



Burwood Council
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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 November 2018 at 6.00pm to consider the matters contained in the attached Agenda.

Tommaso Briscese
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, or reallocating the conflicting duties to another Council official;
- b) Have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in Section 451(2) of the Act apply.

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

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

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AGENDA

**FOR AN ORDINARY MEETING OF BURWOOD COUNCIL
TO BE HELD ON TUESDAY 27 NOVEMBER 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 30 October 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 121/18)	PROPOSED ACQUISITION OF 25 PARKING SPACES - B2 EMERALD SQUARE - LOT 105 IN DP 1209312 EMERALD SQUARE - 31 BELMORE STREET BURWOOD
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That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) of the Local Government Act, 1993, as the matter involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

QUESTIONS WITHOUT NOTICE

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

(ITEM 111/18) FURTHER REVIEW OF POTENTIAL IMPACTS - SUBDIVISION OF DUAL OCCUPANCIES UNDER THE EXEMPT AND COMPLYING DEVELOPMENT CODES SEPP

File No: 18/39764

REPORT BY DEPUTY GENERAL MANAGER LAND, INFRASTRUCTURE & ENVIRONMENT

Summary

The recent State Government amendments to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2009* (the Codes SEPP) (comprising the new Low Rise Medium Density Housing Code and additions to the Subdivisions Code) will allow dual occupancies and their subdivision by Complying Development Certificates in the R2 Low Density Residential zone. Over time this could potentially threaten the character, amenity and integrity of these areas. It is considered that there is no sustainable justification for allowing these dual occupancies in terms of housing supply, choice or affordability. Council should request amendment of the Codes SEPP before the exemption period expires. A concurrent Planning Proposal should be initiated to amend the *Burwood Local Environment Plan 2012* (BLEP) to prohibit Strata title subdivision of dual occupancies via the Development Application (DA) process. Torrens title subdivisions are already prohibited.

Operational Plan Objective

4.4 - Participate in regional planning and infrastructure projects to ensure the best outcomes for the community

5.5 - Activate village precincts and preserve the distinct characters of surrounding residential areas

Background

This report provides a further review of the potential impacts on the residential areas of the Burwood Local Government Area (LGA) in light of recent amendments to Codes SEPP. These amendments are known as the Low Rise Medium Density Housing (LRMDH) Code and they are accompanied by additions to the Subdivisions Code. Together, they allow approval of certain dual occupancies and the subdivision of certain dual occupancies by way of Complying Development Certificates (CDCs).

This matter was first discussed in the report at the Ordinary Council Meeting of 25 September 2018. The previous report assessed the amendments of the SEPP and their impacts. Council resolved to defer a response to the Codes SEPP amendments pending further investigation of the implications of allowing subdivision of dual occupancies. This report provides the outcome of the further investigation.

Proposal

The Codes SEPP and Dual Occupancies

The State Government states its reforms in the LRMDH Code aim to increase housing supply, improve affordability, and meet changing population needs. The changes comprise a new *Part 3B Low Rise Medium Density Housing Code* and additions to *Part 6 Subdivisions Code*.

In regards to dual occupancy development the changes will:

- Permit certain dual occupancies to be approved via CDCs in the R2 Low Density Residential zone as well as in the R1 General Residential and R3 Medium Density Residential zones
- Permit, in specific circumstances, certain dual occupancies to receive CDC approval for Strata or Torrens title subdivisions in all three residential zones.

The State Government has exempted many of Sydney's LGAs, including Burwood, from application of Part 3B only until 1 July 2019. There were be no exemptions to the amendments to Part 6 allowing for the subdivision of dual occupancies. However, the additions to Part 6 can only operate when approvals for dual occupancies are able to be issued by way of CDCs.

Prior to the abovementioned reforms a dual occupancy could not be approved either as Exempt or Complying Development under the Codes SEPP. A Strata title subdivision or a Torrens title subdivision of a dual occupancy also could not be implemented under the Codes SEPP.

Secondary dwellings (i.e. "granny flats") may be approved by CDCs under the *SEPP (Affordable Rental Housing) 2009* (the AHSEPP). However, these are not defined as dual occupancies and, under the AHSEPP, are subject to different development standards and cannot be subdivided from the main dwelling.

Current Arrangements under BLEP 2012

Currently a dual occupancy can only be constructed if development consent had been obtained following the assessment of a DA under the BLEP. The BLEP sets the minimum area of a lot on which a dual occupancy is located in order for it to be approved (500 square metres for attached, 600 square metres for detached).

Where a dual occupancy has been approved by Council on a Torrens title lot, further Torrens title subdivision can only be carried out with consent under the BLEP, and only where each dwelling in the dual occupancy is located on a new Torrens title lot that meets the BLEP's development standard for the minimum subdivision lot size. This is 500 square metres in the Burwood and Strathfield Town Centres (BTC/STC) and 400 square metres outside of the Town Centres. After such a Torrens title subdivision is implemented the development is no longer defined as a dual occupancy but comprises two dwelling houses on two separate lots.

A Strata title subdivision of a dual occupancy (i.e. two dwellings on one lot) is also permitted with consent under the BLEP. The minimum Torrens title subdivision lot size standard of the BLEP does not apply to Strata lots.

Notwithstanding the statutory position, the *Burwood Development Control Plan* (BDCP) presently states that a Strata or Community title subdivision of a dual occupancy will not be permitted.

In the above context the BDCP does not include any guidelines to control or manage dual occupancy subdivisions by way of Torrens title or Strata title.

Planning or Policy Implications

Standards for Subdivision of a Dual Occupancy Under the Codes SEPP

General Requirements

The most relevant general requirements that have to be met for any complying development are:

- The development must be permissible with consent in the zone applying to the land. Dual occupancies and subdivision generally are permitted with consent in the BLEP zones of R2 Low Density Residential, R1 General Residential and R3 Medium Density Residential
- The land cannot be a heritage item under the BLEP or listed on the State Heritage Register
- The dual occupancy cannot be on a battle-axe lot.

Specific Criteria for Dual Occupancies

To be eligible generally for subdivision via a CDC:

- The dual occupancy (building) must have already been approved via a CDC under Part 3B - *Low Rise Medium Density Housing Code*
- It must be in compliance with all of the requirements of the Codes SEPP for a dual occupancy and with the conditions of the CDC for the dual occupancy
- In relation to the above, where the dual occupancy does not involve any part of one dwelling being located above any part of the other dwelling, a CDC cannot be granted for the construction of the dual occupancy unless the minimum area of the lot meets the BLEP requirement of 500 square metres for an attached and 600 square metres for a detached dual occupancy and the width of the lot must not be less than 12 metres measured at the building line
- Also in relation to the above, where the dual occupancy does involve any part of one dwelling being located above any part of the other dwelling, a CDC cannot be granted for the construction of the dual occupancy unless the minimum area of the lot meets the BLEP requirement of 500 square metres for an attached and 600 square metres for a detached dual occupancy and the width of the lot must not be less than 15 metres measured at the building line
- Alternatively, a combined CDC application can be made for a dual occupancy and its Strata or Torrens title subdivision
- All other dual occupancies are excluded, including existing ones that have been granted development consent through the DA process
- NB: Part 3B of the Codes SEPP establishes the building line (primary road setback) for dual occupancies. In broad terms it is an average of the setbacks of the adjoining dwelling houses.

Strata Title Subdivision - Development Standards and Requirements

To be eligible for a Strata title subdivision via a CDC:

- One of the dwellings in the dual occupancy cannot be located behind any other dwelling on the same lot (except in the case of a corner lot or a parallel road lot)
- Each dwelling must have lawful frontage to a public road (other than a lane)
- Each resulting lot must have a minimum width (measured at the building line) of six metres
- Where no part of a dwelling is located above any part of another dwelling the Strata area (being the area of the ground floor of all dwellings) must not be less than 180 square metres.

Torrens Title Subdivision - Development Standards and Requirements

To be eligible for a Torrens title subdivision via a CDC:

- The dual occupancy cannot have any part of one of the dwellings located above any part of the other dwelling
- There must only be one dwelling on each resulting lot at the completion of the subdivision
- Each resulting lot must be at least six metres wide (measured at the building line) and have lawful access, and frontage to, a public road
- The minimum area of each resulting lot must be 240 square metres. This is based on 60% of the minimum size of 400 square metres specified in the BLEP for the subdivision of land

(including for the purpose of a dual occupancy) outside the BTC. Inside the BTC it would be a minimum of 300 square metres).

The Codes SEPP includes detailed, mandatory conditions applicable to a CDC approval for a dual occupancy, as well as for CDC subdivisions of a dual occupancy. The relevant criteria in the *Low Rise Medium Density Design Guide* released with the Codes SEPP amendments will apply.

Standards for Subdivision of a Dual Occupancy Outside the Codes SEPP

A DA for a dual occupancy under the BLEP is subject to the applicable development standards for maximum building height and maximum Floor Space Ratio (FSR). The minimum lot size areas in the BLEP for a dual occupancy apply. The BDCP contains a wide range of guidelines for the design, characteristics and impacts of a dual occupancy development.

As mentioned above, under the BLEP a Torrens title subdivision of a dual occupancy can only be carried out with consent, and only where each dwelling in the dual occupancy is located on a lot that meets the minimum subdivision lot size area requirement of the BLEP. This is 400 square metres outside the BTC/STC and 500 square metres inside the BTC/STC. After subdivision the development is no longer defined as a dual occupancy. It is simply two dwellings houses on two lots or alternatively two semi-detached dwellings on two lots.

The BDCP contains guidelines for the subdivision of land generally in the R1, R2 and R3 zones which also apply if it is a dual occupancy development being subdivided. The BDCP provides that each lot must have frontage to a road (not a lane) and a minimum width at the street frontage of 12 metres is necessary, or, in the case of a hatchet-shaped lot, a minimum width of 12 metres for the main body of the lot. A minimum handle width of 2.5 metres is necessary for a hatchet shaped lot.

The *Low Rise Medium Density Design Guide for Development Applications* was also released with the Codes SEPP amendments. It contains advice on dual occupancies proposed via DAs although it provides little of significance concerning subdivision of dual occupancies. The advice in this publication is not mandatory but is relevant to a future review of the BDCP and its guidelines concerning dual occupancies.

Comment on Impacts of Dual Occupancy Subdivisions by CDC

Factors likely to impact on the number of dual occupancy subdivision proposals by way of CDCs are:

- The LRMDH Code provisions do not add any new areas for development. Dual occupancies are already permitted in all the residential zones of the BLEP
- To be eligible for CDC subdivision a dual occupancy must have been approved through the CDC process. There is no retrospectivity. Dual occupancies granted consent through the DA process prior to commencement of the LRMDH Code will not be able to be subdivided by way of a CDC
- Approval of the dual occupancy via CDC necessitates compliance with detailed and mandatory development standards that are also consistent with the *Design Guide*. This is a more rigorous and inflexible assessment regime compared to approval through the DA process.
- There does not appear to be significant advantages to pursuing approval of a dual occupancy under the Codes SEPP in terms of development scale or flexibility of design, compared to approval through the DA process.
- There are some limits on the number of sites that will be suited for the approval of a dual occupancy and its subdivision through the Codes SEPP. A site must have adequate width and area. The development must be economically viable in the context of land values and

construction costs. In the R1 and R3 zones, rather than dual occupancies, developers will probably favour the more intensive forms of residential development that are permitted (i.e. residential flat buildings and multi-dwelling housing).

In this context, it is the potentially shorter and more reliable approval time that may make a CDC approval attractive. Public consultation requirements are less onerous. Increasing awareness of and familiarity with the CDC approval option may make new dual occupancies (construction and subdivision) more attractive to land owners. Over time these factors may lead to increases in the number of dual occupancy buildings and their subdivision approved via CDCs.

Risks

As more dual occupancies and their subdivision are approved by CDCs the following risks are likely to arise:

- The R2 Low Density Residential zone will incur the most impacts. In this zone, under the BLEP residential flat buildings and multi dwelling housing are not permitted. Also in the R2 zone, the Codes SEPP amendments that allow manor houses (a form of residential flat building) and terrace houses (a form of multi dwelling housing) are not permitted.
- As a result, dual occupancy development and subdivision in the R2 zone is more likely to be inconsistent with existing development and have more substantial adverse impacts on the character and amenity of these high quality low density residential areas.
- As an example “duplex” style housing could be developed. This would result from the Torrens title subdivision of an attached dual occupancy, where the dwellings are not one above the other, on a 12 metre minimum width site with two new six metre minimum width lots created. Mandatory parking provisions for each dwelling will multiply the number of driveways required and reduce the space available for on-street parking. The design of dwelling houses and room sizes will be constrained by the narrow lots, required setbacks and on-site parking requirements.
- Strata subdivision of a dual occupancy could have similar adverse impacts on the appearance and character of the R2 zone, in particular where it is a requirement that one dwelling cannot be located behind another. This potential problem is already recognised in the BDCP. Its “prohibition” of dual occupancy Strata or community title subdivisions is justified on the basis that they would lead to “...*sporadic concentrations of opportunistic development, limit the adaptability of dwellings to meet future needs and negatively affect the integrity of the subdivision pattern*”.
- While a large number of secondary dwellings (i.e. “granny flats”) are approved by CDCs under the *SEPP (Affordable Rental Housing) 2009* (the AHSEPP), their impacts on appearance and character generally are significantly less. There is no mandatory parking requirement for secondary dwellings. They are substantially more restricted in floor space. They also cannot be subdivided from the main dwelling under that SEPP, the Codes SEPP or the BLEP.

Housing Supply in the Burwood LGA

There is no sustainable argument that allowing dual occupancies and their subdivision by way of CDCs in Burwood’s residential areas is necessary in order to increase housing supply, improve affordability and meet changing population needs, which are the aims of the Low Rise Medium Density Housing reform package.

The Burwood LGA is already providing capacity for, and achieving substantial new housing supply in its B4 Mixed Use, R1 and R3 zones under the BLEP. Much of this is occurring in the BTC where as of October 2018 a total of 1,822 apartments have been approved/constructed since the BLEP commenced in 2012. Another 732 units are proposed in current DAs before Council. A further

1,300 apartments are indicated in Planning Proposals currently lodged with Council for land in the BTC. The North Burwood Precinct in the Parramatta Road Corridor Urban Transformation Strategy potentially includes several thousand more dwellings in the Burwood LGA.

In the *Eastern Sydney District Plan*, the five year target of 2,600 dwellings for the Burwood LGA will be easily exceeded. Substantial further achievement of increased housing supply is guaranteed beyond the five year target.

Given property values in the Burwood LGA R2 Low Density Residential zones, it is highly unlikely that more dual occupancies approved under the Codes SEPP will provide significantly increased housing affordability in terms of the numbers or the market price of new dwellings.

While subdivided dual occupancies may provide some increase in housing choice (e.g. for downsizers or one to two person households) in principle, the number of units likely to be generated will not be significant in the broad scheme of housing choice and affordability in the Burwood LGA.

Housing choice is already provided for adequately in the Burwood LGA's business and residential zones. Development in the North Burwood Precinct in the Parramatta Road Corridor Urban Transformation Strategy will provide further support for housing choice and affordability. The precinct is required to include a minimum of 5% for affordable housing.

Potential Actions

Complying Development Approvals

Removal of the BLEP's R2 Low Density Residential zone from the locations where CDCs under the Codes SEPP can be used for approval of dual occupancies and their subdivision is justified in terms of housing supply, choice and affordability. In addition, it avoids the risk of significant damage to the character and amenity of existing high quality low density residential areas in the R2 zone for little gain.

This can be achieved by Council making a written request to the State Government to amend the Codes SEPP so that the R2 Low Density Residential zone in the BLEP 2012 is permanently excluded from the provisions that allow the CDC approval of dual occupancies and their Torrens or Strata title subdivision.

How to best achieve this outcome may be a matter for legal advice. One way could be to insert an additional subclause in BLEP Clause 1.19, 'Land on Which Complying Development May Not Be Carried Out' along the following lines:

Development specified in the Low Rise Medium Density Housing Code and the Subdivisions Code is not complying development under those codes if it is for the purposes of a dual occupancy or the subdivision of a dual occupancy and proposed on land included in the R2 Low Density Residential zone in the Burwood Local Environmental Plan 2012.

It is necessary for this action to be taken now, while the exemption period for the Low Rise Medium Density Housing Code is in force. If a prohibition is introduced now it will not cause any loss of development opportunities because such opportunities have not yet commenced.

It is noted that the BLEP Clause 1.19 already includes a subclause that excludes specific land under a specific local environmental plan.

Development Application Approvals

The current arrangement in which the Strata or Community title subdivision of a dual occupancy in the R2 zone is permitted is with consent under the BLEP. However, the BDCP does not permit such subdivision. Due to the inconsistency, the BDCP provision is not sustainable at law. If Council

initiates action (as above) to prevent the Codes SEPP from enabling CDC approval of dual occupancies and their subdivision it should take concurrent action to amend the BLEP to prohibit the Strata or Community title subdivision of a dual occupancy in the R2 zone.

This can be achieved by Council initiating a Planning Proposal. How to best achieve this outcome may be a matter for legal advice. One way could be to insert an additional subclause in the BLEP Clause 2.6 'Subdivision - Consent Requirements' of the BLEP along the following lines:

Development Consent must not be granted for the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015 or any kind of subdivision under the Community Land Development Act 1989 on land on which a dual occupancy has been granted development consent if the land is included in the R2 Low Density Residential zone shown on the Land Zoning Map.

Under such a change dual occupancy development would remain permitted with consent in the zone, and only Strata and Community title subdivision would be prohibited. Torrens title subdivision of an approved dual occupancy where each created lot complies with the minimum subdivision lot size development standard in the BLEP would not be impacted. This is appropriate as such subdivisions are consistent with the character and amenity of the R2 zone.

It is noted that BLEP Clause 2.6 already contains a subclause that establishes a kind of precedent. Subclause (2) controls the subdivision of secondary dwellings as follows:

Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

At the same time as a Planning Proposal is implemented the BDCP should be amended to remove the reference to the Strata or Community title subdivision of dual occupancies.

Conclusion

The Codes SEPP amendments enabling the approval by CDCs of dual occupancies and their subdivision in the R2 zone in the BLEP significantly risks damaging the character, amenity and integrity of these high quality residential areas. It is considered that there is no sustainable justification for the Codes SEPP provisions in terms of increasing housing supply, meeting housing targets, or improving housing affordability or choice in the Burwood LGA. It is appropriate to initiate action to prevent the Codes SEPP from enabling approval by CDCs of dual occupancies and their subdivision in the R2 zone. For consistency, and to remove the contradiction, action should be initiated at the same time to amend the BLEP to prohibit Strata or Community title subdivision of dual occupancies via the DA process.

Recommendation(s)

1. That Council write to the Department of Planning and Environment requesting that the Codes SEPP be amended prior to expiry of the current exemption period, so that the R2 zone in the BLEP is excluded from its provisions that allow approval of dual occupancies and their subdivision by Complying Development Certificates.
2. That Council initiate preparation of a Planning Proposal to amend the BLEP to prohibit development consent being granted for the Strata or Community title subdivision of a dual occupancy on land in the R2 Low Density Residential zone.
3. That the Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination, be placed on public exhibition in accordance with that Determination, and be reported back to a Council Meeting following the exhibition period.

Attachments

There are no attachments for this report.

(ITEM 112/18) COUNCIL AND BURWOOD LOCAL PLANNING PANEL MEETING AND COUNCILLOR BRIEFING SESSIONS SCHEDULE FOR 2019

File No: 18/41562

REPORT BY GENERAL MANAGER

Summary

The proposed 2019 Schedule for Council Meetings, Burwood Local Planning Panel Meetings and Councillor Briefing Sessions is presented to Council for endorsement.

Background

Under Section 365 of the *Local Government Act 1993*, Council is required to meet at least 10 times during any year, with each meeting to be held in a different month.

The purpose of the Councillors Briefings is to keep Councillors informed of changes to legislation, to hold training on Council policies and procedures and to workshop and/or have input into Council strategies. The sessions are held in line with Council's Councillor Induction, Briefings and Workshop Policy. It should be noted that briefing sessions, induction sessions and workshops are informal gatherings and are not to be used for detailed or advanced discussion where agreement is reached and/or a (de-facto) decision is made. These sessions are not open to the Public.

Proposal

Council's adopted Code of Meeting Practice states that Burwood Local Planning Panel Meetings are held on the second Tuesday of each month and Council Meetings are held on the fourth Tuesday of each month. To ensure there is no clash with other events, public holidays or conferences during 2019, the proposed Schedule is now submitted for adoption.

PROPOSED SCHEDULE FOR 2019

Date	Burwood Local Planning Panel	Council
5 February 2019		x
12 February 2019	x	
12 March 2018	x	
26 March 2019		x
9 April 2019	x	
23 April 2019		x
14 May 2019	x	
28 May 2019		x
17-20 June 2019 – National General Assembly		
11 June 2019	x	
25 June 2019		x
9 July 2019	x	
23 July 2019		x
13 August 2019	x	
27 August 2019		x
10 September 2019	x	
24 September 2019		x
8 October 2019	x	

Date	Burwood Local Planning Panel	Council
14-16 October 2019 – LGNSW Annual Conference		
22 October 2019		x
12 November 2019	x	
26 November 2019		x
3 December 2019	x	
10 December 2019		x

Councillor Briefing Sessions are conducted every two months, on a Tuesday commencing at 5.00pm prior to the Council Meeting and concluding at 6.00pm. Councillors will be invited via email which will include a summary of the items to be discussed and any relevant documentation.

PROPOSED SCHEDULE FOR 2019

Date
5 February 2019
23 April 2019
23 July 2019
22 October 2019
10 December 2019

If there are no items for discussion, the meeting may not be conducted or alternately times and dates may be altered, if required. The Mayor and General Manager will make that decision after consultation.

Conclusion

Council is required to set the dates for Council and Burwood Local Planning Panel Meetings and advertise such dates in a timely manner to ensure both Councillors and members of the Community can attend.

The Councillors Briefings are held in line with Council's Councillor Induction, Briefings and Workshop Policy.

Recommendation(s)

- That the following schedule of Meeting Dates be adopted for 2019, with all Council Meetings scheduled to start at 6:00pm and all Burwood Local Planning Panel Meetings at 6:00pm in the Council Chambers, Suite 1, Level 2, 1-17 Elsie Street, Burwood:

Date	Burwood Local Planning Panel	Council
5 February 2019		x
12 February 2019	x	
12 March 2018	x	
26 March 2019		x
9 April 2019	x	
23 April 2019		x
14 May 2019	x	
28 May 2019		x
17-20 June 2019 – National General Assembly		
11 June 2019	x	

25 June 2019		x
9 July 2019	x	
23 July 2019		x
13 August 2019	x	
27 August 2019		x
10 September 2019	x	
24 September 2019		x
8 October 2019	x	
14-16 October 2019 – LGNSW Annual Conference		
22 October 2019		x
12 November 2019	x	
26 November 2019		x
3 December 2019	x	
10 December 2019		x

2. That the following schedule of Briefing Sessions be adopted for 2019, with all Sessions to commence at 5:00pm and conclude at 6.00pm, prior to the Council Meeting (additional sessions to be held as required):

Date
5 February 2019
23 April 2019
23 July 2019
22 October 2019
10 December 2019

Attachments

There are no attachments for this report.

(ITEM 113/18) CLOTHING AND TEXTILE COLLECTION TRIAL

File No: 18/43193

REPORT BY ACTING DIRECTOR PLANNING & ENVIRONMENT SERVICES

Summary

A clothing and textile collection service exists that would provide the community with a free program for the collection and recycling of clothing and textiles which may otherwise have been disposed of to landfill. It is recommended that Council support a trial of this program.

Operational Plan Objective

3.2.2 – Identify emerging waste management solutions – Actively seek and identify new processes and technology

3.2.3 – Ensure a community wide increase in recycling and reduction in landfill

Background

Council has been approached by a company called King Cotton regarding a clothing and textile collection service that they operate. The service includes an online booking platform and services would be available across the entire Burwood Local Government Area. Clothing and textiles account for 3.5% of the waste stream and diverting this resource from landfill will improve sustainable waste management in the LGA.

Proposal

The clothing and textile collection service would provide residents with an opportunity to access an online booking portal to arrange for the free collection of clothing and textiles. The booking portal will be easily accessible by all residents, from both English and non-English speaking backgrounds.

The proposed trial will be for a period of 12 months, allowing for a comprehensive assessment of the collection service while allowing residents the opportunity to become familiar with the service.

The collection service, operational vehicles and equipment are all owned and operated by King Cotton, as is the online booking platform. All booking and collection data and operational results will be provided to Council to allow for a quantifiable assessment of the program to be conducted.

Consultation

The City of Canada Bay Council currently supports this program and has advised that it has been working well for the past 12 months and is well accepted across the Canada Bay LGA.

Planning or Policy Implications

The trial will be reviewed after the 12 month period with a further report to be submitted to Council as to the outcome.

Financial Implications

There is no direct cost to Council for the provision of this service. Council would be required to promote and educate the community about the service through our online communication platforms.

Conclusion

The clothing and textile collection service would provide a further opportunity for the community to contribute to improving sustainable waste management.

Recommendations

1. That Council trial supporting the clothing and textile collection service as proposed by King Cotton by promoting the service and educating residents about clothing and textile reuse program, for a period of 12 months.
2. That Council review the effectiveness of the service at the end of the 12 month trial period.
3. That Council go to tender for a clothing and textile collection service should the results of this trial be successful in reducing waste to landfill.
4. That the General Manager be authorised to sign any formal agreement required in establishing the trial.

Attachments

- 1 [↓](#) Clothing Clean Up Flyer
- 2 [↓](#) King Cotton company information

CLOTHING CLEANUP

Clothing collection
direct from your door!



BOOK ONLINE to recycle your unwanted clothes

HELP us reduce clothing waste in 3 EASY STEPS

1



Book ONLINE at
clothingcleanup.com.au
or call 1300 889 014

2



Leave clothing
out for collection the
night before

3



We'll collect
direct from your door
FOR FREE

clothingcleanup.com.au

— ITEMS WE ACCEPT



Wearable clothing
(please make sure your
clothes are in
good condition)



Wearable shoes
(please make sure your
shoes are well-kept
and can still be worn)



Handbags



Accessories
(belts, scarves,
hats, etc.)



Manchester
(towels, bedsheets,
bedspreads,
blankets, etc.)

THIS FLYER HAS BEEN PRINTED ON FSC RECYCLE FRIENDLY PAPER. DO THE RIGHT THING AND PLEASE RECYCLE.

CLOTHING CLEANUP


clothingcleanup.com.au

TURN OVER to see how you
can help reduce clothing waste

DID YOU KNOW?

Australia is the
**2nd
LARGEST**



consumer of new clothing

**in the
WORLD**

Australian's currently
dump over



500
million kilos
of clothing and
textiles each year...



...that equates
to approximately



23kg of
clothing waste
per person, per year
into our landfill!

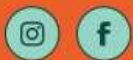


The clothes we collect
are reused and the majority will be
worn by people in need
in 3rd world countries

Contact Us

clothingcleanup.com.au

1300 889 014



**KING
COTTON**
EST. 1980

We are part of the
KING COTTON GROUP!

— WE SUPPORT



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King Cotton company information

FACT SHEET

THE FACTS

5,000+ Tonnes

of clothing and household goods recycled each year by King Cotton Australia

Almost 80%

of clothing collected from 400 recycling banks located in Sydney, Melbourne.

Council Collections

of recycle clothing at no cost to council

145,000 tonnes

of textiles end up in landfill each year

Up to 95%

of goods we collect are recycled or reused and diverted from landfill

Supporting
3 Charities

With in excess of \$1.5 million raised in 15 years

Supporting around
50 jobs

for low skilled workers and rehabilitated people.

Every kilo

of recycled clothes saves in excess of 6000 litres of water in reproduction of cotton

US EPA Study

EPA estimates that textile waste occupies nearly 5% to landfill space

WHAT WE DO

King Cotton Australia is a professional resource recovery company that coordinates and distributes clothing and household textile in Australia. Our tailored programs focus on the collection of clothing and household materials for reuse or recycling. We also coordinate and distribute these goods, and at times export excess product overseas. We provide this service to council free of any cost.

WHY WE ARE UNIQUE?

Our one stop-shop model involves managing the entire supply chain involved in resource recovery – coordination of collection services, through to the distribution of goods. This approach delivers a cost-effective, socially aware and environmentally responsible solution that shows:

- ❖ Commitment to social objectives in delivering sustainable outcomes
- ❖ Effective partnerships that deliver mutual benefits
- ❖ Innovation in managing clothing banks when placed in strategic locations
- ❖ Intelligent application of resource recovery that ensures best practice environmental outcomes
- ❖ Practical solutions to reusing and extending the life of clothing and household goods.

ENVIRONMENTAL BENEFITS

Since 1999 King Cotton Australia collected around 60,000 tonnes of clothing and other household goods, mostly destined for landfill.

Around 95 per cent of all these goods have been reused or recycled. That is a significant diversion of waste to landfill.

In addition, every kilogram of recycled clothing helps reduce 0.11 tonnes of CO₂ and 6000 litres of water.

SOCIAL BENEFITS

We partner with local charities and not-for-profits, helping them reach their revenue and employment potential.

Over \$1.5 million directed to charities in past 15 years.

MANAGEMENT CONSULTING

King Cotton Australia will advise and guide councils to tailor programs that will effectively manage resource recovery in your municipality.

COLLECTION BANKS

King Cotton Australia will manage clothing bin sites in your municipality, FREE of charge

AWARENESS

Our bin deposit bins create community awareness about the benefits of recycling to the community.



WHY PARTNER WITH US?

ALL King Cotton Australia programs will:

- ❖ Reduce waste to landfill
- ❖ Minimise illegal dumping
- ❖ Offer local employment to low skilled workers
- ❖ History of providing a successful management program
- ❖ Over \$50,000 per annum paid to LGA councils

WHAT COLLECTION PROGRAMS ARE AVAILABLE TO COUNCILS?

(ITEM 114/18) CONTAINER DEPOSIT SCHEME - REFUND SHARING AGREEMENT WITH VISY RECYCLING

File No: 18/43204

REPORT BY ACTING DIRECTOR PLANNING & ENVIRONMENT SERVICES

Summary

This report requests Council endorsement of the proposed refund sharing agreement with Visy recycling for eligible containers recovered from Council recycling bins in line with the NSW State Government Return and Earn Scheme.

Operational Plan Objective

3.2.3 Ensure a community wide increase in recycling and reduction in landfill

Background

The NSW Government introduced a Container Deposit Scheme (CDS) on 1 December 2017. The scheme is a litter reduction initiative where people could return eligible drink containers to specified drop off centres and receive a ten cent refund per container. Although this system is in place there is still eligible containers being disposed of through the Council kerbside recycling bin.

As part of the legislation, the processing facility (Visy Recycling) and Council are required to enter into a mutually acceptable agreement as to sharing the deposits that they recover from the material delivered by Council.

The agreement must be notified to the NSW EPA by 1 December 2018. If not notified, neither the processor nor the Council will be eligible to claim the refund. Visy has been claiming the refund since the start and once an agreement has been reached they will be required to back pay to Council the agreed share of the deposits.

Proposal

Negotiations with Visy are continuing in order to reach an amicable agreement. Council is seeking to enter an agreement whereby the refunds would be split on a 50/50 basis with Visy. Visy has been advised of Council's position and we are awaiting their response.

It is proposed that the General Manager be authorised to approve the refund sharing agreement with Visy with a view to achieving as near as possible the 50/50 split as proposed.

Consultation

Burwood has been working with Canada Bay, Strathfield and the Inner West Councils through a Solicitor in negotiating with Visy as the original Contract was arrived at through a joint tender process with those Councils. Council has also been consulting with SSROC to monitor development through the SSROC region and also on a Metropolitan wide basis.

Planning or Policy Implications

No Planning or Policy implications

Financial Implications

The approximate amount that Council would receive following a 50/50 split of the refunds would be \$90,000 per annum. The money would be returned to the Domestic Waste Fund. There are other financial issues currently affecting Council's recycling service such as The China National Sword

Policy which has resulted in a worldwide decline in commodity prices for recovered recyclables. Visy has approached Council seeking a gate fee for material delivered to their processing facility. This is subject of a separate negotiation and will be reported to Council prior to making any final decision.

Conclusion

It is recommended that Council enter the refund sharing agreement with Visy and notify the NSW EPA to ensure Council receives the refund due.

Recommendations

1. That Council authorise the General Manager to finalise and enter in a refund sharing agreement with Visy Recycling agreeing to an approximate split of 50/50 of refunds due.
2. That the General Manager be authorised to sign the refund sharing agreement on behalf of Council.
3. That Council notify the NSW EPA that we have entered into a mutually agreed arrangement with Visy for sharing the refund from the Container Deposit Scheme.

Attachments

There are no attachments for this report.

(ITEM 115/18) SPONSORSHIP PROPOSAL - ACCA CHINA FUN

File No: 18/44646

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE & COMMUNITY

Summary

The Australian Cultural & Commerce Association (ACCA) is seeking Council's support for its China Fun Lunar New Year Carnival 2019 by way of sponsorship agreement. Council has sponsored the event since 2015 as part of its Lunar New Year program.

Operational Plan Objective

1.4.3 Engage with different cultural groups and encourage participation in events and services

5.3.4 Facilitate and coordinate major events that celebrate the area

Background

Council has supported the China Fun Lunar New Year Carnival hosted by the ACCA since 2015 by way of sponsorship agreement and has received co-hosting acknowledgement in return of its support. The event is held to celebrate the Chinese Lunar New Year, the most important civic event for the local Australian Chinese community.

This year marks the fifth year that Council has received an event proposal from ACCA requesting Council's support for the event. ACCA has lodged a proposal for a one day event to be held on 2 March 2019 from 9.30am to 9.30pm at Burwood Park.

The proposed event consists of an opening ceremony, Chinese traditional performances, music, gourmet market, commercial promotion sections, night concert, car show and children entertainment area.

Proposal

That the Council assess the proposal received from ACCA, its community and financial implications, and make a determination on whether to provide ongoing support to this event.

Benefits of Sponsoring the Event

The potential benefits yielded by sponsoring the event include:

- Council does not currently host a Lunar New Year event as part of its civic events program
- Burwood has a diverse population with 33 per cent of residents sharing Chinese ancestry
- The event will help foster dialogue between Council and local Chinese residents
- Council has sponsored the event since 2014 therefore there is existing knowledge of the China Fun event in the area
- The event will promote and highlight the Chinese culture to the public with 10,000 visitors expected to attend the event
- China Fun will feature performances from local Chinese community and cultural groups
- The event will promote cultural exchange between Australia and China
- Local businesses in the retail and hospital sectors may yield economic benefits, boosting the local economy

Potential Implications of Sponsoring the Event

It is important to note that the continued support of ACCA's China Fun event by way of sponsorship may create a precedent or expectation from ACCA that the event will be supported at the same level of commitment for all future event applications.

Planning or Policy Implications

Should Council accept the proposal from ACCA for 2019, Council's Sponsorship Policy will be applied and a formal agreement entered into.

Financial Implications

Council has a budget allocation of \$20,000 for its annual Lunar New Year program.

Council has previously provided ACCA with an in-kind sponsorship of up to \$20,000 as part of its Lunar New Year event program through the waiving of fees and other expenses. In return, Council receives co-hosting recognition for the event.

Council is able to provide an in-kind sponsorship of up to \$20,000 for the China Fun event in 2019 if approved by Council.

Options**Council may decide to:**

1. Approve sponsorship support of the ACCA China Fun event and provide a maximum of \$20,000 in-kind sponsorship for 2019. ACCA would be required to pay a bond of \$5,000 for the event.

or
2. Reject the partnership agreement with ACCA for the China Fun event in 2019.

Conclusion

Due to time constraints, it is not feasible to explore alternatives to deliver a Council supported Lunar New Year Event in 2019.

Recommendation(s)

1. That Council resolves to:
 - a. Approve sponsorship support of the ACCA China Fun event and provide a maximum of \$20,000 in-kind sponsorship for 2019. ACCA to be required to pay a bond of \$5,000 for the event.

or
 - b. Reject the partnership agreement with ACCA for the China Fun event in 2019.

Attachments

- 1 [↓](#) ACCA China Fun Sponsorship Proposal



2019

The Fifth China Fun Carnival Proposal





Contents

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1.0 Introduction of China Fun Carnival

China Fun Carnival is a huge outdoor event that initiated by ACCA. This carnival had successfully being held since 2015 and in 2019; it will be the fifth annual Festival. The ultimate purpose of the China Fun Carnival is to celebrate Chinese New Year and it also act as a platform for Australia Chinese to promote Chinese culture. With 4 years experiences, China Fun Carnival had became a crucial cultural exchange and commercial promotion platform between China and Australia. At the same time, China Fun Carnival also play an important role in promote regional culture, enhance regional reputation and stimulate regional economy. This had make the government of China and Australia emphasize on China Fun Carnival. In the fourth China Fun Carnival, we are proudly to have the representative of Australia Prime Minister, Mr. Malcolm Turnbull and China Consul General Xiaojie Gu to join us in the launching ceremony and express their lovely speech on that day.

2.0 Organizing committee

This event will carry out by Burwood Council and ACCA.



Burwood Council
Heritage • Progress • Pride



ACCA
AUSTRALIAN CHINESE ASSOCIATION

Burwood council are dedicate to improve regional stability and prosperity among all these years. This will also indirectly shown the great government support towards this event with the collaboration with Burwood Council.

ACCA are equip with experiences of successfully held various event and the most successful event is the "China Fun Festival". This event had held annually in Burwood and became one of the most influential event in Burwood. Currently, ACCA had also receive the invitation from Canada Bay Council to organize the Moon Festival 2018 and Vivid Sydney Contemporary Art Exhibition 2019.

3.0 Event details

Date: 2 March 2019 9:30am-9:30pm

Venue: Burwood Park, Burwood NSW (Whole park)

Event: China Fun Carnival 2019

China Fun Carnival 2019 will be divided into several section as below:

➤ Launching ceremony and Chinese Traditional Literary and Artistic performance.

We will be inviting some politician from China and Australia with various prominence to join our launching ceremony. After the launching ceremony, we will



also have some outstanding Chinese Traditional Literary and Artistic organization in Australia to perform their talent like previous event.



➤ **Australia vibrant music section.**

This section is the brand new section that added in 2019. It is form by local music team, we will also invite some musician from oversea to join our carnival.



➤ **Gourmet area and Commercial promotion section**

Gourmet are the indispensable part of the event every time. We will invite about 40 suppliers to join our carnival. In addition, we will also add in an intelligent interactive lottery section to improve the interaction between the merchants and visitor. With various types of games the attractive staggered arrangement of the commercial promotion and gourmet stall, we can ensure the large number of visitors.





➤ **Night concert**

During the night, the main stage will turn into a live music festival stage. The performance team will form by the young musician from Australia and China.



➤ **Children entertainment area**

Children playground is also an essential segment for the event. It is one of the main attractions of the crowd in the same time. Hence, we will set up large scale of children entertainment facilities for children to play around.



4.0 Promotion plan

Through Facebook, Twitter, WeChat and YouTube, we will deliver our message by article and video. We will also have lots of poster in college, university, community, shopping center and roadside. We are also promoting this event through different website and media

5.0 Media

- People.cn
- Xin Hua net
- Australian Chinese Daily
- Sing Tao Newspaper
- Australia SBS
- Sydney today



- Australia New Express Daily
- Nan Hai Media
- Yee Yi site

6.0 Council Support

1. Support Event Venue (include Stage, Change room, Toilet ,Water, Power)
2. Organize Sound system and lights system
3. Organize 24 hours Security
4. Organize Rubbish collection
5. Organize Mobile Toilet
6. Promote event on Council Website and send notice to local resident and business by email

7.0 ACCA responsibility

ACCA will organize of event.

1. Prepare proposal
2. Contact local communities and business to join the event
3. Organize setup up stalls, and Power connection.
4. Promote the event on Facebook, Twitter, WeChat and YouTube.
5. Organize all the activity of the Event.

(ITEM 116/18) BUDGET REVIEW FOR QUARTER ENDING 30 SEPTEMBER 2018

File No: 18/41935

REPORT BY CHIEF FINANCE OFFICER

Summary

The 2018-2019 Budget was adopted at the Council Meeting held on 26 June 2018 with a surplus of \$56,593. The adopted budget was prepared on the basis of the organisational structure which includes three divisions (Office of the General Manager, Corporate, Governance and Community and Land, Infrastructure and Environment).

This report provides Council with the financial results for the period ending 30 September 2018, 2018-2019 Financial Year. In accordance with Clause 203(1) *Local Government (General) Regulations 2005* (the Regulation) the responsible accounting officer is required to prepare and submit to Council a budget review statement no later than two months after the end of each quarter (except the June Quarter).

The following Statement of Budget Income and Expenditure identifies a forecast funding surplus of \$8,391 as at 30 September 2018 compared to the adopted forecast surplus of \$56,593. The reasons for the net decrease of \$48,202 are outlined in the report.

Background

Included in this report is the budget forecast of Income and Expenditure Statement which is based on external and internal reporting consolidations to improve the transparency and consistency of reported information. This statement forms part of a group of statements which must be reported to Council on a quarterly basis in accordance with Clause 202(3) *Local Government (General) Regulations*. These statements are known as the Quarterly Budget Review Statements (QBRs).

Council's budget is prepared on a program basis and forecasts expected operating and capital income and expenditure for the year. To fund the budget, Council also utilises funds held in reserve that have accumulated in prior years such as Section 94A Contributions and Internally Restricted Reserves.

The Local Government Code of Accounting Practice and Financial Reporting requires Council to prepare its General Purpose Annual Financial Reports in accordance with the Australian Accounting Standards. This requires Council to:

- implement full accrual accounting, including capitalisation of infrastructure assets
- prepare consolidated financial statements incorporating all functions and entities under the control of Council
- adapt to a change in accounting focus from the fund result for the year (i.e. the movement in working funds) to the gain/ (loss) from ordinary activities

Each of these requirements is applied at the time of preparing the Annual Financial Reports at 30 June each year. However, with respect to the budget process Council is still focusing on the funding result of reporting. The financial result for the year is determined and audited and the Financial Reports and Auditor's Report are included in Council's Annual Report.

BURWOOD COUNCIL					
Statement of Budget Income & Expenditure					
as at 30 September 2018					
Income					
Type	Budget	Recommended Amendments	Forecasted Year End	Reference	Actuals
Rates & Annual Charges	(27,641,284)	(213,391)	(27,854,675)	1	(27,845,199)
User Charges & Fees	(10,361,515)	(482,000)	(10,843,515)	2	(2,999,281)
Interest & Investment Revenue	(1,300,000)	-	(1,300,000)	3	(354,541)
Other Revenue	(4,646,813)	(60,000)	(4,706,813)	4	(856,325)
Operating Grants & Contributions	(3,286,542)	(105,500)	(3,392,042)	5	(664,441)
Capital Grants & Contributions	(4,530,000)	(4,382,373)	(8,912,373)	6	(3,763,838)
Carryover Grants	-	-	-	7	-
Total Income	(51,766,154)	(5,243,264)	(57,009,418)		(36,483,626)
Expenditure					
Type	Budget	Recommended Amendments	Forecasted Year End	Reference	Actuals
Employment Costs	20,651,120	(694,416)	19,956,704	8	4,145,402
Borrowing Costs	346,640	-	346,640	9	65,259
Materials & Contracts	10,730,579	1,916,285	12,646,864	10	2,113,320
Depreciation	7,175,000	-	7,175,000	11	1,793,750
Other Expenses	9,670,207	24,595	9,694,802	12	2,490,932
Total Expenditure	48,573,546	1,246,464	49,820,010		10,608,663
Net Operating Result	(3,192,608)	(3,996,800)	(7,189,408)		(25,874,963)
Net Operating Result before Capital Items	1,337,392	385,573	1,722,965		(22,111,125)
Funding Statement					
Net Operating Result	(3,192,608)	(3,996,800)	(7,189,408)		(25,874,963)
Add Back Non Cash Items					
Depreciation	(7,175,000)	-	(7,175,000)	13	(1,793,750)
Movement in ELE	-	-	-		-
Adjusted Net Operating Result	(10,367,608)	(3,996,800)	(14,364,408)		(27,668,713)
Source of Capital Funds					
Sale of Assets	(700,000)	-	(700,000)	14	(182,531)
Loan Funding	(1,000,000)	-	(1,000,000)	15	-
Transferred From Section 94	(2,525,000)	(3,563,044)	(6,088,044)	16	-
Transferred From Reserves	(2,770,000)	(865,702)	(3,635,702)	17	(4,834)
Add Back Non Cash Property	-	-	-		-
Funds Available	(17,362,608)	(8,425,546)	(25,788,154)		(27,856,078)
Funds Utilised:					
Acquisition of Assets	11,903,000	8,473,748	20,376,748	18	1,193,416
Loan Principal Repayment	633,015	-	633,015	19	119,530
Transfer to Section 94	4,030,000	-	4,030,000	20	-
Transfer to Reserves	740,000	-	740,000	21	-
Budget Result	(56,593)	48,202	(8,391)		(26,543,131)

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 \$51,766,154. This has now been revised up by \$5,243,264 to \$57,009,418. The major items resulting in this forecast income adjustment include:

Reference 1 – Rates and Annual Charges - An increase in Council's Rating Base of \$213,391 attributed to an increase in residential strata units coming on line and the re-categorisation of property within the LGA of \$131,391 and an increase in Domestic Waste Management Charges of \$82,000.

Reference 2 – User Charges and Fees - An overall increase of \$482,000 primarily due to the following:

- An increase of \$30,000 in the Enfield Aquatic Centre income due to an increase in Learn to Swim classes.
- A \$300,000 increase in Road Closure Permits and an increase of \$150,000 in Temporary Work Permits due to the increased development occurring presently within the Burwood Local Government Area.

There were other budget movements within the classification of User Charges and Fees which were under \$15,000 resulting in minor adjustments to the overall budget.

Reference 4 – Other Revenue - An overall increase of \$60,000 attributed to Environmental and Building Fines and Costs.

There were other budget movements within the classification of Other Revenues which were under \$15,000 resulting in minor adjustments to the overall budget.

Reference 5 – Operating Grants and Contributions - An increase in Operating Grants and Contributions of \$105,500 relates to:

- An increase in Council's Financial Assistance Grant 2018-2019 Federal Government (General and Roads) allocation of \$92,000.
- An amount of \$15,000 increase in Council's Roads and Maritime Services 2018-2019 Block grant allocation.

The expenditure items for these grants and contribution monies are distributed within Reference 10 - Materials and Contracts.

There were other budget movements within the classification of Operating Grants and Contributions which were under \$15,000 resulting in minor adjustments to the overall budget.

Reference 6 – Capital Grants and Contributions - An increase of \$4,382,373 primarily due to the following:

- \$2.6million grant received from the Office of Local Government toward the upgrade of Henley Park. Expenditure associated with the grant has been adjusted accordingly within Reference 18 – Acquisition of Assets.
- A Blackspot Grant has been received from Roads and Maritime Services for \$148,000 for Everton Road intersection and a further grant of \$41,163 received from the Greater Sydney Commission for works at Neich Parade. Expenditure associated with the grant has been adjusted accordingly within Reference 18 – Acquisition of Assets.
- The Balance of Grant monies of \$698,860 brought to account for Blair Park upgrade.

Expenditure associated with the grant has been adjusted accordingly within Reference 18 – Acquisition of Assets.

- Amounts totalling \$894,350 have been received from developers for infrastructure restoration works within the Town Centre associated with developments. Expenditure associated with these contributions has been adjusted accordingly within Reference 18 – Acquisition of Assets.

Total Expenditure from Continuing Operations

Expenditure from continuing operations was originally forecast at \$48,573,546. This figure has now been revised up by \$1,246,464 to \$49,820,010. The major items resulting in this forecast expenditure adjustment include:

Reference 8 – Employment Costs - An overall decrease in employee costs of \$694,416 attributed to, but not limited to, transfers from various Business Units Wages and Salaries components to Contractors – Temporary Staff who are employed to fill vacant positions within the Organisation. Areas which required the transfers during the quarter from Wages and Salaries were Organisational Development, Property Management, Library, LIE Administration, Building and Development, Information Technology, Compliance, City Assets and Design, Customer Services, Records, Transport and Traffic, Operations Centre, Parks and Gardens and Waste Cleansing.

Note that there is a commensurate offset within Reference 10 – Materials and Contracts.

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

Reference 10 – Materials and Contracts - An additional expenditure amount of \$1,916,285 was attributed to various movements within Business Units throughout the budget. Significant movements and additional funding requests were:

- Digitising Costs for Council's Records required additional budget of \$46,000, this project was not originally budgeted.
- \$60,000 increase in Legal Fees associated with Appian Way matter.
- An amount of \$20,000 for the replacement of CCTV cameras at Railway Parade. Contra funding within Reference 17 - Transferred from Reserve.
- \$61,000 was required for returfing of grass areas within several Parks.
- \$247,177 for Strategic Planning Heritage Review, LEP completion and Parramatta Road UTS. Contra funding within Reference 16 – Transferred from Section 94 Contribution and Reference 17 - Transferred from Reserve.
- Contract Temporary Staff - \$1,317,000 to fill vacant positions throughout the organisation. These funds were partially sourced from savings within the Wages and Salaries respective budgets within Reference 8 – Employment Costs.
- An amount of \$61,485 was required to partially demolish one of Council's buildings for safety reasons. Contra funding within Reference 17 - Transferred from Reserve.

There were other budget movements which were under \$15,000 resulting in minor adjustments to the overall budget within the classification of Materials and Contracts.

Reference 12 – Other Expenses - An overall increase in expenditure amounting to \$24,595 was attributed to various movements within Business Units throughout the budget which were either offset with savings from within respective budgets or funded from Materials and Contracts.

Significant movements and additional funding requests were:

- Insurance premium savings of \$60,000 due to better than expected under writing calculations.
- An amount of \$32,000 was required for the advertising of the Deputy General Manager – Land, Infrastructure and Environment position.
- Additional Donation amount of \$20,000 associated with a Mayoral Minute, refer August 2018 Council Meeting.

Capital Expenditure

Reference 18 – Acquisition of Assets - Council's original adopted 2018-2019 Capital Budget, as per Delivery Plan, was \$11,903,000. During the first quarter there has been an increase of \$8,473,748 to \$20,376,748.

Capital Plant, Equipment and Other Assets - Expenditure to 30 September 2018 represents 12.97% of the original budget as shown in the table below.

Property Acquisitions/Disposals - There have been no property acquisitions or disposals during the September quarter.

Capital Works Program - During the September quarter review the Capital Program Working Party have assessed and revised the 2018-2019 Capital Works Program based on recommendations from the respective Project Managers. In addition there were several projects which were commenced during 2017-18 financial year and not completed and now have been carried forwarded to the 2018-2019 financial year:

- \$150,000 Enfield Aquatic Centre Stage 2 Design and Development, carried forward from 2017-18. Funding Source Reference 16 – Transfer from Section 94 contributions.
- \$120,000 for the refurbishment of Enfield Aquatic Centre Foyer, carried forward from 2017-18. Funding source Reference 16 – Transfer from Section 94 contributions.
- \$295,000 Architects fees for the New Council Chambers carried forward from 2017-18. Funding Source Reference 16 – Transfer from Section 94 contributions.
- \$945,000 Burwood Park Pavilion construction, carried forward from 2017-18. Funding Source Reference 16 – Transfer from Section 94 contributions.
- Private Works infrastructure works associated with Town Centre development an additional amount of \$1,216,565, carried forward from 2017-18. Funding source Reference 6 – Capital Grants & Contributions and Reference 16 – Transfer from Section 94 contributions.
- \$40,000 Sander Reserve new Fence, carried forward from 2017-18. Funding Source Reference 17 – Transfer from Reserves.
- \$698,860 Blair Park upgrade, carried forward from 2017-18. Funding Source Reference 6 – Capital Grants & Contributions.
- \$280,000 additional funding required for Blair Park Amenities Block and Canteen. Funding Source Reference 16 – Transfer from Section 94 contributions.
- \$10,000 for the installation of CCTV cameras at Enfield Aquatic Centre. Funding source Reference 17 – Transfer from Reserves.
- \$35,000 installation of CCTV cameras in Woodstock Park. Funding source Reference 17 – Transfer from Reserves.

- \$130,000 Burwood Park Design and Variations to concrete Slab. Funding Source Reference 16 – Transfer from Section 94 contributions.
- \$2,600,000 Henley Park Upgrade. Funding Source Reference 6 – Capital Grants & Contributions.
- \$930,000 additional projects outside Grant Funding in Henley Park. Funding Source Reference 16 – Transfer from Section 94 contributions.
- \$502,500 additional funding for Footpath Upgrades. Funding Source Reference 16 – Transfer from S94 Contributions and Reference 17 – Transfer from Reserves.
- \$300,000 additional funding for Road Works. Funding Source Reference 17 – Transfer from Reserves.
- \$50,000 IT project for eCouncil (DA & CRM) Online Service. Funding Source Reference 17 – Transfer from Reserves.
- \$148,000 Roads and Maritime Services Grant – Blackspot. Reference 6 – Capital Grants & Contributions.
- \$41,163 Greater Sydney Commission Grant - Neich Parade. Reference 6 – Capital Grants & Contributions.
- \$81,660 Wangal Park (Toilet and Fencing of Workshed). Funding Source Reference 17 – Transfer from Reserves.

BURWOOD COUNCIL					
Statement of Capital Income & Expenditure					
Budget Review as at 30 September 2019					
Income					
Adopted Variations					
	Budget	September	Amended Budget	Reference	Actuals
Capital Expenditure					
Renewal Assets (Replacement):					
Fleet Capital Acquisitions Sales	1,450,000	-	1,450,000	18	188,087
Grant Funded Capital Works	-	-	-	18	-
Roads	2,085,000	(658,837)	1,426,163	18	11,403
Traffic Facilities	400,000	148,000	548,000	18	-
Footpaths	1,210,000	502,500	1,712,500	18	33,724
Kerb & Gutter	443,000	-	443,000	18	-
Drainage	435,000	1,000,000	1,435,000	18	-
Park Improvements	620,000	4,448,860	5,068,860	18	88,287
Playground Equip	120,000	-	120,000	18	-
Street Furniture	200,000	-	200,000	18	-
Restorations & Private Works	500,000	1,216,565	1,716,565	18	426,956
Street Trees	-	-	-	18	-
Library Collection	120,000	-	120,000	18	16,012
Lib Resources	30,000	-	30,000	18	2,450
IT Projects	505,000	50,000	555,000	18	368
CCTV - Capital	-	35,000	35,000	18	-
Corporate Projects	400,000	-	400,000	18	21,618
Town Centre Beautification	600,000	-	600,000	18	1,818
Council Buildings	400,000	1,451,660	1,851,660	18	358,502
Enfield Pool	2,300,000	280,000	2,580,000	18	32,510
Domestic Waste Collection	85,000	-	85,000	18	11,681
Total Capital Expenditure	11,903,000	8,473,748	20,376,748		1,193,416
Capital Funding					
Rates & other Charges	(4,898,000)	(452,971)	(9,733,344)		
Capital Grants & Contributions	(500,000)	(4,382,373)	(4,882,373)	17	
Loan Funding	(1,000,000)	-	(1,000,000)		
Domestic Waste Charge	(85,000)	-	(85,000)		
Sale of Assets	(700,000)	-	(700,000)		
Reserves:					
Section 94 Funding	(2,450,000)	(3,563,044)	(6,013,044)		
Reserve Funding	(2,770,000)	(75,360)	(2,845,360)		
Total Capital Funding	(11,903,000)	(4,091,375)	(20,376,748)		

Transfers to and From Reserves:

Reference 16 – Transferred from Section 94 - An increase of \$3,563,044 relating to the following projects:

- Blair Park – Amenities Block and Canteen \$280,000
- Henley Park – Additional works other than Grant Funded \$830,000
- Burwood Park Pavilion \$1,075,000
- Enfield Aquatic Centre Stage 2 Design \$150,000
- Enfield Aquatic Centre Foyer upgrade \$120,000
- New Council Chambers Design \$295,000
- Infrastructure Footpath Works Liverpool Road Tahlee Street and Launcelot Ave \$372,000
- Private Works Footpath Paving \$322,215
- Parramatta Road Urban Transformation Strategy \$118,829

Reference 17 – Transferred from Reserve - An increase of \$865,702 relating to the following projects:

- Enfield Aquatic Centre CCTV \$10,000
- Infrastructure Road Works Boundary and Young Streets \$300,000
- Infrastructure Footpath Works Liverpool, Shaftesbury Roads and Tahlee Street \$130,000
- Wangal Park Toilet and Fencing workshed \$81,660
- Sanders Reserve Fencing \$40,000
- Heritage and LEP Reviews completion of the projects \$128,848
- Demolition part 12 Burleigh Street Building \$65,360
- Community Projects \$4,834
- Railway Parade CCTV replacement \$20,000
- Woodstock Reserve CCTV \$35,000
- eCouncil (DA & CRM) Online Service \$50,000

Cash and Investments Budget Review Statement

Budget Review for quarter ended 30 September 2018					
Cash & Investments					
	Opening Balance as at 1 July 2018 000s	Original Budget 2018-19 000s	Budget Review September 2018-19 000s	Projected Year End Result 000s	Actual YTD figures 000s
Total Cash, Cash Equivalents and Investment Securities	57,187	56,662	52,233	52,233	65,485
Restrictions					
External Restrictions					
Developers Contributions	18,092	1,505	-3,563	16,034	16,034
Specific Purpose Unexpended Grants	692	-	-	692	692
Loans	1,581	-	-430	1,151	1,151
Stormwater Management	-	-	-	-	-
Domestic Waste Management	2,308	-150	-	2,158	2,158
Total External Restrictions	22,673	1,355	-3,993	20,035	20,035
Internal Restrictions					
Plant & Vehicle Replacement	2,926	-500	-	2,426	2,426
Employees Leave Entitlements	1,378	-	-	1,378	1,378
Carry Over Works	1,748	-	-82	1,666	1,666
Deposits, Retentions & Bonds	4,978	-	-	4,978	4,978
Financial Assistance Grant (advance)	516	-	-	516	516
Information Technology	323	-195	-50	78	78
WHS	130	-	-	130	130
Parking Meters Replacement	227	100	-	327	327
Property Sales	500	-	-	500	500
Future Property Investment	5,917	-	-	5,917	5,917
LATMs	154	-	-	154	154
Woodstock Community Building	287	-	-	287	287
Election	185	90	-	275	275
Property Maintenance	1,400	-400	-65	935	935
Burwood Park Upgrade	1,000	-300	-	700	700
Car Park Upgrades	574	-	-	574	574
Enfield Aquatic Centre Maintenance/Upgrade	1,156	-825	-	331	331
Road & Footpath Restorations	894	-	-	894	894
Insurances	1,136	150	-	1,286	1,286
CCTV	477	-	-105	372	372
Organisational Alignment	500	-	-	500	500
Technology Enhancements	1,250	-	-	1,250	1,250
Payments in Advance	95	-	-	95	95
Works Depot	750	-	-	750	750
Other	200	-	-134	66	66
Total Internal Restrictions	28,701	-1,880	-436	26,385	26,385
Total Restrictions	51,374	-525	-4,429	46,420	46,420
Unrestricted Cash	5,813	5,813	5,813	5,813	19,065

Council's Current Unrestricted Cash is distorted as Council has received a high volume of rate revenue as at 30 September 2018. The Unrestricted Cash figure will fluctuate during the year as it will be used to fund planned expenditure.

Investments - Council's investments have been made in accordance with the Investment Policy and the Investment Guidelines issued by the Minister for Local Government at the time of their placement. As at 30 September 2018, Council's investment portfolio stood at \$65,484,881. Council's Investments are tabled on a monthly basis as a separate report.

Cash - Council's Finance Staff undertake a monthly bank reconciliation, which reconciles funds held in Council's General Fund Bank Account with those within its ledger. The most recent reconciliation was undertaken on 4 October 2018 for the month ending 30 September 2018 and the balance in Council's General Fund Bank Account totalled \$5,770,868.02.

Key Performance Indicators Statement

In assessing an organisation's financial position, there are a number of performance indicators that can assist to easily identify whether or not an organisation is financially sound. These indicators and their associated benchmarks, as stipulated by the Local Government NSW are set out below.

	Performance Indicator	2018-19 Original Budget	2018-19 Budget Sept Review	Local Government or NSW Treasury Corp Bench Mark	March Quarter Comments
1	Operating Performance Ratio	-2.84%	-3.58%	Greater or equal to break-even	Tracking to revised result
2	Consolidated Budget Result	\$56,593 Surplus	\$8,391 Surplus	N/A	Current budget tracking to revised result.
3	Unrestricted Current Ratio	4.9:1	5.68:1	Greater or equal to 1.5:1	Currently trending above the benchmark.
4	Debt Service Result	2.00%	2.04%	Greater than Zero	Tracking as per Budget.
5	Rates and Annual Charges Outstanding %	102.45%	57.34%	Less than or equal to 5%	For the year to 30 September 2018 Council has received \$11,761,074 in payment of Rates, Annual Charges and Interest levied which equates to 41.51% paid.
6	Building and Infrastructure Renewals Ratio	184%	230%	>100% or 1:1	Ratio has improved due to works carried over from previous year and new works commissioned during quarter.

- 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".
- 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.
- 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 5.68:1 at years end. A ratio greater than 1.5 is a positive financial indicator.
- 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.
- Rates and Annual Charges Outstanding Percentage** - This indicator measures the collectability of Council's rates and annual charges revenue and highlights the strengths of collection policies and strategies. A ratio of 5% or less is a positive financial indicator. Currently Council has collected 41.51% of the Rates and Annual Charges raised, based on these figures

a collection rate for the year will be in the same percentage band as previous years, below the Office of Local Government recommended 5% level.

6. **Building and Infrastructure Renewal Ratio** - This ratio indicates the rate of renewal/replacement of existing assets as against the depreciation of the same category of Assets. A ratio greater than one is a positive financial indicator.

Budget Review Contracts and Other Expenses

Part A – Contracts Listing - The following contract was entered into by Council during the quarter ending 30 September 2018:

Contractor	Contract Details and Purpose	Commencement Date	Duration of contract	Budgeted
Designinc	Architectural Design of Work Spaces, 8 Conder Street	14 September 2018	6-9 Months	Y

Part B – Legal Expenses

Type	Individual Matter	Expenditure Year to Date	Cost Recovery / Fines YTD	Cost Recovery / Fines YTD
Advice	Conflict of Interest	1,221.00		
Advice	Online DA Notification	897.00		
Advice	Clause 4.6(8)(cb) of the Burwood LEP and Exceptions to Floor Space Ratio	3,689.00		
Voluntary Planning Agreement (VPA)	27/29 Burwood Road, Burwood	330.00		
Voluntary Planning Agreement (VPA)	39-47 Belmore Street, 6-14 Conder Street, 11-19 Wynne Avenue Burwood	1,650.00		
Voluntary Planning Agreement (VPA)	17 Deane Street Burwood	1,229.30		
Voluntary Planning Agreement (VPA)	84-88 Burwood Road Burwood		5,019.52	5,019.52
Advice	39-47 Belmore, 6-14 Conder, 11-19 Wynne	5,000.50		
Supreme Court	13 Appian Way Burwood	53,261.34		
Land & Environment Court	24 Burleigh Street Burwood	6,621.33		
Advice	CB Projects Pty Ltd - development not in accordance with consent		4,000.00	4,000.00
Land & Environment Court Appeal	146-152 Liverpool Rd - DA 184/2016	4,139.73		
Land & Environment Court Appeal	31 Wyatt Avenue Burwood	10,575.60		
Land & Environment Court Appeal	21-23 Belmore Street Burwood	20,517.24		
Land & Environment Court Appeal	5 Oxford Street Burwood	9,048.54		
Advice	A Build Pro Residential P/L Breach DA Consent 79-81 Liverpool Road Burwood		7,000.00	7,000.00
Advice	10 Daisy St - Enforcement Iglesia Ni Cristo Church	17,455.06		
Advice	L1/41 George St Burwood - Illegal Use-Brothel	4,915.73		
Advice	12-16 Boundary & 13-17 Grosvenor St Croydon	1,120.00		
Advice	144A & 144B Burwood Road - Strata Subdivision	1,914.00		
Advice	241 Georges River Road, dangerous dog declaration	1,711.50		
Advice	Proposed acquisition of underground of public roads at Burwood and Croydon	1,250.00		
		146,546.87	16,019.52	16,019.52
Annual Budget		625,500		

Conclusion

The current forecast budget result and the variations identified as part of the 30 September 2018 Quarter review have been undertaken by the Executive Team and the Chief Finance Officer. During this quarter carryover Capital Works projects were brought forward with the corresponding expenditure and funding sources. There were minor income and expenditure changes made throughout the budget which had minimal effect on the revised projected surplus.

There are a number of budget items that will require close monitoring and reviewed over the next three months, including Enforcement Fine income, Car Parking income, Development Application income and Town Planning Consultancy expenses, Temporary Agency Staff expenses, Wages and Salaries Overtime, Commercial Waste activities, Footpath and Kerb and Gutter Maintenance, Private Works, Road and Footpath Restoration works and Enfield Aquatic Centre revenue and expenditure.

Regulatory Compliance

In compliance with the requirements of Clause 203(2) of the Regulations, the Responsible Accounting Officer must prepare and submit to Council a budget review statement and form an opinion as to whether the statements indicate that the financial position of the Council is satisfactory. The Chief Finance Officer has been delegated as the Responsible Accounting Officer by the General Manager.

The following is the Responsible Accounting Officer (Chief Finance Officer) opinion:

"It is my opinion that the Quarterly Budget Review Statement for Burwood Council for the quarter ended 30 September 2018 indicated in the above report, takes into account and reflects the changing economic and other conditions that are currently impacting on Council. Council is in a satisfactory position however, it will be essential for the forecast Surplus to be continually monitored by the Executive and their immediate Managers during the remainder of the financial year, with particular attention being provided to maintaining revenue streams and monitoring expenditure especially Temporary Contracted Staff resources to deliver the forecast surplus and pursue strategies to maintain Council's sustainability".

Recommendation(s)

1. That the Budget Review Statement of the 2018-2019 Budget as at 30 September 2018, including the statement by the Responsible Accounting Officer, Chief Finance Officer, be received and noted.
2. That in accordance with Clauses 203 and 211 of the *Local Government (General) Regulations 2005*, the revised estimates of income and expenditure for 2018-2019 surplus of \$8,391, 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 117/18) INVESTMENT REPORT AS AT 31 OCTOBER 2018

File No: 18/43593

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*.

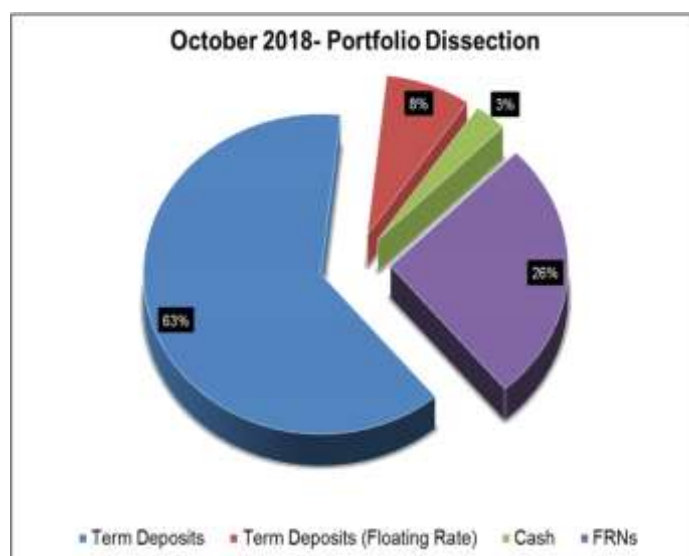
Background

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 31 October 2018 is:



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

Purchase Date	Financial Institution	Principal Amount	Interest Rate	Investment Days	Maturity Date
23 Feb 18	Commonwealth Bank	2,500,000	2.57%	270	20 Nov 18
20 Sep 18	National Australia Bank	3,000,000	2.65%	91	20 Dec 18
16 Jan 18	Commonwealth Bank	2,000,000	2.64%	365	16 Jan 19
21 Mar 18	Westpac - Quarterly Interest	3,000,000	2.70%	365	21 Mar 19
01 Jun 18	AMP Bank (Imperium)	3,000,000	2.75%	368	04 Jun 19
14 Jun 18	National Australia Bank	3,000,000	2.80%	365	14 Jun 19
11 Jul 18	National Australia Bank	3,000,000	2.80%	365	11 Jul 19
24 Jul 18	Westpac - Quarterly Interest	2,000,000	2.79%	365	24 Jul 19
31 Aug 18	Westpac	3,000,000	2.70%	365	31 Aug 19
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
07 Dec 17	ING Bank (Imperium)	3,000,000	2.83%	732	09 Dec 19
31 Aug 18	National Australia Bank	3,000,000	2.80%	731	31 Aug 20
18 Oct 18	Bankwest	3,000,000	2.70%	271	16 Jul 19
Total		40,500,000			

The following graph highlights Council's investment balances for the past 12 months:



Council's investment portfolio is recognised at market value and some of its investments are based on the midpoint valuations of the underlying assets and are subject to market conditions that occur over the month.

Council's investment balances as at reporting date and for the previous two months are detailed in Attachment 1. Definitions on the types of investments are detailed in Attachment 2.

Investment Performance and Market Commentary

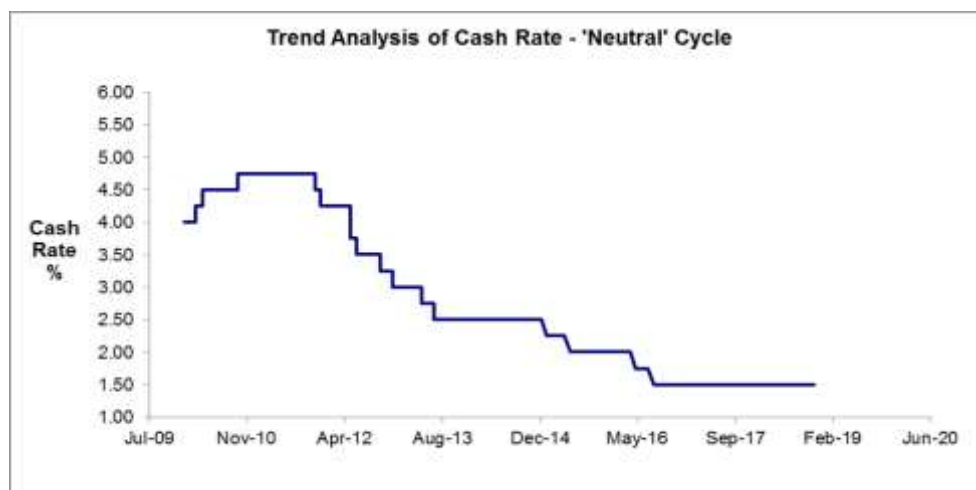
The Reserve Bank of Australia (RBA) at its 6 November 2018 Board Meeting kept the official cash rate unchanged at 1.50% per annum. According to the RBA Governor "...The global economy is continuing to expand with a number of advanced economies growing at an above-trend rate and unemployment rates are low. Growth in the Chinese economy has slowed a little with authorities easing policy while continuing to pay attention to risks in the financial sector. Globally, inflation remains low, although it has increased due to both higher oil prices and some lift in wages growth. A further pick-up in inflation is expected given the tight labour markets and, in the United States, the sizeable fiscal stimulus. One ongoing uncertainty regarding the global outlook stems from the direction of the international trade policy in the United States.

Domestically, the Australian economy is performing well with GDP increasing to 3.4 per cent and the unemployment rate declining to 5 per cent, the lowest in six years. The forecasts for economic growth in 2018 and 2019 have been revised up a little. The central scenario is for GDP growth to average around 3.5 per cent over these two years, before slowing in 2020 due to slower growth in exports of resources. Business conditions are looking positive and non-mining business investment has improved with increased public infrastructure investment also supporting the economy, as is growth in resource exports. One continuing source of uncertainty is the outlook for household consumption, household income remains low and debt levels are high. The drought has led to difficult conditions in parts of the farm sector.

The outlook for the labour market remains positive. With the economy growing above trend, a further reduction in the unemployment rate is expected to be around 4.75 per cent in 2020. The vacancy rate is high and there are reports of skills shortages in some areas. Wage growth remains low although it has picked up a little. The improvement in the economy should see some further lift in wages growth over time, although this is still expected to be a gradual process.

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 November 2018

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



Recommendations(s)

1. That the investment report for 31 October 2018 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

Attachments

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

[illegible]

Certificate of Reasons for Accounting Offsets

W. D. T. G.

Chief Finance Officer

Investment Types

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 118/18) ADOPTION - REVISED RATES AND CHARGES HARDSHIP ASSISTANCE POLICY

File No: 18/25985

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE & COMMUNITY

Summary

Council's Revised Rates and Charges Hardship Assistance Policy has been reviewed and updated in accordance with Council's Policy Review Corporate Practice. The policy provides a framework for determining assistance to ratepayers of Residential Rating Categories who are suffering genuine financial hardship with the payment of rates and charges.

Operational Plan Objective

2.3.1. – Identify and maintain additional revenue sources to ensure financial sustainability

Background

Council's current Rates and Charges Hardship Assistance Policy was adopted in March 2013 and now in accordance with Council's policy review Corporate Practice a review of the current Policy has been undertaken.

Comment

The current Policy adopted 26 March 2013 has been reviewed and updated. The following amendments have been made in line with Council's Review Corporate Practice:

AMENDMENT	COMMENT
Division of Local Government	Change to reflect current name – NSW Office of Local Government
Approval Process	Section 10(2)(b) change to read Section 10A(2)(b)
Related Information	Remove "Government Information (Public Access) Act 2009 as applications are not provided to anyone and are dealt with under Privacy and Personal Information Protection Act 1998
Contact	Updated Position Title

Financial Implications

Financial implications will result in cash flow issues only due to non-payment of rates and charges in the year that the rates are levied. The deferment of payment of rates and charges will incur the current interest rate applicable at the time and be recovered on either the sale of the property, settlement of the estate or the entering into payment arrangements.

Conclusion

The Revised - Rates and Charges Hardship Assistance Policy once adopted by Council will be forwarded to the Financial Operations Accountant for implementation and will be published on Council's Website along with the relevant application form.

Recommendation(s)

That Council adopts the Revised - Rates and Charges Hardship Assistance Policy.

Attachments

1 [!\[\]\(99f58673407353e96a019fbca558fd72_img.jpg\)](#) Revised - Rates and Charges Hardship Assistance Policy 9 Pages



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REVISED - RATES AND CHARGES HARDSHIP ASSISTANCE 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
Website: www.burwood.nsw.gov.au

Corporate Document
Adopted by Council:
Amended and approved by General Manager
Term No:
Version No. 3
Ownership: Finance

Rates and Charges Hardship Assistance Policy**Purpose**

To provide a framework for determining assistance to ratepayers of Residential Rating Categories who are suffering genuine financial hardship with the payment of rates and charges, including pensioners.

Scope

Burwood Local Government Area ratepayers who meet the criteria for genuine hardship and eligible pensioners.

Principles

Council is committed to the following principles when considering an application of financial hardship with regard to the payment of rates and charges:

- Application of the principles of social justice, fairness and integrity
- Compliance with relevant statutory legislation
- Respect for the privacy of individuals

Definitions

Interest – a charge raised in relation to unpaid rates and charges in accordance with Section 566 of the Act

Pensioner – person solely liable, or a person jointly liable with one or more other persons, for a rate or charge levied on land (that is their principal or sole place of residence) who is in receipt of a pension, benefit or allowance under the *Social Security Act 1991* or the *Veterans' Entitlement Act 1986* who are entitled to a pensioner concession card

Deferment – the deferral of payment of the rates and charges for no more than 15 years from the original year of levy

Eligibility for Hardship Assistance

A ratepayer may be eligible for consideration for Hardship Assistance in the payment of overdue rates, annual charges, interest, and fees, where:

- the person is unable to pay due rates and charges fees or accrued interest when due and payable for reasons beyond the person's control
- payment when due would cause the person hardship

In determining eligibility, Council will use the information that is provided in the application form found at Appendix 1.

The applicant or Council staff may request an interview to assist in the understanding of the issues causing hardship.

Available Assistance

General:

Council recognises that ratepayers may experience hardship in some circumstances in paying rates and annual charges. The *Local Government Act 1993* (the Act) provides for the following assistance to ratepayers:

- Periodical payment arrangements for overdue rates and charges (Section 564)
- Writing off or reducing interest accrued on rates or charges (Section 564 and 567)

Rates and Charges Hardship Assistance Policy

- Waiving, reducing or deferring the payment of the increase in the amount of rate payable because of hardship resulting from general revaluation of land in the Local Government Area (Section 601). This assistance is only available in the first year that the new valuations are used to levy rates
- Waiving, or reducing rates, charges and interest of eligible pensioners (Section 575 and 582)

Assistance to eligible pensioners:

Council recognises the number of pensioner ratepayers in the community, and is concerned with the difficulties some eligible pensioner ratepayers may have in meeting their rate payments.

Section 712 of the Act provides that proceedings for recovery of a rate or charge may be commenced at any time within 20 years from the date when the rate or charge became due and payable. The **Division Office** of Local Government Rating and Revenue Manual advises that councils have discretion to accrue rates, charges and applicable interest against a pensioner's estate. The **Division Office** of Local Government advises if councils wish to utilise this discretion, an agreement is required from the pensioner ratepayer.

Where the eligible pensioner requests a delay in recovery action to allow outstanding rates **and** charges, and interest to accrue against their estate, and is willing to enter into an agreement, Council will:

- Provide the eligible applicant pensioner ratepayer with a copy of the Hardship Rate Relief Application Form (refer Appendix 1) that will require the disclosure of relevant financial information. The ratepayer must complete the application in order to prevent proceedings commencing.
- Provide an annual rates notice of all outstanding rates **and** charges, and interest as well as appropriate instalment reminders.
- Not commence recovery action until there is a change in ownership of the property, either or both ratepayers leave the property (except where the pensioner is in a care facility on a temporary basis being less than 12 months) or either or both become ineligible for a concession. Should any of these events occur, rates and charges will become due and payable.
- However, given the constraints as set out in section 712 of the Act, Council will require pensioners to commence the payment of overdue rates and charges, such that their total debt to Council does not exceed **19 15** years.
- Should the pensioner be unable to adhere to the above, Council may commence recovery proceedings for any debt in excess of **nineteen 15** years.

The following conditions will apply to Burwood Council's agreement to defer recovery action:

- Interest on overdue rates and charges continues to accrue and the interest rate may vary from year to year in accordance with the Minister for Local Government's determination.
- The application to allow accrual of rates against future estate or sale of the property must be in writing, signed by each owner or person having an interest in that land. A letter of confirmation is to be provided each financial year to ensure the ongoing agreement between the ratepayer(s) and the Council.
- An eligible pensioner ratepayer must notify Council if the pensioner no longer uses it as his/her principal place of living or rents it out. Notification must be provided by the pensioner within 30 days of vacating the premises.
- Deferment of rates and charges under this policy will be for no more than 15 years. Prior to the commencement of the 15th year periodic instalments are to be made to ensure that no more than 15 years remain outstanding at any one time. Council Officers will contact the ratepayer to arrange a satisfactory payment arrangement.
- Approved applicant(s) agree that all rates and charges will accrue against the estate and are to be paid in full upon finalisation of the estate.

Rates and Charges Hardship Assistance Policy

- The rates and charges outstanding must be paid in full on settlement on the sale of the property.
- If the owner ceases to be an eligible pensioner at any time the rates and charges are required to be paid in full.

Process for Rate Relief**Criteria**

- A pensioner must hold a concession card issued under the *Social Security Act 1991* or the *Veterans' Entitlement Act 1986*.
- The applicant(s) must have owned the applicable property for five years or more.
- Properties that are subject to a mixed development apportionment factor are not eligible.

Requirements

- Applications must be made on the Hardship Rate Relief Application Form and lodged with Council (refer Appendix 1).
- The pensioner must grant permission to Council Officers to confirm with Centrelink or Veterans' Affairs their pensioner eligibility.
- Council Officers must sight the original pension card.

Approval Process

- All applications received will be reported to Council in closed session for determination under Section 10A(2)(b) personal hardship of any resident or ratepayer of the Act.
- A copy of the application form is to be attached to the Council report.
- Applications that have been approved, will require the Pensioner to complete the Rates and Charges to Accrue to the Estate Settlement on Sale of the Property Form (refer Appendix 2).
- At each rate levy the Pensioner will be advised of the rates outstanding via a Council Rate Notice with a covering letter reaffirming that they are not payable until the 15th year, including the interest rate chargeable for the current year highlighted.
- No reminder notices or letters of demand will be sent to the Pensioner during the financial year.
- Applications that have not been approved will be advised accordingly and reasons provided.

Related Information

- *NSW Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Social Security Act 1991*
- *Veterans' Entitlement Act 1986*
- *Privacy and Personal Information Protection Act 1998*
- ~~*Government Information (Public Access) Act 2009*~~
- *Environmental Protection & Assessment Act 1979*
- *Health Records and Information Privacy Act 2002*
- Burwood Council's Privacy Management Plan

Review

This policy will be reviewed every four years.

Contact

Revenue Team Leader Financial Operations Accountant on 9911 9836

Appendix 1



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HARDSHIP RATE RELIEF APPLICATION FORM

APPLICATION FOR HARDSHIP RATE RELIEF FOR THE WHOLE OR PART OF THE YEAR
COMMENCING 1 JULY 20__

*please answer all questions relevant to you using block letters and ticking appropriate boxes.

Applicant Details

I, (full name)

Of (residential
address)

Apply for concessional rate arrangement on the following grounds:-

.....
.....
.....

Amount Owing: \$

Property Rates Assessment Number:

For the purposes of this application, I give the following information, and that contained in the attached Statement of Position, which I believe to be correct.

1) Do you receive any pensions or benefits? ☐ Yes ☐ No

If No, proceed to Question 4.

If Yes, please provide type of pension and amount received per fortnight.

Pension: _____ Amount: \$ _____

2) Do you have a current Pensioner Concession Card issued by the Commonwealth Government?

PCC No. _____ Date Granted: _____

3) Have you claimed a pensioner concession on any other property this year:

If Yes, state the address of the property _____

Rates and Charges Hardship Assistance Policy

- 4) Is this property your sole or principal place of living? ☐ Yes ☐ No

The property for which I am claiming has been my sole/principal place of living since _____

- 5) I am liable for the payment of rates and charges on this property, together with others as listed below. (If no others, write "SOLE OWNER") _____

Please provide details of all "other" persons indicated in Question 5. (ALL OWNERS other than the applicant should be listed, including your spouse):

Name Pension Type Pension

Name	Pension	Pension No	Date of Grant	Share (%) Ownership*

Evidence of joint ownership is attached/has been provided to council previously (circle whichever is applicable).

- 6) Is the property owned as shares in a company title? ☐ Yes ☐ No
If you do not own or rent the property, please explain why you are liable to pay the rates

- 7) Are there people living at the property other than those listed at Question 5? ☐ Yes ☐ No

- 8) Please indicate who these people are?

- ☐ Self
☐ Spouse
☐ Children (State ages _____)
☐ Boarders
☐ Relatives
☐ Other (please specify)

- 9) Do you own (either fully or partially) any other land or buildings? ☐ Yes ☐ No
If yes, list addresses.

- 10) How many children do you support? _____ State ages _____

Rates and Charges Hardship Assistance Policy

11) What is the cause of financial hardship?

12) How long have you been experiencing hardship? _____

13) Please state gross weekly amount received in dollars and cents from the following sources of income:

- | | |
|--|----------|
| a) Salary and Wages (after tax) | \$ _____ |
| b) Pensions and benefits | \$ _____ |
| c) Compensation, superannuation insurance or retirement benefits | \$ _____ |
| d) Spouse's income | \$ _____ |
| e) Income of other residents of the property | \$ _____ |
| f) Casual/part-time employment | \$ _____ |
| g) Family allowance | \$ _____ |
| h) Interest from banks/credit unions/building societies | \$ _____ |

14) Please provide name and current balance of all bank, credit union or building society accounts held by you.

15) Please state details of fortnightly outgoings.

Outgoing Owed to Amount

- | | |
|---|----------|
| • Rent/Home Loan | \$ _____ |
| • Other mortgages | \$ _____ |
| • Personal loans/Hire purchase | \$ _____ |
| • Health Costs | \$ _____ |
| • Council rates and other Service charges | \$ _____ |

Please attach a separate page with any other relevant information you feel may assist your application.

I hereby declare that the information provided is true and correct. **If you make a false statement in an application you may be guilty of an offence and fined up to \$2,200.**

Signature: _____ Date: _____

CUSTOMER CONSENT

For the sole purpose of authorising the council to confirm with Centrelink whether or not the detail I have provided to the council matches Centrelink or other Commonwealth portfolio department or agency records in relation to the current status of my Commonwealth Benefit:

I authorise the council to confirm with Centrelink the following details:

- Pension No.
- Name
- Address
- Postcode, and
- That I am a valid concessional card holder

I agree that, unless I revoke my consent, this Customer Consent record is a permanent consent, and may be relied on by the council until such time as I revoke it.

I may revoke this Customer Consent record at any time by giving the council **written** notice that my consent is revoked. I understand if I revoke this consent, I may not be eligible for the concession given by the council.

I acknowledge I have read and understood this Customer Consent record.

Signature: _____ Date: _____

PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998 Compliance with Section 10

The information contained in this application form and any information requested for the purpose of assessing eligibility for a pensioner concession is required under the *Local Government Act 1993* and the *Local Government (Rates and Charges) Regulation 2005*. This information is required before your application for a pensioner concession can be processed. The information is private and confidential and council must not disclose the information to any person or body if it is not directly related to the purpose for which the information was collected.

If you have a complaint about the use of your personal information, contact the council's Public Officer. The information contained or referred to in this application form may be corrected and updated by you, by contacting the council.

Appendix 2



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RATES & CHARGES TO ACCRUE TO THE ESTATE – SETTLEMENT ON SALE OF PROPERTY - AGREEMENT

I/We: _____
(name/s)

Of: _____
(residential address)

Assessment Number: _____
(assessment number)

I/We understand that:

1. all rates and charges for the abovementioned property will accrue against my estate
2. the outstanding rates and charges are subject to interest in accordance with the *Local Government Act 1993* and may vary from year to year
3. upon transfer or sale of the above mentioned property the outstanding rates and charges will be paid to Council
4. if any rates and charges remain unpaid for a period of 15 years then I will commence payment of rates and charges by periodic instalments to ensure that no more than fifteen years rates and charges are outstanding at any one time
5. upon my death the outstanding rates and charges accrued to my Estate will be paid to Council upon finalisation of the Estate
6. if I/we cease to be an eligible pensioner the rates and charges are required to be paid in full

Signature of Applicant/s _____
(signature of applicant/s)

Dated this _____ day of _____ 20____

Signature of Applicant/s taken and declared at in the State of New South Wales

Justice of the Peace _____ JP number _____

Dated this _____ day of _____ 20____

(ITEM 119/18) ADOPTION - REVISED AGENCY INFORMATION GUIDE - GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009

File No: 18/44043

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE & COMMUNITY

Summary

The report seeks Council adoption of the revised – Agency Information Guide (the Guide). Section 20 of the *Government Public Access Information Act 2009* (the Act) requires all Councils to produce an Agency Information Guide. The purpose of the Guide is to provide the community with information concerning Council and also how to further access information.

Council adopted the Guide on 26 June 2018 and provided it to the Information and Privacy Commission (IPC) on 5 July 2018 as required under the Act. On 14 August 2018 the IPC sent a letter to Council with feedback on Council's Guide following their assessment, providing additional guidance and recommendations.

Further, the *Government Information (Public Access) (GIPA) Regulation 2018* (the Regulation) has been reviewed and the amended Regulation contains an additional open access information in relation to development applications for local government.

The Agency Information Guide is now submitted for endorsement.

Background

Section 20 of the Act requires all Councils to produce an Agency Information Guide. The purpose of the Guide is to provide the community with information concerning Council and also how to further access information. As a minimum the Guide:

1. describes the structure and functions of the agency
2. describes the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public
3. specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agency's functions
4. identifies the various kinds of government information held by the agency
5. identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available
6. specifies the manner in which the agency makes (or will make) government information publicly available
7. identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed

The current Agency Information Guide was adopted by Council on 26 June 2018.

Proposal

The following recommendations were provided by IPC:

- There is reference to information that may require a formal application, however AIG may benefit from describing kinds of information for which a charge is or will be imposed
- Update references and contact details of the Information and Privacy Commission
- The importance of Open Data has been confirmed in the NSW Government Digital Strategy with a priority to make data available to the people of NSW, and the Act requirements extend to all information including data held by agencies. Your Agency's AIG provides the opportunity to ensure incorporation of data with the information prescribed under the Act, and IPC encourage Council to enhance the AIG's approach to open data in its next review

Further, from 31 August 2018 Schedule 1, Clause 3 of the Regulations has been amended on the provisions for open access information for local government in relation to development applications.

The following information no longer falls within the definition of open access information:

- development applications made before 1 July 2010
- in relation to a development application received before 1 July 2010, any associated documents which were received before, on or after 1 July 2010
- the records of decisions, including decisions made on appeal, on development applications made before 1 July 2010

In addition, the Guide has been amended as follows:

- Organisation Structure (as adopted by Council on 25 September 2018)
- Amended reference to Independent Hearing and Assessment Panel to Burwood Local Planning Panel
- Amended the review of the Proactive Release Program from annually to regularly
- Ways of Accessing Information – Combined Open Access Information and Informal Application as they are treated the same
- Information about Development Applications – Added the amendment to the GIPA Regulations 2018
- Formal Access Applications – as per IPC's recommendation, added information describing kinds of information for which a charge is or will be imposed
- Updated reference and contact details of IPC
- Related Information/Glossary - Added the *GIPA Regulations 2018*
- Minor editorial changes

Council at this stage has not added information in relation to Open Data as Council does not prescribe to other open data initiatives such as data.nsw.gov.au. Council officers will consider this in their next review.

The revised – Agency Information Guide has been developed in line with Section 20 of the Act and any directives issued by the Office of Local Government and the Information and Privacy Commissioner with the exception of Open Data.

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

All amendments are in red within the document.

Financial Implications

Development applications received, or records of decisions made before 1 July 2010 continue to be 'government information' within the meaning of the Act and can be requested via an access application. Council can now charge a \$30.00 Formal Access Application Fee as well as a processing charge of \$30.00 after the first hour for non-personal applications.

Implementation

Once Council adopts the Agency Information Guide, the Guide will be circulated to all Council Officers via an email and published on Council's website.

Recommendation(s)

1. That Council endorse the revised - Agency Information Guide in line with the requirements of the *Government Public Access Information Act 2009*.

2. That Council furnish a copy of the adopted Agency Information Guide to the Information and Privacy Commissioner for reference.

Attachments

- 1 [↓](#) Adoption - Revised Agency Information Guide - Government Information (Public Access) Act 2009



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**REVISED - AGENCY INFORMATION GUIDE
– GOVERNMENT INFORMATION (PUBLIC
ACCESS) ACT 2009**

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PO Box 240, BURWOOD NSW 1805
Telephone: 9911 9911 Fax: 9911 9900
Website: www.burwood.nsw.gov.au
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Version No.: 8

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Purpose

To provide members of the community and Council Officers with information concerning:

- the structure and functions of the Council
- the manner in which the functions of Council affect members of the public
- any arrangements that exist for members of the public to participate in the formulation of Council's policies and the exercise of Council's functions
- the kinds of government information held by Council
- the kinds of government information held by Council that is publicly available
- the manner in which Council makes government information publicly available
- the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed

Note: This document has been produced in accordance with Section 20 of the *Government Information (Public Access) Act 2009 (GIPA)*.

Functions of Burwood Council

The primary responsibilities of Burwood Council are the planning and maintenance of the Local Government Area. Decisions made by the Council directly impact on its residents, land owners and business operators. The actions of all NSW Councils are guided by the *Local Government Act 1993*.

Significant policy, planning and strategic issues are considered and decisions are made by the elected members at a meeting of the Council. Decisions regarding issues of an operational nature or less significance are made under delegated authority by the General Manager or relevant Council Officers.

Under the *Local Government Act 1993* (Section 8) Council must among other things, give consideration to:

1. providing directly, or on behalf of other levels of government, adequate, equitable and appropriate services and facilities for the community
2. ensuring that services are managed efficiently and effectively
3. exercising community leadership
4. exercising its functions in a manner that is consistent with and actively promotes the principle of cultural diversity
5. properly managing, developing, protecting, restoring, enhancing and conserving the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
6. the long term and cumulative effects of its decisions
7. the fact that it is the custodian and trustee of public assets
8. effectively accounting for and managing the assets for which it is responsible
9. facilitating the involvement of Councillors, members of the public, users of facilities and services and Council staff in the development, improvement and coordination of Local Government
10. raising funds for local purposes by way of rates, charges and fees, investments, loans and grants
11. keeping the local community informed about its activities
12. ensuring that, in the exercise of its regulatory functions, it acts consistently and without bias
13. being a responsible employer

Furthermore, Council is required to undertake various service, regulatory, revenue, administrative, enforcement and ancillary functions including:

Service Functions	Provision of community health, recreation, education and information services, Environmental Protection Waste removal and disposal, Land and Property, Industry and Tourism Development and Assistance, Civil Infrastructure, Maintenance and Construction
Regulatory Functions	Approvals, Orders, Building Certificates
Revenue Functions	Rates, Charges, Fees, Borrowings and Investments
Administrative Functions	Employment of Council Officers, Management Plans, Financial reporting, Annual Reports
Enforcement Functions	Proceedings for breaches of Local Government Act and Regulations and other Acts and Regulations, Prosecution of Offences, Recovery of Rates and Charges
Ancillary Functions	As per Section 22 of the <i>Local Government Act 1993</i>

The role of Council, however, extends well beyond these statutory considerations. Council provides an important focus and rallying point for the community. Council can be the vehicle for harnessing local concerns about specific issues, or for pursuing the community's visions and ideas.

Council's Organisational Values

Governance – consultation, accountability, transparency

Service – efficiency, effectiveness, responsiveness

Sustainability – prudence, innovation, preservation

Respect – honesty, fairness, dedication, integrity

Burwood Council's Structure

Description of Council's Organisation Structure

There are three divisions in the organisation, the Office of the General Manager, Land, Infrastructure & Environment and Corporate, Governance & Community. The following Organisation Structure shows the functions of each division.

Organisational Structure

September 2018



Effect of Council's Functions on Members of the Public

Most of Council's functions have a direct impact on the public. Council's determination of development applications has legal force in the control of development and building work in the Council area. Council's Integrated Planning and Reporting Plans determine a number of significant projects that will contribute to Burwood being a vibrant major centre in the Inner West, and a leader in the provision of services, in the context of financial and economic sustainability, intergenerational connections, community governance, transparency and accountability.

Council's functions are governed by the *Local Government Act 1993*. Some other Acts and some of the functions they confer include:

ACT	FUNCTIONS
<i>Community Land Development Act 1989</i>	planning functions as consent authority
<i>Companion Animals Act 1998</i>	companion animal registration and control
<i>Conveyancing Act 1919</i>	placing covenants on council land
<i>Environmental Planning and Assessment Act 1979</i>	environmental planning
<i>Fire Brigades Act 1989</i>	payment of contributions to fire brigade costs and furnishing of returns
<i>Food Act 2003</i>	inspection of food and food premises
<i>Impounding Act 1993</i>	impounding of animals and articles
<i>Library Act 1939</i>	library services
<i>Protection of the Environment Operations Act 1997</i>	pollution control
<i>Public Health Act 1991</i>	inspection of systems for purposes of microbial control
<i>Recreation Vehicles Act 1983</i>	restricting use of recreation vehicles
<i>Roads Act 1993</i>	roads
<i>Rural Fires Act 1997</i>	issue of permits to light fires during bush fire danger periods requiring the furnishing of information to the Rural Fire Service Advisory Council and its Co-ordinating Committee
<i>State Emergency Service Act 1989</i>	recommending appointment of local controller
<i>Strata Schemes (Freehold Development) Act 1973</i>	approval of strata plans
<i>Strata Schemes (Leasehold Development) Act 1986</i>	approval of leasehold strata plans
<i>Swimming Pools Act 1992</i>	ensuring restriction of access to swimming pools

The exercise by a council of its functions under the *Local Government Act 1993* may also be modified by the provisions of another Act. Some of these Acts and some of the modifications they affect include:

ACT	FUNCTIONS
<i>Coastal Protection Act 1979</i>	limitation on coastal development by councils
<i>Environmental Offences and Penalties Act 1989</i>	forfeiture of council functions to person appointed by Governor
<i>Government Information (Public Access) Act 2009</i>	council required to publish certain information, to grant access to certain documents and to amend certain records that are shown to be incomplete,

Revised - Agency Information Guide

ACT	FUNCTIONS
	incorrect, out of date or misleading
<i>Heritage Act 1977</i>	rating based on heritage valuation
<i>State Emergency and Rescue Management Act 1989</i>	Council required to prepare for emergencies
<i>Unclaimed Money Act 1995</i>	unclaimed money to be paid to the Chief Commissioner of Unclaimed Money

Council has certain reporting requirements to the ~~Department of Premier and Cabinet, Division of Local Government~~ Department of Planning and Environment, Office of Local Government and the Department Office has the role of monitoring the Council's compliance practices.

Arrangements for Public Participation in Policy Formulation

In accordance with the *Local Government Act 1993*, Council is required to advertise some draft policy documents for public comment prior to formal adoption.

The Council and ~~Burwood Local Planning Panel Independent Hearing and Assessment Panel~~ Meeting Agenda is made available to the public for viewing via Council's website and Library. Copies of the Agenda are available at the Customer Service Centre in the Administration Building and at the meeting.

The Minutes of Council and the ~~Burwood Local Planning Panel Independent Hearing and Assessment Panel~~ Meetings are made available to the public via Council's website.

Council and ~~Burwood Local Planning Panel Independent Hearing and Assessment Panel~~ Meetings are open to the public. Anyone wishing to address a Council or ~~Burwood Local Planning Panel Independent Hearing and Assessment Panel~~ Meeting can either apply to speak via Council's Website, email Councilmeetings@burwood.nsw.gov.au or BLPPMeetings@burwood.nsw.gov.au or contact Council's Governance Team on 9911 9911.

Residents are also able to participate directly in Council's affairs by joining one of the advisory committees that manage and provide advice on various Council services and facilities. Advisory Committee membership includes Councillors, community groups and community individuals and provides an opportunity for involvement in policy formulation. Information on advisory committees can be obtained from Council's Community Services Team.

In order to deal with a range of issues, Burwood Council has a number of Advisory Committees, including:

- Burwood Anzac Commemorative Service Committee
- Sandakan Community Educational Committee
- National Servicemen's Association
- Multicultural ~~and Community Relations~~ Advisory Committee

Council occasionally calls public meetings for the purpose of consulting with the community on issues that are controversial or are likely to affect a large part of the community. Public meetings, when called, are advertised to the community by way of a letter to the residents concerned and/or by advertisement in a local newspaper and on Council's Website.

Records and Retention Policy

Documents held by Burwood Council

Electronic Documents and Physical Files

Access to Council's records by members of the public, including *Government Information (Public Access) Act 2009* (GIPA) applications will be in accordance with the applicable legislation, policy and guidelines.

Access to records over 30 years of age and any transferred archives is covered in the NSW State Records Access Directions (State Records website: www.records.nsw.gov.au).

There are a range of processes associated with implementing appraisal decisions. These include the retention, deletion or destruction of records in or from recordkeeping systems. They may also include the migration or transmission of records between recordkeeping systems, and the transfer of custody or ownership of records – Australian Standard AS 4390 Part 1 Clause 4.9.

Key areas that Council uses to classify its records include:

Development and Building Controls - the function of regulating and approving applications for the development, use or subdivision of land or premises and related building and construction works.

Parks and Reserves - the function of acquiring, managing, designing and constructing parks, reserves and open spaces, either owned, controlled or managed by the organisation.

Traffic and Transport - the function of planning for and managing transport infrastructure and the efficient movement and parking of traffic.

Ways of Accessing Government Information

There are ~~four~~ **three** ways in which information may be accessed under the *Government Information (Public Access) Act 2009*, these are:

- a. Proactive release of information
- b. Open access information – **Informal Application**
- ~~c. Informal application~~
- d. Formal application

Open Access Information

The following documents are classified as open access information some of which can be downloaded from Council's Website http://www.burwood.nsw.gov.au/access_to_council_information.html. If a document listed below is not on Council's website an application to Council to access the information can be requested through an Open Access to Information Application Form which is located on Council's website or you can send an email to council@burwood.nsw.gov.au detailing the documents or files you wish to view and/or photocopy. These applications are free of charge, however, if photocopies are required photocopy charges will apply as per Council's Schedule of Fees and Charges.

Open access information includes:

Information about Burwood Council

The *current version* and *most recent previous version* of the following records:

- a. the model code prescribed under Section 440 (1) of the LGA and the code of conduct adopted under Section 440 (3) of the LGA
- b. code of meeting practice
- c. annual report
- d. annual financial reports
- e. auditors report
- f. plans that form part of the integrated planning and reporting framework
- g. EEO management plan
- h. policy concerning the payment of expenses incurred by, and the provision of facilities to, councillors
- i. annual reports of bodies exercising functions delegated by the local authority
- j. any codes referred to in the LGA

Information contained in the following records (*historical and current*):

- a. returns of the interests of councillors, designated persons and delegates
- b. agendas and business papers for any meeting of the Council (but not including business papers for matters considered when part of a meeting is closed to the public)
- c. minutes of any meeting of Council or any Committee of the Council, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting
- d. departmental representative reports presented at a meeting of the Council in accordance with Section 433 of the LGA

Information contained in the *current version* of the following records:

- a. land register
- b. register of investments
- c. register of delegations
- d. register of graffiti removal work kept in accordance with Section 13 of the *Graffiti Control Act 2008*
- a. register of current declarations of disclosures of political donations kept in accordance with Section 328A of the LGA
- e. the register of voting on planning matters kept in accordance with Section 375A of the LGA
- f. Register of Disclosure by Councillors, Independent Hearing and Assessment Panel and Designated Persons Return

Commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret, is not considered open access information.

Plans and Policies

Information contained in the *current version* and the *most recent previous version* of the following:

- a. plans of management for community land
- b. environmental planning instruments, development control plans and contribution plans made under the *Environmental Planning and Assessment Act 1979* applying to land within the Burwood Local Government Area

Information about development applications

Information contained in the following records (*historical and current*):

- a. Development Applications (within the meaning of the *Environmental Planning and Assessment Act 1979*) and any associated documents received in relation to a proposed development including the following:
 - i. home warranty insurance documents
 - ii. construction certificates
 - iii. occupation certificates
 - iv. structural certification documents
 - v. town planner reports
 - vi. submissions received on development applications
 - vii. heritage consultant reports
 - viii. tree inspection consultant reports
 - ix. acoustics consultant reports
 - x. land contamination consultant reports
- b. records of decisions on development applications (including decisions made on appeal)
- c. the plans and specifications to the height and external configuration of a building and other plans such as shadow diagrams and landscape plans
- d. a record that describes the general nature of the documents that the Council decides are excluded from the operation of this clause by subclause (2)

Information contained in the following records (*historical and current*):

- a. The plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, Plans of the internal layout or design of a residential building are not prescribed as open access information, to anyone unless the request comes from the owner.
- b. Council assessment reports and other documents created or received in the course of consideration of a Development Application are not available for inspection prior to the application being determined by Council Officers or Council.
- c. 3D models and electronic format of development applications where available during the public exhibition period (available at Council's Customer Service Centre and Burwood Library and Community Hub).

Policies, Approvals, Orders and Other Documents

Information contained in the following records (*historical and current*):

- a. applications for approvals under Part 1 of Chapter 7 of the *Local Government Act 1993* and any associated documents received in relation to such an application
- b. applications for approvals under any other Act and any associated documents received in relation to such an application
- c. records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals
- d. orders given under Part 2 of Chapter 7 of the *Local Government Act 1993*, and any reasons given under Section 136 of the LGA
- e. orders given under the authority of any other Act
- f. records of building certificates under the *Environmental Planning and Assessment Act 1979*
- g. plans of land proposed to be compulsorily acquired by Council

- h. compulsory acquisition notices
- i. leases and licences for use of public land classified as community land

The following Council documents are also defined as open access information under Section 18 of the *GIPA Act* and will be released without the need for a formal access application:

- Agency Information Guide
- information about Council contained in any document tabled in Parliament by or on behalf of Council, other than any document tabled by order of either House of Parliament
- policy documents
- disclosure log of access applications
- register of government contracts
- records of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure
- any other government information as may be prescribed by the regulations as open access information

Under the *Copyright Act 1968*, a copy of third party documents cannot be provided without the consent of the owner of the document. Copyright is the exclusive right to make copies, license and otherwise exploit a literary, musical, or artistic work, whether printed, audio, video, etc.: works granted such right by law are protected for the lifetime of the author or creator and for a period of 70 years after his or her death.

Note: The fact that information is open access information does not create an obligation to keep records indefinitely and does not interfere with the records management practices and procedures of Council that are consistent with the *State Records Act 1998*.

Decision that Information Already Available to Applicant

An agency can decide that information is already available to an applicant only if the information is:

- a. made publicly available by the agency or some other agency in accordance with a legislative instrument other than this Act, whether or not availability of the information is by inspection only and whether or not availability is subject to a charge, or
- b. available to the applicant from, or for inspection at, the agency free of charge in accordance with this Act or the agency's policies and practices, or
- c. contained in a document that is usually available for purchase

An agency is not required to provide access to information that the agency has decided is already available to the applicant, but notice of the decision must indicate how the information can be accessed by the applicant.

Decision to Refuse to Deal With Application

An agency may refuse to deal with an access application (in whole or in part) for any of the following reasons (and for no other reason):

- a. dealing with the application would require an unreasonable and substantial diversion of the agency's resources

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- b. the agency has already decided a previous application for the information concerned (or information that is substantially the same as that information) made by the applicant and there are no reasonable grounds for believing that the agency would make a different decision on the application
- c. the applicant has failed to pay an advance deposit that is payable in connection with the application
- d. the information is or has been the subject of a subpoena or other order of a court for the production of documents and is available to the applicant as a result of having been produced in compliance with the subpoena or other order

In deciding whether dealing with an application would require an unreasonable and substantial diversion of an agency's resources, the agency is not required to have regard to any extension by agreement between the applicant and the agency of the period within which the application is required to be decided.

In deciding whether dealing with an application would require an unreasonable and substantial diversion of an agency's resources, the agency is entitled to consider two or more applications (including any previous application) as the one application if the agency determines that the applications are related and are made by the same applicant or by persons who are acting in concert in connection with those applications.

Before refusing to deal with an access application because dealing with it would require an unreasonable and substantial diversion of an agency's resources, the agency must give the applicant a reasonable opportunity to amend the application. The period within which the application is required to be decided stops running while the applicant is being given an opportunity to amend the application.

Notice of an agency's decision to refuse to deal with an access application must state the agency's reasons for the refusal.

An applicant is not entitled to a refund of the application fee when the agency refuses to deal with the application.

Clause 3 of Schedule 1 to the GIPA Regulation 2018 prescribes additional open access information of councils. Such information now excludes the following about development applications:

- records of decisions made before 1 July 2010 on development applications (including decisions made on appeal) (Sch. 1, clause 3(1)(a)(i) and clause 3(1)(b)),
- development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application (Sch. 1, clause 3(2)(c)).

To apply for the information, please refer to Formal Access Applications in this Guide which details the process and fees associated with Formal Access Applications.

Proactive Release Program

The Proactive Release Program refers to information that Council choose to release proactively which is in addition to the information that Council must disclose under Section 6 of the *Government Information (Public Access) Act 2009*.

The Program is reviewed in accordance with legislation annually to identify the types of information that could be released and what information Council has released as a result of the review.

All Other Information

Formal Access Applications

Burwood Council endeavours wherever possible and appropriate to deal with requests for information informally. We encourage you to seek information first by searching Council's website, and then via an informal request (which does not usually require the payment of charges). Not all applications can be treated informally but the vast majority can be.

It may be necessary to submit a Formal Access Application if the information you are seeking:

- is of a sensitive nature
- contains personal or confidential or commercially sensitive information about a third party
- would involve a considerable amount of time and resources to assemble
- is of uncommon complexity
- records of decisions made before 1 July 2010 on development applications (including decisions made on appeal) (Sch. 1, clause 3(1)(a)(i) and clause 3(1)(b))
- development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application (Sch. 1, clause 3(2)(c))

If you have not been able to obtain the information you require through Council's website or an open access application, you can lodge a Formal Access to Information Application. A form is required to be completed which can be located on Council's website or at Council's Administration Centre.

Requests for Formal Access to Information held by Burwood Council and subject to the *Government Information (Public Access) Act* must be accompanied by a \$30.00 application fee. There is also a processing charge of \$30.00 per hour calculated after the first hour. An applicant is entitled to a 50% reduction in processing charges imposed by Council if Council is satisfied that the applicant is suffering financial hardship under Section 65 of the GIPA Act. Hardship applications will be required to complete Council's Hardship Policy application. The discount applies only to the processing charge, not the application fee. If a 50% reduction in processing charge applies, the application fee will pay the first two hours of processing time.

If a formal access to information application is made for personal information about the applicant (the applicant being an individual), there are no processing charges for the first 20 hours of the processing time for the application.

~~If a considerable amount of~~ Where the processing time exceeds 10 hours ~~required~~ an advanced deposit charge ~~may~~ will apply. If copies of documents are required, photocopying charges will apply as per Council's Schedule of Fees and Charges.

Council may request this type of application where the information sought:

- is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure
- contains personal or confidential information about a third party that requires consultation
- would involve an unreasonable amount of time and resources to update

Decisions as to the release of requested information that is not available on the Council's website or in other publications are made within the guidelines of *GIPA*, taking into consideration the factors relating to exemptions and public interest.

Time Limits

In respect of all applications, Council will notify applicants of the decision on an application within 20 working days. Council may request the applicant to agree to extend the time by up to 15 working days where consultation with a third party is required or if Council needs to retrieve records from archives.

If access is deferred by Council, then Council will notify the applicant and include the reason for deferral and the date on which the applicant will be given access. Council may defer the application if the information or document has by or under this Act or some other legislative instrument, required to be published but is yet to be published for public information.

A decision to defer access is reviewable (see Rights of Review and Appeal). If Council does not decide the applicant's access application within the above timeframes, it is deemed 'refused'. Council will refund the application fee and the applicant may seek an internal or external review (see Rights of Review and Appeal) of this refusal. This will not apply if an extension of time has been arranged or payment of an advance deposit is pending.

Council may refuse to deal with an application (in whole or in part) for the following reasons only:

- dealing with the application would require an unreasonable and substantial diversion of Council resources
- Council has already decided a previous application for the information concerned made by the applicant and there are no reasonable grounds that Council would make a different decision on the application
- the applicant has failed to pay an advance deposit that is payable in connection with the application
- the information is or has been the subject of a subpoena or other order of a court for the production of documents and is available to the applicant as a result of having been produced in compliance with the subpoena or other order

Rights of Review and Appeal

Where a member of the public is refused access under the *GIPA Act*, Council Officers will provide details of the reasons for refusal to the member of the public in writing. An applicant who has been refused access by Council to information requested under a formal request for access to information under the *GIPA Act* has three options of review available:

1. Applicants can apply to Council for an internal review. The review is conducted by someone more senior than the original decision maker and there is a \$40.00 fee. Applicants have 20 working days from receiving notice of a decision to ask for an internal review.
2. If an applicant is not satisfied with the internal review, or does not want one to be conducted by Council, they can ask for a review by the **Information and Privacy Commission Information Commissioner**. Applicants have eight weeks from being notified of a decision to ask for this review.
3. If an applicant is not satisfied with the decision of the **Information and Privacy Commission Information Commissioner** or the internal reviewer or if they do not want to take these options they can apply to the NSW Civil and Administrative Tribunal (NCAT) for a determination.

It is noted that there are no rights of review in respect of open access applications, but the applicant may make a formal application at any time.

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To make a request for an Internal Review under the *GIPA Act*, the 'Internal Review Application Request Form' is available on Council's website or at Council's Administrative Centre.

Please note all application forms may be downloaded from Council's website under Access to Council Information, Quick Links.

Access Arrangements, Procedures and Points of Contact

The information listed as available in this document is not an exhaustive listing. Inquiries for information can be arranged through contacting Council's Customer Service Centre during office hours. Inquiries can be directed to Council's Governance Officer. For Access to Information on Council's website click here: [www.burwood.nsw.gov.au/Access to Council Information](http://www.burwood.nsw.gov.au/Access%20to%20Council%20Information)

Governance Officer
Burwood Council
PO Box 240
BURWOOD NSW 1805

Burwood Council is located at Suite 1, Level 2, 1-17 Elsie Street, Burwood and is open between 8:30am and 4.45pm Monday to Friday.

Phone: (02) 9911 9911
E-mail: council@burwood.nsw.gov.au
Website: www.burwood.nsw.gov.au

Information and Privacy Commission Office of the Information and Privacy Commissioner

If you require further information regarding the *Government Information (Public Access) Act 2009*, you may contact the **Information and Privacy Commission (IPC)** Office of the Information and Privacy Commissioner (IPC) as follows:

Internet: www.ipc.nsw.gov.au
Email: ipcinfo@ipc.nsw.gov.au
Freecall: 1800 472 679
Phone: (02) 8071 7093
Facsimile: 8114 3756
Mail: GPO Box 7011, Sydney NSW 2001
Office: **Level 17, 201 Elizabeth Street Sydney NSW 2000** Level 11, 1 Castlereagh Street, Sydney NSW 2000

Related Information/Glossary

- *Proactive Release Program*
- *Government Information (Public Access) Act 2009*
- *Government Information (Public Access) Regulations 2018*
- *Government Information (Information Commissioner) Act 2009*
- *Privacy and Personal Information Protection Act 1998*
- *Health Records and Information Privacy Act 2002*
- *Environmental Planning & Assessment Act 1979*
- *Local Government Act 1993*
- *State Records Act 1998*
- *Copyright Act 1968*
- *Graffiti Control Act 2008*
- *Corporations Act 2001*

Review

The Agency Information Guide will be reviewed every 12 months as per legislative requirements.

Contact

Governance Officer
9911 9868

(ITEM 120/18) DELEGATION TO THE MAYOR AND GENERAL MANAGER TO DEAL WITH MATTERS OF URGENCY DURING THE 2018-2019 RECESS PERIOD

File No: 18/41979

REPORT BY GENERAL MANAGER

Summary

To seek a determination from Council regarding delegations for the 2018-2019 recess. 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.

Background

The recess period for 2018-2019 will be from 12 December 2018 until the first Council Meeting in 2019. During this period, it may be difficult or impractical for urgent matters to be dealt with at an Extraordinary Meeting of Council, as Councillor commitments or absence during the holiday period, may make it difficult to achieve a quorum.

To ensure Council can continue to function during such periods, the *Local Government Act 1993* (the Act) offers a level of flexibility under Sections 226 (Role of the Mayor) and 377 (General Power to Delegate).

Section 226 of the Act states in relation to the Mayor:

- a. to be the leader of the council and a leader in the local community
- b. to advance community cohesion and promote civic awareness
- c. to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities
- d. to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council
- e. to preside at meetings of the council
- f. to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act
- g. to ensure the timely development and adoption of the strategic plans, programs and policies of the council
- h. to promote the effective and consistent implementation of the strategic plans, programs and policies of the council
- i. to promote partnerships between the council and key stakeholders
- j. to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council
- k. in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community
- l. to carry out the civic and ceremonial functions of the mayoral office
- m. to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level
- n. in consultation with the councillors, to lead performance appraisals of the general manager
- o. to exercise any other functions of the council that the council determines

Section 377 of the Act states:

1. A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following:
 - a. the appointment of a general manager

- b. the making of a rate
- c. a determination under section 549 as to the levying of a rate
- d. the making of a charge
- e. the fixing of a fee
- f. the borrowing of money
- g. the voting of money for expenditure on its works, services or operations
- h. the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)
- i. the acceptance of tenders to provide services currently provided by members of staff of the council
- j. the adoption of an operational plan under section 405
- k. the adoption of a financial statement included in an annual financial report
- l. a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
- m. the fixing of an amount or rate for the carrying out by the council of work on private land
- n. the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
- o. the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#)
- p. the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194
- q. a decision under section 356 to contribute money or otherwise grant financial assistance to persons
- r. a decision under section 234 to grant leave of absence to the holder of a civic office,
- s. the making of an application, or the giving of a notice, to the Governor or Minister,
- t. this power of delegation
- u. any function under this or any other Act that is expressly required to be exercised by resolution of the council

1A. Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:

- a. the financial assistance is part of a specified program
- b. the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given
- c. the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year
- d. the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area

2. A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.

3. A council may delegate functions to a joint organisation only with the approval, by resolution, of the board of the joint organisation.

Council at its meeting of 6 February 2018 delegated to the General Manager all regulatory functions with the exception of:

Development Application Delegations

The General Manager cannot approve Development Applications where:

Conflict of Interest	Development for which the applicant or land owner is: a. the council
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	<ul style="list-style-type: none"> b. a councillor c. a member of council staff who is principally involved in the exercise of councils under the <i>Environmental Planning and Assessment Act 1979</i> d. a member of Parliament (either Parliament of New South Wales or Parliament of the Commonwealth) e. a relative (with the meaning* of the <i>Local Government Act 1993</i>) of a person to in (b) to (d) <p>But not development for the following purposes:</p> <ul style="list-style-type: none"> 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. minor building structures projecting from the building façade over public land (such as awnings, verandas, bay window, flagpoles, pipes and services, and sun shading devices) <p><i>*Relative in relation to a person, means any of the following:</i></p> <ul style="list-style-type: none"> a. the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse or de facto partner b. the spouse or de facto partner of the person or of a person referred to in paragraph (a).
Contentiousness	Development that is the subject of 10 or more unique submissions by way of objection. Where a petition is received this is classed as one objection.
Departure from Development Standards	<p>Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.</p> <p><i>Note: If the Secretary allows concurrence to be assumed by Council Officers for contravening development standards, the Panel can delegate these applications to Council Officers to determine.</i></p>
Sensitive Development	<ul style="list-style-type: none"> a. Designated development b. Development to which <i>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</i> applies c. Development involving the demolition of heritage items d. Development for the purpose of new licenced premises, that will require one of the following liquor licenses: <ul style="list-style-type: none"> 1. A club licence under the <i>Registered Clubs Act 1976</i> 2. A hotel (general bar) licence under the <i>Liquor Act 2007</i> 3. An on-premises licence for public entertainment venues under the <i>Liquor Act 2007</i> 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 (VPAs)
Planning Proposals	<p>All planning proposals prepared after 1 June 2018 are required to be referred to the IHAP for advice, unless the General manager determines that the planning proposal relates to:</p> <ul style="list-style-type: none"> a. The correction of an obvious error in a local environmental plan b. Matters that are a consequential, transitional, machinery or other minor nature, or c. Matters that the General Manager considers will not have any significant adverse impact on the environment or adjoining land

	A proposal is to be referred to the BLPP before it is forwarded to the Minister under Section 3.34 of the <i>Environmental Planning and Assessment Act 1979</i> .
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These matters must be referred to the Burwood Local Planning Panel for determination.

Other Matters

Writing Off Accounts

The General Manager does not have the delegation to approve the writing off of accounts greater than \$5,000. Write offs are reported to Council on an annual basis.

Writing Off Stores and Materials

The General Manager does not have the delegation to approve the write on and off stores and materials greater than \$5,000.

Proposal

It is proposed that both the Mayor and General Manager are required to agree in their decision and sign off on the matters prior to any action being taken.

Conclusion

It is imperative that Council determine a suitable level of delegations to ensure that matters can be adequately dealt with during the recess period.

Recommendation(s)

1. That for the period from 12 December 2018 until the first Council Meeting of 2019 Council delegates the following to both the Mayor and the General Manager:
 - Writing Off Accounts - to approve the writing off of accounts greater than \$5,000.
 - Writing Off Stores and Materials – to approve the writing off of items greater than \$5,000.
2. That the Deputy Mayor be granted these delegations in the absence of the Mayor or the General Manager.
3. That all decisions made under the above delegations be subsequently reported for the information of Councillors at the first Council Meeting of 2019.

Attachments

There are no attachments for this report.

(ITEM RC9/18) BURWOOD LOCAL TRAFFIC COMMITTEE - NOVEMBER 2018

File No: 18/44284

REPORT BY ACTING DIRECTOR ENGINEERING & OPERATIONAL SERVICES

Summary

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of 1 November 2018. The Minutes are hereby submitted to the Ordinary Council Meeting for consideration and adoption by Council.

Operational Plan Objective

4.1.5 - Work with RMS and Transport NSW in the development of integrated transport plans

Recommendations

That the minutes of the Burwood Local Traffic Committee of 1 November 2018 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

(ITEM LTC20/18) BURWOOD ROAD, BURWOOD - RELOCATION AND EXTENSION OF BUS ZONE OUTSIDE #2A-8 AND #10-12

That Council approve the relocation of the Bus Zone on the eastern side of Burwood Road immediately south of Parramatta Road per the plan in the report.

(ITEM LTC21/18) ELM STREET, BURWOOD HEIGHTS - PROPOSED TIMED NO PARKING RESTRICTIONS

That Council Approve the installation of No Parking restrictions between 4.00am – 10.00am Mondays Only, on the western side of Elm Street Burwood Heights with existing 1/2P parking to remain outside the Childcare Centre.

(ITEM LTC22/18) DATES FOR 2019 BURWOOD LOCAL TRAFFIC COMMITTEE MEETINGS

That the following dates be adopted for the 2019 Burwood Local Traffic Committee Meeting:

February	Thursday 7 February 2019
March	Thursday 7 March 2019
April	Thursday 4 April 2019
May	Thursday 2 May 2019
June	Thursday 6 June 2019
July	Thursday 4 July 2019
August	Thursday 1 August 2019
September	Thursday 5 September 2019
October	Thursday 3 October 2019
November	Thursday 7 November 2019

Attachments

- 1 [↓](#) Burwood Local Traffic Committee Meeting Agenda - 1 November 2018
- 2 [↓](#) Burwood Local Traffic Committee Meeting Minutes - 1 November 2018



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NOTICE OF BURWOOD LOCAL TRAFFIC COMMITTEE MEETING

The November meeting of the Burwood Local Traffic Committee will be held electronically with the Agenda emailed to Members for review. The minutes from the September 2018 meeting have also been emailed to members for confirmation. All comments are requested to be returned to Council by 9.30 am Friday 2 November 2018

Bruce Macdonnell
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
website: www.burwood.nsw.gov.au

AGENDA

APOLOGIES/LEAVE OF ABSENCES

CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the September 2018 Meeting of Burwood Local Traffic Committee as typed and circulated, be confirmed and signed as a true record of the proceedings of that meeting.

GENERAL BUSINESS

(ITEM LTC20/18)	BURWOOD ROAD, BURWOOD - RELOCATION AND EXTENSION OF BUS ZONE OUTSIDE #2A-8 AND #10-12.....	3
(ITEM LTC21/18)	ELM STREET, BURWOOD HEIGHTS - PROPOSED TIMED NO PARKING RESTRICTIONS	5
(ITEM LTC22/18)	DATES FOR 2019 BURWOOD LOCAL TRAFFIC COMMITTEE MEETINGS	7

**(ITEM LTC20/18) BURWOOD ROAD, BURWOOD - RELOCATION AND
EXTENSION OF BUS ZONE OUTSIDE #2A-8 AND #10-12**

File No: 18/41339

REPORT BY MANAGER TRAFFIC & TRANSPORT

Summary

Burwood Council has received a request to relocate an existing Bus Zone on the eastern side of Burwood Road immediately south of Parramatta Road.

Background

The existing Bus Zone is located on the eastern side of Burwood Road, immediately south of Parramatta Road and is 27 metres in length. The sign posted Bus Zone currently extends across Esher Lane however in practice the useable length of the zone is 16 metres. This Bus Zone is used by services 415 – Chiswick to Campsie, 464 – Ashfield to Mortlake, 466 – Ashfield to Cabarita Park, 530 – Burwood to Chatswood and M41 – Macquarie Park to Hurstville. The zone is also used as a changeover area for buses drivers.

Due to the location and length of the current zone it is not possible for two buses to utilise the area simultaneously. Additionally, given the buses larger turning circle and length, buses turning left from Parramatta Road into Burwood Road have difficulty in pulling up parallel to the footpath within the zone to safely drop off and pick up passengers.

Under the NSW Road Rules vehicles should not park within 20 metres of an intersection with traffic lights, such as the intersection of Burwood Road and Parramatta Road, or within 10 metres of an intersection without traffic lights, such as the intersection of Burwood Road and Esher Lane. The current parking restrictions on the eastern side of Burwood Road do not include any of these statutory requirements which present issues of road safety and capacity.



Proposal

It is therefore proposed to move the existing Bus Zone further south as per the plan below. The existing bus shelter will also be relocated into the zone area as shown. The existing Bus Zone area is proposed to be converted to No Stopping which will ensure uninterrupted traffic flow along Burwood Road and unimpeded sight lines for traffic exiting Esher Lane.

The new Bus Zone will be extended in length to cater for two buses in order to facilitate the changeover of drivers. Buses not in service that are waiting in this area will be required to turn off their engines so as not to disturb residents or businesses.

The relocation of the Bus Zone will result in the loss of six on-street parking spaces, with the existing 2P Parking and morning and afternoon clearway restrictions to be retained south of the proposed Bus Zone.



Consultation

Consultation was undertaken with adjacent residents and businesses on the eastern side of Burwood Road. No responses were received regarding the proposal.

Financial Implications

The removal and installation of new Bus Zone signage is estimated to cost \$500 and will be funded from the 2018/19 Traffic Facilities Budget.

Recommendation

That Council approve the relocation of the Bus Zone on the eastern side of Burwood Road immediately south of Parramatta Road per the plan in the report.

Attachments

There are no attachments for this report.

**(ITEM LTC21/18) ELM STREET, BURWOOD HEIGHTS - PROPOSED
TIMED NO PARKING RESTRICTIONS**

File No: 18/41430

REPORT BY TRAFFIC ENGINEERING OFFICER

Summary

Council has received a request from waste collection services that consideration be given to install No Parking restrictions on the western side of Elm Street Burwood Heights on Monday mornings in order to assist waste collection each week.

Background

Elm Street is a narrow road with a carriageway width of 4.8m, as such parking can only be accommodated on one side of the street in order to allow a free flow of traffic. Elm Street currently consists of unrestricted parking along both sides of the street for the majority of its length. A small section of '15 Minute Parking 7.30am to 10.00am and 2.30pm to 6.00pm Monday to Friday' restriction is located on the western side of 7-9 Elm Street directly outside the child care centre with 'No Stopping 7.30am to 10.00am and 2.30pm to 6.00pm Monday to Friday' restrictions directly opposite on the eastern side.

Waste collection services have advised Council on multiple occasions that due to parked cars, it has become increasingly difficult to carry out collections in a safe and consistent manner resulting in postponed or delayed collection.

Proposal

To assist with the waste collection each week, Council is proposing to implement time limited 'No Parking' restrictions on the western side of Elm Street between 4.00am – 10.00am on Monday's only. This will ensure that collections can continue to take place uninterrupted. Outside of these times parking will be permitted on the western side of the street. The restrictions will not be implemented outside the Childcare Centre where the existing 1/2P parking restrictions will continue to apply. Council will continue to monitor the proposed parking restrictions to ensure that waste collection is able to be undertaken uninterrupted.



Consultation

Residents of Elm Street were consulted by means of a letter and a plan, with a chance to provide feedback. Council received comment from 11 residents who were all in favour of the proposal. Further feedback from the resident suggested No Parking restrictions should be installed at all times, however this is beyond the scope of this investigation.

Financial Implications

The removal and installation of new parking signage is estimated to cost \$200 and will be funded from the 2018/19 Traffic Facilities Budget.

Recommendation

That Council Approve the installation of No Parking restrictions between 4.00am – 10.00am Monday Only on the western side of Elm Street Burwood Heights with existing 1/2P parking to remain outside the Childcare Centre.

Attachments

There are no attachments for this report.

(ITEM LTC22/18) DATES FOR 2019 BURWOOD LOCAL TRAFFIC COMMITTEE MEETINGS

File No: 18/41350

REPORT BY MANAGER TRAFFIC & TRANSPORT

Summary

The purpose of this report is to propose dates for the 2019 Burwood Local Traffic Committee Meetings.

Background

The following dates are proposed for the 2019 Burwood Local Traffic Committee Meetings:

February	Thursday 7 February 2019
March	Thursday 7 March 2019
April	Thursday 4 April 2019
May	Thursday 2 May 2019
June	Thursday 6 June 2019
July	Thursday 4 July 2019
August	Thursday 1 August 2019
September	Thursday 5 September 2019
October	Thursday 3 October 2019
November	Thursday 7 November 2019

All meetings to commence at 9.30am in Council Chambers unless informed otherwise.

Recommendation

That the following dates be adopted for the 2019 Burwood Local Traffic Committee Meeting:

February	Thursday 7 February 2019
March	Thursday 7 March 2019
April	Thursday 4 April 2019
May	Thursday 2 May 2019
June	Thursday 6 June 2019
July	Thursday 4 July 2019
August	Thursday 1 August 2019
September	Thursday 5 September 2019
October	Thursday 3 October 2019
November	Thursday 7 November 2019

Attachments

There are no attachments for this report.



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BURWOOD LOCAL TRAFFIC COMMITTEE MEETING

MINUTES OF THE MEETING OF THE BURWOOD LOCAL TRAFFIC COMMITTEE held at the Council Chamber, Suite 1, Level 2, 1-17 Elsie Street, Burwood on Thursday 1 November 2018 commencing at

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 Rabih Bekdache, Transit Systems
Mr Doug Sutherland AM, JP, Burwood Chamber of Commerce

Mr Bruce Macdonnell, General Manager
Mr John Inglese, Acting Director Engineering & Operational Services
Mr Roberto Di Federico, Manager Traffic and Transport
Mr Henry Huynh, Traffic Engineering Officer
Ms Megan Pigram, Road Safety Officer

CONFIRMATION OF MINUTES

That the minutes of the Burwood Local Traffic Committee of Burwood held on Thursday 4 October 2018, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

GENERAL BUSINESS

(ITEM LTC20/18) BURWOOD ROAD, BURWOOD - RELOCATION AND EXTENSION OF BUS ZONE OUTSIDE #2A-8 AND #10-12

Summary

Burwood Council has received a request to relocate an existing Bus Zone on the eastern side of Burwood Road immediately south of Parramatta Road.

COMMENTS RECEIVED

- Cr John Faker was not in support of the recommendation.

Recommendation

That Council approve the relocation of the Bus Zone on the eastern side of Burwood Road immediately south of Parramatta Road per the plan in the report.

MINUTES OF BURWOOD LOCAL TRAFFIC COMMITTEE MEETING 1 NOVEMBER 2018

(ITEM LTC21/18) ELM STREET, BURWOOD HEIGHTS - PROPOSED TIMED NO PARKING RESTRICTIONS

Summary

Council has received a request from waste collection services that consideration be given to install No Parking restrictions on the western side of Elm Street Burwood Heights on Monday mornings in order to assist waste collection each week.

Recommendation

That Council Approve the installation of No Parking restrictions between 4.00am – 10.00am Monday Only on the western side of Elm Street Burwood Heights with existing 1/2P parking to remain outside the Childcare Centre.

(ITEM LTC22/18) DATES FOR 2019 BURWOOD LOCAL TRAFFIC COMMITTEE MEETINGS

Summary

The purpose of this report is to propose dates for the 2019 Burwood Local Traffic Committee Meetings.

Recommendation

That the following dates be adopted for the 2019 Burwood Local Traffic Committee Meeting:

February	Thursday 7 February 2019
March	Thursday 7 March 2019
April	Thursday 4 April 2019
May	Thursday 2 May 2019
June	Thursday 6 June 2019
July	Thursday 4 July 2019
August	Thursday 1 August 2019
September	Thursday 5 September 2019
October	Thursday 3 October 2019
November	Thursday 7 November 2019

QUESTIONS WITHOUT NOTICE

The following Questions Without Notice were submitted at the Meeting:

- Cr John Faker requested an investigation into a 'No Parking – Buses Excepted' area on the western side of Shaftesbury Road outside Westfield Shopping Centre to allow the pick-up and drop off of passengers.

This concluded the business of the meeting.

(ITEM IN40/18) MAYORAL DISCRETIONARY GRANTS - SMALL DONATIONS MADE FOR THE PERIOD ENDING 30 SEPTEMBER 2018

File No: 18/40737

REPORT BY MANAGER GOVERNANCE

Summary

The Discretionary Grants – Small Donations Policy was reviewed by Council and adopted on 12 December 2017. As part of the Policy requirements a list of donations made is to be reported to Council on a quarterly basis. The attached table details the Discretionary Grants for the quarter ending 30 September 2018.

Background

The Mayor receives an annual budget of \$15,000 to provide civic leadership by supporting, through the allocation of small donations on behalf of Council, organisations or individuals for:

1. Personal development and achievements of individual community members representing NSW or higher in their chosen fields, including sporting, academic, cultural and artistic endeavours who require financial assistance to attend events or activities or compete in their chosen field.
2. Relief and other emergency organisations.
3. Charitable organisations (registered) which provide benefits to the Burwood Local Government Area.
4. Locally based groups and organisations located in the Burwood Local Government Area that have not applied under the Community Grants Program and are established as not-for-profit, community based which includes P and C associations.
5. Mayor's discretion for requests of a humanitarian nature.

Financial assistance for all categories is capped at \$1,000.

Proposal

That Council notes this report as per the requirements of the Discretionary Grants – Small Donations Policy.

Financial Implications

Within the approved budget allocation of \$15,000.

No Decision – Information Item Only

Attachments

- 1 [Discretionary Grants - Small Donations Policy - 30 September 2018](#)

Discretionary Grants - Small Donations Policy - 30 September 2018

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(ITEM IN41/18) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 30 OCTOBER 2018

File No: 18/42683

REPORT BY GENERAL MANAGER

Summary

At the Council Meeting of 30 October 2018 the following Questions without Notice (QWN) were submitted by Councillors. Council Officers responded to the QWN and Councillors were notified on 9 November 2018 of the outcome of the QWN.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making.

These are now submitted as part of the Council Agenda for Public Notification:

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 30 OCTOBER 2018	
Question	Response
<p><u>Councillor Lesley Furneaux-Cook</u></p> <p>Question 1:</p> <p>What are the possible opportunities to improve the safety of pedestrians using Malvern Road, Murray Street, Croydon pedestrian crossing?</p>	<p><u>Manager Traffic and Transport</u></p> <p>A concept design has been prepared by Council Officers and consultation has taken place with Roads & Maritime Services (RMS) to incorporate a raised threshold at the crossing to help reduce traffic speeds. RMS were supportive of the new design which will be further developed and tabled at a future meeting of the Burwood Local Traffic Committee prior to going before Council.</p>
<p><u>Councillor Lesley Furneaux-Cook</u></p> <p>Question 2:</p> <p>Can the General Manager investigate better safety for pedestrians crossing the Burwood Plaza carpark exit on Belmore Street, Burwood and the pedestrian crossing mid Belmore Street, Burwood near 36 Belmore Street, Burwood?</p>	<p><u>Manager Traffic and Transport</u></p> <p>There is currently signage and linemarking to alert motorists exiting the Plaza onto Belmore Street of the pedestrian crossing. At the request of Council the plaza also recently installed a speed hump to reduce vehicle speeds prior to the crossing. Additional signage advising motorists to "Give Way to Pedestrians" will also be installed to improve pedestrian safety.</p> <p>An inspection of the crossing on Belmore Street has been undertaken by Council Officers which identified that improvements could be made to signage. A work order has been raised for the new signs to be installed immediately.</p>

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 30 OCTOBER 2018	
<p><u>Councillor Joseph Del Duca</u></p> <p>Question 1:</p> <p>Can the General Manager provide a list of all applicants whose application for a stall at this year's Burwood Festival that was unsuccessful?</p>	<p><u>Acting Executive Manager</u></p> <p>Given the operational and administrative nature of the application and selection process, Council does not publicly provide information on selection outcomes. However, Councillors may enquire on individual stallholder applications through the General Manager.</p>
<p><u>Councillor Joseph Del Duca</u></p> <p>Question 2:</p> <p>When Council denies an event application because it is seen as 'divisive', what process is taken and who makes the final decision?</p>	<p><u>Acting Executive Manager</u></p> <p>Council does not reject stallholder applications based on 'divisive' grounds. All stallholder applications are assessed based on Council's stallholder application criteria. As this is an administrative process, the determination is made by the Events team based on the assessment criteria. If there is any serious concern regarding a specific stallholder application then it will be raised with Management.</p>
<p><u>Councillor Joseph Del Duca</u></p> <p><u>Question 3:</u></p> <p>What criteria is used to determine which event applicants are successful and which are not?</p>	<p><u>Acting Executive Manager</u></p> <p>All stallholder applications are assessed based on Council's event specific stallholder application criteria. For instance, at this year's Burwood Festival, the criteria was as follows:</p> <ul style="list-style-type: none"> ▪ Proper completion of application form with all required documentation supplied ▪ Locality of applicant (within Burwood LGA or external) ▪ Diversity in range of products and alignment with overall festival theme ▪ Quota on stall types, quality of products and stall presentation ▪ Stallholder history at festival ▪ Demonstrated environmentally sustainable practices ▪ Compliance with Council's policies and procedures

No Decision – Information Item Only

Attachments

There are no attachments for this report.

(ITEM IN42/18) PETITIONS

File No: 18/42845

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE & COMMUNITY

Summary

Petitions received are reported to Council on a monthly basis. Council has received one Petition since the October Council Meeting.

Operational Plan Objective

2.1.1 Provide opportunities for discussions and report decisions back to the community

Background

Date Received	Petition Subject	No. of Households and Businesses within the LGA	No. of Households outside the LGA	Responsible Council Division
23 October 2018	Residents objecting to BD.2018.087 for a boarding house at 40-46 Stanley Street, Burwood	44	0	Land, Infrastructure and Environment

Comments

That Council notes that the Petition has been referred to the appropriate Council Officers for attention.

No Decision – Information Item Only**Attachments**

There are no attachments for this report.

(ITEM IN43/18) AUDIT, RISK & IMPROVEMENT COMMITTEE - ANNUAL REPORT

File No: 18/44645

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE & COMMUNITY

Summary

To brief Council and the public on activities of the Audit, Risk & Improvement Committee (ARIC) for the period November 2017 – November 2018.

Background

As a result of the Council Elections held in September 2017, the incoming Council voted for membership of Council's Committees at its meeting of 24 October 2017. Councillors Lesley Furneaux-Cook and Rajkumar Dixit were appointed as delegates of the Committee.

In October 2017, Council conducted a call for nomination of two external independent members to Council's ARIC, for the period 1 November 2017 to 31 August 2020. The independent members appointed were Ms Sandra Mulder (Chairperson) and Mr Daniel Carbone.

The ARIC meets 4 times per year and this report relates to activities undertaken by the Audit Committee at its meetings of 8 November 2017, 20 February 2018, 5 June 2018 and 16 October 2018.

Current Activities

In the last 12 months the ARIC undertook the following activities:

- Reviewed the 2016-2017 Financial Statements
- Adopted new ARIC Charter
- Received and noted a report on the Cash Management Audit Review by the Internal Auditor
- Received an update on Council's review of the Internal Audit Function and change in the provision of internal auditing services
- Adopted 3-year Audit Plan
- Received and noted a report and presentation on the findings of the IT Vulnerability Audit Review by Threat Intelligence Pty Ltd
- Reviewed Council's Risk Register
- Received an update on the Audit Client Service Plan for 2017-2018 by the Council's Auditors
- Received and noted a presentation on the findings and recommendations of the Internal Audit Report, in relation to the Event Management Review for Burwood Festival
- Chairperson attended Audit Office of NSW Generating Insights for Local Government Seminar on 20 April 2018 and presented a summary report to ARIC
- Received and noted a presentation on the findings of the ICAC investigation regarding the Botany Bay Council inquiry by the Internal Ombudsman
- Received the current version of Council's Community Strategic Plan
- Received a brief demonstration on the Audit Office's Report on Local Government 2017 council data visualisation portal
- Received an update on External Auditors' interim management letter
- Reviewed and are satisfied that the 2017-2018 Financial Statements meet the relevant requirements
- Received and noted the findings of the Recruitment & Selection Audit Review

In addition, the Chair of the ARIC presented the 2017-2018 annual summary report to Council at a Councillor Workshop on 27 November 2018.

Minutes

The Minutes of the meetings of 8 November 2017, 20 February 2018, and 5 June 2018 are attached as approved. The Minutes of the meeting of 16 October 2018 will be attached to the next summary report, once approved by the Audit, Risk and Improvement Committee.

No Decision – Information Item Only**Attachments**

- 1 [↓](#) ARIC Minutes - 8 November 2017
- 2 [↓](#) ARIC Minutes - 20 February 2018
- 3 [↓](#) ARIC Minutes - 5 June 2018



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**AUDIT, RISK & IMPROVEMENT
COMMITTEE MEETING**
Wednesday 8 November 2017
4.30 pm - 6.00 pm
Wynne Room

MINUTES

ATTENDEES

Committee Members

Sandra Mulder (SM)
Daniel Carbone (DC)
Cr Lesley Furneaux-Cook (LFC)

Chair

Burwood Council

Tommaso Briscese (TB)

Allan Yates (AY)
Wayne Armitage (WA)
Mikaela Thorogood (MT)

Deputy GM, Corporate Governance and
Community
Internal Ombudsman
Chief Finance Officer
Minutes

By Invitation

Chris Harper (CH)
Brett Hanger (BH)
Sam Helweh (SH)

NSW Audit Office
External Auditor – Hill Rogers
Internal Auditor

Apologies

Cr Raj Dixit (RJ)

1. MEETING OPENING

Sandra Mulder, Chair of the Committee, noting that there was a quorum, opened the meeting at 4.35 pm, welcoming everyone.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3. MINUTES OF PREVIOUS MEETING

The Draft Minutes of the Meeting held on 8 March 2017 were reviewed and discussed.

SM noted that the date on the Previous Minutes is incorrect and is to be amended to 8 March 2017.

TB advised that Ernie Lagis (previous Committee Chair) has reviewed and confirmed the Minutes.

TB, as the only person present at that meeting, endorsed the Draft Minutes of the Meeting held on 8 March 2017.

Action:

MT to amend minutes of the 8 March 2017 meeting with correct date and re-issue to the committee.

4. MATTERS ARISING FROM MINUTES AND REVIEW OF RESOLUTIONS

The Committee reviewed the Matters Arising from Minutes and Actions and Resolutions Register, from 8 March 2017 Meeting.

Item 20/10.1 was deleted.

Items 19/4.1 and 24/6.1 will remain on the register, with a deadline to be confirmed.

Items 24/12.1, 24/12.2 and 24/12.3 were closed.

SM requested that the reports circulated by TB prior to the Meeting be reviewed ahead of the next Committee Meeting and tabled for discussion.

Action:

MT to close items 24/12.1, 24/12.2 and 24/12.3 from Resolutions and Actions Register; and keep items 19/4.1 and 24/6.1, with a deadline to be confirmed.

5. FINANCIAL STATEMENTS RESULT AND CONDUCT OF AUDIT

Chris Harper from the NSW Audit Office and Brett Hanger from Council's external auditors, Hill Rogers presented the Financial Statements and discussed the conduct of the Audit.

BH noted that the Annual Financial Statements have been drawn up in accordance with the relevant legislation including:

- The Local Government Act and Regulations;
- The Local Government Code of Accounting and Financial Reporting; and
- Australian Accounting Standards.

BH advised that all information and explanations sought during the audit were received and an unqualified audit opinion was issued on 18 October.

In brief, Council's financial results included the following:

- An Operating Surplus of \$6.7 million compared to \$8.1 million last year. The main variance from the previous year was due to reduced revenue from developer contributions which were abnormally high in 2016.
- Note 13 to the financials discloses that council exceeded the industry benchmarks for all of the six key financial performance indicators.
- This included the unrestricted current ratio which stood at 4.43 to 1 (this means that for every \$1 Council owed it had \$4.43 to cover it).
- Rates outstanding stood at only 2.45% at the end of the year. This represents another slight decrease from the previous year and is well below the industry benchmark of 5%.

The Council staff left the room to allow the Committee to conduct a question and answer session with the Auditors. The Committee were satisfied with all matters raised during that session, and the Council staff were invited back into the meeting.

BH thanked the staff for their co-operation during the audit.

6. AUDIT, RISK AND IMPROVEMENT COMMITTEE CHARTER ADOPTION

The Committee discussed the Committee Charter.

SM noted that the Term of Office should state that the 'The maximum number of terms an independent external member can sit on the committee is two consecutive terms.'

The Committee also agreed that a period of overlap be implemented when a new Committee is elected, to ensure continuity in the operational handover.

The Audit Charter was endorsed in principle SM/DC. Changes are to be made and circulated to the Committee members for review and approval.

Action:

TB to amend Audit Charter to reflect 'The maximum number of terms an independent external member can sit on the committee is two consecutive terms.'

Action:

TB to note in the Audit Charter an operational handover period when a new Committee is elected.

Action:

MT to circulate revised Audit Charter to Committee members for review.

Action:

MT to include the revised Audit Charter as an agenda item for endorsement at the next meeting.

7. CASH MANAGEMENT REVIEW

SH presented the Cash Management review to the committee, and advised that the period of review is in fact 2017, not 2016 as stated on the cover of the report.

SH informed the committee that overall this was a positive report and there was nothing of a critical nature.

DC asked if there were options for some systems to become cashless, and TB noted investigations are underway to provide cashless payments at Council's facilities. However, the Committee agreed that there will still be a requirement for a cash option, to cater for customers who are not in the position to use only cards for payments.

SH noted that a follow up of the Cash Management review forms part of the Audit Plan schedule.

The Committee received and noted the Cash Management review.

8. AUDIT PLAN

TB presented a draft Audit Plan 2018-2021, as developed in conjunction with SH.

The items listed as potential reviews are meant as a guide for discussion and review by the Committee members, with a view of adopting a 3-year Audit Plan at the February 2018 meeting.

TB also advised the Committee that, following a recent review of internal auditing services, the direct provision of auditing services by SSROC will cease on 30 November 2017. In future Council will seek quotations from alternative service providers on a case by case basis, specific to the review required.

SM noted that the Audit Charter will need to be amended to reflect the changes in method of delivery of the Internal Auditor, and that the sourcing method should be reviewed after a term.

SM noted that the method for setting the Audit plan needs to be resolved in the next Committee meeting.

TB advised that the IT Systems Vulnerability review is about to commence.

The Committee requested that the IT Systems Vulnerability review be presented at the next meeting.

Action:

TB to amend Audit Charter to reflect change in Internal Auditor method of delivery and service.

Action:

MT to include the IT Systems Vulnerability review as an agenda item for discussion at the next meeting.

9. SCHEDULE OF MEETINGS

The Committee agreed that Tuesdays at 4.30pm are the preferred day for all.

Action:

MT to draft the proposed meeting schedule and circulate to the Committee for review and approval.

10. OTHER BUSINESS

AY noted the recent ICAC investigation regarding the Botany Bay Council inquiry, and informed the Committee an internal review has been conducted at Burwood Council against the recommendations included in the Botany Bay Council ICAC report.

The Committee requested AY to present findings at the next Committee meeting.

DC requested a copy of Council's Risk Register, to inform the decision on the strategic 3-year Audit Plan.

DC also asked whether the independent Committee members are covered under the Councillor and Officer Insurance Cover.

Action:

AY to present Botany Bay ICAC investigation findings at next Committee meeting.

Action:

MT to circulate Council's Risk Register ahead of the next meeting.

Action:

TB to advise whether members have Councillor and Officer Insurance Cover.

11. NEXT MEETING

The date of the next meeting will be confirmed once the schedule of meetings has been circulated and confirmed by the Committee.

There being no other business, the meeting closed at 6.10pm.



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**AUDIT, RISK & IMPROVEMENT
COMMITTEE MEETING**
Tuesday 20 February 2018
4.30 pm - 6.00 pm
Wynne Room

MINUTES

ATTENDEES

Committee Members

Sandra Mulder (SM)
Daniel Carbone (DC)
Cr Lesley Furneaux-Cook (LFC)
Cr Raj Dixit (RJ)

Chair

Burwood Council

Tommaso Briscese (TB)

Wayne Armitage (WA)
Mikaela Thorogood (MT)

Deputy GM, Corporate Governance and
Community
Chief Finance Officer
Minutes

By Invitation

Paul Kalinin (PK)
Fab Zincone (FZ)

Consultant, Threat Intelligence Pty Ltd.
Manager, Information Technology

Apologies

Allan Yates (AY)

Internal Ombudsman

1. MEETING OPENING

Sandra Mulder, Chair of the Committee, opened the meeting at 4.36 pm, welcoming everyone.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3. MINUTES OF PREVIOUS MEETING

The Draft Minutes from the last meeting held on 8 November 2017 were confirmed with no amendments.

Moved – SM
Second – LFC

4. MATTERS ARISING FROM MINUTES AND REVIEW OF RESOLUTIONS

The Committee reviewed the Matters Arising from Minutes and Actions and Resolutions Register, from 8 November 2017 Meeting.

SM asked for confirmation on timing of Item 19/4.1, regarding when the presentation to Councillors on the Business Continuity Plan will be scheduled. TB informed the Committee that the BCP is currently being reviewed and likely going to be tested in July/August. Around that time TB will make an attempt to organise a workshop for the Councillors to be briefed on emergency procedures.

Closed Item 24/6.1 to be deleted from the Actions and Resolutions Register.

TB responded to Item 25/10.3 and confirmed that advice had been received from Council's Risk Management Coordinator that members of Council's Audit, Risk & Improvement Committee are covered under the CD&O Policy. The definition of an Insured Person under this policy extends to include "internal or external committee member (at the request of Council)".

Items 25/3.1, 25/4.1, 25/6.1, 25/6.2, 25/6.3, 25/6.4, 25/8.1, 25/8.2, 25/9.1, 25/10.2 and 25/10.3 were confirmed as completed and now closed.

Action:

MT to delete item 24/6.1 from Resolutions and Actions Register;
close items 25/3.1, 25/4.1, 25/6.1, 25/6.2, 25/6.3, 25/6.4, 25/8.1, 25/8.2, 25/9.1, 25/10.2 and 25/10.3; and
keep items 19/4.1 with a deadline to be confirmed and 25/10.1 to be presented at the June 2018 meeting.

5. IT VULNERABILITY REVIEW - PRESENTATION

Paul Kalinin (PK) from Threat Intelligence Pty Ltd presented the findings of the IT Vulnerability Review.

Copies of the Vulnerability Review were provided to the Committee for review during the presentation.

PK noted that it became evident during the testing of Burwood Council's Internal Network environment that IT has been focused primarily on operational issues and the security of the systems has been effectively sidelined.

In brief, the testing conducted by Threat Intelligence identified six broad categories of issues within the Burwood Internal network environment:

1. No Vulnerability Management Program
2. Insecure Storage of Passwords:
3. Insecure Password Policy
4. Insecure Protocols
5. Insecure Network and Application Architecture
6. Excessive Privileges for Users and Services

PK also advised that due to the large number of Critical and High-level issues, a prioritised roadmap was developed to help guide the remediation effort. Issues have been ranked from one to three with one being the highest priority (Note: that ranking has taken into account both the impact as well as the simplicity of fixes, quick wins elevated above more complex changes):

1. Apply Security updates
1. Remove insecure passwords
2. Remove excess privileges.
2. Harden systems and services.

Fab Zincone (FZ) then presented Burwood Council's response to the penetration testing performed by Threat Intelligence and Council's plan to rectify and manage the issues, including vulnerability remediation testing, vulnerability management and the IT Strategic Plan.

SM requested that an update be provided to the Committee regarding the progress of the IT Strategic Plan, including a status/tracking report of the issues to be rectified.

All copies of the report were collected at conclusion of the presentation.

Action:

FZ to provide a progress report to the Committee on the IT Strategic Plan and remediation of issues, at a date to be confirmed.

6. **AUDIT, RISK AND IMPROVEMENT COMMITTEE CHARTER ADOPTION**

The Committee reviewed and discussed the Committee Charter and the development of the Audit Program.

The Committee discussed the interpretation of Point 2 of 'Internal Audit' within the Charter, "In partnership with senior management and the Contracted Internal Auditor, develop and authorise the Internal Audit Program, including consideration of risk management issues."

It was agreed that in reference to Point 2, the Committee will work with management to set the Internal Audit Program.

SM sought clarification on Point 3 of the Internal Audit function and what "Review and authorise a panel of contractor auditors to undertake reviews, as per the Internal Audit Program" means in this context.

The Committee agreed that Point 3 of the Internal Audit was a management responsibility and that the Committee will only be briefed on the results of the procurement process for the engagement of suitable contractors. The Committee agreed to delete Point 3 of 'Internal Audit' from the Charter.

The Committee unanimously agreed to endorse the Audit Charter with the amendment of Point 3 of 'Internal Audit' to be deleted.

SM requested that the Charter be circulated once the amendments had been made.

SM noted that in order to meet the requirements of the charter, the ARIC members would need to be provided with copies of the External Audit Management letter with recommendations and responses and a list of required State Government reports.

Action:

MT to delete Point 3 of 'Internal Audit' from the Charter and circulate final version of Audit, Risk & Committee Charter.

7. **AUDIT PLAN**

The Draft Audit Plan 2018-2021 was presented and discussed in conjunction with the Risk Register.

SM queried the Finance risk item within the Risk Register which states the likelihood of 'Non-compliance with tax obligations' is 'Likely'. WA advised that this is in fact not 'Likely' and the likelihood be amended to 'Possible'.

LFC queried the Events item within the Risk Register which states the likelihood of 'Politically unacceptable or incompatible sponsorship' is 'Rare'. LFC noted that this category should be reviewed as this item is more 'Likely' than 'Rare'.

SM requested the responsible officer conduct a review of the Risk Register and provide a revised rating for each associated risk. TB noted that the review of the Risk Register may be scheduled to be conducted in conjunction with the BCP review.

TB noted that the items listed within the Draft Audit Plan as potential reviews are meant as a guide for discussion and review by the Committee members, with a view of adopting the Audit Plan once agreed.

The Committee discussed the scope of the suggested "Recruitment and Selection" review, and agreed it should be limited to operational staff, not including senior staff and General Manager.

SM noted that she believed that a review may have been conducted on the hiring of contractors and consultants process a few years ago and presented to the Committee. TB noted that he will confirm if a review had been performed on the contractors and consultants process and procedures.

The Committee reviewed the Draft Audit Plan and the proposed auditable areas. The Committee agreed on a two year Audit Plan as follows:

Auditable Area	Year of Review	Status
Events Management – Burwood Festival	2018	Not started
IT System – Vulnerability	2018	Completed
Recruitment & Selection	2018	Not Started
IT System – Vulnerability – Remediation Follow up	2019	Not started
Integrated Planning & Reporting	2019	Not started
Rates Management	2019	Not started
Building Certification & Fee Management	2019	Not started

The Committee will review the proposed audits scheduled for 2020-2021 in due course.

Action:

TB to recommend that the Risk Management Coordinator conduct a review of the Risk Register.

Action:

TB to investigate if a review has been conducted on the process and procedures for the engagement of contractors and consultants.

Action:

MT to amend the Draft Audit Plan to reflect the agreed two year audit reviews for 2018 and 2019.

Action:

TB to commence the selection process for a Contracted Internal Auditor relevant to each proposed review.

8. BOTANY BAY ICAC INVESTIGATION - PRESENTATION

Given AY's apologies at the meeting, SM recommended that the presentation be deferred to the June 2018 meeting.

9. OTHER BUSINESS

The Committee approved the proposed schedule of meetings.

10. NEXT MEETING

The next Audit, Risk & Improvement Committee meeting will be held on Tuesday 5 June 2018 at 4.30pm.

There being no other business, the meeting closed at 6.05pm.



Burwood Council
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**AUDIT, RISK & IMPROVEMENT
COMMITTEE MEETING**
Tuesday 5 June 2018
4.30 pm - 6.00 pm
Hennessy Room

MINUTES

ATTENDEES

Committee Members

Sandra Mulder (SM)	<i>Chair</i>
Daniel Carbone (DC)	
Cr Lesley Furneaux-Cook (LFC)	
Cr Raj Dixit (RD)	

Burwood Council

Tommaso Briscese (TB)	Deputy GM, Corporate Governance and Community
Wayne Armitage (WA)	Chief Finance Officer
Mikaela Thorogood (MT)	<i>Minutes</i>

By Invitation

Brett Hanger (BH) – Director, Audit and Assurance, Hill Rogers
Jarrod Lean (JL) – Partner, Grant Thornton

Apologies

Allan Yates (AY)	Internal Ombudsman
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1. MEETING OPENING

Sandra Mulder, Chair of the Committee, opened the meeting at 4.30 pm, welcoming everyone.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

The General Manager, Bruce Macdonnell introduced himself as the new General Manager of Burwood Council and thanked the Committee for the important work it performs for the organisation.

3. MINUTES OF PREVIOUS MEETING

The Draft Minutes from the last meeting held on 20 February 2018 were confirmed with no amendments.

Moved – LFC
Second – DC

4. MATTERS ARISING FROM MINUTES AND REVIEW OF RESOLUTIONS

The Committee reviewed the Matters Arising from Minutes and Actions and Resolutions Register, from 20 February 2018 Meeting.

An update on Item 19/4.1 was provided, regarding when the presentation to Councillors on the Business Continuity Plan will be scheduled. TB informed the Committee that the BCP review is progressing well and on track for July/August.

Closed Items 25/3.1, 25/4.1, 25/6.1, 25/6.2, 25/6.3, 25/6.4, 25/8.1, 25/8.2, 25/9.1, 25/10.2 and 25/10.3 to be deleted from the Actions and Resolutions Register.

TB advised that in AY's absence he will provide the presentation on the Botany Bay Council ICAC Investigation.

SM requested an update on Item 26/5.1, regarding the IT Vulnerability Test and the IT strategic Plan. TB advised that IT are currently working on the remediation issues as outlined, as well as other interrelating projects such as the IT Strategic Plan, and that an update will be provided to the ARIC towards the end of 2018.

TB responded to Item 26/7.1 and confirmed that advice had been received from Council's Risk Management Coordinator regarding the ARIC's recommendation to conduct a review of the Risk Register. The Risk Management Coordinator advised that the electronic Register GuardianERM is updated on a yearly basis. The next update is scheduled to take place in July 2018 (previous review July 2017). The Risk Management Coordinator has advised that the ARIC's recommendations will be passed onto the responsible Managers to consider and advise. The Risk Management Coordinator also noted that she would encourage Managers to look at their risks, likelihood and consequences of the inherent and residual risks on the basis on their skills and knowledge as they are more practised in their area of dealing rather than on any recommendation. The revised Risk Register will be provided to the Committee once the review is completed.

SM responded to Item 26/7.2 in relation to whether a review had been previously conducted on the process and procedures for the engagement of contractors and consultants. It was confirmed that no prior reviews had been conducted on this matter and that the review of this auditable area will remain scheduled for 2021, as per the Audit Plan.

In relation to Item 26/7.4, TB advised the Committee that the Event Management Review has been conducted.

TB noted that following a formal process of request for quotations and assessment by an internal review panel, independent firm Grant Thornton was engaged to conduct the audit.

SM noted that the Committee should have the opportunity to request items that they feel require specific focus during the relevant area of audit.

SM requested that Council provide the contact details of the ARIC Chair and Independent Member to Internal Auditors engaged for their use and discretion, so as to provide full independence throughout the audit process.

SM sought clarification of the evaluation process conducted when engaging the Internal Auditor for the Event Management Review and requested TB provide a brief summary as to the assessment undertaken for the appointment.

Items 25/10.1, 26/4.1, 26/6.1, 26/7.2, 26/7.3 and 26/7.4 were confirmed as completed and now closed.

Action:

MT to delete items 25/3.1, 25/4.1, 25/6.1, 25/6.2, 25/6.3, 25/6.4, 25/8.1, 25/8.2, 25/9.1, 25/10.2 and 25/10.3 from Resolutions and Actions Register;

close items 25/10.1, 26/4.1, 26/6.1, 26/7.2, 26/7.3 and 26/7.4; and keep items 19/4.1 and 26/5.1 with a deadline to be confirmed and 26/7.1 to be presented at the October 2018 ARIC meeting.

Action:

TB to present a summary of the evaluation process undertaken for engaging an Internal Auditor for the Event Management Review at the October ARIC meeting.

5. AUDIT CLIENT SERVICE PLAN 2017/18

Brett Hanger (BH) from Hill Rogers presented the Audit Client Service Plan for 2017/18.

A copy of the Audit Client Service Plan (CSP) was circulated to the Committee for review ahead of the meeting.

BH noted that the Client Service Plan (CSP) is primarily the audit engagement letter between council and the audit office. It covers the scope of the audit, the key issues that will be addressed during the audit and administrative issues such as the proposed timetable.

BH made the following comments in relation to the CSP:

- Section 4 covers the key issues that have been identified for this year.
- There are five issues that are included in the CSP's for all councils, being revaluation of assets and assessing the fair value of assets, early close reporting, IT general controls and procurement and contract arrangement.
- Revaluation of assets – the CSP notes that buildings and operational land will be valued this year so there's some audit work to be done around that.
- Assessing the Fair Value of Infrastructure, Property, Plant and Equipment - this is included because the office of local government has withdrawn the mandated 5 year revaluation cycle. Rather, the onus is now on councils to ensure that revaluations are done with enough regularity to ensure compliance accounting standards. This means that council should consider whether there is any indication that the carrying amount of assets is materially different to the fair value.
- Early close reporting - whilst not mandated, it is the Audit Office's recommendation that early close reporting be implemented in this sector over time. But for this year, the focus is on the regular reconciliation of accounts, resolving significant accounting issues and getting any asset valuations done early.
- The other two mandatory key issues to cover are IT controls and procurement which are quite standard items for the audit.
- The next section of the CSP provides a very high level overview of the audit approach to different areas of the financial statements. In summary, we take a combined approach to P&L items with both controls and substantive testing. For balance sheet items we take more of a substantive approach.
- Section 7 provides a detailed timetable for this year's audit that has been discussed and agreed with management with a view to the audit being completed and the financial statements being lodged by the 31 October due date.
- Section 12 highlights the prior year issues.

- There are 11 points listed that were included in the two management letters issued last year. The management letters included management's comments and proposed actions. Hill Rogers will follow up the progress on these matters during this year's audit and provide an update in the next management letter.

SM requested that a copy of the Interim Audit Management Letter, when it becomes available, be circulated to the Committee for their review and information.

BH confirmed that the Audit Timetable, within the CSP, includes the presentation of the draft financial reports to the Audit Committee at the 2 October 2018 ARIC meeting.

SM queried the timing of the availability of the Audit Report and Management letter with the Financial Statements as the next ARIC meeting is scheduled to include a review of these items before finalizing and publishing. BH confirmed that he was comfortable that they would all be ready for review at that meeting (scheduled for 2 October, 2018).

Action:

MT to circulate a copy of the Interim Audit Management Letter to the Committee when available.

BH and the General Manager left the meeting.

6. EVENT MANAGEMENT REVIEW – INTERNAL AUDIT REPORT

Jarrold Lean (JL) from Grant Thornton presented the findings and recommendations of the Internal Audit Report, in relation to the Event Management Review for Burwood Festival.

JL advised that the results of the audit concluded that Council has an overall 'acceptable' risk rating in relation to the review, and that there is a good framework in place, with some improvements identified, which would further strengthen the overall control environment.

TB noted that there are a number of control strengths the audit identified that are in place and deemed to be effective, which include Council's Counter-Terrorism Management, Risk Management and Policies and Procedures.

JL noted that Council would benefit from developing and implementing a structured events management framework to provide guidance in navigating Council's repository of knowledge around events planning and management and in clarifying roles and responsibilities.

RD reinforced the recommendation of a sound events management framework and that this will impact on the functionality of the overall process.

JL noted that recommendations of the audit should be applied across all 'significant' events held by Council and further to the development of a firm Events Management framework, the following control improvements should be introduced to further improve Council's risk environment:

- Working with Children Checks
- Emergency and Evacuation Response Awareness

RD queried why Working with Children Checks are not already a standard practice across Council.

JL noted that clearances for engaging in child-related work for suppliers / performers are not obtained by Council as there is an assumption that suppliers / performers engaged in

child-related work would reasonably be cleared or have Working with Children checks undertaken as part of their occupation

TB advised the Committee that the recommendations from Grant Thornton have all been accepted by management, and in particular that the Working with Children Checks will be implemented as a matter of priority, commencing from the next Burwood Festival, scheduled for October 2018. The Working with Children checks will also form part of the next scheduled review, the Recruitment and Selection audit.

The specific recommendation to be adopted is noted below (as per the audit report) –
Management will ensure all council staff and suppliers / performers that have direct contact with children at the Festival have appropriate Working with Children clearances. Working with Children clearances will be requested from suppliers / performers that are working directly with children. This requirement will be incorporated into the application checklist / risk assessment form for suppliers / performers and rolled out as a broader requirement for other events held by council.

TB thanked Grant Thornton for the independence and professionalism in conducting the audit.

JL left the meeting.

The Committee discussed the findings of the audit in further detail.

LFC asked what WH&S measures Council has in place for other Council events, with particular focus on the remembrance/memorial services in respect to Council's Counter-Terrorism Management.

The Committee requested that TB provide a brief on the event management process in line with the 2018 Burwood Festival.

DC requested that management report back to the ARIC regarding Council's progress and implementation of the recommendations, specifically in regards to the Working with Children Checks.

Action:

TB to provide a brief on the event management process of the 2018 Burwood Festival at the October 2018 meeting.

Action:

TB to provide an update to ARIC at the October 2018 meeting on the progress and implementation of Grant Thornton's recommendations on Event Management.

7. NSW AUDIT OFFICE ARIC BRIEFING – SUMMARY PRESENTATION

SM presented the key highlights of the Generating Insights for Local Government Seminar she attended on 20 April 2018.

SM noted the role of the ARIC function and the importance of independence.

Key highlights discussed included:

a) Financial Audit

Primary reasons for qualifying or significant misstatements were reported on Council Financial Statements include:

- failure to disclose restrictions on land use
- did not obtain market valuations on the assets
- financial assistance grants were recorded in the wrong financial years or not recorded as revenue at all
- breakdown in governance including significant deficiencies in internal control and delegation
- use of funds beyond the Council's authority

b) Financial Performance

c) Asset Management

Key concerns reported by the Audit Office:

- Inaccuracy of asset registers, including poor maintenance and reconciliation to operational management systems:
- Disclosure of restricted assets
- Asset valuations not done
- Taking into account restrictions on assets in valuations
- No asset management strategy, policy and plan
- Variability of asset useful lives

d) Governance and Internal Controls

The Audit Office focus was on supply and ICT spend (given the size of their expenditure).

e) ICT Spend - Council's ICT has 3 major risk areas including Cyber attack, access to data applications and ICT governance.

f) Presentation by ICAC – key lessons from the Botany Bay Council investigation.

g) Future audit work on Councils by the Audit Office - Audit Office would like to partner with the Councils, telling story and presenting.

TB noted that the Asset Management and LTFP are now linked with the Community Strategic Plan. The Committee requested a copy of the Draft CSP.

WA displayed the Audit Office's Report on Local Government 2017 council data visualisation. The Committee were provided with a brief demonstration on how to access the data for Burwood Council.

Action:

MT to circulate the Draft Community Strategic Plan (CSP) to the Committee.

Action:

MT to circulate the link to the Report on Local Government 2017, by the NSW Auditor General, on council data visualisation.

8. BOTANY BAY ICAC INVESTIGATION - PRESENTATION

In AY's absence, TB delivered the presentation on the Botany Bay Council ICAC investigation.

TB presented the findings and recommendations of the corruption inquiry and the review of control frameworks and governing processes that Burwood Council assessed as a result of the investigation.

The investigation identified nine recommendations, eight of which related to Bayside Council predominantly in the area of compliance, in respect to controls, systems, processes and audit.

DC queried whether Council performs bankruptcy checks on responsible officers in the area of financial management. WA confirmed that credit reference checks are performed for responsible officers, vendors/suppliers and contractors in the area of financial management.

9. OTHER BUSINESS

The proposed date of 2 October 2018 for the next ARIC meeting was confirmed.

10. NEXT MEETING

The next Audit, Risk & Improvement Committee meeting will be held on Tuesday 2 October 2018 at 4.30pm.

There being no other business, the meeting closed at 6.05pm.