

## ORDINARY MEETING

Notice is hereby given that a meeting of the Council of Burwood will be held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 24 May 2022 at 6.00pm to consider the matters contained in the attached Agenda.

The public gallery will be open and the customary face-to-face public participation opportunity will be available. In addition, in the interest of public safety during the Covid-19 pandemic, an opportunity to speak via teleconference link will also be made available.

Tommaso Briscese  
**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**

# AGENDA

FOR AN ORDINARY MEETING OF BURWOOD COUNCIL  
TO BE HELD IN THE CONFERENCE ROOM, LEVEL 1, 2 CONDER STREET, BURWOOD ON TUESDAY 24  
MAY 2022 AT 6.00PM.

**1. I DECLARE THE MEETING OPEN AT [TIME AS SHOWN ON COMPUTER] (ANNOUNCED BY CHAIR)**

**2. ACKNOWLEDGEMENT OF COUNTRY (READ BY CHAIR AS FOLLOWS)**

*I would like to acknowledge the Wangal people of the Eora Nation who are the traditional custodians of this land. I would also like to pay respect to their elders, both past and present, and extend that respect to other First Nations People who may be present.*

**3. PRAYER (READ BY CHAIR)**

*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. Amen.*

**4. RECORDING OF MEETING (ADVICE READ BY CHAIR AS FOLLOWS)**

*Please note that meetings of Council and Council Committees are audio recorded for the purpose of assisting with the preparation of meeting minutes and promoting public transparency. The recordings are subject to the provisions of the Government Information (Public Access) Act 2009 and are promptly made available for public review via the Council website.*

**5. APOLOGIES/LEAVES OF ABSENCE (CALLED FOR BY CHAIR)**

**6. DECLARATIONS OF INTERESTS BY COUNCILLORS (CALLED FOR BY CHAIR)**

**7. DECLARATION OF POLITICAL DONATIONS (ANNOUNCEMENT READ BY CHAIR AS FOLLOWS)**

*A person who makes a development application to Council (or any person with a financial interest in the application) must disclose any reportable political donation or gift made to any councillor or officer of Council. This statutory requirement for disclosure is highlighted on forms for submission of development applications to Council.*

*Council is also obliged by law to publish details of all reportable political donations or gifts on its website.*

*Any person present having business before Council today as an applicant (or other party with a financial interest in such application), and has not yet made an appropriate disclosure about a political donation, is now invited to approach the General Manager to make their statutory disclosure.*

**8. RECORDING OF COUNCILLORS VOTING ON PLANNING DECISIONS (ANNOUNCEMENT READ BY CHAIR AS FOLLOWS)**

*In accordance with Section 375A of the Local Government Act 1993, a division must be called for and taken on each planning decision made under the Environmental Planning & Assessment Act 1979. Details of voting for and against the resolutions will be recorded in the meeting minutes and in the statutory register of such voting.*

**9. CONFIRMATION OF MINUTES (RECOMMENDATION ANNOUNCED AS FOLLOWS)**

*I move that the minutes of the Council Meeting held on 26 April 2022, copies of which were previously circulated to all councillors be hereby confirmed as a true and correct record of the proceedings of that meeting.*

**10. ANNOUNCEMENT OF PUBLIC FORUM – OPEN FORUM THENCE ADDRESSES BY THE PUBLIC ON ITEMS LISTED IN THE AGENDA  
(CHAIR TO ANNOUNCE THE FOLLOWING THEN CALL FOR SPEAKERS AS PER REGISTRATION DETAILS PROVIDED WHERE APPLICABLE)**

*Participation by speakers is subject to them confirming they have read and accepted the guidelines about addressing the Council meeting. They also acknowledge that the meeting is being recorded and this forms part of records which are retained by Council and made publicly accessible. Speakers must refrain from providing personal information unless it is central to the subject being discussed, particularly where the personal information relates to anyone not present at the meeting. Council accepts no responsibility for any defamatory comments made.*

## **OPTIONAL STATEMENT WHERE WRITTEN SUBMISSIONS HAVE BEEN LODGED**

*Written submissions have been submitted for this meeting and copies circulated directly to all councillors. The following submissions are acknowledged [details of the submissions as appropriate] and will be referenced in the minutes of the meeting.*

## **11. OPEN FORUM**

**(CHAIR INVITES SPEAKERS TO BE HEARD AS PER REGISTRATION DETAILS)**

## **12. ADDRESSES BY THE PUBLIC ON AGENDA ITEMS**

**(CHAIR INVITES SPEAKERS TO BE HEARD AS PER REGISTRATION DETAILS)**

## **13. AGENDA ITEMS AS LISTED IN THE BUSINESS PAPER**

**(CHAIR MOVES THROUGH ITEMS OF BUSINESS AS PER CODE OF MEETING PRACTICE)**

## **14.1 DECLARE THE MEETING CLOSED AT [TIME AS SHOWN ON COMPUTER]**

**(ANNOUNCED BY CHAIR)**

## **OPEN FORUM COMMENCES**

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

### **MAYORAL MINUTES**

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#### **CONFIDENTIAL ITEMS**

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| (ITEM 50/22) | ELECTRICITY SUPPLY AGREEMENT |
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*That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) (d) of the Local Government Act, 1993, as the matter involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND 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 37/22) DRAFT LIBRARY STRATEGIC PLAN 2022 - 2027 - PUBLIC EXHIBITION

File No: 22/15983

REPORT BY DIRECTOR COMMUNITY LIFE

### **Summary**

This report presents the *Draft Library Strategic Plan 2022 – 2027*, which outlines how Council will deliver its Burwood Library and Community Hub services over the next 5 years in order to meet the changing needs and expectations of Burwood's growing and diverse community. It also seeks Council's endorsement to place the Draft Plan on public exhibition for a period of 28 days for feedback from the community. Once the public exhibition period has concluded, necessary amendments will be made and the final plan will be reported to Council for adoption in July 2022.

### **Operational Plan Objectives**

- 1.1: High quality facilities, services and initiatives to meet the diverse needs of the community.
- 1.1.1: Provide a diverse range of strategies and initiatives that meet the needs of the community.
- 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.
- 2.1.1: Provide opportunities for engagement and report decisions back to the community.

### **Background**

Burwood has had a library since 1948 when the Children's Library first opened in the Burwood Council Chambers at 2 Conder Street. Following a move to Deane Street, the Library moved back to Conder Street in 2014 and underwent a significant upgrade and expansion to include the Community Hub in 2020. Undoubtedly, the Covid-19 pandemic has presented major challenges to library service delivery over the past 2 years, impacting Council's progress in delivering re-imagined services to the community from the Burwood Library and Community Hub.

Despite these challenges, today the Burwood Library and Community Hub provides a central branch in the heart of Burwood with a total of 21,076 active members and 124,661 visits recorded in 2021. It is a welcoming, safe and vibrant place that enables community members of all ages and backgrounds with opportunities to thrive and grow by supporting literacy, digital connection, creativity and lifelong education. Library services also extend into a range of community settings, for example, via the Home Library Service.

Following a strategic review of the service in 2020 and a recent staffing restructure, Council has developed the *Draft Library Strategic Plan 2022 – 2027* based on comprehensive research, community engagement, staff engagement and the examination of innovative trends in public libraries. This work has been undertaken to realize the full potential of the facility and its services by driving a program of innovation, change and improvement over the next 5 years.

### **Proposal**

The *Draft Library Strategic Plan 2022 – 2027* is the first library strategic plan prepared by Council and has been developed in alignment with Council's new Community Strategic Plan – *Burwood2036*.

Whilst the development of a library strategic plan is not a legislative requirement, it is considered best practice and many public libraries in NSW have publically accessible strategic plans in place.

The Library and Community Hub and its services help deliver across multiple strategies and principal activities in *Burwood2036* and the *Delivery Program 2022 – 2026* by providing access to formal and informal lifelong learning opportunities, facilities and services, celebrating our diverse

community, history and culture and providing opportunities for social connection in an accessible, people friendly space. Council also aspires to grow its support for local business through the Draft Plan.

The Draft *Library Strategic Plan 2022 – 2027* sets out the mission, vision and values for the Burwood Library and Community Hub and 5 strategic areas of focus including:

- Customer experience;
- Learning experience;
- Creative experience;
- Digital experience; and
- Burwood memories.

A total of 32 actions along with performance indicators are outlined in the Draft Plan, highlighting Council's commitment to the community over the next 5 years.

Progress on this important plan will be reported to Council and the community through Council's reporting framework, and will be detailed in future six monthly and annual reports on the Operational Plan.

If endorsed by Council, the Draft Plan will undergo public exhibition for 28 days for the community's review and feedback. Once the public exhibition period has concluded, necessary amendments will be made and the final documents will be reported to Council for adoption in July 2022.

## **Consultation**

### ***Community Engagement Undertaken***

The *Draft Library Strategic Plan 2022 – 2027* has been shaped by the people who participated in Council's extensive community engagement activities that commenced in 2021. Participants came from diverse cultural and linguistic backgrounds, across all age groups and parts of the Burwood Local Government Area.

Community engagement involved the completion of the Community Satisfaction Survey (2021), Library Customer Experience Survey (2021) and a specific Library Strategic Plan Survey (2021) involving library members and visitors. Additional service reviews, user statistics, program evaluations and customer feedback was also examined along with extensive staff engagement and input. External factors that have an impact on library services and local communities were also researched and considered as part of the development of the actions.

### ***Public Exhibition Process***

This report recommends that the *Draft Library Strategic Plan 2022 – 2027* be placed on public exhibition for a period of 28 days to enable further input from the community. During the public exhibition period (from 26 May to 22 June 2022) the Draft Plan will be made available on the Council Website at [www.burwood.nsw.gov.au](http://www.burwood.nsw.gov.au) and feedback will be sought via Council's online engagement platform, Participate Burwood.

Council will also utilise its social media and e-news channels to promote the public exhibition period, including existing communications channels with library members and visitors. The Draft Plan will also be provided to the State Library of NSW and other professional library bodies for feedback.

Feedback and public comments arising from the public exhibition period will be reported back to Council in July 2022 along with any recommended amendments. These amendments will be incorporated into the final document prior to adoption by Council.

## **Planning or Policy Implications**

The *Burwood2036 - Community Strategic Plan, Delivery Program 2022 - 2026* and the *Burwood Community Facilities and Open Space Strategy* (2019) were used as sources for guiding themes for the *Draft Library Strategic Plan 2022 -2027*. *Burwood2036's* strategic directions of 'inclusive community and culture,' 'places for people,' 'vibrant city and villages,' and 'open and collaborative leadership' hold direct relevance for the Library Strategic Plan and were used in the development of its strategic areas and actions.

## **Financial Implications**

There is sufficient budget allocated in the Draft Operational Library budget 2022-2023 to implement year 1 actions. Council also receives substantial annual recurrent funding from the State Library of NSW to support service delivery, namely the Annual Library Subsidy and the Local Priority Grant allocation for projects that provide a direct benefit to the community. Council is required to submit annual applications and complete reporting and acquittal requirements to retain these funding sources.

Council has a proven track record in securing additional grants from the State Library of NSW and other funding bodies to support the delivery of innovative projects and the purchase of new resources and equipment. Council will continue to pursue external grant opportunities to support the actions outlined in the Draft Plan as they arise, however, additional funding will be required by Council to support the growth and expansion of the service from years 2 to 5 of the Draft Plan.

## **Conclusion**

The development and implementation of the *Draft Library Strategic Plan 2022 – 2027* is a key action item in Council's *Draft Operational Plan 2022 -2023* with an adoption target by August 2022. The Draft Plan outlines the vision, mission and values for the Burwood Library and Community Hub and its services over the next 5 years and includes an extensive program of work to be undertaken to drive innovation and meet the changing priorities and aspirations of the community.

This report seeks Council's endorsement to place the *Draft Library Strategic Plan 2022- 2027* on public exhibition for a period of 28 days for feedback from the community. Council will actively seek the community's input during the public exhibition period. Upon conclusion of the public exhibition period, the final plan will be reported to Council for adoption in July 2022.

## **Recommendation(s)**

That Council:

1. Endorse the *Draft Library Strategic Plan 2022- 2027* and place the document on public exhibition for a period of 28 days.
2. Receive a report following the conclusion of the public exhibition period in July 2022, outlining all submissions received and detailing any changes to the final document recommended for adoption by Council.

## **Attachments**

- 1 Draft Burwood Library Strategic Plan 2022 - 2027





“The public library  
is where place and  
possibility meet.”

Stuart Dybek



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## Acknowledgement of Country

Burwood Council acknowledges the Wangal clan of the Eora Nation, the traditional custodians of the area. 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.





## Message from the Mayor, John Faker

The Burwood Library Strategic Plan 2022 – 2027 outlines how we will deliver our Library and Community Hub services over the next five years. It is the first library strategic plan Burwood Council has prepared and it's an exciting opportunity for us to share with the community how we will continue innovating to deliver what you need.

The Burwood Library and Community Hub is a welcoming, safe and vibrant place that enables our community to thrive and grow. It is a highly valued community facility and its spaces and services have enormous potential. I am truly excited by the opportunities this plan outlines for delivery over the coming years.

Importantly, this plan represents the feedback and aspirations that you've told us are important to you. It also ensures that we will continue to strive for maximum participation and equitable access to our services and spaces for as many as possible to enjoy.

The plan also incorporates the values library staff have chosen to embody in their work, with a strong focus on collaboration, professionalism, inclusion and always ensuring our services and programs are community driven.

I look forward to working with my fellow Councillors and staff in supporting the actions outlined in this plan.



# Introduction

**This strategic plan will guide the development and delivery of Burwood Library & Community Hub's services for the next five years.**

The past two years has been an uncertain time. The COVID-19 pandemic has required us to be agile and innovative in a way not imagined before. Like all public libraries, we are ensuring we remain relevant to support our community through a period of major change. Libraries are always changing, always pondering the question of how we continue to be innovative to meet the evolving and increasing needs of our community. The COVID-19 pandemic has raised the additional question of how can we support our community while it navigates a world affected by a once in a lifetime pandemic, where social isolation has been at an all-time high, where misinformation is increasing and where mental health is an area of concern. Being responsive to these changes and building staff capacity to assist people is key.

Burwood itself is continuing to grow, with new developments planned that will increase the scale and density of the population over the next five years. With more people living within higher density, the need for a space where people can go to study or connect with passions or interests will continue to increase. With growth and change, the community is concerned about the need to record and preserve Burwood's heritage. This is a role played by the library. The library building itself is newly renovated and re-opened during the COVID-19 pandemic but it has not



reached its full potential yet. From our work engaging with community members, we can see that the library remains a highly valued Burwood Council service.

Libraries play an essential role in society as gateways to knowledge and culture. They are well known as places for learning, literacy and education but they're also the heart of the communities they serve. Libraries mean different things to different people, from places where parents can take children to toddler time, where students can meet up with peers to study together to where anyone can borrow a book, access the WiFi or print a document. In simple terms, they offer anyone a way to gain access to knowledge, all for free. With the pandemic there has been a shift to providing much of this access online through online programming or digital libraries. But while we may physically have closed our doors in response to outbreaks, our library has never stopped offering the means for someone to access knowledge.

As we move into an uncertain future, this plan will support the Burwood community in accessing the knowledge and services they have told us are important for them.



# Our Burwood

Burwood is a culturally and linguistically diverse community, with a thriving retail and business area surrounded by historic villages that cover Burwood, Burwood Heights, and parts of Croydon, Croydon Park, Enfield and Strathfield.

The Burwood local government area has a land area of just 7 km<sup>2</sup>, with an estimated residential population of 40,866 set to increase to 73,500 by 2036. Sixty per cent of our community live in medium or high density housing, with a population density of 5,717 persons per square km (ABS). Burwood has a significant amount of residents that were born overseas compared to the Greater Sydney average, with China being the largest birthplace represented.

## Who we are\*



**Population: 40,866**

Chinese ancestry: **32.9%**

Aged 0-14: **13%**

Aged over 65: **14.3%**

Aged 20-29: **24.5%**

Households with kids: **31%**

Speak a language other than English at home: **64%**

Language spoken at home: **Mandarin 20.2%**

Arrived in Australia between 2011-2016: **32.4%**

Tertiary education: **35%**

Population at university: **13%**

Source: \*<https://profile.id.com.au/burwood>

\*<https://www.planning.nsw.gov.au/-/media/Files/DPE/Factsheets-and-faqs/Research-and-demography/Population-projections/2019-Burwood.pdf>





# Burwood Library at a glance

Burwood has had a library since 1948, when the Children's Library opened in the Burwood Council Chambers at 2 Conder Street in a building that has been part of Burwood's landscape since 1887. The library subsequently moved to premises in Deane Street, which it occupied for 64 years. In 2014, the library moved to renovated premises in the old Council Chambers at 2 Conder Street. In 2019, the library was further renovated, with more space and facilities being added for our community. The new Library and Community Hub opened in August 2020 during the COVID-19 pandemic and is now co-located with the Customer Service Centre. The addition of the Community Hub across a walkway to 8 Conder Street has added meeting rooms, learning labs, media rooms, digital lounges and an amphitheatre.

Burwood Library has one branch that is 2,446m<sup>2</sup> in size. In 2021, there were 21,076 active members, an increase from 18,003 members in 2020. This increase is typical of trends with memberships when a new library space opens. Of the 21,076 members, 12,988 are residents of the Burwood local government area. We also have a large number of visitors that are not library card holders and use the library as a space to study, work or for other activities, and these users are not reflected in the membership statistic. A total of 124,661 visits occurred from July 2020 until June 2021, which was down on previous years, as we were closed in accordance with Public Health Orders issued in response to the COVID-19 Delta outbreak. Closures and uncertainty around the pandemic has resulted in a decrease in print book borrowing and an increase in eBook borrowing. We had 124,012 total issues during 2021, which was an increase of 23,289 from 2020.

A strategic review of the library was undertaken in 2020 and the staffing structure was changed in early 2022 to reflect changing priorities for our community. We now have three new teams within the staff: Customer Experience, Learning Experience and Creative Experience.

Customer Experience is tasked with the implementation of our Customer Experience Program and our collections. Learning Experience is responsible for programs and events. Our Creative Experience team looks after our Community Hub programming.

Our staff provide a range of services including a home library service, regular programs and events and a local heritage service. We also provide public access computers and a popular WiFi connection that had 20,720 connections during 2021. The library is a valued service in our community and our staff get high satisfaction ratings via our customer surveys and mystery shopping program.





# What you told us

During the development of this plan, public feedback on the library and our services was collected through surveys. Focus groups were planned but cancelled due to COVID-19 restrictions. Feedback was sought on what people valued about the services we offer, what we needed to change and what we should be offering in the future. Feedback provided during the development of the Burwood 2036 plan was also reviewed to gain a wider view of what our community want us to do.

## The reasons our users told us they loved the library included:

- the service provided by our staff
- the environment in the library being safe, neat and welcoming
- 89% of our users told us they found our facilities and services good or very good
- our books and resources were highly valued

## Things people wanted us to change or focus on in the future included:

- expanded access through increasing our hours and having an external returns option
- more programs and events that focus on skills development, arts and culture, and opportunities to do activities yourself or with others
- an improved collection, with a desire for a consortium with close libraries and an opportunity to suggest purchases
- access to Science, Technology, Engineering, Arts, Mathematics (STEAM) technologies, digital fabrication and creative production software
- cultural activities that celebrate and support diverse communities, including access to expanded multicultural collections
- events and programs that support networking and involvement in the community



# Mission, vision and values

## Mission

By 2027, the library will have strengthened the Burwood Community by supporting literacy, digital connection, creativity and life-long education.

## Values

**Professionalism** We uphold the values of the library profession, including equity, respect, ease of access, integrity, non-discrimination, confidentiality and proficiency, and represent ourselves and the organisation in a positive, friendly and helpful manner.

**Collaboration** We seek out partnerships within Council and the community to work together to achieve shared goals.

## Vision

Burwood Library and Community Hub is a welcoming place with professional service that enriches our diverse community with opportunities to inspire, learn, connect and belong.

**Community driven** We proactively listen and respond to the needs and wants of our communities to deliver services that are community focused.

**Inclusive** We strive to create and support a safe and shared environment with services for everyone.

## Strategic Alignment

The Burwood2036 - Community Strategic Plan, Delivery Program 2022 - 2026 and the Burwood Community Facilities and Open Space Strategy(2019) were used as sources for guiding themes for this strategic plan. Burwood2036's strategic directions of 'inclusive community and culture,' 'places for people,' 'vibrant city and villages,' and 'open and collaborative leadership' hold direct relevance for the Library Strategic Plan and were used in the development of its strategic areas and actions.

The Library and Community Hub and its services helps deliver across multiple strategies and principal activities in the Delivery Program 2022 - 2026 by providing access to formal and informal lifelong learning opportunities, facilities and services, celebrating our diverse community, history and culture and providing opportunities for social connection in accessible, people friendly spaces. We aspire through this strategic plan to grow our support for local business.

The Burwood Community Facilities and Open Space Strategy (2019) has two actions that directly correspond with the Library and Community Hub

with the goal to activate the Community Hub with a range of community and cultural uses, and deliver a range of recreational, social and cultural opportunities that respond to local needs and interests. Feedback and ideas were gathered from the community through a survey conducted by library staff as well as feedback from the community engagement process for Burwood2036.

Broad themes were developed from these pieces of work:

- Access and inclusion
- Learning and well-being
- Staff experience
- Collections
- Community connections
- Burwood memories.

Staff completed a SWOT analysis and brainstormed future thinking in the areas of libraries and Burwood. External factors that have an impact on library services and our communities were also researched and considered as part of the development of the strategic actions, including the ongoing impact of the pandemic. Innovative trends in public libraries were also considered in the development of strategic areas and actions.



# Strategic Area 1:

## Customer Experience

### Customer experience now

During 2020, a new customer experience program was launched for staff. The vision for the library at this time was to provide a positive customer experience that is second to none. A key feature of this program was the introduction of mobile customer care providing a pro-active customer service model where staff floor walk as opposed to being stationed at a desk (often called 'roving' in public libraries).

The aim of the Customer Experience Program is to create positive customer experiences that will create long-term customer loyalty. The measures for this are repeated use of the library and high levels of customer satisfaction. The roll out of this program has been affected by the pandemic. The move to a roving customer service model has been harder than anticipated, in part due to COVID-19 restrictions and the need to manage expanded library spaces placing demands on staff resources.

Our collections have gone through some evolution over the past year with work done on collection profiles, collection size and budget allocations. The most recent Collection Development Policy for the library's collection was adopted in 2012 and is due to be reviewed.

Our circulation increased between 2020 and 2021 and our collection number has stayed steady at 61,933 items. In 2021, our turnover for the borrowable collection was 2.5.

Much of the customer feedback received about our collections revealed good levels of satisfaction, but many customers wanted better non-fiction and multicultural collections. Our collection currently contains Chinese, Korean and Hindi materials.

We received a large amount of feedback around access to the library itself. The library is currently open seven days a week, with two evenings and weekend hours. There was a high level of dissatisfaction with our opening hours and a demand to be able to return items after hours.

During 2021, the library provided expanded access to the Community Hub with a Midnight Study Hours trial. This trial saw HSC students given access to the Hub until midnight two nights during the week with a security guard present. The trial was very successful, with twelve sessions offered and all but two booked out.





## Trends in public libraries

### 24/7 access points

Today's society expects to be able to access goods and services any time. Libraries are coming up with ways to meet this demand for 24/7 access. They are doing this innovatively and increasingly technological solutions are being adopted to limit the impact on staffing budgets. As the demand for more access to collections and space grows, libraries will continue to evolve in this area.

### Unique community collections

As a way to build community, record community history and support diverse voices, libraries are experimenting with ways to build collections that are unique to the community they serve. Examples of this can be found in community contributed collections, such as library-led initiatives like zines and journals.

### Non-fiction move

Libraries have historically held reference collections and large non-fiction collections. Reference collections are now reducing, with most libraries focusing on lending collections. Non-fiction collections too are going through a revolution with a new focus on curated collections that concentrate on recreation and self-development instead of trying to capture as many subjects as possible. This move has reduced non-fiction collections and increased turnover of libraries' collections, allowing councils to gain more value from their investment.



## Case Study 1

### Karalee Library Pod, Ipswich Libraries

The Karalee Library Pod is a self-service pod that is open 24 hours a day, seven days a week. Located outside a busy mall, the pod enables people to browse, borrow and return items as well as reserve books online and collect them. The Library Pod offers a curated collection of popular and trending books, as well as a large touch screen where customers are able to view eResources.

This pod is the first of its kind in Australia and allows the library to extend their services in an impactful way and meet their customers where they are. The aim of the pod is to break down accessibility barriers and bring the collection to more of the community.

In its first 17 months, the Library Pod processed more than 19,000 loans and 20,000 returns, with almost 1,300 Ipswich Library members using the pod regularly.

## Case Study 2

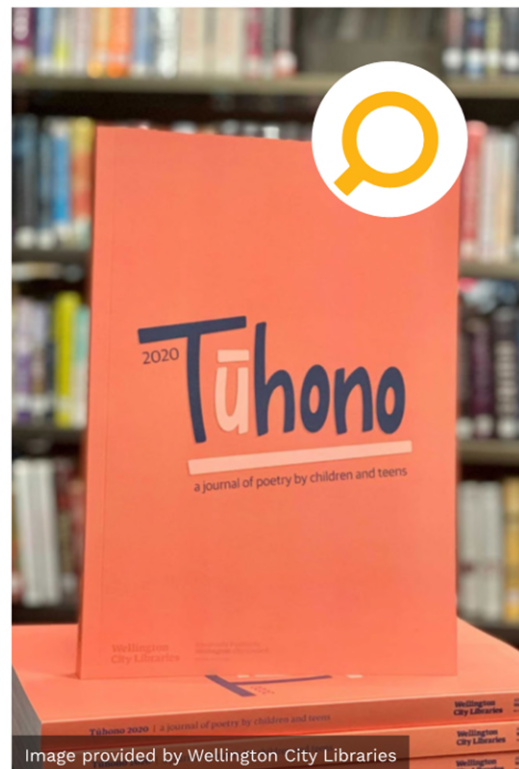
### Tūhono, Wellington City Libraries

*Tūhono* is a poetry journal for kids and teens launched by Wellington City Libraries. Unlike many other poetry journals, having work accepted for *Tūhono* is not a competition, but rather every piece of work following the rules by young writers aged 5–18 years gets published.

*Tūhono* is published in house and added to the collection, as well as being published as an eBook on Overdrive. The journal gives all young people in Wellington the opportunity

to have their work published and added to the collection. It's a chance to see something they've created as part of a library collection, alongside great authors and poets found on the shelves. It also works as a collection of uniquely Wellington writing, capturing the thoughts and emotions of kids and teens from all over the city and its region across time.





# Key takeaways



- 1 There is a need to update the Collection Development Policy.
- 2 Our collection needs continual work to meet the expectations of its users.
- 3 We have not had a chance to imbed the customer experience program due to the pandemic but there is now an opportunity to do so.
- 4 There is an opportunity to assess and expand access to the library in order to move towards what our customers are asking for and best practice.

| Action   | Action Term |
|--|-------------|
| 1.1 Improve access to the library through innovative methods by investigating current trends in public libraries with regards to anytime libraries, after hours return solutions and extended opening hours. Implement solution to expand access to the library during 2022 for the HSC exams. From June 2022, start an investigation into anytime library solutions for material pickups and returns. | Year 1      |
| 1.2 By 1 August 2022, convene a working group to update the Collection Development Plan. Complete the new plan by March 2023.  | Year 1      |
| 1.3 By the end of 2024, review library space to make it more efficient and accessible for customers. Use the Collection Development Plan as a guide in the planning and review of the shelving, collection size and location, signage and furniture. Continue to review the library space and collection layout annually to ensure relevance for our customers.  | Year 3      |



| Action |   | Action Term |
|--------|---|-------------|
| 1.4    | Imbed a Customer Experience Program, including the roving staff model, through staff training. Place the customer at the heart of our decisions and improve the way we gather and respond to customer feedback by putting in place a process during 2022. Deliver an annual library customer survey to gather feedback to inform decision making and planning.  | Year 1-2    |
| 1.5    | Investigate eResource availability in languages that are in demand by the community as part of the Collection Development Plan during 2022. Investigate the viability of adjusting the budget for 2023–24 financial year to support increasing access to eResources. Undertake a review of our offerings, explore diverse digital options and support access to our eResources through a targeted annual promotions plan starting 2023. | Year 1-2    |
| 1.6    | Using the new ABS Census data, conduct a survey and look at budget allocation for the 2023–24 budget to assess language needs and collections for Burwood Library customers.  | Year 2      |
| 1.7    | Explore opportunities to partner with other libraries to increase access to resources and services for our community. Complete an assessment of the viability of partnering with other libraries in 2024. Investigate bulk loan arrangements for multicultural collections with neighbouring libraries in 2025.   | Year 3-4    |

## Performance indicators

- Rated highly on customer survey tools.
- Increase in circulation, collection turnover and visitor numbers.
- Collection Development Plan completed and implemented.

## Strategic Area 2: Learning Experience

### Learning Experience now

Burwood Library provides a range of programs with an emphasis on recreation, education and literacy. Regular programs include English Conversation Classes, Wrap with Love, Rhyme-Time, Toddler-Time and Story-Time. In addition to these events such as author talks, self-development workshops and film screenings occur throughout the year. The library has flexible spaces in which these activities take place and with the closures during 2020 and 2021 due to COVID-19 restrictions, programming successfully moved online. Restrictions further influenced the move to limiting numbers in programs through online bookings.

Burwood Library delivered 249 in-person events and regular programs during 2021 with 5,079 attendees and 47 online events with 1,130 attendees. When considered against library visit numbers, programming only generates a small amount of library visits, but the benefit to the community is well documented.

Programs and events create experiences and connection for the diverse cultures of the community while also having a learning focus in STREAM areas (science, technology, reading, engineering, arts and mathematics).



The Toy Library was reviewed during 2021, which led to a change for both that service as well as Story-Time. Very few community outreach opportunities are undertaken currently by staff.

Customer feedback received about our programs and events showed that the community prefers in-person programming, but there is also a desire for a hybrid delivery model that would see events presented in-person and online at the same time. There is also a lot of interest in the library providing more events, particularly children's programs and adult arts and culture events. Skills development is an area that was also of great interest to the community.

People are finding out about our programs and events primarily through the website, although the eNewsletter and flyers/posters in the library are also popular marketing tools. The community said through feedback received during the creation of Burwood 2036 that they would like more opportunities to celebrate different cultures and what makes Burwood unique.

## **Trends in public libraries**

### **COVID-19 and online programming**

The pandemic has required public libraries to innovate quickly so that they can continue to deliver services while adhering to restrictions. One of these innovations was the move to online programming as a way to continue to reach communities. Online programming has become the norm and customers are indicating that they would like online programming to continue in some way. Some libraries have experimented with live streaming in-person programming and/or posting recorded in-person programming online after the event.

### **Partnerships**

Partnerships are increasingly becoming an important part of the international public library industry, with programs delivered by outside organisations with support from the library. The limited staff resources that libraries have available to them acts as a barrier to maintaining multiple activities and partnerships are seen to be the solution to this. There are examples of partnerships between libraries and a number of different organisations (including private companies) that have been very successful and have allowed the libraries to deliver better services.

## **New ways of learning**

With the development of advanced digital tools, the world is becoming a wired environment. These tools and the opportunity to access them provide people with the chance to engage in self-directed, self-guided and self-paced learning that provides new avenues for learning.

Curation of digital tools such as digital fabrication and the Adobe Creative Cloud by professional librarians ensures that customers cannot only access the necessary tools but are also connected to relevant content. This connection provides limitless opportunities to seek and acquire new skills and knowledge.



# Case Study 1

## Partnerships, Dokk1 Library

The Dokk1 Library in Aarhus, Denmark has entered into partnership agreements with more than 70 organisations (NGOs, associations, educational institutions and other public service providers) which enable them to provide between 35 and 45 activities every week. Through these partnerships it is possible for them to deliver a very high volume of events with relatively modest staff effort.

In the lead up to the opening of Dokk1, library staff mapped potential partners and had a number of 'disruption

conversations' with key players. The purpose of these conversations was to get a clear understanding of what these potential partners felt were the needs in the surrounding society, spotting trends between these potential partners' user groups, creating a dialogue and making the library's potential clear to these untraditional partners. This discourse led to successful partnerships and a flourishing events program at the library.

# Case Study 2

## Studio NPL, Nashville Public Library

Nashville Public Library's Studio NPL is an innovative, technology-driven learning environment that engages teens aged 12-18 with a design studio, makerspace, creative writing centre, production space and more. Daily workshops are mentor-led and focus on building important 21st century skills in STEAM, digital literacy and career readiness.

The environment is created for teens to enable them to explore and engage their passions to produce music and podcasts, e-textiles, soldering, robotics and more.

An artist in residence conducts a summer intensive workshop with a group of teens and librarians, and technicians and artists mentor teens during the year.





# Key takeaways



- 1 There is a need to continue to be agile in the delivery of programs and events in a pandemic environment, including trialling a hybrid delivery model.
- 2 To ensure best practice there should be a review of any programming not reviewed during 2021.
- 3 Pressure on staff time has resulted in a need to explore programming partnerships. This will move the library in line with current delivery models.
- 4 Cultural programming in the library is an obvious way Burwood Council can celebrate and represent the different cultures that make up the Burwood community.

| Action   | Action Term |
|--|-------------|
| 2.1 Build ongoing strategic external partnerships to leverage skills, connections, resources and experience, enabling the delivery of a range of programs and events. During 2023, collaborate with internal Council teams to research potential partners and assess the suitability of partnerships so that we can increase our reach in the community.                                 | Year 2      |
| 2.2 Celebrate and recognise the diversity of the Burwood community through the collection, programs and events. Ensure our collection, programs and events reflect the communities that call Burwood home through a series of diversity reviews during 2023 and 2024. Complete a gap analysis of the collection in consultation with the New South Wales State Library during July 2023. | Year 2-3    |



| Action  | Action Term |
|---|-------------|
| <b>2.3</b> By December 2022, complete a review of children's and youth programming with an eye to continuous improvement and connection to community needs and expectations. By December 2023, complete a review of adult programming in order to ensure we are supporting our community's goals and needs. Continue to review these programs on an annual basis. | Year 1-2    |
| <b>2.4</b> Identify and celebrate the uniqueness of Burwood through promotions and events that are customised and connected to our community's pride and identity. Produce library cards to celebrate the sesquicentenary celebrations occurring in 2024 and investigate redesigning our promotional material to celebrate "Burwood-ness" during 2023.            | Year 3-4    |
| <b>2.5</b> Continue to foster partnerships in the community that provide outreach opportunities to promote our services and resources to new audiences. Seek out new partnerships to increase our outreach into education settings, shopping areas, events and any other opportunities by annually planning targeted outreach.                                    | Year 4-5    |
| <b>2.6</b> Provide space and opportunities for people of all ages to interact, engage, learn and create new connections with each other through ongoing process-focussed programming and collaborative participation. Measure the impact on community connectedness through surveying tools starting June 2024.   | Year 3-4    |

## Performance indicators

- High customer survey ratings.
- An increase in program attendance.
- An increase in the number and diversity of programs delivered.
- The delivery of brave and creative programming.

## Strategic Area 3: Creative Experience

### Creative Experience now

When the library was renovated in 2020, a Hub with various spaces for the community was added to the library. Modern libraries provide opportunities for people to come together to experience and participate in creative activities, and this space enables Burwood Library the ability to do this.

Of these creative activities, digital and makerspace technologies are at the forefront of library innovation. There are opportunities for libraries to provide equal access to resources that the community would otherwise not have access to. These resources provide the opportunity for people to be creative and experience new things that reflect their own imagination and identity.

Burwood Library's Community Hub is an innovative space and has the potential to be a well-used destination space for the community. The activation of the creative spaces within the Hub reflects the change in role for public libraries from being knowledge storehouses to centres for creative activity.

The Hub holds two Media Studios, each featuring a green-screen backdrop, sound proofing, the Microsoft Surface Studio and full Adobe Creative Cloud. Since opening this space has been used as an Open Studio program, which created some public interest. However, it also has audio-visual equipment and musical instruments to support creative endeavours which can be explored further.

The Makerspace is an open workshop area that promotes hands-on learning, collaboration and curiosity through different programs and equipment. These programs range from artist-led workshops, hands-on skills development in media technologies, STEAM activities for children and young people, and different creative programs for all ages. We have had only intermittent programming in this area, mainly due to COVID restrictions, however the space is highly used by students. We have resources to provide regular programming in this area, including MakeyMakey, sewing machines, Spheros, LittleBits and a NAO robot.

Our two Digital Lounges have featured digital artworks, retro games and virtual reality programs. They have been used frequently as a place to show digital artworks and interactive experiences including 360 videos and virtual reality.





The Hub itself also hosts exhibits throughout the year, including outcomes from community art projects and the Burwood Art Prize.

The Amphitheatre is set up to be a flexible space that can be used for screenings, performances, talks and workshops. The Library team have been experimenting with events in the Hub space during 2020–22.

A new Creative Experience team has been created, which will increase and enhance staffing resources for this space.

Customers have told us they are not sure about how to access the spaces or resources the Hub has to offer but are curious and interested. They have also told us they require more space and tables to meet study demands in the Hub. Students also want to access the meeting rooms for free to ease the demand on common spaces, which can be accommodated when they are not in use.

Community feedback shows that support for local businesses is an important role for Council, and there is potential for the Hub to support the community in this way. Demand for do-it-yourself/do-it-with-others and skills development events was expressed by customers as was greater access to STEAM kits and digital fabrication software.

## Trends in public libraries

### Maker movement

Makerspaces have been a popular addition to public libraries for a number of years. The maker movement itself refers to the do-it-yourselfers, tinkers, hackers, entrepreneurs and interested learners that are accessing these spaces to make what they want and determine their own creative paths. An area of growth in this area is including children in the maker movement. This movement takes advantage of the innovative technology and traditional craft tools on offer to improve community and create new pathways to the marketplace.

### Gamification and fandom

Gamification refers to the application of digital game design and elements to non-game settings, and game-based learning or game playing that has defined learning outcomes. Gamification is increasingly being integrated into education and professional training situations as an important opportunity to develop emerging and traditional forms of literacy. Fandom exists as an obvious partner in promotion of these literacies through active creation – writing, recording, drawing, remixing and role-playing. Fandom are communities of people that are passionate about something (i.e. a film, a book, a band, a television show) that come together to share and exchange proof of their fandom through creation.

### Community space

Libraries are increasingly being used as a third space in people's lives, outside of home, work and school. For communities with increasing density, this space is highly important and is well used for a range of activities. Spaces in newly renovated or built spaces reflect this by providing flexible and diverse spaces with reading nooks, study spaces, quiet areas, co-work/study spaces, meeting rooms and various other spaces.

## Case Study 1

### Workary, Fairfield City Open Libraries

The Workary is a dedicated hub in Whitlam Library that is a community and events space focused on supporting local business. The space is open to start-ups, co-workers and entrepreneurs at no cost. Drawing on formal and informal partnerships with a range of key industry and government stakeholders, the Workary provides a number of events and services that assist

businesses. These include co-working spaces, meeting rooms, audio-visual equipment, workshops, networking events, business-related books and other resources, and referral services to business advisors in a number of different languages.

## Case Study 2

### Makerspace Kits, City of Sydney Libraries

City of Sydney provide over 180 take-home makerspace kits with a range of robotic and educational uses. Library members are able to borrow one kit from the collection for three weeks and the collection is supported by a collection of STEAM topic books. The robotic kits include Edison robots v2.0, Ozobot Bit 2.0 and Sphero. Electronic kits include Circuit Scribe, Makey Makey, Snap Circuits, Honeycomb Music, BBC micro:bit,

Little Bits Synth, PocketLab Voyager, Barska Microscope, Micro:bit Experiment Box, Merge Cube and Specdrums. Kits are designed for ages 5+ to ages 14+.





# Key takeaways



- 1 The Community Hub has a lot of unrealised potential and its strengths lie in its resources and spaces.
- 2 Work needs to be done to activate the space regularly, as well as educate and promote access to the Hub spaces and resources.
- 3 The library's Community Hub has the capacity to play a role in assisting the economic recovery of the Burwood business community by providing access to resources, spaces and experts.
- 4 Customers have an interest in accessing the different technologies that the library currently has as well as others that need to be resourced.

| Action  | Action Term |
|---|-------------|
| 3.1 Provide all ages of our community with creative resources that allow people to explore, learn and grow through regular hands-on experiences. Ensure resources are relevant to our community. Deliver a minimum of 40 events per year, with 1,000 participants for the financial year 2022-2023.   | Year 1-2    |
| 3.2 Maximise the use of the Hub through improved access to the space for the community. Trial new ways to activate the space to increase community confidence and awareness in the use of the space. Aim to increase use of these spaces by 25% by June 2023.   | Year 1      |
| 3.3 Maximise the use of the Hub space through programming relevant and quality events and programs that are delivered directly or by partnering with external community providers. Deliver a minimum of 15 events during the 2022-23 financial year in partnership with others, with the aim to increase this to 25 events during the 2023-24 financial year. | Year 1-3    |



| Action   | Action Term |
|--|-------------|
| <b>3.4</b> Consult with and support businesses of all sizes by investigating opportunities to collaborate with external and internal partners in order to deliver business-friendly programs and events, spaces and technologies. By the end of 2024, have established programs and events that support Burwood businesses with at least quarterly events. | Year 3-5    |
| <b>3.5</b> Plan and deliver annual events and a promotions calendar for all library programming at the beginning of each year and seek to integrate this with other events in Council. Have this calendar created by June 2022.  | Year 1      |
| <b>3.6</b> By June 2023, investigate and procure STEAM kits for our customers that have a creative experience focus and are relevant and borrowable in order to support at-home learning and exploration.  | Year 2      |
| <b>3.7</b> Work in collaboration with the Community & Culture team at Council to deliver a range of integrated cultural programming to promote and support creative endeavours. Deliver at least one major integrated event per year.  | Year 2-4    |

## Performance indicators

- High customer survey satisfaction ratings.
- An increase in program attendance.
- An increase in the number of programs delivered.
- New equipment and/or software provided to support digital literacies.

# Strategic Area 4:

## Digital Experience

### Digital Experience now

Public libraries are seeing an increase in access to their digital collections. While this has been an increasing trend worldwide, the restrictions put in place due to COVID-19 has seen the demand for digital collections increase like never before.

The shift to online that has been a consequence of these restrictions has exposed further the digital literacy gap that libraries have been responding to for many years. Many in the community are being left behind and it is essential for the library to provide services to assist in the navigation of the online world post-pandemic. Within this is the need to provide a range of programming that educates customers on accessing recreational resources such as eBooks and resources that support education such as online databases. There is also a need to ensure all staff are skilled and confident in providing assistance in the use of digital resources. This will enable the library to provide a quality service to our community and meet them where their needs lie.

Through the Hub the library has a number of makerspace technologies. There are also Media Labs for customer use that allow access to a computer workshop room for classes and a recording room for video and audio. Programming has been very limited in these spaces. Staff have delivered some makerspace programming, but staff knowledge is limited in the use of these technologies.

A number of Virtual Reality (VR) events were held as part of a VR art exhibit in the Hub. Computer classes for older customers in Mandarin, Cantonese, Korean and English are held annually in partnership with the New South Wales State Library and Telstra.

Customer feedback has shown there is a gap in staff knowledge when assisting customers with accessing technology and our digital resources. There is a desire from our community to have access to the latest technologies and to have assistance in accessing these. We also have new tools in the promotion of our resources and activities that are yet to be used.





## Trends in public libraries

### Makerspaces

Libraries are providing easier access to tools and components that provide communities with opportunities to invent and create in ways that have been limited to the private sector in the past. Tools like 3D printers, laser cutters, software and recording equipment are now a common sight in public libraries. Providing access to new technologies as well as traditional craft tools and having skilled staff to facilitate this access has become an essential feature of public libraries.

### Digital inclusion

COVID-19 pandemic restrictions forced many into social isolation and has dramatically accelerated the need for people to participate in the digital world. It has also made the challenges of bridging the digital divide more important than ever. Many face-to-face activities, necessary for active participation in civic life have significantly shifted to the digital world. Things like learning, working, shopping, social interactions and entertainment are moving online. This raises the issue of who gets left out and how libraries respond to that challenge. Some libraries have offered free equipment to assist their communities with getting online, others have responded with other innovative ideas.

### Digital training

Digital literacy programs have been a staple of library programming for some time now. The innovation in this area now is around assisting people with their devices and bridging the digital divide for new and innovative technologies. Libraries offer one-on-one training sessions for customers using their own devices or training around makerspace technologies. There is a lot of

innovation in this area too in facilitating spaces for teens to create using new technologies. This is less around training and more about mentoring teens to explore the technology themselves as a way of learning.



## Case Study 1

### TeleConnect, King County Library

Telehealth has been rapidly expanding due to the pandemic. With this has come the challenge that for some in the community, accessing this technology is a barrier as not everyone has access to computers with video conferencing capability, an internet connection and/or the skills to access these.

This digital divide is being addressed by a pilot run in a collaboration between King County Libraries in the United States and University of Washington. The partnership

aims to reduce disparities in access to telehealth by providing a safe and secure space and connection to healthcare. The pilot allows UW Medicine patients to conduct a telehealth visit from a private room at five library locations. Library staff set up a private room and are available to provide technical support.

## Case Study 2

### CLOUD901, Memphis Public Libraries

CLOUD901 is a state-of-the-art social, creative, production, research and performance technology lab that is a space solely for teens aged 13–18. The space provides access to video and audio production labs, editing and mixing stations, a performance area, a makerspace, art studios and collaboration and homework zones. At 771 square metres and over two floors, it is designed to be a place teens can develop 21st century skills including innovation, collaboration, critical thinking and problem solving.

A mix of digital media, self-guided learning and expert-led workshops provide teens with the autonomy necessary for creative thought while still working within the safety and structure of the library. Often partnering with local schools, universities and the community to expose teens to innovative technology, CLOUD901 also translates the knowledge learnt there into career pathways, college opportunities and workforce entry.





# Key takeaways



- 1 There is a need to have dedicated training for staff on the use of digital tools and resources, ensuring that professional development is continuing and not occasional.
- 2 The pandemic has left some of the community behind and libraries are innovating in order to remove this barrier.
- 3 There is innovation happening around the way people learn about technology, moving away from workshop-style learning towards facilitating exploration.
- 4 Promotion of eResources is limited.

| Action   | Action Term |
|--|-------------|
| 4.1 From July 2022 until July 2023, provide a minimum of 12 digital literacy events and programs incorporating a diverse range of offerings for language, age and levels of experience working in partnership with external contacts.  | Year 1      |
| 4.2 Provide increased opportunities for the Burwood community to access diverse technologies that are relevant to their desires and needs through programs and experiences in the Community Hub. Deliver at least four events per year to expose diverse community groups to these technologies starting from January 2024.                                    | Year 3-4    |
| 4.3 Increase staff skills in technology through the ongoing delivery of a range of skill development opportunities using a variety of training techniques. Complete a training and assessment analysis of staff on an annual basis, starting June 2022, with a minimum level of skills identified and a range of opportunities to upskill throughout the year. | Year 1      |

| Action   | Action Term |
|--|-------------|
| <b>4.4</b> Target promotion of digital resources, ensuring users are kept up to date with changes and are confident in accessing the resources by using Patronpoint software. Support this through an investigation of our community's interests and needs and begin to action findings by December 2023.                              | Year 2-3    |
| <b>4.5</b> Investigate the provision of tablets and/or eReaders to home-delivery customers by undertaking a six-month trial during 2022. Also investigate providing these resources as borrowable items for all customers by the end of 2023.  | Year 1-2    |
| <b>4.6</b> Offer relevant, targeted and customer-centric technology experiences that are supported by positive interactions with skilled staff. Undertake an annual review of technology at the start of the financial year to plan for any needed upgrades or innovative technology changes starting with the 2025-26 financial year. | Year 4      |

## Performance indicators

- High customer survey satisfaction ratings.
- An increase in programs delivered and attendance.
- An increase in staff digital skills, demonstrated in the annual review.
- An increase in borrowing of resources from the Digital Library Collection.



# Strategic Area 5:

## Burwood Memories

### Burwood Memories now

The Burwood Library Local Studies Collection is the most unique service the library provides. Burwood has no museum but does have a local historical society who have an array of items of historical significance that the society has scattered among members. Due to restrictions with storage and space, the library has had no active acquisitions program in place to date. With Burwood's sesquicentennial anniversary approaching in 2024, now is the ideal time to make a commitment to ensure Burwood's history is being collected and to promote the library's heritage resources.

The collection includes many items that could never be replaced if neglected, damaged or lost. This includes:

- published and unpublished works about Burwood
- scrapbooks with press cuttings, letters and other ephemera
- original and copied maps and plans (both digital and hard copies)
- photographs (both digital and hard copies)
- framed and boarded official photographs of Burwood Borough/Council

- local newspapers dating back to the early 1960s in soft and hard copies
- council valuation books dating back to 1908
- building applications registers dating back to 1909
- index to Building Registers dating back to 1920
- a selection of Burwood Council letter books and registers
- copies of Burwood Council's reports, plans, building plans and policies
- copies of reports, newsletters, brochures, souvenir booklets produced by local community organisations, schools, churches etc.





- local election information
- a range of paraphernalia used or produced by Burwood Council in the past
- a limited selection of artefacts, objects, realia and ephemera (plaques, pictures, drawings etc.)
- digital and analogue sound and video recordings
- archives of local organisations from the past (Inner Suburbs' Hospital, Burwood Benevolent Society etc.)

There is also a genealogical collection made up of microfilms, microfiches and CD ROMs, which contains a range of information such as shipping records, street and telephone directories, cemetery indexes and electoral rolls.

The Burwood community told us they wish to learn more about the heritage of Burwood through talks and exhibits. Past events and walking tours have been popular ways the community has engaged with local heritage.

Through Burwood 2036 consultation, the community indicated they are concerned about the loss of heritage through redevelopment and feel heritage could be better represented in the community. The library has a role to play in the collection and promotion of this heritage. The sesquicentenary celebrations will provide the library with a unique opportunity to promote and celebrate our collection and produce material to support this.

## Trends in public libraries

### Heritage engagement

Public libraries are increasingly promoting heritage collections in new ways in order to engage communities. One of the ways they are doing this is by having digital collections that the community can add to or comment on. This enables easy collection of heritage material, but also promotes engagement by the community with the heritage material. Another way libraries are promoting heritage collections is by introducing technology that engages the community with them. Examples of this are gamification and innovative ways to access material such as via interactive touch screens.

### Collective impact

Heritage institutions are increasingly curating exhibit material to engage communities in social issues or topics of current interest in society. This is seen as a way to increase engagement and interest in heritage as well as a way to represent diverse stories and increase understanding of different issues such as LGBTQI+ rights, civil rights, indigenous heritage and social impact topics.



## Case Study 1

### DigiLab, Newcastle Library

Newcastle Library's History and Heritage Collection contains more than 444,000 items including rare, unique and notable items, dating back to the early 1800s. During 2021 a cutting-edge digitisation lab was opened to help preserve and share this collection.

The lab's technology includes 3D scanning instruments and robotic page turning equipment capable of converting 2,500 pages an hour into digital information. The DigiLab enables the library to preserve hundreds of thousands of archival records, photographs, maps, pictures, newspapers and rare books. This enables the community to have greater access to the collection and allows the

library to interpret and use the digitalised materials to present local history to reach new audiences.

The DigiLab also provides innovative content such as augmented and virtual reality and the ability to integrate with other technologies such as a metre-wide Digital Storywall and a digital multimedia 'Magic Box'. One aspect of the DigiLab that is available for use by the community is the Memory Lab, which allows people to preserve their own histories and stories for future generations by converting treasured family items on VHS, VHS-C cassette and 8mm video camera tapes into digital files for free.

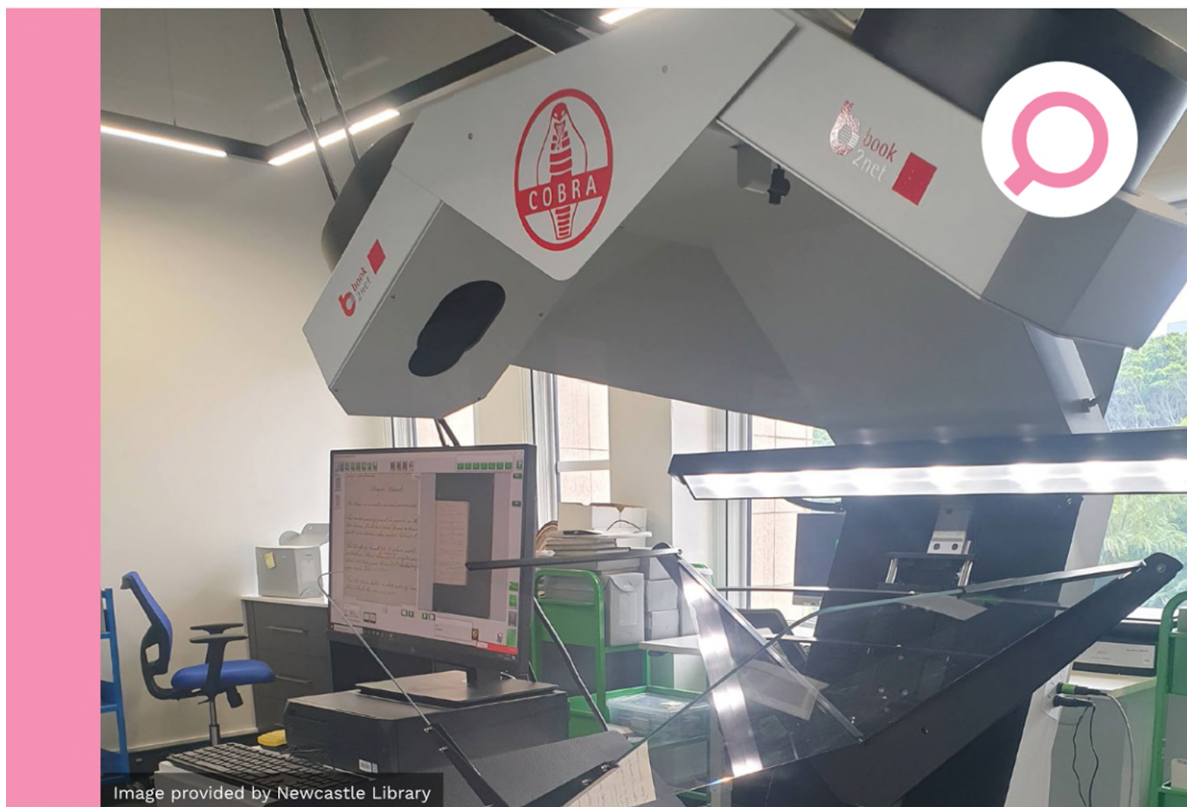
## Case Study 2

### ReCollect & Our Stories, Fairfield City Library

Our Stories is a project run by Fairfield City Library to collect digital stories and experiences of the Fairfield community during the COVID-19 pandemic. The pandemic has changed the way people live their daily lives and residents and workers of Fairfield City have been invited to share images of how their daily lives have changed during this period.

This digital collection will help future generations understand the impact of the pandemic and how people adapted. Files are submitted by the community via an online form and then updated to the library's ReCollect archive. They are then accessible as part of an online public digital archive.





# Key takeaways



- 1 We need to update policies and plans for the heritage collection.
- 2 Digitisation of the collection needs to continue in order to increase access to the collection.
- 3 Our collection needs to be made available online to the community through the use of a digital platform.
- 4 The community is concerned about the loss of heritage in the area.
- 5 The library needs to promote our collection to the community through exhibits, workshops and talks.

| Action  | Action Term |
|---|-------------|
| 5.1 By December 2022, research and consult knowledge bodies in order to write a local heritage Collection and Care of Collections Policy that includes a heritage disaster plan.  | Year 1      |
| 5.2 By December 2022, research and consult knowledge bodies in order to write a local heritage Digitisation Policy and Digitisation Plan.   | Year 1      |
| 5.3 Continue to work with our external provider to digitise the photographic and image collection, ensuring budget allocations are available for the work to be ongoing. Complete this work by the end of 2023.   | Year 2-3    |
| 5.4 Use the Spydus platform to store our heritage collection files and records in order to make them accessible for all. By December 2022 consult with external and internal connections to start a project investigating grant funding or opportunities for students to gain heritage skills and put in place a solution by the end of 2025. | Year 4-5    |

| Action   | Action Term |
|--|-------------|
| 5.5 Provide ongoing opportunities for the Burwood community to engage with and learn about Burwood heritage through events and exhibitions, aligning these programs with major heritage events and festivals with a minimum of six per year.   | Year 5      |
| 5.6 Raise interest in Burwood's history and the heritage collection through a program of events and exhibits to support the sesquicentenary celebrations during 2024, with a minimum of two talks, two walks and two exhibits. Use social media to engage and promote our heritage collection. | Year 2-3    |

## Performance indicators

- Policies and plans are completed and implemented.
- High customer survey satisfaction ratings.
- An increase in the number of events and exhibits delivered.
- The Heritage Collection is accessible to the community through Spydus.
- An increase in the number of items digitalised.







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**Burwood**  
Inc.1874

## **(ITEM 38/22) MULTICULTURAL ADVISORY COMMITTEE REVISED TERMS OF REFERENCE**

File No: 22/16972

REPORT BY DIRECTOR COMMUNITY LIFE

### **Summary**

The Terms of Reference of the Multicultural Advisory Committee have been reviewed and amended to reflect the recommended changes of Committee members who are seeking to increase community representation and participation. The revised Terms of Reference are included under Attachment 1 of this report for Council's consideration and adoption.

### **Operational Plan Objective**

- 1.2 A well-informed, supported and engaged community.
- 1.4 A proud and inclusive community that celebrates diversity.
- 2.2 Strong partnerships to benefit the community.
- 5.3 Enhance and foster local identity.

### **Background**

The Terms of Reference of the Multicultural Advisory Committee were adopted by Council in 2017 and were last reviewed in 2020. The Committee was initially formed with four community representatives and has operated with a maximum of four community representatives since that time. The Terms of Reference currently allow for four community representatives and two alternates.

To support the development of Council's Multicultural Strategy, which is due for adoption in October this year, the Committee is now seeking to expand its community representation to ensure it is best placed to advise Council on the varied needs of culturally and linguistically diverse communities in the Burwood Local Government Area.

### **Proposal**

Following discussion with the members of the Multicultural Advisory Committee in April 2022, Council officers have revised the Terms of Reference to allow for up to eight community representatives on the Committee. Other minor administrative amendments have also been made to build further consistency with other Council Advisory Committees. The revised Terms of Reference are included under Attachment 1 for Council's consideration and adoption.

An increased number of community representatives on the Committee will enable Council to have ongoing dialogue with a greater diversity of communities. Council officers will broadly circulate the opportunity to ensure nominees come from a range of cultural backgrounds that are representative of both established and emerging communities. Additionally, Council officers will endeavour to attract nominations from a diverse range of age groups, more women and a First Nation's representative to the Committee where possible.

An Expression of Interest process for all eight members will be undertaken by Council officers should the expansion proposal be supported by Council.

### **Consultation**

The Multicultural Advisory Committee met on Wednesday 13 April 2022 and unanimously agreed that the Committee should be expanded to include greater representation of Burwood's culturally and linguistically diverse communities and to attract more diverse representation in terms of age.

There are no further consultation processes associated with this report.

### **Planning or Policy Implications**

The expanded Multicultural Advisory Committee will play a key role in guiding the development of Council's Multicultural Strategy, which is due for completion in October 2022. The Multicultural Strategy will strengthen how Council engages, serves and collaborates with Burwood's culturally and linguistically diverse communities.

### **Financial Implications**

Council has allocated a budget of \$5000 in the *Draft Operational Plan 2022-2023* to support the initiatives of the Multicultural Advisory Committee.

In April 2022, Council also submitted a funding application of \$68,000 to the NSW Department of Communities and Justice under its Social Cohesion Grant Program to assist Council to undertake further research, strengthen its engagement and networks with new and emerging communities and deliver a capacity building training program to support the participation of culturally and linguistically diverse communities in community life. The outcome of the application will be announced by July 2022.

### **Conclusion**

The Multicultural Advisory Committee (MAC) has been established to provide a forum for communication and engagement between Council and culturally and linguistically diverse communities in the Burwood LGA. To support the development of Council's Multicultural Strategy, the Committee is seeking to expand its membership to enable greater community representation. Accordingly, the Terms of Reference have been revised and are recommended for adoption by Council.

### **Recommendation(s)**

That Council:

1. Adopts the Multicultural Advisory Committee revised Terms of Reference (included under Attachment 1).
2. Undertakes an expression of interest process for eight community representatives with a further report to be submitted to Council with recommendations for Committee members.

### **Attachments**

- 1 Multicultural Advisory Committee - Revised Terms of Reference, 2022





## MULTICULTURAL ADVISORY COMMITTEE REVISED TERMS OF REFERENCE

### Purpose

The Multicultural Advisory Committee (MAC) has been established to provide community views to Council in relation to matters that may have an impact on culturally and linguistically diverse communities in the Burwood Local Government Area (LGA) and to enable the dissemination of relevant information to local multicultural communities.

The Committee has the following functions:

- Raise emerging issues associated with multicultural needs in the Burwood LGA and recommend goals and actions.
- Provide informed and timely advice on Council matters relating to multicultural communities in the Burwood LGA.
- Actively participate in the development of Council's multicultural programs and policies.
- Monitor the implementation of Council's Multicultural Strategy (or equivalent).
- Provide a two-way mechanism for communication between Council and multicultural communities in the Burwood LGA.

In accordance with the Burwood2036 Community Strategic Plan the MAC is an important mechanism for consultation, advice and feedback on inclusion and diversity.

### Chairperson and Committee Members

Membership is limited to the representatives listed below:

- The Mayor or other appointed Councillor will represent Council as Chairperson.
- An alternate Councillor delegate appointed to attend if the Mayor or other appointed Councillor cannot attend a meeting.
- Eight community representatives will be appointed for a two-year term via an Expression of Interest process. Community representatives will come from a culturally and linguistically diverse (CALD) background, preferably in a leadership role representing one of the key language or cultural groups in Burwood LGA.
- Council Officer(s) will attend meetings as non-voting members to assist the work of the Committee.

Membership can be altered at any time by resolution of Council.

### **Nominations**

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Nominations for community representative positions on the Committee will be invited through Council's website and communications channels, including but not limited to Participate Burwood, social media and e-news.

### **Selection Criteria**

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Applications will be assessed in accordance with the selection criteria below (adapted from Community Advisory Committees Procedure for Selection of Community Representatives).

Applicants must:

1. Reside, work (in a paid or voluntary capacity) or have an interest in the Burwood LGA and represent a CALD community, preferably representing one of the key language or cultural groups in a leadership role.
2. Demonstrate a high level of understanding, interest, experience and/or expertise in multicultural issues in the Burwood LGA.
3. Be available to attend meetings and demonstrate a willingness to volunteer time to work on initiatives.
4. Participate in relevant working parties.
5. Undertake to communicate and engage with the community represented.
6. Be willing to work within the Terms of Reference.

Representatives of political parties are excluded.

Recommendations for appointment to the Committee will be submitted to Council for approval. The Committee does not have the authority to co-opt anyone else to its membership without the approval of Council.

### **Committee Proceedings**

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- a. Meetings shall be held at least bi-monthly.
- b. Meeting agendas shall be compiled by the Executive Assistant to the Mayor listing all items of business and must be issued to the Committee Members at least five working days prior to the scheduled meeting date.
- c. Meetings shall be held at Council Offices or another location approved by the Chairperson.
- d. Meetings will not proceed unless the Chairperson and at least four of the community representatives are in attendance within 30 minutes of the scheduled start time.
- e. Apologies must be given in advance for non-attendance. Where three consecutive absences have occurred, the General Manager can recommend to Council that a Committee Member's membership be cancelled.
- f. Recommendations at meetings will be arrived at by way of consensus.
- g. Committee meetings shall be conducted in a spirit of cooperation and mutual respect, and members must adhere to Council's Code of Conduct (to be circulated).
- h. Council officers will attend the Committee in a support role.
- i. Technical experts and specialists may be invited to attend meetings to provide advice when required.
- j. Senior representatives from local multicultural community services may also be invited to attend the Committee from time to time.

#### **Minutes**

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Minutes of the meetings will be taken by the Executive Assistant to the Mayor who will attend meetings as a non-Committee member.

#### **Review**

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The Terms of Reference will be reviewed every four years.



## **(ITEM 39/22) ESTABLISHMENT OF SUSTAINABILITY & ENVIRONMENT ADVISORY COMMITTEE - DRAFT TERMS OF REFERENCE**

File No: 22/17289

REPORT BY DIRECTOR CITY STRATEGY

### **Summary**

This report is in response to a Mayoral Minute (MM1/22) seeking the establishment of a Burwood Sustainability and Environment Committee (S&E Committee) to guide the delivery of the priorities and actions identified in the *Sustainable Burwood* Strategy, which was endorsed by Council at its meeting on 22 March 2022. This report outlines the draft Terms of Reference

### **Operational Plan Objective**

- 1.2 A well informed, supported and engaged community
- 3.4.1 Invest in green and renewable technologies
- 3.4.2 Greater use of more efficient green technologies and alternative energy sources
- 3.4.3 Environmentally sustainable developments which reduce impacts on the environment.

### **Background**

A Mayoral Minute (MM1/22) was tabled at the Council Meeting on 15 February 2022 seeking the establishment of a Burwood Sustainability and Environment Committee to guide the delivery of the priorities and actions identified in the *Sustainable Burwood* Strategy, which was endorsed by Council at its meeting on 22 March 2022.

In this regard, Council resolved the following:

1. *Council endorses the establishment of the Burwood Sustainability and Environment Committee to include the Mayor as Chair, Deputy Mayor and an alternate Councillor Representative with other community and stakeholder positions to be filled through an open Expression of Interest nomination process.*
2. *The General Manager conducts an assessment of financial and other resourcing implications for the establishment and activities of the Committee and prepares a draft Terms of Reference to be presented as a report to Council by June 2022.*

### **Establishment of the Sustainability & Environment Advisory Committee**

*Sustainable Burwood* provides a framework for sustainable planning and decision making to achieve and improve on positive environmental sustainability outcomes for the Burwood Local Government Area. The Strategy provides a Vision, supported by a series of Actions, focused around four key themes. These Actions are to be delivered by Council, in partnership with the community.

Key to the delivery of these Actions is input and participation by the community and key stakeholders. The establishment of the Sustainability and Environment Advisory Committee will ensure that representative groups have an opportunity to provide input and participate in the delivery of the initiatives, as well as providing a voice for the community on sustainability and environmental initiatives. It is also hoped that by having a diverse membership, the Committee will raise awareness and promote environmental and sustainability initiatives throughout the community.

Draft Terms of Reference for the Committee have been developed and are attached at Attachment 1.

The proposed function of the Committee is to:

- Actively participate in the development of programs and initiatives to achieve the priorities and targets outlined in the Sustainable Burwood strategy.
- Provide two-way communication between Council and the community on sustainability and environmental matters
- Promote and raise awareness of sustainability and environmental issues in the community

It is proposed that membership of the Committee be made up of:

- The Mayor, Deputy Mayor and a Councillor representative, with the Mayor being the Chair of the Committee;
- Four (4) community representatives, nominated via an Expression of Interest (EOI) process.
- One (1) student representative (university or senior high school student), nominated via an EOI

Nominated Council staff including the Manager City Planning, Sustainability & Resilience Officer and other Council staff as required would also sit on the Committee to provide support and advice.

Meetings are proposed to be held bi-monthly and it is proposed that the term of the Committee be limited to the current term of Council, to September 2024.

### **Expression of Interest Process**

Once the Terms of Reference have been endorsed by Council, it is proposed that community nominations for membership to the Committee be via an EOI, which will be advertised on Council's Participate Burwood engagement platform for a minimum period of 14 days.

In order to ensure that there is broad representation of age groups on the Committee, it is also proposed to write to local secondary schools advising of the EOI and the role of the Committee.

Draft selection criteria have been developed and are included in the Terms of Reference. Nominees to the Committee must:

- Reside, work (in a paid or voluntary capacity) or have an interest in the Burwood Local Government Area (LGA).
- Demonstrate a level of understanding, interest, experience and/or expertise in environmental and sustainability issues
- Be available to attend meetings bi-monthly and demonstrate a willingness to volunteer time to work on issues.
- Undertake to provide feedback to the community
- Be willing to work within the Committee Terms of Reference.

Community membership will be on a voluntary basis.

Selection of the members to the Committee will be undertaken by a Selection Panel, made up of the Mayor, Director City Planning, Manager City Planning and the Sustainability & Resilience Officer.

## **Planning or Policy Implications**

*Sustainable Burwood* strategy is the key document that provides the actions to ensure the delivery of environmental and sustainability initiatives to deliver the vision for Burwood. The strategy supports the objectives of the Community Strategic Plan.

## **Financial Implications**

There are no immediate financial implications in the establishment of the Committee as membership of the Committee will be on a voluntary basis.

There may be financial implications arising from any initiatives developed by the Committee in assisting the delivery of the Actions in *Sustainable Burwood*. Any such initiatives will need to be considered and costed prior to being endorsed or implemented by the Committee. Grant funding opportunities will be identified, where appropriate, and the Committee will be advised of such opportunities as they arise.

## **Conclusion**

The Sustainability & Environment Advisory Committee will be established and will assist in Council working with the community to deliver the actions and meet the sustainability and environmental targets identified in the endorsed *Sustainable Burwood* Strategy.

Draft Terms of Reference for the establishment of the Committee have been developed and once endorsed by Council, an EOI process will be undertaken to seek nominations from interested members of the community.

## **Recommendation(s)**

1. That Council endorse the Sustainability and Environment Advisory Committee Terms of Reference, including the proposed membership to the Committee.
2. That an Expression of Interest process be undertaken and advertised for a minimum 14-day period seeking nominations from interested members of the community to sit as representatives on the Committee.
3. That a further report be brought back to Council following the EOI process to advise of the nominations to the Committee and provide a timetable of meetings.

## **Attachments**

- 1 Draft Terms of Reference - Sustainability Environment Advisory Committee





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## **SUSTAINABILITY & ENVIRONMENT ADVISORY COMMITTEE TERMS OF REFERENCE**

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Public Document  
Approved by Council: TBC

Version: 1  
Ref No. 22/XXXX  
Ownership: City Planning, City Strategy

### **Functions of the Committee**

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The *Sustainable Burwood* Strategy provides a framework for sustainable planning and decision making to achieve and improve on positive environmental sustainability outcomes for the Burwood Local Government Area. The Strategy provides a Vision, supported by a series of Actions, focused around four key themes:

- Theme 1: Natural Environment
- Theme 2: Built future of Burwood
- Theme 3: Being connected and resilient
- Theme 4: Leading Burwood

The Sustainability & Environment Advisory Committee (referred to as SEAC) has been established to work in partnership with Council to provide input and participate in the delivery of sustainability and environmental initiatives to deliver on the Vision, as well as providing a voice for the community on sustainability and environmental initiatives.

The Committee will have the following functions:

- Actively participate in the development of programs and initiatives to achieve the priorities and targets outlined in the Sustainable Burwood strategy.
- Provide two-way communication between Council and the community on sustainability and environmental matters
- Promote and raise awareness of sustainability and environmental issues in the community

### **Chairperson and Committee Members**

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Membership of the SEAC is as follows:

- Mayor of Burwood Council (Chair of the Committee)
- Deputy Mayor of Burwood Council
- One (1) Councillor representative
- Four (4) community representatives, nominated via an Expression of Interest
- One (1) student representative (university or senior high school student), nominated via an Expression of Interest

The SEAC will be supported by relevant Council staff, including the Manager City Planning, Sustainability & Resilience Officer and any other Council staff as required.

Members of the SEAC will be appointed for the term of the current Council (up to September 2024). Should the term of the current Council be extended then Council may reappoint a member to the committee until the election falls due, subject to the member performing their role in a satisfactory manner.

Membership of the SEAC can be altered at any time by resolution of Council.

### **Nominations**

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Nominations for community and student representative positions are to be undertaken via an Expression of Interest, which will be advertised for a minimum 14 day period on Burwood Council's website.

Nominations must be made in writing via Council's Expression of Interest form and must detail your skills and experience and reasons for applying to be a member of the Committee.

Membership to the Committee will be on a voluntary basis.

Representatives of political parties are excluded.

### **Selection Criteria**

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Expressions of Interest will be assessed in accordance with the selection criteria below.

Applicants must:

1. Reside, work (in a paid or voluntary capacity) or have an interest in the Burwood Local Government Area (LGA).
2. Demonstrate a high level of understanding, interest, experience and/or expertise in environmental and/or sustainability issues.
3. Be available to attend meetings and demonstrate a willingness to volunteer time to actively participate and engage on issues.
4. Undertake to provide feedback to the community.
5. Be willing to work within the Committee Terms of Reference.

Selection of the members to the Committee will be undertaken by a Selection Panel, made up of the Mayor, Director City Strategy, Manager City Planning and the Sustainability & Resilience Officer and

Recommendations for the appointment to the Committee will be endorsed by Council.

The Committee does not have the authority to co-opt anyone else to its membership without the approval of Council.

### **Committee Proceedings**

---

- a. Meetings will be held bi-monthly.
- b. Meeting agendas shall be compiled by Executive Assistant to the Mayor listing all items of business and must be issued to the Committee Members at least five working days prior to the scheduled meeting date.
- c. Meetings shall be held at Council Offices or another location approved by the Chairperson.

- d. Meetings will not proceed unless the Chairperson and at least two of the community representatives are in attendance within 30 minutes of the scheduled start time.
- e. Apologies must be given in advance for non-attendance. Where three consecutive absences have occurred, the General Manager can recommend to Council that a Committee Member's membership be cancelled.
- f. Recommendations at meetings will be arrived at by way of consensus.
- g. Committee meetings shall be conducted in a spirit of cooperation and mutual respect, and members must adhere to Council's Code of Conduct (to be circulated).
- h. Other Council officers will attend as required.
- i. Technical experts and specialists may be invited to attend meetings by consensus of the Committee to provide advice when required.

#### **Minutes**

---

Minutes of the meetings will be taken by the Executive Assistant to the Mayor, or alternative, who will attend meetings as a non-Committee member. Minutes are to be submitted to the first available ordinary Council Meeting for review and approval.

#### **Review**

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The Terms of Reference will be reviewed within 3 years or upon the election of a new Council, whichever happens first.



**(ITEM 40/22) DRAFT CODE OF MEETING PRACTICE**

File No: 22/17896

REPORT BY DIRECTOR CORPORATE SERVICES

**Summary**

Section 360 of the *Local Government Act 1993* (the Act) requires Council, within 12 months of an ordinary election of councillors, to adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Model Code prescribed by the regulations.

**Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making

**Background**

On 21 November 2021, the Minister for Local Government prescribed a new *Model Code of Meeting Practice for Local Councils in NSW* (Model Code). Many of the provisions of the new Model Code are unchanged. However, the following significant changes have been added:

- New non-mandatory provisions that would permit individual councillors to attend meetings by audio-visual link and to hold meetings by audio-visual link in the event of natural disasters or public health emergencies
- Amendments to provisions governing the webcasting of meetings, and disorder at meetings, to reflect amendments to the *Local Government (General) Regulation 2021* since the previous iteration of the Model Meeting Code was prescribed
- Implementation of Recommendation 6 from the report of the NSW Independent Commission Against Corruption (ICAC) in relation to Operation Dasha which was an investigation of the former Canterbury City Council. The ICAC recommendation was for the Model Code to stipulate that council business papers include a reminder to councillors of their oath or affirmation of office, and their conflict of interest disclosure obligations.

The Minister for Local Government has extended the operation of section 237 of the *Local Government (General) Regulation 2021* until 30 June 2022. That section has temporarily exempted councillors, by reason of COVID pandemic exigencies, from requirements under clause 5.2 of the existing Model Code to attend council meetings in person. When that exemption expires on 30 June 2022, councillors will not be able to attend meetings of Council via audio-visual link unless the non-mandatory provisions based on the new Model Code to permit such attendance have been adopted by the council.

**Proposal**

It is proposed that the Model Code be adopted as fully as possible – taking account of the non-mandatory provisions. It is also proposed that some local provisions in the current *Burwood Council Code of Meeting Practice* be removed to ensure consistency with the Model Code. The Model Code requires that councils must not adopt meeting practice provisions that are inconsistent with the mandatory provisions of the Model Code.

The proposed *Burwood Council Code of Meeting Practice* is attached with the critical changes in text highlighted—green highlight indicates new mandatory provisions, yellow highlight indicates new non-mandatory provisions, and blue highlight indicates a local parameter.

The proposed Code incorporates the following key changes:

- Inclusion of provisions permitting councillor attendance by audio-visual link
- Inclusion of a statement of ethical obligations

- Removal of the Burwood-specific provisions for Open Forum because of their inconsistency with the Model Code. Inclusion, instead, of the non-mandatory Public Forum provisions from the Model Code to allow for a forum to be held prior to (but not as an integral part of) the council meeting i.e. to allow members of the public to speak on items that are included in the agenda for the meeting that will immediately follow.
- Introduction of a limit of five (5) speakers for and against each item during the Public Forum to ensure there remains sufficient time for council to address all business that evening.
- Adjustment of the standard order of business to fall into line with the Model Code, apart from retention of the item of Prayer and a slight change of order to put Council officer reports before Committee Reports. As a result of adopting this order of business:
  - The Public Forum would no longer be held as part of the business of the meeting
  - Notices of Motion would appear further down the order of business
  - There would be no more treatment of any reports of as “Information Item” only but instead treated as decision making items even if only with a recommendation to “Receive and note” to confirm that councillors have duly considered important content that they are presented
  - Reference to Questions Without Notice (a Burwood-specific provision that is inconsistent with the Model Code) will be removed
- The non-mandatory provisions enabling Council to deal with items of business by exception have been included. Note that the provisions do not compel Council to deal with business in that way but provide the option to do so. It would be useful, for example, where there is a lengthy business paper that contains a substantial number of non-controversial items of business that could be dealt with quickly so as to allow time to address other items.
- The wording of provisions dealing with audio or audio-visual recording and webcasting has been updated to reflect the new mandatory provisions.
- The votes and abstentions of all councillors for each resolution would be recorded as a matter of course, rather than relying on a councillor calling for a division or requesting that their voting position be placed on record. Recording every vote as a matter of course provides greater transparency and accountability for decision making as well as ensuring that the compulsory recording of divisions on planning related decisions is not missed.
- The provision for extending the sitting of a meeting beyond 11:00pm has been adjusted to accommodate Council discretion on the length of extension beyond this time, rather than limiting it to extensions of 30 minutes.
- The section dealing with delegations to the Mayor and General Manager during the summer session break (a Burwood-specific provision) has been removed. That section is not related to meeting practice and should not be included in the Code. Council can pass a resolution about such delegations at any time without the need for reference to such an action in the *Burwood Council Code of Meeting Practice* in order to do so.
- The notes that provide cross-references to the Act and supporting Regulations have been retained and updated in line with the Model Code to highlight the legislative mandates underpinning them. (Internal notes that guide readers have also been retained.)

Should the proposed changes to public participation provisions for Burwood Council Code of Meeting Practice be adopted, the current Open Forum Policy which was adopted by Council on 27 March 2018, will need to be either rescinded or significantly adjusted to ensure harmony with the *Burwood Council Code of Meeting Practice*.

### **Consultation**

Section 361 of the Act requires Council to give public notice of the draft Code and to publicly exhibit the Code for a period of at least 28 days. The notice must specify a period of not less than 42 days during which the public can make submissions about the Code.

Any public submissions would be considered before the final Code is reported back to Council for adoption.

### **Financial Implications**

Some recalibration of the software used to produce business papers is necessary to accommodate a number of implied business paper design changes. Such changes can be largely covered under the existing support arrangements with the software provider. There is provision in the operating budget to cover any minor change requirements that may need to be addressed outside of the standard software service support framework.

### **Conclusion**

Council is obliged by law to maintain a Code of Meeting Practice that includes the mandatory provisions of the *Model Code of Meeting Practice for Local Councils in NSW*. The proposed revised Code for Burwood Council is consistent with the Model Codes and incorporates non-mandatory provisions from the Model Code for enhancing meeting efficiency, effectiveness and transparency.

### **Recommendation(s)**

That Council:

1. Endorses the draft revision of the *Burwood Council Code of Meeting Practice*
2. Places the draft revision on public exhibition for a period of 28 days and allows 42 days for receipt of public submissions, as required by legislation.
3. Directs the General Manager to report on the outcome of the public exhibition, and any submissions that are received, at the next ordinary meeting of Council following the last date for lodgement of submissions following exhibition.

### **Attachments**

- 1 Draft Code of Meeting Practice 2022





**Burwood** <sup>Inc.1874</sup>

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

## **CODE OF MEETING PRACTICE**

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Model Code of Meeting Practice for Local Councils in NSW—Office of Local Government

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Phone: 9911-9911 Fax: 9911-9900  
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## 1. INTRODUCTION

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This Code of Meeting Practice for Local Councils in NSW (the Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Code applies to all meetings of Burwood Council and Committees of which all the members are Councillors (committees of Council). Council committees whose members include persons other than Councillors may adopt their own rules for meetings unless the Council determines otherwise.

All Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code issued by the Office of Local Government.

A Council's adopted Code of Meeting Practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a Council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

A Council and a committee of the Council of which all the members are Councillors must conduct its meetings in accordance with the Code of Meeting Practice adopted by the Council.

The Model Meeting Code also applies to meetings of the boards of joint organisations. Burwood Council does not have boards of joint organisations, therefore, the provisions relating to these have been deleted.

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## 2. MEETING PRINCIPLES

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2.1 Council and committee meetings should be:

- Transparent:** Decisions are made in a way that is open and accountable.
- Informed:** Decisions are made based on relevant, quality information.
- Inclusive:** Decisions respect the diverse needs and interests of the local community.
- Principled:** Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted:** The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
- Respectful:** Councillors, staff and meeting attendees treat each other with respect.
- Effective:** Meetings are well organised, effectively run and skilfully chaired.
- Orderly:** Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

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## 3. BEFORE THE MEETING

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**Timing of ordinary council meetings**

- 3.1 Ordinary meetings of the council will be held on the following occasions:

On the 4th Tuesday of each month (February to December) at 6.00 pm in the Council Chamber, 2 Conder Street, Burwood and in accordance with Council's adopted meeting schedule

**Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.**

**Extraordinary meeting**

- 3.2 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

**Note: Clause 3.2 reflects section 366 of the Act.**

**Notice to the public of council meetings**

- 3.3 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

**Note: Clause 3.3 reflects section 9(1) of the Act.**

- 3.4 For the purposes of clause 3.3, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.5 For the purposes of clause 3.3, notice of more than one (1) meeting may be given in the same notice.

**Notice to councillors of ordinary council meetings**

- 3.6 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

**Note: Clause 3.6 reflects section 367(1) of the Act.**

- 3.7 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

**Note: Clause 3.7 reflects section 367(3) of the Act.**

**Notice to councillors of extraordinary meetings**

- 3.8 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

**Note: Clause 3.8 reflects section 367(2) of the Act.**

**Giving notice of business to be considered at council meetings**

- 3.9 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted by **5:00pm on the Monday two weeks before** the meeting is to be held.

Code of Meeting Practice

- 3.10 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.11 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 3.12 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
  - a. prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
  - b. by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

**Questions with notice**

- 3.13 A councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the general manager about the performance or operations of the council.
- 3.14 A councillor is not permitted to ask a question with notice under clause 3.13 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.15 The general manager or their nominee may respond to a question with notice submitted under clause 3.13 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

**Agenda and business papers for ordinary meetings**

- 3.16 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.17 The general manager must ensure that the agenda for an ordinary meeting of the council states:
  - a. all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
  - b. if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - c. all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - d. any business of which due notice has been given under clause 3.9.
- 3.18 Nothing in clause 3.17 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.19 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.20 Where the agenda includes the receipt of information or discussion of other matters that, in



the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

- a. identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
- b. states the grounds under section 10A(2) of the Act relevant to the item of business.

**Note: Clause 3.20 reflects section 9(2A)(a) of the Act.**

- 3.21 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

### Statement of ethical obligations

- 3.22 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

### Availability of the agenda and business papers to the public

- 3.23 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

**Note: Clause 3.23 reflects section 9(2) and (4) of the Act.**

- 3.24 Clause 3.23 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

**Note: Clause 3.24 reflects section 9(2A)(b) of the Act.**

- 3.25 For the purposes of clause 3.23, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

**Note: Clause 3.25 reflects section 9(3) of the Act.**

- 3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

**Note: Clause 3.26 reflects section 9(5) of the Act.**

### Agenda and business papers for extraordinary meetings

- 3.27 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.28 Despite clause 3.27, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
  - a. a motion is passed to have the business considered at the meeting, and
  - b. the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 3.29 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.30 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.28(a) can speak to the motion before it is put.
- 3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

#### Pre-meeting briefing sessions

- 3.32 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.33 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.34 Pre-meeting briefing sessions may be held by audio-visual link.
- 3.35 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.36 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.37 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

#### 4. PUBLIC FORUMS

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums may be held by audio-visual link.
- 4.3 Public forums are to be chaired by the mayor or their nominee.
- 4.4 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by 2:00pm on the day on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.5 A person may apply to speak on no more than two (2) items of business on the agenda of the council meeting.
- 4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.7 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.8 No more than five (5) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.



- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.10 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.11 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs **by 5pm on the day before** the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.12 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed **three (3)** minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.14 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are to be limited to **three (3)** minutes.
- 4.17 Speakers at public forums cannot ask questions of the council, councillors, or council staff.
- 4.18 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to **three (3)** minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.20 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies, and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers



appropriate.

- 4.24 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

**Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.**

## 5. COMING TOGETHER

### Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.
- Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.**
- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.
- 5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.
- Note: Clause 5.7 reflects section 234(1)(d) of the Act.**
- 5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

### The quorum for a meeting

- 5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.
- Note: Clause 5.9 reflects section 368(1) of the Act.**
- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with

directions of the Minister in a performance improvement order issued in respect of the council.

**Note: Clause 5.10 reflects section 368(2) of the Act.**

- 5.10 A meeting of the council must be adjourned if a quorum is not present:
- at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
  - within half an hour after the time designated for the holding of the meeting, or
  - at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date, and place fixed:
- by the chairperson, or
  - in the chairperson's absence, by the majority of the councillors present, or
  - failing that, by the general manager.
- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety and or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire) or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

#### **Meetings held by audio-visual link**

- 5.15 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.
- 5.16 Where the mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the general manager must:
- give written notice to all councillors that the meeting is to be held by audio-visual link, and
  - take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
  - cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.17 This code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

**Note: Where a council holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.**

#### **Attendance by councillors at meetings by audio-visual link**

- 5.18 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.19 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.20 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.19.
- 5.21 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.22 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.23 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
- a. the meetings the resolution applies to, and
  - b. the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.24 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.25 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.
- 5.26 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.27 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.28 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all



times during the meeting except as may be otherwise provided for under this code.

- 5.29 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

#### Entitlement of the public to attend council meetings

- 5.30 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

**Note:** Clause 5.30 reflects section 10(1) of the Act.

- 5.31 Clause 5.30 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.32 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- by a resolution of the meeting, or
  - by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

**Note:** Clause 5.32 reflects section 10(2) of the Act.

**Note:** Clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting.

#### Webcasting of meetings

- 5.33 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.

- 5.34 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:

- the meeting is being recorded and made publicly available on the council's website, and
- persons attending the meeting should refrain from making any defamatory statements.

- 5.35 The recording of a meeting is to be made publicly available on the council's website:

- at the same time as the meeting is taking place, or
- as soon as practicable after the meeting.

- 5.36 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.

- 5.37 Clauses 5.35 and 5.36 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

**Note:** Clauses 5.33 – 5.37 reflect section 236 of the Regulation.

- 5.38 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

#### Attendance of the general manager and other staff at meetings

- 5.39 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

**Note:** Clause 5.39 reflects section 376(1) of the Act.

- 5.40 The general manager is entitled to attend a meeting of any other committee of the council

and may, if a member of the committee, exercise a vote.

**Note: Clause 5.40 reflects section 376(2) of the Act.**

- 5.41 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

**Note: Clause 5.41 reflects section 376(3) of the Act.**

- 5.42 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.

- 5.43 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

## 6. THE CHAIRPERSON

### The chairperson at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

**Note: Clause 6.1 reflects section 369(1) of the Act.**

- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

**Note: Clause 6.2 reflects section 369(2) of the Act.**

### Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
- a. by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
  - b. by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.
- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
- a. arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
  - b. then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

### Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:

- a. any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
- b. every councillor present must be silent to enable the chairperson to be heard without interruption.

## 7. MODES OF ADDRESS

- 7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

## 8. ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 The general order of business for an ordinary meeting of the council shall be:
  - 1 Opening meeting
  - 2 Acknowledgement of country
  - 3 Prayer
  - 4 Apologies and applications for a leave of absence or attendance by audio-visual link by councillors
  - 5 Confirmation of minutes
  - 6 Disclosures of interests
  - 7 Mayoral minute(s)
  - 8 Reports of committees
  - 9 Reports to council
  - 10 Notices of motions
  - 11 Questions with notice
  - 12 Confidential matters
  - 13 Conclusion of the meeting
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
 

**Note. Part 13 allows council to deal with items of business by exception.**
- 8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

## 9. CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

### Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
  - a. unless a councillor has given notice of the business, as required by clause 3.9, and
  - b. unless notice of the business has been sent to the councillors in accordance with clause 3.6 in the case of an ordinary meeting or clause 3.8 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:



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- a. is already before, or directly relates to, a matter that is already before the council, or
  - b. is the election of a chairperson to preside at the meeting, or
  - c. subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
  - d. is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
  - a. a motion is passed to have the business considered at the meeting, and
  - b. the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

**Mayoral minutes**

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

**Staff reports**

- 9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

**Reports of committees of council**

- 9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

**Questions**

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.9 and 3.13.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

**10. RULES OF DEBATE**

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**Motions to be seconded**

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

**Notices of motion**

- 10.2 A councillor who has submitted a notice of motion under clause 3.9 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.9 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
  - a. any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
  - b. the chairperson may defer consideration of the motion until the next meeting of the council.

**Chairperson's duties with respect to motions**

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment, or other matter that the chairperson has ruled out of order is taken to have been lost.

**Motions requiring the expenditure of funds**

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

**Amendments to motions**

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

**Foreshadowed motions**

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

**Limitations on the number and duration of speeches**

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the



- motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
  - if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

## 11. VOTING

### Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.
- Note: Clause 11.1 reflects section 370(1) of the Act.**
- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.
- Note: Clause 11.2 reflects section 370(2) of the Act.**
- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

### Voting at council meetings

- 11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.
- 11.6 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

**Voting on planning decisions**

- 11.7 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.8 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.9 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.10 Clauses 11.7–11.9 apply also to meetings that are closed to the public.

**Note: Clauses 11.7–11.10 reflect section 375A of the Act.**

**Note: The requirements of clause 11.7 may be satisfied by maintaining a register of the minutes of each planning decision.**

**12. COMMITTEE OF THE WHOLE**

- 12.1 The council may resolve itself into a committee to consider any matter before the council.
- Note: Clause 12.1 reflects section 373 of the Act.**
- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.
- Note: Clauses 10.20–10.30 limit the number and duration of speeches.**
- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

**13. DEALING WITH ITEMS BY EXCEPTION**

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted

unanimously.

- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

#### 14. CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

##### Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- a. personnel matters concerning particular individuals (other than councillors),
  - b. the personal hardship of any resident or ratepayer,
  - c. information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
  - d. 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,
  - e. information that would, if disclosed, prejudice the maintenance of law,
  - f. matters affecting the security of the council, councillors, council staff or council property,
  - g. advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
  - h. information concerning the nature and location of a place or an item of Aboriginal significance on community land,
  - i. alleged contraventions of the council's code of conduct.

**Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.**

- 14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

**Note: Clause 14.2 reflects section 10A(3) of the Act.**

##### Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- a. except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
  - b. if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

**Note: Clause 14.3 reflects section 10B(1) of the Act.**

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- a. are substantial issues relating to a matter in which the council or committee is involved, and



- b. are clearly identified in the advice, and
- c. are fully discussed in that advice.

**Note: Clause 14.4 reflects section 10B(2) of the Act.**

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

**Note: Clause 14.5 reflects section 10B(3) of the Act.**

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- a. a person may misinterpret or misunderstand the discussion, or
  - b. the discussion of the matter may:
    - i. cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
    - ii. cause a loss of confidence in the council or committee.

**Note: Clause 14.6 reflects section 10B(4) of the Act.**

- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

**Note: Clause 14.7 reflects section 10B(5) of the Act.**

#### **Notice of likelihood of closure not required in urgent cases**

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
- a. it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
  - b. the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
    - i. should not be deferred (because of the urgency of the matter), and
    - ii. should take place in a part of the meeting that is closed to the public.

**Note: Clause 14.8 reflects section 10C of the Act.**

#### **Representations by members of the public**

- 14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

**Note: Clause 14.9 reflects section 10A(4) of the Act.**

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by **5:00pm on the Monday** before the meeting at which the matter is to be considered.

- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than **five (5)** speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **five (5)** speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed **three (3)** minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

#### **Expulsion of non-councillors from meetings closed to the public**

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

#### **Obligations of councillors attending meetings by audio-visual link**

- 14.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

#### **Information to be disclosed in resolutions closing meetings to the public**

- 14.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- the relevant provision of section 10A(2) of the Act,
  - the matter that is to be discussed during the closed part of the meeting,
  - the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

*Note: Clause 14.21 reflects section 10D of the Act.*

### **Resolutions passed at closed meetings to be made public**

- 14.22 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.23 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.22 during a part of the meeting that is webcast.

## **15. KEEPING ORDER AT MEETINGS**

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### **Points of order**

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

### **Questions of order**

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

### **Motions of dissent**

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

### **Acts of disorder**

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- a. contravenes the Act, the Regulation or this code, or



- b. assaults or threatens to assault another councillor or person present at the meeting, or
- c. moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- d. insults, or makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- e. says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

**Note: Clause 15.11 reflects section 182 of the Regulation.**

15.12 The chairperson may require a councillor:

- a. to apologise without reservation for an act of disorder referred to in clauses 15.11(a), or (b), or (e), or
- b. to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
- c. to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

**Note: Clause 15.12 reflects section 233 of the Regulation.**

#### How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

#### Expulsion from meetings

- 15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.
- 15.15 Clause 15.14 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.
- 15.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

**Note: Clause 15.16 reflects section 233(2) of the Regulation.**

- 15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any

person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

#### **How disorder by councillors attending meetings by audio-visual link may be dealt with**

**15.20** Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.

**15.21** If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

#### **Use of mobile phones and the unauthorised recording of meetings**

**15.22** Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.

**15.23** A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

**15.24** Without limiting clause 15.17, a contravention of clause 15.23 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.17. Any person who contravenes or attempts to contravene clause 15.23, may be expelled from the meeting as provided for under section 10(2) of the Act.

**15.25** If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

### **16. CONFLICTS OF INTEREST**

**16.1** All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

**16.2** Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

### **17. DECISIONS OF THE COUNCIL**

#### **Council decisions**

**17.1** A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

**Note:** Clause 17.1 reflects section 371 of the Act

**17.2** Decisions made by the council must be accurately recorded in the minutes of the meeting

at which the decision is made.

### Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.9.

**Note: Clause 17.3 reflects section 372(1) of the Act.**

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

**Note: Clause 17.4 reflects section 372(2) of the Act.**

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.9.

**Note: Clause 17.5 reflects section 372(3) of the Act.**

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

**Note: Clause 17.6 reflects section 372(4) of the Act.**

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

**Note: Clause 17.7 reflects section 372(5) of the Act.**

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

**Note: Clause 17.8 reflects section 372(7) of the Act.**

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.10 with the consent of all signatories to the notice of motion.

- 17.10 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

**Note: Clause 17.11 reflects section 372(6) of the Act.**

- 17.11 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- a. a notice of motion signed by three councillors is submitted to the chairperson, and
- b. a motion to have the motion considered at the meeting is passed, and
- c. the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 17.12 A motion moved under clause 17.11(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.11(b) can speak to the motion before it is put.

- 17.13 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.11(c).

### Recommitting resolutions to correct an error

- 17.14 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:



- a. to correct any error, ambiguity or imprecision in the council's resolution, or
  - b. to confirm the voting on the resolution.
- 17.15 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.14(a), the councillor is to propose alternative wording for the resolution.
- 17.16 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.14(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.17 A motion moved under clause 17.14 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.14 can speak to the motion before it is put.
- 17.18 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.14.
- 17.19 A motion moved under clause 17.14 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

## 18. TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the council and committees of the council are to conclude no later than **11:00pm**.
- 18.2 If the business of the meeting is unfinished at **11:00pm**, the council or the committee may, by resolution, **extend the time of the meeting**.
- 18.3 If the business of the meeting is unfinished at **11:00pm**, and the council does not resolve to extend the meeting, the chairperson must either:
- a. defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
  - b. adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
- a. individually notify each councillor of the time, date and place at which the meeting will reconvene, and
  - b. publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

## 19. AFTER THE MEETING

### Minutes of meetings

- 19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.
- Note: Clause 19.1 reflects section 375(1) of the Act.**
- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:
- a. the names of councillors attending a council meeting **and whether they attended the meeting in person or by audio-visual link**,
  - b. details of each motion moved at a council meeting and of any amendments moved to it,

- c. the names of the mover and seconder of the motion or amendment,
  - d. whether the motion or amendment was passed or lost, and
  - e. such other matters specifically required under this code.
- 19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.
- Note: Clause 19.3 reflects section 375(2) of the Act.**
- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.
- Note: Clause 19.5 reflects section 375(2) of the Act.**
- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

#### **Access to correspondence and reports laid on the table at, or submitted to, a meeting**

- 19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- Note: Clause 19.8 reflects section 11(1) of the Act.**
- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.
- Note: Clause 19.9 reflects section 11(2) of the Act.**
- 19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.
- Note: Clause 19.10 reflects section 11(3) of the Act.**
- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

#### **Implementation of decisions of the council**

- 19.12 The general manager is to implement, without undue delay, lawful decisions of the council.
- Note: Clause 19.12 reflects section 335(b) of the Act.**

## **20. COUNCIL COMMITTEES**

### **Application of this Part**

- 20.1 This Part only applies to committees of the council whose members are all councillors.

### **Council committees whose members are all councillors**

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.

- 20.4 The quorum for a meeting of a committee of the council is to be:
- a. such number of members as the council decides, or
  - b. if the council has not decided a number – a majority of the members of the committee.

#### **Functions of committees**

- 20.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

#### **Notice of committee meetings**

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- a. the time, date and place of the meeting, and
  - b. the business proposed to be considered at the meeting.
- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

#### **Attendance at committee meetings**

- 20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
- a. has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
  - b. has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

#### **Non-members entitled to attend committee meetings**

- 20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
- a. to give notice of business for inclusion in the agenda for the meeting, or
  - b. to move or second a motion at the meeting, or
  - c. to vote at the meeting.

#### **Chairperson and deputy chairperson of council committees**

- 20.11 The chairperson of each committee of the council must be:
- a. the mayor, or
  - b. if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
  - c. if the council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or



willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

#### **Procedure in committee meetings**

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

#### **Closure of committee meetings to the public**

- 20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is webcast.

#### **Disorder in committee meetings**

- 20.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

#### **Minutes of council committee meetings**

- 20.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
  - details of each motion moved at a meeting and of any amendments moved to it,
  - the names of the mover and seconder of the motion or amendment,
  - whether the motion or amendment was passed or lost, and
  - such other matters specifically required under this code.
- 20.23 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote),

being recorded.

- 20.24 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.28 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

## 21. IRREGULARITIES

- 21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
- a vacancy in a civic office, or
  - a failure to give notice of the meeting to any councillor or committee member, or
  - any defect in the election or appointment of a councillor or committee member, or
  - a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
  - a failure to comply with this code.

**Note:** Clause 21.1 reflects section 374 of the Act.

## 22. DEFINITIONS

|                          |   |
|--------------------------|---|
| the Act                  | means the <i>Local Government Act 1993</i>  |
| act of disorder          | means an act of disorder as defined in clause 15.11 of this code  |
| amendment                | in relation to an original motion, means a motion moving an amendment to that motion  |
| audio recorder           | any device capable of recording speech  |
| audio-visual link        | means a facility that enables audio and visual communication between persons at different places  |
| business day             | means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales  |
| chairperson              | in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and<br>in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code |
| this code                | means the council's adopted code of meeting practice  |
| committee of the council | means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1  |
| council official         | has the same meaning it has in the Model Code of Conduct for Local  |

|                               |  |
|-------------------------------|--|
|                               | Councils in NSW  |
| day                           | means calendar day   |
| division                      | means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion  |
| foreshadowed amendment        | means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment   |
| foreshadowed motion           | means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion  |
| open voting                   | means voting on the voices or by a show of hands or by a visible electronic voting system or similar means   |
| planning decision             | means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act |
| performance improvement order | means an order issued under section 438A of the Act  |
| quorum                        | means the minimum number of councillors or committee members necessary to conduct a meeting  |
| the Regulation                | means the <i>Local Government (General) Regulation 2021</i>  |
| webcast                       | a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time  |
| year                          | means the period beginning 1 July and ending the following 30 June   |

**23. REVIEW**

When directives are issued by the Office of Local Government or when changes to legislation have been enacted.

**24. CONTACT**

Name the title of the Council Officer to whom enquiries on these policy or corporate practice should be directed and contact phone number.



## (ITEM 41/22) NSW LOCAL GOVERNMENT REMUNERATION TRIBUNAL - 2022 DETERMINATION ON FEES FOR COUNCILLORS

File No: 22/17871

REPORT BY DIRECTOR CORPORATE SERVICES

### **Summary**

This report provides advice on the determination made by the Local Government Remuneration Tribunal, under sections 239 and 241 of the *NSW Local Government Act*, on annual fees payable to Mayors and Councillors in 2022/23. Council needs to resolve its position on payment of fees in accordance with the parameters set under legislation and the Tribunal determination.

### **Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making

### **Background**

1. Pursuant to sections 239 and 241 of the *NSW Local Government Act 1993*, the NSW Local Government Remuneration Tribunal makes an annual determination on maximum and minimum fees payable to councillors / members and mayors / chairpersons of general purpose councils and county councils. The details are promulgated via the *Local Government Remuneration Tribunal: Annual Report and Determination* a copy of which is attached to this report.
2. The Tribunal normally delivers its determinations by April of each year so as to provide sufficient time for councils to factor details into finalisation of budget planning for the coming financial year. This year's annual report and determination was made on 22 April 2022.
3. The Tribunal noted the receipt of various submissions in the lead up to its latest determination review about categorisation of councils. They included requests for consideration of re-assignment of councils to different categories and the creation of new categories. The Tribunal assessed that the current categories and allocation of councils to those categories remained appropriate. However, it noted that the next comprehensive review of categories was due to occur in 2023 and that some council may have a better case for recategorisation at that time.
4. 2.0% increases in minimum and maximum categories of fees applicable to each category of council have been granted by the Tribunal. This is consistent with the 2.0% increase set to commence on or after 1 July 2022 for employees under the *Local Government (State) Award 2020*. The Tribunal also noted the 0.7 to 5.0% range set by IPART for the 2022/23 rate peg, which will impact the capacity for councils to increase revenue.
5. Before determining the revised fee structure, the Tribunal considered submissions from LGNSW and various councils seeking increases of 2.5% or more on grounds such as increasing workloads and responsibilities, increased costs of living, comparative remuneration with other bodies, and the historical undervaluation of work performed by mayors and councillors. The Tribunal noted that it is obliged under section 242A of the *Local Government Act 1993* to give effect to the same policies on increases in remuneration as the NSW Industrial Relations Commission is required to do when making or varying awards or orders relating to the conditions of employment of public sector employees. (The Industrial Relations Commission operates within the terms of section 146C of the *Industrial Relations Act 1996* when making such determinations.)
6. Current NSW Government policy on wages pursuant to section 146 of the *Industrial Relations Act 1996* is articulated in the *Industrial Relations (Public Sector Conditions of Employment)*

*Regulation 2014.* That Regulation stipulates that wages cannot increase by more than 2.5%, hence the Tribunal has discretion to determine increases of up to 2.5%.

7. As in 2021/22, Burwood Council has once again been categorised as a General Purpose Council of a “Metropolitan Small” area. The determination by the Tribunal on annual fees for this category effective from 1 July 2022 is as follows:

| Category              | Councillor / Member<br>Annual Fee |             | Mayor / Chairperson<br>Annual Fee |             |
|-----------------------|-----------------------------------|-------------|-----------------------------------|-------------|
|                       | Minimum                           | Maximum     | Minimum                           | Maximum     |
| Metropolitan<br>Small | \$9,560.00                        | \$21,100.00 | \$20,370.00                       | \$46,010.00 |

8. Section 249 (2) of the *NSW Local Government Act 1993* stipulates that payment of a mayoral fee is in addition to the fee paid to the incumbent in their councillor capacity.
9. As in previous years, Council resolved in 2021 to set mayoral and councillor fees at the maximum levels permitted.
10. If a councillor is absent (with or without the leave of Council) from its ordinary meetings for any period of more than 3 months, payment will not be made for the period in excess of the 3 months of absence. This is a requirement under section 254A of the *Local Government Act 1993*. That section of the Act also permits Council to make determinations to reduce or withhold payment of the annual fee for any period up to 3 months for which the councillor is absent from ordinary meetings of Council, with or without leave.
11. In accordance with section 404 of the *Local Government (General) Regulation 2021*, written requests by councillors may be made to the General Manager to have their remuneration payments reduced or stopped at any time, where the payment of the annual fee will adversely affect the councillor’s entitlement to a pension, benefit or allowance under any legislation of the Commonwealth, a Territory or a State. It is each councillor’s responsibility to reconcile their receipts with the Australian Taxation Office (ATO) and determine whether continuation of fee payments in part or full may adversely affect that entitlement.

### **Financial Implications**

Sufficient allowance has already been made in the 2022/23 budget to accommodate the maximum permissible fees determined for that period by the Tribunal.

### **Conclusion**

Council needs to resolve its position in relation to fees payable to the Mayor and Councillors for the 2022-2023 year.

### **Recommendation(s)**

That Council confirm the setting of mayoral and councillor annual fees for the period 1 July 2022 to 30 June 2023 at the maximum permissible levels, being \$46,010.00 and \$21,100.00, respectively.

### **Attachments**

- 1 Local Government Remuneration Tribunal 2022 Determination

# Local Government Remuneration Tribunal

Annual Report and  
Determination

*Annual report and determination under sections  
239 and 241 of the Local Government Act 1993*

20 April  
2022

[NSW Remuneration Tribunals website](#)



## Local Government Remuneration Tribunal

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## Local Government Remuneration Tribunal

### Executive Summary

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The *Local Government Act 1993* (LG Act) requires the Local Government Remuneration Tribunal ("the Tribunal") to report to the Minister for Local Government by 1 May each year on its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

#### Categories

The Tribunal found the allocation of councils into the current categories appropriate. Criteria for each category is published in Appendix 1. These categories have not changed further to the extensive review undertaken as part of the 2020 review.

#### Fees

The Tribunal determined a 2 per cent per annum increase in the minimum and maximum fees applicable to each category.

**Local Government Remuneration Tribunal****Section 1 Introduction**

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1. Section 239 of the LG Act provides that the Tribunal determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories.
2. Section 241 of the LG Act provides that the Tribunal determine the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils for each of the categories determined under section 239.
3. Section 242A(1) of the LG Act, requires the Tribunal to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission.
4. The Tribunal can also determine that a council can be placed in another existing or new category with a higher range of fees without breaching the Government's Wages Policy as per section 242A (3) of the LG Act.
5. The Tribunal's determinations take effect from 1 July each year.

**Section 2 2021 Determination**

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6. The Tribunal received 18 submissions which included 9 requests for re-categorisation. At the time of making its determination, the Tribunal had available to it the Australian Bureau of Statistics 25 March 2020 population data for FY2018-19. The Tribunal noted the requirement of section 239 of the LG Act that it must determine categories for councils and mayoral offices at least once every 3 years. It noted that the Tribunal had conducted an extensive review in 2020 and decided that the categories would next be considered in 2023.
7. The Tribunal found that the current categories and allocation of councils to these categories remained appropriate. The Tribunal's finding had regard to the 2020 review, the current category model and criteria and the evidence put forward in the received submissions.
8. In regard to fees, the Tribunal determined a 2 per cent per annum increase in the minimum and maximum fees applicable to each category.

**Section 3 2022 Review**

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**Process**

9. In 2020, the categories of general purpose councils were determined as follows:

| <b>Metropolitan</b>   | <b>Non-Metropolitan</b>   |
|---|---|
| <ul style="list-style-type: none"> <li>• Principal CBD</li> <li>• Major CBD</li> <li>• Metropolitan Large</li> <li>• Metropolitan Medium</li> <li>• Metropolitan Small</li> </ul> | <ul style="list-style-type: none"> <li>• Major Regional City</li> <li>• Major Strategic Area</li> <li>• Regional Strategic Area</li> <li>• Regional Centre</li> <li>• Regional Rural</li> </ul> |



## Local Government Remuneration Tribunal

|  |   |
|--|---|
|  | <ul style="list-style-type: none"> <li>• Rural</li> </ul> |
|--|---|

10. The Tribunal wrote to all mayors or general managers and LGNSW on 14 October 2021 to advise of the commencement of the 2021 review and invited submissions regarding recategorisation, fees and other general matters. The Tribunal's correspondence advised that an extensive review of categories was undertaken in 2020 and, as this was only legislatively required every three years, consideration would be next be given in 2023. The correspondence further advised that submissions requesting to be moved into a different category as part of the 2022 review would require a strong case supported by evidence that substantiates that the criteria for the requested category is met.
11. Seven submissions were received from individual councils and one submission was received from LGNSW. The Tribunal noted that several of the submissions had not been endorsed by their respective councils. The Tribunal also met with the President, Chief Executive and Senior Manager of LGNSW.
12. The Tribunal discussed the submissions at length with the Assessors.
13. The Tribunal acknowledged previous and ongoing difficulties imposed by COVID19 and natural disasters on councils.
14. The Tribunal also acknowledged submissions from councils in regional and remote locations that raised unique challenges, such as travel and connectivity, experienced by mayors and councillors in those areas.
15. A summary of the matters raised in the received submissions and the Tribunal's consideration of those matters is outlined below.

### Categorisation

16. Five council submissions requested recategorisation. Three of these requests sought the creation new categories.

#### Metropolitan Large Councils

17. Penrith City Council acknowledged that categories were not being reviewed until 2023. However, the Council reiterated their previous year's position and contended that their claim for the creation of a new category of "Metropolitan Large – Growth Centre" continues to be enhanced through their leading role in the Western Sydney City Deal. Council's submission further stated that the participation in the Deal demonstrated the exponential growth that will occur in the Penrith Local Government Area.
18. Blacktown City Council requested the creation of a new category "Metropolitan Large – Growth Area". Council stated that the current criteria for "Metropolitan Large" does not reflect the Council's size, rate of growth and economic influence.

Council based its argument for a new category on the following grounds:

- Significant population growth. Current estimated population of 403,000 with an expected population of 640,000 in 2041.
- Blacktown being critical to the success of the Greater Sydney Region Plan while also being part of the fastest growing district for the next 20 years.
- 4th largest economy in NSW – as of 30 June 2020, Gross Regional Product (GRP) was \$21.98 billion, comparatively City of Parramatta was \$31.36 billion.
- Undertaking of several transformational projects to increase economy and services. Examples include the redesign of Riverstone Town Centre, Australian Catholic University establishment of an interim campus for up to 700 undergrads

**Local Government Remuneration Tribunal**

with a permanent campus to open by 2024, the \$1 billion Blacktown Brain and Spinal Institute proposal and Blacktown International Sports Park Masterplan to provide a first-class multi-sport venue.

- Expansion in provision of services such as childcare, aquatic and leisure centres.
- Diversity of population.

**Non-Metropolitan Major Regional City Councils**

19. Newcastle Council requested clarification regarding City of Newcastle's status as either Metropolitan or Regional, noting that while City of Newcastle is classified as a "Major Regional City", the Newcastle Local Government Area is often exempt from both regional and metropolitan grant funding due to inconsistencies in classification. Council sought review on the following grounds:

- Size of council area 187km<sup>2</sup> (in comparison of Parramatta Council 84km<sup>2</sup>).
- Physical terrain.
- Population and distribution of population.
- Nature and volume of business dealt with by Council.
- Nature and extent of development of City of Newcastle.
- Diversity of communities served.
- Regional, national and international significance of City of Newcastle.
- Transport hubs.
- Regional services including health, education, smart city services and public administration.
- Cultural and sporting facilities.
- Matters that the Tribunal consider relevant

**Regional Centre**

20. Tweed Shire Council requested to be reclassified as a "Regional Strategic Area" on the following grounds:

- Proximity to the Gold Coast City and Brisbane.
- Proximity to Sydney via the Gold Coast airport.
- Tweed being the major population and city centre for the Northern Rivers Joint Organisation.
- Tweed being the largest employer and strongest growth area in the Northern Rivers.

**Non-Metropolitan Rural Councils**

21. Murrumbidgee Council requested recategorisation to "Regional Rural" as they are a product of the merger of the former Jerilderie Shire Council and the former Murrumbidgee Shire Council. Council also suggested that the criteria for "Regional Rural" is amended to:

- Councils categorised as Regional Rural will typically have a minimum residential population of 20,000 or can demonstrate one of the following features...."
  - the product of the 2016 amalgamation where two or more Rural classified Local Governments Areas merged.

**Findings - categorisation**

22. The Tribunal assessed each Council's submission and found that the current categories and allocation of councils to these categories remained appropriate. The Tribunal's findings had regard to the 2020 review, the current category model and

**Local Government Remuneration Tribunal**

criteria and the evidence put forward in the received submissions.

23. Having regard to the requirements of sections 239 and 240 of the LG Act, the Tribunal did not find that any council's submission was strong enough for a change in category or for the creation of a new category.
24. The Tribunal did note, however, that some councils may have a better case for recategorisation at the next major review of categories in 2023.
25. The Tribunal was of the view that the 2023 determination and review of categories as required by s239 (1) of the LG Act will see more requests from councils for recategorisation and possible determination of new categories. The Tribunal and Assessors may benefit from visits to meet regional organisations of councils and direct opportunities for input from Mayors and general managers in this regard.

**Fees**

26. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required by section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* (IR Act), when making or varying awards or orders relating to the conditions of employment of public sector employees.
27. Pursuant to section 146C(1)(a) of the IR Act, the current government policy on wages is expressed in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2014 (IR Reg.). The IR Reg. provides that public sector wages cannot increase by more than 2.5 per cent per annum. The Tribunal therefore has the discretion to determine an increase of up to 2.5 per cent per annum.
28. Submissions that addressed fees sought an increase of a maximum of 2.5 per cent per annum or greater. These submissions raised issues such as comparative remuneration, cost of living and increasing workloads. One submission also suggested that higher fees are required to attract a higher standard of candidates to council roles.
29. The LGNSW submission contained 3 parts. The first part of the submission supported an increase of 2.5 per cent per annum in remuneration, but further argued that the maximum increase is inadequate and does not address the historical undervaluation of work performed by mayors and councillors, and the substantial expansion of their responsibilities and accountability in recent years. LGNSW used the following economic indexes and wage data in support of their argument:
  - Consumer price index (CPI)
  - National and state wages cases
  - Wage increases under the *Local Government (State) Award 2020*.
30. The second part of LGNSW's submission addressed inequity and impacts of low remuneration. It was supported by the research paper "Councillor perspectives on the (in)adequacy of remuneration in NSW local government: Impacts on well-being, diversity and quality of representation" (the "ANU Paper"), written by Associate Professor Jakimow of the Australian National University. A key finding of the ANU Paper was that "current remuneration levels are perceived as inadequately reflecting the extent and nature of council work." The finding was derived from the undertaking of



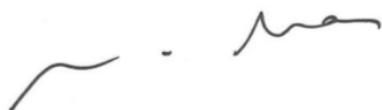
**Local Government Remuneration Tribunal**

a survey of councillors and mayors. The paper suggests that there is a disconnect between workload and remuneration and this was identified as the most frequent argument for increasing the current rate.

31. The third and final part of LGNSW's submission compared the minimum and maximum rates of NSW mayor and councillor remuneration to the remuneration of directors and chairpersons of comparable government bodies and not-for-profits, mayors and councillors in Queensland and members of the NSW Parliament. The submission contended that NSW mayor and councillor remuneration is below that of their counterparts.
32. Following the most recent review by the Independent Pricing and Regulatory Tribunal (IPART) the amount that councils will be able to increase the revenue they can collect from rates will depend on their level of population growth. IPART has set a 2022-23 rate peg for each council, ranging from 0.7 to 5.0 per cent. IPART's rate peg takes into account the annual change in the Local Government Cost Index, which measures the average costs faced by NSW councils, in addition to a population factor based on each council's population growth.
33. Employees under the *Local Government (State) Award 2020* will receive a 2 per cent per annum increase in rates of pay from the first full pay period to commence on or after 1 July 2022.
34. The Tribunal has determined a 2 per cent per annum increase in the minimum and maximum fees applicable to each category.

**Conclusion**

35. The Tribunal's determinations have been made with the assistance of Assessors Ms Kylie Yates and Ms Melanie Hawyes.
36. It is the expectation of the Tribunal that in the future all submissions have council endorsement.
37. Determination 1 outlines the allocation of councils into each of the categories as per section 239 of the LG Act.
38. Determination 2 outlines the maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils as per section 241 of the LG Act.



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**Local Government Remuneration Tribunal**

Dated: 20 April 2022

## Local Government Remuneration Tribunal

## Section 4 2021 Determinations

Determination No. 1 - Allocation of councils into each of the categories as per section 239 of the LG Act effective from 1 July 2021

Table 1: General Purpose Councils - Metropolitan

| Principal CBD (1)       | Major CBD (1)           |
|-------------------------|-------------------------|
| Sydney                  | Parramatta              |
| Metropolitan Large (12) | Metropolitan Medium (8) |
| Bayside                 | Campbelltown            |
| Blacktown               | Camden                  |
| Canterbury-Bankstown    | Georges River           |
| Cumberland              | Hornsby                 |
| Fairfield               | Ku-ring-gai             |
| Inner West              | North Sydney            |
| Liverpool               | Randwick                |
| Northern Beaches        | Willoughby              |
| Penrith                 |                         |
| Ryde                    |                         |
| Sutherland              |                         |
| The Hills               |                         |
| Metropolitan Small (8)  |                         |
| Burwood                 |                         |
| Canada Bay              |                         |
| Hunters Hill            |                         |
| Lane Cove               |                         |
| Mosman                  |                         |
| Strathfield             |                         |
| Waverley                |                         |
| Woollahra               |                         |

## Local Government Remuneration Tribunal

Table 2: General Purpose Councils - Non-Metropolitan

| Major Regional City (2) | Major Strategic Area (1) | Regional Strategic Area (1) |
|-------------------------|--------------------------|-----------------------------|
| Newcastle               | Central Coast            | Lake Macquarie              |
| Wollongong              |                          |                             |

| Regional Centre (24) |                         | Regional Rural (13)     |
|----------------------|-------------------------|-------------------------|
| Albury               | Mid-Coast               | Bega                    |
| Armidale             | Orange                  | Broken Hill             |
| Ballina              | Port Macquarie-Hastings | Byron                   |
| Bathurst             | Port Stephens           | Eurobodalla             |
| Blue Mountains       | Queanbeyan-Palerang     | Goulburn Mulwaree       |
| Cessnock             | Shellharbour            | Griffith                |
| Clarence Valley      | Shoalhaven              | Kempsey                 |
| Coffs Harbour        | Tamworth                | Kiama                   |
| Dubbo                | Tweed                   | Lithgow                 |
| Hawkesbury           | Wagga Wagga             | Mid-Western             |
| Lismore              | Wingecarribee           | Richmond Valley Council |
| Maitland             | Wollondilly             | Singleton               |
|                      |                         | Snowy Monaro            |

| Rural (57)      |                      |                  |               |
|-----------------|----------------------|------------------|---------------|
| Balranald       | Cootamundra-Gundagai | June             | Oberon        |
| Bellingen       | Cowra                | Kyogle           | Parkes        |
| Berrigan        | Dungog               | Lachlan          | Snowy Valleys |
| Bland           | Edward River         | Leeton           | Temora        |
| Blayney         | Federation           | Liverpool Plains | Tenterfield   |
| Bogan           | Forbes               | Lockhart         | Upper Hunter  |
| Bourke          | Gilgandra            | Moree Plains     | Upper Lachlan |
| Brewarrina      | Glen Innes Severn    | Murray River     | Uralla        |
| Cabonne         | Greater Hume         | Murrumbidgee     | Walcha        |
| Carrathool      | Gunnedah             | Muswellbrook     | Walgett       |
| Central Darling | Gwydir               | Nambucca         | Warren        |
| Cobar           | Hay                  | Narrabri         | Warrumbungle  |
| Coolamon        | Hilltops             | Narrandera       | Weddin        |
| Coonamble       | Inverell             | Narromine        | Wentworth     |

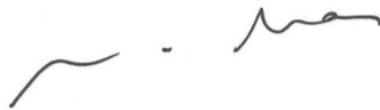


## Local Government Remuneration Tribunal

| Rural (57) |      |
|------------|------|
|            | Yass |

Table 3: County Councils

| Water (4)          | Other (6)              |
|--------------------|------------------------|
| Central Tablelands | Castlereagh-Macquarie  |
| Goldenfields Water | Central Murray         |
| Riverina Water     | Hawkesbury River       |
| Rous               | New England Tablelands |
|                    | Upper Hunter           |
|                    | Upper Macquarie        |



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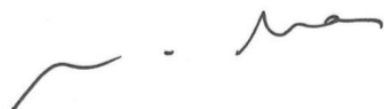
**Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the LG Act effective from 1 July 2022**

The annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2022 as per section 241 of the *Local Government Act 1993* are determined as follows:

**Table 4: Fees for General Purpose and County Councils**

| Category  |                         | Councillor/Member<br>Annual Fee (\$)<br>effective 1 July 2022 |         | Mayor/Chairperson<br>Additional Fee* (\$)<br>effective 1 July 2022 |         |
|---|-------------------------|---|---------|--|---------|
|   |                         | Minimum   | Maximum | Minimum  | Maximum |
| General Purpose<br>Councils -<br>Metropolitan     | Principal CBD           | 28,750  | 42,170  | 175,930  | 231,500 |
|   | Major CBD               | 19,180  | 35,520  | 40,740   | 114,770 |
|   | Metropolitan Large      | 19,180  | 31,640  | 40,740   | 92,180  |
|   | Metropolitan Medium     | 14,380  | 26,840  | 30,550   | 71,300  |
|   | Metropolitan Small      | 9,560   | 21,100  | 20,370   | 46,010  |
| General Purpose<br>Councils -<br>Non-Metropolitan | Major Regional City     | 19,180  | 33,330  | 40,740   | 103,840 |
|   | Major Strategic Area    | 19,180  | 33,330  | 40,740   | 103,840 |
|   | Regional Strategic Area | 19,180  | 31,640  | 40,740   | 92,180  |
|   | Regional Centre         | 14,380  | 25,310  | 29,920   | 62,510  |
|   | Regional Rural          | 9,560   | 21,100  | 20,370   | 46,040  |
|   | Rural                   | 9,560   | 12,650  | 10,180   | 27,600  |
| County Councils                                   | Water                   | 1,900   | 10,550  | 4,080  | 17,330  |
|   | Other                   | 1,900   | 6,300   | 4,080  | 11,510  |

\*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).



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**Local Government Remuneration Tribunal**

Dated: 20 April 2021

**Local Government Remuneration Tribunal****Appendices**

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**Appendix 1 Criteria that apply to categories****Principal CBD**

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

**Major CBD**

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety have been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

**Local Government Remuneration Tribunal****Metropolitan Large**

Councils categorised as Metropolitan Large will typically have a minimum residential population of 200,000.

Councils may also be categorised as Metropolitan Large if their residential population combined with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

**Metropolitan Medium**

Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000.

Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.



## Local Government Remuneration Tribunal

### Metropolitan Small

Councils categorised as Metropolitan Small will typically have a residential population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

### Major Regional City

Newcastle City Council and Wollongong City Councils are categorised as Major Regional City. These councils:

- are metropolitan in nature with major residential, commercial and industrial areas
- typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development
- provide a full range of higher order services and activities along with arts, culture, recreation, sporting and entertainment facilities to service the wider community and broader region
- have significant transport and freight infrastructure servicing international markets, the capital city and regional areas
- have significant natural and man-made assets to support diverse economic activity, trade and future investment
- typically contain ventures which have a broader State and national focus which impact upon the operations of the council.

### Major Strategic Area

Councils categorised as Major Strategic Area will have a minimum population of 300,000.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Central Coast Council meets the criteria to be categorised as a Major Strategic Area. Its population, predicted population growth, and scale of the Council's operations warrant that it be differentiated from other non-metropolitan councils. Central Coast Council is also a

**Local Government Remuneration Tribunal**

significant contributor to the regional economy associated with proximity to and connections with Sydney and the Hunter Region.

**Regional Strategic Area**

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Centre category on the basis of their significant population and will typically have a residential population above 200,000.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Lake Macquarie Council meets the criteria to be categorised as a Regional Strategic Area. Its population and overall scale of council operations will be greater than Regional Centre councils.

**Regional Centre**

Councils categorised as Regional Centre will typically have a minimum residential population of 40,000.

Other features may include:

- a large city or town providing a significant proportion of the region's housing and employment
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$100M per annum
- the highest rates of population growth in regional NSW
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

**Local Government Remuneration Tribunal****Regional Rural**

Councils categorised as Regional Rural will typically have a minimum residential population of 20,000.

Other features may include:

- a large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages
- health services, tertiary education services and regional airports which service a regional community
- a broad range of industries including agricultural, educational, health, professional, government and retail services
- large visitor numbers to established tourism ventures and events.

Councils in the category of Regional Rural provide a degree of regional servicing below that of a Regional Centre.

**Rural**

Councils categorised as Rural will typically have a residential population less than 20,000.

Other features may include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

**County Councils - Water**

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

**County Councils - Other**

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Biosecurity Act 2015*.

**(ITEM 42/22) SUPERANNUATION FOR COUNCILLORS**

File No: 22/9250

REPORT BY DIRECTOR CORPORATE SERVICES

**Summary**

The *Local Government Act 1993* was amended in May 2021 to formally allow councils to exercise the option of making superannuation contribution payments for councillors from 1 July 2022. The payments to complying funds can proceed only if Council officially resolves to take up the option of making such payments. Council needs to make a determination on whether it will exercise the option of making superannuation payments to councillors.

**Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making

**Background**

The introduction of a uniform approach to the payment of superannuation has been mooted within the NSW local government sector for many years. It has been considered by various bodies including the Australian Taxation Office (ATO), Local Government NSW and the NSW Office of Local Government (OLG).

The concept of superannuation payments to councillors gained firm traction in NSW following the release of an OLG discussion paper on the matter in March 2020. This eventually led to the commencement on 21 May 2021 of Section 254B of the *Local Government Act 1993* which sets out the parameters for payment of superannuation contributions for councillors. The details from the legislation appear as Attachment 1 of this report.

Advice on implementation of arrangements for payment of superannuation to councillors was provided by the OLG in March 2022. OLG Circular 22-04 dealing with this appears as Attachment 2 to this report.

It was considered prudent to defer consideration of this matter by Council until after the general local government elections in December 2021. This afforded the newly elected Council, that would potentially be subject to the new provisions, the opportunity to give the matter due consideration. The delay also gave the OLG an opportunity to provide additional guidance on administration of the legislative provisions.

**Discussion**

It is understood that several councils have had superannuation payment arrangements in place for some years. These arrangements have previously operated in the absence of NSW statutory provisions to complement statutory provisions of the Commonwealth on superannuation. The Australian Taxation Office (ATO) is responsible for the Commonwealth *Superannuation Guarantee (Administration) Act 1993* and continues to rule that mayors and councillors are not classed as employees of councils and therefore not automatically subject to superannuation guarantee obligations.

The absence of specific provisions under Commonwealth legislation in relation to mayors and councillors has not prevented councils from making superannuation contributions on a voluntary basis. The ATO has consistently taken the view that independent decisions of councils to provide superannuation to their mayor and councillors could legitimately be made via council resolution and / or within a council policy. Introduction of Section 245B (1) of the *Local Government Act 1993* now provides a clearer mechanism for activation of superannuation arrangements for mayors and other councillors as long as councils formally resolve to pursue that course of action.



Arguments in favour of superannuation payments for mayors and councillors (in addition to their fees) have typically revolved around the following:

1. It will ensure that mayors and councillors are adequately remunerated for the performance of their duties
2. It will address a historic anomaly that has seen mayors and councillors denied the benefit of superannuation guaranteed for the broader workforce
3. It is hoped that it will help to increase diversity of elected representatives by offering additional encouragement to groups such as women and young people to stand as candidates for election to councils.

It seems likely that a very large proportion, if not all, local councils in NSW will embrace this opportunity now that greater clarity has been provided. Strong support for a uniform framework to accommodate such payments has been evident for a number of years at Local Government NSW forums and other industry forums.

### **Consultation**

Specialist officers within the Governance & Risk unit and the Finance unit of Council have jointly considered the statutory and obligations and specialist advice from the OLG.

### **Planning or Policy Implications**

The parameters for implementation and management of a superannuation regime for the mayor and councillors are clear cut. The regime would be based on well-established principles and practices associated with management of superannuation payments to officers employed directly by Council.

If Council resolves to introduce a superannuation payment regime for the mayor and councillors, the officials in those roles are not obliged to participate or may limit their participation. They may agree instead, in writing, to forgo receipt of superannuation contribution payments in part or in full. Opting out of participation in part or in full might be because, for example, receipt of the payment will adversely affect their eligibility for another entitlement such as a pension.

Individuals fully opting into the superannuation regime would be paid at the same rate that Council is obliged to apply under Commonwealth superannuation legislation if the individual was an employee of the Council. Contributions would be paid monthly via the payroll system of Council as is currently done for employees of Council.

Council will not be permitted to make a superannuation contribution payment if one or more of the following conditions arise:

1. Council does not pass a resolution to introduce a regime of superannuation payments to the mayor and other councillors
2. A councillor fails to nominate a superannuation account, of a complying fund, into which superannuation contributions may be made
3. Where a councillor is suspended from civic office i.e. resulting in suspension of payment of fees which would otherwise have been paid for their role as a mayor and / or councillor
4. Under any other circumstances where mayoral and / or councillor fees may be withheld.

### **Financial Implications**

Provision has been made in the 2022-23 draft budget to include superannuation payments to the mayor and councillors in accordance with the superannuation guarantee rate of 10.5%. The 10.5%

rate is the minimum applicable rate from 1 July 2022 for all workers in Australia that are eligible for receipt of superannuation contributions.

Should Council resolve to make Council contributed superannuation payments to councillors, the dollar amounts will depend on a separate decision taken by Council in relation to the annual determination on councillor and mayoral fees by the Local Government Remuneration Tribunal.

Councillors would also need to consider their personal financial situations, and should seek their own financial advice from an accountant or other financial advisor who is skilled in the management of taxation and superannuation affairs. When considering their personal circumstances, they need to be aware of matters such as applicable thresholds for making additional concessional (pre-tax) contributions from their income which may vary from year to year and according to age of the earner.

### **Conclusion**

Section 254B of the *Local Government Act 1993* provides for councils to make superannuation contribution payments to superannuation accounts nominated by councillors from the financial year commencing on 1 July 2022. Currently, councils are not required to make superannuation contribution payments for councillors under Commonwealth superannuation legislation because councillors are not employees of councils. The amount of the contribution payment will be the amount the council would have been required to contribute under the Commonwealth superannuation legislation as superannuation if the councillor were an employee of the council.

### **Recommendation(s)**

That Council

1. notes the report of the 24 May 2022 ordinary meeting of Burwood Council on *Superannuation for Councillors*; and
2. in accordance with details in that report and the provisions under Section 245B of the *Local Government Act 1993*, commences a regime of superannuation payments for the mayor and other councillors to coincide with the beginning of the financial year starting on 1 July 2022.

### **Attachments**

- 1 Local Government Act 1993 - Section 254B - Payment for superannuation contributions for councillors
- 2 OLG Circular 22-04 - March 15 - Payment of councillor superannuation



## Local Government Act 1993 No 30

Current version for 1 January 2022 to date (accessed 15 March 2022 at 16:31)

[Chapter 9](#) > [Part 2](#) > [Division 5](#) > Section 254B

### 254B Payment for superannuation contributions for councillors

- (1) A council may make a payment (a *superannuation contribution payment*) as a contribution to a superannuation account nominated by a councillor, starting from the financial year commencing 1 July 2022.
- (2) The amount of a superannuation contribution payment is the amount the council would have been required to contribute under the Commonwealth superannuation legislation as superannuation if the councillor were an employee of the council.
- (3) A superannuation contribution payment is payable with, and at the same intervals as, the annual fee is payable to the councillor.
- (4) A council is not permitted to make a superannuation contribution payment—
  - (a) unless the council has previously passed a resolution at an open meeting to make superannuation contribution payments to its councillors, or
  - (b) if the councillor does not nominate a superannuation account for the payment before the end of the month to which the payment relates, or
  - (c) to the extent the councillor has agreed in writing to forgo or reduce the payment.
- (5) The Remuneration Tribunal may not take superannuation contribution payments into account in determining annual fees or other remuneration payable to a mayor or other councillor.
- (6) A person is not, for the purposes of any Act, taken to be an employee of a council and is not disqualified from holding civic office merely because the person is paid a superannuation contribution payment.
- (7) A superannuation contribution payment does not constitute salary for the purposes of any Act.
- (8) Sections 248A and 254A apply in relation to a superannuation contribution payment in the same way as they apply in relation to an annual fee.
- (9) In this section—

*Commonwealth superannuation legislation* means the [Superannuation Guarantee \(Administration\) Act 1992](#) of the Commonwealth.

*superannuation account* means an account for superannuation or retirement benefits from a scheme or fund to which the Commonwealth superannuation legislation applies.



Office of  
Local Government

Circular to Councils

|                             |   |
|-----------------------------|---|
| <b>Circular Details</b>     | 22-04/ 15 March 2022/ A811265   |
| <b>Previous Circular</b>    | 21-07 <i>Commencement of Local Government Amendment Act 2021</i>                                    |
| <b>Who should read this</b> | Councillors / General Managers / Council Governance Staff   |
| <b>Contact</b>              | Council Governance Team / 02 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a> |
| <b>Action required</b>      | Information / Council to Implement  |

## Payment of councillor superannuation

### What's new or changing

- Following an amendment to the *Local Government Act 1993* (the Act) last year, councils may make payments as a contribution to a superannuation account nominated by their councillors, starting from the financial year commencing on **1 July 2022**.
- The making of superannuation contribution payments for councillors is optional and is at each council's discretion.

### What this will mean for your council

- To exercise the option of making superannuation contribution payments for their councillors, councils must first resolve at an open meeting to make superannuation contribution payments for the councillors.
- Where a council resolves to make superannuation contribution payments for its councillors, the amount of the payment is to be the amount the council would have been required to contribute under the *Commonwealth Superannuation Guarantee (Administration) Act 1992* as superannuation if the councillors were employees of the council.
- As of 1 July 2022, the superannuation guarantee rate will be 10.5%. The rate will increase by half a percent each year until 1 July 2025 when it reaches 12%.
- The superannuation contribution payment is to be paid at the same intervals as the annual fee is paid to councillors.
- To receive a superannuation contribution payment, each councillor must first nominate a superannuation account for the payment before the end of the month to which the payment relates. The superannuation account nominated by councillors must be an account for superannuation or retirement benefits from a scheme or fund to which the *Commonwealth Superannuation Guarantee (Administration) Act* applies.
- Councils **must not** make a superannuation contribution payment for a councillor if the councillor fails to nominate an eligible superannuation account for the payment before the end of the month to which the payment relates.
- Individual councillors may opt out of receiving superannuation contribution payments or opt to receive reduced payments. Councillors must do so in writing.

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- Councils must not make superannuation contribution payments for councillors during any period in which they are suspended from their civic office or their right to be paid any fee or other remuneration, or expense, is suspended under the Act.
- Councillors are also not entitled to receive a superannuation contribution payment during any period in which they are not entitled to receive their fee under section 254A of the Act because they are absent.

**Where to go for further information**

- For further information please contact the Council Governance Team on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).

**Melanie Hawyes**

**Deputy Secretary, Crown Lands and Local Government**

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## **(ITEM 43/22) DRAFT COUNCILLORS' EXPENSES AND FACILITIES POLICY AND CIVIC RECOGNITION, CONDOLENCES AND SMALL DONATIONS POLICY**

File No: 22/13167

REPORT BY DIRECTOR CORPORATE SERVICES

### **Summary**

Section 252 (1) of the *Local Government Act 1993* (the Act) requires that the Council must, within the first 12 months of each term of Council, adopt a policy concerning the payment of expenses incurred and facilities provided to the Mayor and Councillors. The *Councillor Expenses and Facilities Policy* has been reviewed. A proposed *Civic Recognition, Condolences and Small Donations Policy* has also been developed to deal with matters previously in the *Councillor Expenses and Facilities Policy* that are better suited to a standalone policy.

### **Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making.

### **Background**

The Policy has been revised to ensure compliance with the Act, the *Local Government (General) Regulation 2021*, the Office of Local Government (OLG) Guidelines, and the OLG Councillor Expenses and Facilities Policy Better Practice Template.

The Policy must ensure that the Mayor and Councillors are provided with the equipment and facilities required to effectively undertake their role as a Councillor. It must also make clear that expenses and facilities are not to be used for private benefit, including political purposes.

These provisions and limits are set at a level to encourage members of the community to seek election (and re-election) to Council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic duties of a mayoral or non-mayoral councillor.

The manner in which these facilities can be provided and expense claims made must be stipulated in a *Councillor Expenses and Facilities Policy*. The details and range of benefits provided to councillors by the Council must be clearly stated and be fully transparent and acceptable to the local community.

### **Proposals**

#### **Councillor Expenses and Facilities Policy**

The proposed policy on expenses and facilities for councillors has been substantially rewritten to reflect the OLG better practice template, which was released in 2017 under OLG Circular 17-17. The template is used by most councils in NSW. It calls for clear specification of maximum limits for specific expenses and facilities, but allows councils to tailor the limits to their own context and community expectations.

The OLG encourages benchmarking against similar councils. During this year's policy review the synonymous policies of Burwood's neighbouring councils of Strathfield, Canada Bay, Canterbury Bankstown and Inner West were considered. Actual expenditure by Burwood Council over the previous term was also considered, noting that some expenses may have been impacted by the pandemic in 2020 and 2021.

The revised policy includes specified limits for expenses that are summarised in a table near the front of the document. Many of the existing limits have been retained. However, in cases where provisions were stated in more general terms, clearer limits have been proposed. Other provisions, such as the those relating to ICT equipment, have been updated to reflect modern practices and technology lifespans.

The previous policy included provisions relating to the giving of gifts to residents and organisations by the mayor and other councillors, and the discretionary granting of small donations by the mayor. The giving of gifts or donations is not an expense or facility that falls within the scope of the policy requirements of section 252 of the Act. The practice is also not reflected in the OLG template or in the policies of any of the other councils considered during this review.

For that reason, the provisions relating to the giving of gifts have been separated out from the draft revision of the Burwood Council *Councillors' Expenses and Facilities Policy* and included in a proposed *Civic Recognition, Condolences and Small Donations Policy*.

### **Civic Recognition, Condolences and Small Donations Policy**

This policy takes in the provisions from the existing *Councillor Expenses and Facilities Policy* relating to the giving of gifts in certain circumstances and within specified limits. Those limits and circumstances have been reviewed and streamlined. Gifts or civic recognition may be given by the mayor and other councillors or by the general manager on behalf of Council, depending on the circumstances.

The policy also takes in the provisions of the *Discretionary Grants – Small Donations Policy*, which provides for the Mayor to determine small grants of up to \$1,000 for individuals and organisations living in or servicing the Burwood LGA. The proposed policy outlines the specific criteria for the giving of small donations and the relationship between that policy and the larger Community Grants Program. Given the nature of the small donations provided under that policy, it is appropriate to deal with such donations and similar gifts and civic recognition processes under the one policy.

The current *Discretionary Grants – Small Donations Policy* would be retired on adoption of the new policy that is proposed.

### **Consultation**

Section 253 of the Act requires the policy to be publicly exhibited for 28 days to allow the making of public submissions, except in cases where the revision is not substantial. Given the significant rewriting of the policy and the subsequent creation of a separate policy, public exhibition of both policies would be required.

Any public submissions would be considered before the final policies are reported back to Council for adoption.

### **Financial Implications**

The proposed limits contained within the proposed policies are consistent with existing budgets.

### **Conclusion**

The proposed revision of the *Councillor Expenses and Facilities Policy* is in line with modern local government practices supporting improved transparency and accountability around the allocation and use of funds. The creation of a separate *Civic Recognition, Condolences and Small Donations Policy* is an appropriate way to deal with allocation of funds for purposes that are not central to administrative support mechanisms that enable councillors to exercise their core duties.

***Recommendation(s)***

That Council:

1. endorses the draft revision of the *Councillor Expenses and Facilities Policy* and places it on public exhibition for a period of 28 days and community feedback.
2. endorses the proposed *Civic Recognition, Condolences and Small Donations Policy* and places it on public exhibition for a period of 28 days and community feedback.
3. directs the General Manager to report the outcomes of the public exhibitions of the two policy instruments at the next ordinary meeting of Council following the conclusion of the public exhibition period.

**Attachments**

- 1 Draft Councillor Expenses and Facilities Policy
- 2 Draft Civic Recognition, Condolences and Small Donations Policy





**Burwood** Inc.1874

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

## **COUNCILLOR EXPENSES AND FACILITIES POLICY**

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### Policy Summary

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to councillors to help them undertake their civic duties.

It ensures accountability and transparency, and seeks to align councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2021* (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

| Expense or facility   | Maximum amount  | Frequency      |
|---|---|----------------|
| General travel expenses   | \$1,000 in total for all councillors<br>An additional \$1,000 for the Mayor   | Per year       |
| Interstate, overseas and long distance intrastate travel expenses | \$10,000 total for all councillors  | Per year       |
| Accommodation and meals   | As per the <i>NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009</i> , adjusted annually | Per meal/night |
| Professional development  | \$5,300 per councillor  | Per year       |
| Conferences and seminars  | \$8,000 total for all councillors   | Per year       |
| Functions (council approved)                                      | Maximum \$250 for entry costs   | Per function   |
| ICT expenses  | iPad with a 10GB data plan issued to Mayor and all councillors  | Per term       |
|   | iPhone and accessories valued up to \$2,500 issued to the Mayor   | Every year     |
|   | iPhone and accessories valued up to \$2,000 issued to each councillor   | Every 2 years  |
|   | \$1,200 calls and data for the Mayor  | Per year       |
|   | \$600 calls and data per non-mayoral councillor   | Per year       |
|   | \$4,000 for other office tools and applications per councillor  | Per term       |



## Councillor Expenses and Facilities Policy

| Expense or facility   | Maximum amount                        | Frequency    |
|---|---------------------------------------|--------------|
|   |                                       |              |
| Carer expenses  | \$2,000 per councillor                | Per year     |
| Home office expenses  | \$500 per councillor                  | Per year     |
| Business cards  | \$400 per councillor                  | Per year     |
| Access to facilities in a Councillor common room                                      | Provided to all councillors           | Not relevant |
| Council vehicle, fuel card and cleaning   | Provided to the Mayor                 | Not relevant |
| Car parking – a 'works permit' and access to shared parking spaces at Council offices | Provided to all councillors           | Not relevant |
| Furnished office  | Provided to the Mayor                 | Not relevant |
| Appropriate staff to support the Mayor and Councillors                                | Provided to the Mayor and councillors | Not relevant |

Additional costs incurred by a councillor in excess of these limits are considered a personal expense that is the responsibility of the councillor.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

### Definitions

|                                   |  |
|-----------------------------------|--|
| accompanying person               | Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a councillor   |
| appropriate refreshments          | Means food and beverages, excluding alcohol, provided by council to support councillors undertaking official business                      |
| Act                               | Means the Local Government Act 1993 (NSW)  |
| Clause                            | Unless stated otherwise, a reference to a clause is a reference to a clause of this policy   |
| Code of Conduct                   | Means the Code of Conduct adopted by Council or the Model Code if none is adopted  |
| Councillor                        | Means a person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the Mayor |
| council approved meeting or event | Means the meeting or event meets one of the following criteria (based on Councillors' legislative role and responsibilities):              |

## Councillor Expenses and Facilities Policy

|                                 |  |
|---------------------------------|--|
|                                 | <ul style="list-style-type: none"> <li>▪ a leadership role in guiding the development and implementation of the Community Strategic Plan and Council's Delivery and Operational Programs</li> <li>▪ direct and control the affairs of the Council in accordance with the Act</li> <li>▪ furthered the optimum allocation of the Council's resources for the benefit of the area</li> <li>▪ related to the creation and review of the Council's policies and objectives and criteria relating to the exercise of the Council's regulatory functions</li> <li>▪ related to a review of the performance of the Council and its delivery of services and the delivery program and revenue policies of the Council</li> </ul> |
|                                 | Specific examples include: <ul style="list-style-type: none"> <li>▪ meeting with the Member for Strathfield at Parliament House or electorate office regarding the Burwood Local Government Area</li> <li>▪ meetings with adjacent Councils to discuss the development of policy relating to joint project delivery</li> </ul>   |
| General Manager                 | Means the General Manager of Council and includes their delegate or authorised representative  |
| incidental personal use         | Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct   |
| long distance intrastate travel | Means travel to other parts of NSW of more than three hours' duration by private vehicle   |
| maximum limit                   | Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1   |
| official business               | Means functions that the Mayor or councillors are required or invited to attend to fulfil their legislated role and responsibilities for council or result in a direct benefit for council and/or for the local government area, and includes: <ul style="list-style-type: none"> <li>▪ meetings of council and committees of the whole</li> <li>▪ meetings of committees facilitated by council</li> <li>▪ civic receptions hosted or sponsored by council</li> <li>▪ meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved by council</li> </ul>  |
| professional development        | Means a seminar, conference, training course or other development opportunity relevant to the role of a councillor or the Mayor  |
| Regulation                      | Means the Local Government (General) Regulation 2021 (NSW)   |
| year                            | Means the financial year, that is the 12-month period commencing on 1 July each year   |

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**Part A — Introduction**

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**1. Introduction**

- 1.1. The provision of expenses and facilities enables councillors to fulfil their civic duties as the elected representatives of Burwood Council.
- 1.2. The community is entitled to know the extent of expenses paid to councillors, as well as the facilities provided.
- 1.3. The purpose of this policy is to clearly state the facilities and support that are available to councillors to assist them in fulfilling their civic duties.
- 1.4. Council staff are empowered to question or refuse a request for payment from a councillor when it does not accord with this policy.
- 1.5. Expenses and facilities provided by this policy are in addition to fees paid to councillors. The minimum and maximum fees a council may pay each councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range

**2. Policy objectives**

- 2.1. The objectives of this policy are to:
  - enable the reasonable and appropriate reimbursement of expenses incurred by councillors while undertaking their civic duties
  - enable facilities of a reasonable and appropriate standard to be provided to councillors to support them in undertaking their civic duties
  - ensure accountability and transparency in reimbursement of expenses and provision of facilities to councillors
  - ensure facilities and expenses provided to councillors meet community expectations
  - support a diversity of representation
  - fulfil the council's statutory responsibilities.

**3. Principles**

- 3.1. Council commits to the following principles:
  - **Proper conduct:** councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
  - **Reasonable expenses:** providing for councillors to be reimbursed for expenses reasonably incurred as part of their role as councillor
  - **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor
  - **Equity:** there must be equitable access to expenses and facilities for all councillors
  - **Appropriate use of resources:** providing clear direction on the appropriate use of council resources in accordance with legal requirements and community expectations
  - **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to councillors.

**4. Private or political benefit**

- 4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 4.2. Private use of council equipment and facilities by councillors may occur from time to time. For example, telephoning home to advise that a council meeting will run later than expected.

## Councillor Expenses and Facilities Policy

- 4.3. Such incidental private use does not require a compensatory payment back to Council.
- 4.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of council facilities does occur, councillors must reimburse the Council.
- 4.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
  - production of election material
  - use of council resources and equipment for campaigning
  - use of official council letterhead, publications, websites or services for political benefit
  - fundraising activities of political parties or individuals, including political fundraising events.
- 4.6. Where a service is partly used for official council business, councillors must claim only that part directly related to their civic duties as a councillor. Individual councillors must, therefore, make a reasonable estimate as to their private and civic duties use (in percentage terms) for such accounts.

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**Part B — Expenses**

---

**5. General expenses**

- 5.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
- 5.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

**6. Specific expenses****General travel arrangements and expenses**

- 6.1. All travel by councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 6.2. Each councillor may be reimbursed up to a total of \$1,000 per year, and the Mayor may be reimbursed an additional \$1,000 per year, for travel expenses incurred while undertaking official business, professional development, attending approved conferences or seminars, or attending council approved meetings or events within NSW.

This includes reimbursement:

- for public transport fares
  - for the use of a private vehicle or hire car
  - for parking costs for Council and other meetings
  - for tolls
  - by Cab Charge card or equivalent
  - for documented ride-share programs, such as Uber, where tax invoices can be issued.
- 6.3. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the *Local Government (State) Award*, subject to the cost not exceeding the average airfare of other councillors who flew or, if no other councillor flew, the Flexible Economy Class airfare to the same destination available at the time of the conference or seminar. Should the cost of the car travel exceed the Flexible Economy Class airfare, the cost of the Flexible Economy Class airfare will be reimbursed.
  - 6.4. Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.



Councillor Expenses and Facilities Policy

- 6.5. If a Cab Charge or a ride-sharing program is used, the councillor must not include a tip for the driver at Council's expense.
- 6.6. Councillors will need to complete a Cab Charge Advice Form for each charge used. The form can be found on the Councillor Portal. Cab Charge must not be used for travel that is considered to be of a personal nature.
- 6.7. A councillor may also use a Council-owned pool vehicle (if one is available) to facilitate the councillor's travelling requirements, for the following purposes:
  - travel to and from approved seminars and conferences
  - travel to and from Council business within the Metropolitan Area, subject to the General Manager's written approval in consultation with the Mayor

Councillors will provide a copy of a current and valid driver's licence to the Manager Governance & Risk, indicating that they are licensed to drive a vehicle.

Councillors will pick up and return the vehicle to the Council. Except in cases of an emergency, the vehicle is not to be driven by anyone other than the councillor(s) who have requested the vehicle. Council will meet the cost of fuel and all normal running expenses.

**Interstate, overseas and long distance intrastate travel expenses**

- 6.8. In accordance with Section 4, Council will scrutinise the value and need for councillors to undertake overseas travel. Councils should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the council and the local community. This includes travel to sister and friendship cities.
- 6.9. Total interstate, overseas and long distance intrastate travel expenses for all councillors will be capped at a maximum of \$7,000 per year. This amount will be set aside in Council's annual budget.
- 6.10. Councillors seeking approval for any interstate, overseas or long distance intrastate travel must submit a case to the General Manager prior to travel.
- 6.11. All travel requests submitted under section 6.8 will be considered at an open meeting of the council prior to travel, through a report from the General Manager.
- 6.12. The case should include:
  - objectives to be achieved in travel, including an explanation of how the travel aligns with current council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the councillor's civic duties
  - who is to take part in the travel
  - duration and itinerary of travel
  - a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 6.13. For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
- 6.14. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- 6.15. For international travel, the class of air travel is to be premium economy, if available. Otherwise, the class of travel is to be economy.
- 6.16. Bookings for approved air travel are to be made through the General Manager's office.
- 6.17. For air travel that is reimbursed as council business, councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

**Travel expenses not paid by Council**

- 6.18. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

Councillor Expenses and Facilities Policy

- 6.19. Should a councillor choose to use their own vehicle for travel on Council business or to approved conferences and seminars, Council will not accept responsibility for the cost of any breakdowns or damage to the vehicle as a result of such travel. Such costs are the individual councillor's responsibility. For example, Council will not pay for extra accommodation costs associated with vehicle breakdowns.
- 6.20. Claims for motor vehicle accidents/incidents involving councillors' private vehicles during a council approved trip will be assessed on a case by case basis.

**Accommodation and meals**

- 6.21. Council will reimburse costs for accommodation and meals while councillors are undertaking prior approved travel or professional development outside metropolitan Sydney.
- 6.22. The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the *NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009*, as adjusted annually.
- 6.23. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of Clause 6.22.
- 6.24. Councillors will not be reimbursed for alcoholic beverages.

**Refreshments for council related meetings**

- 6.25. Appropriate refreshments will be available for council meetings, council committee meetings, councillor briefings, approved meetings and engagements, and official council functions as approved by the General Manager.
- 6.26. As an indicative guide for the standard of refreshments to be provided at council related meetings, the General Manager must be mindful of Part B Monetary Rates of the *NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009*, as adjusted annually.

**Professional development**

- 6.27. Council will set aside \$5,000 per councillor annually in its budget to facilitate professional development of councillors through programs, training, education courses and membership of professional bodies.
- 6.28. In the first year of a new council term, Council will provide a comprehensive induction program for all councillors that considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 6.29. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the councillor's civic duties, the councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 6.30. Approval for professional development activities is subject to a prior written request to the General Manager outlining the:
  - details of the proposed professional development
  - relevance to council priorities and business
  - relevance to the exercise of the councillor's civic duties.
- 6.31. In assessing a councillor request for a professional development activity, the General Manager must consider the factors set out in Clause 6.30, as well as the cost of the professional development in relation to the councillor's remaining budget.

**Conferences and seminars**

- 6.32. Council is committed to ensuring its councillors are up to date with contemporary issues facing council and the community, and local government in NSW.
- 6.33. Council will set aside a total amount of \$8,000 annually in its budget to facilitate councillor attendance at conferences and seminars. This allocation is to cover all councillors. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 6.34. This expenditure relates to relevant local governance conference and seminars, either within NSW or interstate, such as:
  - The Australian Local Government Association (ALGA) and Local Government NSW (LG NSW) Annual Conferences
  - Special "one off" conferences called by LG NSW
  - Others as approved by Council resolution.
- 6.35. Attendance at the ALGA and LG NSW annual conferences will be approved by council at an open meeting of council.
- 6.36. Councillors seeking approval to attend another conference or seminar must submit a case to the General Manager. The case should cover the following factors:
  - relevance of the topics and presenters to current council priorities and business and the exercise of the councillor's civic duties
  - cost of the conference or seminar in relation to the total remaining budget.
- 6.37. All requests submitted under section 6.34 will be considered at an open meeting of the council, through a report from the General Manager.
- 6.38. Council will meet the reasonable cost of registration fees, transportation, meals and accommodation associated with attendance at conferences approved by the General Manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.21–6.24.
- 6.39. Council will not meet the following costs:
  - laundry or dry cleaning services
  - use of the bar fridge other than water and non-alcoholic beverages
  - expenses incurred for movies provided in a hotel room
  - expenses incurred at bars (including the bar located at the hotel)
  - any tips for service provided by the councillors.
- 6.40. On returning from the seminar or conference, councillors, or a member of staff accompanying the councillor/s, should provide a written report to the next available Council meeting on the aspects of the seminar or conference relevant to Council business and/or the local community. This report is not required for the Local Government NSW Annual Conference or the Australian Local Government Association Annual Conference.

**Council approved functions**

- 6.41. Entry costs for attending official Council approved functions in the Sydney Metropolitan Area will be reimbursed to a maximum of \$200 per function.
- 6.42. Parking fees will be reimbursed to a maximum of \$100 per function and will be deducted from the general travel expense limits outlined at Clause 6.2.
- 6.43. Council approved functions are those where the councillor receives an official invitation addressed specifically to the councillor in his/her capacity as an elected representative of Burwood Council and is relevant to the Burwood Local Government Area.
- 6.44. Councillor expenses may not be used to support attendance by councillors at political fund-raising functions.



**Accompanying person's expenses**

- 6.45. Council will meet certain expenses incurred by a councillor on behalf of an accompanying person, providing they are properly and directly related to the role of the councillor as follows:
- Attendance at official Council functions that are of a formal and ceremonial nature, as considered appropriate, when accompany councillors within the local government area. Examples include, but are not limited to, Australia Day Award ceremonies, Citizenship ceremonies, Civic receptions and charitable functions for charities formally supported by Council.
  - Limited expenses of accompanying persons associated with attendance at the Local Government NSW and the Australian Local Government annual conferences. These expenses are limited to the cost of registration and the official conference dinner. Travel expenses, any additional accommodation expenses, and the cost of partner tours, etc., are the responsibility of individual councillors.
- 6.46. In relation to seminars and conferences attended by a councillor, all costs for an accompanying person, including any additional accommodation costs must be met by the councillor or accompanying person.
- 6.47. The payment of expenses for accompanying persons attending appropriate functions as permitted above will be confined specifically to the ticket, meal and/or the direct cost of attending the function. Peripheral expenses incurred by spouses such as grooming, special clothing and transport will not be reimbursed.

**Information and communications technology (ICT) expenses**

- 6.48. Council will provide the councillors with a package of ICT devices and services for use during each term of council, as determined by the General Manager.
- 6.49. These devices and services are provided for councillors to undertake their civic duties, such as:
- receiving and reading council business papers
  - relevant phone calls and correspondence
  - diary and appointment management.
- 6.50. Council will issue the Mayor and councillors with an iPad to a specification determined by the General Manager but including WiFi capability and a data SIM each term. It is the intention that the iPad will be used as the primary means of accessing council business papers.
- 6.51. The iPad and data services will be managed, paid for and maintained centrally by council to a Fairplay Policy Data Plan (or equivalent). As at January 2022, this plan was valued at \$540 per councillor per year.
- 6.52. At the start of each term, council will issue the Mayor with an iPhone and accessories up to a value of \$2,500 and to a specification determined by the General Manager. The Mayor will be reimbursed for the cost of calls and data used for council business to a maximum of \$1,200 per year.
- 6.53. At the start of each term, council will issue each councillor, other than the Mayor, with an iPhone and accessories up to a value of \$2,000 and to a specification determined by the General Manager. This will include a call and data plan managed and paid for centrally by council under a Fairplay Policy Voice and Data Plan (or equivalent). As at January 2022, this plan was valued at \$540 per councillor per year.
- 6.54. In addition, council will reimburse councillors for expenses associated with other ICT or home office tools or applications up to a limit of \$4,000 per term for each councillor. It is noted that council's IT staff will not maintain or support the additional items purchased under this clause. Items purchased under this clause remain the property of Council and must be returned to Council in accordance with clause 14.1.



Councillor Expenses and Facilities Policy

- 6.55. Councillors will be issued with a Council email address and access to the Council's email system for their civic duties.
- 6.56. Councillors will have access to a secure Councillor Portal where business papers, forms, access to policy documents and other key information will be made available.

**Maintenance and replacement of ICT devices during the term**

- 6.57. Councillors are expected to take the utmost care for any equipment provided to them.
- 6.58. Any scheduled or regular maintenance of Council provided facilities, including software upgrades or replacement of equipment due to technical redundancy, are carried out at Council's expense by Council staff.
- 6.59. The Mayor's iPhone will be replaced each year, with the approval of the General Manager.
- 6.60. An iPhone for a non-mayoral councillor will be replaced every 2 years, with the approval of the General Manager.
- 6.61. In the event that a piece of equipment is faulty or damaged, it will either be repaired or replaced following an assessment of the cost.
- 6.62. Any other repairs, unscheduled maintenance or negligently broken, stolen or lost equipment, must be paid for by the councillor personally.
- 6.63. Councillors must report the theft of any equipment issued immediately to the Police and to the Manager Governance & Risk.

**Special requirements and carer expenses**

- 6.64. Council encourages wide participation and interest in civic office. It will seek to ensure council premises and associated facilities are accessible, including provision for sight or hearing impaired councillors and those with other disabilities.
- 6.65. Transportation provisions outlined in this policy will also assist councillors who may be unable to drive a vehicle.
- 6.66. In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a councillor with a disability to perform their civic duties.
- 6.67. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$1,000 per annum for attendance at official business, plus reasonable travel from the principal place of residence.
- 6.68. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.69. In the event of caring for an adult person, councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner

**7. Insurances**

- 7.1. In accordance with Section 382 of the Act, Council is insured through CivicRisk Mutual with a range of insurance covers. Councillors are included as a named insured in all Council's insurance policies.
- 7.2. Insurance protection is only provided if a claim arises out of or in connection with the councillor's performance of his or her civic duties, or exercise of his or her functions as a councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.

Councillor Expenses and Facilities Policy

- 7.3. Council will pay the insurance policy excess in respect of any claim that is indemnified by Council. In the case of allegations against the councillor that are not indemnified by Council, the excess must be paid by the individual councillor.
- 7.4. Appropriate travel insurances will be provided for any councillors travelling on approved interstate and overseas travel on council business.

**8. Legal assistance**

- 8.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
  - a councillor defending an action arising from the performance in good faith of a function under the Act provided that the outcome of the legal proceedings is favourable to the councillor
  - a councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the councillor
  - a councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the councillor.
- 8.2. In the case of a Code of Conduct complaint made against a councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the councillor.
- 8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a councillor acted corruptly would not be covered by this section.
- 8.4. Council will not meet the legal costs:
  - of legal proceedings initiated by a councillor under any circumstances
  - of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
  - for legal proceedings that do not involve a councillor performing their role as a councillor.
- 8.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a council meeting prior to costs being incurred.

**Part C — Facilities**

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**9. General facilities for all councillors****Facilities**

- 9.1. Council will provide the following facilities to councillors to assist them to effectively discharge their civic duties:
  - a councillor common room appropriately furnished to include multi-function device (including photocopier and printer), desk, pigeon hole message boxes and appropriate refreshments (excluding alcohol)
  - personal protective equipment for use during site visits
  - a name badge that may be worn at official functions.

Councillor Expenses and Facilities Policy

- 9.2. Councillors will be provided with a security pass for entrance to the councillors' common room and the public areas of the council administration building.
- 9.3. Councillors may book meeting rooms for official business in a specified council building at no cost. Rooms may be booked through the Executive Assistant to the Mayor and Councillors.
- 9.4. The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.
- 9.5. The councillor common room and facilities, including multi-function devices, are not to be used for private purposes and, in no circumstances, are they to be used to produce electoral material.

**10. Car parking**

- 10.1. Councillors are provided with a Parking Permit (a 'Works Permit') to be used when performing their Civic Duties in areas where parking restrictions (time limited or metered) apply.
- 10.2. Where councillors have access to more than one vehicle, they may be issued with a maximum of two permits, with each permit identifying the applicable registration number for the vehicle. Parking Permits are valid for a period of 12 months.
- 10.3. The conditions of use for Parking Permits are as follows:
  - The Parking Permit is only valid if it is displayed in the vicinity of the lower windscreen on the passenger side of the vehicle and is clearly visible to an authorised officer.
  - Vehicles displaying valid Parking Permits are exempt from time limits and parking charges in locations signposted as ¼, ½, 1, 2, 4, 6 or 10 Hour Parking (ticket, metered or free), including all Burwood Council operated off-street car parks.
  - The Parking Permits are not an exemption from other restrictions including, but not limited to, "NO STOPPING", "NO STANDING", "NO PARKING", "LOADING ZONE", "TRUCK ZONE", "WORKS ZONE", "BUS ZONE" or "CLEARWAY".
  - The Permits are not valid for use in parking spaces approved by the General Manager and designated for Law Enforcement Vehicles.
  - Permit holders are strictly prohibited from selling, leasing, transferring or assigning any Parking Permit to any third party.
  - Incorrect use of a Parking Permit may result in disciplinary action and/or parking infringement notices (fines).
  - All Parking Permits remain the property of Burwood Council.
  - Permit Parking must be strictly used for Civic Duties only.
- 10.4. Councillors will also have access to 3 shared car parking spaces allocated for councillors in the secure basement parking area of the Council administration building for use while attending council meetings. Councillors may use any other available shared car parking spaces in that car park when attending council meetings occurring after normal business hours.

**Home office and stationery expenses**

- 10.5. Each councillor may be reimbursed up to \$500 per year for costs associated with the maintenance of a home office, such as minor items of consumable stationery, letterhead, greeting cards for council events, and toner cartridges.
- 10.6. In addition, council will provide councillors with business cards to a value of \$400 per year.
- 10.7. Council will pay for postage of official correspondence provided that all mail is directed through council's mailing system and a copy of correspondence is maintained on relevant council records.



Councillor Expenses and Facilities Policy

- 10.8. Councillors are not permitted to personalise Council's letterhead in any way that may portray the councillor as acting on behalf of Council.
- 10.9. Council funds are not to be used to promote groups or affiliations and they are not to be displayed or promoted on correspondence as this practice is considered to be electioneering.
- 10.10. Councillors, excluding the Mayor, are prohibited from using any of Council's intellectual property, including, but not limited to, Council's name, logo and motto, on any personalised stationery. Photographs for which Council is the copyright owner, must not be used on personalised stationery without the written approval of the General Manager. The only exception is the Mayoral Letterhead, as this is produced by Council.

**Administrative support**

- 10.11. Council will provide administrative support to councillors to assist them with their civic duties only. Administrative support may be provided by the Executive Assistant to the Mayor and Councillors or by another member of council's administrative staff as arranged by the General Manager or their delegate.
- 10.12. As per Section 4, council staff are expected to assist councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.
- 10.13. All interactions are to be undertaken in accordance with the *Interaction Between Council Officials Policy*.

**11. Additional facilities for the Mayor**

- 11.1. Council will provide to the Mayor a maintained vehicle to a similar standard of other council vehicles, with a fuel card and a regular carwash service. The vehicle will be supplied for use on business, professional development and attendance at the Mayor's office.
- 11.2. Council will provide the Mayor with a furnished office incorporating a computer configured to council's standard operating environment, telephone and meeting space.
- 11.3. Appropriate refreshment supplies will be provided up to a value of \$500 per year (excluding alcohol).
- 11.4. In performing his or her civic duties, the Mayor will be assisted by the Executive Assistant to the Mayor and Councillors who will provide administrative and secretarial support, or by another member of council's administrative staff as determined by the General Manager.
- 11.5. As per Section 4, staff in the Mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.
- 11.6. All interactions are to be undertaken in accordance with the *Interaction Between Council Officials Policy*.
- 11.7. Council provides and maintains Mayoral Robes and the Mayoral Chain of Office for use by the Mayor at official, civic and ceremonial services.

**Part D — Processes**

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**12. Approval, payment and reimbursement arrangements**

- 12.1. Expenses should only be incurred by councillors in accordance with the provisions of this policy.
- 12.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 12.3. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
  - local travel relating to the conduct of official business
  - carer costs



- ICT expenditure under Clause 6.54
- home office and stationery expenses.

12.4. Final approval for payments made under this policy will be granted by the General Manager or their delegate.

#### **Direct payment**

12.5. Council may approve and directly pay expenses. Requests for direct payment must be submitted to the Manager Governance & Risk for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

#### **Reimbursement**

12.6. All claims for reimbursement of expenses incurred must be made using the approved form provided on the Councillor Portal and must be supported by appropriate receipts and/or tax invoices.

12.7. Reimbursement claims should be submitted to the Governance team ([Governance@burwood.nsw.gov.au](mailto:Governance@burwood.nsw.gov.au)) within the three month claim deadline.

#### **Advance payment**

12.8. The payment of expenses in advance will not be considered.

#### **Notification**

12.9. If a claim is approved, council will make payment directly or reimburse the councillor through accounts payable.

12.10. If a claim is refused, council will inform the councillor in writing that the claim has been refused and the reason for the refusal.

#### **Reimbursement to council**

10.1. If council has incurred an expense on behalf of a councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:

- council will invoice the councillor for the expense, and
- the councillor will reimburse council for that expense within 14 days of the invoice date.

10.2. If the councillor cannot reimburse council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the councillor's allowance.

#### **Timeframe for reimbursement**

10.3. Unless otherwise specified in this policy, councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

10.4. Expenses incurred close to the end of a financial year should be immediately submitted for reimbursement to ensure funds are expended from the appropriate year's budget and council can meet the Annual Reporting requirements in line with the Act.

### **13. Disputes**

13.1. If a councillor disputes a determination under this policy, the councillor should discuss the matter with the General Manager.

13.2. If the councillor and the General Manager cannot resolve the dispute, the councillor may submit a notice of motion to a council meeting seeking to have the dispute resolved. Any decision by Council is final.

**14. Return or retention of facilities**

- 14.1. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a councillor or Mayor ceasing to hold office or at the cessation of their civic duties. This includes items purchased under clause 6.54.
- 14.2. Should a councillor desire to keep any equipment allocated by council, then this policy enables the councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.
- 14.3. All equipment not returned within 30 days must be paid for at replacement cost.
- 14.4. The prices for all equipment purchased by councillors under Clause 14.2 will be recorded in Council's annual report.

**15. Publication**

- 15.1. This policy will be published on council's website.

**16. Reporting**

- 16.1. Council will report on the provision of expenses and facilities to councillors as required by the Act and Regulations. This includes providing a statement of the total payment of expenses and provision of facilities for Councillors in the Annual Report, including separate details for:
  - provision of dedicated office equipment allocated to Councillors
  - telephone calls made by Councillors
  - attendance by Councillors at Conferences and Seminars
  - professional development
  - interstate visits by Councillors, including transport, accommodation and other out of pocket travelling expenses
  - overseas visits by Councillors, including transport, accommodation and other out of pocket travelling expenses
  - expenses of any spouse, partner or other person who accompanied a Councillor that were met by Council
  - expenses involved in the provision of care for a child or an immediate family member of a Councillor.

**17. Breaches**

- 17.1. Suspected breaches of this policy are to be reported to the General Manager.
- 17.2. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

**Related Information**

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- *Local Government Act 1993*, sections 252 and 253
- *Local Government (General) Regulation 2021*, sections 217 and 403
- Burwood Council Code of Conduct
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Councillor Handbook, 2021
- Local Government Circular 21-12 "Electoral Matter" and use of council resources prior to local government elections
- Local Government Circular 17-17 Councillor Expenses and Facilities Policy – Better Practice Template

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**Review**

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As required by section 252 of the Act, this policy will be reviewed in the first 12 months of each new term of Council.

**Contact**

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Coordinator Governance, Ph. 9911 9908



**Burwood** <sup>Inc.1874</sup>

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

## **CIVIC RECOGNITION, CONDOLENCES AND SMALL DONATIONS POLICY**

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2 Conder Street, BURWOOD NSW 2134  
Phone: 9911-9911 Fax: 9911-9900  
Email: [council@burwood.nsw.gov.au](mailto:council@burwood.nsw.gov.au)  
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Public Document  
Adopted by Council: <Date>  
Ref. No.: 22/15052  
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**Purpose**

This policy provides for Council and the elected Councillors to provide civic recognition and condolences for individuals and organisations in limited circumstances. It also provides guidelines for small donations determined by the Mayor of the day.

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**Scope**

This policy applies to the Mayor, Councillors and Council Officers when determining appropriate support for and recognition of individuals and community organisations.

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**Gifts and recognition****1. Giving a gift**

In circumstances where it is appropriate for Councillors to give a gift (for example, on a Council business-related trip or when receiving a visitor) Councillors will be provided with a gift by Council.

**2. Civic recognition**

Flowers or an equivalent small gift to a maximum value of \$150 may be given to recognise the following:

- appreciation for lengthy or significant service to Council (either as an employee or Councillor) at the cessation of their tenure or employment
- acknowledgement of lengthy or significant service to the Burwood Council or the Burwood community on cessation of their involvement in the relevant activity (for example, a long-serving community representative on a Council committee stepping down from that committee)
- to provide well wishes during a period of serious illness to a member of the community who had provided lengthy or significant service to Burwood Council or the Burwood community.

The gift is to be labelled “from the Mayor and Councillors of Burwood Council” or “from the General Manager and employees of Burwood Council”, depending on the circumstances.

**3. Acknowledging significant milestones**

Flowers or an equivalent small gift to a maximum value of \$150 may be sent on behalf of Council for the following:

- to a resident turning 100 years of age or other major milestone, where Council has been notified
- to a resident couple celebrating 50 years of marriage or other major milestone, where Council has been notified.

The gift is to be labelled “from the Mayor and Councillors of Burwood Council”.

**4. Condolences**

Wreaths, flowers or the equivalent to the value of \$150 may be given for the purpose of a tribute on the death of a resident or former employee who made a significant contribution to the Council or to the Burwood community during their lifetime.

The wreath, flowers or equivalent are to be labelled “from the Mayor and Councillors of Burwood Council”.

**5. Donations at charitable events**

Any Councillors who are invited to an approved event under the Councillor Expenses and Facilities Policy that occurs for charity purposes, can present a donation of a gift hamper or monetary

Civic Recognition, Condolences and Small Donations Policy

donation (made via a cheque to the charity) to the value of up to \$150. Only one donation for each event is allowed, including where a small donation has been made by the Mayor under clause 7.

The donation is to be labelled "from the Mayor and Councillors of Burwood Council".

## **6. Other significant gifts**

Significant gifts valued at more than \$150 may be approved by Council at an open meeting of the Council.

## **Small donations at the discretion of the Mayor**

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## **7. Categories and criteria**

This scheme is intended to provide civic leadership by supporting organisations or individuals through the allocation of small donations on behalf of Council.

The small donation categories and criteria are as follows:

1. For personal development of individual community members representing NSW or higher in their chosen fields, including sporting, academic, cultural and artistic endeavours and who require financial assistance to attend events or activities or compete in their chosen field. Applications can only be made by individuals who are a resident of the Burwood Local Government Area.
2. Relief and other emergency support organisations. Applications will only be considered where a national or international natural disaster has been declared.
3. Registered charitable organisations that provide benefits to the Burwood Local Government Area.
4. Groups and organisations located in the Burwood Local Government Area that service the Burwood community and are established as not-for-profit, community based groups, including P&C associations. Applications will only be considered where the group or organisation has not applied under the community grants program.
5. Requests of a humanitarian nature. These requests will be considered at the discretion of the Mayor.
6. When invited to an event that occurs for charity purposes, to make a donation, whether it be a gift hamper or monetary donation (made via cheque to the charity).

Community-based projects and activities of benefit to residents of Burwood Council that would be substantial donations are to be applied through the Community Grants Program in accordance with Section 356 of the *Local Government Act 1993*.

If an applicant has previously made an application through the Burwood Community Grant Program, they are not eligible under this policy for the same purpose.

Donations made under this section should be labelled "from the Mayor and Councillors of Burwood Council".

## **8. Monetary limits**

Financial assistance for all categories outlined in clause 7 is capped at \$1,000 per donation.

An annual budget of \$15,000 will be provided to the Mayor for small donations made under this section. In election years, a pro-rata budget allocation will be made based on the date of the election.

## **9. Application requirements**

All applications must be in writing, on letterhead where applicable, and addressed to Council, clearly stating the purpose of the donation.

Donations are granted for a specified purpose and not on the basis of a group or organisation.

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Civic Recognition, Condolences and Small Donations Policy

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**Approval, budget and reporting**

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**10. Approval of giving of gift or recognition**

Notice of the death, significant milestone, civic duty or charitable event should be given to the General Manager or Mayor.

The General Manager and Mayor will consult on the appropriateness of the gift or recognition and approve or decline the proposed action within one day of notification.

**11. Approval of small donations**

Small donations made under clauses 7–9 will be approved at the discretion of the Mayor, according to the criteria outlined in those sections, and the requisition authorised by the General Manager.

**12. Budget limitations for condolences, milestones and civic recognition**

A budget allocation of \$2,500 is available each financial year for gifts under clauses 2–5, with all gifts to be capped at \$150, unless approved at an open meeting of Council.

Council funds must not be spent on gifts for purposes not referred to in this policy or approved by Council at an open meeting.

**13. Reporting**

Expenditure on gifts and donations referred to in this policy will be reported to Council on a six-monthly basis.

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**Review**

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To be reviewed every four years.

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**Contact**

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Coordinator Governance

Ph 9911 9908

## **(ITEM 44/22) REQUEST FOR SPONSORSHIP - TVB ANYWHERE MOON FESTIVAL 2022**

File No: 22/15984

REPORT BY DIRECTOR COMMUNITY LIFE

### **Summary**

Council has received a proposal from TV Media Australia Pty Ltd (known as TVB Anywhere), a national Asian TV and online platform with over 60 Chinese and Vietnamese channels in Australia, to host the TVB Anywhere Moon Festival 2022 in Burwood Park on Saturday 27 August 2022.

TVB Anywhere is seeking a fee waiver from Council for the hire of the Burwood Park Pavilion, Burwood Park Community Centre as well as garbage removal services for the event, staff support for event delivery and the supply of audio-visual equipment and technical support.

This report recommends that Council approve an in-kind contribution of \$11,672 in support of the TVB Anywhere Moon Festival in 2022.

### **Operational Plan Objectives**

- 1.4.3 Coordinate, facilitate and support inclusive cultural events and initiatives to celebrate community, diversity and cultural heritage.
- 1.4.3.2 Seek to support events and activities within the area that celebrate diversity.
- 1.4.3.2.1 Provide support or sponsorship to cultural events and activities within the community.

### **Background**

Council has received a proposal from TVB Anywhere, a national Asian TV and online platform with over 60 Chinese and Vietnamese channels in Australia, to host the TVB Anywhere Moon Festival 2022 in Burwood Park on Saturday 27 August 2022.

The TVB Anywhere Moon Festival is an event that caters for the broad Asian community in Sydney and is open to the broader community. The Festival has been held in Burwood Park since 2013 and has attracted a large number of visitors and participants each year.

As per previous years, the event's producers have requested to utilize Burwood Park as the event venue due to the large Asian population present in the Burwood Local Government Area and surrounding catchment area.

TVB Anywhere is seeking a fee waiver from Council for the hire of the Burwood Park Pavilion, Burwood Park Community Centre as well as garbage removal services for the event, staff support for event delivery and the supply of audio-visual equipment and technical production support. The requested contribution, including cash and in-kind components, has been estimated at a cost of \$16,672. A copy of the full proposal is enclosed under Attachment 1.

TVB Anywhere has previously obtained event sponsorship from Council via both cash and in-kind support. Most recently in 2021, Council resolved to provide a partial in-kind contribution of \$10,000 and requested that the organiser cover the remaining charges. The event did not proceed due to the 2021 Covid-19 lockdown and no contribution was therefore provided by Council.

### **Proposal**

That Council consider the request for sponsorship presented by TVB Anywhere and determine a preferred option to support the initiative.



### **Consultation**

Advice was sought from Council's Events Coordinator, Parks Team and Community Facilities and Park Bookings Officer to ascertain the community, financial and park impacts of the proposed event.

### **Planning or Policy Implications**

The proposal is consistent with Council's Sponsorship Policy adopted in 2014. The proposal is also consistent with Council's Community Strategic Plan and Operational Plan objectives as it provides opportunities for people to participate in activities and events that celebrate our diverse community and involves Council providing support to external partners to deliver community events.

### **Financial Implications**

This report recommends that Council approve an in-kind contribution of \$11,672 in support of the TVB Anywhere Moon Festival in 2022.

The following table provides a breakdown of the costs associated with the proposed in kind contribution:

|   |                    |
|---|--------------------|
| Staff costs (2 ground staff and events coordinator) | \$2,500.00         |
| Council Health Inspector (2 hours)                  | \$250.00           |
| Garbage truck and removal charges                   | \$2,000.00         |
| Burwood Park Tier 4 Event Fee hire                  | \$5,000.00         |
| Burwood Park Community Centre hire                  | \$1,820.00         |
| Banner site & installation fee for fortnight        | \$102.00           |
| <b>Total</b>  | <b>\$11,672.00</b> |

Council has available funding allocated in the 2022-2023 Operational Plan Events Budget to cover the costs associated with the above contribution.

It should be noted that Council is unable to provide audio-visual equipment and technical production support as Council contracts these services for large scale outdoor events and does not have sufficient budget available to meet this component of the sponsorship request (estimated at \$5,000 for the event).

The organisers will also be required to pay the following bonds for use of Burwood Park and Burwood Park Community Centre for their event. The bonds are refundable on the condition that the park is left in a satisfactory state.

|                                    |                   |
|------------------------------------|-------------------|
| Tier 4 Outdoor Event bond          | \$5,000.00        |
| Burwood Park Community Centre bond | \$500.00          |
| <b>Total</b>                       | <b>\$5,500.00</b> |

In return for the above in kind support, Council will receive the following deliverables from TVB Anywhere:

- Acknowledgement of Burwood Council as the event partner and display of the Burwood Council logo in all promotional materials and media coverage.
- Inclusion of Burwood Council's logo in all event signage and banners at the event on Saturday 27 August 2021.
- Opportunity for the Mayor of Burwood to open the event in Burwood Park on Saturday 27 August 2021 and deliver an address.

- Provide airtime for six days of Community Service Announcements for up to 1 minute and 30 seconds each in length on the TVB Anywhere television channels profiling Burwood Council initiatives during 2022-2023 at a frequency of three times daily at 7.00am, 6.00pm and 9.30pm, on six separate dates to the value of \$16,380. The advertisement video will be provided by Burwood Council.
- Provide airtime for four days of advertisements on the TVB Anywhere television channels for up to 1 minute 30 seconds each in length advertising Burwood Council's Burwood Festival 2022. The advertisement video will be provided by Burwood Council. These advertisements must be aired at a frequency of four times daily at the times of 7.00am, 3.30pm, 6.00pm and 9.30pm, on four separate dates prior and close to the event date to the value of \$13,560.
- Film at Burwood Council's Burwood Festival 2022 event and include this footage on news coverage on the TVB Anywhere television channels after the event on the following Monday at 7.00am, 3.30pm, 6.00pm and 9.30pm to the value of \$5,500.
- Provide airtime for four days of advertisements on the TVB Anywhere television channel for up to 1 minute 30 seconds each in length advertising Burwood Council's Lunar New Year 2023 event (dates to be notified at a later date). These advertisements must be aired at a frequency of four times daily at the times of at 7.00am, 3.30pm, 6.00pm and 9.30pm on four separate dates. The advertisement video will be provided by Burwood Council. The dates of the four advertisements should be prior to Burwood Council's Lunar New Year 2023 event as well as on the actual Lunar New Year (dates to be notified at a later date) to the value of \$13,560.
- Film at Burwood Council's Lunar New Year 2023 event and include this footage on news coverage on the TVB Anywhere television channels on the day after the event (dates to be notified at a later date) at 7.00am, 3.30pm, 6.00pm and 9.30pm to the value of \$5,500.
- Ensure the event should continue rain, hail or shine, unless extreme conditions persist, in which case the event should be cancelled. A weather consult must take place 24 hours prior to the event by TVB Anywhere in conjunction with Burwood Council, with a final decision to be made by 9am on Friday 26 August 2021. If the event is cancelled after this time, TVB Anywhere will be responsible for any cancellation fees for the hire of the Audio Technician and Audio System.

The overall value of the above deliverables to be provided by TVB Anywhere to Council is \$54,500 (as per the value supplied by TVB Anywhere).

### **Options**

Council could opt to:

1. Approve an in-kind contribution of \$11,672 based on Council's budget allocation and request that the organisers cover the remaining costs.
2. Support the proposed event by providing cash and in-kind contributions valued at \$16,672 (inclusive of audio-visual equipment and technical production support) and identify a funding source to cover the additional \$5000.
3. Refuse the proposal for support.

### **Conclusion**

The proposal from TVB Anywhere to host the TVB Anywhere Moon Festival 2022 aims to engage the main Asian demographic groups of Burwood and surrounding suburbs as well as the broader community through an open cultural event.

Since 2013, this event has been held annually in Burwood Park with Council financial and in kind support. It is important to consider that repeated financial and in kind support has led to a regular annual expectation from the organisers that Council will continue to provide support. As such, Council will need to consider future requests from other community and cultural organisations to maintain a fair, transparent and consistent approach.

***Recommendation***

That Council approve an in-kind contribution of up to \$11,672 based on Council's allocated budget in support of the TVB Anywhere Moon Festival to be held on Saturday 27 August 2022.

**Attachments**

- 1 TVB Anywhere Moon Festival Proposal 2022



# **Proposal of TVB Anywhere Moon Festival 2022**

From TV Media Australia Pty. Ltd., (ABN 50 627 515 922)

to Burwood Council

**Event Description**

1





TVB Anywhere Moon Festival (hereafter called 'The Event') is an annual carnival of TV Media Australia Pty. Ltd., (hereafter called 'TVB Anywhere'). The Event has been held at Burwood Park for the seventh year running. The event has been very well received and the number of attendees exceeded our expectations in the past years. We would like to propose to work with Burwood Council again.

**Proposed Date:** Saturday 27th August 2022

**Time:** 10.00 am to 5.00pm

**Location:** Burwood Park, corner of Burwood Road and Park Avenue, Burwood NSW

**Target Audience:** Locals from the municipality, TVB viewers and visitors from greater Sydney area

#### **TVB Anywhere Responsibilities**

It is proposed that TVB Anywhere will:

- Acknowledge Burwood Council as the event partner and display the Burwood Council logo in all promotional material and media coverage.
- Include Burwood Council's logo in all event signage and banners at the Event on Saturday 27th August 2022.
- Cover the cost of bonds associated with the hire of Burwood Park and the Burwood Park Pavilion, and use of marquee facilities for the event, totalling **\$9,500**. This bond amount will be returned after the Event, provided all related facilities are left in a satisfactory condition.
- Invite the Mayor of Burwood to open the Event in Burwood Park on Saturday 27th August 2022 and deliver an address.
- Provide airtime for six days of Community Service Announcements for up to 1 minute and 30 seconds each in length on the TVB Anywhere television channels profiling Burwood Council initiatives during 2022-2023 at a frequency of three times daily at 7.00am, 6.00pm and 9.30pm, on six separate dates, totalling **\$16,380** (dates to be confirmed at a later date). The advertisement video will be provided by Burwood Council.



- Provide airtime for four days of advertisements on the TVB Anywhere television channels for up to 1 minute 30 seconds each in length advertising Burwood Council's Burwood Festival 2022. The advertisement video will be provided by Burwood Council. These advertisements must be aired at a frequency of four times daily at the times of 7.00am, 3.30pm, 6.00pm and 9.30pm, on four separate dates prior and close to the event date, totalling **\$13,560**.
- Film at Burwood Council's Burwood Festival and includes this footage on news coverage on the TVB Anywhere television channels after the event on the following Monday at 7.00am, 3.30pm, 6.00pm and 9.30pm, totalling **\$5,500**.
- Provide airtime for four days of advertisements on the TVB Anywhere television channel for up to 1 minute 30 seconds each in length advertisement Burwood Council's Lunar New Year event (dates to be notified at a later date). These advertisements must be aired at a frequency of four times daily at the times of at 7.00am, 3.30pm, 6.00pm and 9.30pm on four separate dates, totalling **\$13,560**. The advertisement video will be provided by Burwood Council. The dates of the four advertisements should be prior to Burwood Council's Lunar New Year 2023 event as well as on the actual Lunar New Year (dates to be notified at a later date).
- Film at Burwood Council's Lunar New Year 2023 event and include this footage on news coverage on the TVB Anywhere television channels on the day after the event (dates to be notified at a later date) at 7.00am, 3.30pm, 6.00pm and 9.30pm, totalling **\$5,500**.
- Ensure the Event should continue rain, hail or shine, unless extreme conditions persist, in which case the event should be cancelled. A weather consult must take place 24 hours prior to the event by TVB Anywhere in conjunction with Burwood Council, with a final decision to be made by 9am on Friday 26th August 2022. If the event is cancelled after this time, TVB Anywhere will be responsible for any cancellation fees for the hire of the Audio Technician and Audio System.
- Be responsible for securing funding and sponsorship for the event.
- Complete a terrorist self-assessment and risk assessment and provide it to Council at least four weeks prior to the event.



- Inform Burwood Police Area Command (PAC) of the Event and liaise directly with Burwood PAC regarding any event requirements. TVB Anywhere will be responsible for any costs associated with Police assistance on the day of the event.
- Have at least 4 x security guards on the Event Day and ensure they will be on site from 'bump-in' to 'bump-out' on the Event day and at least 1 x security overnight on Friday 26th August 2022 if equipment are left unattended in Burwood Park.

#### **Request to Burwood Council**

We propose that Burwood Council again to be one of the major sponsors of the 2022 event and that the Council permits us to use Burwood Park and associated facilities with the same level of support in staging and services as previous years including the following:

- Waive fees associated with the hire of Burwood Park from 8.00am on Friday 26th August to 11.59pm on Saturday 20th August 2022. The booking on Friday 26th August is restricted to event set-up only.
- Waive fees associated with the hire of the Burwood Park Community Centre to be used on the Event Day, Saturday 27th August 2022 from 6am to 8pm.
- Waive fees associated with electricity usage, use of stalls within Burwood Park (based on an estimate of 50 stalls to be provided by TV Media Australia Pty Ltd), use of marquees within Burwood Park (based on an estimate of two to be provided by TV Media Australia Pty Ltd), installation of banners sized 3m length x 1m width in Burwood along Burwood Road opposite Wiley Avenue and other suitable locations, and administration for the event.
- Waive fees associated with the hire of the Burwood Park Pavilion to be used as the stage on the Event Day, Saturday 27th August 2022 from 6am to 8pm.
- Provide an Audio Technician and Audio System for use with the Burwood Park Pavilion on event day, Saturday 27th August 2022.





- Provide three Council Officers to monitor rubbish clean up on the day of the event, Saturday 27th August 2022.
- Provide garbage truck hire for rubbish removal after the Event on Saturday 27th August 2022.
- Provide designated parking area on 27<sup>th</sup> August 2022 on Park Ave and Comer Street.
- Provide Depot staff to open and close park gate and monitor access for delivery and set up of equipment on Friday 26th August 2022.
- Print and distribute event notification letters to residents and business owners within the Burwood Local Government Area (LGA).
- Advertise the event on its display screens at the Burwood Library & Community Hub, Burwood Council.
- Waive the fee for a Council Health Inspector to be onsite to conduct health inspections on Food and Drink stallholders.

We look forward to hearing from you and hope to work with Burwood Council again.

Yours sincerely,

A handwritten signature in black ink, appearing to read "J. Cheung".

Jacky Cheung

Executive Director, TV Media Australia Pty. Ltd.



**Appendix - TVB Anywhere Channels List**

1. TVB (Hong Kong)
2. TVBJ
3. TVBN
4. Entertainment News
5. TVB Finance & Information Channel
6. Asian Action
7. TVB Live Shows
8. KBS World
9. Horse Racing Channel 88
10. TVB Xing He Channel
11. Classic Movies
12. Mainland News Channel
13. Phoenix InfoNews Channel
14. Phoenix Chinese Channel (Australia)
15. TVBS News
16. TVBS Asia
17. CCTV-4 - Chinese International Channel
18. CGTN Documentary
19. CCTV Entertainment Channel
20. CCTV Opera Channel
21. Yunnan International Channel
22. Hunan TV International
23. ZTV International
24. JSBC International
25. Shanghai Dragon TV
26. BTV International
27. The World Channel of TJTV
28. The International Channel of Shandong TV Station (TSTV)
29. Anhui Broadcasting Corporation International (ABC International)
30. The Shenzhen TV International (SZTV International)
31. The Southern Television Satellite Channel
32. Fujian Straits TV
33. Chongqing TV International (CTVI)
34. Guangxi TV International
35. Sichuan TV International Channel
36. Great Wall Elite
37. Fishing Channel
38. Tea Channel

**(ITEM 45/22) BUDGET REVIEW FOR QUARTER ENDING 31 MARCH 2022**

File No: 22/11358

REPORT BY DIRECTOR CORPORATE SERVICES

**Summary**

The 2021-2022 Budget was adopted at the Council Meeting held on 29 June 2021 with a surplus of \$16,818. The adopted budget was prepared on the basis of the organisational structure which included five Directorates and the General Manager, (City Assets, City Strategy, Community Life, Corporate Services and People & Performance).

This report provides Council with the financial results for the period ending 31 March 2022, in the 2021-2022 Financial Year. In accordance with Clause 203(1) of the *Local Government (General) Regulation 2005* (the Regulation) the Responsible Accounting Officer is required to prepare and submit to Council a budget review statement no later than two months after the end of each quarter (except the June Quarter).

The following Statement of Budget Income and Expenditure identifies a forecast funding deficit of \$573,432 as at 31 March 2022 compared to the December revised surplus of \$7,698 which was adopted at the March 2022 Council Meeting.

The reasons for the net decrease of \$581,130 are outlined in the report, additionally Council will need to continue to closely monitor and review budgets with particular focus on identifying opportunities for additional grants and internal savings moving forward.

Council created an Internal Restricted Asset (Reserve) called "Business Continuity (operational reimbursement) Reserve of \$2.5million as part of the 2020-21 Financial Statements reconciliations to cover further pandemic losses. However, due to the drawn out period the economy has been in lockdown, an additional funding of the "Business Continuity Reserve" to the value of \$500,000 was recommended in the September 2021 Budget Review to ensure that service levels continued to be met during 2021-22 financial year. This brought the Reserve balance to \$3,000,000. Unfortunately Burwood's revenue streams are still being affected by the COVID-19 pandemic (Parking, Enfield Aquatic Centre, Commercial Rental etc). To balance the estimated budget deficit Council will require further funds to top up the "Business Continuity" reserve by an additional \$575,000, this can be funded from Council's "Unrestricted Cash and Investments" which will continue to support the 2021-22 budget by providing funding for existing operational expenditure. This will leave Council with a small Budget Surplus of \$1,568.

**Operational Plan Objective**

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability

**Background**

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

Council's budget is prepared on a program basis and forecasts expected operating and capital income and expenditure for the year. To fund the budget, Council also utilises funds held in reserve that have accumulated in prior years such as Section 7.12 Local Infrastructure Contributions and Internally Restricted Reserves.

The Local Government Code of Accounting Practice and Financial Reporting require Council to

prepare its General Purpose Annual Financial Reports in accordance with the Australian Accounting Standards. The major implications are that Council must adopt a general purpose format for financial reporting.

This requires Council to:

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

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

| BURWOOD COUNCIL                                  |                     |                    |                    |                     |                        |                     |           |                     |
|--|---------------------|--------------------|--------------------|---------------------|------------------------|---------------------|-----------|---------------------|
| Statement of Budget Income & Expenditure         |                     |                    |                    |                     |                        |                     |           |                     |
| as at 31 March 2022                              |                     |                    |                    |                     |                        |                     |           |                     |
| Income   |                     |                    |                    |                     |                        |                     |           |                     |
| Type   | Adopted Variations  |                    |                    | Amended Budget      | Recommended Amendments | Forecasted Year End | Reference | Actuals             |
|  | Budget              | September          | December           |                     |                        |                     |           |                     |
| Rates & Annual Charges                           | (33,687,499)        | (100,601)          | (192,776)          | (33,980,876)        | -                      | (33,980,876)        | 1         | (33,940,293)        |
| User Charges & Fees                              | (9,943,851)         | 2,212,500          | 5,000              | (7,726,351)         | 481,746                | (7,244,605)         | 2         | (4,711,155)         |
| Interest & Investment Revenue                    | (650,000)           | -                  | -                  | (650,000)           | -                      | (650,000)           | 3         | (344,614)           |
| Other Revenue                                    | (4,878,529)         | 566,000            | (110,000)          | (4,422,529)         | 280,000                | (4,142,529)         | 4         | (2,683,238)         |
| Rental Income                                    | (2,347,282)         | 659,935            | -                  | (1,687,347)         | 328,000                | (1,359,347)         | 5         | (1,000,894)         |
| Operating Grants & Contributions                 | (2,599,019)         | (548,479)          | (61,196)           | (3,208,694)         | (1,140,499)            | (4,349,193)         | 6         | (2,219,143)         |
| Capital Grants & Contributions                   | (5,780,000)         | (3,731,451)        | -                  | (9,511,451)         | (2,499,500)            | (12,010,951)        | 7         | (4,262,967)         |
| Carryover Grants                                 | -                   | -                  | -                  | -                   | -                      | -                   | 8         | -                   |
| <b>Total Income</b>                              | <b>(59,886,180)</b> | <b>(942,096)</b>   | <b>(358,972)</b>   | <b>(61,187,248)</b> | <b>(2,550,253)</b>     | <b>(63,737,501)</b> |           | <b>(49,162,305)</b> |
| Expenditure                                      |                     |                    |                    |                     |                        |                     |           |                     |
| Type   | Adopted Variations  |                    |                    | Amended Budget      | Recommended Amendments | Forecasted Year End | Reference | Actuals             |
|  | Budget              | September          | December           |                     |                        |                     |           |                     |
| Employment Costs                                 | 22,922,355          | (980,370)          | (267,500)          | 21,674,485          | (405,015)              | 21,269,470          | 9         | 16,129,444          |
| Borrowing Costs                                  | 339,638             | -                  | -                  | 339,638             | -                      | 339,638             | 10        | 213,862             |
| Materials & Contracts                            | 23,824,526          | 3,304,512          | 963,481            | 28,092,519          | 2,198,399              | 30,290,918          | 11        | 14,984,347          |
| Depreciation                                     | 9,562,886           | -                  | -                  | 9,562,886           | -                      | 9,562,886           | 12        | 7,273,545           |
| Other Expenses                                   | 1,041,850           | -                  | 17,500             | 1,059,350           | -                      | 1,059,350           | 13        | 871,187             |
| <b>Total Expenditure</b>                         | <b>57,691,255</b>   | <b>2,324,142</b>   | <b>713,481</b>     | <b>60,728,878</b>   | <b>1,793,384</b>       | <b>62,522,262</b>   |           | <b>39,472,385</b>   |
| <b>Net Operating Result</b>                      | <b>(2,194,925)</b>  | <b>1,382,046</b>   | <b>354,509</b>     | <b>(458,370)</b>    | <b>(756,869)</b>       | <b>(1,215,239)</b>  |           | <b>(9,689,919)</b>  |
| <b>Net Operating Result before Capital Items</b> | <b>3,585,075</b>    | <b>5,113,497</b>   | <b>354,509</b>     | <b>9,053,081</b>    | <b>1,742,631</b>       | <b>10,795,712</b>   |           | <b>(5,426,953)</b>  |
| Funding Statement                                |                     |                    |                    |                     |                        |                     |           |                     |
| Net Operating Result                             | (2,194,925)         | 1,382,046          | 354,509            | (458,370)           | (756,869)              | (1,215,239)         |           | (9,689,919)         |
| Add Back Non Cash Items                          |                     |                    |                    |                     |                        |                     |           |                     |
| Depreciation                                     | (9,562,886)         | -                  | -                  | (9,562,886)         | -                      | (9,562,886)         | 14        | (7,273,545)         |
| Movement in ELE                                  | -                   | -                  | -                  | -                   | -                      | -                   |           | -                   |
| <b>Adjusted Net Operating Result</b>             | <b>(11,757,811)</b> | <b>1,382,046</b>   | <b>354,509</b>     | <b>(10,021,256)</b> | <b>(756,869)</b>       | <b>(10,778,125)</b> |           | <b>(16,963,465)</b> |
| Source of Capital Funds                          |                     |                    |                    |                     |                        |                     |           |                     |
| Sale of Assets                                   | (550,000)           | -                  | -                  | (550,000)           | -                      | (550,000)           | 15        | (148,789)           |
| Loan Funding                                     | (1,000,000)         | -                  | -                  | (1,000,000)         | -                      | (1,000,000)         | 16        | -                   |
| Transferred From Section 7.12                    | (1,065,000)         | (2,885,770)        | 91,488             | (3,859,282)         | (141,655)              | (4,000,937)         | 17        | -                   |
| Transferred From Reserves                        | (3,004,213)         | (7,644,893)        | (1,610,706)        | (12,259,812)        | (1,026,500)            | (13,286,312)        | 18        | -                   |
| Add Back Non Cash Property                       | -                   | -                  | -                  | -                   | -                      | -                   |           | -                   |
| <b>Funds Available</b>                           | <b>(17,377,024)</b> | <b>(9,148,617)</b> | <b>(1,164,709)</b> | <b>(27,690,350)</b> | <b>(1,925,024)</b>     | <b>(29,615,374)</b> |           | <b>(17,112,254)</b> |
| Funds Utilised:                                  |                     |                    |                    |                     |                        |                     |           |                     |
| Acquisition of Assets                            | 10,804,555          | 9,466,235          | 919,218            | 21,190,008          | 2,506,154              | 23,696,162          | 19        | 11,080,381          |
| Loan Principal Repayment                         | 725,651             | -                  | -                  | 725,651             | -                      | 725,651             | 20        | 527,983             |
| Lease Liability Principal Repayment              | -                   | -                  | 211,993            | 211,993             | -                      | 211,993             | 20        | 158,459             |
| Transfer to Section 7.12                         | 5,030,000           | -                  | -                  | 5,030,000           | -                      | 5,030,000           | 21        | -                   |
| Transfer to Reserves                             | 800,000             | (275,000)          | -                  | 525,000             | -                      | 525,000             | 22        | -                   |
| <b>Budget Result</b>                             | <b>(16,818)</b>     | <b>42,618</b>      | <b>(33,498)</b>    | <b>(7,698)</b>      | <b>581,130</b>         | <b>573,432</b>      |           | <b>(5,345,430)</b>  |

The material variations greater than \$20,000 are detailed in the following section which are crossed 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 \$59,886,180. This figure after the first half of the year increased to \$61,187,248. The March quarter review has seen an increase of \$2,550,253 to \$63,737,501. The major items resulting in this forecast income adjustment include:

**Reference 2 – User Charges and Fees** - An overall decrease of \$481,746 primarily due to the following:

Significant income reduction due to COVID-19 and extending Burwood Cares for the remainder of the financial year across a number of different areas.

- Road Closure Permits - due to down turn in construction work
- Enfield Aquatic Centre's income – slow uptake in patronage in general admissions and the Learn to Swim program due to COVID-19
- Council's Community Halls and Facilities – slow uptake in patronage due to COVID-19
- Outdoor Eating fees – footpath rebate extension to 30 June 2022 due to COVID-19
- Cultural Events – due to cancellation of events due to COVID-19

**Reference 4 – Other Revenue** - An overall decrease of \$280,000 primarily due to the following:

- A reduction of \$650,000 in Parking Enforcement revenue due to COVID-19
- Increase in Shopping Trolley Impounding Fees of \$170,000
- Increases in Environmental Legal Cost Recoveries of \$200,000

**Reference 5 – Rental Income** – A decrease of \$328,000 in Commercial Rent on Council's properties unable to lease due to slow uptake in commercial property opportunity due to COVID-19

**Reference 6 – Operating Grants and Contributions** – An increase in Operating Grants and Contributions of \$1,140,499, associated with the following;

- A Subsidy of \$42,000 received in relation to Family Leave Subsidies. Offset against Reference 9 – Employee Costs
- A Subsidy (Carbon Rebate) of \$10,500 received for green power. Offset against Reference 11 – Materials & Services
- A \$350,000 Grant from Department of Planning, Industry and Environment for a Pilot Program to deliver faster Development approval turnaround time
- A \$500,000 Grant from Department of Planning, Industry and Environment for Festival of Place - Open Streets Festival
- A \$269,999 Grant from Department of Planning, Industry and Environment for Floodplain Management Program throughout the Burwood Local Government area, the project is estimated to cost \$450,000, Council will part fund through Capital Works Drainage.
- A reduction of \$32,000 in Festival contribution income due to events being cancelled.

**Reference 7 – Capital Grants and Contributions** – An increase of \$2,499,500, associated with the following:

- A part payment of monies of \$2,379,500 from Legacy Grant Funding, toward Enfield Village upgrade and Grant Park All inclusive Playground projects.
- A \$120,000 Grant from Transport NSW toward the upgrade of Cooks River Shared Path Lighting.

**Total Expenditure from continuing operations**

Expenditure from continuing operations was originally forecast at \$57,691,255. This figure after the first half of the year increased to \$60,728,878. The March quarter review has seen an increase of \$1,793,384 to \$62,522,262. As part of the Budget Review a review of all expenditure categories were undertaken to assist in minimising the effects of COVID-19 and any additional expenditure required during the quarter. The major items resulting in this forecast expenditure adjustment include.

**Reference 9 – Employment Costs** - An overall decrease in Employee costs of \$405,015 is attributed to, but not limited to:

- Savings from various Business Units Wages and Salaries components of \$606,000 for the funding of Contractors – Temporary Staff who are employed to fill vacant positions within the organisation. Areas which required the transfers during the quarter were Operations Centre, Corporate Services, Community Safety, Street Cleansing, Parks Operations and People & Performance. A commensurate offset in Reference 11 – Materials and Services.
- An allowance of \$973,000 has been required for Employee Costs associated with the Organisational Realignment. A commensurate offset in Reference 18 – Transferred from Reserve.
- Savings of \$280,000 within the Enfield Aquatic Centre Casuals as they have not been required due to slow uptake in the Learn to Swim programs and inclement weather patterns.
- Savings of \$492,015 resulted after a review of all the Salary and Wages and Overtime components throughout the budget, (which took into account vacant positions, terminated employees and savings due to COVID-19 circumstances).

**Reference 11 – Materials and Services** - An additional expenditure amount of \$2,198,399 was attributed to various movements within Business Units throughout the budget. Significant movements and additional funding requests were:

- Contracted Temporary Staff - \$931,300 to fill various positions throughout the organisation. These funds were in part sourced from savings within Wages and Salaries respective budgets. Reference 9 – Employment Costs.
- Consultancy expenses of \$170,000 required in conjunction with Development Appeals currently underway.
- \$143,000 required to engage external agency to assist with the recruitment of staff in association with the Organisational Realignment.
- A savings amounting to \$226,001 due to the Cancellation of Events due to COVID-19
- A review of all Consultancy budgets has revealed a savings of \$148,500.
- Increase of \$350,000 in legal costs associated with a number of Development Appeals currently underway.
- A savings in Parking Collection and Enforcement of \$80,000 due to the impacts of COVID-19 has had on Parking Revenue.
- Council is continuing to develop a Property Strategy and requires an additional - \$50,000. Additional expenditure funded through Property Reserve – Reference 18 – Transferred from Reserves
- A review of Contractors throughout the budget has created savings of \$225,000 to assist with Council's deficit.

During the quarter Council received several Grant funded operational projects outlined in Operational Grants and Contributions, the following corresponding expenditure:

- Consultancy expenses of \$405,000 to facilitate the Floodplain Management Project. Reference 6 - Operating Grants and Contributions and Reference 19 – Acquisitions of Assets

- Festival of Place Open Streets Festival grant funded expenditure \$500,000. Reference 6 – Operating Grants and Contributions
- Faster Regional Significant Development grant funded expenditure \$350,000. Reference 6 – Operating Grants and Contributions

There were other budget movements within the classification of Materials and Contracts. These movements had no significant change to the actual overall budget or were transferred to Other Expenses.

### **Capital Expenditure**

**Reference 19 – Acquisition of Assets** - Council's original adopted 2021-2022 Capital Budget, per Delivery Plan, was \$10,804,555. This figure after the first half of the year increased to \$21,190,008. The March quarter review has seen a further increase of \$2,506,154 bringing the total Capital Works programme to \$23,696,162.

#### ***Capital Plant and Equipment:***

Actual Expenditure to 31 March 2022 represents 38.43% of the revised budget as shown in the table below.

#### ***Property Acquisitions/Disposals:***

During the March quarter Council did not acquire or the disposal of any Property.

#### ***Capital Works Program:***

During the December quarter review the Capital Program Working Party assessed and revised the 2021-2022 Capital Works Program based on recommendations from the respective Project Managers and Council initiatives, the following adjustments have been made:

- Enfield Village upgrade - \$1,379,500. Reference 7 – Capital Grants and Contributions
- Grant Park All inclusive Playground - \$1,000,000. Reference 7 – Capital Grants and Contributions
- Cooks River Shared Path Lighting - \$120,000. Reference 7 – Capital Grants and Contributions
- Enfield Aquatic Centre variation adjustment of \$36,655. Reference 17 – Transfer from S7.12
- Wangal Park Gas Mitigation works - \$105,000. Reference 17 – Transfer from S7.12
- Drainage (Stormwater) transfer of funds to operational expenditure to part fund the Grant Council received for Floodplain Management Program - \$135,001. Reference 11 – Materials and Contracts
- Reallocation of funding from Burwood Town Centre upgrade to Infrastructure Roads to upgrade a section of Burwood Road, no budget implication.
- Transfer of funds from Street Furniture Capital to Corporate projects to fund Henley Park Gateway Signage, no budget implication.

| BURWOOD COUNCIL                           |                     |                    |                  |                     |                        |                     |           |                   |
|---|---------------------|--------------------|------------------|---------------------|------------------------|---------------------|-----------|-------------------|
| Statement of Capital Income & Expenditure |                     |                    |                  |                     |                        |                     |           |                   |
| Budget Review as at 31 March 2022         |                     |                    |                  |                     |                        |                     |           |                   |
| <u>Income</u>                             |                     |                    |                  |                     |                        |                     |           |                   |
| Adopted Variations                        |                     |                    |                  |                     |                        |                     |           |                   |
| Capital Expenditure                       | Budget              | September          | December         | Amended Budget      | Recommended Amendments | Forecasted Year End | Reference | Actuals           |
| Renewal Assets (Replacement):             |                     |                    |                  |                     |                        |                     |           |                   |
| Fleet Capital Acquisitions Sales          | 1,250,000           | -                  | -                | 1,250,000           | -                      | 1,250,000           | 19        | 480,444           |
| Furniture and Equipment                   | -                   | -                  | -                | -                   | -                      | -                   | 19        | 12,656            |
| Grant Funded Capital Works                | 169,167             | -                  | -                | 169,167             | -                      | 169,167             | 19        | -                 |
| Roads                                     | 1,525,000           | 549,400            | -                | 2,074,400           | 1,185,000              | 3,259,400           | 19        | 1,282,248         |
| Traffic Facilities                        | 220,000             | 683,850            | -                | 903,850             | -                      | 903,850             | 19        | 317,841           |
| Footpaths                                 | 500,000             | 220,000            | -                | 720,000             | 200,000                | 920,000             | 19        | 654,155           |
| Kerb & Gutter                             | 485,000             | 269,000            | -                | 754,000             | -                      | 754,000             | 19        | 590,770           |
| Drainage                                  | 1,966,388           | 836,778            | -                | 2,803,166           | (135,001)              | 2,668,165           | 19        | 585,360           |
| Park Improvements                         | 320,000             | 1,819,087          | 96,162           | 2,235,249           | 225,000                | 2,460,249           | 19        | 1,801,721         |
| Playground Equip                          | 200,000             | 193,950            | -                | 393,950             | 1,000,000              | 1,393,950           | 19        | 241,507           |
| Street Furniture                          | 620,000             | 297,450            | -                | 917,450             | (40,000)               | 877,450             | 19        | 408,043           |
| Public Domain Chargeable Works            | 750,000             | 42,000             | -                | 792,000             | -                      | 792,000             | 19        | 317,930           |
| Library Collection                        | 130,000             | (10,000)           | -                | 120,000             | -                      | 120,000             | 19        | 35,623            |
| Lib Resources                             | 34,000              | -                  | -                | 34,000              | -                      | 34,000              | 19        | 7,308             |
| IT Projects                               | 325,000             | 345,500            | -                | 670,500             | -                      | 670,500             | 19        | 201,192           |
| Corporate Projects                        | 295,000             | 200,000            | (34,000)         | 461,000             | 40,000                 | 501,000             | 19        | 207,851           |
| Town Centre Beautification                | 1,800,000           | 1,207,398          | -                | 3,007,398           | (5,500)                | 3,001,898           | 19        | 982,290           |
| Council Buildings                         | 100,000             | 962,200            | 27,460           | 1,089,660           | -                      | 1,089,660           | 19        | 272,870           |
| Enfield Pool                              | -                   | 1,849,622          | 39,432           | 1,889,054           | 36,655                 | 1,925,709           | 19        | 1,818,851         |
| Balance Sheet                             | -                   | -                  | -                | -                   | -                      | -                   | 19        | 6,552             |
| Property Acquisition Sales                | -                   | -                  | -                | -                   | -                      | -                   | 19        | 811,352           |
| Domestic Waste Collection                 | 115,000             | -                  | -                | 115,000             | -                      | 115,000             | 19        | 43,819            |
| Council Land                              |                     |                    | 790,164          | 790,164             |                        | 790,164             |           |                   |
| <b>Total Capital Expenditure</b>          | <b>10,804,555</b>   | <b>9,466,235</b>   | <b>919,218</b>   | <b>21,190,008</b>   | <b>2,506,154</b>       | <b>23,696,162</b>   |           | <b>11,080,381</b> |
| <b>Capital Funding</b>                    |                     |                    |                  |                     |                        |                     |           |                   |
| Rates & other Charges                     | (805,342)           | 2,019,168          | 600,000          | 1,813,826           | 185,001                | 1,998,827           |           |                   |
| Capital Grants & Contributions            | (5,780,000)         | (3,731,451)        | -                | (9,511,451)         | (2,499,500)            | (12,010,951)        |           |                   |
| Loan Funding                              | (1,000,000)         | -                  | -                | (1,000,000)         | -                      | (1,000,000)         |           |                   |
| Domestic Waste Charge                     | (115,000)           | -                  | -                | (115,000)           | -                      | (115,000)           |           |                   |
| Sale of Assets                            | (550,000)           | -                  | -                | (550,000)           | -                      | (550,000)           |           |                   |
| <b>Reserves:</b>                          |                     |                    |                  |                     |                        |                     |           |                   |
| Section 7.12 Funding                      | (1,065,000)         | (2,885,770)        | 91,488           | (3,859,282)         | (141,655)              | (4,000,937)         |           | -                 |
| Reserve Funding                           | (1,489,213)         | (4,868,182)        | (1,610,706)      | (7,968,101)         | (50,000)               | (8,018,101)         |           | -                 |
| <b>Total Capital Funding</b>              | <b>(10,804,555)</b> | <b>(9,466,235)</b> | <b>(919,218)</b> | <b>(21,190,008)</b> | <b>(2,506,154)</b>     | <b>(23,696,162)</b> |           |                   |

### Transfers to and From Reserves:

**Reference 17 – Transferred from Section 7.12** – An increase of \$141,655 relating to the following projects:

- Wangal Park – Gas Mitigation – \$105,000
- Enfield Aquatic Centre variation adjustment of \$36,655

**Reference 18 – Transferred from Reserves** – An increase of \$1,026,500 relating to the following projects:

- Property Strategy - \$50,000
- Employee Costs associated with the new Organisational Realignment - \$973,000
- KTS Program - \$3,500



## Cash and Investments Budget Review Statement

| Budget Review for quarter ended 31 March 2022          |   |                                       |  |   |  |   |                               |
|--|---|---------------------------------------|--|---|--|---|-------------------------------|
| Cash & Investments                                     |   |                                       |  |   |  |   |                               |
|  | Opening<br>Balance as at<br>1 July 2021<br>000s | Original<br>Budget<br>2021-22<br>000s | Budget<br>Review<br>September<br>2021-22<br>000s | Budget<br>Review<br>December<br>2021-22<br>000s | Budget<br>Review<br>March<br>2021-22<br>000s | Projected<br>Year End<br>Result<br>000s | Actual YTD<br>figures<br>000s |
| Total Cash, Cash Equivalents and Investment Securities | 47,902  | 49,663                                | 39,338   | 37,818  | 36,649                                       | 36,649                                  | 53,634                        |
| <b>Restrictions</b>                                    |   |                                       |  |   |  |   |                               |
| <b>External Restrictions</b>                           |   |                                       |  |   |  |   |                               |
| Developers Contributions                               | 11,179  | 3,965                                 | -2,886   | 91  | -142   | 12,207                                  | 12,207                        |
| Specific Purpose Unexpended Grants                     | 18  |                                       |  |   |  | 18                                      | 18                            |
| Loans  | 1,000   |                                       |  |   |  | 1,000                                   | 1,000                         |
| Stormwater Management                                  | 27  |                                       |  |   |  | 27                                      | 27                            |
| Domestic Waste Management                              | 1,853   | -614                                  | -100   |   |  | 1,139                                   | 1,139                         |
| Total External Restrictions                            | 14,077  | 3,351                                 | -2,986   | 91  | -142   | 14,391                                  | 14,391                        |
| <b>Internal Restrictions</b>                           |   |                                       |  |   |  |   |                               |
| Plant & Vehicle Replacement                            | 2,060   | -450                                  |  |   |  | 1,610                                   | 1,610                         |
| Employees Leave Entitlements                           | 1,516   |                                       |  |   |  | 1,516                                   | 883                           |
| Carry Over Works                                       | 2,496   |                                       | -2,044   |   |  | 452                                     | 883                           |
| Deposits, Retentions & Bonds                           | 4,920   |                                       |  |   |  | 4,920                                   | 4,920                         |
| Financial Assistance Grant (advance)                   | 607   |                                       |  |   |  | 607                                     | 607                           |
| Information Technology                                 | 760   |                                       | -345   |   |  | 415                                     | 415                           |
| WHS  | 429   |                                       |  |   |  | 429                                     | 429                           |
| Parking Meters Replacement                             | 366   | 100                                   |  |   |  | 466                                     | 466                           |
| Property Sales   | 500   |                                       |  |   |  | 500                                     | 500                           |
| Future Property Investment                             | 3,770   | 175                                   | -175   | -610  |  | 3,160                                   | 3,160                         |
| LATMs  | 294   |                                       |  |   |  | 294                                     | 294                           |
| Woodstock Community Building                           | 287   |                                       |  |   |  | 287                                     | 287                           |
| Election   | 375   | -325                                  |  |   |  | 50                                      | 50                            |
| Property Maintenance                                   | 1,711   | -270                                  | -1,308   | -27   | -50  | 56                                      | 56                            |
| Park Upgrades  | 934   |                                       | -37  | -63   |  | 834                                     | 834                           |
| Car Park Upgrades                                      | 574   |                                       | -574   |   |  | -                                       | -                             |
| Enfield Aquatic Centre Maintenance/Upgrade             | 416   | 50                                    | -194   | -39   |  | 233                                     | 233                           |
| Local Environmental Plan                               | 1,000   | 920                                   |  |   |  | 80                                      | 80                            |
| Insurances   | 725   | 50                                    |  | -775  |  | -                                       | -                             |
| CCTV   | 193   |                                       |  |   |  | 193                                     | 193                           |
| Organisational Alignment                               | 973   |                                       | -110   |   | -863   | -                                       | -                             |
| Technology Enhancements                                | 971   |                                       |  |   |  | 971                                     | 971                           |
| Infrastructure - SRV                                   | 33  |                                       |  |   |  | 33                                      | 33                            |
| Operations Centre                                      | 400   |                                       |  |   |  | 400                                     | 400                           |
| Business Continuity                                    | 2,500   |                                       | -2,500   |   |  | -                                       | -                             |
| Contract Liabilities                                   | 2,415   |                                       |  |   |  | 2,415                                   | 2,415                         |
| Town Centre festive decorations                        | 150   |                                       |  |   |  | 150                                     | 150                           |
| Other  | 446   |                                       | -52  | -97   | -114   | 183                                     | 183                           |
| Total Internal Restrictions                            | 31,821  | -1,590                                | -7,339   | -1,611  | -1,027                                       | 20,254                                  | 20,052                        |
| Total Restrictions                                     | 45,898  | 1,761                                 | -10,325  | -1,520  | -1,169                                       | 34,645                                  | 34,443                        |
| Unrestricted Cash                                      | 2,004   | 2,004                                 | 1,504  | 1,504   | 1,504  | 1,504                                   | 19,191                        |

Council's Current Unrestricted Cash is distorted as Council has received a high volume of rate revenue as at 31 March 2022. The Unrestricted Cash figure will fluctuate during the year as it will be used to fund planned expenditure or deficit due to COVID-19 as happened through the March 2022 review.

**Investments:**

Council's investments have been made in accordance with its Investment Policy and the Investment Guidelines issued by the Minister for Local Government at the time of their placement. As at 31 March 2022, Council's investment portfolio stood at \$47,551,349. Council's Investments are tabled on a monthly basis as a separate report.

**Cash:**

Council's Finance Officers undertake a monthly bank reconciliation, which reconciles funds held in Council's General Fund Bank Account with those within its ledger. The most recent reconciliation was undertaken on 4 April 2022 for the month ending 31 March 2022. The reconciliation was approved by the Financial Operations Accountant and the balance in Council's General Fund Bank Account totalled \$2,751,548.69.

**Key Performance Indicators Statement**

In assessing an organisation's financial position, there are a number of performance indicators that can assist to easily identify whether or not an organisation is financially sound. These indicators and their associated benchmarks, as stipulated by the Local Government Association of NSW and Shires Association of NSW are set out below. It must be noted that certain indicators have been affected by the circumstances surrounding the COVID-19. Council will be endeavouring to soften the impact as much as possible over the remainder of the year.

|   | Performance Indicator                      | 2021-22 Original Budget | 2021-22 Budget Sept Review | 2021-22 Budget Dec Review | 2021-22 Budget Mar Review | Local Government or NSW Treasury Corp Bench Mark | March quarter Comments  |
|---|--|-------------------------|----------------------------|---------------------------|---------------------------|--|---|
| 1 | Operating Performance Ratio                | -6.63%                  | -16.95%                    | -17.52%                   | -20.87%                   | Greater or equal to break-even                   | The increase negativity caused by COVID-19 on Council's Operating Budget  |
| 2 | Consolidated Budget Result                 | \$16,818 Surplus        | \$25,800 Deficit           | \$7,698 Surplus           | \$573,432 Deficit         | N/A  | March Deficit shows the effects of Covid is having on Council's Revenue Stream. Council approval of further transfer from Restricted Cash Balance and transfer from Business Continuity Reserve required. Closer monitoring of budgets will continue for remainder of year. |
| 3 | Unrestricted Current Ratio                 | 3.18:1                  | 7.2:1                      | 3.9:1                     | 2.91:1                    | Greater or equal to 1.5:1                        | Currently trending above the benchmark. Once several Capital Works are completed Council's Unrestricted Current Ratio will reduce.  |
| 4 | Debt Service Result                        | 1.97%                   | 2.08%                      | 2.06%                     | 2.06%                     | Greater than Zero                                | Tracking as per Budget.   |
| 5 | Rates and Annual Charges Outstanding %     | 104.16%                 | 61.92%                     | 43.77%                    | 21.74%                    | Less than or equal to 5%                         | For the year to 31 March 2022 Council has received \$27,427,000 in payment of Rates, Annual Charges and Interest levied which equates to 78.26% paid.   |
| 6 | Building and Infrastructure Renewals Ratio | 86%                     | 188%                       | 191%                      | 227%                      | >100% or 1:1                                     | Ratio increased in March quarter due to additional Capital Grant funding for several projects which may carryover to the next financial year.   |

- 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 2.91:1 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 78.26% of the Rates and Annual Charges raised, based on these figures a collection rate for the year will be below the OLG recommended 5% level.
6. **Building and Infrastructure Renewal Ratio** - This ratio indicates the rate of renewal/replacement of existing assets as against the depreciation of the same category of Assets. A ratio greater than one is a positive financial indicator.

## Budget Review Contracts and Other Expenses

### Part A – Contracts Listing

Contracts entered into by Council during the quarter ending 31 March 2022 which are required to be reported.

| Contractors              | Contract Details and purpose                   | Contract Value GST excl | Commencement Date | Duration of contract | Budgeted (Y/N) |
|--------------------------|--|-------------------------|-------------------|----------------------|----------------|
| Planet Civil Pty Ltd     | Croydon Village Gateway Signage                | \$74,943                | March 2022        | June 2022            | Y              |
| Cunnen & Company Pty Ltd | Henley Park Wayfinding Signage                 | \$125,170               | March 2022        | June 2022            | Y              |
| KK Consultants Pty Ltd   | Enfield Village Revitalization                 | \$898,768               | May 2022          | September 2022       | Y              |
| JJ Coleman Plumbing      | CCTV Stormwater Investigation                  | \$83,261                | April 2022        | June 2022            | Y              |
| W.S. Partners Unit Trust | Drainage Survey & Design various Streets (LGA) | \$364,689               | February 2022     | June 2022            | Y              |
| Civille Pty Ltd          | Burwood Park Upgrade detailed Design           | \$97,000                | March 2022        | June 2022            | Y              |

**Part B – Legal Expenses**

| Type          | Individual Matter   | Expenditure Year to Date | Cost Recovery / Fines YTD |
|---------------|---|--------------------------|---------------------------|
| Advice        | Proposed Demolition of Existing Build 28-34 Victoria Street Matthews Folbigg Pty Ltd                                    | 5,905.50                 |                           |
| Advice        | VPA Lease Hornsey Street  | 5,608.31                 |                           |
| Advice        | Lease - Pallamar Holding Pty Ltd - 43 Brighton St   | 183.48                   |                           |
| Advice        | 11 Seale St Burwood - S7.10 Planning Certificate & Interim Heritage Order   | 1,287.00                 |                           |
| Advice        | DA.2019.091 - 30 Storey Mixed Use 28-34 Victoria Street   | 2,900.00                 |                           |
| Advice        | Proposed development of Boarding House  | 3,998.00                 |                           |
| Advice        | Appointment of Council as Principal Certifier   | 4,457.00                 |                           |
| Voluntary     | 14A Grosvenor Street Croydon  | 2,931.50                 | 2,931.50                  |
| Voluntary     | 127-133 Burwood Road Burwood  | 2,945.50                 |                           |
| Voluntary     | 21-23 Belmore Street, Burwood   | 2,952.10                 | 2,952.10                  |
| Advice        | 6 Woodside Ave Burwood - dog attack   |                          | 808.00                    |
| Advice        | Leg - ACS Integrated Svc Provider Re selling Interest to Millennium Hi-Tech Holdings P/L                                |                          | 132.00                    |
| Advice        | 57A Park Road   | 273.95                   |                           |
| Advice        | 20A Angelo St Burwood - Liana Sugrono unlawful works  |                          | 270.00                    |
| Supreme Court | 13 Appian Way Burwood   | 134,961.93               |                           |
| Advice        | 12 Coronation Parade Enfield Sukkar Constructions Pty Ltd - DA Consent Breach   |                          | 6,800.00                  |
| Advice        | Legal - 319-321 Liverpool Road Strathfield  |                          | 7,500.00                  |
| Advice        | 7 Deane Street & 1-3 Marmaduke Street Burwood TQM Design & Construct Pty Ltd - Breach Stop Work                         | 70.00                    |                           |
| Advice        | Visy Recycling Contract Negotiations  | 106,259.28               |                           |
| Advice        | Ilias Panas - 9 Badminton Road Croydon Dog Attack   |                          | 1,750.00                  |
| Advice        | Burwood Council @s Patrick Elias  | 14,691.87                |                           |
| Advice        | 40 Wentworth Rd failure to comply with Swimming Pool Safety Regulations   | 18,200.23                |                           |
| Advice        | Inspection at Marsden Hotel 56-60 Burwood Road Burwood supplying alcohol to the public without                          | 688.71                   |                           |
| Land &        | 24 Burleigh Street  | 12,375.00                |                           |
| Advice        | Council vs Bay Group 2 Pty Ltd - 84-88 Burwood Road infringement issued for breach of development                       |                          | 3,500.00                  |
| Advice        | Council vs Bue Chip Projects Australia Pty Ltd DA consent breaches at 267 Georges River Road                            | 2,025.00                 | 3,650.00                  |
| Advice        | Council vs Mr Maroun Chehade & Mrs Chantale Chehade- unlawful work non-compliance order at 21 Beresford Av Croydon Park | 3,001.75                 |                           |
| Advice        | Council vs Habib - Carried out Unauthorised Works and Non-Compliance with issued Order 20 Seymour                       | 6,534.00                 |                           |
| Land &        | 61 Georges River Road, Croydon Park   | 6,823.19                 |                           |
| Advice        | Dangerous Dog Advice - 17A Minna Street   | 6,545.59                 | 1,500.00                  |
| Advice        | L&E Appeal - 35 Young Street Class 1 appeal - DA2020.116  | 2,232.00                 |                           |
| Advice        | Council vs O & E Developments - scaffolding overhanging the roadway at 319 Liverpool Road Enfield                       | 350.00                   |                           |
| Advice        | Council vs Michel Hanna Enterprises P/L- infringement due to no valid permits for concrete work 35A-35B                 | 3,150.00                 | 3,800.00                  |
| Advice        | Legal advice - Wynne Ave Lease Holdmark - Burwood Place   | 5,096.50                 |                           |
| Advice        | 2-4 Cooper Street DA 1/2021 Appeal  | 45,891.30                |                           |
| Advice        | 18 Cooper Street DA 122/2020 Appeal   | 49,254.55                |                           |
| Advice        | Council vs Arthur Barber – parking fine number 321368810  | 1,561.00                 |                           |
| Advice        | Council vs Inspections Plus Pty Ltd - 28 Carlyle St Enfield 3 development infringements issued                          | 2,520.00                 | 9,960.00                  |
| Advice        | Council vs Jet Express Plumbing Maintenance Pty Ltd 319-321 Liverpool Rd Strathfield-2 development                      | 768.00                   |                           |
| Advice        | Council vs Home Property Co Pty Ltd - Mitchell St Enfield - trailer placed on the roadway contrary to our               | 1,152.00                 |                           |
| Advice        | works not carried out in accordance with DA- 45 Wentworth Rd appeals- "deemed refusal" BldgCertif                       | 8,120.00                 |                           |
| Advice        | Mr Dai – 36 Oxford Street Burwood Order regarding unsafe structure at the rear yard                                     | 6,990.26                 |                           |
| Advice        | O and E Developments 319-321 Liverpool Rd Strathfield BD.2018.048 - Class 1 Application CM21/35641                      | 88,812.92                |                           |
| Advice        | 27 Lyons Street Strathfield Unify Construction Pty Ltd 2 infringements-DA not accord consent                            | 1,280.00                 | 4,050.00                  |
| Advice        | 68-72 Railway Pde and 2-10 Oxford St Burwood Refusal of a S4.44 Modification  | 945.00                   |                           |
| Advice        | 68-72 Railway Pde and 2-10 Oxford St Burwood Refusal of a S4.44 Modification  | 5,308.00                 |                           |
| Advice        | 68-72 Railway Pde and 2-10 Oxford St Burwood Deemed refusal of a Building Information Certificate                       | 1,050.00                 |                           |
| Advice        | Legal - 2 Boronia Ave Burwood Class 1 appeal - DA.2021.104  | 16,765.00                |                           |
| Advice        | Legal - 18 Appian Way Burwood DA.2021.8 DA.2021.8 - L&E Court Appeal  | 29,865.86                |                           |
| Advice        | COVID Policy Advice   | 4,485.00                 |                           |
| Advice        | Burwood Sesquicentenary Committee - Legal Advice - Digital Publication "Harvest Of The Years"                           | 3,602.00                 |                           |
| Advice        | Burleigh Street Plan Burwood Master Plan  | 4,582.92                 |                           |
|               |   |                          |                           |
|               | Rates Recovery Action   | 680.00                   |                           |
|               |   |                          |                           |
|               |   | <b>630,081</b>           | <b>49,604</b>             |
|               |   |                          |                           |
| Annual Budget |   | <b>1,022,500</b>         |                           |

**Conclusion**

The current forecast budget result and the variations identified as part of the 31 March 2022 Quarter review has been undertaken by the Executive Team, Managers and the Chief Finance Officer.

Due to the continued effects the Covid-19 pandemic has placed on Council's budget there are a number of budget items that will be closely monitored and reviewed over the remainder of the financial year, with particular focus being placed on identifying opportunities for additional income and internal expenditure savings. These areas include Enfield Aquatic Centre revenue and expenditure, Enforcement Fine income, Car Parking income, Development Application income,



legal and consultancy expenses, Temporary Agency Staff expenses (the filling of current vacancies should become a priority for the remainder of the year to address Council's Operating Performance ratio) along with Wages and Salaries Overtime budgets.

### **Regulatory Compliance**

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

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

*"It is my opinion that the Quarterly Budget Review Statement for Burwood Council for the quarter ended 31 March 2022 indicated in the above report, takes into account and reflects the changing economic and other conditions that are currently impacting on Council due to the COVID-19 pandemic. Council is in an unpredictable position at present and it will be essential for Council management to continually monitor their budgets and wherever possible endeavour to minimise excessive and nonessential expenditure, with particular attention being placed on reducing reliance on external contractors and consultants, maintain revenue streams where possible and the delivering of Council's Capital Works programme."*

### **Recommendation(s)**

1. That the Budget Review Statement of the 2021-2022 Budget as at 31 March 2022, including the statement by the Responsible Accounting Officer, Chief Finance Officer, be received and noted.
2. That in accordance with Clauses 203 and 211 of the *Local Government (General) Regulation 2005*, the revised estimates of income and expenditure for 2021-2022 deficit of \$573,432, 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 and the transfers to and from External and Internal Restricted Reserves be, and are hereby voted.
3. That Council authorise the Chief Finance Officer, through the General Manager to transfer from Council's "Unrestricted Cash Reserves" a further \$575,000 to the "Business Continuity" (operational reimbursement) Reserve to support the current 2021-22 budget, providing funding for existing operational expenditure thus insulating Council from the negative economic impacts the budget is experiencing resulting from continued revenue shortfalls and liquidity problems in the short to medium term leaving Council with a Surplus of \$1,568.

### **Attachments**

There are no attachments for this report.

**(ITEM 46/22) INVESTMENT REPORT AS AT 30 APRIL 2022**

File No: 22/16729

REPORT BY DIRECTOR CORPORATE SERVICES

**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

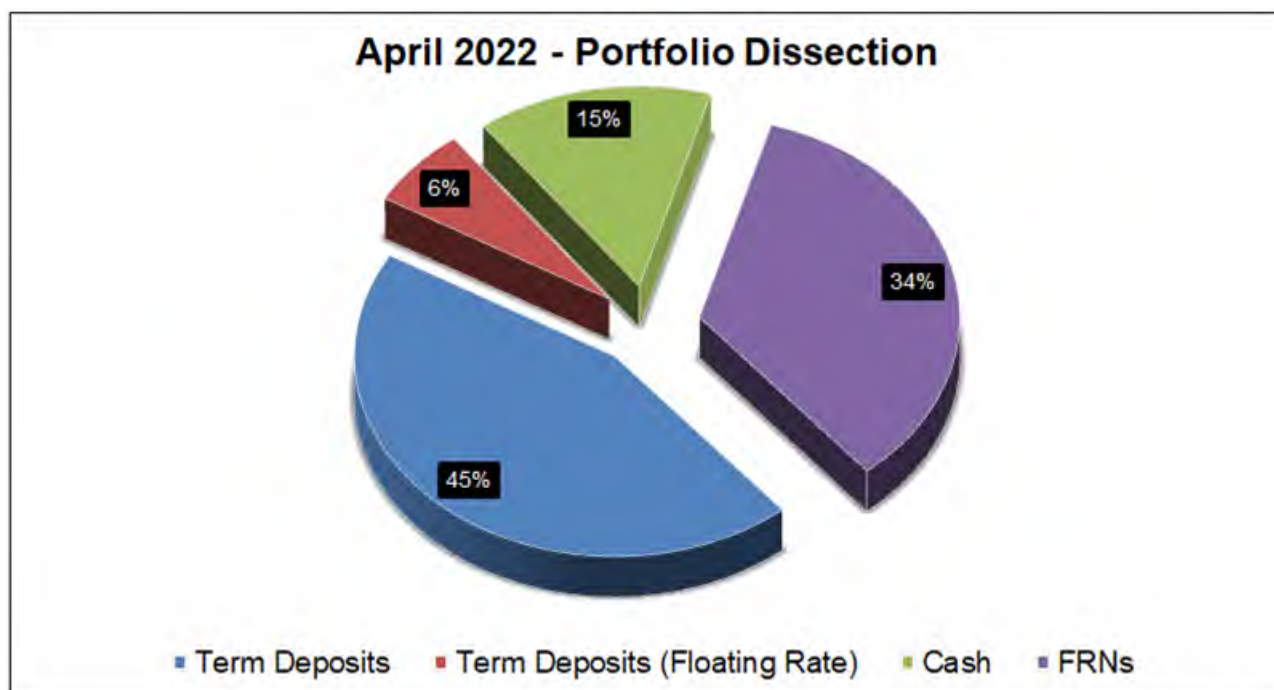
**Background**

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**

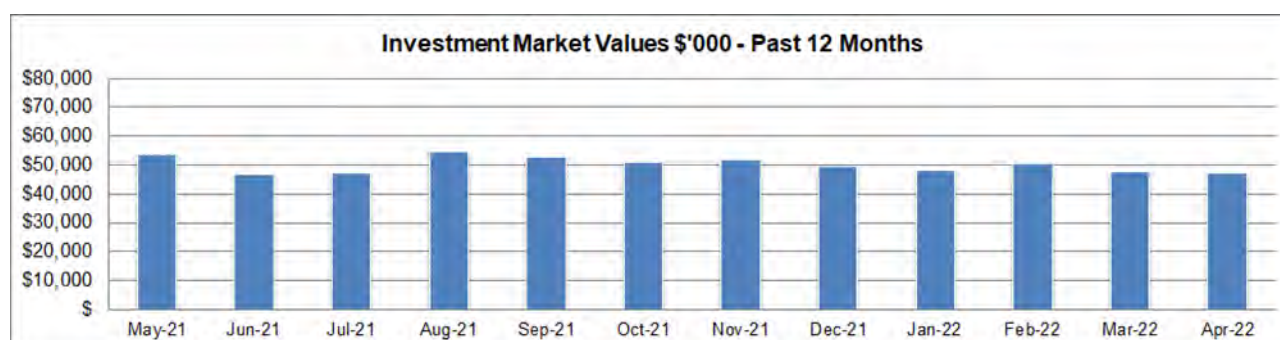
Council has a diversified investment portfolio and has a number of direct investments in term deposits. Its investment portfolio as at 30 April 2022 is:



As at 30 April 2022 Council held the following term deposits:

| Purchase Date | Financial Institution          | Principal Amount  | Interest Rate | Investment Days | Maturing Date |
|---------------|--------------------------------|-------------------|---------------|-----------------|---------------|
| 14 Jul 20     | Westpac                        | 4,000,000         | 0.89%         | 730             | 14 Jul 22     |
| 14 Jul 20     | National Australia Bank        | 4,000,000         | 0.90%         | 730             | 14 Jul 22     |
| 31 Aug 21     | National Australia Bank        | 3,000,000         | 0.80%         | 1,095           | 30 Aug 24     |
| 31 Aug 21     | Westpac                        | 3,000,000         | 0.75%         | 1,095           | 30 Aug 24     |
| 25 Feb 22     | National Australia Bank        | 4,000,000         | 0.40%         | 90              | 26 May 22     |
| 27 Apr 22     | Commonwealth Bank of Australia | 3,000,000         | 1.10%         | 90              | 26 Jul 22     |
| <b>Total</b>  |                                | <b>21,000,000</b> |               |                 |               |

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



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

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

### **Investment Performance and Market Commentary**

At the Reserve Bank of Australia (RBA) meeting on the 3 May 2022, the Board decided to increase the official cash rate to 0.35 per cent. According to the RBA Governor "... The Board judged that now was the right time to begin withdrawing some of the extraordinary monetary support that was put in place to help the Australian economy during the pandemic. The economy has proven to be resilient and inflation has picked up more quickly, and to a higher level, than was expected. There is also evidence that wages growth is picking up. Given this, and the very low level of interest rates, it is appropriate to start the process of normalising monetary conditions.

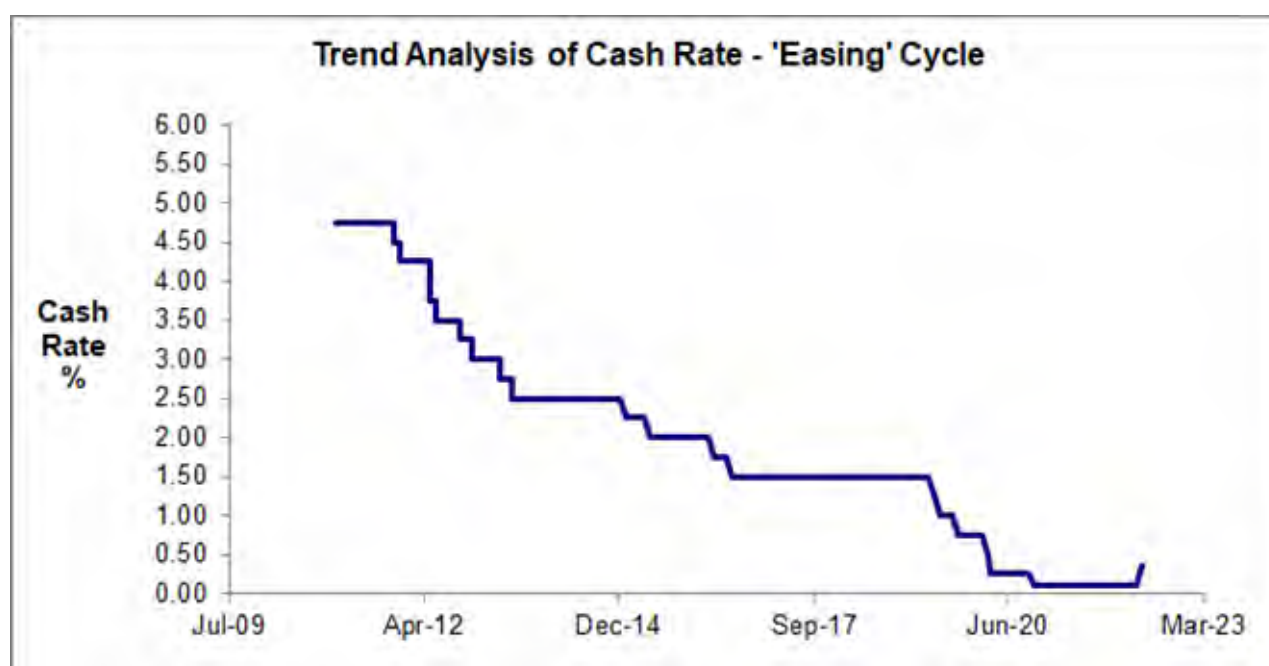
The resilience of the Australian economy is particularly evident in the labour market, with the unemployment rate declining over recent months to 4 per cent and labour force participation increasing to a record high. Both job vacancies and job ads are also at high levels. The central forecast is for the unemployment rate to decline to around 3½ per cent by early 2023 and remain around this level thereafter. This would be the lowest rate of unemployment in almost 50 years.

The outlook for economic growth in Australia also remains positive, although there are ongoing uncertainties about the global economy arising from: the ongoing disruptions from COVID-19, especially in China; the war in Ukraine; and declining consumer purchasing power from higher inflation. The central forecast is for Australian GDP to grow by 4¼ per cent over 2022 and 2 per cent over 2023. Household and business balance sheets are generally in good shape, an upswing in business investment is underway and there is a large pipeline of construction work to be completed.

Given both the progress towards full employment and the evidence on prices and wages, some withdrawal of the extraordinary monetary support provided through the pandemic is appropriate. Consistent with this, the Board does not plan to reinvest the proceeds of maturing government bonds and expects the Bank's balance sheet to decline significantly over the next couple of years as the Term Funding Facility comes to an end. The Board is not currently planning to sell the government bonds that the Bank purchased during the pandemic.

The Board is committed to doing what is necessary to ensure that inflation in Australia returns to target over time. This will require a further lift in interest rates over the period ahead. The Board will continue to closely monitor the incoming information and evolving balance of risks as it determines the timing and extent of future interest rate increases. Statement by Philip Lowe, Governor: Monetary Policy Decision – 3 May 2022”.

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



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

1. That the investment report for 30 April 2022 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

### **Attachments**

- 1 Investment Register - 30 April 2022
- 2 Types of Investments



## Investment Register - 30 April 2022

BURWOOD COUNCIL  
INVESTMENT PORTFOLIO  
as at 30 April 2022

| Investment Adviser                                | Issuer                               | ADI or N-ADI | Investment Name                      | Type   | Rating S&P | Invested Amount   | Market Value as at 28/02/2022 | Market Value as at 31/03/2022 | Market Value as at Reporting Date | % of Total Invested |
|---|--------------------------------------|--------------|--------------------------------------|--|------------|-------------------|-------------------------------|-------------------------------|-----------------------------------|---------------------|
| <b>Cash</b>                                       |                                      |              |                                      |  |            |                   |                               |                               |                                   |                     |
| Council   | Commonwealth Bank                    | ADI          | Operating Account                    | Cash   | AA-        | 2,560,175         | 5,713,649                     | 2,796,093                     | 2,560,175                         | 14.66               |
| Council   | Commonwealth Bank                    | ADI          | Cash Deposit Account                 | At Call  | AA-        | 0                 | -                             | -                             | -                                 | 5.41                |
| Council   | Commonwealth Bank                    | ADI          | Online Saver                         | At Call  | AA-        | 349,404           | 349,250                       | 349,359                       | 349,404                           | 0.74                |
| Council   | Macquarie Bank                       | ADI          | Accelerator Account                  | At Call  | AA-        | 4,019,640         | 4,016,195                     | 4,019,934                     | 4,019,934                         | 8.50                |
| Council   | AMP Bank Limited                     | ADI          | AMP Business Saver                   | At Call  | BBB-       | 1,274             | 1,273                         | 1,274                         | 1,274                             | 0.00                |
| Council   | AMP Bank Limited                     | ADI          | AMP Notice Account                   | Notice 30 days   | BBB-       | 3,453             | 3,449                         | 3,451                         | 3,453                             | 0.01                |
| <b>Term Deposits</b>                              |                                      |              |                                      |  |            |                   |                               |                               |                                   |                     |
| Council   | National Australia Bank              | ADI          | National Australia Bank              | Term Deposit   | AA-        | 4,000,000         | 4,022,586                     | 4,025,644                     | 4,028,603                         | 44.52               |
| Council   | Westpac                              | ADI          | Westpac                              | Term Deposit   | AA-        | 4,000,000         | 4,004,389                     | 4,007,413                     | 4,001,561                         | 8.46                |
| Council   | Westpac                              | ADI          | Westpac                              | Term Deposit   | AA-        | 3,000,000         | 3,000,000                     | 3,001,911                     | 3,003,760                         | 6.35                |
| Council   | AMP Bank                             | ADI          | AMP Bank                             | Term Deposit   | BBB+       | -                 | 3,005,587                     | 3,008,733                     | -                                 | 0.00                |
| Council   | Commonwealth Bank                    | ADI          | Commonwealth Bank                    | Term Deposit   | AA-        | 3,000,000         | 3,000,000                     | 3,000,271                     | 3,000,271                         | 6.34                |
| Council   | National Australia Bank              | ADI          | National Australia Bank              | Term Deposit   | AA-        | 4,000,000         | 4,000,132                     | 4,001,490                     | 4,002,805                         | 8.46                |
| Council   | National Australia Bank              | ADI          | National Australia Bank              | Term Deposit   | AA-        | 3,000,000         | 3,011,901                     | 3,013,940                     | 3,015,912                         | 6.38                |
| <b>Term Deposits - Fixed &amp; Floating Rates</b> |                                      |              |                                      |  |            |                   |                               |                               |                                   |                     |
| Council   | Westpac                              | ADI          | Westpac                              | Coupon Select Deposit 2 Yr Fixed plus 3 Yr (90day BBSW + 1.05 bps) | AA-        | 3,000,000         | 3,000,000                     | 3,007,593                     | 3,014,941                         | 6.36                |
| <b>Floating Rate Notes</b>                        |                                      |              |                                      |  |            |                   |                               |                               |                                   |                     |
| Council   | Suncorp-Metway Limited               | ADI          | Suncorp-Metway Limited               | Floating Rate Notes (90 day BBSW mid +94 bps)                      | A+         | 1,500,000         | 1,506,150                     | 1,505,490                     | 1,505,580                         | 3.18                |
| Council   | Bendigo-Adelaide                     | ADI          | Bendigo Bank & Adelaide Bank         | Floating Rate Notes (90 day BBSW mid + 105 bps)                    | BBB+       | 1,500,000         | 1,511,640                     | 1,510,365                     | 1,505,700                         | 3.18                |
| Council   | ANZ Group                            | ADI          | ANZ Group                            | Floating Rate Notes (90 day BBSW mid + 77 bps)                     | AA-        | 2,000,000         | 2,012,220                     | 2,010,360                     | 2,005,060                         | 4.24                |
| Council   | Newcastle Permanent Building Society | ADI          | Newcastle Permanent Building Society | Floating Rate Notes (90 day BBSW +140 bps)                         | BBB        | 1,250,000         | 1,262,713                     | 1,261,400                     | 1,261,488                         | 2.67                |
| Council   | National Australia Bank              | ADI          | National Australia Bank              | Floating Rate Notes (90 day BBSW +41 bps)                          | AA-        | 1,500,000         | 1,483,620                     | 1,475,730                     | 1,474,515                         | 3.12                |
| Council   | MyState Bank Ltd                     | ADI          | MyState Bank Ltd                     | Floating Rate Notes (90 day BBSW +65 bps)                          | BBB        | 2,500,000         | 2,497,750                     | 2,481,750                     | 2,480,800                         | 5.25                |
| Council   | Commonwealth Bank of Australia       | ADI          | Commonwealth Bank of Australia       | Floating Rate Notes (90 day BBSW +93 bps)                          | AA-        | 2,000,000         | 2,019,840                     | 2,016,540                     | 2,015,360                         | 4.26                |
| Council   | Commonwealth Bank of Australia       | ADI          | Commonwealth Bank of Australia       | Floating Rate Notes (90 day BBSW +113 bps)                         | AA-        | 4,000,000         | 4,065,960                     | 4,054,880                     | 4,038,560                         | 8.54                |
| <b>Grand Total</b>                                |                                      |              |                                      |  |            | <b>47,184,155</b> | <b>50,489,285</b>             | <b>47,551,340</b>             | <b>47,289,070</b>                 | <b>100.00</b>       |

| Credit Ratings |  |
|----------------|--|
| AAA            | Extremely strong capacity to meet financial commitments<br>Highest Rating  |
| AA             | Very strong capacity to meet financial commitments   |
| A              | Strong capacity to meet financial commitments but somewhat susceptible to adverse economic conditions and changes in circumstances |
| BBB            | Adequate capacity to meet financial commitments, but more subject to adverse economic conditions                                   |
| CCC            | Currently vulnerable and dependent on favourable business, financial and economic conditions to meet financial commitments         |
| D              | Payment default on financial commitments   |
| +              | Means that a rating may be raised  |
| -              | Means that a rating may be lowered   |

## Certificate of Responsible Accounting Officer

I hereby certify that the investments listed have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policies at the time of their placement.

*W. Antage*

Wayne Armillage  
Chief Finance Officer

## Types of Investments

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### Types of Investments

Council's investment portfolio consists of the following types of investment:

1. **Cash and Deposits at Call** – Cash and Deposits at Call accounts are a flexible savings facility providing a competitive rate of interest for funds which are at call (available within 24hours). These accounts enable us to control Council's cashflows along with council's General Fund Bank account. Interest rates are updated in accordance with movements in market rates.

The following investments are classified as Cash and Deposits at Call:

- Commonwealth Bank of Australia – Online Saver AA-
- Commonwealth Bank of Australia – Operating Account AA-
- AMP Business Saver and Notice – At Call/Notice BBB-
- Macquarie Accelerator – At Call account AA-

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:

1. Term Deposits
2. Global Fixed Income Deposits
3. Senior Debt
4. Subordinated Debt
5. Hybrids
6. Preference shares
7. 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 47/22) SAFE AND CLEAN TEAM - PERFORMANCE REPORT OCTOBER 2021 TO MARCH 2022

File No: 22/17392

REPORT BY DIRECTOR CITY ASSETS

### **Summary**

This report provides performance information on the Safe & Clean Team for the period October 2021 to March 2022.

### **Operational Plan Objective**

3.1.3. Ensure regular cleaning and maintenance of local areas to prevent damage to the environment.

### **Background**

The Safe & Clean Team operates on a daily basis between the hours of 10am to 6pm and patrols all main business streets in the Burwood Local Government Area as defined in the contract including Burwood Road, Liverpool Road, The Boulevarde, The Strand and Georges River Road.

The Safe & Clean Team focuses on ensuring that the main business streets are always clean by removing light litter and cleaning infrastructure as well as reporting all crime activity to Police and local law breaches to Council. Additionally the team provide a key visual presence for Council along the main commercial streets during the above hours.

Below highlights the performance for the October 2021 to March 2022 period:

| Activity | Rubbish<br>Removed from<br>roadway<br>(litres) | Shopping trolleys<br>reported and<br>removed into side<br>streets (no.) | Advertising<br>posters<br>removed<br>(no.) | Report graffiti<br>on Council<br>property<br>(locations) | Small spills<br>clean-ups<br>(no.) |
|----------|--|---|--|--|------------------------------------|
| October  | 652  | 53  | 26   | 5  | 34                                 |
| November | 674  | 62  | 31   | 6  | 45                                 |
| December | 642  | 67  | 52   | 7  | 56                                 |
| January  | 682  | 48  | 59   | 0  | 42                                 |
| February | 670  | 58  | 65   | 9  | 73                                 |
| March    | 668  | 65  | 51   | 7  | 78                                 |
| Totals:  | 3988   | 353   | 284  | 34   | 328                                |

Note: Shopping trolleys left abandoned on the streets were removed by the trolley owners. During the period, shopping trolleys not removed by the trolley owners within a specific timeframe were processed, impounded and the owners charged a fee for their retrieval. This impounding process has ensured that the majority of trolleys are removed from the streets on a daily basis.

Rubbish removed from the roadway highlights that Burwood Road has the highest amount of light rubbish dumped on the street and this could be explained by the high volume of pedestrian traffic in this section of the roadway.

The Safe and Clean team identified an increase in posters, including advertising and political signs. Posters that did not comply with policies or legislation such as the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Division 2, Subdivision 13 - Election signs* were removed.

**Consultation**

Not applicable.

**Planning or Policy Implications**

Not applicable

**Financial Implications**

Funds are provided for the delivery of this service in the 2021/22 Budget.

**Conclusion**

Overall the presence of the Safe & Clean Team has made a significant impact towards beautification of the main streets and the safety of the local community.

***Recommendation(s)***

That Council receives and notes the Safe and Clean Team performance report for the period October 2021 to March 2022.

**Attachments**

There are no attachments for this report.



**(ITEM 48/22) PETITIONS**

File No: 22/18369

REPORT BY DIRECTOR CORPORATE SERVICES

**Summary**

Petitions received are reported to Council on a monthly basis. Council has received one petition since the 26 April 2022 Council Meeting.

**Operational Plan Objective**

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

**Background**

| <b>Date Received</b> | <b>Petition Subject</b>  | <b>No. of Households and Businesses within the LGA</b> | <b>No. of Households outside the LGA</b> | <b>Responsible Council Division</b> |
|----------------------|--|--|--|-------------------------------------|
| 11/4/2022            | Petition for removal of a trailer from Croydon Avenue, Croydon | 69   | 0  | City Assets                         |

**Comment**

The Petition has been referred to the appropriate Council Officers for attention and has been presented to the May meeting of the Burwood Traffic Committee, as requested.

A redacted version of the petition will be shared with Councillors on the secure Councillor Portal.

**Recommendation(s)**

That Council receives and notes the Petition.

**Attachments**

There are no attachments for this report.

**(ITEM 49/22) QUESTIONS ON NOTICE**

File No: 22/17808

## REPORT BY DIRECTOR CORPORATE SERVICES

**Summary**

The following Questions on Notice were submitted by Councillors.

**Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making.

The answers are provided below:

**Cr Ned Cutcher – Questions 1–6**

How many complaints has Burwood Council received in this calendar year where the issue could be described as a conflict between residential and non-residential uses of land?

How many such complaints were received in the previous years 2021, 2020, 2019, 2018 and 2017?

What analysis has Burwood Council undertaken or commissioned to explore any themes or trends arising from such complaints?

What themes or trends have been identified from the analysis of such complaints?

What systemic action has Burwood Council taken in response to such complaints?

What further options are being considered by Burwood Council to reduce the chance of such complaints arising, or to otherwise respond to such complaints in a systemic way?

**Response – General Manager**

The following data has been provided to Councillor Cutcher:

***CRM Data***

Council's Customer Request Management System captures incoming customer requests and complaints via Council's Customer Service Centre (including call centre). The below table shows the total number of customer requests or complaints received over the last 3 years with a breakdown of resident complaints relating to business activity by category.

|                                      | <b>2019/2020</b> | <b>2020/2021</b> | <b>2021/2022</b> |
|--------------------------------------|------------------|------------------|------------------|
| Total number of customer requests    | 10,159           | 10,756           | 8,658            |
| Complaints about noise from business | 7                | 10               | 7                |
| Complaints about A-frames or tables  | 5                | 5                |                  |
| Complaints about smoking             | 1                |                  | 1                |
| Food article complaints              |                  | 2                |                  |

***Petitions***

Council received 9 petitions from 2019 to date that related to a potential conflict between residential and non-residential uses of land (or contained an element that related to that potential conflict).

| <b>Date received</b> | <b>Subject matter</b>                      | <b>Number of households</b> |
|----------------------|--|-----------------------------|
| 18/03/2019           | The use of premises for meditation service | 28                          |

|            |   |     |
|------------|---|-----|
| 7/05/2019  | The use of premises as a childcare centre               | 8   |
| 12/08/2019 | The use of premises as a childcare centre               | 8   |
| 13/09/2019 | Transition between business centre and residential area | 45  |
| 14/1/2020  | Parking in areas with residences and schools            | 4   |
| 21/09/2020 | Boarding house near school area                         | 174 |
| 15/02/2021 | Parking in area with residences and businesses          | 8   |
| 1/11/2021  | Outdoor dining near residences                          | 40  |
| 30/03/2022 | Extended trading hours near residences                  | 26  |

***Recommendation(s)***

That Council receives and notes this report.

**Attachments**

There are no attachments for this report.

**(ITEM RC4/22) BURWOOD LOCAL TRAFFIC COMMITTEE - MAY 2022**

File No: 22/17575

REPORT BY DIRECTOR CITY ASSETS

**Summary**

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of May 2022. The Minutes are hereby submitted to the Ordinary Council Meeting for consideration and adoption by Council.

**Operational Plan Objective**

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

***Recommendations***

That the minutes of the Burwood Local Traffic Committee of May 2022 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

**(ITEM LTC8/22) HEXTOL STREET, CROYDON PARK - REVIEW OF PARKING TO ADDRESS CONGESTION*****Recommendation***

That Council approve the conversion of the existing timed 'No Parking' restrictions to permanent No Parking restrictions on the southern side of Hextol Street, Croydon Park, opposite properties No.27 to No.31.

**(ITEM LTC6/22) CROYDON AVENUE, CROYDON - REVIEW OF PARKING NEAR THE BRIGHTON CATHOLIC HEALTHCARE*****Recommendation***

That Council does not make any changes to parking restrictions on the western side of Croydon Avenue near the driveways of The Brighton Catholic Healthcare.

**Attachments**

- 1 Burwood Local Traffic Committee Agenda - May 2022
- 2 Burwood Local Traffic Committee Minutes - May 2022





## NOTICE OF BURWOOD LOCAL TRAFFIC COMMITTEE MEETING

The May 2022 meeting of the Burwood Local Traffic Committee will be held electronically with the Agenda emailed to Members for review. The minutes from the previous meeting have also been emailed to members for confirmation. All comments are requested to be returned to Council by 9.30 am Friday 6 May 2022.

Tommaso Briscese  
**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**

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website: [www.burwood.nsw.gov.au](http://www.burwood.nsw.gov.au)

AGENDA

APOLOGIES/LEAVE OF ABSENCES

CONFIRMATION OF MINUTES

*Recommendation*

That the Minutes of the April 2022 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 LTC8/22) | HEXTOL STREET, CROYDON PARK - REVIEW OF PARKING TO ADDRESS CONGESTION.....              | 3 |
| (ITEM LTC6/22) | CROYDON AVENUE, CROYDON - REVIEW OF PARKING NEAR THE BRIGHTON CATHOLIC HEALTHCARE ..... | 7 |

**(ITEM LTC8/22) HEXTOL STREET, CROYDON PARK - REVIEW OF PARKING TO ADDRESS CONGESTION**

File No: 22/13711

REPORT BY ENGINEER TRAFFIC &amp; DESIGN

**Summary**

Council has received a petition from residents of Hextol Street in Croydon Park, requesting Council investigate the possibility of converting the existing timed 'No Parking' restrictions to permanent 'No Parking'. It is believed that this action will alleviate traffic congestion, potential vehicle conflict and will improve the overall traffic flow.

**Background**

Recent correspondence from residents of Hextol Street have highlighted that on-street parking is an issue within the street. The main issue relates to the narrow carriageway and difficulties faced when vehicles are parked in the existing timed 'No Parking' areas.

Hextol Street is an unclassified local street located south of Georges River Road between Burwood Road and Trelawney Street. It is a two-way street with kerb side parking available on the northern side and a combination of unrestricted kerb side parking, timed 'No Parking 7am – 4pm Saturday to Sunday' and 90 degree angled parking available on the southern side. The road carriageway width is 6.65m which results in a single travel lane remaining when vehicles are parked on either of the street.

Council has installed off-street parking bays along both the northern and southern sides of Hextol Street where possible to provide additional carriageway space for traffic without losing parking. Parking bays were only installed in areas which did not result in the loss of street trees and in consultation with residents.



CURRENT PARKING CONFIGURATION IN HEXTOL STREET, CROYDON PARK

Traffic staff undertook preliminary investigations to determine the severity of the issue. The investigations confirmed that when vehicles were parked in both the timed 'No Parking' area and in the unrestricted parking area directly opposite, it created access issues and potential vehicle conflict points. On one occasion a motorist was observed reversing out of the street (at the western end) as they could not pass through creating greater safety concerns. See photos below of the access issues at the western end of Hextol Street.





ACCESS ISSUES AT WESTERN END OF HEXTOL STREET, CROYDON PARK

Councils Traffic Engineer also met with residents who signed the initial petition submitted to Council. The issues were discussed in detail which confirmed the investigation results undertaken prior to this meeting. Given these findings, it is believed that converting the existing timed 'No Parking' restrictions to permanent 'No Parking' will resolve the access issues and create areas where opposing vehicles can pass unobstructed.

Prior to undertaking these changes a resident consultation package was hand delivered to all properties in Hextol Street outlining a proposal to convert the existing timed 'No Parking' restrictions to permanent 'No Parking'.

### **Consultation**

The consultation provided residents an opportunity to comment on whether they are in favour or against the proposal. The results of this consultation are summarised below and can also be viewed on the attached map.

#### **Response rate**

|                     |     |
|---------------------|-----|
| Survey letters sent | 27  |
| Respondents         | 15  |
| Non-respondents     | 14  |
| Response rate       | 56% |

#### **Responses**

|                    |   |
|--------------------|---|
| Strongly in favour | 6 |
| In favour          | 0 |
| Neutral            | 0 |
| Against            | 2 |
| Strongly against   | 7 |



## BURWOOD LOCAL TRAFFIC COMMITTEE

5 MAY 2022



CONSULTATION RESULT MAP

As can be seen, the results are divided generally between the western end of the street and the eastern end of the street.

A total of nine residents were against or strongly against the proposal and cited the following reasons for their position:

- More parking is needed to facilitate the park use.
- Dangerous to remove the parking.
- If parking is removed the more off-street parking bays are needed.
- Parking issues occur only on a weekend when the park is in use and for a short period.
- Parking is required for disabled resident. Removing it will have detrimental effect.

Some residents also provided other options that they believe might resolve all the issues at hand. They are listed below. These will be considered separately.

- Make street one way.
- Consider a parking lot behind property No.4.
- Remove trees and install more off-street parking bays.

### **Proposal**

Taking into account the split consultation results as well as the comments received, Council officers are recommending that only the existing timed 'No Parking' area opposite properties No.27 to No.31 be converted to permanent 'No Parking'. This will result in the loss of three parking spaces.

It is believed that this will alleviate the traffic congestion occurring at times the park is in use, will eliminate the potential vehicle conflict but more importantly will improve the traffic flow at the western end of Hextol Street.



PROPOSED PARKING CONFIGURATION IN HEXTOL STREET, CROYDON PARK

It should be noted that the permanent 'No Parking' restrictions will still permit motorists to pull up for two minutes and drop-off or pick-up passengers but only provided the driver stays within 3.0m of their vehicle. It does not allow vehicles to be parked indefinitely or left unattended.

### **Financial Implications**

The installation of new parking signage is estimated to cost \$300.00 and will be funded from the 2021/22 Traffic Facilities budget.

### **Recommendation**

That Council approve the conversion of the existing timed 'No Parking' restrictions to permanent No Parking restrictions on the southern side of Hextol Street, Croydon Park, opposite properties No.27 to No.31.

### **Attachments**

There are no attachments for this report.



**(ITEM LTC6/22) CROYDON AVENUE, CROYDON - REVIEW OF PARKING  
NEAR THE BRIGHTON CATHOLIC HEALTHCARE**

File No: 22/9961

REPORT BY MANAGER TRAFFIC &amp; TRANSPORT

**Summary**

Burwood Council has received a petition from residents of The Brighton Catholic Healthcare, located at 17-23 Croydon Avenue, to review parking adjacent to their driveway with a view to improve sightlines for drivers exiting the site's basement car park.

**Background**

In 2017 a review of the parking adjacent to the site's driveway on Croydon Avenue was undertaken with Council resolving to install 'No Parking' restrictions either side of the driveways for a total length of 36 metres which resulted in the loss of four on-street parking spaces.

Residents of 'The Brighton' have since raised further safety concerns resulting from large vehicles and trailers parked south of the driveway limiting sightlines of northbound traffic. A petition was received signed by 82 residents representing 63 dwellings.

The below photo shows the view for drivers exiting the sites driveway and looking south towards Arthur Street. The large trailer has been parked at this location for several months without moving.



It is noted that there is a secondary exit for the site via Brighton Street which may be used by residents wanting to head north or south. In 2020 Council installed 10 metres of 'No Parking'

restrictions north of the Brighton Street driveway to also assist with improving sightlines for drivers exiting the site.

### Consultation

Given the level of support to extend the existing 'No Parking' restrictions from residents of The Brighton no further consultation was undertaken with these residents. Consultation was undertaken with 21 residential properties in this area excluding residents from The Brighton providing three options.

- Option 1 – Extend the existing 'No Parking' restrictions 6m south of the current location (loss of one parking space)
- Option 2 – Do nothing.
- Option 3 – Other (with residents to suggest their own preferred treatment).







One response was received from an anonymous source which was in favour of Option 1 and two responses were received in favour of Option 2.

One submission for Option 2 requested a review of the existing 'No parking' restrictions either side of The Brighton Catholic Healthcare's driveways in Croydon Avenue suggesting that the 'No Parking' area north of the northern most driveway is not warranted and would best be returned to parking given the high demand and intensification of land use in the area.

This northern driveway is used by the porte cochere only and as such has much lower volume of vehicles exiting.



### **Proposal**

Whilst it is acknowledged that the trailer parked on the western side of Croydon Avenue is impacting sightlines for drivers exiting The Brighton Catholic Healthcare there is still adequate opportunities for drivers to observe northbound traffic. The site's second exit point onto Brighton Street provide an alternate safe egress for residents who do not feel safe exiting onto Croydon Avenue.

Given the above and lack of support from surrounding properties it is recommended not to make any changes to parking in this area.

**Financial Implications**

There are no financial implications with this option.

**Recommendation**

That Council does not make any changes to parking restrictions on the western side of Croydon Avenue near the driveways of The Brighton Catholic Healthcare.

**Attachments**

There are no attachments for this report.



MINUTES OF THE MEETING OF THE BURWOOD LOCAL TRAFFIC COMMITTEE held electronically with all members requested to email comments in relation to each item by Friday 6 May 2022.

**ATTENDANCE** Cr John Faker (Mayor) Chairperson  
Mr Sam Tohme, Burwood Traffic Police  
Ms Tanmila Samin Islam, Transport for NSW  
Ms Maryanne Duggan, Rep for State Member for Strathfield  
Mr Peter Whitney, Transit Systems  
  
Mr George El Kazzi, Director City Assets  
Mr Roberto Di Federico, Manager Traffic and Transport

**APOLOGIES**

That there were no apologies.

**CONFIRMATION OF MINUTES**

That the minutes of the Burwood Local Traffic Committee of Burwood held in April 2022, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

**GENERAL BUSINESS**

**(ITEM LTC8/22) HEXTOL STREET, CROYDON PARK - REVIEW OF PARKING TO ADDRESS CONGESTION**

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File No: 22/13711

**Summary**

Council has received a petition from residents of Hextol Street in Croydon Park, requesting Council investigate the possibility of converting the existing timed 'No Parking' restrictions to permanent 'No Parking'. It is believed that this action will alleviate traffic congestion, potential vehicle conflict and will improve the overall traffic flow.

***Recommendation***

That Council approve the conversion of the existing timed 'No Parking' restrictions to permanent No Parking restrictions on the southern side of Hextol Street, Croydon Park, opposite properties No.27 to No.31.

**MINUTES OF BURWOOD LOCAL TRAFFIC COMMITTEE MEETING**

**MAY 2022**

**(ITEM LTC6/22) CROYDON AVENUE, CROYDON - REVIEW OF PARKING NEAR THE BRIGHTON CATHOLIC HEALTHCARE**

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File No: 22/9961

**Summary**

Burwood Council has received a petition from residents of The Brighton Catholic Healthcare, located at 17-23 Croydon Avenue, to review parking adjacent to their driveway with a view to improve sightlines for drivers exiting the site's basement car park.

**Recommendation**

That Council does not make any changes to parking restrictions on the western side of Croydon Avenue near the driveways of The Brighton Catholic Healthcare.

This concluded the business of the meeting.