to demonstrate that people have been affected by the breach and to provide the overall picture of the disturbance to the courts. Without this participation Councils rarely achieve the desired outcome, with Magistrates often relying on demonstrated evidence that the breach has 'affected residents' when weighing the evidence to reach a decision on whether to withdraw PINs or Orders in response to developers' appeals.</p> <p>Please ensure that any person who wishes to report a building site breaching its provisions reports it directly to Council, so that statements can be obtained and participation in the event of legal action can be assured.</p>

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 24 OCTOBER 2017	
Question	Response
<p><b><u>Cr Furneaux-Cook</u></b></p> <p><b>Question 2</b></p> <p>When residents are given a parking fine and wish to challenge it, what is the process?</p>	<p><b><u>Senior Manager Compliance</u></b></p> <p>A person may request a review from Revenue NSW (formerly SDRO). The resident should write to, or use the website contact form, of Revenue NSW to request an appeal (this information is printed on the back of all PINs).</p> <p>Revenue NSW assesses the information provided against State Wide guidelines and, if necessary, requests additional information from Council which is then provided. Revenue NSW advises the residents directly of outcome. A person may also have the matter adjudicated by a Magistrate in the Local Court.</p>
<p><b><u>Councillor Joseph Del Duca</u></b></p> <p><b>Question 1</b></p> <p>In the past term of Council (2012-2017):</p> <ol style="list-style-type: none"> <li>How many Voluntary Planning Agreements (VPAs) requests did Burwood Council receive?</li> <li>How many of these VPAs, did the Council support and how many did they reject?</li> </ol>	<p><b><u>Manager Strategic Planning</u></b></p> <p>A total of 43 VPAs were received between 2012-2017.</p> <p>A total of 29 VPAs were supported by Council.</p> <p>Council did not reject any VPAs which were recommended for endorsement by Council Officers. Of the remaining balance, some VPAs were withdrawn and some are still being processed.</p>
<p><b><u>Councillor Joseph Del Duca</u></b></p> <p><b>Question 2</b></p> <p>In the past term of Council (2012-2017) how much revenue did Burwood Council receive from the VPAs?</p>	<p><b><u>Manager Strategic Planning</u></b></p> <p>Council received \$4,654,072.00 in revenue from VPAs between 2012-2017.</p>
<p><b><u>Councillor Joseph Del Duca</u></b></p> <p><b>Question 3</b></p> <p>Can Councillors be provided with a detailed breakdown of exactly what revenue was received by Burwood Council from VPAs in the last term (2012-2017) and what the funds were spent on i.e. what specific projects?</p>	<p><b><u>Manager Strategic Planning</u></b></p> <p>Of the revenue received from VPAs between 2012-2017, the funds were allocated as follows:</p> <ul style="list-style-type: none"> <li>Revenue received to fund public benefits as per the Burwood Open Space and Community Facilities Study = \$2,991,240.00</li> <li>Revenue received to fund public car parking = \$1,662,832.00</li> </ul> <p>The following projects and funding allocation</p>

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 24 OCTOBER 2017	
Question	Response
	<p>was expended between 2012-2017:</p> <ol style="list-style-type: none"><li>1. EAC upgrades = \$320,725</li><li>2. Infrastructure Improvements = \$227,933</li><li>3. Burwood Park Building Improvements - \$920,313</li><li>4. Railway Square Upgrade = \$1,951,397*</li></ol> <p>Total Expenditure = \$3,420,368</p> <p>*(Revenue amount was received prior to 2012-2017 period)</p>

**No Decision – Information Item Only****Attachments**

There are no attachments for this report.