



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 26 November 2019 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 26 NOVEMBER 2019 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 months after the date of the recording"

APOLOGIES/LEAVE OF ABSENCES

DECLARATIONS OF INTERESTS BY COUNCILLORS

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:

Council Meeting held on Tuesday 22 October 2019

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

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CONFIDENTIAL ITEMS

(ITEM 101/19)	VISY RECYCLING - CONTRACT ISSUES
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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) (d) of the Local Government Act, 1993, as the matter involves commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

(ITEM 102/19)	BURWOOD COUNCIL LIBRARY AND COMMUNITY HUB AT 2 AND 8 CONDER 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) (d) of the Local Government Act, 1993, as the matter involves commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

QUESTIONS WITHOUT NOTICE

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

MAYORAL MINUTE

(ITEM MM17/19) PRIVATE CONTRIBUTIONS TO PUBLIC DOMAIN WORKS

Trim Folder: 19/50287

MAYORAL MINUTE BY CR JOHN FAKER (MAYOR)

Summary

As a Council we continue to promote improvements to the streetscape of our Town Centres via ambitious initiatives such as a landscape master plan of Burwood Road, lighting upgrades, tree planting strategies and modifications to our Development Control Plan (DCP).

As of lately, I have received representation from various private operators, including business owners, highlighting their willingness to contribute to some of the beautification efforts Council is implementing, for example, by providing planter boxes and trees and flowers, but also painting of fences and improvements to the public domain.

Whilst business owners are obviously seeing potential commercial benefit from such improvements, I believe Council should encourage such behaviour and work in partnership with them to ensure this positive energy is not lost, and to ensure it is channeled and utilised in a strategic and compliant way.

Operational Plan Objective

- 1.1.1 Provide a diverse range of strategies and initiatives that meet the needs of the community
- 3.3.3 Encourage the community to take pride in the cleanliness and maintenance of the area
- 5.2.2 Develop programs to strengthen and sustain local businesses
- 5.3.2 Maintain an attractive Burwood CBD
- 5.4.1 Update and maintain the aesthetics of town centres and villages

I therefore move that:

The Acting General Manager:

1. Seeks legal advice and reviews safety and regulatory implications in relation to such partnership.
2. Investigates a review of public domain policies with a view to allow private contributions for public domain works.
3. If possible, develops a package to outline such contributions and specifications.
4. Reports back to Council at the March 2020 meeting.

Attachments

There are no attachments for this report.

MAYORAL MINUTE

(ITEM MM18/19) CONTRIBUTION TO DROUGHT RELIEF FUND

Trim Folder: 19/50596

MAYORAL MINUTE BY CR JOHN FAKER (MAYOR)

Summary

Our regional and rural NSW Council neighbours continue to experience the debilitating effects of the drought, including dried paddocks and emaciated livestock. This, in turn, affects businesses and local economies and disrupts the social fabric of the community causing depression and anxiety leading to a higher chance of family breakdowns and suicides.

In my role as President of the Southern Sydney Regional Organisation of Councils (SSROC) I recently proposed a President's Minute to seek that all member Councils donate \$10,000 or more towards a dedicated fundraising initiative such as the NSW Farmers Association's Drought Relief Fund.

The Fund is aimed at providing some financial assistance to farmers in the form of purchasing essentials items, including groceries and every day goods and offer gift cards to help support local small businesses and boost the local economy.

I now present the initiative to my fellow Councillors and encourage you to approve a contribution to support our friends from regional and rural NSW Councils during these hard times.

All donations will be managed by SSROC who will then process the transfer of funds to the Drought Relief Fund.

Operational Plan Objective

1.2.4 Foster a sense of community pride

2.2.2 Develop strategic partnerships that will benefit the area and community

I therefore move that:

Council approves a donation of \$10,000 towards the NSW Farmers Association's Drought Relief Fund to be funded from the Councillors' Special Grants and Donations Budget 2019-2020.

Attachments

There are no attachments for this report.

MAYORAL MINUTE

(ITEM MM19/19) PLAN TO SAVE OUR RECYCLING

Trim Folder: 19/52029

MAYORAL MINUTE BY CR JOHN FAKER (MAYOR)

Summary

We all know New South Wales (NSW) has a recycling problem.

Due to International pressures and Domestic contract negotiations, the Local Government sector is facing unprecedented challenges in its efforts to educate the communities and implement sustainable waste management and recycling strategies.

Local Government NSW recently relaunched the “Save Our Recycling” ahead of the 2020 NSW Budget to put recycling back on the agenda and secure greater funding for Local Government for waste and recycling education and infrastructure.

I believe Burwood Council should be part of the initiative and highlight the importance of this discussion at the highest levels of Government.

Operational Plan Objective

- 2.1.2 Inform the community on key regional projects and plans
- 2.2.2. Develop strategic partnerships that will benefit the area and community
- 2.5.4 Anticipate emerging trends and changes that will impact the area
- 3.2.1 Identify emerging waste management solutions
- 3.2.3 Establish clear targets for recycling and reducing waste to landfill
- 3.3.1 Provide initiatives to encourage more sustainable practices in the community and around home

I therefore move that:

1. Council acknowledges the growing imperative to manage waste and recycling within NSW, and calls for urgent action from the State Government to help build a circular economy in NSW.
2. Council endorses Local Government NSW’s sector-wide “Save our Recycling” campaign, and asks the State Government to reinvest the Waste Levy in:
 - Funding councils to collaboratively develop regional-scale plans for the future of waste and recycling in their regions;
 - supporting the State-led development of priority infrastructure and other Local Government projects needed to deliver regional-scale plans, particularly where a market failure has been identified;
 - support for the purchase of recycled content by all levels of Government to help create new end markets for materials;
 - funding and delivery of a State-wide education campaign on the importance of recycling, including the right way to recycle, the purchase of products with recycled content and the importance of waste avoidance.

3. Council recognises initiatives and projects taken within the Burwood Council Local Government Area to help achieve this goal, including:
 - joining a regional Memorandum of Understanding (MoU) to prioritise recycled materials in procurement which has had unanimous support from all 11 Southern Sydney Regional Organisation of Councils (SSROC) member Councils and the NSW Minister for Environment & Energy, the Hon Matthew Kean MP;
 - jointly advising on and undertaking a major project through SSROC on Metropolitan Sydney Waste Data and Infrastructure Planning to identify necessary waste data and projected material flows to make informed policy and infrastructure decisions.
4. Council urgently calls on the State Government to take further action by writing to the Minister for Energy and Environment, the Hon Matthew Kean MP, Local Government Minister, the Hon Shelley Hancock, NSW Treasurer, the Hon Dominic Perrottet MP, NSW Premier, the Hon Gladys Berejiklian MP, Local State Member and Opposition Leader, Ms Jodi McKay MP, Shadow Minister for Environment and Heritage, Ms Kate Washington MP, and Shadow Minister for Local Government, Mr Greg Warren MP to:
 - Confirm our support for recycling and outline the urgent need to educate, innovate and invest in local waste and recycling services via the Waste Levy;
 - Ask for funding for the work that Council is doing with SSROC on Sydney Waste Data and Infrastructure Planning;
 - Ask for funding for councils to collaboratively develop regional-scale plans for the future of waste and recycling in their regions;
 - Ask to lead and fund the development of priority infrastructure and other local government projects needed to deliver regional-scale plans, particularly where a market failure has been identified.
5. Council advise the Local Government NSW President, Ms Linda Scott, of the passage of this Mayoral Minute.
6. Council shares and promotes the “Save Our Recycling” campaign via its digital and social media channels and via its networks.

Attachments

There are no attachments for this report.

MAYORAL MINUTE

(ITEM MM20/19) STATE GOVERNMENT FUNDING FOR NSW PUBLIC LIBRARIES

Trim Folder: 19/52212

MAYORAL MINUTE BY CR JOHN FAKER (MAYOR)

Summary

The NSW Public Libraries Association is seeking Council's endorsement and support for Phase Two of the "2018-2019 Renew Our Libraries" campaign. This campaign aims to build from the success of Stage One which saw the allocation of significant additional State funding for public libraries.

The NSW Public Libraries Association's "2018-2019 Renew Our Libraries" campaign was a success delivering an increase of \$60 million in State funding for NSW public libraries over the four-year period 2019-2020 to 2022-2023. This is the largest single increase in State funding since the NSW Library Act was introduced in 1939. This outcome was achieved as a result of the remarkable support of councils, libraries and communities across the State. Over 80% of NSW Councils formally endorsed "Renew Our Libraries" through Council resolutions.

The NSW Public Libraries Association has now requested the continued support of NSW Councils in its advocacy to State Government to develop a sustainable funding model for NSW libraries.

"Renew Our Libraries" Phase Two has recently been launched and well known media and advocacy company, Essential Media, has been engaged to drive the process. The twin campaign objectives are as follows.

1. Link the total increased State funding contribution to the Consumer Price Index (CPI) in perpetuity. Without indexation, the actual value of State funding for NSW libraries will decline over time leaving NSW Councils to either meet the shortfall or reduce services.
2. Protect the new funding commitment by including all elements of the new State funding model in legislation through the Library Act and/or the Library Regulation. Currently, only the per-capita component of the funding model (which is increasing from \$1.85 per capita to \$2.85 per capita over the four year period 2019-2020 to 2022-2023) is included in library legislation, leaving 46% of the total funding for NSW libraries at risk.

These measures will ensure that NSW Councils continue to receive a significantly increased State Government contribution to the operation of public libraries which will be protected by legislation and will not be subject to cost of living attrition over time. This will help to ease the cost burden on local ratepayers. An additional benefit is that our staff can direct their efforts to the ongoing support and development of high quality library services for the local community rather than engaging in time consuming funding campaigns.

I propose that Council supports the NSW Public Libraries Association and endorses Phase Two of the "Renew Our Libraries" campaign to secure a sustainable funding model for NSW.

Operational Plan Objectives

Community and Lifestyle

1.1.2 Provide library services that engage the community in lifelong learning and provide recreational and social opportunities in accessible and people-friendly environments and spaces.

Leadership and Innovation

2.2.2 Develop strategic partnerships that will benefit the area and the community

I therefore move that:

1. Council takes a role in lobbying for sustainable State Government funding for public libraries.
2. Council endorses the distribution of the NSW Public Libraries Association sustainable funding advocacy information and involvement in actions proposed by the Association.
3. Council makes representation to the local State Member, Ms Jodi Mckay MP, in relation to the need for a sustainable State funding model for the ongoing provision of public library services in Burwood.
4. Council writes to the Hon Don Harwin, Minister for the Arts, and the Hon. Walt Secord, Shadow Minister for the Arts, calling for bipartisan support for the Consumer Price Index (CPI) indexation of State funding for NSW public libraries and legislation of all elements of the 2019-2020 to 2022-2023 NSW State funding model.

Attachments

There are no attachments for this report.

(ITEM 89/19) ADOPTION - DRAFT HOARDING POLICY

File No: 18/47458

REPORT BY DEPUTY GENERAL MANAGER, LAND, INFRASTRUCTURE & ENVIRONMENT

Summary

To seek Council's adoption of the Draft Hoardings Policy (HP). The policy aims to control the placement of temporary structures on or above a public road and will be used to assess applications lodged by property owners, developers, builders and contractors seeking approval to erect a hoarding to enable construction or maintenance activity to occur to buildings. A key feature is the requirement for artwork or graphics to be displayed on hoardings in areas of high pedestrian activity or exposure.

Operational Plan Objective

5.3.1 Promote opportunities for public art and culture

5.3.2 Maintain an attractive Burwood CBD

Background

The HP is a local approvals policy under Section 158 of the *Local Government Act 1993* (the Act). The Policy is aimed at the development and construction sectors where approval is sought to erect temporary structures on, or over, a public road (an activity under s68 of the Act) in association with development sites or buildings undergoing construction or maintenance.

The HP will also allow Council to enforce any non-compliant hoardings in public places.

Burwood is undergoing major renewal, particularly in its Town Centre, with unprecedented construction activity over the past few years and this trend is likely to continue into the foreseeable future. Construction sites are not always well presented, therefore, the opportunity exists for a policy to be developed and implemented which improves the quality of hoardings and their visual impact through the inclusion of artwork and graphics.

At the 21 August 2018 Council Meeting, the Council resolved that the General Manager review the current hoardings policy and provide a detailed report back to Council on opportunities for developers to include public art, including historical images of Burwood, colourful graphics and bespoke artwork on hoardings in the Town Centre areas.

Proposal**Policy Aims**

The aims of the HP are:

- minimise pedestrian, cycleway and vehicular obstructions and inconvenience resulting from the placement of temporary structures in a public place
- maintain safe passage and high amenity, including safe surfaces past worksites and the visual openness of footways
- screen and secure work areas from the public place
- minimise adverse visual impacts through providing high quality public art and graphics, innovative designs and other visually interesting temporary structures
- maintain a colour standard for consistency
- provide effective lighting under hoardings for public safety and to illuminate graphics on site fences
- minimise adverse impacts on street trees.

Key Features

The HP introduces a number of new initiatives:

- A standard colour palette for Type A closed hoarding types.
- A mandatory requirement for the display of artwork, graphics and images on closed hoardings located in high pedestrian areas (commercial zones) such as the Burwood and Strathfield Town Centre areas, Enfield and Croydon Park commercial areas and the Parramatta Road enterprise corridor.
- A comprehensive checklist outlining information required to be submitted with applications.
- The prohibition of 'scaffolding style' Type B (overhead) hoardings.

The policy will result in improved screening of construction sites and a standard colour palette will ensure there is a consistent and muted visual impact. In areas of high pedestrian activity and sites with significant exposure, the requirement for mandatory artwork or graphics will create visual interest, provide opportunities for Council messaging, promote the work of local artists, enliven public spaces and lead to reduced incidences of graffiti and vandalism.

As part of the development of the draft policy, Council's media files and historic archival images have been assessed and collated into 'hoardings graphic themes' such as historic buildings, subdivision plans, transport and people. These images will be made available to applicants to use in their displays upon request. This library of images can be added to over time with activities such as the recent Burwood Art Prize and other events and competitions providing opportunities for the collection of additional source material.

The policy also allows for Council to use a proposed hoarding for its own messaging (i.e. events or community engagement) and for the applicant to develop bespoke artwork or graphics. A specification for hoardings has also been formulated which will supplement the HP and sets out minimum standards for construction and specifications which align with various legislative and best practice provisions.

Consultation

Council Officers from Building and Development, Traffic and Transport, Governance, Community Services, Compliance and Customer Service were involved in the development of the policy. The Hoardings Policy has been endorsed by the Acting General Manager and Council's Policy, Corporate Practice and Procedures Panel.

Section 160 of the Act requires that all local approval policies be placed on public exhibition for a period of 28 days. The public notice must also specify a period of not less than 42 days after the date on which the draft local policy is placed on public exhibition during which submissions may be made to the Council. Council is also required to publicly exhibit the draft policy together with any other materials that it considers appropriate or necessary to better enable the public to understand its implications.

Planning or Policy Implications

The draft policy is required to be placed on public exhibition for public comment prior to Council's adoption as the requirements of the Act.

Financial Implications

No financial implications.

Conclusion

The Draft Hoardings Policy includes more detailed requirements for the placement of temporary structures on Council's footpaths and roadways which will improve the visual quality of those structures, better screen construction sites and, with the use of artwork and graphic displays, result in a positive impact on the public domain.

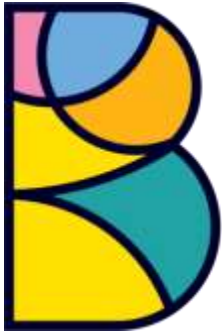
The policy is submitted for Council's endorsement for public exhibition in accordance with Section 160 of the Act.

Recommendation(s)

1. That Council endorse the draft Hoardings Policy and that it be placed on public exhibition in accordance with Section 160 of the *Local Government Act 1993* for a period of 28 days and Council allow a total of 42 days for public submissions.
2. That the draft Hoardings Policy be made available to the public on Council's website, Burwood Library and Community Hub and at Council's Customer Service Centre for a period of 28 days.
3. That at the expiration of the 42 days, after the public comment period, a further report be tabled to Council for adoption of the draft Hoardings Policy.

Attachments

- 1 [!\[\]\(e492b5d52ab457a7a3c2826c4091dfee_img.jpg\)](#) Draft - Hoarding Policy



Burwood ^{Inc.1874}
Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

DRAFT - HOARDING 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

Public Document
Adopted by Council: **<Date>**
Ref. No.:
Version No.: 1
Ownership: Building and Development

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Draft - Hoarding Policy

1 Purpose

The Hoarding Policy (HP) prescribes the policy to control the placement of temporary structures on or above a public road.

The HP is considered in the assessment of applications lodged by applicants seeking approval to erect a temporary structure on or above Council's infrastructure such as footways and roadways to enable construction or maintenance activity to occur on or around buildings.

The aims of the HP are to:

- maintain safe passage and high amenity including safe surfaces past worksites
- maintain visual openness of footways
- minimise adverse visual impacts by providing across the LGA a standard colour palette, high quality public art and graphics, and innovative designs
- enrich and vitalise Burwood's public places during construction with added creativity, interest and meaning including culture, vibrancy and history
- screen and secure work areas from the public space
- provide fascia to conceal site sheds on hoarding decks
- minimise pedestrian, cycleway and vehicular obstructions and inconvenience resulting from the placement of temporary structures in a public place
- control truck and worker access points in hoardings to enhance public safety
- minimise adverse impacts on street trees

2 Scope

The HP applies to the whole of the Burwood local government area (LGA) and is administered by Council's Building and Development Team.

3 Policy Application

3.1 Exemptions

There are no exemptions from the requirement to place on hoarding on or around a site. For exemptions for the provision of artwork or graphics on a hoarding see Clause 6.14 of this policy.

Note: Site perimeter fencing such as chain-wire fencing located wholly within a property allotment is not regulated through this policy and does not require approval if associated with approved development or building activity that is classed as exempt or complying development. In these cases fencing must comply with the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

3.2 Determination criteria

The provisions prescribed in this HP will apply when seeking approval to erect a temporary structure on or above a public road. For a complete list of the documents and information to be provided to Council in the application for a hoarding approval, refer to **Appendix 1**.

3.3 Other matters for consideration

The provisions of the *Roads Act 1993* (Roads Act) and *Roads Regulation 2008* will be considered in the assessment and determination of applications seeking approval to erect temporary structures.

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Note: The use of equipment (cranes and hoists) to swing or lift material across or over any part of a public road requires separate approvals under s68 and s94 of the *Local Government Act 1993* (The Act) and s139 of the Roads Act.

Parts of the Burwood (LGA) have very high pedestrian and traffic volumes. Footway obstructions resulting from hoardings and scaffolding are often a necessary part of construction and building maintenance activity. In allowing the installation of these structures in a public place it is essential that they have the least possible impact on residents, workers, visitors and the business community.

There are also significant visual impacts that result from development activity therefore hoardings must have quality design features to minimise these impacts. The Council therefore requires hoardings to meet prescribed minimum design standards including the display of public art and graphics. The use of public art, graphics, colour and images on hoardings and scaffolding is a means of minimising visual impacts and adding visual interest and the presence of creativity in the streetscape.

The installation of artwork on temporary structures will align with the Council's Public Arts Strategy which discourages graffiti and bill posting.

4 Policy Status and Legislation References

The HP is a local approvals policy under s158 of the Act. The HP is aimed at the development and construction sectors where approval is sought to erect temporary structures on, or over, a public road (an activity under s68 of the Act) in association with development sites or buildings undergoing maintenance.

The following acts, regulations and policies are the guiding legislation for hoarding matters:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Protection of the Environment Operations Act 1997*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2011*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Roads Act 1993*
- *Roads Regulation 2008*
- *The Building Code of Australia*
- *Burwood Hoarding Procedures and Specifications*
- *Burwood Local Environmental Plan 2012*
- *Burwood Development Control Plan*
- *Burwood Public Art Strategy*
- *Burwood Compliance and Enforcement Policy*

5 Definitions

For purposes of this policy and unless contradicted in an above listed policy or legislative reference, the following definitions apply:

authorised person: an employee of Council generally or specially authorised in respect of or whose duty it is to deal with, or to act in regard to, any Acts, matters or things in relation to which the expression is used (*Local Government Act 1993*).

classified road: (Roads Act 1993) includes:

- (a) a main road
- (b) a highway
- (c) a controlled access road

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- (d) a secondary road

Note: A full list of classified roads is available on the Department of Transport's website.

crossing: the portion of a driveway or vehicular accessway between the carriageway of a road (street gutter) and property boundary (frontage)

footway: the part of a road that is set aside or formed as a path or way for pedestrian traffic (whether or not it may also be used by bicycle traffic). (*Roads Act 1993*)

hoarding: a temporary structure placed on the Council's land (footway/roadway) that separates a workplace from the public place and may also provide an overhead protective barrier to protect the public place from objects that may fall from a work area.

HPS: Council's Hoarding Procedures and Specifications.

permit: an approval in force under the *Local Government Act 1993* and *Roads Act 1993*.

person conducting a business or undertaking: (Section 5 of the *Work Health and Safety Act 2011*), for the purposes of these Guidelines, is the holder of a determination (Permit) for a temporary structure such as a builder; a contractor; or other person involved in placing a temporary structure in a public place.

public liability insurance: insurance where the insurer agrees to indemnify the insured for legal liability owed to another person who suffers loss, damage, injury or death by reason of the insured's activities.

public place: a road.

road: (*Local Government Act 1993*) includes:

- (a) highway, street, laneway, pathway, footpath, cycleway, thoroughfare, bridge, culvert, causeway, road-ferry, ford, crossing, by-pass and trackway, whether temporary or permanent, and
- (b) any part of a road and any part of any thing referred to in point (a), and
- (c) anything forming part of a road or anything forming part of any thing referred to in point (a).

roadway: a road that may also include a laneway.

scaffolder: a person engaged in erecting, altering or dismantling scaffolding. (*AS/NZS 4576:1995 'Guidelines for Scaffolding'*)

scaffold / scaffolding: a temporary structure specifically erected to allow and support access or work platforms. Where the word 'scaffolding' appears in the HP it refers to 'perimeter scaffolding' erected on or above the Council's property (a road). It does not apply to scaffolding erected on private property associated with construction, demolition or maintenance activity on a building or other structure.

temporary structures: hoardings, scaffolding and cantilevered work platforms as defined in this policy

6 General Requirements

Hoardings must be erected where it is proposed to construct, demolish and carry out façade remedial works or maintenance to a building adjoining a public way. Hoarding fees are charged in accordance with Council's Schedule of Fees and Charges.

Hoardings shall be designed in accordance with adopted designs and specifications stipulated in Council's Hoardings Procedures and Specifications (HPS) which will result in either a Type A or Type B hoarding.

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The type of hoarding required to be erected will vary depending on the locality and the nature of proposed construction work. **Appendix 2** contains visual examples of each type of hoarding.

A Type A hoarding is a fence that separates the worksite from the road. Due to higher pedestrian activity and the need to ensure public safety, all Type A hoardings in the B2, B4 and B6 (commercial) zones shall be of a solid closed construction. Type A (Open) hoardings will only be permitted in areas of lower pedestrian activity such as residential areas.

Type B hoardings are typically a prefabricated modular steel gantry hoarding installed and assembled in segments to form an integrated overhead protective structure allowing pedestrians to pass beneath. It may also incorporate a site fence and overhead office sheds. The structural frame of Type B hoardings must be of steel.

All materials must be solid in construction, be securely fixed and provide a smooth finish to a minimum height of 2100 mm to prevent injury to pedestrians, with the exception of Type A (Open) hoardings, where it is a minimum height of 1800 mm.

6.1 Shared pathways

When a hoarding is proposed along a shared pathway, i.e. pedestrian/cycleway, Council will evaluate hoardings and propose a solution in consultation with Council's Traffic Engineers to ensure functionality of both the shared pathway and proposed hoarding.

6.2 Prohibited hoarding materials

The following are not permitted to form part of the hoarding structure situated on Council's road reserve:

- Scaffolding
- Modified shipping containers to act as protective structures
- Reinforcing mesh
- Star pickets and Cyclone mesh
- Timber-framed Type B hoardings
- Similar structures as mentioned above that are not permanently fixed.

6.3 Lighting

Hoarding lighting, connected to mains power supply, must be provided to ensure the pedestrian pathway or footpath is well lit for pedestrians. Lighting is to be equal to the level and distribution pattern of the existing street lighting in the area. Where pedestrian hazards associated with the hoarding are present, Council will require the establishment of significantly higher lighting levels. All lighting associated with hoardings must not impact on surrounding traffic.

6.4 Office sheds

All site office and work sheds are to be located on private property. Where this is not possible, a Type B hoarding must be erected to facilitate this requirement in accordance with the HPS.

6.5 Use of cranes and hoists

A crane or similar (i.e. mobile crane, hoist, concrete pump etc.) must not be used to convey material over a public way unless an appropriate approval has been obtained from Council. Cranes, hoists, and concrete

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pumps shall not be used or placed on public property unless prior approval has been obtained from Council.

6.6 Protective footpath crossings

Vehicles must not cross the footpath to gain access to the site. If a vehicle crossing is required, a temporary vehicular crossing shall be constructed to the satisfaction of Council. The temporary vehicular crossing shall protect the existing footpath, be maintained and must not cause a tripping hazard or pose any danger to the public.

6.7 Utility services

Applicants must consult with the appropriate utility authority to ensure that there is no adverse impact on infrastructure from the proposed work. Hydrants, utility services and sewer manholes are not to obstruct the services and infrastructure to ensure ongoing access. If the structure is within two metres of overhead electricity wires, applicants must consult the relevant electrical authority. All electrical distribution boards required for site works are to be located within the site and not attached externally to the structure.

6.8 Footpaths and provision for people with disabilities

When required, pedestrian detours or alternative pathways must be designed to accommodate people with disabilities. These routes must provide appropriate widths, levels, gradients, tactile indicators and colour schemes to assist people with disabilities.

Pathways must be repaired immediately, if damaged to ensure pedestrian safety. Footpaths must be reinstated to their original condition to the satisfaction of Council, when a hoarding is removed. Any obstruction to the footpath from a proposed concrete pour, laying of cables, conduits, drainage pipes, service lines and the like requires Council's prior approval.

6.9 Maintenance of hoardings

Graffiti must be removed from all hoarding structures within 48 hours of detection or Council notification. Hoardings must consist of appropriate coverings to assist in graffiti removal or measures to reduce the occurrence of graffiti. In the event of non-compliance with these requirements, Council reserves the right to remove or paint over the graffiti and charge the owner in accordance with Council's fees and charges.

6.10 Protection of Council street trees

The design of a hoarding, including the type and location of posts, counter weights, crossings and overhead decking, must be designed to minimise impact on the street trees and vegetation. Tree preservation measures may be required if there is an impact on the street trees. No tree cutting, lopping or removal is permitted without the prior consent from Council.

6.11 Council assets

Council's infrastructure and assets must not be interfered with or damaged during the construction or operation of the hoarding. This includes the drainage system, kerb and gutters and footpaths. Prior approval from Council is required for any modification to Council's infrastructure.

The use of the roadway for storage of materials, loading and unloading is not permitted at any time, unless prior approval has been obtained from Council.

Council's footpaths, roadways and ancillary infrastructure assets (i.e. street furniture, signage and the like) must be reinstated to their original condition when a hoarding is removed. An initial dilapidation report must be prepared and submitted to Council prior to the commencement of works and a second dilapidation within one week of the completion of work.

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6.12 Traffic management plan

A Traffic Management Plan (TMP) must be prepared by an accredited traffic engineer if the hoarding is likely to affect pedestrian or traffic movements during the construction, operation or removal phase. The TMP must identify traffic and pedestrian issues, recommend appropriate means for dealing with such issues and must be submitted with the hoarding application for Council approval. Council's traffic engineers may provide relevant advice regarding the contents within the TMP and/or request additional permits be obtained in addition to the hoarding approval.

A TMP must refer to all relevant Council, NSW Police and/or Department of Transport (DoT) requirements. Special conditions may apply, especially in high trafficable areas of the LGA or in the vicinity of pedestrian malls and traffic interchanges. A copy of the TMP must be available onsite at all times for the inspection of an Authorised Officer of Council, the NSW Police or the DoT.

6.13 Obstruction to traffic lights, DoT cameras and CCTV Cameras

All hoardings must be constructed so that they will not obstruct the sight lines of either motorists or pedestrians to traffic lights and cameras. In addition, visibility from driveways, pedestrian crossings and intersections must not be obstructed.

The hoarding application site plan must set out the location of all traffic lights, DoT monitoring cameras and closed circuit television cameras. The application must ensure there is no interference in the operation of these facilities.

6.14 Artwork, graphics, images and innovative hoarding finishes

The display of artwork, graphics and images on temporary structures is strongly encouraged. In certain circumstances this is mandatory. The display of artwork and graphics minimises adverse impacts, adds visual interest and increases the presence of creativity in the streetscape. Artwork and graphics also discourage graffiti and bill poster attachment by eliminating blank surfaces.

The installation of artwork on temporary structures must align with Council's Public Art Strategy.

As temporary structures are placed on land owned by the Council, the Council reserves the right to require an applicant to display specific artwork and community information about Council initiatives. This includes major projects, special events, festivals and other initiatives undertaken by the Council from time-to-time.

Graphics are required on hoardings as follows:

- a. Within B2, B4 and B6 zones, or as a condition of development consent, hoardings must, with the exception of temporary structures associated with heritage items (see point b below), incorporate one of the following:
 - i. a standard Council graphic to be supplied by Council in consultation with the applicant; or **Error! Hyperlink reference not valid.**
 - ii. an approved site-specific high quality artwork commissioned by the applicant that adds visual interest in the streetscape and which is appropriate for the locality. Applicants must discuss their proposal with the Council prior to commencing detailed artwork design and commissioning.
- b. For works associated with heritage items, historic images of the building or local streetscape or photographs from the Council's image bank may be used as the graphic display. The display of historic images may also be required for temporary structures located in heritage conservation areas. Historic locality and site specific images are available through the Council's image bank at: www.burwood.nsw.gov.au.

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- c. At least 75 per cent of the surface area of a hoarding including return end panels, major or large access gates and doors (wider than 2 metres) and fascia must be covered by a graphic display with the remaining surface finished and painted an approved colour according to the HPS.

The artwork and/or graphics on all Type B hoardings located in the B2, B4 and B6 zones must be displayed on both the hoarding fascia and site fence (where applicable). In approving any graphics, other than Council supplied artwork and graphics, the Council accepts no copyright responsibilities that the applicant may need to meet.

Graphics or artwork is not required for a Hoarding on a narrow site (less than 12m in width), minor works such as a new shop front and shop fitouts and hoardings that are proposed to be in place for less than four weeks.

6.15 Public indemnity insurance

Council must be indemnified during the erection and dismantling of temporary structures and also throughout the period that structures are in place. The indemnification is against any claims for injury to persons, damage to adjoining properties and/or public places, and any excess on the insurance policy arising out of any claim. Such indemnity must be expressed in the form of a public liability insurance policy with a minimum amount of \$20,000,000 for any individual claim that may be made. The insurance policy must be held in the name of the applicant holding the temporary structures approval.

The applicant holding an approval for a temporary structure must, in the case of the transfer of the project to another person or company, advise the proposed new entity to lodge a fresh application together with providing a new public liability insurance policy, to seek approval to allow the temporary structure to remain in place and for the approval to be held in the name of the new entity.

7 Operating Procedures

7.1 Granting an approval

An approval (permit) for the placement of a temporary structure on or over a public road (footway and/or roadway) is granted under s94 of the Local Government Act (the Act) and s139 of the *Roads Act*. Where required, an approval under s115 of the *Roads Act* may also be granted. An approval is issued subject to conditions imposed through s94 of the Act and s139 (1) (d) of the *Roads Act*. An approval is granted to allow a temporary structure to be installed and used in a specified way as prescribed in this policy and the HPS and as set out in the conditions forming part of an approval.

Conditions contained in hoarding approvals must be read in conjunction with any conditions of development consent pertaining to the development of the particular site. Specific conditions in a development consent relating to the protection of Council's assets, street trees, site management and construction layout, may impact on the hoarding design, and this must be satisfied.

7.2 Amending an approval

A person to whom an approval is granted may apply to amend an approval under s87 of the Act if the amendments are minor only. The assessment for an amendment to an approval will include the following matters:

- whether the proposed amendment is substantially the same as that originally approved
- whether any prejudice will be caused to any person who made a submission concerning the original proposal
- whether consultation with another authority such as RMS is required
- an amended determination replaces the original approval from the date endorsed on the notice of determination

7.3 Extending an approval

The Council may determine to extend an approval under s107 of the Act.

An approval may not be extended where a temporary structure:

- is structurally unsound
- is not being satisfactorily maintained in accordance with the regulations of the HP
- is non-compliant with an approval
- a public liability insurance policy for a structure/approval is not current or has been withdrawn by the insurer
- any other circumstance as determined by Council.

An approval to extend an approval must be obtained before the lapsing date (as specified in an approval).

7.4 Revoking an approval

Council may revoke an approval under s108 of the Act for any circumstance set out in s109 of the Act. An approval may also be revoked, for any reason, under s140 of the Roads Act. Council may exercise its powers under these acts where any of the following apply:

- the person holding an approval fails to act on directions to rectify a temporary structure - particularly matters relating to inadequate structural adequacy or other public safety risk
- an approval has lapsed and an application has not been lodged to extend an approval
- a public liability insurance policy for a structure/approval is not current or has been withdrawn by the insurer
- any other circumstance as determined by Council

In circumstances where an approval has been revoked, Council reserves the right to take action to have the unauthorised structure/s removed and recover all associated costs.

8 Enforcement

Unless specifically varied by a condition of approval or a direction of an authorised person, the relevant provisions set out in this policy or the HPS must be satisfied when placing a temporary structure on or above a public road.

If Council becomes aware of non-compliance with the conditions relating to a hoarding approval, Council may:

- a. Issue Penalty Infringement Notices for failing to comply with the approval
- b. Issue a Court Attendance Notice at Local Court. The Local Court can impose penalties for a corporation or for an individual
- c. Issue Orders requiring compliance with the conditions of approval
- d. In circumstances where Council has issued an order requiring compliance with the approval and the terms of the Order have not been complied with, Council may commence legal action with the Land and Environment Court or Local Court to enforce the Orders and recover all associated costs.

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Council, at all times, reserves the right to issue an immediate infringement notice depending on the seriousness of the circumstance and at the discretion of the authorised person and consideration of Council's Compliance and Enforcement Policy.

9 Policy Review

This Policy will be reviewed every four years.

10 Contact

Group Manager Building and Development on 9911 9911.

APPENDIX 1 - HOARDING APPLICATION SUBMISSION MATRIX

This table identifies the minimum information required for hoarding applications.

HOARDING APPLICATION SUBMISSION MATRIX		Type A (Open) Hoarding	Type A (Closed) Hoarding	Type B Hoarding
MANDATORY = ● MAY BE REQUIRED = ○				
ARCHITECTURAL -TYPE DRAWINGS	Two sets, fully dimensioned, 1:100 scale (min)	●	●	●
	Site fence and scaffolding (where proposed) fully dimensioned including an elevation drawing		●	●
	Site sheds including their accurate position on Type B hoardings			○
	Proposed or approved works zone on the roadway	○	○	○
	Existing building entrances, emergency egress exits and existing sprinkler/hydrant booster connections		○	○

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HOARDING APPLICATION SUBMISSION MATRIX		Type A (Open) Hoarding	Type A (Closed) Hoarding	Type B Hoarding
MANDATORY = ● MAY BE REQUIRED = ○				
	Street trees (trunk diameter, canopy volume and dimensions of tree pits)		●	●
	Street furniture accurately plotted on drawings with clearances to site fences		●	●
SECTIONS & ELEVATIONS	Hoarding heights to the underside of the deck and bracing for Type B hoardings			●
	Clear footway width dimensions and the location of the site fence including showing the proposed encroachment onto the footway.	●	●	●
	Detailed written justification for any site fence encroachment on the footway	●	●	●
PUBLIC LIABILITY	Copy of public liability insurance policy held in the name of the Applicant (\$20 million minimum value)	●	●	●
ARTWORK/ GRAPHICS	Location of artwork or graphics proposed or required to be installed on the temporary structure (mandatory for Type A closed and Type B in commercial Zones, refer to <i>Hoardings Policy and Procedures</i>)		○	○
LIGHTING	Lighting system for Type B hoardings			●
DURATION	Details setting out the length of time that the hoarding will be installed.	●	●	●
TEMP. PEDESTRIAN PATHWAYS	Details (plan) of any required temporary pedestrian pathways (on roadways) past worksites or changes to street parking and traffic control signage.	○	○	○
TEMP. STRUCTURES	An indication (in the application form) if other temporary structures (other than hoardings and scaffolding) such as cantilevered facade-mounted materials landing platforms associated with crane hoisting activity that project over a public place are proposed			○
STRUCTURAL DRAWINGS	Two sets of fully detailed structural drawings		●	●
	Location of the proposed temporary structure, scaffolding and access stairs, site sheds and any construction equipment, construction hoists and suspended scaffolds proposed to be placed on the deck of Type B hoardings.			●

HOARDING APPLICATION SUBMISSION MATRIX		Type A (Open) Hoarding	Type A (Closed) Hoarding	Type B Hoarding
MANDATORY = ● MAY BE REQUIRED = ○				
	Section sizes, details of connections/ties including site fence, deck, vehicle and worker access gates, etc. and elevation/s including any required bracing for lateral stability, counterweighting and bracings for high fascias		○	●
STRUCTURAL CERTIFI- CATION	Structural certification for the design. Where scaffolding, site sheds and other structures are proposed to be placed on the deck a Type B hoarding, the drawings must indicate this and appropriate certification.		●	●
STREET FURNITURE	Site plan must also show accurately all street furniture including street litter bins, bench-seats, bus shelters, public telephones, poster bollards, smart poles/power poles, street parking signage stems and the type of parking signage, bike racks and utility access hatches in the footway.	○	●	●
STREET FURNITURE REMOVAL	Where street furniture must be removed to accommodate a temporary structure all costs must be borne by the applicant.		○	○
CCTV	Council may require CCTV cameras to be relocated or an additional camera installed if existing cameras will be blocked by hoarding.			○
PARKING INFRA- STRUCTURE	Council may require the temporary removal or relocation of parking infrastructure at the applicant's cost (signs, ticket machines etc.)		○	○

APPENDIX 2 - EXAMPLES OF HOARDING TYPES

Type A (Open) Hoarding



Example 1: **Acceptable** in Residential Zones only



Example 2: **Not Acceptable** in Commercial Zones



Example 3: **Not Acceptable** in Commercial Zones



Example 4: **Not Acceptable** in Commercial Zones

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Type A (Closed) Hoarding



Example 5: Painted - **Acceptable** in Commercial Zones



Example 6: Painted - **Acceptable** in Commercial Zones



Example 7: Graphic display – **Acceptable** in all zones;
Mandatory in Commercial Zones



Example 8: Graphic display – **Acceptable** in all zones;
Mandatory in Commercial Zones



Example 9: Graphic display – **Acceptable** in all zones;
Mandatory in Commercial Zones



Example 10: Graphic display – **Acceptable** in all zones;
Mandatory in Commercial Zones

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Type B Hoarding



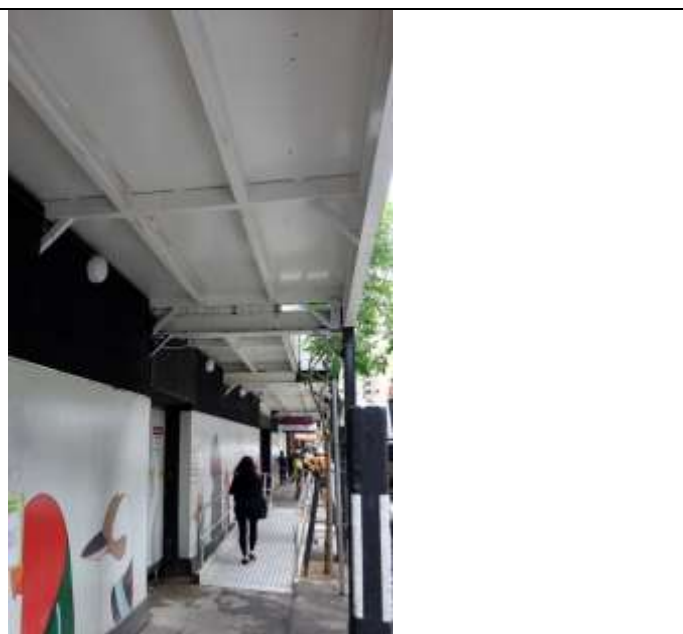
Example 11: Gantry Style – **Acceptable** in all zones



Example 12: Extended fascia to screen overhead sheds – **Acceptable**



Example 13: Gantry style – **Acceptable** in all zones



Example 14: Underside of hoarding must be painted white



Example 15: Scaffolding style – **Not Acceptable** in any zone



(ITEM 90/19) ADOPTION OF DRAFT COMMUNITY PARTICIPATION PLAN

File No: 19/45612

REPORT BY DEPUTY GENERAL MANAGER, LAND, INFRASTRUCTURE & ENVIRONMENT

Summary

The draft Burwood Community Participation Plan (CPP) has been publicly exhibited. Council may now adopt the CPP which has incorporated minor amendments made in response to the submissions received. The CPP will be published on the NSW Planning Portal.

Operational Plan Objective

- 1.1.4 Facilities that encourage community participation and promote a healthy and harmonious lifestyle
- 1.2.3 Communication and community engagement through innovative solutions

Background

The Environmental Planning and Assessment (EP&A) Act 1979 as amended requires all public authorities that have planning functions under the Act, including councils, to prepare a CPP which should be finalised and published on the NSW Planning Portal by the end of 2019.

A draft CPP was prepared and reported to Council on 23 July 2019 when Council resolved to endorse the draft CPP for public exhibition. The exhibition process, in accordance with the legislative requirements, took place between 13 August 2019 and 10 September 2019.

Draft Community Participation Plan

The draft CPP:

- Details how Council will undertake community participation when exercising relevant planning functions.
- Identifies community participation principles and Council actions.
- Sets out the minimum public exhibition timeframes and notification requirements for various planning matters.

Consultation

One external and one internal submission was received in response to the public exhibition.

The table below identifies the key issues raised in the external submission received and comments by Council staff.

Key Issues Raised	Comments
Draft CPP specifies that only the land owner should be notified. If the land owner for a school is the NSW Department of Education, the school community will not be notified of any development proposals.	<p>The Burwood Development Control Plan (BDGP) currently provides that where a property to be notified is owned by the Department of Education (public schools) or another ownership body (private schools), the Principal of the school concerned is to be notified as well.</p> <p>This provision is to be inserted in the CPP.</p>

<p>Suggest to add the following to the draft CPP:</p> <ul style="list-style-type: none"> ▪ Where a development affects community groups, Council should make special efforts to ensure that the groups are notified, rather than relying on a single notification to the property owner. For example: <ul style="list-style-type: none"> – A development concerning a community facility such as Woodstock should be forwarded to all associations who regularly use that facility – A development affecting sports grounds should be forwarded to sports clubs who regularly use that facility – Developments near schools should be forwarded to the school address and any parents association – Where a development affects a school, the notice period should be extended by the duration of any school holiday that occurs at the same time 	<p>It would not be appropriate for Council to single out special interest groups on any development proposals.</p> <p>Works carried out in parks under the State Environmental Planning Policy (Infrastructure) 2007 do not require development consent in most cases. Notwithstanding, Council notifies schools and sporting groups prior to carrying out works that may affect the use of the parks and sports grounds.</p> <p>Council will notify the Principal of the school concerned.</p> <p>It is standard Council practice to increase the notification period if the notification falls around the Christmas and New Year period.</p> <p>In addition, notwithstanding the closing date of a notification period, it is Council's practice to continue to accept submissions right up until the time the matter is determined by Council or under delegated authority.</p>
<p>Council should provide a facility that allows anyone to sign up for e-mails that will advise all new public exhibitions.</p>	<p>Public exhibition of documents in the local newspaper and on Council's website is considered to provide the most transparent, wide-reaching, and publicly-accessible means of notifying our community. These methods of public exhibition are also reinforced by the legislation governing Council activities and development. The adoption of any exhibition method that would notify only a select group of users could be counter to our aims of transparency and equity, and lead to the over-representation of one person or group in community consultation.</p>
<p>The notification period of 21 days does not allow sufficient time to organise community opposition and should be extended.</p>	<p>Council has a duty to process development proposals in a timely manner. The notification period provides a timely balance between the community affected and the applicant.</p>
<p>The recent online exhibition regarding 5 Oxford Street omitted many documents.</p> <p>Where an application modifies an approved development then documents relating to the original application should also be exhibited.</p>	<p>Documents relating to the original application can be provided upon request if not already available through Council's website.</p>
<p>The draft CPP contains the following wording: 'Council is not required to make available for public inspection a planning matter whose publication would, in the opinion of Council, be contrary to the public interest, or because of its confidential nature or for any other reason.'</p>	<p>The wording was adapted from the exhibited draft CPP for the Department of Planning, Industry and Environment (DPIE), which originated from Section 18 of the <i>EP&A Act</i> relating to public exhibition of Environmental Impact Statements.</p>

This wording is too broad and should be removed entirely, or the matter that would be grounds for non-disclosure should be specified. The 'for any other reason' clause is contrary to the spirit of community participation and is not acceptable.	
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The table below identifies the key issues raised in the internal submission received and comments by Council staff.

Key Feedback	Comments
Draft CPP could be simplified and reformatted to be more community friendly.	<p>The CPP is to be retitled 'Land Use Planning – Community Participation Plan', in order to clarify that the document sets out Council's community participation requirements when exercising the land use planning functions under the <i>EP&A Act</i>.</p> <p>The draft CPP has been informed mainly by the BDCP and the guidance material issued by DPIE. Efforts have been made to simplify the document as much as possible.</p>
Draft CPP does not connect with Council's Community Engagement Strategy (CES).	<p>Preparation of the draft CPP had regard to Council's CES. It is stated in the draft CPP that 'For non-planning matters, refer to Council's Community Engagement Strategy prepared under the Local Government Act 1993'.</p> <p>Notwithstanding, additional wording and diagram is to be inserted in the CPP to show Council's engagement framework and the relationship amongst the Community Strategic Plan (CSP), Community Engagement Strategy (CES) and Community Participation Plan (CPP).</p>

Changes to Draft CPP

Consideration of the submissions received has led to the following changes being made to the draft exhibited CPP:

- The CPP has been retitled to 'Land Use Planning – Community Participation Plan for Burwood Council'
- Photos have been added to the document to improve its look and feel
- Wording and tables have been inserted to explain Council's community engagement framework and the relationship between Council's CSP, CES and CPP
- Wording relating to the notification of school Principals and other relevant text currently in the BDCP has been inserted into the CPP

The CPP in **Attachment 1** has incorporated the abovementioned changes.

Planning or Policy Implications

The NSW Government mandates that all Councils must have a CPP in place. The CPP, following Council adoption, is required to be published on the NSW planning portal.

Delegated Council Officers will undertake community participation in accordance with the CPP when exercising planning duties. Any provisions concerning community participation will be removed from the BDCP in due course.

Financial Implications

No financial implications.

Conclusion

The draft exhibited CPP has been revised in response to the submissions received. Adoption of the CPP by Council is sought.

Recommendation(s)

1. That Council adopt the Land Use Planning – Community Participation Plan for Burwood Council.
2. That Council authorise the Acting General Manager to allow further editorial changes to the document before it is published on the NSW Planning Portal.
3. That the document be published on the NSW Planning Portal.

Attachments

- 1 [↓](#) Land Use Planning - Community Participation Plan for Burwood Council



Burwood Inc.1874
Burwood · Burwood Heights · Croydon · Croydon Park · Infield · Strathfield

LAND USE PLANNING COMMUNITY PARTICIPATION PLAN

Public Document
Adopted by Council: XX XX 2019 (Min. No. XX/19)
Date Effective: XX XX 2019
Ref. No.: 19/XXXXX
Version No.: 1
Ownership: Strategic Planning

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1. Introduction

Community participation provides people with the opportunity to have a say and be involved in Council decisions and actions. Participation delivers better planning results for the community.

Council, as a planning authority, undertakes a range of planning functions under the *Environmental Planning and Assessment (EP&A) Act 1979*. A planning authority is required under the EP&A Act to prepare a Community Participation Plan (CPP) when exercising the planning functions.



2. What is Council's Community Participation Plan?

Council's CPP is a document that sets out all of Council's community participation requirements under the EP&A Act. The CPP also establishes the community participation principles which Council will follow when undertaking the community participation.



Version No. 1
Page 5 of 18

3. What is the relationship between Council's Community Strategic Plan, Community Engagement Strategy and Community Participation Plan?

The three plans form the engagement framework of Council. Their relationship is as follows:

Name of the Plan or Strategy	Governing Legislation
Community Strategic Plan – <i>Identifies the priorities and aspirations of the community</i>	Local Government Act 1993
Community Engagement Strategy – <i>Engages the community on all Council functions</i>	
Community Participation Plan – <i>Encourages community participation on planning matters</i>	EP&A Act 1979

4. What planning matters does the Community Participation Plan apply to?

Council generally has two major planning functions: policy making and assessment. Each function covers a number of planning matters, which the CPP applies to.

Policy making	<p>A planning policy sets the strategic direction or guidance for development in the Burwood Local Government Area (LGA) and includes the preparation of a:</p> <ul style="list-style-type: none"> ▪ Local Strategic Planning Statement (LSPS) ▪ Local Environmental Plan ▪ Planning Proposal initiated by Council ▪ Development Control Plan ▪ Local Infrastructure Contribution Plan
Assessment	<p>Delegated Council officers assess and make planning decisions on a range of development proposals, including:</p> <ul style="list-style-type: none"> ▪ Development Applications (DAs) and any modification of a DA ▪ Planning Proposals (PPs) ▪ Reconsideration of a DA or PP

For non-planning matters, refer to Council's Community Engagement Strategy prepared under the *Local Government Act 1993*.

5. Who does this Community Participation Plan apply to?

The CPP applies to the Council, and is to be administered by delegated Council officers.

The CPP does not apply to other planning authorities, such as the NSW Department of Planning, Industry and Environment (DPIE), the Greater Sydney Commission, the Sydney Eastern City Planning Panel (SECPP) or the Burwood Local Planning Panel (BLPP).

Note:

At the time of writing this CPP, the DPIE has advised that it is considering whether a regulation should be made to remove the obligation for local and regional panels to prepare a CPP, and that if this occurs, Council's CPP will apply to the SECPP and the BLPP.

6. Community participation principles and Council actions

The table below lists the community participation principles having regard to Section 2.23(2) of the EP&A Act and Council actions in implementing the principles.

Table 1: Community participation principles and Council actions

Principles	Actions
Community participation is open and inclusive	<ul style="list-style-type: none"> State in public notices and notification letters that comments are invited, which does not expressively prohibit anyone from participating
Community participation is easy	<ul style="list-style-type: none"> Provide planning information in plain language
Community participation is relevant	<ul style="list-style-type: none"> Tailor community participation activities to match the context, scale and nature of the planning matter, its likely impacts and level of community interest
Community participation is timely	<ul style="list-style-type: none"> Start community participation as early as possible, and allow for an appropriate period Allow reasonable time for the community to provide input
Community participation is meaningful	<ul style="list-style-type: none"> Address all written submissions received in the report to Council on the matter Advise people in writing of the outcomes of consideration of their submissions Comply with any statutory obligations Protect privacy and respect confidentiality

7. How will Council invite the community to participate?

Council will invite the community to participate through public exhibition and will generally advise the community of a public exhibition by one or more of the following methods:

- Sending a notification letter to property owners and maybe non-owner occupiers
- Conducting a letter box drop or mail out
- Providing a public notice in a local newspaper

The notification letter, letter box drop and the public notice will:

- Describe the planning matter
- Provide information on how people can inspect the documents or find out more information
- Advise how people can make comments, if comments are invited
- Specify the period in which the matter is available for inspection and comments



8. Who will receive a notification for public exhibition letter?

The property owners (and non-owner occupiers for DA matters), who in Council's view may have an interest due to proximity, or are likely to be affected by the relevant planning matter, will receive a notification letter from Council.

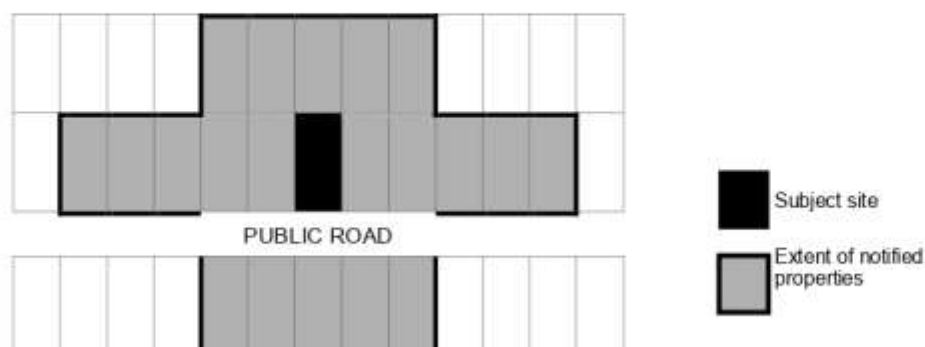
The extent of notification depends on the nature and scale of the planning matter.

Notification of property owners and occupiers for DA matters

DA notifications will generally be in accordance with the following diagrams in so far as the diagrams represent a typical land pattern and also at the discretion of delegated Council officers.

All DAs (other than those specifically listed below)

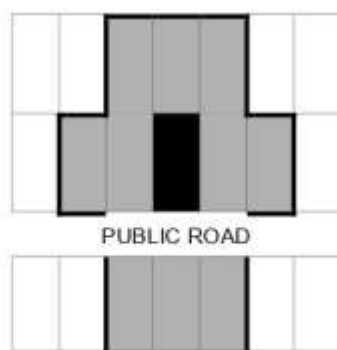
Notification of 20 properties, comprising five at rear, on each side and opposite.

**Major DAs of commercial, non-residential, residential, or mixed use developments**

Notification of 40 properties, comprising 10 at rear, on each side and opposite.

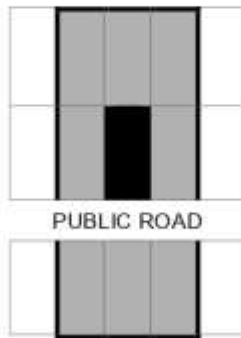
**DAs for new two storey houses and first floor additions (including demolition)**

Notification of two properties each side, three to the front and to the rear.

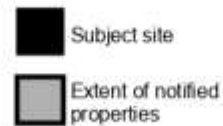
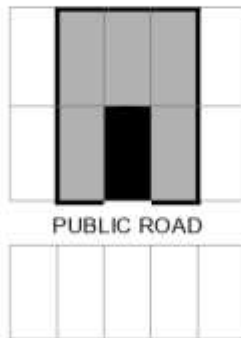


DAs for new single storey houses

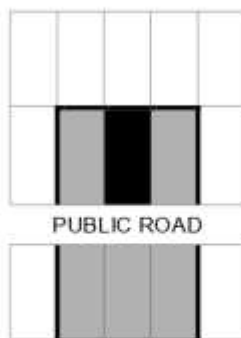
Notification of each adjoining property plus three opposite.

**DAs for ground floor alterations and additions**

Notification of each adjoining property.

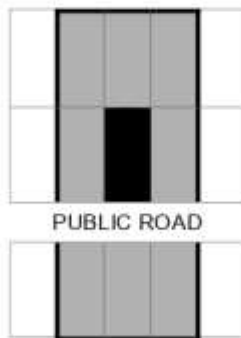
**DAs for carports forward of the building line and front fences**

Notification of adjoining property on each side plus three opposite.

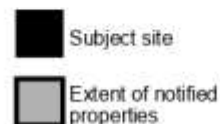
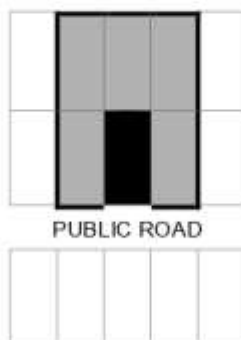


DAs for carports at the side of a building

Notification of each adjoining property plus three opposite.

**DAs for swimming pools, garages, rear carports and outbuildings**

Notification of each adjoining property.

**Notification of property owners for PPs, policies or plans**

For site specific PPs, notification letters will generally be sent to the owners of a small number of properties on each side, to the front and to the rear, at the discretion of Council.

For PPs, policies or plans that are not site specific, a notice for public exhibition will be placed in a local newspaper.

Preparation of draft policy documents, such as the LSPS, will also involve face to face consultations, e.g. focus groups. Council may utilise an interpreter service to assist community members with translations and will investigate opportunities for online engagement where possible.

9. How can the community participate in a planning matter?

The community can participate by:

- Inspecting the information or documents on a subject matter in Council's Customer Service Centre, Burwood Library and Community Hub (if so advised), and/or on Council's website www.burwood.nsw.gov.au.
- Using the DA Tracker at <http://ecouncil.burwood.nsw.gov.au/> to view applications submitted and determined, applications on exhibition, and undermined applications
- Attending a focus group or public hearing (if so advised)
- Making a submission in writing, which can be posted, faxed, or emailed to Council
- Answering a survey which may be sent by Council
- Speaking to the elected Council at the open forum of a Council meeting, or when the subject matter is up for deliberation during the Council meeting (prior registration is required).



10. Timeframes for community participation

Section 2.21(2) of the EP&A Act details the types of planning matters that must be considered in the CPP and Schedule 1 of the Act sets a mandatory minimum public exhibition timeframe for most of these planning matters. Council will generally exhibit a planning matter for this mandatory minimum timeframe, which may be extended depending on the scale of the matter and Council's practice on similar matters in the past.

Table 2: Minimum public exhibition periods for policies or plans

Draft Community Participation Plan	28 days
Draft Local Strategic Planning Statement	28 days
Planning Proposal	28 days or as specified in the gateway determination, which takes precedence
Draft Development Control Plan	28 days
Draft Local Infrastructure Contribution Plan	28 days

Table 3: Minimum public exhibition periods for DAs and other matters

DAs (other than for complying development certificate, designated development, State significant development or integrated development)	<ul style="list-style-type: none"> 10 days for all DAs other than those listed below 14 days for DAs for residential flat/apartment developments, hospitals, boarding houses, churches or the like 21 days for DAs for major commercial, non-residential, residential, mixed use developments or the like No public exhibition is required for DAs deemed of low impact, e.g. DAs for certain change of use
Modification of a DA that has previously been notified but yet undetermined	If required, same period as the original DA
Modification of a DA which has received a development consent	If required, same period as the original DA
Environmental impact statement	28 days
Planning agreement	28 days
Re-exhibition of any plan, DA or matter referred to in Tables 2 and 3	As determined by the elected Council or delegated Council officers

Table 4: Non-mandatory notification and public exhibition

Sending notification letters regarding a panel meeting or a Council meeting	<ul style="list-style-type: none"> Such letters can be sent out as soon as the date of the meeting is confirmed and should be a week ahead of the meeting where possible The report on the relevant matter which will be deliberated at a meeting will be made available on Council's website from the Friday before the week of the meeting
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Notes on Notification and Public Exhibition

- Timeframes are in calendar days and include weekends and public holidays.
- Any public exhibition period taking in the Christmas / New Year break will be extended into January in the following year.
- Where a property to be notified has a strata scheme, all of the owners and non-owner occupiers as well as the Owners Corporation will receive notification. Notification will be sent to the Owners Corporation only for applications involving minor works, e.g. carports, fences and pergolas.
- Where a property to be notified is owned by Housing NSW or its successor agency, notification will be sent to all occupants of the property as well as the State Government agency.
- Where a property to be notified is owned by the Department of Education (public schools) or another school body (private schools), the Principal of the school concerned is also to be notified.
- Where a planning matter relates to land adjacent to another LGA, Council will notify only the General Manager of the adjoining Council, and not its individual land owners. The notification may not be carried out where it is considered there is an adequate physical separation between the subject land and the neighbouring LGA, e.g. if the subject land has frontage to Coronation Parade or a common boundary with open space adjoining the Cooks River.
- Where in the opinion of Council, a DA has the potential to cause substantial detrimental impacts on neighbouring properties and their owners/occupiers by:
 - The visual quality of the proposal in the streetscape.
 - Hours of operation.
 - Front and side return fences.
 - Wider public interest, particularly associated with an earlier application.
 the properties notified may be extended beyond that indicated in the diagrams above.
- Where a planning matter is considered to be of major significance in the Burwood LGA, in part or as a whole, notification by letter box drop will be carried out in a broader area deemed appropriate by Council, and optional notification in the local newspaper may be instituted.

11. Glossary

Planning term	Definition
Community	Includes any members of the public, individuals, community groups and peak bodies representing a range of interests.
Community participation	Refers to processes through which communities are involved and provide input in issues which affect them.
Local Infrastructure Contribution Plan	A plan developed by Council seeking financial contributions from new development towards the cost of provision, extension or augmentation of local public amenities and/or services.
Development Control Plan	A plan developed by Council providing more detailed planning and design guidelines to support planning controls in a LEP.

Community Participation Plan

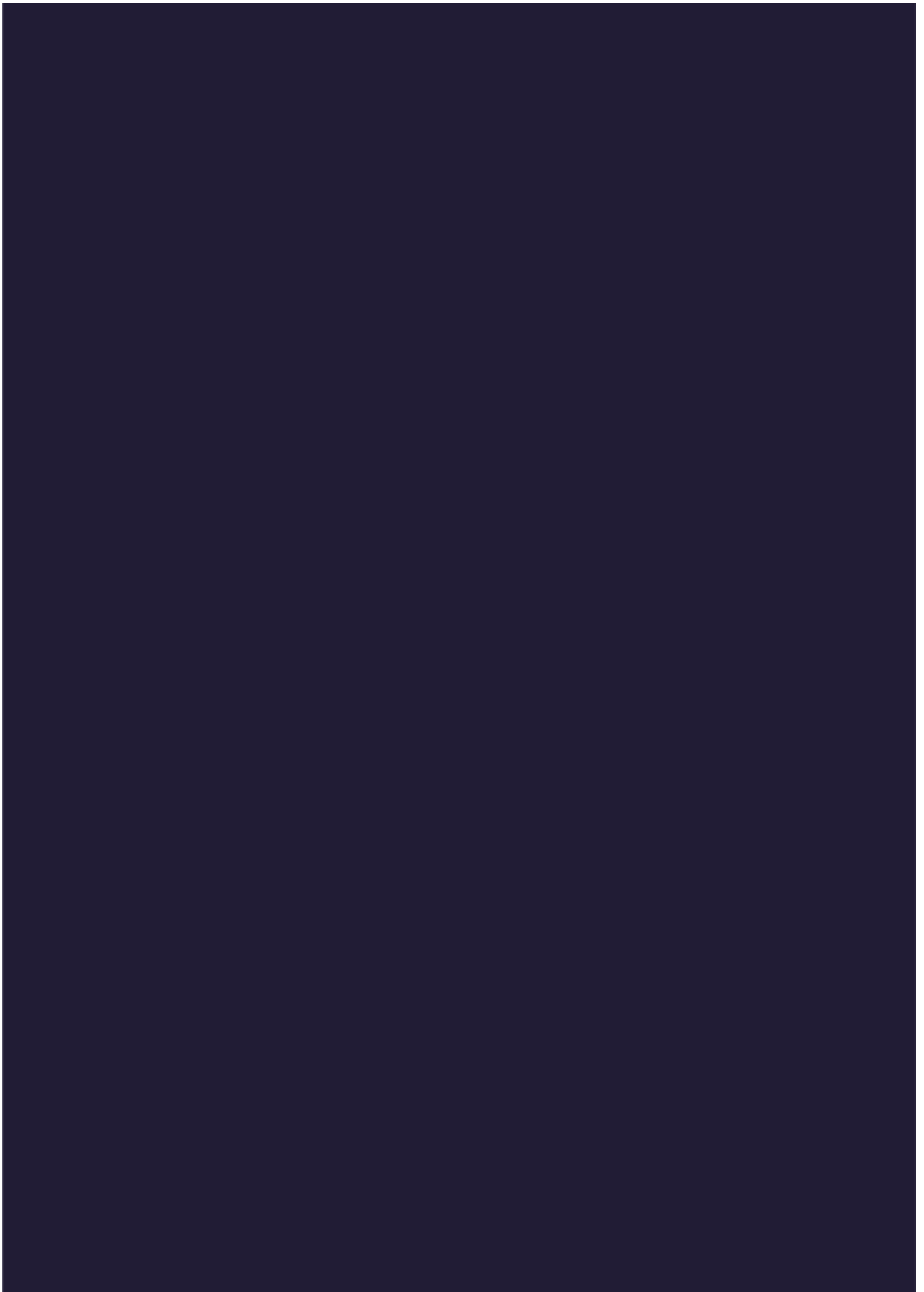
Gateway determination	A decision (which may contain conditions) issued by the DPIE following an assessment of a Planning Proposal to amend or create a LEP.
Local Environmental Plan (LEP)	An environmental planning instrument developed by Council setting the planning framework for the LGA.
Planning agreement	An agreement entered into by a planning authority, such as Council, and a developer. Under the agreement a developer agrees to provide a contribution that is used for or applied towards a public purpose.
Public exhibition	Means a land use planning matter is on display at Council's Customer Service Centre, the Burwood Library and Community Hub (if so advised) and on Council's website, for viewing and comment by the public during a specified period of time. It may include some or all of the following: <ul style="list-style-type: none"> - Giving notice to individual land owners / non-owner occupiers - Determining an appropriate exhibition timeframe - Advertising the exhibition notice, including how submissions can be made - Making documents publicly available

Review

This CPP will be reviewed no later than every four years.

Contact

Group Manager - Strategic Planning, Heritage and Place Planning on 9911 9911.



(ITEM 91/19) ADOPTION OF AMENDED SECTION 7.12 LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN FOR BURWOOD TOWN CENTRE

File No: 19/48464

REPORT BY DEPUTY GENERAL MANAGER, LAND, INFRASTRUCTURE & ENVIRONMENT

Summary

The draft amended Section 7.12 Local Infrastructure Contributions Plan for the Burwood Town Centre has been publicly exhibited. No submissions have been received. It is recommended that Council adopt the Plan.

Operational Plan Objective

- 1.1.1 Provide a diverse range of strategies and initiatives that meet the needs of the community
- 1.1.4.1 Offer a range of facilities for hire that accommodate the various types of use required by the community
- 2.4.1.1 Optimise the experience of visitors to Council and implement a service centre at the new Council Administration Offices

Background

Section 7.12 (formerly Section 94A) Local Infrastructure Contributions Plans allow for councils to fund the provision, improvement or augmentation of public amenities or public services through developer contributions.

Burwood Council has two contributions plans, one for the Burwood Town Centre and another for land outside the Burwood Town Centre.

A draft amended Section 7.12 Plan for the Burwood Town Centre was prepared and reported to Council on 24 September 2019 when Council resolved to endorse the draft amended plan for public exhibition. The exhibition process, in accordance with the legislative requirements, took place between 15 October 2019 and 12 November 2019.

Proposed Amendment

The proposed amendment to the Section 7.12 Plan for the Burwood Town Centre includes a revision to the Works Schedule to reflect the budget approved by Council for the expansion of the Burwood Library and Community Hub and the Burwood Park Pond upgrade works. Minor editorial changes have also been made in the interests of clarity and consistency with existing State Government strategic plans.

Consultation

The draft amended Section 7.12 Plan for the Burwood Town Centre was placed on public exhibition from 15 October 2019 to 12 November 2019. The exhibition material was made available at Council's Administration Centre and on Council's website. A notice was placed in the Inner West Courier on 15 October 2019 advising of the public exhibition.

No submissions have been received.

Planning or Policy Implications

The proposed amendment to the Section 7.12 Contributions Plan would provide an up-to-date Schedule of Works to align with Council's Capital Works Program.

Financial Implications

The Works Schedule of the Section 7.12 Contributions Plan for the Burwood Town Centre will be amended as follows:

- Inserting the project of expanding the Library and Community Hub with an estimated cost of \$3.8 million.
- Amending the cost for the Burwood Park Pond upgrade works from the current \$300,000 (which covers for the design and project management), to \$1.5 million (which will also cover for carrying out the works and associated drainage catchment network upgrades).

The budget for these projects was approved by Council on 23 July 2019.

Conclusion

The draft amended Section 7.12 Local Infrastructure Contributions Plan for the Burwood Town Centre has been publicly exhibited. Adoption of the Plan by Council is recommended.

Recommendation(s)

1. That Council adopt the amended Section 7.12 Local Infrastructure Contributions Plan for the Burwood Town Centre as exhibited.
2. That Council give public notice of its adoption in accordance with legislative requirements and bring the amended Section 7.12 Local Infrastructure Contributions Plan into effect on the date that public notice of its adoption is given in a local newspaper.

Attachments

- 1  Draft amended Section 7.12 Local Infrastructure Contributions Plan as exhibited

DRAFT AMENDED SECTION 7.12 LOCAL INFRASTRUCTURE
CONTRIBUTIONS PLAN
For Burwood Town Centre



Burwood Council
heritage • progress • pride

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Public Document
Last Adopted 24 July 2012 Effective 1 September 2012
Trim No. 18/34441
Amendment Adopted xx xx xxxx Effective xx xx xxxx

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Introduction

Section 7.12 of the Environmental Planning and Assessment Act 1979 (the Act) gives Council the power to impose as a condition of development consent a requirement that the applicant pay a levy of a fixed percentage of the cost of the proposed development. Section 7.13 of the Act requires that a condition imposed under Section 7.12 must be in accordance with a contributions plan. Subject to the contributions plan, money received as payment under a condition must be applied towards the provision, extension or augmentation of public amenities or public services.

Pursuant to Section 7.12(5) of the Act, the Minister for Planning has notified the Environmental Planning and Assessment (Burwood Town Centre Levies) Regulation 2010 on 10 May 2010 to amend Clause 25K of the Environmental Planning and Assessment Regulation 2000 (the Regulation). This notice establishes the maximum percentage of the proposed cost of carrying out development that may be imposed by a levy under Section 7.12 for the Burwood Town Centre.

Requirements of the Plan

1. What is the name of this contributions plan?

This plan is called the "Burwood Council Section 7.12 Local Infrastructure Contributions Plan for Burwood Town Centre".

2. Where does this plan apply?

This plan applies to the development of land in the Burwood Town Centre that is identified in the Land Application Map under Burwood Local Environment Plan (Burwood Town Centre) 2010, or thereafter, the Burwood Town Centre Location Map under Burwood Local Environmental Plan (BLEP) 2012.

3. When does this plan commence?

This Plan commences on 10 May 2010. It applies to development applications determined after the plan commences.

4. What is the relationship with other contributions plans?

This plan replaces any other Section 7.11 or Section 7.12 Contributions Plan insofar as it applies to the Burwood Town Centre.

5. What is the Section 7.12 contributions levy?

The rate of the Section 7.12 contributions levy for the Burwood Town Centre is established in the Table to Clause 25K (b) of the Regulation which provides the following:

Proposed cost of carrying out the development	Maximum percentage of the levy
Up to and including \$250,000	Nil
More than \$250,000	4 per cent

Council cannot impose as a condition of the same development consent a condition under Section 7.11 as well as a condition under Section 7.12 of the Act.

A condition imposed under Section 7.12 is not invalid by reason only that there is no connection between the development the subject of the development consent and the object of expenditure of any money to be paid by the condition.

A condition imposed under Section 7.12 that is allowed by or determined in accordance with a contributions plan may not be disallowed or amended by the Court on appeal.

6. What is the purpose of this contributions plan?

The primary purposes of this Section 7.12 Contributions Plan are:

- To authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to Section 7.12 of the Act;
- To provide for funding towards the provision, extension or augmentation of public amenities and public services identified by Burwood Council as necessary to support the expected growth and development in the Town Centre (or towards recouping the cost of their provision, extension or augmentation);
- To publicly identify the purposes for which the levies are required. The main amenities and services which the contributed funds will assist in providing are those set out in Schedule 1. The priorities for expenditure of funds are also indicated in the Schedule. In this Plan, the listed public amenities or public services are generally referred to as the works.

7. What is the demand for public amenities and public services?

This plan is based on the provision of public amenities and services to support the growth and development of Burwood Town Centre. As a Strategic Centre in the Eastern City District of Greater Sydney, there is expected to be substantial growth in employment, services and housing. The increased capacity provided by Burwood Local Environmental Plan (Burwood Town Centre) 2010 – and subsequent BLEP 2012 – is currently expected to result in an additional 2,700 jobs and 5,000 residents in the Town Centre over the next 5 to 20 years.

The growth in residential population, employment and use of services in Burwood Town Centre will require and generate demand for new, extended and augmented public amenities, services and infrastructure. New residents, workers and visitors to Burwood will have inadequate levels of service if Council does not take action to provide new public amenities and infrastructure, or extend and augment existing facilities. The levels of service for the existing population will also decline if there is inadequate public investment.

Administration and Operation of the Plan**8. How is the amount of the levy calculated?**

The levy will be determined on the basis of the rate as set out in Section 5. The levy will be calculated as follows:

$$\text{Levy payable} = \%C \times \$C$$

Where

%C is the levy rate applicable

\$C is the proposed cost of carrying out the development

9. Complying development certificates

Pursuant to Section 7.20 and Section 4.12 of the Act, where an accredited certifier issues a Complying Development Certificate (CDC) in respect of development to which this Plan applies, the certificate must be subject to a condition requiring the applicant to pay to Council the levy in accordance with this Plan.

The condition imposed by an accredited certifier on a CDC must include details of the requirements of Clause 10 of this Plan. Any required contribution payment shall be made to Council **within two days of the issue of a CDC** by a Principal Certifier. Should a payment be made after the two day period, Council may require the amount be indexed in accordance with the Consumer Price Index to adjust the amount of the payment to account for the time between the consent date and payment date.

A suggested condition for use by an accredited certifier imposing a condition on a CDC that requires an applicant to pay to Council a levy in accordance with this Plan is included in Schedule 5.

The imposition of a condition on a CDC issued by an accredited certifier as authorised by this Plan is subject to compliance with any directions given under Section 7.17 of the Act with which Council would be required to comply if issuing the CDC is concerned.

10. How is the cost of development assessed?

The cost of carrying out a proposed development will be determined in accordance with clause 25J of the Regulation. A copy of this clause is provided in Schedule 2.

To provide Council with reliable information on the cost of carrying out a development, the applicant is to provide details with the development application. There are two levels of information provision, dependent on the scale and cost of construction:

- **Between \$100,000 and \$500,000**– where the cost of carrying out a proposed development is in this range, a Cost Summary Report must be completed by the applicant or a nominated representative such as the Project Architect or Project Manager;
- **Above \$500,000** – where the cost of carrying out a proposed development is in this range, a Detailed Cost Report must be completed by a Quantity Surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate an equivalent qualification.

Without limitation to the above, Council may review the valuation of works and may seek the services of an independent qualified person to verify the development cost assessment. In these cases, all costs associated with obtaining such advice will be at the expense of the applicant.

11. When is payment made and how will the contribution be adjusted?

In accordance with clause 146 of the Regulation, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of levies has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that levies have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the council in accordance with clause 142(2) of the Regulation. Failure to follow this procedure may render such a certificate invalid. Council also requires payment of any costs associated with verification of the cost of construction assessment prior to the issue of the construction certificate.

The only exceptions to the requirement are where a works in kind, material public benefit or dedication of land has been agreed by the council. In such cases, council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

As the date of payment of a contribution under a consent condition may be later than the consent date, Clause 25J (4) of the Regulation allows Council to adjust the contribution to reflect cost increases during this period. Contributions will be adjusted at the time of payment of the contribution in accordance with the following formula:

Contribution at time of payment

$$C_2 = \frac{C_1 \times CPI_2}{CPI_1}$$

Where:

C_1 Monetary contribution imposed on the development consent

C_2	Monetary contribution at the time that the contribution is paid
CPI_1	Latest "Consumer Price Index: All Groups Index Number 6401.0" for Sydney available from the Australian Bureau of Statistics at the time of granting the relevant development consent
CPI_2	Latest "Consumer Price Index: All Groups Index Number 6401.0" for Sydney available from the Australian Bureau of Statistics at the time the contribution is to be paid

Refer **Section 9** for requirement of contribution payment under a CDC.

12. Will Council accept alternatives to a levy?

The Council may at its absolute discretion accept the dedication of land or provision of a material public benefit or works-in-kind in part or full satisfaction of a Section 7.12 levy under this plan.

As a general rule, only land or works directly associated with the roads and traffic improvements, public domain improvements and community facilities as indicated in Schedule 1 may be considered as a material public benefit or work-in-kind in satisfaction of the contributions levy. Applicants must provide full details, costs and valuations of the land or works.

If Council agrees to an alternative to the levy, it will either require the alternative as a condition of consent, or accept it under the terms of a Voluntary Planning Agreement.

13. How will the Section 7.12 funds be administered?

Burwood Council is to administer money obtained from the 7.12 levy and make decisions on the application of funds applied towards the provision, extension or augmentation of public amenities, infrastructure or public services for the Town Centre in accordance with the Act and Regulation 2000.

This plan expressly authorises section 7.12 levies paid for different purposes to be pooled and applied (progressively or otherwise) for the purposes indicated in Schedule 1.

Schedule 1 –Works Schedule

In the following Table and Maps, Schedule 1 provides a summary of the main local public amenities, infrastructure or public services towards which funds collected under this Contributions Plan will be used to provide, extend or augment, (or used towards recouping the cost of provision, extension or augmentation). The Table in Schedule 1 includes the estimated cost of the public amenities or public services. Funds collected under the contributions plan will provide only a part of the indicated cost of works, infrastructure and services. The Table in Schedule 1 also indicates the estimated priority timeframe of their provision, extension or augmentation in full or in large part (see clarification note at end of Schedule 1).

The Maps following the Table are included in Schedule 1 to indicate the location of the main works, infrastructure and services. The proposed works listed in the Table and shown on the Maps in Schedule 1 are indicative and implementation is subject to the budgetary and operational resources of Council. Not all works shown on the maps are prioritised in the section 7.12 plan for the Burwood Town Centre. Regard should also be given to the Land Reservation Acquisition Map in the BLEP 2010 and 2012 which shows the land to be acquired for implementation of certain projects, as indicated in the Table.

Table – Provision or improvement of public amenities, infrastructure or services

	Public Amenities, Infrastructure and Services	Cost	Category Totals	Priority Time Frame
	Roads and Traffic	\$119,762,555		
	Intersection Works Sub-Total	\$11,380,055	\$11,380,055	
A	Burwood Road & Livingstone Street/Clarence Street - New Traffic Signals Multi-Purpose Poles (MPP)	\$500,000		B1
B	Burwood Road & Belmore Street - Traffic Signals Upgrade (MPP)	\$500,000		A3
D	Burwood Road & George Street - New Traffic Signals (MPP)	\$500,000		B1
E	Burwood Road & Victoria Street/East – New Traffic Signals (MPP)	\$1,400,000		B1
F	Railway Parade & Conder Street - New Traffic Signals (MPP)	\$600,000		A3
G	Burwood Road & Deane Street Traffic Signal Upgrade (MPP)	\$500,000		B1
H	Shaftesbury Road & Clarence Street – New Traffic Signals	\$500,000		B1
I	Belmore Street & Elizabeth Street – Footpath/Road Widening	\$50,000		B1
J	Shaftesbury Road & Victoria Street East – Road Widening	\$1,400,000		B1
K	Shaftesbury Road & Wilga Street – Road Widening	\$1,500,000		B1
L	Shaftesbury Road & Belmore Street – New Traffic Signals	\$500,000		B1
N	Shaftesbury Road & Deane Street – New Traffic Signals and Road Widening	\$2,330,055		A3
P	Marmaduke & Deane Street – Road Widening	\$100,000		A3
R	Belmore Street & Wynne Avenue – New Traffic Signals	\$500,000		A3
S	Belmore Street & Conder Street – New Signals	\$500,000		A3
	Street Openings Sub-Total	\$10,860,000	\$10,860,000	
A	Victoria Street West – Future opening of the eastern end at Burwood Road – civil works	\$300,000		C1
B	Victoria Street West - Future opening of the eastern end at Burwood Road - land acquisition (refer A on Map 3)	\$4,800,000		C1
C	Victoria Street East Future opening of the eastern end at Burwood Road – land acquisition (refer F and G on Map 3)	\$5,760,000		C1
	Carriageway Widening – Footway Setbacks Sub-Total	\$7,522,500	\$7,522,500	
C	Victoria Street East	\$200,000		A3
D	George Street (East)	\$400,000		A3
E	Shaftesbury Road (various - east and west sides)	\$550,000		A3

ITEM NUMBER 91/19 - ATTACHMENT 1

Draft amended Section 7.12 Local Infrastructure Contributions Plan as exhibited

H	Wentworth Rd south of Railway Parade (West Side)	\$400,000		A3
I	Shaftesbury Road - Land Acquisition (refer D on Map 3)	\$2,600,000		A3
J	Shaftesbury Road - Sliplane Land Acquisition	\$145,000		A3
K	Victoria Street East Land Acquisition (refer C on Map 3)	\$298,000		A3
L	Railway Pde (Burwood Plaza Site) Land Acquisition (refer E Map 3)	\$1,522,500		A3
M	George St East between Burwood Rd and Shaftesbury Rd - southern side - land acquisition (refer B on Map 3)	\$1,407,000		A3
	Street Widening - Shaftesbury and Wentworth Rd Bridges	\$50,000,000	\$50,000,000	
A	Shaftesbury Road Bridge	\$25,000,000		B2
	Wentworth Road Bridge	\$25,000,000		B2
	Street Resurfacing	\$40,000,000	\$40,000,000	
A	Street Re-surfacing – Burwood CBD Various Roads	\$40,000,000		A3
	Open Space & Recreation	\$14,655,915		
	New Public Open Space Acquisition Sub-Total	\$12,000,000	\$12,000,000	
	Public Open Space (SE Corner Railway Pde & Burwood Rd) Square - land acquisition (refer H on Map 3)	\$12,000,000	\$12,000,000	B3
	New Public Space Embellishment Sub-Total	\$1,155,915	\$1,155,915	
D	Public Open Space/Pedestrian Link (Deane St - Mary St)	\$1,155,915		B1
	Town Centre Existing Open Space Embellishment Sub-Total	\$1,500,000	\$1,500,000	
D	Burwood Park Stormwater Harvesting – Pond Upgrade Sydney Water project	\$1,500,000		A3
	Community	\$7,174,816		
	Childcare Sub-Total	\$3,374,816	\$3,374,816	
A	Long Day Care - Pre School Centre 1	\$1,349,914		B1
B	The Community Centre (Woodstock)	\$500,000		A1
B	Pre-School - OOSH Centre 2	\$1,524,902		B2
	Library and Community Hub Sub-Total	\$3,800,000	\$3,800,000	
A	Library and Community Hub (Conder Street)	\$3,800,000		A1
	Public Domain Improvements	\$39,400,817		
	Streetscape Upgrades (Town Centre Beautification) Sub-Total	\$37,400,817	\$37,400,817	
A	Burwood Rd - East side (Meryla St - Church St)	\$2,542,601		A3
B	Burwood Rd - West side (Burwood Pk - Woodside St)	\$2,606,523		A3
C	Wilga Street - South side	\$609,635		A3
D	Victoria Street East - North side	\$703,345		A3
E	Victoria Street East - South side	\$644,418		A3
F	George St - North side (Shaftesbury Rd - Burwood Rd)	\$559,533		A3
G	George St - South side (Shaftesbury Rd - Burwood Rd)	\$876,549		A3
H	Marmaduke Street between Deane St and George St – both sides	\$436,109		A3
I	Deane Street between Shaftesbury Road and Youth Lane – both sides	\$436,109		A3
J	Railway Pde - South side (Burwood Rd - Shaftesbury Rd)	\$1,440,812		A3
K	Belmore Street - North side (Conder Street - Shaftesbury Road)	\$2,100,464		A3
L	Belmore Street - South side (Conder Street - Shaftesbury Road)	\$1,054,562		A3

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ITEM NUMBER 91/19 - ATTACHMENT 1

Draft amended Section 7.12 Local Infrastructure Contributions Plan as exhibited

M	Conder St - West side (Livingstone St to Railway Pde)St	\$565,689		A3
N	Conder St - East side (Norwood St to Railway Pde)	\$509,667		A3
	Wynne Ave - Both sides	\$916,178		A1
P	George Street - North side (Park Road - Burwood Road)	\$553,326		A3
Q	George Street - South side (Park Road - Burwood Road)	\$669,515		A3
S	Victoria Street West - South side (Dunns Lane - Park Road)	\$387,878		A2
U	Park Avenue - South side	\$882,763		A3
V	Park Avenue - North side	\$1,345,574		A3
W	Mary Street - both sides	\$1,267,400		A3
Y	Comer Street - South side (Park Rd - Burwood Rd)	\$1,022,411		A3
Z	Railway Crescent from Park Rd to John St North Side and John St from Railway Cres to George St - both sides	\$105,780		A3
AA	John Street - George St to Victoria St - both sides	\$85,656		A3
AB	Place Underground Low Voltage Aerial Supply Line	\$10,653,984		C1
AC	Place Underground Low Voltage Customer Service Line	\$2,812,813		B3
AD	Bus Stops, Shelters, Seats, Bins	\$839,889		A3
AE	Shaftesbury Rd - East side (Victoria St East to Deane St)	\$771,634		A3
AF	Town Centre Beautification - various locations (not mentioned above)	\$750,000	\$750,000	A3
	Street Closures and Shared Ways Sub-Total	\$1,250,000	\$1,250,000	
A	Conder Street - pedestrianised zone outside Burwood Public School	\$250,000		A3
B	Clarendon Place - pedestrianised zone	\$250,000		A3
C	Deane Street (Mary to Burwood Rd) - Shared Zone)	\$250,000		A3
D	Wynne Avenue pedestrianised zone	\$250,000		
E	Railway Crescent (John St to Burwood Rd) - closure for pedestrian use	\$250,000		A3
	Plan Preparation and Administration	\$300,000	\$300,000	A1
	GRAND TOTAL		\$181,294,103	

Note on Table to Schedule 1

Each item of works has been provided with a priority ranking which provides an indicative timing for the delivery of the work items, as shown in the following table.

Priority ranking	Indicative timing
A	2018-2021
B	2021-2024
C	2024-2027

The priority ranking and actual timing of delivery of works is subject to change as it is influenced by the following factors:

- The rate and timing of development from which contributions are collected;
- The pooling of sufficient funds to enable provision, extension or augmentation of amenities and services;
- The requirements of Council's annual works program from year to year;
- The relationship between works and other events e.g. land acquisitions may depend on whether the properties are on the market.

Map 1



Map 2



Map 3



Schedule 2 - Determination of Proposed Cost of Development**Clause 25J of the Environmental Planning and Assessment Regulation 2000****25J Section 7.12 levy—determination of proposed cost of development**

- (1) *The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 7.12 levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:*
 - (a) *if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,*
 - (b) *if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,*
 - (c) *if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.*
- (2) *For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.*
- (3) *The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:*
 - (a) *the cost of the land on which the development is to be carried out,*
 - (b) *the costs of any repairs to any building or works on the land that are to be retained in connection with the development,*
 - (c) *the costs associated with marketing or financing the development (including interest on any loans),*
 - (d) *the costs associated with legal work carried out or to be carried out in connection with the development,*
 - (e) *project management costs associated with the development,*
 - (f) *the cost of building insurance in respect of the development,*
 - (g) *the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),*
 - (h) *the costs of commercial stock inventory,*
 - (i) *any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law,*
 - (j) *the costs of enabling access by disabled persons in respect of the development,*
 - (k) *the costs of energy and water efficiency measures associated with the development,*
 - (l) *the cost of any development that is provided as affordable housing,*
 - (m) *the costs of any development that is the adaptive reuse of a heritage item.*
- (4) *The proposed cost of carrying out development may be adjusted before payment, in accordance with a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan (such as a Consumer Price Index) between the date the proposed cost was determined by the consent authority and the date the levy is required to be paid.*
- (5) *To avoid doubt, nothing in this clause affects the determination of the fee payable for a development application.*

Schedule 3 – Form for a Cost Summary Report

Burwood Council

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Cost Summary Report

- To be completed for all development costing between \$100,000 and \$500,000.
- To be completed by the applicant or a nominated representative such as the Project Architect or Project Manager.
- Please have regard to the legal requirements for the determination of the proposed cost of development provided in Clause 25J of the EP&A Regulation 2000 (see Schedule 2).

DEVELOPMENT APPLICATION No.

and/or

COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No.

and/or

CONSTRUCTION CERTIFICATE No. DATE:

Applicant's Name:

Applicant's Address:

Development Description:

Development Address:

Parking/Garaging Area (m²)

Total Construction Area (exc. Parking/Garaging) (m²)

DESCRIPTION OF COST	APPLICANT'S GENUINE ESTIMATE
Demolition	\$
Site preparation (e.g. clearing vegetation, decontamination or remediation)	\$
Excavation	\$
Preliminaries (e.g. scaffolding, hoarding, fencing, site sheds, waste management)	\$
Construction and Engineering Costs	\$
Change of Use	\$
Subdivision (planning, executing and registering, inc. covenants and easement)	\$
Services (e.g. plumbing, mechanical, fire lift)	\$
External work (e.g. landscaping, driveways, parking, pools)	\$
External services (e.g. gas, telephone, electricity connection to mains)	\$
Other (specify)	\$
Margin	\$
Goods and Services Tax	\$
TOTAL	\$

I certify that I have:

- Provided the genuine costs of the development proposed by this application and these costs are based on industry recognised prices;
- Included GST in the calculation of development costs;
- Calculated the development costs in accordance with the definition of development costs in Section 25J of the Environmental Planning and Assessment Regulation 2000, at current prices;
- Acknowledged that Council may review the information provided and may seek further information or make its own fee determination.

Signed: _____

Name: _____

Position: _____

Company: _____

Date: _____

Contact Number: _____

Contact Address: _____

Schedule 4 – Form for a Detailed Cost Report by a Quantity Surveyor

Burwood Council
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Detailed Cost Report by a Registered Quantity Surveyor

- To be completed for all development that costs more than \$500,000 (that is, not covered by Schedule 3).
- To be completed by a Quantity Surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate an equivalent qualification.
- Please have regard to the legal requirements for the determination of the proposed cost of development provided in Clause 25J of the EP&A Regulation 2000 (see Schedule 2).

DEVELOPMENT APPLICATION No.

and/or

COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No.

and/or

CONSTRUCTION CERTIFICATE No.

DATE:

Applicant's Name:

Applicant's Address:

Development Description:

Development Address:

DEVELOPMENT DETAILS:	
Gross Floor Area – Commercial	m ²
Gross Floor Area – Residential	m ²
Gross Floor Area – Retail	m ²
Gross Floor Area – Car Parking	m ²
Gross Floor Area – Other	m ²
Total Gross Floor Area	m ²
Total Site Area	m ²
Total Car Parking Spaces	
Total Development Cost	\$
Total Construction Cost	\$
Total GST	\$

ESTIMATE DETAILS:	
Excavation	\$
Cost per square metre of site area	\$/m ²
Demolition and Site Preparation	\$
Cost per square metre of site area	\$/m ²
Construction - Commercial	\$
Cost per square metre of commercial area	\$/m ²
Construction - Residential	\$
Cost per square metre of residential area	\$/m ²
Construction - Retail	\$
Cost per square metre of retail area	\$/m ²
Car Parking	\$
Cost per square metre of site area	\$/m ²
Cost per space	\$/space
Fit-out - Commercial	\$
Cost per m ² of commercial area	\$/m ²
Fit-out - Residential	\$
Cost per m ² of residential area	\$/m ²
Fit-out - Retail	\$
Cost per m ² of retail area	\$/m ²
Professional Fees	\$
% of Development Cost	%
% of Construction Cost	%

I certify that I have:

- Inspected the plans the subject of the application for development consent or construction certificate;
- Prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quality Surveyors (AIQS);
- Calculated the development costs in accordance with the definition of development costs in Section 25J of the Environmental Planning and Assessment Regulation 2000, at current prices;
- Included GST in the calculations of development costs;
- Measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1 (Appendix A2);
- Acknowledged that Council may review the information provided and may seek further information or make its own fee determination.

Signed: _____

Name: _____

Position: _____

Company: _____

Registration as Member of the Australian Institute of Quality Surveyors: _____

Date: _____

Contact Number: _____

Contact Address: _____

Schedule 5 – Suggested Condition of Consent For Use By Private Certifiers

This is a suggested condition for use by an accredited certifier imposing a requirement that an applicant must pay to Burwood Council a levy in accordance with this Plan.

Section 94A Contributions

Pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Section 7.12 Contributions Plan for Burwood Town Centre, the following contributions levy towards public services and amenities is required to be paid to Burwood Council:

Contribution Element	Contribution
A levy of <i>(insert %)</i> per cent of the cost of carrying out the development, where the development cost is <i>\$(insert development cost)</i>	<i>\$(insert contribution)</i>

The contribution is to be paid in full to Burwood Council **within two days of the issue of the Complying Development Certificate**.

Evidence in the form of bank cheque(s) or receipt(s) confirming that payment has been made is to be submitted to the Principal Certifier.

The above contribution may be adjusted in accordance with the Consumer Price Index in the event of late payment.

Note: Credit cards and personal cheques are not accepted by Burwood Council for the payment of Section 7.12 contributions.

(ITEM 92/19) ANNUAL REPORT 2018-2019

File No: 19/45996

REPORT BY ACTING DEPUTY GENERAL MANAGER, CORPORATE, GOVERNANCE & COMMUNITY

Summary

Burwood Council's Annual Report for the period 2018-2019 has been prepared in accordance with the *Local Government Act 1993* (the Act) and the Office of Local Government's Annual Report requirements.

Operational Plan Objective

Leadership and Innovation

2.1.3. Ensure transparency and accountability in decision-making

2.1.3.1 Audit and evaluate projects and report outcomes to the community where possible

2.1.3.2 Provide information in a transparent manner

Background

The report is prepared annually to comply with Sections 428 and 406 of the Act and Clause 217 of the *Local Government (General) Regulation 2005* and must be provided to the Minister for Local Government by 30 November each year.

The focus on the Annual Report is Council's progress in implementing its Delivery Program and Operational Plan. The report addresses each of the strategic directions outlined in the Community Strategic Plan and has been prepared as a key reporting mechanism in accordance with the requirements of the State Government Integrated Planning and Reporting Framework.

Consultation

The Annual Report will be made available to the public on Council's website in the form of an e-book, as well as in hard copy at the Council's Administration Building and Burwood Library and Community Hub (until closure).

Planning or Policy Implications

No Planning or Policy implications

Financial Implications

No Financial implications

Recommendation(s)

That Council adopt Burwood Council Annual Report 2018-2019

Attachments

1 [↓](#) BUR1023 Burwood Annual Report 2018-2019 _final



Burwood
Inc.1874

Annual Report

2018–2019

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield





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Acknowledgment of Country

Burwood Council acknowledges the Wurigal Clan of the Eora Nation, the traditional custodians of the lands in which the Burwood local government area is located. We pay our respects to their elders past, present and emerging. We acknowledge and respect their cultural heritage, beliefs and ongoing relationship with the land.



Burwood Council



Message from the Mayor

I am pleased to present Council's Annual Report for 2018–2019. We delivered some significant projects in what was a productive 12 months, including infrastructure that will benefit generations to come.

The beautification of our town centres, and upgrades to our parks and playgrounds, were just some of the projects delivered.

Our town centres are popular meeting places, and provide business and employment opportunities. Council has installed new plants, lighting, footpaths, fencing, seating and more to ensure these areas remain attractive.

Another considerable project was the Burwood Park Community Centre. This venue allows groups more opportunity to enjoy meetings, education and performances in their own neighbourhood.

I was also pleased to see improvements to Henley Park. Council provided two new playgrounds with slide structures, flying foises, exercise equipment and a giant chessboard. Our cricketers have enjoyed the new pitch and practice nets, which were also provided.

Council approved the masterplan for Enfield Aquatic Centre, which means exciting times ahead. Our consultation, planning and design will provide an

additional indoor pool, and improvements throughout the centre, which will help many of our residents learn to swim.

We held successful events such as the Lunar New Year Carnival and Burwood Art Prize, and celebrated our cultural and artistic communities. These events continue to foster understanding of different cultures, and showcase our creative talents.

Council recently unveiled a new brand identity which better reflects our thriving, multicultural community. Our residents helped devise this look, which should attract additional investment and opportunities.

I would like to thank councillors and staff for their hard work in achieving these results. We have a great relationship, and I look forward to us all making Burwood an even better place to live over the next 12 months.

Cr John Fakher
Mayor of Burwood

Burwood Council



Message from the Acting General Manager

Burwood continues to attract people who want to raise a family here and enjoy our precious natural environment and multicultural community.

Businesspeople want to capitalise on Burwood's convenient location and vibrant town centres. To meet this demand, Council in the 2018–2019 financial year delivered one of its most comprehensive capital works programs in recent memory. This was partly due to our employees' success in securing government grants in recent years. Council invested more than \$14 million in assets and infrastructure as a result.

We continue to place strong focus on our financial sustainability with a \$11.37 million surplus net, which is earmarked for significant upgrades to Council facilities next year.

There is more work to do, and Council is evolving and exploring new ways to meet the demands of our growing community.

We have made a concerted effort to improve dialogue with business and emerging community groups. Burwood is a diverse community, and the better we understand its needs, the better we can serve it.

Tommaso Briscese
Acting General Manager



Burwood Council

THE CURRENT COUNCIL

Our Councillors

The current Council was elected in September 2017. The Councillors have been elected to represent the local community and deliver its long term vision for Burwood.

A well connected, innovative, sustainable and safe community that embraces and celebrates its diversity.



Cr John Fakar
Mayor of Burwood



Cr Lesley Furneaux-Cook
Deputy Mayor



Cr Ernest Chan
Councillor



Cr Heather Crichton
Councillor



Cr Joseph Del Duca
Councillor



Cr Raj Dixit
Councillor

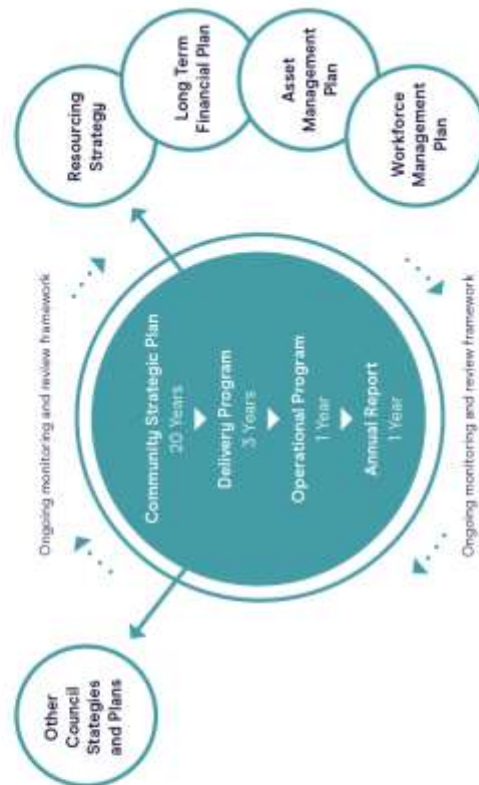


Cr George Mannah
Councillor

Burwood Council

Burwood 2030: The framework

Local councils in NSW are required by legislation to work with their communities to develop a long term plan for the social, environmental and economic health, sustainability and prosperity of their areas. Three layers of plans are required under this Integrated Planning model – the 20 year Community Strategic Plan, 4 year Delivery Program and annual Operational Plan. The Annual Report is the key reporting mechanism for these plans.



How to read the Annual Report

The Annual Report outlines Council's key achievements and statutory responsibilities from 1 July 2018 to 30 June 2019. It is divided into two sections.

SECTION 1 / OUR ACHIEVEMENTS

This section highlights Council's achievements against objectives in the Operational Plan and Budget 2018-2019. It also provides a summary of Council's financial performance throughout the financial year.

SECTION 2 / STATUTORY REPORTING

This section includes reporting requirements prescribed by the Local Government Act 1993 and the Local Government (General) Regulation 2009. This includes a summary of Council's legal proceedings, details of contracts awarded by Council, financial assistance contributions to the community and information relating to the Government Information (Public Access) Act 2009 (NSW).



Burwood Council

BURWOOD 2020:

Our community's vision

A well connected, innovative, sustainable and safe community that embraces and celebrates its diversity.

Our Burwood is a melting pot of culture with a thriving business and retail centre surrounded by historic villages each with their own district character and charm, including Burwood Heights, Croydon, Croydon Park, Enfield and Strathfield.

The quality of life residents enjoy, the central location, local schools and excellent transport infrastructure have made Burwood an attractive destination for people to live, work and visit.

As a major strategic and geographic centre, Burwood will strengthen its role in central Sydney over the next 10 years by providing a mix of higher skilled jobs and a diverse mix of housing.







Burwood Council

SECTION ONE / OUR ACHIEVEMENTS

2. Leadership and innovation

We strive for community leadership that fosters our community values and celebrates our culture, diversity and heritage. This encourages greater participation and engagement in decision making processes involving people in local activities and programs. Burwood's leaders include our elected representatives and leaders in our business, volunteer, spiritual and environmental community. Leadership and innovation focus on thinking outside the square to resolve challenges and strive to be a leading community in economic prosperity, environmental, sustainability and social responsibility.

COMMUNITY STRATEGIC PLAN GOALS

- 2.1 / Community confidence in Council's decision making
- 2.2 / Strong partnerships to benefit the community
- 2.3 / Financial sustainability and organisational effectiveness
- 2.4 / Efficient and innovative customer focused services
- 2.5 / Leaders in the Local Government sector

Proactive Building Site Enforcement has delivered better compliance at sites with **\$700,000+ in fines** issued in 2018-2019

Council has achieved **continual comparable market rental** across its leased properties. The assets are regularly maintained for community use.

13,109 + Inquiries actioned in 2018-2019

Milestone:
Resourcing strategy including the Workforce Plan, Asset Management Plan and Long Term Financial Plan were adopted by council in February 2019. The purpose of the Resourcing Strategy is to demonstrate to the community that Council has committed sufficient resources, time, money, assets and people to deliver the community's vision and aspirations for Burwood.

Highlights

Opportunities for residents and Mayor to talk about what matters

- Eight street meetings with the Mayor were held involving more than 110 residents

Council's assets support our financial future

- Property Strategy review to assist Council in working towards financial sustainability

Milestone:
Transparent processes for purchasing and procurement set in place with a Tendering Manual and comprehensive Corporate Practices.

Milestone:
Special Rate Variation (SRV) approved by the Independent Pricing and Regulatory Tribunal (IPART). Council consulted widely on Funding Our Future using a broad range of innovative and traditional engagement methods to inform Council's successful application for a SRV 2% above the rate peg over 4 years to further reduce the drainage infrastructure backlog.

Milestone:
Investment Strategy has been developed. Invested funds have been receiving returns above the Reserve Bank of Australia's official rate.

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Major infrastructure projects

BURWOOD	COMPLETED	COMMENCED
New Burwood Community Centre at Burwood Park		
Sanders Reserve playground upgrade		
Landmark Trees planted: 2 at Burwood Park and 1 at Woodstock Park		
Burwood CBD:		
Installation of new traffic island at Railway Crescent intersection with Burwood Rd		
Cherry Blossom trees planted and installation of 24 planter boxes		
Glass pedestrian fencing along Burwood Rd		
Palm tree lighting in Railway Pkwy		
George St - Marmaduke St to Burwood Rd stormwater and footpath upgrade		
Drainage, kerb gutter, footpath and/or road resurfacing works:		
Nicholson St		
Clarence Street		
Seale Street		
Richards Lane		
Ethel St		
Neck Parade		
Warren St		
Tanline St		
Eualla St		
Fitzroy St		
Hornsey St		
Oxford St		
Quondoo Ave		
Faunce Street		

CROYDON	COMPLETED	COMMENCED
Elbar Park Upgrade		
New under shop awning lighting along Georges Row Rd		
Resurfacing works on The Strand at Croydon Shopping Centre		
Drainage, kerb gutter, footpath and/or road resurfacing works:		
Blair Ave		
Aulton St		
Boundary St		
Young St		
Fitzroy St		
Arthur St		
Buckminster Rd		
Chelmsford Ave		
Cheltenham Rd		
Cross St		
Croydon Ave		
Lucas Rd		
Parkley Rd		
Robinson St		
Webb St		
CROYDON PARK		
Drainage, kerb gutter, footpath and/or road resurfacing works:		
Blairhain St		
Taxilock St		
Lancelot St		
Blairhain St		
Brighton St		
Parkhill St		
Tangeria St		
Violet St		
Coronation Rd		



ENFIELD **COMPLETED** **COMMENCED**

Enfield Aquatic Centre new Super
Kerbs and gutter reconstruction at King St

Henley Park:

Installation of additional new solar lighting along walking track
Replacement of 5 picnic shelters
New cricket pitch on western field
New sports field flood lighting
New wiring at Henley Park Amenity Building
New double flying fox installed
Upgrade of cricket practice pitch
Exercise equipment replacement and upgrade

Footpath upgrades:

Tangara St
Carnation Pike
Liverpool Rd
Lungiller Ave
Mitchell St

STRATHFIELD **COMPLETED** **COMMENCED**

Footpath upgrade at The Boulevards
Road stabilisation and installation of two new raised thresholds in Everton Rd
Stormwater Upgrade Wertheim Rd at Cooper St

BURWOOD HEIGHTS **COMPLETED** **COMMENCED**

Raised pedestrian crossing and 2 raised thresholds at Arthur St



Burwood Council

SECTION ONE / OUR ACHIEVEMENTS

4. Planning and infrastructure

Our growing population requires planning for services and infrastructure to meet their needs. Transport that connects services and people plays a key role in the liveability and sustainability of our area.

Neighbourhoods should feel safe, look good and work for our community.

COMMUNITY STRATEGIC PLAN GOALS

- 4.1 / Effective traffic and parking management strategies
- 4.2 / Connected and accessible infrastructure
- 4.3 / Burwood's existing heritage integrated with high-quality urban design
- 4.4 / Participate in regional planning and infrastructure projects to ensure the best outcomes for the community
- 4.5 / Customer focused process for development services

10 Burwood Local Planning Panel
meetings were held.
Minutes published within two working days.

13,000m²
of road pavement reconstructed

176 Development Applications and Modifications
worth around \$400M were determined.

2,200m of curb and gutter reconstructed.

10,000m² of footpath reconstructed.

300m of stormwater pipe upgraded

DA Online Tracker
Launched

Burwood Council

31 Burwood Green, Burwood
021 91 9999

Highlights

Linked up cycleways

- Three new cycleways to link the Parramatta Road corridor to Burwood Park and Wangal Park will be built supported by grant funding from the NSW Government's Parramatta Road Urban Amenity Improvement Program. The first link along Maugh Parade is already complete.

Road safety is paramount

- Four blackspots in Burwood's road network will be improved with projects in Weldon Street, Paisley Road/Reid Street, Burwood Road/Nicolson Street/Ethel Street and Woodside Avenue/Cunder Street supported by NSW Government funding.

Burwood CBD is good for walking

- Burwood CBD continues to be redeveloped providing opportunities for more pedestrian only walkways. A walkway links Clarendon Place to Wynne Avenue and will continue as part of the current Burwood Grand development linking Wynne Avenue to Cunder Street.

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Burwood Council

SECTION ONE / OUR ACHIEVEMENTS

5. Vibrant city & villages

Burwood is characterised by a vibrant CBD and several business and shopping precincts supported by a strong network of services. Burwood's strategic status supports the businesses and services that contribute to the wider Burwood economy. It attracts new and diverse organisations and activates our surrounding villages to foster a sense of pride and enhance our local identity.

COMMUNITY STRATEGIC PLAN GOALS

- 5.1 / Maximise Burwood's regional status
- 5.2 / Supported and engaged local businesses
- 5.3 / Enhance and foster the local identity
- 5.4 / Activate village precincts and preserve the distinct characters of surrounding residential areas

62 artists
in the
Burwood Art Prize

All main business
locations patrolled
daily by the
Safe and Clean team

WI-FI

Internet public access
speed more than doubled
in the Burwood Library and
Community Hub

Milestone:
Major event Centre
in the Park established
by residents

Highlights

Town centres to be proud of

- Town Centre Beautification Works Program introduced and master plan drawings prepared
- Beautification works at Burwood CBD and The Strand
- Under awning lighting at Georges River Rd shopping precinct
- Palm Tree Lighting along Railway Pde upgraded
- Public Art Strategy adopted and several projects planned

Partnerships provide good value

- Small Business Month seminars and events in partnership with the Commonwealth Bank and NSW Government

Milestone:
Burwood Park Community
Centre completed

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The Disability Inclusion Action Plan

It is Council's aim to make Burwood, as the heart of central Sydney, an inclusive and accessible region for everyone. The past year was focused on providing opportunities to enable people with a disability to participate in community life and to raise awareness of disability in the wider community.

HIGHLIGHTS

- **Celebration and awareness**
 - For International Day of People with a Disability, Groovability Festival attracted 500 participants with people with a disability performing together with professional artists.
 - Celebrate Community Inclusion 2018, an expo showcasing talents and abilities of clients included those who are now gainfully employed or have a small business.
 - A Good Life workshop was held twice in 2018 with the aim of drawing in more families who are experiencing difficulties in accessing services.
- **Creating liveable communities**
 - All Council facilities are accessible making them highly preferred by groups who have clients with a disability.

Strength in partnerships

- Council initiated partnership projects with disability groups such as Ability Links and Ethnic Community Services Cooperative to hold various information sessions for those families/persons who are yet to access services from the National Disability Insurance Scheme (NDIS).

SECTION ONE / OUR ACHIEVEMENTS

Tracking Council's financial performance

This section outlines Council's year-end financial performance against the adopted budget, including summaries of financial performance across capital works programs and key service areas throughout the financial year.

Major projects considered in the budget:

- Town Centre Beautification Master Plan
- Enfield Aquatic Centre upgrades
- Parks and playground upgrades
- Ongoing infrastructure and renewal works



Burwood Council

2018-2019 total income \$60.681 million



CATEGORY	2018-2019 \$ '000s
Rates & Annual Charges	28,600
User Charges & Fees	11,191
Interest & Investment Revenue	3,028
Other Revenue	5,662
Operating Grants & Contributions	3,438
Capital Grants Contributions	30,022
Total Operating Revenue	86,681

2018-2019 total expenditure \$49.312 million



CATEGORY	2018-2019 \$ '000s
Employment Costs	16,049
Borrowing Costs	345
Materials & Contracts	12,942
Depreciation	7,505
Other Expenses	8,370
Net Losses from the Disposal of Assets	487
Net Share of Interest in Joint Venture - Clidfield	19
Total Operating Expenditure	49,312

Operating results



Operating result before capital



Burwood Council

Capital Expenditure



Grant income received in 2018-2019

GRANT	AMOUNT \$
Financial Assistance Grants	1,182,953
Personnel Related Subsidies	224,222
Local Infrastructure Renewal Scheme Interest Subsidies	32,541
Family Leave Subsidy	20,653
Street Lighting Subsidy	80,000
Bus Route Subsidy	31,726
Plan of Management Green Litter	10,000
Home and Community Care Podiatry Services	151,394
Home and Community Care Podiatry Services	837,665
Home and Community Care Enablement & Training	66,933
Social Planning	211,104
Children & Families	50,896
Volunteer Network & Projects	119,630
Youth Services & Projects	49,024
Library Per Capita Grant	84,374
Seniors Program	1,200
Environment Management - Education	78,652
Recreational - Warrigal Park	49,713
Recreational - Blair Park	897,034
Recreational - Grant Park	561,257
Recreational - Healey Park	2,765,000
Roads and Maritime Services Road Safety Projects	55,081
Roads and Maritime Services Road - Blackpoint	148,500
Roads and Maritime Services Road Capital Grants	123,000
Parasutta Road Urban Amenity Improvement	321,793
Library Capital Resources Grant	16,000
TOTAL	7,264,046



Burwood Council

Key Financial Performance Measures

In 2018-2019 Council continued to meet or exceed benchmarks for the NSW Office of Local Government's key financial performance indicators. This is a clear indication of the financial health of Burwood Council.

MEASURE	WHAT THIS MEANS	BENCHMARK	2018-2019 RESULT
Operating performance ratio	This ratio measures Council's achievement of containing operating expenditure within operating revenues.	above 6%	3.39 %
Own source operating revenue ratio	This ratio measures local flexibility. A lower result indicates a higher reliance on external funding sources.	above 60%	77.42%
Unrestricted current ratio	This ratio assesses the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.	above 1.5x	4.87X
Debt service cover ratio	This ratio measures the availability of operating cash to service debt.	above 2x	10.95 X
Ratios, annual charges, interest and extra charges outstanding percentage	This ratio is used to assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.	below 6%	2.83 %
Cash expense cover ratio	This ratio indicates the number of months Council can continue paying for its immediate expenses without additional cash inflow.	above 3 months	10.47 months
Buildings and infrastructure renewal ratio	This ratio assesses the rate at which assets are being renewed relative to the rate at which they are depreciating.	≥100%	202.73 %
Asset maintenance ratio	Compares actual and required annual asset maintenance. A ratio above 100% indicates Council is investing enough funds to stop the infrastructure backlog growing.	≥100%	116.68 %

* Source for benchmarks: Code of Accounting Practice and Financial Reporting # 26





Councillor Payments and Facilities

During 2018-2019 \$339,319 was spent on fees, expenses and the provision of facilities for Councillors. These were provided in accordance with Council's Councillors' Expenses and Facilities Policy.

MAYOR & COUNCILLORS' FEES		\$
Mayoral Fee		43,170
Councillors' Fees		136,530
Total Fees		185,600
EXPENSES & PROVISION OF FACILITIES FOR MAYOR & COUNCILLORS		
Travelling Expenses (Mayoral Vehicle)		15,000
Professional Development, Conferences & Seminars		18,950
Travel Expenses		393
Mayoral Publications (Advertising)		36,202
Mayoral Recreational/Care Functions		25,518
Grants, Donations		14,762
Telecommunication Expenses		4,990
Printing, Stationery & Postage		35,533
Miscellaneous		2,301
TOTAL Expenses		196,099
TOTAL Fees and Expenses		\$339,319

Councillors Professional Development Program activities conducted for the 2018-2019 period

COUNCILLOR	AUD FOUNDATIONS IN DIRECTORSHIP - LOCAL GOVERNMENT NSW LEARNING SOLUTIONS - AUGUST 2018	MEDIA TRAINING - SEPTEMBER 2018	AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION CONFERENCE - APRIL 2019	NATIONAL GENERAL ASSEMBLY - JUNE 2018	NEW LOCAL GOVERNMENT CONFERENCE - OCTOBER 2018
John Taylor (Mayor)			Yes		
Ladies Furness-Cook		Yes	Yes	Yes	Yes
Heather Graddon				Yes	
Ernest Chan				Yes	Yes
George Mavrouk				Yes	
Rig Dist	Yes			Yes	Yes
Joseph Del Duca					
Sub-total	\$6,236.00	\$2,200.00	\$200.00	\$8,406.00	\$2,808.75
Total 2018-2019 \$19,600.75					

Total remuneration of the General Manager and senior staff

	SALARY COMPONENT	EMPLOYER SUPER / SALARY SACRIFICE	NON CASH BENEFIT (CAR)	REPORTABLE FBT	NON CASH BENEFIT (LEAVE)
General Manager	\$308,475	\$64,467	\$10,334	\$2,795	\$ -
Acting General Manager	\$22,007	\$2,007	\$075	\$1,443	\$ -
Senior Staff	\$309,129	\$33,872	\$10,968	\$30,160	\$ -
	\$719,609	\$108,346	\$22,274	\$55,694	\$ -

Stormwater Management Services

STORMWATER MANAGEMENT CHARGE		
Levied		\$ 282,000
Spent		\$ 282,000

Drainage works totalling \$282,347 were undertaken at:

- Blair Ave and Acton Street
- Wentworth Road and Cooper Street intersection



Burwood Council

Contracts over \$150,000 signed in 2018-2019

CONTRACT NAME	NAME OF CONTRACTOR	TOTAL CONTRACT \$ (excluding GST)
Burwood Park Community Centre	Michael Campeseale Builders	1,099,480
Domestic Waste Management Collection	Cleanaway	1,799,271
Blair Park Amenities Upgrade and Extension	Emery Trade	948,543
Hemley Park Sports Field Flood Lighting	Rees Electric	533,440
Crill Works throughout the LGA	Math Civil Pty Ltd	1,112,091
Crill Works throughout the LGA	Pawlek	341,638
Crill Works throughout the LGA	Ally Civil	2,303,877
Crill Works throughout the LGA	Chewco P/L	2,162,468
Crill Works throughout the LGA	DAM Excavating	1,004,100
Architectural Services Relocation Project	Designing	187,035
Provision of Legal Services	Matthews Probate Lawyers	472,216
Construction of Enfield Aquatic Centre 5-2	Provision Deann O'Connell	203,414
	FDG Architects	212,317
Grants to financially assist others		
BURWOOD COMMUNITY GRANTS SCHEME - RECIPIENT ORGANISATION		GRANT \$
Child Abuse Prevention Service		6,000
Milk Crate Theatre		6,000
Metro Assist Ltd		6,000
Summer Hill Family Support (sponsored under Weldon Children's Services)		4,000
Umm Khawaja Foundation Ltd		3,000
The Shugard Centre - for Deaf Children		1,100
Participate Australia Ltd		1,500
St Mark's Church of the Holy Spirit		3,000
The Infancy Home Child & Family Services		1,500
Special Children Services Centre Inc.		2,000
Chinese Australian Services Society Ltd		2,000
Asian Women at Work Inc.		2,400
The Greek Orthodox Parish & Community of Burwood & District		1,500
Dae Hahn Culture School		1,000
Total		940,000

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Burwood Council

Partnerships, co-operatives, joint ventures in which Council participated

Council is a member of both CivicRisk Metro and CivicRisk Mutual which operate on insurance principles, charging annual contributions to cover expected insurance and other costs and returning surplus funds to members from time to time as determined by their respective Boards. Council does not make loans or advances to either joint venture.

Costs and results of legal proceedings

During 2018-2019, Council incurred expenses in the amount of \$806,365 in proceedings taken by, or against, it, in accordance with Section 428(a) of the Local Government Act 1993. Details of all legal matters dealt with during 2018-2019 are as follows:

SUBJECT	PROCEEDINGS BY BURWOOD COUNCIL	PROCEEDINGS AGAINST BURWOOD COUNCIL	SUBJECTS	COSTS \$	COSTS AWARDED / RECOVERED / FINES \$
Legal Proceedings					
DA consent breach - 12			Won	5,139	
Consentation Parade Enfield					
DA consent breach - 12-16			Won	3,292	6,000
Southern Street and 12-17					
Georgina Street Croydon			Won	1,120	
DA consent breach - 194-204					
Parramatta Road Croydon					
DA consent breach - 33-38			Won		10,335
Georgina River Road Croydon Park					
DA consent breach - 37			Won	812	
Neckall Street Burwood					
DA consent breach - 79-81			Won		7,000
Liverpool Road Burwood					
DA consent breach - 8-12			Dismissed	9,423	
Wyndhurst Ave and 7-9 Acton Street Croydon					
Illegal building works - 113-117			Won	1,664	
Burwood Road Burwood					
Illegal building works - 185			Won	8,746	
Georgina River Road Croydon Park					
Illegal building works - 7 Builders Road Burwood Heights			Ongoing	1,717	
Land & Environment Court - 24			Appeal Allowed	9,068	
Burleigh Street Burwood					
Land & Environment Court - 269			Ongoing	3,187	
Georgina River Road Croydon Park					
Land & Environment Court - 319-321 Liverpool Road Sutherland			Ongoing	11,667	
Land & Environment Court Appeal - 17 Mirra Street Burwood			Ongoing	36,181	
Land & Environment Court Appeal - 146-152 Liverpool Road Enfield			Appeal Allowed	4,740	
Land & Environment Court Appeal - 21-23 Belmore Street Burwood			Appeal Allowed	83,916	

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Burwood Council

Burwood Council

SUBJECT	PROCEEDINGS BY BURWOOD COUNCIL	PROCEEDINGS AGAINST BURWOOD COUNCIL	RESULTS	COSTS \$	COSTS AWARDED (RECOVERED)	FINES \$
Land & Environment Court Appeal - 21-23 Gladstone Street Burwood			X Appeal Allowed	1,508		
Land & Environment Court Appeal - 91 Wyatt Avenue Burwood			X Appeal Dismissed	22,000		
Land & Environment Court Appeal - 4 George St Burwood			X Appeal Dismissed	9,970		
Land & Environment Court Appeal - 5 Oxford Street Burwood			X Appeal Dismissed	42,658		
Land & Environment Court Appeal - 85-87 Stanley Street Burwood			X Ongoing	6,530		
Land & Environment Court Appeal - 77 Liverpool Road Burwood			X Appeal Allowed	35,148		
Land & Environment Court Appeal - 9-11 Oxford Street and 88 Wentworth Road Burwood			X Appeal Allowed	1,893		25,000
Local Court - 18-28 Everton Road Strathfield			X Ongoing	8,020		
Local Court - 7 Queens Street and 1-3 Marmaduke Street Burwood			X Ongoing	3,643		36,000
Supreme Court - 19 Appian Way Burwood			X Ongoing	212,894		
Unlawful use - 10 Doris Street Croydon Park			X Ongoing	66,021		
Unlawful use - 1816 Burwood Road Burwood			X Ongoing	148		
Unlawful use - 4/220 Liverpool Road Enfield			X Orders issued	10,789		
Unlawful use - 46 Cheltenham Road Croydon			X With drawn	16,626		495
Unlawful use - 13, 41 Gange Street Burwood			X With drawn	6,390		3,000
Works without approval - 1 Lynn Street Strathfield			X With drawn	2,438		
Total				\$452,673		\$99,330
Legal Services						
Environment Enforcement				8,942		265,242
Legal Advice - Miscellaneous Matters				34,888		13,815
Legal Advice - Council Contractual Obligations				501,017		3,797
Debt Recovery Actions				34,896		57,494
Voluntary Planning Agreements				10,464		6,240
Total				\$590,254		\$340,597

Council uses the services of a debt collection agency for the collection of overdue rates and charges and sundry debtor accounts. As a result of this service, some legal proceedings are initiated. The cost of this service amounted to \$34,327 for the period 2018-2019, of which the majority is recoverable from the debtor.

Legal expense category	Amount Paid	Amount Received
Planning and Building	612,073	111,310
Debt Recovery	34,896	91,714
Other	157,069	289,103
Total	\$803,995	\$492,127
Grand total	\$1,619,231	\$863,084

Government Information (Public Access) Act

Clause 8A: Details of the review carried out by the agency under section 7(7) of the Act during the reporting year and the details of any information made publicly available by the agency as a result of the review.

Reviews carried out by the agency	none
Information made publicly available by the agency	none
Clause 8B: The total number of access applications received by the agency during the reporting year (including withdrawn applications but not including invalid applications)	

Total number of applications received 39

Clause 8C: The total number of access applications received by the agency during the reporting year that the agency refused either wholly or partly; because the application was for the disclosure of information referred to in Schedule 1 to the Act (information for which there is a conclusive presumption of overriding public interest against disclosure)

	NUMBER	% OF TOTAL
Number of Applications Refused - wholly	0	0%
Number of Applications Refused - partly	0	0%
Total	0	0%

Table A: Number of applications by type of applicant and outcome

TYPE OF APPLICANT	ACCESS GRANTED IN FULL	ACCESS GRANTED IN PART	ACCESS REFUSED IN FULL	INFORMATION NOT HELD	INFORMATION ALREADY AVAILABLE	REFUSE TO DEAL WITH APPLICATION	REFUSE TO CONFIRM/ DENY WHETHER INFORMATION IS HELD	APPLICATION WITHDRAWN	TOTAL	% OF TOTAL
Media	0	0	0	0	0	0	0	0	0	0
Members of parliament	0	0	0	0	0	0	0	0	0	0
Private sector business	10	0	0	0	0	0	0	0	10	26%
Not for Profit organisations or community groups	0	0	0	0	0	0	0	0	0	0
Members of the public by legal representative	11	0	0	0	0	0	0	1	12	31%
Members of the public - other	17	0	0	0	0	0	0	0	17	44%
Total	38	0	0	0	0	0	0	1	39	100%
% of total	97%	0%	0%	0%	0%	0%	0%	3%		

Table B: Number of applications by type of application and outcome^a

TYPE OF APPLICANT	ACCESS GRANTED IN FULL	ACCESS GRANTED IN PART	ACCESS REFUSED IN FULL	INFORMATION NOT HELD	INFORMATION ALREADY AVAILABLE	REFUSE TO DEAL WITH APPLICATION	REFUSE TO CONFIRM/ DENY WHETHER INFORMATION IS HELD	APPLICATION WITHDRAWN	TOTAL	% OF TOTAL
Personal information applications	0	0	0	0	0	0	0	0	0	0
Other access applications	38	0	0	0	0	0	0	1	39	100%
Access applications that are partly personal	0	0	0	0	0	0	0	0	0	0
Total	38	0	0	0	0	0	0	1	39	100%
% of total	97%	0%	0%	0%	0%	0%	0%	0%	3%	

^a A personal information application is an access application for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual).

Table C: Invalid applications

REASON FOR INVALIDITY	NO OF APPLICATIONS	% OF TOTAL
Application does not comply with formal requirements (section 41 of the Act)	2	100%
Application is for excluded information of the agency (section 43 of the Act)	0	0
Application contravenes section 70 (section 70 of the Act)	0	0
Total number of invalid applications received	2	
Invalid applications that subsequently became valid applications	1	50%

Table D: Conclusive presumption of overriding public interest against disclosure matters listed in Schedule 1 of Act

MATTERS LISTED IN SCHEDULE 1 OF ACT	NUMBER OF TIMES CONSIDERATION USED	% OF TOTAL
Overriding security laws	0	0
Cabinet information	0	0
Executive Council information	0	0
Contingent	0	0
Legal professional privilege	0	0
Excluded information	0	0
Documents affecting law and public safety	0	0
Transport safety	0	0
Asbestos	0	0
Care and protection of children	0	0
Mental health of conduct	0	0
Aboriginal and environmental heritage	0	0
Privilege generally - 5th (15A)	0	0
Information provided to High Risk Offenders Assessment Committee	0	0
Total	0	

Table E: Other public interest considerations against disclosure matters listed in table to section 14 of Act

MATTERS LISTED IN TABLE TO SECTION 14 OF ACT	NUMBER OF TIMES CONSIDERATION USED	% OF TOTAL
Responsible and effective government	0	0
Law enforcement and security	0	0
Individual rights, judicial processes and natural justice	0	0
Business interests of agencies and other persons	0	0
Environment, culture, economy and general matters	0	0
Security provisions	0	0
Exempt documents under information freedom of information legislation	0	0
Total	0	



Table F: Timeliness

MATTERS LISTED IN TABLE TO SECTION 14 OF ACT	NUMBER OF APPLICATIONS	% OF TOTAL
Decided within the statutory timeframe (28 days plus any extensions)	36	(95%)
Decided after 28 days (by agreement with applicant)	0	0
Not decided within time (beyond refusal)	3	5%
Total	39	

Table G: Number of applications reviewed under Part 5 of the Act by type of review and outcome

	DECISION MADE	DECISION UPLIFTED	TOTAL	% OF TOTAL
Internal review	0	0	0	0
Review by Information Commissioner	0	0	0	0
Internal review following recommendation under section 93 of Act	0	0	0	0
Review by NCAT	0	0	0	0
Total	0	0	0	0
% of Total	0	0	0	

Table H: Applications for review under Part 5 of the Act by type of applicant

	NUMBER OF APPLICATIONS FOR REVIEW	% OF TOTAL
Applications by access applicants	0	0
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0	0
Total	0	

Table I: Applications transferred to other agencies.

	NUMBER OF APPLICATIONS FOR REVIEW	% OF TOTAL
Agency-initiated Transfers	0	0
Applicant - Initiated Transfers	0	0
Total	0	

Public Interest Disclosure

Council has a Public Interest Disclosure Policy in place. In 2018-2019 the policy was placed on the website, all staff were involved in Code of Conduct training and Public Interest Disclosure sessions were held for Councillors and Management.

Number of Public Interest Disclosures made by a public official	3
Number of Public Interest Disclosures received	3
Number of Public Interest Disclosures received primarily about maladministration	1
Number of Public Interest Disclosures received primarily about corrupt conduct	2
Number of Public Interest Disclosures resolved	3

Equal Employment Opportunity Statement

During the period 2018-2019 Council commenced the review of the existing Equal Employment Opportunity Management Plan. Part of the review informed the Resourcing Strategy and development of the Workforce Plan. The revised plan is anticipated to come into effect during 2019-2020.

Compliance with, and effect of, Planning Agreements in force

ADDRESS	APPLICANT	STATUS OF THE VOLUNTARY PLANNING AGREEMENT	BENEFITS TO COUNCIL UNDER THE VOLUNTARY PLANNING AGREEMENT	IN ADDITION TO CONTRIBUTIONS MADE UNDER SECTION 132 OF THE EPAA ACT
38 Parnall Street, Strathfield	Seiner Pty Ltd	Executed	Monetary contribution to fund the open space and community facilities provision	Yes
12-14 Gloucester Avenue, Burwood	Springland Developments	Received	As above	Yes
4 George Street and 7 Duane Street, Burwood	Dean Street Holdings Pty Ltd	Received	As above	Yes
56-60 Burwood Road, Burwood	CVA Apartments Pty Ltd	Withdrawn	As above	Yes



Private swimming pool inspections

239 Private swimming pool inspections were carried out.

Companion Animals Statement

All pound data returns were lodged within the requirements of the Companion Animal Act.

All stray dogs are impounded and taken to the Enfield Veterinary Clinic which acts as Council's pound. The pound attempts to rehoming all animals. Council has continued to ensure that the majority of dogs are rehomed. All companion animals released from Council's pound are de-sexed and microchipped prior to finding a new home.

All dog attacks were reported to the Office of Local Government as required. Burwood LGA recorded a low dog attack rate of 5 in 2018-2019. This low rate is due to proactive enforcement by Council officers with a focus on unleashed roaming dogs and park patrols. Council officers patrol all parks on a daily basis including off leash areas.

Currently Council has four off leash dog areas in the Burwood LGA located within Blar Park, Henley Park, Grant Park and Burwood Park.

Statutory reporting items with a Nil Return

In 2018-2019 Burwood Council had nothing to report against the following items:

- Overseas visits by Councillors and Staff
- Special rate variation funded activity
- Rates and charges written off during the year
- Environmental upgrade agreements
- Capital expenditure review
- Partnerships, co-operatives, joint ventures in which Council has a controlling interest
- External bodies with delegated functions
- Compliance with the Carers Recognition Act
- Work carried out on private land
- Recovery and threat abatement plans



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Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

(ITEM 93/19) ADOPTION - REVISED TENDER POLICY

File No: 19/49560

REPORT BY CHIEF FINANCE OFFICER

Summary

To seek Council's adoption of the Revised – Tender Policy. The purpose of the Revised – Tender Policy is to ensure that tender processes are conducted in accordance with the relevant legislation and any tender undertaken by Council withstands the highest level of transparency, accountability and probity.

Operational Plan Objective

2.1 Community confidence in Council's decision making

2.1.3 Ensure transparency and accountability in decision making

Background

In October 2018 Council's current Tender Policy was adopted and now, in accordance with Council's Policy Review Corporate Practice, a review of the current Policy has been undertaken due to Legislative changes to the Tendering threshold.

Comment

The current Policy originally adopted on 30 October 2018, has been reviewed with minor amendments resulting from Legislative changes to the Tendering threshold and modifications to the amount the Acting General Manager can expend before calling tenders via a prescribed organisation.

AMENDMENT	COMMENT
Definitions – Tender Panel	Inclusion of Internal Ombudsman
Accredited Organisations	Update Organisations under the NSW Government and Federal Government Contracts Section 55(3) (g) of the Act
Tendering Limit	Update the Tendering limit from \$150,000 to \$250,000 as per amendments to the <i>Local Government Act</i>
Call for Tenders	Inclusion to limit the Acting General Manager expending no more than \$1,000,000 before calling for tenders via a prescribed organisation
Council Documents	Inclusion of Council's Risk Management Policy

Consultation

The Revised - Tender Policy was reviewed by the Policy, Corporate Practice and Procedures Panel on 8 October 2019.

Planning or Policy Implications

The Revised - Tender Policy, once adopted, will be communicated to all Council Officers who are required to call for tenders for the supply of goods and/or services as part of their role.

The Policy will also be communicated to person(s) wishing to do business with Burwood Council via Council's website "Doing Business with Council".

Financial Implications

No Financial implications.

Conclusion

The Revised – Tender Policy is compliant with the Office of Local Government's Guidelines, the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, and should now be formally adopted by Council.

Recommendation(s)

That Council adopt the Revised – Tender Policy.

Attachments

1 [↓](#) Revised - Tender Policy 7 Pages



REVISED - TENDER POLICY

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Public Document
Adopted by Council:
Content Manager No.: 19/40112
Amended due Tendering Amendments (*Local Government Act 1993*)
Version No.: 4
Ownership: Procurement

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1. Purpose

To ensure that all Tender processes are conducted in accordance with the relevant legislation and that any Tender undertaken by Council withstands the highest level of transparency, accountability and probity.

2. Scope

Applies to Council Officers who are required to Call for Tenders for the supply of goods and/or services.

3. Definitions

Tenderer – entity submitting a tender.

Tender – includes a price, bid offer, quotation, consultant proposal or expression of interest lodged in response to an invitation or request for tender.

Tender Panel - a minimum of four members. The Tender Panel is to comprise the following members:

- Tender Panel Convenor (a Council Officer of at least Manager status) who would normally call Tender Panel Meetings, ensure meetings are documented, ensure documentation complies with the relevant legislation and Council's Tender procedures.
- Further two Council Officers who have technical expertise in the area of the tender and who understand the technical requirements of the tender and can offer guidance in this area.
- The Procurement Officer or Alternate (Internal Ombudsman) to ensure the accountability, transparency and probity requirements of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*. This member will not be responsible for the Tender only probity matters.

4. Accredited Organisations

Where a contract exists with a prescribed organisation or NSW and Federal Contracts Council will use those contracts without the need to tender in accordance with Section 55(3) of the Act and Clause 163(1A) of the Regulation.

~~Council Officers should check that pricing was provided as part of the panel arrangement establishment in order to ensure compliance with the Local Government Act 1993.~~

Prescribed Organisations Section 55(3) (a) of the Act

The Prescribed Organisations are as follows:

- Local Government Procurement (LGP) <http://www.lgp.org.au>
- Procurement Australia (PA) <http://www.procurementaustralia.com.au>

NSW Government and Federal Government Contracts Section 55(3) (g) of the Act

These organisations are as follows:

- NSW Procurement Board <https://www.procurepoint.nsw.gov.au>
- Commonwealth Contracts

Southern Sydney Regional Organisation of Councils

Council must accept by resolution Tenders that it has participated in with SSROC in accordance with Section 55 of the Act.

Where the expenditure is ~~\$150,000~~ \$250,000 or over Council is required to invite tenders for a contract from a list the list of Recognised Contractors through a Selective Tender in accordance with Clause 169 of the Regulation.

In seeking tenders for a particular proposed contract an invitation can be extended to some or all of the recognised contractors but not less than three.

5. What is Tendering?

Tendering is a formal process for seeking offers for the supply of goods or services and the disposal of property whereby an invitation is extended and offers are made and considered, according to a set of pre-determined assessment criteria, prior to the creation of a contract for the supply of the goods or services.

The legislative requirements for tendering ~~by NSW local government~~ are prescribed by Section 55 of the *Local Government Act 1993* (the Act) and by the *Local Government Regulation 2005* (the Regulation). However, other legislation is also relevant to Council's operations and activities involved in tendering, procurement and contracts.

This Policy addresses tendering by Local Government for ~~\$150,000~~ \$250,000 or above threshold prescribed by the Regulation.

6. What is Council's Obligation to Tender?

The Act presents a broad range of classes of contract for which Councils are required to seek tenders. Section 55(1) of the Act provides that Council is required to invite tenders before entering into any of the following contracts:

- a. a contract to carry out work that legislation directs or authorises a Council to carry out
- b. a contract to carry out work that the Council has undertaken to carry out for some other person or body under another contract
- c. a contract to perform a service or to provide facilities that legislation directs or authorises a Council to perform or provide
- d. a contract to perform a service or to provide facilities that, under some other contract, the Council has undertaken to perform or provide for some other body
- e. a contract for the provision of goods or materials to the Council (whether by sale, lease or otherwise)
- f. a contract for the provision of services to the Council (other than a contract for the provision of banking, borrowing or investment services)
- g. a contract for the disposal of a Council's property
- h. a contract requiring the payment of instalments by or to the Council over a period of 2 or more years
- i. any other contract, or any contract of a class, prescribed by the regulations

Council is able to tender for any work, service or facility for which it has invited tenders.

In relation to the disposal of property, it is important to note that property, as provided by the *Interpretation Act 1987*, consists of any legal or equitable estate or interest in real or personal property of any description. It follows that most activities or obligations undertaken or satisfied by a Council by way of contracts come within the requirement to tender.

However, the Act does allow for exceptions to the requirement to invite tenders. The exceptions are specified on Section 55(3) ~~as amended~~ of the Act and include: ~~This section does not apply to~~ the following contracts:

- a. subject to the regulations, a contract for the purchase of goods, materials or services specified by a person prescribed by the regulations made with another person so specified, during a period so specified and at a rate not exceeding the rate so specified
- b. a contract entered into by a Council with the Crown (whether in right of the Commonwealth, New South Wales or any other State or a Territory), a Minister of the Crown or a statutory body representing the Crown
- c. a contract entered into by a Council with another Council
- d. a contract for the purchase or sale by a Council of land
- e. a contract for the leasing or licensing of land by the Council, other than the leasing or licensing of community land for a term exceeding 5 years to a body that is not a non-profit organisation (see section 46A)
- f. a contract for purchase or sale by a Council at public auction
- g. a contract for the purchase of goods, materials or services specified by the NSW Procurement Board or the Department of Administrative Services of the Commonwealth, made with a person so specified, during a period so specified and at a rate not exceeding the rate so specified
- h. a contract for the employment of a person as an employee of the Council
- i. a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a Council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders
- j. contract for which, because of provisions made by or under another Act, a Council is exempt from the requirement to invite a tender
- k. a contract made in a case of emergency
- l. a contract to enter into a public-private partnership
- m. if a Council has entered into a public-private partnership a contract entered into by the Council for the purposes of carrying out a project under the public-private partnership (but only to the extent that the contract is part of the project that has been assessed or reviewed under Part 6 of Chapter 12)
- n. a contract involving an estimated expenditure or receipt of an amount of less than \$100,000 or such other amount as may be prescribed by the regulations
- o. a contract that is an environmental upgrade agreement (within the meaning of Part 2A)
- p. a contract or arrangement between a Council and the Electoral Commissioner for the Electoral Commissioner to administer the Council's elections, Council polls and constitutional referendums

In order to rely on the extenuating circumstances exception (under Section 55 of the Act):

- a. there must be a resolution of Council
- b. the resolution must state the reason for the Council's decision
- c. the resolution must state that a satisfactory result would not be achieved by inviting tenders

In addition, the resolution must be passed in good faith and not merely be an attempt to avoid the public tender requirements of Section 55(1) of the Act. Before deciding to rely upon Section 55(3), Council should consider:

- whether all available and appropriate competitive measures have been considered
- whether all probity concerns have been addressed, (i.e. potential conflicts of interest, circumstances that might give rise to allegations of unwarranted preferential treatment etc)
- does the decision provide the best value outcome for Council (not merely price or cost factors)

7. Recognised Contractors

Any list(s) of 'recognised contractors' shall be market tested at least every three years to increase competition and reduce opportunities for Council to be captured by a reduced and ultimately more expensive market.

8. Probity Auditor

The General Manager shall decide if a Probity Auditor is required when the decision to call tenders is made.

9. Confidentiality

All Tender Panel Members are required to complete a Confidentiality Undertaking Declaration.

10. Conflicts of Interest

A Council Official with an actual or a potential conflict of interest must address that interest without delay.

11. Risk Management

Managing risk assists making better decisions. Council has adopted sound risk management procedures in relation to tendering. By identifying likely risks both in the procurement of the goods and services and in the tendering process during the planning stage, steps can be taken to manage those risks to minimise the likelihood of problems occurring. All decisions regarding risk identification, analysis and treatment should be recorded to ensure an accountability trail.

Prospective tenderers should be informed of risks that Council is aware of in respect to the works being undertaken.

Council should refer to the Risk Management Standard – AS/NZS ISO31000:2009, Council's Risk Management Strategy and/or Council's Risk Register to assist in the ongoing development of a systematic and comprehensive approach to risk identification, analysis, evaluation and treatment.

12. Insurance

The insurance of the Principal Contractor must fully indemnify Burwood Council for any negligent act, error or omission that results in any claim, injury, loss, or damage caused by the Principal Contractor or any other party engaged by or used by the Principal Contractor in any capacity.

With the exception of Workers Compensation Insurance, all insurances must name Burwood Council as an indemnified party for all actions, suits, claims, and costs that are incurred by Burwood Council including any and all legal and investigation costs and clearly states as follows:

"The insurer accepts the term insured as applying to each of the parties comprising the insured as if a separate policy of insurance had been issued to each of them."

The Public/Product Liability and Professional Indemnity cover must include a Waiver of Subrogation and must be the primary coverage without right of contribution from any other cover that may be held by Burwood Council.

The covers listed below must be held by the Principal Contractor, **and as required for specific construction and Waste contracts or other**, and comply with the above requirement unless specifically precluded by Legislation.

- Public Liability with a products liability extension
- Professional Indemnity
- Motor Vehicle including unregistered Plant & Machinery
- Workers Compensation
- Construction Risk

13. Records Management

Access to tender documents will be restricted to only those persons involved in the tender process including the Tender Panel.

All documents relating to the Tender will be registered in Council's Electronic Document System ~~Content Manager~~.

14. Consideration of Late Tenders

Tenders that are not submitted to Council by the deadline (Closing date of the Tender) will not be considered unless in accordance with Clause 177 of the Regulation as follows:

1. The Tenderer can satisfy Council that the formal tender documents and all necessary information were lodged at a recognised delivery agency prior to the deadline for the closing of the Tender.
2. Council receives those documents within a period it decides is reasonable in the circumstances under Clause 177(5) of the Regulation.

The period will be two working days.

In the circumstances that Council either accepts or does not accept the documents reasons must be documented and agreed by the Tender Panel.

15. Limitations

The General Manager cannot expend more than \$1,000,000 via a prescribed organisation i.e.: Local Government Procurement (LGP) and Procurement Australia (PA).

The General Manager has the discretion to refer any expenditure to Council for determination.

Council Resolved Projects

Where Council has approved the project either through a Council resolution or the Operational and Capital Works Program the General Manager cannot expend more than the resolved dollar value.

16. Approval

In accordance with Section 377 of the Act the General Manager has the authority to accept tenders which are not for services currently provided by members of staff of the Council. Notwithstanding, the General Manager has the option to refer the Tender to Council for acceptance.

17. Purchase of Australian-Made Products

Council has adopted a policy of purchasing Australian-made products, where possible, taking into account price, quality and other relevant considerations. *(Note: The above policy was endorsed at Council's Services and Policy Committee on 12 June 2001)*

18. Green Action Plan

Purchasing and procurement decisions shall have regard to the advancement of the sustainable use of resources and the reduction of impacts on the environment and human health.

All Council Officers shall endeavour to purchase only goods and services with the most beneficial environmental impact. *(From Green Action Plan adopted by Council 24 July 2012)*

19. Rotation of Work between Panels

All Burwood Council Panels are subject to rotation requirements. The utilisation of individual contractors/consultants/ suppliers on those panels must be rotated for each project.

Performance of contractors/consultant/suppliers will be monitored in accordance with Council's Performance Appraisal Process.

A report on the rotation of panels is to be reported to Council annually.

20. Recycled Products

Council **may** give preference to recycled and environmentally performing products/services that are cost competitive.

21. Resources

22.1 Tender Manual

A Tender Manual has been developed to ensure that Tender Processes are conducted in accordance with the relevant legislation and that any Tender undertaken by Council withstands the highest level of transparency, accountability and probity.

The Tender Manual is to be used in conjunction with this Policy.

22. Legislative Summary Checklist

- *A New Tax System (Goods and Services Tax) Act 1999*
- *Electronic Transaction Act 2000*
- *Government Information (Public Access) Act 2009*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Division of Local Government – Tendering Guidelines for NSW Local Government 2009*
- *Work Health and Safety Act 2011*
- *Personal Information Protection Act 2004*
- *Privacy and Personal Information Protection Act 1998*
- *State Records Act 1998*
- *Competition and Consumer Act 2010*
- ICAC publication *"Direct Negotiations with Proponents – When, Why and How"*
- Department of Finance and Services - NSW Government Contractor Performance Reporting System

23. Council Documents

- Tender Manual
- Code of Conduct **and the Administration of the Code of Conduct**
- Conflicts of Interest Policy
- Gifts and Benefits Policy
- **Risk Management Policy**

24. Review

The Policy will be reviewed every four years.

25. Contact

Procurement Officer 9911 9835

(ITEM 94/19) COUNCIL AND BURWOOD LOCAL PLANNING PANEL MEETING AND COUNCILLOR BRIEFING SESSIONS SCHEDULE FOR 2020

File No: 19/45697

REPORT BY ACTING GENERAL MANAGER

Summary

The proposed 2020 Schedule for Council Meetings, Burwood Local Planning Panel Meetings and Councillor Briefing Sessions is presented to Council for endorsement.

Operational Plan Objective

2.5.1 Provide strong leadership and advocacy on behalf of the community.

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 Councillor 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. The only exception for 2020 will be in February, to allow for a specific report on LSPS to be adopted by Council before its referral to the Greater Sydney Commission. To ensure there is no clash with other events, public holidays or conferences during 2020, the proposed Schedule is now submitted for adoption.

PROPOSED SCHEDULE FOR 2020

Date	Burwood Local Planning Panel	Council
4 February 2020	x	
11 February 2020		x
10 March 2020	x	
24 March 2020		x
14 April 2020	x	
28 April 2020		x
12 May 2020	x	
19 May 2020		x
9 June 2020	x	
14 -17 June 2020 – National General Assembly		
23 June 2020		x
14 July 2020	x	

Date	Burwood Local Planning Panel	Council
28 July 2020		x
11 August 2020	x	
25 August 2020		x
8 September 2020	x	
22 September 2020		x
13 October 2020	x	
11-13 October 2020 – LGNSW Annual Conference		
27 October 2020		x
10 November 2020	x	
24 November 2020		x
1 December 2020	x	
8 December 2020		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 2020

Date
11 February 2020
28 April 2020
28 July 2020
27 October 2020
8 December 2020

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

Recommendation(s)

1. That the following schedule of Meeting Dates be adopted for 2020, with all Council Meetings scheduled to start at 6:00pm and all Burwood Local Planning Panel Meetings at 6:00pm in the Council Chambers:

Date	Burwood Local Planning Panel	Council
4 February 2020	x	
11 February 2020		x
10 March 2020	x	

24 March 2020		x
14 April 2020	x	
28 April 2020		x
12 May 2020	x	
19 May 2020		x
9 June 2020	x	
14-17 June 2020 – National General Assembly		
23 June 2020		x
14 July 2020	x	
28 July 2020		x
11 August 2020	x	
25 August 2020		x
8 September 2020	x	
22 September 2020		x
13 October 2020	x	
11-13 October 2020 – LGNSW Annual Conference		
27 October 2020		x
10 November 2020	x	
24 November 2020		x
1 December 2020	x	
8 December 2020		x

2. That the following schedule of Briefing Sessions be adopted for 2020, 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
11 February 2020
28 April 2020
28 July 2020
27 October 2020
8 December 2020

Attachments

There are no attachments for this report.

(ITEM 95/19) BUDGET REVIEW FOR QUARTER ENDING 30 SEPTEMBER 2019

File No: 19/47140

REPORT BY CHIEF FINANCE OFFICER

Summary

The 2019-2020 Budget was adopted at the Council Meeting held on 25 June 2019 with a surplus of \$29,665. 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 2019, 2019-2020 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 \$8,560 as at 30 September 2019 compared to the adopted forecast surplus of \$29,665. The reasons for the net decrease of \$21,105 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 7.12 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 2019					
Income					
Type	Budget	Recommended Amendments	Forecasted Year End	Reference	Actuals
Rates & Annual Charges	(29,503,409)	(479,708)	(29,983,117)	1	(29,743,900)
User Charges & Fees	(10,922,128)	70,000	(10,852,128)	2	(2,994,329)
Interest & Investment Revenue	(1,430,000)	-	(1,430,000)	3	(408,492)
Other Revenue	(4,723,116)	(110,000)	(4,833,116)	4	(1,106,230)
Operating Grants & Contributions	(3,289,052)	(87,842)	(3,376,894)	5	(594,572)
Capital Grants & Contributions	(4,530,000)	(2,345,750)	(6,875,750)	6	(3,117,947)
Carryover Grants	-	(2,242,290)	(2,242,290)	7	-
Total Income	(54,397,705)	(5,195,590)	(59,593,295)		(37,965,470)
Expenditure					
Type	Budget	Recommended Amendments	Forecasted Year End	Reference	Actuals
Employment Costs	21,678,052	(719,000)	20,959,052	8	4,614,534
Borrowing Costs	332,401	-	332,401	9	63,394
Materials & Contracts	11,572,550	2,745,188	14,317,738	10	2,378,379
Depreciation	7,335,000	-	7,335,000	11	1,833,750
Other Expenses	9,783,252	186,422	9,969,674	12	2,125,796
Total Expenditure	50,701,255	2,212,610	52,913,865		11,015,852
Net Operating Result	(3,696,450)	(2,982,980)	(6,679,430)		(26,949,618)
Net Operating Result before Capital Items	833,550	(637,230)	196,320		(23,831,671)
Funding Statement					
Net Operating Result	(3,696,450)	(2,982,980)	(6,679,430)		(26,949,618)
Add Back Non Cash Items					
Depreciation	(7,335,000)	-	(7,335,000)	13	(1,833,750)
Movement in ELE	-	-	-		-
Adjusted Net Operating Result	(11,031,450)	(2,982,980)	(14,014,430)		(28,783,368)
Source of Capital Funds					
Sale of Assets	(950,000)	-	(950,000)	14	(183,769)
Loan Funding	-	-	-	15	-
Transferred From S7.12 Reserves	(3,278,000)	(9,091,415)	(12,369,415)	16	-
Transferred From Reserves	(3,511,500)	(8,642,168)	(12,153,668)	17	-
Add Back Non Cash Property	-	-	-		-
Funds Available	(18,770,950)	(20,716,563)	(39,487,513)		(28,967,136)
Funds Utilised:					
Acquisition of Assets	13,248,348	19,737,668	32,986,016	18	1,090,535
Loan Principal Repayment	707,937	-	707,937	19	169,325
Transfer to S7.12 Reserves	4,030,000	1,000,000	5,030,000	20	-
Transfer to Reserves	755,000	-	755,000	21	-
Budget Result	(29,665)	21,105	(8,560)		(27,707,277)

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 \$54,397,705. This has now been revised up by \$5,195,590 to \$59,593,295. The major items resulting in this forecast income adjustment include:

Reference 1 – Rates and Annual Charges - An increase in Council's Rating Base of \$479,708 attributed to an increase in residential strata units coming on line and the recategorisation of property within the Local Government Area of \$448,156 and an increase in Domestic Waste Management Charges of \$31,552.

Reference 2 – User Charges and Fees - An overall decrease of \$70,000 attributed to a delay in the execution of a lease agreement (Child Care) and a tenant vacancy in a residential property.

Reference 4 – Other Revenue - An overall increase of \$110,000 attributed to the impounding of Shopping Trolleys.

Reference 5 – Operating Grants and Contributions - An increase in Operating Grants and Contributions of \$87,842 relates to:

- An increase in Council's Library Per Capita Grant of \$25,253 and Library Special Purpose Grant of \$23,756 on the original budgeted allocation.
- An amount of \$5,000 increase in Council's Roads and Maritime Services 2019-2020 Block Grant allocation.
- An increase of \$33,833 in the Roads to Recovery allocation Grant for 2019-2020.

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

Reference 6 – Capital Grants and Contributions - An increase of \$2,345,750 primarily due to the following:

- Blackspot Grants totalling \$220,450 have been received from Roads and Maritime Services for works at Paisley Road and Reed Street – Roundabout (\$105,900), Woodside Avenue and Conder Street – Raised Threshold (\$38,000), Burwood Road, Nicholson and Ethel Street – Raised Threshold (76,550). Expenditure associated with these grants has been adjusted accordingly within Reference 18 – Acquisition of Assets.
- Local Government Safer Roads Grants totalling \$125,300 has been received from Roads and Maritime Services for works at Weldon Street at Wyatt Avenue – Speed Cushions and Right Hand Turn. Expenditure associated with the grant has been adjusted accordingly within Reference 18 – Acquisition of Assets.
- A contribution totalling \$1,000,000 to be received from the developer at Conder/Wynne/Belmore for VPA credits toward the Library & Community Hub / Council Chambers upgrade. Expenditure associated with these contributions has been adjusted accordingly within Reference 18 – Acquisition of Assets.
- An increase in S7.12 Contributions of \$1,000,000, these funds are to be transferred to Reserves for future works within the Town Centre. Reference 20 – Transfer to S7.12 Reserves.

Reference 7 – Carryover Grants - A total of \$2,242,290 Grant monies which were unspent in the 2018-2019 Financial Year have been brought forward. These unspent grants relate to:

- \$2,092,290 Henley Park – Amenities Building, Playing Fields returfing and Futsal Synthetic Pitch.
- \$150,000 Library & Community Hub – Innovative & Digitally Responsive.

Expenditure associated with these grants has been adjusted accordingly within Reference 18 – Acquisition of Assets.

Total Expenditure from Continuing Operations

Expenditure from continuing operations was originally forecast at \$50,701,255. This figure has now been revised up by \$2,212,610 to \$52,913,865. The major items resulting in this forecast expenditure adjustment include:

Reference 8 – Employment Costs - An overall decrease in employee costs of \$719,000 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 People and Culture, Library, Compliance, Property, Customer Services, Records, Landscaping, 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 \$2,745,188 was attributed to various movements within Business Units throughout the budget. Significant movements and additional funding requests were:

- The purchase of a new Christmas Tree and Decorations within the Town Centres, a budget of \$200,000, this project was not originally budgeted. Contra funding within Reference 17 - Transferred from Reserve.
- \$50,000 increase in Legal Fees associated with Appian Way drainage matter. Contra funding within Reference 17 - Transferred from Reserve.
- \$150,000 was required for project management costs to assist property with the delivery of major works. Contra funding within Reference 8 – Employment Costs.
- An amount of \$49,009 required for increases in Library Grant funding. Contra funding within Reference 5 – Operating Grants & Contributions.
- \$128,848 for Strategic Planning Heritage Review and LEP completion. Contra funding within Reference 17 - Transferred from Reserve.
- \$1,265,440 for Strategic policies due for completion during the year. These strategies include the Local Strategic Planning Statement, Local Housing Strategy, Employment & Investment Strategy, Resilience Strategy, Urban Design Strategy & Masterplan and Traffic & Transport Study. Contra funding within Reference 16 – Transferred from S7.12 Reserve.
- Contract Temporary Staff - \$767,000 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 \$90,000 was required to complete stage 2 of the Operations Centre review.
- Additional amount of \$31,552 for Domestic Waste Services to offset the increase in additional Domestic Waste Charges. Reference 1 – Rates & annual Charges.
- An amount of \$33,934 has been included for Public Art works not originally budgeted.
- An amount of \$21,000 required within People & Culture for WH&S and BCP review. Partly contra funding within Reference 17 – Transferred from Reserves.

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 \$186,422 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:

- Elsie Street property Special Car Park Strata Levy of \$30,000.
- An amount of \$40,000 for additional advertising in multicultural newspapers.
- Additional amount of \$62,000 required for DA Online project (Licences and Training).
- An amount of \$20,000 required for promoting the relocation and renovation works at the Library and Community Hub and new Council Chambers.

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

Capital Expenditure

Reference 18 – Acquisition of Assets - Council's original adopted 2019-2020 Capital Budget, as per Delivery Plan, was \$13,248,348. During the first quarter there has been an increase of \$19,737,668 to \$32,986,016.

Capital Plant, Equipment and Other Assets - Expenditure to 30 September 2019 represents 11.19% of the revised 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 2019-2020 Capital Works Program based on recommendations from the respective Project Managers. In addition there were several projects which were commenced during 2018-19 financial year and not completed and now have been carried forward to the 2019-2020 financial year:

- \$2,092,290 Henley Park – Amenities Building, Playing Fields returfing and Futsal Synthetic Pitch, carried forward from 2018-19. Funding Source Reference 7 – Carryover Grants.
- \$150,000 Library & Community Hub – Innovative & Digitally Responsive, carried forward from 2018-19. Funding source Funding Source Reference 7 – Carryover Grants.
- \$3,400,000 Enfield Aquatic Centre – Learn to Swim - 25m Pool complex. Funding Source Reference 16 – Transfer from S7.12 Reserve and Reference 17 – Transfer from Reserves.

- \$8,650,000 Library & Community Hub / Council Chambers upgrade. Funding Source Reference 6 – Capital Grants & Contributions, Reference 16 – Transfer from S7.12 Reserve and Reference 17 – Transfer from Reserves.
- \$80,000 Woodstock Park – Gazebo, project carried forward from 2018-19. Funding Source Reference 16 – Transfer from S7.12 Reserve.
- \$22,032 Henley Park Exercise Equipment – additional equipment purchased. Funding Source Reference 16 – Transfer from S7.12 Reserve.
- \$33,833 additional expenditure associated with increase in Grant funding for Roads to Recovery. Reference 5 – Operating Grants & Contributions.
- \$450,000 Henley Park – Amenities Building additional allocation due to design brief estimation following consultation with all stakeholders. Tender document preparation underway. Reference 16 – Transfer from S7.12 Reserve.
- \$333,763 Blair Park upgrade – completion of Returfing Playing Field. Fencing, Signage, Goal Posts and Equal access requirements, carried forward from 2018-19. Reference 16 – Transfer from S7.12 Reserve.
- \$160,000 additional funding required for Wangal Park Lights. Reference 16 – Transfer from S7.12 Reserve.
- \$1,000,000 for Drainage Infrastructure Works. Funding source Reference 17 – Transfer from Reserves (Loan funding sourced in 2018-19).
- \$280,000 for Drainage works at Shaftesbury Avenue and Burwood Park. Reference 16 – Transfer from S7.12 Reserve.
- \$365,000 Parking Meter upgrade of Credit Card Readers. Funding Source Reference 17 – Transfer from Reserves.
- \$45,000 Town Centre Beautification – Burwood Road Boulevard Seating. Funding Source Reference 16 – Transfer from S7.12 Reserve.
- \$20,000 additional funding for Footpath Upgrades. Funding Source Reference 16 – Transfer from S7.12 Reserve.
- \$240,000 additional funding for Kerb & Gutter Upgrades. Funding Source Reference 16 - Transfer from S7.12 Reserve and Reference 17 – Transfer from Reserves.
- \$1,145,000 additional funding for Road Works. Funding Source Reference 16 - Transfer from S7.12 Reserve and Reference 17 – Transfer from Reserves.
- \$345,750 Roads and Maritime Services Grants – Blackspot and Safer Roads. Funding Source Reference 6 – Capital Grants & Contributions.
- \$130,000 Upgrade Council Website. Funding Source General Revenue.
- \$795,000 additional funding for the purchase of heavy fleet trucks. Funding Source Reference 17 – Transfer from Reserve.

BURWOOD COUNCIL					
Statement of Capital Income & Expenditure					
Budget Review as at 30 September 2019					
<u>Income</u>					
	Adopted Variations				
	<u>Budget</u>	<u>September</u>	<u>Amended Budget</u>	<u>Reference</u>	<u>Actuals</u>
Capital Expenditure					
Renewal Assets (Replacement):					
Fleet Capital Acquisitions Sales	1,450,000	795,000	2,245,000	18	251,207
Grant Funded Capital Works	135,334	33,833	169,167	18	-
Roads	1,150,000	1,145,000	2,295,000	18	62,711
Traffic Facilities	200,000	345,750	545,750	18	19,672
Footpaths	1,230,000	20,000	1,250,000	18	1,489
Kerb & Gutter	450,000	240,000	690,000	18	-
Drainage	913,014	1,280,000	2,193,014	18	19,982
Park Improvements	650,000	3,138,085	3,788,085	18	176,633
Playground Equip	120,000		120,000	18	143
Street Furniture	300,000	365,000	665,000	18	108,405
Restorations & Private Works	500,000	-	500,000	18	188,826
Parks Footpath Capital	100,000	-	100,000	18	18,668
Library Collection	120,000	-	120,000	18	4,832
Lib Resources	30,000	-	30,000	18	847
IT Projects	400,000	130,000	530,000	18	39,102
Corporate Projects	350,000	-	350,000	18	
Town Centre Beautification	600,000	45,000	645,000	18	118,145
Council Buildings	1,450,000	8,800,000	10,250,000	18	27,205
Enfield Pool	3,000,000	3,400,000	6,400,000	18	42,374
Domestic Waste Collection	100,000	-	100,000	18	15,496
Total Capital Expenditure	13,248,348	19,737,668	32,986,016		1,095,736
Capital Funding					
Rates & other Charges	(878,848)	341,665	(537,183)		
Capital Grants & Contributions	(4,530,000)	(2,345,750)	(6,875,750)	17	
Loan Funding	-	-	-		
Domestic Waste Charge	(100,000)		(100,000)		
Sale of Assets	(950,000)	-	(950,000)		
Reserves:					
Section 7.12 Funding	(3,278,000)	(9,091,415)	(12,369,415)		
Reserve Funding	(3,511,500)	(8,642,168)	(12,153,668)		
Total Capital Funding	(13,248,348)	(19,737,668)	(32,986,016)		

Transfers to and From Reserves:

Reference 16 – Transferred from S7.12 - An increase of \$9,091,415 relating to the following projects:

- Strategic strategies \$1,265,440
- Infrastructure – Road Works \$600,000
- Infrastructure – Footpath Works \$20,000
- Infrastructure – Kerb & Gutter Works \$35,000
- Infrastructure – Drainage Works \$280,000
- TC Beautification \$45,000
- Wangal Park Lights \$160,000
- Blair Park – Additional works other than Grant Funding \$333,763

- Henley Park – Additional works other than Grant Funding \$472,032
- Woodstock Park - Gazebo \$80,000
- Enfield Aquatic Centre LTS 25m Pool Complex \$2,000,000
- Library and Community Hub/ Council Chambers \$3,800,180

Reference 17 – Transferred from Reserve - An increase of \$8,642,168 relating to the following projects:

- Christmas Tree and Decorations \$200,000
- Heritage Review and Strategic Planning \$128,848
- Infrastructure – Footpath Works \$545,000
- Infrastructure – Kerb & Gutter Works \$205,000
- Infrastructure – Drainage Works \$1,000,000
- Parking Meter Credit Card upgrade \$365,000
- Enfield Aquatic Centre LTS 25m Pool Complex \$1,400,000
- Library and Community Hub/ Council Chambers \$3,849,820
- Fleet Purchases \$795,000
- WH&S and Risk Management \$63,500
- Operations Centre Review \$90,000

Reference 20 – Transferred to S7.12 Reserves – A transfer of \$1,000,000 to reserve for future Capital Works within the Burwood Town Centre.

Cash and Investments Budget Review Statement

Budget Review for quarter ended 30 September 2019					
Cash & Investments					
	Opening Balance as at 1 July 2019 000s	Original Budget 2019-20 000s	Budget Review September 2019-20 000s	Projected Year End Result 000s	Actual YTD figures 000s
Total Cash, Cash Equivalents and Investment Securities	65,191	63,186	46,453	46,453	73,270
Restrictions					
External Restrictions					
Developers Contributions	19,258	752	-8,091	11,919	11,919
Specific Purpose Unexpended Grants	3,054			3,054	3,054
Loans	1,106		-1,105	1	1
Stormwater Management	-			-	-
Domestic Waste Management	2,276	-297		1,979	1,979
Total External Restrictions	25,694	455	-9,196	16,953	16,953
Internal Restrictions					
Plant & Vehicle Replacement	3,229	-250	-795	2,184	2,184
Employees Leave Entitlements	1,465			1,465	1,465
Carry Over Works	2,368		-2,045	323	323
Deposits, Retentions & Bonds	4,373			4,373	4,373
Financial Assistance Grant (advance)	587			587	587
Information Technology	438	-190		248	248
WHS	303		-13	290	290
Parking Meters Replacement	527	100	-365	262	262
Property Sales	500			500	500
Future Property Investment	7,640		-3,304	4,336	4,336
LATMs	250			250	250
Woodstock Community Building	287			287	287
Election	275	80		355	355
Property Maintenance	1,924	-1,150		774	774
Burwood Park Upgrade	1,186	-300		886	886
Car Park Upgrades	574			574	574
Enfield Aquatic Centre Maintenance/Upgrade	1,153	-900		253	253
Road & Footpath Restorations	549			549	549
Insurances	1,286	150	-50	1,386	1,386
CCTV	434			434	434
Organisational Alignment	500			500	500
Technology Enhancements	1,250			1,250	1,250
Payments in Advance	95			95	95
Operations Centre	1,000			1,000	1,000
Furniture & Equipment replacement	700		-546	154	154
Town Centre festive decorations	250		-200	50	50
Other	445		-219	226	226
Total Internal Restrictions	33,588	-2,460	-7,537	23,591	23,591
Total Restrictions	59,282	-2,005	-16,733	40,544	40,544
Unrestricted Cash	5,909	5,909	5,909	5,909	32,726

Council's Current Unrestricted Cash is distorted as Council has received a high volume of rate revenue as at 30 September 2019. 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 2019, Council's investment portfolio stood at \$73,270,193. Council's Investments are tabled to Council 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 2019 for the month ending 30 September 2019 and the balance in Council's General Fund Bank Account totalled \$159,656.74.

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	2019-20 Original Budget	2019-20 Budget Sept Review	Local Government or NSW Treasury Corp Bench Mark	December Quarter Comments
1	Operating Performance Ratio	-1.67%	-0.37%	Greater or equal to break-even	Tracking to revised result
2	Consolidated Budget Result	\$29,665 Surplus	\$8,560 Surplus	N/A	Current budget tracking to revised result.
3	Unrestricted Current Ratio	4.68:1	5.01:1	Greater or equal to 1.5:1	Currently trending above the benchmark.
4	Debt Service Result	2.44%	1.97%	Greater than Zero	Tracking as per Budget.
5	Rates and Annual Charges Outstanding %	2.79%	59.29%	Less than or equal to 5%	For the year to 30 September 2019 Council has received \$12,268,760 in payment of Rates, Annual Charges and Interest levied which equates to 40.71% paid.
6	Building and Infrastructure Renewals Ratio	185%	495%	>100% or 1:1	Ratio has improved due to additional infrastructure works added during the quarter, inparticular EAC - LTS 25m Pool and Library & Community Hub / Council Chambers.

- 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.

3. **Unrestricted Current Ratio** - The Unrestricted Current Ratio is an industry based liquidity ratio which measures the serviceability of debt. Over time the preferred level of adherence has shifted from 2:1 (or \$2 in cash for every \$1 of debt) to 1.5:1. Some local government practitioners (including independent auditors) consider 1:1 is satisfactory. Council currently projects to have a ratio of 5.01:1 at years end. A ratio greater than 1.5 is a positive financial indicator.
4. **Debt Service Result** - This ratio measures annual debt service costs (Principal and Interest) against operating result before capital excluding interest and depreciation. NSW Treasury Corporation benchmark suggests an indicator at 2% minimum. A ratio of 2.1 or more is a positive financial indicator.
5. **Rates and Annual Charges Outstanding Percentage** - This indicator measures the collectability of Council's rates and annual charges revenue and highlights the strengths of collection policies and strategies. A ratio of 5% or less is a positive financial indicator. Currently Council has collected 40.71% 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 2019:

Contractor	Contract Details and Purpose	Commencement Date	Duration of contract	Budgeted
The Green Horticultural Group	Blair Park Turf, Irrigation and Upgrade	4 October 2019	12 Months	Y

Part B – Legal Expenses

Type	Individual Matter	Expenditure Year to Date	Cost Recovery / Fines YTD
Advice	12-16 Boundary & 13-17 Grosvenor St Croydon	1,846.00	
Advice	12 Coronation Pde Enfield Sukkar Constructions Pty Ltd - DA Consent Brea	5,139.00	
Advice	37 Nicholson St LJ Construction Link P/L - Development not in accordance	4,041.88	
Land & Environment Court Appeal	12 Minna Street Burwood BD 2018.090	6,550.10	
Advice	19-25 Everton Rd Strathfield TQM Design & Construct Pty Ltd		20,000.00
Advice	40-46 Stanley St Burwood Proposed 5 Storey Boarding House – HDO	11,007.00	
Advice	269 Georges River Rd Croydon Park Proposed 3 storey Boarding House	7,770.15	
Advice	7 Deane Street & 1-3 Marmaduke Street Burwood TQM Design & Construct		
Advice	Council vs Daoud Building Pty Ltd Consent breaches at building site 30	3,296.00	
Land & Environment Court Appeal	10 Daisy Street - Class1 L&E Court Appeal Deemed Refusal DA2019.028	4,822.64	
Advice	55a-57 Stanley Street Appeal DA14/2018	4,632.09	11,500.00
Advice	Advertising Payphones JC Decaux	330.00	
Advice	George Street Car Park - occupation of council owned private parking	1,879.19	
Advice	4 Railway Pde Burwood – Advice on Owners Consent 1. DA.2019.060 &	2,493.00	5,990.00
Advice	Homelessness in Burwood LGA incl Unattended articles and Impounding of	1,575.00	12,500.00
Advice	Library coffee cart lease - legal fees	1,470.00	
	Rates Recovery Action	918.00	
		57,770.05	49,990.00
Annual Budget		667,500	

Conclusion

The current forecast budget result and the variations identified as part of the 30 September 2019 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 operational budget items that will require close monitoring and reviewed over the next three months, including Enforcement Fine income, Investment income, Car Parking income, Development Application income and Town Planning Consultancy expenses, Temporary Agency Staff expenses, Wages and Salaries Overtime, Footpath and Kerb and Gutter Maintenance, Private Works, Road and Footpath Restoration works, Enfield Aquatic Centre revenue and expenditure and Investment income.

With the increased Capital Works programme forecasted this financial year close monitoring and reporting will be essential in maintaining integrity and accountability for those Officers responsible for their respective projects enabling the delivery on budget and on time.

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 2019 indicated in the above report, takes into account and reflects the changing economic and other conditions that are currently impacting on Council. Council is in a satisfactory position however, it will be essential for the forecast Surplus to be continually monitored by the Executive and their immediate Managers during the remainder of the financial year, with particular attention being provided to maintaining revenue streams, monitoring operating expenditure especially the use of Temporary Contracted Staff resources and the monitoring of the Capital Works programme if Council is to deliver the forecast surplus and pursue strategies to maintain Council's financial sustainability".

Recommendation(s)

1. That the Budget Review Statement of the 2019-2020 Budget as at 30 September 2019, 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 2019-2020 surplus of \$8,560, 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 96/19) INVESTMENT REPORT AS AT 31 OCTOBER 2019

File No: 19/49382

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*.

Operational Plan Objective

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability

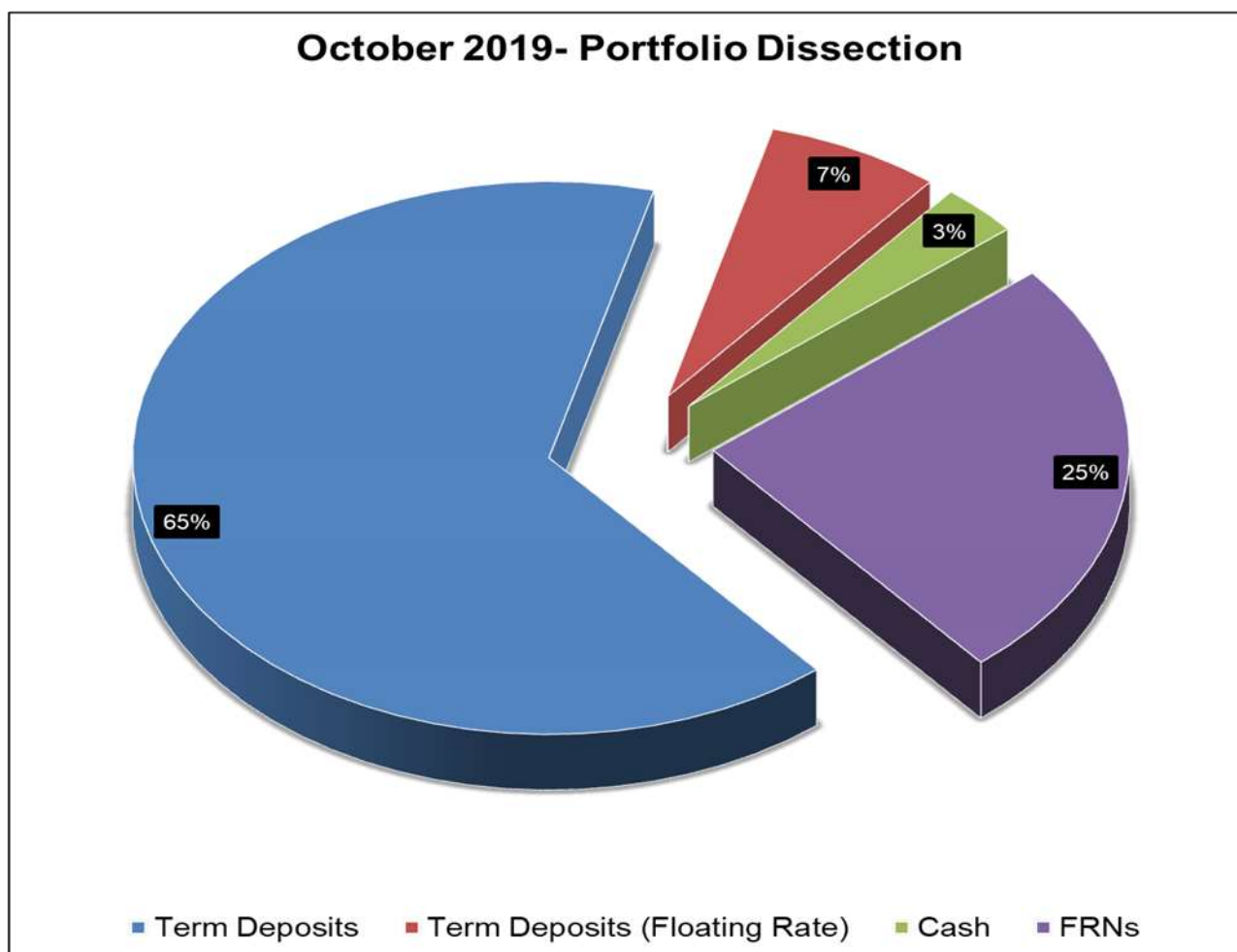
Background

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 2019 is:



As at 31 October 2019 Council held the following term deposits:

Purchase Date	Financial Institution	Principal Amount	Interest Rate	Investment Days	Maturity Date
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
26 Nov 18	National Australia Bank	3,000,000	2.75%	365	26 Nov 19
04 Jun 19	AMP Bank (Imperium)	3,000,000	2.65%	181	02 Dec 19
04 Jun 19	AMP Bank (Imperium)	2,000,000	2.65%	181	02 Dec 19
06 Jun 19	Bank of Queensland	3,000,000	2.15%	274	06 Mar 20
14 Jun 19	National Australia Bank	3,000,000	2.10%	210	10 Jan 20
16 Jul 19	BankWest	3,000,000	1.80%	273	14 Apr 20
24 Jul 19	Westpac	3,000,000	1.81%	365	23 Jul 20
16 Aug 19	National Australia Bank	4,000,000	1.60%	364	14 Aug 20
31 Aug 19	Westpac	3,000,000	1.58%	367	31 Aug 20
10 Sep 19	National Australia Bank	2,000,000	1.75%	91	10 Dec 19
10 Sep 19	National Australia Bank	3,000,000	1.75%	182	10 Mar 20
30 Sep 19	National Australia Bank	2,000,000	1.70%	91	30 Dec 19
23 Oct 19	Suncorp-Metway	4,000,000	1.60%	244	23 Jun 20
30 Oct 19	Westpac	2,000,000	1.62%	183	30 Apr 20
Total		48,000,000			

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 5 November 2019 Board Meeting kept the official cash rate at 0.75% per annum. According to the RBA Governor "...The Board took this decision to support employment growth and provide greater confidence that inflation will be consistent with the medium-term target.

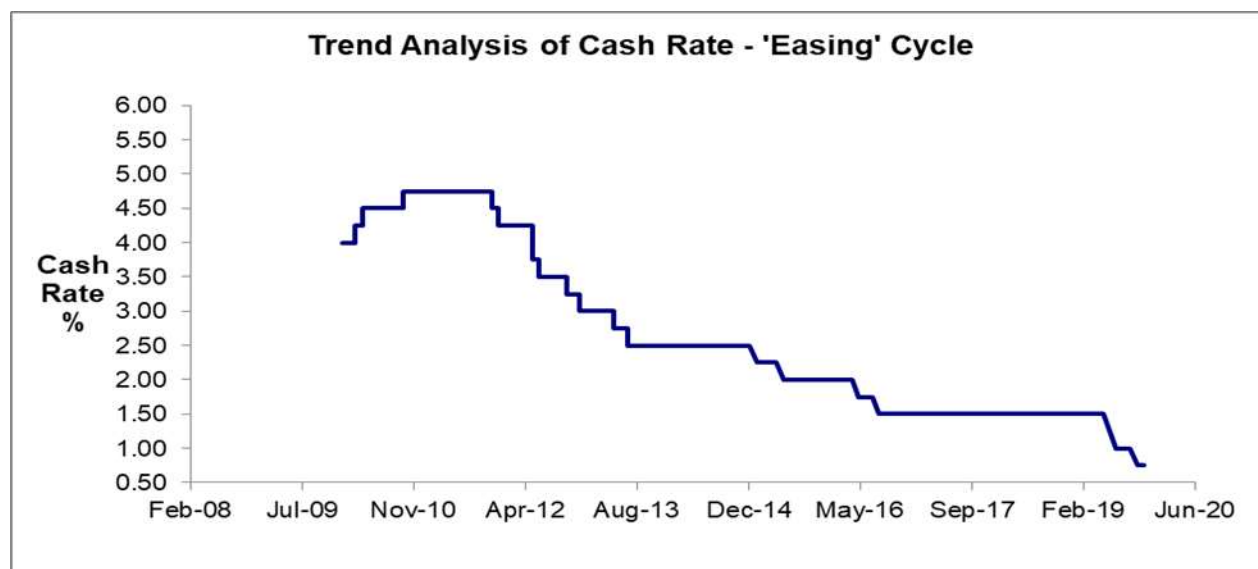
The outlook for the global economy remains reasonable, although the risks are tilted to the downside. The US-China trade and technology disputes are continuing to affect international trade flows and investment as businesses scale back spending plans due to the increased uncertainty. At the same time, in most advanced economies, unemployment rates are low and wages growth has picked up, although inflation remains low. In China, the authorities have taken further steps to support the economy, while continuing to address risks in the financial system.

The Australian economy has had little change from three months ago. After a soft patch in the second half of last year, a gentle turning point appears to have been reached. The central scenario is for the Australian economy to grow by around 2.25 per cent this year and then growth gradually to pick up to around 3 per cent in 2021. The low level of interest rates, recent tax cuts, ongoing spending on infrastructure, the upswing in housing prices in some markets and a brighter outlook for the resources sector should all support growth. The main domestic uncertainty continues to be the outlook for consumption, with a sustained period of only modest increases in household disposable income continuing to weigh on consumer spending.

Employment has continued to grow strongly and has been matched by strong growth in labour supply, with the labour force participation at a record high. The unemployment rate has, remained steady at 5.25 per cent over recent months. Inflation pressures remain subdued across much of the economy. Wages growth remains subdued and there is little upward pressure at present, with strong labour demand being met by more supply. Caps on wages growth are also affecting public-sector pay outcomes across the country. A further gradual lift in wages growth would be a welcome development. Taken together, recent labour market outcomes suggest that the Australian economy can sustain lower rates of unemployment.

Taking account of the available information, the Board judged it appropriate to keep the cash rate at 0.75%. The Board will continue to monitor developments in the labour market closely and adjust monetary policy if needed to support sustainable growth in the economy and the achievement of the inflation target over time....” Statement by Philip Lowe, Governor: Monetary Policy Decision – 5 November 2019.

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



Recommendations(s)

1. That the investment report for 31 October 2019 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

Attachments

- 1 [!\[\]\(31b03e46ee8a80a1f1467b8c03bd76e8_img.jpg\)](#) Investment Register October 2019 1 Page
- 2 [!\[\]\(7d9665ff04f9d2270c38081c6215a724_img.jpg\)](#) Investment Types 1 Page

Chief Finance Officer129

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 98/19) RESCINDING - FILMING PROTOCOL BY THE COUNCIL

File No: 19/53443

REPORT BY ACTING DEPUTY GENERAL MANAGER, CORPORATE, GOVERNANCE & COMMUNITY

Summary

To seek Council's rescission of the *Filming Protocol* as the policy is no longer required due to the requirement to follow the NSW Government Protocol.

Operational Plan Objective

2.1 Community confidence in Council's decision making

2.1.3 Ensure transparency and accountability in decision making

Background

One of the major functions of the Policy, Corporate Practice and Procedures Panel is to monitor the updating of policies, corporate practices and procedures to ensure that they are current, comply with relevant legislation and are consistent with other related documentation.

The Panel is currently undertaking a systematic review of all Council policies with a view to ensuring that the Register is up to date and correct.

Proposal

The following Council policy has been deemed to be redundant for the following reason:

No.	Policy	Date Adopted	Purpose	Assessment
1	<i>Filming Protocol</i>	28 April 2009	Burwood Council is actively supporting filming in the area and will co-operate with film makers and promote the opportunities that exist in Burwood.	Councils are not required to have their own filming policy or protocol as the NSW Government Protocol must be followed under legislation.

Consultation

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

Planning or Policy Implications

The policy will be removed from Council's website, communicated to relevant staff, marked as superseded and removed from the current policy register.

Financial Implications

No Financial implications.

Conclusion

As Council is not required to have its own *Filming Protocol* and is required to follow the NSW Government's Protocol, the policy should be rescinded by the Council.

Recommendation(s)

That the Council rescinds the *Filming Protocol*.

Attachments

- 1 [!\[\]\(f2fdbbba686c1099e6b2b8779766e2d3_img.jpg\)](#) Filming Protocol - Adopted by Council 28 April 2009 - Team Responsible Traffic & Parking



Burwood Council

heritage ▪ progress ▪ pride

LOCAL GOVERNMENT FILMING PROTOCOL

Department of Local Government Filming Protocol - 2009

Suite 1, Level 2, 1-17 Elsie Street, BURWOOD NSW 2134
PO Box 240, BURWOOD NSW 1805
Phone: 9911-9911 - Fax: 9911-9900
Email: council@burwood.nsw.gov.au
Website: www.burwood.nsw.gov.au

Public Document
Adopted by Council: 28 April, 2009 (Min No. 104/09)
Ownership: Traffic Department
Review Date: March 2011

Filming on Private and Public Property within the Burwood Area

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Purpose

Burwood Council contains many varied locations that are attractive for film makers ranging from the Federation houses and streetscape in Appian Way, to the well maintained parks and Town Centre Area.

Burwood Council is actively supporting filming in the area and will co-operate with film makers and promote the opportunities that exist in Burwood.

The Context of this Protocol

The NSW government is strongly supportive of the screen industry in its many forms. However, it also recognises that location filming requires a balance between the interests of the local community, both residents and businesses, and the need of the screen industry to share public space for film production.

Assistance Programs are offered by the NSW Government for content development and production, screen organisations and events. Resources are dedicated through the NSW Film and Television Office to facilitate local and offshore production and to assist government agencies, local councils and filmmakers in location filming in NSW.

Every film made in NSW has the potential to enhance the opportunities for the ones to follow, by increasing our capacity for production, creating more jobs, demonstrating and reinforcing the strength of our local skills base and making it more enticing for companies to invest in the infrastructure that keeps our State competitive.

Although tourists tend to congregate in limited areas, tourism brings benefits to the State as a whole. In a similar way, although screen production takes place in specific areas it has State-wide benefits: employment, training, trade and the supply of goods and services. In addition, the screen industries bring the images of Sydney and NSW to local citizens, to Australians in other states and territories, and to the world at large.

In order to capture the images the screen industries have to work in locations such as the buildings, the streets and the landscapes where the stories take place. No studio set can replicate a harbour vista, a stunning beach, a vibrant street, a tranquil lake or a majestic mountain landscape.

So the screen industries must bring their workplace to the historic building, the startling modern restaurant, the busy marina, the bustling railway station, the lively shopping strip, the gushing river, the quiet suburban street or the deserted country road. And this workplace, like most workplaces, involves people, vehicles, parking, equipment, power supply, food areas, rest areas, toilets and change rooms.

When screen production comes to a regional area, the benefits are obvious: accommodation, food and fuel sales, employment and the consumption of goods and services. In metropolitan areas the direct benefits are less obvious, but screen industry personnel live and pay rates and taxes in every area of the city, shop in local shops, buy their petrol at local garages, hire local trades people and go to local restaurants. Goods and services are hired and purchased from all over the metropolitan area.

Unlike other industries, location filming is highly transient. Although there may be short term inconvenience to residents or businesses, like a polite visitor it generally stays no more than a few days or hours and then leaves without a trace.

Local councils already have a record of successful collaborations with private sector partners to enhance amenities for residents and visitors - markets, concerts, dance parties, circuses, festivals. The screen industries are another effective partnership opportunity.

At the heart of all successful filmmaking is effective collaboration - not only amongst the crew, but just as importantly, between the filmmaker and the community: local residents, local council, local businesses, police and other Government agencies.

This protocol is intended to foster understanding between industry and stakeholders, to simplify procedures and build a good working relationship for NSW as a whole.

Filming on Private and Public Property within the Burwood Area

This policy applies to all interested parties that are applying to conduct filming in the Burwood Area. The standard conditions in this policy have been prepared to comply with the Filming Protocol 2009 issued by Department of Local Government.

Amendments to the *Local Government Act 1993* provided that the Director General may issue a filming protocol which is binding on local councils in relation to the approvals and services provided to location filming production.

This revised protocol, is binding on local councils, and spells out the dynamic of the relationship between the screen industry in NSW and local government under these new arrangements. It seeks to generate a shared intelligence between filmmakers and councils of the issues associated with the needs of each party to support the screen industry and meet the needs of local communities.

The act of filming does not of itself require an approval by councils, nor is it subject to fees.

What may require approval, and attract fees, are activities associated with filming where approval is required under legislated or regulatory authority or services are provided to the filmmaker. Councils have authority either directly or by delegation through other state agencies such as the RTA (Roads and Traffic Authority), Department of Lands, or DECC (Department of Environment and Climate Change).

This Protocol does not cover stills photography – the *Filming Related Legislation Amendment Act 2008* and the *Local Government Act 1993* specifically exclude still photography, and it does not require council approval or attract council fees unless it involves additional activity such as blocking streets, constructing a set or additional parking. In these cases, the Protocol can provide guidance for councils in processing high impact stills shoots. Those contemplating still photography should approach councils for further information.

Access and use of land in NSW comes under various forms of control.

Filming on Private Property

Filmmakers are very familiar with the need to seek agreement from owners to film on private land such as homes and business premises. This agreement – a licence – usually takes the form of a location agreement spelling out the terms, conditions and fees for the filming, if required.

Approval from a local council is not required for filming and associated activity which takes place entirely on private land.

If filming is primarily on private land but associated activity occurs on public land, then it may be necessary, subject to legislative requirements, for a filming approval to be sought for these associated activities. Conditions to ensure public safety, and relevant fees and charges may be applicable for such approvals, for example, running a cable across the footpath from the private property to a generator or management of reserved vehicle parking.

Provided that total filming activity is for fewer than 30 days per year, no Development Application is required.

Filmmakers must notify council when filming is entirely contained within private land, as required by SEPP4, and are under an obligation to notify surrounding residents and businesses. However a formal application is not necessary as no approval is required nor fees applicable.

Filming on Council (Public) Property

This falls under various forms of public ownership and stewardship. Some public land is owned by State agencies, for example land used for hospitals, schools, railway land, power utilities, public reserves and National Parks. Access to land may be restricted, for example in water catchment area or wilderness areas. Roads are public land, controlled by the RTA (main roads) or councils (local and regional roads) or the Department of Lands (Crown roads).

Council owned land is either operational (depots, waste facilities, council buildings) or community land (parks, playing fields and lands not identified as operational).

Filming on Private and Public Property within the Burwood Area

The nature of approvals required is determined by the status of the land, the owner or steward of the land, and a variety of legislative requirements. Responsibility for approvals for use of land is determined by a range of factors. Many of these may be within the authority of council to grant, either under its own or by delegated authority. The following points may assist in understanding.

- The nature of the land may determine what filming is possible.
- Filming is excluded from some land, such as wilderness areas, and approval may not be granted for the use of land where public safety is compromised.
- News and current affairs filming does not require approval on public land.
- Other filming and associated activities may be subject to approvals depending on the nature of the land and the nature of the activities.
- Local councils (and other government agencies) may require approvals in their role as regulator of the land, for example to ensure environmental protection, public safety or management of traffic.
- Filmmakers may need a license or approval to film on public land in some circumstances, for example when they need to close a road or to ensure exclusive use of public land or where a government agency requires formal approval to undertake activities on its land.

The Legislation

The *Filming Related Legislation Amendment Act 2008* was passed by the NSW Parliament in June 2008 to make NSW more Film Friendly. Other related regulatory and administrative changes have also been made to enhance location based screen production. These build on previous legislative and regulatory changes made.

The purpose of these changes is to enable NSW to attract and maintain, domestic and international film, television and TV commercials production, in a very competitive marketplace. The new arrangements signal the support of the NSW Government to screen production by establishing a presumption that approvals for location filming should be supported wherever possible.

This legislation and the Protocol are binding on councils. This Filming Protocol, replacing the Local Government Filming Protocol 2000, has been prepared in consultation with local councils, government agencies and the screen industry.

Under the legislation, councils can only opt out of this Protocol by adopting a satisfactory alternative policy with the approval of the Director-General of the Department of Local Government.

KEY ELEMENTS OF THE LEGISLATION

- As a general principle, local councils and government agencies are required to approve screen projects unless there are compelling reasons not to do so. Councils and agencies are required to give a timely written response.
- There is now a presumption that filming activities are allowed on community land, subject to conditions to ensure environmental protection or express exclusions in the applicable plan of management.
- Government and local council fees and charges associated with location filming must be reasonable and cost reflective.
- Getting suitable parking at a reasonable cost has been a major challenge for filmmakers. Being able to park vehicles carrying equipment, sets, costumes and catering is essential to filming on location. The package of changes makes it easier for filming vehicles to park for an extended period.
- Getting access to public lands has been an issue for some productions. The legislation streamlines the processes for filmmakers wanting to film on public lands such as Crown Land, National Parks and State Forests.

Temporary structures related to filming are now subject to simpler approval processes.

The role of Council

Filming on Private and Public Property within the Burwood Area

Local councils' relationship to filming is determined in part by their ownership or stewardship of public land, or their regulatory responsibilities, and through the facilities and services they are able to provide in their areas.

Although the act of filming is not in itself subject to approvals or fees, local councils continue to have a key role in filmmaking management, specifically in relation to parking, traffic regulation and the use of council-managed land. Within the context of a presumption of approval, councils will also have a role in maintaining a balance between community interests, environmental, cultural and heritage protection and economic development.

Presumption of Approval: Councils are expected to grant approvals and, where appropriate, any necessary lease or licence over council owned or council controlled land for filming, unless there are exceptional circumstances. Some particularly sensitive community land may be exempt from filming, for example because of the presence of an item of Aboriginal significance, or because it is a critical habitat for a threatened species. Filming activities are allowed on community land even without express approval in the applicable plan of management.

This presumption also imposes obligations on filmmakers, who will be required to ensure that in location filming activities appropriate standards of behaviour are observed, and that requests by council are responded to in a timely manner and that information is provided accurately and honestly.

Film Contact Officer: Councils are required to appoint a Film Contact Officer who will assist filmmakers in obtaining the necessary approval, support and access to council services.

For most councils this will not usually be a full-time dedicated position, and does not require a person with film experience. It does need to be a full-time council staff member who has the authority to co-ordinate the different departments of council involved in deciding approvals and managing filming. At the same time, it should be a staff member whose duties are flexible enough to allow time for consultation with filmmakers, and for site visits. Councils need to be able to accept and process applications, and respond to ongoing inquiries, five days a week and should nominate alternative staff members who can step in if the Film Contact Officer is absent for any reason.

This is not intended to be a new position, or an imposition on Councils. While some metropolitan Councils will have a staff member with specialist skills, other Councils may find that they have existing staff with developed skills in supporting events and activities such as an event manager or tourism officer, and in many Councils the engineering department will be responsible for filming applications. If a council has a number of officers who deal with film inquiries, they should nominate one officer to co-ordinate the approval and implementation of filming. Councils should ensure that suitable staff are available to cover the whole period of production, and to cover staff absences holidays and other leave, including sick leave.

The long hours that filming involves may mean that council staff need to be in touch with filmmakers after hours and at weekends. Council should provide an approved production with an after-hours contact number for the Film Contact Officer or delegate, such as a ranger. Councils are encouraged to ensure that delegated staff are familiar with the approval and able to deal with issues that may arise.

The NSW Film and Television Office will offer training and ongoing support to Film Contact Officers, and will work with Councils to develop processes to streamline and simplify filming applications and approvals.

Film Contact Officers may also find it useful to consult "The Satchel – Film Budgeting and Production Management" published in 2008 by Screen Australia. It is a step-by-step guide to film production in Australia. Although it's a large volume, at 500 pages, it is comprehensively indexed and provides a thorough explanation of production terms and practices. It is listed in the "Useful Resources" section of this Protocol.

Community Concerns: Councils should usually be able to deal with community concerns by imposing conditions on approvals. For example, there may be restrictions on noise or hours of operation, a requirement for environmental protection, or a requirement that the filmmakers advise neighbours about the activity. Council should indicate the appropriate coverage area for such advice, and a copy of the letter should be sent to Council. The filmmaker has a role in communicating with affected members of the community (residents and businesses) so that disruption is ameliorated, and are required to provide a specified contact person and phone number.

Managing complaints is not a cost recovery issue if a production is acting legally and in accordance with the approval and any conditions prescribed by councils. Costs may not be imposed on a film production to recover for the time spent by council managing complaints from disaffected residents, businesses or councillors.

Filming on Private and Public Property within the Burwood Area

"Frequent Filming": Councils have a delicate path to negotiate when particular locations are frequently used for filming, or where filming is scheduled at the same time as a major public event. The process, step by step, will help councils negotiate a path acceptable to all parties concerned.

Construction: Certain temporary structures and alterations or additions to buildings or works are now exempt development where the development is for the sole purpose of filming. This will apply only for short-term filming projects where the development will not remain in place for more than 30 days within a 12-month period. Also, to ensure public safety, the development must not be accessible to the public. As a workplace, the occupational health and safety of crew working with temporary film sets and equipment is the responsibility of the filmmaker.

Fees and Charges: Councils are able to recover direct costs related to filming approvals and services provided.

Parking and Road Rules: Some filming will not require any unusual parking. A small crew might park two or three cars or vans in normal parking areas as used by the general public and other businesses. No notification or costs apply. Parking for a substantial shoot will be required for three different purposes;

1. *Essential vehicles*

These carry camera, grips and lighting equipment, and filmmakers will always want to park them as close as possible to the shooting area, in order to limit the time and difficulty involved in moving equipment.

2. *Cast and crew private vehicles*

These will normally be parked in areas that are available to the general public, and costs may or may not apply as for any community member.

3. *Unit parking*

Unit parking is required for the support vehicles: the catering truck, makeup and wardrobe vans, cast caravans – colloquially, "the circus". Councils, especially those with built-up areas, are encouraged to designate a number of locations that can be recommended to filmmakers for unit parking. If costs for the areas apply for any other usage, then costs for vehicles associated with filming activity may apply on the same scale. If no costs apply to other users, then no costs apply for use associated with filming activity.

RTA Guidelines: In association with legislation governing the road rules in NSW, the Roads and Traffic Authority (RTA) issues guidelines, and these will assist local councils in dealing with parking requests associated with approved filming activity. The most likely mechanism is a simplified procedure for *Partial, Temporary Road Closure* which will allow parking associated with filming in metered areas, zoned and/or timed parking (for example, resident parking areas, bus zones, no-stopping zones, time-restricted parking zones, no parking zones) and unrestricted areas that are to be reserved by the filmmakers. This process will have recoverable costs associated with it.

A complete road closure, for example, for a stunt, a left-hand drive sequence or period filming, is a separate issue.

An exception to the NSW road rules will allow trucks to be parked in unrestricted parking areas in association with approved filming. That is, the time limits applicable in relation to residential areas will not apply when associated with filming activity. In some instances costs will apply, however, as a general rule, there will be no costs recoverable by council for trucks parked in unrestricted areas. The needs of residents and businesses will need to be considered, and on occasion it may be appropriate for the production company to offer alternative parking or compensation to residents who will be adversely affected.

Process of Applications

Step 1 – "GREENLIGHT" and FIRST CONTACT

Filmmakers will approach councils at different stages of the production process. On some occasions, a filmmaker will be looking at a number of locations before the project is "green lit" – that is, actually confirmed for production. The filmmaker may need to explore possible locations so they can create an accurate budget as a basis on which to seek funding. Often location scouts will approach areas, especially regional areas, to explore locations where they might bring an international production. In this instance, Australia, NSW and the regions are being compared to a whole range

Filming on Private and Public Property within the Burwood Area

of other possibilities worldwide, and the local scouting team is attempting to secure production dollars for the screen industry, the State, and regional and local government areas.

More usually, with both Australian and international productions, the project has been "green lit" before locations are identified – the script and finance are in place and the project will go ahead. A feature film or high-end television drama may have some weeks of pre-production in which to find and lock in locations. However, many other factors impact on a production's schedule and generally timelines are very tight.

Television commercials (TVCs) have particularly short time lines. A client company (a bank, a toothpaste maker, a car manufacturer, an insurance firm, a department store) will commission an advertising agency to prepare a campaign. Once the campaign and the strategy are agreed, and if it includes TVCs, the advertising agency will seek "bids" from TVC production companies. The agency and the client company will commission one of the production companies to carry out the work. Sometimes the lead time to the on-air date is short, and the production company has to assemble its resources at very short notice. This is a major reason why councils see TVC companies returning often to the same filming sites – they know they will work - and making late applications. A good example is an election campaign, and the speed at which political TVCs are created by all parties to deal with emerging campaign issues.

Some series television can also have short lead times as scripts may be finalised very close to the time of filming. This is especially the case with weekly and 5-nights-a-week television dramas.

Understanding where a project is sitting in the "green lighting" process helps councils understand the nature and timing of requests for filming approvals.

At the point of initial contact between the filmmaker and council, whether the project has been 'green lit' or the filmmaker is making a preliminary enquiry, the Location Manager and Film Contact Officer should exchange contact details.

If at this stage, or any other, councils have any inquiries about the legitimacy of a production, the Council Film Contact Officer should contact the NSW Film and Television Office on (02)9264 6400. The FTO will either already know of the production, or have the contacts to find out information about it.

Step 2 – SCOUTING & CONFIRMING SUITABILITY

Once a project is green lit, the location manager (possibly assisted by freelance location scouts) will visit and photograph a number of potential locations that fit the creative, budget and schedule demands of the production. Their aim at this stage is twofold – to give the director a suitably large number of creative choices, and to establish with location owners and councils that they can in fact carry out their filming requirements at that location. Ongoing liaison with council and an informal inspection may be needed at this stage.

At this stage, The Film Contact Officer should advise the location manager/scout:

- Whether conditions, circumstances or problems are foreseeable with the location and need to be factored into a proposal.
- Whether the location is particularly sensitive, for example because of the presence of an item of Aboriginal significance, heritage issues, or because it is a critical habitat for a threatened species, and whether council may therefore withhold approval.
- Any potential clashes with other events, sports fixtures or filming requests and council activities such as maintenance or roadwork.
- What other approvals council requires in order to approve the activity.
- Whether community consultation will be needed, for example, for major construction, impact on traffic or pedestrian flow, impacts on business trade
- Any conditions that are likely to be imposed on the approval to deal with community concerns
- The cost of lodging the application and an estimate of cost recovery charges and bonds, if practical.
- Where the filming proposal involves filming exclusively on private land no council permit is required, although filmmakers must notify council and are under an obligation to notify surrounding residents and businesses. However a formal application is not necessary as no approval is required nor fees applicable. However the Film Contact Officer should ensure the applicant is aware of the requirement for notification of council set down in State Environmental Planning Policy No. 4 (SEPP 4 - Development Without Consent and Miscellaneous Exempt and Complying Development).

Step 3 – THE FORMAL APPLICATION

Once the creative team has confirmed that the location is suitable, the filmmakers will apply to Council's Film Contact Officer using an appropriate application form. A generic form is also included in Section 12 of this Protocol – "Useful Forms and Templates". The Industry Code of Conduct for Location Filming is fundamental to the relationship between the filmmakers and Local Councils, though further specific conditions may apply.

The Film Contact Officer should, wherever possible, acknowledge receipt of the application within one business day by phone, email or text. Councils should ensure delegation as far as possible to allow applications to proceed promptly, and make best endeavours to process applications in the shortest time possible. Filmmakers should be aware that very short time frames may make it difficult for the council to process the application in time and a late application may not receive approval within the time sought.

The Film Contact Officer should advise filmmakers promptly if there are any council meetings or other processes that may delay or influence approval. This notification should be given up front if possible or if not then as soon as the requirement emerges.

Information provided on applications to councils should be clear, honest and enable the council to make informed decisions. This should include an accurate assessment of the number of vehicles and crew and realistic descriptions of activities and timeframes.

The application fee is due and payable at this stage, and it is non-refundable, even if filming does not go ahead at the location.

The time frame for approvals will vary with the complexity of the proposal and the number of people and authorities who need to be consulted, and filmmakers should be realistic in their assessment of lead times. The Film Contact Officer should provide an estimate to the production of the timeframe council will need to respond to the application. Decisions should be able to be made by council staff and only taken to a meeting of councillors in unusual circumstances.

The filmmakers should check the special requirements listed in the Application Form (parking, traffic management, level of public liability insurance required, environmental and heritage protection, temporary construction, special effects, gunfire) and start the process of seeking approvals from relevant authorities.

Some key areas of additional consultation are:

- *Parking:* The filmmakers must comply with council parking regulations and may also need to consult with Police, RTA and the local community. Filmmakers are required to comply with normal parking regulations. If trucks are legally parked Councils may be notified but additional fees may not be charged. Essential costs incurred for traffic management may be recovered, as discussed in Section 6 of this Protocol. However, parking may be provided through partial temporary road closures and RTA guidelines need to be followed. Fees for such a service may be charged and may include foregone revenue in locations where metered parking exists – see Section 6.
- *Traffic management:* If traffic is being stopped, held or diverted, or if filming is to take place on roads, the filmmakers need to have appropriate approval from the local council, Local Area Command (Police) and the Roads and Traffic Authority (RTA). They may also need to inform the State Transit Authority, private bus companies, tour operators and emergency and essential services. If filming takes place on the roads or interferes with traffic flow it will often be necessary to submit a traffic management plan (TMP) to council, and filmmakers are urged to seek the support of experienced consultants to prepare a TMP. (*The NSW Film and Television Office on (02)9264 6400 can provide a list of experienced consultants*). Councils should co-operate with filmmakers to approve traffic plans promptly – the traffic committee may need to meet by phone.
- *Traffic control* must be carried out by individuals authorized by the RTA, and in some cases by user-pays police. In metropolitan locations traffic controllers are usually booked through an experienced traffic management firm, and in rural locations the local council will often provide authorised traffic controllers, at cost, as required.

Filming on Private and Public Property within the Burwood Area

- *Weather cover:* If wet weather is going to have an effect on the filming, the filmmakers should also give the Council's Film Contact Officer an indication of what schedule changes might be required, and the impact on the council approval.

Step 4: COUNCIL CONSIDERS APPLICATION

The Film Contact Officer checks over the application to ensure that all necessary information is supplied for council to make its decision, keeps in touch with the location manager to be sure the process is on track from both sides, and asks for further information if it is needed.

The Film Contact Officer checks again that the location is available for the dates/times and that there are no other known activities that might affect filming. Risk assessment will normally be part of a film's standard safety management. However, if the council requires any specific information or plans to ensure public safety, then the filmmakers should be informed promptly.

The Film Contact Officer may need to consult community, employee or interest groups by advertising or letter or direct contact, for example, when a change to a regular sports practice time is involved or when filming is proposed on land being restored by a bush regeneration group. In some circumstances a representative of the production may be required to participate in the consultation, including site meetings, such as when removal of non-period street lighting or a temporary change of signage to a foreign language is proposed.

Site meetings for council and filmmakers may be needed to cover issues such as use of council staff or services, impact on operations, parking arrangements, traffic regulation, set construction and business, employee or resident access. If the arrangements are complex, the filmmakers might invite the Council's Film Contact Officer to a technical survey to discuss the details.

"Frequent Filming"

Some locations are exceptionally attractive to filmmakers, both Australian and international, for example iconic beaches and historic areas. Other locations are frequently used because they are convenient for TVC companies, or because they are an established part of an ongoing television series.

Councils have to balance filming applications with community needs and amenity. Frequent requests to use a site can create a significant challenge for a local council. However, in line with the policy that location filming is to be supported, it is recommended that Councils develop strategies to manage usage of sites subject to higher demand. This can include developing parking management plans or providing suggestions of alternative locations which match the attributes sought by the filmmaker. Similarly, filmmakers will need to consider whether alternative locations are equally suitable for capturing the images sought.

Please also note that SEPP 4 specifies that a private property must not be used for more than 30 days in a 12 month period. Staff of the NSW Film and Television Office are available for help and guidance in setting reasonable levels of usage and may assist in identifying alternative sites.

"Premium" fees are not to be charged for "Frequent Filming" locations

Additional services

Sometimes the filmmaker might request council services such as earthworks, water carts, utilities, security, cleaning, special community consultation, vehicles and the like. Provided there is enough notice and the resources are available Councils may decide to provide the help requested. Fees for the services are discussed in Section 6, and council should provide written estimates in advance.

Step 5: FEES AND CHARGES

The legislation requires that fees associated with filming projects are set in a transparent manner and on a cost-reflective basis. Councils are able to recover an application fee and direct expenses related to filming approvals and services provided, (for example, traffic controllers, additional rangers) but are not permitted to charge any additional fees. For further details see Section 6 of this Protocol.

Step 6: DECISION AND NOTIFICATION

The Film Contact Officer notifies the production in writing by letter (via mail, fax or email), of the approval, including the finally agreed costs, any special conditions or restrictions, filming date and times and contact details. Where urgency is involved, phone contact can be used prior to formal written notification. Special conditions might include, for example, the need to put in place some special environmental protections. The presumption is that councils will approve filming applications unless exceptional circumstances exist.

Curfews should be avoided as they may impose undue restrictions on filming, for example, making it impossible to achieve dawn shots and night shoots. In circumstances where council feels an early start or late finish will adversely affect residents or businesses, they are encouraged to impose a condition requiring the filmmakers to get written approval from affected residents or businesses.

It is the filmmakers' responsibility to obtain all other approvals required (police, RTA, children's employment, environmental, and so on).

REFUSALS AND APPEALS

Generally an approval should be granted unless exceptional circumstances apply. Such instances are expected to be rare and unusual. As an example only (and the particular circumstances must be considered in each instance), a major public event which will attract large crowds and pose real risk to public safety could be exceptional. However, the challenge of managing crowded urban spaces is not itself exceptional.

A request by a film production may not be reasonable, for example, to close a busy road during peak hour. Even where a council believes exceptional circumstances apply, negotiations with the film production over relocation, alternative times, or the imposition of appropriate conditions should be considered.

If approval is refused, council must provide reasons for the refusal in writing. Council will need to inform the applicant by phone, fax or email as soon as practicable after the decision has been made, and must give written reasons for the refusal within three business days of the decision.

Reasons for refusal must be relevant and not relate to extraneous matters such as community disaffection, screen content or "quality control". Difficulties such as peak usage periods (for example, school holidays) and other major events do not provide immediate grounds for refusal. Councils are encouraged to work with the filmmakers or impose appropriate conditions in order to manage the locations in the interests of both filmmakers and the community.

Another example of extraneous matters is if a council holds a view that the content of the filming activity promotes values which it does not endorse (for example, violence, alcohol consumption, portrayal of a region in an unflattering manner). Elected officials are entitled to be informed about proposed filming activity in their area. However, opposition from interested councillors, council staff, residents or other interest groups are not sufficient grounds for refusal.

Councils have no editorial function provided the filmmakers are complying with the law. Councils do not have the authority to withhold approval on the basis of content or moral grounds.

Council must also advise the applicant of the appeals process, which is detailed in Section 9 of this Protocol.

Step 7: FILMMAKERS' RESPONSIBILITIES

Code of Conduct for Location Filming: The screen industry and NSW Film and Television Office have adopted a Code of Conduct for Location Filming – see Section 12(b). The screen industry acknowledges it is important to respect the community and comply with the Code of Conduct for Location Filming. Filmmakers should ensure that all crew on location understand and comply with the Code of Conduct.

Conditions: Any special conditions of the approval must be met, whether before, during or after filming. The cast and crew should be briefed so that they fully understand the implications of special conditions, for example noise restrictions or protection of wildlife.

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Local community notification: Filmmakers need to do a letter drop to residents and the local community with the details of the filming, with a copy to council for information. The letters should be delivered with enough lead time for people to make further inquiries. The letter should indicate the times and nature of the shoot, conditions of council approval, and provide a contact name and number for the production. The production should have a strategy for managing community concerns and/or complaints. If filming permission is sought at especially short notice, for example for a production contracted at short notice or for a sudden schedule change, additional time and effort may be needed to inform affected residents, for example door knocking as well as letter boxing.

Filming on private land: The filmmakers must ensure they meet the requirements of State Environmental Planning Policy No. 4 (SEPP4). This includes notifying the council and affected residents in writing. Full details can be found at <http://www.legislation.nsw.gov.au/scanview/inforce/s/1/?EPITITLE=%22State%20Environmental%20Planning%20Policy%20No%204%20E2%80%94Development%20Without%20Consent%20and%20Miscellaneous%20Exempt%20and%20Complying%20Development%22&nohits=y>

Impact: Filmmakers should make arrangements to minimise inconvenience or disadvantage to businesses, residents or the general community. This includes letting people who may be affected know what is planned, where and when. In some instances where the impact is substantial, such as where filming is late at night, alternative accommodation may need to be provided for affected residents, or where trade for a business is significantly impaired, arrangements made to mitigate the effects.

Emergency and essential services access: Access to utilities (e.g. electricity, water, telephone lines, gas) and emergency vehicle access must be available at all times and fire exits must not be blocked.

ID and information: The filmmakers should clearly identify themselves to residents and other members of the public – ID lanyards are an easy and useful method. Film crew should politely respond to reasonable inquiries from the public about the filming. Some production companies set up folding notice boards at access points to inform and thank the public. Any special conditions of approval should be noted on the call sheet and cast and crew should be briefed on them during safety induction on set.

Permits on site: The filmmakers should have a copy of the written approval on location at all times. This would normally be held by the unit manager and all the production crew should be able to identify this person and direct enquiries to them.

Changes - Planned: If the information given in the application changes before the filming, council should be notified far enough in advance to consider the changes and if necessary amend the approval. Conversely, if any changes occur at the council's end, the filmmakers should be notified straight away. This may also require further notification to the local community if the changes are significant.

Changes – Unplanned: Where unexpected events, for example bad weather or illness, force a change to the shoot schedule, the filmmakers should consult with the Council's Film Contact Officer as soon as possible. A 'weather hold' on another day/time at the initial application stage is an effective way of overcoming challenges due to bad weather and reduces the time spent by council in managing the schedule change. The Film Contact Officer should notify the filmmaker of any unforeseen events at the council end, for example a burst water main.

Damage: The filmmakers must report any damage to the site as soon as possible to Council's Film Contact Officer.

Site inspections, reports and agreements to modify or make good: The Film Contact Officer should maintain records of site inspections and any agreements to change the terms of approval or to restore the site if it is damaged during filming.

Step 8 : IT'S A WRAP – SITE RESTORATION AND THE BOND

Once filming is finished at a location, the production team has to wait for "rushes clearance" before they can completely vacate a site. This means that the producer, director and editor have to confirm that they have achieved all the necessary shots at the site. This is especially important if there has been construction at the site.

Once rushes have been cleared, the filmmakers clean up and restore the site to the agreed condition, report any damage, if required undertake a site inspection with the Film Contact Officer, and submit their application for refund of

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any bond. The Film Contact Officer reviews damage reports and photographs and either signs off that all is OK, or gives the filmmakers a written report of anything that may be unsatisfactory – within five days. If repairs or restoration are required, a time frame is agreed between the filmmakers and council. If council is proposing to retain all or part of the bond to carry out repairs, the filmmakers are advised of the reasons, otherwise the bond is to be refunded within seven days, preferably by electronic transfer.

On occasion, the council may agree that the filmmakers will leave fixtures and fittings at the location. However if the filmmakers of their own accord leave items at the location, or do not restore the location to its previous condition, the council in consultation with the filmmakers may remove the items, restore the location and require the filmmaker to pay the costs.

Fees

The only council fees and charges that apply to filming are for recovery of specific council costs. The legislation requires that fees associated with filming projects are set in a transparent manner and on a cost-reflective basis.

Fees and fee setting mechanisms in this Protocol apply to all councils unless an alternative Council protocol has been approved by the Director General.

Any fees or charges determined through the Protocol provide maximum limits and this does not prevent a local council from deciding to waive or adopt a lesser fee or charge in any case. This may be in response to the nature of the screen production (perceived local, social or charitable benefit) or may be an incentive to encourage production companies to bring a project to a region.

The Director General of the Department of Local Government may review the fees and charges in the Protocol from time to time to allow for changes in cost structures.

For clarification – the act of filming in itself does not attract any fee.

In relation to location filming related activities councils are only able to impose fees in three areas:

1. For lodgement of an application where an approval is required from council;
2. To recover costs from services provided by the council; and
3. For the hire of constructed facilities such as town halls, community centres, and swimming pools (as allowable under the council management plan).

Application fees

The costs schedule below reflects the costs which may be charged by councils in considering applications by filmmakers for approvals. The table provides a schedule of fees for applications for approvals and in relation to traffic management plans. The schedule sets out the maximum fees which may be imposed, although councils may choose to impose lower fees or no fees at all.

The application fee is non-refundable, however, councils may elect to refund in the event filming does not proceed.

It is acknowledged that the fees may in any instance be higher or lower than the actual costs of processing an individual application. However, the schedule provides a simple, clear and consistent method of calculation, reflects the likely complexity of an application, and encourages best practice in council processes.

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Ultra Low	Low	Medium	High
No more than 10 crew	11-25 crew	26-50 crew	> 50 crew
No disruption is caused to the Council's stakeholders, retailers or motorists or other events in the vicinity of the activities	No more than 4 trucks/vans	No more than 10 trucks	> 10 trucks
Activities are contained to footways or public open space areas only	No construction	Some construction	Significant construction
Public safety is maintained at the locations at all times during the conduct of the activities	Minimal equipment/lighting	Equipment used for example, dolly, trucks, medium-sized cranes, jibs	Extensive equipment
Vehicles associated with the conduct of the activities are legally parked at all times and are not driven onto footways, parks or plaza areas	Small or no unit base required	Unit base required	Large unit base required
	Usually 1-2 locations	No more than 4 locations	> 4 locations
\$0	\$0 - \$150	\$0 - \$300	\$0 - \$500

When a production is filming on private property or areas not controlled by the Council, and the council is required to approve parking plans or unit base plans, the application fee category of \$0 - \$150 applies.

A major revision to the filming application will incur an additional 75% of the application fee. A major revision arises where significant changes occur in the timing and nature of the filming activity, and where this could seriously disrupt arrangements made by surrounding businesses and residents in anticipation of the filming activity or where the approval required consideration of a number of new matters by the council.

Assessment of Traffic Management Plans:

The following fees cover the administrative cost of processing traffic management plans.

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Low	Medium	High
Stop/go traffic control on a local or council-managed road.	Stop/go traffic control on a multi-laned or state road	Road closures
Police consultation	Police consultation	Police consultation
	RTA consultation	RTA consultation
\$0 - \$100	\$0 - \$300	As per council's adopted road closure fees that apply to other applicants.

Recovery of costs for services

Councils may only charge fees for services they provide.

If an approval is required, and no other services are required then no fees, other than for the application, may be imposed. If all vehicles are legally parked, if there is no interference to the public's use of the space (non-exclusive occupation), if there are no cables run across council land, if there are no environmental issues – then cost recovery should be nil.

What is cost recovery?

In the cost recovery model below, councils will need to develop cost templates for those services where a fee is not specified. These costs need to be reflective of the actual cost of those services, and should be provided to the New South Wales Film and Television Office and filmmakers. These should be used to determine fees levied for the cost of those services, and should properly compensate council for the use of those services.

Councils will not have identical scales of fees. Variations arise from local conditions and circumstances in each council area, as well as other factors which affect the cost of service provision.

The Government policy supporting the screen industry allows that councils will be allowed to recover costs associated with the services that they provide. The cost recovery principle to be used for this Protocol is that costs should reflect the direct costs for the service provided. That is, administrative overhead charges should not be included in calculation of costs. Councils should examine schedules of fees for services to ensure that unreasonable or monopoly margins are not imposed.

The fee schedules should be itemized and transparent, and calculated at the same rate as other public use of council services and facilities. No additional differential loading is to apply to services provided because they are associated with filming. Fees could include:

- Actual wages and salaries as per applicable award/agreement as per category of the employee involved, and employee-related costs – superannuation, payroll tax, workers compensation and leave provisions, overtime and car
- Cost of vehicles on a kilometrage rate as per Australian Taxation Office guidelines (<http://www.ato.gov.au/>)
- Revenue foregone, as in the use of metered parking
- Costs for required public advertising

Cost reflection does NOT include:

- Overheads or general administrative costs
- Oversupply of resources or personnel above a reasonable requirement for public safety and protection of public assets
- Occupational health and safety supervision – this is an obligation of the production company
- Replication of services already provided to a reasonable level by the production company or its contractors for example, overnight security, pedestrian control, traffic control

Charges for contracted council services, such as cleaning and security, must be at competitive market rates and included in councils' management plan. The production company may elect to choose alternative suppliers who are legally allowed to carry out the work required, provided this does not conflict with existing contracts council may have for specific services or work on specific sites.

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Although fees would not generally apply to the non-exclusive use of a public area, judgement needs to be exercised to ensure that the activity does not prevent the use by the community. If the scale of film production activity constructively prevents use by the general public, then a licence for exclusive use may need to be applied to part of the area (with associated fees).

In some circumstances council may determine that there is a need for council supervision of a production. Although this should not be a presumed requirement for productions, the circumstances may suggest that it is appropriate and in some instances may be requested by the production. The level of supervision will be determined by the needs of each situation.

Supervision during hours	Hourly rate as per fees and charges that apply to all users of public space.
Supervision after hours	Hourly rate as per fees and charges that apply to all users of public space.
Site visit/inspection (including before approval and after the filming has taken place)	Hourly rate as per fees and charges that apply to all users of public space.

Where a particular filmmaker has a poor history with council in location filming, supervision may be appropriate. In contrast, councils may determine that lesser supervision is required for filmmakers who have previously worked in a council area and have demonstrated appropriate understanding of their obligations.

If industry based accreditation standards or mechanisms are established, councils may take these into account in deciding on the level of supervision and other requirements imposed on the filmmaker.

Parking:

The limited availability of adequate parking in many urban areas is a challenge for residents, businesses and local councils. In these locations, requests from filmmakers to accommodate parking in association with location filming are a common source of concern by local communities.

This appears to contribute to a reluctance by some councils to assist such requests and continuing complaints by filmmakers over difficulties in dealing with local councils, levels of fees and conditions imposed on parking.

The need for film productions to locate critical vehicles near to film sites will remain and requires constructive solutions and flexibility by all stakeholders to resolve.

As outlined above, recent changes to the NSW road rules and associated guidelines from the RTA are designed to simplify parking associated with filming activity. Fees for parking are to be limited to the costs for processing applications and for services required to reserve areas to accommodate vehicles. For example, there will be an administrative cost associated with a partial temporary road closure or other mechanisms suggested by RTA guidelines, the placement of barricades and signage, and the control of traffic, if these services are provided by the council.

The only exception to this is where spaces usually subject to metered parking will result in lost revenue to council. As such these funds can be recovered by council as a cost recovery component. Calculation of the costs recovered should be based on average revenue lost from the metered spaces for the use by the filmmaker, rather than by presumption of full space occupancy.

Costs for council-supplied barricading and costs of providing signage in zoned and restricted parking areas are recoverable. Provision of spaces to accommodate essential film production vehicles close to the filming location may require road areas to be reserved and barricaded for a period prior to, and immediately after film activity as a legitimate part of the film related activity.

Alternative parking arrangements may be required for businesses and residents and are matters to be addressed as part of the approval and may result in costs for the film production, although these should arise only if essential and reasonable. All costs should be transparent and consistent.

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Trucks associated with approved filming will be able to park in unrestricted parking areas, and no fees will apply. The trucks will need to be identified, and council will need to be notified. No fee will apply for the notification.

Bond/remediation (if required)

In some circumstances a bond may be reasonable and necessary. Councils should publish the rate they will apply to bonds for specific sites and specific usage. They should only apply where there is a risk of damage or the necessity for a clean-up where additional costs may apply. Bonds should be repaid or released as soon as practicable after the completion of filming and site clean up.

Bond	A reasonable level to be negotiated between council and filmmaker depending on risk assessment.
Cleaning	Fee for service
Site remediation	Case-by-case depending on the damage/remediation requirements.

Additional Services (if required)

Security	Hourly rate
Additional site preparation	Fee for service
Cleaning	Fee for service
Waste management	Fee for service
Access	Fee for service
Power	Fee for service
Water safety	Fee for service

Cancellation

The application fee is non-refundable if a filmmaker decides not to proceed with an application for approval.

Facility/Venue Hire

Councils may impose fees for the hire of formal venues such as town halls, community centres, swimming pools, that is, constructed facilities which are subject to hire or fees as general commercial activity (even if at a concessional or negligible rate for council or community uses). Conditions, such as cancellation fees, may apply as with standard hire conditions for the venue.

Venue fees are not to be charged for the short term use of public open spaces such as parks, playing fields, malls, plazas, or roads which are generally open for public use. Enclosed ovals and playing fields where surfaces are developed and maintained, the area fenced and offered for hire for professional level sports (that is, where access and fee for entry may be applied) may be treated as constructed facilities and relevant venue hire fees imposed.

Fees are not to be imposed for wear and tear on a site, including use of parks and grassed areas, although this does not prevent requirements for remediation or repair for actual damage.

Fees are generally not applicable for non-exclusive use of public open spaces. Non-exclusive use generally means that the number of cast and crew is small and lighting equipment, cabling and other hazards would not be used and public risk and inconvenience is minimal. Temporary structures, cabling and equipment (other than simple camera stand and sound equipment) may require exclusion of the public for reasons of safety.

Where a filmmaker seeks use of public open spaces and where exclusive or controlled access is required (for example where cables and quantities of equipment create a risk to public safety), councils may require action to address these risks (such as signage, cable bridges, barriers or officials controlling public access). Councils may recover costs if it provides these services.

Although as a general principle fees may not be charged for use of open public space, where the use continues for more than three days or where the public use of the area is significantly disrupted, film productions should provide some form of compensation to the council or affected residents and businesses as a form of appreciation for the impact from its use, particularly if the location is one subject to popular and substantial public use.

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Similarly, where arrangements are made to provide parking on roadways (even if provided by temporary partial road closure), no fees may be charged for the use of the space, although costs of services provided by council such as barriers and traffic control may be recovered (see also the above section on Parking).

Methods of Payment: Given the timing issues involved in applications for filming, Councils should encourage electronic methods of payment, that is, bank transfers and online credit card payments.

"Frequent Filming": A higher fee may not be imposed for a location which a council believes is subject to frequent filming. Frequent filming does not constitute grounds for refusing an application and it is recommended that Councils develop strategies to manage usage of such sites. Please also note that SEPP 4 specifies that a private property must not be used for more than 30 days in a 12 month period. Staff of the NSW Film and Television Office are available for help and guidance in managing popular filming sites.

It is not appropriate to charge different application fees for filming in a "peak season" or "off peak season".

Other Approvals

Filmmakers must operate in compliance with applicable legislation, for example wearing seat belts, observing speed limits and traffic signs and having an authority to employ children less than 15 years of age.

In addition, many aspects of filming may require approval in addition to those for which council may give approval. Although Councils will assist as much as possible, the responsibility for obtaining relevant approvals from other authorities remains with the filmmaker. A number of these include:

- Indigenous approvals – In most places it is polite to request permission to film from traditional owners, who may also agree to carry out a welcome ceremony. This permission will be required for any filming on land controlled by indigenous people or containing sites or items of significance. Filmmakers and Film Contact Officers are encouraged to consult the Indigenous Unit of Screen Australia on issues of indigenous content and locations well in advance of filming.
- Private property - Clearly, permission from the property owner will be required to film on privately owned land.
- Children's employment – Filmmakers must hold an Authority to employ any child less than 15 years of age for entertainment in NSW. Contact the NSW Office for Children – Children's Guardian (OCCG) on 02 8219 3600 or visit the website at www.kidsguardian.nsw.gov.au for more information.
- Roads and Traffic Authority (RTA) is the main agency responsible for approving the activities noted below. Whether approval comes from the RTA or the local council or the NSW Department of Lands depends on the status of the road, and on the nature of the filming. Filmmakers should check with council whether the council and/or RTA permission is required. In addition, filmmakers need to take into account the time the RTA will need to assess a proposal. There is an information package for film shoots available on the RTA website, www.rta.nsw.gov.au
 - To film on state roads, rural freeways and highways
 - To film with tracking vehicles and low loaders on state roads, rural freeways and highways
 - To erect a notice or barrier etc. for regulating traffic on a public road
 - To erect a structure or carry out a work in, on or over a public road
 - To dig up or disturb the surface of a public road
 - To remove or interfere with a structure, work or tree on a public road
 - To pump water into a public road from any land adjoining the road
 - Use of bridges
 - Excess weight permits—where vehicles exceed weight limits placed on a road
 - Over-dimension vehicle permits—where vehicles exceed dimensions of vehicles operating under the General Permit scheme
 - Unregistered vehicle permits—where a vehicle is not already registered and needs to be driven on a public street, for example, period cars or modified vehicles.

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- NSW Police – The Local Area Command should be notified by phone and/or email of any filming in their area, whether on private or public land, so they are informed should they receive calls from residents with complaints or inquiries. At times approval from Police may be required or the Police may have a larger role depending on what is being filmed, and how, for example if stunts, firearms or traffic diversions are involved. User pays operates when Police services are required.
The filmmaker is responsible for this notification although alternative arrangements for this may be agreed with the local council.

- Some key authorities - specific organisations manage certain high-profile locations. For example:
 - o The Sydney Opera House—Sydney Opera House Trust
 - o Centennial and Moore Parks—Centennial and Moore Park Trust
 - o Royal Botanic Gardens and Domain—Royal Botanical Gardens and Domain Trust
 - o The Rocks, Circular Quay, Darling Harbour, Cockle Bay and areas of harbour foreshore—Sydney Harbour Foreshore Authority
 - o Sydney Olympic parkland -Sydney Olympic Park Authority
 - o National Parks—Department of Environment and Climate Change, Parks and Wildlife Division
 - o Railway property—Rail Corporation NSW and Rail Infrastructure Corporation.
 - o Activities on water may also require the involvement or approval of the NSW Maritime Authority or the NSW Department of Lands.
 - o State Forests –NSW Department of Primary Industries, Forests NSW
 - o Sydney Harbour Federation Trust
 - o Department of Defence

- Department of Planning – State Environmental Planning Policy No. 4 (SEPP4) means that most temporary construction for filming does not require Planning permission. However in some instances development consent may still be required, for example where a building will be used as a temporary studio for extended filming of a television series.

- Department of Environment and Climate Change (DECC) – Management of noise, air or water pollution, some open fires and some helicopter movements. When the planned filming is likely to cause community concern (a great deal of smoke, loud noises, explosions, vibrations or the appearance of water or air pollution) DECC's 24 hour Pollution Line should be notified so staff can be informed (one to two days notice). Filmmakers should also consult the DECC to seek information and advice on how to minimise environmental impacts from filming and waste disposal.

- The Department of Lands is responsible for Crown land across the State. Crown land is state-owned and administered by the NSW Department of Lands and managed for the benefit of the people of NSW. It includes Crown reserves (reserved for specific public purposes including State parks and environmental protection areas), some water storage areas (Sydney Catchment Authority covers Sydney's catchment areas), some port facilities and services, unreserved lands, Crown public roads and submerged Crown lands (that is, below mean high water mark such as the beds of rivers and estuaries and extending three nautical miles out to sea). Many of the state's town squares and local parks, state heritage sites, buildings, community halls, nature reserves, coastal lands, waterway corridors, sport grounds, racetracks, showgrounds, caravan parks, camping areas, travelling stock routes, rest areas, walking tracks, commons, community and government infrastructure and facilities are within Crown Reserves.

Filmmakers need to contact the local council or the NSW Department of Lands film contact officer to check on land status for filming proposed and obtain appropriate approvals for filming on Crown land. Further details can be found at www.lands.nsw.gov.au

- Public Transport Providers - Both government and private transport providers operate in NSW. Services include country and city trains, buses, ferries, monorail, tourist buses, and air services. Filmmakers should contact the State Transit Authority and private bus companies to identify transport routes. When filming is likely to affect public transport, the operator of the service should be contacted. Information can

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be obtained from the 131500 Transport Infoline at [http://www.131500.info/realtime/default.asp_or telephone 131500](http://www.131500.info/realtime/default.asp_or_telephone.131500). Wherever possible disruption to public transport routes should be minimised.

- **Emergency and Essential Services** - Access for emergency services such as police, fire and ambulance and essential services, such as energy (electricity and gas) and water supply authorities, should be maintained at all times. In some instances their approval may be required. On occasion the film's Safety Report (see Risk Management and Occupational Health and Safety in the next section) will specify that one of the emergency services is required during filming.

Risk Management and Occupational Health and Safety

All production companies should have an Occupational Health and Safety Policy and depending on the filming activities the production may be required to undertake a Safety Report. All production companies should have Workers Compensation insurance and Public Liability insurance. Film Contact Officers could ask to sight the documentation if they have any concerns.

Stringent safety requirements apply to the screen industry, especially in regard to special effects, stunts, fire arms and weapons. Only appropriately qualified people are permitted to operate in these fields. Filmmakers must be able to satisfy the council that they hold all necessary licences and permits for the proposed activities. Filmmakers undertake hazard and risk assessments of any locations or premises in which they propose to make screen productions. If Councils already have risk or hazard assessments of premises or locations under their control they should co-operate with filmmakers to make further detailed assessments.

The filmmaker needs to check the level of public liability insurance required by the council and will co-operate with Councils in having them "named" on public liability insurances, if required. Filmmakers should expect to provide cover for \$20 million in most cases, and more may be required under special circumstances for significantly higher risk projects. Such additional cover should be negotiated openly and in good faith between Council, their insurers and the production company.

Councils may also consider reducing the level of public liability cover required in the case of low risk productions such as a low impact short film.

Dispute Resolution

If a filmmaker is dissatisfied with the conditions of approval or a decision to refuse an application, they should in the first instance speak with the relevant approving authority or other relevant Government agency where it is the landowner. They may subsequently seek mediation through the NSW Film and Television Office who may seek support from other relevant agencies such as the Department of Premier and Cabinet.

Who's who on a film crew

The key relationship for filming is between the screen production's location manager and the local council's Film Contact Officer, and these two people should negotiate and confirm the details of filming in a council area. However, many departments in the screen production will have specific requests before and during location filming, and it's useful for council staff to understand why the requests are being made, and what the responsibilities of key production personnel are. The location manager remains the key channel of communication.

All crew and cast have a duty of care in respect of occupational health and safety issues, and public safety issues.

The producer is the key person in charge of the entire production. He or she will have selected the script, raised the finance, appointed cast and key personnel and have oversight of both creative and administrative aspects of the production. Most important for location filming, the producer has responsibility for ensuring that all the relevant insurances and Occupational Health and Safety (OHS) measures are in place.

The production manager is responsible for keeping track of the budget; approving schedules and call sheets; and hiring and firing crew. With location filming, the production manager may become involved in more complex issues of

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approval, oversight and insurance.

The location manager is initially responsible for finding and securing locations that fit the creative, budgetary and scheduling needs of the production, and then for managing the locations during the shoot. He or she acts as the representative of the Production Company and negotiates with property owners, council and relevant authorities on location details, approvals and, if necessary, price.

The unit manager is responsible for vehicle parking, both essential vehicles and private vehicles, and for the hour-to-hour management of the filming site. If the location manager is not on site on the filming day, then the unit manager is the main contact for location issues.

The director is responsible for the overall creative vision of the screen production including the performance by the actors; and managing all creative elements of the production. He or she will be looking for a location with a particular "look" and may want to shoot in one direction or another to emphasise or hide part of the streetscape or landscape.

The 1st assistant director works with the Director to manage day to day and minute to minute operations on set during filming. The 1st AD prepares the shooting schedule and organises each shooting day to make the best and most efficient use of a location, and may have requests, for example, about time of day to shoot sequences and traffic or pedestrian control. If weather or other factors delay filming, the 1st AD will re-schedule the production to provide another opportunity to achieve the affected scenes.

The director of photography is the head of the Camera Department, responsible for the look of the screen production. The DOP creates the visual representation of script: camera, film stock, lenses, lighting style and color scheme, and the composition of each shot. On location, the DOP may, for example, wish to shoot at a particular time of day or from a particular side of the road so that the actors and the setting are shown in the most appropriate light. With night shoots, the DOP will have requests and requirements about the size and positions of the lights.

The production designer is the head of the Art Department, and responsible for planning and overseeing the creation of the sets, scenery, costumes, and other items that appear in front of the camera. The art director and construction manager report to the production designer and also have requests and responsibilities when filming is taking place on location. For example, they may wish to remove modern street lighting for a period film or change street signage to indicate a different country.

The gaffer is responsible for supplying the lighting to the set, and for the power source, whether this is the generator or on-site power. They also take responsibility for the safety of electric power and lighting both for the film's employees and for the general public.

The grip is responsible for all equipment that supports the camera, from a simple tripod to dollies, cranes, tracking vehicles, boats and aircraft.

For further (entertaining and informative) descriptions of crew roles please see the glossary on www.imdb.com.

THE SCHEDULE AND THE CALLSHEET

The running of a production is determined in broad terms by its shooting schedule. A feature film or television series will be able to issue a preliminary shooting schedule a few weeks ahead of production, and it will be revised as detailed requirements emerge and are adjusted. Television commercials and television series have much shorter lead times and may release a schedule only a day or two before the shoot.

The schedule is issued to all key crew, and usually contains an indication of what alternative scenes will be shot if wet weather occurs. From day to day, the production's key document is the call sheet issued late each day with full details of the next day's filming. These key documents are easy to understand once a reader cracks the format – basically the same every time – and it's useful for Film Contact Officers to understand the nature of the documents and how they communicate the filmmakers' intentions. Ask to look at them as discussions proceed.

Useful Resources

PUBLICATIONS

The most comprehensive guide to production practices in Australia is found in "The Satchel – Film Budgeting and Production Management". It is available to order via the Screen Australia website, www.screenaustralia.gov.au. A special price for councils is under negotiation.

WEB LINKS

New South Wales Office of Film and Television is a key link for Local Councils, www.fto.nsw.gov.au.

Screen Australia is the federal agency supporting screen production, and has a very useful website with valuable links, www.screenaustralia.gov.au

The Internet Movie Database is the major international site for film and television fans and professionals alike, www.imdb.com

Appendix 1- Code of Conduct for Location Filming in NSW

CODE OF CONDUCT FOR LOCATION FILMING IN NSW

At the heart of all successful filming is an effective collaboration – not only among the crew, but just as importantly, between the filmmaker and the community: local residents, local councils, local businesses and other Government agencies.

This Code of Conduct aims to reinforce positive relationships between filmmakers and the general community by detailing a 'best practice' guide to location filming. It was developed in consultation with key industry guilds and associations to reflect the professional standards of Australian screen practitioners.

The filmmaker's responsibilities and obligations are further recognised under The Local Government Filming Protocol, which is essential accompanying reading and can be found at [insert web address].

Successful location filming depends on constructive relations with affected members of the community. This imposes obligations on all involved in the production to respect the local community and ensure that despite any inconvenience, their experience is not an unpleasant one.

BEFORE THE SHOOT*Notification*

- Obtain relevant approvals for the activity to be conducted.
- Advise residents and businesses in the area by letter box drop of what is planned, when and where. Include details and conditions of the filming approval and provide a contact name and number at the production office and the location.
- The letters should be delivered in time for people to make further inquiries if they feel the need.
- When filming for an extended period or undertaking activities with a high impact on community amenity, allow for community feedback on the proposed arrangements.
- When filming on private land, the local council, police and community must be notified of the filming activity, even if specific approvals for filming are not required.
- Particular consideration needs to be given to businesses whose trade could be adversely affected by filming activities.

*Filming on Private and Public Property within the Burwood Area**Brief cast and crew on special conditions*

- The film crew should all be thoroughly briefed on the nature and practical application of the approval given and any conditions or requirements attached to the filming activity whether by agreement with the owners of the location or other property owners or imposed by the local council or other relevant authority.

Parking

- Contact the local council early on to organise parking plans for essential vehicles and unit set up and see if there is a need for a traffic management plan.
- Consult directly with the community over parking issues where appropriate. This may include arranging alternative parking for residents and assistance in access to vehicles and transport arrangements in some high density residential locations.

Health and Safety and risk assessment

- Carry out hazard and risk assessments of any locations or premises to be used for filming or film related activities. A location shoot is a workplace and occupational health and safety requirements must be observed.
- Make sure the production has appropriate levels of public liability insurance and all necessary licenses and permits relating to filming activities.

DURING THE SHOOT*Parking*

- All crew, cast and extras must park in accordance with normal requirements unless special arrangements have been approved by the local council or Police.
- Vehicles associated with the production should comply with traffic and parking regulations and not park in disabled parking spots, driveways or restricted zones.
- Find nearby parking spaces for non-essential vehicles if you are going to be at a location for a number of days.
- Trucks should not be parked in front of active restaurants.
- Generator trucks should not be parked in front of residential buildings.
- Make sure that trucks and other vehicles fit under trees to avoid damage to branches.

Noise

- Keep noise to a minimum, particularly when arriving in a neighbourhood before 7am or during night shoots.
- Make sure generators are silenced.
- Truck engines should not be left idling under residents' windows.
- Avoid playing car radios loudly, and be aware of the noise level of walkie talkies near residences and businesses.
- Get appropriate permissions for music play back.

Traffic

- Production personnel must co-operate with state agencies and local council to maintain efficient traffic flows and the safety of other road users.

Filming on Private and Public Property within the Burwood Area

- Traffic stopping and traffic diversions must be carried out by properly authorised personnel and in accordance with a traffic management plan agreed by local council and if necessary RTA.
- Pedestrian traffic should not be obstructed at any time unless stipulated in the permit and all cables are to be channelled neatly and safely.

Shops and businesses

- Do not loiter in front of shops or residences and block the access of the local community.
- Do not block buildings or keep equipment in front of buildings that are not working directly with the shoot. Do not stack equipment in front of closed shopfronts when there is an early call – the business owners will need to open on time, and receive deliveries.
- Crews should be encouraged to patronise local businesses during breaks.

Evidence of permits on site

- Copies of local council and other approvals should be available on location at all times. They should be held by the location manager or the unit manager, who should be identifiable by all crew members.
- The Production must comply with the provisions of approvals.
- Consult with the local council or other approving authority if there are material changes to filming plans, in case an amended approval is required.

Emergency and essential services access

- Access to fire exits or utilities (e.g. electricity, water, telephone lines) and emergency vehicle access must not be impeded.

Maintain regular communication

- Maintain regular communication with the local council or approving authority's Film Contact Officer and report any damage to the site as soon as possible.
- Be available to verify that the conditions of approval are met.

Removal of litter

- Remove all litter before the end of each day's filming.

Risk management and occupational health and safety

- Abide by film industry safety practices, especially in relation to special effects, stunts and the use of firearms and weapons.

AFTER THE SHOOT

- Leave the location clean and tidy and in its pre-filming condition.
- Only leave fixtures and fittings at the location where this is requested or approved by the local council.
- Report any damage
- Undertake a site inspection with the council or approving authority's Film Contact Officer if required.

Thank you for honouring this Code of Conduct. The implications of lack of compliance are significant. This may be in relation to public safety, community support and council cooperation, as well as to future filmmakers who will follow in the location footsteps of other productions. Failure to comply may also result in the revocation of the relevant approvals associated with filming.

Filming on Private and Public Property within the Burwood Area

Application Form



2 CONDER STREET, BURWOOD, NSW 2134 PO BOX 240, BURWOOD NSW 1805
 TELEPHONE 9911 9911 FAX 9911 9900
 WEBSITE: www.burwood.nsw.gov.au

Cashier Code: T36
 File No: S.0500.000

Rec No.: _____
 Date: _____
 \$: _____
 CSO: _____

Application for Filming

PART 1: APPLICANT DETAILS

Title	Given Name/s	Family Name
<input type="text"/>	<input type="text"/>	<input type="text"/>
Position		
<input type="text"/>		
Production Company/Organisation Name		ABN
<input type="text"/>		<input type="text"/>
Production Company/Organisation Address		
<input type="text"/>		
Business Number		Mobile/Cell Number
<input type="text"/>		<input type="text"/>
Email Address		
<input type="text"/>		

PART 2: PRODUCTION CONTACT DETAILS

<i>Producer:</i>	
Name	Mobile
<input type="text"/>	<input type="text"/>
Email Address	
<input type="text"/>	
<i>Production Manager:</i>	
Name	Mobile
<input type="text"/>	<input type="text"/>
Email Address	
<input type="text"/>	

Filming on Private and Public Property within the Burwood Area

Location Manager:

Name

Mobile

Email Address

PART 3: PRODUCTIN DETAILS

Name of Production

Production summary/synopsis/script

Type of Production (please tick appropriate box):

☐ Feature☐ TV Drama☐ Documentary☐ TV Commercial☐ Corporate Video☐ Short Film☐ Music Video☐ Student Film☐ Children's Production☐ Children's Production☐ Infotainment/Travel Show☐ Reality TV☐ Stills shoot/photography☐ other (please specify)**PART 4: LOCATION DETAILS**

LOCATION 1:

Date (include proposed date and back up/wet weather date)

Dates of additional bump-in/bump-out (if required)

Time of use (incl. crew arrival and departure)

From:

To:

Location

Filming on Private and Public Property within the Burwood Area

Description of Activities

--

Personnel numbers:

Cast

Crew

Extras

Parking requirements:

No. of essential vehicles

No. of unit vehicles

No. of private vehicles.

- Please attach a list of production vehicles by type, size and registration details.
- Please attach a parking plan (including catering and unit base), specifying street location, number of spaces required and any applicable parking restrictions.

Please tick if your shoot involves any of the following:

- | | | |
|--|--|--|
| <input type="checkbox"/> Temporary traffic control | <input type="checkbox"/> Street dressing | <input type="checkbox"/> Reconstruction of crime/emergency |
| <input type="checkbox"/> Road closure | <input type="checkbox"/> Cherry pickers/lighting | <input type="checkbox"/> Cast dressed as police/emergency towers |
| <input type="checkbox"/> Low loaders | <input type="checkbox"/> Camera crane | <input type="checkbox"/> Car chases/driving sequences |
| <input type="checkbox"/> Stunts | <input type="checkbox"/> Camera track | <input type="checkbox"/> Crowd control/security |
| <input type="checkbox"/> SFX | <input type="checkbox"/> Generator | <input type="checkbox"/> Children |
| <input type="checkbox"/> Firearms/gunfire | <input type="checkbox"/> Temporary structures | <input type="checkbox"/> Animals |
| <input type="checkbox"/> Smoke effects | <input type="checkbox"/> Scaffolding | <input type="checkbox"/> Other |
| <input type="checkbox"/> Fire effects | <input type="checkbox"/> Playback | |

PLEASE NOTE: Many of the above activities will also require approval to be sought from other statutory authorities eg. Police, RTA, EPA, RSPCA, NSW Office for Children's Guardian, NSW Fire Brigades, NSW Rural Fire Service, NSW Department of Lands.

Filming on Private and Public Property within the Burwood Area

If you have ticked any of the above, please give details:

PART 5: SUPPORTING DOCUMENTATION CHECKLIST

- ☐ Public Liability Insurance certificate of currency.
- ☐ Traffic management plan (when required)
- ☐ Parking plan
- ☐ Authorised safety report (when required)
- ☐ Community notification letter
- ☐ Environmental management plan (when required)

PART 6: LODGING THE APPLICATION

You can lodge the completed application form and supporting documents:

By email: council@burwood.nsw.gov.au

By fax: (02) 9911 9900

In person: Customer Service Counter, 2 Conder Street BURWOOD NSW 2134

PART 7: PAYMENT OF THE APPLICATION FEE

On submission of this application form the applicant undertakes to pay the relevant application fee outlined by council. Payment methods include credit card, cheque, cash (in person at council chambers) or EFT.

Once your application has been received, the Film Officer will contact you to acknowledge receipt and advise of the timeframe council will need to process your application.

For further information regarding your application please contact Traffic and Transport Officer on (02) 9911 9882.

PRIVACY STATEMENT

If you are applying for consent as an individual, you may be providing Council with personal information (such as your name and address) within the meaning of the *Privacy and Personal Information Protection Act 1998*.

You are obliged by law to provide your name and address. If you do not provide the personal information requested Council may be unable to process your application.

Council is collecting this personal information from you in order to identify and process your application.

You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from being made publicly available. Council will consider any such application in accordance with the relevant legislation.

Enquiries concerning this matter can be addressed to Council's Customer Service Manager.

(ITEM 99/19) TEMPORARY SUSPENSION OF AN ALCOHOL PROHIBITED AREA - WOODSTOCK PARK

File No: 19/52864

REPORT BY ACTING DEPUTY GENERAL MANAGER, CORPORATE, GOVERNANCE & COMMUNITY

Summary

This report recommends the temporary suspension of Woodstock Park as an Alcohol Prohibited Area on Thursday 5 December 2019 between the hours of 6pm – 9pm for the Mayoral Christmas Appeal.

Operational Plan Objective

1.1 High quality activities and services to meet the diverse needs of the community

Background

There are currently five Alcohol Prohibited Areas in the Burwood LGA that operate between the hours of 6pm – 8am, seven days a week:

- Burwood Park
- Woodstock Park
- Russell Street Reserve
- Reed Reserve
- Martin Reserve

The time restrictions aim to strike a balance between the reasonable consumption of alcohol associated with public activities during the daytime and limiting inappropriate use of alcohol during night hours.

However, under Section 645 of the *Local Government Act 1993*, Council has the authority to temporarily suspend the operation of an Alcohol Prohibited Area. This allows Council to maintain a balance between the community benefits of alcohol consumption in public places and the overall safety and wellbeing of the community.

Proposal

On 5 December 2019 the Mayor of Burwood will once again host the annual Mayoral Christmas Appeal at Woodstock Community Centre and Woodstock Park from 5:30pm – 9pm.

The event will see community members come together to fundraise for two local services, St Merkorious Charity and St Paul's Church Burwood.

It is proposed that Woodstock Park be temporarily suspended as an Alcohol Prohibited Area to allow for the responsible service of alcohol at the Mayoral Christmas Appeal.

Council implements a number of strategies to manage the responsible consumption of alcohol at events. The Mayoral Christmas Appeal will implement the following strategies to ensure the safety of all patrons:

- Engagement of four trained staff that hold a NSW Responsible Service of Alcohol certificate.
- Engagement of two security staff.

Consultation

Liaison will be undertaken with the local Police Area Command (PAC) before and after a Council resolution is passed to ensure that all parties are informed and all necessary action is co-ordinated.

The Corporate Planning and Communications Team will be consulted regarding community notification of the suspension as per legislative requirements. This will be done by way of public notice on Council's website.

Planning or Policy Implications

Council's "Prohibition of Alcohol in Public Spaces Policy 2010" is guided by section 645 of the *Local Government Act 1993*. Under this legislation Council has the authority to temporarily suspend the operation of an Alcohol Prohibited Area.

The revised "Prohibition of Alcohol in Public Spaces Policy 2019" has been submitted to Council for endorsement.

Financial Implications

No Financial implications.

Recommendation(s)

That Council temporarily suspends Woodstock Park as an Alcohol Prohibited Area on Thursday 5 December 2019 between the hours of 6pm – 9pm for the Mayoral Christmas Appeal.

Attachments

There are no attachments to this report

(ITEM 100/19) DELEGATION TO THE MAYOR AND GENERAL MANAGER TO DEAL WITH MATTERS OF URGENCY DURING THE 2019-2020 RECESS PERIOD

File No: 19/48612

REPORT BY ACTING GENERAL MANAGER

Summary

To seek a determination from Council regarding delegations for the 2019-2020 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.

Operational Plan Objective

- 2.1 Community confidence in Council's decision making
- 2.1.1 Report outcomes of Council decisions and resolutions

Background

The recess period for 2019-2020 will be from 11 December 2019 until the first Council Meeting in 2020 scheduled for 11 February. 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 22 October 2019 (Min. No. 111/19) delegated to the General Manager all regulatory functions with the exception of:

Development Application Delegations

The General Manager cannot assess the following Development Applications:

Value	DAs with a value of more than \$5 million, but less than \$30 million
Conflict of Interest	DAs for which the applicant or owner is the Council, a Councillor, a member of the Councillor's family, a member of Council Staff, or a State or Federal member of Parliament.
Contentiousness	DAs that receive 10 or more objections/unique submissions from separate households by way of objection. Where a petition is received this is classed as one objection.
Strategic Importance	DAs accompanied by a proposed voluntary planning agreement.
Departure from Development Standards	DAs seeking to depart by more than 10% from a development standard.
High-risk Development Types	<p>DAs associated with a higher risk of corruption, including:</p> <ul style="list-style-type: none"> ▪ Designated development, as set out in the <i>Environmental Planning and Assessment Regulation 2000</i> ▪ Development to which <i>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</i> applies ▪ Demolition of heritage items ▪ Development for the purpose of new licenced premises, that will ▪ Require one of the following liquor licenses: <ul style="list-style-type: none"> - A club licence under the <i>Registered Clubs Act 1976</i> - A hotel (general bar) licence under the <i>Liquor Act 2007</i> - An on-premises licence for public entertainment venues under the <i>Liquor Act 2007</i> ▪ Development for the purpose of sex services premises and restricted premises
Modifications	Modification applications that meet the above criteria.

These matters must be referred to Independent Hearing and Assessment Panel for determination.

Expenditure

Prescribed Organisations

The General Manager cannot expend more than \$1,000,000 via a prescribed organisation i.e.: Local Government Procurement (LGP) and Procurement Australia (PA).

The General Manager has the discretion to refer any expenditure to Council for determination.

Council Resolved Projects

Where Council has approved the project either through a Council resolution or the Operational and Capital Works Program, the General Manager cannot expend more than the resolved dollar value.

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 11 December 2019 until the first Council Meeting of 2020, Council delegates the following to both the Mayor and the Acting 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 Acting 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 2020.

Attachments

There are no attachments for this report.

(ITEM RC6/19) BURWOOD LOCAL TRAFFIC COMMITTEE - NOVEMBER 2019

File No: 19/50093

REPORT BY DEPUTY GENERAL MANAGER, LAND, INFRASTRUCTURE & ENVIRONMENT

Summary

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of November 2019. 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

Recommendation

That the minutes of the Burwood Local Traffic Committee of November 2019 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

(ITEM LTC27/19) SAFETY AUDIT AROUND PARKS AND RESERVES

Recommendation

That Council approve the implementation of the treatments proposed for each of the parks as outlined within the report.

(ITEM LTC28/19) BRIGHTON STREET, CROYDON - CHANGES TO PARKING RESTRICTIONS OUTSIDE THE BRIGHTON RETIREMENT VILLAGE

Recommendation

That Council approves the installation of 10m 'No Parking' restrictions north of the vehicular crossing to The Brighton Retirement Village on Brighton Street Croydon.

Attachments

- 1 [!\[\]\(6c117786eacd86d9626685ebfb559b77_img.jpg\)](#) BLTC November 2019 - Agenda
- 2 [!\[\]\(a2437798f31357d2bea910e1270385bf_img.jpg\)](#) BLTC November 2019 - Minutes



NOTICE OF BURWOOD LOCAL TRAFFIC COMMITTEE MEETING

The November 219 meeting of the Burwood Local Traffic Committee will be held electronically with the Agenda emailed to Members for review. The minutes from the October 2019 meeting have also been emailed to members for confirmation. All comments are requested to be returned to Council by 9.30 am Friday 8 November 2019.

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**

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 October 2019 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 LTC27/19) SAFETY AUDIT AROUND PARKS AND RESERVES 3

(ITEM LTC28/19) BRIGHTON STREET, CROYDON - CHANGES TO PARKING RESTRICTIONS
OUTSIDE THE BRIGHTON RETIREMENT VILLAGE 14

INFORMATION ITEMS

(ITEM TIN2/19) DATES FOR 2020 BURWOOD LOCAL TRAFFIC COMMITTEE
MEETINGS 16

(ITEM LTC27/19) SAFETY AUDIT AROUND PARKS AND RESERVES

File No: 19/48628

REPORT BY TEMP TRAFFIC ENGINEER

Summary

As a result of a Mayoral Minute, a road safety review of all parks was undertaken. In preparing the recommendations for each location a number of issues were taken into consideration including existing use of the park, fencing and adjacent road characteristics such as speed limit, alignment and pedestrian crossing facilities. These recommendations include improvements to signage and line marking, fencing and in some cases additional traffic calming measures and pedestrian crossing opportunities.

Background

Council at its meeting held 26th March 2019 considered the following Mayoral Minute:

A recent incident where a young child was struck by a vehicle on a street adjacent a local park (not in Burwood) has raised concern about the level of traffic calming measures surrounding parks within Burwood. I believe an audit should be undertaken of all streets within the Burwood Local Government Area that border onto a local park or reserve, with a view to determining the best method for ensuring pedestrian safety near these areas.

It was resolved (ITEM MM2/19) as follows;

The General Manager conducts an audit of all residential streets within the Burwood LGA which border with parks or reserves, with a view to ensuring pedestrian safety within and around these areas. Burwood Police should also be consulted in this regard. A report containing recommendations, costing and timeframes to be provided to Council in the next quarter.

Proposal

Site inspections were undertaken at each of the following parks and reserves by Council's Traffic Engineer who is an accredited Level 3 Road Safety Auditor. Council's Road Safety Officer has also inspected selected sites and provided input into the recommendations.

- Brown Reserve, Croydon Park
- Chelmsford Avenue Landscaped Verge, Croydon
- Cooinoo Reserve, Enfield
- Everton Pocket Park, Strathfield
- Fitzroy Street Reserve, Burwood
- Flockhart Park, Croydon Park
- Froggatt Crescent Landscaped Verge, Croydon
- Jackett Reserve, Burwood
- Jackson Park, Croydon Park
- Keith Smith Park, Croydon
- Martin Reserve, Croydon Park
- The Parade, Enfield
- Prowse Reserve, Croydon
- Rochester Reserve, Croydon
- Russell Street Reserve, Strathfield
- Sanders Reserve, Burwood
- St Pauls Close Park, Burwood
- Stanley Street Drainage Reserve/Barbara Holborow Park, Croydon Park

BURWOOD LOCAL TRAFFIC COMMITTEE**7 NOVEMBER 2019**

- Stanley Street Reserve, Croydon Park
- Tangarra Street Landscape Verge, Croydon Park
- Walsh Avenue Reserve, Croydon Park
- Whiddon Reserve, Croydon Park
- Wyatt Avenue Park, Burwood
- King Edward Landscaped Traffic Control Area, Croydon
- Blair Park, Croydon
- Woodstock Park, Burwood
- Flockhart Park, Croydon Park
- Burwood Park, Burwood
- Wangal Park, Croydon
- Henley Park, Enfield
- Centenary Park, Croydon

A pro forma checklist was prepared and used at each site. The purpose of the checklist was to assist the auditor in identifying any potential safety issues. A copy of the checklist is attached in **Attachment A**.

In preparing the recommendations for each park a number of issues were taken into consideration including existing use of park, fencing and adjacent road characteristics such as speed limit, alignment and pedestrian crossing facilities. Based on this information, recommendations for each park have been developed. These recommendations include improvements to signage and linemarking, fencing and in some cases additional traffic calming measures and pedestrian crossing opportunities. In some cases no action is proposed generally due to the unlikelihood of children using the park.

Brown Reserve

Lees Avenue, Croydon Park

- Undertake a further detailed investigation into the reconstruction of the existing bike/pedestrian refuge to increase pedestrian/cyclist storage capacity.
- Remark faded double centreline markings along park frontage.
- Install Pedestrian/Cyclist Warning signs(W6-9) and supplementary REFUGE ISLAND plate facing both directions.
- Replace faded 50 km/h signs.

Chelmsford Avenue Landscaped Verge

- No action to be taken.

Cooinoo Reserve

King Street, Enfield

- Install Child Pedestrian Warning sign (W6-3) be installed in King Street facing both ways.

Everton Pocket Park

- No action to be taken.

Fitzroy Street Reserve

- No action to be taken.

BURWOOD LOCAL TRAFFIC COMMITTEE**7 NOVEMBER 2019****Flockhart Park**

Hextol Street, Croydon Park

- Install wheel stops between the footpath and 90 degree angle parking spaces.
- Install Child pedestrian Warning signs (W6-3) and supplementary PLAYGROUND plate facing both directions.
- Install fencing along Hextol Street near the playground extending east to the toilets including childproof gate.

Burwood Road, Croydon Park

- Install Pedestrian/Cyclist Warning signs (W6-9) and supplementary REFUGE ISLAND plate facing both directions.
- Replace existing keep left plinth with keep left (R2-3) sign and holding rails.
- Remark median island kerb face with linemarking and glass beads.
- Replace missing/faded/graphited 50km speed limit signs in both directions.
- Mark '50' numerals on both approaches to refuge.
- Undertake a further detailed investigation into the installation of a raised threshold across full width near the northern end of Flockhart Park.

Trelawney Street, Croydon Park

- Install Pedestrian/Cyclist Warning sign (W6-9).

Froggatt Crescent Landscaped Verge

Young Street, Croydon

- Replace faded/missing Child pedestrian warning (W6-3) signs facing both directions.

Jackett Reserve

Minna Street, Burwood

- Install Child Pedestrian Warning (W6-3) signs facing westbound motorists.

Belgrave Street, Burwood

- Replace faded SCHOOL Supplementary sign plates and relocate Child Pedestrian warning sign (W6-3) and SCHOOL sign facing westbound traffic as it is obstructed by a street tree.

Jackson Park

Blenheim Street, Croydon Park

- Install Child pedestrian warning signs (W6-3) and supplementary PLAYGROUND signs facing both directions.

BURWOOD LOCAL TRAFFIC COMMITTEE**7 NOVEMBER 2019**

Tavistock Street, Croydon Park

- Install Child pedestrian warning signs (W6-3) and supplementary PLAYGROUND signs facing both directions.
- Extend existing perimeter fence further north to boundary of park.

Georges River Road, Croydon Park

- Replace staggered fence treatment with childproof gate.

Keith Smith Park

Brighton Street, Croydon

- Replace faded Pedestrian Warning (W6-1), REFUGE ISLAND and AGED plate facing both directions.
- Install statutory 'No Stopping' zones at existing pedestrian refuge.

Martin Reserve

Seymour Street, Croydon Park

- Relocate obstructed Child Pedestrian Warning sign (W6-3) and supplementary Crossing Ahead sign facing northbound motorists and replace with a Child Pedestrian Warning sign (W6-3) and supplementary PLAYGROUND plate facing northbound motorists and similar signs are to be installed facing southbound motorists.
- Remark faded pedestrian (zebra) crossing bars, zig zag markings and 40km/h speed patches.

The Parade

- No action be taken.

Prowse Reserve

Royce Avenue, Croydon

- Remark faded piano keys on both speed humps.
- Install Child pedestrian warning signs (W6-3) and supplementary PLAYGROUND signs facing both directions.
- Undertake a speed tube count in Cheltenham Rd to determine whether further traffic calming devices are warranted.

Cheltenham Road, Croydon

- Install Child pedestrian warning signs (W6-3) and supplementary PLAYGROUND signs facing both directions.

Rochester Reserve

- No action to be taken.

BURWOOD LOCAL TRAFFIC COMMITTEE**7 NOVEMBER 2019****Russell Street Reserve**

Russell Street, Strathfield

- Install Child Pedestrian Warning (W6-3) signs and supplementary PLAYGROUND plates.
- Install perimeter fence along Russell Street frontage.

Sanders Reserve

Norwood Street, Burwood

- Install Child Pedestrian warning signs (W6-3) with supplementary PLAYGROUND signs facing both directions.

Oxford Street, Burwood

- Install Child Pedestrian warning signs (W6-3) with supplementary PLAYGROUND signs facing both directions.

St Pauls Close Park

St Pauls Close, Burwood

- Install Child Pedestrian Warning signs (W6-3) and supplementary PLAYGROUND plate be installed facing northbound motorists.

Stanley Street Drainage Reserve/Barbara Holborow Park

- Forward to Sydney Water concerns regarding the adequacy of the fencing adjacent to the open channel.

Stanley Street Reserve

Stanley Street, Croydon Park

- Install 'LOOK' Stencils on footpath either side of park access in Stanley Street.
- Replace faded Road Narrows signs (W4-3) and Chevron Alignment signs(W1-8) facing both directions.

Tangarra Street Landscape Verge

- No action be taken.

Walsh Avenue Reserve

Georges River Road, Croydon Park

- Install child pedestrian warning (W6-3) signs and supplementary PLAYGROUND plates facing westbound motorists.

BURWOOD LOCAL TRAFFIC COMMITTEE**7 NOVEMBER 2019****Walsh Avenue, Croydon Park**

- Install child pedestrian warning (W6-3) signs and supplementary PLAYGROUND plates facing both directions.
- Replace existing staggered fence treatment on Georges River Road with a childproof gate and similarly install a childproof gate at existing gap in fence adjacent to asphalt path.

Whiddon Reserve**Fountain Avenue, Croydon Park**

- Install pedestrian/cyclist warning (W6-9) sign at end of cul de sac facing southbound traffic.

Walsh Avenue, Croydon Park

- Install pedestrian/cyclist warning (W6-9) sign in Walsh Avenue at park entrance facing both directions.

Wyatt Avenue Park

- No action be taken.

King Edward Landscaped Traffic Control Area

- No action be taken.

Blair Park**Blair Avenue, Croydon**

- Install Child Pedestrian Warning (W6-3) signs and supplementary PLAYGROUND plates in Blair Avenue facing both direction.
- Undertake a further detailed investigation into upgrading the at grade pedestrian (zebra) crossing in Acton Street at Queen Street to a raised pedestrian crossing.

Woodstock**Church Street, Burwood**

- Install Child Pedestrian Warning (W6-3) signs and supplementary PLAYGROUND plates facing both directions.
- Undertake speed count to determine whether any traffic calming is required.

Burwood Park**Park Avenue, Burwood**

- Relocate speed cushions approximately 100 m westwards.
- Undertake a further detailed investigation into the installation of kerb blisters and a raised threshold at existing location of speed cushions as gateway treatment to 40km/h High Pedestrian Activity Area.

BURWOOD LOCAL TRAFFIC COMMITTEE**7 NOVEMBER 2019**

- Undertake a further detailed investigation into the installation of speed cushions in Park Avenue west of Dunns Lane.
- Install bollards on the south eastern kerb return of the Dunns Lane/Park Avenue intersection.
- Replace faded 40 numeral linemarking.
- Install Child Pedestrian Warning (W6-3) signs and supplementary PLAYGROUND plate facing both directions.

Dunns Lane, Burwood

- Extend double centreline marking (BB) to extend across the raised threshold at Park Avenue intersection.
- Paint top of kerb return to provide better delineation between footpath and road carriageway.
- Undertake further detailed investigation to determine whether the site meets the warrant for a marked pedestrian crossing.

Comer Street, Burwood

- Replace faded/missing Child Pedestrian Warning (W6-3) signs and supplementary SCHOOL plate facing both directions.
- Undertake a further detailed investigation into the installation of speed cushions east of Britannia Avenue.

Park Road, Burwood

- Undertake a further detailed investigation into the installation of speed cushions north of Park Avenue.
- Undertake a further detailed investigation into the installation of speed cushions south of Rowley Street.

Burwood Road, Burwood

- Linemark repeater '40' numerals facing both directions in Burwood Road between Wilga Ave & Comer Street.

Wangal Park**Cheltenham Road, Croydon**

- Install Child Pedestrian Warning (W6-3) signs near the park entrance facing both directions.

Monash Parade, Croydon

- Install Child Pedestrian Warning (W6-3) signs near the park entrance facing both directions.
- Undertake a speed count to determine whether any traffic calming is required.

BURWOOD LOCAL TRAFFIC COMMITTEE**7 NOVEMBER 2019****Royce Avenue, Croydon**

- Undertake a speed count to determine whether any traffic calming is required.

Henley Park**Portland Street, Enfield**

- Install Child Pedestrian Warning (W6-3) signs and supplementary PLAYGROUND plate in Portland Street and Mitchell Street near playgrounds facing both directions.
- Install raised threshold in Portland Street north of Mitchell Street.
- Undertake a further detailed investigation into upgrading the existing raised pedestrian crossing near Mina Rosa Street to include kerb blisters on approach and departure.
- Install roundabout at King Street/Portland Street intersection.
- Install 50 km/h signs near Shelley Street.
- Undertake a further detailed investigation into installing kerb blisters and a raised threshold north of Wynnstay Avenue.

Mitchell Street, Enfield

- Install Child Pedestrian Warning (W6-3) signs and supplementary PLAYGROUND plate in near playground facing both directions.
- Undertake a further detailed investigation into installing speed cushions in Mitchell Street near Kembla Street, at stormwater channel and at Stanley Street.
- Undertake a further detailed investigation into installing speed cushions heading eastbound on approach to Mitchell Street/Portland Street roundabout.

Cobden Street/Portland Street/Shelley Street roundabout

- Undertake a further detailed investigation into installing speed cushions on all 3 approaches to the roundabout.
- Remark linemarking at Cobden Street/Portland Street/Shelley Street roundabout.

Shelley Street, Enfield

- Undertake a further detailed investigation into installing speed humps between Portland Street and The Parade and between The Parade and Carlyle Street.

Centenary Park**Lang Street, Croydon**

- Install 50km/h repeater signs.
- Install Child Pedestrian warning (W6-3) signs.

Undertake speed count to determine whether any traffic calming is required.

Consultation

The recommendations for action in the report consist primarily of upgrades to signs and linemarkings which will not have a significant impact or require consultation. Further investigation is required for some treatments such as thresholds and traffic calming devices. Consultation will be undertaken following the investigation and detailed designs for each of these devices which will be tabled at a future meeting of the Burwood Local Traffic Committee.

Financial Implications

The total project cost is \$98,800. Note that this cost does not include those recommendation where further detailed investigations are proposed as each of these items will need to further assessed and a report prepared for a future traffic committee including a cost estimate. The cost estimate for each park is detailed in **Attachment B**.

Funding for the above listed works will inform the remaining available Traffic Facilities budgets over the 2019/20 and 2020/21 financial years.

Recommendation(s)

That Council approve the implementation of the treatments proposed for each of the park as outlined within the report.

Attachments

- 1 Parks and Reserves Audit Assessment List
- 2 Park and Reserves Safety Audit Cost Estimate

ITEM NUMBER LTC27/19 - ATTACHMENT 1

Parks and Reserves Audit Assessment List

List of Issue for Consideration in Assessing Pedestrian Safety surrounding Parks and Reserves

- Is there a children's playground
- Is there fencing around the children's playground
- If there is a children's playground fencing is there a gap in the fence
- Is there is fencing around the park perimeter
- If there is park perimeter fencing is there a gap in the fence
- Is there a parking lane along the park frontage
- Is the kerbside lane a travel lane
- Is the adjacent road a multi lane road
- What is the speed limit on the adjacent road
- What are the recorded speeds on the adjacent road
- Is there traffic calming in the adjacent road
- Are there pedestrian warning signs on the adjacent road alerting motorists to the likelihood of children
- Is the children's playground directly adjacent to the park boundary
- Is there a narrow or wide road reserve between the park and the road carriageway
- Are there sight limit impediments (e.g. street trees, electricity substation kiosk) on road reserve
- Are there clear sight lines around the children's playground
- Are there vertical and horizontal alignment restrictions approaching the park on the adjacent road network
- Are there any recorded crashes involving pedestrians on the adjacent road network
- Does the park have floodlighting
- Is the park used by Out of School Hour Care
- Are kerb extensions provided
- Are any formal pedestrian crossing/refuge facilities provided
- Is there high on street parking demand along park frontage
- Is lighting on adjacent road acceptable
- Is there an adjacent bus route

COUNTERMEASURES e.g. speed cushions, 50 km/h patches, signs

ITEM NUMBER LTC27/19 - ATTACHMENT 2

Park and Reserves Safety Audit Cost Estimate

Location	Steps	Unit Cost	Steps Total	Landmarking	Unit Cost	Landmarking Total	Fencing	Unit Cost	Fencing Total	Traffic count	Wheel Stops	Total
Buckin Reserve	4	\$200	\$800									\$2,800
Chermsford Avenue Landscaped	0	\$200	\$0	0	\$2,000	\$ -						\$0
Verge	0	\$200	\$0	0	\$2,000	\$ -						\$0
Coconao Reserve	2	\$200	\$400	0	\$2,000	\$ -						\$400
Evelton Pocket Park	0	\$200	\$0	0	\$2,000	\$ -						\$0
Fitzroy Street Reserve	0	\$200	\$0	0	\$2,000	\$ -						\$0
Fitzgall Crescent Landscaped	2	\$200	\$400	0	\$2,000	\$ -						\$400
Verge	2	\$200	\$400	0	\$2,000	\$ -						\$400
Jacobs Reserve	2	\$200	\$400	0	\$2,000	\$ -						\$400
Jackson Park	4	\$200	\$800	0	\$2,000	\$ -	40	\$200	\$8,000			\$8,800
Keith Smith Park	4	\$200	\$800	0	\$2,000	\$ -						\$800
Martin Reserve	2	\$200	\$400	2	\$2,000	\$ 4,000						\$4,400
The Parade	0	\$200	\$0	0	\$2,000	\$ -						\$0
Prognose Reserve	4	\$200	\$800	1	\$2,000	\$ 2,000				\$300		\$1,100
Rochester Reserve	0	\$200	\$0	0	\$2,000	\$ -						\$0
Russell Street Reserve	2	\$200	\$400	0	\$2,000	\$ -	40	\$200	\$8,000			\$8,400
Stanmen Reserve	4	\$200	\$800		\$2,000	\$ -						\$800
St Pauls Close Park	1	\$200	\$200		\$2,000	\$ -						\$200
Stanley Street Drainage Reserve	0	\$200	\$0	0	\$2,000	\$ -						\$0
Stanley Street Reserve	2	\$200	\$400	1	\$2,000	\$ 2,000						\$2,400
Tangara Street Landscaped Verge	0	\$200	\$0	0	\$2,000	\$ -						\$0
Walsh Avenue Reserve	2	\$200	\$400		\$2,000	\$ -	20	\$200	\$4,000			\$4,400
Whiddon Reserve	3	\$200	\$600	0	\$2,000	\$ -						\$600
Wyatt Avenue Park	0	\$200	\$0	0	\$2,000	\$ -						\$0
King Edward Landscaped Traffic	0	\$200	\$0	0	\$2,000	\$ -						\$0
Control Area	2	\$200	\$400		\$2,000	\$ -						\$400
Bilar Park	2	\$200	\$400		\$2,000	\$ -				\$300		\$700
Woodstock	2	\$200	\$400		\$2,000	\$ -						\$400
Fitchard Park	7	\$200	\$1,400	2	\$2,000	\$ 4,000	170	\$200	\$34,000		\$10,000	\$49,400
Burwood Park	4	\$200	\$800	1	\$2,000	\$ 4,000				\$300		\$5,100
Wungah Park	4	\$200	\$800		\$2,000	\$ -				\$600		\$600
Henley Park	5	\$200	\$1,000	2	\$2,000	\$ 4,000				\$300		\$4,600
Century Park	4	\$200	\$800		\$2,000	\$ -						\$800
TOTAL			\$11,000			\$22,000			\$54,000	\$1,800	\$10,000	\$98,800

(ITEM LTC28/19) BRIGHTON STREET, CROYDON - CHANGES TO PARKING RESTRICTIONS OUTSIDE THE BRIGHTON RETIREMENT VILLAGE

File No: 19/45940

REPORT BY TRAFFIC ENGINEERING OFFICER

Summary

Council has received a request from The Brighton Retirement Village to install 10m 'No Parking' restrictions on the eastern side of Brighton Street Croydon, to assist with the safe exit of residents.

Background

The Brighton Retirement Village is managed by the Catholic Healthcare and is home to a retirement community for people over 55 years of age. The facility was opened in October 2014 and has 101 residential units with over 140 residents.

The vehicular crossing on Brighton Street is a dedicated egress only and does not allow vehicles to enter the property. The only entrance is via Croydon Avenue. A number of parking restrictions have been implemented in Croydon Avenue to assist vehicles entering and exiting the property.

The Brighton Retirement Village has now raised concerns regarding sightline issues for residents looking north towards Liverpool Road when egressing onto Brighton Street. Council Officers have inspected the site and has observed that vehicles are parked too close to the driveway which restricts the line of sight for drivers exiting at this driveway.

Proposal

It is proposed to install 10m of 'No Parking' restrictions north of the vehicular crossing on Brighton Street to increase the sightline distance and assist with residential egress. This will result in the loss of 2 on-street parking spaces per the diagram below.





Sightlines looking north when exiting the driveway

Consultation

The proposed parking restrictions was requested by the residents at The Brighton Retirement Village, and the proposed restrictions are located directly in front of the development, therefore no further consultation is required.

Financial Implications

Cost of installing new signage is estimated to be \$300.00 and will be funded from the 2019/20 Traffic Facilities budget.

Recommendation

That Council approves the installation of 10m 'No Parking' restrictions north of the vehicular crossing to The Brighton Retirement Village on Brighton Street Croydon.

Attachments

There are no attachments for this report.

(ITEM TIN2/19) DATES FOR 2020 BURWOOD LOCAL TRAFFIC COMMITTEE MEETINGS

File No: 19/45416

REPORT BY TRAFFIC ENGINEERING OFFICER

Summary

The purpose of this report is to propose dates for the 2020 Burwood Local Traffic Committee Meetings.

Proposal

The following dates are proposed for the 2020 Burwood Local Traffic Committee Meetings:

February	Thursday 6 February 2020
March	Thursday 5 March 2020
April	Thursday 2 April 2020
May	Thursday 7 May 2020
June	Thursday 4 June 2020
July	Thursday 2 July 2020
August	Thursday 6 August 2020
September	Thursday 3 September 2020
October	Thursday 1 October 2020
November	Thursday 5 November 2020

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

No Decision – Information Item Only**Attachments**

There are no attachments for this report.



MINUTES OF THE MEETING OF THE BURWOOD LOCAL TRAFFIC COMMITTEE held electronically on October 2019.

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 John Inglese, Group Manager Assets and Infrastructure
 Mr Roberto Di Federico, Manager Traffic and Transport
 Mr Robert Ristevski, Engineer – Traffic and Design
 Mr Henry Huynh, Traffic Engineering Officer

APOLOGIES

That there were no apologies.

CONFIRMATION OF MINUTES

That the minutes of the Burwood Local Traffic Committee of Burwood held on Thursday 5 September 2019, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

GENERAL BUSINESS

(ITEM LTC25/19) BURWOOD ROAD AND MERYLA STREET, BURWOOD – PROPOSED RAISED INTERSECTION INCLUDING DUAL PEDESTRIAN AND BICYCLE CROSSINGS

Summary

It is proposed to upgrade the intersection of Burwood Road and Meryla Street, Burwood, by raising the existing road level and integrating two distinctive dual pedestrian and bicycle crossings. This redesign will create a safer and slower speed environment that will assist with pedestrian and bicycle movements across Burwood Road at Burwood Park and across Meryla Street.

Recommendations

1. That Council approve the construction of the proposed raised intersection including the dual pedestrian and bicycle crossings at the intersection of Burwood Road and Meryla Street, Burwood, as per the attached plan.
2. That Council approve the removal of the existing pedestrian crossing located outside 52 Burwood Road, Burwood, and reinstate 2P parking as per attached sketch plan.

MINUTES OF BURWOOD LOCAL TRAFFIC COMMITTEE MEETING 3 OCTOBER 2019

(ITEM LTC26/19) GREEK ORTHODOX PARISH ANNUAL GREEK STREET FAIR - 10 NOVEMBER 2019

Summary

The Greek Orthodox Archdiocese of Australia is seeking Council's approval for the temporary road closure of Burleigh Street Burwood as well as part of the Elizabeth Street car park to facilitate the annual Greek Street Fair to be held on Sunday 10 November 2019.

Recommendations

1. That Council approve the proposed road closure in Burleigh Street between Railway Parade and Elizabeth Street, as well as the section of Council car park at the corner of Elizabeth Street and Burleigh Street from 9.00pm on Saturday 9 November 2019 to 5.00pm on Sunday 10 November 2019. The annual Greek Street Fair are subjected to the following conditions:
 - a) Emergency services and public transport operators are to be advised of the event (a copy to be forwarded to Council)
 - b) A copy of the Public Liability Insurance for the event (\$20 million) to be forwarded to Council.
 - c) Barricades and signs to be provided in accordance with Work Cover requirements and AS 1742.3(2002) – Traffic Control for Works on Roads
 - d) Residents and businesses of the following streets are to be advised of the event (outlining start and finish times, street closure details and a contact name and number for the day) with a copy of the correspondence forwarded to Council:
 - Burleigh Street
 - Burwood Road (from Railway Parade to Belmore Street)
 - Belmore Street (from Burwood Road to Shaftesbury Road)
 - Shaftesbury Road (from Belmore Street to Railway Parade)
 - Railway Parade (from Shaftesbury Road to Burleigh Street)
2. That Council waive all associated fees for the road and footpath closure and hiring of the Fitzroy Centre as part of the event.

This concluded the business of the meeting.

(ITEM IN34/19) AUDIT, RISK & IMPROVEMENT COMMITTEE - ANNUAL REPORT

File No: 19/50118

REPORT BY ACTING 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 2018 – November 2019.

Operational Plan Objectives

2.1.3 Ensure transparency and accountability in decision making

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 four times per year and this report relates to activities undertaken by the Audit Committee at its meetings of 19 February 2019, 27 May 2019, 20 August 2019 and 8 October 2019.

Current Activities

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

- Reviewed the 2018/2019 Financial Statements and Audit Report, met with NSW Audit Office to review and discuss annual audit process and outcome.
- Reviewed outstanding items on the Internal Audit programme based on the existing Risk Register.
- Requested review of Council's updated Risk Register.
- Reviewed and endorsed the Internal Audit programme for 2019/2020 and updated the 2020/2021 plan.
- Followed up on the implementation of External audit recommendations.
- Recruitment and Selection Audit – Reviewed the Auditor's recommendations and followed up with Management seeking multiple clarifications on action plan.
- Recruitment and Selection Audit - Considered responses from the Group Manager, People and Culture, to audit recommendations. Requested follow up review be initiated with contracted Internal Audit provider.
- Received updates on Governance Training Program and Plan of Management undertaken relating to issues raised in the Recruitment and Selection Audit recommendations from 2018.
- Received update on the internal auditor selection and evaluation process.
- Received follow up reports on progress and adoption of recommendations for the IT System Vulnerability and Recruitment and Selection internal audits.
- Received internal audit reports on the 2019 schedule.
- Received an update from Council on its Business Continuity Plan.
- Undertook the annual performance review of Internal Audit providers engaged by Council in the previous 12 months.

- Received an update on Council's Organisational Structure.
- Pursued other Governance-related issues, as necessary, in accordance with the Audit Committee Charter.

In addition, the Chair of the ARIC presented the 2018-2019 Annual Summary Report to Council at a Councillor Workshop on 26 November 2019.

Minutes

The Minutes of the Meetings of 16 October 2018, 19 February 2019, 27 May 2019 and 20 August 2019 are attached as approved. The Minutes of the Meeting of 8 October 2019 will be attached to the next Summary Report once approved by the Audit, Risk and Improvement Committee.

No Decision – Information Item Only

Attachments

- 1 [↓](#) Audit Risk and Improvement Committee Meeting Minutes - 16 October 2018
- 2 [↓](#) Audit Risk and Improvement Committee Meeting Minutes - 19 February 2019
- 3 [↓](#) Audit Risk and Improvement Committee Meeting Minutes - 27 May 2019
- 4 [↓](#) Audit Risk and Improvement Committee Meeting Minutes - 20 August 2019



Burwood Council
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**AUDIT, RISK & IMPROVEMENT
COMMITTEE MEETING**
Tuesday 16 October 2018
4.30 pm - 6.00 pm
Hennessy Room

MINUTES

ATTENDEES

Committee Members

Sandra Mulder (SM)	<i>Chair</i>
Daniel Carbone (DC)	
Cr Raj Dixit (RD)	

Burwood Council

Simon Fox (SF)	Acting Deputy GM, Corporate Governance & Community
Allan Yates (AY)	Internal Ombudsman
Wayne Armitage (WA)	Chief Finance Officer
Mikaela Thorogood (MT)	<i>Minutes</i>

By Invitation

Brett Hanger (BH)	Director, Audit and Assurance, Hill Rogers
Yas Wickramasekera (YW)	Director Service Excellence, Centium
Penelope Corkill (PC)	Lead Consultant, Centium
Megan Tebay (MTB)	HR Practice Lead, Centium (Observer only)

Apologies

Tommaso Briscese (TB)	Deputy GM, Corporate Governance and Community
Cr Lesley Furneaux-Cook (LFC)	Committee Member
<i>Rescheduled:</i>	
Anthony Sonogo (AS)	Acting Executive Manager, Burwood Council

1. MEETING OPENING

Sandra Mulder, Chair of the Committee, opened the meeting at 4.34pm, 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 5 June 2018 were confirmed with no amendments.

Moved – DC
Second – SM

4. FINANCIAL STATEMENTS 2017/18 & AUDIT REPORT

Brett Hanger (BH) from Hill Rogers presented the Engagement Closing Report prepared by the NSW Audit Office and discussed the conduct of the Audit.

A copy of the Financial Statements was circulated to the Committee on 9 October and a copy of the Engagement Closing Report on 12 October for review ahead of the meeting. A few Committee members noted that they had not received or had not yet reviewed the Closing Report.

BH noted the expected audit opinion was likely to express an unqualified opinion and that the Independent Auditor's Reports will be signed after the finalisation of the NSW Audit Office file review. BH covered the contents of the Closing Report for the Committee.

BH advised of the audit response and outcome to the key issues in the client service plan and provided an update on the matters included in the Interim Management Letter which was issued in August 2018. BH noted that a Management Letter from the final phase of the audit will be sent to Council during November 2018.

The Client Service Plan identified key issues affecting the Council and how the audit team planned to respond to them. BH noted the response to the key issues and audit risks which included:

- Revaluation of infrastructure, property, plant and equipment
- Assessing the fair value of Council's infrastructure, property, plant and equipment
- Capital expenditure
- Early close reporting
- Information Technology general controls
- Procurement and contract management risk
- Developer contributions

The Committee noted the Financial Statements and raised the following queries:

- SM noted that there was a large amount of cash being held at the end of the financial year. WA advised that this may have been due to realisation of term deposits.
- DC raised that employee costs had decreased within budget and that temporary staff costs had increased. WA advised that this was due to the pending amalgamation which had put permanent recruitment of staff on hold during that time.
- RD asked whether there was a definition the word "standard" referred to in "Accounting Standards" and where he may find this information. BH referred RD to the Australian Accounting Standards Board website. WA noted that General Purpose Financial Statements are prepared in accordance with the *Local Government Act 1993 (NSW)* (as amended) and the relevant regulations, the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board and the Local Government Code of Accounting Practice and Financial Reporting.

BH asked the Committee, for procedural purposes, if there were any instances of fraud or misconduct that they may be aware of. All Committee members confirmed that there were none that they were aware of.

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

BH left the meeting.

Action:

MT to re-circulate a copy of the Audit Engagement Closing Report to the Committee.

5. RECRUITMENT & SELECTION REVIEW – INTERNAL AUDIT REPORT

The Committee confirmed that a copy of the Internal Audit Report was circulated to the Committee for their review ahead of the meeting.

YS and PC from Centium presented the findings of the Recruitment & Selection Review.

YS noted that Centium found that the controls over Council's recruitment and selection processes to be partially effective, with improvements required across end-to-end systems, processes and controls. Eight high risk areas were identified, and two moderate risks.

YS advised the review identified areas for improvement. The recommended control improvements identified in the findings were in the areas of:

- Recruitment Policy and Procedures
- Recruitment and Selection Training
- Alignment with Workforce Planning
- Position Changes
- Recruitment Approvals
- Benchmarking and Continuous Improvement
- Selection Panels
- Conflict of Interest Declarations
- Selection Processes.
- Mandatory Position Requirements

The Committee discussed the Action Plan attached to the report in which Council's management team provided comments. YS noted that the management comments in reference to their recommendations did not reflect their findings, nor the discussion at the final management meeting i.e. the management comments in relation to recommendation:

- 2.2 suggests the existence of a position amendments register, however this register has never been sighted by Centium; and

- 2.3 suggested that the current practice of centralised coordination of job analysis and evaluation activities will be maintained, despite Centium's recommendation to skill up additional resources in this area to allow separation of position analysis and evaluation activities.

On review of the target dates for each of the recommendation points, the Committee noted that they had a concern that many of the target dates were February 2019, and that given the current staff resources, the proposed target dates for the implementation of the recommendations were unrealistic and requested that these be reviewed.

Burwood Council staff left the room to allow the Committee to conduct a question and answer session with the Internal Auditor.

YS, PC and MTB left the meeting.

After the closed session, Council staff were invited back into the meeting.

SM requested that given the extent of Centium's findings, the Committee would like to recommend that a meeting be arranged between the General Manager and the ARIC members to discuss further.

SM requested that management report back to the ARIC regarding Council's progress and implementation of the recommendations as well as review of the target dates.

Action:

MT to request meeting with General Manager and ARIC members.

6. EVENT MANAGEMENT PROCESS

The Committee agreed to reschedule items 6.a. and 6.b. to the next ARIC meeting given the meeting schedule was running overtime.

SM requested confirmation that insurance for the Festival covered the cancellation recently experienced.

Action:

MT to reschedule the Event Management Process item to the next ARIC meeting when date is confirmed.

Action:

MT to provide confirmation of the insurance cover regarding the cost of cancellation of the Festival.

7. MATTERS ARISING FROM MINUTES AND REVIEW OF ACTIONS RESOLUTIONS

The Committee reviewed the Matters Arising from Minutes and Actions and Resolutions Register, from 5 June 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. SM requested that the Committee look to close this item at the next meeting pending outcome of this item.

Closed items 25/10.1, 26/4.1, 26/6.1, 26/7.2, 26/7.3, 26/7.4 are to be deleted from the Actions and Resolutions Register.

SM requested an update on Item 26/5.1, regarding the IT Vulnerability Test and the IT strategic Plan. MT advised that IT will provide a progress report to the Committee at the next ARIC meeting.

MT 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 confirmed that a review of the Risk Register has been completed and the recommendations from the June 2018 ARIC meeting had been incorporated. However, given the Risk Management Coordinator's recent return from leave a copy of the register was not able to be generated in time for the meeting. The Risk Register will be provided to the Committee for review at the next ARIC meeting.

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.

SM requested items 27/4.2, 27/6.1 and 27/6.2 to remain open and delivered at the next ARIC meeting.

Items 27/4.1, 27/5.1, 27/7.1 and 27/7.2 were confirmed as completed and now closed.

Action:

MT to delete items 25/10.1, 26/4.1, 26/6.1, 26/7.2, 26/7.3, 26/7.4 from Resolutions and Actions Register;
close items 27/4.1, 27/5.1, 27/7.1 and 27/7.2; and
keep items 19/4.1 at a date to be confirmed, 26/5.1, 26/7.1, 27/4.2, 27/6.1 and 27/6.2 to be presented at the next ARIC meeting.

8. OTHER BUSINESS

SM advised the Committee that an annual summary report will be presented to the Councillors at the November 2018 Councillor workshop.

9. NEXT MEETING

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

Action:

MT to draft the proposed ARIC meeting schedule for 2019 and circulate to the Committee for review and approval.

There being no other business, the meeting closed at 6.20pm



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**AUDIT, RISK & IMPROVEMENT
COMMITTEE MEETING**
Tuesday 19 February 2019
4.30 pm - 6.00 pm
Hennessy Room

MINUTES

ATTENDEES

Committee Members

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

Burwood Council

Tommaso Briscese (TB) Deputy GM, Corporate Governance & Community
Allan Yates (AY) Internal Ombudsman
Wayne Armitage (WA) Chief Finance Officer
Melissa Madonna (MM) *Minutes*

By Invitation

Fab Zincone (FZ) Group Manager, Information Technology
Anthony Sonogo (AS) Casual Special Projects Officer – Corporate Planning
and Communications

Apologies

Cr Raj Dixit (RD)

1. MEETING OPENING

Sandra Mulder, Chair of the Committee, opened the meeting at 4.32pm, welcoming everyone. Sandra Mulder welcomed Melissa Madonna to the committee meetings as minute taker moving forward.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3. MINUTES OF PREVIOUS MEETING

The Draft Minutes from the last meeting held on 16 October 2018 were confirmed with no amendments.

Moved – SM
Second – DC

4. MATTERS ARISING FROM MINUTES AND REVIEW OF ACTIONS RESOLUTIONS

The Committee reviewed the Matters Arising from Minutes and Actions and Resolutions Register, from 16 October 2018 Meeting.

SM requested that the order of the actions on the register be reversed so that the most recent meeting actions appear first. MM to rearrange the Resolutions and Actions Register.

SM requested Item 19/4.1 be completed as a matter of priority. TB informed the committee that Council staff are conducting Business Continuity Plan testing this Thursday as a way to trial Council's strategies.

TB to raise this matter with the General Manager and investigate alternative ways to complete this action. Suggestion was made to circulate a memo to all Councillors in relation to the recent in-house Business Continuity Plan testing run by staff in the interim, but the preference remains for a short briefing to Councillors at one of the scheduled councillor workshops.

Item 28/5.1, SM confirmed that both herself and DC met with General Manager, Bruce MacDonnell on 20 November 2018 regarding the Recruitment and Selection Audit.

Item 28/9.1, LFC noted an issue with the Committee meeting scheduled for Tuesday 22 October as she will be on leave at this time. WA confirmed that the Audited Financial Statements will need to go to the October Council Meeting so the Committee Meeting will need to be held prior to this. Proposed to reschedule October Committee Meeting to Tuesday 8 October. MM to update the meeting schedule and recirculate.

Closed items 27/4.1, 27/5.1, 27/7.1, 27/7.2, 28/7.1 are to be deleted from the Resolutions and Actions Register.

Items 26/5.1, 26/7.1, 27/4.2, 27/6.1, 27/6.2 and 28/6.2 to be delivered at this meeting and once delivered can be closed.

Items 28/4.1, 28/5.1, 28/6.1 and 28/9.1 were confirmed as completed and now closed.

Action:

MM to rearrange the order of the Resolutions and Actions Register.

Action:

TB to discuss Councillor Business Continuity Plan Presentation with the General Manager and to arrange for the presentation to be held prior to one of the upcoming Councillor workshops.

Action:

MM to update the meeting schedule, reflecting the new proposed date for October and recirculate

Action:

MM to delete items 27/4.1, 27/5.1, 27/7.1, 27/7.2, 28/7.1 from Resolutions and Actions Register;
close items 26/5.1, 26/7.1, 27/4.2, 27/6.1, 27/6.2, 28/4.1, 28/5.1, 28/6.1, 28/6.2 and 28/9.1;
and
keep item 19/4.1 to be completed prior to the next meeting on 21 May.

5. RECRUITMENT & SELECTION REVIEW – PROGRESS REPORT

The Committee confirmed that a copy of the Recruitment and Selection Audit Progress Report was circulated to the Committee for their review ahead of the meeting.

SM and DC confirmed they met with General Manager, Bruce Macdonnell on 20 November 2018 regarding the Recruitment and Selection Audit (Item 28/5.1). A set of four actions were agreed to at this meeting, they are as follows;

- Progress report to be provided to the Committee
- Follow up response to be sent to Centium to close off actions 2.2 and 2.3
- Revision of target dates for management actions provided, as SM and DC felt the set target dates are unrealistic
- Confirmation that revised policies and corporate practices have been circulated to Council staff

TB confirmed that a draft revised Recruitment and Selection Policy and Guidelines was circulated to the Executive for review, once this has been adopted it will be circulated to staff.

Committee noted they are of the understanding from the ARIC meeting of 16 October 2018 that the General Manager has taken ownership of the Recruitment and Selection Audit and the subsequent progress reports. Committee request that the General Manager speaks to an updated progress report at the next ARIC meeting scheduled for Tuesday 21 May 2019.

The Committee discussed the Recruitment and Selection Audit Progress Report and request the following to be followed up by the General Manager and reported back at the Committee meeting of 21 May 2019:

1. Close points 2.2 and 2.3 in the Recruitment and Selection Audit report by providing revised management comments to Centium, with Centium to provide written confirmation of the closure of these two items. Once complete written update to be provided to the Committee.
2. Target dates across the Recruitment and Selection Audit Progress Report to be revised to reflect a more realistic timeframe and align with what has been noted as the current status and future action. In some areas the commentary shows activities scheduled for April, but the target date still shows February 2019.
3. Point 4.4 – Committee has requested further information to be provided on when face to face training will be scheduled and details on the way in which the training will be run. LFC suggested to see if LGNSW provide such training and if we can fit with their scheduled programs. Same for Point 5.1.
4. Point 6.2 – Cross check the wording of all recommendations, in particular 6.2 in the progress report, against that of the wording in Centium's final report, as there may be some discrepancies.
5. The committee requested clarification on how the revised Recruitment and Selection Policy and Guidelines have been socialised with staff, and a more detailed comment on process to be followed once the draft is approved.
6. Progress report comment, in reference to the green bold comment on top of the report, the Committee request clarification on why the comment was placed there.

If relevant to any of the management actions within the report, the Committee asked that the involvement of the additional OD Coordinator in such actions be noted.

LFC requested Council's views on the Capability framework and its possible utilisation by Burwood Council. LFC commented that the capability framework could provide more flexibility to our workforce and also that there is training available on this through LGNSW.

Action:

TB to request the General Manager presents an updated Recruitment and Selection progress Report at the next ARIC meeting scheduled for Tuesday 21 May and addresses the Committee's six items for clarification

Action:

TB to provide Committee with a response on Council's views on the Capability framework and its possible utilisation by Burwood Council

6. EVENT MANAGEMENT PROCESS

a. Internal Auditor Selection and Evaluation Process

AY presented the Committee with a brief summary on the Internal Auditor Selection and Evaluation process for the Event Management Audit.

AY noted a request for quotation is conducted with sufficient information on the requirements and expected outcomes. Once the quotes have been received an assessment of the applications is conducted by the Deputy GM-CGC, Internal Ombudsman and a third party to determine the successful applicant.

AY noted that this process is working well but could be an issue in the future if Council is requesting quotes from the same providers and they are not successful in their applications.

LFC questioned if SSROC has a panel of Auditors that Council could contact. AY confirmed that SSROC have been contacted to submit a quote for the last two audits and have declined on both occasions.

AY confirmed that he has just appointed BDO to conduct the next audit on Rates Management. This will be ready to present at the next Committee meeting in May

Action:

MM to include the Rates Management Audit on the agenda for the meeting of 21 May 2019

AS joined the meeting at 5.09pm.

b. Burwood Festival 2018 – Implementation of Internal Auditor recommendations and confirmation of insurance cover regarding cancellation

AS presented on the implementation on the Internal Auditor recommendations from the Event Management Audit for Burwood Festival 2018.

AS informed the committee that Burwood Festival 2018 was cancelled due to extreme weather, however the Internal Auditor Recommendations were applied in the preparation for the Festival.

AS highlighted the following in response to the four Internal Auditor Recommendations:

- Working with Children Check – prior to the Festival the events team, all stakeholders with direct access to children, contractors and depot staff were required to supply a working with Children check. This will be rolled out to all future events.
- Events Management Framework – GT provided an example framework and project plan template which was used by Council for Festival and will be adopted for all future events.
- Evacuation/Emergency Response – The events coordinator provided an emergency plan with an evacuation plan. Evacuation plan had zoned areas with wardens, this included communications procedures and contact numbers. In addition a Traffic Management Plan was created and saw Park Avenue closed and traffic controllers present on the day. A Terrorist Assessment Plan was also developed and circulated to all key stakeholders. Feedback from police was that this process was very well managed.
- Stallholder Selection and Approval – Document created for stallholder selection process. This highlights the selection criteria, i.e. preference given the local businesses, alignment to theme of event, sustainable practices and stallholder history. All stallholder are required to submit a risk assessment, certificate of currency, Public liability and food safety certificate (food stalls only).

AS noted that in addition to this the Events Coordinator recognises the need for an extreme weather contingency plan and will introduce this for 2019 events.

AS noted that Council managed to recoup a lot of the losses. Main performers committed to performing at the Carols 2019 event and also Burwood Festival 2020.

Council didn't make an insurance claim based on losses but has made initial enquiries about the event and are awaiting feedback.

DC requested that this update be documented and circulated to the Committee.

AS left the meeting.

Action:

AS to document update provided on the implementation of Internal Auditor Recommendations of the Event Management Process for Burwood Festival 2018

Action:

MM to circulate Event Management Process for Burwood Festival 2018 update to Committee

FZ joined the meeting.

7. IT VULNERABILITY TEST – PROGRESS UPDATE

FZ presented an update on the IT Vulnerability Test Progress.

Actions followed a risk management approach, those with extreme rating are being completed as priority followed by high risk tasks.

FZ noted that a new progress task list was created, most of the actions have been completed and the remainder of the actions are in progress.

FZ informed the Committee that Cyber Awareness Training has been held online for Senior Managers and will be rolled out to the remainder of staff.

FZ noted that an IT Strategy is still in draft form and will be finalised in the next month, this strategy has a strong Security theme.

FZ anticipates that by quarter three of this year all actions should be completed and then a new Vulnerability Test can be conducted at the end of the year.

Committee request the follow-up IT Vulnerability Test to be conducted in early 2020. MM to update the audit plan accordingly.

FZ left the meeting.

Action:

MM to update the Audit Plan and reschedule the IT Vulnerability Test Audit for early 2020

8. REVISION OF RISK REGISTER AND AUDIT PLAN

The Committee confirmed that a copy of the Risk Register and Audit Plan were circulated for their review ahead of the meeting.

TB drew the Committee's attention to the top 15 Strategic Risks on the register.

Committee requested the opportunity to review the Risk Register in greater detail.

SM requested the committee review top 15 strategic risks and provide feedback at the next meeting.

MM to include a review of the Risk Register and Audit Plan for the next meeting.

Committee discussed some initial changes to the audit plan. MM to make the following changes;

- Move IT Systems Vulnerability follow up to 2020
- Include Recruitment and Selection Audit follow up for 2019

Note: Rates Management Review Audit underway and will be presented at the 21 May 2019 meeting.

The Committee discussed the following options – to be confirmed at the 21 May 2019 meeting:

- Move Integrated Planning and Reporting review to 2020
- Bring Delegation of Authority Review forward to 2019
- Add other review based on Risk Register

Committee to review audit plan for 2019 and 2020 and advise if the current plan should be adapted based on the risk register.

Action:

Committee to review top 15 strategic risks on the risk register and provide feedback at the next meeting on whether to adjust the Audit Plan to include any other reviews

Action:

Committee to consider moving timing planned reviews on the plan and provide feedback at the next meeting

Action:

MM to include the review of the Risk Register and Audit Plan on the Agenda for the next meeting

Action:

MM to update audit plan to reflect draft changes

9. DRAFT MEETING SCHEDULE CONFIRMATION

SM requested that the May meeting remain as is, scheduled for 21 May.

MM to bring forward October meeting to 8 October as a tentative date.

10. OTHER BUSINESS

AY noted that at the end of November 2018, he received an anonymous letter addressed to himself and the Chair of the Audit Committee. The letter alleged behaviour that could amount to corrupt conduct, was typed, undated and left in the in-tray of one of Council's administrative support officers.

Burwood Council staff left the room so the Committee could discuss this issue with AY.

TB, WA and MM left the meeting at 6.05pm.

AY left the meeting at 6.20pm.

Committee continued their discussion on this matter.

AY re-joined the meeting at 6.40pm.

After the closed session, Council staff were invited back into the meeting.

TB and MM re-joined the meeting at 6.50pm

Please note WA did not re-join the meeting.

SM noted, during a 45 minute closed session, three public interest disclosures issues were discussed and the Committee is informed on the current status.

Committee to consider drafting correspondence to the Mayor in relation to these matters.

Action:

Committee to consider drafting correspondence to the Mayor in relation to the three public interest disclosure matters

11. NEXT MEETING

The next ARIC meeting will be held on Tuesday 21 May 2019.

There being no other business, the meeting closed at 7.04pm.



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**AUDIT, RISK & IMPROVEMENT
COMMITTEE MEETING**
Monday 27 May 2019
4.30pm - 6.00pm
Wynne Room

MINUTES

ATTENDEES

Committee Members

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

Chair

Burwood Council

Tommaso Briscese (TB)
Andrew Patterson (AP)
Wayne Armitage (WA)

Acting General Manager
Internal Ombudsman
Group Manager, Finance and Resource
Management and Chief Finance Officer
Minutes

Melissa Madonna (MM)

By Invitation

Steve Kent (SK)
Bronwynn Nosworthy (BN)

Associate Director, BDO
Consultant, BDO

Apologies

Brian Mortimer (BM)

Executive Manager Organisation Development

1. MEETING OPENING

Sandra Mulder, Chair of the Committee, opened the meeting at 4.32pm, welcoming everyone.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3. RATES MANAGEMENT REVIEW – INTERNAL AUDIT REPORT

Steve Kent (SK) presented the report of findings for the Rates Management Review conducted by Bronwynn Nosworthy (BN) from BDO.

SK noted that overall the outcomes of this review were positive, with only three areas of findings including:

- The need for a succession plan
- Need for detailed process mapping and;
- Need for a dedicated IT staff member interfaced with CIVICA .

Management agreed to all the recommendations and a report circulated to the Committee contained all management responses.

WA noted that if the staff members responsible for the rates management were to leave Council that CIVICA has manuals that can be followed. WA also noted that another staff member in the Finance team has been sent on training courses regarding rates management, however the role heavily relies on experience.

Committee noted that they are comfortable with the review, outcomes and management responses.

SK and BN left the meeting at 4.43pm.

TB informed the committee that Council received the notice of resignation from General Manager Bruce Macdonnell which was ratified at an Extraordinary Council Meeting on Wednesday 22 May 2018.

Tommaso Briscese was nominated as Acting General Manager for a period of up to 12 months commencing 25 May 2019.

This morning, 27 May 2019, TB received notice of the resignation of Brian Mortimer, Executive Manager Organisation Development effective as of today.

TB expressed his intention to continue to attend the ARIC Meetings and the Committee encouraged TB to continue to attend in the new position of Acting GM.

TB informed the Committee that there will be expression of interest for the Acting Deputy General Manager, Corporate, Governance and Community role this week. The successful applicant will attend the next meeting.

TB introduced Andrew Patterson to the Committee as the new Internal Ombudsman replacing Allan Yates.

4. MINUTES OF PREVIOUS MEETING

The Draft Minutes from the last meeting held on 19 February 2019 were confirmed with no amendments.

Moved – LFC

Second – SM

5. MATTERS ARISING FROM MINUTES AND REVIEW OF ACTIONS RESOLUTIONS

The Committee reviewed the Matters Arising from Minutes and Actions and Resolutions Register, from 19 February 2019 Meeting.

TB informed the committee that item 29/4.2, Business Continuity Plan presentation for the Councillors, was due to be held at a Councillor workshop on 25 May, however has been rescheduled due to a number of confidential items being presented. Aim to have this presentation at the June workshop.

Item 29/5.2 - TB requested that the Capability Framework update be held for another meeting as this was due to come from Brian Mortimer. TB at the next meeting to provide a response at the August meeting.

Item 29/6.2 - Rates Management Audit was complete and presented as a previous agenda item. Action to be closed.

Item 29/8.1 - SM noted no feedback was provided on the top 15 Strategic Risks on the risk register.

MM to close and delete BCP action 19/4.1 on the Resolutions and Actions Register.

Closed items 26/5.1, 26/7.1, 27/4.2, 27/6.1, 27/6.2, 28/4.1, 28/5.1, 28/6.1, 28/6.2, 28/9.1, 29/4.1 and 29/4.4 are to be deleted from the Resolutions and Actions Register.

Item 19/4.1 to be closed and removed from register as it has been replaced by item 29/4.2.

Items 29/4.3, 29/6.1, 29/6.2, 29/6.3, 29/7.1, 29/8.1, 29/8.2, 29/8.3, 29/8.4 and 29/10.1 were confirmed as completed and now closed.

Action: TB to provide a response on the Capability Framework at the next Committee meeting.

Action: MM to delete items 26/5.1, 26/7.1, 27/4.2, 27/6.1, 27/6.2, 28/4.1, 28/5.1, 28/6.1, 28/6.2, 28/9.1, 29/4.1 and 29/4.4 from the Resolutions and Actions Register; close and delete item 19/4.1 and;
close items 29/4.3, 29/6.1, 29/6.2, 29/6.3, 29/7.1, 29/8.1, 29/8.2, 29/8.3, 29/8.4 and 29/10.1.

6. 2018-19 AUDIT ENGAGEMENT PLAN

WA presented the Annual Engagement Plan from the NSW Audit office.

SM requested that the Committee receive copies of the audit reports and management responses as they are received.

WA noted that Council should expect to receive these in mid to late July.

MM to circulate the interim Audit report to the committee, including management responses once received.

WA noted that this is the first year the audit will be conducted by the NSW Audit Office and that the timing of the interim audit is very late in comparison to previous years.

Typically the interim audit is held in February. The NSW Audit Office will return in September to conduct the end of year audit.

Action:
MM to circulate the interim Audit report to the Committee, including management responses once received.

7. DRAFT MEETING SCHEDULE CONFIRMATION

Confirmed as presented.

MM to send meeting invites for the remainder of 2019.

Action:

MM to send meeting invites for the August and October ARIC meetings.

8. REVISION OF RISK REGISTER AND AUDIT PLAN

Committee were to review the risk register in line with the audit plan to determine if there should be changes to the current schedule of audits.

Committee reviewed the top 15 Strategic Risks in relation to the updated Audit Plan. No additional changes were requested.

Committee adopted the updated Audit Plan as circulated.

Committee agreed to commence both the Delegations of Authority and the Building Certification and Fee Management Audits.

Delegations of Authority Audit report to be presented at the 20 August Committee meeting.

Building Certification and Fee Management Audit report to be presented at the 8 October Committee meeting.

Recruitment and Selection Audit follow up report for the 8 October Committee meeting.

SM requested the Committee be informed of any new and emerging risks added to the Risk Register.

TB informed the Committee that once the Risk Register is updated it will be distributed to the Committee for a follow up review in relation in association with the Audit Plan for 2020 and 2021.

Action:

TB to commence the Delegations of Authority and the Building Certification and Fee Management Audits.

Action:

MM to add the following audits reports to the below agendas:

- 20 August 2019 Committee Meeting
 - Delegations of Authority Audit report
- 8 October 2019 Committee Meeting
 - Building Certification and Fee Management Audit report
 - Recruitment and Selection Audit follow up report

Action:

TB to circulate to Risk Register to the committee once updated.

9. RECRUITMENT & SELECTION REVIEW – PROGRESS REPORT

In the absence of Brian Mortimer (BM), TB presented on the current status of the Recruitment and Selection Audit.

SM informed the committee that she met with BM and the General Manager, Bruce Macdonnell, who provided an updated version of the Audit report and management responses. SM requested further updates which have been incorporated into the revised version circulated to the Committee.

Committee requested TB to determine if there was any documentation sent to Centium as per the request by the Committee at a meeting with the General Manager on 20 November 2018.

(Item 29/5.1)

- *Progress report to be provided to the Committee*
- *Follow up response to be sent to Centium to close off actions 2.2 and 2.3*

MM to follow up with Centium to see if they received a progress report and follow up for actions 2.2 and 2.3 as per item 29/5.1 above.

TB to review Recruitment and Selection action plan and target dates.

MM to compare action 2.2 on the updated report against the original audit report comments. The updated report states that a register is in place, as of February 2018, however the original report noted that there was no such register.

Action:

MM to follow up with Centium to see if they received a progress report and follow up for actions 2.2 and 2.3 as per item 29/5.1 above.

Action:

TB to review Recruitment and Selection action plan and target dates.

Action:

MM to compare action 2.2 on the update report against the original audit report comments, regarding the existence of a register of position amendments.

10. OTHER BUSINESS

SM noted that there were matters to be discussed in closed session.

Burwood Council staff left the room so the Committee could discuss these matters with AP.

TB, WA and MM left the meeting at 5.23pm.

After the closed session, Council staff were invited back into the meeting.

TB and MM re-joined the meeting at 5.53pm.

Please note WA did not re-join the meeting.

Following the closed session SM noted that as a result of the discussions the committee requests the following two actions:

- A focus and awareness campaign and a risk review to be conducted in the matter of public interest disclosures, complaint handling and code of conduct.
- A plan of management and progress report on the above to be sent to the Committee prior to the next meeting.

TB informed the committee that at the upcoming May Council meeting he will be putting forward a recommendation for the following training and awareness programs for staff, including:

- Ethical leadership
- Multicultural awareness
- Mental and disability awareness
- Bullying, harassment and discrimination
- Fraud and Corruption Prevention
- Code of Conduct
- Conflicts of interest
- Public Interest disclosures
- Delegations
- Complaints handling
- Confidentiality and privacy
- Performance management
- Secondary employment
- Recruitment and selection procedures

The implementation of these programs will also include a progress report to council on a six monthly basis.

TB noted that training on Code of Conduct and PIDs will also be held for Councillors. LFC noted that there will be great benefits in this for the Councillors to understand the process around PIDs.

Action: TB to implement a focus and awareness campaign and a risk review to be conducted in the matter of public interest disclosures, complaint handling and code of conduct.

Action: A plan of management and progress report on the above to be sent to the Committee prior to the next meeting.

11. NEXT MEETING

The next ARIC meeting will be held on Tuesday 20 August 2019.

There being no other business, the meeting closed at 5.59pm.



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**AUDIT, RISK & IMPROVEMENT
COMMITTEE MEETING**
Tuesday 20 August 2019
4.30pm - 6.00pm
Wynne 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

Fab Zincone (FZ)	Acting Deputy GM, Corporate Governance & Community Internal Ombudsman
Andrew Patterson (AP)	Acting Group Manager, Finance and Resource Management and Chief Finance Officer
Maria Lazzaro (ML)	
Melissa Madonna (MM)	<i>Minutes</i>

By Invitation

Jarrold Lean (JL)	Partner, Grant Thornton Consulting
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Apologies

Tommaso Briscese (TB)	Acting General Manager
Wayne Armitage (WA)	Group Manager, Finance and Resource Management and Chief Finance Officer

1. MEETING OPENING

Sandra Mulder, Chair of the Committee, opened the meeting at 4.32pm, welcoming everyone.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3. DELEGATIONS OF AUTHORITY – INTERNAL AUDIT REPORT

Jarrold Lean (JL), Partner from Grant Thornton Consulting attended the meeting and presented findings from the Delegations of Authority Review Audit.

JL noted that an overall rating of acceptable has been applied to this review. This rating is defined as "overall a good framework in place. Some improvements identified, which would further strengthen the overall control environment".

JL also noted the following:

- the delegations document was clear, concise and fit for purpose.
- high awareness with the staff in terms of their delegations, which is not always a common practice.

- the only issues identified were around the financial delegations and their application in TechOne. Any issues raised in the report were rectified immediately in the system and suitable comments were provided by management.
- there were some discrepancies in TechOne in regards to delegations, which were rectified immediately. This mainly occurred when staff were acting up in other roles. New process will now be implemented to include notifying finance of this arrangement so that the delegations can be changed before and after acting arrangements.
- in future the Sub-delegations document could benefit by being made electronic in terms of the workflow. At the moment the process is all manual with the sub-delegations document being changed and then a briefing memorandum accompanying this updated for approval.
- GT were happy with the management responses and all issues noted were rectified before the report was finalised.

SM questioned if staff are aware of their delegations how items above their delegations are being approved in TechOne and why there isn't a function to prevent this from occurring. ML noted that on this instance that the individual's delegation was set up incorrectly in TechOne and that's why this occurred. This has been fixed and all delegation limits checked.

FZ noted that the report identified areas where Council can improve, in particular it highlighted the need to communicate better across teams and the need to use existing features in Councils systems.

FZ to provide a copy of the sub-delegations document to the Committee.

Action:

FZ to circulate a copy of the sub-delegations document to the Committee.

JL left the meeting at 4.46pm.

4. MINUTES OF PREVIOUS MEETING – 27 MAY 2019

The Draft Minutes from the last meeting held on 27 May 2019 were confirmed with no amendments.

Moved – LFC
Second – SM

5. MATTERS ARISING FROM MINUTES AND REVIEW OF ACTIONS RESOLUTIONS

The Committee reviewed the Matters Arising from Minutes and Actions and Resolutions Register, from 27 May 2019 Meeting.

Item 30/6.1 – ML noted that this is yet to be issued to Council. The Auditors will be conducting the end of financial year audit in mid-September. MM to circulate report once received. Item to remain open.

Item 30/7.1 – After a discussion on the next committee meeting the group decided to keep

the next as scheduled for Tuesday 8 October 2019.

Item 30/8.1 – Delegations of Authority Audit closed. FZ noted that an update from Tommaso Briscese is that the Building Certification and Fee Management Audit will commence shortly. Council is currently simplifying the pre DA lodgement process. The brief is currently being written, an update to be provided at the next Committee meeting.

Item 30/8.3 – FZ noted that Councils People and Culture team are currently reviewing the risk register with the Executive. The process commenced with a session run by a facilitator regarding Councils risk management. A Leadership Team session will be held in a few weeks and all Group Managers are required to review their teams risks, this information will be collated by the risk coordinator. Following this the risk register will be tabled at an Executive meeting and circulated to the Committee.

Item 30/9.1 – MM circulated a response email from Centium, stating that they did not receive any follow up from Council after submitting their initial report and findings.

Item 29/4.2 – Business Continuity Plan – FZ noted that Council will be holding a workshop on the Business Continuity Plan on Tuesday 27 August.

Item 29/5.2 - Capability framework – Committee agreed to put this item on hold. People and Culture team are reviewing the area at the moment and once the current review is completed Council can look into the framework. Council is not currently in a position to implement a solution, however this can be reviewed in the future.

Items 30/9.2, 30/9.3 and 29/5.1 relating to the Recruitment and Selection Audit to remain open, with a further request for an update at the next meeting.

Closed items 30/5.1, 29/4.3, 29/6.1, 29/6.2, 29/6.3, 29/7.1, 29/8.1, 29/8.2, 29/8.3, 29/8.4 and 29/10.1 are to be deleted from the Resolutions and Actions Register.

Items 30/7.1, 30/8.1 and 30/9.1 were confirmed as completed and now closed.

Action: MM to delete items 30/5.1, 29/4.3, 29/6.1, 29/6.2, 29/6.3, 29/7.1, 29/8.1, 29/8.2, 29/8.3, 29/8.4 and 29/10.1 from the Resolutions and Actions Register;
and;
close items 30/7.1, 30/8.1 and 30/9.1.

6. REVISION OF OCTOBER MEETING DATE

As noted above the Committee agreed to leave the October meeting as is currently scheduled for Tuesday 8 October 2019.

7. RECRUITMENT AND SELECTION PROGRESS REPORT UPDATE ACTION PLAN

SM confirmed that the committee received the email from MM regarding a response from Centium. Centium confirmed that there hasn't been anything sent to them since they issued their initial report. This item will now sit with FZ.

FZ informed the committee that following the departure of Brian Mortimer, previous Executive Manager Organisation Development, Patricia Hatzigiannis (PH) has commenced with Council as the Group Manager, People and Culture. Patricia is reviewing a number of processes and procedures at Council.

PH would like the opportunity to review the audit report and management responses and respond herself rather than rely on previous responses provided.

FZ noted that PH has commenced a review and will cover the full audit report and at a minimum ensure compliance with legislation and award. Council has recently engaged more HR professionals to assist with the processes within the team.

Committee requested an updated organisational Structure. MM to circulate to the Committee.

Committee requested PH to attend the next meeting and update on progress and responses to concerns raised by Centium in the initial report.

The committee discussed the engagement of Centium for a follow up review. Committee agreed that in terms of timing that the follow up will need to commence before the end of the year.

Action: MM to circulate a copy of the current organisational structure to the Committee.

Action: MM to invite PH to attend committee meeting on 8 October to present update on Recruitment and Selection Audit.

8. GOVERNANCE TRAINING AND PLAN OF MANAGEMENT UPDATE

AP informed the group that at its meeting of 28 May 2019 Council adopted a program of training for Council staff across 14 different areas.

AP noted that the vast list of topics were broken into modules for delivery to staff. These include:

- Ethical leadership – Delivered by the Acting General Manager to the leadership team.
- Code of conduct – Delivered by AP – Facilitated workshops across council. Rollout will commence as of next month and be finalised by Christmas to all staff. Workshop will highlight the new model Code of Conduct.
- Bullying harassment and discrimination – Delivered by AP. This is distinct from the Code of Conduct and will a workshop of its own delivered to all staff. Rollout dates pending.
- Fraud and corruption prevention – facilitated workshops for all managers, coordinators and finance staff. Yet to be designed.
- Complaint handling and PIDS – Delivered by AP. Will consist of two short training session, one of which will be at the Leadership Team Meeting on 13 September and the second session on 24 September for the Councillors.
- Multicultural awareness – Delivered by PH.
- Mental health and disability awareness – Delivered by PH.
- Delegations – Delivered by PV – Online training program with short questions at the end.
- Performance management – Delivered by PH.
- Recruitment and selection – Delivered by PH.

FZ noted that TB is to provide a calendar in the next few days. MM to circulate a dates and plan to the committee.

A progress report is to be prepared for Council and a copy will be given to the committee.

Action: MM to circulate calendar of dates for Governance Training Program to the Committee.

Action: MM to circulate Governance Training Program progress report to Council when available.

9. GENERAL BUSINESS

LFC ask if there is any update on the Canterbury ICAC report – Recommendations from the ICAC report to be circulated to the committee. The Committee to review the recommendations and be aware of them.

Agenda items for 8 October Meeting:

- Recruitment and Selection Audit update from PH
- Financial statements
- Progress report on governance training program
- Building and certification audit update
- Risk register
- Review of calendar dates for 2020

Action: MM to circulate recommendations from the Canterbury ICAC report to the committee.

Action: MM to add items listed above to the 8 October meeting agenda.

10. NEXT MEETING

The next ARIC meeting will be held on Tuesday 8 October 2019.

There being no other business, the meeting closed at 5.26pm.

(ITEM IN35/19) EXECUTION OF VOLUNTARY PLANNING AGREEMENT FOR 84-88 BURWOOD ROAD, BURWOOD

File No: 19/50237

REPORT BY DEPUTY GENERAL MANAGER, LAND, INFRASTRUCTURE & ENVIRONMENT

Summary

The Voluntary Planning Agreement (VPA) for 84-88 Burwood Road Burwood has been executed following the renotification. The VPA provides for the Developer to pay a monetary contribution to Council in lieu of the provision of four visitor parking spaces on site.

Operational Plan Objective

1.2.1 Inform the community of Council's activities, facilities and services using accessible communication

Background

Council at its meeting on 30 October 2018 resolved to enter into the VPA for the Coronation Club site at 84-88 Burwood Road Burwood upon approval of the related Development Application (DA) No. 47/2018. The VPA initially proposed to pay Council a monetary contribution in lieu of the provision of five visitor parking spaces on site.

DA No. 47/2018 was approved by the Burwood Local Planning Panel on 12 March 2019. The visitor parking shortfall was revised to provide a contribution of \$162,048 in lieu of four visitor parking spaces, not five as with the original design. The VPA required further amendments to reflect the DA approval, the updated section numbers of the *Environmental Planning and Assessment Act 1979* and the current Power of Attorney for Council. As a result of these changes, the VPA was publicly renotified between 1 October 2019 and 29 October 2019.

Following the renotification, the VPA was executed on 31 October 2019.

No Decision – Information Item Only

Attachments

There are no attachments for this report.

(ITEM IN36/19) EXECUTION OF VOLUNTARY PLANNING AGREEMENT FOR 1-3 MARMADUKE STREET AND 7 DEANE STREET BURWOOD

File No: 19/50239

REPORT BY DEPUTY GENERAL MANAGER, LAND, INFRASTRUCTURE & ENVIRONMENT

Summary

The Voluntary Planning Agreement (VPA) for 1-3 Marmaduke Street and 7 Deane Street Burwood has been executed following the renotification. The VPA provides for the Developer to pay a monetary contribution to Council towards public facilities in exchange for additional development on the site.

Operational Plan Objective

1.2.1 Inform the community of Council's activities, facilities and services using accessible communication

Background

Council at its meeting on 23 February 2016 resolved to enter into the VPA for land at 1-3 Marmaduke Street and 7 Deane Street Burwood upon approval of the related Development Application (DA) No. 98/2015. The VPA provides for the Developer to pay a monetary contribution of \$872,960 to Council towards public facilities in exchange for an additional 10% floor space within the site's development.

DA No. 98/2015 was approved by Delegated Authority of Council on 3 March 2016. The subject property was transferred to Dean Street Holdings Pty Ltd in late 2018. As a result of this change and other updates, including the updated section numbers of the *Environmental Planning and Assessment Act 1979* and the current Power of Attorney for Council, the VPA was publicly renotified between 9 July 2019 and 6 August 2019.

Following the renotification, the VPA was executed on 11 October 2019.

No Decision – Information Item Only

Attachments

There are no attachments for this report.

(ITEM IN37/19) WASTE SERVICES - CONTRACT UPDATES

File No: 19/48719

REPORT BY DEPUTY GENERAL MANAGER, LAND, INFRASTRUCTURE & ENVIRONMENT

Summary

This information item is to update the Council of issues around Council's waste services contracts.

Domestic Waste Disposal – Veolia Environmental Services (VES)

Council entered into a 10 year contract with VES commencing 1 July 2017. The contract was for the processing of material from the household red lid bin to produce an organic component which could be applied to agricultural land or used for mine site rehabilitation. This contributed significantly to Council's target of diverting waste from landfill and meeting the State Government's waste diversion target of 70% diversion by 2021.

Following scientific studies of the output material, the EPA announced on 15 October 2019 that the material is not suitable for the purpose and presents an ecological and human health risk. In light of the studies, the EPA has now revoked the approvals for the spreading of the material on agricultural land or for mine rehabilitation. This means that the material will now be sent to landfill.

The EPA has announced that they will assist Councils and the Industry in undergoing a transition phase to provide a more sustainable waste outcome.

VES is putting forward a proposal to the EPA for a site specific exemption for the Woodlawn site as it is considered there are special circumstances at that site which would justify the mine rehabilitation option.

Burwood and the other contracted SSROC Councils are working with VES to consider what options should be pursued as part of a transition phase. Systems such as combined food and garden (FOGO) collections or energy from waste solutions are all being considered.

This will not directly affect the community as there will be no alteration to the current collection practices or frequencies.

Waste Collection Contract – JJ Richards and Sons Pty Ltd

The new waste collection contract with JJ Richards commenced on 1 July 2019.

The service has been well received by the community and the latest monthly operational report shows that returns for missed services is less than 0.01% which is well below the agreed maximum allowed service level. There were no actual waste service complaints during the reporting month.

There has been positive feedback from the community with a noticeable improvement in service levels during and following bin collections.

Operational Plan Objective:

3.2 – Provide sustainable waste management practices

No Decision – Information Item Only**Attachments**

There are no attachments for this report.

(ITEM IN38/19) REGISTER - TRIBUTES TO RESIDENTS - COUNCILLORS' EXPENSES AND FACILITIES POLICY 1 JULY TO 30 SEPTEMBER 2019

File No: 19/48631

REPORT BY ACTING GENERAL MANAGER

Summary

The Councillors' Expenses and Facilities Policy was amended via a Mayoral Minute on 16 April 2019 (MM 54/19) to include a \$2,500 budget for the Elected Body to offer wreaths, flowers or the equivalent for particular reasons.

To ensure transparency in allocation of funds, a Quarterly Report on expenses is presented to Council. This report covers the period 1 July – 30 September 2019.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making

Background

The Councillors' Expenses and Facilities Policy was amended via a Mayoral Minute on 16 April 2019 (MM 54/19) to include a \$2,500 budget for the Elected Body to offer wreaths, flowers or the equivalent for particular reasons, including in the event of the passing of a resident.

The Policy states that:

Wreaths, flowers or the equivalent may be given for the purpose of a tribute to person(s) for the following reasons (these are to be labelled from the Mayor and Councillors, Burwood Council):

1. *As an appreciation for long service to Council (either employee or Councillor) at the cessation of their tenure or employment*
2. *A resident turning 100 years of age where Council has been notified*
3. *50 years of marriage where Council has been notified*
4. *Passing of a resident who has resided in the area:*
 - *Council has been notified of the death*
 - *a Councillor advised Council in writing of the death*
 - *Where it is decided under the discretion of the Mayoral office*

Approval to be sought within one business day.

A budget allocation of \$2,500 is available each Financial Year with all gifts to be capped at \$100, unless approved by the Council.

The attached table details the Tributes to Residents Register for the period 1 July to 30 September 2019.

Proposal

That Council notes this report as per the requirements of the Councillors' Expenses and Facilities Policy.

Financial Implications

Within the approved budget allocation of \$2,500.

Conclusion

That Council receives and notes the tributes made to residents.

No Decision – Information Item Only**Attachments**

1 [↓](#) Tributes 2019-2020

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(ITEM IN39/19) PETITIONS

File No: 19/48501

REPORT BY ACTING GENERAL MANAGER

Summary

Petitions received are reported to Council on a monthly basis. Council has received one petition since the October 2019 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
11 October 2019	Petition received to request that Council take immediate action to enforce its unauthorised use notification letter of 5 June 2019, in order to cease the use of a group home at 82 Portland Street Croydon Park.	6	0	Land, Infrastructure and Environment

Comments

That Council notes that the Petitions have been referred to the appropriate Council Officers for attention.

No Decision – Information Item Only**Attachments**

There are no attachments for this report.

(ITEM IN40/19) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 22 OCTOBER 2019

File No: 19/49074

REPORT BY ACTING GENERAL MANAGER

Summary

At the Council Meeting of 22 October 2019 the following Questions without Notice (QWN) were submitted by Councillor Heather Crichton. Council Officers responded to the QWN and Councillors were notified on 4 November 2019 of the outcome of the QWN.

Operational Plan Objective

2.1.3 Ensure transparency and accountability in decision making.

This is now submitted as part of the Council Agenda for Public Notification:

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 22 OCTOBER 2019	
Question	Response
<p><u>Councillor Heather Crichton</u></p> <p>Question 1:</p> <p>Can Council Officers look at the “everyone Can Play Grants 2019-2020” (information sheet attached) opportunity for inclusive play space delivery for Councils?</p>	<p><u>Group Manager Assets & Infrastructure</u></p> <p>Council staff have reviewed the grant application criteria for the “Everyone Can Play Grant Opportunity for 2019-2020” and will prepare the documentation for a grant application for the proposed “All Abilities Playground” in Grant Park which is part of the Henley Park and Grant Park Master Plan. Grant applications close on 11 December 2019.</p>
<p><u>Councillor Heather Crichton</u></p> <p>Question 2:</p> <p>Can Council Officers look at the “water bottle refill locations” throughout the Burwood LGA and, in particular, in the Burwood CBD, and publicity surrounding these locations?</p>	<p><u>Group Manager Assets & Infrastructure</u></p> <p>Council has rolled out 10 water filling stations in the Burwood LGA that was part of a Sydney Water initiative that started back in 2016. These location are as follows:</p> <ol style="list-style-type: none"> 1. Burwood Park, Burwood - 2016 2. Burwood Park Playground - 2018 3. Burwood Park Near Comer Street - 2018 4. Henley Park, Enfield - 2016 5. Enfield Aquatic Centre, Enfield - 2016 6. Wangal Park Skatepark, Croydon - 2018 7. Wangal Park, Croydon - 2017 8. Blair Park, Croydon - 2018 9. Russel Street Reserve, Strathfield - 2018 10. Woodstock Park, Burwood - 2019 <p>Although these filling stations have proven to be popular with the community and good for the environment, (see below statistics on usage up to July 2018), most of these units have had corrosion and malfunction issues from new</p>

QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 22 OCTOBER 2019

that have required regular maintenance by both Sydney Water installers and Council's plumbers.

Total usage	Total refills	Plastic bottles saved	Kg plastic saved
68,604	137,208	114,340	1,464

Council staff will continue to monitor and maintain these particular water filling stations however moving forward, it is recommended that any future water station be of a different type to ensure more longevity of assets.

No Decision – Information Item Only**Attachments**

There are no attachments for this report.