

# *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 27 March 2018 at 6.00 to consider the matters contained in the attached Agenda.

Bruce Macdonnell  
**ACTING 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, of 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 27 MARCH 2018 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 6 February 2018

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**

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(ITEM 22/18)	16 LYONS STREET STRATHFIELD - PROPOSED ACQUISITION FOR WIDENING OF BELLS LANE  <i>That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d) of the Local Government Act, 1993, as the matter involves commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.</i>
(ITEM 23/18)	PROPOSED AMENDMENT OF PLANNING PROPOSAL FOR BURWOOD PLACE AND NEGOTIATION OF A VOLUNTARY PLANNING AGREEMENT - NOS. 42-50 AND 52-60 RAILWAY PARADE, BURWOOD  <i>That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d) of the Local Government Act, 1993, as the matter involves commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.</i>

## QUESTIONS WITHOUT NOTICE

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

## **(ITEM 10/18) ADOPTION OF NEW MONETARY CONTRIBUTION RATES FOR BONUS DEVELOPMENT IN BURWOOD AND STRATHFIELD TOWN CENTRES AND BURWOOD ROAD NORTH**

File No: 18/8594

REPORT BY ACTING DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

### **Summary**

Council on 12 December 2017 approved the public exhibition of an increase in the monetary contribution rate from \$1,500 per square metre additional gross floor area (GFA) to \$1,750 for bonus development in Burwood and Strathfield Town Centres, and from \$1,100 per square metre additional GFA to \$1,500 for properties fronting Burwood Road North. No submissions were received during the exhibition period. The proposed monetary contribution rates are now put to Council for approval.

### **Background**

Council at its meeting on 12 December 2017 resolved:

1. That Council approve the monetary contribution rates for bonus development in Burwood and Strathfield Town Centres and in Burwood Road North being set at \$1,750 per square metre and \$1,500 per square metre bonus gross floor area in principle and that the rates be placed on public exhibition in accordance with Sections 610F and 705 of the *Local Government Act 1993*.
2. That the results of the public exhibition be reported back to Council.
3. That the new monetary contribution rates be applied to any Voluntary Planning Agreements involving bonus development received by Council on or after 14 November 2017.
4. That the General Manager be delegated to review and adjust the rates periodically, and/or negotiate a rate as part of a Voluntary Planning Agreement.

### **Proposal**

Approval is now sought for the adoption of the proposed monetary contribution rates of \$1,750 per square metre additional GFA for bonus development in the Burwood and Strathfield Town Centres, and \$1,500 for bonus development on properties fronting Burwood Road, Burwood, between Parramatta Road and Meryla Street (known as Burwood Road North).

### **Consultation**

In accordance with Sections 610F and 705 of the *Local Government Act 1993*, the proposed monetary contribution rates were exhibited for 28 days from 30 January 2018 to 27 February 2018. No submissions were received.

### **Planning or Policy Implications**

Upon adoption of the proposed monetary contribution rates for bonus development, Council's Schedule of Fees and Charges should be updated to reflect the new rates.

Bonus development is considered by Council under Clause 4.4A (5)–(9) of the *Burwood Local Environmental Plan 2012*, which applies to the Commercial Core and Middle Ring of the Burwood Town Centre, as well as under Council's Policy of *Carrying Out Bonus Development in the Public Interest*. This policy is now applied to the rest of the Burwood Town Centre, Strathfield Town

Centre as well as Burwood Road North. The policy is currently under review and revision, and will be the subject of a separate report to Council for deliberation.

### **Financial Implications**

The new monetary contribution rates are likely to result in more revenue to Council. Any monetary contribution paid to Council through a voluntary planning agreement (VPA) is expected to be kept in the VPA account and the funds are to be used for the provision of public benefits.

### **Conclusion**

It is recommended that Council adopt the proposed monetary contribution rates, being \$1,750 per square metre additional GFA in the Burwood and Strathfield Town Centres, and \$1,500 per square metre additional GFA for properties fronting Burwood Road North, and that the new rates be incorporated into Council's Schedule of Fees and Charges.

### **Recommendation(s)**

1. That Council adopt the monetary contribution rates of \$1,750 per square metre additional GFA for bonus development within the Burwood and Strathfield Town Centres and \$1,500 per square metre additional GFA for properties fronting Burwood Road North.
2. That the new rates be incorporated into Council's Schedule of Fees and Charges.
3. That the new rates are applied to any Voluntary Planning Agreements (VPA) for bonus development received by Council on or after 14 November, 2017.
4. That the General Manager be authorised to review and adjust the monetary contribution rates periodically, and/or negotiate a rate as part of a VPA.

### **Attachments**

There are no attachments for this report.

## (ITEM 11/18) VOLUNTARY PLANNING AGREEMENT - 32-34 BURWOOD ROAD BURWOOD

File No: 18/8109

REPORT BY ACTING DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES

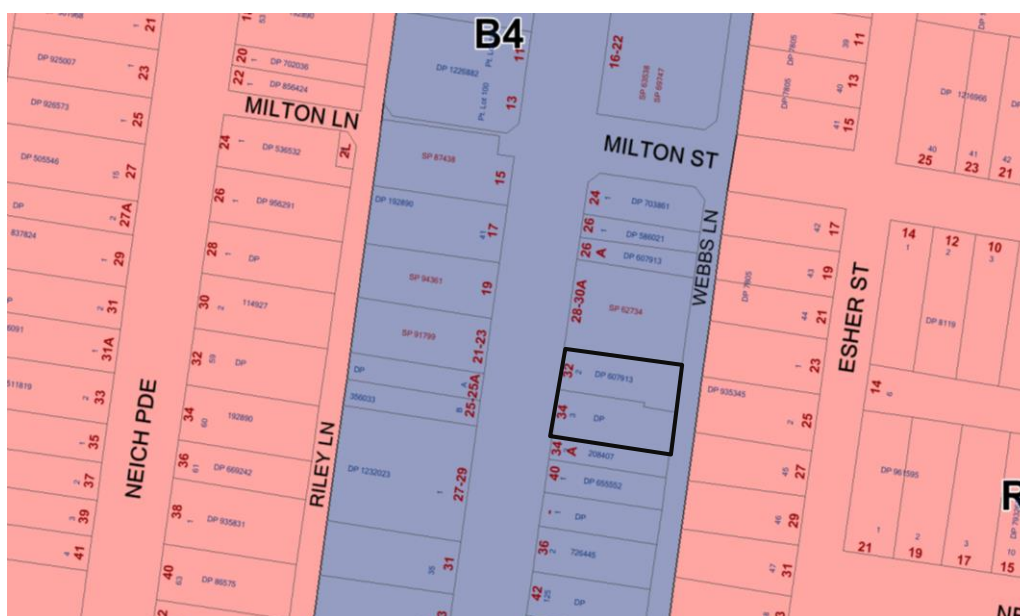
**Applicant:** Urban Link Pty Ltd  
**Owner:** ONEMark One Property Group  
**Company Directors:** Kangwei Peng and Xiaoqiang Xu

### Summary

A draft Voluntary Planning Agreement (VPA) and Explanatory Note (EN) in connection with Development Application (DA) BD.2017.039 for 32-34 Burwood Road Burwood have now been publicly notified in accordance with the relevant legislation. The draft VPA will provide for the developer to pay a monetary contribution in exchange for 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

BD.2017.039 involves the demolition of the existing building and the construction of a mixed use development comprising four commercial suites on the ground floor and eight storeys of residential apartments containing 44 units over basement parking. The application proposes to enter into a VPA with Council for an additional 236 square metres of floor space, equating to 9.7% increase in the maximum floor space allowed under the *Burwood Local Environmental Plan 2012*, pursuant to Council's Policy on *Carrying Out Bonus Development in the Public Interest*.



**Figure 1: Site Location Map**

The two lots (32-34 Burwood Road Burwood) are under the same ownership, having a combined land size of 798 square metres. The development application is still under assessment with Council's Building and Development section and will be referred to the Independent Hearing and Assessment Panel (IHAP) for determination.

### Draft VPA and EN

A draft VPA and EN has been prepared. 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.

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 of the footer or the 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 13 February 2018 to 13 March 2018. 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 \$259,600 (depending on the final determination of the DA) based on the \$1,100 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 secure a monetary contribution of \$259,600 for the provision of public facilities. It is recommended that the necessary arrangements be made for the execution of the VPA by Council authorising the signing of the agreement, after the granting of the DA 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 32-34 Burwood Road, Burwood for the provision of a monetary contribution of \$259,600 towards public facilities after the granting of the consent for DA BD.2017.039 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 dependent on the final determination of the DA) to Council, on or before, the execution of the VPA.

### **Attachments**

- 1  Attachment to Council Report - VPA

**2** [!\[\]\(34b4f260a8587d2e97eeaee361cc357b\_img.jpg\)](#) Attachment to Council Report - Explanatory Note



**ATTACHMENT 1**

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**ITEM 11/18 Voluntary Planning Agreement - 32-34 Burwood Road Burwood.DOC**  
**Attachment to Council Report - VPA**

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(b)

## **Planning Agreement**

**Burwood Council (Council)**

**ONEMark One Property Group Pty Ltd | ACN 605 499 661 (Developer)**

(e)

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## ATTACHMENT 1

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### ITEM 11/18 Voluntary Planning Agreement - 32-34 Burwood Road Burwood.DOC Attachment to Council Report - VPA

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## ATTACHMENT 1

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### ITEM 11/18 Voluntary Planning Agreement - 32-34 Burwood Road Burwood.DOC Attachment to Council Report - VPA

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(h)

## Details

**Date**

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## Parties

Name	<b>Burwood Council</b>	
Description	<b>Council</b>	
Notice Details	Address	Suite 1, Level 2, 1-17 Elsie Street Burwood NSW
Name	ONEMark One Property Group Pty Ltd	
ACN	605 499 661	
Description	<b>Developer</b>	
Notice Details	Address	Suite 3, Level 9, 99 York St, Sydney NSW 2000

## Background

- A. The Developer is the registered proprietor of the land at Nos. 32-34 Burwood Road, Burwood with respective legal descriptions of Lot 2 and Lot 3 in DP607913 (**the Land**).
- B. On 21 March 2017, the Developer made Development Application BD.2017.039 to the Council for Development Consent to carry out the construction of nine storey mixed use development above basement parking on the Land.
- C. The Developer is prepared to make a Development Contribution towards Public Facilities if Development Consent is granted to the Development.

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## Operative Provisions

### 1. Definitions and interpretation

#### 1.1 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 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 *Environmental Planning and Assessment Act 1979* (NSW) 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 Application BD.2017.039 for the construction of a nine storey mixed use development above basement car parking on the Land.

**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.

**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 land at Nos. 32-34 Burwood Road, Burwood with respective legal descriptions of Lot 2 and Lot 3 in DP607913

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**Monetary Contribution** means the sum of \$259,600.00 (two hundred and fifty-nine thousand six hundred dollars) (excluding GST) representing \$1,100 (excluding GST) per square metre for 236m<sup>2</sup> FSR in excess of the permitted FSR for the Development pursuant to Burwood Local Environmental Plan 2012.

**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).

## 1.2 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.
- (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.

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- (h)
- (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.

## 2. Planning agreement under the Act

The Parties agree that this Agreement is a planning agreement governed by Subdivision 2 of Division 6 of Part 4 of the Act.

## 3. Application of this Agreement

This Agreement applies to the Land and the Development.

## 4. 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 of Development Consent 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.

## 5. 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 the Development 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.

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

- (a) Subject to clause (c) the Developer must pay to the Council the Monetary Contribution prior to the issue of any Construction Certificate for the Development.
- (b) The payment of the Monetary Contribution will 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.
- (c) 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.

**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.



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#### 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) 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;
  - (iii) the execution of any documents; and
  - (iv) the production of the relevant duplicate certificates of title.to enable the registration of this Agreement in accordance with Clause 8.2.
- (c) The Developer, at its own expense, will take all practical steps, and otherwise do anything that the Council reasonably requires:
  - (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; and
  - (ii) to procure the registration of this Agreement by the Registrar-General either in the 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 Removal from Register

The Council will provide a release and discharge of this agreement so that it may be removed from the folios of the Register for the Land (or any part of it):

- (a) provided the Council is satisfied the Developer has duly fulfilled its obligations under this Agreement, and is not otherwise in default of any of the obligations under this Agreement; or
- (b) in the event any Development Consent granted or determination of the Development Application lapses.

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**8.4 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 the Development Contribution obligations of this Agreement in respect of that part of the Land.

**8.5 Registration of Caveat by Council**

- (a) Until such time as registration of this Agreement on the Certificates of Title to the Land, the Developer agrees that 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 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 Dealings**

**9.1 Application of Clause**

Clause 9.2 and 9.3 of this Agreement do not apply in relation to any sale, transfer, assignment or disposal of the Land if:

- (a) the agreement is registered against the title to the Land in accordance with clause 8, at the time of the sale, transfer, assignment or disposal; or
- (b) the Council has provided a release and discharge under clause 8.4, and

in those circumstances the Developer must notify Council of any transfer, sale, assignment or disposal of any part of its rights, title or interest in the Land or in the Development within 10 Business Days of that transfer, assignment or disposal taking effect.

**9.2 Assignment**

- (c) A party must not assign or deal with any right under this agreement without the prior written consent of the other parties.
- (d) Any change of ownership or control (as defined in section 50AA of the *Commonwealth Corporations Act 2001*) of a party (excluding the Council) shall be deemed to be an assignment of this agreement for the purposes of this clause.
- (e) Any purported Dealing in breach of this clause is of no effect.

**9.3 Transfer of Land**

- (f) The Developer may not transfer, assign or dispose of the whole or any part of their rights, title or interest in the Land (present or future) or in the Development to another person (**Transferee**) unless before it sells, transfers or disposes of that right, title or interest:

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- (i) The Developer satisfies the Council that the proposed Transferee is financially capable of complying with their obligations under this agreement;
- (ii) The Developer satisfies the Council that the rights of the Council will not be diminished or fettered in any way;
- (iii) The Transferee delivers to the Council a novation deed signed by the Transferee in a form and of such substance as is acceptable to the Council containing provisions under which the Transferee agrees to comply with all the outstanding obligations of the Developer under this agreement;
- (iv) Any default under any provisions of this agreement has been remedied or waived by the Council, on such conditions as the Council may determine, and
- (v) The Developer and the Transferee pay the Council's reasonable costs in relation to the assignment.

## **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.

### **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**

A party must not commence any court proceedings relating to a dispute unless it complies with this clause.

### **11.2 Written notice of dispute**

A party claiming that a dispute has arisen under or in relation to this Agreement must give written notice to the other party specifying the nature of the dispute (**Dispute Notice**).

### **11.3 Attempt to resolve**

On receipt of a Dispute Notice, the parties must endeavour in good faith to resolve the dispute expeditiously using informal dispute resolution techniques such as mediation, expert evaluation or other techniques agreed by them.

### **11.4 Mediation**

If the parties do not agree within 7 days of receipt of a Dispute Notice (or any further period agreed in writing by them) as to:

- (a) the dispute resolution technique and procedures to be adopted;
- (b) the timetable for all steps in those procedures; or

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- (c) the selection and compensation of the independent person required for such technique,

the parties may 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 received then any party which has complied with the provisions of this clause may in writing terminate any dispute resolution 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 and 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.

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(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

Fax Number: (02) 9911 9900

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

#### **Developer**

Attention: Ken Peng

Address: Suite 3, Level 9, 99 York St, Sydney NSW 2000

Post: Suite 3, Level 9, 99 York St, Sydney NSW 2000

Fax Number: 02 9299 2363

Email: [Kenpeng@onemark.com.au](mailto:Kenpeng@onemark.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.

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**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 Proprietor and 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 negotiating, preparing, executing, stamping and registering the Agreement, including any costs of lodging / removing caveats on the title to the Land. The Developer will pay Council's reasonable legal costs not exceeding \$5,500.00 (five thousand five hundred dollars) inclusive of GST 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.

**17. Entire agreement**

- (a) This Agreement constitutes the entire agreement between the Parties regarding the matters set out in it and supersedes 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.

(h)

**21. No fetter**

Nothing in this 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 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

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- (h) 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.

## **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.

## **29. Release from Agreement**

Once the Council is satisfied that the Developer has fully complied with all of its obligations under this Agreement, the Council agrees to provide a full release and discharge of this 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 Agreement on the title to the Land.



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## Signing page

### EXECUTED AS AN AGREEMENT

(a) Signed for and on behalf of  
**Burwood Council** by its attorney, **Bruce Gordon Macdonnell**, under Power of Attorney dated 29 November 2017 registered book 4736 number 451, in the presence of:

(b) ) (g)

(c) )

(d) )

(e) )

(f) )

(h) \_\_\_\_\_  
(k) Signature of Witness

(i)

(l)

(j)

(m)

Signature of Attorney

(n)

(q) (Print) Name of Witness

(o)

(r)

(p) Bruce Gordon Macdonnell, Acting  
General Manager

(s) (Print) Full Name of Attorney

(t)

(w)

(z)

(cc)

(u)

(x)

(aa)

(dd)

(v) Level 2, 1 – 17 Elsie Street, Burwood,  
New South Wales, 2134

(y) (Print) Address

(bb)

(ee) .

On behalf of ONEMark One Property Group Pty Ltd

ACN 605 499 661, 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

## 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 32-34 Burwood Rd, Burwood

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 (**Council**)
- (2) ONEMark One Property Group Pty Ltd (**Developer**)

#### 2. Description of Subject Land

Folio Identifiers: Lot 2 in DP 607913 and Lot 3 in DP 607913  
Location: 32-34 Burwood Rd, Burwood

#### 3. Description of Proposed Development

The Developer has lodged a development application (being DA 2017/039) for the land which proposes a mixed-use development comprising commercial floor space and residential units over basement car parking. 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 236m<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 proposed by the development application and determined by Council.

The Planning Agreement is proposed to require a monetary contribution for an amount of \$259,600.00 (excluding GST) being \$1,100.00 (excluding GST) {Note: \$1,100 applies to Burwood Road North only} per square metre 236m<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 any 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 FSR.

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 (now Principles) under Section 8 of the *Local Government Act 1993* (NSW) as follows [italicised sections come directly from the former 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 any construction certificate for the proposed development.

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## (ITEM 12/18) DELIVERY PROGRAM 2013/17 - QUARTERLY REPORT FOR THE PERIOD ENDING 31 DECEMBER 2017

File No: 18/6780

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE AND 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 2013-2017 (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 2013-2017 and Operational Plan 2017-2018, 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 2013-2017, 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 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

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 October – 31 December 2017, Council has registered the following progress:

Status	Number
On Track	247
Watch	1
No Activity	0
Not Due	8
<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 October – 31 December 2017 there were zero “No Activity” items, one “Watch” item and eight “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.	Slight decline in Term 4 enrolments of 2%, compared with the same period the previous year. Further review of programs to be conducted.

### 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 2013-2017 Quarterly Report for the period ending 31 December, 2017.

**Attachments**

1 [!\[\]\(feabb98897b440bc8695a03336a6e2df\_img.jpg\)](#) Operational Plan Report - 2017/2018 Quarter 2 - FINAL



*Burwood Council*  
heritage • progress • pride

## Operational Plan 2017-18

Quarterly Report

For the period ending 31 December 2017



## HOW TO READ THE OPERATIONAL PLAN 2017-18 – QUARTERLY REPORT FOR THE PERIOD ENDING 31 DECEMBER 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

# ATTACHMENT 1

## ITEM 12/18 Delivery Program 2013/17 - Quarterly Report for the period ending 31 December 2017.DOC

### Operational Plan Report - 2017/2018 Quarter 2 - FINAL

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 completed during this quarter include: Kerb and Gutter reconstruction at Shaftesbury Rd from Seabourne St to Wilda St; Footpath reconstruction works completed at Boyle St, Burleigh St, Burwood Rd, Shaftesbury Rd, Tangara St East, Queen St; Stormwater construction works at Wentworth Rd from Angel Rd to Nicholson St West Side; Stormwater construction works at Church St at the intersection with Burwood Rd; Stormwater construction works at Rawson St from No 20 to Sydney Water Canal; Replacement of Concrete Traffic Island at Weldon St; Construction of new playground at Russell St Reserve; Construction of new parking bays at No 32 and 48 Liffhorne Ave; No 7 Hexel St and No 34 Weil Ave; New outdoor Table Tennis Tables installed at Woodstock; Keith Smith Reserve and Burwood Park; Installation of palm tree lighting at Burwood Park; Installation of footpath awning lighting at The Strand.	
	Stormwater Drainage Network	Maintain, clean stormwater drainage network.	Inspect pits in critical locations (hot spots) twice a year.	●	On Track	Council actively inspects pits identified as being hot spot or critical and schedule cleaning of these pits as required.	
	Lead: Works, Operation & Parks Secondary: Works, Operation & Parks	Blocked drainage pits cleaned.	Within seven working days after being reported.	●	On Track	Reactively Council responds to Customer requests within the stipulated timeframes. Pro-actively, Council inspects pits determined as being high risk or critical and schedule for cleans routinely.	
	Shopping Precincts	Clean footpaths in CBD areas of Stratfield, Croydon Park, Croydon, Burwood and Enfield.	Daily.	●	On Track	Footpaths in CBDs are done with a combination of machine/manual sweeping techniques on a daily basis.	
	Lead: Assets, Landscape, Architecture, Urban Design & Contracts Secondary: Works, Operation & Parks	Remove dumped rubbish from shopping precincts, carparks and streets.	Collected within two working days from request.	●	On Track	All dumped rubbish is collected within 2 days of request in accordance with agreed levels of service.	
Lead: Works, Operation & Parks Secondary: Works, Operation & Parks							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.
		Maintain planter boxes along footpaths in CBD areas.	Monthly.	●	On Track	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 Durns Lane and Victoria St west.
	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.

Operational Plan Quarterly Report – Quarter 2, 2017/18

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## ITEM 12/18 Delivery Program 2013/17 - Quarterly Report for the period ending 31 December 2017.DOC

### Operational Plan Report - 2017/2018 Quarter 2 - FINAL

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
Operational Plan Quarterly Report – Quarter 2, 2017/18	Lead: Parks Secondary: Works, Operation & Parks	Carpark Cleaning	Provide clean and safe parking areas and landscaped areas.	Major carparks (Wymre Ave, Parnell St, Elizabeth St, Fitzroy St, Maryle 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 late February/early March.
	Lead: Assets, Landscape, Architecture, Urban Design & Contracts 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	113 Customer Service Requests (CRM) completed for all tree maintenance works with 96% compliant with service standard. Tree trimming CRM requests were 100% compliant with Council's 28 working day service standard.
	Lead: Works, Operation & Parks Secondary: Works, Operation & Parks	Street Cleaning	Clean area around bus shelters.	Daily in Burwood, Croydon and Strathfield CBD areas.	●	On Track	All bus shelters within the CBDs are cleaned on a daily basis.
		Street Cleaning	Clean area around bus shelters.	Twice weekly outside CBD areas.	●	On Track	Approx 110 bus shelters are located outside the CBD areas and are cleaned twice a week.
		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.
	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	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.

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## ITEM 12/18 Delivery Program 2013/17 - Quarterly Report for the period ending 31 December 2017.DOC

### Operational Plan Report - 2017/2018 Quarter 2 - FINAL

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
	Street Lighting		Effectively maintain liaison with Energy Australia in regards to the design, supply, maintenance, alteration and upgrading of street lighting services.	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.
			Attend to queries in regards to street lighting, negotiate and follow up with Energy Australia.	Quarterly Planning Meetings and reporting of outages within twenty four hours.	●	On Track	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.
				100% of resident queries / complaints investigated and attended to within fourteen days including response.	●	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 3.0 days from receipt of fault report. This is within the minimum Ausgrid service standard of less than 8 days.
					●	On Track	Street lighting investigations as well as night audits have been undertaken for the following locations within the Burwood LGA: The Strand, The Boulevard, Young Street, Boundary Street, Ardrylle Street, Ann Street, Baker Street, Webb Street, Crofton Avenue, St Pauls Close, Shibley Street, Hennessy Street, McDonald Crescent, Blair Park and Henley Park.
					●	On Track	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.
					●	On Track	All scheduled (area clean ups) are up to date. Booked clean-up are also up to date.
					●	On Track	All b-lidy bins within all the CBDs are emptied 7 days a week.
					●	On Track	All b-lidy bins within all the CBDs are emptied 7 days a week.
					●	On Track	All stainless steel b-lidy surrounds are hi-pressure washed monthly and as required.
					○	On Track	In 2015 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.
	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.	○	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.
	Lead: Works, Operation & Parks Secondary: Works, Operation & Parks		Road and footpath Repairs – Low Risk Condition Notification.	100% investigated, assessed and programmed within two working days.	●	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.
				100% investigated, assessed and programmed within four working days.	●	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.
					●	On Track	

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## ITEM 12/18 Delivery Program 2013/17 - Quarterly Report for the period ending 31 December 2017.DOC

### Operational Plan Report - 2017/2018 Quarter 2 - FINAL

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: Works, Operation & Parks	Burwood Safe and Clean Program	Ongoing cleaning and inspection of footpaths in the Burwood CBD and surrounding streets	Daily	●	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.
			Cleaning and inspection of footpaths in Croydon, Strathfield and Liverpool Road shopping precincts	Weekly	●	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.
			Removal of illegal advertising material in the Burwood CBD and surrounding streets	Daily	●	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.
			Removal of illegal advertising material in Croydon, Strathfield and Liverpool Road shopping precincts	Weekly	●	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.
			Assist with management of outdoor seating regulations in CBD areas	Daily	●	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.
			Maintain and water planter boxes along footpaths in CBD areas	As required	●	On Track	Council's Safe & Clean Team patrol all main businesses streets in the Burwood Local Government Area (LGA) on a daily basis to ensure that all planter boxes are maintained and any damage reported to the appropriate Team for repair.
			Identify and report any risks (such as trip hazards and obstruction of footpaths) in highly pedestrian areas	As required	●	On Track	Council's Safe & Clean Team patrol all main business streets in the Burwood Local Government Area on a daily basis reporting any damage to council property to the appropriate department. The Safe & Clean Team report all sighted risk hazards including footpath damage or other trip and fall hazards).
			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.
			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.
			Community Development (Community Safety)				



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## ITEM 12/18 Delivery Program 2013/17 - Quarterly Report for the period ending 31 December 2017.DOC

### Operational Plan Report - 2017/2018 Quarter 2 - FINAL

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
1.1.3 - Support and implement programs that aim to reduce anti-social behaviour such as graffiti and littering.	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. 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	The White Ribbon event was held on 23 November 2017. This is the only national violence prevention campaign and was held to raise awareness among Australian men and boys about the roles they can play to prevent violence against women. The campaign called for men across the Burwood LGA to speak out and take an oath. It was a well attended event with over 600 students and general public present.
	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	Councils within the Southern Sydney Region Of Councils (SSROC) meet on a quarterly basis to discuss issues and ways for improvement to the quality of service provided by each Council.
1.2 - High quality activities, facilities and services							
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	Planning has commenced for Youth Week 2018. This year, Council will be running a series of events and activities including a Know Your Standards Pop Up Mocktail Bar Event aimed at educating young people on safe alcohol consumption as well as knowledge and awareness of the harms and risks associated with alcohol and the dangers of impaired driving.
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.							
	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 Laundy MP. The timeline for the construction of the various park facilities has been determined and construction works have been staged as applicable.
Operational Plan Quarterly Report – Quarter 2, 2017/18							
The works are under way at Wangal Park for the \$354,962.50							
Council was 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.							
Planning has also commenced to run First Aid Training for members of the Burwood Youth Advisory Group during Youth Week 2018.							
Council will also be running an Engaging Adolescents Seminar in partnership with Prosper Australia aiming to deliver a full day of activities on Saturday 14 April 2018 during Youth Week to around 80 parents and 40 young people. The key areas to be explored in each seminar/ workshop will include building trust, fostering a safe environment, independence and maintaining open communication in a hyper-connected media-saturated world.							

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## ITEM 12/18 Delivery Program 2013/17 - Quarterly Report for the period ending 31 December 2017.DOC

### Operational Plan Report - 2017/2018 Quarter 2 - FINAL

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: Customer Service & Records	Community Facilities	Offer community facilities.	Community facilities available for use.	●	On Track	Community facilities were available for use during the reporting period.
	Lead: Parks		Offer parks for hire.	Parks available for hire.	●	On Track	Parks prepared for activities required/requested, and park hire fees applied as per Councils adopted Fees and Charges for 2017-18.
	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 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 and delivery of the play equipment. Russell Street playground is now completed.  A landscape architectural firm has designed a new children's playground for Wangal Park. Successful contractor was commissioned and works are now completed.  Installation of a new outdoor table tennis tables have been completed at Woodstock, Keith Smith Reserve and Burwood Park.  Installation of new LED lighting to illuminate the Burwood Park Palm Trees has been completed.  At Blair Park the repair and upgrade to the workers shed has been completed, also new perimeter fencing has been extended to end of the playing field on the Blair Ave side and new 5m high fencing has been installed at either end of the soccer field. The supply and install the new sports field floodlighting is currently underway.
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	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 and delivery of the play equipment. Russell Street playground is now completed.  A landscape architectural firm has designed a new children's playground for Wangal Park. Successful contractor was commissioned and works are now completed.  The design for a new playground in Blair Park is currently underway. Council received confirmation of the support funding from the Federal Government for this project.

## ITEM 12/18 Delivery Program 2013/17 - Quarterly Report for the period ending 31 December 2017.DOC

## Operational Plan Report - 2017/2018 Quarter 2 - FINAL

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
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 222 enquiries regarding volunteering, conducted 11 volunteer interviews and referred 213 volunteers to not for profit organisations in the Inner West Area. Council received 65 enquiries regarding volunteering specifically in the Burwood LGA.
			Continue to provide a Volunteer Network Service for the CHSP/CCSP (Commonwealth Home Support Programme/Community Care Support Program) sector on behalf of the Ashfield, Burwood, Strathfield and Canada Bay LGAs.	Number of volunteers within the Burwood Local Government area increased annually.	●	On Track	Strategic partnerships were established and maintained during the quarter with Navitas English School and Co As It Association to increase the number of volunteers from CALD backgrounds. This will lead to an increase in CALD volunteer numbers over time.
						On Track	During the quarter, Volunteer Network had 222 enquiries regarding volunteering, conducted 11 volunteer interviews and referred 213 volunteers to not for profit organisations in the Inner West Area. Council received 65 enquiries regarding volunteering specifically in the Burwood LGA.
							Volunteer Network continues to promote volunteer opportunities through the GoVolunteer and Volunteer Network websites and advertising in 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 Sector Support Development Officer has been working on a number of ongoing projects, as follows: facilitated six sessions to the public in various languages regarding the Australian Aged Care System and how to access services; facilitated three Community Care Forums where 40 aged and disability providers attended; in partnership with South West Sydney Sector Support Development Officer, facilitated a session on Aged and Disability Reforms with 60 service providers in attendance.
							In addition eight training sessions were facilitated with 120 participants. The training sessions were offered to staff and volunteers of CHSP/CCSP funded service providers in the region.
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	The Inner West Home and Community Podiatry Service received new referrals through My Aged Care. The service is currently at 100 percent capacity and is expecting to open for new referrals again in February 2018.
1.2.9 - Improve online access to services at Council's key facilities.							
	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.
1.2.10 - Comply with NSW Health Regulations and Guidelines.							
	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	Regular water testing was conducted with all test results in line with NSW Health Guidelines. Results were also verified by independent water testing.
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.	●	On Track	There was an increase of 5.5% attendance at squad sessions from 2nd Quarter 2016 to 2nd Quarter 2017 (from 525 to 554 attendees).
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THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT		
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	Slight decline in Term 4 enrolments of 2% compared with the same period the previous year. Further review of programs to be conducted.		
			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	A customer survey was conducted in 2017. The results have been analysed and are being used to guide improvements being made at the centre.  General feedback from customers is also being monitored on an ongoing basis with recommendations for improvement being considered and changes implemented across services.		
			1.2.13 - Implement five hectares of new open space facilities in Wangal Park.						
			Lead: Landscape & Urban Design	Wangal Park - Implement Federal Government Grant	Picnic Shelters and Barbeque Areas	Works completed by October 2017	●	On Track	All five small picnic shelters were completed by the end of October 2017. The installation of the outdoor furniture and electric BBQ unit were completed for the Christmas Holidays. The large picnic shelter was completed in late November 2017.
					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 of the children's playground was completed in December in time for the Christmas New Year holidays.			
1.3 - A well informed, supported and engaged community	Lead: Community and Library Services	Community Development (Community Profile)	Planting plan, implemented where possible	Works completed by December 2018	●	On Track	The Wangal Park planting plan is being progressively rolled out in conjunction with the completion of the various stages of the embellishment works. A number of mature trees were planted in November/December 2017.		
			Commission and construct a skate park facility.	Works completed by February 2018	●	On Track	The concrete slab for the skate park was completed in December 2017. The skate park equipment was ordered in late 2017 and has been installed during January 2018.		
			1.3.1 - Maintain up-to-date information on the community profile to support planning and program development						
			Review and update Community Profile for Burwood LGA in line with 2017 Census for use in support of planning and program development.	Community profile to be updated as new data becomes available.	●	On Track	Profile ID remains up to date with the 2016 Census data. The data has been used in grant applications and will also be used to inform new strategies and plans to be developed over the coming financial year, including Council's Community Strategic Plan.		
			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.						
Operational Plan Quarterly Report – Quarter 2, 2017/18	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 continued to improve accessibility and functionality by updating various sections of the website with large icons directing customers to		
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THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
			Improve translation 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 178 views on translation service pages this quarter (an increase of 14%).
			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 128 241 views during the quarter. Council's social media audience continues to grow with a 10.3% increase across Facebook, Twitter, Instagram and LinkedIn this quarter. In particular, Council had a 100% response rate within 2 hours for all enquiries on Facebook. 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 can now be accessed on Council's website with more forms to be digitised over the next quarter.
							The homepage has also been updated to improve accessibility and functionality with a new 'quick links' icon section making it easier for customers to find what they're after. This information is incorporated in a monthly report which is presented to the Executive Team and Councillors.
			Notify residents of important decisions via media, notice boards, newsletters and other communications tools.	As required	●	On Track	Council disseminates news and information to residents through media releases, fortnightly Mayoral Columns, mail outs and advertisements in local papers.
							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 Burwood Festival, White Ribbon Day and Carols in the Park.
			Media Communication	Prepare media releases for all major events and initiatives of Council.	●	On Track	Council prepared 5 media releases on key issues and initiatives including Burwood Festival, White Ribbon Day, Carols in the Park and abandoned shopping trolleys. Media releases were uploaded onto the Council website after distribution.
				Number of releases	●	On Track	Council published 5 media releases on key issues and initiatives including Burwood Festival, Carols in the Park, White Ribbon Day and abandoned shopping trolleys. Media releases were uploaded onto the Council website after distribution.
				Number published	●	On Track	Council published 5 media releases on key issues and initiatives including Burwood Festival, Carols in the Park, White Ribbon Day and abandoned shopping trolleys. Media releases were uploaded onto the Council website after distribution.
1.3.3 - Preserving information.							
	Lead: Customer Service & Records	Records Maintenance	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.
1.3.4 - Provide information to the community on Library services.							
	Lead: Community and Library Services Secondary: Media Communications & Events	Community Development (Library)	Distribute Library's services information via flyers, email database, website, local media, notice boards.	Increase delivery of information about Library services.	●	On Track	Library Services staff provided a wide range of information to the local community during second 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.
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THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
1.3.5 - Promote Library services to the community.							
	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	Between July and December 2017, a total of 1,402 patrons registered as new members, an increase of 10.3% over the same period in 2016. From March 2017, a total of 113 patrons have registered for the restricted membership which provides access to the internet service only.  Total membership at 31 December 2017 stood at 18,475.
1.3.6 - Provide a range of services for children and young people.							
	Lead: Community and Library Services	Community Development (Children and Families Services)	Provide direct services including Mobile Playvan for parents with children from 0-6 years, and youth services 12 – 24yrs in Council facilities.	Mobile Play-van runs twice per week during school terms and one youth developmental project to be delivered per annum.		On Track	Mobile Play Van operated almost every scheduled session for children and their families during term four (2nd quarter) only having to cancel one day due to wet weather. On average 84 children and adults attended each session and new families attended nearly every week.  Mobile Play Van also celebrated Grandparents Day in 2017 running stalls and information for grandparents, particularly those from Chinese background. Valuable information was provided in response to needs identified by the Bi-cultural Support Worker who is engaged several times each term.  Planning is also under way for the April 2018 Youth Week.
			Customer satisfaction measured annually and evaluation reports prepared.		On Track	A satisfaction survey was completed in 2017 and the results are currently being analysed to assist in making improvements to the service. The overall result showed a high level of satisfaction with the service.	
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	Acknowledge and celebrate achievements of community leaders/groups.	Number of nominations received for community leader awards.		On Track	Council sought nominations for its Australia Day Citizen of the Year Awards which will be held on 25 January 2018. The call for nominations was promoted on Council's website and social media.  In addition, Council celebrated the achievements of volunteers at the Volunteer Recognition Cocktail evening held in December and promoted the Croydon Christmas decorations competition.
			Promote community and community leaders' achievements through media articles and Council's publications.	In conjunction with Council's initiatives and awards programs.		On Track	Council sought nominations for its Australia Day Citizen of the Year Awards which will be held on 25 January 2018. The call for nominations was promoted on Council's website and social media.  In addition, Council celebrated the achievements of volunteers at the Volunteer Recognition Cocktail evening held in December and promoted the Croydon Christmas decorations competition.
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
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THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
	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	<p>date. The section of the website received 321 views.</p> <p>Library Services maintains 30 public access PCs and a Wi-Fi network providing access to the internet.</p> <p>In second quarter 2017/2018, there were 7,804 PC bookings resulting in 8,187 hours of connection and 8,237 devices were connected via 14,167 Wi-Fi logins.</p> <p>The computers and Wi-Fi access provide patrons access to Local, State and Federal Government information via the "Research" link on the Library web page.</p> <p>Scanning services are also popular with customers. During the quarter 1,420 clients scanned 3,732 pages.</p>
<b>1.4.3 - Develop strategic relationships with multicultural service providers.</b>							
	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	<p>Council Library continued to actively engage with the local multicultural communities during the first quarter 2017/2018, including well-attended workshops provided in Cantonese and Mandarin focusing on health, early childhood development and through the popular English conversation groups.</p> <p>Residents from multicultural community groups in Burwood have been active participants in Library Services programmes, such as Burwood Babies, Pre-school Storytime, the School Holiday Programme, English Conversation Groups for adults and the Wrap with Love knitters group. Many residents from culturally and linguistically diverse backgrounds have also accessed the Library's collections in Chinese and Korean and other languages from the State Library of New South Wales.</p>
			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	
<b>1.4.4 - Promote healthy and active living.</b>							
	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	<p>Community programs were held in various Council Community Centres during the period October to December 2017, continuing to offer low-cost healthy ageing activities including Zumba, line-dancing and a range of art and craft activities.</p>
<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	<p>As part of the Burwood festival project we have brought to Burwood Park artists from the Sydney region, which have performed their abilities while interacting with the local community. Schools and local businesses were involved in a number of activities on and off stage. A live street art area was successfully setup for the first time at Burwood Festival.</p>
<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	<p>A total of 338 items in Korean, Hindi and Chinese were added to the Library's collections during the quarter. These included books, DVDs, CDs and magazines for both adults and children.</p> <p>As at 31 December 2017, a total of 588 LOTE (languages other than English) items had been acquired. This represents 14% of the total acquisitions for the year.</p>

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THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
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.	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	Information sessions for the public are being scheduled during 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 42% 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.
	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>
			Produce timely and appropriate Media Releases.	Within one day.	●	On Track	A special edition of the Burwood Update will be distributed to 16,000 households and businesses across the LGA in the next quarter to incorporate Council's Community Strategic Plan consultation. The Update will also be made available online.
1.4.8 - Continue the publication of Council news in local media including local newspapers.				Newsletter made available in electronic format.	●	On Track	The Burwood Update is made available electronically on Council's website and promoted on social media.
					●	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.
					●	On Track	
					●	On Track	
1.4.9 - Promote volunteering opportunities.							
	Lead: Community and Library Services	Community Development (Volunteering)	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 222 enquiries regarding volunteering, conducted 11 volunteer interviews and referred 213 volunteers to non for 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.
					●	On Track	During the quarter, Volunteer Network had 222 enquiries regarding volunteering, conducted 11 volunteer interviews, and referred 213 volunteers to not for profit organisations in the Inner West Area.



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THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
1.5 - A sense of community pride							
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. Up to date heritage information included on Council's website.	●	On Track	The heritage information on Council's website is current and is updated when needs arise.	
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	Australian Heritage Festival will be held between April and May 2018.	
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 Neighbour Day event, which is due to take place in March 2018.	
1.5.5 - Promote interaction between different groups in the community.							
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 second quarter Burwood Council delivered two major Council events, Burwood Festival and Carols in the Park.  In the lead up to both of these Services, 17,000 promotional DL flyers were letterboxed and sent to local residents and businesses in the Burwood LGA. The two events were promoted on the Burwood Council website and via Council's social media channels, including Facebook, Twitter and Instagram. An image of the promotional flyer for each Event was also placed on the screens in the Council Chambers.  A letter was sent to residents and businesses around Burwood Park and along Burwood Road to notify them the road closure during Burwood Festival and the firework during Carols in the Park, as well as a courtesy notice regarding both Events.	
Promote awareness of Australian history through delivery of commemorative services such as Anzac Day Service, National Servicemen Service and Sandakan Remembrance Service.				Increase in attendance.	○	On Track	The planning for the Commemorative services has started.

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THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
<b>1.6 - Improved interactions between young and older people</b>							
<b>1.6.1 - Establish regular interaction between young people and councillors eg. Annual Youth Council, Youth advisory groups.</b>							
	Lead: Community and Library Services	Events	Facilitate informal discussions between youth and Council.	Conduct one event per year for young people.	●	On Track	Council staff worked with the Burwood Youth Advisory Group (BYAG) to run a series of live Facebook and Instagram feeds at Burwood Festival on 8 October 2017. Over 1,000 people viewed the live videos on Council's social media where BYAG members interviewed and promoted the main festival attractions, including X-Factor performer Cyrus.
							Following the closure of the Burwood PCYC, Council staff have worked closely with the Glebe Leichhardt PCYC to coordinate a new Burwood Youth Outreach Program. This will be a free youth engagement program, including soccer, personal training and boxing sessions for young people in the local area. Preparation is under way for the launch of the program, which is due to take place in February 2018.
<b>1.6.2 - Provide access to online information services.</b>							
	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.
<b>1.6.3 - Provide opportunities that facilitate interaction between young and older people.</b>							
	Lead: Community and Library Services	Events	Investigate opportunities for activities that support intergenerational engagement.	One intergenerational activity delivered per year.	●	On Track	As part of Council's annual Seniors' Week celebrations, students from Southern Cross Technical College will be preparing and serving a High Tea for local seniors at the event in 2018.  For International Women's Day 2018, Council staff will be coordinating an event demonstrating local women's cultural heritage and achievements in a range of fields including art, journalism and politics. This will include women of all ages and backgrounds, including seniors and students, coming together to celebrate women's achievements and holding discussions on how they can work within their own communities to press for progress on women's issues.
<b>2 - Leadership through Innovation</b>							
<b>2.1 - Community confidence in Council's decision making</b>							
<b>2.1.1 - Report decisions back to the community through open forums.</b>							
	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 held the following workshops: <ul style="list-style-type: none"> <li>Vertical Gardens - 16 September</li> <li>Taronga Zoomable - 5 October</li> <li>Balcony Gardening - 25 November</li> <li>Graduate Licensing Scheme - 12 October</li> </ul>
	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 October - 31 December 2017.

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THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
2.1.3 - Audit and evaluate projects and plans when they fail to meet stated performance measures.	Lead: Executive Team	Executive Functions	Statutory Reporting  Annual Report is completed in accordance with the requirements of the Local Government Act.  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.	Lodged by 30 November each year  Adopted by 30 June each year	○  ○	On Track  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.  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 respective values.	
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.  Ensure that Agendas and Minutes from Council and Building and Development Committee Meetings are published on Council's website.	Published within two weeks of approval.  Published three days prior to each Meeting.	●  ●	On Track  On Track	The following documents were published on Council's website. <ul style="list-style-type: none"><li>• Code of Conduct</li><li>• Permit Parking Scheme Policy</li><li>• Car Share Policy</li><li>• Discretionary Grants - Small Donations Policy</li></ul> All Council/Committee Meeting Agendas and Minutes have been published on Council's website for the quarter.
	2.1.4 - Provide community education on Council policies and regulations.						
	Lead: Governance	Community Education	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 24 October 2017, 28 November 2017 and 12 December 2017.
2.1.5 - 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.  Design library programs to bring together community cultural groups and improve communication between those groups and Council.	Cultural groups included in performance program at each Council event.  Minimum 300 activities conducted per year.	●  ●	On Track  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, Burwood Festival. This stage programme included a Japanese group to perform for the opening and an additional spot was allocated for a full performance. The participation was in collaboration with the Information and Culture Section Consulate General of Japan in Sydney.  Approximately 2,250 people attended the 80 programmes that were organised during the quarter. The activities included Burwood Babies, preschools story time, Diwali, HSC Lock ins, Tech Savvy Seniors sessions, Christmas film and a quilting demonstration.
	2.1.5 - Develop appropriate programs and services to improve communications between different cultural groups and between cultural groups and the Council.						
	Lead: Community and Library Services						
2.1.7 - Hold regular open forums for face to face discussions between Council and the Community.	Lead: Governance Secondary: 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.
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THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
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 and 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.
	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.  Review Policies/Procedures/Corporate Practices/Plans	Register updated and reviewed in part at a minimum of three Policy Corporate Practices and Procedures Panel meetings  Conduct six Policy Corporate Practices and Procedures Panel meetings per year	●	On Track	The Policy Register is maintained after each Panel Meeting  The following Panel Meetings were conducted in the quarter: <ul style="list-style-type: none"> <li>5 October 2017</li> <li>9 November 2017</li> <li>20 December 2017</li> </ul>
2.1.10 - Comply with Local Government reforms promoted by the NSW State Government.							
2.1.11 - Implement best practice governance strategies.	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	●	Not Due	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.
	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 Council had to develop a framework for the operation of an Independent Hearing and Assessment Panel (IHAP).
2.1.12 - Maintain an effective, open complaint handling processes.							
Operational Plan Quarterly Report – Quarter 2, 2017/18	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.
							Council's Executive Team assess whether issues are systemic or recurring, and subsequently implement steps to improve processes and reduce further complaints.

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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.	Applications are responded to within the statutory time frame.	●	On Track	All applications have been responded to within the statutory time frame.
	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 48 Development Applications, 40 Complying Development Applications and 4 Pre Development Applications were submitted to Building Development, 11 applications were delivered outside the Service Standard.
			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.
			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.
			Scan, process and distribute incoming daily mail.	Within one day.	●	On Track	Daily mail processed, scanned, registered and distributed.
	2.1.15 - Provide an efficient Electronic Document Management System.						
	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.
	2.1.16 - Undertake efficient and transparent procurement and purchasing.						
	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 December 2017 quarter there was one Tender approved by the General Manager, as follows: For Flood Lighting at Blair Park Sports field.
			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.
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<b>2.1.17 - Provide education to Councillors on changes to legislation.</b>							
	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	No Councillor Council Inductions were conducted in the December quarter.  Further sessions will be conducted in February 2018 which will 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.
<b>2.2 - Strong partnerships to benefit the community</b>							
<b>2.2.1 - Improve dialogue with neighbouring councils to share resources and assets to improve provision of services.</b>							
	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: - The GM at the delegates meeting in conjunction with the elected Councillors - General Managers Meeting which meets each month - Environmental Managers' Group - Waste Management Group - Human Resources Managers' Group - Public Works Management Group - Records Management Group - Regulatory Work Group - Supply Management Group - Shared Services Senior Managers' Group - Library Management Group
<b>2.2.2 - Monitor State and Federal government policies that have the potential to impact Burwood Council.</b>							
	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	All circulars and new policies/guidelines are made available for Councillors through a dedicated online portal.
<b>2.3 - Responsible employer of choice</b>							
<b>2.3.1 - Attract, engage, develop and retain the best and most highly skilled staff to strengthen workforce capability.</b>							
	Lead: Organisational Development Secondary: Governance	Staff Relations	Ensure that management inducts staff appropriately.	Conduct four induction programs per calendar year.	●	On Track	All new employees to Council, permanent, temporary, contract, agency, volunteer and casual are provided with comprehensive information on their commencement regarding their employment conditions and Council policies, procedures and Corporate practices.  In addition, Managers are required to meet individually with all their new employees to discuss the specific requirements and expectations of the role.  Council also uses an online business training system whereby new employees are required to successfully complete online training modules relative to their employment at Council.  A formal in-house induction programme is currently being revised and tailored to cover the various legislative requirements and workplace conditions that apply to employment at Burwood Council.  Council maintains strong professional working relationships with all employee associations and industry stakeholders. During this quarter the Consultative Committee met on 2 occasions, dealing with the issues of Cap Performance Reviews, Election of the new Council, Review of Committee
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THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
2.3.2 - Implement best practice Human Resource policies and strategies.	Lead: Organisational Development	Policies, Procedures, Corporate Practices and Plans	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	Constitution and draft Drug and Alcohol Corporate Practice.  Council's Vision includes the commitment to the growth of knowledge and this is supported in the ongoing development and training opportunities provided to all staff.  During this quarter a variety of internal and external training was provided to staff in areas such as: TRIM, Emotional Intelligence, First Aid Certification, Traffic Control, Social Media for Councils, Driver Training, Investigating Workplace Misconduct, Local Government Procurement and Superannuation changes.  Additionally there was attendance at Conferences such as:- Make it Happen Youth Conference, Civic Risk and the NSW Heritage Annual Forum.  Staff undertaking Tertiary qualifications are also supported by way of reimbursement in line with policy for the successful completion of studies relative to their job responsibilities: these include Undergraduate Certificate in Local Government, Cert IV in Business Administration, Diploma of Building Surveying, Cert IV in Community Services Work, Graduate Certificate in Local Government Leadership, Masters Degree in Local Government.  The Organisation Development Learning & Development Plan continues to be revised in line with the needs and requirements of staff to ensure learning and skill development opportunities are resulting in the skill sets required to strengthen our workforce capability.
			Manage payroll process.	Delivery of pays on a fortnightly basis.	●	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
			Ensure that payroll reports meet operational needs and audit requirements by undertaking regular upgrades and reviews.		●	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
			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	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.
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 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

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THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
Operational Plan Quarterly Report – Quarter 2, 2017/18	Work, Health and Safety	Develop, promote and implement strategic risk management.	Review and implement Work, Health and Safety policies, procedures and guidelines, to comply with relevant legislation.	Report to the Executive Team on Council's claims and key aspects of risk management issues and strategies on a quarterly basis.	●	On Track	possible cover and premiums. Council's Insurance Portfolio has been renewed from 31 October 2017 4pm.  Throughout this quarter the Executive Manager Organisation Development provides fortnightly updates to the Executive Committee on any major risk management or significant insurance matter.  The Executive are provided with comprehensive yearly Risk & Insurance Report from the Risk Management Coordinator.  The Executive Manager Organisation Development and Risk Management Coordinator provide monthly updates to the Risk Management Committee & Fleet Management Committee on any major risk management or significant insurance matter or any vehicle accidents/incidents.
				Conduct and report annually on risk management self audit and prepare action plan.	○	On Track	The Risk Management Action plan for 2018 was approved by the Risk Management Committee.  As approved by the Fleet Management Committee, in this quarter, IAG/CGU commenced an initial Risk Survey workshop with relevant Council staff in relation to the Fleet Enterprise Risk Management Review project.
				Risk Management Committee to meet at least six times each year.	●	On Track	For this current reporting quarter the Committee has met on two occasions, addressing the following issues and topics: Protecting Crowded Places from Terrorism, review calendar for meetings for 2018, review of claims of interest, commencement of IAG/CGU Report on Motor Vehicle Enterprise Management, 2018 Risk Management Plan and updating Insurance Policy Renewals.
					●	On Track	During this quarter the Draft Drug and Alcohol in the Workplace Corporate Practice has been considered by the Work, Health and Safety Committee and the Consultative Committee and will be submitted for approval during the next quarter.  All outdoor staff have been inducted into revised relevant Safe Work Method Statements and Safe Operating Procedures  Tree Maintenance Risk Assessment and Safe Work Method Statement has been revised.
				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 second quarter were: 1 - Lost Time 1 - Medical treatment 1 - Near Misses 12 - Notifications
			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	All workers compensation claims continue to be effectively managed to ensure a timely return to work of the injured employees.  All claims for workers compensation were processed and reported to Council's insurer StateCover within the prescribed statutory time frame.
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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.							
Lead Finance	Policies, Procedures, Corporate Practices and Plans	Financial Services	Prepare and submit monthly investment report	Report on Investments to Council for each month 100% compliant.	●	On Track	In accordance with Legislative requirements Investment Reports were tabled at each Council meeting held during the quarter
			Investment Portfolio Management.	Investment rate of return of 0.15 basis point or greater above the RBA rate.	●	On Track	Council invests surplus funds with various Financial Institutions during the year. These invested funds have been receiving at least 0.15 basis points above the RBA official rate. Council ensures that funds are invested in secured instruments.
			Quarterly budget reviews completed and reported to Council in accordance with Local Government Regulations.	Quarterly budget review statements completed and presented to Council for September, December and March of each year.	●	On Track	The September 2017 Budget was undertaken in October 2017 and submitted to the November 2017 Council meeting in accordance with the Office of Local Government's Quarterly Budget Reporting Guidelines. The December 2017 review will be undertaken during January 2018.
			Audited annual financial reports lodged with DLG in accordance with Local Act 1993 (amended).	Annual financial reports to be lodged with DLG by November each year.	●	On Track	Annual Financial Statements for the year ended 30 June 2017 were completed by 31 August 2017 and externally audited during September 2017.
<div>Coordinate health, safety and wellbeing initiatives including Work, Health and Safety training, Health Fair, Safety Week and vaccinations programs.</div> <div>●</div> <div>On Track</div> <div>WHS Coordinator attended the Metro Group Meeting with StateCover in November 2017</div> <div>Claims Review Meeting with StateCover held in November 2017.</div> <div>2 First Aiders were trained from the Waste Team.</div> <div>Report from Ergonomic Assessments conducted on the Podiatry Staff was reviewed with individual Podiatry staff issues addressed.</div> <div>Council Health Expo was conducted in October 2017.</div> <div>Healthy and well-being articles advertised in the FUSE.</div> <div>Tool Box Talks given on the following health and well-being issues:</div> <div><ul style="list-style-type: none"><li>• Mental Health Employee Support Guide</li><li>• Fighting Fatigue.</li><li>• Challenge your thinking</li><li>• National Skin Cancer Action Week 2017</li><li>• How to stay active at work</li><li>• World Diabetes day November 2017</li><li>• Water Works</li><li>• How to Burn more calories Walking</li><li>• The basics of healthy eating</li><li>• Sun Safety</li><li>• Looking after your liver</li><li>• Heat Stress</li><li>• Working in Prolonged hot weather conditions</li></ul></div>							

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THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT	
2.4.2 - Investigate opportunities to expand revenue from commercial operations, property portfolio and other income generating assets.	Lead Assets, Property & Building Services Secondary: Finance	Property Portfolio	Review financial aspects of the Delivery Program.	Undertake review of financial aspects of the Delivery Program, which will form basis for rolling forecasts under Best Practice principles.	○	On Track	The financial aspects of the Delivery Plan are monitored on a monthly basis via input from Council's Executive Committee.	
			Address any management items identified as part of the external audit in a timely manner including consideration of cost benefit analysis on control process.	Appropriate strategies are implemented.	●	On Track	During the first quarter Council's Auditors performed an audit on Council's Financial Statements for the year ended 30 June 2017 and has been incorporated within the Annual Financial Statements.	
			Participate in the investigation of opportunities to expand revenue from commercial operations, property portfolio and other income-generating assets.	Increase revenue through the maximisation of Council's property investments.	●	On Track	All properties are leased and achieving market rent revenue.	
2.5 - Efficient, effective, customer focused services								
2.5.1 - Monitor and review Council's customer service performance against other Councils.								
2.5.2 - Provide 'One Stop Shop' Customer Service.	Lead Customer Service & Records	Customer Service Improvement	Participate in an external benchmarking program.	Program conducted annually and completed by December.	●	On Track	Benchmarking survey scheduled for next quarter.	
			Answer Council's incoming telephone calls in line with Customer Service standards.	80% of external telephone calls answered in less in forty seconds.	●	On Track	Of the 8612 calls received during the quarter 75.22% were answered in less than forty seconds.	
			Enter Customer Request into CRM System and forward to appropriate team for action.	100% daily.	●	On Track	Of the 2,713 Customer Requests received, 100% were entered into the system on the same day.	
			Produce Section 149 Zoning Certificates and refer to Council's Building and Development Section for issuing.	Non-urgent requests within three days Urgent requests within one day.	●	On Track	During the quarter 99% of the 228 non-urgent and urgent Section 149 certificates received and generated for Building and Development were provided within three days and one day respectively.	
3 - A Sustainable Natural Environment			Receipt and lodge Residential and 2P Prime Parking Permit applications in Council's records systems.	Within one day.	●	On Track	During the quarter 673 Residential Parking Permits and 202 Prime Parking Permits were processed and issued on the same day.	
			Attend to Customers arriving at Council in line with Customer Service Standards.	80% within five minutes of arrival.	●	On Track	A total of 2,436 customers were served at the counter and 84% were served within five minutes.	
3.1 - Maintain and enhance open green spaces and streetscapes								
3.1.1 - Implement strong planning controls to protect open green space.								
Operational Plan Quarterly Report – Quarter 2, 2017/18	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.  Council's public benefit policy provides for developers to pay a monetary contribution to Council in exchange for additional development. Such contribution is used by Council towards the provision and/or improvement of open space and other local infrastructure.	

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3.1.2 - Provide adequate funding to maintain open space areas.							
	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 Wangai Park. This funding has been initiated by the Federal Minister Mr. Craig Laurney 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 and the installation of the five BBQ picnic shelters have been completed. Construction of the new playground and skate park are currently underway.  Council has 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. The supply and install the new sports field floodlighting is currently underway. Repair and upgrade to the workers shed has been completed, as well as new perimeter fencing has been extended to end of the playing field on the Blair Ave side and new 5m high fencing has been installed at either end of the soccer field.  The works for the construction of the main shared path and other ancillary paths are now completed at Wangai Park under the \$354,962.50 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.
3.1.3 - Pursue partnerships and opportunities to create new open spaces.							
	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.
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.							
	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, and 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 planned to provide colour that coincides with the timing of events that are held in Burwood Park. This quarter Australia Day was the main event.
							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.
	Turfing Maintenance including sprinkler system.			Comprehensive inspections completed one month prior to relevant sporting seasons commencement.	●	On Track	To ensure fields will be fit for the forthcoming winter activities following the heating and to the summer season activities such as cricket and touch football, an inspection of the playing fields was carried out before the end of the summer sporting



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				Line marking of sporting fields maintained at minimum of 4 weeks cycles.	●	On Track	activities and a maintenance program developed and scheduled accordingly to ensure fields are prepared for the winter season activities.
				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.			Soil samples are taken from each field for analysis and the results from these tests determined the amendments and fertilisers applied to each field to promote grass recovery.
				Some fields such as Henley Park are heavily used 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.			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.
				Sporting fields fertilised during March-April period.	○	On Track	Comprehensive amendment and fertilising program carried out at Henley, Blair and Flockhart Park in September and a follow up is scheduled for January 2018 at Blair, Burwood and Henley as they are used extensively.
				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 Agriator that alleviates the compaction on the fields from the seasons wear.
				Worn down turfed areas re-turfed where required during the September-December period.	●	On Track	This machine leaves the surface a little rougher in the short term but provides better results in the long term.
				Fields are sprayed for broad leaf weeds during August-October period and as required for crowfoot infestations.	●	On Track	Re-turfing of worn areas at Henley Park required the laying of nearly 4000m2 of turf at Henley Park and 2000m2 at Blair Park.
				Cricket pitches line marked on regular basis.	●	On Track	These are the most heavily used playing field locations. All areas of Henley, Blair, Burwood Park and a large area of Flockhart Park were sprayed for broad leaf weeds this quarter which includes bindii.
				Sporting fields oversowed for high traffic areas where required during March-April period.	○	On Track	Also unleashed dog areas at Grant Park were sprayed.
				Fields mown on a 1-4 weeks cycle subject to season and sporting activities.	●	On Track	Notification as per Councils Pesticide Notification Plan was carried out prior to the spraying.
				Fields set up for soccer season and during March-April period.	○	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.
							Oversowing is scheduled for the cooler months of the year being April/May.

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3.2 - Improve waste management	Lead: Landscape & Urban Design Secondary: Parks	Open Space	Herbicide/insecticide spraying	Major parks (Henley, Wangal, Blair, Burwood, Woodstock, Flockhart) sprayed during the August to September period and for broad leaf and bind 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	Broad leaf weed spraying and fungal spraying which includes Binoli was carried out at Burwood, Wangal, Flockhart, Grant and Blair Parks.	
			Pruning of park trees and Phoenix palms.	●	On Track	Routine Parks tree maintenance including pruning was completed as scheduled. Palm pruning carried out in Burwood Park especially on main oval surrounds. A few palms required removal due to dying from the incurable disease Fusarium.		
			Mowing of parks and playing fields.	Passive areas mown on a 2-4 week cycle, depending on season.	●	On Track	Passive areas of parks and reserves are mown on a 2-4 week cycle dependent on the time of the year and grass growth.	
			Provide playground equipment that comply with the relevant Australian Standards and undertake regular inspections.	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	Playground routine visual inspections are carried out by park staff on a daily or weekly basis depending on playground location and usage.  A playground consultant contractor carries out a more comprehensive inspection on a quarterly basis.  Replacement playgrounds installations are pending for Henley, currently being undertaken at Blair Park and has been completed at Russell Street Reserve.	
			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	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 have been completed with equal access to them provided.	
	Lead: Parks Secondary: Parks	Park Maintenance	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. A New Tradewaste Agreement was signed with Sydney Water.	
3.2.1 - Better promote existing recycling services.								
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	Council currently has two projects underway to tackle recycling contamination in multi-unit developments. Projects and results are due to be completed in the next quarterly reporting period.  New stickers and bin bay signage have been purchased for residential and commercial customers.		

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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	Promote waste reduction through programs such as home composting and worm farming	Media release produced twice per year and advertisement flyer available at Customer Service and distributed at Council's initiatives and events.	<div><div></div></div>	On Track	Council continued the compost revolution program during the reporting quarter. Formal EPA funding for program ceased in December 2017 however additional funding has been secured to continue the program until June 2018.
			Conduct free workshops for residents on composting and organic gardening	Conduct two workshops per year for residents as requested.	<div><div></div></div>	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 bin audit every two years in accordance with Department of Environment Protection Authority (EPA) approved methodology.	Conduct audit every two years.	<div><div></div></div>	On Track	The workshops are delivered through treading lightly program and will be continued through year.
			Give awards to most improved recyclers for each bin audit program.	Award presentation organised twice per year.	<div><div></div><div></div></div>	On Track	there was 1 workshops were held in reporting quarter.
			Conduct bin audit every two years in accordance with Department of Environment Protection Authority (EPA) approved methodology.	Conduct audit every two years.	<div><div></div></div>	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.
			Undertake bin contamination audits for recycling.	Offer free environmental workshops for schools on waste and sustainability. Facilitate diversion of e-waste from waste stream through promotion of e-waste drop off centres and e-waste collection events.	<div><div></div></div>	On Track	Program will be recommenced in new school year 2018.
			Conducted twice per year	Conduct audit every two years.	<div><div></div><div></div></div>	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.
			Provide report from each audit as to trend in levels of contamination found.	Award presentation organised twice per year.	<div><div></div><div></div></div>	On Track	Currently being conducted as part of multi unit dwelling recycling improvement program. A number of multi unit properties were audited and identified as requiring education and signage. Reporting on results at completion of project.
			Award presentation organised twice per year.	Award presentation organised twice per year.	<div><div></div><div></div></div>	On Track	A report with the results of the Multi Unit Dwelling Project will be submitted upon completion of the program.
			Conduct bin audit every two years in accordance with Department of Environment Protection Authority (EPA) approved methodology.	Conduct audit every two years.	<div><div></div></div>	On Track	Program currently deferred with focus shifted to recycling improvement in Multi Unit Dwellings Project.
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.	Achieve 70% diversion rate by 30 June 2021. Subject to the provision of reprocessing facilities.	<div><div></div></div>	On Track	Council has entered into a contract with Veolia Environmental Services (VES) for the treatment of household waste through a Mechanical Biological Treatment Plant (MBT)	
			Conduct free workshops for residents on composting and organic gardening	Conduct two workshops per year for residents as requested.	<div><div></div></div>	On Track	The 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.
			This is to be confirmed when tonnages for the 2017/2018 year are reconciled.				
Council also provides other waste diversion/recovery services including: <ul style="list-style-type: none"><li>recycling collections,</li><li>garden waste collections</li><li>e-waste drop off service</li><li>compost and worm farm bin sales and other recycling services</li></ul>							
3.3 - Educate the community on sustainable practices							
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THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
3.3.1 - Hold a program of workshops to encourage more sustainable practices around the home and provide these in different languages, as required.	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.	●	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.	●	On Track	During this Quarter, eight 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.
	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.	●	On Track	This information has been included in a fact sheet for Residential Development on Council's web site.
3.3.4 - Focus planning on environmentally sustainable development to reduce impacts on the environment.	Lead: Building & Development Secondary: Strategic Planning	Planning Instruments	Encourage four to five star building designs.	Number of four to five star building designs provided for major developments.	●	On Track	Council received 1 major development application last quarter for a building design 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.	Lead: Works, Operation & Parks	Clean Drainage Network	Stencill labelling of all Council's drainage pits.	Major drainage pits completed by December 2017.	●	On Track	Council is routinely updating and reviewing our network data to determine the exact locations of critical pits.
3.4.2 - Develop programs that encourage the community to take pride in the cleanliness and maintenance of the Local Government Area.							
3.4.3 - Promote greater use of more efficient green technologies and alternative energy sources.	Lead: Environment & Health Secondary: Assets, Property & Building Services	Environmental education Communications & Events	Encourage Community ownership of our Council.	Participate in annual 'Clean up Australia Day'.	○	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 Dumpster phone number.	●	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.
				Use CCTV cameras as a deterrent for illegal dumping.	●	On Track	The use of CCTV cameras as a deterrent for illegal dumping continues to be utilised across the Burwood Council area. Cameras are moved around to "hot spot" locations as considered necessary.
				Report quarterly on levels on illegal dumping, including tonnage and number of incidents.	●	On Track	There were 175 incidents of illegal dumping reported in this period.
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Lead: Environment & Health Secondary: Assets, Property & Building Services				Support and promote Federal and State Government initiatives in the rollout of green technology grants and rebate schemes.	●	Not Due	There are no rebate schemes currently being offered by either the Federal or State Governments via Councils.

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THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
3.4.4 - Develop management plans that improve the performance of Council operations to address global warming.	Lead: Environment & Health	Develop Management Plans	Promote to the community and participate in the annual Earth Hour event.	Participate in Earth Hour.	<div></div>	On Track	Earth Hour will be held in March 2018
			Monitor actions from: - Green Action Plan - Sustainability Action Plan - Water Savings Action Plan - Cities for Climate Protection program - Local Action Plan - Strategic Waste Action Plan - Litter and Illegal Dumping Plan	Annual report to Council.	<div></div>	On Track	The Annual report has been prepared and will be submitted to the February 2018 Council Meeting.
4 - Accessible Services and Facilities							
4.1 - Effective traffic management and adequate parking provision							
4.1.1 - Investigate an increase in bus priority lanes along local roads.							
	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.	<div></div>	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. A review of Bus Stops in Queen Street commenced to determine if consolidation of multiple stops is possible.
4.1.2 - Investigate options for effective traffic management and increased public parking.							
	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.	<div></div>	On Track	There were 22 referrals made to Council's Traffic & Transport section for comment during this quarter with 1 application also being referred to RMS for comment.
4.1.3 - Develop a whole of LGA parking strategy.							
	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.	<div></div>	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.
4.1.4 - Consult pedestrians as key stakeholders in traffic management planning.							
	Lead: Traffic & Transport	Traffic Management Planning	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.	<div></div>	On Track	During this Quarter, a total of 11 Development Applications were assessed by the Traffic and Transport Team in accordance with Council's DCP.
4.1.5 - Work with RMS and Transport NSW in the development of integrated transport plans.							
	Lead: Traffic & Transport Secondary: Strategic Planning	Integrated Transport Plans	Design of traffic facilities such as pedestrian refuges, roundabouts, cycle ways to be produced on time.  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.	Investigate all requests for traffic facilities and design them in accordance with Australian Standards and RMS Guidelines.	<div></div>	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.
4.1.6 - Expand the Burwood bike plan.							
The October and November 2017 Burwood Local Traffic Committee meetings were held successfully with a total of nine items for consideration by committee members.							
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THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
	Lead: Traffic & Transport	Cycleways	Apply for grant funding for cycling facilities from external sources	Number and value of grants received.	●	On Track	A submission was made to the state governments Urban Amenity Improvement Project for funding of additional cycleways to grown areas along Paramatta Road. Council to meet with State Government in 2018 to go through submission.
<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	Council will apply for the 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	The Development Application was submitted in December 2017. The construction of the proposed new community facility in the Burwood Park is anticipated to commence by April 2018.
<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 six (6) 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 Amenity 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 Kids and Ride area, safety around schools, cyclists safety, child restraints, 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 Buds and Kids" programs from the Roads and Maritime Services (RMS). These programs were run throughout the 2016/17 financial year. The "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	All planned Child and Families Interagency Network meetings were delivered by the Families NSW Coordinator with the assistance of the Children, Families and Cultural Development Officer. Planning has commenced to deliver child and parenting programs for 2018.
			Deliver Families and Children events.	One event held per annum.	●	On Track	A Grandparents Day event was delivered in conjunction with Mobile Play Van in Burwood Park in November 2017. The event was attended by approximately 200 people, including children, grandparents and families. This event recognised and acknowledged the achievements and contributions grandparents make to families and the local community. Planning for the 2018 Community Soccer Development

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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.	Provide information, training and resources targeted to Families and Children.	Children's directory kept up to date.	●	On Track	Program commenced with Council's new project partner, the International Soccer Academy (ISA). The program commences in February 2018.  The working group has commenced planning for International Women's Day to be held in March 2018.
			Annual progress report presented to Council by 30 June each year.	○	On Track	The Children's Directory continues to be updated and can be downloaded from Burwood Council's website.  The previous report was submitted in June 2017. There is continuous monitoring of Council's commitments under the current Disability Inclusion Action Plan (DIAP), and a report will be prepared in July 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 31 December 2017, 298 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 continues to provide relevant activities and events to the community focusing on older people, people with a disability and carers.  In October 2017 there were two bus trips offered. One was for seniors from the Burwood Local Government Area who went to the Leura Spring Festival and toured a number of private gardens from the area. The other bus trip was for the Inner West-wide Carers Week event to Bulli which was greatly appreciated by the carers.  There were two talks for seniors on "Falls Prevention" held 20 October 2017 and "Let's Talk About Changes to Aged Care" held 17 November 2017. Both talks were well attended with a good exchange of questions and answers.	
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THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
4.5 - Vibrant and clean streetscape	Lead: Compliance Secondary: Media, Communications & Events	Education	Promote Council's 'Dob in a Dumper' 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 Dumper' Program being developed to target the people causing the issue. The program encourages residents to report unlawful rubbish dumping offenders to Council for prosecution.
				Two articles per year to be posted in local media papers educating the community of the program.	●	On Track	Council take a proactive stance against unlawful rubbish dumping with the development of a 'Dob in a Dumper' 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.
				Graffiti Line number maintained on Council's website, newsletters and publications.	●	On Track	Council continued to promote information on how to deal with graffiti, including the Graffiti Line number.
				Promote information and phone numbers for the Graffiti Line.	●	On Track	
4.5.2 - Activate streetscapes through local events.	Lead: Community and Library Services Secondary: Media Communications & Events	Events	Produce and promote an annual program of civic events.	Number of events delivered and increase in attendance.	●	On Track	Two major civic events were held this quarter: the Burwood Festival which was attended by over 20,000 people and Carols in the Park which was attended by more than 5000 people.
					●	On Track	
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	Amendment No. 12 to Burwood Local Environmental Plan (BLEP) 2012 came into force on 17 November 2017. The BLEP now contains Clause 6.5 Design Excellence in Zones B2 and B4.
					●	On Track	The Burwood Development Control Plan contains more detailed provisions to promote architectural integrity and aesthetically appealing buildings.
				Assessment of Development Applications to ensure substantial compliance with State Environmental Planning Policy (SEPP) 65 & NSW Residential Flat Design Code (RFDC).	●	On Track	During this quarter Council applied residential design quality planning controls to the assessment & determination of 3 major development applications 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.
Lead: Building & Development Secondary: Strategic Planning	Development Assessment			Number of Development Applications assessments.	●	On Track	
					●	On Track	



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THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
<b>4.5.4 - Provide Development Application assessment as per Environment and Planning Assessment Act.</b>							
	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 99 and 89 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 Applications pursuant to Section 82A of the Environment and Planning Assessment Act.	●	On Track	There were no requests for a review of a development application pursuant to S82A of the Act during this quarter.
<b>4.6 - Minimise risk and ensure continuity of critical business functions</b>							
<b>4.6.1 - Implement best practice records and risk management strategies.</b>							
	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.
	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	○	Not Due	Due to be delivered in the fourth quarter.
<b>4.6.2 - Facilitate training and education awareness programs regarding risk management.</b>							
	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.	●	On Track	Each year, Council's insurer, CwvRisk 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 on their roles, obligations and responsibility in relation to Enterprise Risk Management.  In November 2017 relevant Council's staff attended the Annual Risk Management Institution of Australasia (RMAA) conference held in Canberra. RMAA is the professional institution and industry association for Risk Managers in the Asia Pacific region.
<b>4.6.3 - Maintain an appropriate insurance program.</b>							
	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.	○	On Track	The insurance portfolio is managed in consultation with the CwvRisk Mutual, brokers' and insurer's advice and is reviewed on annually basis.  CwvRisk Mutual Insurance Portfolio is 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 CwvRisk Mutual obtain the best possible cover and premiums.  Council's Insurance Portfolio has been renewed from 31 October 2017 4pm
<b>4.6.4 - Provide suitable reliable information technology hardware and software across the organisation.</b>							
	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	●	On Track	Service has been provided to standard to date.

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THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT			
5 - A Vibrant Economic Community										
5.1 - Support and manage Burwood's major centre status										
5.1.1 - Implement economic development strategies.				Information Systems	Develop, implement, manage and support Council's Information Communications Technology (ICT) Information Systems.	service level	●	On Track	Service has been provided to standard to date.	
5.1.2 - Pursue funding for infrastructure that supports commercial activities such as public transport.				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.	
5.1.3 - Encourage mixed use buildings – commercial and residential to maximise use of buildings in the town centre.				Lead: Traffic & Transport	Grant Funding	Apply for grant funding for transport facilities.	Number and value of successful grants.	●	On Track	A submission 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.
5.2 - Support small business				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.
5.2.1 - Develop programs to strengthen and sustain small businesses.				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 & Regul	Ensure all registered premises are inspected at least once per year and higher risk premises at least twice per year	●	On Track	Registered premises are inspected to ensure compliance with relevant health regulations. The inspection program is undertaken by Council's environmental health officers. There were a total of 38 inspections carried out carried out in the reporting quarter.	
5.2.2 - Support small business				Lead: Environment & Health Secondary: Media, Communications & Events	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	Regulation of food shops by way of enforcement action is taken as considered necessary.	
5.2.3 - Support small business				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	○	Not Due	During the reporting quarter there were: <ul style="list-style-type: none"><li>2 Improvement notices issued,</li><li>11 Penalty notices issued and</li><li>3 Prohibition Notices issued</li></ul> The Annual Food Activity Report is due in July each year for the preceding year's activity.	

## ITEM 12/18 Delivery Program 2013/17 - Quarterly Report for the period ending 31 December 2017.DOC

## Operational Plan Report - 2017/2018 Quarter 2 - FINAL

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	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.	●	Not Due	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	Council's Environmental Health Officers maintain and have available fact sheets in a variety of languages and on a range of specific public health 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 that are referred are reviewed as required and appropriate conditions relating to environment and health concerns are included in consents.
			Respond to and investigate public health complaints.	Report number of complaints investigated and actioned as part of quarterly reporting process.	●	On Track	Public Health complaints are investigated and appropriate action taken to rectify where warranted. There were 15 public health complaints received and investigated by the environment and health team during the reporting quarter.
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	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.
			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 two major civic event held during this quarter were the Burwood Festival and Carols in the Park. Burwood Festival have elected 70 stallholders to participate in the event. Carols in the Park had 11 stallholders attend the event.
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	Council continues to support the community in providing work experience, learning and observation opportunities for students, trainees and volunteers to broaden their understanding of the world of work.	
			Although Council was prepared to host students as we have done previously, Southern Cross Vocational College, due to the exam period and holiday break, did not require placement in this quarter.				

# ATTACHMENT 1

## ITEM 12/18 Delivery Program 2013/17 - Quarterly Report for the period ending 31 December 2017.DOC

### Operational Plan Report - 2017/2018 Quarter 2 - FINAL

THEMES AND STRATEGIC GOALS	RESPONSIBILITY	SERVICE	ACTION	SERVICE STANDARD (PERFORMANCE MEASURE)	TARGET	STATUS	COMMENT
<b>5.4 - Economic centre growth and preserved residential areas</b>							
<b>5.4.1 - Preserve local heritage through relevant planning strategies.</b>							
	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.
<b>5.4.2 - Ensure compliance with State Government Planning System Reform.</b>							
	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 13/18) BUDGET REVIEW FOR QUARTER ENDING 31 DECEMBER 2017

File No: 18/4130

REPORT BY CHIEF FINANCE OFFICER

### **Summary**

The 2017-2018 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 31 December 2017, 2017-18 Financial Year. In accordance with Clause 203(1) of the *Local Government (General) Regulation 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 \$39,041 as at 31 December 2017 compared to the revised adopted forecast surplus of \$82,947 as at 30 September 2017 which was adopted at the November 2017 Council Meeting. The reasons for the net decrease of \$43,906 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) of the Regulation. 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 94 Contributions and Internally Restricted Reserves.

The Local Government Code of Accounting Practice and Financial Reporting require Council to prepare its General Purpose Annual Financial Reports in accordance with the Australian Accounting Standards. The major implications are that Council must adopt a general purpose format for financial reporting.

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 31 December 2017							
<b>Income</b>							
		Adopted Variations					
Type	Budget	September	Amended Budget	Recommended Amendments	Forecasted Year End	Reference	Actuals
Rates & Annual Charges	(26,496,057)	(162,425)	(26,658,482)	(41,282)	(26,699,764)	1	(26,690,188)
User Charges & Fees	(9,445,549)	(85,000)	(9,530,549)	(930,000)	(10,460,549)	2	(6,048,432)
Interest & Investment Revenue	(1,150,000)	-	(1,150,000)	-	(1,150,000)	3	(606,496)
Other Revenue	(4,320,225)	9,600	(4,310,625)	(287,750)	(4,598,375)	4	(2,327,289)
Operating Grants & Contributions	(3,644,467)	(144,570)	(3,789,037)	71,399	(3,717,638)	5	(1,661,389)
Capital Grants & Contributions	(5,832,000)	(2,045,840)	(7,877,840)	(358,084)	(8,235,924)	6	(4,797,976)
Carryover Grants	-	-	-	-	-	7	-
<b>Total Income</b>	<b>(50,888,298)</b>	<b>(2,428,235)</b>	<b>(53,316,533)</b>	<b>(1,545,717)</b>	<b>(54,862,250)</b>		<b>(42,131,769)</b>
<b>Expenditure</b>							
		Adopted Variations					
Type	Budget	September	Amended Budget	Recommended Amendments	Forecasted Year End	Reference	Actuals
Employment Costs	19,788,940	(135,224)	19,653,716	(520,165)	19,133,551	8	8,498,679
Borrowing Costs	310,220	-	310,220	-	310,220	9	141,992
Materials & Contracts	10,500,927	439,066	10,939,993	1,568,792	12,508,785	10	3,135,270
Depreciation	7,075,000	-	7,075,000	-	7,075,000	11	3,556,041
Other Expenses	8,798,155	342,926	9,141,081	182,912	9,323,993	12	4,124,333
<b>Total Expenditure</b>	<b>46,473,242</b>	<b>646,768</b>	<b>47,120,010</b>	<b>1,231,539</b>	<b>48,351,549</b>		<b>19,456,315</b>
<b>Net Operating Result</b>	<b>(4,415,056)</b>	<b>(1,781,467)</b>	<b>(6,196,523)</b>	<b>(314,178)</b>	<b>(6,510,701)</b>		<b>(22,675,455)</b>
<b>Net Operating Result before Capital Items</b>	<b>1,416,944</b>	<b>264,373</b>	<b>1,681,317</b>	<b>43,906</b>	<b>1,725,223</b>		<b>(17,877,479)</b>
<b>Funding Statement</b>							
Net Operating Result	(4,415,056)	(1,781,467)	(6,196,523)	(314,178)	(6,510,701)		(22,675,455)
Add Back Non Cash Items							
Depreciation	(7,075,000)	-	(7,075,000)	-	(7,075,000)	13	(3,556,041)
Movement in ELE	-	-	-	-	-		-
<b>Adjusted Net Operating Result</b>	<b>(11,490,056)</b>	<b>(1,781,467)</b>	<b>(13,271,523)</b>	<b>(314,178)</b>	<b>(13,585,701)</b>		<b>(26,231,495)</b>
<b>Source of Capital Funds</b>							
Sale of Assets	(800,000)	-	(800,000)	-	(800,000)	14	(321,850)
Loan Funding	-	(20,000)	(20,000)	-	(20,000)	15	-
Transferred From Section 94	(3,100,000)	(1,834,734)	(4,934,734)	(566,500)	(5,501,234)	16	-
Transferred From Reserves	(4,040,000)	(1,326,563)	(5,366,563)	77,000	(5,289,563)	17	-
Add Back Non Cash Property	-	-	-	-	-		-
<b>Funds Available</b>	<b>(19,430,056)</b>	<b>(4,962,764)</b>	<b>(24,392,820)</b>	<b>(803,678)</b>	<b>(25,196,498)</b>		<b>(26,553,345)</b>
<b>Funds Utilised:</b>							
Acquisition of Assets	13,962,769	5,218,395	19,181,164	847,584	20,028,748	18	5,100,395
Loan Principal Repayment	480,080	-	480,080	-	480,080	19	234,451
Transfer to Section 94	4,032,000	-	4,032,000	-	4,032,000	20	-
Transfer to Reserves	881,629	(265,000)	616,629	-	616,629	21	-
<b>Budget Result</b>	<b>(73,578)</b>	<b>(9,369)</b>	<b>(82,947)</b>	<b>43,906</b>	<b>(39,041)</b>		<b>(21,218,499)</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. At the September review this was increased to \$53,316,533. As at December there is a further increase of \$1,545,717 to \$54,862,250. The major items resulting in this forecast income adjustment include:

**Reference 1 – Rates and Annual Charges**

An increase in Council's Rating Base of \$41,282 attributed to an increase in residential strata units coming on line and the re-categorisation of property within the Town Centre of \$16,282 and an increase in Domestic Waste Management Charges of \$25,000.

**Reference 2 – User Charges and Fees**

An overall increase of \$930,000 primarily due to the following:

- An increase in construction Hoarding Fees \$110,000, Road Opening Permits \$95,000, Road Closure Permits \$450,000 and Temporary Work Zones \$100,000 due to increased building works within the Burwood Town Centre and Local Area.
- An increase of \$30,000 in the hire of Council's Community Facilities.
- \$182,000 additional income for Planning Instruments Rezoning fees.
- A reduction in Commercial Waste Charges of \$40,000 due to the loss in client base.

There were other budget movements within the classification of User Charges and Fees which were under \$15,000 resulting in little or no change to the actual overall budget.

**Reference 4 – Other Revenue**

An overall increase of \$287,750 primarily attributed to the following:

- \$230,000 additional monies received through increased Environmental and Building Enforcement Fines within the Town Centre and Local Area associated with increased building works.
- \$50,000 additional Risk Management Incentive Bonus from Council's insurers, there is a corresponding expenditure contra Reference 10 – Materials and Contracts.

There were other budget movements within the classification of Other Revenues which resulted in little or no change to the actual overall budget.

**Reference 5 – Operating Grants and Contributions**

A decrease in Operating Grants and Contributions of \$71,399, this was primarily associated with a reduction of \$66,181 in Restoration Fees due to the reallocation of budget to Capital Works Restoration/Private Works programme. Reference 6 – Capital Grants and Contributions.

Expenditure items for these contribution monies are distributed within Reference 18 - Acquisitions of Assets.

There were other budget movements within the classification of Operating Grants and Contributions which were under \$15,000 resulting in little or no change to the actual overall budget.

**Reference 6 – Capital Grants and Contributions**

During the quarter there has been a reclassification of Operational Contributions to Capital Contributions of \$66,181 for Private Works/Restorations and Council has received a further amount of \$291,903 in Private Works/Restoration contributions associated with works within the Town Centre. The expenditure items are distributed within Reference 18 – Acquisition of Assets.

**Total Expenditure from continuing operations**

Expenditure from continuing operations was originally forecast at \$46,473,242. At the September Review it was increased to \$47,120,010. As at December 2017 there is a further increase of \$1,231,539 to \$48,351,549. The major items resulting in this forecast expenditure adjustment include:

**Reference 8 – Employment Costs**

An overall decrease in Employee costs of \$520,165 is attributed to, but not limited to, transfers from various Business Units Wages and Salaries components for the funding of 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 Parking Enforcement, Depot and Fleet Operations, Parks Operations, Landscaping & Urban Design, Building & Development, Records and Customer Service, Traffic & Transport, Information & Technology and Council's Clean Up Service.

Note that there is a commensurate offset in 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 \$1,568,792 was attributed to various movements within Business Units throughout the budget. Significant movements and additional funding requests were:

- Contracted Temporary Staff - \$906,968 to fill various positions throughout the organisation. These funds were in part sourced from savings within Wages and Salaries respective budgets. Reference 8 – Employment Costs.
- Town Planning and Development Control have required an additional \$130,000 in Legal Fees due to increased Development application challenges in court.
- \$55,000 additional Town Planning Consultancy Fees were required to assist with the assessment of Development applications
- An amount of \$30,000 in Consultants fees associated with assessing Engineering, Traffic and Drainage components of Development applications.
- \$116,000 additional costs associated with assessing rezoning applications.
- \$50,000 for Work Health and Safety equipment relating to the Risk Management Incentive Bonus from Council's insurers. Reference 4 – Other Revenue
- Information Technology required an additional amount of \$55,628 to address increased costs in Software Licences.
- Wangal Park required another \$60,000 for the upkeep of the gardens and lawns until staffing levels are assessed, which will occur once the completion of current Capital Works.
- \$15,000 was required for additional cleaning costs associated with shopping centre pavement cleaning.
- A budget reduction of \$33,237 relating to the Burwood Art Prize, as this has become a Bi-annual event.
- \$50,000 for the introduction of IHAP not originally budgeted.



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**

There was an increase in expenditure for the December quarter in Other Expenses which amounted to \$182,912. This was attributed to various movements within Business Units throughout the budget as follows:

- An additional amount in Waste Disposal Costs in the areas of Street Cleaning and Be Tidy Bins of \$130,000 due to increased volume of waste being collected.
- A reduction in Commercial Waste amounting to \$24,000 due to the loss of clients. Reference 2 – User Charges & Fees.
- An amount of \$25,000 in Domestic Waste was included to offset additional income received during the quarter. Reference 1 – Rates and Annual Charges.
- \$15,000 additional expenditure required for Environmental Monitoring at Wangal Park.

There were other budget movements within the classification of Other Expenses which were either offset with savings from within respective budgets or transferred to Materials and Contracts.

### **Capital Expenditure**

#### **Reference 18 – Acquisition of Assets**

Council's original adopted 2017-18 Capital Budget, per Delivery Plan, was \$13,962,769. At the September review it was increased to \$19,181,164. As at December there is a further allocation of \$847,584 bringing the total Capital Works programme to \$20,028,748.

#### *Capital Plant, Equipment and Other Assets:*

Expenditure to 31 December 2017 represents 60.57% of the revised budget as shown in the table below.

#### *Property Acquisitions/Disposals:*

There have been no property acquisitions or disposals during the December quarter.

#### *Capital Works Program:*

During the December quarter review the Capital Program Working Party assessed and revised the 2017-18 Capital Works Program based on recommendations from the respective Project Managers, the following adjustments have been made:

- \$36,500 for additional Infrastructure (Paisley Road) works. Funding will be sourced from Section 94 monies. Reference 16 – Transfer from Section 94
- The Strand - Street Tree Lighting \$30,000. Funding will be sourced from Section 94. Reference 16 – Transfer from Section 94.
- Burwood Park Pavilion stage 2 – an additional amount of \$500,000 for the Design, Concept Plan and Construction costs based on latest specification plans. A final report will be tabled to Council once quotes have been received and assessed through a Tender Process. Funding will be sourced from Public Benefit Monies. Reference 16 – Transfer from Section 94.
- Infrastructure Works – Private Works/Restorations an increase of \$358,084 associated with construction works within the Burwood Town Centre. Reference 6 - Capital Grants and

## Contributions

- An amount of \$36,000 has been included within the budget to review Council's IT security awareness to become compliant with new legislative requirements. Funding will be sourced from Information Technology Reserve. Reference 17 – Transfer from Reserves.
- Savings of \$113,000 from IT as several projects have been delayed pending the outcome of the IT security review. Reference 17 – Transfer from Reserves.

BURWOOD COUNCIL							
Statement of Capital Income & Expenditure							
Budget Review as at 31 December 2017							
<u>Income</u>							
Adopted Variations							
Capital Expenditure	Budget	September	Amended Budget	Recommended Amendments	Forecasted Year End	Reference	Actuals
Renewal Assets (Replacement):							
Fleet Capital Acquisitions Sales	1,250,000	838,000	2,088,000	-	2,088,000	18	1,264,762
Grant Funded Capital Works	117,769	140,731	258,500	-	258,500	18	-
Roads	1,150,000	53,000	1,203,000	111,500	1,314,500	18	450,694
Traffic Facilities	500,000	80,000	580,000	-	580,000	18	8,699
Footpaths	1,180,000	-	1,180,000	(75,000)	1,105,000	18	120,777
Kerb & Gutter	335,000	(53,000)	282,000	-	282,000	18	64,904
Drainage	425,000	338,000	763,000	-	763,000	18	409,201
Park Improvements	2,750,000	1,478,185	4,228,185	-	4,228,185	18	810,172
Playground Equip	100,000	400,000	500,000	-	500,000	18	-
Street Furniture	200,000	100,000	300,000	-	300,000	18	101,789
Restorations & Private Works	500,000	850,479	1,350,479	358,084	1,708,563	18	892,821
Library Collection	110,000	10,000	120,000	-	120,000	18	39,826
Lib Resources	30,000	-	30,000	-	30,000	18	5,401
IT Projects	270,000	78,000	348,000	(77,000)	271,000	18	63,311
Corporate Projects	500,000	(145,000)	355,000	30,000	385,000	18	101,126
Council Buildings	2,500,000	170,000	2,670,000	500,000	3,170,000	18	48,679
Enfield Pool	2,000,000	880,000	2,880,000	-	2,880,000	18	597,855
Domestic Waste Collection	45,000	-	45,000	-	45,000	18	29,593
<b>Total Capital Expenditure</b>	<b>13,962,769</b>	<b>5,218,395</b>	<b>19,181,164</b>	<b>847,584</b>	<b>20,028,748</b>		<b>5,009,612</b>
<b>Capital Funding</b>							
Rates & other Charges	(5,022,769)	(2,057,098)	(7,059,867)	-	(7,059,867)		
Capital Grants & Contributions	(1,750,000)	-	(1,750,000)	(358,084)	(2,108,084)		
Loan Funding	-	(20,000)	(20,000)	-	(20,000)		
Domestic Waste Charge	(45,000)	-	(45,000)	-	(45,000)		
Sale of Assets	(800,000)	-	(800,000)	-	(800,000)		
<b>Reserves:</b>							
Section 94 Funding	(3,025,000)	(1,834,734)	(4,859,734)	(566,500)	(5,426,234)		
Reserve Funding	(3,320,000)	(1,326,563)	(4,646,563)	77,000	(4,569,563)		
<b>Total Capital Funding</b>	<b>(13,962,769)</b>	<b>(5,238,395)</b>	<b>(19,181,164)</b>	<b>(847,584)</b>	<b>(20,028,748)</b>		

**Transfers to and From Reserves:****Reference 16 – Transferred from Section 94**

Additional amount of Section 94 and Public Benefit monies \$566,500 were required to fund additional Capital Works projects commissioned during the quarter. These projects are highlighted above, The Strand - Street Tree Lighting, Burwood Park Pavilion stage 2 (Design, Concept plan and Construction) and Infrastructure Road works – Paisley Road.

**Reference 17 – Transferred from Reserves**

A reduction in the Transfer from Reserve to the value of \$77,000 has occurred within Information Technology as outlined above.

**Cash and Investments Budget Review Statement**

Budget Review for quarter ended 31 December 2017						
Cash & Investments						
	Opening Balance as at 1 July 2017 000s	Original Budget 2017-18 000s	Budget Review September 2017-18 000s	Budget Review December 2017-18	Projected Year End Result 000s	Actual YTD figures 000s
Total Cash, Cash Equivalents and Investment Securities	46,077	43,850	40,404	39,915	39,915	52,500
<b>Restrictions</b>						
<b>External Restrictions</b>						
Developers Contributions	10,416	932	-1,835	-567	8,947	8,947
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	-567	12,697	12,697
<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	77	216	216
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	77	21,944	21,944
Total Restrictions	40,803	-2,227	-3,446	-490	34,641	34,641
Unrestricted Cash	5,274	5,274	5,274	5,274	5,274	17,859

Council's Current Unrestricted Cash is distorted as Council has received a high volume of rate revenue as at 31 December 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 its Investment Policy and the Investment Guidelines issued by the Minister for Local Government at the time of their placement. As at 31 December 2017, Council's investment portfolio stood at \$52,499,850. Council's Investments are tabled on a monthly basis as a separate report.

#### **Cash:**

Council's Finance Officers 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 January 2018 for the month ending 31 December 2017. The reconciliation was approved by the Financial Operations Officer and the balance in Council's General Fund Bank Account totalled \$56,962.98.

### **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 Association of NSW and Shires Association of NSW are set out below.

	Performance Indicator	2017-18 Original Budget	2017-18 Budget Sept Review	2017-18 Budget Dec Review	Local Government or NSW Treasury Corp Bench Mark	December Quarter Comments
1	Operating Performance Ratio	-3.22%	-3.78%	-3.77%	Greater or equal to break-even	Tracking to revised result
2	Consolidated Budget Result	\$73,578 Surplus	\$82,947 Surplus	\$39,041 Surplus	N/A	Current budget tracking to revised result.
3	Unrestricted Current Ratio	4.43:1	4.65:1	4.29:1	Greater or equal to 1.5:1	Currently trending above the benchmark.
4	Debt Service Result	1.76%	1.74%	1.70%	Greater than Zero	Tracking as per Budget.
5	Rates and Annual Charges Outstanding %	102.45%	58.52%	38.06%	Less than or equal to 5%	For the year to 31 December 2017 Council has received \$16,626,889 in payment of Rates, Annual Charges and Interest levied which equates to 61.94% paid.
6	Building and Infrastructure Renewals Ratio	210%	259%	277%	>100% or 1:1	Ratio has improved due to Burwood Park Pavilion stage 2 works included 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 4.29:1 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 61.94% 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 OLG 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 Procurement section has advised that there was one contract entered into by Council during the quarter ending 31 December 2017 which was required to be reported.

Contractors	Contract Details and purpose	Contract Value	Commencement Date	Duration of contract	Budgeted (Y/N)
Havencord Pty Ltd – T/A Flood Lighting Australia	Flood Lighting – Blair Park	\$93,455 GST Excl	9 January 2018	4 months	Y

## Part B – Legal Expenses

Legal Fees - Budget Review Quarter Ending December 2017				
Type	Individual Matter	Expenditure YTD (\$)	Recovery YTD (\$)	Fines YTD (\$)
Rates Recovery Action	Various Properties	27,887	24,809	
Advice	Organisational Development	2,211		
Advice	7 Dickinson Street Croydon Park	891		
Advice	Voluntary Planning Agreement (VPA) - conditions	660		
Advice	2 Culdees Road Burwood Heights	13,791		
Advice	GIPA Act	990		
Lease	Henley Park Café	1,199		
Advice	248-250 Liverpool Road Enfield			134,150
Advice	45 Cheltenham Road Croydon - illegal use	3,342		
Local Court	Water Pollution -Vestra Construction Pty Ltd			13,358
Land & Environment Court Appeal	31 Conder Street Burwood	1,551		
Local Court	Master Moco Pty Ltd - La Plaka Shop 1-4, 258-264 Burwood Rd	3,178		
Advice	48 The Strand Croydon - illegal use	8,641		
Land & Environment Court Appeal	39-41 Conder St Burwood	6,266		
Advice	6 Woodside Ave Burwood - dog attack			450
Advice	Lehman Brothers - proof of claim	405		
Advice	Conditions of consent	800		
Advice	Daisy Street Croydon Park	2,447		
Voluntary Planning Agreement (VPA)	180-186 Burwood Road, 7-9 Burleigh Street Burwood	198	2,963	
Voluntary Planning Agreement (VPA)	39-47 Belmore Street, 6-14 Conder Street, 11-19 Wynne Avenue Burwood	495		
Voluntary Planning Agreement (VPA)	14 Railway Parade Burwood	3,000	3,000	
Voluntary Planning Agreement (VPA)	2-14 Elsie Street Burwood	3,010	3,010	
Voluntary Planning Agreement (VPA)	2A-8 Burwood Road, Burwood	3,045	3,045	
Voluntary Planning Agreement (VPA)	17 Deane Street Burwood	3,063	3,063	
Voluntary Planning Agreement (VPA)	11-13 Burwood Road, Burwood	3,178	3,178	
Voluntary Planning Agreement (VPA)	1-12 & 14 Lyons Street Burwood	3,319	3,319	
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	
Land & Environment Court Appeal	12-14 Gloucester Street Burwood	22,148		
Advice	Strathfield Partners - erect sign without approval Parramatta Rd & Mosely St	528		
Supreme Court	13 Appian Way Burwood	84,792		
Land & Environment Court	24 Burleigh Street Burwood	6,543		
Land & Environment Court Appeal	31 Wyatt Avenue Burwood	6,533		
Land & Environment Court Appeal	21-23 Belmore Street Burwood	8,589		
Lease	Leichhardt Tennis Academy - Burwood Park Tennis Courts	4,533		
Voluntary Planning Agreement (VPA)	14 Burwood Road Burwood	1,124	1,124	
Voluntary Planning Agreement (VPA)	21-23 Belmore Street Burwood	2,000	2,000	
Voluntary Planning Agreement (VPA)	20 The Strand Croydon		800	
Voluntary Planning Agreement (VPA)	185F Burwood Road Burwood		1,787	
Voluntary Planning Agreement (VPA)	1 Lyons Street Strathfield		2,032	
Local Court	Moits Pty Ltd - development contra consent	2,756		1,500
Advice	2a Comer Street - Woodstock Child Care Centre Lease	310		
Advice	57A Park Road			395
Advice	Constantinos Kontos - Littering Offence	1,194		
Advice	20A Angelo St Burwood - Liana Sugrono unlawful works			105
Advice	42-44 Meryla Street Burwood	2,055		12,000
Advice	14 Brighton Street - Tree works without consent			908
Advice	Child Development & Education Centre - parking without approval	2,125		
Advice	10 Gladstone St - building breaches	1,664		5,800
Advice	10-12 Burwood Road Burwood - development contrary to consent	1,813		
Land & Environment Court Appeal	9-11 Oxford Street and 98 Wentworth Road Burwood	12,786		
Land & Environment Court Appeal	21-23 Gladstone Street Burwood	10,636		
Advice	CB Projects Pty Ltd - development not in accordance with consent			1,060
Land & Environment Court Appeal	42 Claremont Rd Burwood Heights	3,344		
Advice	Consent to transfer of Interest by Burwood Montessori Academy	244		
		269,281	63,237	169,726
Annual Budget		514,600		

## Conclusion

The current forecast budget result and the variations identified as part of the 31 December 2017 Quarter review have been undertaken by the Executive Team and the Chief Finance Officer.

There are a number of budget items that will require close monitoring and reviewed over the next six months, including Enforcement Fine income, Car Parking income, Development Application income, legal and consultancy expenses, Temporary Agency Staff expenses (the filling of current vacancies should become a priority in the next quarter), Commercial Waste activities (the loss of clientele will need to be addressed as to why), Wages and Salaries Overtime, Footpath and Kerb

and Gutter Maintenance, 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 Regulation, 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 31 December 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, monitoring expenditure and delivering Council’s Capital Works programme to deliver the forecast surplus maintaining Council’s strategies to deliver a sustainable Burwood Council.”*

### **Recommendation(s)**

1. That the Budget Review Statement of the 2017-2018 Budget as at 31 December 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) Regulation 2005*, the revised estimates of income and expenditure for 2017-2018 surplus of \$39,041, 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 14/18) LOAN BORROWING PROGRAMME FOR 2017-18 FINANCIAL YEAR**

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File No: 18/6110

REPORT BY CHIEF FINANCE OFFICER

### **Summary**

To seek Council's approval of the interest rate to be charged for the 2017-2018 Loan Borrowing Programme of \$1 million to continue to address Council's infrastructure backlog.

### **Background**

In November 2017, Council as part of the "Funding Our Future – Community Consultation" report resolved to make application to the Office of Local Government, requesting a borrowing facility of \$1 million for the 2017-2018 Financial Year to address Council's infrastructure backlog and to seek offers from financial institutions to fund the loan.

The Office of Local Government has issued NSW Treasury Corporation (TCorp) with the responsibility to assess all Local Government Loan applications through the "Loan Borrowing Return" Councils are required to complete on a yearly basis.

Council was able to approach TCorp requesting borrowing facilities since Burwood has been deemed "fit for the future", following the decision by the NSW Government to abandon the agenda of Council amalgamations.

### **Current Position**

Council's application to borrow during the 2017-2018 financial year has recently been approved by TCorp.

Council has sought expressions of interest from Council's bank, the Commonwealth Bank of Australia, and TCorp to fund the \$1 million loan, in accordance with the Local Government Minister's Borrowing Order. Borrowings are secured over Council's revenue stream in accordance with Section 623 of the *Local Government Act 1993* and Clause 229 of the *Local Government (General) Regulation 2005*.

The offers Council received are indicative interest rates based on an interest and principal quarterly repayments over a 10 year term, as follows:

- Commonwealth Bank of Australia – indicative interest rate 3.90%. Interest and principal repayment - \$121,244.92 per year
- TCorp – indicative interest rate 3.41%. Interest and principal repayment - \$118,438.70 per year

Please note: these rates are indicative and may change at time of accepting the offer.

If the indicative interest rate substantial differs (more than 0.5%) at the time of acceptance a further report will be tabled to Council informing of the revised interest rate.

### **Proposal**

It is proposed to accept TCorp's indicative offer of interest rate of 3.41% to fund Council's loan borrowing for the 2017-2018 financial year.



**Consultation**

Loan borrowings were not included as part of the 2017-2018 Operational Plan and Draft Budget that was publicly exhibited. However, due to the Local Government Elections being delayed through the amalgamation challenge, a new Council being publicly elected and that Council has recently consulted the Community through the Community Strategic Plan Engagement Strategy process this has been deemed sufficient consultation.

**Financial Implications**

A budget adjustment at the March 2018 Quarterly Budget Review to the value of \$29,610 will be made addressing one quarter interest and principal repayment along with an adjustment to the Capital Works programme of \$1 million and funding source (Loan) of \$1 million.

**Conclusion**

Given Council's intention to continue to address its infrastructure backlog, a loan borrowing will contribute to accelerating the program of renewal and maintenance.

**Recommendation(s)**

1. That Council accept the indicative interest rate of 3.41% from TCorp to fund Council's \$1 million 2017-2018 Infrastructure Loan Borrowing Programme
2. That Council delegate to the General Manager the authority to accept a revised interest rate from TCorp up to a maximum difference of 0.5%, and report back to Council the revised interest rate accepted.

**Attachments**

There are no attachments for this report.

**(ITEM 15/18) ADOPTION - DRAFT INVESTMENT POLICY**

File No: 18/2617

REPORT BY CHIEF FINANCE OFFICER

**Summary**

Council's Investment Policy has been reviewed and updated in accordance with legislative requirements due to the appointment of a new independent Investment Advisor (Imperium Markets) to Council, and is presented for review and adoption.

**Background**

The current policy was adopted by Council on 6 December 2016 and is required to be reviewed when there are changes to the Minister's Orders on investments, legislation changes, by the Office of Local Government Circulars or through the appointment of the new Investment Advisor.

Up to 2017 Council engaged two investment advisors, one providing investment advice while the other engaged to value Council's Lehman Property (CDO), which no longer exists now.

In 2017 Council undertook an Expressions of Interest (EOI) process to select an investment advisor who could not only provide investment advice to council but also provide an investment reporting platform.

After an extensive evaluation process Imperium Markets were chosen as Council's new Investment Advisor based on price, personnel within the organisation having extensive investment credentials in the banking and investment sphere and a new investment platform which was user friendly and with real time updating features.

**Comment**

The current Policy has been reviewed by Council's newly appointed independent Investment Advisor (Imperium Markets) in accordance with the Minister's Orders on Investments and with input from NSW Treasury Corporate (TCorp) continuing to be characterised by a conservative risk approach. The following amendments have been made to the Policy as part of Council's Review process.

<b>AMENDMENT</b>	<b>COMMENT</b>
Background and Standards	Removal of DLG replaced by OLG
Authority for Investment	Inclusion of Conflicts of Interest Policy and Code of Conduct
Delegation of Authority	Inclusion of Financial Management Accountant
Authorised Investments	Changes to allow for wider investment policy parameters and place extra restrictions at the strategy level.
Portfolio Credit Framework	The removal of Short Term Ratings and the inclusion Major Australian Banks to ensure clearer definition when determining maximum holdings.
Individual Counterparty Credit Framework	The removal of Short Term Ratings and the inclusion of Major Australian Banks to ensure clearer definition when determining maximum holdings.
Term to Maturity Framework	Minor changes to percentages of portfolio investment exposure to enable greater interest/investment opportunities.
Grandfathering	Removal of the Grandfathering clause as

AMENDMENT	COMMENT
	Council no longer has investments relating to the GFC.
Trading Policy	Minor rewording strengthens Council's investment strategy.
Quotations for Purchases and Sales on Investments	Minor rewording to strengthen Council's purchasing and selling of investments.
Performance Benchmark	Additional wording to highlight the Bloomberg Bank Bill Index.
Safe Custody Arrangements	Insertion of NSW Treasury Corporation.
Definitions	Removal of Debentures and Grandfathering Clause, inclusion of GIPA Act and the updating of the OLG and responsible Department name.

The amendments are also highlighted in red within the document.

The Draft Investment Policy is now submitted to Council for adoption.

### **Financial Implications**

The revised investment policy remains a conservative investing approach enabling Council to invest in more securities in accordance with the Minister's Order on Investments with the aim to improve investment returns.

### **Conclusion**

Once adopted by Council, the Draft - Investment Policy will be forwarded to the Finance and Resource Management Team for implementation and will be published on Council's Website.

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

That Council adopts the Draft - Investment Policy.

### **Attachments**

- 1 [↓](#) Draft - Investment Policy 8 Pages
- 2 [↓](#) Ministers Investment Order - 12 January 2011 1 Page



# *Burwood Council*

heritage ■ progress ■ pride

## **DRAFT - INVESTMENT POLICY**

Modeled on the *Investment Policy Guidelines* issued by the Department of Planning and Environment – Office of Local Government

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Public Document  
Adopted by Council:  
Trim No. 17/53420  
Ownership: Finance  
Version No. **5**

### Purpose

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To provide a framework for the investing of Council's surplus funds in a prudent manner to generate the most favourable returns within acceptable risk parameters whilst ensuring that Council's liquidity requirements are being met.

Specific strategies may be employed at different times to achieve this objective so long as those strategies always lie within the policy.

### Background and Standards

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Section 625 of the *Local Government Act 1993* allows Council to invest funds in particular securities so long as the funds are not required for any other purpose.

The Minister for Local Government issued revised guidelines in 2010 which placed emphasis on observing the 'prudent person test'.

*The investment will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes ( OLG DLG – May 2010)*

At the same time the investment of Council's funds must be conducted to the highest of ethical standards:

*Officers shall refrain from personal activities that would conflict with the proper execution and management of this portfolio. This policy requires officers to disclose any conflict of interest to the General Manager. Independent advisors are also required to declare that they have no actual or perceived conflicts of interest. (OLG DLG – May 2010)*

### Authority for Investment

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The Council may invest surplus funds pursuant to the:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Ministerial Investment Order of 12 January 2011*
- *Local Government Code of Accounting Practice and Financial Reporting*
- *Australian Accounting Standards*
- *Office of Local Government OLG Circulars*
- *The Trustee Act 1925 Section 14 and the Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) and (2)*
- *Investment Policy Guidelines 2010*
- *Conflicts of Interest Policy*
- *Code of Conduct*

### Delegation of Authority

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Authority for implementation of this Policy is delegated by the elected Council to the General Manager in accordance with the *Local Government Act 1993*.

Subject to regular review, the General Manager has sub-delegated the day-to-day management of Council's Investment Portfolio to the **Investing Officers**:

- Chief Finance Officer
- Financial Management Accountant
- Financial Operations Accountant
- Accountant

To be effective a delegation must be in writing.

Staff members delegated to manage Council's Investment Portfolio must acknowledge that they have received a copy of this Policy and that they understand the obligations and responsibilities of their role.

#### Authorised Investments

Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.

The most current Minister's Order is dated 12 January 2011 and is detailed in [Attachment A](#).

Authorised Investments will be limited to:

- any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a territory governments
- any Debentures or Securities issued by a Council, within the meaning of the *Local Government Act 1993*
- interest bearing deposits with, or ~~senior securities debentures or bonds~~ issued by, an Authorised Deposit-taking Institution (ADI), as defined in the Banking Act 1959 (Commonwealth), ~~but excluding subordinated debt obligations~~
- any bill of exchange which has a maturity date of not more than 200 days and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an ADI
- a deposit with the NSW Treasury Corporation or investments in ~~managed funds with an Hourglass Investment Facility of~~ the New South Wales Treasury Corporation

#### Prohibited Investments

In accordance with the Ministerial Investment Order, this Investment Policy prohibits, but is not limited, to any investment carried out for speculative purposes including:

- derivative based instruments
- principal only investments or securities that provide nil or negative cash flow
- standalone securities issued that have underlying futures, options, forward contracts and swaps of any kind
- shares of any kind
- any investments not denominated in Australian Dollars or that carry foreign exchange risk

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

Council Officers should ensure that before new investments are made, they establish whether a product complies with the Investment Policy and, where necessary, obtain independent financial advice in writing on the nature and risk of the financial product.

**Investment Guidelines**

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return on investment.

- Preservation of capital is the principle objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.
- Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of the investment.
- Investments are expected to achieve a market return in line with the Council's risk tolerance

Investments obtained are to be considered in light of the following key criteria:

- Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value (considering the time value of money)
- Diversification – setting limits to the amounts invested with a particular financial institution or government authority to reduce credit, interest rate, liquidity and market risks
- Credit risk – the risk the investment council has made fails to pay the interest and repay the principal when due
- Liquidity Risk – the risk council is unable to redeem the investment at a fair price within a timely period, or the risk the fair price has changed significantly due to market risks and council is in a position where it must sell before maturity incurring a loss
- Interest Rate Risk – the risk the fair market value of the investment fluctuates significantly due to changes in underlying interest rates
- Market Risk – the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market conditions and prices, principally interest rate, credit and liquidity risks
- Maturity Risk – the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and exposure to market risks

**Direct Investments****Portfolio Credit Framework**

The portfolio credit guidelines to be adopted will be based on the Standard and Poor's (S&P) ratings system criteria (or Moody's/Fitch equivalent if an S&P rating is not available). The maximum available limits in each rating category are as follows:

Long Term Rating	Short Term Rating	Maximum Portfolio Limit
AAA to AA- or Major Banks* AA-	A-1+	100%
A+ to A-	A-1	80% 30%
BBB+ to BBB	A-2	30% 20%
BBB- to Unrated	A-3 or unrated	15% 10%
TCorp IM Funds		100%

\*For the purpose of this Policy, "Major Banks" are currently defined as the ADI deposits or senior guaranteed principal and interest ADI securities issued by the major Australian banking groups:

- Australian and New Zealand Banking (ANZ) Group Limited
- Commonwealth Bank of Australia (CBA)
- National Australia Bank Limited (NAB)

## ITEM 15/18 Adoption - Draft Investment Policy.DOC

### Draft - Investment Policy

#### Investment Policy

- Westpac Banking Corporation (WBC)

Including ADI subsidiaries whether or not explicitly guaranteed, and brands (such as St George). Council may ratify an alternative definition from time to time.

Standard & Poor's ratings attributed to each individual institution will be used to determine maximum holdings.

In the event of disagreement between agencies as to the rating band ("split ratings") Council shall use the higher in assessing compliance with portfolio Policy limits, but for conservatism shall apply the lower in assessing new purchases.

~~If the instrument has a maturity date of less than 1 year the short-term rating will apply and if it has a maturity greater than 1 year the longer-term rating will apply.~~

#### Individual Counterparty Credit Framework

The individual credit guidelines to be adopted will be based on the Standard and Poor's (S&P) ratings system criteria (or Moody's/Fitch equivalent if an S&P rating is not available). The maximum available limits in each rating category are as follows:

Long Term Rating	<del>Short-Term Rating</del>	Maximum individual Limit
Federal or NSW Government		100%
<del>AAA to AA-</del>	<del>A-1+</del>	<del>45%-100%</del>
<del>Major Banks AA-</del>		<del>100%</del>
A+ to A-	<del>A-1</del>	<del>30%-20%</del>
BBB+ to BBB-	<del>A-2</del>	<del>10% Note</del>
<del>BBB- to Unrated</del>	<del>A-3 or unrated</del>	<del>10% \$250,000</del>

Note. Or, not more than 2% of the counterparty's net assets as reported in the latest published financials.

#### Term to Maturity Framework

The portfolio is to be invested with the following term to maturity constraints:

Maturity Band	Minimum Portfolio Exposure	Maximum Portfolio Exposure
<1 year	<del>30%</del> 20%	100%
>1 year	0%	70%
>3 year	0%	<del>30%</del> 40%
>5 years	0%	<del>10%</del> 5%

All investments greater than 5 years must be issued by a government entity, ~~or~~ carry a long term rating of AA- or above from S&P (or an equivalent ratings agency), ~~or issued by a domestic major bank.~~

#### Investment Strategy

On a quarterly basis and in conjunction with this Investment Policy, an Investment Strategy will be formulated ~~by Council's Investment Advisor and documented~~ taking into consideration the following:

- Council's cash flow requirements and implications for the portfolio liquidity profile.
- Allocation of investment types, credit quality, counterparty exposure and term to maturity.



- Current and projected market conditions and any likely impacts on relative positioning in terms of the portfolio and any necessary policy implications.
- Relative return outlook; risk-reward considerations; assessment of the market cycle and hence constraints on risk.
- Appropriateness of overall investment types for Council's portfolio.
- The projected investment portfolio level for the forthcoming year.

**Grandfathering**

~~Any investment purchased when compliant with the investment policy may be held to maturity or sold as Council believes best dependent on the individual circumstances, so long as that risk management strategy is accordance with the principles of the Investment Guidelines as above, the prevailing legislation and the prudent person guidelines.~~

~~Specifically, Grandfathering will apply to any investment that:~~

- ~~▪ Was made ineligible by a previous change to the external legislation if that change allows for grandfathering (e.g., changes regarding CDO's following the change of legislation post the Cole Report)~~
- ~~▪ Is made ineligible as a result of a change to this investment policy~~
- ~~▪ Is in breach of the investment policy due to a change of circumstance. (e.g., because the investment has been downgraded or has had its credit rating withdrawn post purchase)~~
- ~~▪ Is in breach due to a change of portfolio size or composition (e.g. because the overall portfolio size has decreased and as a result the percentage of total portfolio limit which applies to individual remaining investments increases and therefore causes a breach)~~

**Trading Policy**

~~Council will make every effort to ensure there is sufficient liquidity and will undertake cash flow forecasting to match investment maturities to meet ongoing cash flow requirements. If necessary, or in cases of emergencies, to minimise early Council may liquidation liquidate of investments prior to its scheduled maturities and but take into account any associated penalties either explicit in the form of break costs or implicit in terms of broker fees, market spreads and liquidity risks. Consultation will be sought from Council's independent investment advisor before disposing of any asset.~~

Investments will generally be acquired with the intention of holding them through maturity. ~~It is open for the investment Strategy to define a target date for a sale of a liquid investment. and Cash~~ liquidity requirements will be managed to ensure that Council avoids a situation that will require a forced sale of these assets in normal circumstances.

However, if Investment Policy Limits have been breached due to a change in the overall size of the investment portfolio, external or internal changes to investment policy parameters or for any other reason, then investments may be sold prior to maturity. Under these situations Council has the authority to make the necessary arrangements to withdraw from the investment as soon as practicable ~~after seeking consultation from its independent investment advisor.~~

Council may also sell assets prior to maturity in the following circumstances:

- If the asset is liquid, easily tradeable, can be sold without significant loss and was purchased as part of a "liquidity buffer" against the event of unforeseen and unexpected liquidity requirements.
- If Council judges that the asset has deteriorated in credit quality and there is a material risk of loss on the asset if held to maturity and Council upon seeking external advice from a competent and reputable advisor is advised that a sale of the asset is in the best interests of Council for risk management purposes to potentially minimise any future losses.

~~For the avoidance of doubt, Council will not adopt an active trading strategy buying and selling assets on broker recommendations for the purposes of enhancing returns through the accumulation of capital profits.~~

#### **Quotations for Purchases and Sales of Investments**

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The investing officer must satisfy themselves that they are obtaining a fair market price for all investments made at all times. ~~This can be accomplished by obtaining three independent quotes from reputable market makers where the investment is widely traded or where it is not widely traded by reference to other similar instruments that are traded in the market place.~~ It is expected that Council will take due steps to ensure that any investment is executed at the best possible price at the time of investment.

~~If this is not possible or impractical,~~ The investing officer can rely on representations made by an Independent Advisor with no conflicts of interest regarding the purchase or sale of the investment.

For the avoidance of doubt the investing officer must not rely ~~or~~ on representations made by the buyer, seller or broker or any other person with a potential conflict of interest.

#### **Performance Benchmark**

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The ~~current~~ performance benchmark of the Investment Portfolio ~~has been set at the~~ is Bloomberg AusBond Bank Bill Index. ~~plus 25bps on a long term basis.~~ The Bank Bill Index represents the performance of a notional rolling parcel of bills averaging 45 days and is widely used benchmark for local councils and other institutional cash investments.

~~A return of 25bps (a quarter of 1%) over the benchmark is considered to be in line with Council's conservative risk appetite.~~

#### **Safe Custody Arrangements**

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Where necessary, investments may be held in safe custody on Council's behalf as long as the following criteria is met

- Council must retain beneficial ownership of ~~the~~ all investments
- Adequate documentation is provided verifying the existence of the investments
- The Custodian conducts regular reconciliation of records with relevant registries and/or clearing systems
- The institution of Custodian recording and holding the assets will be:
  - Austraclear or an equivalent globally recognised registry service or
  - A major Australian Bank (ANZ, CBA, NAB, Westpac)
  - An entity with a credit rating of AA- rating from S&P (or its equivalent rating from Fitch or Moody's) or better
  - ~~An institution with adequate insurance, including professional indemnity insurance and other insurances considered prudent and appropriate to cover its liabilities under any agreement~~
  - ~~The custodian nominated by NSW Treasury Corporation for their managed funds~~

#### **Reporting**

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All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year (or any other date which is the end of financial year) and reconciled in the Investment Register.

A monthly report will be provided to Council which details:

- Portfolio performance
- Portfolio composition with relevant data on types of investment, credit ratings and maturities
- Compliance with the terms of the investment policy (with any breaches noted)
- Independent financial assessments of the value of the investments and the investments portfolio

Council's Investment Register will be published on Council's website in accordance with the GIPA Act.

#### Investment Advisor

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Council's investment advisor must be approved by Council and hold an Australian Financial Services License issued by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commission or other benefits in relation to the investments being recommended or reviewed.

Council's current Investment Advisor is Imperium Markets.

#### Review of Policy

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This investment policy will be reviewed at least once a year or as required in the event or result of legislative changes.

The Investment Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this policy. Any amendment to the Investment Policy must be by way of Council resolution.

#### Definitions

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**ADI** – Authorised Deposit-Taking Institution are corporations that are authorised under the *Bank Act 1959* (Cwth) to take deposits from customers.

**Bill of Exchange** – a bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to or to the order of a specified person, or to bearer.

~~**Debentures** – A debenture is a document evidencing an acknowledgement of a debt, which a company has created for the purposes of raising capital. Debentures are issued by companies in return for medium and long-term investment of funds by lenders.~~

GIPA Act – Government Information (Public Access) Act 2009

~~OLG-DLG~~ – NSW ~~Office Division~~ of Local Government, Department of ~~Premier and Cabinet Planning~~ and Environment.

~~**Grandfather Clause** – Grandfather clause is a legislative clause, which, in prohibiting a certain activity, exempts those who were already engaged in the activity at the time the legislation was passed.~~

**Preservation of Capital** – Preservation of capital refers to an investment strategy with the primary goal of preventing losses in an investment portfolio's total value.

**Prudent person standard** – Prudent person standard is a legal standard restricting the investing and managing of a client's account to what a prudent person seeking reasonable income and preservation of capital might exercise for his or her own investment.

**Securities** – for financial markets these are types of financial instruments (i.e. documents) that are traded in financial markets (except futures contracts) e.g. bills of exchange, transferable certificates of deposit, negotiable certificates of deposit, floating rate notes.

ATTACHMENT A

ITEM 13.046/11 - 2

**LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER**

(Relating to investments by councils)

I, the Hon. Barbara Perry MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation;

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.

All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12<sup>th</sup> day of January 2011

  
Hon BARBARA PERRY MP  
Minister for Local Government

## **(ITEM 16/18) ADOPTION - CODE OF MEETING PRACTICE AND RESULTS OF PUBLIC EXHIBITION**

File No: 18/3365

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE AND COMMUNITY

### **Summary**

Council resolved at its meeting on 12 December 2017 to place the Draft - Code of Meeting Practice (the Draft - Code) on public exhibition for public comment. The closing date for submissions was 31 January 2018 and no submissions were received. The Draft Code is now submitted to Council for adoption.

### **Background**

The Draft - Code was placed on public exhibition in accordance with the requirements of Section 361 of the *Local Government Act 1993* for a period of 28 days and allowing members of the public to comment for a period of not less than 42 days after the exhibition date. The Draft - Code was placed on exhibition from 21 December 2017 to 17 January 2018 and made available to members of the public at Council's Customer Service Centre, Burwood Library & Community Hub and Council's website. The total period for public comment expired on 31 January 2018.

### **Proposal**

During the public comment period no submissions were received. The Draft – Code of Meeting Practice meets the requirements of both the *Local Government Act 1993* (the Act), the *Local Government (General) Regulation 2015* (the Regulation) and any directives from the Office of Local Government and it is now in order for Council to adopt the Draft - Code of Meeting Practice.

### **Consultation**

The Draft - Code was advertised in a local paper and made available for the public to view at Council's Customer Service Centre, Burwood Library & Community Hub and on Council's website.

### **Planning or Policy Implications**

Once adopted, this Code will be Council's policy for the conduct of Council/Committee Meetings.

### **Financial Implications**

There are no financial implications resulting from the changes to the Code.

### **Conclusion**

The Draft - Code has been exhibited in accordance with the provisions of the Act and the Regulation and as no submissions have been received, Council may now adopt the Draft - Code.

### **Recommendation(s)**

That Council adopt the Draft - Code of Meeting Practice, as placed on public exhibition.

### **Attachments**

1 [📎](#) Draft - Code of Meeting Practice 11 Pages





# *Burwood Council*

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## **DRAFT - CODE OF MEETING PRACTICE – OCTOBER 2017**

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Public Document  
Adopted by Council: 17 February 2014 (Min No. 13/14)  
Amended by Council: 28 September 2015 (Min. No. 149/15)  
Trim No.: 14/11994  
Version No.: 6  
Ownership: Governance

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### ITEM 16/18 Adoption - Code of Meeting Practice and Results of Public Exhibition.DOC Draft - Code of Meeting Practice

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**Part 1 – About the Code of Meeting Practice**

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**1. Introduction**

- 1.1 This Code of Meeting Practice (the Code) is made under the *Local Government Act 1993* (the Act) and in accordance with the *Local Government (General) Regulation 2005* (the Regulation) and subsequent amendments.
- 1.2 The object of this Code is to provide for the convening and conduct of meetings of Burwood Council and of Committees of Council. The provisions of this Code are substantially based on the provisions of the Act, the Regulation and Council policy decisions.
- 1.3 Council and all Committees of Council of which all members are Councillors must conduct their meetings in accordance with this Code.
- 1.4 In adopting this Code of Meeting Practice, Burwood Council commits itself to the following principles:
  - Council and Committee meetings are conducted expeditiously in an orderly, efficient and equitable manner and earn the respect of the Burwood community.
  - Council and Committee meetings promote open government and maximise community access and participation.
  - Councillors display high standards of behaviour, making a positive contribution to all debates and decisions.
  - Council meetings restrict themselves to matters of policy, direction, resource allocation and statutory decisions by Council.

**2. Compliance of the Code (Sect. 360(3) of Act)**

- 2.1 The regulations may make provision with respect to the conduct of meetings of Councils and Committees of Council of which all the members are Councillors.
- 2.2 A Council may adopt a code of meeting practice that incorporates the regulations made for the purposes of this Section and supplements those regulations with provisions that are not inconsistent with them.
- 2.3 A Council and a Committee of the Council of which all the members are Councillors must conduct its meetings in accordance with the code of meeting practice adopted by it.

**3. Public Notice of the Code (Sect. 361 of the Act)**

- 3.1 The Council must give public notice of the draft code after it is prepared.
- 3.2 The period of public exhibition must not be less than 28 days.
- 3.3 The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to Council
- 3.4 The Council must publicly exhibit the draft code in accordance with this notice.

**4. Adopting the Code (Sect. 362 of the Act)**

- 4.1 After considering all submissions received by it concerning the draft code Council may decide:

- a. to amend those provisions of its draft code
- b. to adopt the draft code as its code of meeting practice.

## **5. Availability of the Code**

- 5.1 The Code must be available for public inspection free of charge at the office of the Council during ordinary hours. (Sect. 364 (1) of the Act).
- 5.2 Copies of the code must be available free of charge or, if the Council determines, on payment of the approved fee (Sect. 364 (2) of the Act). Burwood Council does not charge for copies of the Code.
- 5.3 The Code is made available on Council's website (Sect. 9(5) of the Act).

## **Part 2 – Convening of Council Meetings**

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### **6. Ordinary Council and Committee Meetings**

- 6.1 Council is required to meet at least ten times each year, each time in a different month (Sect. 365 of the Act).
- 6.2 Council via a resolution of Council will set the time, date and place of the Ordinary Meetings of Council and Committees on an annual basis (Meetings Practice Note - OLG).
- 6.3 The Ordinary Meetings of the Council are held on the 4th Tuesday of each month (February to December) at 6.00 pm in the Council Chamber, Administration Building, Suite 1, Level 2, 1-17 Elsie Street, Burwood and in accordance with Council's adopted meeting schedule (Sect. 9 (1) of the Act).

### **7. Convening a Meeting (Sect. 9 of the Act) (Cl. 232 of the Regulation)**

- 7.1 A meeting cannot be held unless due notice in writing has been given to all members and a quorum is present (see Clauses 7.2 and 14 of this Code).
- 7.2 At least three days before a Council or Committee meeting (Council of the Whole) the General Manager must send each councillor a notice of the time, place and business on the agenda of the meeting (Sect. 367 of the Act and Cl. 262 of the Regulation).

### **8. Calling of Extraordinary Meetings (Sect. 366 of the Act)**

- 8.1 If the Mayor receives a request in writing signed by at least two Councillors (one of which may be the Mayor), the Mayor must call an extraordinary meeting of Council to be held as soon as practicable, but in any event within 14 days after receipt of the request.
- 8.2 The purpose of the meeting must be stated in the Notice of the Meeting.
- 8.3 The copy of the Councillors' request must be forwarded by the Mayor to the General Manager.
- 8.4 If the Mayor refuses or delays to call an extraordinary meeting after receiving a request, signed by at least two Councillors, those Councillors may, in writing, request the General Manager to call the extraordinary meeting. The General Manager shall call the meeting as soon as it is practicable.
- 8.5 The Mayor may call extraordinary meetings of the Council on any matter(s) considered necessary.

- 8.6 Extraordinary Meetings are usually held on a Tuesday at 6.00 pm.
- 9. Public Notice of Meetings (Cl. 232 of the Regulation)**
- 9.1 A notice of a meeting of Council or of a Committee of Council must be published in a newspaper circulating in the area before the meeting takes place through the Mayoral Column. ~~There is no requirement for publication in the newspaper for extra-ordinary meetings (Cl. 232 of the Regulation).~~
- 9.2 ~~The Council Meeting Schedule is also published on Council's website (Burwood Council clause).~~
- 9.3 The notice must specify the time and place of the meeting. Notice of more than one meeting may be given in the same notice. This clause does not apply to an extraordinary meeting of a Council or Committee ~~(Sect. 9 of the Act).~~
- 9.4 Proceedings at a meeting of Council or a Committee are not invalidated because of a failure to give notice of the meeting to any Councillor ~~(Sect. 374 of the Act).~~
- 10. Notice of the Meeting to Councillors (Sect. 367 of the Act and Cl. 262 of the Regulation)**
- 10.1 Notice of all Ordinary, Extraordinary and Council Committees Meetings will be provided to Councillors ~~electronically via email via the Councillor Portal and an email notification will also be sent.~~
- 10.2 Notice of less than three days may be given of an Extraordinary Meeting if called in an emergency.

### **Part 3 – Business Papers for Meetings**

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- 11. Business Papers for Council Meetings**
- 11.1 The General Manager must ensure that the business paper for a meeting of the Council states ~~(Cl. 240 of the Regulation):~~
1. all matters to be dealt with arising out of the proceedings of former meetings of the Council
  2. if the Mayor is the Chair - any business that the Mayor may decide to put before the meeting at the time when the business paper is being prepared as a Mayoral Minute ~~(Cl. 243 of the Regulation)~~
  3. any business of which due notice has been given
- 11.2 ~~The General Manager must (Cl. 240 of the Regulation):~~
1. ~~send to each councillor, at least 3 days before each meeting of the Council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting (Sect. 367 (1) of the Act)~~
  2. ~~not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful~~
  3. ~~ensure the business paper for a meeting of the Council is prepared as soon as practicable before the meeting~~
  4. ~~ensure that the details of any item of business in closed session must be included in a business paper for the meeting concerned (Sect. 9 (2A) of the Act)~~
  5. ~~nothing in the Clause limits the powers of the Chair (Cl. 243 of the Act)~~



- 11.3 Copies of agendas and business papers for Council and Committee Meetings (not being confidential business papers) will be available free of charge at Council's Administration Building and at each meeting, for inspection or taking away by members of the Public free of charge **(Sect. 9 (2) of the Act)**.
- 11.4 Copies of business papers will also be available for inspection at the Library and will be published on Council's website **at least 3 days before each meeting of the Council**.
- 11.5 The business paper will be provided to Councillors in an electronic format via **their iPads the Councillor Portal**.
- 12. Business Papers for Confidential Items (Cl. 240(4) of the Regulation)**
- 12.1 **The General Manager must make sure that any confidential items are recorded in a confidential business paper.**
- 13. Business Papers for Extraordinary Meetings (Cl.242 of the Regulation)**
- 13.1 The General Manager must ensure that the agenda for an extraordinary meeting of Council deals only with matters stated in the **public** notice of the meeting.
- 13.2 Other business may be transacted at an extraordinary meeting of a Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
  - 1. a motion is passed to have the business transacted at the meeting
  - 2. the business proposed to be brought forward is ruled by the Chair to be of great urgency, but only after the business in the agenda is finished
- 13.3 Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.
- 13.4 Only the mover of a motion referred can speak to the motion before it is put.
- 14. Notices of Motions for Council Meetings (Cl. 241 of the Regulation)**
- 14.1 The notice is to be in writing, signed by the Councillor and dated and delivered to the General Manager by 10 am on Friday of the week immediately preceding the meeting (i.e. one week and one day before the Council Meeting).
- 14.2 All Motions received shall be placed on the business paper in the order in which they are received **(Burwood Council clause)**.

#### **Part 4 – Attendance at Council Meetings**

---

- 15. What is the Quorum for a Meeting? (Sect. 368 of the Act)**
- 15.1 The quorum for a meeting is a majority of the Councillors of the Council who hold office for the time being and are not suspended from office. Burwood Council has seven Councillors. A quorum is four Councillors.
- 16. What happens when a quorum is not present? (Cl. 233 of the Regulation)**
- 16.1 The meeting must be adjourned if a quorum is not present:
  - 1. within half an hour after the time designated for the holding of the meeting

2. at any time during the meeting

16.2 In either case, the meeting must be adjourned to a time, date and place fixed:

1. by the Chair
2. in his or her absence - by the majority of the Councillors present
3. failing that, by the General Manager

16.3 The General Manager must record in Council's Minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of Council, together with the names of the Councillors present.

#### **17. Presence at Council Meetings**

17.1 A Councillor cannot participate in a meeting of Council unless personally present at the meeting (Cl. 235 of the Regulation).

17.2 In the event that a Councillor is physically within the Council Chamber, the Councillor is taken to be present at the meeting (Cl. 251(1) of the Regulation).

17.3 Protocol requires Councillors present at the meeting to be seated at the Council Meeting table while the meeting is in progress (Burwood Council Clause).

#### **18. Departure from Council Meetings (Meetings Practice Note - OLG)**

18.1 Councillors are required, on proposing to retire from a meeting of the Council for the remainder of that meeting, to give prior notice of the intended departure to the Chair.

18.2 Prior to leaving their seat at a meeting of the Council, Councillors are required to seek permission of the Chair.

#### **19. Who is entitled to attend meetings? (Sect. 10 of the Act)**

19.1 Everyone is entitled to attend a meeting of the Council and those of its Committees of which all the members are Councillors.

19.2 Council must ensure that all meetings of the Council and of such Committees are open to the Public.

19.3 However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of such a Committee if expelled from the meeting:

1. by a resolution of the meeting
2. by the person presiding at the meeting of the Council has, by resolution, authorised the person presiding to exercise the power of expulsion

19.4 A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the Regulation (Cl. 271 of the Regulation).

#### **20. Which parts of a meeting can be closed to the Public? (Sect. 10A of the Act)**

20.1 Despite the right of members of the Public to attend meetings of a Council or a Committee of Councillors, the Council or the Committee may still close to the Public, parts of the meeting that involve the discussion or receipt of any of the following matters or information:

- personnel matters concerning particular individuals (other than Councillors)

- the personal hardship of any resident or ratepayer
- information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
- commercial information of a confidential nature that would, if disclosed:
  - prejudice the commercial position of the person who supplied it
  - confer a commercial advantage on a competitor of the Council
  - reveal a trade secret
- information that would, if disclosed, prejudice the maintenance of law
- matters affecting the security of the Council, Councillors, Council Officer or Council property
- advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
- information concerning the nature and location of a place or an item of Aboriginal significance on community land
- alleged contraventions of the Council's Code of Conduct

20.2 In order to close a meeting to the Public, a Council or Committee must be satisfied that the matter or information being discussed or received falls within at least one of the above grounds.

20.3 It should be noted that the existence of any of these grounds does not place any obligation on a Council to close its meeting to consider a matter or information, (though in many cases, it would be appropriate for it to do so). It simply permits a Council to do so. As will be discussed below, in the case of most of these grounds, the Council will also need to demonstrate why it is in the Public Interest to close the meeting to discuss the matter or information.

**21. When can a Council Meeting be closed? (Sect. 10 of the Act)**

21.1 A Council or Committee of Councillors can close its meeting to the Public without further discussion to consider three types of matters:

- personnel matters concerning particular individuals
- matters involving the personal hardship of a resident or ratepayer
- matters that would disclose a trade secret

21.2 However, in the case of the other grounds listed in Clause 20.1 of this Code, the existence of these grounds on their own is not enough to allow the closure of a meeting. In such cases, the Council or Committee must also be satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the Public Interest (**Section 10B(1)(b) of the Act**).

This in effect creates a two-step process:

- first, the Council must be satisfied that the matter falls within at least one of the grounds listed in Clause 20.1 of this Code
- second, the Council must be satisfied that if the matter does not fall within one of the three grounds set out in Clause 21.1 of this Code, that discussion of the matter in an open meeting would, on balance, be contrary to the Public Interest

*Example*

*To illustrate, consider the example of a proposal to sell off Council-owned land by*



*auction. The Council would not be able to close the meeting to consider a proposal to sell the land or the reasons for the sale. These are not matters that fall within the grounds listed above.*

*However, where the discussion concerns the valuation of the land and the reserve price, this would potentially fall within one of the grounds for closure because the disclosure of a reserve price could confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

*The existence of these grounds is not on its own enough to permit the closure of the meeting to the Public. The Council also needs to demonstrate why it would, on balance, be in the Public Interest for it to do so.*

*In such circumstances, it could be argued that the disclosure of the reserve price would, on balance be contrary to the Public Interest because it would put the Council at a competitive disadvantage in its negotiations preventing it from achieving a 'best value for money' outcome for the community.*

**22. What matters should not be considered when determining the Public Interest? (Sect. 10B(4) of the Act)**

22.1 The Act states that when determining whether the discussion of a matter in an open meeting would be contrary to the Public Interest, it is irrelevant that:

- a person may misinterpret or misunderstand the discussion
- the discussion of the matter may:
  - cause embarrassment to the Council or Committee concerned, or to Councillors or to employees of the Council
  - cause a loss of confidence in the Council or Committee

**23. When can a meeting be closed to consider legal advice? (Sect. 10B(2) of the Act)**

23.1 The Act states that a meeting is not to be closed for the receipt and consideration of information or advice concerning litigation or the subject of legal professional privilege unless the advice concerns legal matters that:

- are substantial issues relating to a matter in which the Council or Committee is involved
- are clearly identified in the advice
- are fully discussed in that advice

**24. Can a meeting be closed to consider a conduct reviewer's report? (Sect. 10A(2)(i) of the Act)**

24.1 The Act specifically allows a meeting to be closed to the Public to consider alleged contraventions of a Council's Code of Conduct. Clause 8.45 of the prescribed Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW state that a Council is to close its meeting to the Public to consider a final investigation report, it is permitted to do so (Section 10A of the Act). However, in closing a meeting to consider a conduct reviewer's report, the Council is still required to apply the Public Interest Test (Sect. 10B(1)(b) of the Act).

**25. Do members of the Public have any say on the closure of Council Meetings? (Sect. 10A(4) of the Act)**

- 25.1 A Council, or a Committee of a Council, may allow members of the Public to make representations to or at a meeting, before any part of the meeting is closed to the Public, as to whether that part of the meeting should be closed.

**26. How long can a Council meeting remain closed? (Section 10B(1)(a) of the Act)**

- 26.1 The Act requires Councils to close their meeting for only so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security being protected.

*Example*

*In the proposal to auction Council-owned land, the relevant confidentiality in relation to the proposed sale is limited to the valuation and the reserve price information.*

*As such, discussion of the reasons justifying the sale could occur while the meeting was open. However, when the discussion turned to the valuation and reserve price, the meeting may then be closed to the Public.*

**27. What notice must be given of matters that are proposed to be considered in a closed meeting? (Sect. 9(2)A of the Act)**

- 27.1 Where the General Manager is of the opinion that the agenda includes the receipt of information or discussion of matters that are likely to take place when the meeting is closed to the Public, the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item) (Sect. 9(2A) of the Act).

- 27.2 It should be noted that the ultimate decision to close the meeting rests with the Council. This means that the Council is not under any obligation to close the meeting where the General Manager identifies a matter in the agenda as being one that the Council may close its meeting to discuss (Sect. 10A(2) of the Act).

- 27.3 Conversely, where a matter has not been identified in the agenda for the meeting as one that is likely to be considered when the meeting is closed, Council can still close the meeting to consider the item.

However, it can only do so if:

- it becomes apparent during the discussion of a particular matter that the matter is one for which any of the grounds for closure exist (see above)
  - the Council or Committee, after considering any representations made by members of the Public, resolves that further discussion of the matter:
    - should not be deferred (because of the urgency of the matter)
    - should take place in a part of the meeting that is closed to the Public
- (Sect. 10C of the Act)

*Example*

*In the proposed auction of Council-owned land case, the agenda for the meeting would identify the matter as one that is likely to be considered when the meeting is closed.*

*A best practice approach would be for the valuation and reserve price information to be included in a confidential attachment to the report that is not made available to the Public. This would enable the report, including the reasons justifying the sale to be made public prior to the meeting and at the same time preserve the confidentiality of the valuation and reserve price information.*

**28. What must be recorded in the minutes about the decision to close part of a Council meeting? (Sect. 10D of the Act)**

28.1 The Act requires that the grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:

- the relevant grounds on which the meeting is being closed
- the matter that is to be discussed during the closed part of the meeting
- the reasons why the part of the meeting is being closed, including an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the Public Interest (unless the matter relates to a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret).

*Example*

*The decision to close the meeting to consider the auction of a parcel of Council-owned land may be recorded as follows:*

*RESOLVED: Councillor Borg/Councillor Lee*

*1. That the meeting is closed during the discussion of the matter "Item 1 - Sale of 393 Smith Street, Jonestown by public auction" in accordance with Section 10A(2)(c) on the basis that:*

*Item 1 involves the receipt and discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

*On balance, the Public Interest in preserving the confidentiality of information about the reserve price outweighs the Public Interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would put the Council at a competitive disadvantage in its negotiations with a prospective purchaser, preventing it from achieving a 'best value for money' outcome for the community.*

**29. Must a decision made during a closed part of a meeting be made public? (Cl. 253 and Cl.269 of the Regulation)**

29.1 It is important to remember that the purpose of Section 10A of the Act is to protect the confidentiality or privilege of the information upon which Council relies. It does not allow Council to make secret decisions.

29.2 Where a Council passes a resolution during a meeting or a part of a meeting that is closed to the Public, the Chair must make the resolution public as soon as practicable after the meeting or the relevant part of the meeting has ended (Cl. 253 of the Regulation).

**30. Do resolutions made during a closed part of a meeting have to be recorded in the minutes? (Cl. 254 of the Regulation)**

30.1 Details of each motion moved at a Council meeting (including those moved when the meeting is closed to the Public) must be recorded in the minutes as well as whether the motion is passed or lost. Once passed, a motion becomes a resolution.

30.2 This means that when framing a motion relating to a matter being considered in a closed part of a meeting, Council needs to be careful to ensure that the wording of the motion

does not disclose any confidential information.

- 30.3 However, the resolution should be sufficiently clearly framed to enable the Public to identify the decision that has been made by the Council. A resolution to “adopt the recommendation contained in the Council Officer’s report” for instance does not meet the requisite standards of accountability expected of Council decision making.
- 30.4 In addition, a recommendation made in a report of a Council employee is, so far as adopted by the Council, a resolution of the Council (**Cl. 243(3) of the Regulation**). As a result, where a Council resolves to accept a recommendation contained in a report of a Council employee, that recommendation is deemed to be the resolution and must be made public as soon as practicable (**Cl. 253 of the Regulation**) and recorded in the minutes of the meeting.
- 30.5 This means that when framing a recommendation relating to a matter being considered in a closed part of a meeting, the Council Officer needs to be careful to ensure that the wording of the recommendation does not disclose any confidential information.

*Example*

*The motion or Council Officer’s recommendation on the proposed auction of Council-owned land could be worded as follows:*

1. *That Council proceed with the sale of 393 Smith Street, Jonestown (**NB clearly identify the parcel of land**) by way of public auction.*
2. *That the reserve price be set at the amount specified in the confidential attachment to the report.*

**31. When can members of the Public access confidential business papers?**  
(**Government Information (Public Access) Act 2009**)

- 31.1 The business papers and minutes of Council meetings are deemed to be open access information under the *Government Information (Public Access) Act 2009* (the GIPA Act) and the *Government Information (Public Access) Regulation 2009*. This means they must be publicly available for inspection by anyone free of charge, including on the Council’s website.
- 31.2 However, where a matter is considered in a part of a meeting that is closed to the Public, only the resolutions and recommendations of the meeting are open access information.
- 31.3 This does not necessarily mean that reports and business papers cannot be otherwise accessed under the GIPA Act. Where a Council receives a request for access to a confidential business paper under the GIPA Act it must comply with the provisions of that Act. This means that it must be decided whether there is an overriding Public Interest against disclosure which outweighs the Public Interest in favour of disclosure. Further information about Council obligations under the GIPA Act is available on the Office of the Information Commissioner’s website [www.oic.nsw.gov.au](http://www.oic.nsw.gov.au).

*Example*

*If the Council received a request for access to the confidential valuation and reserve price information after the sale of the land has been completed, the reason for confidentiality (i.e. putting Council at a competitive disadvantage in its negotiations with a prospective purchaser) no longer exists. Similarly, the relevant Public Interest consideration against disclosure for the purposes of the GIPA Act (see part 4 of the table to Section 14 of the Act) no longer exists. In such circumstances, the Council may be obliged to provide access to the report.*



- 32. What obligations do Council Officials have in relation to information about matters that were considered in a part of a meeting that was closed to the Public? (Sect. 664 of the Act)**
- 32.1 Under the Model Code of Conduct for Local Councils in NSW, all Council Officials have an obligation to maintain the integrity and security of confidential documents or information in their possession, including confidential business papers. In particular, all Council Officials must:
- protect confidential information
  - only release confidential information if they have authority to do so
  - only use confidential information for the purpose it is intended to be used
  - not use confidential information for the purpose of securing a private benefit for themselves or for any other person
  - not use confidential information with the intention to cause harm or detriment to the Council or any other person or body
  - not disclose any information discussed during a confidential session of a Council meeting.
- 32.2 It is also an offence to disclose information about a matter that was considered in a meeting that was closed to the Public (Sect. 10 of the Act and Sect. 664(1A) of the Act).
- 33. What happens if a Council Official inappropriately discloses information about a matter that was considered in a part of a meeting that was closed to the Public?**
- 33.1 Where a Council Official fails to comply with their obligations in relation to the protection of confidential information they may face disciplinary action. This might include termination of employment for the Council Officer or suspension or disqualification from civic office for a Councillor. *The Act states that a person who fails, without lawful excuse, to comply with a direction given to the person is guilty of an offence and the maximum penalty is 20 penalty units (Sect. 661 of the Act). Section 17 of the Crimes (sentencing Procedures) Act 1997 states that the offence is calculated by multiplying \$110 by that number of penalty units.*
- 33.2 A Council Official may also face prosecution if they disclose information about a matter that was considered in a meeting that was closed to the Public (Sect. 664 of the Act and Sect. 10A of the Act).
- 33.3 The inappropriate disclosure of such information can also have broader ramifications for the trust and constructive working relationships between Council Officers and Councillors so necessary to the effective functioning of a Council.
- 34. Attendance of General Manager at Meetings (Sect. 376 of the Act)**
- 34.1 The General Manager is entitled to attend, but not to vote at, any meeting of Council or any meeting of a Committee of Council of which all the members are Councillors.
- 34.2 The General Manager is entitled to attend a meeting of any other Committee of Council and may, if a member of the Committee, exercise a vote.
- 34.3 However, the General Manager may be excluded from a meeting of Council or a Committee while Council or a Committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager.

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**Part 5 – Procedure for the Conduct of Council Meetings**

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**35. Who presides at meetings of Council? (Sect. 369 of the Act)**

- 35.1 The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor (if any), presides at meetings of Council.
- 35.2 If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to Chair the meeting by the Councillors present presides at the meeting of Council.
- 35.3 If no Chair is present at the meeting of Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a Chair to preside at the meeting.
- 35.4 The election must be conducted:
  - 1. by the General Manager or, in his/her absence, a Council Officer of Council designated by the General Manager to conduct the election
  - 2. if neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf

**36. Chair to have Precedence (Cl. 237 of the Regulation)**

- 36.1 When the Chair rises or speaks during a meeting of Council:
  - 1. any Councillor then speaking or seeking to speak must immediately resume his or her seat and be silent to enable the Chair to be heard without interruption
  - 2. every Councillor present must be silent to enable the Chair to be heard without interruption
  - 3. any Councillor wishing to move or amend a motion or speak to a motion or address the meeting of the Council in any way shall stand and direct all matters to the Chair
  - 4. any contravention of this sub-clause shall constitute an Act of Disorder

**37. Chair's Duty with Respect to Motions (Cl. 237 of the Regulation)**

- 37.1 It is the duty of the Chair at a meeting of Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 37.2 The Chair must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- 37.3 Any motion, amendment or other matter that the Chair has ruled out of order is taken to have been rejected.
- 37.4 The Chair of a Committee or Council Meeting is required to verbally nominate:
  - 1. the names of the respective Councillors moving and seconding all motions and amendments
  - 2. with respect to divisions, the names of the Councillors who voted for the motion and those who voted against

**38. Order of Business (Cl. 239 and Cl. 240 of the Regulation)**

- 38.1 Ordinary Council meetings shall proceed according to the following order of business:
  - 1. Acknowledgement of Country
  - 2. Prayer
  - 3. Apologies/Leave of absence

4. Declarations of Interests by Councillors
5. Declaration of Political Donations
6. Open Forum
7. Confirmation of minutes
8. Address by the Public on agenda items
9. Mayoral Minutes
10. Notices of Motion
11. Reports of Committees
12. General Business
13. Information Items
14. Confidential Matters
15. Questions Without Notice

38.2 Business at Council or Council Committee Meetings will be transacted in the order in which it appears on the Agenda of the Business Paper for the meeting.

38.3 The order of business fixed under sub-clause 40.1 of this Code may, however, be altered if a motion to that effect is carried. Such a motion can be moved without notice.

38.4 Only the Mover of a Motion to alter the Order of Business may speak to the Motion before it is put (Cl. 239(3) of the Regulation).

**39. Giving Notice of Business (Cl. 241 of the Regulation)**

39.1 Council must not transact business at a meeting of the Council unless:

1. notice of the business has been sent to the Councillors in accordance with clause 7 of this Code.
2. a Councillor has given notice of the business in accordance with clause 11 and sub-clause 12.5 of this Code.

39.2 Sub-clause 40.4 of this Code does not apply to the consideration of business at a meeting if the business:

1. is already before, or directly relates to a matter that is already before, the Council
2. is the election of a Chair to preside at the meeting (Cl. 236(1) of the Regulation)
3. is a matter or topic put to the meeting by the Chair (Cl. 243 of the Regulation)
4. is a motion for the adoption of recommendations of a Committee of the Council

39.3 Despite sub-clause 38.3 of this Code, business may be transacted at a meeting of Council when due notice of the business has not been given to Councillors, only if:

1. a motion (which may be moved without notice) is passed to have the business transacted at the meeting
2. the business proposed to be brought forward is ruled by the Chair to be of great urgency
3. in respect to Rescission Motions, the following procedure may be invoked when appropriate:
  - the Mayor, the Deputy Mayor or Councillor presiding at the meeting may, on the motion of another Councillor to consider the Rescission Motion(s) as a matter of great urgency, rule that the matter is of great urgency and if the motion is passed, the Rescission Motion(s) will be transacted at that meeting.

39.4 Despite sub-clause 38.4 of this Code, only the mover of a motion referred to in sub-clause 39.3 of this Code can speak to the motion before it is put.

#### 40. Council Meeting Prayer and Acknowledgement of Local Indigenous People (Meetings Practice Note – OLG)

- 40.1 That a prayer and acknowledgement of local indigenous people be offered at the commencement of each Ordinary and Extraordinary Meeting of the Council as follows:

##### **Acknowledgement of Country**

*"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**

*"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."*

#### 41. Addressing of Council and Committee Meetings by Members of the Public (Meetings Practice Note – OLG)

- 41.1 There is no automatic right under the Act or the Regulation for the Public to participate in a Council meeting, either by written submission or oral presentation. This includes being able to ask questions or address Council at meetings, or to comment on matters during meetings.

- 41.2 At Burwood Council we conduct an "Open Forum" and "Address by the Public on Agenda Items".

##### **Open Forum**

The Public may address Council at an Ordinary Council Meeting on a matter that is not on the agenda of that meeting. The Forum takes place after the adoption of the minutes of the previous meeting.

Members of the Public are required to either register fifteen minutes prior to the Meeting or by contacting one of Council's Governance Team Members.

The guidelines, which apply to public address, are:

1. a time limit of three minutes per speaker
2. discussion, debate or questions involving Councillors or Council Officers are not permitted
3. the subject matter only is to be discussed
4. personalities are not to be addressed

##### **Address by the Public on Agenda Items**

The Public may address items listed on the Council or Committee Agendas.

Persons from the Public gallery may address the Council or Council Committee and answer questions from Council or Council Committee Members. Persons who have registered will be invited to speak at the beginning of the item before the Council or Committee.

Members of the Public are required to either register 15 minutes prior to the Meeting or by contacting one of Council's Governance Team Members.



The guidelines, which apply to public address, are:

1. a time limit of three minutes per speaker
2. discussion, debate or questions involving Councillors or Council Officers are not permitted
3. the subject matter only is to be discussed
4. personalities are not to be addressed

41.3 The Council or Council Committee can grant an extension of time for a speaker by a motion to that effect being put and carried.

41.4 The Council may further resolve to alter the order of business of the meeting and bring forward the matter for consideration at the conclusion of the address, by means of a procedural motion.

**42. Petitions (Meetings Practice Note – OLG)**

42.1 The Act and the Regulation do not refer to the submission or tabling of petitions to the Council.

42.2 All petitions received by Council will be listed on the business paper for an Ordinary Council Meeting and will include:

1. date received
2. petition subject
3. number of signatures within the local government area
4. number of signatures outside the local government area
5. responsible Council Division

42.3 Copies of Petitions will be made available to Councillors if required.

42.4 Any Councillor presenting a petition will be responsible for ensuring that:

1. he or she is familiar with the contents and purpose of the petition
2. the petition is not derogatory or defamatory

**43. Method of Adoption of Reports (Reports of Committee) (Cl. 259 and Cl. 269 of the Regulation)**

43.1 In dealing with and considering the Reports and Recommendations of Committees of the Council which do not have delegated authority, the following procedures shall apply:

1. Each Report of a Committee shall be dealt with separately.
2. The Chair shall nominate the Committee Report under consideration and shall call the number of each item in that Committee's report. "Seriatim" inviting Councillors(s) to nominate a challenge to any item they require to be excluded from a general resolution of the Council adopting the remainder of that Committee Report and Recommendations, "in total".
3. The Mayor shall then call for the Chair of that Committee as mover and for a member as seconder, to a resolution in the following terms:

*"That the minutes of the <Name of the Committee> of <insert meeting date> be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council."*

4. The Minutes of the Council Meeting shall record in full the content of all Motions, Amendments, etc. arising from any challenged item.
- 
- 44. Disclosure of Interests (Pecuniary and Non-pecuniary Interests) (Sect. 451 of the Act)**
- 44.1 A Councillor who has a pecuniary or non-pecuniary interest in any matter with which Council is concerned and who is present at a meeting of Council at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. Disclosures are to be made verbally at Council and Committee Meetings.
  - 44.2 If any Councillor declares a Pecuniary Interest in any matter, the Councillor must not be present at, or in sight of, the meeting of the Council:
    1. at any time during which the matter is being considered or discussed by the Council
    2. at any time during which the Council is voting on any question in relation to the matter
  - 44.3 Councillors who aren't permitted to take part in a discussion because of a pecuniary interest cannot escape this by addressing the meeting as a 'resident' or 'ratepayer'. The Act states that a Councillor must not be present at or in the sight of the meeting of Council at any time during which the matter (for which the Councillor has declared a pecuniary interest) is being considered, discussed or voted on. This has been interpreted as excluding Councillors in both their official capacity and as a member of the Public.
  - 44.4 Further information on Pecuniary Interests can be found in Council's Conflicts of Interest Policy.
- 
- 45. Disclosure by Advisors (Sect. 456 of the Act)**
- 45.1 A person who, at the request or with the consent of the Council, or a Council Committee, gives advice on any matter at any meeting of the Council or a Council Committee must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given.
  - 45.2 The person is not required to disclose the person's interest as an adviser.
- 
- 46. Disclosures to be Recorded (Sect. 453 of the Act)**
- 46.1 A disclosure made at a meeting of Council and the reasons for the disclosure must be recorded in the minutes of the meeting.
  - 46.2 All disclosures are also recorded in Council's Declaration of Interest at Council Meetings on Agenda Items Register. The Register is available for viewing on Council's website.
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- 47. Mayoral Minutes (Cl. 243 of the Regulation)**
- 47.1 The Mayor may put to an Ordinary Council Meeting any matter which the Council is allowed to deal with or which the Council officially knows about via a Mayoral Minute. This would cover any Council function under the Act or other legislation, or any matter that has been brought to the Council's attention, for example, by letter to the Mayor or the General Manager.
  - 47.2 This power to make Mayoral Minutes recognises the special role of the Mayor. A Mayoral Minute overrides all business on the agenda for the meeting and the Mayor may move that the Minute be adopted without the motion being seconded.

Code of Meeting Practice

- 47.3 Mayoral Minutes should not be used to introduce, without notice, matters that are routine, not urgent, or need research or a lot of consideration by the Councillors before coming to a decision. These types of matters would be better placed on the Agenda, with the usual period of notice being given to the Councillors.
- 47.4 Amendments to Mayoral Minutes are not addressed in the Regulation; however, they may be altered as part of the discussion at the Ordinary Council Meeting.
- 47.5 Mayoral Minutes are not moved at Committee Meetings.
- 47.6 In the absence of the Mayor and when acting in the role of the Mayor, the Deputy Mayor is entitled to submit Mayoral Minutes in accordance with this clause.
- 48. Notice of Motion Submission (Cl. 241(1) of the Regulation)**
- 48.1 The notice is to be in writing, signed by the Councillor and dated and delivered to the General Manager by 10 am on Friday of the week immediately preceding the meeting (i.e. one week and one day before meetings).
- 49. Absence of Mover - Notice of Motion (Cl. 245 of the Regulation)**
- 49.1 In the absence of a Councillor who has placed a notice of motion on the business paper for a Council Meeting:
1. any other Councillor may move the motion at the meeting
  2. the Chair may defer the motion until the next meeting of the Council at which the motion can be considered
- 50. Motions to be Seconded (Cl. 246 of the Regulation)**
- 50.1 A motion or an amendment cannot be debated unless there is a 'mover' and 'seconded'. The mover puts forward the motion and if a second person agrees with it, debate on the motion can begin.
- 51. How Subsequent Amendments may be Moved (Cl. 247 of the Regulation)**
- 51.1 If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one amendment can be before Council at any one time.
- 52. Procedural Motions (Cl. 239(2) of the Regulation)**
- 52.1 A Procedural Motion is not an amendment to the question before the Chair. As its description implies, it is directed towards the way or manner in which the Council will deal with the matter before it, and does not contain or imply a decision on the matter.
- 52.2 Unless otherwise prohibited, a Procedural Motion may be moved at any time and must be dealt with immediately by the Chair. A Procedural Motion, having been moved and seconded, shall take precedence over the question before the Chair which shall be suspended pending decision on the Procedural Motion.
- 52.3 Unless otherwise provided, debate on a Procedural Motion is not permitted and the mover does not have a right of reply.
- 52.4 Unless otherwise provided, a Procedural Motion cannot be amended.
- 52.5 Where the Procedural Motion is lost, the suspended business shall then proceed.

**53. Motions of Dissent (Cl. 248 of the Regulation)**

- 53.1 A Councillor can, without notice, move to dissent from the ruling of the Chair on a point of order. If that happens, the Chair must suspend business before the meeting until a decision is made on the motion of dissent. A point of order must relate to a breach of order or an irregularity in proceedings.
- 53.2 If a motion of dissent is carried, the Chair must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chair must restore the motion or business to the agenda and proceed with it in due course.
- 53.3 Despite sub-clause 53.2 of this Code, only the mover of a motion of dissent and the Chair can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

**54. Items Moved as a Block via a Motion**

- 54.1 The Council may follow the practice of withdrawing reports and recommendations from general Council discussion and resolving upon them "in block", thereby requiring only one motion.

**55. Questions may be put to Councillors and Council Officers (Cl. 241 of the Regulation)**

- 55.1 A Councillor:
1. may, through the Chair, put a question to another Councillor
  2. may, through the General Manager, put a question to a Council Officer
- 55.2 However, a Councillor or Council Officer to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- 55.3 Councillors must put every such question directly, succinctly and without argument.
- 55.4 The Chair must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council Officer under this clause.

**56. Limitation as to Number of Speeches (Cl. 259 of the Regulation)**

- 56.1 A Councillor who, during a debate at a meeting of Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- 56.2 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 56.3 A Councillor must not, without the consent of Council, speak more than once on a motion or an amendment, or for longer than five minutes at any one time. However, the Chair may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment and for longer than five minutes on that motion or amendment, to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.



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- 56.4 Despite clause 51 of this Code, a Councillor may move that a motion or amendment be now put:
1. if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it
  2. if at least two Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it

56.5 The Chair must immediately put to the vote, without debate, a motion moved under sub-clause 56.4. A seconder is not required for such a motion.

56.6 If a motion that the original motion or an amendment be now put is passed, the Chair must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under sub-clause 56.1.

56.7 If a motion that the original motion or amendment be now put is rejected, the Chair must allow the debate on the original motion or the amendment to be resumed.

**57. What are the voting entitlements of Councillors? (Sect. 370 of the Act)**

- 57.1 Each Councillor is entitled to one vote.
- 57.2 The Chair at a meeting of Council has, in the event of an equality of votes, a second or casting vote. Should the Chair fail to exercise a casting vote, the motion being voted upon would be lost.

**58. Voting at Council Meetings (Cl. 251 of the Regulation)**

- 58.1 A Councillor who is present at a meeting of Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 58.2 If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.
- 58.3 The decision of the Chair as to the result of a vote is final, unless the decision is immediately challenged and two Councillors call for a division.
- 58.4 When a division on a motion is called, the Chair must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those that vote against it are respectively recorded in the Council's minutes.
- 58.5 Voting at a Council meeting is to be by open means (such as on the voices or by show of hands). However, the Council may resolve which option to conduct the election of the Deputy Mayor in accordance with Schedule 7 of the Regulations.

**59. Recording of Voting on Planning Matters (Sect. 375A of the Act)**

- 59.1 In this CLAUSE, 'planning decisions' means a decision made in the exercise of a function of a Council under the *Environmental Planning and Assessment Act 1979*:
1. Including a decision relating to ~~a development application~~, voluntary planning agreement (VPA) an environmental planning instrument, a development control plan or a development contribution plan under the Act
  2. Not including the making of an order under Division 2A of Part 6 of EP&A Act.

- 59.2 The General Manager is required to keep a register containing, for each planning decision made at a meeting of the Council or ~~Building and Development Committee~~ the Independent Hearing and Assessment Panel (IHAP), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.
- 59.3 For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the Council or ~~Building and Development Committee~~ IHAP.
- 59.4 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- 59.5 The Register is available on Council's website for public viewing.
- 59.6 This clause extends to a meeting that is closed to the Public.

**60. Reasons for Decisions**

- 60.1 Council is required to give reasons for their decisions when they approve ~~development applications planning matters or tenders~~ against the recommendation of Council Officers or Council's engaged experts and the reasons are to be included in the minutes of the Council or Committee Meeting. ~~This can reduce the cost to councils of Land and Environment Court litigation, as well as achieving transparency and accountability in decision-making.~~

**61. What Constitutes a Decision of Council (Sect. 371 of the Act)**

- 61.1 A decision supported by a majority of the votes at a meeting of Council at which a quorum is present is a decision of Council.

**62. Making Resolutions Public after (part) Meeting Closed (Cl. 253 and Cl. 269 of the Regulation)**

- 62.1 When the Council or a Committee of the Council passes a resolution during a meeting, or a part of a meeting, that is closed to the Public, the Chair must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.

**63. Council Meeting Adjournment (Cl. 233(1)(a) of the Regulation)**

- 63.1 The Chair is empowered to adjourn a meeting of a Council for a time specified or as agreed to by the Council.

**64. Rescinding or Altering Resolutions (Sect. 372(1) of the Act)**

- 64.1 A resolution passed by Council, or a Committee whose membership consist only of members of the Council and which has full delegation of authority to determine matters, may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with this Code.
- 64.2 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with. The Act requires notice of a rescission motion to be given in accordance with Council's Code of Meeting Practice. As such, for rescission motions that are lodged at the same meeting as the matter proposed to be rescinded was carried, the rescission

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- motion will be held over and considered at the subsequent Ordinary or Extraordinary Council Meeting or the next meeting of the relevant Committee, whichever occurs first.
- 64.3 If a motion has been negated by Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with this Code.
- 64.4 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by Council, must be signed by three Councillors if less than three months have elapsed since the resolution was passed, or the motion was negated, as the case may be.
- 64.5 If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion is negated, no similar motion may be brought forward within three months. This sub-clause may not be evaded by substituting a motion differently worded, but in principle the same.
- 64.6 A motion to which this clause applies may be moved on the report of a Committee of Council and any such motion must be recorded in the minutes.
- 64.7 A notice of motion to rescind a resolution, arising from a meeting of a Committee which has full delegation of authority to determine matters, will be listed on the agenda for the subsequent Ordinary or Extraordinary Council Meeting or a Meeting of that Committee, whichever occurs first, for determination. A notice of motion to rescind a resolution, arising from a Council Meeting, will be listed on the agenda of the next available meeting this could include a Committee Meeting subject to:
1. the matter being a matter which is able to be delegated (**Sect. 377 of the Act**)
  2. the matter being submitted to the most appropriate Committee based on the subject matter of the Rescission Motion
  3. the matter being submitted to a Committee for which all the Councillors are members
- 64.8 A notice of motion to rescind shall not be valid unless received by the General Manager in writing in accordance with this clause.
- 64.9 A Councillor may only withdraw his/her signature from a Notice of Motion to Rescind, with the consent (in writing) of the other signatories (so as to give the other Councillors an opportunity to obtain another signatory to the rescission motion, if necessary). If, as a result of a signature being validly withdrawn, the Notice of Motion to Rescind is left with less than three valid signatures, the motion lapses and subject matter of the motion will be actioned by the General Manager.
- 64.10 Rescission Motions are unable to be withdrawn, by the Councillors who have submitted the Motion, after the deadline for business paper preparation (which is 12 noon on the Monday in the week preceding the meeting in question). Once a Rescission Motion has been listed on a Business Paper (which is taken to be at 12 noon on the Monday in the week preceding the meeting in question) it cannot be removed or withdrawn and will lapse at the meeting in question if no Councillors are prepared to move/second it.
- 64.11 The provisions of this clause concerning negated motions do not apply to motions of adjournment.
- 64.12 The General Manager shall notify all Councillors (by telephone, facsimile or email) within 24 hours of the receipt by the General Manager of a valid rescission motion.
- 64.13 It is Council's practice not to implement decisions of the Council until 12 noon on the working day following the Council and/or Committee Meeting.

Code of Meeting Practice

- 64.14 If the General Manager receives a rescission motion after 12 noon on the working day following any meeting and action on the resolution in question has not already been carried into effect but is expected before the rescission motion can be decided on by the Council, the General Manager will not act upon the resolution in question until the rescission motion has been considered.

**65. Certain Circumstances do not Invalidate Council's Decision (Sect. 374 of the Act)**

- 65.1 Proceedings at a meeting of Council or a Committee are not invalidated because of:

1. a vacancy in a civic office
2. a failure to give notice of the meeting to any Councillor or Committee member
3. any defect in the election or appointment of a Councillor or Committee member
4. a failure of a Councillor or a Committee member to disclose a pecuniary interest at a Council or Committee meeting (Sect. 451 of the Act)
5. a failure to comply with this Code

**66. Apology/Leave of Absence (Sect. 234 of the Act)**

- 66.1 The tendering of an apology is an accepted convention by which those present at a meeting are notified that the person tendering the apology will not be attending the meeting. It is a form of courtesy to those attending the meeting. Its purpose is also to aid the efficient conduct of meetings by informing the Chair as to who will not be attending. This avoids delaying the opening of a meeting pending the arrival of such persons.
- 66.2 The acceptance of an apology is a positive acknowledgement of the courtesy of the person who tendered it. It does not amount to a grant of a leave of absence.
- 66.3 Although, the practice of tendering of apologies is recognised as a component of good meeting practice, it has no recognition in either the Act or the Regulation.
- 66.4 By contrast, a leave of absence is a formal permission granted by way of Council resolution to a Councillor excusing that Councillor's attendance at a particular meeting. It is sought by way of application to the Council. It is recognised in both the Act and in the Regulation.
- 66.5 A Councillor's application for leave of absence from Council Meetings should, if practicable, identify (by date) the meeting(s) from which the Councillor intends to be absent.
- 66.6 A Councillor who intends to attend a Council Meeting despite having been granted leave of absence should, if practicable, give the General Manager at least two days' notice of his or her intention to attend.

**Part 6 – Keeping Order at Meetings**

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**67. Questions of Order (Cl. 255 of the Regulation)**

- 67.1 The Chair, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the Chair, it is necessary to do so.
- 67.2 A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the Chair to the matter.
- 67.3 The Chair must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.



- 67.4 The Chair's ruling must be obeyed unless a motion dissenting from the ruling is passed.
- 67.5 When the Chair rules that an act of disorder has been committed by a Councillor, the details, as stated by the Chair at the meeting, are to be recorded in the minutes of the meeting.
- 68. Acts of Disorder (Sect. 439 of the Act)**
- 68.1 A Councillor commits an act of disorder if the Councillor, at a meeting of Council or a Committee of Council:
1. contravenes the Act or any Regulation in force under the Act
  2. assaults or threatens to assault another Councillor or person present at the meeting
  3. moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of Council, or addresses or attempts to address Council on such a motion, amendment or matter
  4. insults or makes personal reflections on or imputes improper motives to any other Councillor
  5. says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring Council or the Committee into contempt
- 68.2 The Chair may require a Councillor:
1. to apologise without reservation for an act of disorder referred to in sub-clause 68.1.1 or 68.1.2 of this Code
  2. to withdraw a motion or an amendment referred to in sub-clause 68.1.3 of this Code and, where appropriate, to apologise without reservation
  3. to retract and apologise without reservation for an act of disorder referred to in sub-clause 68.1.4 or 68.1.5 of this Code
  4. to apologise without reservation for an act of disorder (committed at the preceding Council or Committee meetings) for which that Councillor failed to apologise for without reservation when requested by the Chair at the time
- 68.3 Prior to expulsion:
1. A Councillor may, be expelled from a meeting of a Council for having failed to comply with a requirement under clause 68.1. The expulsion of a Councillor does not prevent any other action from being taken against the Councillor for the act of disorder concerned (Sect. 10(2) (a) or (b) of the Act).
  2. Prior to any expulsion the Chair must adjourn the meeting for a minimum period of five minutes.
  3. Upon resumption of the Meeting, and prior to expulsion of a Councillor taking place, the Chair shall specify the breach of the Code/reasons for the proposed expulsion and provide an opportunity for the subject Councillor to respond to the alleged breach/reasons for expulsion.
- 68.4 The Chair may expel from a meeting a Councillor who fails to comply with a requirement made under clause 68.1 of this Code.

**69. How Disorder at a Meeting may be Dealt With (Cl. 257 of the Regulation)**

- 69.1 If disorder occurs at a meeting of Council, the Chair may adjourn the meeting for a period of not more than 15 minutes and leave the Chair. Council, on reassembling, must, on a question put from the Chair, decide without debate whether the business is to be proceeded with or not. This sub-clause applies to disorder arising from the conduct of members of the Public as well as disorder arising from the conduct of Councillors.
- 69.2 A member of the Public may, be expelled from a meeting of a Council for engaging in or having engaged in disorderly conduct at the meeting (Section 10(2)(a) or (b) of the Act).
- 69.3 The Chair may expel a member of the Public from a Council meeting on the ground that the member is engaging in or has, at the meeting, engaged in disorderly conduct.

**70. Power to Remove Persons from a Meeting after an Expulsion Resolution (Cl. 258 of the Regulation)**

- 70.1 If a meeting of Council resolves to expel or the Chair expels from the meeting a Councillor for failing to comply with a requirement made under clause 69 of this Code, or a member of the Public for disorderly conduct, and the Councillor or member of the Public fails to leave the meeting immediately after the resolution is passed, a Police Officer, or any person authorised by Council for the purpose, may, by using only such force as is necessary, remove the Councillor or the person from the meeting and, if necessary, restrain the Councillor or the person from re-entering the place where the meeting is being held until that person publicly apologises without reservation.

**Part 7 - Council Committees**

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**71. Committee of the Whole (Sect. 373 of the Act) (Cl. 259 of the Regulation)**

- 71.1 Council may resolve itself into Committee of the Whole to consider any matter before Council.
- 71.2 All the provisions of this Code relating to meetings of Council, so far as they are applicable, extend to and govern the proceedings of Council when in Committee of the Whole, except the provision limiting the number and duration of speeches.
- 71.3 The General Manager or, in the absence of the General Manager, a Council Officer of the Council designated by the General Manager is responsible for reporting to Council proceedings in Committee of the Whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported.
- 71.4 Council must ensure that a report of the proceedings (including any recommendations of the Committee) is recorded in the Council's minutes. However, Council is not taken to have adopted the report until a motion for adoption has been made and passed.

**72. Council may Appoint and Wind up Committees**

- 72.1 Council may, by resolution, establish such Committees as it considers necessary and may wind up such Committees.
- 72.2 A Committee is to consist of the Mayor and such other Councillors appointed by Council.

**73. Building and Development Committee**

- ~~73.1 Burwood Council has resolved to formulate the Building and Development Committee (Committee of the Whole). The functions of this Committee are to determine any~~

~~Development Applications and development/building-related issues that cannot be determined by Council Officers under delegated authority.~~

~~73.2 The Building and Development Committee Meetings are held on the 2nd Tuesday of each month at 6.00 pm in the Council Chamber, Administration Building, Suite 1, Level 2, 1-17 Elsie Street, Burwood and in accordance with Council's adopted meeting schedule.~~

~~73.3 Development Applications that must be referred to the Committee are where:~~

- ~~1. Petitions and more than four valid planning objections to the development application have been received from separate households and the application has not been refused.~~
- ~~2. Development where there is major variation under State Environmental Planning Policy No. 1 (more than a 10%) from Council's Development Standards.~~
- ~~3. Any application specifically required by the Building and Development Committee or Council to be considered at a subsequent Building and Development Committee or Council Meeting.~~
- ~~4. Any matter subject to appeal.~~
- ~~5. Applications having a major environmental impact on the locality and which involve land owned by Council.~~

#### **74. Order of Business Building and Development Committee**

~~74.1 The Building and Development Committee meeting shall proceed according to the following order of business:~~

- ~~1. Acknowledgement of Country~~
- ~~2. Council Prayer~~
- ~~3. Apologies/Leave of absence~~
- ~~4. Declarations of Interests by Councillors~~
- ~~5. Declaration of Political Donations only if planning matters appear on the Agenda~~
- ~~6. Confirmation of Minutes~~
- ~~7. Address by the Public on Agenda Items as each item is addressed~~
- ~~8. General Business~~

#### **75. Development Plans – Inclusion in the Business Paper**

~~75.1 Applications for development consent, called 'development applications', come with different types of plans under the *Environmental Planning and Assessment Act 1979* (EP&A Act).~~

~~75.2 The EP&A Act does not require a Council to make copies of these plans available in its business papers. Because of copyright issues, development plans are not included in the business papers. Instead, interested members of the Public should be allowed to view these plans at the Council's Administration Building during the exhibition period under the EP&A Act.~~

~~75.3 Copyright raises some very complex issues for Councils, particularly in the area of development applications. Copyright in development plans ('a work') is usually held by the person who drew them. Copyright may be breached when a document is copied and distributed, but not when it is viewed or placed on public exhibition.~~

~~75.4 The EP&A Act and other State legislation does not allow a Council to ignore copyright law when it is dealing with development plans. Councillors are provided with development application plans separately in order to make an informed decision.~~

**76. Functions of Committees**

- 76.1 Council must specify the functions of each of its Committees when the Committee is resolved, but may from time to time amend those functions.
- 76.2 A Committee cannot act outside the extent of the functions granted by Council.
- 76.3 If Council, by resolution, delegates authority to a Committee to make decisions, then any decisions made by the Committee under such authority shall be decisions of Council (Section 49(6), *Interpretation Act 1987*).

**77. Notice of Committee Meetings to be Given (Sect. 367 of the Act and Cl.262 of the Regulation)**

- 77.1 The General Manager must send to each member of a Committee at least three days before each meeting of the Committee, a notice specifying:
  - 1. the time and place at which and the date on which the meeting is to be held
  - 2. the business proposed to be transacted at the meeting
- 77.2 However, notice of less than three days may be given of a Committee meeting called in an emergency.

**78. Non-members Entitled to Attend Committee Meetings**

- 78.1 A Councillor who is not a member of a Committee is entitled to attend, and speak at, a meeting of the Committee.
- 78.2 However, the Councillor is not entitled:
  - 1. to give notice of business for inclusion in the agenda for the meeting
  - 2. to move or second a motion at the meeting
  - 3. to vote at the meeting

**79. Chair and Deputy Chair of Committees**

- 79.1 The Chair of each Committee must be:
  - 1. the Mayor
  - 2. if the Mayor does not wish to be the Chair of that Committee - a member of the Committee may be elected by Council
- 79.2 Council may elect a member of a Committee as Deputy Chair of the Committee. If Council does not elect a Deputy Chair of such a Committee, the Committee may elect a Deputy Chair.
- 79.3 The Chair is to preside at a meeting of a Committee. If the Chair is unable or unwilling to preside, the Deputy Chair (if any) is to preside at the meeting, but if neither the Chair nor the Deputy Chair is able or willing to preside, the acting Chair is to preside at the meeting.

**80. Absence from Committee Meetings**

- 80.1 A member ceases to be a member of a Committee if the member (other than the Mayor):
  - 1. has been absent from three consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences

2. has been absent from at least half of the meetings of the Committee held during the immediately preceding year (being the period beginning 1 July and ending the following 30 June) without having given to the Committee acceptable reasons for the member's absences

80.2 Sub-clause 80.1.1 does not apply if all the members are Councillors of the Committee.

## **81. Committee Procedures**

81.1 Each Committee of a Council may regulate its own procedure. However, all the provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of Committee Meetings.

81.2 For Committees which do not have delegated authority and which only make recommendations to Council, their minutes shall contain the names of movers and seconders and the text of motions and amendments and whether those motions or amendments were passed or lost.

## **82. Order of Business**

82.1 Council Committee meetings shall proceed according to the following order of business:

1. Apologies/Leave of absence
2. Declarations of Interests
3. Confirmation of Minutes
4. General Business

## **83. Voting at Committee Meetings**

83.1 Voting at a Committee meeting is to be by open means (such as on the voices or by show of hands).

83.2 Whenever the voting of a motion put to a meeting of a Committee is equal, the Chair of the Committee is to have a casting vote as well as an original vote.

## **84. Reports of Committees**

84.1 If in a report of a Committee distinct recommendations are made, the decision of Council may be made separately on each recommendation.

84.2 The recommendations of a Committee are, so far as adopted by Council, resolutions of Council.

84.3 If a Committee of a Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the Public, the Chair must:

1. make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended
2. report the resolution or recommendation to the next meeting of the Council

## **85. Committee may Expel Certain Persons from its Meetings**

85.1 A Committee may, by resolution, expel from a meeting a Councillor or member of the Public who fails to comply with a requirement under clause 68 of this Code.

85.2 The Chair may expel from a meeting a Councillor or member of the Public who fails to comply with a requirement under clause 68 of this Code.



- 85.3 If a meeting or part of a meeting of a Committee is closed to the Public in accordance with Section 10(A) of the Act, the Committee may, by resolution expel, from the place where the meeting is being held any person who is not a Councillor or member of the Committee (Section 10(2)(a) or (b) of the Act).
- 85.4 If any such person, after being notified of such a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a Police Officer, or any person authorised for the purpose, by the Council, Committee or person presiding may, by using only such force as is necessary, remove the person from that place, and, if necessary, restrain the person from re-entering, that place.

## 86. Committee Meeting Adjournment

- 86.1 The Chair is empowered to adjourn a meeting of a Committee for a time specified or as agreed to by the Committee.

## Part 8 - Minutes

### 87. Minutes (Sect. 375 of the Act)

- 87.1 Council and Committees of the Whole (~~Building and Development~~) must ensure that full and accurate minutes are kept of the proceedings of each meeting of Council and of each Committee including:
1. The name of the Councillors present at the meetings and any apologies/leave of absences (Cl. 233 of the Regulation)
  2. The names of Council Officers in attendance and their organisational titles (Cl. 257(1) of the Regulation)
  3. The name of any other person, excluding members of the Public, in attendance at the meeting and the organisation they represent or the capacity of their attendances
  4. The arrival and departure of Councillors during the course of the meeting (including any temporary departures or arrivals) (Cl. 257(1) of the Regulation)
  5. Oath and Affirmation for Councillor (1<sup>st</sup> Council Meeting of the newly elected Council) (Sect. 233A of the Act)
  6. Details of each motion moved and of any amendments moved to it (Cl.245(a) of the Regulation)
  7. The names of the mover and seconder of any motion or amendment Cl.254(b) of the Regulation)
  8. Whether the motion or amendment is carried or lost (Cl. 254(c) of the Regulation)
  9. a record of the voting (for and against) each planning matter (Sect. 375A of the Act)
  10. a record of the reasons for approving planning matters against the recommendations of Council Officers (Meetings Practice Note August 2009 - OLG)
  11. Details of any procedural motions moved (Cl. 254 of the Regulation)
  - ~~12. Motions passed unanimously, if requested, should be noted~~
  13. Where a valid Division is called, a table of the names of every Councillor and the way their vote was cast, either For or Against (Cl. 251(4) of the Regulation)
  14. When requested by Councillors, a record of their opposition to any motion, this is done by calling for a division (Cl. 251(4) of the Regulation)
  15. Details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise (Cl. 233 of the Regulation)
  16. Details of any members of the Public who address meetings (Meetings Practice Note August 2009 - OLG)
  17. The time and reason for any adjournment of the meeting or suspension of standing orders
  18. The details of any disclosures of pecuniary interests by the Councillors (Sect. 453 of the Act)

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19. The details of any acts of disorder as ruled and the reasons as stated by the Chair at any meeting
  20. Minutes of the Committee of the Whole (Cl. 259(3) of the Regulation)
  21. Reports of Committees approved by Council (Cl. 259(3) of the Regulation)
  22. Any other matter which the General Manager thinks should be recorded to clarify the intention of the meeting or the reading of the Minutes
  23. The date, time and venue where the meeting was commenced, adjourned, resumed and/or concluded (Cl. 257(1) of the Regulation)
  24. The report of a council committee leading to a rescission or alteration motion (Sect. 372(6) of the Act)
- 87.2 The correctness of the Minutes of a meeting shall only be confirmed on the motion of two Councillors **at the next Ordinary Council Meeting**.
- 87.3 A motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.
- 87.4 The Minutes must, as soon as they have been confirmed at a subsequent meeting of Council or a Committee, be signed by the Chair ~~and the General Manager~~ of that subsequent meeting. At Burwood Council the process is that each page is initialled by the Chair ~~and the General Manager~~ and signed on the last page in full.
- 88. Inspection of the Minutes of Council or a Committee**
- 88.1 Council or Committee Minutes are published on Council's website.
- 88.2 The General Manager must ensure that the minutes of Council and any minutes of a Committee are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them. At Burwood the Minutes are held by the Governance Team or **custody is transferred to State Records after a period of 25 years**. Minutes from **1889** are now contained in Council's document management system (TRIM).

**Part 9 - Miscellaneous**

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**89. Information Relating to Proceedings at Closed Meetings not to be Disclosed**

- 89.1 A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
1. with the consent of the person from whom the information was obtained
  2. in connection with the administration or execution of this Act
  3. for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings
  4. in accordance with a requirement imposed under the *Ombudsman Act 1974* or the *Government Information (Public Access) Act 2009*
  5. with other lawful excuse
- 89.2 In particular, if part of a meeting of a Council or a Committee of a Council is closed to the Public, a person must not, without the authority of the Council or the Committee, disclose (otherwise than to the Council or a Councillor of the Council) information with respect to the discussion at, or the business of, the meeting (Sect. 10(A)(1) of the Act).
- 89.3 Sub-section 88.2 does not apply to:
1. the report of a Committee of a Council after it has been presented to the Council
  2. disclosure made in any of the circumstances referred to in sub-clauses 1-5 above

3. disclosure made in circumstances prescribed by the Regulations
4. any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with *Government Information (Public Access) Act 2009*

**90. Public Access to Correspondence and Reports**

- 90.1 Council and a Committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- 90.2 This Section does not apply if the correspondence or reports:
  1. relate to a matter that was received or discussed
  2. were laid on the table at, or submitted to, the meeting, when the meeting was closed to the Public
- 90.3 This Section does not apply if the Council or Committee resolves at the meeting, when open to the Public, that the correspondence or reports, because they relate to a matter, are to be treated as confidential (**Section 10A(2) of the Act**).

**91. Audio Recording of Council and Committee Meetings by Council (Cl. 273 of the Regulation)**

- 91.1 Meetings of Council and Committees, which have full delegation to determine items on their agenda, shall be audio recorded by the Council, except for those portions which the Committee or the Council has resolved to close in accordance with the *Government Information (Public Access) Act 2009*.
- 91.2 The purpose of audio recording meetings of Council and Committees is to:
  1. Allow accurate compilation of Minutes of those Meetings and to verify their accuracy upon confirmation of those Minutes.
  2. Audio recordings of meetings will be destroyed immediately after the Minutes for the meeting in question have been confirmed or after two months.
  3. Appropriate signs shall be displayed in the Council Chamber (or any rooms utilised for audio recording of Council/Committee Meetings) alerting attendees to the fact that the proceedings are being recorded for the purposes of sub-clause 90.2 of this Code.
  4. The Chair will, at the commencement of meetings, inform those in attendance that the proceedings are being recorded for the purpose of this clause of the Code of Meeting Practice and remind them that any comments should only include personal information that is relevant or necessary to the matters under consideration by the Council/Committee.

**92. Audio Recording/Video Recording of Meetings of Council or a Committee Prohibited without Permission (Cl. 273 of the Regulation)**

- 92.1 A person may use an audio recorder to record the proceedings of a meeting of Council or a Committee only with the authority of Council or Committee.
  1. A person may, be expelled from a meeting of a Council or a Committee of a



Council, for using or having used an audio recorder in contravention of this clause (Sect. 10(2)(a) or (b) of the Act).

2. If any such person, after being notified of such a resolution, or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a Police Officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the person from that place and, if necessary, restrain the person from re-entering, that place.
3. In this clause, audio recorder includes any device capable of recording or transmitting speech and/or recording or transmitting images.

**93. Use of Mobile Phones Prohibited during Council and Committee Meetings (Burwood Council clause)**

- 93.1 Councillors and members of the Public are prohibited from using mobile phones for voice conversations in the Council Chamber during meetings of the Council or Council Committees. Mobile phones must be turned-off or changed to 'silent mode' prior to entering the Council Chamber.

**94. Public Approaching Councillors during Meetings**

- 94.1 Members of the Public are prohibited from approaching Councillors in the Council Chambers when a meeting is in progress.

**95. Mode of Address (Meeting Practice Note – OLG)**

- 95.1 Councillor and Council Officers shall at all times:
  1. Address Councillors by their official designation, as Mr/Madam Mayor or Councillor, as the case may be
  2. Address Council Officers by their position title
- 95.2 All must address their remarks through the Chair.

**96. Questions without Notice**

- 96.1 Councillors are permitted to ask a maximum of three questions per Council Meeting. The Regulation which states that Council must not transact business unless due notice has been given that is three days prior to the Council Meeting. Councillors are not to address personalities (Cl. 241 of the Regulation).
- 96.2 Any Questions without Notice to Council Officers which in the opinion of the Chair with the referral to the General Manager that requires action involving the employment of unbudgeted resources shall not be allowed (but rather should be the basis of a Notice of Motion(s) duly moved under the Code of Meeting Practice).
- 96.3 Councillors are required to submit their question(s) to the Chair in writing as at the agenda item 'Question without Notice' when it comes to the forum. Councillors must word question(s), succinctly and without argument and may contain supporting information (Burwood Council clause).
- 96.4 The Chair (at the appropriate time during the meeting) will read out the name of the Councillor asking the question and the question itself. No discussion is to take place. Questions without Notice will be recorded in the Minutes of Council Meetings (Cl. 241 of the Regulation).

Code of Meeting Practice

96.5 Answers will not be provided at the Meeting, however, they will be provided to all Councillors within ten days after the meeting. An Information Item with the answers will be submitted to the following Council Meeting for public information (**Burwood Council clause**).

**97. Recess Period Delegations (Sect. 226 of the Act)**

97.1 During the December/January recess it is standard procedure for Council to delegate certain functions to the Mayor and General Manager to ensure matters of urgency can be adequately dealt with. This is done via a Council resolution in November/December.

97.2 Functions with the exception of the functions listed under Section 377 and Chapter 7 of the *Local Government Act 1993* equally to the Mayor and General Manager where both are required to agree in their decision and sign off on the matters.

97.3 The regulatory functions under Chapter 7 of the Regulation is delegated solely to the General Manager (the most senior employee of Council) during the recess period (**Section 379 of the Act**).

97.4 All decisions made under the above delegations are subsequently reported to the 1<sup>st</sup> Council Meeting in February for the information of Councillors.

**98. Table of Permissible Motions**

Motion	Notice required	Seconded	Debate	Mover in reply
General Motion (cl. 246 and 250 of the Regulation)	Yes	Yes	Yes	Yes
Amendment (cl. 247 Code)	No	Yes	Yes	No
Mayoral Minute (cl. 243 of the Regulation)	No	No	Yes	Yes
Urgency (cl. 241 of the Regulation)	No	Yes	Mover only	No
Rescission (sect. 372 of the Act)	Yes	Yes	Yes	Yes
Procedural Motions	No	Yes	Yes	No
Motion/Amendment be put (cl. 250(5) of the Regulation)	No	No	No	No
Dissent (cl. 248 of the Regulation)	No	Yes	Mover only	No

**(ITEM 17/18) ADOPTION - REVISED OPEN FORUM POLICY**

File No: 17/58949

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE AND COMMUNITY

**Summary**

The Open Forum Policy has been revised in line with the amendments to Section 8A of the *Local Government Act 1993* (the Act) which relate to Guiding Principles for Councils and to ensure its consistency with Council's Code of Meeting Practice.

**Background**

The Policy includes both Open Forum at Council Meetings and Open Forum – Major Projects in line with the requirements of the Delivery Program and the Office of Local Government directives in relation to meetings outside the Council Meetings.

The Policy states the difference between the two types of Open Forum as follows:

**Open Forum – Council Meetings** – the public may address Council at a full Council meeting on a matter that is not on the agenda of that meeting.

**Community Open Forum - Major Projects** – an organised and advertised meeting where Council Officers and/or Councillors are present to answer questions from the public, facilitate discussion and provide information. It is a means by which advanced discussions are held. No agreement and/or (de-facto) decisions are made. Any decision making occurs through the open forum of a formal Council or Committee Meeting.

Council last adopted the Policy on 22 November 2011.

**Proposal**

The Policy has been reviewed to include the recent changes to the Act in relation to Guiding Principles of the Council in accordance with Section 8(A). A small administrative change has also been made to no longer record the speaker's residential address in the official Council meeting minutes to safeguard the privacy of the speaker. However, the address is kept by Council for administrative purposes and not made public. These changes have been made in red within the Policy.

The Open Forum Policy is consistent with Council's Code of Meeting Practice.

The revised Open Forum Policy is now submitted to Council for adoption.

**Consultation**

The Policy has been endorsed by the General Manager and Council's Policy, Corporate Practice and Procedures Panel.

Once adopted, the Policy will be published on Council's website for member of the public and published on the Councillor Portal.

**Planning or Policy Implications**

Once, adopted the Policy will supersede the current policy.

**Financial Implications**

No Financial implications.

**Conclusion**

The Policy includes both Open Forum at Council Meetings and Open Forum – Major Projects in line with the requirements of the Delivery Program and the Office of Local Government directives in relation to meetings outside the Council Meetings. The Policy is now submitted to Council for adoption.

***Recommendation(s)***

That Council adopt the revised Open Forum Policy.

**Attachments**

1 [↓](#) Revised - Open Forum Policy



# *Burwood Council*

heritage ▪ progress ▪ pride

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## **REVISED - OPEN FORUM POLICY**

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 Council:  
Trim No.: 17/57485  
Version No: 2  
Ownership: Governance

[Open Forum Policy](#)

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## Purpose

To set the framework for open forums.

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## Scope

Applies to Councillors, Council Officers and the Public.

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## Objectives

Council has a legislative requirement under the **Section 8A (3)** of the *Local Government Act 1993* (the Act) to ensure that the Community has input as part of the decision making process. Councils are required under the Act to follow the **Charter Guiding Principles under Section 8A.** ~~In relation to community consultation the Charter which~~ states that:

- ~~▪ to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively~~
- ~~▪ to exercise community leadership~~
- ~~▪ to have regard to the long term and cumulative effects of its decisions~~
- ~~▪ to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government~~
- ~~▪ to keep the local community and the State Government (and through it, the wider community) informed about its activities~~
- ~~▪ to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected~~

1. Exercise of functions generally The following general principles apply to the exercise of functions by councils:
  - a. Councils should provide strong and effective representation, leadership, planning and decision-making.
  - b. Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
  - c. Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
  - d. Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
  - e. Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
  - f. Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
  - g. Councils should work with others to secure appropriate services for local community needs.
  - h. Councils should act fairly, ethically and without bias in the interests of the local community.
  - i. Councils should be responsible employers and provide a consultative and supportive working environment for staff.
2. Decision-making - The following principles apply to decision-making by councils (subject to any other applicable law):
  - a. Councils should recognise diverse local community needs and interests.



- b. Councils should consider social justice principles.
  - c. Councils should consider the long term and cumulative effects of actions on future generations.
  - d. Councils should consider the principles of ecologically sustainable development.
  - e. Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.
3. Community participation Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

### Definitions

**Open Forum – Council Meetings** – the public may address Council at a full Council meeting on a matter that is not on the agenda of that meeting.

**Community Open Forum - Major Projects** – an organised and advertised meeting where Council Officers and/or Councillors are present to answer questions from the public, facilitate discussion and provide information. It is a means by which advanced discussions are held. No agreement and/or (de-facto) decisions are made. Any decision making occurs through the open forum of a formal Council or Committee Meeting.

### Open Forum Guidelines – Council Meetings

The Public may address Council at an Ordinary Council Meeting on a matter that is not on the agenda of that meeting. Note that there is no Open Forum at an Extra-ordinary Council Meeting.

Members of the Public are required to attend Council 15 minutes prior to the commencement of the Meeting to register. The submission of the Speaker's name, address and subject matter(s) is required for registration.

Only the speaker's name, ~~address~~ and subject matter(s) is recorded in the Minutes of that particular Ordinary Council Meeting and the information is made publically available. The Open Forum takes place after the adoption of the minutes of the previous meeting.

Guidelines for addressing Council are as follows:

- Members of the Public who wish to address Council are allowed a maximum of three minutes\* to present their issue.
- Discussion, debate or questions involving Councillors or staff are not permitted.
- The registered subject matter only is to be discussed.
- Personalities are not to be addressed.
- A further four minutes per speaker will be allowed for questions from Councillors to the Speaker.

\*An extension of time may be granted with leave of the Council.

### Community Open Forum – Major Projects

Where appropriate Council will hold Open Forums on major projects. These Open Forums will be advertised on Council's website and in the local paper or by invitation.

Guidelines for Open Forum – Major Projects are as follows:

- Members of the Public who wish to speak at these forums have a time limit of three minutes per speaker to present their issue.

[Open Forum Policy](#)

- Discussion, debate or questions involving Councillors or staff are not permitted.
- Personalities are not to be addressed.
- Speakers are not to re-address matters already raised by other speakers.

**Related Information/Glossary**

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- *Local Government Act 1993*
- Burwood Council's Code of Meeting Practice
- Community Consultation Protocol – General
- Protocols for Community Notifications - Engineering Services Activities

**Contact**

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Governance Co-ordinator on 9911-9910

**(ITEM 18/18) INVESTMENT REPORT AS AT 31 JANUARY 2018**

File No: 18/5106

REPORT BY CHIEF FINANCE OFFICER

**Summary**

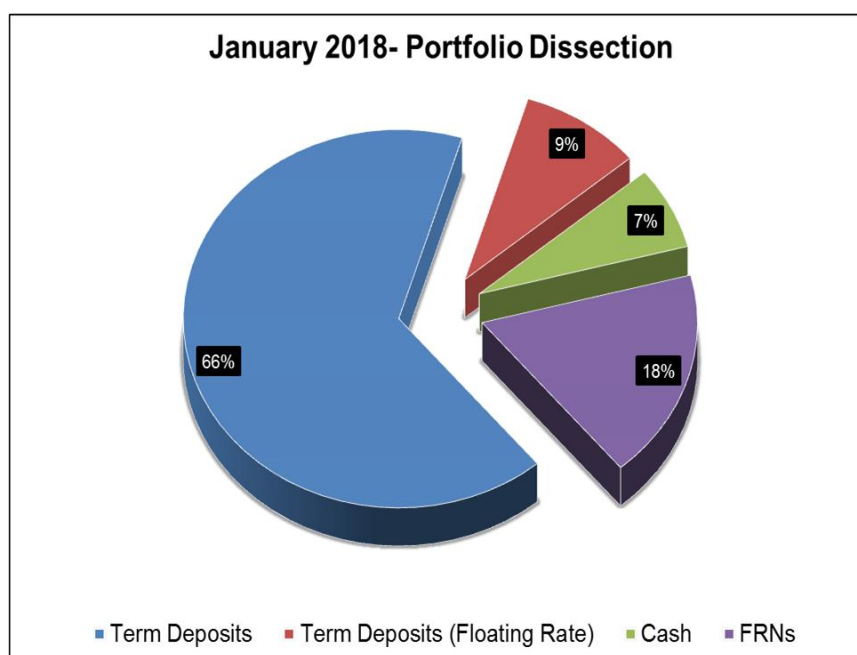
In accordance with Clause 212 of the *Local Government (General) Regulation 2005*, this report details all money that Council has invested under Section 625 of the *Local Government Act 1993*.

**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**

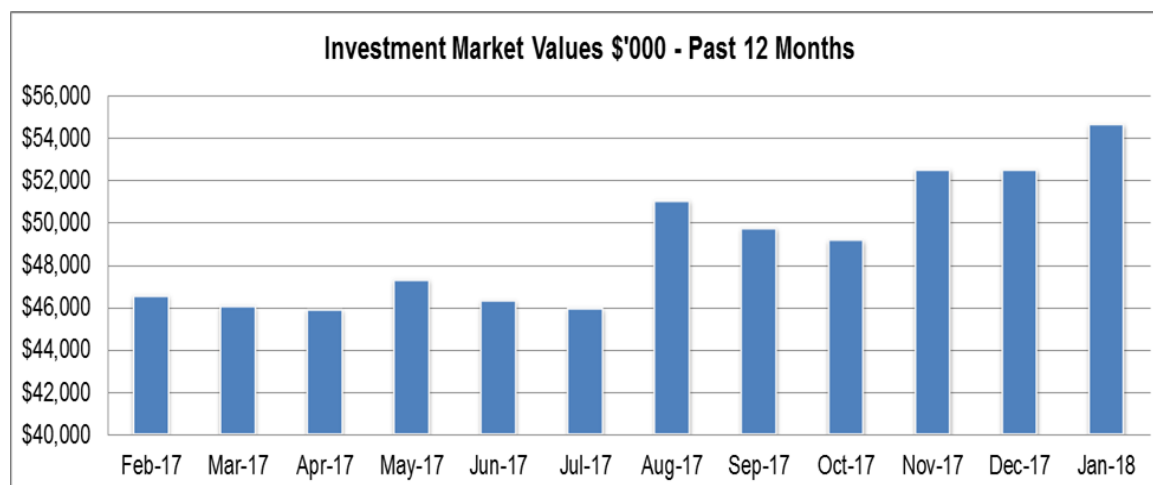
Council has a diversified investment portfolio and has a number of direct investments in term deposits. The investment portfolio as at 31 January 2018 is:



As at 31 January 2018 Council held the following term deposits:

Purchase Date	Financial Institution	Principal Amount	Interest Rate	Investment Days	Maturity Date
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
07 Nov 17	ING Bank (Imperium)	2,000,000	2.90%	730	07 Nov 19
05 Dec 17	Auswide Bank	3,000,000	2.70%	182	05 Jun 18
07 Dec 17	ING Bank (Imperium)	3,000,000	2.83%	732	09 Dec 19
11 Dec 17	National Australia Bank	3,000,000	2.45%	92	13 Mar 18
20 Dec 17	National Australia Bank	3,000,000	2.47%	148	17 May 18
16 Jan 18	Commonwealth Bank of Australia	2,000,000	2.64%	365	16 Jan 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**

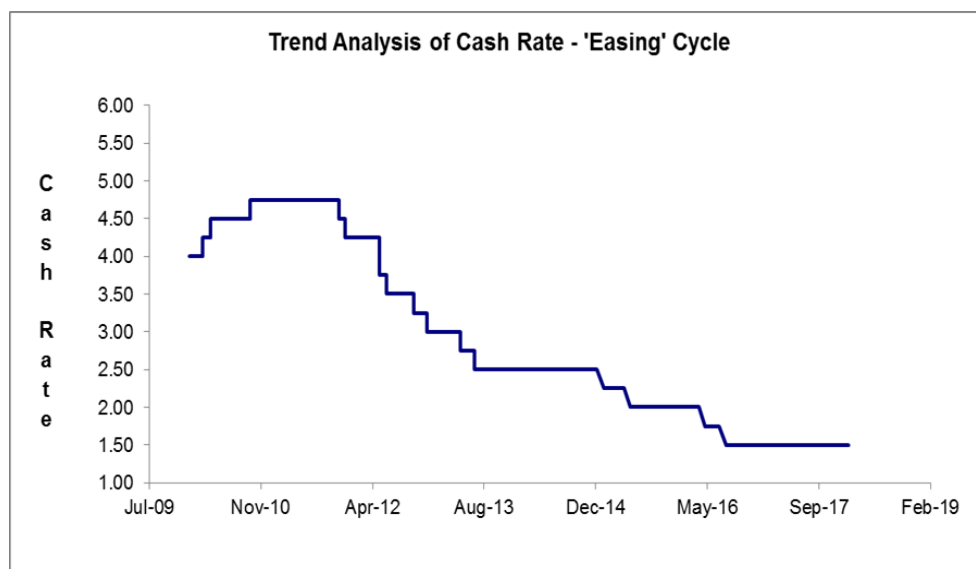
The Reserve Bank of Australia (RBA) at its 6 February 2018 Board Meeting kept the official cash rate unchanged at 1.50% per annum. "... There was a broad-based pick-up in the global economy during 2017, a number of advanced economies are growing at an above-trend rate and unemployment rates are low. Growth in the Chinese economy continues to grow solidly, with authorities paying increased attention to the risks in the financial sector and the sustainability of growth.

Domestically, the RBA forecast is for GDP growth to pick up and to average around 3 per cent over the next couple of years. Business conditions are positive and the outlook for non-mining business investment has improved, with increased public infrastructure investment also supporting the economy. One continuing source of uncertainty is the outlook for household consumption, household income is growing slowly while debt levels remain high.

Employment growth has been strong over 2017, unemployment rate has declined in all states and has been accompanied by a rise in labour force participation. There are reports that some employers are finding it more difficult to hire workers with the necessary skills. 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 low level of interest rates is continuing to support the Australian economy, progress in reducing unemployment and having inflation return to target is expected, although this progress is likely to be gradual. 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 February 2018

The following graph provides information on the current RBA monetary policy:



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

1. That the Investment Report for 31 January 2018 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

### **Attachments**

- 1 [↓](#) Investment Register - January 2018
- 2 [↓](#) Types of Investments

# ITEM 18/18 Investment Report as at 31 January 2018.DOC

## Investment Register - January 2018

Credit Ratings	
AAA	Extremely strong capacity to meet financial commitments
AA	Highest Rating
A	Very 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 625 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.

*Wayne Armitage*  
Wayne Armitage

Chief Finance Officer

### BURWOOD COUNCIL INVESTMENT PORTFOLIO as at 31 January 2018

Investment Adviser	Issuer	ADI or N-ADI	Investment Name	Type	Rating S&P	Invested Amount	Market Value as at 30 November	Market Value as at 31 December	Market Value as at Reporting Date	% of Total Invested
<b>Cash</b>										<b>7.06</b>
Council	Commonwealth Bank	ADI	Operating Account	Cash		2,241,599	2,222,046	2,222,046	2,241,599	4.10
Council	Commonwealth Bank	ADI	Online Saver	At Call	AA-	1,559,411	2,455,909	2,455,909	1,559,411	2.85
Council	AMP Bank Limited	ADI	AMP Business Saver & Notice Account	At Call / Notice 30 days	A	58,775	58,570	58,570	58,775	0.11
<b>Term Deposits</b>										<b>53.06</b>
Council	Bank of Queensland	ADI	Bank of Queensland	Term Deposit	BBB+	-	-	-	-	-
Council	ING Bank (Imperium)	ADI	ING Bank	Term Deposit	A	2,000,000	2,000,000	2,000,000	2,000,000	3.66
Council	ME Bank (Curve)	ADI	ME Bank	Term Deposit	BBB	2,000,000	2,000,000	2,000,000	2,000,000	3.66
Council	Westpac	ADI	Westpac	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.49
Council	Auswide Bank	ADI	Auswide Bank	Term Deposit	BBB-	3,000,000	-	3,000,000	3,000,000	5.49
Council	ING Bank (Imperium)	ADI	ING Bank	Term Deposit	A-	3,000,000	-	3,000,000	3,000,000	5.49
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Term Deposit	AA-	2,000,000	-	2,000,000	2,000,000	3.66
Council	ING Bank (Curve)	ADI	ING Bank	Term Deposit	A-	3,000,000	3,000,000	3,000,000	3,000,000	5.49
Council	AMP Bank (Imperium)	ADI	AMP Bank	Term Deposit	A	3,000,000	3,000,000	3,000,000	3,000,000	5.49
Council	AMP Bank (Imperium)	ADI	AMP Bank	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.49
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	A	2,000,000	2,000,000	2,000,000	2,000,000	3.66
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.49
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.49
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.49
Council	Bank of Queensland	ADI	Bank of Queensland	Term Deposit	BBB+	2,000,000	2,000,000	2,000,000	2,000,000	3.66
Council	ING Bank (Curve)	ADI	ING Bank	Term Deposit	A-	3,000,000	3,000,000	3,000,000	3,000,000	5.49
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	2,000,000	2,000,000	2,000,000	2,000,000	3.66
<b>Term Deposits - Fixed &amp; Floating Rates</b>										<b>9.15</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	3.66
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	5.49
<b>Floating Rate Notes</b>										<b>17.93</b>
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Floating Rate Notes (90 day BBSW mid + 94 bps)	A+	2,000,000	2,010,610	2,010,174	2,009,950	3.68
Council	Bank of Queensland	ADI	Bank of Queensland	Floating Rate Notes (90 day BBSW + 105 bps)	A-	1,000,000	1,005,685	1,005,787	1,012,900	1.85
Council	Bendigo-Adelaide	ADI	Bendigo Bank & Adelaide Bank	Floating Rate Medium Term Notes (90 day BBSW + 110 bps)	BBB+	1,000,000	1,006,125	1,006,037	1,006,695	1.84
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Floating Rate Notes (90 day BBSW mid + 94 bps)	A+	1,500,000	1,506,938	1,507,211	1,510,866	2.76
Council	Bendigo-Adelaide	ADI	Bendigo Bank & Adelaide Bank	Floating Rate Notes (90 day BBSW mid + 105 bps)	BBB+	1,500,000	-	-	1,502,183	2.75
Council	ANZ Group	ADI	ANZ Group	Floating Rate Notes (90 day BBSW mid + 77 bps)	A+	2,000,000	-	-	2,001,670	3.66
Council	AMP Bank Limited	ADI	AMP Bank Limited	Floating Rate Notes (90 day BBSW + 110 bps)	A	750,000	756,198	755,833	755,833	1.38
<b>Grand Total</b>						<b>54,699,785</b>	<b>52,522,280</b>	<b>52,469,850</b>	<b>54,656,882</b>	<b>87.19</b>

**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 – Operating Bank Account AA-
- Commonwealth Bank of Australia – Online Saver AA-
- AMP Business Saver and Notice – At Call/Notice 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 19/18) INVESTMENT REPORT AS AT 28 FEBRUARY 2018**

File No: 18/9022

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*.

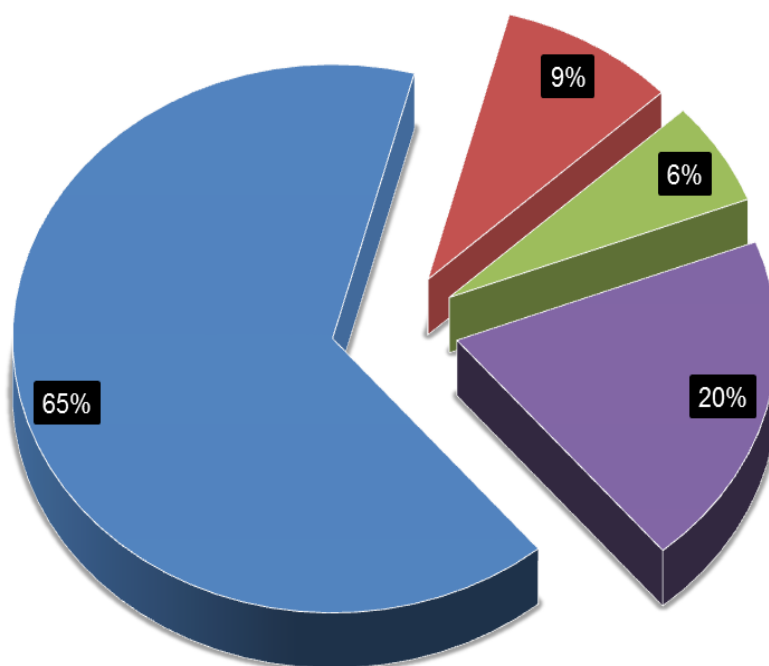
**Background**

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. Its investment portfolio as at 28 February 2018 is:

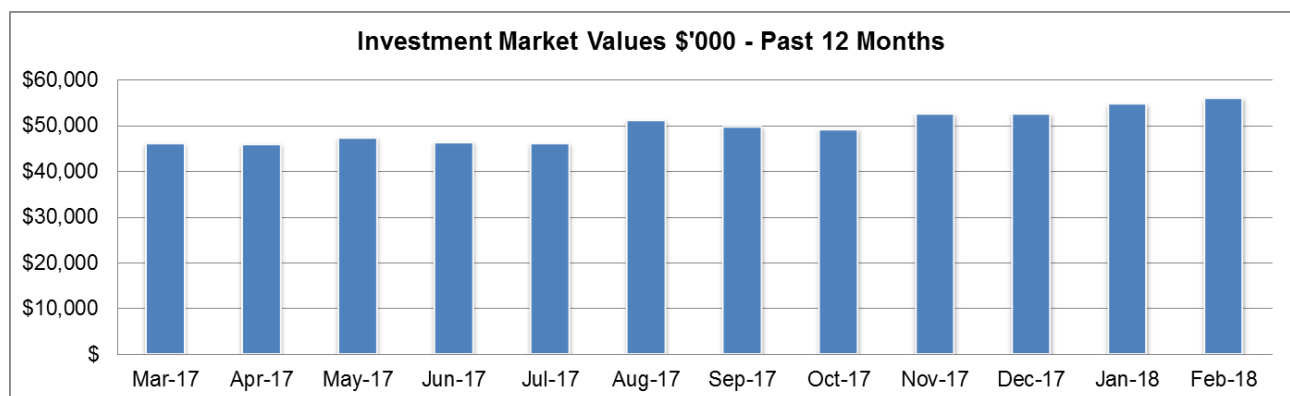
**February 2018- Portfolio Dissection**

■ Term Deposits ■ Term Deposits (Floating Rate) ■ Cash ■ FRNs

As at 28 February 2018 Council held the following term deposits:

Purchase Date	Financial Institution	Principal Amount	Interest Rate	Investment Days	Maturity Date
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
07 Nov 17	ING Bank (Imperium)	2,000,000	2.90%	730	07 Nov 19
05 Dec 17	Auswide Bank	3,000,000	2.70%	182	05 Jun 18
07 Dec 17	ING Bank (Imperium)	3,000,000	2.83%	732	09 Dec 19
11 Dec 17	National Australia Bank	3,000,000	2.45%	92	13 Mar 18
20 Dec 17	National Australia Bank	3,000,000	2.47%	148	17 May 18
16 Jan 18	Commonwealth Bank of Australia	2,000,000	2.64%	365	16 Jan 19
23 Feb 18	Commonwealth Bank of Australia	2,500,000	2.57%	270	20 Nov 18
<b>Total</b>		<b>36,500,000</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 March 2018 Board Meeting kept the official cash rate unchanged at 1.50% per annum. "... There was a broad-based pick-up in the global economy during 2017, a number of advanced economies are growing at an above-trend rate and unemployment rates are low. Growth in the Chinese economy continues to grow solidly, with authorities paying increased attention to the risks in the financial sector and the sustainability of growth.

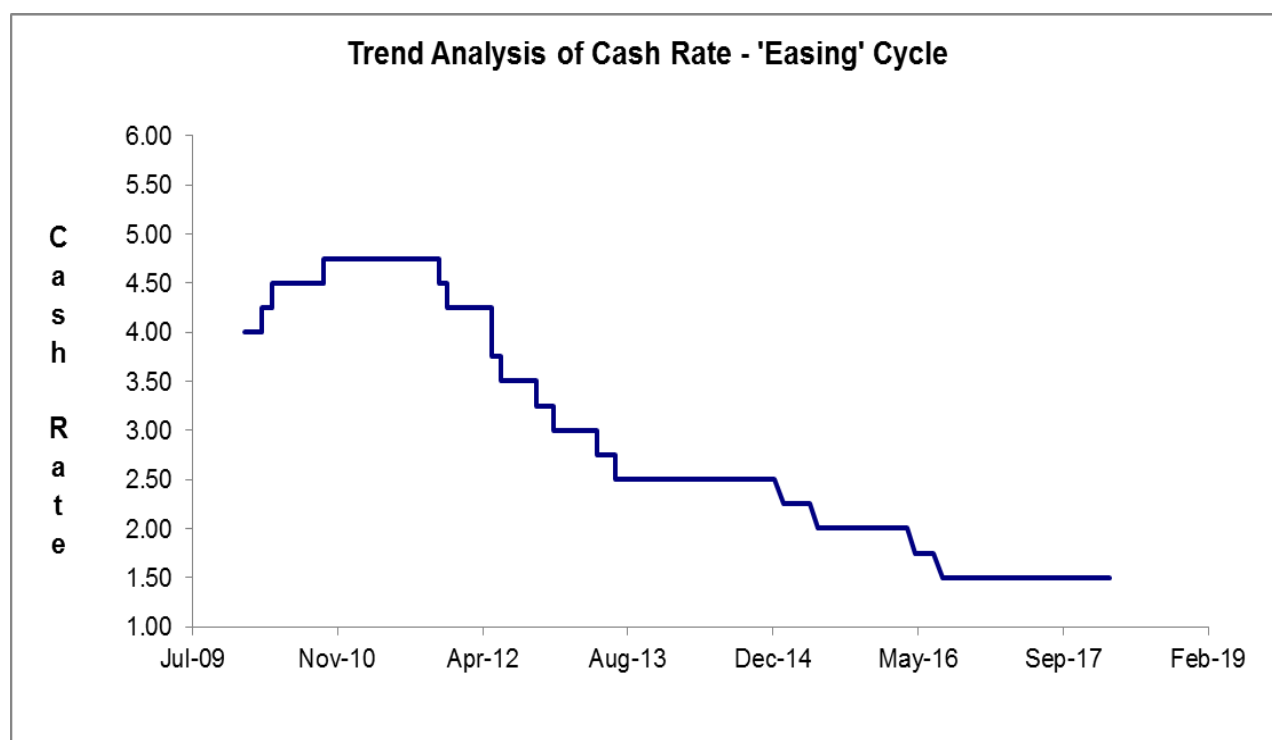
Domestically, the RBA forecast is for GDP growth to grow faster during 2018 as business conditions are looking positive and non-mining business investment has improved, with increased public infrastructure investment also supporting the economy. One continuing source of uncertainty is the outlook for household consumption, household income is growing slowly while debt levels remain high.

Employment grew strongly over the past year and unemployment rate has declined. Employment

has been rising in all states and has been accompanied by a significant rise in labour force participation. Notwithstanding the improving labour market, wage growth remains low which is likely to continue for a while yet although the 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 low level of interest rates is continuing to support the Australian economy, progress in reducing unemployment and having inflation return to target is expected, although this progress is likely to be gradual. 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 March 2018

The following graph provides information on the current RBA monetary policy:



### ***Recommendations(s)***

1. That the investment report for 28 February 2018 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

### **Attachments**

- 1 [Investment Register February 2018](#) 1 Page
- 2 [Investment Types](#) 1 Page

# ITEM 19/18 Investment Report as at 28 February 2018.DOC

## Investment Register February 2018

### BURWOOD COUNCIL INVESTMENT PORTFOLIO as at 28 February 2018

Investment Adviser	Issuer	ADI or N-ADI	Investment Name	Type	Rating S&P	Invested Amount	Market Value as at 31 December 2017	Market Value as at 31 January 2018	Market Value as at Reporting Date	% of Total Invested
<b>Cash</b>										<b>6.12</b>
Council	Commonwealth Bank	ADI	Overdraft Account	Cash	AA-	2,804,001	2,722,046	2,241,509	2,804,001	5.01
Council	Commonwealth Bank	ADI	Online Saver	AI Call	AA-	560,735	2,455,909	1,559,411	560,735	1.00
Council	AMP Bank Limited	ADI	AMP Business Saver & Notice Account	AI Call / Notice 30 days	A	58,880	58,570	58,776	58,880	0.11
<b>Term Deposits</b>										<b>92.72</b>
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Term Deposit	AA-	2,500,000	-	-	2,500,000	4.47
Council	ING Bank (Importum)	ADI	ING Bank	Term Deposit	A-	2,000,000	2,000,000	2,000,000	2,000,000	3.57
Council	ING Bank (Curve)	ADI	ING Bank	Term Deposit	BBB	-	2,000,000	2,000,000	-	-
Council	Westpac	ADI	Westpac	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.36
Council	Westpac	ADI	Westpac	Term Deposit	BBB+	3,000,000	3,000,000	3,000,000	3,000,000	5.36
Council	ANZ Bank	ADI	ANZ Bank	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.36
Council	ING Bank (Importum)	ADI	ING Bank	Term Deposit	AA-	2,000,000	-	2,000,000	2,000,000	3.57
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.36
Council	ING Bank (Curve)	ADI	ING Bank	Term Deposit	A-	3,000,000	3,000,000	3,000,000	3,000,000	5.36
Council	AMP Bank (Importum)	ADI	AMP Bank	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.36
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	2,000,000	2,000,000	2,000,000	2,000,000	3.57
Council	AMP Bank (Importum)	ADI	AMP Bank	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.36
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.36
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	2,000,000	2,000,000	2,000,000	2,000,000	3.57
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	2,000,000	2,000,000	2,000,000	2,000,000	3.57
Council	Bank of Queensland	ADI	Bank of Queensland	Term Deposit	BBB+	3,000,000	3,000,000	3,000,000	3,000,000	5.36
Council	ING Bank (Curve)	ADI	ING Bank	Term Deposit	AA-	-	3,000,000	-	-	-
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	2,000,000	2,000,000	2,000,000	2,000,000	3.57
Council	ING Bank (Importum)	ADI	ING Bank	Term Deposit	AA-	2,000,000	2,000,000	2,000,000	2,000,000	3.57
<b>Term Deposits - Fixed &amp; Floating Rates</b>										<b>8.93</b>
Council	Commonwealth Bank	ADI	Commonwealth Bank	Global Fixed Income Deposit 0.5 Yr Fixed plus 4.5 Yr 150day BBSW + 0.60 bps	AA-	2,000,000	2,000,000	2,000,000	2,000,000	3.57
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	5.36
<b>Floating Rate Notes</b>										<b>19.72</b>
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Floating Rate Notes (90 day BBSW mid + 94 bps)	A+	2,000,000	2,010,174	2,009,950	2,000,376	3.59
Council	Bank of Queensland	ADI	Bank of Queensland	Floating Rate Notes (90 day BBSW + 105 bps)	A-	1,000,000	1,005,787	1,012,900	1,005,507	1.80
Council	Bank of Queensland	ADI	Bank of Queensland	Floating Rate Medium Term Notes (90 day BBSW + 110 bps)	BBB+	1,000,000	1,006,037	1,006,695	1,006,397	1.80
Council	Bank of Queensland	ADI	Bank of Queensland	Floating Rate Notes (90 day BBSW + 94 bps)	A+	1,500,000	1,507,211	1,510,866	1,510,766	2.70
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Floating Rate Notes (90 day BBSW mid + 105 bps)	BBB+	1,500,000	-	1,502,183	1,502,652	2.69
Council	Bank of Queensland	ADI	Bank of Queensland	Floating Rate Notes (90 day BBSW mid + 77 bps)	A+	2,000,000	-	2,001,670	1,999,096	3.57
Council	Bank of Queensland	ADI	Bank of Queensland	Floating Rate Notes (90 day BBSW + 140 bps)	BBB	1,250,000	-	-	1,251,035	2.24
Council	AMP Bank Limited	ADI	AMP Bank Limited	Floating Rate Notes (90 day BBSW + 110 bps)	A	750,000	755,833	755,833	755,705	1.35
<b>Grand Total</b>						<b>55,923,616</b>	<b>52,499,859</b>	<b>54,659,862</b>	<b>55,981,150</b>	<b>87.48</b>

Credit Ratings

AAA Extremely strong capacity to meet financial commitments

AA Highest Rating

A Very strong capacity to meet financial commitments but somewhat susceptible to adverse economic conditions and changes in circumstances.

BBB Strong 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 625 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. Amillage

Wayne Amillage

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 – Operating Bank Account AA-
- Commonwealth Bank of Australia – Online Saver AA-
- AMP Business Saver and Notice – At Call/Notice 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 20/18) 2018 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CANBERRA

File No: 18/9733

REPORT BY ACTING GENERAL MANAGER

### **Summary**

This report is to inform Council that the 2018 National General Assembly (NGA) of Local Government will be held at the National Convention Centre in Canberra from 17 to 20 June 2018. Council may nominate one Voting Delegate. Council is requested to consider the delegate and nominated observers to attend the NGA.

The theme for the 2018 Conference is "Australia's Future, Make It Local". This year's debate highlights the issues below which contribute to implementing ALGA's Strategic Plan 2017-2020 and its objectives to:

- strengthen Local Government in the areas of financial sustainability; delivering services in regional cities; infrastructure; and innovation and digital transformation, as well as,
- facilitating collaboration between State and Territory associations in Local Government's role in Indigenous policy issues, scale and capacity; women in Local Government; and diversity in representation.

### **Financial Implications**

Below are approximate costs per attendee to attend the conference in Canberra:

	\$
▪ Early Bird Registration Fee (Payment due by 4 May 2018)	969.00
▪ Return Air Fare to Canberra Or Travel by Car*	350.00 – 550.00
▪ Hotel Accommodation per Night	250.00 – 350.00

\*Councillors using private vehicles will be reimbursed in accordance with the rate payable for claims by Council Officers under the *NSW (Local Government) State Award*, subject to the cost not exceeding the average air fare of other Councillors who flew or, if no other Councillor flew, the Flexible Economy Class air fare to the same destination available at the time of the conference.

The above expenses will be met by Council in accordance with the Councillors' Expenses & Facilities Policy. If spouses/partners wish to accompany Councillors at this conference, all costs, including any additional accommodation costs, must be met by the Councillor or spouse/partner.

### **Recommendation(s)**

1. That Council nominate the Mayor, or his alternative, as the Voting Delegate for the 2018 National General Assembly of Local Government to be held from 17 to 20 June 2018 in Canberra.
2. That Council determines the attendance of Councillors and the General Manager as observers at the 2018 National General Assembly of Local Government from 17 to 20 June 2018 in Canberra.
3. That Councillors confirm to the General Manager by 6 April 2018 of their availability to

attend.

**Attachments**

There are no attachments for this report.



**(ITEM 21/18) BUDDHIST VESAK DAY CELEBRATION, BURWOOD PARK**

File No: 18/9753

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE AND COMMUNITY

**Summary**

The Chinese Buddhist Association of NSW Inc has requested to hold a Buddhist Vesak Day Celebration event to celebrate the birth of Buddha in Burwood Park on Sunday, 20 May 2018.

The Organisation has also requested that Council assist with a donation to cover fees associated with the use of Burwood Park, including park hire fees, Council Officers costs and garbage removal costs.

**Background**

Since 2010, Burwood Council has welcomed the Chinese Buddhist Association of NSW to Burwood Park for their annual celebrations of Buddha's Birthday. On each occasion, Council provided a donation covering relevant fees for park hire, structural fees, electricity usage, Council Officer costs and garbage collection.

Council has received a proposal from the Chinese Buddhist Association of NSW Inc for the 2018 event to once again be held in Burwood Park, on Sunday, 20 May 2018. The event will commence at 7.00am and conclude at approximately 5.30pm in the area around the Memorial Arch in Burwood Park.

The proposed program includes chanting, Dharma talk, ritual bows and parades, traditional singing and dancing, speeches from VIPs, vegetarian food stalls and arts and crafts stalls. The highlight of the event will be the bathing ceremony of baby Buddha.

The event is open to the public.

The Organisers of the event have again approached Burwood Council, requesting monetary and in-kind support for their event.

**Proposal**

That Council consider the request to donate \$3,816.80 to the Chinese Buddhist Association of NSW Inc to cover the fees associated with using Burwood Park for their Buddhist Vesak Day Celebration event on Sunday, 20 May 2018.

**Consultation**

Advice was sought from Council's Events Co-ordinator, Council's Parks Manager and Officers to ascertain the community, financial and park impacts of the proposed event.

**Planning or Policy Implications**

Council's Discretionary Grants – Small Donations Policy states that one off donations of up to \$1000.00 may be determined by the Mayor of the day, in line with the criteria set out in the Policy.

The donation to the Chinese Buddhist Society of NSW amounts to \$3,816.80 and is above the Mayor's delegation of small donations. A Council resolution is required under Section 356(1) of the *Local Government Act 1993* in order to make this decision.

### **Financial Implications**

The applicable fees as per Council's Schedule of Fees and Charges relating to this request for in-kind donation are included below:

<b>Fee Category</b>	<b>Fee Amount</b>	<b>Amount</b>	<b>Payee</b>	<b>Total</b>
Casual park hire	\$2,040.00	1000 people	Burwood Council	\$2,040.00
Administration fee	\$143.00	1	Burwood Council	\$150.00
Electricity supply (per day)	\$100.00	1	Burwood Council	\$110.00
Stalls fee	\$10.00	25	Burwood Council	\$250.00
Additional garbage bins	\$45.00	10	Burwood Council	\$450.00
Food/health inspection (2hrs)	\$226.80		Burwood Council	\$226.80
Ground staff	\$522.00	1	Burwood Council	\$530.00
			<b>TOTAL</b>	<b>\$3,816.80</b>

<b>Bond Category</b>	<b>Bond Amount</b>	<b>Amount</b>	<b>Payee</b>	<b>Total</b>
Casual park hire	\$4,080.00	1000 people	Chinese Buddhist Association of NSW Inc	\$4,080.00
			<b>TOTAL</b>	<b>\$4,080.00</b>

*Please note:*

Funds would be made available out of the Mayor's Donations Budget.

While Council can provide access to the underground three-phase power outlet, the Organisers will need to provide distributor boards, certified tested and tagged safety electrical cables for all stallholders and cable trays for all exposed electrical cables in public access areas.

The amount for casual park hire and garbage bins is based on Council Officers' observations at the last event in 2017 and in accordance with Council's Schedule of Fees and Charges.

Applicable bonds totalling \$4,080.00 will be required from the Chinese Buddhist Association of NSW Inc. This bond amount is refundable after post event inspection, on the condition that grounds are left in a satisfactory state by the event organisers.

### **Options**

Council could opt to:

1. Support the proposed event by donating \$3,816.80, calculated as per fees listed above.
2. Refuse to make a donation.
3. Agree to make a partial donation and request that the Organisers cover the remaining charges.

### **Conclusion**

For the past few years, Buddha's Birthday events have been welcomed by parts of the Burwood Community as a traditional cultural event and attracted a good number of visitors.

However, it is important to consider that repeated financial support could lead to a regular annual expectation from the Organisers that Burwood Council will donate funds to cover all fees related to their event.

Furthermore, Council will need to consider future requests from different community and cultural organisations to maintain a consistent approach.

***Recommendation(s)***

That Council donates \$3,816.80 (approximately), to be funded from the Mayor's Discretionary – Small Donations Fund, to the Chinese Buddhist Association of NSW Inc to cover fees associated with the use of Burwood Park for the Buddhist Vesak Day Celebration event to be held on Sunday, 20 May 2018 and a review is conducted of Council's contributions to non-Council run community events.

**Attachments**

There are no attachments for this report.

**(ITEM 24/18) LEAVE OF ABSENCE APPLICATION - CR HEATHER CRICHTON**

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File No: 18/10318

REPORT BY ACTING GENERAL MANAGER

**Summary**

Cr Heather Crichton has made application to Council for a Leave of Absence from 23 April to 29 April 2018 and will not be able to attend 27 March 2018 Council Meeting as she is overseas due to work commitments. The request for the Leave of Absence has been attached for Council's information.

**Planning or Policy Implications**

The application for a Leave of Absence is in accordance with Clause 235A of the *Local Government (General) Regulation 2005* (Leave of absence), and it relates to the Council Meeting of 27 March 2018.

The request for leave of absence must be assessed and determined by Council.

The Leave of Absence is now submitted to the Council for determination.

**Recommendation(s)**

That Council determines the request for the Leave of Absence submitted by Cr Heather Crichton.

**Attachments**

1 [!\[\]\(a8f9309f944226d1420f5fed22e2b6e6\_img.jpg\)](#) Cr Heather Crichton - Request for Leave of Absence

ATTACHMENT 1

ITEM /18 Leave of Absence Application - Cr Heather Crichton.DOC  
Cr Heather Crichton - Request for Leave of Absence

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**From:** Heather Crichton  
**Sent:** Wednesday, 14 March 2018 12:27 PM  
**To:** John Faker  
**Cc:** Bruce Macdonnell  
**Subject:** Request for Leave of Absence

Dear John

I wish to advise that it is necessary for me to travel to Papua New Guinea for my work as the Executive Director of Network Kokoda Australia. The dates of my intended travel are: 23 April to 29 April 2018. My visit coincides with the opening of the Kokoda Trail for the trekking season which runs from mid April to November each year and the 75th anniversary of the Kokoda campaign.

If leave is granted, my travel will see me unavailable for the Council meeting scheduled on 24 April 2018.

Regrettably, I will also be unavailable for the Anzac Day march and dawn service in Burwood on 25 April.

Thank you for your consideration.

Regards.

CR HEATHER CRICHTON

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**(ITEM RC3/18) MARCH 2018 EXTRAORDINARY BURWOOD LOCAL TRAFFIC COMMITTEE MINUTES**

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File No: 18/10631

REPORT BY MANAGER TRAFFIC &amp; TRANSPORT

**Summary**

Attached are the Minutes of the Extraordinary Burwood Local Traffic Committee from its meeting of 6 March 2018. The Minutes are hereby submitted to the Ordinary Council Meeting for consideration and adoption by Council.

***Recommendation(s)***

That the minutes of the Extraordinary Burwood Local Traffic Committee of 6 March 2018 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

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**(ITEM LTC1/18) WYCHBURY AVENUE, CROYDON - PARKING RESTRICTIONS**

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**Summary**

A resident of Wychbury Avenue Croydon has requested that Council expand the existing timed parking restrictions in Wychbury Avenue to remove non-resident vehicles parked within the street.

**COMMENTS**

It should be noted that the Roads & Maritime Services and Council are supportive of the recommendation, however, the Local State Member for Strathfield and the NSW Police Service both objected to any changes to the parking restrictions.

***Recommendation***

1. That Council approve the removal of the unrestricted parking area on the northern side of Wychbury Avenue immediately east of King Edward Street and the extension of adjacent '2P Parking' restrictions.
2. That Council monitor the impact of the changes to parking restrictions in Wychbury Avenue to ensure no adverse effect on parking in adjacent streets.

**Attachments**

- 1 [↓](#) Agenda Extraordinary BLTC 6 March 2018
- 2 [↓](#) Minutes Extraordinary BLTC 6 March 2018



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## **NOTICE OF EXTRAORDINARY BURWOOD LOCAL TRAFFIC COMMITTEE MEETING**

The 6 March 2018 meeting of the Burwood Local Traffic Committee will be held electronically with the Agenda. All comments are requested to be returned to Council by 9.30 am Thursday 8 March 2018.

Bruce Macdonnell  
**ACTING 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)



**ATTACHMENT 1**

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**ITEM 3/18 March 2018 Extraordinary Burwood Local Traffic Committee Minutes.DOC**  
**Agenda Extraordinary BLTC 6 March 2018**

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**AGENDA**

**GENERAL BUSINESS**

(ITEM LTC1/18)      WYCHBURY AVENUE, CROYDON - PARKING RESTRICTIONS ..... 3

**(ITEM LTC1/18) WYCHBURY AVENUE, CROYDON - PARKING RESTRICTIONS**

File No: 18/8702

REPORT BY MANAGER TRAFFIC &amp; TRANSPORT

**Summary**

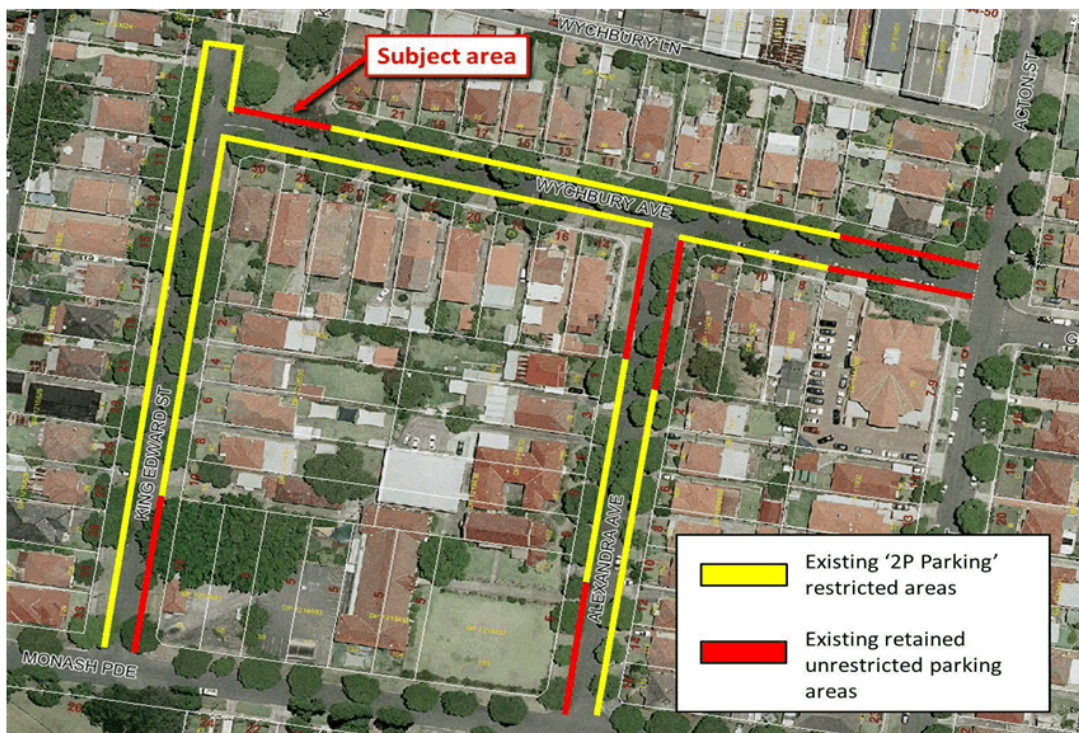
A resident of Wychbury Avenue Croydon has requested that Council expand the existing timed parking restrictions in Wychbury Avenue to remove non-resident vehicles parked within the street.

**Background**

In 2015 Council received numerous complaints from residents of Wychbury Avenue, King Edward Street, and Alexandra Avenue regarding the high level of parking occupancy throughout the day which was attributed to businesses along Parramatta Road. Parking occupancy audits were undertaken which verified the high parking occupancy which was followed by resident consultation.

At the Council Meeting on 28 September 2015 Council adopted a new Permit Parking Scheme (PPS) area within the streets of Wychbury Avenue, King Edward Street (between Monash Parade and Wychbury Avenue), Alexandra Avenue and Acton Street (between Wychbury Lane and Grogan Street). The PPS incorporated '2P Parking' restrictions fronting all residential properties in these streets, with unrestricted parking retained along the side boundaries of corner properties and in front of reserves.

The resident of 23 Wychbury Avenue has contacted Council alleging that the unrestricted parking area which was retained adjacent to his property is being used by motor vehicle trade businesses along Parramatta Road as part of their business. Council's Law Enforcement Team has investigated the resident's allegations but has been unable to substantiate a link between the businesses and the vehicles which can be enforced.



Parking occupancy audits have been undertaken within Wychbury Avenue which showed an average parking occupancy of 74% throughout the day. It is noted that the unrestricted parking on the northern side of Wychbury Avenue was at full capacity during all site visits, however, there was still available parking throughout the rest of street for residents and their visitors.

### **Proposal**

The resident has requested that the unrestricted parking located on the northern side of Wychbury Avenue, fronting the reserve be converted to '2P Parking' restrictions to remove vehicles not belonging to residents or their visitors.

Council's Permit Parking Scheme Policy has been developed to address areas where parking is not readily available for use by residents. Objectives of the Burwood Public Parking Strategy aim to address the parking needs of all users, not only residents, and to limit the knock-on effect into adjacent residential streets.

The implications of the unrestricted parking area being removed would likely result in the vehicles which previously parked in this area relocating to nearby adjacent unrestricted parking areas.

### **Financial Implications**

The cost of installing additional parking signs in this area is estimated to cost \$100 and can be funded from the 2017/18 Traffic Facilities budget.

### **Recommendations**

1. That Council approve the removal of the unrestricted parking area on the northern side of Wychbury Avenue immediately east of King Edward Street and the extension of adjacent '2P Parking' restrictions.
2. That Council monitor the impact of the changes to parking restrictions in Wychbury Avenue to ensure no adverse effect on parking in adjacent streets.

### **Attachments**

There are no attachments for this report.



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## EXTRAORDINARY BURWOOD LOCAL TRAFFIC COMMITTEE MEETING

MINUTES OF AN EXTRAORDINARY MEETING OF THE BURWOOD LOCAL TRAFFIC COMMITTEE  
held electronically Tuesday 6 March 2018.

### 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 John Inglese, Burwood Council, Acting Director Engineering & Operational Services  
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

### GENERAL BUSINESS

#### (ITEM LTC1/18) WYCHBURY AVENUE, CROYDON - PARKING RESTRICTIONS

File No: 18/8702

#### Summary

A resident of Wychbury Avenue Croydon has requested that Council expand the existing timed parking restrictions in Wychbury Avenue to remove non-resident vehicles parked within the street.

#### **COMMENTS**

It should be noted that the Roads & Maritime Services and Council are supportive of the recommendation, however, the Local State Member for Strathfield and the NSW Police Service both objected to any changes to the parking restrictions.

#### **Recommendations**

1. That Council approve the removal of the unrestricted parking area on the northern side of Wychbury Avenue immediately east of King Edward Street and the extension of adjacent '2P Parking' restrictions.
2. That Council monitor the impact of the changes to parking restrictions in Wychbury Avenue to ensure no adverse effect on parking in adjacent streets.

**ATTACHMENT 2**

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**ITEM 3/18 March 2018 Extraordinary Burwood Local Traffic Committee Minutes.DOC**  
**Minutes Extraordinary BLTC 6 March 2018**

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**MINUTES OF EXTRAORDINARY BURWOOD LOCAL TRAFFIC COMMITTEE MEETING 6 MARCH 2018**

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This concluded the business of the meeting.

Confirmed this

**MAYOR  
CHAIRPERSON**

**DEPUTY GENERAL MANAGER - LAND,  
INFRASTRUCTURE & ENVIRONMENT**

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This is page 2 of the Minutes of the Burwood Local Traffic Committee  
held on 6 March 2018

## **(ITEM IN10/18) MINISTER FOR PLANNING - REFERRAL CRITERIA AND PROCEDURAL REQUIREMENTS DIRECTIONS FOR LOCAL PLANNING PANELS (IHAP)**

File No: 18/7960

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE AND COMMUNITY

### **Summary**

The Minister for Planning, the Hon. Anthony Roberts, MP has issued referral criteria and procedural requirement directions for Local Planning Panels (IHAP) under Section 9.1, Directions from the Minister, of the *Environmental Planning and Assessment Act 1979*.

The Department of Planning (DP) developed the referral criteria with two key objectives in mind:

1. Ensuring Local Planning Panels focus on contentious and complex development applications and applications with the greatest corruption risk, while council staff continue to determine routine applications.
2. Building flexibility into the criteria to reflect differences in the types of development and community expectations across local government areas.

On 10 November 2017, the Minister approved targeted consultation with councils and other key stakeholders on the draft referral criteria and procedural requirements for Panels.

The majority of submissions raised concerns about the amount and type of development applications that would be captured by the criteria, and possible delays to assessment timeframes. These concerns were taken into consideration and have resulted in some significant changes to the draft criteria including the removal of value thresholds as a criterion.

The DP is required to monitor the operation of these criteria and encourages councils to report back on their experiences to ensure that Panels operate as intended, and do not result in necessary delays in the assessment process. The DP will use this feedback to consider if further changes to the criteria are required.

The following directions were issued by the Minister (attached):

- Local Planning Panels Referral Criteria – Development Applications
- Local Planning Panels Referral Criteria – Planning Proposals
- Operational Procedures for Local Planning Panels
- Code of Conduct for members for Local Planning Panels
- Remuneration for members of Local Planning Panels

The directions by the Minister have been attached for Council's information.

### **No Decision – Information Item Only**

### **Attachments**

- 1 [Development Application Referral Criteria](#)
- 2 [Code of Conduct for Local Planning Panels](#)
- 3 [Planning Proposals Referral Criteria](#)
- 4 [Remuneration Determination](#)
- 5 [Operational Procedures](#)

**ITEM 10/18 Minister for Planning - Referral Criteria and Procedural Requirements Directions for Local Planning Panels (IHAP).DOC**  
**Development Application Referral Criteria**

**LOCAL PLANNING PANELS DIRECTION – DEVELOPMENT APPLICATIONS**

I, the Minister for Planning, give the following direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*.



Minister for Planning

Dated: 23/2/2011

**Objective**

The objective of this direction is to identify the development applications that are to be determined by local planning panels on behalf of councils in the Greater Sydney Region and Wollongong.

**Application**

This direction applies to councils in the Greater Sydney Region and Wollongong. It also applies to any other council that constitutes a local planning panel under the *Environmental Planning and Assessment Act 1979*.

**Interpretation**

A word or expression used in this direction has the same meaning as it has in the standard local environmental planning instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* made under the Act, unless it is otherwise defined in this direction.

**Direction**

Local planning panels of councils in the areas identified in the Table below are to determine development applications involving development of a kind specified in the Schedule to this direction that is identified in the Table below.

Note: Councils can make arrangements for the determination of applications for the modification of development consents by either the local planning panel or council staff.

Table

Council	Development
Bayside, Blue Mountains, Burwood, Camden, Campbelltown, Canada Bay, Georges River, Hawkesbury, Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Randwick, Ryde, Strathfield, Waverley, Willoughby, Wollondilly, Woollahra, and any other council that constitutes a local planning panel constituted under the EP&A Act	Schedule 1
Blacktown, Canterbury-Bankstown, Cumberland, Fairfield, Inner West, Liverpool, Northern Beaches, Parramatta, Penrith, Sutherland, The Hills, Wollongong	Schedule 2
City of Sydney	Schedule 3



## ATTACHMENT 1

### ITEM 10/18 Minister for Planning - Referral Criteria and Procedural Requirements Directions for Local Planning Panels (IHAP).DOC

#### Development Application Referral Criteria

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This direction takes effect on 1 March 2018 and applies to development applications made but not determined before 1 March 2018.

If a council to which this direction applies has not delegated the function of determining a development application to an officer or employee of the council, then the local planning panel is to determine the development application.

#### SCHEDULE 1

##### 1. Conflict of interest

Development for which the applicant or land owner is:

- (a) the council,
- (b) a councillor,
- (c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979*,
- (d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or
- (e) a relative (within the meaning of the *Local Government Act 1993*) of a person referred to in (b) to (d).

but not development for the following purposes:

- (a) internal alterations and additions to any building that is not a heritage item,
- (b) advertising signage,
- (c) maintenance and restoration of a heritage item, or
- (d) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

##### 2. Contentious development

Development that:

- (a) in the case of a council having an approved submissions policy – is the subject of the number of submissions set by that policy, or
- (b) in any other case – is the subject of 10 or more unique submissions by way of objection.

An **approved submissions policy** is a policy prepared by the council and approved by the Secretary of the Department of Planning and Environment which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number and nature of submissions received about development.

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**ITEM 10/18 Minister for Planning - Referral Criteria and Procedural Requirements Directions for Local Planning Panels (IHAP).DOC**  
**Development Application Referral Criteria**

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**3. Departure from development standards**

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

Note: If the Secretary allows concurrence to be assumed by council staff for contravening development standards, the panel can delegate these applications to council staff to determine.

**4. Sensitive development**

- (a) Designated development.
- (b) Development to which *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* applies.
- (c) Development involving the demolition of a heritage item.
- (d) Development for the purposes of new licenced premises, that will require one of the following liquor licences:
  - (i) a club licence under the *Registered Clubs Act 1976*,
  - (ii) a hotel (general bar) licence under the *Liquor Act 2007*, or
  - (iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007*.
- (e) Development for the purpose of sex services premises and restricted premises.
- (f) Development applications for which the developer has offered to enter into a planning agreement.

**ITEM 10/18 Minister for Planning - Referral Criteria and Procedural Requirements Directions for Local Planning Panels (IHAP).DOC**  
**Development Application Referral Criteria**

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**SCHEDULE 2**

**1. Conflict of interest**

Development for which the applicant or land owner is:

- (a) the council,
- (b) a councillor,
- (c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979*,
- (d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or
- (e) a relative (within the meaning of the *Local Government Act 1993*) of a person referred to in (b) to (d).

but not development for the following purposes which requires:

- (a) internal alterations and additions to any building that is not a heritage item,
- (b) advertising signage,
- (c) maintenance and restoration of a heritage item, or
- (d) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

**2. Contentious development**

Development that:

- (a) in the case of a council having an approved submissions policy – is the subject of the number of submissions set by that policy, or
- (b) in any other case – is the subject of 10 or more unique submissions by way of objection.

An **approved submissions policy** is a policy prepared by the council and approved by the Secretary of the Department of Planning and Environment which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number or nature of submissions received about development.

**3. Departure from development standards**

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

Note: If the Secretary allows concurrence to be assumed by council staff for contravening development standards, the panel can delegate these applications to council staff to determine.

**4. Sensitive development**

- (a) Designated development.
- (b) Development to which *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* applies and is 4 or more storeys in height.

## ATTACHMENT 1

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### ITEM 10/18 Minister for Planning - Referral Criteria and Procedural Requirements Directions for Local Planning Panels (IHAP).DOC

#### Development Application Referral Criteria

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- (c) Development involving the demolition of a heritage item.
- (d) Development for the purposes of new licenced premises, that will require one of the following liquor licences:
  - (i) a club licence under the *Registered Clubs Act 1976*,
  - (ii) a hotel (general bar) licence under the *Liquor Act 2007*, or
  - (iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007*.
- (e) Development for the purpose of sex services premises and restricted premises.
- (f) Development applications for which the developer has offered to enter into a planning agreement.

**ITEM 10/18 Minister for Planning - Referral Criteria and Procedural Requirements Directions for Local Planning Panels (IHAP).DOC**  
**Development Application Referral Criteria**

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**SCHEDULE 3**

**1. Conflict of interest**

Development for which the applicant or land owner is:

- (a) the council,
- (b) a councillor,
- (c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979*,
- (d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or
- (e) a relative (within the meaning of the *Local Government Act 1993*) of a person referred to in (b) to (d).

but not development for the following purposes which requires:

- (a) internal alterations and additions to any building that is not a heritage item,
- (b) advertising signage,
- (c) maintenance and restoration of a heritage item,
- (d) development for the purpose of end of journey facilities, or
- (e) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

**2. Contentious development**

Development that:

- (a) in the case of a council having an approved submissions policy – is the subject of the number of submissions set by that policy, or
- (b) in any other case – is the subject of 25 or more unique submissions by way of objection.

An **approved submissions policy** is a policy prepared by the council and approved by the Secretary of the Department of Planning and Environment which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number or nature of submissions received about development.

**3. Departure from development standards**

For development for the purpose of dwelling houses, dual occupancies and attached dwellings, development that contravenes a development standard imposed by an environmental planning instrument by more than 25% or non-numerical development standard.

For all other development, development that contravenes a development standard imposed by an environmental planning instrument by 10% or non-numerical development standards.

Note: If the Secretary allows concurrence to be assumed by council staff for contravening development standards, the panel can delegate these applications to council staff to determine.

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Local Planning Panels (IHAP).DOC**  
**Development Application Referral Criteria**

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**4. Sensitive development**

- (a) Designated development.
- (b) Development to which *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* applies and is 4 or more storeys in height.
- (c) Development involving the demolition of a heritage item.
- (d) Development for the purposes of new licenced premises, that will require one of the following liquor licences:
  - (i) a club licence under the *Registered Clubs Act 1976*,
  - (ii) a hotel (general bar) licence under the *Liquor Act 2007*, or
  - (iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007*.
- (e) Development for the purpose of sex services premises and restricted premises.
- (f) Development applications for which the developer has offered to enter into a planning agreement.



***Code of Conduct for  
Local Planning Panel  
Members***





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**ITEM 10/18 Minister for Planning - Referral Criteria and Procedural Requirements Directions for Local Planning Panels (IHAP).DOC**  
**Code of Conduct for Local Planning Panels**

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**Code of Conduct for Local Planning Panels**

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**Part 1 – Introduction**

This code of conduct has been approved by the Minister for Planning (the Minister) for members of Local Planning Panels (panels) under clause 28 of Schedule 2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This code is based on the *Model Code of Conduct for Local Councils in NSW* where it would apply to panel members.

Panels are independent panels appointed by councils. Their main functions are to determine development applications and to provide advice on planning proposals. Panels are not subject to the direction or control of the council, except on matters relating to procedures of the panel or the time within which it is to deal with a matter (unless these directions are inconsistent with a direction of the Minister). Panels are subject to any directions made by the Minister under section 9.1 of the EP&A Act.

Failure by a panel member to comply with this code is the responsibility of councils to address. In cases of serious breaches council has the option to remove a panel member from office (clause 16 of schedule 2 of the EP&A Act).

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**Code of Conduct for Local Planning Panels**

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**Part 2 – Definitions**

In the Code the following definitions apply:

EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
LG Act	<i>Local Government Act 1993</i>
code	means the Code of Conduct for Local Planning Panels
conflict of interest	a conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
councillor	any person elected or appointed to civic office, including the mayor
conduct	includes acts and omissions
Panel	Local Planning Panel
Panel Member	member of a local planning panel, including the chair, independent expert members, community representatives and alternates
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion

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**Code of Conduct for Local Planning Panels**

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**Part 3 – General Conduct Obligations**

General conduct

- 3.1 You must not conduct yourself in carrying out your functions in a manner that:
- a) is likely to bring the council, the panel or other council officials into disrepute
  - b) is contrary to statutory requirements or the council's administrative requirements or applicable policies
  - c) is improper or unethical
  - d) is an abuse of power
  - e) causes, comprises or involves intimidation or verbal abuse
  - f) involves the misuse of your position to obtain a personal benefit
  - g) constitutes harassment or bullying behaviour under this code, or is improperly discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the EP&A Act, LG ACT, or any other Act.
- 3.3 You should attend all meetings of the panels, which require your attendance, as far as possible, and allow necessary time to prepare for meetings. Where possible you should provide a three-day notice for non-attendance.

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.
- 3.6 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clause 3.4 or 3.5.

Harassment and discrimination

- 3.7 You must not harass or improperly discriminate against others, and you must not support anyone who harasses or improperly discriminates against others. This includes, but is not limited to, harassment or discrimination on the grounds of sex, pregnancy, age, race, marital status, disability, sexuality, political or other affiliation. It also includes discrimination against those who are carers, those who identify as transgender persons, and those who have infectious diseases.
- 3.8 For the purposes of this code, "harassment" is any form of behaviour towards a person that is:
- a) not wanted by the person
  - b) offends, humiliates or intimidates the person, and
  - c) creates a hostile environment.

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Bullying

- 3.9 You must not engage in bullying behaviour.
- 3.10 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably and
  - b) the behaviour creates a risk to health and safety.
- 3.11 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive or intimidating conduct
  - b) belittling or humiliating comments
  - c) spreading malicious rumours
  - d) teasing, practical jokes or 'initiation ceremonies'
  - e) exclusion from work-related events
  - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
  - g) displaying offensive material
  - h) pressure to behave in an inappropriate manner.
- 3.12 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
  - b) disciplinary action for misconduct
  - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
  - d) directing a worker to perform duties in keeping with their job
  - e) maintaining reasonable workplace goals and standards.

Work health and safety

- 3.13 You have statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
  - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
  - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council, or panel to ensure workplace health and safety

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**Code of Conduct for Local Planning Panels**

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- d) cooperate with any reasonable policy or procedure of the council, or panel relating to workplace health or safety that you have been notified of
- e) report accidents, incidents and near misses to the panel chair and take part in any incident investigations.

Land use planning, development assessment and other regulatory functions

- 3.14 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.15 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.
- 3.16 You must not approach an applicant or proponent, a consultant representing an applicant or a proponent or an objector.
- 3.17 If you are approached by an applicant or proponent, their consultant or an objector, you must not discuss any application which is either before the panel or will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the applicant or proponent, their consultant or an objector has a right to be heard by the panel.
- 3.18 You must disclose in writing to the panel chair any efforts made to lobby you by any persons, including councillors, property developers or real estate agents.
- 3.19 The chair must report these disclosures to the council's general manager. If the approach has been made by the general manager the chair must report these disclosures to the Office of Local Government.
- 3.20 If you are the chair of the panel and you have been approached, then you must disclose this to the general manager. If the approach has been made by the general manager you must report this disclosures to the Office of Local Government.

Note: Reporting of these disclosures must be included in the regular activity reports provided by the council to the Department of Planning and Environment (Planning Panels Secretariat).

Obligations in relation to meetings

- 3.21 You must comply with rulings by the panel chair at panel meetings, or site inspections.
- 3.22 You must not harass the panel chair, council officials or any members of the public present during panel meetings or other proceedings of the council.
- 3.23 You must not engage in conduct that disrupts panel meetings, or that would otherwise be inconsistent with the orderly conduct of meetings.

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**Code of Conduct for Local Planning Panels**

**Part 4 – Conflicts of Interest**

What is a conflict of interest

4.1 A conflict of interests includes:

- a) an 'actual' conflict of interests, which is where there is a direct conflict between your duties and responsibilities as a panel member and your private interests or other duties
- b) a 'potential' conflict of interests, is where your duties and responsibilities as a panel member could conflict in the future with your private interest or other duties
- c) a 'reasonably perceived' conflict of interests, is where a person could reasonably perceive that your private interests or other duties are likely to improperly influence the performance of your duties as a panel member, whether or not this is in fact the case
- d) Private interests can be of two types: pecuniary or non-pecuniary.

4.2 Panel members must avoid or appropriately manage any conflicts of interests. The onus is on the individual panel member to identify a conflict of interests and take appropriate action.

4.3 Any conflicts of interests must be managed to uphold the probity of panel decision making. When considering whether or not a conflict of interests exists, panel members should consider how others would view their situation.

*Management of conflicts*

4.4 Where possible, the source of the conflict of interest should be removed. For example, by way of divestment of the interest/issue that is creating the conflict such as the sale of shares, or by severing the connection, for example resignation from a position in another organisation giving rise to the conflict, or ceasing to provide services.

4.5 The overriding principle for managing conflicts of interests is early and complete disclosure to the chair. The onus for this disclosure lies with individual panel members.

4.6 Where the panel chair considers that an actual, potential or reasonably perceived conflict of interests has not been disclosed or appropriately managed by a panel member, the conflict may be considered by the chair, and wider panel if considered necessary after hearing submissions from the panel member. The chair will make a decision as to how to manage the situation, which can include determining that the panel member should step aside from the panel for that matter, and record reasons for that decision. In making the decision, the chair is to have regard to upholding the reputation of the planning panel. If a panel member fails to step aside where requested their comments or vote is not to be considered in the determination of the matter.

4.7 When the conflict of interest arises as a result of an interest of the chair, an alternate chair or the panel is to assume the chair's leadership role in the management of the conflict process.

What is a pecuniary interest?

4.8 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person.

4.9 You have a pecuniary interest if the interest is:

- a) yours,





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- b) your spouse's, your de facto partner's or your relative's, or
- c) your partner's or employer's, or is the interest of a company or other body of which you, or your nominee, your partner or your employer, is a member.

4.10 You do not have a pecuniary interest:

- a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body,
- b) just because you are employed by a council, statutory body or employed by the Crown, or
- c) just because you are a member of or a delegate of a council, company or other body that has a pecuniary interest in the matter, so long as you do not have any beneficial interest in shares of the company or body (clause 27, schedule 2 of the EP&A Act).

4.11 For the purposes of this:

Your "relative" is any of the following:

- a) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- b) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).

"de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

4.12 If you have a pecuniary interest, you:

- a) must prepare and submit written returns of interests in accordance with clause 4.15, and
- b) must disclose pecuniary interests in accordance with clause 4.22.

4.13 You must as soon as practicable disclose in writing to the panel chair (or if you are the panel chair, to the general manager) the nature of any pecuniary interest you have in any panel matter with which the panel chair is dealing.

4.14 The panel chair, or the general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

Disclosure of interests in written returns

4.15 You must make and lodge with the panel chair a return in the form set out in schedule 2 to this code, disclosing your interests as specified in schedule 1 to this code within one month or prior to your first panel meeting, whichever occurs earlier after:

- a) becoming a panel member, or
- b) 30 June of each year, and
- c) if you become aware of an interest you are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

4.16 You need not make and lodge a return under clause 4.15, paragraphs (a) and (b) if:



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**Code of Conduct for Local Planning Panels**

- a) you have made and lodged a return under that clause in the preceding 3 months, or
  - b) you have ceased to be a panel member in the preceding 3 months.
- 4.17 You must not make and lodge a return that you know or ought reasonably to know is false or misleading in a material particular.
- 4.18 The panel chair must provide returns to the general manager who must keep a register of returns.
- 4.19 Returns required to be lodged with the panel chair under clause 4.15(a) and (b) must be tabled at the first meeting of the panel after the last day the return is required to be lodged.
- 4.20 Returns required to be lodged with the panel chair under clause 4.15(c) must be tabled at a panel meeting as soon as practicable after the return is lodged.
- 4.21 The general manager must cause the information contained in returns made and lodged by panel members and the panel chair under clause 4.15, other than information disclosing the address of the panel member's principal place of residence, to be published on the website used by the panel as soon as practicable after the returns are lodged, and the information must be kept up to date.

Disclosure of pecuniary interests at meetings

- 4.22 If you have a pecuniary interest in any matter with which the panel is concerned, and you are present at a meeting of the panel at which the matter is being considered, you must disclose the nature of the interest to the meeting as soon as practicable.
- 4.23 You must not be present at, or in sight of, the meeting of the panel:
- a) at any time during which the matter is being considered or discussed by the panel, or
  - b) at any time during which the panel the matter, or making a recommendation on a planning proposal.
- 4.24 A disclosure made at a meeting of a panel must be recorded in the meeting record.
- 4.25 A general notice may be given to the panel chair in writing by a panel member to the effect that the panel member, or the member's spouse, de facto partner or relative, is:
- a) a member of, or in the employment of, a specified company or other body, or
  - b) a partner of, or in the employment of, a specified person.
- 4.26 Such a notice is, unless and until the notice is withdrawn, sufficient disclosure of the panel member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the panel after the date of the notice.
- 4.27 You do not breach clause 4.22 or 4.23 if you 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.

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**Part 5 – Non-Pecuniary Conflicts of Interest**

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests you have that do not amount to a pecuniary interest as defined in clause 4.8 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 5.3 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of the panel decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in favour of your public duty.
- 5.4 When considering whether or not you have a non-pecuniary conflict of interest, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.5 Where you have a non-pecuniary conflict of interest for the purposes of clause 5.2, you must disclose the relevant private interest fully and in writing as soon as practicable.
- 5.6 If a disclosure is made at a panel meeting, both the disclosure and the nature of the interest must be recorded in the meeting record. This disclosure constitutes disclosure in writing for the purposes of clause 5.5.
- 5.7 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.8 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.8, but it involves:
  - a) a relationship between a panel member and another person that is particularly close, for example, a current or former spouse or de facto partner, a relative for the purposes of clause 4.11 or another person from the panel member's extended family that the panel member has a close personal relationship with, or another person living in the same household
  - b) 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
  - c) an affiliation between the panel member and an organisation, sporting body, club, corporation or association that is particularly strong, including, but not limited to, active participation in its management or administration and other activities
  - d) a financial interest that is not a pecuniary interest for the purposes of clause 4.8
  - e) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

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- 5.9 If you have a significant non-pecuniary conflict of interest, you must manage it by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clause 4.15-4.17 and 4.22-23.
- 5.10 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest, you must also explain why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

Note: Loss of quorum as a result of compliance with this Part

- 5.11 A quorum for a determination meeting of a panel is a majority of its members, including the chair, i.e. a total of three members.
- 5.12 In accordance with the operational procedures for panels a determination meeting is to be deferred if a quorum is not present.
- 5.13 These procedures also provide that where conflicts of interest are known before the meeting, alternate members will be used to ensure there is a quorum.
- 5.14 You must ensure that any employment or business, or other roles or activities you engage in will not:
- a) conflict with, impair or otherwise prevent the full exercise of your official duties
  - b) involve using confidential information or resources obtained through your work with the panel
  - c) require you to work while on panel duty
  - d) discredit or disadvantage the panel or the council
  - e) pose, due to fatigue, a risk to your health or safety, or to the health and safety of others.

Personal dealings with council to which you have been appointed as a panel member

- 5.15 You may have reason to deal with your council in your professional capacity (for example, acting as a consultant on behalf of a developer) or personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development 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.
- 5.16 You must undertake any professional or personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. In particular, you must not:
- a) access council information for professional or personal purposes
  - b) undertake professional or personal dealings with the council during work time, or
  - c) approach council staff in staff only areas to discuss your professional or personal dealings with the council.
- 5.17 You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

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**Part 6 – Personal Benefit**

Gifts and benefits

- 6.1 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.
- 6.2 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 include parents, spouses or de facto partners, children and siblings.

How are offers of gifts and benefits to be dealt with?

- 6.3 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 of any kind.
- 6.4 Where you are offered or receive a gift or benefit, you must disclose this promptly to the panel chair and the general manager in writing. If you are the chair of the panel you must make the disclosure to the general manger. The recipient and general manager must ensure that, at a minimum, the following details are recorded in the panel's gift register:
  - a) whether the gift was accepted or refused
  - b) the nature of the gift
  - c) the estimated monetary value of the gift
  - d) the name of the person who offered the gift, and
  - e) the date on which the gift was offered or received.
- 6.5 Where you receive a gift or benefit of value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the general manager.

Improper and undue influence

- 6.6 You must not use your position to influence other panel members or council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else.
- 6.7 You must not take advantage (or seek to take advantage) of your status or position, or of functions you perform, in order to obtain a private benefit for yourself or for any other person or body.

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**Part 7 – Relationships and Interactions**

Interactions with councillors and council staff

- 7.1 You may only approach and liaise with council staff nominated by the general manager to assist the panel to obtain information and clarify matters relating to its duties, responsibilities and functions and matters before it.
- 7.2 You may not direct or pressure council staff in the performance of their work, or recommendations they should make. Any direction to staff can only be given by the general manager.
- 7.3 You must not approach a councillor, or if approached by a councillor must not discuss any application that is either before the panel or will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting.
- 7.4 Panel members must:
  - a) give their attention to the business of the panel while on duty
  - 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.



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**Part 8 – Access to Information and Council Resources**

- 8.1 The general manager is responsible for ensuring that panel members can access information necessary for the performance of their official functions, including the reporting of development applications to the panel in a timely manner or as requested by the panel.

Panel members to properly examine and consider information

- 8.2 Panel members must ensure that they to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Use of certain council information

- 8.3 In regard to information obtained in your capacity as a panel member, you must:
- a) only access council information needed for panel 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 advantage for yourself, or any other person or body, from any information to which you have access by virtue of your panel membership
  - 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

- 8.4 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.
- 8.5 In addition to your general obligations relating to the use of council information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
  - b) protect confidential information
  - c) only release confidential information if you have authority to do so
  - d) only use confidential information for the purpose for which it is intended to be used
  - e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
  - f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
  - g) not disclose any information discussed during a confidential forum.

Personal information

- 8.6 When dealing with personal information you must comply with:





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- 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) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government.

Use of council resources

- 8.7 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 unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.8 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.
- 8.9 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.
- 8.10 You must not use the council letterhead, council crests or other information that could give the appearance it is official council material for.
- 8.11 You must not convert any property of the council to your own use unless properly authorised.

Internet access and use of social media

- 8.12 You must not use council's computer resources or other mobile devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.
- 8.13 You must not use social media to post comments, photos, sound recordings or other information that:
  - a) compromises your capacity to perform your official duties in an unbiased manner
  - b) has the potential to have a negative impact on your working relationships within the council or with external parties
  - c) is offensive, humiliating, threatening or intimidating to anyone
  - d) has the capacity to damage the council's reputation or contains content about the council that may be misleading or deceptive
  - e) divulges confidential council information
  - f) breaches the privacy of other panel members
  - g) contains allegations of suspected breaches of this code or information about the consideration of a matter under this code or the council's code of conduct, or
  - h) could be perceived to be an official comment on behalf of the panel or council where you have not been authorised to make such comment.

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Council record keeping

- 8.14 All information received in your official capacity is a council record and must be managed in accordance with the council's approved record management practices and policies.
- 8.15 All information stored in either soft or hard copy on council supplied resources is deemed to be related to the business of the council and can be used by the council as a council record regardless of whether the original intention was to create the information for personal purposes.

Panel member access to council buildings

- 8.16 Panel members are entitled to have access to any room designated by the general manager for the use of the panel and public areas of the council's buildings during normal business hours and for meetings.

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**Part 9 – Maintaining the Integrity of this Code**

- 9.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

Complaints made for an improper purpose

- 9.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.
- 9.3 For the purposes of clause 9.2, 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:
- a) to intimidate or harass another council official
  - b) to damage another's reputation
  - c) to obtain a political advantage
  - d) to influence a panel member or council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
  - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
  - f) to avoid disciplinary action under this code
  - g) to take reprisal action against a person for making a complaint under this code
  - h) to take reprisal action against a person for exercising a function prescribed under Part 10 of this code
  - i) to prevent or disrupt the effective administration of this code.

Detrimental action

- 9.4 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.
- 9.5 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.
- 9.6 For the purposes of clause 9.4 and 9.5, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
  - b) intimidation or harassment
  - c) discrimination, disadvantage or adverse treatment in relation to employment
  - d) dismissal from, or prejudice in, employment
  - e) disciplinary proceedings.

Compliance with requirements under this code

- 9.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.



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- 9.8 You must comply with a reasonable and lawful request made by a person exercising a function under Part 10. A failure to make a written or oral submission invited under Part 10 will not constitute a breach of this clause.

Disclosure of information about the consideration of a matter under this code

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with Part 10.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under Part 10.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code panel meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made under this code or a matter being considered under this code except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under Part 10.

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**Part 10 – Breaches of this Code**

What is a code of conduct complaint?

- 10.1 For the purpose of this code, a code of conduct complaint is a complaint that alleges conduct on the part of a panel member in connection with their role as a panel member or the exercise of their functions as a panel member that would constitute a breach of the standards of conduct prescribed under this code of conduct.
- 10.2 The following are not "code of conduct complaints" for the purposes of this code:
- a) complaints about the standard or level of service provided by the panel or a panel member
  - b) complaints about the merits of a decision made by the panel or a panel member or the exercise of a discretion by the panel or a panel member
  - c) complaints about the policies or procedures governing the operations of the panel or of the council
  - d) complaints about the exercise in good faith by the panel or a panel member of their functions, whether or not involving error.
- 10.3 Only code of conduct complaints are to be dealt with under this code. Complaints that are not a code of conduct complaint for the purposes of clause 10.1, are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

- 10.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within 3 months of the complainant becoming aware of the alleged conduct.
- 10.5 A complaint made after 3 months may only be accepted if the general manager or their delegate is satisfied that there are compelling grounds for the matter to be dealt with under this code.

How may a code of conduct complaint about a panel member be made?

- 10.6 All code of conduct complaints about panel members are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 10.7 Where a code of conduct complaint about a panel member 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.
- 10.8 Notwithstanding clause 10.6 and 10.7, where the general manager becomes aware of a possible breach by a panel member of this code, he or she may initiate the process for the consideration of the matter without a written complaint.

Delegation by general managers of their functions under this Part

- 10.9 A general manager may delegate his or her functions under this Part to a member of staff of the council or to a person or persons external to the council other than a state government agency. References in this Part to the general manager are also to be taken to be references to their delegates.

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What complaints may be declined at the outset?

10.10 Without limiting any other provision in this code, the general manager may decline to deal with a complaint under this code where he or she is satisfied that the complaint:

- a) is not a code of conduct complaint for the purposes of clause 10.1, or
- b) subject to clause 10.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
- c) is trivial, frivolous, vexatious or not made in good faith, or
- d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
- e) is not made in a way that would allow the alleged conduct and any alleged breaches of this code to be readily identified.

How are code of conduct complaints about panel members to be dealt with?

10.11 The general manager is responsible for the management of code of conduct complaints about panel members and for determining the outcome of such complaints.

10.12 The general manager may decide to take no action in relation to a code of conduct complaint about a panel member on the grounds that he or she considers that no action is warranted in relation to the complaint.

10.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a panel member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter.

10.14 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 panel members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or a voluntary apology. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of this code.

10.15 Where the general manager resolves a code of conduct complaint under clause 10.14 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 this code of conduct.

10.16 Sanctions for breaches of the code of conduct by panel members depend on the severity, scale and importance of the breach and may include one or more of the following:

- a) censure
- b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
- c) prosecution for any breach of the law
- d) removing the person from membership of the panel.

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10.17 Prior to imposing a sanction against a panel member under clause 10.16, 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 this code that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
- b) the person must be given an opportunity to respond to the allegation, and
- c) the general manager or their delegate must consider the person's response in deciding whether to impose a sanction under clause 10.16.

Complaints about the consideration of matters under this Part

10.18 Complaints about the consideration of a code of conduct complaint by the general manager or his or her delegate under this Part, may be made in writing to the Office of Local Government.



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**Schedule 1: Disclosures of Interest**

**Part 1: Preliminary**

**Definitions**

1. For the purposes of the schedules to this code, the following definitions apply:

*address* means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the panel member disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

*de facto partner* has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

*disposition of property* means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

*gift* means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

*interest* means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

*listed company* means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

*occupation* includes trade, profession and vocation.



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*professional or business association* means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

*property* includes money.

*return date* means:

- a) in the case of a return made under clause 4.15(a), the date on which a person became a panel member
- b) in the case of a return made under clause 4.15(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.15(c), the date on which the panel member became aware of the interest to be disclosed.

*relative* includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

*travel* includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

- 2. Interests etc. outside New South Wales: A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
- 3. References to interests in real property: A reference in this schedule or in schedule 2 to real property in which a panel member has an interest includes a reference to any real property situated in Australia in which the panel member person has an interest.
- 4. Gifts, loans etc. from related corporations: For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a panel member by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

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**Part 2: Pecuniary interests to be disclosed in returns**

Real property

5. When making a return under clause 4.15 of this code you must disclose:
  - a) the street address of each parcel of real property in which you had an interest on the return date, and
  - b) the street address of each parcel of real property in which you had an interest in the period since 30 June of the previous financial year, and
  - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
  - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
  - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to your duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if you ceased to hold the interest prior to becoming a panel member.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. When making a return under clause 4.15 of this code you must disclose:
  - a) a description of each gift received in the period since 30 June of the previous financial year, and
  - b) the name and address of the donor of each of the gifts.

Contributions to travel

10. When making a return under clause 4.15 of this code you must disclose:
  - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by you in the period since 30 June of the previous financial year, and
  - b) the dates on which the travel was undertaken, and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
11. A financial or other contribution to any travel need not be disclosed under this clause if it:
  - a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
  - b) was made by a relative of the traveller, or
  - c) was made in the ordinary course of an occupation of the traveller that is not related to his or her functions as the holder of a position requiring the making of a return, or

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- d) did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a 12-month period or less, or
  - e) was a political donation disclosed, or required to be disclosed, under Part 6 of the *Election Funding Expenditure and Disclosures Act 1981*, or
  - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - g) subject to paragraph (d) it was received prior to the person becoming a panel member.
12. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

13. When making a return under clause 4.15 of this code you must disclose:
- a) the name and address of each corporation in which you had an interest or held a position (whether remunerated or not) on the return date, and
  - b) the name and address of each corporation in which you had an interest or held a position in the period since 30 June of the previous financial year, and
  - c) the nature of the interest, or the position held, in each of the corporations, and
  - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
14. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
  - b) required to apply its profits or other income in promoting its objects, and
  - c) prohibited from paying any dividend to its members.
15. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
16. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a panel member.

Positions in trade unions or professional or business associations

17. When making a return under clause 4.15 of the code you must disclose:
- a) the name of each trade union, and of each professional or business association, in which you held any position (whether remunerated or not) on the return date, and
  - b) the name of each trade union, and of each professional or business association, in which you held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and

**ITEM 10/18 Minister for Planning - Referral Criteria and Procedural Requirements Directions for Local Planning Panels (IHAP).DOC**  
**Code of Conduct for Local Planning Panels**

- c) a description of the position held in each of the unions and associations.
- 18. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a panel member.

Dispositions of real property

- 19. When making a return under clause 4.15 of this code you must disclose particulars of each disposition of real property by you (including the street address of the affected property) in the period since 30 June of the previous financial year, under which he or she wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
- 20. When making a return under clause 4.15 of this code you must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
- 21. A disposition of real property need not be disclosed if it was made prior to you becoming a panel member.

Sources of income

- 22. When making a return under clause 4.15 of this code you must disclose:
  - a) each source of income that the you reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
  - b) each source of income received by you in the period since 30 June of the previous financial year.
- 23. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by you is a reference to:
  - a) in relation to income from an occupation of the person:
    - (i) a description of the occupation, and
    - (ii) if the person is employed or the holder of an office, the name and address of his or her employer, or a description of the office, and
    - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
  - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
  - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
- 24. The source of any income need not be disclosed by you in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$1000, or is not reasonably expected to exceed \$1000, as the case may be.
- 25. The source of any income received by the person that they ceased to receive prior to becoming a panel member need not be disclosed.

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**Code of Conduct for Local Planning Panels**

Debts

26. When making a return under clause 4.15 of this code you must disclose the name and address of each person to whom you were liable to pay any debt:
  - a) on the return date, and
  - b) at any time in the period since 30 June of the previous financial year.
27. A liability to pay a debt must be disclosed by you in a return made under clause 4.15 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
28. A liability to pay a debt need not be disclosed by you in a return if:
  - a) the amount to be paid did not exceed \$1000 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
    - (i) the debt was one of two or more debts that you were liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
    - (ii) the amounts to be paid exceeded, in the aggregate, \$1000, or
  - b) you were liable to pay the debt to a relative, or
  - c) in the case of a debt arising from a loan of money you were liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
  - d) in the case of a debt arising from the supply of goods or services:
    - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
    - (ii) the goods or services were supplied in the ordinary course of any occupation of you that is not related to your duties as the holder of a position required to make a return, or
  - e) subject to paragraph (a), the debt was discharged prior to you becoming a panel member.

Discretionary disclosures

29. You may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.



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**ITEM 10/18 Minister for Planning - Referral Criteria and Procedural Requirements Directions for Local Planning Panels (IHAP).DOC**  
**Code of Conduct for Local Planning Panels**

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**Schedule 2: Form of Return**

Disclosures return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Code of Conduct for Local Planning Panels in NSW (the Code).
2. If this is the first return you have been required to lodge do not complete Parts C, D of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a panel member.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.
8. "\*" means delete whichever is inapplicable.

Important information

This information is being collected for the purpose of complying with clause 4.15 of the Code.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.17 of the Code). Complaints about breaches of these requirements are to be referred to the general manager and may result in disciplinary action by the council.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information in this return other than information about your principal place of residence will be published on the council's website.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.



## ATTACHMENT 2

### ITEM 10/18 Minister for Planning - Referral Criteria and Procedural Requirements Directions for Local Planning Panels (IHAP).DOC Code of Conduct for Local Planning Panels

Disclosure of pecuniary interests and other matters by [full name]

\*as at [return date]

\*in respect of the period from [date] to [date]

[person's signature]

[date]

#### A. Real Property

Street address of each parcel of real property in which I had an interest *at the return date/*at any time since 30 June	Nature of interest

#### B. Sources of income

1 \*Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June:

\*Sources of income I received from an occupation at any time since 30 June:

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

2 \*Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June:

\*Sources of income I received from a trust since 30 June:

Name and address of settlor	Name and address of trustee

3 \*Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June:

\*Sources of other income I received at any time since 30 June:

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

#### C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor



## ATTACHMENT 2

### ITEM 10/18 Minister for Planning - Referral Criteria and Procedural Requirements Directions for Local Planning Panels (IHAP).DOC

#### Code of Conduct for Local Planning Panels

#### D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken

#### E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position *at the return date/*at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)

#### F. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) *at the return date/*at any time since 30 June	Description of position

#### G. Debts

Name and address of each person to whom I was liable to pay any debt *at the return date/*at any time since 30 June

#### H. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

#### I. Discretionary disclosures

**ITEM 10/18 Minister for Planning - Referral Criteria and Procedural Requirements Directions for Local Planning Panels (IHAP).DOC**  
**Planning Proposals Referral Criteria**

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**LOCAL PLANNING PANELS DIRECTION – PLANNING PROPOSALS**

I, the Minister for Planning, give the following direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*.



Minister for Planning

Dated: 23/2/2018

**Objective**

The objective of this direction is to identify the types of planning proposals that are to be advised on by local planning panels on behalf of councils in the Greater Sydney Region and Wollongong.

**Application**

This direction applies to a council that has constituted a local planning panel under the *Environmental Planning and Assessment Act 1979*, other than the council of the City of Sydney.

**Direction**

A council to whom this direction applies is required to refer all planning proposals to be prepared after 1 June 2018 to the local planning panel for advice, unless the council's general manager determines that the planning proposal relates to:

- (a) the correction of an obvious error in a local environmental plan,
- (b) matters that are of a consequential, transitional, machinery or other minor nature, or
- (c) matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.

A proposal is to be referred to the local planning panel before it is forwarded to the Minister under section 3.34 of the *Environmental Planning and Assessment Act 1979*.

This direction takes effect on 1 June 2018 and applies to planning proposals prepared, but not submitted to the Minister, before 1 June 2018.

**ITEM 10/18 Minister for Planning - Referral Criteria and Procedural Requirements Directions for Local Planning Panels (IHAP).DOC**  
**Reumeration Determination**

**REMUNERATION DETERMINATION**

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

I, the Minister for Planning determine under clauses 14 and 15 of Schedule 2 to the *Environmental Planning and Assessment Act 1979* that the members of a local planning panel are to be paid the following remuneration:

- in the case of the chairperson or the alternate of the chairperson—
  - a minimum of \$2,000 plus GST per meeting and \$285 per hour for business that is undertaken outside of meetings
  - if the person was the chairperson of that panel immediately prior to 1 March 2018, their existing rate of remuneration,whichever is the higher,
- in the case of an independent person or the alternate of an independent person—
  - a minimum of \$1,500 plus GST per meeting and \$214 per hour for business that is undertaken outside of meetings or
  - if the person was a member of that panel immediately prior to 1 March 2018, their existing rate of remuneration,whichever is the higher,
- in the case of the representative of the community or the alternate of a representative of the community—
  - a minimum of \$500 plus GST per meeting and \$71 per hour for business that is undertaken outside of meetings or
  - if the person was a member of that panel immediately prior to 1 March 2018, their existing rate of remuneration,whichever is the higher.

The minimum per meeting rate is inclusive of all the work a panel member does for a meeting, including preparation, site visits, the meeting itself and any deliberation and voting by the panel on matters considered at the meeting once the meeting is closed.

The hourly rate applies to any business such as electronic determinations that the panel conducts that is not connected to one of its meetings.

All members are also entitled to their reasonable travel and out of pocket expenses.

Anthony Roberts MP  
Minister for Planning

Dated: 23/2/xiii

**ITEM 10/18 Minister for Planning - Referral Criteria and Procedural Requirements Directions for Local Planning Panels (IHAP).DOC**  
**Operational Procedures**

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**LOCAL PLANNING PANELS DIRECTION – OPERATIONAL PROCEDURES**

I, the Minister for Planning, give the following direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*.



Minister for Planning

Dated: 23/2/2018

**Objective**

The objective of this direction is to set procedures for how local planning panels are to operate.

**Application**

This direction applies to a local planning panel constituted under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

**Note:** Local planning panels are independent committees appointed by councils to determine certain development applications and to provide advice on planning proposals. A local planning panel is not subject to the direction or control of the council, except on matters relating to panel procedures or to the time within which the panel is to deal with a matter that is not inconsistent with this direction.

Subject to these procedures, any direction by council and the requirements of the EP&A Act, the panel is to determine how to call meetings and conduct its business.

**Direction**

Local planning panels are directed to comply with the operational procedures set out in Schedule 1 to this direction.

This direction takes effect on 1 March 2018.

**ITEM 10/18 Minister for Planning - Referral Criteria and Procedural Requirements Directions for Local Planning Panels (IHAP).DOC**  
**Operational Procedures**

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**SCHEDULE 1 – OPERATIONAL PROCEDURES**

**PART 1 – Panel composition**

**1.1 Chair selection and rotation**

1. The chair and any alternate chairs are to rotate presiding over panel meetings, or other business, as practicable, unless the chair or alternative chair is unavailable for any reason.
2. Where possible, deferred matters should be considered by the chair that presided over the original deferment.

**1.2 Independent expert members and alternates**

1. The independent expert members and alternate members can be interchanged as needed by the chair for that meeting for reasons including:
  - a. a member has a conflict of interest,
  - b. a member is unable to attend on the day, or
  - c. to periodically rotate the members.

**1.3 Community representatives for wards and use of alternates**

1. A community representative member can be interchanged as needed by the chair or alternate chairs for reasons including:
  - a. a member has a conflict of interest,
  - b. a member is unable to attend on the day, or
  - c. to periodically rotate the members.

**PART 2 – Reviews of panel decisions**

**2.1 Reviews**

1. The determination of a review application from a panel decision shall be determined by different members of the panel to those who made the original determination.

**PART 3 – Meeting procedures**

**3.1 Role of chair**

1. The chair is responsible for the management of the panel's functions and operations, including managing conflicts of interest.
2. The chair is to preside over panel meetings and other business.
3. The chair is to ensure the panel fully discharges its responsibilities under the EP&A Act, these operational procedures, any other directions from council, and the code of conduct for local panel members in a timely manner.
4. The chair is responsible for the good and orderly conduct of the panel meetings and may do all things and take all steps necessary to control the good and orderly conduct of any meeting of the panel or site inspection carried out by the panel in the performance of its functions.
5. The chair is to determine which alternative chair, independent expert members or alternates, and which community representative or alternates are to hear a matter prior

**ITEM 10/18 Minister for Planning - Referral Criteria and Procedural Requirements Directions for Local Planning Panels (IHAP).DOC**  
**Operational Procedures**

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to the meeting commencing. The chair may make arrangements with the general manager (or delegate) to determine independent expert members or alternates, and which community representatives or alternates are to hear a matter.

**3.2 Role of alternate chairs**

1. Alternate chairs have the same role as the chair when presiding over a panel meeting or any other business.

**3.3 Meeting procedures**

1. The panel may determine detailed procedures for the execution of efficient and effective meetings.
2. The panel is not bound by the rules of evidence and may inquire into and inform itself on any matter, in such manner as it thinks fit, subject to the rules of natural justice and procedural fairness.
3. The panel is to act with as little formality as the circumstances of the case permit and according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms.
4. The panel must give reasonable notice to the public of the times and places of its meetings. This must be through the website used by the panel and may include other mechanisms as appropriate.
5. The panel may:
  - a. adjourn the public meeting to deliberate before reconvening for voting and determination, or
  - b. close the public meeting for deliberation and/or voting and determination.
6. With a view to discharging its responsibilities in a timely manner, the panel may, in its absolute discretion, but otherwise fairly and consistently, impose time limits on presentations by persons other than members of the panel. Where, there are a large number of objectors with a common interest at any public meeting, the panel may, in its absolute discretion, hear a representative of those persons.
7. The panel shall hold meetings as required to meet panel demands and workloads.
8. Where a quorum for a meeting or other business is not present, the meeting or other business is to be deferred.

**3.4 Site inspections**

1. The chair may elect for the panel to attend site inspections for development applications and planning proposals to be considered at the public meeting.
2. Site visits should be conducted on the same day as a public hearing, if practicable.
3. Site visits are solely to be used to identify and clarify issues with a proposal.
4. At a site visit, a panel member must not offer an opinion on the merit of the proposal, or ask those involved with the assessment of the proposal for their opinion or recommendation.



**PART 4 – Other matters**

**4.1 Obligation to consult with council if adverse financial impacts**

1. A panel must not exercise a function that will result in the making of a decision that would have, or that might reasonably be expected to have, a significantly adverse financial impact on a council until after it has consulted with the council.
2. The consultation may be in writing, with the council being given a specified time to respond in writing. Where a meeting with the General Manager (or delegate) is to be held to discuss the matter, all relevant panel members should be present and minutes kept of the meeting and its outcomes.

**4.2 Interactions with third parties about matters before the panel**

1. Panel members are not to discuss any matter that is to be considered by the panel with councillors, the applicant, their consultants, parties who have made a submission, or any other person with an interest in the matter outside of the local planning panel meeting.
2. This does not apply to persons employed by the council to assess the matters to be considered by the panel.

## **(ITEM IN11/18) CR HEATHER CRICHTON APPROVAL TO ATTEND INTERNATIONAL WOMEN'S DAY BREAKFAST FOR CONCORD HOSPITAL ON 8 MARCH 2018**

File No: 18/8992

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE AND COMMUNITY

### **Summary**

Cr Crichton received an official invitation to attend the International Women's Day Breakfast for Concord Hospital on 8 March 2018. The function raises funds for the world-leading blood cancer treatment and research at Concord Cancer Centre, Concord Hospital.

The Councillors' Expenses and Facilities Policy states that these types of approvals are required to be made by the Council, however, as the function was on the 8 March 2018 and the next Council Meeting is not until 27 March 2018 the Mayor has exercised his power under Section 226 (d) of the Act which states that:

*The Mayor can exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council.*

The invitation to the function has been assessed by the Deputy General Manager Corporate, Governance & Community and the Governance Co-ordinator and found that it meets the approval criteria of the Councillors' Expenses and Facilities Policy. The assessment was provided to the Mayor to assist him in his determination.

The invitation has been attached for Council's information.

### **No Decision – Information Item Only**

### **Attachments**

1 [!\[\]\(e3275251d0893157c3584e20c81dc3ba\_img.jpg\)](#) Invitation - International Women's Day

The Bloody Great Committee invites you to

# breakfast

## IN THE CONSERVATORY

### ON INTERNATIONAL WOMEN'S DAY

Celebrate our local women and help raise funds for a bloody great cause!

All proceeds go towards the world-leading blood cancer treatment and research at Concord Cancer Centre, Concord Hospital.

### DATE & TIME

Thursday 8 March - 7.15am for a 7.30 start to 9.30am

### LOCATION

Cabarita Park - end of Cabarita Rd, Cabarita

### TICKETS

\$65.00 - (Limited places available, tickets issued in order of booking. Don't miss out!)

### Bookings:

[www.abloodygreatcause.com.au](http://www.abloodygreatcause.com.au)

### GUEST SPEAKERS

**2016 Drummoyne Woman of the Year - A/Prof Judith Trotman**  
Director of the Haematology Clinical Research Unit at Concord Hospital.

**2017 City of Canada Bay's Citizen of the Year - Alice Kang**  
Director of Marketing and Community Relations at Concord Hospital.

*Lucky door prizes, gift bags and fundraising raffle*



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## (ITEM IN12/18) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 6 FEBRUARY 2018

File No: 18/6139

REPORT BY ACTING GENERAL MANAGER

### Summary

At the Council Meeting of 6 February 2018 the following Questions without Notice (QWN) were submitted by Councillors. Council Officers responded to the QWN and Councillors were notified on 14 February 2018 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 6 FEBRUARY 2018	
Question	Response
<p><b><u>Cr John Faker</u></b></p> <p><b>Question: 1</b></p> <p>How does Council determine the roster for Law Enforcement Officers?</p>	<p><b><u>Senior Manager Compliance</u></b></p> <p>The Law Enforcement Team operates over a seven day period and a flexible rostering system. Rostering for the team is based on a number of factors including parking provisions, timeframes when the bulk of the workload is received (CRM's), consultation with expert officers for building/health/tree/heritage issues (inspections and advice) and working within award provisions.</p> <p>Complaints or offences that occur outside the standard working times are few but are addressed via patrols designated at the specific task, statements from witnesses actioned at the next working day and assistance from Police for periods involving late night and/or licenced venue issues.</p>
<p><b><u>Cr Lesley Furneaux-Cook</u></b></p> <p><b>Question: 1</b></p> <p>Can Council confirm that no BBQs will be installed in Blair Park? If so can the electrical conduit be removed. If Council is to proceed will Council consult with local residents?</p>	<p><b><u>Acting Manager Assets &amp; Design</u></b></p> <p>Confirmation is provided that no BBQ will be installed at Blair Park and the electrical conduit will be removed and capped off at the level of the concrete slab. If Council were to consider installing a BBQ at any time in the future, consultation will be conducted with local residents.</p>
<p><b><u>Cr Lesley Furneaux-Cook</u></b></p> <p><b>Question: 2</b></p> <p>Can Council confirm the closing hours for the karaoke bar at 195a Burwood Road, Burwood? What noise mitigation is in place, especially for the outside area? How has Council responded to complaints from residents in Woodside Avenue, Burwood?</p>	<p><b><u>Senior Manager Compliance</u></b></p> <p>The Venus Karaoke Bar currently operates between 12 noon to 11.30pm Sunday to Thursday and 12 noon to 2.00am Friday to Saturday on a trial period until 9 February 2018.</p> <p>The Karaoke Bar employs a security guard which moves people on after the venue is closed. Council has spoken to the venue staff and other residents within the vicinity, as well as local Police. The outcome is that it is</p>

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 6 FEBRUARY 2018	
Question	Response
	<p>considered that there are no noise issues to address at this time.</p> <p>Council is aware of a complainant who periodically contacts Council stating that noise is being emitted from people talking when they leave the venue and responses have been provided to the resident on each occasion. From the information gathered from Police patrols, Council inspections and in speaking to other residents in the vicinity, it does not appear that people are loitering or being overtly loud when leaving the venue and Council is of the opinion that there are no noise issues to address at this stage.</p> <p>Police are aware of the complaint and are monitoring the location. Police conduct numerous late night licensing patrols throughout the year to ascertain compliance with consent and liquor provisions. If a breach is observed by Police during patrols or in response to a complaint, Police provide a statement to Council for enforcement of any planning breaches.</p> <p>At this stage Council's Compliance Team and the Police are satisfied that the venue is operating as per the provisions. However, given that the trial period has now expired, the applicant must either ratify the current hours of operation or revert back to the operating hours as originally approved by Council. Compliance and Building &amp; Development Officers will follow up the venue operator on this matter.</p>
<p><b><u>Cr Lesley Furneaux-Cook</u></b></p> <p><b>Question: 3</b></p> <p>Under the new EP&amp;A Act, what is the benchmark for Council to seek – “Council only Certification” (instead of private certifiers) to apply? This is to stop poor outcomes for residents of new developments to have compliant buildings.</p>	<p><b><u>Acting Manager Building &amp; Development</u></b></p> <p>There are a number of changes proposed to the <i>Environmental Planning and Assessment Act 1979</i> that will commence from 1 March 2018. There are also a number of other changes that are proposed to commence over the next two years.</p> <p>One change proposes to expand the types of developments that can be approved under complying development certificates. The changes also propose that some types of complying development certificates will only be issued by Councils, not by accredited certifiers. The Department of Planning &amp; Environment has not yet stated which types of development this will affect. This information will be in the yet to be prepared regulations. This is consistent with the Department of Planning &amp; Environment's notion of extending complying development certificates to more complex projects.</p> <p>Council understands that the draft bill maintains the status quo that there is no right of appeal to the Land</p>

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 6 FEBRUARY 2018	
Question	Response
	<p>and Environment Court if a local Council:</p> <ul style="list-style-type: none"><li>▪ refuses an application for a certificate or</li><li>▪ fails to deal with it in a timely way</li></ul> <p>The Department of Planning &amp; Environment website advises that while most of the changes to the <i>Environmental Planning and Assessment Act 1979</i> will commence on 1 March 2018 there will be a number of other changes that will involve further design and consultation. These new features of the planning system will commence in a staged manner and changes to the complying development legislation are scheduled to commence in late 2019.</p>

**No Decision – Information Item Only****Attachments**

There are no attachments for this report.

**(ITEM IN13/18) PETITIONS**

File No: 18/6243

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE AND COMMUNITY

**Summary**

Petitions received are reported to Council on a monthly basis. Council has received six petitions since the last Council Meeting.

**Background**

<b>Date Received</b>	<b>Petition Subject</b>	<b>No. of Households and Businesses within the LGA</b>	<b>No. of Households outside the LGA</b>	<b>Responsible Council Division</b>
5/12/2017	Request of the use of common area at Burwood Park	22		Corporate, Governance and Community
15/12/2017	BD.2017.041 - 21-23 Belmore Street Burwood - Objection Submission	4		Land, Infrastructure and Environment
14/12/2017	BD.2017.041 - 21-23 Belmore Street Burwood - Objection Submission	51		Land, Infrastructure and Environment
6/12/2017	BD.2017.124 - 68-72 Railway Parade and 2-2A and 4-10 Oxford Street Burwood – Objection Submission	84	48	Land, Infrastructure and Environment
7/2/2018	BD.2017.168 – 52 Woodside Ave, Strathfield – Object Submission	4		Land, Infrastructure and Environment
19/2/2018	BD.2015.193 - 39-47 Belmore Street Burwood - Complaint early working on Construction with Petition	21		Land, Infrastructure and Environment

**Comments**

That Council notes that the Petitions have been referred to the appropriate Council Officers for attention.

**No Decision – Information Item Only****Attachments**

There are no attachments for this report.