



Burwood Inc.1874
Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

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 22 November 2022 at 6:00pm to consider the matters contained in the attached Agenda.

The public gallery will be open for those wishing to observe the meeting. In addition, an opportunity to observe the meeting via audio visual link will also be made available.

Public Forum

A public forum will be held at 6:00pm, prior to the commencement of the meeting, to allow members of the public to make oral submissions about an item on the Agenda for the meeting. The opportunity will also be provided to speak via audio visual link.

Anyone wishing to address Council during the public forum will need to register by 2:00pm on the day of the meeting. A person wishing to speak must indicate the item of business on the Agenda they wish to speak on and whether they wish to speak 'for' or 'against' the item. Registrations to speak can be lodged on [Council's website](#).

The Council Meeting will commence immediately after the conclusion of the Public Forum.

George El Kazzi
ACTING GENERAL MANAGER

AGENDA

FOR AN ORDINARY MEETING OF BURWOOD COUNCIL
TO BE HELD IN THE CONFERENCE ROOM, LEVEL 1, 2 CONDER STREET, BURWOOD ON TUESDAY 22
NOVEMBER 2022 IMMEDIATELY AFTER THE PUBLIC FORUM COMMENCING AT 6.00PM.

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

2. 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.

3. 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.

4. STATEMENT OF ETHICAL OBLIGATIONS (READ BY CHAIR)

Councillors are reminded of their oath or affirmation of office under section 223A of the Local Government Act 1993 and their obligations under Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

5. 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 and they are promptly made available for public review via the Council website.

6. APOLOGIES / LEAVES OF ABSENCE / ATTENDANCE BY AUDIO VISUAL LINK (CALLED FOR BY CHAIR)

7. DECLARATIONS OF INTERESTS BY COUNCILLORS (CALLED FOR BY CHAIR)

8. 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.

9. CONFIRMATION OF MINUTES (RECOMMENDATION ANNOUNCED AS FOLLOWS)

I move that the minutes of the Council Meeting held on 18 October 2022, copies of which were previously circulated to all councillors be hereby confirmed as a true and correct record of the meeting.

10. AGENDA ITEMS AS LISTED IN THE BUSINESS PAPER

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

11.I DECLARE THE MEETING CLOSED AT [TIME AS SHOWN ON COMPUTER]

(ANNOUNCED BY CHAIR)

**MAYORAL MINUTES
GENERAL BUSINESS**

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CONFIDENTIAL ITEMS

(ITEM 127/22)	ENDORSEMENT OF CONCEPT MASTER PLAN	
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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) (f) 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 matters affecting the security of the Council, Councillors, Council staff or Council property.

(ITEM 113/22) PLANNING PROPOSAL - GROUP HERITAGE LISTING OF FEDERATION DWELLINGS ASSOCIATED WITH THE APPIAN WAY CONSERVATION AREA

File No: 22/40684

REPORT BY DIRECTOR CITY STRATEGY

Summary

A Planning Proposal has been prepared to facilitate the group heritage listing of properties associated with the Appian Way Conservation Area under Schedule 5 of the Burwood Local Environmental Plan (BLEP) 2012.

The properties proposed to be listed as part of the group listing meet the threshold of local significance for the relevant criteria of the standard assessment criteria. It is recommended that Council endorse the Planning Proposal for a Gateway Determination

Operational Plan Objective

C.3 An urban environment that maintains and enhances our sense of identity and place

C.3.2 Protect our unique built heritage and maintain or enhance local character

P.13 Identify and plan for built heritage and local character

A.37 Undertake a heritage assessment of existing building stock to identify and update the register of contributory or heritage items

Background

Council at its meeting of 27 September 2022 considered a Mayoral Minute (MM12/22) where they resolved the following:

That Council request the General Manager to investigate the listing of the properties in the Appian Way as heritage items and to further seek advice on the question of whether the Appian Way Conservation Area could be lifted to a State significant status.

Work has been undertaken by Council staff to implement this resolution with the first stage, being the local listing of properties, resulting in the preparation of a Planning Proposal. This report and attached documentation supports progression of certain properties in as group heritage listed items.

Applicant Way Heritage Conservation Status

The Appian Way Conservation Area has been long considered to be one of the most significant Federation precincts in Australia with exemplary heritage significance. The National Trust of Australia (NSW) describes the conservation area as:

"Probably the finest Edwardian bungalow precinct in Sydney. By virtue of its architectural cohesiveness, idyllic landscaped environment of street and allotment alike with community related sports reserve, this development sets a high standard by today's criteria". (National Trust, 1977).

Council and organisations such as the National Trust (NSW) and the Burwood and District Historical Society have strongly advocated for protection of the precinct. Through continued lobbying, dwellings associated with the Hoskins Estate (Appian Way) first gained heritage protection in May 1977.

The Appian Way Precinct was afforded a 'classified precinct' listing by the National Trust of Australia (NSW), followed by the establishment of the Appian Way Urban Conservation Area (with

a much larger area than today) in March 1981. The precinct was listed on the Australian Heritage Commission's Register of the National Estate and had an Interim Conservation Order (No. 182) under the Heritage Act 1977, which gave temporary protection until the preparation of a Local Environmental Plan (LEP).

In 1985 permanent protection was granted and Appian Way was one of the first conservation areas gazetted in New South Wales. Burwood Local Environmental Plan No. 10 afforded the precinct statutory protection setting out development controls preserving the significant characteristics of the precinct.

Burwood Development Control Plan No. 4 replaced LEP10 and was adopted by Council 22 May 2001. This provided more detailed guidance and incorporated changes to heritage protection such as the Burra Charter. This afforded the precinct a similar level of statutory protection under the Burwood Planning Scheme Ordinance (BPSO).

The Standard Instrument Local Environmental Plan framework was released and the Burwood Local Environmental Plan 2012 (BLEP) replaced the BPSO. Under this framework development control plans lost their statutory weight they had under planning scheme ordinances, but the controls from BDCP No. 4 were incorporated into Council's new Development Control Plan, which was adopted 12 February 2013. Development Applications within the precinct continued to be assessed as if they had statutory protection the same as listed items under the BLEP. This has resulted in a situation today where dwellings within the Appian Way Conservation Area are not locally listed as heritage items in the BLEP.

Instead the dwellings only have protection as part of the Appian Way Conservation Area, with controls in the BDCP providing guidance.

Council's experience with development applications and outcomes resulting from Land and Environment Court approvals has demonstrated a need for a greater level of heritage protection. Outcomes of Land and Environment Court approvals, such as at 13 Appian Way have resulted in alterations which compromise the integrity of the Appian Way Conservation Area.

The properties currently have heritage protection afforded by the Appian Way Conservation Area, where the streetscape character is protected. The inclusion as a locally listed group item in Schedule 5 of the Burwood Local Environmental Plan (BLEP) 2012 would give greater strength to the preservation of the dwellings and integrity of the precinct as locally listed items are afforded an additional layer of protection with respect to the curtilage of the dwellings. This is consistent with other precincts of this significance in New South Wales, where precincts of this nature would usually be listed as a local heritage item. In addition, the uniqueness of each dwelling warrants heritage recognition as an item of local significance.

Burwood Local Planning Panel Consideration

The Planning Proposal was considered by the Burwood Local Planning Panel (BLPP) at its meeting on 8 November 2022. The BLPP recommended to:

- (a) support the Planning Proposal to amend Schedule 5 of Burwood Local Environmental Plan 2012 to group list those properties that demonstrate heritage significance and meet the threshold of local significance for the relevant criteria, as outlined in the Planning Proposal.
- (b) provides advice to Council to proceed with the Planning Proposal at Attachment 1 to group list the relevant properties in the Appian Way Heritage Conservation Area as a local heritage item in the Burwood LEP 2012.

On the basis of the Burwood BLPP's advice, it is recommended that Council endorse the Planning Proposal and submit the Planning Proposal to the DPE for a Gateway Determination.

The BLPP advised:

The Panel supports the Planning Proposal to amend Schedule 5 of Burwood Local Environmental Plan 2012 to group list those properties that demonstrate heritage significance and meet the threshold of local significance for the relevant criteria, as outlined in the Planning Proposal.

The Panel advice is that the Planning Proposal satisfies the Strategic Merit and Site-Specific Merit tests and should be forwarded to the Department of Planning and Environment for Gateway consideration. The decision was unanimous.

In addition, additional advice was provided, being:

- Further explanation may be needed to explain the additional level of protection to be provided to the properties by the proposal.
- Council should afford existing land owners ample time to engage consultants to provide advice on their behalf as part of the exhibition period.

Amendments have been made to the planning proposal to address the concerns of the LPP, including updating the timeline in the Planning Proposal to provide 2 months for community engagement.

Discussion

Council's Heritage Advisor has undertaken a heritage assessment of each of the properties within the existing heritage conservation area. The dwellings proposed to be included within the group listing have been assessed to demonstrate heritage significance at the local level and meet the threshold of local significance for the relevant criteria, as outlined below.

The properties were assessed against the seven criteria in the guidelines (see Table 1 below).

Each criterion has inclusions and exclusions guidelines which are used to assist in the assessment process. If an item meets one of the seven heritage criteria at a local level, and retains the integrity of its key attributes, it can be considered to have local heritage significance.

Table 1: NSW Heritage assessment criteria summary

Criteria	
(a) Historic significance	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)
(b) Associational significance	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)
(c) Aesthetic significance	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)
(d) Social significance	An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons
(e) Technological significance/ research potential	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)
(f) Rarity	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)
(g) Representativeness	An item is important in demonstrating the principal characteristics

	<p>of a class of NSW's</p> <ul style="list-style-type: none"> - cultural or natural places; or - cultural or natural environments. - or a class of the local area's - cultural or natural places; or - cultural or natural environment
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Properties within the Appian Way Conservation Area which have not met this threshold have been excluded from this Planning Proposal, but will continue to have heritage protection as part of the conservation area. No changes will be made to the Appian Way Conservation Area.

The heritage assessment report concludes that the subject properties demonstrate heritage significance at the local level for the following reasons:

- The group of dwellings are representative of an innovative approach to residential development that contains outstanding examples of Edwardian and Federation architecture in a garden setting.
- Each dwelling which remains largely intact from the original subdivision (Hoskins Estate) demonstrates the early 20th Century development of Burwood through a consistent, yet elaborate architectural forms.
- Each original dwelling within the group represents the historical 'garden city' planning movement influenced by the first 'Garden Suburbs' in England, but on a smaller scale and based on local Australian Architecture.
- The dwellings are all interpretations of Federation styles by prominent industrialist George Hoskins and builder/designer William Richards.
- Dwellings located within the Austinlee Estate facing the Appian Way are historically important due to their relationship with the Hoskins Estate (Appian Way), which demonstrate a similar style.
- The group consists of rare Federation Queen Anne (sometimes referred to as Edwardian Bungalow) precinct of architectural and constructional excellence. The group of dwellings represents an almost intact, complete Federation streetscape (though not strictly in Federation style) and is a unique part of the development of Burwood, and more broadly, Sydney with exceptionally generous landscaped settings of high quality.
- The dwellings demonstrate rare significance as part of a very unusual and discrete form of garden suburb incorporating the ideas of the builder and owner where no two houses are identical, yet are consistent in their overall Federation era form.
- Each of the dwellings as an individual dwelling and as part of the group of Federation era dwellings have minimal additions or alterations from the public domain with the majority of dwellings (to Council's knowledge) retaining significant internal heritage fabric.

The Planning Proposal and heritage assessment undertaken by Council's Heritage Adviser is included at Attachment 1 and 2, respectively.

The Planning Proposal has strategic and site specific merit. The Planning Proposal is consistent with the relevant objectives of Greater Sydney Region Plan: A Metropolis of Three Cities (2018) and the actions of the Eastern City District Plan (2018).

The Planning Proposal is consistent with the Council's Community Strategic Plan and the Burwood Local Strategic Planning Statement which was endorsed by the Greater Sydney Commission in March 2020. The vision for Burwood makes reference to '*cherished heritage conservation areas, ...well designed buildings and... neighbourhoods filled with distinct character*'. One the LSPS's objectives include:

Preserve local character by preventing extensive redevelopment in those parts of the LGA which have heritage significance or a significant local character.

The Planning Proposal is consistent with the Standard Instrument – Principal Local Environmental Plan and all other applicable State environmental planning policies and applicable section 9.1 directions.

Consultation

Burwood Council has not consulted with the affected property owners ahead of preparing this Planning Proposal. The properties are already identified within the Appian Way Heritage Conservation Area and this Planning Proposal is seeking to list the significant and intact buildings as part of a group listed heritage item, with the aim of ensuring that those buildings and their curtilage have greater protection.

It is proposed that affected and adjoining property owners be consulted during the exhibition of the planning proposal in accordance with the timeframes identified in any Gateway Determination. The public exhibition will include:

- Electronic copy of all relevant information on Council's Participate Burwood page, as well as the DPE Planning Proposal tracker
- Letters to all affected/neighbouring land owners
- Letters to relevant State agencies and other authorities/agencies nominated by the DPE as part of the Gateway Determination.

Planning or Policy Implications

Heritage listing of properties is undertaken through a Planning Proposal. It is advisable that any Planning Proposal for heritage listing be progressed in a timely manner, therefore limiting the risk of further unsympathetic alterations to significant dwellings within the Appian Way Conservation Area.

Should Council resolve to progress the Planning Proposal, the general steps would be as follows:

- The Planning Proposal is submitted to the NSW Department of Planning and Environment (DPE) for a Gateway Determination. This step will determine whether the proposal can proceed and outlines the community consultation required.
- Undertake public exhibition and consultation with relevant State agencies.
- The outcomes of community consultation are reported back to Council. The Council is asked whether it wishes to adopt the Planning Proposal and proceed to plan-making.
- If adopted, Council staff liaises with the DPE to amend the BLEP.
- The properties are listed as a group item in Schedule 5 of the BLEP.

It is anticipated that the process would take 8 months to complete all steps as outlined above. However, the properties are afforded greater heritage protection (i.e. deemed a "draft heritage item") as soon as the Planning Proposal is placed on public exhibition and a notation will be placed on Council's Planning Certificates to ensure that the information is available to current and future property owners.

Consideration has been given to seeking a State Heritage Listing. Given the heritage values of the properties in Appian Way there is considered to be merit in also pursuing this option. There are several approaches that could be adopted and, concurrently to the local heritage listing process, Council will engage with NSW Heritage to determine an appropriate pathway.

In experience, given the time that State Heritage listing can take to conclude, obtaining local heritage listing offers additional statutory protection as an interim measure. This is until such time that State Heritage listing can be considered and confirmed.

Financial Implications

Suitably justified submissions during the public exhibition may require peer review by an independent heritage consultant. If this is required, money will be allocated from the existing City Planning budget.

There are no other financial implications with respect to the Planning Proposal other than staff allocation and resources.

Conclusion

A Planning Proposal has been prepared to facilitate the group heritage listing of properties associated with the Appian Way Conservation Area under Schedule 5 of the Burwood Local Environmental Plan (BLEP) 2012.

Council's Heritage Advisor has undertaken a heritage assessment of each of the properties within the existing heritage conservation area. The dwellings proposed to be listed within the group listing have been assessed to demonstrate heritage significance at the local level and meet the threshold of local significance for the relevant criteria.

In view of the BLPP's support for the Planning Proposal, Council's endorsement is sought for progressing the Planning Proposal to a Gateway Determination.

Recommendation(s)

1. That Council support the group listing of the identified properties, as outlined in the Planning Proposal as a local heritage item on the heritage schedule of the Burwood Environmental Plan 2012 which contains the appropriate provisions for protecting and managing the listed properties.
2. That Council endorse the forwarding of the Planning Proposal to the NSW Department of Planning and Environment (DPE) to request a Gateway Determination under Section 3.33 of the Environmental Planning and Assessment Act 1979 for an amendment to the Burwood Local Environmental Plan 2012 by:
 - i. Group listing the properties as identified in the Planning Proposal as a heritage item in Schedule 5 Environmental heritage; and
 - ii. Mapping the properties as "Item – General" on the Heritage Map
3. That subject to the Gateway Determination, affected property owners be notified in writing.
4. That the results of the public exhibition and consultation be reported back to Council.
5. That Council supports the nomination of the Appian Way Heritage Conservation Area as State Heritage item and that engagement with NSW Government is authorised to commence this process and a further report be provided to Council to outline a process and pathway to secure State Heritage Listing.

Attachments

- 1 [↓](#) Attachment 1 - Planning Proposal - Appian Group Listing - For Council Meeting
- 2 [↓](#) Attachment 2 - Heritage Assessment Report - Appian Group Listing - For Council Meeting



Planning Proposal

Amendment of Schedule 5 of the Burwood LEP 2012 to heritage list (group listing) properties within the Appian Way Heritage Conservation Area

November 2022

A Planning Proposal is the first step in proposing amendments to Council's principle environmental planning instrument, known as the Burwood Local Environmental Plan (BLEP) 2012. A Planning Proposal explains the intended effect of the proposed amendment and also sets out the justification for making the change. The Planning Proposal is submitted to the NSW Department of Planning and Environment (DPE) for its consideration, referred to as the Gateway Determination, and is also made available to the public as part of the community consultation process.

Part 1 – Objectives and Intended Outcomes

The Planning Proposal (PP) proposes to heritage list, as a group listing under Schedule 5 of the Burwood Local Environmental Plan (BLEP) 2012, those dwellings within the Appian Way Heritage Conservation Area that are intact and representative Federation era dwellings and have been assessed to demonstrate heritage significance at the local level and meet the threshold of local significance for the relevant criteria.

Part 2 – Explanation of Provisions

The Burwood LEP 2012 is to be amended by:

1. Amending Schedule 5 of the Burwood LEP 2012 to amend Part 1 Heritage items to include the following properties as a group item of local significance (see Table 1 below).

Table 1: Properties included in planning proposal

Address	Lot Number	Deposited Plan Number
2 Appian Way Burwood	Lot102	DP592227
2A Appian Way Burwood	Lot40	DP12249
3 Appian Way Burwood	Lot1	DP984192
4 Appian Way Burwood	Lot18	DP12249
5 Appian Way Burwood	Lot37	DP166468
6 Appian Way Burwood	Lot1	DP953252
7 Appian Way Burwood	Lot36	DP12249
8 Appian Way Burwood	Lot20	DP12249
9 Appian Way Burwood	Lot1	DP167955
10 Appian Way Burwood	Lot21	DP12249
11 Appian Way Burwood	Lot1	DP304076
12 Appian Way Burwood	Lot22	DP12249
13 Appian Way Burwood	Lot33	DP12249
14 Appian Way Burwood	Lot1	DP945586
15 Appian Way Burwood	Lot32	DP12249
16 Appian Way Burwood	LotB	DP406214
17 Appian Way Burwood	Lot31	DP12249
18 Appian Way Burwood	Lot1	DP12249
19 Appian Way Burwood	Lot30	DP12249
21 Appian Way Burwood	Lot29	DP12249
23 Appian Way Burwood	Lot28	DP12249
25 Appian Way Burwood	Lot27	DP12249
304 Burwood Road Burwood	Lot1	DP945216
306 Burwood Road Burwood	Lot2	DP12249
308 Burwood Road Burwood	Lot3	DP12249
310 Burwood Road Burwood	Lot4	DP12249
312 Burwood Road Burwood	Lot5	DP12249
316 Burwood Road Burwood	Lot1	DP305311
318 Burwood Road Burwood	Lot8	DP12249
55 Liverpool Road Burwood	Lot43	DP12249
59 Liverpool Road Burwood	Lot15	DP12249

ITEM NUMBER 113/22 - ATTACHMENT 1

Attachment 1 - Planning Proposal - Appian Group Listing - For Council Meeting

67 Liverpool Road Burwood	Lot12	DP12249
72 Liverpool Road Burwood Heights	Lot85	DP7371
74 Liverpool Road Burwood Heights	Lot84	DP7371
78 Liverpool Road Burwood Heights	Lot52	DP7371

The heritage listing would apply to the whole of the properties. Appendix 1 includes details of the proposed listing, which will be subject to review by Parliamentary Counsel.

- Amend the relevant Heritage Map (HER_001 & HER_002) as per Figure 1 and Figure 2 below.



Figure 1: Aerial Photograph of subject properties.
Subject properties are shown outlined in red.

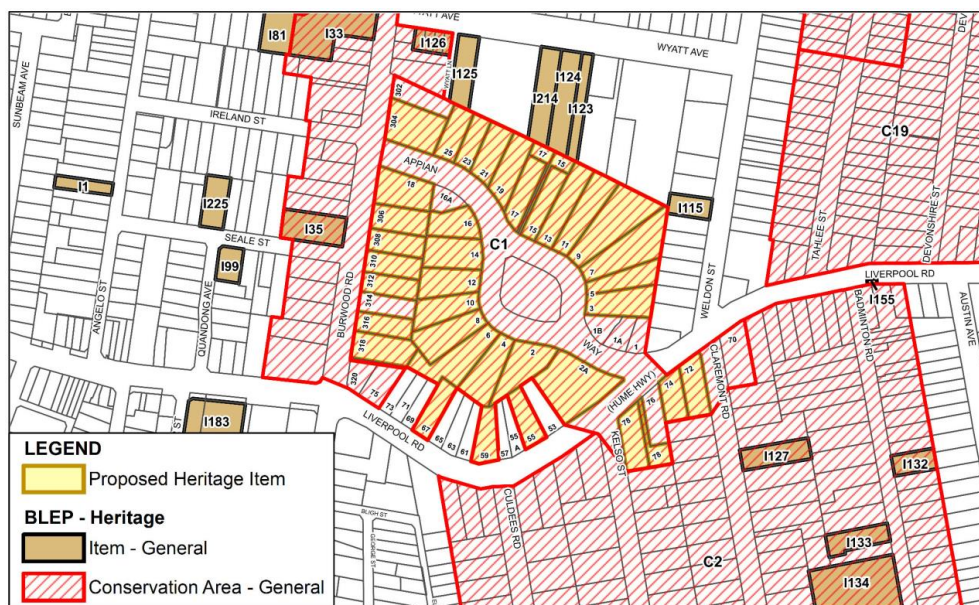


Figure 2: Existing BLEP Heritage Map of Appian Way Burwood with proposed group item.

Subject properties are shown in yellow.

Part 3 – Justification of strategic and site-specific merit

Section A – Need for the planning proposal

1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

This planning proposal has been prepared as a result of an assessment undertaken by Council’s Heritage Advisor.

An independent external heritage consultant was not engaged to prepare a report or undertake an assessment due to these sites having previously been recognised as having heritage significance within the conservation area and the broadly known heritage significance of the Appian Way Conservation Area, its historic significance, its aesthetic significance and its rarity.

Council’s Heritage Advisor has undertaken a heritage assessment of each of the properties within the existing heritage conservation area. The dwellings proposed to listed within the group listing have been assessed to demonstrate heritage significance at the local level and meet the threshold of local significance for the relevant criteria, as outlined below.

The properties were assessed against the seven criteria in the guidelines (see Table 2 below).

Each criterion has inclusions and exclusions guidelines which are used to assist in the assessment process. If an item meets one of the seven heritage criteria at a local level, and

retains the integrity of its key attributes, it can be considered to have local heritage significance.

Table 2: NSW Heritage assessment criteria summary

Criteria	
(a) Historic significance	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)
(b) Associational significance	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)
(c) Aesthetic significance	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)
(d) Social significance	An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons
(e) Technological significance/ research potential	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)
(f) Rarity	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)
(g) Representativeness	An item is important in demonstrating the principal characteristics of a class of NSW's <ul style="list-style-type: none"> - cultural or natural places; or - cultural or natural environments. - or a class of the local area's - cultural or natural places; or - cultural or natural environment

The heritage assessment report concludes that the subject properties demonstrate heritage significance at the local level for the following reasons:

- The group of dwellings are representative of an innovative approach to residential development that contains outstanding examples of Edwardian and Federation architecture in a garden setting.
- Each dwelling which remains intact from the original subdivision (Hoskins Estate) demonstrate the early 20th Century development of Burwood through a consistent, yet elaborate architectural forms.

- Each original dwelling within the group represent the historical 'garden city' planning movement influenced by the first 'Garden Suburbs' in England, but on a smaller scale and based on local Australian Architecture.
- The dwellings are all interpretations of Federation styles by prominent industrialist George Hoskins and builder/designer William Richards.
- Dwellings located within the Austinlee Estate facing the Appian Way are historically important due to their relationship with the Hoskins Estate (Appian Way), which demonstrate a similar style.
- The group consists of rare Federation Queen Anne (sometimes referred to as Edwardian Bungalow) precinct of architectural and constructional excellence. The group of dwellings represents an almost intact, complete Federation streetscape (though not strictly in Federation style) and is a unique part of the development of Burwood, and more broadly, Sydney with exceptionally generous landscaped settings of high quality.
- The dwellings demonstrate rare significance as part of a very unusual and discrete form of garden suburb incorporating the ideas of the builder and owner where no two houses are identical, yet are consistent in their overall Federation era form.
- Each of the dwellings as an individual dwelling and as part of the group of Federation era dwellings have minimal additions or alterations from the public domain with the majority of dwellings (to Council's knowledge) retaining significant internal heritage fabric.

The detailed Heritage Assessment and draft Heritage Inventory Sheet is included at Attachment 1 and 2, respectively

Properties within the Appian Way Conservation Area which have not met this threshold have been excluded from this planning proposal, but will continue to have heritage protection as part of the conservation area. No changes will be made to the Appian Way Conservation Area.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes. The planning proposal is the only means of listing the items as a group heritage item of local significance and ensuring the protection of those individual properties within the Appian Way Heritage Conservation Area that have been assessed to demonstrate heritage significance at the local level and meet the thresholds for significance.

Section B – Relationship to the strategic planning framework

3. *Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy?*

Yes. The proposal is consistent with metropolitan, subregional and district strategies and plans.

The State Government has prepared the *Eastern City District Plan* (applicable to the Burwood LGA) to manage growth for the next 20 years in the context of economic, social and environmental matters at a district level, to contribute towards the 20-year vision for Greater Sydney. It contains the planning priorities and actions for implementing the Greater Sydney Region Plan, *A Metropolis of Three Cities*, at a district level, and is a bridge between local and regional planning.

Objective 13 of *A Metropolis of Three Cities* states that *'environmental heritage is identified, conserved and enhanced'*. Meanwhile, Planning Priority E6 of the *Eastern City District Plan* relates to *'creating and renewing great places and local centres, and respecting the District's heritage'*. In addition, the *Eastern City District Plan* states:

Heritage and history are important components of local identity and great places. The District's rich Aboriginal, cultural and natural heritage reinforces its sense of place and identity....

Identifying, conserving, interpreting and celebrating Greater Sydney's heritage values leads to a better understanding of history and respect for the experiences of diverse communities. Heritage identification, management and interpretation are required so that heritage places and stories can be experienced by current and future generations.

By identifying the abovementioned properties as a group heritage listing of local significance, this planning proposal supports Objective 13 of the Region Plan, and Planning Priority E6 of the District Plan.

4. *Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?*

Yes. Burwood's Local Strategic Planning Statement (LSPS) was endorsed by the Greater Sydney Commission (GSC) in March 2020. The vision for Burwood makes reference to *'cherished heritage conservation areas, ...well designed buildings and... neighbourhoods filled with distinct character'*. One of the LSPS's objectives include:

Preserve local character by preventing extensive redevelopment in those parts of the LGA which have heritage significance or a significant local character.

By identifying properties of local heritage significance, this planning proposal is in keeping with the vision and objectives of the LSPS.

Also, the Burwood 2036 Community Strategic Plan recognises the need to create places for people that are built around people while protecting the unique built heritage of Burwood. Community Outcome 2.1 aims to *'create an urban environment that maintains and enhances our sense of identity and place'*. Strategy 2.1.2 is to *'Protect our unique built heritage and maintain or enhance local character'*. This planning proposal is in keeping with this strategy.

5. *Is the planning proposal consistent with any other applicable State and regional studies or strategies?*

Yes. The planning proposal is consistent with the Standard Instrument – Principal Local Environmental Plan and all other applicable State Environmental Planning Policies.

6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. There are no State Environmental Planning Policies (SEPPs) which would be contravened by the amendments proposed in the planning proposal.

All SEPPs applicable to the Burwood local government area are set out in Table 3 below, together with a comment regarding the planning proposal's consistency:

Table 3: Consistency with State Environmental Planning Policies

SEPP	Comment
Housing (2021)	Not relevant. The subject properties are not known to contain affordable housing. The heritage listing of properties may alter whether development under the former ARH SEPP may be carried out on that site, but this planning proposal would not contravene the SEPP in any way.
No 65 – Design Quality of Residential Apartment Development	Not relevant.
Planning Systems (2021)	Not relevant.
Biodiversity and Conservation (2021)	Not relevant. This SEPP contains provisions in respect to heritage trees. The heritage listing of properties may alter whether development under the SEPP may be carried out on that site, but this planning proposal would not contravene the SEPP in any way.
Resilience and Hazards (2021)	Not relevant. There is no indication that previous uses at the subject sites would trigger site remediation requirements. The subject properties are not located within the coastal areas identified by this SEPP.
Transport and Infrastructure (2021)	Not relevant.
Industry and Employment (2021)	Not relevant.
Resources and Energy (2021)	Not relevant.
Primary Production (2021)	Not relevant.
Precincts – Eastern Harbour City (2021)	Not relevant.
Precincts – Central River City (2021)	Not relevant.
Precincts – Western Parkland City (2021)	Not relevant.
Precincts – Regional	Not relevant.

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Exempt and Complying Development Codes (2008)	Not relevant. The heritage listing of properties may alter whether development under the Codes SEPP may be carried out on that site, but all properties are currently included in the heritage conservation area. This planning proposal would not contravene the SEPP in any way.
Building Sustainability Index: BASIX (2004)	Consistent and not contravened.

7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

Yes. Consistency with the list of Directions (under section 9.1(2) of the *Environmental Planning and Assessment Act 1979* issued by the Minister for Planning) is set out in Table 4 below.

Table 4: Consistency with Ministerial Directions

Direction		Comment
Focus area 1: Planning Systems		
1.1	Implementation of Regional Plans	Not relevant.
1.2	Development of Aboriginal Land Council	Not relevant.
1.3	Approval and Referral Requirements	The planning proposal will not contain provisions which require the concurrence, referral or consultation of other public authorities, nor identify any use as designated development.
1.4	Site Specific Provisions	Not relevant.
Focus area 1: Planning Systems – Place based		
1.5	Parramatta Road Corridor Urban Transformation Strategy	Not relevant. The subject properties are not within the Parramatta Road corridor, nor undermine the achievement of that Strategy's vision or objectives.
1.6	Implementation of North West Priority Growth Area Land Use and	Not relevant.
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation	Not relevant.
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and	Not relevant.
1.9	Implementation of Glenfield to Macarthur Urban Renewal	Not relevant.
1.10	Implementation of the Western Sydney Aerotropolis Plan	Not relevant.
1.11	Implementation of Bayside West	Not relevant.
1.12	Implementation of Planning Principles for the Cooks Cove	Not relevant.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	Not relevant.

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Direction		Comment
1.14	Implementation of Greater Macarthur	Not relevant.
1.15	Implementation of the Pyrmont Peninsula Place Strategy	Not relevant.
1.16	North West Rail Link Corridor Strategy	Not relevant.
1.17	Implementation of the Bays West Place	Not relevant.
1.18	Implementation of the Macquarie Park Innovation Precinct	Not relevant.
1.19	Implementation of the Westmead Place Strategy	Not relevant.
Focus area 2: Design and Place		
Focus area 3: Biodiversity and Conservation		
3.1	Conservation zones	Not relevant.
3.2	Heritage Conservation	Refer to discussion below
3.3	Sydney Drinking Water Catchments	Not relevant.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North	Not relevant.
3.5	Recreation Vehicle Areas	Not relevant.
3.6	Strategic Conservation Planning	Not relevant.
Focus area 4: Resilience and Hazards		
4.1	Flooding	Not relevant.
4.2	Coastal Management	Not relevant.
4.3	Planning for Bushfire Protection	Not relevant.
4.4	Remediation of Contaminated Land	Not relevant.
4.5	Acid Sulfate Soils	The properties have been identified as Class 5 on the Acid Sulfate Soils Map, representing the lowest probability of containing Acid Sulfate Soils.
4.6	Mine Subsidence and Unstable Land	Not relevant.
Focus area 5: Transport and Infrastructure		
5.1	Integrating Land Use and Transport	The planning proposal does not alter the land zoning, and as such, would not affect travel demand or the availability of transport options.
5.2	Reserving Land for Public Purposes	Not relevant.
5.3	Development Near Regulated Airports and Defence Airfields	Not relevant.
5.4	Shooting Ranges	Not relevant.
Focus area 6: Housing		
6.1	Residential Zones	The properties are zoned R2 – Low Density Residential. The planning proposal does not seek to amend the zoning or range of permissible uses on the sites. The sensitive development of heritage properties is supported by Council's Development Control Plan (DCP).
6.2	Caravan Parks and Manufactured Home	Not relevant.
Focus area 7: Industry and Employment		
7.1	Business and Industrial Zones	Not relevant.
7.2	Reduction in non-hosted short-term rental	Not relevant.

Direction		Comment
7.3	Commercial and Retail Development along the Pacific Highway, North	Not relevant.
Focus area 8: Resources and Energy		
8.1	Mining, Petroleum Production and Extractive Industries	Not relevant.
Focus area 9: Primary Production		
9.1	Rural Zones	Not relevant.
9.2	Rural Lands	Not relevant.
9.3	Oyster Aquaculture	Not relevant.
9.4	Farmland of State and Regional Significance on the NSW Far North	Not relevant.

3.2 Heritage Conservation

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This Direction applies when a relevant planning authority prepares a planning proposal (see Table 5 below).

Table 5: Heritage Conservation Direction Assessment

Direction Requirement	Assessment
1) A planning proposal must contain provisions that facilitate the conservation of:	
a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area	The accompanying assessment report prepared by Council's Heritage Advisor has examined each of the properties within the existing Appian Way Heritage Conservation Area and has identified 35 properties within the existing HCA that should be listed as heritage items, as part of the proposed group listing This PP seeks to list these properties as new items local heritage significance, as part of a group listing. Once listed the provisions of Clause 5.10 Heritage Conservation of the Burwood LEP would apply to these sites. The provisions of Clause 5.10 of the Burwood LEP seek to conserve the environmental heritage of Burwood.
b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and	N/A.
c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an	The assessment report prepared by Council's Heritage Advisor does not address Aboriginal cultural heritage values.

<p>Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>	
--	--

The planning proposal is consistent with this direction

Section C – Environmental, Social and Economic Impact

8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?*

No. There is no known critical habitat or threatened species, populations or ecological communities, or their habitats affected by the planning proposal.

9. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No. There are no other likely environmental effects as a result of the planning proposal, such as flooding, landslip, bushfire hazard and the like.

10. *How has the planning proposal adequately addressed any social and economic effects?*

The Planning Proposal is considered to have positive social effect for the community.

This will have positive social effects for the community as it will ensure the protection and retention of local heritage and that appropriate development controls and/or restrictions are in place to guide any future development. This will ensure best practice urban design and development that retains character and is sympathetic to adjoining heritage and/or the HCA.

Social heritage are the non-physical aspects of our culture in our society. By retaining items of cultural significance this has positive effects on restoring the social effects of heritage. The Planning Proposal is considered to have positive economic effect for the community. Amending the LEP to include new heritage items will have a positive effect on the community as it ensures that cultural heritage and local character will be protected.

The planning proposal is not expected to have any adverse social or economic effects.

Section D – Infrastructure (Local, State and Commonwealth)

11. *Is there adequate public infrastructure for the planning proposal?*

The proposal seeks to list new heritage items, as a group listing in Schedule 5 of the Burwood LEP 2012 and therefore does not have the potential to increase the current demand on public infrastructure.

Section E – State and Commonwealth Interests

12. *What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?*

Pre Gateway consultation

The proposal is minor in nature and as such, no State or Commonwealth authorities have been consulted as part of the preparation of this Planning Proposal.

Post Gateway consultation

Following the receipt of any Gateway Determination, Council proposes to seek the views of the following state and federal public authorities and government agencies:

- Heritage NSW

Part 4 – Maps

The planning proposal seeks to amend the following LEP Maps:

- Heritage Maps
 - Sheet HER_001
 - Sheet HER_002

The planning proposal does not seek to alter the zoning, height of buildings, floor space ratio, or any other BLEP maps.

Part 5 – Community Consultation

Burwood Council has not consulted with the affected property owners ahead of preparing this Planning Proposal. The properties are already identified within the Appian Way Heritage Conservation Area and this Planning Proposal is seeking to list the significant and intact buildings as part of a group listed heritage item, with the aim of ensuring that those buildings and their curtilage have greater protection.

It is proposed that affected and adjoining property owners will be consulted during the exhibition of the planning proposal in accordance with the timeframes identified in any Gateway Determination. The public exhibition will include:

- Electronic copy of all relevant information on Council's Participate Burwood page, as well as the DPE Planning Proposal tracker
- Letters to affected/neighbouring land owners
- Letters to relevant State agencies and other authorities/agencies nominated by the DPE as part of the Gateway Determination.

Part 6 – Project Timeline

The timeframe for the Planning Proposal is that, from date of Gateway determination to date of submission to the Department of Planning & Environment (DPE), to finalise the LEP is a period of 9 months.

Table 6: Project Timeframe

Submit to DPE seeking a Gateway Determination	December 2022
Receive Gateway Determination	January 2023
Consult with State/commonwealth agencies	February-March 2023
Timeframe for government agency consultation	February-March 2023
Commencement and completion dates for the public exhibition period	February-March 2023
Dates for public hearing	Not applicable
Review of Public Submissions and preparation of report to Council	April 2023
Report to Council for final endorsement	May 2023
Seek Parliamentary Counsel Office's (PCO) opinion	June 2023
Submit maps for DPE review	June 2023
Gazettal of LEP amendment	July 2023

Appendix One

- Proposed Amendment to Schedule 5

Appendix Two

- Delegation Checklist

Supporting Documentation

- List of supporting documents that are provided under separate cover.

Links to Supporting Material

- Links to Council meeting reports and resolutions to be added later.

Appendix One

Proposed Amendment to Schedule 5

The proposed heritage item would be inserted into Schedule 5 of the BLEP 2012. The proposed Item No will be confirmed by Parliamentary Counsel at the finalisation stage of the LEP amendment.

For the avoidance of doubt, the following table sets out the proposed new Schedule 5 text.

Suburb	Item name	Address	Property description	Significance	Item no
Burwood, Burwood Heights	Federation houses associated with the Appian Way Conservation Area	2, 2A, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 23, 25 Appian Way Burwood, 304, 306, 308, 310, 312, 316, 318 Burwood Road Burwood, 55, 59, 67 Liverpool Road Burwood, 72, 74, 78 Liverpool Road Burwood Heights.	Lot 102, DP 592227; Lots, 1, 2, 3, 4, 5, 8, 12, 15, 18, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 36, 40, 43, DP 12249; Lot 1, DP 984192; Lot 37, DP 166468; Lot 1, DP 953252; Lot 1, DP 167955; Lot 1, DP 304076; Lot 1, DP 945586; Lot B, DP406214; Lot 1, DP 945216; Lot 1, DP 305311; Lots, 52, 84, 85, DP 7371.	Local	

The wording of any BLEP provisions will be subject to possible revision by the Parliamentary Counsel's Office.

Appendix Two

Delegation Checklist and Evaluation Criteria

Checklist for the review of a request for delegation of plan making functions to councils
Local Government Area:
Burwood.
Name of draft LEP:
Amendment of Schedule 5 of the Burwood LEP 2012 to heritage list (group listing) properties within the Appian Way Heritage Conservation Area
Address of Land (if applicable):
2, 2A, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 23, 25 Appian Way Burwood, 304, 306, 308, 310, 312, 316, 318 Burwood Road Burwood, 55, 59, 67 Liverpool Road Burwood, 72, 74, 78 Liverpool Road Burwood Heights.
Intent of draft LEP:
Group heritage listing of the subject properties.
Additional Supporting Points/Information:
Please refer to the PP.

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Evaluation criteria for the issuing of an Authorisation				
(NOTE - where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	Y*			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		N/A		
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?		N/A		

* It is proposed that the PP be submitted to the Heritage NSW during the consultation stage. Heritage assessments have been carried out in accordance with Heritage NSW guidelines.

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If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
Spot Rezoning	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A		
Does the planning proposal create an exception to a mapped development standard?		N/A		
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE - the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).		N/A		
<p>NOTES</p> <ul style="list-style-type: none"> Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance. Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department. 				

Supporting Documentation

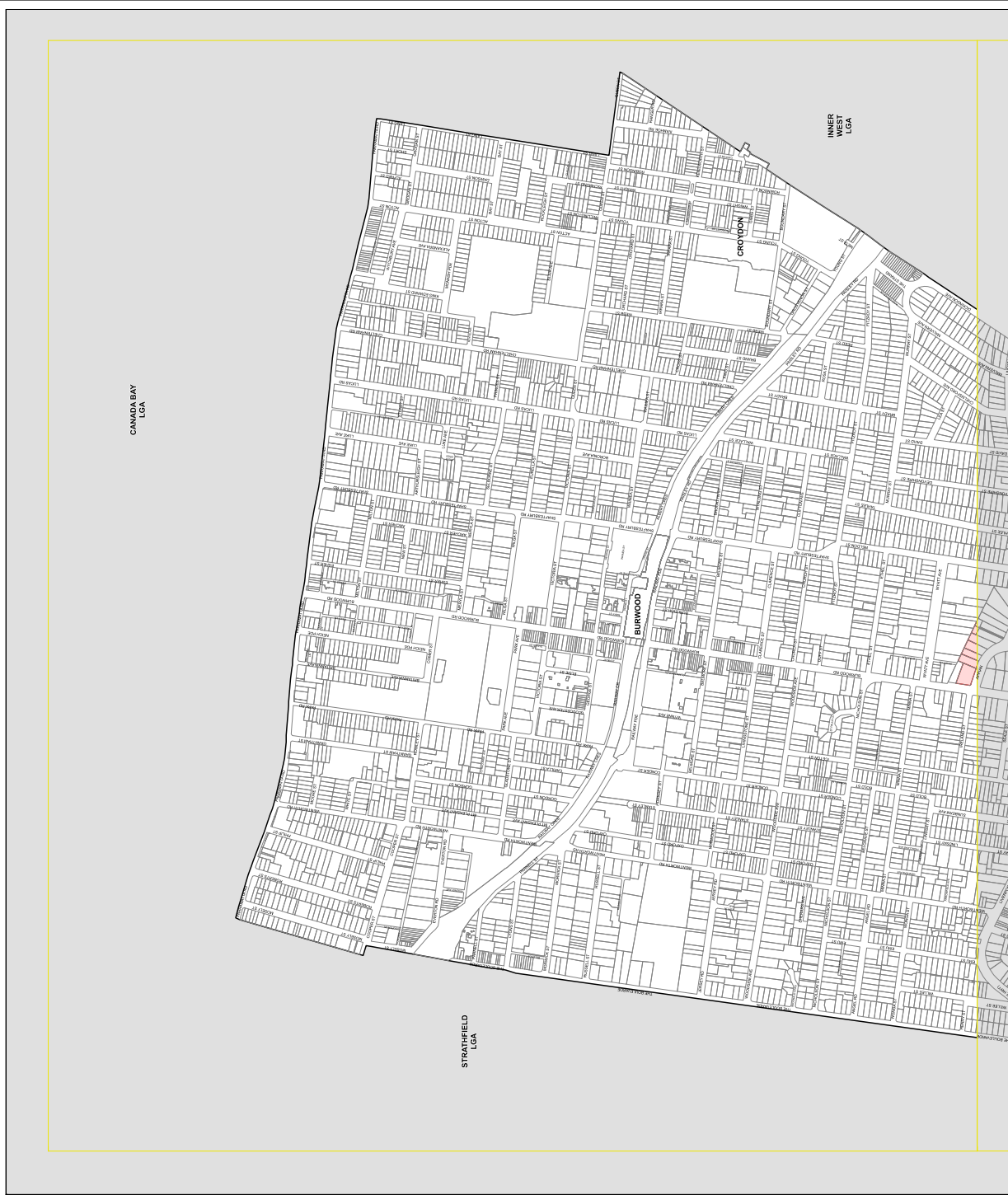
Heritage assessments and other supporting documents are provided
under separate cover

Enclosure No.	Description
1	Heritage Assessment of the Appian Way Conservation Area, undertaken by Council's Heritage Advisor in October 2022.
2	Draft Inventory Sheet.

Mapping

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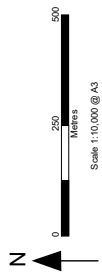
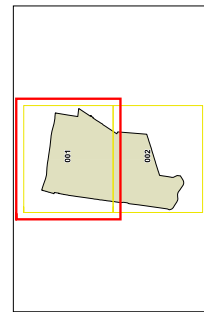
Attachment 1 - Planning Proposal - Appian Group Listing - For Council Meeting



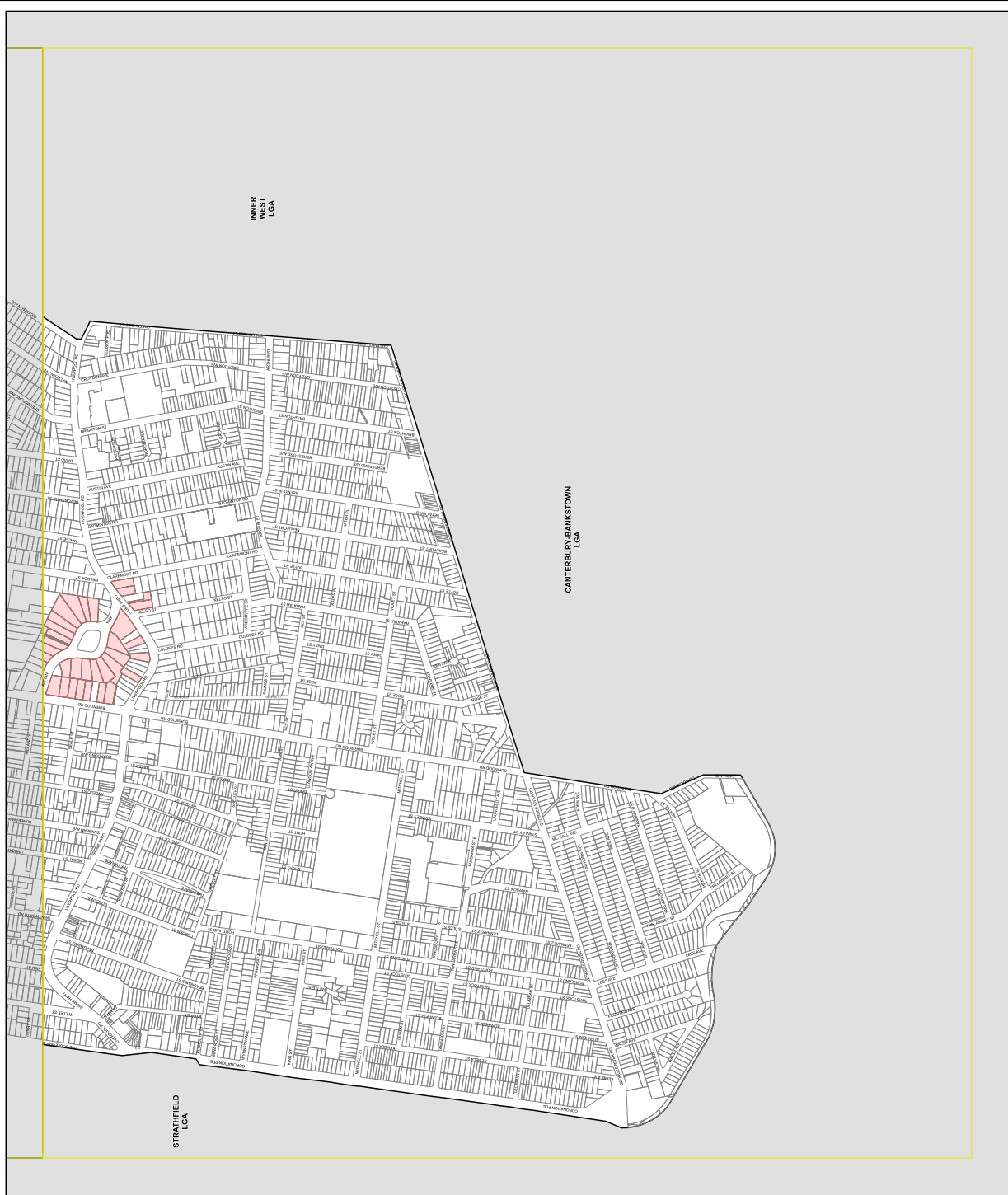
Burwood Local Environmental Plan 2012

Site Identification Map
- Sheet SIM_001

Subject Land
Cadastral 27/10/2022 © Burwood Council



Projection: GDA 1984
Zone 56
Map Identification Number:
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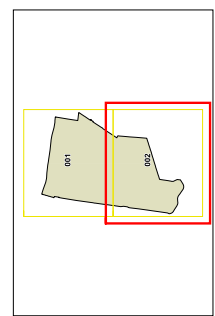


Burwood Local Environmental Plan 2012



Site Identification Map
- Sheet SIM_002

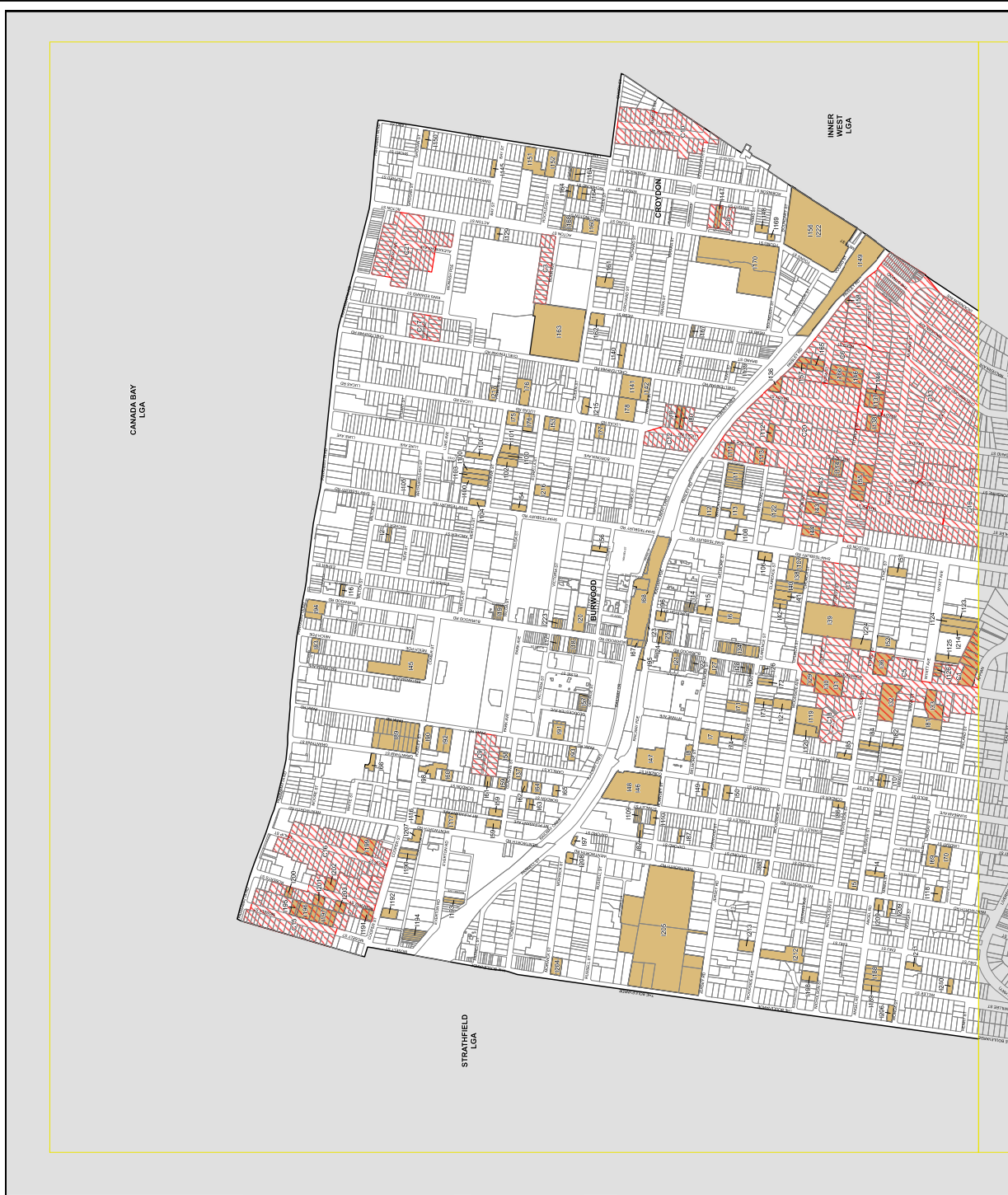
- Subject Land
- Catastre 27/10/2022 © Burwood Council



Project No: 194
Zone 95
Map Identification Number:
1900_LOCAL_SIM_002_010_2022/027

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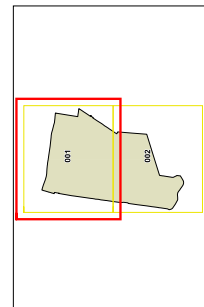


Burwood Local Environmental Plan 2012

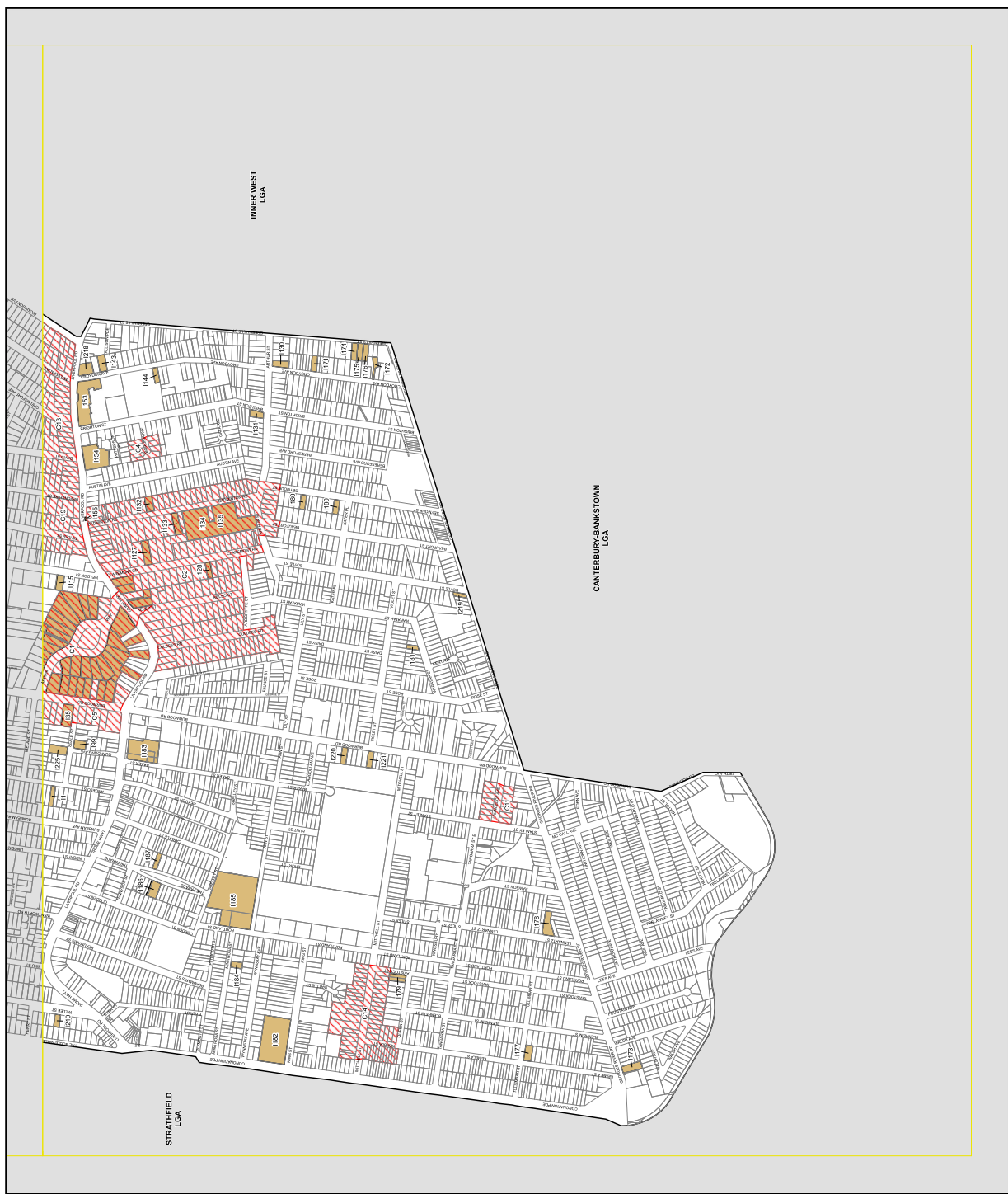
Heritage Map - Sheet HER_001

Heritage
Conservation Area - General

Cadastral
Cadastral 27/10/2022 © Burwood Council




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Zone 56
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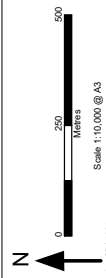
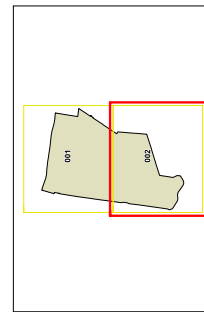


Burwood Local Environmental Plan 2012

Heritage Map
- Sheet HER_002

Heritage
 Conservation Area - General
 Item - General

Cadastral
 Cadastral 27/10/2022 © Burwood Council



Project File: 194
Zone 05
Map Identification Number:
1900_COAL_HER_002_010_2022/027



**BURWOOD COUNCIL – FEDERATION DWELLINGS
WITHIN THE APPIAN WAY HCA**

HERITAGE ASSESSMENT

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1 Introduction

1.1 Scope

As part of Council's review of heritage items and heritage conservation areas, this report conducts a heritage significance assessment on the built heritage of the Federation era dwellings located within the existing Appian Way Heritage Conservation Area (HCA). The scope includes an assessment of each dwelling on its heritage merits to be included within a group heritage item listing. The basis behind this assessment is to ensure that dwellings within The Appian Way Conservation Area are adequately protected where they also meet the heritage significance criteria as items. This is particularly important as Council looks to introduce different levels of heritage controls within upcoming Development Control Plan (DCP) reviews.

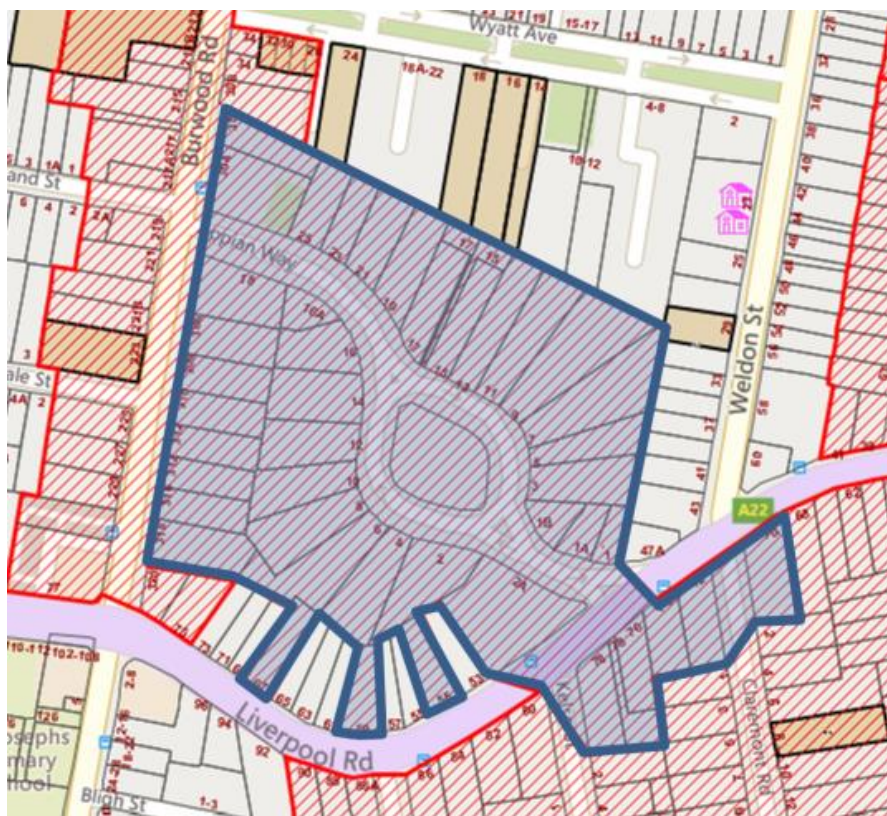


Figure 1 - The subject site/s – the Appian Way Conservation Area outlined in blue.

1.2 Author

This report was prepared by Burwood Council staff, Gavin Patton (Heritage Advisor) and Ryan King (Strategic Planner) and reviewed by Rita Vella (Manager City Planning).

Gavin is an experienced heritage professional, holds qualifications in planning and heritage from the University of Sydney and has worked in the heritage industry (both private and government) for approximately 7 years. Gavin has acted as an Expert Witness for Council in Land and Environment Court matters. Gavin is a full member of ICOMOS Australia.

1.3 Methodology

This review has been prepared in accordance with the heritage significance assessment guidelines published by Heritage NSW in 2001 and *Investigating Heritage Significance (2021)*. It is also consistent with the relevant principles and guidelines of the Australian ICOMOs *Charter for Places of Cultural Significance 2013* (the Burra Charter).


An independent external heritage consultant was not engaged for this assessment due to these sites having previously been recognised as holding heritage significance within the conservation area and the broadly known heritage significance of the Appian Way HCA, its historic significance, its aesthetic significance and its rarity.



1.4 Limitations



No sites' internal areas were accessible for the purposes of a site inspection. The report does not include any Aboriginal or archaeological assessment.

2 The Dwellings

Table 1 – Individual Dwellings Included in this Assessment



Address/ Name	Estate	Images
1 Appian Way Burwood Formerly Brindisi	Hoskins Estate Formerly	
1 Appian Way, "Brindisi" was demolished in 1966 and the land was subdivided into three lots. Modern split level houses have been erected. (<i>Appian Way Conservation Area Environmental Study Page 18</i>).		
Note - This dwelling will not be included in the group listing as it does not meet the threshold of significance on any heritage criteria.		

<p>1A Appian Way Burwood</p> <p>Formerly Brindisi</p>	<p>Hoskins Estate Formerly</p>	
<p>1A Appian Way, "Brindisi" was demolished and in 1966 and the land was subdivided into three lots. Modern split level houses have been erected. (<i>Appian Way Conservation Area Environmental Study Page 18</i>). This dwelling was constructed c.2009.</p> <p>Note - This dwelling will not be included in the group listing as it does not meet the threshold of significance on any heritage criteria.</p>		
<p>1B Appian Way Burwood</p> <p>Formerly Brindisi</p>	<p>Hoskins Estate Formerly</p>	
<p>1B Appian Way, "Brindisi" was demolished and in 1966 and the land was subdivided into three lots. Modern split level houses have been erected. (<i>Appian Way Conservation Area Environmental Study Page 18</i>).</p> <p>Note - This dwelling will not be included in the group listing as it does not meet the threshold of significance on any heritage criteria.</p>		

<p>2 Appian Way Burwood</p> <p>Amalfi</p>	<p>Hoskins Estate</p>	
<p>2 Appian Way Burwood is an elegant example of Federation Queen Anne style dwelling. Aerial imagery comparison between 1943 and 2022 shows some rear alterations, however largely intact.</p> <p>Several gardens included private tennis courts such as at “Colonna” and “Amalfi”. (<i>The Development of Hoskins Estate Burwood 1978. Clements. (red book) Page 30.</i> The gardens remain well-maintained. No evidence of existing tennis court. Most likely removed.</p>		
<p>2A Appian Way Burwood</p>	<p>Hoskins Estate</p>	
<p>2A Appian Way Burwood is a landmark Federation Queen Anne style dwelling located at the eastern entrance to The Appian Way. It is the most decorative dwelling within the street and features a second storey turret tower, attic space and lynch gate. The dwelling is sited on the largest allotment within the Hoskins Estate. This large allotment is important in understanding the graduer associated with this dwelling and is important in demonstrating its heritage significance.</p>		



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<p>3 Appian Way Burwood Brianza</p>	<p>Hoskins Estate</p>	
<p>3 Appian Way Burwood is a Federation era dwelling which incorporates elements of Arts and Crafts and Queen Anne styles. It is the only dwelling that is two full storeys. (<i>Appian Way Conservation Area Environmental Study Page 11</i>).</p>		
<p>4 Appian Way Burwood Alba Longa</p>	<p>Hoskins Estate</p>	
<p>4 Appian Way Burwood is an elegant example of Federation Queen Anne style dwelling. Aerial imagery comparison between 1943 and 2022 shows some rear alterations, however largely intact. Well-maintained gardens. Dwelling features turret (also referred to as a candle snuffer).</p>		



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<p>5 Appian Way Burwood St Ellero</p>	<p>Hoskins Estate</p>	
<p>5 Appian Way is a Federation era dwelling incorporating Federation Queen Anne and Federation Arts and Crafts elements. It is unusual for its sandstone front bay window within The Appian Way. It has a well maintained garden and has had some minor rear additions which are minimally visible from the public domain (historical aerial imagery comparison).</p>		
<p>6 Appian Way Burwood Olevanus</p>	<p>Hoskins Estate</p>	
<p>6 Appian Way is a handsome example of Federation Queen Anne style dwelling. Aerial imagery comparison between 1943 and 2022 shows some minor rear alterations, however largely intact. Garden is well-maintained.</p>		



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<p>7 Appian Way Burwood Mevania</p>	<p>Hoskins Estate</p>	
<p>7 Appian Way Burwood is a handsome example of Federation era dwelling, with Queen Anne and Federation Bungalow elements. It has a decorative timber valance on its front verandah and well maintained garden. The dwelling has had rear additions which are minimally visable from the public domain (historica aerial imagery comparison).</p>		
<p>8 Appian Way Burwood Cadua</p>	<p>Hoskins Estate</p>	
<p>8 Appian Way is a more modest example of a Federation era dwelling from the streetscape with some Queen Anne elements and some Federation Bungalow elements. The dwelling, like others in the estate, is quite expansive. The garden is well-maintained.</p>		



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<p>9 Appian Way Burwood Del Osa</p>	<p>Hoskins Estate</p>	
<p>9 Appian Way Burwood is a handsome example of Federation Bungalow elements and well maintained garden. The dwelling has had rear additions which are minimally visable from the public domain (historica aerial imagery comparison).</p>		
<p>10 Appian Way Burwood Ariccia</p>	<p>Hoskins Estate</p>	
<p>10 Appian Way is a more modest example of a Federation era dwelling from the streetscape with some Queen Anne elements and some Federation Bungalow elements. The dwelling, like others in the estate, is quite expansive. The garden is well-maintained. Aerial imagery comparison between 1943 and 2022 shows some minor rear alterations.</p>		

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<p>11 Appian Way Burwood Toscanna</p>	<p>Hoskins Estate</p>	
<p>11 Appian Way Burwood is a handsome example of Federation Bungalow elements. It has a well maintained garden. The dwelling has had rear additions which are minimally visible from the public domain (historical aerial imagery comparison).</p>		
<p>12 Appian Way Burwood Aventine</p>	<p>Hoskins Estate</p>	
<p>12 Appian Way is an elegant example of Federation Queen Anne style dwelling. Aerial imagery comparison between 1943 and 2022 shows some rear alterations, however largely intact. Well-maintained gardens. Timber veranda valance adds an additional degree of elegance.</p>		



<p>13 Appian Way Burwood Ravenna</p>	<p>Hoskins Estate</p>	
<p>13 Appian Way Burwood is a handsome example of a Federation era dwelling featuring elements of Queen Anne and Federation Bungalow style. It has had considerable alterations to the rear, along with uncharacteristic basement portal.</p> <p>Alterations taken place as a result of Land and Environment Court approval. Basement parking added with entry/ramp highly visible from public domain.</p>		
<p>14 Appian Way Burwood Cassa Tasso</p>	<p>Hoskins Estate</p>	
<p>14 Appian Way is an elegant example of Federation Queen Anne style dwelling. Aerial imagery comparison between 1943 and 2022 shows some rear alterations, however largely intact. Well-maintained gardens. Timber veranda valance adds an additional degree of elegance.</p> <p>The dwelling retains its original timber stables which included shelter for horse and coach, storeroom for feed and harnessware, and a pigeon loft. (<i>The Development of Hoskins Estate Burwood 1978. Clements. (red book). Page 29.</i> It is understood the stable remains, although it is unclear if unsympathetic alterations have occurred.</p>		


<p>15 Appian Way Burwood Brescia</p>	<p>Hoskins Estate</p>	
<p>15 Appian Way Burwood is a Federation Bungalow style dwelling. It has a complex roof form and an existing rear addition which is soon to be replaced with a larger rear wing – this will have minimal visibility from the public domain.</p>		
<p>16 Appian Way Burwood Ostia</p>	<p>Hoskins Estate</p>	
<p>16 Appian Way is a handsome Federation Bungalow style dwelling. A corner, triangular shaped allotment was subdivided from number 16 in 1957. A red brick bungalow was erected. (<i>Appian Way Conservation Area Environmental Study Page 18</i>).</p>		

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<p>16A Appian Way Burwood</p> <p>Land former Ostia</p>	<p>Hoskins Estate</p>	
<p>16A Appian Way is a corner, triangular shaped allotment was subdivided from number 16 in 1957. A red brick bungalow was erected. (<i>Appian Way Conservation Area Environmental Study Page 18</i>).</p> <p>Note - This dwelling will not be included in the group listing as it does not meet the threshold of significance on any heritage criteria.</p>		
<p>17 Appian Way Burwood</p> <p>Casa Nuoya</p>	<p>Hoskins Estate</p>	
<p>17 Appian Way Burwood is an expansive Federation Bungalow style dwelling. The roof features of slate and ridge capping have been removed. The picket fence has been replaced like-for-like after an earlier unsympathetic brick fence had been installed. The garden is well maintained. Rear additions appear to have taken place.</p>		

<p>18 Appian Way Burwood</p> <p>Roma</p>	<p>Hoskins Estate</p>	
<p>Number 18 Appian Way is a Federation era dwelling which would have original had Queen Anne style features. It has had alterations and extensions which have changed the appearance of the house – variegated roof tiles, aluminium windows, remodelled verandah with Federation details removed. (<i>Appian Way Conservation Area Environmental Study Page 11</i>).</p> <p>While the dwelling has had unsympathetic alterations, it remains readily legible as an original Federation era house. It was one of the first dwellings constructed in the Hoskins Estate and serves as a ‘gateway’ dwelling. While original features have been removed, many could be reinstated/reconstructed to allow the dwelling to better reflect its origins.</p>		
<p>19 Appian Way Burwood</p> <p>Yallambrosa</p>	<p>Hoskins Estate</p>	
<p>19 Appian Way Burwood is an elegant Federation era dwelling which incorporates Queen Anne and Arts and Crafts elements. Has an ornamental and very decorative turret and roughcast render as feature elements (<i>Appian Way Conservation Area Environmental Study Page 11</i>). It has well-maintained gardens.</p>		

<p>21 Appian Way Burwood</p> <p>Erica</p>	<p>Hoskins Estate</p>	
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21 Appian Way Burwood is an elegant example of a Federation Arts and Crafts dwelling. This dwelling is well known and appears as an example of Arts and Crafts in architectural reference texts including *Identifying Australian Architecture (Apperly, Irving and Reynolds)*. It appears to have had some rear additions since 1943 (aerial imagey comparison), including a small second storey attic added to the rear which is minimally visable from the public domain.



Roughcast render has also been used (*Appian Way Conservation Area Environmental Study Page 12*).

<p>23 Appian Way Burwood</p> <p>Capri</p>	<p>Hoskins Estate</p>	
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23 Appian Way Burwood a handsome example of Federation era dwelling, with Queen Anne and Federation Bungalow elements. Has had a rear small second storey addition, which has minimal visibility from the public domain.

Has an ornamental turret (*Appian Way Conservation Area Environmental Study Page 11*).



<p>25 Appian Way Burwood</p> <p>Atella</p>	<p>Hoskins Estate</p>	
<p>25 Appian Way Burwood is a Federation Bungalow style dwelling. It has modest gardens which are maintained. It does not appear to have had any significant external alterations since 1943.</p> <p>Number 25 Appian Way “Atella” was remodelled during the 1920’s, although it is in keeping with the rest of the streetscape. (<i>Appian Way Conservation Area Environmental Study Page 18</i>).</p>		
<p>302 Burwood Road Burwood</p> <p>Formerly Lulworth</p>	<p>Hoskins Estate</p>	
<p>302 Burwood Road Burwood was demolished and replaced by a large 2 storey house in the prior to 1943. This dwelling is in the ‘Streamline Moderne’ style. (<i>Appian Way Conservation Area Environmental Study Page 18</i>).</p> <p>While this dwelling meets a number of the heritage criteria, it is not a Federation era dwelling and therefore cannot be included the group listing for Federation era houses associated with The Appian Way. It is recommended that this dwelling be considered on its own merits in future heritage studies.</p>		

<p>304 Burwood Road/27 Appian Way Burwood</p> <p>Colonna</p>	<p>Hoskins Estate</p>	
<p>304 Burwood Road/27 Appian Way Burwood is a more modest example of a Federation era dwelling with some Queen Ann style elements. Several gardens within the Appian Way included private tennis courts such as at “Colonna” and “Amalfi”. (<i>The Development of Hoskins Estate Burwood 1978. Clements. (red book) Page 30.</i> A comparison of aerial imagery demonstrates that the tennis court remains in its original form and location. The tennis court, given it is original and one of the few remaining is part of the heritage curtilage and is a significant element of the house and the broader group listing.</p>		
<p>306 Burwood Road Burwood</p> <p>Talofa</p>	<p>Hoskins Estate</p>	
<p>306 Burwood Road Burwood is a handsome Federation era dwelling with Queen Anne and Federation Bungalow features. The dwelling has an ornamental turret (<i>Appian Way Conservation Area Environmental Study Page 11</i>). Some unsympathetic changes have occurred, including the hardstand parking areas. It is likely that internal alterations have occurred overtime as it is noted it is (or was) a boarding house. Some rear additions have also occurred since 1943.</p>		

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<p>308 Burwood Road Burwood</p> <p>Dimora</p>	<p>Hoskins Estate</p>	
<p>308 Burwood Road Burwood is an elegant example of the Federation Queen Anne style dwelling, which has lost some of its original character through unsympathetic changes.</p> <p>Has been rendered externally though it is still in character. (<i>Appian Way Conservation Area Environmental Study Page 18</i>).</p>		
<p>310 Burwood Road Burwood</p> <p>Torcello</p>	<p>Hoskins Estate</p>	
<p>310 Burwood Road Burwood is a handsome Federation era dwelling, which incorporated Federation Bungalow and some elements of Federation Queen Anne. It appears to have had minimal external alterations since 1943 (historic aerial imagery comparison).</p> <p><i>Appian Way Conservation Area Environmental Study Page 14</i> mentions it is a flat conversion with two flats.</p>		

<p>312 Burwood Road Burwood</p> <p>Ravenscroft</p>	<p>Hoskins Estate</p>	
<p>312 Burwood Road Burwood is a Federation Bungalow. It has previously had minor rear additions and is currently approved for a larger rear addition which will remain minimally visible from the public domain. The dwelling has had some internal reconfiguration and changes yet retains its overall form and features. Some unsympathetic inclusions in the photo above have been approved for removal and replacement with sympathetic detailing (this includes the screen door and the window coverings).</p> <p><i>Appian Way Conservation Area Environmental Study Page 14</i> mentions it is a flat conversion with two flats.</p>		
<p>314 Burwood Road Burwood</p> <p>Cordova</p>	<p>Hoskins Estate</p>	
<p>314 Burwood Road Burwood has been “defaced” with cream brickwork. (<i>Appian Way Conservation Area Environmental Study Page 18</i>). The extensive unsympathetic layers of additions to this dwelling has reduced its heritage integrity. While some elements remain legible as a Federation dwelling (roof form and tiles), the extensive alterations are not readily reversible in any way.</p> <p>314 Burwood Road Burwood. Mentioned in <i>Appian Way Conservation Area Environmental Study Page 14</i> that it is (or was) a boarding house.</p> <p>Note - This dwelling will not be included in the group listing as it does not meet the threshold of significance on any heritage criteria.</p>		



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<p>316 Burwood Road Burwood</p> <p>Langlo</p>	<p>Hoskins Estate</p>	
<p>316 Burwood Road Burwood is a more modest Federation Bungalow dwelling. It retains many original features and is unusual for having a large roughcast rendered gable with decorative motif.</p>		
<p>318 Burwood Road Burwood</p> <p>Mounterey</p>	<p>Hoskins Estate</p>	
<p>318 Burwood Road Burwood is an expansive Federation era dwelling with Federation Bungalow and Federation Arts and Crafts elements. It appears to have had some rear additions completed since 1943, however these are minimally visable from the public domain. <i>Appian Way Conservation Area Environmental Study Page 14</i> mentions it is (or was) a doctors' surgery and residence. Once had a garden dominated by tall palms. (<i>The Development of Hoskins Estate Burwood 1978. Clements. (red book)</i>). Page 30.</p>		

<p>55 Liverpool Road Burwood Winton</p>	<p>Hoskins Estate</p>	
<p>55 Liverpool Road Burwood is a Federation era dwelling with elements of Federation Queen Anne and Federation Bungalow. It appears to be in fair condition, however unsympathetic hardstand parking detracts somewhat from the aesthetic of the dwelling. Historical aerial imagery shows that it does not appear any significant external alterations have occurred since 1943.</p>		
<p>59 Liverpool Road Burwood Lavinia</p>	<p>Hoskins Estate</p>	
<p>59 Liverpool Road Burwood is a Federation Bungalow style dwelling which appears to have had minimal changes externally since 1943 (historical aerial imagery comparison).</p>		

<p>67 Liverpool Road Burwood Iwanora</p>	<p>Hoskins Estate</p>	
<p>67 Liverpool Road Burwood is modest Federation era dwelling incorporating Federation Bungalow along with some minor elements of Arts and Crafts. It appears to have had some relatively minor rear additions added since 1943. The dwelling appears very intact.</p>		
<p>70 Liverpool Road Burwood Heights</p>	<p>Austinlee Estate</p>	
<p>70 Liverpool Road Burwood Heights is a Federation era dwelling which features elements of Federation Bungalow, however it does not present these elements strongly from the public domain It is also not closely related to the architectural forms within The Appian Way.</p> <p>Not part of the original Hoskins Estate, but the Austinlee Estate, subdivided in 1913.</p> <p>The dwelling appears to be in poor condition with considerable amounts of rubbish within the yard and verandah.</p> <p>Some houses, including 70 Liverpool Road, have less decorative fretwork, and show influences of the later Californian Bungalow style. From the <i>Appian Way Conservation Area Environmental Study Page 12</i>.</p> <p>It is noted that this dwelling does not meet the threshold to be included in the group listing but remains a contributory dwelling within the HCA.</p>		

<p>72 Liverpool Road Burwood Heights</p>	<p>Austinlee Estate</p>	
<p>72 Liverpool Road Burwood Heights is a Federation era dwelling influenced by Federation Bungalow and Federation Arts and Crafts. Not part of the original Hoskins Estate, but the Austinlee Estate, subdivided in 1913. It appears to have had minimal external alterations since 1943 (historic aerial image comparison). It includes landmark qualities given the prominent front gable, sandstone verandah supports and well-maintained gardens. The allotments of these Austinlee Estate dwellings remain large in reference to the elegance of these large and elegant dwellings.</p> <p>The architecture is similar to the Hoskins Estate, however, the elements in common include verandahs, high pitched roofs, broken roofline with ridge capping, narrow windows and use of shingles. <i>Appian Way Conservation Area Environmental Study Page 12.</i></p>		
<p>74 Liverpool Road Burwood Heights</p>	<p>Austinlee Estate</p>	
<p>74 Liverpool Road Burwood is a striking Federation era dwelling which incorporates elements of Federation Bungalow, with early Inter-War bungalow style influences. It features a prominent front turret tower. Comparison of historic aerial images demonstrates that the dwelling has had a rear addition which appears minimally visible from the public domain.</p> <p>Not part of the original Hoskins Estate, but the Austinlee Estate, subdivided in 1913. The allotments of these Austinlee Estate dwellings remain large in reference to the elegance of these large and elegant dwellings.</p>		

<p>76 Liverpool Road Burwood Heights</p>	<p>Austinlee Estate</p>	
<p>76 Liverpool Road Burwood Heights. Not part of the original Hoskins Estate, but the Austinlee Estate, subdivided in 1913.</p> <p>The houses have less decorative fretwork, and show influences of the later Californian Bungalow style. <i>Appian Way Conservation Area Environmental Study Page 12.</i></p> <p>Some houses, including 76 Liverpool Road, have less decorative fretwork, and show influences of the later Californian Bungalow style. <i>Appian Way Conservation Area Environmental Study Page 12.</i></p> <p>It is noted that this dwelling does not meet the threshold to be included in the group listing due to its indistinctive style (in comparison to dwellings within the Hoskins Estate) but remains a contributory dwelling within the HCA.</p>		
<p>78 Liverpool Road Burwood Heights</p>	<p>Austinlee Estate</p>	
<p>78 Liverpool Road Burwood Heights incorporates strong cues from the Appian Way dwellings. It is a mixture of Federation Queen Anne styles and Federation Bungalow. Its original front fence has been replaced.</p> <p>Not part of the original Hoskins Estate, but the Austinlee Estate, subdivided in 1913. The allotments of these Austinlee Estate dwellings remain large in reference to the elegance of these large and elegant dwellings.</p>		

3 History

3.1 Pre-Contact

The following Pre-Contact history has been extracted from the Burwood Council website.

The story of Burwood commences with the original owners of our island nation – the Aboriginal people. Long before the convict history and early European settlers, Aboriginals lived in complete harmony with nature. Archaeological evidence suggests that Aboriginal people occupied the area in and around Sydney at least 11,000 years ago and they may well have been there much longer.

The Aboriginals in Sydney belonged to two tribes; the 'Kuringal' or 'Eora' tribe who were coastal dwellers, and the 'Dharug' tribe who lived further inland to the foothills of the Great Dividing Range. Within these two tribes were specific clans or extended family groups.

The Aboriginals who lived in our neighbourhood, were known as the Wangal people. The Aboriginal leader Bennelong was a member of the Wangal clan.

Although the Wangal travelled about to trade and search for food, their territory was the land on the southern bank of the Parramatta River. Their boundaries extended to the west of Iron Cove to as far as Homebush Bay, with a southern boundary along the watershed between Cooks River and Sydney Harbour

The British First Lieutenant William Bradley writes in his journal about seeing a number of Wangal people along the banks of the river around Mortlake in 1788. When his exploration party stopped for breakfast on the opposite bank, a group of seven Wangals came over in canoes to meet them. "They left their spears in the canoes and came to us" wrote Lieutenant Bradley. When the Europeans had left, the Wangal people used the Europeans' fire to cook mussels they had gathered from surrounding rocks.

European invasion forced the retreat of the Wangal into alien territory, depriving them both of their source of food and spiritual connection with their country.

3.2 Development of Burwood

The following historical information has been extracted from the Heritage Impact Statement for 15 Appian Way by John Oultram in September 2021 – with Burwood Council edits. All references are contained in the original document.

The land which now includes The Appian Way, is sited within that part of Sydney granted to William Faithful in 1808. Faithful (1774-1847) was a private in the New South Wales Corps who had arrived in the penal colony in 1792. When discharged in 1799 he became the estate manager for Captain Foveaux. The new road to Liverpool (the Hume Highway) was put through Faithful's grant in 1815. At that time the 200 acres to the north of the road was purchased by Alexander Riley, and the land to the south of the road was regranted to Simeon Lord.

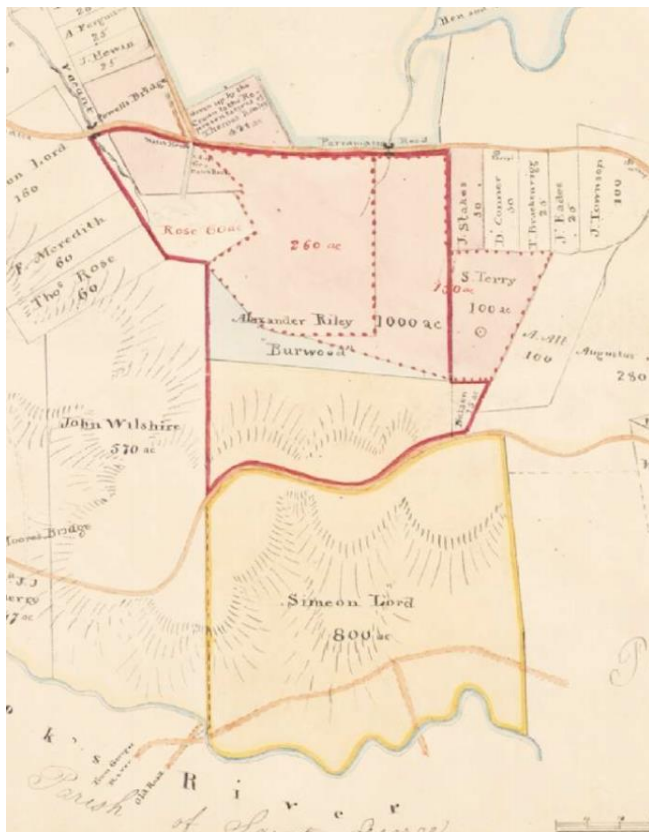


Figure 2 - This sketch survey was drawn in 1840 to show the various exchanges of land at Burwood. It recorded Faithfull's grant in yellow tint showing where Simeon Lord acquired the area south of Liverpool Road, and the area to its north now being Riley's Burwood. SLNSW

Riley (1778–1833) had arrived in Sydney in 1804 and was one of the first of the free settlers with capital to migrate to the colony. By 1809 he had settled on his grant beyond Liverpool named Raby and developed a pastoral industry there based on wool. Riley had purchased the late Captain Thomas Rowley' Burwood estate, then comprising 750 acres, in 1812. At Burwood Riley erected around 1812 a bungalow near the Parramatta Road boundary of his estate. The bungalow (demolished in 1937) and its timbered setting were depicted in the well-known painting by Joseph Lycett published in London in 1825. This vast estate with its extensive tree cover developed into something of a resort for Sydney's bushrangers in the mid-1820s, striking at travellers on the main roads to Liverpool and Parramatta and then retreating into the bush to evade capture.



Figure 3 - Joseph Lycett's painting of Riley's Burwood Villa, published in London in 1825. NLA

Following Riley's death in 1833, Rowley's children successfully claimed entitlement to the aforementioned 750 acres. That estate was divided then between Thomas Rowley (junior), John Rowley, John Lucas (the husband of Mary Rowley), and Henry Sparrow Briggs (the husband of Eliza Rowley), while the 200 acres formerly of Faithful's grant was shared equally between them.¹

Over the 1830s and 1840s small areas of Burwood were released for sale by the Rowley descendants. These sales were mainly along the arterial roads leading to Liverpool and Parramatta and the purchasers in many instances were involved in trade associated with the road, such as coaching inns and other licensed premises. The bulk of the Rowleys' Burwood was subdivided in 1854 with the release of the Burwood Estate and Cheltenham Estate, with present day Appian Way being located within the Burwood Estate land release.



Figure 4 - This survey is of the Burwood Estate as subdivided. Not dated, after 1854. Marked-up to show the area of the future Hoskins Estate. Image reorientated for reproduction. SLNSW

These land releases were made in anticipation of the opening of the railway station at Burwood, which opened in September 1855 on the line between Sydney and Parramatta; with Burwood being one of four (Newtown, Ashfield, and Homebush) immediate stations at the time of the opening. Prior to the development of the suburban network of railways (and tramways) the population of Sydney was largely confined to the city and surrounding villages.

The population in the city rose markedly in the 1850s owing to the Gold Rush and migration; between 1851 and 1856 the population in the city wards increased by twenty per cent while the number of new houses completed over the same period was twelve per cent.²

The railway provided the means for people to live in suburbs and commute to the city to work.

The allotments in these Burwood land releases were large at between four to 10 acres and intended more for farmlets or subsistence farming. Re-subdivision of these blocks into suburban allotments commenced soon after: in 1858 in the area beside the railway station.³

One outcome of this closer settlement was the incorporation of the district as Burwood Council in 1874 after some five years of debate.

Around the railway station and along Burwood Road a commercial and civic nexus soon developed. Being private land releases no reserves were made for civic services and these developed where they could. The site for St Paul's Anglican Church for example was purchased by the parish in 1872. The local public school, opened in 1871 after a false start in 1858, was located some distance to the west. A local post office opened in 1861, Burwood Park was acquired in 1878, etc.

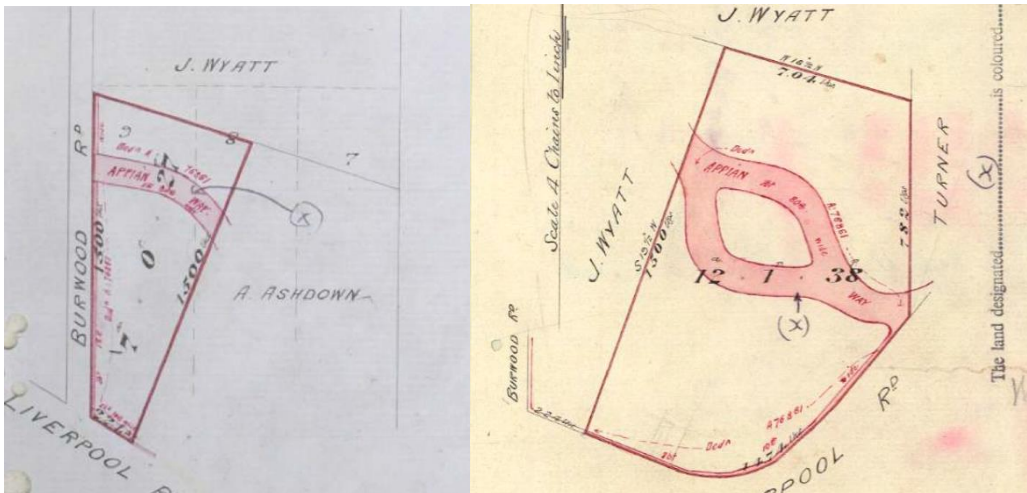


Figure 5 - Detail from Higginbotham and Robinson's 'Map of the Municipality of Burwood' published in 1893. SLNSW

The map above records the extensive re-subdivision that had occurred following the mid-1850s land releases. However, at the southeast corner of the municipality little development had occurred, and it was in this area that Hoskins developed his model estate. Marked up to show the extent of the Hoskins Estate comprising about 19&12 acres

3.3 Hoskin's Estate/The Appian Way

The developer of this estate, which comprises Appian Way and the original 39 houses, was George John Hoskins. These houses are situated within the 19&12 acres Hoskins purchased in 1903 from the executors of the late Charles Henry Humphrey.⁴



Plans of the two parcels of land Hoskins purchased in 1903 from the Humphrey family. The total area was about 19&1/2 acres. At a later date the public road of Appian Way was delineated. NSW LRS.

Humphrey (1817-1898) and his family had lived in Burwood since the late 1860s and resided at Luscombe (12 Livingstone Street). His background prior to coming to Burwood and the source of his income have not been reported. He was an alderman for Burwood from its inception in 1874 and was the mayor for 1875. He was also was a founder of the Burwood School of Arts, benefactor of numerous charitable institutions, and a local magistrate.

George John Hoskins (1847-1926) was in partnership with his brother Charles Henry (1851-1926) who were manufacturing engineers that commenced trading in 1876 in Ultimo. A move to Blackwattle Bay was made in 1889 and the brothers commenced production of steel pipes. In 1908 the brothers purchased William Sandford's ironworks at Eskbank. After, Charles pursued the business of iron production trading as Hoskins Iron and Steel Co Ltd from 1920, which was developed by his sons in the mid-1920s with a new plant at Port Kembla, and it became a subsidiary of BHP in 1935. George from 1908 pursued other business interests.

Hoskins purchased Humphrey's land with the intention of developing a model housing estate, and he informed Burwood Council of this in June 1903.⁵ By that date a plan had been prepared that has not survived, but by newspaper accounts it depicted an estate comprising 39 houses set within half acre blocks.⁶

By September 1903 the Council had approved Hoskins' scheme and it took on the construction of Appian Way, its connection with Burwood and Liverpool-roads, and laying on the drainage.⁷

There was also a communal space incorporating a tennis court at the centre available for use by local occupiers, much in the manner of a private housing estate in London.

The construction of the houses was staged. By August 1908 a number of cottages had been completed,⁸ which were available for lease from 104 pounds per annum⁹ (\$16,694 adjusted for inflation). By April 1905 some 15 cottages had been completed.¹⁰

The full suite of cottages seems to have been completed by 1909.¹¹

In keeping with the imagery generated by the name Appian Way, each of these houses was named after a town in Italy see image below.

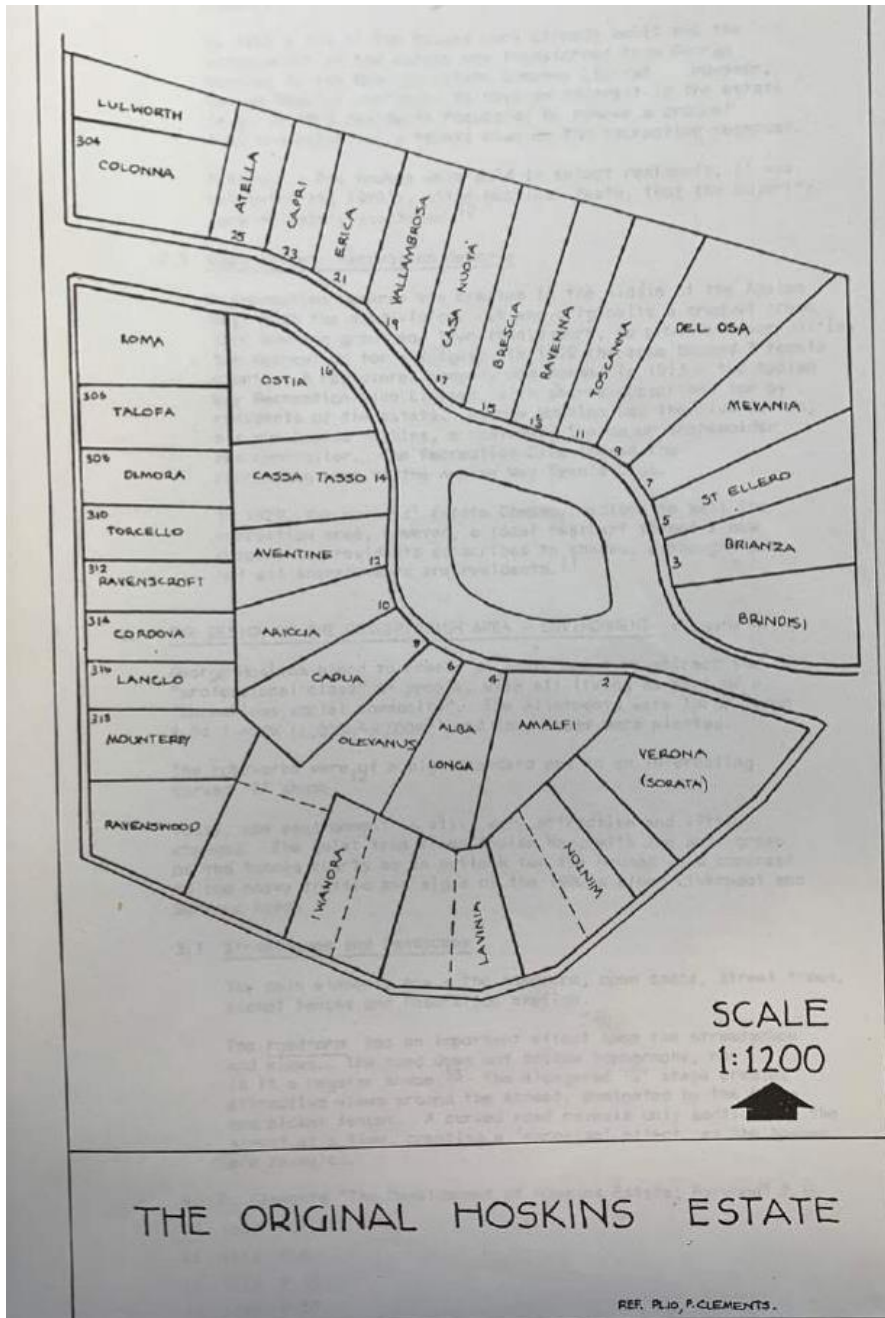


Figure 7 - Layout of Appian Way and original house names.

The builder of these houses was William Richards (?1854-?1944), who also acted as Hoskins on the ground agent. Richards (?1854-?1944) worked for other clients, an example being houses in Strathfield designed by architects Morrow and De Putron in 1909,12 and alterations to one of the Hordern houses at Darling Point also for Morrow and De Putron in 1909.13 It has been stated that Richards also designed these houses, however architects Slatyer and Cosh (soon after becoming Spain and Cosh) were involved in some aspect of the development it would seem.14



Figure 8 – Diagram showing original (or early) building footprints) with alterations since 1943. Demonstrating the highly intact group of dwellings. Jennifer Hill.

3.4 Austinlee Estate

The Austinlee Estate was initially surveyed for subdivision in 1910 and registered as DP 6473 in February 1911. The area of the dwellings which this assessment relates, was incorporated in to the Austinlee Estate in October 1913.

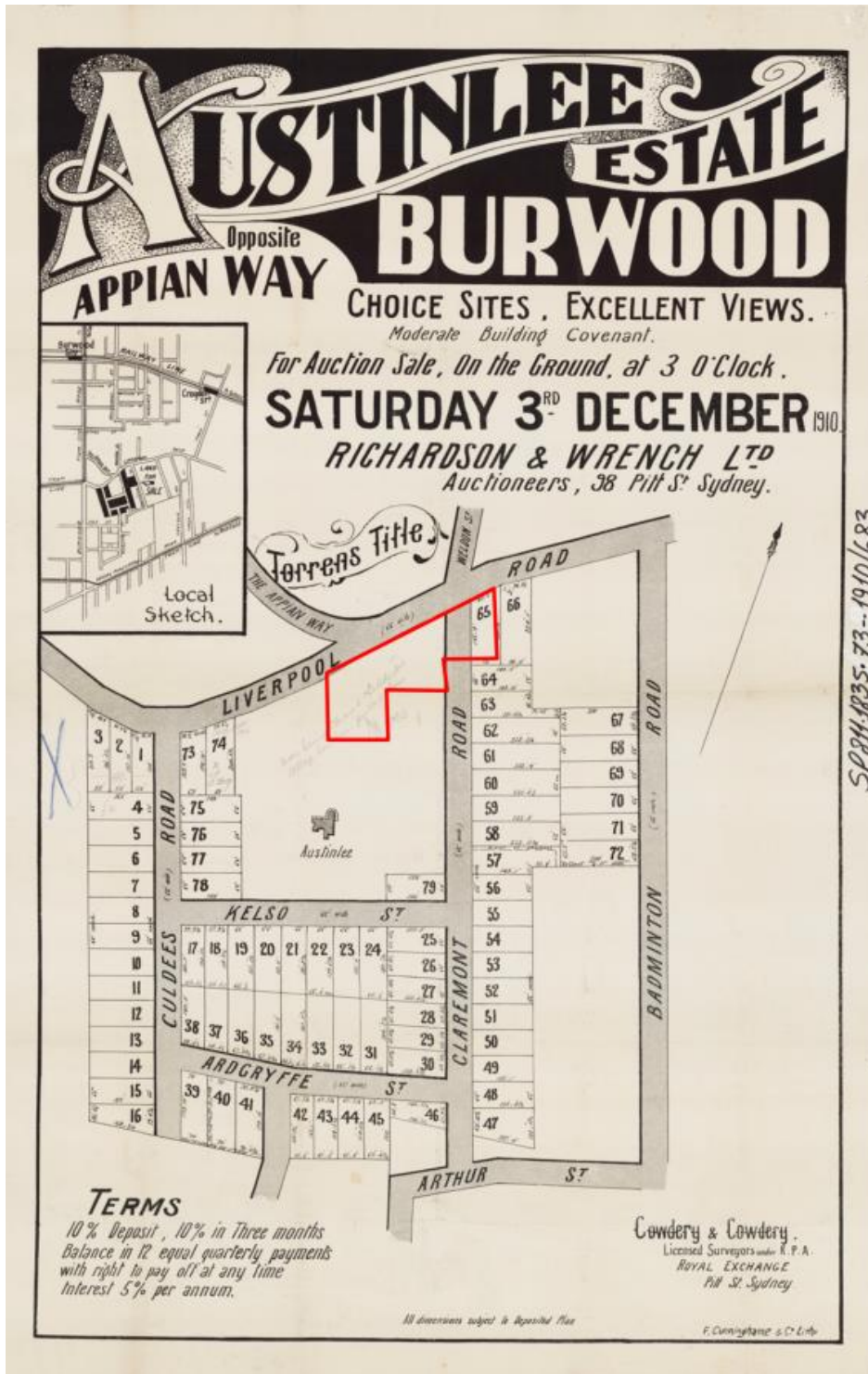


Figure 9 – 1910 Subdivision Plan prior to relevant Appian HCA allotments being added between Claremont and the new Kelso Street.

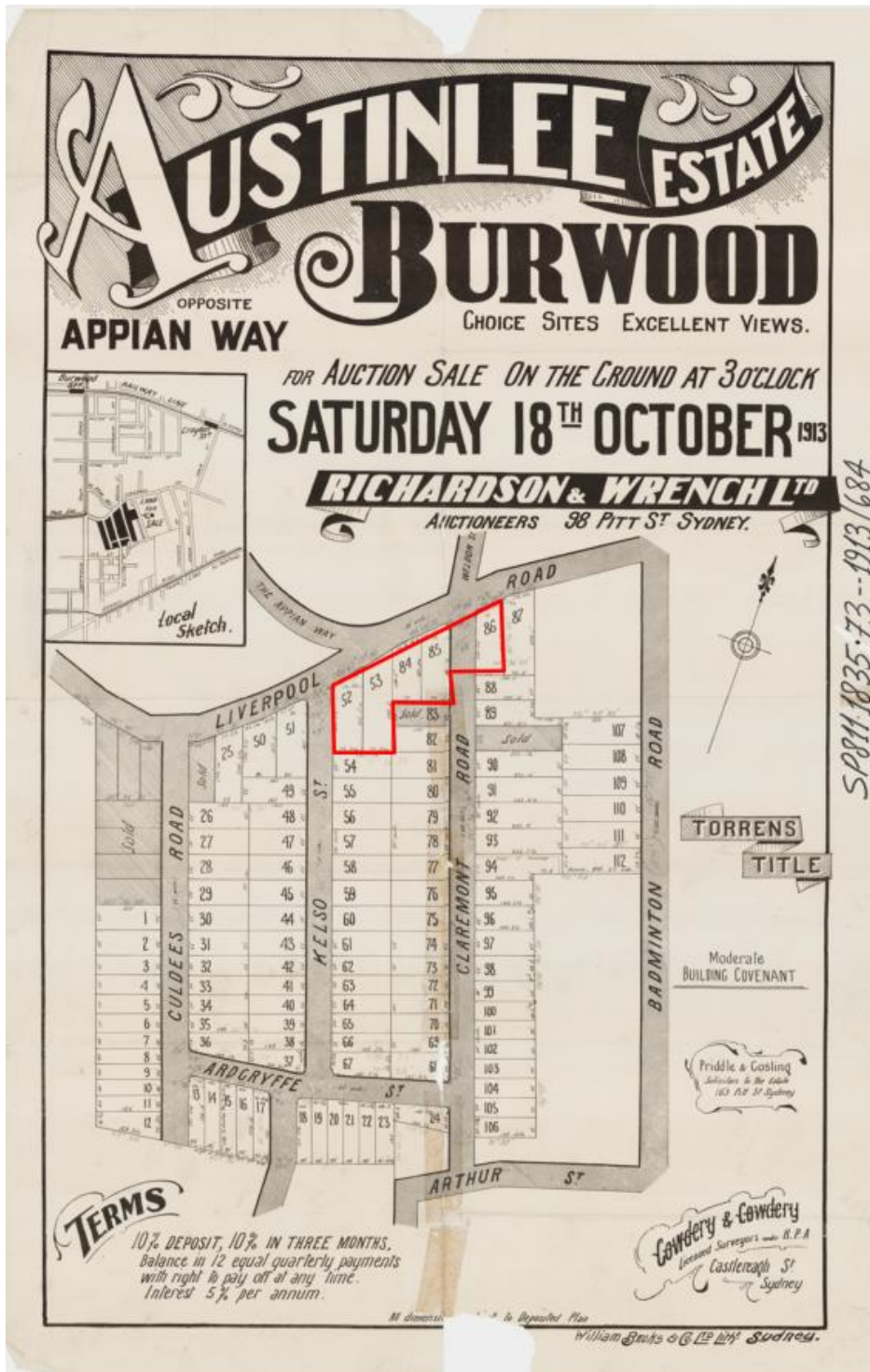


Figure 10 – 1913 Subdivision Plan showing the relevant Appian Way HCA allotments now within the “Austinlee” Estate.

4 Existing Statutory Heritage Context

The area for this study is all currently included with The Appian Way Heritage Conservation Area/Precinct, identified as C1 within Schedule 5 of the *Burwood LEP 2012*. Currently, the conservation area does not contain any heritage items.

There are heritage items within the vicinity, however these are not part of this assessment.

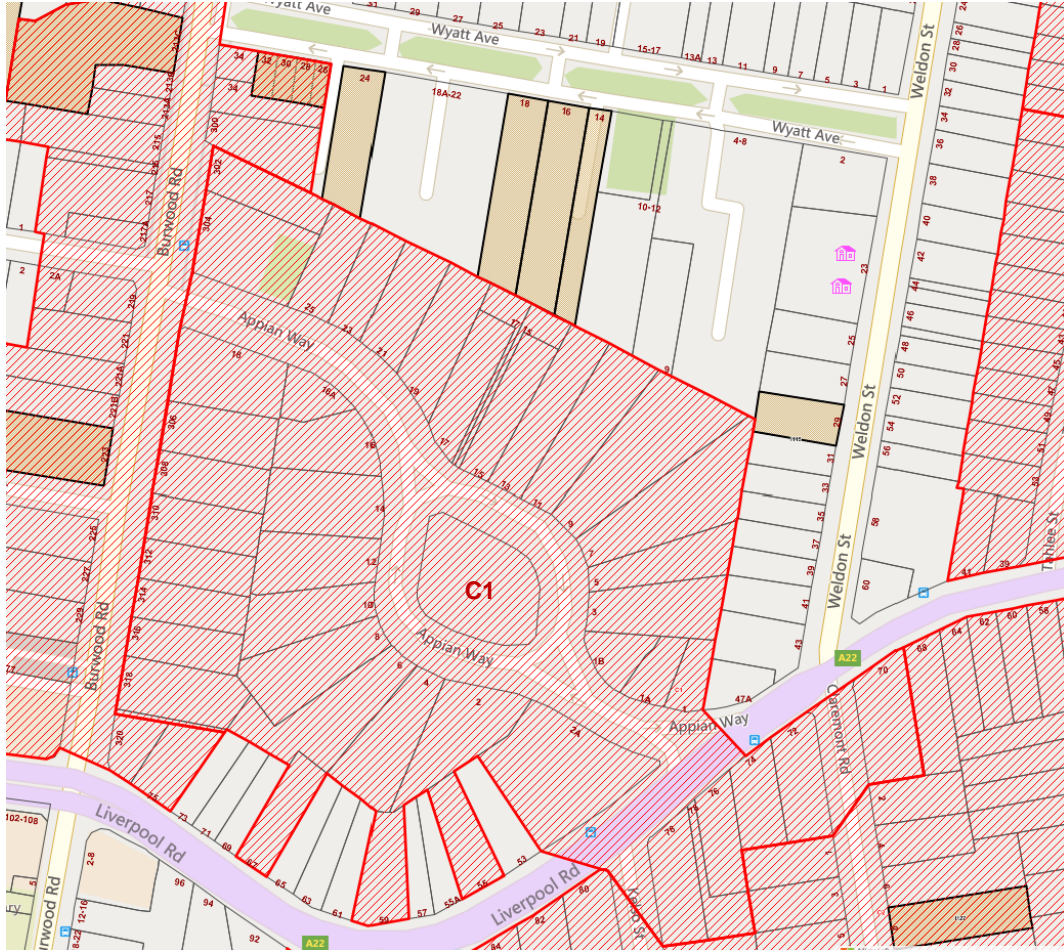


Figure 11 – The Appian Way Heritage Conservation Area/Precinct.

5 Heritage Assessment – Grouped Item

Table 2 – Summary Heritage Significance – Grouped Item

Address/ Name	Historical	Associative	Aesthetic or Technical	Social	Research Potential	Rarity	Representative
The Appian Way and Associated Federation Dwellings	✓	✓	✓	✗	✗	✓	✓

Table 3 – Grouped Item Heritage Assessment

NSW Heritage Criteria	Assessment
<p>Historical</p> <ul style="list-style-type: none"> ▪ important in the course, or pattern, of Burwood's cultural or natural history 	<p>It is a personal and individual interpretation of the architectural styles of the early 1900's by George Hoskins and builder/designer William Richards within the confines of a 'garden city' style suburb within a suburb. Each dwelling which remains intact from the original subdivision demonstrate the early 20th Century development of Burwood through a consistent, yet elaborate architectural forms.</p> <p>Each original dwelling within the group represent the historical 'garden city' planning movement, but unusually on a smaller scale (as opposed to Haberfield and Daceyville).</p> <p>Likely influences have been the first 'Garden Suburbs' in England at Bedford Park 1876 and in Bournemouth. Ebenezer Howard published a book "Garden Cities for tomorrow" in 1897 promoting integration of recreational and residential areas. Hoskins inclusion of a recreational area may be an idea taken from the Haberfield Estate development of R.Stanton with its provision of recreational facilities including lawns and a community meeting pavilion.</p> <p>There was no regulation regarding sub-divisions in New South Wales until 1906. Although William Richards had migrated from England the designs in the Appian Way are said to be based mainly on local Australian Architecture.</p> <p>The dwellings located within the Austinlee Estate are historically important due to their relationship with the early subdivision. These particular allotments and dwellings demonstrate a similar style to the dwellings located within the Hoskins Estate itself</p> <p>Where a dwelling is indicated to have met this criterion in Table 4 below, it means it is an original dwelling which remains relatively intact from the streetscape, that is readable as an original dwelling and <u>therefore meets the threshold for Historical Significance.</u></p>
<p>Associative</p> <ul style="list-style-type: none"> • has strong or special association with the life or works of a person, or group of persons, of importance in Burwood's cultural or natural history 	<p>Each dwelling and allotment identified in Table 4 below as having associative significance are associated with George Hoskins who was instrumental in developing the steel industry in New South Wales.</p> <p>In 1903 George Hoskins who was founder of Australian Iron and Steel Industries, purchased 8ha of land at the intersection of Liverpool Road and Burwood Road. He conceived a design for a model suburban estate. The design included large houses on expansive grounds arranged around a centre recreation reserve. Mr. Hoskins, from 1893, resided in St. Cloud, No.223 Burwood Road, which overlooked the Appian Way.</p> <p><u>Therefore, the dwellings identified meet the threshold for Associative Significance.</u></p>
<p>Aesthetic or Technical</p>	<p>The group consists of rare Federation Queen Anne (sometimes referred to as Edwardian Bungalow) precinct of architectural and</p>

<ul style="list-style-type: none"> important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in Burwood 	<p>constructional excellence. The group of dwellings represents an almost intact, complete Federation streetscape (though not strictly in Federation style) and is a unique part of the development of Burwood, and more broadly, Sydney with exceptionally generous landscaped settings of high quality. The ideas that influenced Richards' design of Hoskins Estate Houses were those of the Federation Queen Anne Style popular from the early 1890's to the start of World War One.</p> <p>The essential character of the houses of the estate are related to intersecting gabled roofs, verandahs integrated with the house under the same roofline and turned timber verandah posts.</p> <p>Generally, the houses are of complex, asymmetrical form, being dominated by extensive verandahs and prominent, irregular rooflines. The verandahs often have a corner emphasis and as the houses are placed on wide allotments, they tend to feature carefully designed and executed side elevations as well as street facades.</p> <p>The trees and shrubs used in the gardens have changed over the years, but original planting were probably a combination of Australian natives and exotic species.</p> <p>Dwellings identified in Table 4 below as having Aesthetic significance <u>have met the threshold for aesthetic significance as an individual dwelling as part of the group listing.</u></p>
<p>Social</p> <ul style="list-style-type: none"> strong or special association with a particular community or cultural group in Burwood (social, cultural or spiritual reasons) 	<p>While there is social significance within the conservation area as a rare 'garden city' estate whose early residents were likely to have been regular tennis players and/or users of the recreational space.</p> <p>The grouped dwelling listing focuses on the dwellings themselves and therefore <u>no individual dwellings or as part of a group meet the threshold for Social significance.</u></p>
<p>Research Potential</p> <ul style="list-style-type: none"> potential to yield information that will contribute to an understanding of Burwood's cultural or natural history 	<p>While there is research potential within the conservation area as a rare 'garden city' estate.</p> <p>The grouped dwelling listing focuses on the dwellings and therefore <u>no individual dwellings or as part of a group meet the threshold for Research Potential.</u></p>
<p>Rarity</p> <ul style="list-style-type: none"> possesses uncommon, rare or endangered aspects of Burwood's cultural or natural history 	<p>The group of dwellings comprises a very unusual and discrete form of garden suburb incorporating the ideas of the builder and owner, in particular the idea of leasing the houses to maintain control over the area.</p> <p>It is rare because no two allotments are same shape or size, with complex free standing designs quite different from the average urban street. No two houses are identical, yet are consistent in their overall Federation era form. While Federation dwellings are not rare within the LGA, the uniqueness of each dwelling, their setting within a 'garden suburb' and as a group of dwellings is rare.</p>

	Dwellings identified in Table 4 below as being rare <u>have met the threshold for as an individual dwelling as part of the group listing.</u>
<p>Representative</p> <ul style="list-style-type: none"> important in demonstrating the principal characteristics of a class of Burwood's cultural or natural places, or cultural or natural environments 	<p>It is a representative of an innovative approach to residential development that contains outstanding examples of Edwardian and Federation architecture in a garden setting.</p> <p>Each of the dwellings identified in Table 4 below as having Representative significance does so as an individual dwelling and as part of the group of Federation era dwellings. Each dwelling identified has minimal additions or alterations from the public domain (unless mentioned in Table 4). Council records also demonstrate that the majority of dwellings retain significant internal heritage fabric. <u>Therefore, the dwellings are considered to have met the threshold for representative significance.</u></p>

5.1 Statement of Significance

A rare Edwardian 'garden city' bungalow precinct with excellent Federation Queen Anne and at least one Federation Arts and Crafts architectural and landscape detail, largely intact streetscape, around an unusual and beautifully landscaped oval, containing a resident-owned recreational and sporting facility.

The design and construction of the estate was based on a vision of suburban utopia of its owner George Hoskins who was instrumental in developing the steel industry in NSW.

The concept for the design was based on 'Garden City' ideas being developed in England and USA at the time, for example, "Riverside" in Chicago by Frederick Law Olmstead and Vaux and "Bedford Park", "Port Sunlight" and "Letchworth" in England designed by Barry Parker and Raymond Unwin springing from the 'Picturesque Landscaping Movement' of the 18th Century in England.

The group of Federation era houses associated with the Appian Way HCA, have local significance for their ability to demonstrate early and unique subdivision pattern within Burwood, their unique yet consistent Federation aesthetic, their rarity as a group of dwellings within a garden city suburb, for their association with George Hoskins and for their representative value as fine examples of their type, most with minimal alterations from the public domain.

6 Summary Significance Matrix

Table 4 – Individual Dwellings Summary Heritage Assessment

Address/ Name	Historical	Associative	Aesthetic or Technical	Social	Research Potential	Rarity	Representative	Meets Heritage Significance Threshold?
1 Appian Way Burwood	X	X	X	X	X	X	X	No, this dwelling was constructed post 1960.
Formerly Brindisi								

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Attachment 2 - Heritage Assessment Report - Appian Group Listing - For Council Meeting

Address/ Name	Historical	Associative	Aesthetic or Technical	Social	Research Potential	Rarity	Repre sntative	Meets Heritage Significance Threshold?
1A Appian Way Burwood Formerly Brindisi	X	X	X	X	X	X	X	No, this dwelling was constructed post 1960.
1B Appian Way Burwood Formerly Brindisi	X	X	X	X	X	X	X	No, this dwelling was constructed post 1960.
2 Appian Way Burwood Amalfi	✓	✓	✓	X	X	✓	✓	Yes
2A Appian Way Burwood	✓	X	✓	X	X	✓	✓	Yes
3 Appian Way Burwood Brianza	✓	✓	✓	X	X	✓	✓	Yes
4 Appian Way Burwood Alba Longa	✓	✓	✓	X	X	✓	✓	Yes
5 Appian Way Burwood St Ellero	✓	✓	✓	X	X	✓	✓	Yes
6 Appian Way Burwood Olevanus	✓	✓	✓	X	X	✓	✓	Yes
7 Appian Way Burwood Mevania	✓	✓	✓	X	X	✓	✓	Yes
8 Appian Way Burwood Cadua	✓	✓	✓	X	X	✓	✓	Yes

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Address/ Name	Historical	Associative	Aesthetic or Technical	Social	Research Potential	Rarity	Repre sntative	Meets Heritage Significance Threshold?
9 Appian Way Burwood Del Osa	✓	✓	✓	✗	✗	✓	✓	Yes
10 Appian Way Burwood Ariccia	✓	✓	✓	✗	✗	✓	✓	Yes
11 Appian Way Burwood Toscanna	✓	✓	✓	✗	✗	✓	✓	Yes
12 Appian Way Burwood Aventine	✓	✓	✓	✗	✗	✓	✓	Yes
13 Appian Way Burwood Ravenna	✓	✓	✓	✗	✗	✓	✓	Yes
14 Appian Way Burwood Cassa Tasso	✓	✓	✓	✗	✗	✓	✓	Yes
15 Appian Way Burwood Brescia	✓	✓	✓	✗	✗	✓	✓	Yes
16 Appian Way Burwood Ostia	✓	✓	✓	✗	✗	✓	✓	Yes
16A Appian Way Burwood Land former Ostia	✗	✗	✗	✗	✗	✗	✗	No, this dwelling was constructed post 1960.
17 Appian Way Burwood	✓	✓	✓	✗	✗	✓	✓	Yes

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Address/ Name	Historical	Associative	Aesthetic or Technical	Social	Research Potential	Rarity	Repre ntative	Meets Heritage Significance Threshold?
Casa Nuoya								
18 Appian Way Burwood Roma	✓	✓	✗	✗	✗	✓	✗	Yes This dwelling, while containing some unsympathetic layers, remains readily readable as an original dwelling. It is also one of the first dwellings constructed and is a 'gateway' to The Appian Way. Many of the alterations are recoverable.
19 Appian Way Burwood Yallambrosa	✓	✓	✓	✗	✗	✓	✓	Yes
21 Appian Way Burwood Erica	✓	✓	✓	✗	✗	✓	✓	Yes
23 Appian Way Burwood Capri	✓	✓	✓	✗	✗	✓	✓	Yes
25 Appian Way Burwood Atella	✓	✓	✓	✗	✗	✓	✓	Yes
302 Burwood Road Burwood Lulworth	✓	✗	✓	✗	✗	✓	✓	While this property does meet the threshold for heritage listing. It cannot be included in the group listing associated with Federation era houses. It remains a contributory dwelling within the HCA with a recommendation for it to be included in follow-up heritage study.
304 Burwood Road/27	✓	✓	✓	✗	✗	✓	✓	Yes

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Address/ Name	Historical	Associative	Aesthetic or Technical	Social	Research Potential	Rarity	Repre sntative	Meets Heritage Significance Threshold?
Appian Way Burwood Colonna								
306 Burwood Road Burwood Talofa	✓	✓	✓	✗	✗	✓	✓	Yes
308 Burwood Road Burwood Dimora	✓	✓	✓	✗	✗	✓	✗	Yes
310 Burwood Road Burwood Torcello	✓	✓	✓	✗	✗	✗	✓	Yes
312 Burwood Road Burwood Ravenscroft	✓	✓	✓	✗	✗	✓	✗	Yes
314 Burwood Road Burwood Cordova	✗	✗	✗	✗	✗	✗	✗	Elements of this dwelling are readable as an original dwelling (form), however layers of unsympathetic alterations and additions have removed the dwellings heritage integrity. These layers are not readily reversible.
316 Burwood Road Burwood Langlo	✓	✓	✓	✗	✗	✓	✗	Yes
318 Burwood Road Burwood Mounterey	✓	✓	✓	✗	✗	✓	✓	Yes

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Address/ Name	Historical	Associative	Aesthetic or Technical	Social	Research Potential	Rarity	Representative	Meets Heritage Significance Threshold?
55 Liverpool Road Burwood Winton	✓	✓	✓	✗	✗	✓	✓	Yes
59 Liverpool Road Burwood Lavinia	✓	✓	✓	✗	✗	✓	✓	Yes
67 Liverpool Road Burwood Iwanora	✓	✓	✓	✗	✗	✓	✓	Yes
70 Liverpool Road Burwood Heights	✗	✗	✗	✗	✗	✗	✗	No Does not possess the same level of detailing, styling and form as the majority of the dwellings. This dwelling does not meet the threshold for individual or group listing for any of the criteria, however remains as a contributory dwelling with the HCA.
72 Liverpool Road Burwood Heights	✓	✗	✓	✗	✗	✓	✓	Yes As this dwelling is outside the Hoskins Estate it does not meet Associative Significance.
74 Liverpool Road Burwood Heights	✓	✗	✓	✗	✗	✓	✓	Yes As this dwelling is outside the Hoskins Estate it does not meet Associative Significance.
76 Liverpool Road Burwood Heights	✗	✗	✗	✗	✗	✗	✗	No Does not possess the same level of detailing, styling and form as the majority of the dwellings.

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Address/ Name	Historical	Associative	Aesthetic or Technical	Social	Research Potential	Rarity	Representative	Meets Heritage Significance Threshold?
								This dwelling does not meet the threshold for individual or group listing for any of the criteria, however remains as a contributory dwelling with the HCA.
78 Liverpool Road Burwood Heights	✓	✗	✓	✗	✗	✓	✓	Yes As this dwelling is outside the Hoskins Estate it does not meet Associative Significance.

7 Conclusions and Recommendations

Of the 43 dwellings which are located in the existing Appian Way Heritage Conservation Area, this assessment has found that 35 dwellings meet the threshold for a group listing as heritage items of like Federation era dwellings. While not all of these 35 dwellings meet the same heritage significance criteria, they all meet at least 4 of the criteria, importantly, they all meet Historical Significance and Associative Significance which link all 35 dwellings together, along with their aesthetic or representative values.

There are 8 dwellings that do not meet the threshold for inclusion in the group listing. These are

- 1 Appian Way Burwood – Built post 1960.
- 1A Appian Way Burwood - Built post 1960.
- 1B Appian Way Burwood - Built post 1960.
- 16A Appian Way Burwood - Built post 1960.
- 302 Burwood Road Burwood – is not a Federation era dwelling. Has potential heritage significance as a separate item.
- 314 Burwood Road Burwood – has had layers of unsympathetic alterations which have removed most traces of its heritage integrity.
- 70 Liverpool Road Burwood Heights – does not possess the same level of detailing, styling and form as the majority of the dwellings.
- 76 Liverpool Road Burwood Heights – does not possess the same level of detailing, styling and form as the majority of the dwellings.

It is recommended that the following dwellings be included in Schedule 5 of the *Burwood Local Environmental Plan 2012* as a grouped heritage item. The Inventory Sheet will include descriptions of each dwelling (as included above) and identify the heritage curtilage applies to each allotment and includes internal areas which contain significant heritage fabric.

- 2 Appian Way Burwood - Lot102 - DP592227
- 2A Appian Way Burwood - Lot40 - DP12249
- 3 Appian Way Burwood - Lot1 - DP984192
- 4 Appian Way Burwood - Lot18 - DP12249
- 5 Appian Way Burwood - Lot37 - DP166468
- 6 Appian Way Burwood - Lot1 - DP953252
- 7 Appian Way Burwood - Lot36 - DP12249

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- 8 Appian Way Burwood - Lot20 - DP12249
- 9 Appian Way Burwood - Lot1 - DP167955
- 10 Appian Way Burwood - Lot21 - DP12249
- 11 Appian Way Burwood - Lot1 - DP304076
- 12 Appian Way Burwood - Lot22 - DP12249
- 13 Appian Way Burwood - Lot33 - DP12249
- 14 Appian Way Burwood - Lot1 - DP945586
- 15 Appian Way Burwood - Lot32 - DP12249
- 16 Appian Way Burwood – Lot B - DP406214
- 17 Appian Way Burwood - Lot31 - DP12249
- 18 Appian Way Burwood - Lot1 - DP12249
- 19 Appian Way Burwood - Lot30 - DP12249
- 21 Appian Way Burwood - Lot29 - DP12249
- 23 Appian Way Burwood - Lot28 - DP12249
- 25 Appian Way Burwood - Lot27 - DP12249
- 304 Burwood Road Burwood - Lot1 - DP945216
- 306 Burwood Road Burwood - Lot2 - DP12249
- 308 Burwood Road Burwood - Lot3 - DP12249
- 310 Burwood Road Burwood - Lot4 - DP12249
- 312 Burwood Road Burwood - Lot5 - DP12249
- 316 Burwood Road Burwood - Lot1 - DP305311
- 318 Burwood Road Burwood - Lot8 - DP12249
- 55 Liverpool Road Burwood - Lot43 - DP12249
- 59 Liverpool Road Burwood - Lot15 - DP12249
- 67 Liverpool Road Burwood - Lot12 - DP12249
- 72 Liverpool Road Burwood Heights - Lot85 - DP7371
- 74 Liverpool Road Burwood Heights - Lot84 - DP7371
- 78 Liverpool Road Burwood Heights - Lot52 - DP7371

(ITEM 114/22) DRAFT UNITY PLACE PLAN OF MANAGEMENT - ADOPTION

File No: 22/42642

REPORT BY DIRECTOR CORPORATE SERVICES

Summary

At the Ordinary Meeting of Council held on 27 September 2022, Council resolved to place the Draft Unity Place Plan of Management (PoM) on public exhibition and hold a public hearing pursuant to Section 38 and Section 40 of the *Local Government Act 1993*. Following the conclusion of the public exhibition and public hearing process, this report seeks Council's resolution to adopt the current version of the Unity Place Plan of Management with no amendments proposed as a result of feedback received during the public exhibition period.

Operational Plan Objective

C.5.1 Plan and deliver quality public places and open spaces that fulfil and support diverse community needs and lifestyles.

Background

The Draft Unity Place Plan of Management (PoM) provides direction as to the use and management of a series of council-owned community land parcels (identified as Lot 105 in DP1258893) which were dedicated to Council by way of a Voluntary Planning Agreement in respect of the Burwood Grand development.

The spaces within Lot 105 of the 39-47 Belmore Street, 6-14 Conder Street and 11-19 Wynne Avenue, Burwood site, is now addressed as Unity Place (formerly Hornsey Street, Burwood), 8 Conder Street and 49 Belmore Street, Burwood and now known in its entirety as Unity Place.

In accordance with Section 3.23 of the Crown Land Management Act 2016, this PoM specifically addresses the use and management of the multiple spaces within Lot 105, which is classified as Community Land. The *Local Government Act 1993* (LG Act) requires a PoM to be prepared for all public land that is classified as 'community land' under that Act.

The Draft Unity Place Plan of Management was presented to Council at its meeting of 27 September 2022.

At this Meeting Council resolved (Minute No. 118/22):

1. That Council approve the public exhibition of the Draft Unity Place Plan of Management pursuant to Section 38 of the *Local Government Act 1993*.
2. That Council approve the public hearing of the Draft Unity Place Plan of Management pursuant to Section 40 of the *Local Government Act 1993*.
3. That following the public exhibition and public hearing period, and after considering any comments received during the public exhibition period, the final Unity Place Plan of Management will be submitted to Council for formal adoption.

This report seeks to inform Council of the outcome of the public exhibition period and the public hearing process, as detailed in this report.

Public Exhibition & Public Hearing

The PoM was placed on public exhibition for a period of 28 days between 28 September and 26 October 2022 with feedback and comments able to be received until 9 November 2022.

The Draft PoM was made available for viewing at Council's Customer Service counter, Enfield Aquatic Centre and Participate Burwood webpage.

Council received a total of 2 submissions from the Participate Burwood webpage. Council did not receive any submissions via the Customer Service Centre or the Enfield Aquatic Centre.

Below is a summary of all the submissions received via the Participate Burwood web page.

Draft Unity Place Plan of Management Public Exhibition Submissions	
Age Group of Respondents	25-34 70-84
Suburb of Respondents	Burwood
Comments from Respondents	<ol style="list-style-type: none"> 1. The land was set aside as public space. It should therefore be preserved for that purpose. This is important as much of the open space in Burwood LGA has been removed through overdevelopment. The land can be used for occasional pop-up markets or exhibitions of public interest. Other than that, it should be retained as a public open space. 2. Given there are so many high-rise buildings around Unity Place, I think the PoM should be focused on creating more open space for residents. I would also like to express that we do need more local facilities such as childcare centres, parking spaces, and playgrounds to facilitate the uprising population.
Total Webpage Views	109
Total PoM Document Download	63

Council has responded to the residents that participated in the exhibition advising them that their feedback will be considered by Council at its meeting of 22 November 2022.

Considerations

The submissions received share a common theme suggesting that Council consider the need for activating Unity Place for community events/programs/initiatives and retaining the land for open space.

In response to these submissions, it is noted that the land parcel is classified as Community Land and the PoM simply seeks to categorise the land as General Community Use. The suggested purpose and permissible uses for the land, as outlined on page 21 of the Draft PoM, supports the feedback received from the community. Furthermore, Unity Place consists of multiple spaces within the PoM land parcel which comprises of 771m² of public domain open space (Unity Lane) and approx. 1300m² of community space (Community Hub).

The Unity Place public domain is one of the pedestrian links that Burwood Council is strategically developing as a network of connections through the Centre of Burwood. The lane connects people with the new Burwood Library and Community Hub and was designed as a flexible space that can be programmed for diverse uses.

The Community Hub forms part of the spaces within the Unity Place PoM. It is a space open to individuals, community groups and businesses to meet, study, work and play and supports regular program workshops, seminars and events for all ages. This includes junior and seniors STEAM (Science Technology Engineering Arts and Maths) clubs which invite both young people and the elderly to learn new technology. The Hub has a number of meeting rooms, two media production spaces, open study and collaborative areas, as well as a collection of STEAM gear, from robotics to sewing machines and guitars, all available to support community learning.

Council also undertook The Places to Love project which enabled Council to test and trial interventions as well as programming opportunities in the Unity Place public domain to enhance walkability, public life and place attachment. As such, Unity Place was renamed from Hornsey Street through part of the project's community engagement. The name was chosen by the community to represent Burwood's harmonious and diverse community.

Council's intent is to continue using the spaces in their current form and further activate and support the various community uses of Unity Place. Net proceeds from the leasing of the commercial space within Unity Place (known as 49 Belmore Street) can be reinvested back into the community to continue to deliver Council's strategic objectives, furthermore assisting to minimise pressure on service levels or the rates revenue stream.

Proposal

Lot 105 of DP1258893 (the Unity Place community land) must have a draft PoM prepared, publicly exhibited and adopted by Council prior to any changes to the nature and use of the land. The PoM defines permitted uses, authorises leases, licences and other estates, as well as setting management action plans with details to provide accountability in implementation and measuring success.

It is proposed that Council adopt the current version of the Unity Place Plan of Management with no amendments proposed as a result of feedback received during the public exhibition period.

Consultation

During the public exhibition period the document was made available to the community for comment via Council's online engagement platform – Participate Burwood. There were a total of 109 views of the project page and 63 downloads of the document during the public exhibition period.

The public exhibition period was promoted through Council's e-Newsletters and placed on the homepage of the Burwood Council website. The Council e-Newsletter reached over 12,000 residents. Promotion of the public exhibition period was also undertaken via Council's social media channels including Instagram, Facebook and Twitter.

During the Draft PoM exhibition period, a Public Hearing was held in accordance with Section 40A of the LG Act to explain the first categorisation of the Council-owned community land (Lot 105 DP 1258893) in the draft plan, after which a public hearing report was made available for public inspection in accordance with Section 47G of the LG Act. Please find attached a copy of the report which provides a summary record of the independently chaired Public Hearing held on Wednesday 12 October 2022. It is noted that there was no community attendance was recorded.

Council is now required to consider the report before making any decision with respect to adoption of the draft PoM and formal assignment of the community land categories in the draft PoM as required under Section 734 Public hearings by a council of the LG Act.

Council is also required to note that further amendments to, or application of other community land categories in the draft PoM may require an additional Public Hearing under Section 40A of the LG Act.

Planning or Policy Implications

In accordance with the LG Act:

- Pursuant to s40A, a public hearing must be held if Community Land is proposed to be categorised or re-categorised (refer Public Exhibition & Public Hearing above).
- The Draft PoM is to be placed on public exhibition for at least 28 days, with written submissions taken for at least 42 days from the first day of public exhibition.
- Council Officers must review comments received, consider and make changes to the Draft PoM accordingly.
- The final Draft PoM must be presented to Council for adoption.
- The final PoM (once adopted) will be implemented and made available for public access on Council's website.

Financial Implications

This PoM is required by the LG Act to ensure the legal granting of leases and licenses, the clear identification of permissible uses and developments, and management actions on the land until the community land is reclassified as operational land.

Adoption of the Draft PoM will also allow Council to facilitate and manage income generating opportunities from the activation of the spaces identified within this land parcel.

The PoM will guide Council on how to achieve its objectives for the community whilst maintaining financial sustainability. Net proceeds from the leasing of the commercial space within the land parcel can be reinvested back into the community to continue to deliver Council's strategic objectives, furthermore assisting to minimise pressure on service levels or the rates revenue stream.

The funding for the ongoing management and maintenance of the areas that fall under this PoM will be supported by the yearly Capital Works and Operational budgets.

Conclusion

Following the public exhibition and public hearing process, and after considering both submissions received, it is recommended that Council endorse the Draft Unity Place PoM.

Recommendation(s)

That Council resolves to:

1. Note and accept the recommendations within the Public Hearing Report;
2. Adopt the Draft Unity Place Plan of Management; and
3. Grant the General Manager with consent to enter into a lease and/or licence agreement in respect of 49 Belmore Street, Burwood identified as a 'leasable space' under Lot 105 DP1258893 in the Draft Unity Place Plan of Management.

Attachments

- 1 [↓](#) Draft Unity Place PoM
- 2 [↓](#) Unity Place - Public Hearing Report



Burwood
Inc.1874
Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

Unity Place Draft Plan of Management



Public Document
Adopted by Council:
CM No.:
Version No.1
Ownership:

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Acknowledgement of Country

Burwood Council acknowledges the Wangal people as the traditional custodians of this land. We pay our respects to Elders of the past and present and to those of the future and acknowledge their spiritual connection to Country.



1. Key Information

1.1 Burwood Local Government Area

Located between Sydney and Parramatta, the Burwood Local Government Area (LGA) is a diverse multicultural community with business and retail centres. The Burwood LGA covers seven square kilometres with a population exceeding 40,866 residents.

Burwood is a cultural melting pot of inclusive and diverse communities with a thriving business and retail centre surrounded by historic villages, each with their own distinct character and charm. The LGA includes Burwood, Burwood Heights Croydon Park and Enfield and parts of Croydon and Strathfield.

The quality of life residents enjoy, the central location, local schools and excellent transport infrastructure has made the Burwood LGA an attractive destination for people to live, work and visit. As the first strategic centre west of the Sydney CBD, Burwood will strengthen its role in Sydney over the next 10 years, attracting new business sectors, higher skilled jobs and a diverse mix of housing. By 2036 the population of the Burwood LGA is anticipated to nearly double to 73,500. This means over 32,000 more people will require housing, transport, schools, healthcare, services, leisure opportunities and green and open spaces.

Council's focus is to improve the accessibility and amenity of the LGA to create a liveable and lovable place for its residents and those who choose to live, work, and grow here.



Figure 1 Burwood and its locational context

1.2 Background

Burwood Council entered into a Voluntary Planning Agreement (VPA) with Anson Development, in connection with a Development Application at Nos. 39-47 Belmore Street, 6-14 Conder Street and 11-19 Wynne Avenue, Burwood (the site).

The VPA provided for the Applicant to dedicate to Council commercial space, plus 55 car parking spaces and a stratum subdivision of these areas, community and public domain space and to construct a linking bridge between the proposed building and the Burwood Library and Community Hub.

Initially the Site was earmarked as the preferred location for a possible merged council under the proposed amalgamation promoted by the NSW Government, incorporating Burwood with Canada Bay and Strathfield Councils. However, in July 2017, the State government terminated the merger process and in September 2017 Council reassessed the opportunity, deciding to continue exploring options for Council's administration and community space.

Council held a strategic workshop in February 2018 whereby the matter of Council's future administration and community space was evaluated. A feasibility study and financial presentation were presented and five options considered for the use of the site. Following extensive consultation, Council endorsed the option identified as the optimum balance between operational and community needs.

The Conder Street and (formerly) Hornsey Street, Burwood location, now known as Unity Place is widely considered the historic and 'spiritual' home of Burwood Council and recognised as the hub of community related activities.

Unity Place has allowed Council to achieve its identified strategic objectives through the creation of a modern and industry leading Civic Centre capable of simultaneously hosting Council's administration, library, community and customer service functions at 2 and 8 Conder Street, Burwood. The co-location of various services in a modern, easily accessible and well connected facility has generated multiple synergies and opened up innumerable opportunities to increase service levels and activate adjoining public spaces.

The spaces within Lot 105 in DP1258893 of the 39-47 Belmore Street, 6-14 Conder Street and 11-19 Wynne Avenue, Burwood site, is now addressed as 8 Conder Street and 49 Belmore Street, Burwood and known in its entirety as Unity Place (formerly Hornsey Street, Burwood).



Figure 2 Unity Place in context of Council's Local Government Area

1.3 Unity Place Plan of Management Overview

This plan of management (PoM) has been prepared by Burwood Council and provides direction as to the use and management of a series of council-owned community land parcels. The PoM has been prepared in accordance with Section 3.23 of the Crown Land Management Act 2016.

This PoM specifically addresses the management of multiple spaces comprising of Lot 105 in DP1258893 being the land dedicated to Council by the owner and developer of Burwood Grand.

The land parcel comprises of public domain space, multipurpose community and commercial space, 55 car parking spaces, a linking bridge to the Burwood Library and Community Hub, and stratum subdivisions for lift access and plant infrastructure for the internal spaces.

The PoM outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

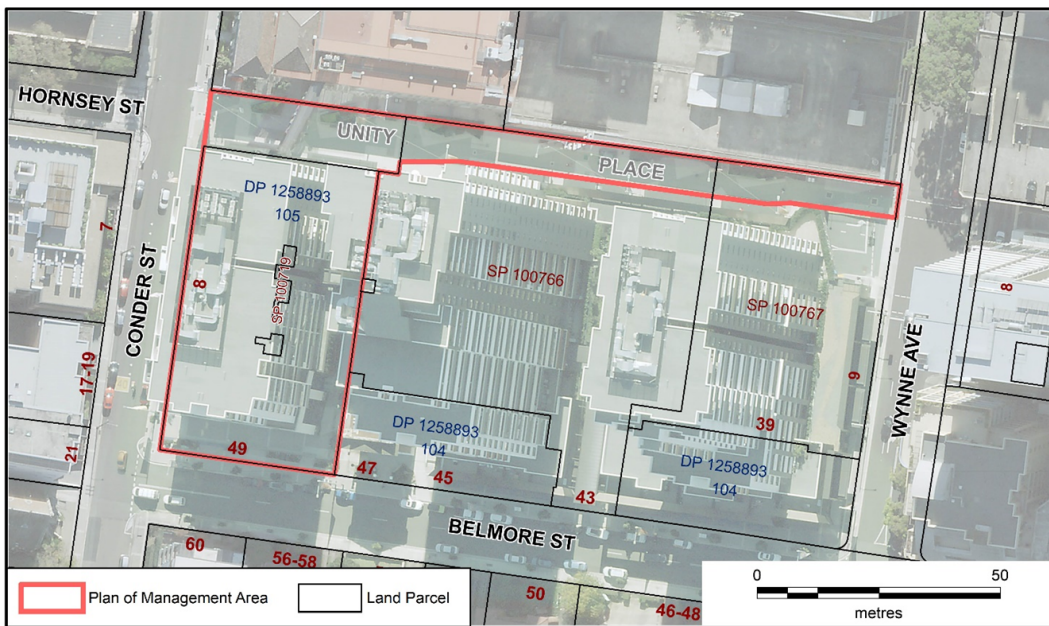


Figure 3 Unity Place PoM area

2. Introduction

2.1 Purpose of the Plan of Management

A Plan of Management (PoM) is a document which provides a clear set of guidelines for the short and long term management of a parcel of Community Land owned and managed by Council or Crown Land under Council's Crown land management.

The *Local Government Act 1993* (LG Act) requires a plan of management (PoM) to be prepared for all public land that is classified as 'community land' under that Act.

The purpose of this PoM is to:

- provide interim guidance of the management of this land which was dedicated to Council
- implement the council's broader strategic goals and vision as set out in Council policy
- ensure compliance with the *Local Government Act 1993*
- provide clarity in the future development, use and management of the community land
- ensure consistent management that supports a unified approach to meeting the varied needs of the community.

Further information about the legislative context of PoMs can be found in Appendix 2 of this document.

2.2 Community Land

Under the CLMA (s3.22), a council manager of dedicated or reserved Crown land must manage the land as if it were community land under the LG Act. Lot 105 is classified as community land in accordance with the CLMA. The LG Act requires Plans of Management to be prepared, in consultation with the community, for all public land classified as community land.

2.3 Local Government Act Framework

As outlined in the CLMA, a PoM for Crown Reserves is to be prepared in accordance with the LG Act. Appendix 2 lists criteria as set out in the LG Act, which provides a legislative framework to guide councils in their role and responsibility in the management, improvement and development of land classified as community land.

2.4 Process of preparing this plan of management

The process undertaken by Council in preparing this PoM includes the following key steps:

1. Identification of applicable community land categorisation for the land
2. Preparation of the Draft Plan of Management
3. Notification and public exhibition of the PoM in accordance with section 38 of the LG Act
4. Provision of a Public Hearing under section 40A of the LG Act as the land is being categorised for the first time
5. Adoption of the Draft PoM by Council

2.5 Change and review of plan of management

This PoM is required by the LG Act to ensure the legal granting of leases and licenses, the clear identification of permissible uses and developments, and management actions on the land until the community land is reclassified as operational land.

In the interim period before reclassification is achieved, this PoM will require regular review in order to align with community values and changing community needs, and to reflect changes in council

priorities. Council has determined that it will review the PoM within 5 years of its adoption. However, the performance of this PoM will be reviewed on an annual basis to ensure that the community land is being managed in accordance with the PoM, is well maintained and provides a safe environment for public enjoyment.

Council may continue to acquire or divest land for the benefit of the community. Land may also come into council's ownership by dedication of land for open space. The appendices to this PoM may be updated from time to time if required to reflect any significant changes to the condition of the community land or new acquisitions or dedications of land.

The community will have an opportunity to participate in any reviews of this PoM.

2.6 Community consultation

This PoM will be placed on public exhibition in accordance with the requirements of section 38 of the *Local Government Act 1993*. Submissions from the community will be received, and Council will consider these submissions before adopting the PoM.

During the exhibition period, a Public Hearing will be held in accordance with Section 40A of the LG Act to explain the first categorisation of the Council-owned community land (Lot 105 DP 1258893) in the draft plan, after which a public hearing report will be provided to Council, and made available for public inspection.

3. Land description

3.1 Spaces within Unity Place

This PoM covers a series of spaces dedicated to Council as part of the development of the Burwood Grand project. These spaces are 'part Lots' of a single land allotment (Lot 105 DP1258893).

One of these spaces is an external corridor that integrates with the former Hornsey Street cul de sac to form "Unity Place" a new public domain space for Burwood. The other spaces are within the Burwood Grand site and will form part of Council's operational and community spaces into the future.

It is intended that this PoM temporarily guide management of this land as Community Land until such time as the land is reclassified via an amendment to Burwood Local Environmental Plan.

Unity Place forms one of the pedestrian links that Burwood council is strategically developing as a network of connections through the Centre of Burwood. The lane connects people with the new Burwood Library and Community Hub. It was designed as a flexible space that can be programmed for diverse uses.

The Community Hub forms part of the spaces within the Unity Place PoM. It is a space open to individuals, community groups and businesses to meet, study, work and play and supports regular program workshops, seminars and events for all ages. This includes junior and seniors STEAM (Science Technology Engineering Arts and Maths) clubs which invite both young people and the elderly to learn new technology. The Hub has a number of meeting rooms, two media production spaces, open study and collaborative areas, as well as a collection of STEAM gear, from robotics to sewing machines and guitars, all available to support community learning.

Council also undertook The Places to Love project which enabled Council to test and trial interventions as well as programming opportunities in the new plaza to enhance walkability, public life and place attachment. As such, Unity Place was renamed from Hornsey Street through part of the project's community engagement. The name was chosen by the community to represent Burwood's harmonious and diverse community.

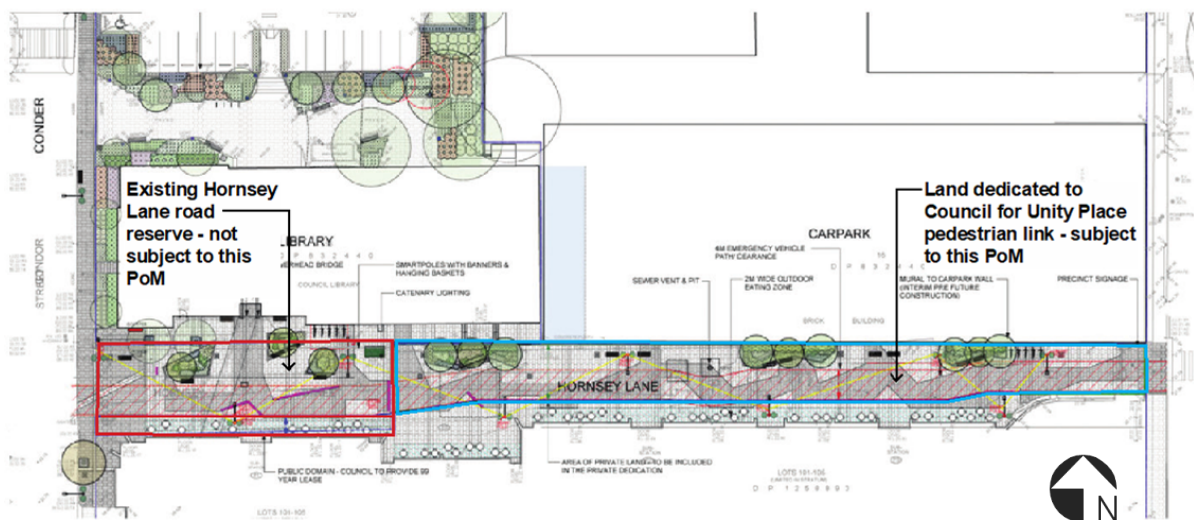


Figure 4 Illustrative Plan for Unity Place link

3.2 History

A Voluntary Planning Agreement (VPA) was executed in May 2017 in connection with Development Application (DA) No. 193/2015 for the subject site. The VPA provided for the owner and developer to dedicate to Council approximately 4,000sqm of office/commercial space, community space, 55

car parking spaces, a linking bridge to the Burwood Library and Community Hub and stratum subdivisions. Further negotiations between Council Officers and the developer were undertaken to progress the construction and dedication of Council's plans for the relocation of its offices, to enhance public benefits and to enable Council to complete its own fit-out.

As a result, the VPA amendments included further dedication of land to Council, leasing of land from Council and the payment by the owner and developer to cover Council's costs associated with carrying out of fit-out works to the community and commercial spaces.

Council's meeting on 22nd October 2019 resolved to adopt the amended VPA. The amended VPA was executed on 23 January 2020 and resolved to include that the developer dedicate the majority of Hornsey Street back to Council and Council grant the developer a 99year lease of a strip of land immediately adjacent to the subject site to enable outdoor dining options to activate Hornsey Street.

The portion of Hornsey Street dedicated to Council once provided access to the rear of the Masonic Hall as well as the old community building and car park which have both been demolished as part of the development of Burwood Grand.

The amended VPA has enabled Council to control Hornsey Street in the interest of public benefit and is able to meet Council's objectives in its Local Strategic Planning Statement for quality urban design and inviting public spaces. It also brings forward Council's strategic planning in respect of creating a public square/forecourt in accordance with the Development Control Plan (DCP).

The spaces within Lot 105 in DP1258893 of the 39-47 Belmore Street, 6-14 Conder Street and 11-19 Wynne Avenue, Burwood site, is now addressed as 8 Conder Street and 49 Belmore Street, Burwood and known in its entirety as Unity Place (formerly Hornsey Street, Burwood).

This plan of management covers Lot 105 in Deposited Plan 1258893. The land information is detailed in **Table 1** following. The land is owned and managed by council.

Table 1. Information about land covered by this plan of management.

Lot	DP	Building Level	LEP Zoning	Area	Proposed Use	Assigned Category
Part lot 105	DP 1258893	Basement 4	B4 Mixed Use	13.5m2	Lift Shaft	General Community Use
Part lot 105	DP 1258893	Basement 3	B4 Mixed Use	13.5m2	Lift Shaft	General Community Use
Part lot 105	DP 1258893	Basement 2	B4 Mixed Use	13.5m2	Lift Shaft	General Community Use
Part lot 105	DP 1258893	Basement 2	B4 Mixed Use	147.2m2	Council Multipurpose room	General Community Use
Part lot 105	DP 1258893	Basement 1 / Ground Floor (known as Basement 1 on deposited plans)	B4 Mixed Use	3544.9m2	Council Administration Offices Office space to lease for commercial purposes Council carpark	General Community Use
Part lot 105	DP 1258893	Ground Floor (known as Basement 1 on deposited plans)	B4 Mixed Use	771.7m2	Unity Place public domain	General Community Use

Part lot 105	DP 1258893	Level 1 (known as Ground Floor on deposited plans)	B4 Mixed Use	2281.8m2	Entrance to: Council Administration Offices Community Hub	General Community Use
Part lot 105	DP 1258893	Level 2 (known as Level 1 on deposited plans)	B4 Mixed Use	2281.8m2	Council Administration Offices	General Community Use
Part lot 105	DP 1258893	Level 11	B4 Mixed Use	62.9m2	Council carpark HVAC Plant for Council office space	General Community Use
Total Area of Lot 105				9130.8m2		

Note:

1. Basement 1 level lies at the level of Conder Street on the western address of the site while the Ground floor addresses the Wynne Ave level 1 to the east, one storey above.
2. An aerial enclosed walkway traverses the former Hornsey Street, now Unity Place linking Level 1 to Burwood Library and Community Hub.

Refer to **Figure 5** next page for an illustration of the relationship and use of the various stratum. This PoM is specific to the land mentioned in Table 1. Contact the council or refer to the council's website for information about other public land not listed above.

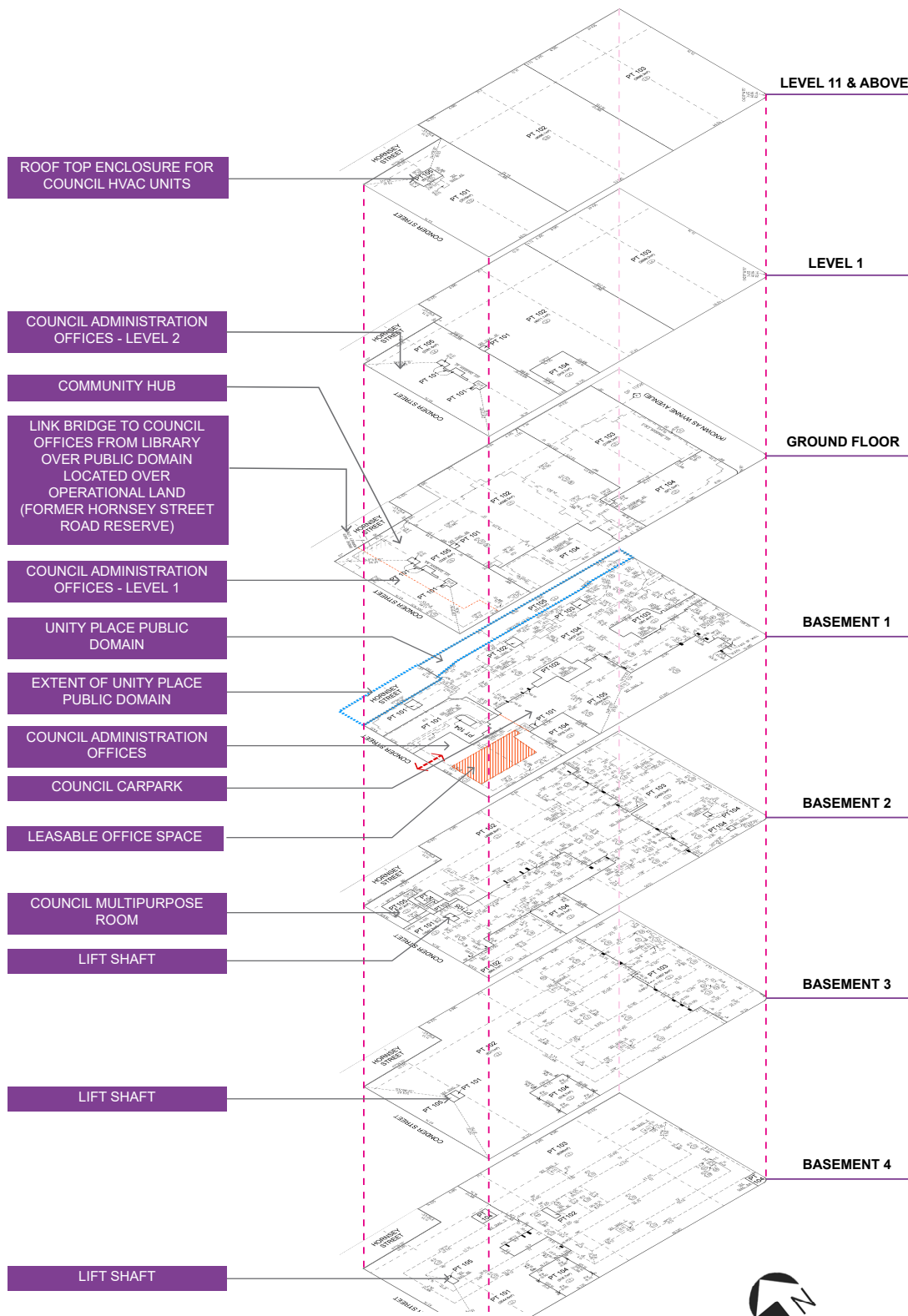


Figure 5 Diagram of stratum comprising Lot 105

4. Basis of management

Burwood Council intends to manage its community land to meet:

- assigned categorisation of community land
- the LG Act guidelines and core objectives for community land
- the council's strategic objectives and priorities
- development and use of the land outlined in Section 6 of the LG Act.

4.1 Categorisation of the land

All community land is required to be categorised as one or more of the following categories.

The LG Act defines five categories of community land:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further subdivided into bushland, escarpment, foreshore, watercourse and wetland categories.

The assigned categorisation of the land subject to this PoM is **General Community Use**. The maps provided in Appendix 1 illustrate in further detail the extent of the subject land each stratum.

4.2 Guidelines and core objectives for management of community land

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land (see **Management of Land by applicable Category**). Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2005. The core objectives for each category are set out in the LG Act.

4.3 Councils strategic objectives and priorities

Council's objectives for Unity Place have been identified in direct response to the strategic direction established by Council's Burwood2036, Community Strategic Plan and Property Strategy and as detailed in this PoM.

Council's strategic objectives for Unity Place is to provide spaces that adequately accommodate the diverse needs and uses of the community, whilst ensuring a balance of both commercial and community outcomes is achieved.

The growth in high density living has resulted in increased demand for limited open space and community facilities in an already highly populated area, resulting in greater needs for additional facilities and public spaces.

The following priorities will guide Council on how to achieve its objectives for the community whilst maintaining financial sustainability. Net proceeds from the leasing of the commercial space within

Unity Place can be reinvested back into the community to continue to deliver Council's strategic objectives, furthermore assisting to minimise pressure on service levels or the rates revenue stream.

Council's priorities for Unity Place are to:

- implement an optimum balance of desired spaces for the community
- provide access to a world of learning, information, arts, culture, creativity and history.
- improve the availability and quality of service to the community, from both availability and quality points of view, and creating a new destination
- be places of creativity, vibrant, busy places which invite interaction, discussion, activity
- become community activators
- become more about meeting and gathering spaces
- provide access to, and interactions with, new and emerging technologies
- provide spaces (physical and virtual) for promoting digital interactions and progress
- become more of a centre for investigation and experimentation through creative and cultural spaces

Places to Love – Unity Place

Council activated the Unity Place Places to Love project which brought forward Council's strategic planning for the precinct in respect of creating a public square/forecourt to the Council offices / library / community hub precinct in accordance with the DCP.

The Unity Place public domain concept identified a clear vision:

To provide a new people-friendly linear plaza connecting the town centre with the Burwood Library and Community Hub, and include engaging public art, landscaping, and programming, attracting people and enhancing public life.

And the following objectives:

- Improve walkability through the Burwood Town Centre and improve the public realm.
- Create and activate a continuous public space that connects to the existing pedestrian link between Burwood Plaza and Emerald Square.
- Support the network of pedestrian connections throughout the city centre.
- Encourage safe streets and active transport provide transition and change opinions of the laneway from unusable space into a place for people.
- Provide opportunities for seating and outdoor dining.
- Provide urban canopy cover, increase shade and mitigate the urban 'heat island' effect.
- Strengthen neighbourhood interaction.

The project was tested through a community engagement project which involved the creation of a "pop up" space facilitated through the State Governments Places to Love program that enabled Council to:

- Test library pop-up programming outside in the laneway.
- Trial temporary seating and artwork.
- Engage the community in the renaming of the lane and activation of the space.
- Trial activating a street for new uses and be a catalyst for renewal in the city centre.
- Engage the community in new ways to gain feedback, and build the case for long-term change.

The Unity Place project supports and implements Council policy in a number of ways:

Policy Framework	Benefit of project
The Burwood Local Strategic Planning Statement (LSPS) and Community Facilities and Open Space Strategy 2019 identify a shortfall of public open space and the need to provide additional open space and community spaces.	The Unity Place project increases the amount of public space in the region and improves walkable access in the Centre.
Premier's Priority Greener Public Spaces	The Unity Place project improves access to, and quality of public space.

The dedication of land by the owner and developer of the Burwood Grand to provide the open space connection along Unity Place and to provide Council and community facilities within the building complex as negotiated by Council has enabled the realisation of the Unity Place Vision.

5. Development and use

Council manages its community land through operational services levels that reflect the nature and levels of use.

5.1 Current use of the land

The General Community Use category section of this plan of management contains information about the existing use of the land, including: condition of the land and structures, use of the land and structures, and current leases and licences on the land.

5.2 Permissible uses / future uses

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Burwood Council area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Burwood Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, recreational and sporting facilities in particular, Burwood Council intends to permit and encourage a broad range of appropriate activities in accordance with its strategic objectives.

The use of community land is often supported by appropriate ancillary development such as playground equipment, amenity blocks or food kiosks.

The general types of uses which may occur on community land categorised as General Community Use, and the forms of development generally associated with this category, are set out in tables in the General Community Use category section in this plan of management.

5.3 Express authorisation of leases and licences and other estates

Under section 46(1)(b) of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the community land itself and the local area to support the activity.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

Leases and licences authorised by the plan of management

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land covered by the plan of management, provided that:

- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the *Local Government Act 1993* or the Local Government (General) Regulation 2005
- the lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the Local Government (General) Regulation 2005

Tables in the General community use category section of this plan of management further identify the purposes for which leases and licences may be issued over the subject lands to this plan of management.

Short-term licences

Short-term licences and bookings may be used to allow the council to program different uses of community land at different times, allowing the best overall use.

Short-term licences are authorised for the purpose of:

- (a) the playing of a musical instrument, or singing, for fee or reward
- (b) engaging in a trade or business
- (c) the playing of a lawful game or sport
- (d) the delivery of a public address
- (e) commercial photographic sessions
- (f) picnics and private celebrations such as weddings and family gatherings
- (g) filming sessions
- (h) the agistment of stock.

Fees for short-term casual bookings will be charged in accordance with the council's adopted fees and charges at the time.

6. Management of land by category

6.1 General Community Use

Guidelines and core objectives

All lands subject to this PoM have been assigned the category of **General Community Use**.

General community use land is defined in clause 106 of the LG (General) Regulation as land that may be made available for use for any purpose for which community land may be used, and does not satisfy the definition of natural area, sportsground, park or area of cultural significance.

The core objectives for community land categorised as general community use, as outlined in Section 36I of the LG Act, are to:

- promote, encourage and provide for the use of the land
- provide facilities on the land, to meet the current and future needs of the local community and of the wider public:
 - (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
 - (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

Key issues

Key management issues for the lands subject to this PoM include:

Access

- Provision of equitable access for all abilities to external and internal spaces
- Provision of easy access from public transport
- Provision of adequate parking to service facilities
- Provision of maintenance access for Council operations to external and internal spaces
- Provision of event bump in and bump out access to external and internal spaces
- Provision of emergency access to external and internal spaces

Use

- Layout of fixed elements to maintain flexibility for use of external and internal spaces
- Provision of a balance of fixed and moveable furniture that facilitate both day to day and event use of external spaces
- Management of noise and traffic impacts arising from event use on adjoining residents
- Management / control of mobile café spaces to prevent encroachment of pedestrian movement and day to day use of adjoining spaces
- Management of potential conflicts between uses within internal spaces

Management framework for reserves categorised as General Community Use

Council will be responsible for the maintenance and management of spaces and fixtures subject to this PoM. Service levels shall be commensurate with Councils operational maintenance services levels for public domain spaces.

Development and use

Use of the external public space and internal spaces subject to this PoM will include:

- Day to day and event community use of the Unity Place public domain
- Café seating related to adjoining food and beverage frontages
- Approx. 4,000sqm of Council office space (with provision to lease a proportion of the space to suitable retail or commercial organisations)
- Community Hub multi-purpose space
- 55 Council car parking spaces to serve Council activities (not available for day to day public use)
- a linking bridge to the Burwood Library
- dedicated Council lift access within the multistorey building
- mechanical services for the internal Council spaces

An enclosed aerial walkway linking the level 1 Community Hub to the Burwood Library and Council offices buildings is elevated over Unity Place. This lies over the existing road reserve of Hornsey Street, and western portion of the Unity Place public domain. The existing road reserve of Hornsey Street and the aerial walkway are not subject to this PoM being over the former road reserve which is classified as operational land.

Council retains the role and rights of a local government entity to manage activity and behaviour at the site through regulatory signage and activities to ensure a safe, clean and attractive environment. This includes the identification of permissible and non-permissible activities, limiting or promotion of the sale and consumption of alcohol, companion animal management, rubbish and refuse management as deemed required by Council.

Current use of the land

Condition of the land and structures

The development in which the land lies and the internal spaces, fixtures and external public domain have been completed in the last 3 years and are in very good condition.

Use of the land and structures

The external spaces comprising Unity Place have been developed to facilitate community access and use. The public walkway is complemented by adjoining food and beverage outlets and by an ongoing program of planned activations and events. Post occupational analysis by Council has shown that the Unity Place walkway has generated a high volume of pedestrian traffic and is developing as an important public space within the town centre

The internal spaces to the building will cater for Council management operations, a community hub space, a space leasable to suitable non not for profit or not for profit organisations, and parking to serve Council activities in the building. These spaces are integrated with the office spaces within the Library and Community Hub to the north side of Unity Place by the overhead covered walkway at the ground floor level.

Current leases and licences

There are no existing leases or licences on the community land subject to the PoM.

Permissible uses / future uses

The general types of uses which may occur on community land categorised as General Community Use, and the forms of development generally associated with those uses, are set out in detail in **Table 2** following. The facilities on community land may change over time, reflecting the needs of the community.

Table 2 Permissible use and development of community land categorised as General Community Use by council or the community

Purpose/Use, such as...	Development to facilitate uses, such as...
<p>Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes.</p> <p>Providing a location or facilities for the delivery of services to the community such as Council administration offices, spaces and meeting rooms, and including any areas ancillary or supportive of these functions such as:</p> <ul style="list-style-type: none"> • kitchen areas, • cleaning or maintenance spaces • dedicated Council lift access within the multistorey building. And • mechanical services for the internal Council spaces. <p>Providing multi-purpose buildings (for example, community halls and centres) with specialised community uses such as:</p> <ul style="list-style-type: none"> • casual or informal recreation • meetings (including for social, recreational, educational or cultural purposes) • functions • concerts, including all musical genres • performances (including film and stage) • exhibitions • fairs and parades • workshops • leisure or training classes • child care (for example, long day care centre, before and after school care, vacation care) • senior citizens or designated community group use (e.g. scout and girl guide use) • educational centres, including libraries, information and resource centres • entertainment facilities <p>Eating and drinking in a relaxed setting</p> <p>Commercial activities suitable to the LEP zone and surrounding environment</p>	<p>Development for the purposes of social, community, cultural and recreational activities, such as libraries, childcare centres, youth services, aged services, men’s sheds, health services, sports.</p> <p>Development includes:</p> <ul style="list-style-type: none"> • provision of building spaces or areas for the delivery of services to the community and ancillary or supportive activity areas and spaces • provision of buildings or other amenity areas to facilitate use and enjoyment by the community • development (particularly within buildings) for the purposes of addressing the needs of a particular group (for example, a stage) • space for commercial activities that are suited to the locality and environment • landscaping and finishes, improving access, amenity and the visual character of the general community area • Café or refreshment areas (kiosks/restaurants) including external seating • Lighting, seating, toilet facilities, courtyards and entrance areas, paved areas • Hard and soft landscaped areas • Storage sheds • car parking and loading areas • advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> ○ relate to approved uses/activities ○ are discreet and temporary ○ are approved by the council • locational, directional and regulatory signage. • water-saving initiatives such as rain gardens • energy-saving initiatives such as solar lights and solar panels

Purpose/Use, such as...	Development to facilitate uses, such as...
Publicly accessible ancillary areas, such as toilets Car and vehicles parking spaces and loading areas ancillary and supportive of uses	

Express authorisation of leases, licences and other estates – General Community Use

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land categorised as General Community Use, listed in **Table 3** following.

Table 3 Leases, licences and other estates and purposes for which they may be granted for community land categorised as General Community Use

Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> Up to 21 years 	<ul style="list-style-type: none"> not for profit community groups or organisations delivery of community services including specific community services recipients such as women, aged, youth, disabled or culturally diverse peoples long day care, child care or vacation care health or medical practitioners associated with the relevant facility (for example, nutrition, physiotherapy) educational purposes, including libraries, education classes, workshops cultural purposes, including concerts, dramatic productions and galleries recreational purposes, including fitness classes, dance classes and games kiosk, café and refreshment purposes non not for profit organisations including commercial and retail uses, suitable to the location or associated with the facility, e.g.: educational, health cultural and leisure goods and services
Licence	<ul style="list-style-type: none"> Between 1 year and five years 	<ul style="list-style-type: none"> not for profit community groups or organisations delivery of community services including specific community services recipients such as women, aged, youth, disabled or culturally diverse peoples long day care, child care, vacation care) educational purposes, including libraries, education classes, workshops recreational purposes, including fitness classes, dance classes café/kiosk areas, including outdoor seating and coffee carts or pop-up food and beverage service sale of goods or services that are ancillary to community land use, e.g: educational, health cultural and leisure goods and services

Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted
Short-term licence	<ul style="list-style-type: none"> Up to one year 	<ul style="list-style-type: none"> public speeches, meetings, seminars and presentations, including educational programs functions (including commemorative functions, book launches, film releases, balls, and similar activities) displays, exhibitions, fairs, fashion parades and shows events (including weddings, corporate functions, and community gatherings) concerts and other performances, including both live performances and film (cinema and TV) broadcasts associated with any event, concert, or public speech engaging in an appropriate trade or business delivering a public address, community events; auctions, markets and similar activities
Other estates		This PoM allows the council to grant ‘an estate’ over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

Action plan

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 4 following sets out these requirements for community land categorised as General Community Use.

Table 4. Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as General Community Use

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Access			
Provision of equitable access for all abilities	Equitable access to Unity Place Public Domain	Design of implemented works has implemented equitable access Monitor accessibility to ensure design intent maintained	Review and monitoring on site Complaints / requests for action
	Equitable access to spaces within Lot 105 DP1258893	Design of implemented works has implemented equitable access Monitor accessibility to ensure design intent maintained	Review and monitoring on site Complaints / requests for action
Provision of access from public transport	Unity Place and related Council facilities are accessible by public transport	Unity Place is 290m from Burwood Station accessible along at grade paved walkways and by bus to Railway Parade	Availability of effective public transport access User feedback
Provision of adequate parking to serve facilities	Availability of compliant disabled and general parking to service Council facilities	Dedicated Council parking within the Burwood Council Library car park	Parking available User liaison and feedback
Provision of maintenance access for Council operations	Availability of effective maintenance access to Unity Place public domain	Maintenance access has been integrated to design of public domain Operate and manage spaces to maintain effective maintenance access	Access available Operations staff liaison and feedback

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
	Availability of effective maintenance access to internal Council spaces	Maintenance access has been integrated to design of building and fit out of Council spaces Manage internal spaces to maintain effective maintenance access through permanent and temporary facilities and activities	Access available Operations staff liaison and feedback
Provision of event bump in and bump out access	Availability of effective event access and infrastructure to Unity Place public domain	Event access and infrastructure has been integrated to design of public domain Manage space to maintain effective event access through permanent and temporary facilities and activities	Access available Operations / events staff liaison and feedback
Provision of emergency access	Availability of effective emergency access to Unity Place public domain	Emergency access has been integrated to design of public domain Manage space to maintain effective emergency access through permanent and temporary facilities and activities	Access available Review of any incidents Emergency operator feedback
	Availability of effective emergency access to internal Council spaces	Emergency access has been integrated to design of building and fit out of Council space Operate and manage spaces to maintain effective maintenance access	Access available Review of any incidents Emergency operator feedback
Use			

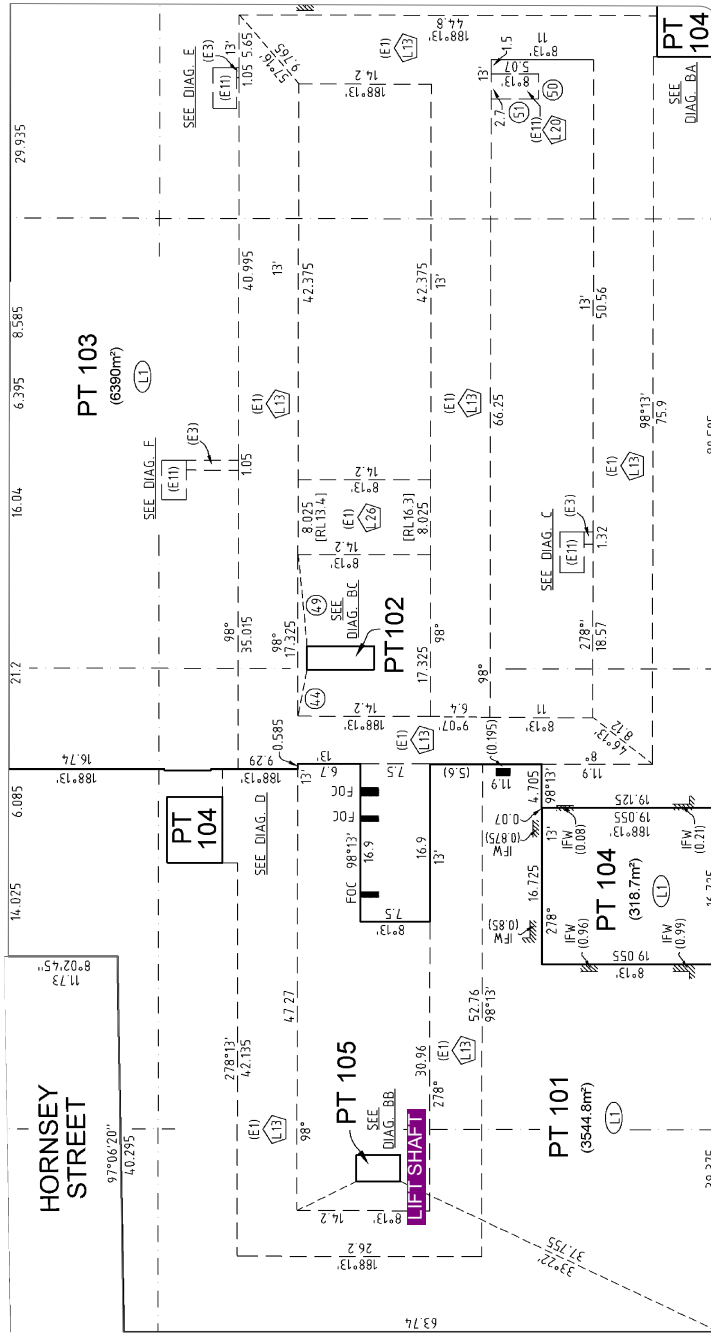
Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Amenity of public domain	Public domain provides an appropriate level of comfort and amenity	Design of public domain has integrated shade and shelter, greening and seating in an integrated design to encourage visitation and use of the space	Monitoring of use User feedback
Layout of fixed elements to maintain flexibility for use of spaces	Public domain effectively caters for day to day use as well as events	Events provisions have been integrated to design of public domain Operate and manage spaces to maintain effective event adaptability and flexibility	Operations and events staff liaison and feedback
Provision of a balance of fixed and moveable furniture that facilitate both day to day and event use of external spaces	Furniture facilitates and enhances use of the public domain	Design of public domain has considered the modal role of the space from day to day use to events	Monitoring of use User feedback
Management of noise and traffic impacts arising from event use on adjoining residents	Event use is facilitated without undue impacts on adjoining residents and uses	Plan and manage event use to ensure any noise and traffic impacts are compliant with applicable standards	Monitoring of events Community complaints / requests for action
Management / control of mobile café spaces to prevent encroachment of pedestrian movement and day to day use of adjoining spaces	Mobile furniture supports café uses and adds to the character of the public domain without unduly impacting general access and use of the space	Define allowable extent of mobile furniture and equipment (umbrellas and the like) Monitor and manage compliance	Monitoring of operations Community complaints / requests for action
Management of planned / curated activation of Unity Place	Events of varied scales activate Unit Place and add to the character of the CBD	Provision of a coordinated and curated program of events for Unity Place Effective planning, implementation and review of events	Review of events program Review of events operations Community feedback

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Management of potential conflicts between uses within internal spaces	Mixed uses function effectively to internal spaces	Consider operational issues in managing mix of uses to external spaces Monitor conflicts Address conflicts if they are identified	Occurrence of conflicts Addressing of conflicts
Maintenance			
Provision of operational maintenance to maintain function and amenity of spaces	Effective maintenance of external spaces	Maintenance of public domain of Unity Place in accordance with Council service levels	
	Effective maintenance of internal spaces	Develop and implement maintenance plan for internal spaces including parking area access Refine / Update as necessary	Maintenance Plan complete Monitoring of plan effectiveness
Management			
Classification of internal Council building spaces as community land	Spaces in Lot 105 DP1258893 are classified as Operational Land to reflect the intention of the original dedication and their ongoing use for operational purposes	Undertake process to reclassify Community Land within Lot 105 DP1258893 to Operational Land	Completion of reclassification
Co-function of Council uses with other tenants of building	Council and community activities within Burwood Grand are able to be conducted effectively and in harmony with other building uses	Establish protocols to be observed by management of use on both sides to ensure success of co-use	Protocols established and agreed Protocols implemented Protocols monitored

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Asset management	Effective preventative maintenance and renewal of Unity Place public domain	Asset management plan developed Asset Management plan implemented Refine / Update as necessary	Asset management Plan complete Monitoring of plan effectiveness
	Effective preventative maintenance and renewal of internal spaces and fixtures to Lot 105 DP1258893.	Asset management plan developed Asset Management plan implemented Refine / Update as necessary	Asset management Plan complete Monitoring of plan effectiveness

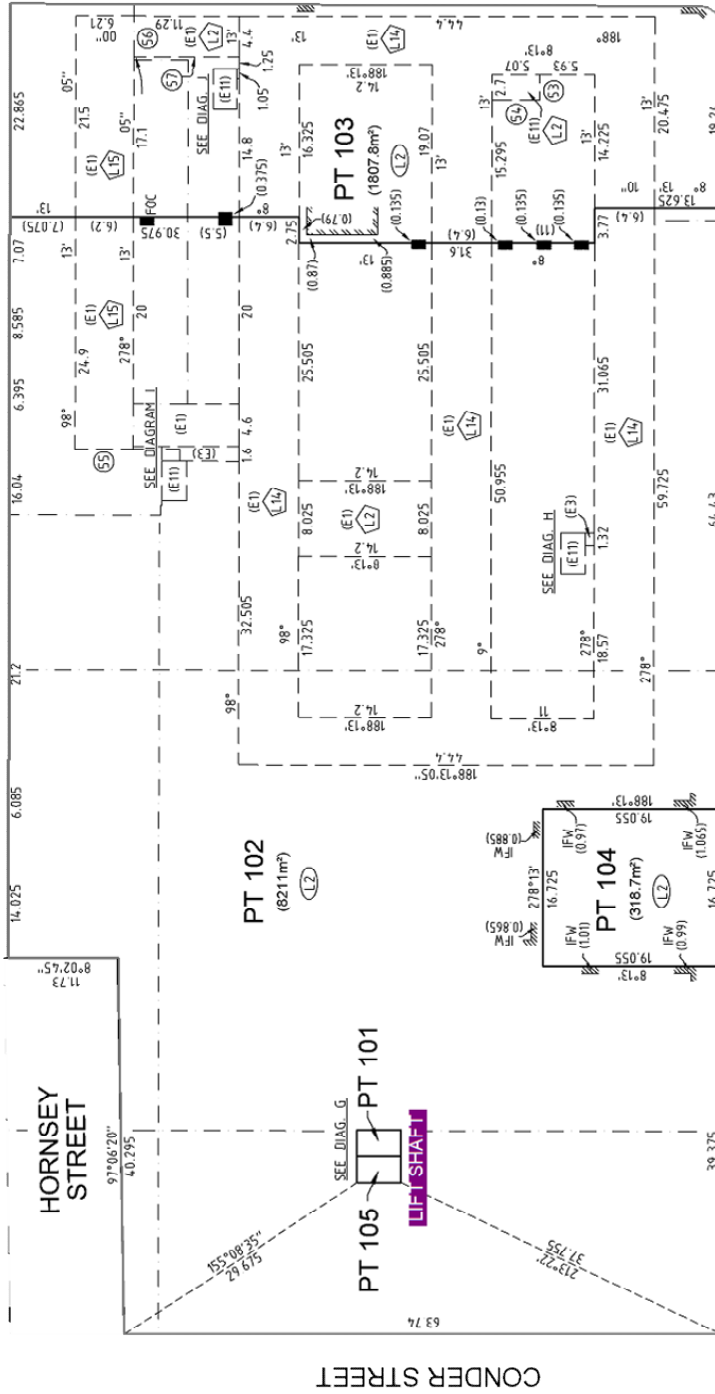
7. Appendix 1 - Maps

The following maps illustrate the location of the spaces subject to this PoM on the various stratum of the subject site.

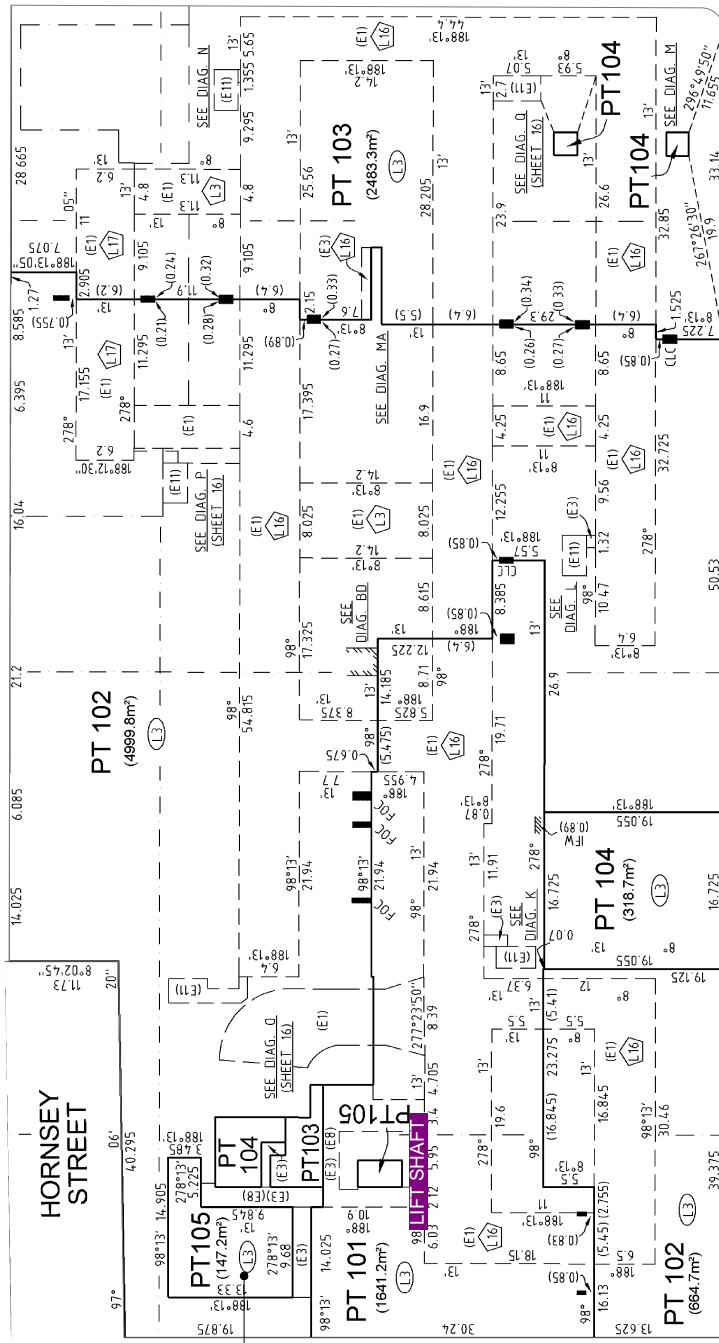


CONDOR STREET

BASEMENT 4 & ABOVE



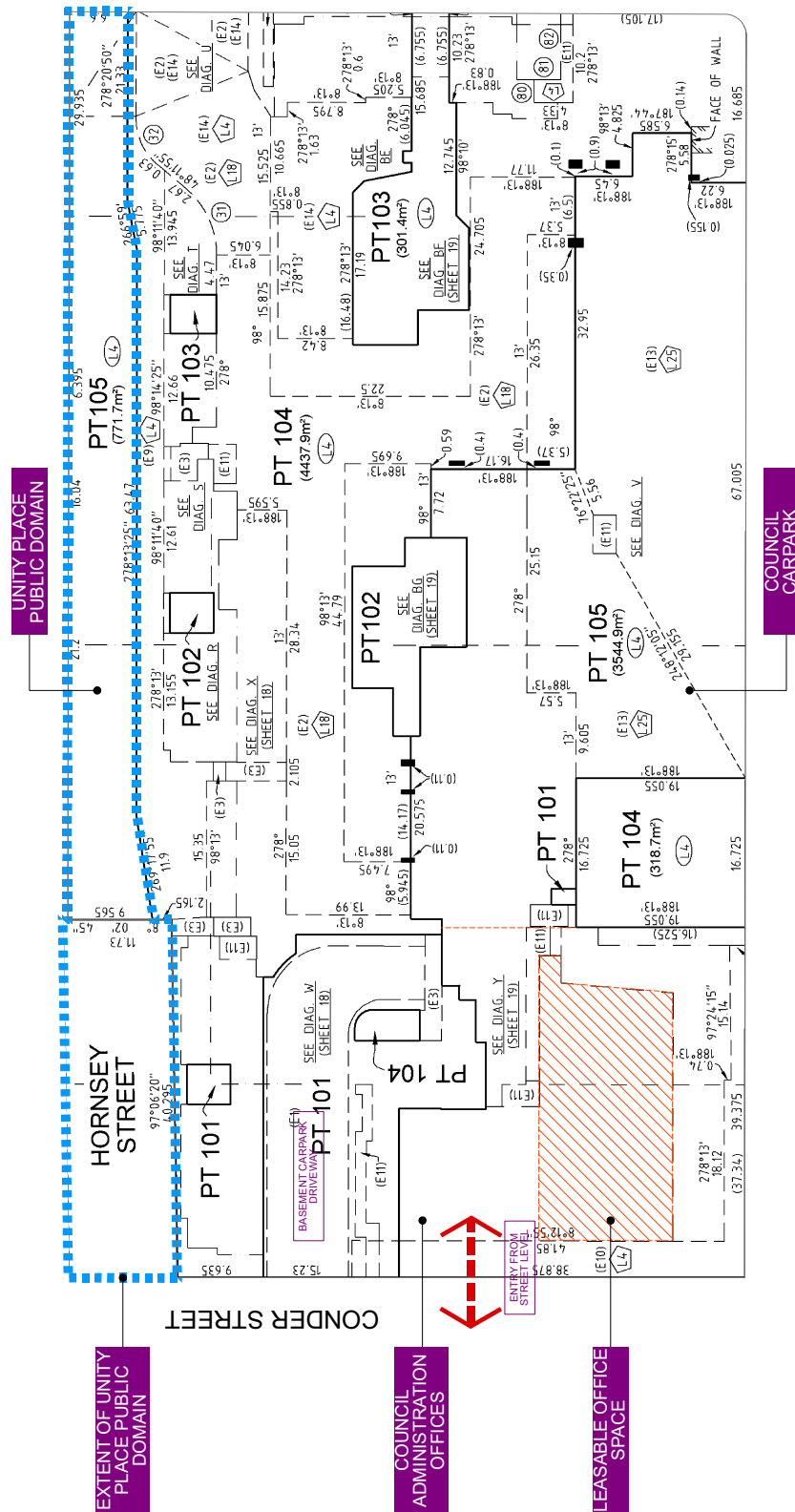
BASEMENT 3



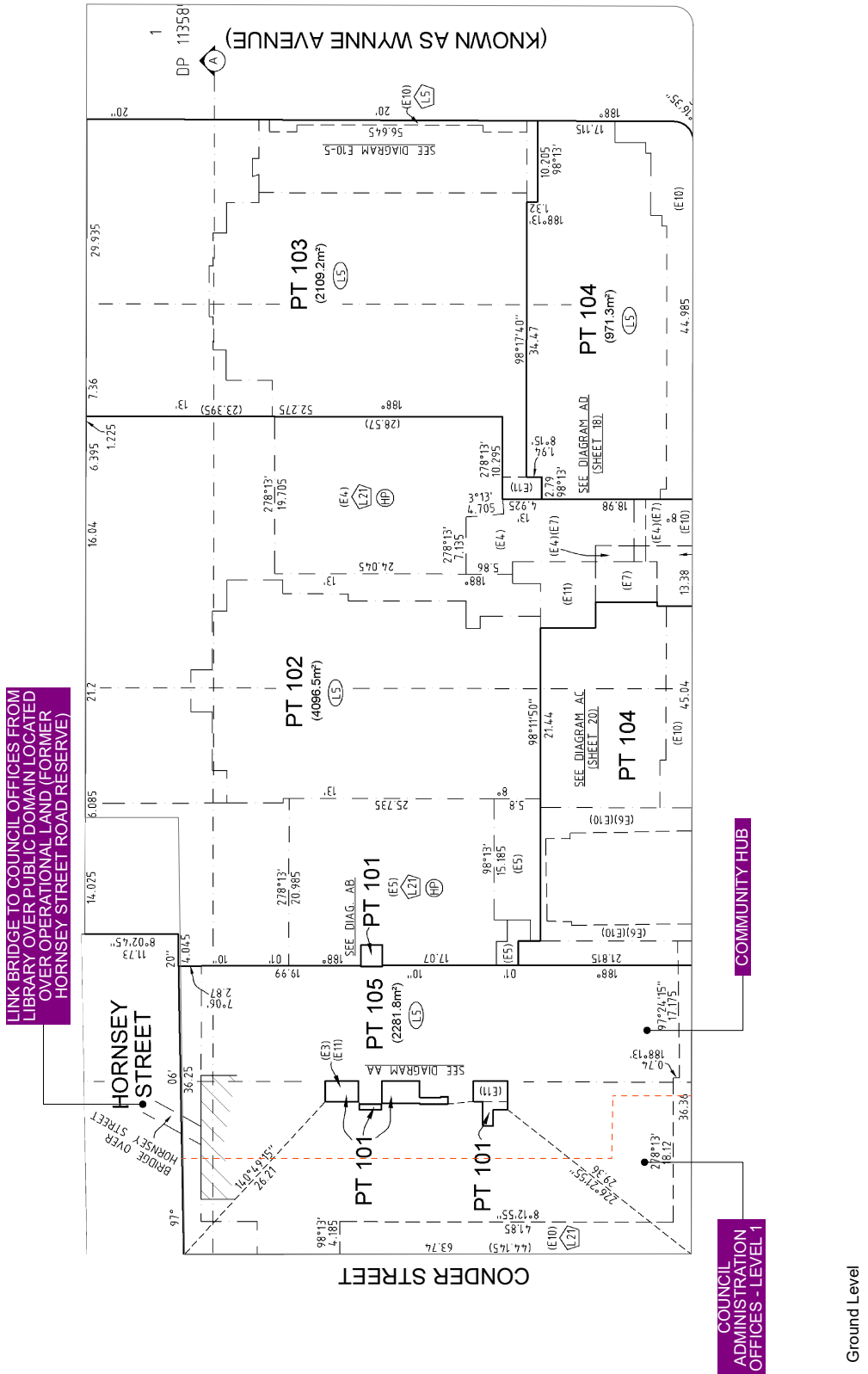
CONDOR STREET

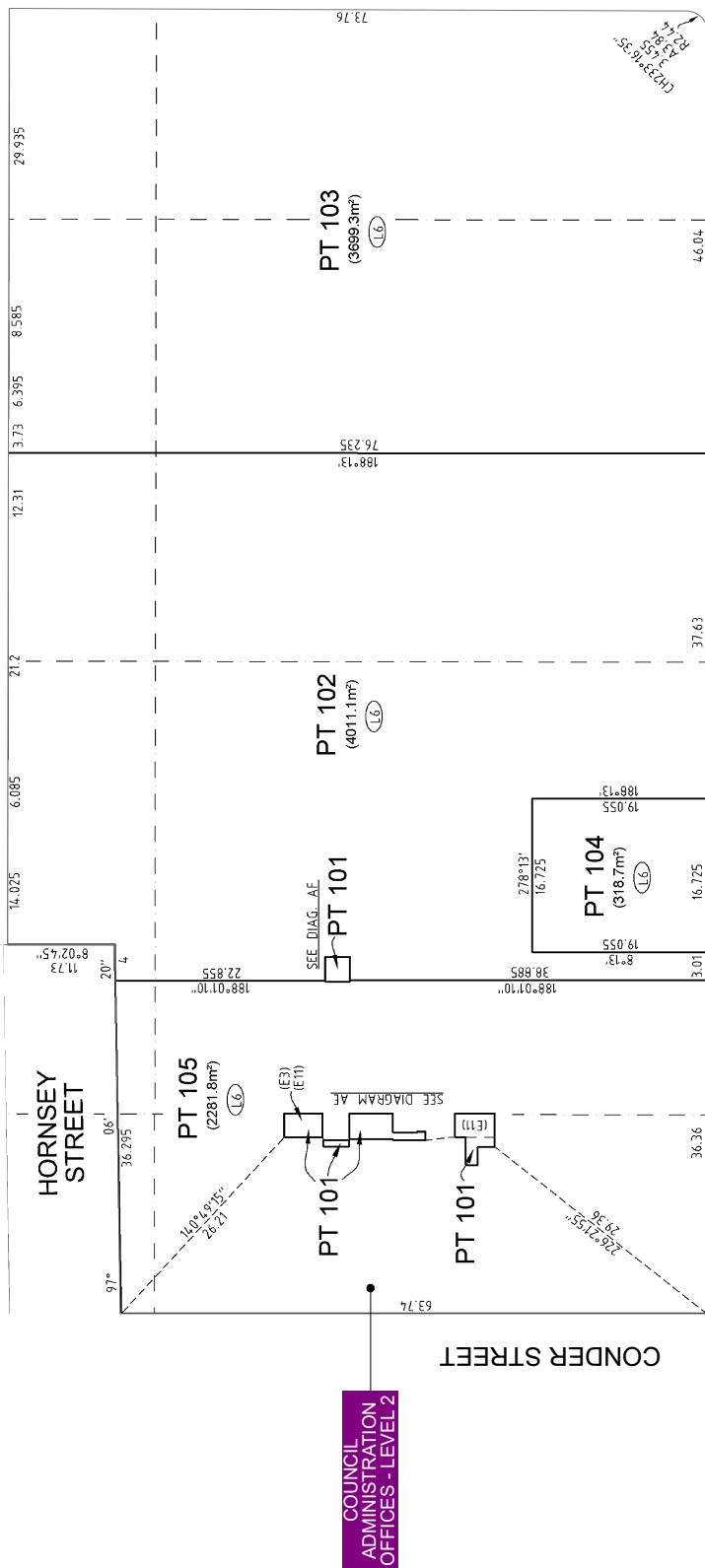
COUNCIL MULTIPURPOSE ROOM

BASEMENT 2

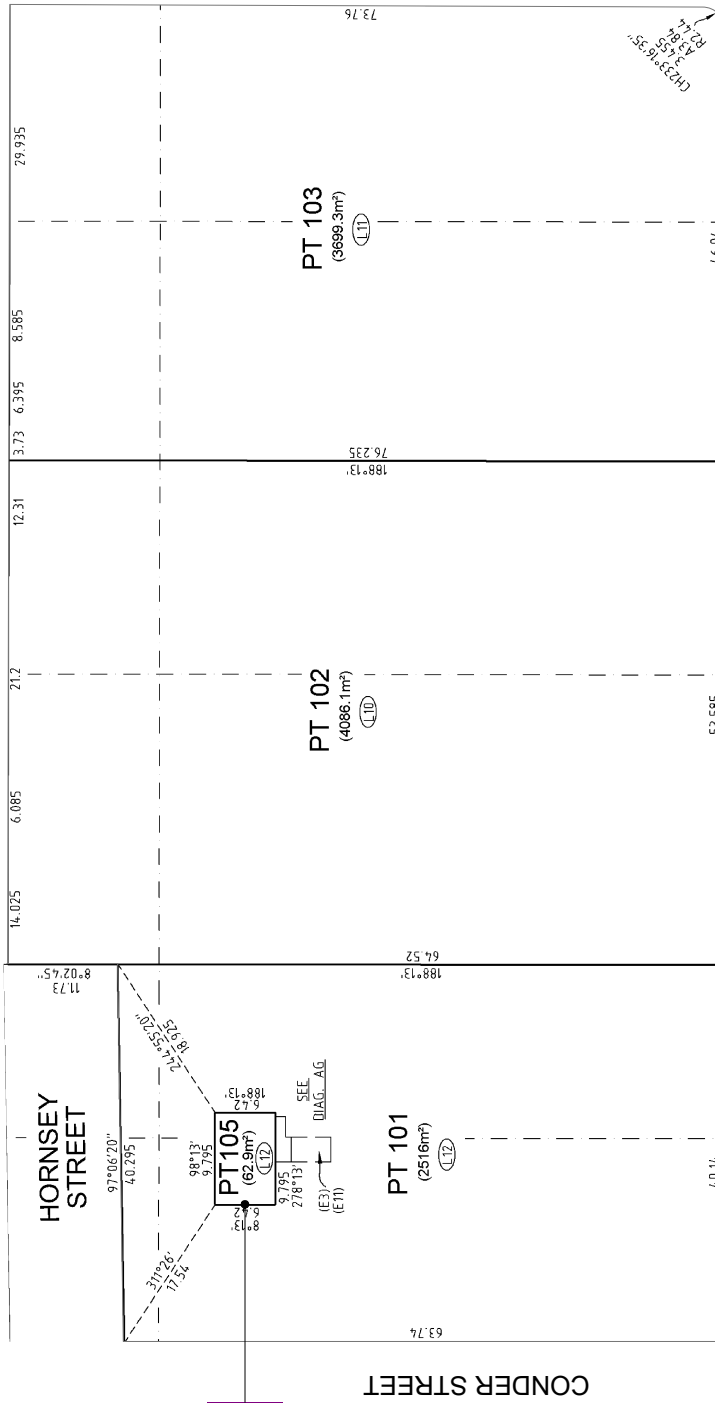


BASEMENT 1





Level 1



ROOF TOP
ENCLOSURE FOR
COUNCIL HVAC
UNITS

Level 11 & Above

8. Appendix 2 – Plan of Management Legislative Framework

The primary legislation that impacts on how community land is managed or used is briefly described following. Further information regarding these acts is available at www.legislation.nsw.gov.au.

8.1 Local Government Act 1993

Section 35 of the *Local Government Act 1993* (LG Act) provides that community land can only be **used** in accordance with:

- the plan of management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a plan of management for community land must identify the following:

- a) the category of the land,
- b) the objectives and performance **targets** of the plan with respect to the land,
- c) the means by which the council proposes to **achieve** the plan's objectives and performance targets,
- d) the manner in which the council proposes **to assess its performance** with respect to the plan's objectives and performance targets, and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to just one area of community land:

- a) must include a description of:
 - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
 - (ii) the use of the land and any such buildings or improvements as at that date, and
- b) must:
 - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
 - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
 - (iii) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment
- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations.

Additionally, under section 36 of the LG Act, a site-specific PoM must be made for land declared:

- as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))
- by council to contain significant natural features (section 36C(2))
- by council to be of cultural significance (section 36D(2)).

8.2 Classification of public land

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45 and 46) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

8.3 Council plans and policies relating to this plan of management

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this PoM.

The following is a list of documents that have a direct association with this PoM:

- Burwood Local Strategic Planning Statement (LSPS) 2020
- Burwood Community Facilities and Open Space Strategy 2019
- Unity Place Places to Love Case Study 2022

8.4 Other state and Commonwealth legislation

NSW state legislation

Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies

(SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

Biodiversity Conservation Act 2016

Note: This Act repealed several pieces of legislation including the *Native Vegetation Act 2003*, *Threatened Species Conservation Act 1995*, the *Nature Conservation Trust Act 2001*, and the animal and plant provisions of the *National Parks and Wildlife Act 1974*.

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The *Threatened Species Conservation Act 1995* has been repealed and superseded by the *Biodiversity Conservation Act 2016*. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

DPIE's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the *Threatened Species Conservation Act 1995* were repealed on the commencement of the *Biodiversity Conservation Act* in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the state.

Water Management Act 2000

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the state will result from the sustainable and efficient use of water.

Heritage Act 1977

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

Commonwealth legislation

Environmental Protection and Biodiversity Conservation Management Act 1999

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

Telecommunications Act 1997

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

State Environmental Planning Policies

State Environmental Planning Policy no. 19 – Bushland in urban areas

This planning policy deals with bushland in urban areas, so is applicable to PoMs for community land categorised as Natural Area – Bushland.

State Environmental Planning Policy (Infrastructure) 2007

This planning policy lists development allowed with consent or without consent on community land.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

This aims to protect quality of surface water and the ecosystems that depend on it and requires that any development would have a neutral or beneficial effect on water quality.

Other relevant legislation, policies and plans

Biodiversity Conservation Act 2016

Biosecurity Act 2015

Catchment Management Authorities Act 2003

Companion Animals Act 1998

Disability Discrimination Act 1992

Environmental Planning and Assessment Act 1979

Environmental Protection and Biodiversity Conservation Management Act 1999 (Cth)

Heritage Act 1977

Operations Act 1997

Pesticides Act 1999

Protection of the Environment Operations Act 1997

Retail Leases Act 1994

Telecommunications Act 1997 (Cth)

A Vegetation Management Plan for the Sydney Region (Green Web Sydney)

Australian Natural Heritage Charter



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Public Hearing Report:

Lot 105 of DP1258893 in the Draft Unity Place
Plan of Management

Local Government Act 1993 Section 40A
Categorisation of Community Land

17 October 2022

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1. INTRODUCTION

1.1 Purpose of this report

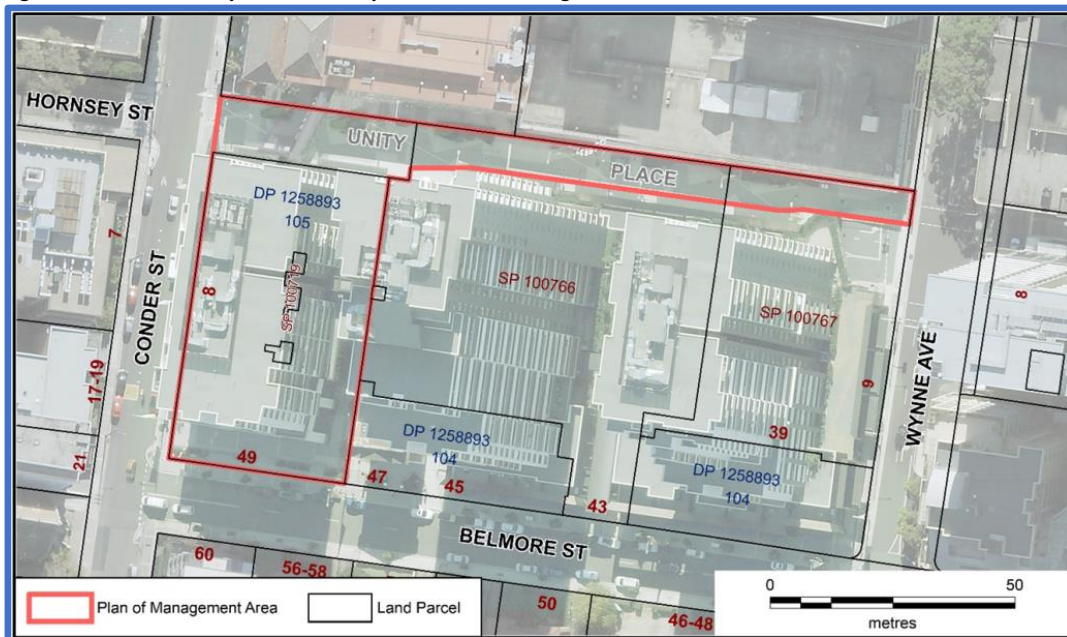
This report provides a summary record of the independently chaired Public Hearing held by the Council of Burwood via video conference on Wednesday 12 October 2022 between 5.00pm and 5.25pm.

The Public Hearing was held in compliance with Chapter 6, Division 2, Section 40A of the *Local Government Act 1993* (LG Act) and was conducted into the proposed categorisation of community land in Council's Draft Unity Place Plan of Management.

1.2 Land covered by this report

The land covered by this report is Lot 105 of DP1258893 at Burwood Grand 39-47 Belmore Street, Burwood. The land is the subject of Council's Draft Unity Place Plan of Management (the draft PoM) and comprises the land in Figure 1.

Figure 1: Land covered by the Draft Unity Place Plan of Management



Source: Draft Unity Place Plan of Management (Figure 3)

The land in the draft PoM is Council-owned land, classified as community land under the LG Act.

Lot 105 of DP1258893 (the Unity Place community land) must have a draft PoM prepared, publicly exhibited and adopted by Council prior to any changes to the nature and use of the land. The PoM defines permitted uses, authorises leases, licences and other estates, as well as setting management action plans with details to provide accountability in implementation and measuring success.

The public hearing is required for the categorisation of the Council-owned land as it is the first time a community land category has been applied to the land.

1.3 Background

Burwood Council prepared the draft PoM for the Unity Place community land and placed the draft PoM on public exhibition for the mandatory minimum for draft PoM public exhibition of 28 days with submissions to the draft PoM being received for a further 14 days.

The public exhibition of the draft PoM specifically provides for submissions about the draft PoM. The draft PoM is on exhibition for a statutory time period of 28 days between 28 September and 26 October 2022 with feedback and comments able to be received until Wednesday 9 November 2022.

The draft PoM can be reviewed and submissions made through Council's Participate Burwood webpage and also be viewed at the Burwood Council Customer Service and Library and the Enfield Aquatic Centre.

<https://participate.burwood.nsw.gov.au/unity-place-draft-plan-management>

2 PLANNING CONTEXT

2.1 Community land

Land owned or controlled by Council is defined in the *Local Government Act 1993* (LG Act) as 'public land', with exceptions such as roads.

All public land is to be classified as either 'community' or 'operational' land (LG Act Chapter 6, Part 2 Division 1).

Classification clearly identifies land which should be kept for use by the general public (community) and that land which need not be kept or may have relatively simple dealings (operational). Classification determines the ease or difficulty with which land may be alienated by sale, leasing or some other means.

Community land must not be sold except in limited circumstances referred to in the LG Act. Community land may be leased or licensed, generally for up to 21 years, but potentially for 30 years with Minister's consent. Community land may only be leased or licensed for more than 5 years if public notice of the proposed lease or licence is given and, in the event that an objection is made to the proposed lease or licence, the Minister's consent is obtained. No such restrictions apply to operational land.

Community land would ordinarily comprise land such as a public park, sportsgrounds, natural areas or community centres. Operational land would ordinarily comprise land held as a temporary asset or as an investment, land which facilitates the carrying out by a council of its functions or land which may not be open to the general public, such as a works depot or a council garage.

The use and management of community land is to be regulated by a plan of management. Until a plan of management is adopted, the nature and use of the land must not change.

Community land must therefore have community land categories assigned and must have community land plans of management adopted by Council.

2.2 Categories of community land

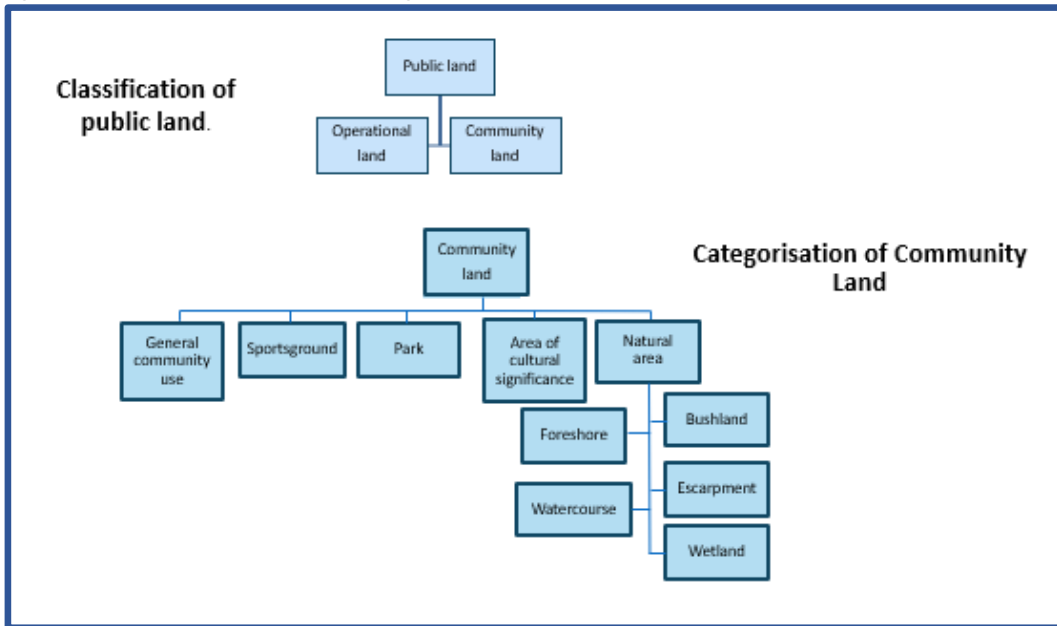
The assignment of the categories is guided by the *Local Government (General) Regulation 2021* (LG Regulation), which provides a description of land and use to guide appropriate assignment of categories to portions of the land.

Community land categories define the core objectives for use, management and development of community land. (LG Act Chapter 6 Part 2 Division 2).

See **Appendix B**: Core Objectives and Guidelines for Community Land Categories.

Figure 2: Classification and Categories shows the classification of public land, and categories of community land.

Figure 2: Public Land Classification and Categories (LG Act)



Source: Office of Local Government plan of management guidelines (2019)

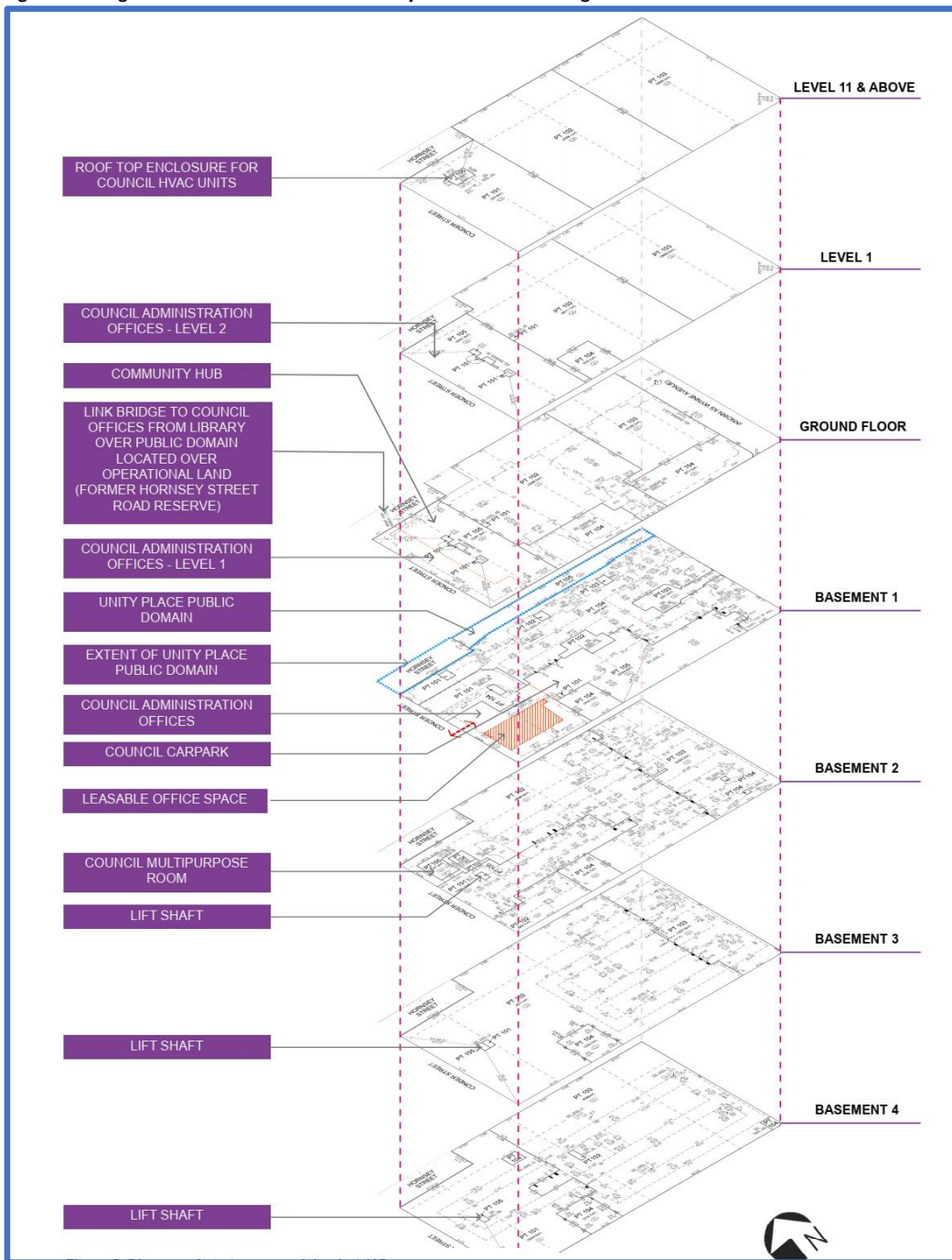
2.3 Community land assignment of categories in the draft PoM

There is one category assigned in the draft PoM over a number of strata levels: General Community Use. The draft PoM applies the category to land for the first time.

The draft PoM details the community land and proposed categorisation. Figure 3 shows the application of the General Community Use category on Lot 105 of DP1258893.

Appendix D: Public Hearing – Council Presentation details the first application of the community land category applied to the land.

Figure 3: Categorisation of land in the Draft Unity Place Plan of Management



Source: Draft Unity Place Plan of Management (Figure 5)

2.4 Proposed categorisation in the draft PoM

The assignment of community land categories in the draft PoM has been undertaken in accordance with the Local Government (General) Regulation 2005, Part 4 Community Land, Division 1 Guidelines for the categorisation of community land.

The draft PoM applies a community land category to the land for the first time and so a public hearing is required under Section 40A of the LG Act.

The NSW Office of Local Government *Practice Note No.1 Public Land Management* states (Page 11):

Guidelines for council to assist in categorisation are provided in the Local Government (General) Regulation (cls.10 - 19). Council must have regard to the guidelines in determining a category (cl.9) but are not required to adopt any category merely because the land fits the description in the guidelines. Council should look at all the circumstances of the land in making a decision as to categorisation. For example, a piece of land may seem to satisfy the guidelines for more than one category. Council has a discretion in this case to look at the land in context, taking into account all relevant material before determining a category. It is important that council be able to justify any decision.

2.5 Public hearing for categorisation of community land

The LG Act and the LG Reg both set parameters for the holding of Public Hearings. See **Appendix A** for pertinent legislation extracts. Council must hold a public hearing in respect of a proposed PoM if the proposed plan would have the effect of categorising, or altering the categorisation of, community land.

Council must hold a further public hearing in respect of the proposed plan of management if Council decides to amend the proposed plan after a public hearing and the amendment of the plan would have the effect of altering the categorisation of community land from the categorisation of that land in the proposed plan that was considered at the previous public hearing.

It should be noted that the public hearing is held because of a change, amendment, or first application of a community land category. The Unity Place draft PoM applies a category to the land for the first time.

There is no LG Act legislated time period for a public hearing, except that any public hearing report must be considered by Council prior to making any decision with respect to the matter to which it relates. It is lawful to conduct a LG Act Section 40A public hearing during or after the period of public exhibition of a draft plan of management.

3 THE PUBLIC HEARING**3.1 Advertising and notification**

Council advertised the Public Hearing through a notice on the Participate Burwood webpage (30 September 2022) and the draft PoM exhibition was notified in a variety of ways:

- Council's Participate Burwood webpage (28 September 2022);
- Council's e-Newsletters for over 12,000 residents; and
- Council's social media channels including Instagram, Facebook and Twitter.

Appendix C: Public Hearing Notifications shows the notice contents.

3.2 Attendance at the Public Hearing

The Public Hearing was convened and managed by:

- Carl Malmberg, Independent Chair – CGM Planning;
- Colette Goodwin, recording the proceedings - CGM Planning;
- Burwood Council officer:
 - Ms Mikaela Thorogood - Manager Property

There was no members of the public in attendance despite the notifications.

3.3 The Public Hearing

The Public Hearing was conducted via teleconference between 5.00pm and 5.25pm on Wednesday 12 October 2022.

The Chair conducted the meeting providing an outline of the need for, and conduct of the public hearing, and Council’s presentation was made. The meeting followed the agenda set out in **Table 1**.

Table1: Public Hearing Agenda

Agenda Item	Speaker
1. Public hearings for categorisation of community land	Independent Chair
2. Background	Independent Chair
3. What is community land?	Burwood Council
4. What are the categories of community land?	Burwood Council
5. Proposed categorisation of Unity Place	Burwood Council
6. Open Questions & Answer session, submissions made	Attendee(s)
7. End of Meeting	Chair

Source: **Public Hearing Presentation – Council**

3.4 Public Hearing Record

Following the Council of Burwood’s Acknowledgment of Country, the Hearing was commenced by the Chair. The Independent Chair confirmed that, as required under the *Local Government Act 1993* (the LG Act), neither he nor other CGM Planning Director, Ms Colette Goodwin, were employees of Council nor a Councillor, nor had either Director been a Council of Burwood employee or Councillor during the last five years.

The Chair explained that this Public Hearing was a requirement under Sections 40A and 47G of the LG Act as the draft plan of management was either assigning a community land category to community land for the first time or altering previously assigned categories.

The Chair also confirmed that the Public Hearing was into the assignment and use of community land categories to the land and that a record of the meeting would be taken and provided in the subsequent public hearing report.

The Chair stated the Public Hearing was essentially about one matter which was the use and nature of the category assigned to the community land in the draft PoM, and that the public exhibition of the draft PoM was the most appropriate forum of submissions about the content, nature and management planning in the draft PoM.

Council presented the community land site and explained the categorisation and the reasons for application of the General Community Use category - see **Appendix D**: Council presentation.

The Chair thanked Ms Thorogood for her presentation and the next steps were outlined by Council and the Chair.

The Chair stated the LG Act requirements that a report of the Public Hearing be provided to Council and that Council must make the report available for public inspection within four days of receipt.

The Chair sought confirmation from Council that any written submissions arising from an inspection of the Hearing report could be received by Council as submissions to exhibition of the draft PoM.

The meeting was closed at approximately 5.25 pm.

4 RECOMMENDATIONS

4.1 Recommendations

This report recommends Council:

1. notes that despite the absence of attendees, the Hearing was duly notified and conducted and this Report contains an accurate record of the Public Hearing held 12 October 2022;
2. makes this Public Hearing Report available for public inspection as required under the LG Act S.47G;
3. considers the report before making any decision with respect to adoption of the draft PoM and formal assignment of the community land categories in the draft PoM as required under the LG Act S.734 Public hearings by a council; and
4. notes that further amendments to, or application of other community land categories in the draft PoM may require an additional Public Hearing under Section 40A of the LG Act.

APPENDIX A: EXTRACTS OF PERTINENT LEGISLATION

Red text is CGM Planning explanatory notes

What does the LG Act say about this Public Hearing?

The LG Act Section 40 sets out the conditions under which Council may adopt a PoM for community land. One of these conditions is that a PoM may not be adopted until any public hearing that may be required under Section 40A is held.

40A Public hearing in relation to proposed plans of management

- (1) The council must hold a public hearing in respect of a proposed plan of management (including a plan of management that amends another plan of management) if the proposed plan would have the effect of categorising, or altering the categorisation of, community land under section 36(4)
[the five major categories set out in Section 36(4): Natural Area, Sportsground, Park, an Area of Cultural Significance, and General Community Use.]
- (2) However, a public hearing is not required if the proposed plan would merely have the effect of altering the categorisation of the land under section 36(5)
[the five natural area sub-categories set out in Section 36(5): Bushland, Wetland, Escarpment, Watercourse, and Foreshore].
- (3) A council must hold a further public hearing in respect of the proposed plan of management if—
 - (a) the council decides to amend the proposed plan after a public hearing has been held in accordance with this section, and
 - (b) the amendment of the plan would have the effect of altering the categorisation of community land under section 36(4) *[the five major categories]* from the categorisation of that land in the proposed plan that was considered at the previous public hearing.

A public hearing is required to be held in accordance with LG Act Section 47G.

47G Public hearings

- (2) The person presiding at a public hearing must not be—
 - (a) a councillor or employee of the council holding the public hearing, or
 - (b) a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.
- (3) Not later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing, the council must make a copy of the report available for inspection by the public at a location within the area of the council.

Section 734 of the LG Act also applies to this public hearing.

734 Public hearings by a council

- (1) This section applies to a **public hearing** that by this Act (section 29(1) except *[where reclassification of community land to operational land under EP&A Act]*) is required to be arranged by a council with respect to any matter.
- (2) The **public hearing** is to be conducted in such manner as is determined by the council, subject to this Act and the regulations.
- (3) A report of the **public hearing** must be furnished to the council and the council must make the report public.
- (4) The council must consider the report before making any decision with respect to the matter to which it relates.

What does the LG (General) Reg say about this Public Hearing ?

The LG Reg makes reference to submissions in relation to categorisation in a draft PoM.

114 Adoption of draft plan of management in relation to which certain submissions have been made

- (1) This clause applies if—
 - (a) a council prepares a draft plan of management, and
 - (b) the council receives any submission, made in accordance with the Act, concerning that draft plan that makes any objection to a categorisation of land under the draft plan, and
 - (c) the council adopts the plan of management without amending the categorisation that gave rise to the objection.
- (2) If this clause applies, the resolution by which the council adopts the plan of management must state the council's reasons for categorising the relevant land in the manner that gave rise to the objection.

If Council decides to alter the proposed categorisation of community land from that in the Draft Plan of Management and that considered at the public hearing, Council must hold a further public hearing in respect of the proposed Plan of Management (Section 40A(3) of the Local Government Act 1993).

APPENDIX B: CORE OBJECTIVES AND GUIDELINES FOR COMMUNITY LAND CATEGORIES

Category	Objectives (LG Act)	Guidelines for categorisation (LG Regulation)
Park	<p>The core objectives for management of community land categorised as a park are:</p> <ul style="list-style-type: none"> a) to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and b) to provide for passive recreational activities or pastimes and for the casual playing of games, and c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management. 	<p>The land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.</p>
Sportsground	<p>The core objectives for management of community land categorised as a sportsground are:</p> <ul style="list-style-type: none"> a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and b) to ensure that such activities are managed having regard to any adverse impact on nearby residences. 	<p>The land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.</p>
General Community Use	<p>The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:</p> <ul style="list-style-type: none"> a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities). 	<p>The land:</p> <ul style="list-style-type: none"> a) may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and b) is not required to be categorised as a natural area and does not satisfy the guidelines under categorisation as a natural area, a sportsground, a park or an area of cultural significance.
Cultural Significance	<p>The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.</p> <p>Those conservation methods may include any or all of the following methods—</p> <ul style="list-style-type: none"> a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance, 	<p>Land should be categorised as an area of cultural significance under section 36(4) of the Act if the land is—</p> <ul style="list-style-type: none"> a) an area of Aboriginal significance, because the land— <ul style="list-style-type: none"> • has been declared an Aboriginal place under section 84 of the National Parks and Wildlife Act 1974, or • whether or not in an undisturbed state, is significant to Aboriginal people in terms of their traditional or contemporary cultures, or • is of significance or interest because of Aboriginal associations, or

Category	Objectives (LG Act)	Guidelines for categorisation (LG Regulation)
	<p>b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material,</p> <p>c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state,</p> <p>d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact),</p> <p>e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.</p>	<ul style="list-style-type: none"> • displays physical evidence of Aboriginal occupation (for example, items or artifacts such as stone tools, weapons, engraving sites, sacred trees, sharpening grooves or other deposits, and objects or materials that relate to the settlement of the land or place), or • is associated with Aboriginal stories, or • contains heritage items dating after European settlement that help to explain the relationship between Aboriginal people and later settlers, or <p>b) an area of aesthetic significance, by virtue of—</p> <ul style="list-style-type: none"> • having strong visual or sensory appeal or cohesion, or • including a significant landmark, or <p>c) an area of archaeological significance, such as architectural excellence, or having creative or technical qualities, because the area contains—</p> <ul style="list-style-type: none"> • evidence of past human activity (for example, below-ground features such as building foundations, occupation deposits, features or artifacts or above-ground features such as buildings, works, industrial structures, and relics, whether intact or ruined), or • any other deposit, object or material that relates to the settlement of the land, or <p>d) an area of historical significance, because of the importance of an association or position of the land in the evolving pattern of Australian cultural history, or</p> <p>e) an area of technical or research significance, because of the area's contribution to an understanding of Australia's cultural history or environment, or</p> <p>f) an area of social significance, because of the area's association with Aboriginal life after 1788 or the area's association with a contemporary community for social, spiritual or other reasons.</p>
<p>Natural Area</p>	<p>The core objectives for management of community land categorised as a natural area are:</p> <p>a) to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and</p> <p>b) to maintain the land, or that feature or habitat, in its natural state and setting, and</p> <p>c) to provide for the restoration and regeneration of the land, and</p>	<p>The land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as:</p> <ul style="list-style-type: none"> • bushland, • wetland, • escarpment, • watercourse or

Category	Objectives (LG Act)	Guidelines for categorisation (LG Regulation)
	<p>d) to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and</p> <p>e) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the <i>Threatened Species Conservation Act 1995</i> or the <i>Fisheries Management Act 1994</i>.</p>	<ul style="list-style-type: none"> • foreshore.
Bushland	<p>The core objectives for management of community land categorised as bushland are—</p> <p>a) to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and</p> <p>b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and</p> <p>c) to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and</p> <p>d) to restore degraded bushland, and</p> <p>e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and</p> <p>f) to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and</p> <p>g) to protect bushland as a natural stabiliser of the soil surface.</p>	<p>Land that is categorised as a natural area should be further categorised as bushland under section 36(5) of the Act if the land contains primarily native vegetation and that vegetation —</p> <p>a) is the natural vegetation or a remainder of the natural vegetation of the land, or</p> <p>b) although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality.</p> <p>Such land includes —</p> <ul style="list-style-type: none"> • bushland that is mostly undisturbed with a good mix of tree ages, and natural regeneration, where the understorey is comprised of native grasses and herbs or native shrubs, and that contains a range of habitats for native fauna (such as logs, shrubs, tree hollows and leaf litter), or • moderately disturbed bushland with some regeneration of trees and shrubs, where there may be a regrowth area with trees of even age, where native shrubs and grasses are present in the understorey even though there may be some weed invasion, or • highly disturbed bushland where the native understorey has been removed, where there may be significant weed invasion and where dead and dying trees are present, where there is no natural regeneration of trees or shrubs, but where the land is still capable of being rehabilitated.
Wetland	<p>The core objectives for management of community land categorised as wetland are—</p> <p>a) to protect the biodiversity and ecological values of wetlands, with particular reference to their hydrological environment (including water quality and water flow), and to the flora, fauna and habitat values of the wetlands, and</p> <p>b) to restore and regenerate degraded wetlands, and</p>	<p>Land that is categorised as a natural area should be further categorised as wetland under section 36(5) of the Act if the land includes marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a waterbody that is inundated cyclically, intermittently or permanently with fresh, brackish or salt water, whether slow moving or stationary.</p>

Category	Objectives (LG Act)	Guidelines for categorisation (LG Regulation)
Watercourse	<p>c) to facilitate community education in relation to wetlands, and the community use of wetlands, without compromising the ecological values of wetlands.</p> <p>The core objectives for management of community land categorised as a watercourse are—</p> <p>a) to manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows, and</p> <p>b) to manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and</p> <p>c) to restore degraded watercourses, and</p> <p>d) to promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.</p> <p>The core objectives for management of community land categorised as an escarpment are—</p> <p>a) to protect any important geological, geomorphological or scenic features of the escarpment, and</p> <p>b) to facilitate safe community use and enjoyment of the escarpment.</p> <p>The core objectives for management of community land categorised as foreshore are—</p> <p>a) to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and</p> <p>b) to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.</p>	<p>Land that is categorised as a natural area should be further categorised as a watercourse under section 36(5) of the Act if the land includes—</p> <p>a) any stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel that has been artificially improved, or in an artificial channel that has changed the course of the stream of water, and any other stream of water into or from which the stream of water flows, and</p> <p>b) associated riparian land or vegetation.</p>
Escarpment	<p>The core objectives for management of community land categorised as an escarpment are—</p> <p>a) to protect any important geological, geomorphological or scenic features of the escarpment, and</p> <p>b) to facilitate safe community use and enjoyment of the escarpment.</p>	<p>Land that is categorised as a natural area should be further categorised as an escarpment under section 36(5) of the Act if—</p> <p>a) the land includes such features as a long cliff-like ridge or rock, and</p> <p>b) the land includes significant or unusual geological, geomorphological or scenic qualities.</p>
Foreshore	<p>The core objectives for management of community land categorised as foreshore are—</p> <p>a) to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and</p> <p>b) to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.</p>	<p>Land that is categorised as a natural area should be further categorised as foreshore under section 36(5) of the Act if the land is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.</p>

APPENDIX C: PUBLIC HEARING NOTIFICATIONS

Summary

Council advertised the Public Hearing through a notice on the Participate Burwood webpage (30 September 2022) and the draft PoM exhibition was notified in a variety of ways:

- Council's Participate Burwood webpage (28 September 2022);
- Council's e-Newsletters for over 12,000 residents; and.
- Council's social media channels including Instagram, Facebook and Twitter.

Council of Burwood – Participate Burwood webpage Public Hearing Notice (30 September)



Home Projects Log In / Join



Notice of Public Hearing for Community Land Categorisation

An independently chaired public hearing will be conducted in relation to the first assignment/application of a category on community land in Burwood.

Home / Notice of Public Hearing for Community Land Categorisation

In accordance with s40A of the Local Government Act 1988, public notice is hereby given that an independently chaired public hearing will be conducted in relation to the first assignment/application of a category on community land in Burwood. This hearing is to explain the first categorisation of the Council-owned community land (Lot 105 of DP1238893) in the Draft Unity Place Plan of Management.

The Draft Unity Place Plan of Management is currently on exhibition (28 September 2022 to 26 October 2022) and submissions to this Plan of Management can be received until two weeks after this date, being 5pm 9 November 2022. To view the Draft Unity Place Plan of Management or to make a submission please click [here](#).

To Register

There are three ways you can register:

1. Complete the online submission form below.
2. Email your confirmation of attendance to council@burwood.nsw.gov.au with the subject line Public Hearing – Draft Unity Place Plan of Management.
3. Post it to Manager Property, Burwood Council, PO Box 240, Burwood NSW 1505 with the subject line Public Hearing – Draft Unity Place Plan of Management.

What's next

Registrants will receive an online meeting invitation or information on the meeting venue for those who do not have computer access.

Following the public hearing, a report will be provided by the Chair which will be available for inspection at Burwood Council Library & Community Hub. The Public Hearing Report will be submitted together with the final Draft Unity Place Plan of Management for Council's consideration and adoption.

[Open](#)

Key Dates

Wednesday 12 October 2022 06:00 pm – 06:00 pm
Hearing Date

Document Library

Draft Unity Place Plan of Management
PDF (132.98 kb)

Who's Listening

Manager: Property
Name: Micaela Thorogood
Phone: 9911 9978
Email: council@burwood.nsw.gov.au

Council of Burwood – Participate Burwood webpage Draft Plan of Management Notice (28 September)



Unity Place Draft Plan of Management

Council is seeking comments from the community on the The Unity Place Draft Plan of Management.

[Home](#) / [Unity Place Draft Plan of Management](#)

The Draft Plan of Management provides direction for the use and management of a series of council-owned community land parcels, in accordance with the Crown Land Management Act 2016.

We welcome you to download a copy of the Unity Place Draft Plan Of Management which will be available for viewing until Wednesday 26 October 2022 and submit your feedback and comments to Council by Wednesday 6 November 2022. The Draft Plan of Management document can also be viewed at the Burwood Council Customer Service and Library and the Enfield Aquatic Centre.

Following the public exhibition process, submissions will be reviewed and considered for inclusion in the Plan of Management. The Unity Place Draft Plan of Management will also be subject to a Public Hearing as the land is being categorised for the first time. A separate notice of Public Hearing will be issued and will be held during the exhibition period. A report providing a summary of submissions received and amendments made to the draft document will be presented to Council.

How to make a Submission

There are three ways you can lodge a submission:

- Complete the online submission form below.
- Email your submission to council@burwood.nsw.gov.au with the subject line, Unity Place Draft Plan of Management
- Post it to Manager Property Burwood Council, PO Box 240, Burwood NSW 1505.

Document Library

[Unity Place Draft Plan Of Management](#)
PDF (12.09 MB)

Timeline

- ★ **Public Exhibition (28 days)**
28 September to 26 October 2022
- ★ **Public Hearing**
Wed October 2022
- ★ **Submissions reviewed and considered by Council**
Late November 2022
- ★ **Adoption of Plan of Management**
Late November 2022

[See less](#)

Who's Listening

Manager Property

Name Mikaela Thorngood

APPENDIX D: COUNCIL PRESENTATION - PUBLIC HEARING

Burwood
CITY OF BURWOOD

Public Hearing
Categorisation of Community Land:
Lot 105 of DP1258893 in the Draft Unity Place
Plan of Management

16 October 2022

Burwood Acknowledges Wamagan - Wiradjuri People, Wiradjuri

1

16 October 2022

Acknowledgement of Country

Burwood Council acknowledges the Wangal people as the traditional custodians of this land. We pay our respects to Elders of the past and present and to those of the future and acknowledge their spiritual connection to Country.

Burwood Acknowledges Wamagan - Wiradjuri People, Wiradjuri

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16 October 2022

Overview

- Public Hearing for categorisation of community land
- What is community land?
- What are the categories of community land?
- Proposed categorisation of the Unity Place
- Open Questions & Answer session, submissions made

Independent Chair
Carl Malmberg, Director
CGM Planning & Development P/L

Burwood Council
Mikaela Thorogood, Manager Property

Burwood Acknowledges Wamagan - Wiradjuri People, Wiradjuri

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16 October 2022

Why a Public Hearing?

- In accordance with s40A of the LG Act, an independently chaired public hearing is to be conducted in relation to the first assignment/application of a category on community land.
- This hearing is to explain the first categorisation of the Council-owned community land (Lot 105 of DP1258893) in the Draft Unity Place Plan of Management.

Burwood Acknowledges Wamagan - Wiradjuri People, Wiradjuri

4

18 October 2022

What is Community Land?

- Is land owned or controlled by Council and recognised as an important component of the environment.
- Provides opportunities for recreation, leisure, community development and services, and contact with the natural environment.
- It may include a wide variety of properties, ranging from small recreation reserves to iconic parks and buildings.
- Must be categorised and have community land plans of management adopted by Council.

Revised: Approved: Project: Chapter 100 - Public Hearing

18 October 2022

Plan of Management Overview

- The Local Government Act 1993 (LGA Act) requires a Plan of Management (PoM) to be prepared for all public land that is classified as 'community land' under that Act.
- The Draft Unity Place PoM provides direction as to the use and management of a series of council-owned community land parcels.
- Specifically addresses the management of multiple spaces comprising of Lot 105 in DP-1258893 being the land dedicated to Council by the owner and developer of Burwood Grand.
- The PoM outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

Revised: Approved: Project: Chapter 100 - Public Hearing

18 October 2022

Plan of Management Process

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graph TD
    A["Draft PoM is prepared using categories, approved Government templates and guidelines and in consultation with users and community"] --> B["Council endorses draft PoM and places the draft PoM on public exhibition"]
    B --> C["Draft PoM exhibited (28 days + 14 day extra submissions).  
Public Hearing about categories"]
    C --> D["Council considers the submissions received from public exhibition of the draft PoM"]
    D --> E["Council adopts PoM after any changes from exhibition"]
            
```

Revised: Approved: Project: Chapter 100 - Public Hearing

18 October 2022

Council Endorsement

Council resolved on 27 September 2022 (MN 118/22) that:

1. Council approve the public exhibition of the Draft Unity Place Plan of Management pursuant to Section 38 of the Local Government Act 1993.
2. Council approve the public hearing of the Draft Unity Place Plan of Management pursuant to Section 40A of the Local Government Act 1993.
3. Following the public exhibition and public hearing period, and after considering any comments received during the public exhibition period, the final Unity Place Plan of Management will be submitted to Council for formal adoption.

Revised: Approved: Project: Chapter 100 - Public Hearing

18 October 2022

Community Consultation

- PoM currently on public exhibition until 28 October 2022 with feedback and comments able to be received until Wednesday 9 November 2022.
- PoM can also be viewed at the Burwood Council Customer Service and Library and the Enfield Aquatic Centre.
- Public Hearing 12 October 2022.
- Public Hearing report made available for public inspection.
- Submissions from the community will be received, and Council will consider these submissions before adopting the PoM at 22 November 2022 Council Meeting.

Burwood Council Planning, Strategic Planning, Urban Design, Sustainability

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18 October 2022

Classification & Categorisation of Land

Burwood Council Planning, Strategic Planning, Urban Design, Sustainability

10

18 October 2022

The Lot 105 Community Land Parcel

The land parcel comprises of:

- public domain space
- multipurpose community and commercial space
- 55 car parking spaces
- a link bridge to the Burwood Library and Community Hub
- stratum subdivisions for lift access and plant infrastructure for the internal spaces

Burwood Council Planning, Strategic Planning, Urban Design, Sustainability

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18 October 2022

General Community Use

- Defined as land that may be made available for use for any purpose for which community land may be used, and does not satisfy the definition of natural area, sportsground, park or area of cultural significance.
- Core objectives for community land categorised as general community use, are to:
 - promote, encourage and provide for the use of the land
 - provide facilities on the land, to meet the current and future needs of the local community and of the wider public:
 - (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public; and
 - (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

Burwood Council Planning, Strategic Planning, Urban Design, Sustainability

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16 October 2022

Category Use and Objectives

- Draft PoM prepared in direct response to the strategic direction established by Council's Bunwood2036, Community Strategic Plan and Property Strategy - to meet the community's expressed needs
- The Draft PoM categories are in accordance with the Local Government (General) Regulation 2005, Part 4, Division 1 Guidelines for categorisation of community land.
- All lands subject to this PoM have been assigned the category of **General Community Use**.
- The objectives for Unity Place is to:
 - promote and encourage spaces that adequately accommodate the diverse needs and uses of the community now and in the future
 - ensure a balance of both commercial and community outcomes, to support the activation and operation of the various spaces within Unity Place

16 October 2022

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16 October 2022

Plan of Management Area – General Community Use

16 October 2022

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16 October 2022

What happens after the Public Hearing?

- The Independent Chair will provide a report on the Public Hearing to Council.
- Council will make this report available for public inspection within four days.
- The report will be made available along with the Draft Unity Place PoM.
- Any written submissions about the categorisation of the land will be considered as part of the submissions related to the draft PoM public exhibition.

16 October 2022

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16 October 2022

Comments & Questions?

16 October 2022

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(ITEM 115/22) ADOPTION OF AUDITED FINANCIAL REPORTS FOR THE YEAR ENDED 30 JUNE 2022

File No: 22/41766

REPORT BY DIRECTOR CORPORATE SERVICES

Summary

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

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

Operational Plan Objective

2.3 Ensure financial sustainability and organisational effectiveness

Background

As per the resolution of the 18 October 2022 Council Meeting, the Financial Reports for year ending 30 June 2022 were presented to Council's Auditor for audit.

The auditors concluded the final audit of the 2021-2022 Financial Statements in October 2022 and their Independent Audit Report and Report on the Conduct of the Audit has been included in the Financial Reports for submission to the Office of Local Government.

Council's Auditor presented the Draft Financial Statements to the Audit, Risk and Improvement Committee at the meeting held on 26 October 2022, where the auditors gave a presentation and answered questions on the presented statements. The Committee members present at the meeting accepted the Financial Statements with no alterations.

Consultation

In accordance with Section 418(1) (b) of the Act, Council has given public notice of this meeting by advertising on Council's website. Copies of the Audited Financial Reports and Auditor's Report were placed on Public Exhibition at Burwood Council and Library 2 Conder Street Burwood and on Council's website for members of the public to view. Any written submissions received from the public will be deliberated and considered by the General Manager and copies forwarded to Council's Auditors.

Planning or Policy Implications

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

- A copy of the Audited Financial Reports and Auditor's Report will be forwarded to the Office of Local Government.
- Public notice has been given for the presentation of the 2021-2022 Financial Reports.
- The date of this meeting was advised to the public after the date of public notices given and not more than five weeks after the Auditor's Report was received.

Financial Implications

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

Conclusion

The 2021-2022 Consolidated Financial Reports relate to the General Fund of Council. During the course of the audit Council's Officers were required to disclose a correction of a prior period error in Note G4-1 "Corrections of errors" relating to the write-off of land improvements in previous reporting periods.

In 2021-22, Council undertook a comprehensive external revaluation of assets class "Land improvements – depreciable". As part of the review of the valuation, certain landscaping assets in the class could not be reliably measured by the valuer as the assets information within the asset system could not be quantified or the assets were no longer in existence. Hence, the valuer determined nil value for those assets.

Council retrospectively corrected the prior error by decreasing the "Infrastructure, property, plant and equipment" (IPPE) and "Accumulated surplus" by \$8.2 million as at 1 July 2020 and by \$8 million as at 30 June 2021. Net result for the year ended 30 June 2021 was also adjusted by \$0.2 million for the depreciation charge. Council has now presented three-column Statement of Financial Position to restate the comparative numbers.

The audited financial reports will be forwarded to the Office of Local Government in accordance with legislative requirements.

Recommendation(s)

1. That in accordance with Section 413(2)(c) of the *Local Government Act 1993* and Clause 215 of the *Local Government (General) Regulation 2005*, the Council make the following declaration:
 - a. That Council's Financial Reports have been drawn up in accordance with the *Local Government Act 1993* and associated Regulations; the Statement of Accounting Concept; the Local Government Code of Accounting Practice and Financial Reporting update no. 29; and the Australian Accounting Standards.
 - b. The Audited financial reports present fairly the Council's financial position and performance for the year.
 - c. These reports accord with Council's accounting and other records.
2. That the Council note that the 2021-2022 Audited Financial Reports and Auditor's Report will be forwarded to the Office of Local Government.

Attachments

- 1 [↓](#) Annual Financial Statements year ended 30 June 2022

Burwood Council

GENERAL PURPOSE FINANCIAL STATEMENTS

for the year ended 30 June 2022

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



Burwood Council

General Purpose Financial Statements

for the year ended 30 June 2022

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Overview

Burwood Council is constituted under the Local Government Act 1993 (NSW) and has its principal place of business at:
2 Conder Street
BURWOOD NSW 2134

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

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

A description of the nature of Council's operations and its principal activities are provided in Note B1-2.

Through the use of the internet, we have ensured that our reporting is timely, complete and available at minimum cost. All press releases, financial statements and other information are publicly available on our website: www.burwood.nsw.gov.au.

Burwood Council

General Purpose Financial Statements

for the year ended 30 June 2022

Understanding Council's Financial Statements

Introduction

Each year NSW local governments are required to present audited financial statements to their council and community.

What you will find in the Statements

The financial statements set out the financial performance, financial position and cash flows of Council for the financial year ended 30 June 2022.

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

About the Councillor/Management Statement

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

About the Primary Financial Statements

The financial statements incorporate five "primary" financial statements:

1. The Income Statement

Summarises Council's financial performance for the year, listing all income and expenses. This statement also displays Council's original adopted budget to provide a comparison between what was projected and what actually occurred.

2. The Statement of Comprehensive Income

Primarily records changes in the fair value of Council's Infrastructure, property, plant and equipment.

3. The Statement of Financial Position

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

4. The Statement of Changes in Equity

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

5. The Statement of Cash Flows

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

About the Notes to the Financial Statements

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

About the Auditor's Reports

Council's financial statements are required to be audited by the NSW Audit Office.

In NSW the auditor provides 2 audit reports:

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

Who uses the Financial Statements?

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

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

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

Burwood Council

General Purpose Financial Statements

for the year ended 30 June 2022

Statement by Councillors and Management

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

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

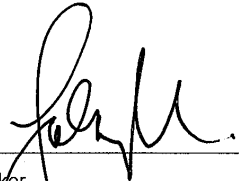
- the *Local Government Act 1993* (NSW) (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and professional pronouncements, and
- the *Local Government Code of Accounting Practice and Financial Reporting*.

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

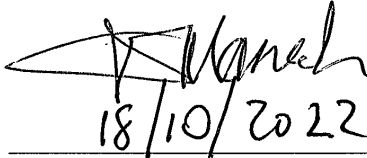
- present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

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


Signed in accordance with a resolution of Council made on 18 October 2022



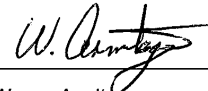
John Fayer
Mayor
18 October 2022


18/10/2022

George Mannah
Deputy Mayor
18 October 2022



Fab Zincone
Acting General Manager
18 October 2022



Wayne Armitage
Responsible Accounting Officer
18 October 2022

ITEM NUMBER 115/22 - ATTACHMENT 1

Annual Financial Statements year ended 30 June 2022

Burwood Council | Income Statement | for the year ended 30 June 2022

Burwood Council

Income Statement

for the year ended 30 June 2022

Original unaudited budget 2022	\$ '000	Notes	Actual 2022	Restated Actual 2021
Income from continuing operations				
33,687	Rates and annual charges	B2-1	34,039	32,400
9,944	User charges and fees	B2-2	6,806	8,245
4,879	Other revenues	B2-3	4,937	5,122
2,599	Grants and contributions provided for operating purposes	B2-4	3,979	2,760
5,780	Grants and contributions provided for capital purposes	B2-4	4,352	7,768
650	Interest and investment income	B2-5	506	549
2,347	Other income	B2-6	1,695	1,743
59,886	Total income from continuing operations		56,314	58,587
Expenses from continuing operations				
22,922	Employee benefits and on-costs	B3-1	19,816	20,376
23,825	Materials and services	B3-2	23,773	22,271
340	Borrowing costs	B3-3	314	344
9,563	Depreciation and amortisation of intangible assets and IPP&E	B3-4	10,535	10,018
1,042	Other expenses	B3-5	1,021	1,417
–	Net loss from the disposal of assets	B4-1	1,081	1,686
57,692	Total expenses from continuing operations		56,540	56,112
2,194	Operating result from continuing operations		(226)	2,475
2,194	Net operating result for the year attributable to Council		(226)	2,475
(3,644)	Net operating result for the year before grants and contributions provided for capital purposes		(4,578)	(5,293)

The above Income Statement should be read in conjunction with the accompanying notes.

Burwood Council

Statement of Comprehensive Income

for the year ended 30 June 2022

\$ '000	Notes	2022	Restated 2021
Net operating result for the year – from Income Statement		(226)	2,475
Other comprehensive income:			
Amounts which will not be reclassified subsequently to the operating result			
Gain (loss) on revaluation of infrastructure, property, plant and equipment	C1-6	43,590	7,714
Other comprehensive income (loss) – joint ventures and associates	D1-1	–	(15)
Total items which will not be reclassified subsequently to the operating result		43,590	7,699
Amounts which will be reclassified subsequently to the operating result when specific conditions are met			
Other movements		–	15
Total items which will be reclassified subsequently to the operating result when specific conditions are met		–	15
Total other comprehensive income (loss) for the year		43,590	7,714
Total comprehensive income for the year attributable to Council		43,364	10,189

The above Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

ITEM NUMBER 115/22 - ATTACHMENT 1

Annual Financial Statements year ended 30 June 2022

Burwood Council | Statement of Financial Position | for the year ended 30 June 2022

Burwood Council

Statement of Financial Position

as at 30 June 2022

\$ '000	Notes	2022	Restated 2021	Restated 1 July 2020
ASSETS				
Current assets				
Cash and cash equivalents	C1-1	15,198	20,551	10,781
Investments	C1-2	14,250	27,250	47,250
Receivables	C1-4	5,799	4,175	3,461
Contract assets and contract cost assets	C1-5	175	612	539
Other	C1-9	1,025	756	680
Total current assets		36,447	53,344	62,711
Non-current assets				
Investments	C1-2	16,146	101	-
Infrastructure, property, plant and equipment (IPPE)	C1-6	543,469	497,554	480,818
Investment property	C1-7	4,975	4,700	4,340
Intangible assets	C1-8	295	379	330
Right of use assets	C2-1	860	1,078	1,296
Investments accounted for using the equity method	D1-1,D2-3	-	-	15
Total non-current assets		565,745	503,812	486,799
Total assets		602,192	557,156	549,510
LIABILITIES				
Current liabilities				
Payables	C3-1	8,753	10,464	11,069
Contract liabilities	C3-2	7,287	2,415	3,671
Lease liabilities	C2-1	214	212	206
Borrowings	C3-3	727	684	721
Employee benefit provisions	C3-4	5,665	7,215	6,976
Total current liabilities		22,646	20,990	22,643
Non-current liabilities				
Lease liabilities	C2-1	681	895	1,107
Borrowings	C3-3	5,076	4,802	5,487
Employee benefit provisions	C3-4	142	186	179
Total non-current liabilities		5,899	5,883	6,773
Total liabilities		28,545	26,873	29,416
Net assets		573,647	530,283	520,094
EQUITY				
Accumulated surplus	C4-1	244,603	244,829	242,354
IPPE revaluation reserve	C4-1	329,044	285,454	277,740
Council equity interest		573,647	530,283	520,094
Total equity		573,647	530,283	520,094

The above Statement of Financial Position should be read in conjunction with the accompanying notes.

Burwood Council | Statement of Changes in Equity | for the year ended 30 June 2022

Burwood Council

Statement of Changes in Equity

for the year ended 30 June 2022

	2022		2021	
	Accumulated surplus	IPPE revaluation reserve	Accumulated surplus	IPPE revaluation reserve
	Restated	Restated	Restated	Restated
Opening balance at 1 July	244,829	285,454	250,563	277,740
Correction of prior period errors	—	—	(8,209)	—
Restated opening balance	244,829	285,454	242,354	277,740
Net operating result for the year	(226)	—	2,259	—
Correction of prior period errors	—	—	216	—
Restated net operating result for the period	(226)	—	2,475	—
Other comprehensive income				
Gain (loss) on revaluation of infrastructure, property, plant and equipment	—	43,590	—	7,714
Other comprehensive income	—	43,590	—	7,714
Total comprehensive income	(226)	43,590	2,475	7,714
Closing balance at 30 June	244,603	329,044	244,829	285,454
				530,283

\$ '000

Notes

G4-1

G4-1

C1-6

The above Statement of Changes in Equity should be read in conjunction with the accompanying notes.

ITEM NUMBER 115/22 - ATTACHMENT 1

Annual Financial Statements year ended 30 June 2022

Burwood Council | Statement of Cash Flows | for the year ended 30 June 2022

Burwood Council

Statement of Cash Flows

for the year ended 30 June 2022

Original unaudited budget 2022	\$ '000	Notes	Actual 2022	Restated Actual 2021
Cash flows from operating activities				
<i>Receipts:</i>				
33,694	Rates and annual charges		33,604	32,180
8,578	User charges and fees		6,219	8,563
640	Interest received		486	678
8,931	Grants and contributions		13,641	9,167
1,500	Bonds, deposits and retentions received		1,025	1,282
7,160	Other		9,262	9,602
<i>Payments:</i>				
(22,874)	Payments to employees		(21,412)	(21,332)
(22,753)	Payments for materials and services		(26,946)	(26,853)
(3,410)	Borrowing costs		(315)	(344)
(1,000)	Bonds, deposits and retentions refunded		(978)	(808)
(1,750)	Other		(1,060)	(1,815)
8,716	Net cash flows from operating activities	G1-1	13,526	10,320
Cash flows from investing activities				
<i>Receipts:</i>				
25,000	Sale of investments		25,000	43,000
550	Proceeds from sale of IPPE		411	200
<i>Payments:</i>				
(25,000)	Purchase of investments		(25,000)	(23,000)
-	Acquisition of term deposits		(3,000)	-
(11,905)	Payments for IPPE		(16,307)	(19,627)
-	Purchase of intangible assets		(88)	(195)
(11,355)	Net cash flows from investing activities		(18,984)	378
Cash flows from financing activities				
<i>Receipts:</i>				
1,000	Proceeds from borrowings		1,000	-
<i>Payments:</i>				
(726)	Repayment of borrowings		(683)	(722)
(206)	Principal component of lease payments		(212)	(206)
68	Net cash flows from financing activities		105	(928)
(2,571)	Net change in cash and cash equivalents		(5,353)	9,770
22,000	Cash and cash equivalents at beginning of year		20,551	10,781
19,429	Cash and cash equivalents at end of year	C1-1	15,198	20,551
25,998	plus: Investments on hand at end of year	C1-2	30,396	27,351
45,427	Total cash, cash equivalents and investments		45,594	47,902

The above Statement of Cash Flows should be read in conjunction with the accompanying notes.

Burwood Council

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Burwood Council

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A About Council and these financial statements

A1-1 Basis of preparation

These financial statements were authorised for issue by Council on 18 October 2022. Council has the power to amend and reissue these financial statements in cases where critical information is received from public submissions or where the OLG directs Council to amend the financial statements.

The principal accounting policies adopted in the preparation of these financial statements are set out below.

These policies have been consistently applied to all the years presented, unless otherwise stated.

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards and Australian Accounting Interpretations, the *Local Government Act 1993 (Act)* and *Local Government (General) Regulation 2005 (Regulation)*, and the Local Government Code of Accounting Practice and Financial Reporting.

Council is a not-for-profit entity.

The financial statements are presented in Australian dollars and are rounded to the nearest thousand dollars.

Historical cost convention

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

Significant accounting estimates and judgements

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

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

Critical accounting estimates and assumptions

Council makes estimates and assumptions concerning the future.

The resulting accounting estimates will, by definition, seldom equal the related actual results.

The estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year include:

- (i) estimated fair values of investment properties – refer Note C1-8
- (ii) estimated fair values of infrastructure, property, plant and equipment – refer Note C1-7
- (iii) employee benefit provisions – refer Note C3-4.

Covid 19 Impacts

Covid 19 has caused a disruption to council's business practices with a majority of staff working remotely from home or at other council facilities away from the main administration building. Whilst this has caused some inconvenience it has not resulted in significant additional cost. Some costs have been incurred for additional equipment and staff salaries for employees required to isolate.

Council has provided some rent relief to lessees and to businesses to compensate for lost income due to the compulsory lockdown and some additional costs have been incurred in cleaning of council's facilities.

Rate collection is less than in previous year's due to Covid 19, other receivables have not been impacted as much. - refer Note C1-4.

Overall the financial impact has been better than originally expected and will be continually monitored in future years.

Council is of the view that physical non-current assets will not experience substantial declines in value due to Covid 19. Fair value of the majority of Council's non-current assets are determined by replacement costs where there is no anticipated material change in value due to Covid 19.

For assets where fair value is determined by market value Council has no evidence of material changes to these values.

A1-1 Basis of preparation (continued)

Significant judgements in applying the Council's accounting policies

(i) Impairment of receivables

Council has made a significant judgement about the impairment of a number of its receivables – refer Note C1-4.

Monies and other assets received by Council

The Consolidated Fund

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

Cash and other assets of the following entities have been included as part of the Consolidated Fund:

- General purpose operations

The Trust Fund

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

Trust monies and other assets subject to Council's control have been included in these reports.

A separate statement of monies held in the Trust Fund is available for inspection at the council office by any person free of charge.

Goods and Services Tax (GST)

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

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

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

Volunteer services

Council does not have a material dependence on volunteer services, however the use of volunteer services is to provide opportunities for residents to experience different areas of the workforce, gain recognisable work experience, and allow them to identify and work towards future career goals. This also benefits Council as we are able to harness the skill sets of our local community without any expectation of paid employment.

New accounting standards and interpretations issued but not yet effective

Certain new accounting standards and interpretations (ie pronouncements) have been published that are not mandatory for 30 June 2022 reporting periods.

Council has elected not to apply any of these pronouncements in these financial statements before their operative dates.

As at the date of authorisation of these financial statements, Council does not consider that any of those standards are likely to have a material impact on the Council's future financial statements, financial position, financial performance or cash flows.

New accounting standards adopted during the year

During the year, Council adopted all accounting standards and interpretations (as issued by the Australian Accounting Standards Board) which were mandatorily effective from 1 July 2021.

None of these had a significant impact on reported position or performance.

B Financial Performance
B1 Functions or activities
B1-1 Functions or activities – income, expenses and assets

Income, expenses and assets have been directly attributed to the following functions or activities. Details of those functions or activities are provided in Note B1-2.

	Income		Expenses		Operating result		Grants and contributions		Carrying amount of assets	
	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021
\$ '000						Restated				Restated
Functions or activities										
Community Lifestyle	2,164	1,879	9,103	8,834	(6,939)	(6,955)	676	355	56,928	46,801
Leadership Innovation	2,888	2,312	17,401	16,939	(14,513)	(14,627)	790	313	154,597	160,332
Healthy Sustainable Environment	10,043	9,949	13,983	13,398	(3,940)	(3,449)	1,849	2,320	135,221	111,363
Planning Infrastructure	12,132	16,862	14,940	15,908	(2,808)	954	3,835	6,654	254,758	237,229
Vibrant City Villages	10	64	1,113	1,033	(1,103)	(969)	–	–	688	1,431
General purpose income	29,077	27,521	–	–	29,077	27,521	1,181	886	–	–
Total functions and activities	56,314	58,587	56,540	56,112	(226)	2,475	8,331	10,528	602,192	557,156

B1-2 Components of functions or activities

Details relating to the Council's functions or activities as reported in B1-1 are as follows:

Community and Lifestyle

The theme 'community and lifestyle' relates to supporting the community to create a feeling of belonging, inclusiveness and wellbeing amongst Burwood's diverse population. Community and lifestyle is about people being proud of where they live, feeling safe and engaged in the community and having access to facilities and services that ensure they can lead a healthy and satisfying lifestyle.

Leadership Innovation

This theme relates to the leadership not only of our elected representatives but also leaders in our business, volunteer, spiritual and environmental community. It is about encouraging greater participation and engagement in decision making processes and involving people in local activities and programs. Leadership through innovation is also about thinking outside the square to resolve some of the challenges facing our community as we strive to be a leading community in economic prosperity, environmental sustainability and social responsibility. We strive for community leadership that fosters our community values and celebrates our culture, diversity and heritage.

Healthy and Sustainable Environment

This theme is focused on maintaining and ensuring we live in a healthy, safe and sustainable natural environment. This theme aims to protect our natural resources and assets including parks, trees, open green spaces and also ensure that our impact on the environment is reduced so that we continue to live in a clean and sustainable environment. The community, Council and other governments all have a role to play in protecting our environment and taking responsibility for preserving our natural resources for future generations.

Planning and Infrastructure

This theme relates to the services and infrastructure that supports our community including roads, public transport, health facilities and education providers. It also encompasses our strategic planning to ensure we can accommodate our growing population. This theme aims to improve the quality and equitable access to services in our community and also to enhance the visual appearance of our neighbourhoods, streetscapes and town centre. Transport plays a major role in keeping our community physically connected to work, recreational spaces and services. Being able to move around easily plays a key role in the liveability and sustainability of our area.

Vibrant City and Villages

This theme relates to harnessing Burwood's strategic status and supporting the businesses and services that contribute to the wider Burwood economy. Burwood is characterised by a vibrant CBD and several business and shopping precincts. This theme aims to ensure an economically sustainable and prosperous future in Burwood with a strong network of services that support existing businesses and institutions, and attract new and diverse organisations. It also aims to stimulate the local economy and activate our surrounding villages to foster a sense of pride and enhance our local identity.

Other - Share of gains /losses in Joint Ventures (using equity method)

Council is a member of Mutual Management Services Ltd which is a company limited by guarantee and was created to provide services to the three CivicRisk self-insurance pools CivicRisk West (Westpool), CivicRisk (Metropool) and CivicRisk (United Independent Pools) to self insure for various risks, including public liability and professional indemnity.

General purpose income

General purpose income is that income not attributed to directly to Council's Activities or Functions. Income includes Rates & Annual Charges, Untied General Purpose Grants and Interest on Investments.

B2 Sources of income**B2-1 Rates and annual charges**

\$ '000	2022	2021
Ordinary rates		
Residential	20,580	19,438
Business	6,694	6,446
Less: pensioner rebates (mandatory)	(135)	(138)
Less: pensioner rebates (Council policy)	(243)	(208)
Rates levied to ratepayers	26,896	25,538
Pensioner rate subsidies received	165	169
Total ordinary rates	27,061	25,707
Annual charges		
<small>(pursuant to s.496, s.496A, s.496B, s.501 & s.611)</small>		
Domestic waste management services	6,687	6,393
Stormwater management services	297	294
Section 611 charges	33	47
Less: pensioner rebates (mandatory)	(39)	(41)
Less: pensioner rebates (Council policy)	(48)	(50)
Annual charges levied	6,930	6,643
Pensioner subsidies received:		
– Domestic waste management	48	50
Total annual charges	6,978	6,693
Total rates and annual charges	34,039	32,400

Council has used 2019 year valuations provided by the NSW Valuer General in calculating its rates.

Accounting policy

Rates and annual charges are recognised as revenue when the Council obtains control over the assets comprising these receipts.

Pensioner rebates relate to reductions in rates and certain annual charges for eligible pensioners' place of residence in the local government council area that are not subsidised by the NSW Government.

Pensioner rate subsidies are received from the NSW Government to provide a contribution towards the pensioner rebates and are recognised within the underlying revenue item based on their substance.

B2-2 User charges and fees

\$ '000	Timing	2022	2021
Specific user charges			
(per s.502 - specific 'actual use' charges)			
Other user charges and fees			
(i) Fees and charges – statutory and regulatory functions (per s.608)			
Private works – section 67	2	160	523
Section 10.7 certificates (EP&A Act)	2	98	89
Section 603 certificates	2	65	50
Other	2	2	5
Developer fees	2	400	897
Engineering and administration	2	1,216	1,508
Licence and inspection fees	2	259	214
Licence fees – outdoor eating	2	3	63
Total fees and charges – statutory/regulatory		2,203	3,349
(ii) Fees and charges – other (incl. general user charges (per s.608))			
Community centres	2	119	95
Leaseback fees – Council vehicles	2	187	209
Park rents	2	72	50
Car parking meters	2	1,549	1,927
Car parking station	2	761	925
Street furniture advertising income	2	1,019	923
Swimming centre and gym fees	2	829	714
Other	2	67	53
Total fees and charges – other		4,603	4,896
Total other user charges and fees		6,806	8,245
Total user charges and fees		6,806	8,245
Timing of revenue recognition for user charges and fees			
User charges and fees recognised over time (1)		–	–
User charges and fees recognised at a point in time (2)		6,806	8,245
Total user charges and fees		6,806	8,245

Accounting policy

Revenue arising from user charges and fees is recognised when or as the performance obligation is completed and the customer receives the benefit of the goods / services being provided.

The performance obligation relates to the specific services which are provided to the customers and generally the payment terms are within 30 days of the provision of the service or in some cases such as caravan parks, the customer is required to pay on arrival. There is no material obligation for Council in relation to refunds or returns.

Licences granted by Council are all either short-term or low value and all revenue from licences is recognised at the time that the licence is granted rather than the term of the licence.

B2-3 Other revenues

\$ '000	Timing	2022	2021
Fines	2	179	180
Fines – parking	2	3,125	3,790
Legal fees recovery – rates and charges (extra charges)	2	–	2
Legal fees recovery – other	2	673	150
Diesel rebate	1	9	11
Insurance claims recoveries	1	5	4
Sale of abandoned vehicles	2	4	15
Sales – general	2	22	25
Animal control fees	1	17	13
OHS incentive rebate	1	–	68
Recycling (domestic waste)	2	46	–
Trolley Impounding Fees	2	583	742
Other	2	86	55
Sales – library	2	9	1
Urban growth reimbursement	2	–	4
Workers compensation recovery	2	179	62
Total other revenue		4,937	5,122

Timing of revenue recognition for other revenue

Other revenue recognised over time (1)	31	93
Other revenue recognised at a point in time (2)	4,906	5,029
Total other revenue	4,937	5,122

Accounting policy for other revenue

Council recognises revenue when the amount of revenue can be reliably measured, it is probable that future economic benefits will flow to the Council and specific criteria have been met for each of the Council's activities as described below. Council bases its estimates on historical results, taking into consideration the type of customer, the type of transaction and the specifics of each arrangement.

Statutory fees and fines are recognised as revenue when the service has been provided, or when the penalty has been applied, whichever occurs first.

Miscellaneous sales are recognised when physical possession has transferred to the customer which is deemed to be the point of transfer of risks and rewards.

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

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Burwood Council | Notes to the Financial Statements 30 June 2022

B2-4 Grants and contributions

\$ '000	Timing	Operating 2022	Operating 2021	Capital 2022	Capital 2021
General purpose grants and non-developer contributions (untied)					
General purpose (untied)					
Current year allocation					
Financial assistance – general component	2	466	428	-	-
Financial assistance – local roads component	2	141	138	-	-
Payment in advance - future year allocation					
Financial assistance – general component	2	715	458	-	-
Financial assistance – local roads component	2	219	149	-	-
Amount recognised as income during current year		1,541	1,173	-	-
Special purpose grants and non-developer contributions (tied)					
Cash contributions					
Environmental programs	1	240	67	-	-
Library – per capita	2	108	104	-	-
Library – special projects	1	1	3	10	86
LIRS subsidy	2	8	17	-	-
Recreation and culture	1	144	-	2,262	2,164
Community services	2	82	83	-	-
Family leave subsidy	2	48	14	-	-
Street lighting	2	80	80	-	-
Other	2	785	28	-	-
Traffic route subsidy	2	19	18	-	-
Transport (roads to recovery)	2	-	-	162	338
Transport (other roads and bridges funding)	2	315	153	535	1,384
Other specific grants	2	84	110	174	-
Previously contributions:					
Community services	2	18	15	-	-
Kerb and gutter	1	217	636	788	613
Roads and bridges	2	-	22	-	-
Transport for NSW contributions (regional roads, block grant)	2	105	105	-	-
Other contributions	2	75	85	-	-
LSL transfer between councils	2	109	47	-	-
Total special purpose grants and non-developer contributions – cash		2,438	1,587	3,931	4,585
Total special purpose grants and non-developer contributions (tied)		2,438	1,587	3,931	4,585
Total grants and non-developer contributions		3,979	2,760	3,931	4,585
Comprising:					
– Commonwealth funding		144	18	165	846
– State funding		3,489	2,012	2,980	3,126
– Other funding		346	730	786	613
		3,979	2,760	3,931	4,585

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B2-4 Grants and contributions (continued)

Developer contributions

\$ '000	Notes	Timing	Operating 2022	Operating 2021	Capital 2022	Capital 2021
Developer contributions: (s7.4 & s7.11 - EP&A Act, s64 of the LGA):	G5					
Cash contributions						
S 7.4 – contributions using planning agreements		2	-	-	94	2,181
S 7.11 – contributions towards amenities/services		2	-	-	327	1,002
Total developer contributions – cash			-	-	421	3,183
Total developer contributions			-	-	421	3,183
Total contributions			-	-	421	3,183
Total grants and contributions			3,979	2,760	4,352	7,768
Timing of revenue recognition for grants and contributions						
Grants and contributions recognised over time (1)			-	-	-	-
Grants and contributions recognised at a point in time (2)			3,979	2,760	4,352	7,768
Total grants and contributions			3,979	2,760	4,352	7,768

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B2-4 Grants and contributions (continued)

Unspent grants and contributions

Certain grants and contributions are obtained by Council on the condition they be spent in a specified manner or in a future period but which are not yet spent in accordance with those conditions are as follows:

\$ '000	Operating 2022	Operating 2021	Capital 2022	Capital 2021
Unspent grants and contributions				
Unspent funds at 1 July	18	27	-	-
Add: Funds recognised as revenue in the reporting year but not yet spent in accordance with the conditions	11	-	-	-
Add: Funds received and not recognised as revenue in the current year	-	1	-	-
Less: Funds recognised as revenue in previous years that have been spent during the reporting year	-	-	-	-
Less: operating grants received in a previous reporting period now transferred to a liability account	-	-	-	-
Less: Funds received in prior year but revenue recognised and funds spent in current year	(6)	(10)	-	-
Unspent funds at 30 June	23	18	-	-
Contributions				
Unspent funds at 1 July	-	-	11,179	17,267
Add: contributions recognised as revenue in the reporting year but not yet spent in accordance with the conditions	-	-	507	3,289
Less: contributions recognised as revenue in previous years that have been spent during the reporting year	-	-	(2,970)	(9,377)
Unspent contributions at 30 June	-	-	8,716	11,179

Accounting policy

Grant income under AASB 15

Where grant income arises from an agreement which is enforceable and contains sufficiently specific performance obligations then the revenue are recognised when control of each performance obligations are satisfied.

Payment terms vary depending on the terms of the grant, cash is received upfront for some grants and on the achievement of certain payment milestones for others.

Each performance obligation is considered to ensure that the revenue recognition reflects the transfer of control and within grant agreements there may be some performance obligations where control transfers at a point in time and others which have continuous transfer of control over the life of the contract.

Where control is transferred over time, generally the input methods being either costs or time incurred are deemed to be the most appropriate methods to reflect the transfer of benefit.

Grant income Under AASB 1058

Assets arising from grants in the scope of AASB 1058 is recognised at the assets fair value when the asset is received. Council considers whether there are any related liability or equity items associated with the asset which are recognised in accordance with the relevant accounting standard.

Once the assets and liabilities have been recognised then income is recognised for any remaining asset value at the time that the asset is received.

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B2-4 Grants and contributions (continued)

Capital grants

Capital grants received by Council under an enforceable contract for the acquisition or construction of infrastructure, property, plant and equipment to identified specifications which will be under Council's control on completion are recognised as revenue as and when the obligation to construct or purchase is completed.

For construction projects, this is generally as the construction progresses in accordance with costs incurred since this is deemed to be the most appropriate measure of the completeness of the construction project.

For acquisitions of assets, the revenue is recognised when the asset is acquired and controlled by the Council.

Developer contributions

Council has obligations to provide facilities from contribution revenues levied on developers under the provisions of sections 7.4, 7.11 and 7.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

While Council generally incorporates these amounts as part of a Development Consents Order, such developer contributions are only recognised as income upon receipt by Council, due to the possibility that individual development consents may not be acted upon by the applicant and, accordingly, would not be payable to Council.

Developer contributions may only be expended for the purposes for which the contributions were required, but Council may apply contributions according to the priorities established in work schedules for the contribution plan.

Other grants and contributions

Assets, including cash, received from other grants and contributions are recognised at fair value when the asset is received. Council considers whether there are any related liability or equity items associated with the asset which are recognised in accordance with the relevant accounting standard.

Once the assets and liabilities have been recognised then income is recognised for any remaining asset value at the time that the asset is received.

B2-5 Interest and investment income

\$ '000	2022	2021
Interest on financial assets measured at amortised cost		
– Overdue rates and annual charges (incl. special purpose rates)	94	49
– Cash and investments	412	500
Total interest and investment income (losses)	506	549
Interest and investment income is attributable to:		
Unrestricted investments/financial assets:		
Overdue rates and annual charges (general fund)	94	49
General Council cash and investments	401	470
Restricted investments/funds – external:		
Development contributions		
– Section 7.11 and Section 7.12	11	30
Total interest and investment income	506	549

Accounting policy

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

Dividends are recognised as income in profit or loss unless the dividend clearly represents a recovery of part of the cost of the investment.

B2-6 Other income

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B2-6 Other income (continued)

\$ '000	Notes	2022	2021
Fair value increment on investment properties			
Fair value increment on investment properties		<u>275</u>	360
Total fair value increment on investment properties	C1-7	<u>275</u>	<u>360</u>
Fair value increment on investments			
Fair value increment on investments through profit and loss		<u>45</u>	86
Total Fair value increment on investments		<u>45</u>	<u>86</u>
Rental income			
Investment properties			
Lease income relating to variable lease payments not dependent on an index or a rate		<u>337</u>	320
Total Investment properties		<u>337</u>	<u>320</u>
Other lease income			
Other		<u>1,038</u>	977
Total other lease income		<u>1,038</u>	<u>977</u>
Total rental income	C2-2	<u>1,375</u>	<u>1,297</u>
Total other income		<u>1,695</u>	<u>1,743</u>

B3 Costs of providing services**B3-1 Employee benefits and on-costs**

\$ '000	2022	2021
Salaries and wages	14,278	15,527
Employee termination costs (where material – other than vested leave paid)	976	59
Employee leave entitlements (ELE)	2,037	2,403
Superannuation	1,821	1,821
Workers' compensation insurance	702	565
Fringe benefit tax (FBT)	130	229
Other	50	14
Total employee costs	19,994	20,618
Less: capitalised costs	(178)	(242)
Total employee costs expensed	19,816	20,376

Accounting policy

Employee benefit expenses are recorded when the service has been provided by the employee.

Retirement benefit obligations

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

Superannuation plans

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

Council participates in a defined benefit plan under the Local Government Superannuation Scheme, however, sufficient information to account for the plan as a defined benefit is not available and therefore Council accounts for its obligations to defined benefit plans on the same basis as its obligations to defined contribution plans, i.e. as an expense when it becomes payable – refer to Note E3-1 for more information.

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Burwood Council | Notes to the Financial Statements 30 June 2022

B3-2 Materials and services

\$ '000	Notes	2022	2021
Raw materials and consumables		1,580	1,794
Contractor and consultancy costs			
– Agency staff		2,214	2,137
– Domestic waste		1,786	1,554
– General		5,589	4,502
– Recycling		494	505
– SDR processing		518	550
– Planning and development		555	513
– Other contractor and consultancy costs		603	899
Audit Fees	F2-1	155	122
Councillor and Mayoral fees and associated expenses	F1-2	275	316
Advertising		358	182
Bank charges		184	206
Electricity and heating		547	501
Insurance		687	606
Postage		119	92
Printing and stationery		279	224
Street lighting		503	500
Subscriptions and publications		300	202
Telephone and communications		81	85
Computing		1,505	1,334
Contributions/levies to other levels of government			
Other expenses		45	55
Rental		83	81
Strata levy		135	150
Subscriptions LGA and SSROC		147	142
Training Costs		51	83
Valuation fees – council properties		3	7
Valuation fees – rates land values		48	47
Waste disposal fees		3,828	3,637
Water and sewerage charges		160	127
Expenses from short-term leases		11	15
Legal expenses:			
– Legal expenses: planning and development		328	186
– Legal expenses: debt recovery		1	7
– Legal expenses: other		601	910
Total materials and services		23,773	22,271
Total materials and services		23,773	22,271

Accounting policy

Expenses are recorded on an accruals basis as the Council receives the goods or services.

B3-3 Borrowing costs

\$ '000	2022	2021
(i) Interest bearing liability costs		
Interest on leases	27	33
Interest on loans	287	311
Total interest bearing liability costs	314	344
Total borrowing costs expensed	314	344

Accounting policy

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

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Burwood Council | Notes to the Financial Statements 30 June 2022

B3-4 Depreciation and amortisation of intangible assets and IPP&E

\$ '000	Notes	2022	2021 Restated
Depreciation and amortisation			
Plant and equipment		911	1,013
Office equipment		394	367
Furniture and fittings		955	914
Land improvements (depreciable)		75	72
Infrastructure:			
– Buildings – non-specialised	C1-6	105	95
– Buildings – specialised		2,258	1,983
– Other structures		120	118
– Roads		2,440	2,426
– Footpaths		950	928
– Other road assets		330	252
– Stormwater drainage		723	712
– Swimming pools		162	128
– Other open space/recreational assets		481	417
Right of use assets	C2-1	218	218
Other assets:			
– Library books		137	136
– Other		104	93
Intangible assets	C1-8	172	146
Total gross depreciation and amortisation costs		10,535	10,018
Total depreciation and amortisation costs		10,535	10,018
TOTAL DEPRECIATION AND AMORTISATION FOR INTANGIBLES AND IPP&E		10,535	10,018

Accounting policy

Depreciation and amortisation

Depreciation and amortisation are calculated using the straight line method to allocate their cost, net of their residual values, over their estimated useful lives. Useful lives are included in Note C1-7 for IPPE assets.

Impairment of non-financial assets

Council assets held at fair value that are not held primarily for their ability to generate net cash flow, and that are deemed to be specialised, are not tested for impairment since these assets are assessed on an annual basis to ensure that the carrying amount is not materially different from fair value and therefore an impairment loss would be captured during this assessment.

Intangible assets not yet available for use, are tested annually for impairment, or more frequently if events or changes in circumstances indicate that they might be impaired.

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

For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash inflows that are largely independent of the cash inflows from other assets or groups of assets (cash-generating units).

Impairment losses for revalued assets are firstly offset against the amount in the revaluation surplus for the class of asset, with only the excess to be recognised in the Income Statement.

B3-5 Other expenses

\$ '000	Notes	2022	2021
Impairment of receivables			
Other		90	37
Total impairment of receivables	C1-4	90	37
Other			
– Department of planning levy		80	79
– Emergency services levy (includes FRNSW, SES, and RFS levies)		59	77
– NSW fire brigade levy		707	748
Donations, contributions and assistance to other organisations (Section 356)		85	476
Total other		931	1,380
Total other expenses		1,021	1,417

Accounting policy

Other expenses are recorded on an accruals basis when Council has an obligation for the expenses. Impairment expenses are recognised when identified.

In 2020-21 Council provided a \$30 Covid Rebate on all Residential properties under Section 356 of the Local Government Act. This amount totalling \$411,600 appears in the above Donations, contributions and assistance to other organisations (s356). This Covid Rebate did not occur in 2021-22.

B4 Gains or losses**B4-1 Gain or loss from the disposal, replacement and de-recognition of assets**

\$ '000	Notes	2022	2021
Gain (or loss) on disposal of plant and equipment	C1-6		
Proceeds from disposal – plant and equipment		408	198
Less: carrying amount of plant and equipment assets sold/written off		<u>(127)</u>	<u>(107)</u>
Gain (or loss) on disposal		<u>281</u>	<u>91</u>
Gain (or loss) on disposal of infrastructure	C1-6		
Less: carrying amount of infrastructure assets sold/written off		<u>(1,359)</u>	<u>(1,779)</u>
Gain (or loss) on disposal		<u>(1,359)</u>	<u>(1,779)</u>
Gain (or loss) on disposal of office equipment			
Proceeds from disposal – office equipment		3	2
Less: carrying amount of office equipment assets sold/written off		<u>(6)</u>	<u>–</u>
Gain (or loss) on disposal		<u>(3)</u>	<u>2</u>
Net gain (or loss) from disposal of assets		<u>(1,081)</u>	<u>(1,686)</u>

Accounting policy

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

The gain or loss on sale of an asset is determined when control of the asset has irrevocably passed to the buyer and the asset is de-recognised.

B5 Performance against budget

B5-1 Material budget variations

Council's original budget was adopted by the Council on 29/06/2021 and is not required to be audited. The original projections on which the budget was based have been affected by a number of factors. These include state and federal government decisions, including new grant programs, changing economic activity, environmental factors, and by decisions made by Council.

While these General Purpose Financial Statements include the original budget adopted by Council, the Act requires Council to review its financial budget on a quarterly basis, so it is able to manage the variation between actuals and budget that invariably occur during the year.

Material variations of more than 10% between original budget and actual results or where the variance is considered material by nature are explained below.

Variation Key: **F** = Favourable budget variation, **U** = Unfavourable budget variation.

\$ '000	2022 Budget	2022 Actual	2022 ----- Variance -----	
Revenues				
Rates and annual charges	33,687	34,039	352	1% F
User charges and fees	9,944	6,806	(3,138)	(32)% U
The variance is attributed to the effects Covid 19 has had on Council's income streams in relation to Developer and Construction fees, closure of the Enfield Aquatic Centre and Car Parking revenue streams.				
Other revenues	4,879	4,937	58	1% F
Operating grants and contributions	2,599	3,979	1,380	53% F
A favourable outcome due to State Government funding of projects (Festival of Place Opens Streets, Covid19 Pandemic Support Funding, Faster Regional Significant Development and Planning Portal) which were not originally budgeted.				
Capital grants and contributions	5,780	4,352	(1,428)	(25)% U
The variance between actual and budget can be attributed to the down turn in the economy due to Covid 19, resulting in fewer Section 7.11 and Section 7.12 contributions being received from developers however Council did receive additional grant funding for capital works projects.				
Interest and investment revenue	650	506	(144)	(22)% U
The continued low interest rates throughout the year resulted in less than anticipated interest returns.				
Other income	2,347	1,695	(652)	(28)% U
The variance is attributed to the impact Covid 19 has had on Council's rental properties whereby Council provided rental assistance to our tenants and the inability to lease out a number of Council properties.				

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Burwood Council | Notes to the Financial Statements 30 June 2022

B5-1 Material budget variations (continued)

\$ '000	2022 Budget	2022 Actual	2022 ----- Variance -----	
Expenses				
Employee benefits and on-costs	22,922	19,816	3,106	14% F
The variance is attributed to a number of positions within the organisation being vacant and not replaced throughout the year awaiting Council's organisational restructure outcome.				
Materials and services	23,825	23,773	52	0% F
Borrowing costs	340	314	26	8% F
Depreciation, amortisation and impairment of non-financial assets	9,563	10,535	(972)	(10)% U
Depreciation costs were over budget to forecast mainly due to the full impact of new assets coming on line and the continued renewal of council's infrastructure assets programme.				
Other expenses	1,042	1,021	21	2% F
Net losses from disposal of assets	-	1,081	(1,081)	∞ U
Council writes off infrastructure assets as part of it's renewal programme replacing the written down value of the assets with the current replacement costs of the renewal.				

Statement of cash flows

Cash flows from operating activities	8,716	13,526	4,810	55% F
The variance between actual and budget was attributed to the effects of Covid 19 had on Council's income streams, Council's organisational restructure, increase in depreciation costs associated with new assets coming on line and the write off of infrastructure assets through the capital works replacement programme.				
Cash flows from investing activities	(11,355)	(18,984)	(7,629)	67% U
The variance between actual and budget was attributed to the carryover of Capital Works projects from 2020-21 to 2021-22 financial year along with additional grant funded capital projects.				
Cash flows from financing activities	68	105	37	54% F
The variance is attributed to the late take up of borrowings resulting in no principal or interest paid during the year associated with the loan.				

C Financial position**C1 Assets we manage****C1-1 Cash and cash equivalents**

\$ '000	2022	2021
Cash assets		
Cash on hand and at bank	4,819	1,650
Cash equivalent assets		
– Deposits at call	4,379	4,901
– Short-term deposits	6,000	14,000
Total cash and cash equivalents	15,198	20,551

Reconciliation of cash and cash equivalents

Total cash and cash equivalents per Statement of Financial Position	15,198	20,551
Balance as per the Statement of Cash Flows	15,198	20,551

Accounting policy

For Statement of Cash Flow presentation purposes, cash and cash equivalents include: cash on hand; deposits held at call with financial institutions; other short-term, highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value; and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities on the Statement of Financial Position.

C1-2 Financial investments

\$ '000	2022		2021	
	Current	Non-current	Current	Non-current
Financial assets at fair value through the profit and loss				
Long term deposits	8,000	3,000	8,000	–
NCD's, FRN's (with maturities > 3 months)	6,250	13,000	19,250	–
Other long term financial assets	–	146	–	101
Total	14,250	16,146	27,250	101
Total financial investments	14,250	16,146	27,250	101
Total cash assets, cash equivalents and investments	29,448	16,146	47,801	101

Accounting policy

Financial instruments are recognised initially on the date that the Council becomes party to the contractual provisions of the instrument.

On initial recognition, all financial instruments are measured at fair value plus transaction costs (except for instruments measured at fair value through profit or loss where transaction costs are expensed as incurred).

Financial assets

All recognised financial assets are subsequently measured in their entirety at either amortised cost or fair value, depending on the classification of the financial assets.

Classification

On initial recognition, Council classifies its financial assets into the following categories – those measured at:

- amortised cost
- fair value through profit and loss (FVTPL)
- fair value through other comprehensive income – equity instrument (FVOCI-equity)

Financial assets are not reclassified subsequent to their initial recognition.

Amortised cost

Council's financial assets measured at amortised cost comprise trade and other receivables, term deposits and cash and cash equivalents in the Statement of Financial Position. Term deposits with an initial term of more than 3 months are classified as investments rather than cash and cash equivalents.

Subsequent to initial recognition, these assets are carried at amortised cost using the effective interest rate method less provision for impairment.

Interest income, impairment and gains or loss on de-recognition are recognised in profit or loss.

Financial assets through profit or loss

All financial assets not classified as measured at amortised cost or fair value through other comprehensive income as described above are measured at fair value through profit or loss.

Net gains or losses, including any interest or dividend income, are recognised in profit or loss.

Council's financial assets measured at fair value through profit or loss comprise investments of interest in an insurance mutual "CivicRisk Mutual" (CRM) in the Statement of Financial Position.

Council's interest in its share of the surplus is calculated by CivicRisk Mutual Ltd's Actuary, and changes in fair value recognized, as an increase or decrease through its income statement at each reporting period. Fair value is calculated using the income approach whereby expected future cash flows are discounted to present value. Expected cash flows include investment income.

Prior to 1 July 2020 Council's interest in CRM was accounted for using the equity method due to the organisational structure and operational arrangements in place at that time Note D1-1 for further details.

ITEM NUMBER 115/22 - ATTACHMENT 1

Annual Financial Statements year ended 30 June 2022

Burwood Council | Notes to the Financial Statements 30 June 2022

C1-3 Restricted and allocated cash, cash equivalents and investments

\$ '000	2022	2021
(a) Externally restricted cash, cash equivalents and investments		
Total cash, cash equivalents and investments	45,594	47,902
Less: Externally restricted cash, cash equivalents and investments	<u>(12,736)</u>	<u>(14,077)</u>
Cash, cash equivalents and investments not subject to external restrictions	32,858	33,825

External restrictions

External restrictions – included in liabilities

External restrictions included in cash, cash equivalents and investments above comprise:

External restrictions – other

External restrictions included in cash, cash equivalents and investments above comprise:

Developer contributions – general	8,716	11,179
Specific purpose unexpended grants (recognised as revenue) – general fund	23	18
Stormwater management	275	27
Unexpended general purpose loans	2,000	1,000
Domestic waste management	<u>1,722</u>	<u>1,853</u>
External restrictions – other	12,736	14,077
Total external restrictions	12,736	14,077

Cash, cash equivalents and investments subject to external restrictions are those which are only available for specific use by Council due to a restriction placed by legislation or third-party contractual agreement.

\$ '000	2022	2021
(b) Internal allocations		
Cash, cash equivalents and investments not subject to external restrictions	32,858	33,825
Less: Internally restricted cash, cash equivalents and investments	<u>(31,732)</u>	<u>(31,821)</u>
Unrestricted and unallocated cash, cash equivalents and investments	1,126	2,004

Internal allocations

At 30 June, Council has internally allocated funds to the following:

Plant and vehicle replacement	2,091	2,060
Employees leave entitlement	1,189	1,516
Carry over works	1,270	2,496
Deposits, retentions and bonds	4,967	4,920
Park upgrade	770	934
Car park upgrades	–	574
Closed circuit television monitoring	193	193
Election	161	375
Enfield aquatic centre maintenance/upgrade	239	416
Financial assistance grant (in advance)	934	607
Future property investment	3,692	3,770
Information technology	835	760
Insurances	–	725
Local area traffic management	294	294
Organisational alignment	–	973
Parking meter replacement	466	366

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ITEM NUMBER 115/22 - ATTACHMENT 1

Annual Financial Statements year ended 30 June 2022

Burwood Council | Notes to the Financial Statements 30 June 2022

C1-3 Restricted and allocated cash, cash equivalents and investments (continued)

\$ '000	2022	2021
Property maintenance	1,222	1,711
Property sales	500	500
Local environmental plan	1,045	1,000
Technology enhancements	971	971
Operations centre upgrade	600	400
Work health and safety	429	429
Business continuity (operational reimbursement)	600	2,500
Woodstock community building upgrade	287	287
Town centre festive decorations	150	150
Contract Liabilities (AASB 15 / AASB 1058)	7,288	2,415
Infrastructure - SRV	1,114	33
Other	425	446
Total internal allocations	31,732	31,821

Cash, cash equivalents and investments not subject to external restrictions may be internally allocated by resolution or policy of the elected Council.

\$ '000	2022	2021
(c) Unrestricted and unallocated		
Unrestricted and unallocated cash, cash equivalents and investments	1,126	2,004

C1-4 Receivables

\$ '000	2022		2021	
	Current	Non-current	Current	Non-current
Rates and annual charges	1,891	–	1,430	–
Interest and extra charges	121	–	100	–
User charges and fees	1,608	–	629	–
Private works	55	–	55	–
Accrued revenues				
– Interest on investments	115	–	116	–
– Parking fine income	401	–	353	–
– Other income accruals	817	–	232	–
Government grants and subsidies	503	–	355	–
Net GST receivable	520	–	1,049	–
Other debtors - Active Kids	5	–	3	–
Other debtors	8	–	7	–
Total	6,044	–	4,329	–
Less: provision for impairment				
User charges and fees	(245)	–	(154)	–
Total provision for impairment – receivables	(245)	–	(154)	–
Total net receivables	5,799	–	4,175	–
Externally restricted receivables				
Domestic waste management	391	–	303	–
Stormwater management	19	–	15	–
Total external restrictions	410	–	318	–
Unrestricted receivables	5,389	–	3,857	–
Total net receivables	5,799	–	4,175	–

\$ '000	2022	2021
Movement in provision for impairment of receivables		
Balance at the beginning of the year (calculated in accordance with AASB 139)	154	173
+ new provisions recognised during the year	91	37
– amounts already provided for and written off this year	–	(56)
Balance at the end of the year	245	154

Accounting policy

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

Impairment

Impairment of financial assets measured at amortised cost is recognised on an expected credit loss (ECL) basis.

When determining whether the credit risk of a financial asset has increased significantly since initial recognition, and when estimating ECL, the Council considers reasonable and supportable information that is relevant and available without undue cost or effort. This includes both quantitative and qualitative information and analysis based on Council's historical experience and informed credit assessment, and including forward-looking information.

When considering the ECL for rates debtors, Council takes into account that unpaid rates represent a charge against the rateable property that will be recovered when the property is next sold. For non-rates debtors, Council uses the presumption that an asset which is more than 30 days past due has seen a significant increase in credit risk.

C1-4 Receivables (continued)

The Council uses the presentation that a financial asset is in default when:

- the other party is unlikely to pay its credit obligations to the Council in full, without recourse by the Council to actions such as realising security (if any is held) or
- the financial assets (for non-rates debtors) are more than 90 days past due.

Credit losses are measured as the present value of the difference between the cash flows due to the entity in accordance with the contract, and the cash flows expected to be received. This is applied using a probability weighted approach.

On initial recognition of the asset, an estimate of the expected credit losses for the next 12 months is recognised. Where the asset has experienced significant increase in credit risk then the lifetime losses are estimated and recognised.

Council uses the simplified approach for trade receivables where the expected lifetime credit losses are recognised on day 1.

There has been no change in the estimation techniques or significant assumptions made during the current reporting period.

The Council writes off a trade receivable when there is information indicating that the debtor is in severe financial difficulty and there is no realistic prospect of recovery, e.g. when the debtor has been placed under liquidation or has entered into bankruptcy proceedings.

None of the receivables that have been written off are subject to enforcement activity.

Where the Council renegotiates the terms of receivables due from certain customers, the new expected cash flows are discounted at the original effective interest rate and any resulting difference to the carrying value is recognised in profit or loss.

Rates and annual charges outstanding are secured against the property.

Covid 19

Council's rates have had a moderate increase in outstanding collections however they are secured against the property and are within the Local Government performance measures, Council's user charges collections have not been significantly impacted by the Covid 19 pandemic and are comparable to prior years, therefore no adjustment has been made to the impairment provision.

C1-5 Contract assets and Contract cost assets

\$ '000	2022		2021	
	Current	Non-current	Current	Non-current
Contract assets	175	–	612	–
Total contract assets and contract cost assets	175	–	612	–

Accounting policy**Contract assets**

Contract assets represent Council's right to payment in exchange for goods or services the Council has transferred to a customer when that right is conditional on something other than the passage of time.

Contract assets arise when the amounts billed to customers are based on the achievement of various milestones established in the contract and therefore the amounts recognised as revenue in a given period do not necessarily coincide with the amounts billed to or certified by the customer. Once an invoice or payment claim is raised or the relevant milestone is reached, Council recognises a receivable.

Impairment of contract assets is assessed using the simplified expected credit loss model where lifetime credit losses are recognised on initial recognition.

Contract cost asset – costs to fulfil a contract

Where costs are incurred to fulfil a contract and these costs are outside the scope of another accounting standard, they are capitalised as contract cost assets if the following criteria are met:

- the costs relate directly to a contract
- the costs generate or enhance resources of Council that will be used to satisfy performance obligations in the future and
- the costs are expected to be recovered.

The capitalised costs are recognised in the Income statement on a systematic basis consistent with the timing of revenue recognition.

Refer to B3-4 for the accounting policy for impairment of contract cost assets.

Annual Financial Statements year ended 30 June 2022

Burwood Council | Notes to the Financial Statements 30 June 2022

C1-6 Infrastructure, property, plant and equipment

By aggregated asset class	Asset movements during the reporting period										At 30 June 2022			
	At 1 July 2021	Additions				Disposals				Revaluation		Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount
\$ '000	Restated	Renewals ¹	New assets	Value of disposals	Depreciation expense	WIP transfers	Decrements to equity (ARR)	Increases to equity (ARR)	Revaluation increments to equity (ARR)	Revaluation decrements to equity (ARR)				
Capital work in progress	2,213	-	1,317	(53)	-	(1,895)	-	-	-	-	1,582	-	1,582	
Plant and equipment	11,131	1,015	35	(127)	(911)	-	-	-	-	-	11,526	(6,174)	5,352	
Office equipment	3,160	-	110	(5)	(394)	16	-	-	-	-	3,261	(1,805)	1,456	
Furniture and fittings	16,238	-	314	-	(955)	-	-	-	-	-	16,562	(4,517)	12,035	
Land:														
- Operational land	121,430	-	811	-	-	-	-	21,372	-	-	143,613	-	143,613	
- Community land	39,821	-	-	-	-	-	-	3,960	-	-	43,781	-	43,781	
Land improvements – non-depreciable	208	-	-	-	-	-	-	-	-	-	208	-	208	
Land improvements – depreciable	5,973	141	-	(71)	(75)	-	(780)	-	-	-	5,279	(1,452)	3,827	
Infrastructure:														
- Buildings – non-specialised	4,915	-	-	-	(105)	-	-	149	-	-	5,404	(3,756)	1,648	
- Buildings – specialised	113,129	513	198	-	(2,258)	-	-	9,538	-	-	125,166	(19,769)	105,397	
- Other structures	4,412	18	-	(31)	(120)	-	(323)	-	-	-	3,741	(737)	3,004	
- Roads	219,785	2,492	207	(314)	(2,440)	-	-	5,218	-	-	229,765	(112,212)	117,553	
- Footpaths	74,879	1,982	59	(481)	(950)	122	-	1,694	-	-	79,263	(41,133)	38,130	
- Other road assets (including bulk earthworks)	11,330	275	1,079	(1)	(330)	191	-	471	-	-	13,472	(2,885)	10,587	
- Stormwater drainage	82,892	15	574	(90)	(723)	1,044	-	1,525	-	-	88,164	(53,836)	34,328	
- Swimming pools	8,105	123	-	(111)	(162)	6	-	487	-	-	8,908	(3,525)	5,383	
- Other open space/recreational assets	13,417	722	1,787	(205)	(481)	516	-	279	-	-	16,479	(1,971)	14,508	
Other assets:														
- Library books	2,017	-	132	-	(137)	-	-	-	-	-	2,149	(1,769)	380	
- Other	913	-	41	-	(104)	-	-	-	-	-	954	(257)	697	
Total infrastructure, property, plant and equipment²	735,968	(238,414)	6,664	(1,489)	(10,145)	-	(1,103)	44,693	44,693	(1,103)	799,267	(255,798)	543,469	

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

(2) Infrastructure Assets (Roads, Footpaths and Drainage) includes disposal costs as part of the costs when valuing the assets.

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Annual Financial Statements year ended 30 June 2022

Burwood Council | Notes to the Financial Statements 30 June 2022

C1-6 Infrastructure, property, plant and equipment (continued)

By aggregated asset class	At 1 July 2020					Asset movements during the reporting period					At 30 June 2021	
	Gross carrying amount Restated	Accumulated depreciation and impairment Restated	Net carrying amount Restated	Additions renewals ¹	Additions new assets	Carrying value or disposals	Depreciation expense	WIP transfers	Revaluation increments to equity (ARR)	Gross carrying amount Restated	Accumulated depreciation and impairment Restated	Net carrying amount Restated
\$ '000												
Capital work in progress	923	-	923	-	2,201	(18)	-	(893)	-	2,213	-	2,213
Plant and equipment	9,943	(5,077)	4,866	-	1,603	(116)	(1,013)	-	-	11,131	(5,791)	5,340
Office equipment	2,662	(1,064)	1,598	470	28	-	(367)	-	-	3,160	(1,431)	1,729
Furniture and fittings	15,775	(2,649)	13,126	233	231	-	(914)	-	-	16,238	(3,562)	12,676
Land:												
- Operational land	121,430	-	121,430	-	-	-	-	-	-	121,430	-	121,430
- Community land	35,915	-	35,915	-	429	-	-	-	3,477	39,821	-	39,821
Land improvements - non-depreciable	-	-	-	-	208	-	-	-	-	208	-	208
Land improvements - depreciable	5,688	(1,317)	4,371	28	291	(6)	(72)	-	-	5,973	(1,361)	4,612
Infrastructure:												
- Buildings - non-specialised	4,174	(3,216)	958	-	741	-	(95)	-	-	4,915	(3,311)	1,604
- Buildings - specialised	108,584	(14,697)	93,887	2,040	1,872	(103)	(1,983)	882	811	113,129	(15,723)	97,406
- Other structures	3,979	(834)	3,145	-	433	-	(118)	-	-	4,412	(952)	3,460
- Roads	220,460	(106,489)	113,971	1,737	-	(892)	(2,426)	-	-	219,785	(107,395)	112,390
- Footpaths	73,163	(39,275)	33,888	3,023	368	(647)	(928)	-	-	74,879	(39,175)	35,704
- Other road assets (including bulk earthworks)	10,173	(2,132)	8,041	184	930	(75)	(252)	-	75	11,330	(2,427)	8,903
- Stormwater drainage	82,263	(50,270)	31,993	205	526	(29)	(712)	-	-	82,892	(50,909)	31,983
- Swimming pools	6,018	(2,937)	3,081	-	2,087	-	(128)	-	-	8,105	(3,065)	5,040
- Other open space/recreational assets	11,192	(2,690)	8,502	22	421	-	(417)	11	3,351	13,417	(1,527)	11,890
Other assets:												
- Library books	1,875	(1,496)	379	-	142	-	(136)	-	-	2,017	(1,632)	385
- Other	889	(145)	744	105	4	-	(93)	-	-	913	(153)	760
Total infrastructure, property, plant and equipment²	715,106	(234,288)	480,818	8,047	12,515	(1,886)	(9,654)	-	7,714	735,968	(238,414)	497,554

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

(2) Amounts were transferred from Other Assets to the Intangible Assets class (refer note 11). Recognition of software as Intangible Assets represents a change in accounting policy, effective 1 July 2018.

continued on next page ...

C1-6 Infrastructure, property, plant and equipment (continued)

Accounting policy

Infrastructure, property, plant and equipment are held at fair value. Independent valuations are performed at least every five years, however the carrying amount of assets is assessed at each reporting date to confirm that it is not materially different from current fair value.

Operational and Community Land were indexed based on Valuer General valuations as at 30 June 2021.

The Office of Local Government in the appendices to the Local Government Code of Accounting 2021/22 - Section 5 at "Appendix E Guidance for determining fair value of infrastructure, property, plant and equipment" draws councils attention to NSW Treasury guidance (TPP21-09) Valuation of Physical Non-Current Assets at Fair Value that states in years when no comprehensive revaluation is performed, an "interim management revaluation" should be undertaken when cumulative increases / decreases in indicators / indices are generally less than or equal to 10%. Based on management's assessment and guided by council's Asset Management Service provider (Assetic Pty Ltd) expertise applied Rawlinson's Australian Construction Handbook rates with the relevant indexation factors to the carrying amount. Council has adopted this guidance.

Increases in the carrying amounts arising on revaluation are credited to the asset revaluation reserve. To the extent that the increase reverses a decrease previously recognising profit or loss relating to that asset class, the increase is first recognised as profit or loss. Decreases that reverse previous increases of assets in the same class are first charged against revaluation reserves directly in equity to the extent of the remaining reserve attributable to the class; all other decreases are charged to the Income Statement.

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

Land is not depreciated. Depreciation on other assets is calculated using the straight line method to allocate their cost over their estimated useful lives as follows:

Plant and equipment	Years	Other equipment	Years
Office equipment	5 to 10	Playground equipment	15 to 25
Office furniture	5 to 20	Benches, seats etc.	10 to 20
Computer equipment	5		
Vehicles	5	Buildings	
Heavy plant/road making equipment	8 to 10	Buildings: masonry	50 to 100
Other plant and equipment	5 to 20	Buildings: other	20 to 40
Transportation assets		Other infrastructure assets	
Sealed roads: surface	20 to 30	Bulk earthworks	Infinite
Sealed roads: structure	Infinite	Swimming pools	60
Unsealed roads	20	Unsealed roads	20
Bridge: concrete	100	Other open space/recreational assets	15 to 80
Bridge: other	50	Other infrastructure	10 to 80
Road pavements	75 to 225	Stormwater assets	100 to 200
Kerb, gutter and footpaths	50 to 90		

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

Land under roads

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

Council has elected not to recognise land under roads acquired before 1 July 2008. Land under roads acquired after 1 July 2008 is recognised in accordance with the IPPE accounting policy.

C1-6 Infrastructure, property, plant and equipment (continued)

Crown reserves

Crown reserves under Council's care and control are recognised as assets of the council. While ownership of the reserves remains with the Crown, Council retains operational control of the reserves and is responsible for their maintenance and use in accordance with the specific purposes to which the reserves are dedicated.

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

Infrastructure, property, plant and equipment – current year impairments

Council has recognised no impairment losses during the reporting period nor reversed any prior period losses.

C1-7 Investment properties

\$ '000	2022	2021
Owned investment property		
Investment property on hand at fair value	4,975	4,700
Total owned investment property	4,975	4,700
Owned investment property		
At fair value		
Opening balance at 1 July	4,700	4,340
Net gain/(loss) from fair value adjustments	275	360
Closing balance at 30 June	4,975	4,700

Accounting policy

Investment property, principally comprising freehold office buildings, is held for long-term rental yields and is not occupied by the Council. Changes in fair values are recorded in the Income Statement as part of other income and other expenses.

C1-8 Intangible assets

Intangible assets are as follows:

\$ '000	2022	2021
Software		
Opening values at 1 July		
Gross book value	2,511	2,316
Accumulated amortisation	(2,132)	(1,986)
Net book value – opening balance	379	330
Movements for the year		
Other movements	(46)	46
Purchases	134	149
Amortisation charges	(172)	(146)
Closing values at 30 June		
Gross book value	2,600	2,511
Accumulated amortisation	(2,305)	(2,132)
Total software – net book value	295	379
Total intangible assets – net book value	295	379

Accounting policy

IT development and software

Software development costs include only those costs directly attributable to the development phase (including external direct costs of materials and services, direct payroll, and payroll-related costs of employees' time spent on the project) and are only recognised following completion of technical feasibility, and where the Council has an intention and ability to use the asset. Amortisation is calculated on a straight-line basis over periods generally ranging from three to five years.

C1-9 Other

Other assets

\$ '000	2022 Current	2022 Non-current	2021 Current	2021 Non-current
Prepayments	1,025	–	756	–
Total other assets	1,025	–	756	–

C2 Leasing activities

C2-1 Council as a lessee

Council has leases over a range of assets including land and buildings, vehicles, machinery and IT equipment. Information relating to the leases in place and associated balances and transactions is provided below.

Terms and conditions of leases

Vehicles

Council has entered into a Domestic Waste contract for the service of the collection of Residential waste throughout the Burwood Local Government area. As part of the Domestic Waste collection service, four (4) vehicles are leased with lease terms of seven (7) years; the lease payments are fixed during the lease term and there is generally no renewal option.

Office and IT equipment

Council leases office and IT equipment which are generally for low value assets, except for significant items such as photocopiers. Council currently leases a Folding Machine, the lease expires on 30 April 2023 with no renewal option, the payments are fixed.

(a) Right of use assets

\$ '000	Plant & Equipment	Office Equipment	Total
2022			
Opening balance at 1 July	1,072	6	1,078
Additions to right-of-use assets	–	–	–
Depreciation charge	(215)	(3)	(218)
Balance at 30 June	857	3	860
2021			
Opening balance at 1 July	1,286	10	1,296
Additions to right-of-use assets	–	–	–
Depreciation charge	(214)	(4)	(218)
Balance at 30 June	1,072	6	1,078

(b) Lease liabilities

\$ '000	2022 Current	2022 Non-current	2021 Current	2021 Non-current
Lease liabilities	214	681	212	895
Total lease liabilities	214	681	212	895

(c) (i) The maturity analysis

The maturity analysis of lease liabilities based on contractual undiscounted cash flows is shown in the table below:

\$ '000	< 1 year	1 – 5 years	> 5 years	Total	Total per Statement of Financial Position
2022					
Cash flows	212	683	–	895	895
2021					
Cash flows	212	895	–	1,107	1,107

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C2-1 Council as a lessee (continued)

(ii) Lease liabilities relating to restricted assets

\$ '000	2022		2021	2021
	Current	Non-current	Current	Non-current
Total lease liabilities relating to unrestricted assets	214	681	212	895
Total lease liabilities	214	681	212	895

(d) Income Statement

The amounts recognised in the Income Statement relating to leases where Council is a lessee are shown below:

\$ '000	2022	2021
Interest on lease liabilities	27	33
Depreciation of right of use assets	218	218
	245	251

(e) Statement of Cash Flows

Total cash outflow for leases	240	240
	240	240

Accounting policy

At inception of a contract, Council assesses whether a lease exists – i.e. does the contract convey the right to control the use of an identified asset for a period of time in exchange for consideration?

Council has elected not to separate non-lease components from lease components for any class of asset and has accounted for payments as a single component.

At the lease commencement, Council recognises a right-of-use asset and associated lease liability for the lease term. The lease term includes extension periods where Council believes it is reasonably certain that the option will be exercised.

The right-of-use asset is measured using the cost model where cost on initial recognition comprises: the lease liability, initial direct costs, prepaid lease payments, estimated cost of removal and restoration, less any lease incentives received. The right-of-use asset is depreciated over the lease term on a straight-line basis and assessed for impairment in accordance with the impairment of asset accounting policy.

The lease liability is initially recognised at the present value of the remaining lease payments at the commencement of the lease. The discount rate is the rate implicit in the lease, however where this cannot be readily determined then the Council's incremental borrowing rate for a similar term with similar security is used.

Subsequent to initial recognition, the lease liability is measured at amortised cost using the effective interest rate method. The lease liability is re-measured when there is a lease modification, or change in estimate of the lease term or index upon which the lease payments are based (e.g. CPI).

Where the lease liability is re-measured, the right-of-use asset is adjusted to reflect the re-measurement.

Exceptions to lease accounting

Council has applied the exceptions to lease accounting for both short-term leases (i.e. leases with a term of less than or equal to 12 months) and leases of low-value assets. Council recognises the payments associated with these leases as an expense on a straight-line basis over the lease term.

C2-1 Council as a lessee (continued)

Leases at significantly below market value / Concessionary leases

Council has elected to measure the right of use asset arising from the concessionary leases at cost which is based on the associated lease liability at initial recognition.

C2-2 Council as a lessor

Operating leases

Council leases out a number of properties to tenants under long-term leases with rentals payable monthly; these leases have been classified as operating leases for financial reporting purposes and the assets are included as investment property (refer note C1-8).

The amounts recognised in the Income Statement relating to operating leases where Council is a lessor are shown below:

\$ '000	2022	2021
---------	------	------

(i) Assets held as investment property

The amounts recognised in the Income Statement relating to operating leases where Council is a lessor are shown below

Lease income relating to variable lease payments not dependent on an index or a rate	337	320
Total income relating to operating leases for investment property assets	337	320

Operating lease expenses

Investment properties

Direct operating expenses that generated rental income	69	47
Total expenses relating to operating leases	69	47

(ii) Assets held as property, plant and equipment

Lease income (excluding variable lease payments not dependent on an index or rate)	1,038	977
Total income relating to operating leases for Council assets	1,038	977

(iii) Maturity analysis of undiscounted lease payments to be received after reporting date for all operating leases:

Maturity analysis of future lease income receivable showing the undiscounted lease payments to be received after reporting date for operating leases:

< 1 year	1,421	1,596
1–2 years	1,489	1,437
2–3 years	1,561	1,506
3–4 years	1,395	1,580
4–5 years	47	1,657
> 5 years	211	1,623
Total undiscounted lease payments to be received	6,124	9,399

Accounting policy

When Council is a lessor, the lease is classified as either an operating or finance lease at inception date, based on whether substantially all of the risks and rewards incidental to ownership of the asset have been transferred to the lessee. If the risks and rewards have been transferred then the lease is classified as a finance lease, otherwise it is an operating lease.

When Council has a sub-lease over an asset and is the intermediate lessor then the head lease and sub-lease are accounted for separately. The classification of the sub-lease is based on the right-of-use asset which arises from the head lease rather than the useful life of the underlying asset.

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C2-2 Council as a lessor (continued)

If the lease contains lease and non-lease components, the non-lease components are accounted for in accordance with AASB 15 *Revenue from Contracts with Customers*.

The lease income is recognised on a straight-line basis over the lease term for an operating lease and as finance income using amortised cost basis for finance leases.

C3 Liabilities of Council

C3-1 Payables

\$ '000	2022		2021	2021
	Current	Non-current	Current	Non-current
Goods and services – operating expenditure	1,953	–	1,609	–
Goods and services – capital expenditure	862	–	3,207	–
Prepaid rates	323	–	297	–
Accrued expenses:				
– Borrowings	23	–	24	–
– Salaries and wages	212	–	134	–
– Other expenditure accruals	386	–	269	–
Security bonds, deposits and retentions	4,967	–	4,920	–
Other	27	–	4	–
Total payables	8,753	–	10,464	–

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C3-1 Payables (continued)

Current payables not anticipated to be settled within the next twelve months

\$ '000	2022	2021
The following liabilities, even though classified as current, are not expected to be settled in the next 12 months.		
Payables – security bonds, deposits and retentions	3,438	3,324
Total payables	3,438	3,324

Accounting policy

Council measures all financial liabilities initially at fair value less transaction costs, subsequently financial liabilities are measured at amortised cost using the effective interest rate method.

Payables

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

C3-2 Contract Liabilities

\$ '000	Notes	2022 Current	2022 Non-current	2021 Current	2021 Non-current
Grants and contributions received in advance:					
Unexpended capital grants (to construct Council controlled assets)	(i)	5,908	–	1,273	–
Unexpended operating grants (received prior to performance obligation being satisfied)	(ii)	575	–	189	–
Total grants received in advance		6,483	–	1,462	–
User fees and charges received in advance:					
Other		804	–	953	–
Total user fees and charges received in advance		804	–	953	–
Total contract liabilities		7,287	–	2,415	–

Notes

(i) Council has received funding to construct and improve assets including sporting facilities and road infrastructure. The funds received are under an enforceable contract which require Council to construct an identified asset which will be under Council's control on completion. The revenue is recognised as Council constructs the asset and the contract liability reflects the funding received which cannot yet be recognised as revenue. The revenue is expected to be recognised in the next 12 months.

(ii) The contract liability relates to grants received prior to the revenue recognition criteria in AASB 15 being satisfied since the performance obligations are ongoing.

Revenue recognised that was included in the contract liability balance at the beginning of the period

\$ '000	2022	2021
Grants and contributions received in advance:		
Capital grants (to construct Council controlled assets)	1,331	2,112
Operating grants (received prior to performance obligation being satisfied)	11	12
Total revenue recognised that was included in the contract liability balance at the beginning of the period	1,342	2,124

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C3-2 Contract Liabilities (continued)

Significant changes in contract liabilities

The significant movements in contract liabilities related to several Capital Grants received in prior years which were brought to account through the performance obligations of meeting the required milestones of the individual contracts.

Accounting policy

Contract liabilities are recorded when consideration is received from a customer / fund provider prior to Council transferring a good or service to the customer, Council presents the funds which exceed revenue recognised as a contract liability.

C3-3 Borrowings

\$ '000	2022		2021	2021
	Current	Non-current	Current	Non-current
Loans – secured ¹	727	5,076	684	4,802
Total borrowings	727	5,076	684	4,802

(1) Loans are secured over the general rating income of Council.
 Disclosures on liability interest rate risk exposures, fair value disclosures and security can be found in Note 20.

Borrowings relating to restricted assets

\$ '000	2022		2021	2021
	Current	Non-current	Current	Non-current
Total borrowings relating to unrestricted assets	727	5,076	684	4,802
Total borrowings	727	5,076	684	4,802

Current borrowings not anticipated to be settled within the next twelve months

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

(a) Changes in liabilities arising from financing activities

\$ '000	2021		2022
	Opening Balance	Cash flows	Closing balance
Loans – secured	5,486	317	5,803
Lease liability (Note C2-1b)	1,107	(212)	895
Total liabilities from financing activities	6,593	105	6,698

\$ '000	2020		2021
	Opening Balance	Cash flows	Closing balance
Loans – secured	6,208	(722)	5,486
Lease liability (Note C2-1b)	1,313	(206)	1,107
Total liabilities from financing activities	7,521	(928)	6,593

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C3-3 Borrowings (continued)

(b) Financing arrangements

\$ '000	2022	2021
Total facilities		
Credit cards/purchase cards	50	50
Total financing arrangements	50	50
Drawn facilities		
– Credit cards/purchase cards	21	6
Total drawn financing arrangements	21	6
Undrawn facilities		
– Credit cards/purchase cards	29	44
Total undrawn financing arrangements	29	44

Accounting policy

Council measures all financial liabilities initially at fair value less transaction costs, subsequently financial liabilities are measured at amortised cost using the effective interest rate method.

Fees paid on the establishment of loan facilities are recognised as transaction costs of the loan to the extent that it is probable that some or all of the facility will be drawn down.

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

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C3-4 Employee benefit provisions

\$ '000	2022		2021	2021
	Current	Non-current	Current	Non-current
Annual leave	1,553	–	1,881	–
Long service leave	3,768	137	4,979	181
Rostered Day Off	82	–	70	–
Time in lieu	80	–	106	–
Employee Leave Entitlement on-costs	182	5	179	5
Total employee benefit provisions	5,665	142	7,215	186

Current employee benefit provisions not anticipated to be settled within the next twelve months

\$ '000	2022	2021
The following provisions, even though classified as current, are not expected to be settled in the next 12 months.		
Provisions – employees benefits	3,426	4,750
	3,426	4,750

Description of and movements in provisions

\$ '000	ELE provisions				Total
	Annual leave	Long service leave	ELE on-costs	Other employee benefits	
2022					
At beginning of year	1,881	5,160	184	176	7,401
Other	(328)	(1,255)	3	(14)	(1,594)
Total ELE provisions at end of year	1,553	3,905	187	162	5,807
2021					
At beginning of year	1,838	5,010	136	171	7,155
Other	43	150	48	5	246
Total ELE provisions at end of year	1,881	5,160	184	176	7,401

Accounting policy

Employee benefit provisions are presented as current liabilities in the Statement of Financial Position if Council does not have an unconditional right to defer settlement for at least 12 months after the reporting date, regardless of when the actual settlement is expected to occur and therefore all annual leave and vested long service leave (or that which vests within 12 months) is presented as current.

Short-term obligations

Liabilities for wages and salaries (including non-monetary benefits, annual leave and accumulating sick leave expected to be wholly settled within 12 months after the end of the period in which the employees render the related service) are recognised in respect of employees' services up to the end of the reporting period and are measured at the amounts expected to be paid when the liabilities are settled. The liability for annual leave and accumulating sick leave is recognised in the provision for employee benefits. All other short-term employee benefit obligations are presented as payables.

Other long-term employee benefit obligations

The liability for long-service leave and annual leave that is not expected to be wholly settled within 12 months after the end of the period in which the employees render the related service is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the end of the reporting period using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures, and periods of service. Expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity and currency that match, as closely as possible, the estimated future cash outflows.

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C3-4 Employee benefit provisions (continued)

On-costs

The employee benefit provisions include the aggregate on-cost liabilities that will arise when payment of current employee benefits is made in future periods.

These amounts include superannuation, payroll tax and workers compensation expenses which will be payable upon the future payment of certain leave liabilities which employees are entitled to at the reporting period.

C3-5 Provisions

Provisions relating to restricted assets

\$ '000	2022 Current	2022 Non-Current	2021 Current	2021 Non-Current
Externally restricted assets				
Domestic waste management	69	6	104	12
Provisions relating to externally restricted assets	69	6	104	12
Total provisions relating to restricted assets	69	6	104	12

Accounting policy

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

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

Provisions are measured at the present value of management's best estimate of the expenditure required to settle the present obligation at the reporting date. The discount rate used to determine the present value reflects current market assessments of the time value of money and the risks specific to the liability. The increase in the provision due to the passage of time is recognised as a borrowing cost.

Self-insurance

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

C4 Reserves

C4-1 Nature and purpose of reserves

IPPE Revaluation reserve

The infrastructure, property, plant and equipment (IPPE) revaluation reserve is used to record increments and decrements in the revaluation of infrastructure, property, plant and equipment.

D Council structure

D1 Interests in other entities

D1-1 Interests in joint arrangements

CivicRisk Mutual

Civic Risk Metro was an alliance of councils prior to 1 July 2020 who had joined together to protect member assets and liabilities through establishing manageable levels of self insured risk and minimising the cost of insurance of public liability and professional indemnity risks.

CivicRisk Metro

CivicRisk Mutual was an alliance of councils prior to 1 July 2020 who had joined together to protect member assets and liabilities through establishing manageable levels of self insured risk and minimising the cost of insurance of property, motor and other classes of risks.

Both joint ventures had the same year end date as the council.

Both Civic Risk Metro and CivicRisk Mutual operated on insurance principles, charging annual contributions to cover expected insurance and other costs and returning surplus funds to members from time to time as determined by their respective Boards. Council did not make loans or advances to either joint venture.

Material joint ventures

Prior to 1 July 2020 each member of the relevant joint entity has an equal voting right to each other member while they insure through the entity.

On 1 July 2020 the members decided to novate assets, liabilities and members equity of the joint ventures into CivicRisk Mutual Ltd for compliance and efficiency reasons. The members designed the Constitution and Membership Rules of CRM Ltd which ensures members are provided with a right to the surplus or deficit in protection years in which they were members. Council's share in CivicRisk Mutual is now disclosed in Note C1-2 Investments due to the change in operating structure as at 1 July 2020.

D1-1 Interests in joint arrangements (continued)

Accounting policy

The council has determined that it has only joint ventures.

Joint ventures

Interests in joint ventures are accounted for using the equity method in accordance with AASB128 Investments in Associates and Joint Ventures.

Under this method, the investment is initially recognised as a cost and the carrying amount is increased or decreased to recognise the council's share of the profit or loss and other comprehensive income of the joint venture after the date of acquisition.

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

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

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

E Risks and accounting uncertainties

E1-1 Risks relating to financial instruments held

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

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

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

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

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

\$ '000	Carrying value 2022	Carrying value 2021	Fair value 2022	Fair value 2021
Financial assets				
Measured at amortised cost				
Cash and cash equivalents	15,198	20,551	18,198	20,551
Receivables	5,799	4,175	5,250	4,175
Fair value through profit and loss				
Investments				
– Held for trading	30,396	27,351	27,360	27,351
Total financial assets	51,393	52,077	50,808	52,077
Financial liabilities				
Payables	8,753	10,464	8,754	10,167
Loans/advances	5,803	5,486	5,803	5,486
Total financial liabilities	14,556	15,950	14,557	15,653

Fair value is determined as follows:

- **Cash and cash equivalents, receivables, payables** – are estimated to be the carrying value that approximates market value.
- **Borrowings and held-to-maturity investments** – are based upon estimated future cash flows discounted by the current market interest rates applicable to assets and liabilities with similar risk profiles, unless quoted market prices are available.
- Financial assets classified (i) 'at fair value through profit and loss' or (ii) 'available-for-sale' – are based upon quoted market prices (in active markets for identical investments) at the reporting date or independent valuation.

Council manages these risks (amongst other measures) by diversifying its portfolio and only purchasing investments with high credit ratings or capital guarantees.

Council also seeks advice from its independent advisers (Imperium Markets) before placing any cash and investments.

Council's objective is to maximise its return on cash and investments whilst maintaining an adequate level of liquidity and preserving capital.

Council's finance area manages the cash and Investments portfolio with the assistance of independent advisors (Imperium Markets).

Council has an investment policy which complies with the Local Government Act 1993 and Minister's investment order 625. This policy is regularly reviewed by Council and it's staff and an investment report is tabled before Council on a monthly basis setting out the portfolio breakup and its performance as required by Local Government regulations.

The risks associated with the instruments held are:

- **Price risk** – the risk that the capital value of Investments may fluctuate due to changes in market prices, whether these changes are caused by factors specific to individual financial instruments or their issuers or are caused by factors affecting similar instruments traded in a market.

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E1-1 Risks relating to financial instruments held (continued)

- **Interest rate risk** – the risk that movements in interest rates could affect returns and income.
- **Liquidity risk** – the risk that Council will not be able to pay its debts as and when they fall due.
- **Credit risk** – the risk that the investment counterparty will not complete their obligations particular to a financial instrument, resulting in a financial loss to Council – be it of a capital or income nature.

Council manages these risks (amongst other measures) by diversifying its portfolio and only purchasing investments with high credit ratings or capital guarantees.

Council also seeks advice from independent advisers before placing any funds in cash equivalents and investments.

(a) Market risk – interest rate and price risk

\$ '000	2022	2021
---------	------	------

The impact on result for the year and equity of a reasonably possible movement in the price of investments held and interest rates is shown below. The reasonably possible movements were determined based on historical movements and economic conditions in place at the reporting date.

Impact of a 1% movement in interest rates		
– Equity / Income Statement	456	479

(b) Credit risk

Council's major receivables comprise (i) rates and annual charges and (ii) user charges and fees.

Council manages the credit risk associated with these receivables by monitoring outstanding debt and employing stringent debt recovery procedures. Council also encourages ratepayers to pay their rates by the due date through incentives.

The credit risk for liquid funds and other short-term financial assets is considered negligible, since the counterparties are reputable banks with high quality external credit ratings.

There are no significant concentrations of credit risk, whether through exposure to individual customers, specific industry sectors and/or regions.

Council makes suitable provision for doubtful receivables as required and carries out credit checks on most non-rate debtors.

There are no material receivables that have been subjected to a re-negotiation of repayment terms.

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E1-1 Risks relating to financial instruments held (continued)

Credit risk profile

Receivables – rates and annual charges

Credit risk on rates and annual charges is minimised by the ability of Council to secure a charge over the land relating to the debts – that is, the land can be sold to recover the debt. Council is also able to charge interest on overdue rates and annual charges at higher than market rates which further encourages the payment of debt.

\$ '000	Not yet overdue rates and annual charges			Total
	Not yet overdue	< 5 years	≥ 5 years	
2022				
Gross carrying amount	–	1,788	103	1,891
2021				
Gross carrying amount	–	1,383	47	1,430

Receivables - non-rates and annual charges and contract assets

Council applies the simplified approach for non-rates and annual charges debtors to provide for expected credit losses prescribed by AASB 9, which permits the use of the lifetime expected loss provision. To measure the expected credit losses, non-rates and annual charges debtors have been grouped based on shared credit risk characteristics and the days past due.

The loss allowance provision as at 30 June 2021 is determined as follows. The expected credit losses incorporate forward-looking information.

\$ '000	Not yet overdue	Overdue debts				Total
		0 - 30 days	31 - 60 days	61 - 90 days	> 91 days	
2022						
Gross carrying amount	2,666	1,118	138	54	352	4,328
Expected loss rate (%)	0.00%	0.00%	22.99%	0.00%	52.10%	4.97%
ECL provision	–	–	32	–	183	215
2021						
Gross carrying amount	2,215	1,029	18	53	196	3,511
Expected loss rate (%)	0.00%	0.00%	0.00%	0.00%	86.21%	4.81%
ECL provision	–	–	–	–	169	169

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E1-1 Risks relating to financial instruments held (continued)

(c) Liquidity risk

Payables, lease liabilities and borrowings are both subject to liquidity risk; that is, the risk that insufficient funds may be on hand to meet payment obligations as and when they fall due.

Council manages this risk by monitoring its cash flow requirements and liquidity levels, and by maintaining an adequate cash buffer. Payment terms can be extended, and overdraft facilities drawn upon in extenuating circumstances.

Borrowings are also subject to interest rate risk: the risk that movements in interest rates could adversely affect funding costs. Council manages this risk through diversification of borrowing types, maturities and interest rate structures.

The finance team regularly reviews interest rate movements to determine if it would be advantageous to refinance or renegotiate part or all of the loan portfolio.

The timing of cash flows presented in the table below to settle financial liabilities reflects the earliest contractual settlement dates. The timing of expected outflows is not expected to be materially different from contracted cashflows.

The amounts disclosed in the table are the undiscounted contracted cash flows for non-lease liabilities (refer to Note C2-1(b) for lease liabilities) and therefore the balances in the table may not equal the balances in the Statement of Financial Position due to the effect of discounting.

\$ '000	Weighted average interest rate	Subject to no maturity	payable in:			Total cash outflows	Actual carrying values
			≤ 1 Year	1 - 5 Years	> 5 Years		
2022							
Payables	0.00%	4,967	3,787	–	–	8,754	8,753
Borrowings	3.91%	–	1,033	3,797	973	5,803	5,803
Total financial liabilities		4,967	4,820	3,797	973	14,557	14,556
2021							
Payables	0.00%	4,920	5,247	–	–	10,167	10,464
Borrowings	4.00%	–	973	3,195	1,318	5,486	5,486
Total financial liabilities		4,920	6,220	3,195	1,318	15,653	15,950

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E2-1 Fair value measurement

The Council measures the following asset and liability classes at fair value on a recurring basis:

- Infrastructure, property, plant and equipment
- Investment property

The fair value of assets and liabilities must be estimated in accordance with various accounting standards for either recognition and measurement requirements or for disclosure purposes.

AASB 13 Fair Value Measurement requires all assets and liabilities measured at fair value to be assigned to a 'level' in the fair value hierarchy as follows:

Level 1: Unadjusted quoted prices in active markets for identical assets or liabilities that the entity can access at the measurement date.

Level 2: Inputs other than quoted prices included within level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3: Inputs for the asset or liability that are not based on observable market data (unobservable inputs).

		Fair value measurement hierarchy							
\$ '000	Notes	Date of latest valuation		Level 2 Significant observable inputs		Level 3 Significant unobservable inputs		Total	
		2022	2021	2022	2021	2022	2021	2022	2021
						Restated		Restated	
Recurring fair value measurements									
Investment property C1-7									
		30/06/22	30/06/21	4,975	4,700	–	–	4,975	4,700
				4,975	4,700	–	–	4,975	4,700
Infrastructure, property, plant and equipment C1-6									
		30/06/22	30/06/21	–	–	18,843	19,745	18,843	19,745
		30/06/18	30/06/18	143,613	121,430	–	–	143,613	121,430
		30/06/22	30/06/21	–	–	43,781	39,821	43,781	39,821
		30/06/21	30/06/21	–	–	208	208	208	208
		30/06/22	30/06/16	–	–	3,827	4,612	3,827	4,612
		30/06/18	30/06/18	1,648	1,604	–	–	1,648	1,604
		02/06/18	30/06/18	–	–	105,397	97,406	105,397	97,406
		30/06/22	30/06/17	–	–	3,004	3,461	3,004	3,461
		30/06/20	30/06/20	–	–	117,553	112,389	117,553	112,389
		30/06/20	30/06/20	–	–	38,130	35,704	38,130	35,704
		30/06/20	30/06/20	–	–	34,328	31,983	34,328	31,983
		30/06/18	30/06/18	–	–	5,383	5,040	5,383	5,040
		30/06/16	30/06/16	–	–	380	385	380	385
		30/06/14	30/06/14	–	–	697	760	697	760
		30/06/21	30/06/21	–	–	14,508	11,890	14,508	11,890
		30/06/21	30/06/21	–	–	10,587	8,903	10,587	8,903
				145,261	123,034	396,626	372,307	541,887	495,341

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E2-1 Fair value measurement (continued)

Valuation techniques

Where Council is unable to derive fair valuations using quoted market prices of identical assets (ie. level 1 inputs) Council instead utilises a spread of both observable inputs (level 2 inputs) and unobservable inputs (level 3 inputs).

The fair valuation techniques Council has employed while utilising level 2 and level 3 inputs are as follows:

Investment property

Council obtains independent valuations of its investment property on an annual basis and at the end of each reporting period to ensure the financial statements reflect the most up-to-date valuation. The best evidence of fair value is the current price in an active market for similar assets. The investment property valuation is included in level 2 of the hierarchy. The key unobservable input to the valuation is the price per square metre.

The fair value of the investment property is determined by an independent, qualified valuer on an annual basis who has experience in the location of the property. The Council reviews the valuation report and discusses significant movements with the valuer. As at 30 June 2022 the valuation of the investment property was performed by Scott Fullarton Valuations Pty Ltd, Director Scott Fullarton, FAPI, Certified Practicing Valuer, Registered Valuer No. 2144.

E2-1 Fair value measurement (continued)

Infrastructure, property, plant and equipment (IPPE)

Operational Land

This asset class comprises all of Council's land classified as Operational Land under the NSW Local Government Act 1993. The key unobservable input to the valuation is the price per square metre. The last comprehensive valuation was undertaken at 30 June 2018 and was performed by Scott Fullarton Valuations Pty Ltd, Director Scott Fullarton, FAPI, Certified Practising Valuer, Registered Valuer No. 2144. As at 30 June 2020 Scott Fullarton undertook a sample assessment of Council's buildings and a no material differences in value were noted. A full revaluation will be undertaken during the 2022/23 financial year.

Generally, fair value is the most advantageous price reasonably obtainable by the seller and the most advantageous price reasonably obtained by the buyer. This is not necessarily the market selling price of the asset, rather, it is regarded as the maximum value that Council would rationally pay to acquire the asset if it did not hold it, taking into account quoted market price in an active and liquid market, the current market price of the same or similar asset, if management intend to replace the asset, the remaining useful life and condition of the asset; and cash flows from the future use and disposal.

However, during 2021/22 there has been a pronounced change in construction costs across the government and infrastructure sectors. The Office of Local Government in the appendices to the Local Government Code of Accounting 2021/22 - Section 5 at "Appendix E Guidance for determining fair value of infrastructure, property, plant and equipment" draws councils attention to NSW Treasury guidance (TPP21-09) Valuation of Physical Non-Current Assets at Fair Value that states in years when no comprehensive revaluation is performed, an "interim management revaluation" should be undertaken when cumulative increases / decreases in indicators / indices are generally less than or equal to 10%. Based on management's assessment and guided by council's Asset Management Service provider (Assetic Pty Ltd) expertise applied Rawlinson's Australian Construction Handbook rates with the relevant indexation factors to the carrying amount.

As a result this asset class was revalued as an "interim management revaluation" to reflect the fair value of the asset classes carrying value.

Buildings Non-Specialised

Buildings were valued by Scott Fullarton Valuations Pty Ltd, Director Scott Fullarton, FAPI, Certified Practising Valuer, Registered Valuer No. 2144 in June 2018 using the cost approach. As at 30 June 2020 Scott Fullarton undertook a sample assessment of Council's buildings and a no material differences in value were noted. The approach estimated the replacement cost for each building by componentising the buildings into significant parts with different useful lives and taking into account a range of factors. While all buildings were physically inspected inputs such as estimates of residual value and pattern of consumption required extensive professional judgement and impacted significantly on the final determination of fair value. Non-Specialised buildings were classified as having been valued using Level 2 valuation inputs. A full revaluation will be undertaken during the 2022/23 financial year.

However, during 2021/22 there has been a pronounced change in construction costs across the government and infrastructure sectors. The Office of Local Government in the appendices to the Local Government Code of Accounting 2021/22 - Section 5 at "Appendix E Guidance for determining fair value of infrastructure, property, plant and equipment" draws councils attention to NSW Treasury guidance (TPP21-09) Valuation of Physical Non-Current Assets at Fair Value that states in years when no comprehensive revaluation is performed, an "interim management revaluation" should be undertaken when cumulative increases / decreases in indicators / indices are generally less than or equal to 10%. Based on management's assessment and guided by council's Asset Management Service provider (Assetic Pty Ltd) expertise applied Rawlinson's Australian Construction Handbook rates with the relevant indexation factors to the carrying amount.

As a result this asset class was revalued as an "interim management revaluation" to reflect the fair value of the asset classes carrying value.

Plant & Equipment, Office Equipment and Furniture & Fittings

Plant & Equipment, Office Equipment and Furniture & Fittings are valued at cost but disclosed at fair value in the notes. The carrying amount of these assets is assumed to approximate fair value due to the nature of the items. Examples of assets within these classes are as follows:

- Plant and Equipment – Trucks, tractors, ride-on mowers, street sweepers, earthmoving equipment, mini vans and motor vehicles
- Office Equipment – Computer equipment, flat screen monitors, whiteboards, refrigerators etc
- Furniture & Fittings – Chairs, desks and display systems

The key unobservable inputs to the valuation are the remaining useful life and the residual value.

E2-1 Fair value measurement (continued)

Community Land

Valuations of all Council's Community Land and Council managed land were based on either the land values provided by the Valuer-General or an average unit rate based on the land values for similar properties where the Valuer-General did not provide a land value having regard to the highest and best use for this land. As these rates were not considered to be observable market evidence they have been classified as Level 3.

Land Improvements – Depreciable and non-depreciable

This asset class comprises land improvements such as gardens, mulched areas, wetlands, streetscaping and landscaping. These assets may be located on parks, reserves and also within road reserves. These assets were valued by Assetic Pty Ltd during 2021-22 using the cost approach method utilising inputs such as estimated asset condition and useful life requiring extensive professional judgement.

The cost approach has been utilised whereby the replacement cost was estimated for each asset by taking into account a range of factors. Inputs such as estimates of pattern of consumption, residual value, asset condition and useful life required extensive professional judgement and impacted significantly on the final determination of fair value. As such these assets were all classified as having been valued using Level 3 valuation inputs.

Buildings - Specialised

Buildings were valued by Scott Fullarton Valuations Pty Ltd, Director Scott Fullarton, FAPI, Certified Practising Valuer, Registered Valuer No. 2144 in June 2018 using the cost approach. As at 30 June 2020 Scott Fullarton undertook a sample assessment of Council's buildings and a no material differences in value were noted. The approach estimated the replacement cost for each building by componentising the buildings into significant parts with different useful lives and taking into account a range of factors. While all buildings were physically inspected inputs such as estimates of residual value and pattern of consumption required extensive professional judgement and impacted significantly on the final determination of fair value. Specialised buildings were classified as having been valued using Level 3 valuation inputs. As at 30 June 2020 Scott Fullarton undertook a sample assessment of Council's buildings and a no material differences in value were noted. A full revaluation will be undertaken during the 2022/23 financial year.

However, during 2021/22 there has been a pronounced change in construction costs across the government and infrastructure sectors. The Office of Local Government in the appendices to the Local Government Code of Accounting 2021/22 - Section 5 at "Appendix E Guidance for determining fair value of infrastructure, property, plant and equipment" draws councils attention to NSW Treasury guidance (TPP21-09) Valuation of Physical Non-Current Assets at Fair Value that states in years when no comprehensive revaluation is performed, an "interim management revaluation" should be undertaken when cumulative increases / decreases in indicators / indices are generally less than or equal to 10%. Based on management's assessment and guided by council's Asset Management Service provider (Assetic Pty Ltd) expertise applied Rawlinson's Australian Construction Handbook rates with the relevant indexation factors to the carrying amount.

As a result this asset class was revalued as an "interim management revaluation" to reflect the fair value of the asset classes carrying value.

Other Structures

This asset class comprises retaining walls, shade structures and filtration system and shed. These assets were valued by Assetic Pty Ltd during 2022 using the cost approach method utilising inputs such as estimated asset condition and useful life requiring extensive professional judgement which impacted significantly on the final determination of fair value.

The cost approach has been utilised whereby the replacement cost was estimated for each asset by taking into account a range of factors. Inputs such as estimates of pattern of consumption, residual value, asset condition and useful life required extensive professional judgement and impacted significantly on the final determination of fair value. As such these assets were all classified as having been valued using Level 3 valuation inputs.

Roads

This asset class comprises the Road Carriageway and Suburb Markers. The road carriageway is defined as the trafficable portion of a road, between but not including the kerb and gutter. The 'Cost Approach' using Level 3 inputs was used to value the road carriageway and other road infrastructure. Valuations for the road carriageway, comprising surface, pavement and formation were based on calculations carried out by JRA, Jeff Roorda Associates during 2020, utilising the detailed pavement information residing in Council's Asset Management System - "Assetic System".

The cost approach was utilised with inputs such as estimates pattern of consumption, asset condition and useful life requiring extensive professional judgement which impacted significantly on the final determination of fair value. Additionally due to limitations in the historical records of very long lived assets there some uncertainty regarding the actual design, specifications and dimensions of some assets.

E2-1 Fair value measurement (continued)

During 2021/22 there has been a pronounced change in construction costs across the government and infrastructure sectors. The Office of Local Government in the appendices to the Local Government Code of Accounting 2021/22 - Section 5 at 'Appendix E Guidance for determining fair value of infrastructure, property, plant and equipment' draws councils attention to NSW Treasury guidance (TPP21-09) Valuation of Physical Non-Current Assets at Fair Value that states in years when no comprehensive revaluation is performed, an "interim management revaluation" should be undertaken when cumulative increases / decreases in indicators / indices are generally less than or equal to 10%. Based on management's assessment and guided by council's Asset Management Service provider (Assetic Pty Ltd) expertise applied Rawlinson's Australian Construction Handbook rates with the relevant indexation factors to the carrying amount.

As a result this asset class was revalued as an "interim management revaluation" to reflect the fair value of the asset classes carrying value.

Footpaths and Kerb & Gutter

Footpaths were valued by JRA, Jeff Roorda Associates during 2020 using the cost approach. Footpaths and Kerb & Gutter were segmented to match the adjacent road segment where possible and no further componentisation was undertaken. Footpaths and Kerb & Gutter were originally mapped and condition assessed using a combination of video condition assessment and physical inspection. Condition information is updated as changes in the network are observed through regular inspections.

During 2021/22 there has been a pronounced change in construction costs across the government and infrastructure sectors. The Office of Local Government in the appendices to the Local Government Code of Accounting 2021/22 - Section 5 at 'Appendix E Guidance for determining fair value of infrastructure, property, plant and equipment' draws councils attention to NSW Treasury guidance (TPP21-09) Valuation of Physical Non-Current Assets at Fair Value that states in years when no comprehensive revaluation is performed, an "interim management revaluation" should be undertaken when cumulative increases / decreases in indicators / indices are generally less than or equal to 10%. Based on management's assessment and guided by council's Asset Management Service provider (Assetic Pty Ltd) expertise applied Rawlinson's Australian Construction Handbook rates with the relevant indexation factors to the carrying amount.

As a result this asset class was revalued as an "interim management revaluation" to reflect the fair value of the asset classes carrying value.

Other Road assets

This asset class comprises Roundabouts, Speed humps, Traffic calming devices, Street Furniture, Bus Shelters and Fencing.

During 2021/22 there has been a pronounced change in construction costs across the government and infrastructure sectors. The Office of Local Government in the appendices to the Local Government Code of Accounting 2021/22 - Section 5 at 'Appendix E Guidance for determining fair value of infrastructure, property, plant and equipment' draws councils attention to NSW Treasury guidance (TPP21-09) Valuation of Physical Non-Current Assets at Fair Value that states in years when no comprehensive revaluation is performed, an "interim management revaluation" should be undertaken when cumulative increases / decreases in indicators / indices are generally less than or equal to 10%. Based on management's assessment and guided by council's Asset Management Service provider (Assetic Pty Ltd) expertise applied Rawlinson's Australian Construction Handbook rates with the relevant indexation factors to the carrying amount.

As a result this asset class was revalued as an "interim management revaluation" to reflect the fair value of the asset classes carrying value.

Drainage Infrastructure

These assets within this class comprise pits, pipes, open channels, headwalls and various types of water quality devices. The 'Cost Approach' estimated the replacement cost for each asset by componentising the assets into significant parts with different useful lives and taking into account a range of factors. The Level of componentisation adopted by Council is in accordance with OLG Circular 09-09 and the Institute of Public Works Engineers Australia's International Infrastructure Management Manual (IIMM). Inputs such as estimates of the pattern of consumption, asset condition and useful life required extensive professional judgement and impacted significantly on the final determination of fair value. Additionally due to limitations in the historical records of very long lived assets there is uncertainty regarding the actual design, specifications and dimensions of some assets. The Drainage system was valued by JRA, Jeff Roorda Associates during 2020 using the cost approach.

During 2021/22 there has been a pronounced change in construction costs across the government and infrastructure sectors. The Office of Local Government in the appendices to the Local Government Code of Accounting 2021/22 - Section 5 at 'Appendix E Guidance for determining fair value of infrastructure, property, plant and equipment' draws councils attention to NSW Treasury guidance (TPP21-09) Valuation of Physical Non-Current Assets at Fair Value that states in years when no comprehensive revaluation is performed, an "interim management revaluation" should be undertaken when cumulative increases / decreases in indicators / indices are generally less than or equal to 10%. Based on management's assessment and guided by council's Asset Management Service provider (Assetic Pty Ltd) expertise applied Rawlinson's Australian Construction Handbook rates with the relevant indexation factors to the carrying amount.

E2-1 Fair value measurement (continued)

As a result this asset class was revalued as an "interim management revaluation" to reflect the fair value of the asset classes carrying value.

Swimming Pools

Assets within this class comprise Council's Enfield Aquatic Centre. The indoor and outdoor pools at the aquatic centre was valued by Scott Fullarton Valuations Pty Ltd in June 2018 using the cost approach. As at 30 June 2020 Scott Fullarton undertook a sample assessment of Council's buildings and a no material differences in value were noted. The approach estimated the replacement cost for each pool by componentising its significant parts.

Inputs such as estimates of the pattern of consumption, asset condition and useful life required extensive professional judgement which impacted significantly on the final determination of fair value. There has been no change to the valuation process during the reporting period.

Other Open Space/Recreational Assets

Assets within this class comprise tennis courts and fencing, synthetic turf surfaces, barbeques, playground equipment, shade structures and soft fall, park furniture, park lighting, fitness equipment, bocce courts, gazebos and signage which were valued by Assetic Pty Ltd during 2021 using the cost approach method.

Inputs such as estimates of the pattern of consumption, asset condition and useful life required extensive professional judgement which impacted significantly on the final determination of fair value.

During 2021/22 there has been a pronounced change in construction costs across the government and infrastructure sectors. The Office of Local Government in the appendices to the Local Government Code of Accounting 2021/22 - Section 5 at "Appendix E Guidance for determining fair value of infrastructure, property, plant and equipment" draws councils attention to NSW Treasury guidance (TPP21-09) Valuation of Physical Non-Current Assets at Fair Value that states in years when no comprehensive revaluation is performed, an "interim management revaluation" should be undertaken when cumulative increases / decreases in indicators / indices are generally less than or equal to 10%. Based on management's assessment and guided by council's Asset Management Service provider (Assetic Pty Ltd) expertise applied Rawlinson's Australian Construction Handbook rates with the relevant indexation factors to the carrying amount.

As a result this asset class was revalued as an "interim management revaluation" to reflect the fair value of the asset classes carrying value.

Library Books

Library Books are valued at cost but are disclosed at fair value in the notes. The carrying amount of these assets is assumed to approximate fair value due to the nature of the items.

Council reviews the value of these assets against quoted prices for the gross current replacement cost of similar assets and by taking account of the pattern of consumption, estimated remaining useful life and the residual value. There has been no change to the valuation process during the reporting period.

Other Assets

This asset class comprises all other assets which do not fall into the above asset classes ie, Planter Boxes, Hanging Baskets.

However, during 2021/22 there has been a pronounced change in construction costs across the government and infrastructure sectors. The Office of Local Government in the appendices to the Local Government Code of Accounting 2021/22 - Section 5 at "Appendix E Guidance for determining fair value of infrastructure, property, plant and equipment" draws councils attention to NSW Treasury guidance (TPP21-09) Valuation of Physical Non-Current Assets at Fair Value that states in years when no comprehensive revaluation is performed, an "interim management revaluation" should be undertaken when cumulative increases / decreases in indicators / indices are generally less than or equal to 10%. Based on management's assessment and guided by council's Asset Management Service provider (Assetic Pty Ltd) expertise applied Rawlinson's Australian Construction Handbook rates with the relevant indexation factors to the carrying amount.

As a result this asset class was revalued as an "interim management revaluation" to reflect the fair value of the asset classes carrying value.

Non-current assets classified as 'held for sale'

Council does not have assets classified as "held for sale".

Fair value measurements using significant unobservable inputs (level 3)

The valuation process for level 3 fair value measurements

Valuation process has been incorporated within 3 above.

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E2-1 Fair value measurement (continued)

Significant unobservable valuation inputs used (for level 3 asset classes) and their relationship to fair value.

The following table summarises the quantitative information relating to the significant unobservable inputs used in deriving the various level 3 asset class fair values.

	Valuation technique/s	Unobservable inputs
Investment properties		
Commercial Office and Retail	Qualified Valuer	<ul style="list-style-type: none"> • Estimated rental value (rate per square metre) • Rental Yield
Infrastructure, property, plant and equipment		
Operational Land	Qualified Valuer	<ul style="list-style-type: none"> • Price per square metre
Buildings – Non Specialised	Independent valuation - Indexation	<ul style="list-style-type: none"> • Gross Replacement Cost • Asset Condition • Remaining useful life • Residual value
Plant & Equipment, Office Equipment and Furniture & Fittings	Cost approach	<ul style="list-style-type: none"> • Gross Replacement Cost • Remaining useful life • Residual value
Community Land	Land values obtained from the NSW Valuer General	<ul style="list-style-type: none"> • Unimproved Capital Value (price per square metre)
Land Improvements – non-depreciable and depreciable	Independent valuation	<ul style="list-style-type: none"> • Gross Replacement Cost • Asset Condition • Remaining useful life • Residual value
Buildings - Specialised	Independent valuation - Indexation	<ul style="list-style-type: none"> • Gross Replacement Cost • Asset Condition • Remaining useful life • Residual value
Other Structures	Independent valuation - Indexation	<ul style="list-style-type: none"> • Gross Replacement Cost • Asset Condition • Remaining useful life
Roads	Independent valuation - Indexation	<ul style="list-style-type: none"> • Gross Replacement Cost • Asset Condition • Remaining useful life
Footpaths	Independent valuation - Indexation	<ul style="list-style-type: none"> • Gross Replacement Cost • Asset Condition • Remaining useful life
Other Road Assets	Independent valuation - Indexation	<ul style="list-style-type: none"> • Gross Replacement Cost • Asset Condition • Remaining useful life
Drainage Infrastructure	Independent valuation - Indexation	<ul style="list-style-type: none"> • Gross Replacement Cost • Asset Condition • Remaining useful life
Swimming Pools	Independent valuation - Indexation	<ul style="list-style-type: none"> • Gross Replacement Cost • Asset Condition • Remaining useful life
Library Books	Cost approach	<ul style="list-style-type: none"> • Gross Replacement Cost • Asset Condition • Remaining useful life
Other - Open Space / Recreational	Independent valuation - Indexation	<ul style="list-style-type: none"> • Gross Replacement Cost • Asset Condition • Remaining useful life
Other Assets	Cost approach	<ul style="list-style-type: none"> • Gross Replacement Cost • Asset Condition • Remaining useful life • Residual value

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ITEM NUMBER 115/22 - ATTACHMENT 1

Annual Financial Statements year ended 30 June 2022

Burwood Council | Notes to the Financial Statements 30 June 2022

E2-1 Fair value measurement (continued)

A reconciliation of the movements in recurring fair value measurements allocated to Level 3 of the hierarchy is provided below:

\$ '000	Investment property		Plant and Equipment		Operational Land		Community Land	
	2022	2021	2022	2021	2022	2021	2022	2021
Opening balance	4,700	4,340	19,745	19,590	121,430	121,430	39,821	35,915
Total gains or losses for the period								
Other movements								
Purchases (GBV)	-	-	1,490	2,565	811	-	-	429
Disposals (WDV)	-	-	(132)	(116)	-	-	-	-
Depreciation and impairment	-	-	(2,260)	(2,294)	-	-	-	-
Fair value adjustment	275	360	-	-	21,372	-	3,960	3,477
Closing balance	4,975	4,700	18,843	19,745	143,613	121,430	43,781	39,821

\$ '000	Land Improvement – depreciable and non-depreciable		Buildings		Other structures		Other road assets	
	2022	2021 Restated	2022	2021	2022	2021	2022	2021
Opening balance	4,820	4,371	99,010	94,845	3,461	3,145	8,903	8,041
Total gains or losses for the period								
Other movements								
Purchases (GBV)	141	527	711	5,535	18	434	1,545	1,113
Disposals (WDV)	(71)	(6)	-	(103)	(31)	-	(2)	(75)
Depreciation and impairment	(75)	(72)	(2,363)	(2,078)	(120)	(118)	(330)	(251)
Fair value adjustment	(780)	-	9,687	811	(324)	-	471	75
Closing balance	4,035	4,820	107,045	99,010	3,004	3,461	10,587	8,903

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ITEM NUMBER 115/22 - ATTACHMENT 1
Annual Financial Statements year ended 30 June 2022

Burwood Council | Notes to the Financial Statements 30 June 2022

E2-1 Fair value measurement (continued)

\$ '000	Open Space / Recreational		Roads		Footpaths		Drainage	
	2022	2021	2022	2021	2022	2021	2022	2021
Opening balance	11,890	8,502	112,389	113,971	35,704	33,888	31,983	31,993
Total gains or losses for the period								
Other movements								
Purchases (GBV)	3,025	454	2,699	1,737	2,163	3,391	1,633	731
Disposals (WDV)	(205)	–	(314)	(892)	(481)	(647)	(90)	(29)
Depreciation and impairment	(481)	(417)	(2,440)	(2,427)	(950)	(928)	(723)	(712)
Fair value adjustment	279	3,351	5,219	–	1,694	–	1,525	–
Closing balance	14,508	11,890	117,553	112,389	38,130	35,704	34,328	31,983

\$ '000	Swimming pool		Library books		Other Assets		Total	
	2022	2021	2022	2021	2022	2021	2022	2021 Restated
Opening balance	5,040	3,081	385	379	760	744	500,041	484,235
Purchases (GBV)	129	2,087	132	142	41	109	14,538	19,254
Disposals (WDV)	(111)	–	–	–	–	–	(1,437)	(1,868)
Depreciation and impairment	(162)	(128)	(137)	(136)	(104)	(93)	(10,145)	(9,654)
Fair value adjustment	487	–	–	–	–	–	43,865	8,074
Closing balance	5,383	5,040	380	385	697	760	546,862	500,041

Information relating to the transfers into and out of the level 3 fair valuation hierarchy includes:

There are no transfers identified in the above table.

Highest and best use

All of Council's non-financial assets are considered as being utilised for their highest and best use.

E3-1 Contingencies

The following assets and liabilities do not qualify for recognition in the Statement of Financial Position, but their knowledge and disclosure is considered relevant to the users of Council’s financial report.

LIABILITIES NOT RECOGNISED

1. Guarantees

(i) Defined benefit plans

Council is party to an Industry Defined Benefit Plan under the Local Government Superannuation Scheme, named The Local Government Superannuation Scheme – Pool B (the Scheme) which is a defined benefit plan that has been deemed to be a ‘multi-employer fund’ for purposes of AASB119 Employee Benefits for the following reasons:

- Assets are not segregated within the sub-group according to the employees of each sponsoring employer.
- The contribution rates have been the same for all sponsoring employers. That is, contribution rates have not varied for each sponsoring employer according to the experience relating to the employees of that sponsoring employer.
- Benefits for employees of all sponsoring employers are determined according to the same formulae and without regard to the sponsoring employer.
- The same actuarial assumptions are currently used in respect of the employees of each sponsoring employer.

Given the factors above, each sponsoring employer is exposed to the actuarial risks associated with current and former employees of other sponsoring employers, and hence shares in the associated gains and losses (to the extent that they are not borne by members).

Description of the funding arrangements.

Pooled employers are required to pay standard employer contributions and additional lump sum contributions to the fund.

The standard employer contributions were determined using the new entrant rate method under which a contribution rate sufficient to fund the total benefits over the working life-time of a typical new entrant is calculated. The current standard employer contribution rates are:

Division B	1.9 times employee contributions for non-180 Point Members; Nil for 180 Point Members
Division C	2.5% salaries
Division D	1.64 times employee contributions

- For 180 Point Members, Employers are required to contribute 7.5% of salaries for the year ending 30 June 2022 (increasing to 8.0% in line with the increase in the Superannuation Guarantee) to these members’ accumulation accounts, which are paid in addition to members’ defined benefits.

The past service contribution for each Pooled Employer is a share of the total past service contributions of \$40 million per annum from 1 July 2019 to 31 December 2021 and \$20 million per annum for 1 January to 31 December 2024, apportioned according to each employer’s share of the accrued liabilities as at 30 June 2021. The past service contributions are used to maintain the adequacy of the funding position for the accrued liabilities.

The adequacy of contributions is assessed at each triennial actuarial investigation and monitored annually between triennials.

Description of the extent to which Council can be liable to the plan for other Council’s obligations under the terms and conditions of the multi-employer plan

As stated above, each sponsoring employer (Council) is exposed to the actuarial risks associated with current and former employees of other sponsoring employers and hence shares in the associated gains and losses.

However, there is no relief under the Fund’s trust deed for employers to walk away from their defined benefit obligations. Under limited circumstances, an employer may withdraw from the plan when there are no active members, on full payment of outstanding additional contributions. There is no provision for allocation of any surplus which may be present at the date of withdrawal of the Entity.

There are no specific provisions under the Fund’s trust deed dealing with deficits or surplus on wind-up.

The amount of Council employer contributions to the defined benefit section of the Local Government Superannuation Scheme and recognised as an expense for the year ending 30 June 2022 was \$249,414.39. The last formal valuation of the Fund was undertaken by the Fund Actuary, Richard Boyfield FIAA as at 30 June 2021.

continued on next page ...

E3-1 Contingencies (continued)

Council's expected contribution to the plan for the next annual reporting period is \$169,341.12.

The estimated employer reserves financial position for the Pooled Employers at 30 June 2022 is:

Employer reserves only *	\$millions	Asset Coverage
Assets	2,376.6	
Past Service Liabilities	2,380.7	99.8%
Vested Benefits	2,391.7	99.4%

* excluding member accounts and reserves in both assets and liabilities.

The share of this deficit that is broadly attributed to Council is estimated to be in the order of \$97,043.52 as at 30 June 2022.

Council's share of that deficiency cannot be accurately calculated as the Scheme is a mutual arrangement where assets and liabilities are pooled together for all member councils. For this reason, no liability for the deficiency has been recognised in Council's accounts. Council has a possible obligation that may arise should the Scheme require immediate payment to correct the deficiency.

The key economic long term assumptions used to calculate the present value of accrued benefits are:

Investment return	5.5% per annum
Salary inflation *	3.5% per annum
Increase in CPI	2.5% per annum

* Plus promotional increases

The contribution requirements may vary from the current rates if the overall sub-group experience is not in line with the actuarial assumptions in determining the funding program; however, any adjustment to the funding program would be the same for all sponsoring employers in the Pooled Employers group.

(iii) StateCover Limited

Council is a member of StateCover Mutual Limited and holds a partly paid share in the entity.

StateCover is a company providing workers compensation insurance cover to the NSW local government industry and specifically Council.

Council has a contingent liability to contribute further equity in the event of the erosion of the company's capital base as a result of the company's past performance and/or claims experience or as a result of any increased prudential requirements from APRA.

These future equity contributions would be required to maintain the company's minimum level of net assets in accordance with its licence requirements.

(iv) Other guarantees

Council has provided no other guarantees other than those listed above.

2. Other liabilities

(i) Third party claims

The Council is involved from time to time in various claims incidental to the ordinary course of business including claims for damages relating to its services.

Council believes that it is appropriately covered for all claims through its insurance coverage and does not expect any material liabilities to eventuate.

(ii) Potential land acquisitions due to planning restrictions imposed by Council

Council has classified a number of privately owned land parcels as local open space or bushland.

As a result, where notified in writing by the various owners, Council will be required to purchase these land parcels.

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E3-1 Contingencies (continued)

At reporting date, reliable estimates as to the value of any potential liability (and subsequent land asset) from such potential acquisitions has not been possible.

(iii) Joint Venture

Council is a member of CivicRisk Mutual Ltd, a mutual self-insurance scheme providing general insurance to local government. CivicRisk Mutual Ltd membership includes the potential to share in either the net surplus or deficit of protection years depending on its past performance. Council's share of the net surplus or deficit reflects Council's contributions to the pool and the result of insurance claims within each of the fund years. The future realisation and finalisation of claims incurred but not reported to 30/6 this year may result in future liabilities or benefits as a result of past events that Council will be required to fund or share in respectively.

ASSETS NOT RECOGNISED

(i) Land under roads

As permitted under AASB 1051, Council has elected not to bring to account land under roads that it owned or controlled up to and including 30 June 2008.

(ii) Infringement notices/fines

Fines and penalty income, the result of Council issuing infringement notices is followed up and collected by the Infringement Processing Bureau.

Council's revenue recognition policy for such income is to account for it as revenue on receipt.

Accordingly, at year end, there is a potential asset due to Council representing issued but unpaid infringement notices.

Due to the limited information available on the status, value and duration of outstanding notices, Council is unable to determine the value of outstanding income.

F People and relationships

F1 Related party disclosures

F1-1 Key management personnel (KMP)

Key management personnel (KMP) of the council are those persons having the authority and responsibility for planning, directing and controlling the activities of the council, directly or indirectly.

The aggregate amount of KMP compensation included in the Income Statement is:

\$ '000	2022	2021
Compensation:		
Short-term benefits	1,435	1,369
Post-employment benefits	112	107
Other long-term benefits	71	101
Total	1,618	1,577

Other transactions with KMP and their related parties

Council has determined that transactions at arm's length between KMP and Council as part of Council delivering a public service objective (e.g. access to library or Council swimming pool by KMP) will not be disclosed.

There have been no transactions identified through the related party disclosure process indicating to be any significant disclosures from Key Management Persons during the year ended 30 June 2022.

ITEM NUMBER 115/22 - ATTACHMENT 1

Annual Financial Statements year ended 30 June 2022

Burwood Council | Notes to the Financial Statements 30 June 2022

F1-2 Councillor and Mayoral fees and associated expenses

\$ '000	2022	2021
----------------	-------------	-------------

The aggregate amount of Councillor and Mayoral fees and associated expenses included in materials and services expenses in the Income Statement are:

Mayoral fee	45	44
Councillors' fees	138	142
Other Councillors' expenses (including Mayor)	31	130
Total	214	316

F1-3 Other related parties

There were no other related party transactions identified through the related party disclosure process during the year ended 30 June 2022.

F2 Other relationships

F2-1 Audit fees

\$ '000	2022	2021
---------	------	------

During the year, the following fees were incurred for services provided by the auditor of Council, related practices and non-related audit firms

Auditors of the Council - NSW Auditor-General:**(i) Audit and other assurance services**

Audit and review of financial statements

90	87
----	----

Remuneration for audit and other assurance services

90	87
----	----

Total Auditor-General remuneration

90	87
----	----

Non NSW Auditor-General audit firms**(ii) Non-assurance services**

Other audit and assurance services

65	35
----	----

Remuneration for non-assurance services

65	35
----	----

Total remuneration of non NSW Auditor-General audit firms

65	35
----	----

Total audit fees

155	122
-----	-----

G Other matters

G1-1 Statement of Cash Flows information

Reconciliation of net operating result to cash provided from operating activities

\$ '000	2022	2021 Restated
Net operating result from Income Statement	(226)	2,475
Add / (less) non-cash items:		
Depreciation and amortisation	10,535	10,018
(Gain) / loss on disposal of assets	1,081	1,686
Losses/(gains) recognised on fair value re-measurements through the P&L:		
– Investments classified as ‘at fair value’ or ‘held for trading’	(45)	(86)
– Investment property	(275)	(360)
Movements in operating assets and liabilities and other cash items:		
(Increase) / decrease of receivables	(1,715)	(695)
Increase / (decrease) in provision for impairment of receivables	91	(19)
(Increase) / decrease of other current assets	(269)	(76)
(Increase) / decrease of contract asset	437	(73)
Increase / (decrease) in payables	344	(583)
Increase / (decrease) in accrued interest payable	(1)	–
Increase / (decrease) in other accrued expenses payable	195	(1,415)
Increase / (decrease) in other liabilities	96	458
Increase / (decrease) in contract liabilities	4,872	(1,256)
Increase / (decrease) in employee benefit provision	(1,594)	246
Net cash flows from operating activities	13,526	10,320

G2-1 Commitments

Capital commitments (exclusive of GST)

\$ '000	2022	2021
---------	------	------

Capital expenditure committed for at the reporting date but not recognised in the financial statements as liabilities:

Property, plant and equipment

Buildings	–	779
Plant and equipment	603	393
Other – Structures	793	–
Other – Infrastructure	1,254	–
Other	235	–
Road infrastructure	211	–
Total commitments	3,096	1,172

These expenditures are payable as follows:

Within the next year	3,096	1,172
Total payable	3,096	1,172

Sources for funding of capital commitments:

Future grants and contributions	2,047	–
Section 7.11 and 64 funds/reserves	122	599
Internally restricted reserves	927	573
Total sources of funding	3,096	1,172

Details of capital commitments

Other Structures - New All Abilities Playground
 Other Infrastructure - Upgrade of Enfield Village Revitalisation and Project works on WestInvest Grant Projects
 Other - Henley PArk Gateway Signage and Wangal Park GAs Mitigation works
 Road Infrastructure - Resheeting of Ethel Street

ITEM NUMBER 115/22 - ATTACHMENT 1
Annual Financial Statements year ended 30 June 2022

Burwood Council | Notes to the Financial Statements 30 June 2022

G3-1 Events occurring after the reporting date

Council is unaware of any material or significant 'non-adjusting events' that should be disclosed.

G4 Changes from prior year statements

G4-1 Correction of errors

A comprehensive external revaluation of asset class land improvements - depreciable was completed during the 2021-22 financial year.

The revaluation identified several land improvements - depreciable assets that could not be reliably revalued as the information within the asset system related to historical assets that could not be quantified, were no longer in existence or were assets with multiple types which could have now been included in the appropriate asset class during other revaluations.

Council retrospectively corrected the prior period error by decreasing the "Infrastructure, property, plant and equipment" (IPPE) and "Accumulated surplus" by \$8.2 million as of 1 July 2020 and by \$8 million as of 30 June 2021. Net result for the year ended 30 June 2021 was also adjusted by \$0.2 million for the depreciation charge. The corrected balance of land improvements - depreciable assets as at 30 June 2021 was \$4.612 million and at 1 July 2020 was \$4.371 million.

The errors identified above have been corrected by restating the balances at the beginning of the earliest period presented (1 July 2020) and taking the adjustment through to accumulated surplus at that date.

Comparatives have been changed to reflect the correction of errors. The impact on each line item is shown in the tables below.

Changes to the opening Statement of Financial Position at 1 July 2020

Statement of Financial Position

\$ '000	Original Balance 1 July, 2020	Impact Increase/ (decrease)	Restated Balance 1 July, 2020
Infrastructure, property, plant and equipment (IPPE)	12,580	(8,209)	4,371
Total assets	557,719	(8,209)	549,510
Net assets	528,303	(8,209)	520,094
Accumulated surplus	250,563	(8,209)	242,354
Total equity	528,303	(8,209)	520,094

Adjustments to the comparative figures for the year ended 30 June 2021

Statement of Financial Position

\$ '000	Original Balance 30 June, 2021	Impact Increase/ (decrease)	Restated Balance 30 June, 2021
Infrastructure, property, plant and equipment (IPPE)	12,605	(7,993)	4,612
Total assets	565,149	(7,993)	557,156
Net assets	538,276	(7,993)	530,283
Accumulated Surplus	252,822	(7,993)	244,829
Total equity	538,276	(7,993)	530,283

continued on next page ...

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ITEM NUMBER 115/22 - ATTACHMENT 1

Annual Financial Statements year ended 30 June 2022

Burwood Council | Notes to the Financial Statements 30 June 2022

G4-1 Correction of errors (continued)

Income Statement

\$ '000	Original Balance 30 June, 2021	Impact Increase/ (decrease)	Restated Balance 30 June, 2021
Depreciation and amortisation of intangible assets and IPP&E	10,234	(216)	10,018
Total expenses from continuing operations	56,328	(216)	56,112
Net operating result for the year	2,259	216	2,475

Statement of Comprehensive Income

\$ '000	Original Balance 30 June, 2021	Impact Increase/ (decrease)	Restated Balance 30 June, 2021
Net operating result for the year	2,259	216	2,475
Total comprehensive income for the year	9,973	216	10,189

G5 Statement of developer contributions as at 30 June 2022

G5-1 Summary of developer contributions

\$ '000	Opening balance at 1 July 2021	Contributions received during the year		Interest and investment income earned	Amounts expended	Internal borrowings	Held as restricted asset at 30 June 2022	Cumulative balance of internal borrowings (to)/from
		Cash	Non-cash					
Traffic facilities	132	-	-	-	(132)	-	-	-
Parking	72	-	-	-	(72)	-	-	-
Burwood town centre	2,993	52	-	3	(1,200)	-	1,848	-
Burwood LGA	455	275	-	1	(358)	-	373	-
S7.11 contributions – under a plan	3,652	327	-	4	(1,762)	-	2,221	-
Total S7.11 and S7.12 revenue under plans	3,652	327	-	4	(1,762)	-	2,221	-
S7.4 planning agreements	7,527	169	-	8	(1,209)	-	6,495	-
Total contributions	11,179	496	-	12	(2,971)	-	8,716	-

Under the Environmental Planning and Assessment Act 1979, Council has significant obligations to provide Section 7.11 (contributions towards provision or improvement of amenities or services) infrastructure in new release areas. It is possible that the funds contributed may be less than the cost of this infrastructure, requiring Council to borrow or use general revenue to fund the difference.

G5-2 Developer contributions by plan

\$ '000	Opening balance at 1 July 2021	Contributions received during the year		Interest and investment income earned	Amounts expended	Internal borrowings	Held as restricted asset at 30 June 2022	Cumulative balance of internal borrowings (to)/from
		Cash	Non-cash					
CONTRIBUTION PLAN NUMBER - 94A New LEP								
Traffic facilities	132	-	-	-	(132)	-	-	-
Parking	72	-	-	-	(72)	-	-	-
Burwood town centre	2,993	52	-	3	(1,200)	-	1,848	-
Burwood LGA	455	275	-	1	(358)	-	373	-
Total	3,652	327	-	4	(1,762)	-	2,221	-

ITEM NUMBER 115/22 - ATTACHMENT 1

Annual Financial Statements year ended 30 June 2022

Burwood Council | Notes to the Financial Statements 30 June 2022

G6 Statement of performance measures

G6-1 Statement of performance measures – consolidated results

	Amounts		Indicator	Indicators		Benchmark
	2022	2022	Restated 2021	2020	2019	
\$ '000						
1. Operating performance ratio						
Total continuing operating revenue excluding capital grants and contributions less operating expenses ^{1,2}	(3,727)	(7.22)%	(7.97)%	(9.41)%	3.38%	> 0.00%
Total continuing operating revenue excluding capital grants and contributions ¹	51,642					
2. Own source operating revenue ratio						
Total continuing operating revenue excluding all grants and contributions ¹	47,663	85.12%	81.89%	54.93%	77.79%	> 60.00%
Total continuing operating revenue	55,994					
3. Unrestricted current ratio						
Current assets less all external restrictions	36,037	2.29x	3.18x	2.96x	4.67x	> 1.50x
Current liabilities less specific purpose liabilities	15,713					
4. Debt service cover ratio						
Operating result before capital excluding interest and depreciation/impairment/amortisation ¹	7,122	5.89x	4.99x	2.95x	10.16x	> 2.00x
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)	1,209					
5. Rates and annual charges outstanding percentage						
Rates and annual charges outstanding	2,012	5.64%	4.53%	4.16%	2.90%	< 5.00%
Rates and annual charges collectable	35,663					
6. Cash expense cover ratio						
Current year's cash and cash equivalents plus all term deposits	26,198	6.09 months	6.58 months	8.34 months	10.47 months	> 3.00 months
Monthly payments from cash flow of operating and financing activities	4,300					

(1) Excludes fair value increments on investment properties, reversal of revaluation decrements, reversal of impairment losses on receivables, net gain on sale of assets and net share of interests in joint ventures and associates using the equity method and includes pensioner rate subsidies

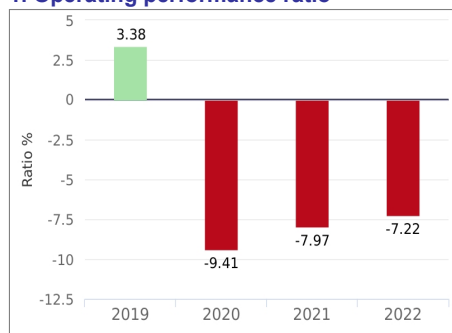
(2) Excludes impairment/revaluation decrements of IPPE, fair value decrements on investment properties, net loss on disposal of assets and net loss on share of interests in joint ventures and associates using the equity method

End of the audited financial statements

H Additional Council disclosures (unaudited)

H1-1 Statement of performance measures – consolidated results (graphs)

1. Operating performance ratio



Purpose of operating performance ratio

This ratio measures Council's achievement of containing operating expenditure within operating revenue.

Commentary on 2021/22 result

2021/22 ratio (7.22)%

Council's revenue streams during the year were impacted by Covid 19 through the closure of the Enfield Aquatic Centre, loss in Parking revenue and providing businesses with reduced fees and charges. In addition extra cost associated with providing support to the Community via "Business Cares" initiatives.

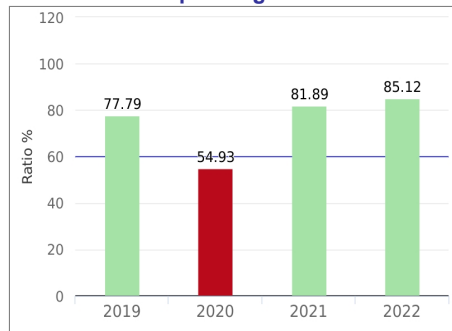
Benchmark: — > 0.00%

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark

Ratio is outside benchmark

2. Own source operating revenue ratio



Purpose of own source operating revenue ratio

This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions.

Commentary on 2021/22 result

2021/22 ratio 85.12%

The ratio is above the 60% benchmark. This can be attributed to the increase in rating base and the third year of the Special Rate Variation.

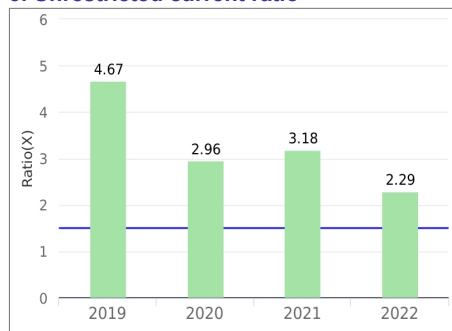
Benchmark: — > 60.00%

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark

Ratio is outside benchmark

3. Unrestricted current ratio



Purpose of unrestricted current ratio

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

Commentary on 2021/22 result

2021/22 ratio 2.29x

Council's liquidity remains strong and well above the 1.5% benchmark.

Benchmark: — > 1.50x

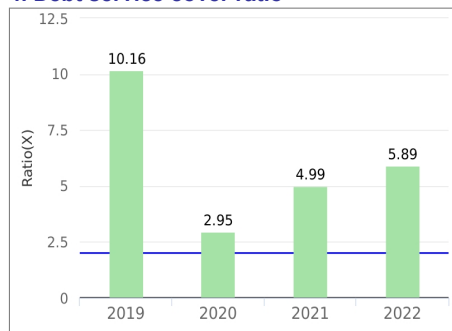
Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark

Ratio is outside benchmark

H1-1 Statement of performance measures – consolidated results (graphs) (continued)

4. Debt service cover ratio



Purpose of debt service cover ratio

This ratio measures the availability of operating cash to service debt including interest, principal and lease payments

Commentary on 2021/22 result

2021/22 ratio 5.89x

Council's Debt Service Ratio

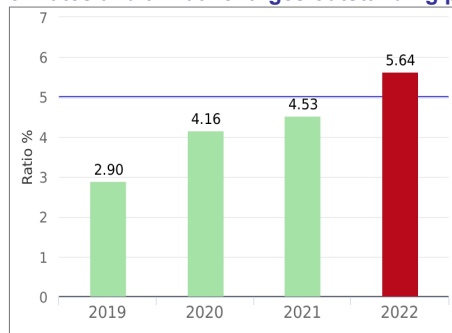
Benchmark: — > 2.00x

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark

Ratio is outside benchmark

5. Rates and annual charges outstanding percentage



Purpose of rates and annual charges outstanding percentage

To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.

Commentary on 2021/22 result

2021/22 ratio 5.64%

Council has in past years actively pursued the recovery of Rates and Extra Charges, however over the past few years due to Covid 19 Council has wound back rates recovery action. During 2022-23 financial year Council will again recommence debt recovery action and aim to once again fall below the benchmark.

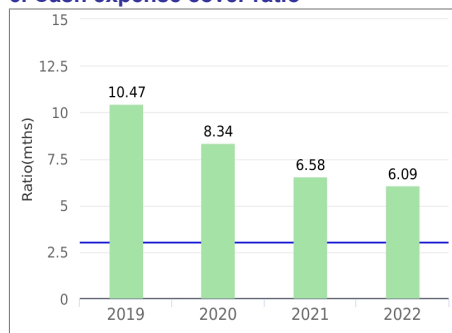
Benchmark: — < 5.00%

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark

Ratio is outside benchmark

6. Cash expense cover ratio



Purpose of cash expense cover ratio

This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.

Commentary on 2021/22 result

2021/22 ratio 6.09 months

The ratio remains well in excess of the three month benchmark.

Benchmark: — > 3.00months

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark

Ratio is outside benchmark

ITEM NUMBER 115/22 - ATTACHMENT 1
Annual Financial Statements year ended 30 June 2022

Burwood Council | Notes to the Financial Statements 30 June 2022

H1-2 Financial review

Key financial figures of Council over the past 5 years

\$ '000	2022	2021	2020	2019	2018
Inflows:					
Rates and annual charges revenue	34,039	32,400	30,448	28,600	26,933
User charges revenue	6,806	8,245	8,453	11,151	11,622
Interest and investment revenue (losses)	506	549	1,398	1,828	1,392
Grants income – operating and capital	7,910	7,345	6,863	6,949	4,652
Total income from continuing operations	56,314	58,587	85,182	60,681	63,075
Sale proceeds from IPPE	411	200	401	2,293	442
New loan borrowings and advances	1,000	–	–	1,000	1,000
Outflows:					
Employee benefits and on-cost expenses	19,816	20,376	20,403	19,649	17,885
Borrowing costs	314	344	378	345	325
Materials and contracts expenses	23,773	22,271	24,883	12,943	11,796
Total expenses from continuing operations	56,540	56,112	56,245	49,312	46,593
Total cash purchases of IPPE	16,307	19,627	24,180	13,550	12,994
Total loan repayments (incl. finance leases)	901	928	891	596	466
Operating surplus/(deficit) (excl. capital income)	(4,578)	(5,293)	(6,043)	1,367	2,318
Financial position figures					
Current assets	36,447	53,344	62,711	67,176	51,911
Current liabilities	22,646	20,990	22,643	17,791	17,059
Net current assets	13,801	32,354	40,068	49,385	34,852
Available working capital (Unrestricted net current assets)	(3,289)	(89)	(1,915)	1,012	1,109
Cash and investments – unrestricted	1,126	2,004	3,173	5,908	5,813
Cash and investments – internal restrictions	31,732	31,821	34,479	33,588	28,701
Cash and investments – total	45,594	47,902	58,031	65,191	57,187
Total borrowings outstanding (loans, advances and finance leases)	5,803	5,486	6,208	6,898	6,494
Total value of IPPE (excl. land and earthworks)	611,665	574,509	568,573	466,495	460,630
Total accumulated depreciation	255,798	238,414	236,891	163,794	161,602
Indicative remaining useful life (as a % of GBV)	58%	59%	58%	65%	65%

Source: published audited financial statements of Council (current year and prior year)

H1-3 Council information and contact details

Principal place of business:

2 Conder Street
Burwood NSW 2134

Mailing address:

PO Box 240
Burwood NSW 1805

Telephone: 02 9911 9911

Facsimile: 02 9911 9900

Opening hours:

8:30am to 4:30pm
Monday to Friday

Internet: www.burwood.nsw.gov.au

Email: council@burwood.nsw.gov.au

Officers

Fab Zincone

Acting General Manager

Wayne Armitage

Responsible Accounting Officer

Tanya Whitmarsh

Public Officer

Auditors

Audit Office of New South Wales
Level 19, Darling Park Tower 2
201 Sussex Street
Sydney NSW 2000

Elected members

Mayor

John Faker

Deputy Mayor

George Mannah

Councillors

Heather Crichton
Pascale Esber
Hugo Robinson
David Hull
Ned Cutcher

Other information

ABN: 84 362 114 428



INDEPENDENT AUDITOR'S REPORT
Report on the general purpose financial statements
Burwood Council

To the Councillors of Burwood Council

Opinion

I have audited the accompanying financial statements of Burwood Council (the Council), which comprise the Statement by Councillors and Management, the Income Statement and Statement of Comprehensive Income for the year ended 30 June 2022, the Statement of Financial Position as at 30 June 2022, the Statement of Changes in Equity and Statement of Cash Flows for the year then ended and notes comprising a summary of significant accounting policies and other explanatory information.

In my opinion:

- the Council's accounting records have been kept in accordance with the requirements of the *Local Government Act 1993*, Chapter 13, Part 3, Division 2 (the Division)
- the financial statements:
 - have been prepared, in all material respects, in accordance with the requirements of this Division
 - are consistent with the Council's accounting records
 - present fairly, in all material respects, the financial position of the Council as at 30 June 2022, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- all information relevant to the conduct of the audit has been obtained
- no material deficiencies in the accounting records or financial statements have come to light during the audit.

My opinion should be read in conjunction with the rest of this report.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants (including Independence Standards)' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Other Information

The Council's annual report for the year ended 30 June 2022 includes other information in addition to the financial statements and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the Special Schedules (the Schedules).

My opinion on the financial statements does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the Special Schedule - Permissible income for general rates.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

The Councillors' Responsibilities for the Financial Statements

The Councillors are responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the *Local Government Act 1993*, and for such internal control as the Councillors determine is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting.

Auditor's Responsibilities for the Audit of the Financial Statements

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar4.pdf. The description forms part of my auditor's report.

The scope of my audit does not include, nor provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- on the Original Budget information included in the Income Statement, Statement of Cash Flows, and Note B5-1 Material budget variations
- on the Special Schedules. A separate opinion has been provided on Special Schedule - Permissible income for general rates
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.



Weini Liao
Delegate of the Auditor-General for New South Wales

31 October 2022
SYDNEY



Mr John Faker
Mayor
Burwood Council
PO Box 240
BURWOOD NSW 1805

Contact: Weini Liao
Phone no: (02) 9275 7432
Our ref: D2221507/1702

31 October 2022

Dear Mayor

**Report on the Conduct of the Audit
for the year ended 30 June 2022
Burwood Council**

I have audited the general purpose financial statements (GPFS) of the Burwood Council (the Council) for the year ended 30 June 2022 as required by section 415 of the *Local Government Act 1993* (the Act).

I expressed an unmodified opinion on the Council's GPFS.

This Report on the Conduct of the Audit (the Report) for the Council for the year ended 30 June 2022 is issued in accordance with section 417 of the Act. This Report should be read in conjunction with my audit opinion on the GPFS issued under section 417(2) of the Act.

SIGNIFICANT AUDIT ISSUES AND OBSERVATIONS

I identified the following significant audit issues and observations during my audit of the Council's financial statements. These issues and observations were addressed as part of my audit.

Correction of prior period errors relating to write-off of land improvements

The Council has disclosed a correction of prior period errors in Note G4-1 'Correction of errors' relating to write-off of land improvements in previous reporting periods.

In 2021-22, Council undertook a comprehensive external revaluation of asset class 'land improvements - depreciable'. As part of the review of the valuation, I noted that certain landscaping assets in this asset class could not be reliably measured by the valuer as the assets information within the asset system could not be quantified or the assets were no longer in existence. Hence, the valuer determined nil value for these assets.

Council retrospectively corrected the prior period error by decreasing the 'Infrastructure, property, plant and equipment' (IPPE) and 'Accumulated surplus' by \$8.2 million as of 1 July 2020 and by \$8 million as of 30 June 2021. Net result for the year ended 30 June 2021 was also adjusted by \$0.2 million for the depreciation charge. Council has presented three-column Statement of Financial Position to restate the comparative numbers.

INCOME STATEMENT**Operating result**

	2022	2021*	Variance
	\$m	\$m	%
Rates and annual charges revenue	34.0	32.4	↑ 4.9
Grants and contributions revenue	8.3	10.5	↓ 21
Operating result from continuing operations	(0.2)	2.5	↓ (108)
Net operating result before capital grants and contributions	(4.6)	(5.3)	↑ 13.2

* The 2021 comparatives have been restated to correct a prior period error. Note G4-1 of the financial statements provides details of the prior period error.

Rates and annual charges revenue (\$34.0 million) increased by \$1.6 million (4.9 per cent) in 2021–22 due to the Council's approved Special Rate Variation, which increased general rates revenue by \$1.4 million (5.4 per cent) in 2021–22. Annual charges also increased by approximately \$0.3 million as a result of an increase in domestic waste management services.

Grants and contributions revenue (\$8.3 million) decreased by \$2.1 million (21 per cent) in 2021–22 due to:

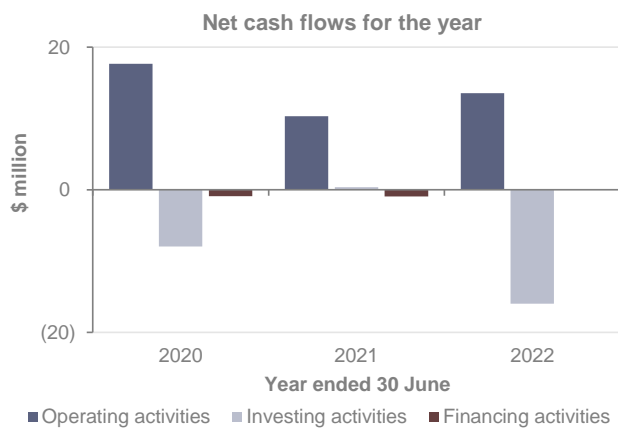
- a decrease of \$2.7 million in developer contributions
- an increase of \$0.9 million in operating special purpose grants and decrease of \$0.7 million in capital special purpose grants
- an increase of \$0.3 million of financial assistance grants.

The Council's operating result from continuing operations (loss of \$0.2 million including depreciation and amortisation expense of \$10.5 million) was \$2.7 million lower than the 2020–21 result. The main reason for the variation was lower grants and contributions of \$2.1 million and lower user charges and fees of \$1.4 million. This was partially offset by increase in rates and annual charges by \$1.6 million. Total expenses remained largely same as the prior year.

The net operating result before capital grants and contributions (loss of \$4.6 million) was \$0.7 million higher than the 2020–21 result due to higher operating grants of \$0.9 million received in 2021-22.

STATEMENT OF CASH FLOWS

- The Council reported a decrease in cash and cash equivalents from \$20.6 million at 30 June 2021 to \$18.2 million at 30 June 2022.
- Cash inflows from operating activities increased from 2020-21 because of higher rates and annual charges and grants and contributions, largely unchanged cash payments for materials and services cost, partially offset by decrease in user charges and fees.
- Cash outflows used in investing activities were higher by \$16.6 million due to lower sale of investment securities. Purchase of infrastructure, property, plant and equipment was lower by \$3.3 million in the current year.



FINANCIAL POSITION

Cash and investments

Cash and investments	2022	2021	Commentary
	\$m	\$m	
Total cash, cash equivalents and investments	45.6	47.9	<ul style="list-style-type: none"> Externally restricted cash and investments are restricted in their use by externally imposed requirements.
Restricted and allocated cash, cash equivalents and investments:			<ul style="list-style-type: none"> Internally located cash and investments have been restricted in their use by resolution or policy of Council to reflect identified programs of works and any forward plans identified by Council. The internally restricted funds as at 30 June 2022 were same as the prior year.
• External restrictions	12.8	14.1	
• Internal allocations	31.7	31.8	
• Unrestricted cash	1.1	2.0	<ul style="list-style-type: none"> Unrestricted cash and investments balance was \$1.1 million, which is available to provide liquidity for day-to-day operations of the Council.

Debt

The Council obtained additional loans of \$1 million and repaid \$0.7 million during the financial year. Total debt as at 30 June 2022 is \$5.8 million (2021: \$5.5 million).

PERFORMANCE

Performance measures

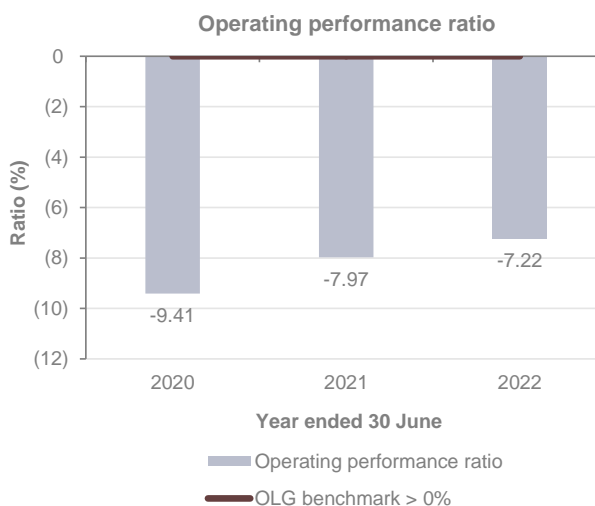
The following section provides an overview of the Council's performance against the performance measures and performance benchmarks set by the Office of Local Government (OLG) within the Department of Planning and Environment.

Operating performance ratio

The Council did not meet the OLG benchmark for the current reporting period. Council's operating performance ratio slightly improved since 2021. The ratio was slightly higher due to improved revenue in Council's own source income streams in financial year 2021-22.

The 2021 ratio was restated to correct a prior period error.

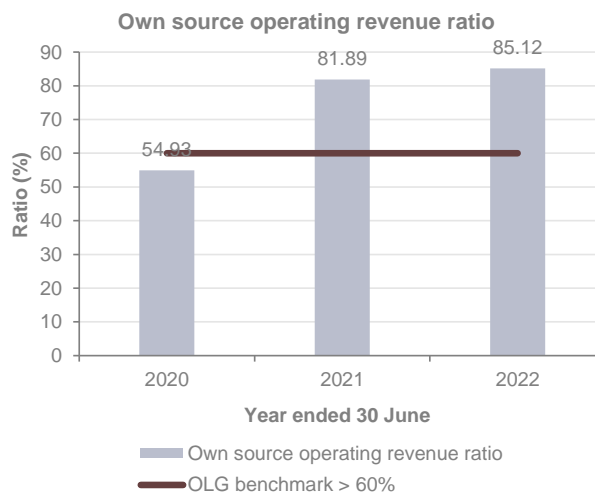
The 'operating performance ratio' measures how well council contained operating expenditure within operating revenue (excluding capital grants and contributions, fair value adjustments, and reversal of revaluation decrements). The benchmark set by OLG is greater than zero per cent.



Own source operating revenue ratio

The Council exceeded the OLG benchmark for the current reporting period. This was attributable to the increase in rating base and the third year of the Special Rate Variation.

The 'own source operating revenue ratio' measures council's fiscal flexibility and the degree to which it relies on external funding sources such as operating grants and contributions. The benchmark set by OLG is greater than 60 per cent.

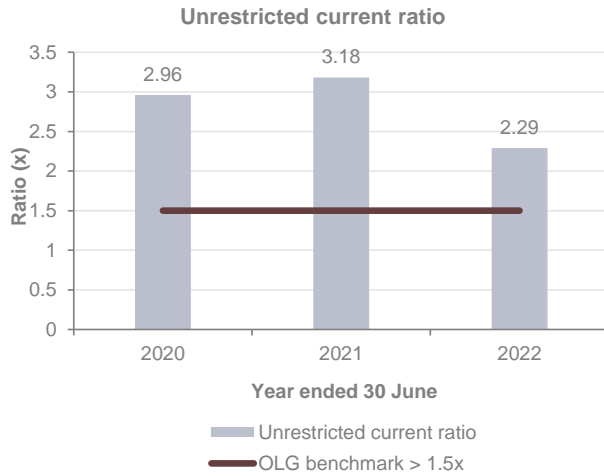


Unrestricted current ratio

The Council met the OLG benchmark for the current reporting period.

The 'unrestricted current ratio' is specific to local government and represents council's ability to meet its short-term obligations as they fall due. The benchmark set by OLG is greater than 1.5 times.

This ratio indicates that Council currently has \$2.29 of unrestricted current assets available to service every \$1.00 of its unrestricted current liabilities.

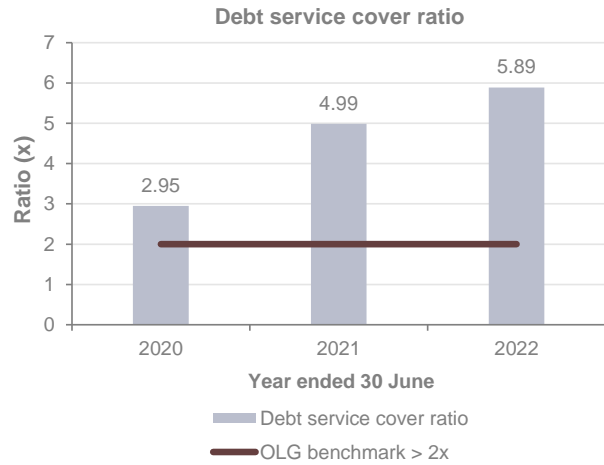


Debt service cover ratio

The Council met the OLG benchmark for the current reporting period.

The 'debt service cover ratio' measures the operating cash to service debt including interest, principal and lease payments. The benchmark set by OLG is greater than two times.

Council appears to be effectively monitoring its liquidity levels to ensure it can meet its borrowing costs when they fall due.

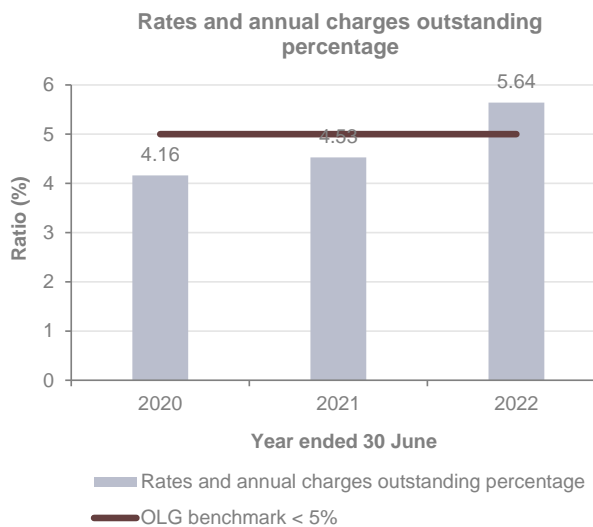


Rates and annual charges outstanding percentage

The Council did not meet the OLG benchmark for the current reporting period.

The 'rates and annual charges outstanding percentage' assesses the impact of uncollected rates and annual charges on council's liquidity and the adequacy of debt recovery efforts. The benchmark set by OLG is less than 5 per cent for metropolitan councils.

In 2021-22, this ratio has been impacted primarily by the economic conditions resulting from the COVID-19 pandemic.

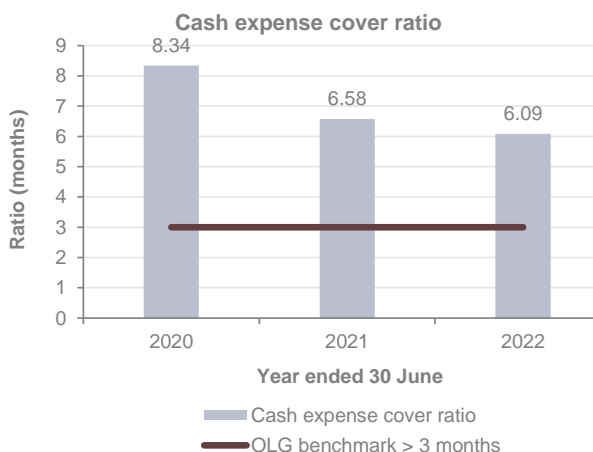


Cash expense cover ratio

The Council met the OLG benchmark for the current reporting period.

This liquidity ratio indicates the number of months the council can continue paying for its immediate expenses without additional cash inflow. The benchmark set by OLG is greater than three months.

This indicates that Council had the capacity to cover 6.09 months of cash expenditure without additional cash inflows at 30 June 2022.



Infrastructure, property, plant and equipment renewals

- Council spent \$7.3 million on asset renewals in 2021-22 compared to \$8.0 million in 2020-21. Asset renewals are defined as the replacement of existing assets as opposed to the acquisition of new assets.
- Asset renewals in 2021-22 were carried out in accordance with Council's capital works program and primarily related to buildings, road and footpaths assets.

Legislative compliance

My audit procedures did not identify any instances of non-compliance with legislative requirements or a material deficiency in the Council's accounting records or financial statements. The Council's:

- accounting records were maintained in a manner and form to allow the GPFS to be prepared and effectively audited
- staff provided all accounting records and information relevant to the audit.



Weini Liao
Director, Financial Services

Delegate of the Auditor-General for New South Wales

cc: Mr Fab Zincone, Acting General Manager
Mr Daniel Carbone, Chair of the Audit Committee
Mr Michael Cassel, Secretary of the Department of Planning, Industry and Environment

Burwood Council

SPECIAL PURPOSE FINANCIAL STATEMENTS

for the year ended 30 June 2022

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



Burwood Council

Special Purpose Financial Statements
for the year ended 30 June 2022

Contents	Page
Special Purpose Financial Statements:	n/a

Burwood Council

SPECIAL SCHEDULES
for the year ended 30 June 2022

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



Burwood Council

Special Schedules

for the year ended 30 June 2022

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Report on infrastructure assets as at 30 June 2022	7

ITEM NUMBER 115/22 - ATTACHMENT 1

Annual Financial Statements year ended 30 June 2022

Burwood Council | Permissible income for general rates | for the year ended 30 June 2022

Burwood Council

Permissible income for general rates

\$ '000	Notes	Calculation 2021/22	Calculation 2022/23
Notional general income calculation ¹			
Last year notional general income yield	a	26,034	27,287
Plus or minus adjustments ²	b	96	339
Notional general income	c = a + b	26,130	27,626
Permissible income calculation			
Special variation percentage ³	d	4.50%	4.50%
Plus special variation amount	h = d x (c + g)	1,176	1,243
Sub-total	k = (c + g + h + i + j)	27,306	28,869
Plus (or minus) last year's carry forward total	l	2	21
Sub-total	n = (l + m)	2	21
Total permissible income	o = k + n	27,308	28,890
Less notional general income yield	p	27,287	28,867
Catch-up or (excess) result	q = o - p	21	23
Carry forward to next year ⁶	t = q + r + s	21	23

Notes

- (1) The notional general income will not reconcile with rate income in the financial statements in the corresponding year. The statements are reported on an accrual accounting basis which include amounts that relate to prior years' rates income.
- (2) Adjustments account for changes in the number of assessments and any increase or decrease in land value occurring during the year. The adjustments are called 'supplementary valuations' as defined in the *Valuation of Land Act 1916 (NSW)*.
- (3) The 'special variation percentage' is inclusive of the rate peg percentage and where applicable, the Crown land adjustment.
- (6) Carry-forward amounts which are in excess (an amount that exceeds the permissible income) require Ministerial approval by order published in the *NSW Government Gazette* in accordance with section 512 of the Act. The OLG will extract these amounts from Council's Permissible income for general rates Statement in the financial data return (FDR) to administer this process.



INDEPENDENT AUDITOR'S REPORT
Special Schedule – Permissible income for general rates
Burwood Council

To the Councillors of Burwood Council

Opinion

I have audited the accompanying Special Schedule – Permissible income for general rates (the Schedule) of Burwood Council (the Council) for the year ending 30 June 2023.

In my opinion, the Schedule is prepared, in all material respects in accordance with the requirements of the Local Government Code of Accounting Practice and Financial Reporting 2021–22 (LG Code) and is in accordance with the books and records of the Council.

My opinion should be read in conjunction with the rest of this report.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Schedule' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants (including Independence Standards)' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Emphasis of Matter - Basis of Accounting

Without modifying my opinion, I draw attention to the special purpose framework used to prepare the Schedule. The Schedule has been prepared for the purpose of fulfilling the Council's reporting obligations under the LG Code. As a result, the Schedule may not be suitable for another purpose.

Other Information

The Council's annual report for the year ended 30 June 2022 includes other information in addition to the Schedule and my Independent Auditor's Report thereon. The Councillors are responsible for the other information. At the date of this Independent Auditor's Report, the other information I have received comprise the general purpose financial statements and Special Schedule 'Report on infrastructure assets as at 30 June 2022'.

My opinion on the Schedule does not cover the other information. Accordingly, I do not express any form of assurance conclusion on the other information. However, as required by the *Local Government Act 1993*, I have separately expressed an opinion on the general purpose financial statements.

In connection with my audit of the Schedule, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the Schedule or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude there is a material misstatement of the other information, I must report that fact.

I have nothing to report in this regard.

The Councillors' Responsibilities for the Schedule

The Councillors are responsible for the preparation of the Schedule in accordance with the LG Code. The Councillors' responsibility also includes such internal control as the Councillors determine is necessary to enable the preparation of the Schedule that is free from material misstatement, whether due to fraud or error.

In preparing the Schedule, the Councillors are responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting.

Auditor's Responsibilities for the Audit of the Schedule

My objectives are to:


- obtain reasonable assurance whether the Schedule as a whole is free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the Schedule.

A description of my responsibilities for the audit of the Schedule is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar8.pdf. The description forms part of my auditor's report.

The scope of my audit does not include, nor provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- about the security and controls over the electronic publication of the audited Schedule on any website where it may be presented
- about any other information which may have been hyperlinked to/from the Schedule.



Weini Liao
Delegate of the Auditor-General for New South Wales

31 October 2022
SYDNEY

Burwood Council

Report on infrastructure assets as at 30 June 2022

Asset Class	Asset Category	Estimated cost to bring the assets to satisfactory standard		2021/23 Required maintenance ^(a)	2021/23 Actual maintenance	Net carrying amount	Gross replacement cost (GRC)	Assets in condition as a percentage of gross replacement cost				
		\$ '000	\$ '000					1	2	3	4	5
Buildings	Buildings – non-specialised	421	421	95	82	1,648	5,404	0.0%	35.0%	50.0%	13.0%	2.0%
	Buildings – specialised	623	623	727	2,123	105,397	125,166	61.0%	35.0%	4.0%	0.0%	0.0%
	Sub-total	1,044	1,044	822	2,205	107,045	130,570	58.5%	35.0%	5.9%	0.5%	0.1%
Other structures	Other structures	1,697	1,697	261	710	3,004	3,741	2.0%	0.0%	33.0%	0.0%	65.0%
	Sub-total	1,697	1,697	261	710	3,004	3,741	2.0%	0.0%	33.0%	0.0%	65.0%
Roads	Roads	8,129	8,129	2,911	701	117,553	229,765	4.0%	45.0%	44.0%	7.0%	0.0%
	Other road assets	6	6	69	218	10,587	13,472	81.0%	18.0%	1.0%	0.0%	0.0%
	Footpaths	140	140	757	456	38,130	79,263	8.0%	48.0%	44.0%	0.0%	0.0%
Sub-total	8,275	8,275	3,737	1,375	166,270	322,500	8.2%	44.6%	42.2%	5.0%	0.0%	
Stormwater drainage	Stormwater drainage	9,334	9,334	2,747	69	34,328	88,164	7.0%	43.0%	4.0%	35.0%	11.0%
	Sub-total	9,334	9,334	2,747	69	34,328	88,164	7.0%	43.0%	4.0%	35.0%	11.0%
Open space / recreational assets	Swimming pools	–	–	127	603	14,508	8,908	2.0%	5.0%	93.0%	0.0%	0.0%
	Open space / Recreational	66	66	94	2,540	5,383	16,479	62.0%	34.0%	3.0%	1.0%	0.0%
	Sub-total	66	66	221	3,143	19,891	25,387	40.9%	23.8%	34.6%	0.6%	0.0%
Total – all assets	20,416	20,416	7,788	7,502	330,538	570,362	20.9%	40.9%	27.6%	8.4%	2.1%	

(a) Required maintenance is the amount identified in Council's asset management plans.

Infrastructure asset condition assessment 'key'

#	Condition	Integrated planning and reporting (IP&R) description
1	Excellent/very good	No work required (normal maintenance)
2	Good	Only minor maintenance work required
3	Satisfactory	Maintenance work required
4	Poor	Renewal required
5	Very poor	Urgent renewal/upgrading required

Burwood Council

Report on infrastructure assets as at 30 June 2022

Infrastructure asset performance indicators (consolidated) *

	Amounts		Indicator	Indicators		Benchmark
	2022	2022	Restated 2021	2020	2019	
\$ '000	2022	2022	Restated 2021	2020	2019	
Buildings and infrastructure renewals ratio						
Asset renewals ¹	6,140					
Depreciation, amortisation and impairment	7,569	81.12%	102.15%	122.55%	152.73%	>= 100.00%
Infrastructure backlog ratio						
Estimated cost to bring assets to a satisfactory standard	20,416	6.15%	9.43%	9.63%	6.97%	< 2.00%
Net carrying amount of infrastructure assets	332,120					
Asset maintenance ratio						
Actual asset maintenance	7,502	96.33%	104.56%	139.53%	119.68%	> 100.00%
Required asset maintenance	7,788					
Cost to bring assets to agreed service level						
Estimated cost to bring assets to an agreed service level set by Council	20,416	3.58%	5.50%	5.59%	4.57%	
Gross replacement cost	570,362					

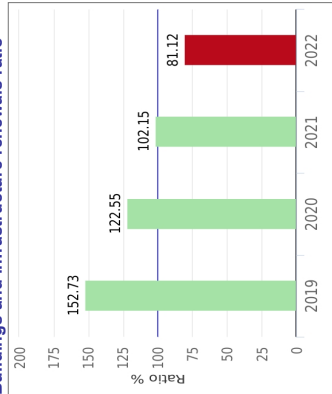
(*) All asset performance indicators are calculated using classes identified in the previous table.

(1) Asset renewals represent the replacement and/or refurbishment of existing assets to an equivalent capacity/performance as opposed to the acquisition of new assets (or the refurbishment of old assets) that increases capacity/performance.

Burwood Council

Report on infrastructure assets as at 30 June 2022

Buildings and infrastructure renewals ratio

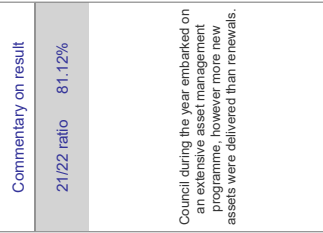


Benchmark: — >= 100.00%

Source of benchmark: Code of Accounting Practice and Financial Reporting

Buildings and infrastructure renewals ratio

To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating.



Benchmark: — >= 100.00%

Source of benchmark: Code of Accounting Practice and Financial Reporting

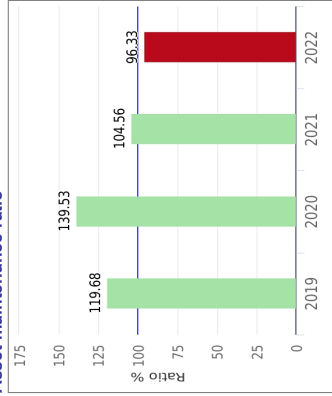
Commentary on result
21/22 ratio 81.12%

Council during the year embarked on an extensive asset management programme, however more new assets were delivered than renewals.

Ratio achieves benchmark

Ratio is outside benchmark

Asset maintenance ratio

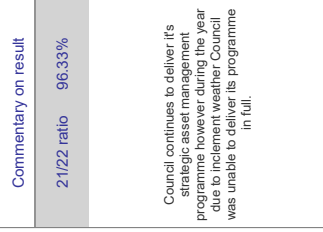


Benchmark: — > 100.00%

Source of benchmark: Code of Accounting Practice and Financial Reporting

Asset maintenance ratio

Compares actual vs. required annual asset maintenance. A ratio above 1.0 indicates Council is investing enough funds to stop the infrastructure backlog growing.



Benchmark: — > 100.00%

Source of benchmark: Code of Accounting Practice and Financial Reporting

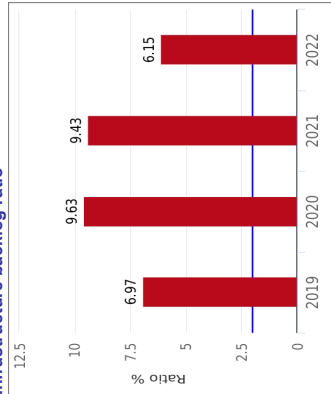
Commentary on result
21/22 ratio 96.33%

Council continues to deliver its strategic asset management programme however during the year due to inclement weather Council was unable to deliver its programme in full.

Ratio achieves benchmark

Ratio is outside benchmark

Infrastructure backlog ratio

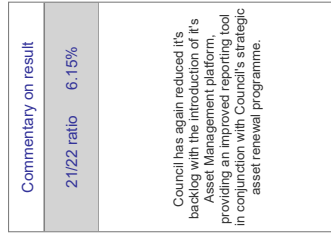


Benchmark: — < 2.00%

Source of benchmark: Code of Accounting Practice and Financial Reporting

Infrastructure backlog ratio

This ratio shows what proportion the backlog is against the total value of a Council's infrastructure.



Benchmark: — < 2.00%

Source of benchmark: Code of Accounting Practice and Financial Reporting

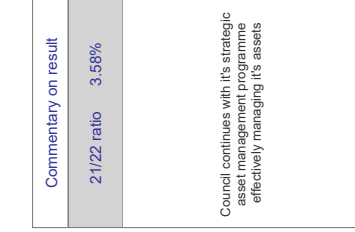
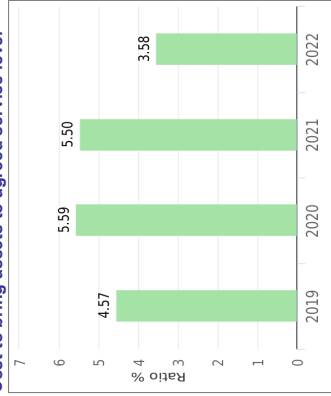
Commentary on result
21/22 ratio 6.15%

Council has again reduced its backlog with the introduction of its Asset Management platform, providing an improved reporting tool in conjunction with Council's strategic asset renewal programme.

Ratio achieves benchmark

Ratio is outside benchmark

Cost to bring assets to agreed service level



Commentary on result
21/22 ratio 3.58%

Council continues with its strategic asset management programme effectively managing its assets and stewardship.

Cost to bring assets to agreed service level

This ratio provides a snapshot of the proportion of outstanding renewal works compared to the total value of assets under Council's care and stewardship.

(ITEM 116/22) BUDGET REVIEW FOR QUARTER ENDING 30 SEPTEMBER 2022

File No: 22/44187

REPORT BY DIRECTOR CORPORATE SERVICES

Summary

The 2022-2023 Budget was adopted at the Council Meeting held on 28 June 2022 with a surplus of \$4,877. The adopted budget was prepared on the basis of the organisational structure which includes five Directorates and the Office of 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 30 September 2022, in the 2022-2023 Financial Year. In accordance with Clause 203(1) of the *Local Government (General) Regulation 2005* (the Regulation) the Responsible Accounting Officer is required to prepare and submit to Council a budget review statement no later than two months after the end of each quarter (except the June Quarter).

The following Statement of Budget Income and Expenditure identifies a forecast funding surplus of \$9,495 as at 30 September 2022 compared to the adopted forecast surplus of \$4,877. The reasons for the net increase of \$4,618 are outlined in the report.

Operational Plan Objective

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability
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 30 September 2022					
Income					
Type	Budget	Recommended Amendments	Forecasted Year End	Reference	Actuals
Rates & Annual Charges	(35,414,334)	(203,440)	(35,617,774)	1	(35,355,035)
User Charges & Fees	(9,827,851)	(54,000)	(9,881,851)	2	(2,219,713)
Interest & Investment Revenue	(650,000)	-	(650,000)	3	(136,559)
Other Revenue	(4,893,342)	-	(4,893,342)	4	(1,032,784)
Rental Income	(2,349,582)	-	(2,349,582)	5	(357,084)
Operating Grants & Contributions	(2,896,889)	(669,180)	(3,566,069)	6	(269,167)
Capital Grants & Contributions	(16,300,651)	(2,967,436)	(19,268,087)	7	(608,639)
Total Income	(72,332,649)	(3,894,056)	(76,226,705)		(39,978,979)
Expenditure					
Type	Budget	Recommended Amendments	Forecasted Year End	Reference	Actuals
Employment Costs	23,025,870	(578,960)	22,446,910	8	4,449,440
Borrowing Costs	335,191	-	335,191	9	56,800
Materials & Services	23,615,465	4,904,463	28,519,928	10	5,614,616
Depreciation	10,412,886	-	10,412,886	11	-
Other Expenses	999,625	82,116	1,081,741	12	976,883
Total Expenditure	58,389,037	4,407,619	62,796,656		11,097,740
Net Operating Result	(13,943,612)	513,563	(13,430,049)		(28,881,239)
Net Operating Result before Capital Items	2,357,039	3,480,999	5,838,038		(28,272,600)
Funding Statement					
Net Operating Result	(13,943,612)	513,563	(13,430,049)		(28,881,239)
Add Back Non Cash Items					
Depreciation	(10,412,886)	-	(10,412,886)	13	-
Movement in ELE	-	-	-		-
Adjusted Net Operating Result	(24,356,498)	513,563	(23,842,935)		(28,881,239)
Source of Capital Funds					
Sale of Assets	(825,000)	-	(825,000)	14	(97,749)
Loan Funding	-	-	-	15	-
Transferred From S7.12 Reserves	(1,700,450)	(227,109)	(1,927,559)	16	-
Transferred From Reserves	(2,395,000)	(6,317,818)	(8,712,818)	17	-
Add Back Non Cash Property	-	-	-		-
Funds Available	(29,276,948)	(6,031,364)	(35,308,312)		(28,978,988)
Funds Utilised:					
Acquisition of Assets	17,281,225	6,026,746	23,307,971	18	2,270,988
Loan Principal Repayment	728,701	-	728,701	19	178,711
Lease Liability Principal Repayment	217,145	-	217,145	19	-
Transfer to S7.12 Reserves	10,030,000	-	10,030,000	20	-
Transfer to Reserves	1,015,000	-	1,015,000	21	-
Budget Result	(4,877)	(4,618)	(9,495)		(26,529,288)

The material variations greater than \$20,000 are detailed in the following section which are cross referenced to the Income and Expenditure type on the face of the above report.

Total Income from continuing operations

Income from continuing operations was originally forecast at \$72,332,649. This has now been revised up by \$3,894,056 to \$76,226,705. The major items resulting in this forecast income adjustment include:

Reference 1 – Rates and Annual Charges - An increase in Council's Rating Base of \$203,440 attributed to an increase in residential strata units coming on line and the re-categorisation of property within the LGA of \$139,090 and an increase in Domestic Waste Management Charges of \$64,350.

Reference 2 – User Charges and Fees - An overall increase of \$54,000 attributed to increase patronage within Council's Community facility centres.

Reference 6 – Operating Grants and Contributions – An increase in Operating Grants and Contributions of \$669,180, associated with the following;

- An amount of \$179,734 as one off Emergency Services Levy Subsidy to assist Council with increased costs associated with the Emergency Services Levy for 2022-23.
- An amount of \$66,341 from the Office of Local Government to finalise the planting of 500 Magnificent Trees through the local area.
- Grants of \$18,000 received from Department of Planning Industry and Environment toward the Queens Jubilee planting of seven Trees and Garden Bed in Burwood Park and \$40,000 for Street Tree Inventory throughout the LG area.
- Grants totalling \$73,901 were received for Community Connection Wellbeing Programs (Library Midnight Hours and Youth Capacity Project).
- A Grant from the State Government of \$6,204 toward a pilot program for Parking Sensor Licensing Fees.
- Contributions from Burwood RSL totalling \$10,000 toward (Be Active Community Recreational program and Sensory Garden Community Participation project).
- Carry over grant of \$275,000 from 2021-22 financial year for Faster Regional Significant Development Pilot Program.

Reference 7 – Capital Grants and Contributions – An increase of \$2,967,436 to the budget due to the following:

- A Grant from the State Government of \$6,651 toward a pilot program for Parking Sensor Installation.
- A \$35,103 contribution from a Developer toward additional works associated with the Enfield Village upgrade.
- An amount of \$109,911 unspent grant monies for Cooks River Shared Path Lighting carried over from 2021-22 financial year.
- An amount of \$491,082 unspent grant monies for Deane Street Open Space Activation carried over from 2021-22 financial year.
- An amount of \$1,083,784 unspent grant monies for Enfield Village upgrade carried over from 2021-22 financial year.
- An amount of \$1,002,346 unspent grant Monies for Grant Park – All Abilities Playground carried over from 2021-22 financial year.
- An amount of \$370,698 unspent grant monies for Martin Reserve upgrade carried over from 2021-22 financial year.
- A reduction of \$132,139 in grant monies associated with Burwood Park projects spent in 2021-22 financial year.

Total Expenditure from continuing operations

Expenditure from continuing operations was originally forecast at \$58,389,037. This has now been revised up by \$4,407,619 to \$62,796,656. The major items resulting in this forecast expenditure adjustment include:

Reference 8 – Employment Costs - An overall decrease in Employee costs of \$578,960 is attributed to but not limited to:

- Savings from various Business Units Wages and Salaries components of \$680,000 for the funding of Workers Compensation Premium increase and Contractors – Temporary Staff who are employed to fill vacant positions within the organisation. Areas which required the transfers during the quarter were Risk, Operations Centre, Property Administration, Parks Operations, Engineering and Council's Street Cleaning Service. A commensurate offset in Reference 10 – Materials and Services
- \$112,490 increase in Workers Compensation Premium

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

Reference 10 – Materials and Services - Additional expenditure amount of \$4,904,463 was attributed to various movements within Business Units throughout the budget. Significant movements and additional funding requests were:

- Contracted Temporary Staff - \$602,800 to fill various vacant positions throughout the organisation. These funds were in part sourced from savings within Wages and Salaries respective budgets.
- Consultancy expenses of approximately \$2,448,750 to support the following functions:
 - New LEP \$1,031,000 – Carryover Funding from 2021-22 from Reserves
 - Burleigh Street \$1,033,000 – Carryover Funding from 2021-22 from Reserves
 - Burwood Place Assessment \$270,000 - Carryover Funding from 2021-22 from Reserves
 - Multicultural Research Paper/Engagement Strategy \$20,000
 - Finance \$43,000 – Filling vacant position
 - Property \$25,000 – Plan of Management Public hearing (Burwood Grand)
 - Digital solution Car Parking Permits \$26,750
- Increase of \$329,069 in Waste Disposal Costs, partially funded through the Domestic Waste Reserve and increases Domestic Waste Management Charge.
- \$507,000 increase in Domestic Waste Contractors fees, under budgeted during estimates process. Funded through the Domestic Waste Reserve.
- \$110,000 increase to cover costs associated with the FOGO trial, funded through Domestic Waste Reserve.
- An amount of \$40,000 for Street Tree Inventory, grant funded by Department of Planning Industry & Environment.
- \$275,000 toward the Faster Regional Significant Development Pilot program, grant funded.
- \$255,000 Property Management Rental Fee for Elsie and Belmore street's properties carryover from 2021-22 financial year. Funded through the Property Reserve.
- A carryover amount of \$93,189 in unspent Training budget from 2021-22, funded through Reserves.

- Expenditure associated with Grants totalling \$73,901 for Community Connection Wellbeing Programs (Library Midnight Hours and Youth Capacity Project)
- Expenditure attributed to contributions received from Burwood RSL totalling \$10,000 toward (Be Active Community Recreational program and Sensory Garden Community Participation project).

There were other budget movements within the classification of Materials and Services. These movements had no significant change to the actual overall budget.

Reference 12 – Other Expenses - An additional expenditure amount of \$82,116 was attributed to more than expected increase in the 2022-23 Fire Board and SES Levy, this increase has been funded by additional subsidy received from the Office of Local Government.

Capital Expenditure

Reference 18 – Acquisition of Assets - Council's original adopted 2022-2023 Capital Budget, per Delivery Plan, was \$17,281,225. This figure after the first quarter of the year increased to \$23,307,971.

Capital Plant and Equipment:

Actual Expenditure to 30 September 2022 is represents in the table below. The purchase of light fleet equipment has been placed on hold and will be assessed during the remainder of the year.

Property Acquisitions/Disposals:

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

Capital Works Program:

During the September quarter review the Capital Program Working Party assessed and revised the 2022-2023 Capital Works Program based on recommendations from the respective Project Managers, the following adjustments have been made:

Projects carried over from 2021-22, \$5,949,347 funded through reserves and grants

- Information Technology projects \$250,500. Reference 17 – Transfer from Reserve.
- Corporate Projects \$125,000, Henley Park Gateway Signage. Reference 17 – Transfer from Reserve.
- Infrastructure Roads, Footpaths, Kerb & Gutter and Drainage works \$2,412,260. Reference 17 – Transfer from Reserve.
- Town Centre Enfield Village Revitalisation works and Deane Street Open Space works \$1,574,866. Reference 7 – Capital Grants and Contributions.
- Street Furniture projects of \$45,296. Reference 6 – Operational Grants and Contributions.
- Martin Reserve Upgrade of \$370,698. Reference 7 – Capital Grants and Contributions.
- Cooks River Shared Path Lighting \$109,911. Reference 7 – Capital Grants and Contributions
- Wangal Park Gas Mitigation works \$190,609. Transfer from S7.12 Contributions.
- Reduction of \$132,139 relating to Grant funded Legacy Projects which were already budgeted in the 2022-23 Capital Works.
- Grant Park All Abilities Playground \$1,002,346. Reference 7 – Capital Grants and Contributions.

In addition to the above Capital Works carried over, Council also received additional Grant and Contributions funding of \$41,754 for the following projects;

- Enfield Village Revitalisation works \$35,103 developer's contribution. Reference 7 – Capital Grants and Contributions.
- Grant from the State Government of \$6,651 toward the installation of Parking Sensors. Reference 7 – Capital Grants and Contributions.

Further Capital project movements during September quarter totalling \$35,545 consisted of:

- \$5,100 transferred from Drainage works to operational expenses toward Harbour Coastal Management program.
- \$20,000 transferred from Corporate Projects to operational expenses toward Multicultural Research Paper and Engagement Strategy.
- \$23,000 transferred from Corporate Projects to operational expenses toward Participate Burwood Annual Licence.
- \$11,600 transferred from Information Technology to operational expenses for new IT Licences.
- Transfer of \$30,000 from Infrastructure Kerb & Gutter Capital to Parks Improvement Capital toward Legacy projects in Burwood Park no effect to overall budget.
- Transfer of \$250,000 from Playground Capital works to Park Improvements Capital works toward Legacy projects in Burwood Park no effect to overall budget.
- An additional \$19,800 was required for the Enfield Aquatic Centre toward Minor upgrades 25m LTS pool and Splash Park. Reference 17 – Transfer from Reserve
- An additional \$25,000 for project management costs for Deane Street Open Space Revitalisation. Reference 16 – Transfer from S7.12 Contributions.
- An additional \$11,500 required toward Enfield Village Revitalisation and \$25,000 toward Deane Street Open Space for project management costs. Reference 16 – Transfer from S7.12 Contributions.
- \$18,000 toward the Queens Jubilee planting of seven Trees and Garden Bed in Burwood Park and an additional \$21,045 toward final stage of the planting of 500 Magnificent Trees grant.

BURWOOD COUNCIL					
Statement of Capital Income & Expenditure					
Budget Review as at 30 September 2022					
<u>Income</u>					
Adopted Variations					
Capital Expenditure	Budget	September	Amended Budget	Reference	Actuals
Renewal Assets (Replacement):					
Fleet Capital Acquisitions Sales	1,650,000	-	1,650,000	18	-
Furniture and Equipment	-	-	-	18	-
Grant Funded Capital Works	507,503	-	507,503	18	-
Roads	1,550,000	1,232,100	2,782,100	18	250,144
Traffic Facilities	225,000	45,651	270,651	18	2,496
Footpaths	520,000	(30,000)	490,000	18	89,885
Kerb & Gutter	495,000	27,700	522,700	18	9,927
Drainage	2,495,955	1,108,360	3,604,315	18	420,837
Park Improvements	3,370,500	819,079	4,189,579	18	259,383
Playground Equip	250,000	752,346	1,002,346	18	299,595
Street Furniture	520,000	84,341	604,341	18	16,970
Public Domain Chargable Works	750,000	-	750,000	18	81
Parks Footpath Capital	-	-	-	18	-
Library Collection	140,000	-	140,000	18	-
Lib Resources	40,000	-	40,000	18	1,440
IT Projects	995,000	238,900	1,233,900	18	40,105
Corporate Projects	250,000	82,000	332,000	18	613,413
Town Centre Beautification	500,000	1,646,469	2,146,469	18	225,877
Council Buildings	2,757,267	-	2,757,267	18	6,275
Enfield Pool	150,000	19,800	169,800	18	23,395
WestInvest - Stage1	-	-	-	18	-
Domestic Waste Collection	115,000	-	115,000	18	11,167
Total Capital Expenditure	17,281,225	6,026,746	23,307,971		2,270,988
Capital Funding					
Rates & other Charges	4,054,876	3,485,617	7,540,493		
Capital Grants & Contributions	(16,300,651)	(2,967,436)	(19,268,087)		
Loan Funding	-	-	-		
Domestic Waste Charge	(115,000)		(115,000)		
Sale of Assets	(825,000)	-	(825,000)		
Reserves:					
Section 7.12 Funding	(1,700,450)	(227,109)	(1,927,559)		
Reserve Funding	(2,395,000)	(6,317,818)	(8,712,818)		
Total Capital Funding	(17,281,225)	(6,026,746)	(23,307,971)		

Transfers to and from Reserves:

Reference 16 – Transferred from Section 7.12 – An increase of \$227,109 relating to the following projects:

- Enfield Village Revitalisation – \$11,500
- Deane Street Open Space Revitalisation - \$25,000
- Wangal Park Gas Mitigation works \$190,609

Reference 17 – Transferred from Reserves – An increase of \$6,317,818 relating to the following projects:

- Enfield Aquatic Centre (Splash Play Area and 25m Pool) - \$19,800
- Infrastructure (Roads, Footpaths, Kerb & Gutter and Drainage works) - \$2,412,260
- Information Technology – \$294,500
- Corporate Project – Henley Park Gateway Signage – \$125,000
- Domestic Waste - \$739,069
- Urban Park – \$270,000
- Burleigh Street Planning – \$1,033,000
- Elsie and 49 Belmore Streets (Management Leasing Fees) - \$255,000
- Burwood North LEP - \$1,026,000
- People & Culture - Training - \$85,189
- WH&S Training – \$58,000

Budget Review for quarter ended 30 September 2022					
Cash & Investments					
	Opening Balance as at 1 July 2022 000s	Original Budget 2022-23 000s	Budget Review September 2022-23 000s	Projected Year End Result 000s	Actual YTD figures 000s
Total Cash, Cash Equivalents and Investment Securities	45,594	52,544	45,999	45,999	51,380
Restrictions					
External Restrictions					
Developers Contributions	8,716	8,330	-227	16,819	16,819
Specific Purpose Unexpended Grants	23			23	23
Loans	2,000		-1,000	1,000	1,000
Stormwater Management	275			275	275
Domestic Waste Management	1,722	-600	-739	383	383
Total External Restrictions	12,736	7,730	-1,966	18,500	18,500
Internal Restrictions					
Plant & Vehicle Replacement	2,091	-600		1,491	1,491
Employees Leave Entitlements	1,189			1,189	1,189
Carry Over Works	1,270		-787	483	483
Deposits, Retentions & Bonds	4,967			4,967	4,967
Financial Assistance Grant (advance)	934			934	934
Information Technology	835	-260	-295	280	280
WHS	429		-50	379	379
Parking Meters Replacement	466	100		566	566
Property Sales	500			500	500
Future Property Investment	3,692	170	-1,033	2,829	2,829
LATMs	294			294	294
Woodstock Community Building	287			287	287
Election	161	120		281	281
Property Maintenance	1,222	-50	-255	917	917
Park Upgrades	770			770	770
Car Park Upgrades	0			-	-
Enfield Aquatic Centre Maintenance/Upgrade	239	50	-19	270	270
Local Environmental Plan	1,045	150	-1,026	169	169
Insurances	0	50		50	50
CCTV	193			193	193
Organisational Alignment	0			-	-
Technology Enhancements	971	410		561	561
Infrastructure - SRV	1,114		-1,114	-	-
Operations Centre	600	-100		500	500
Business Continuity (operational reimbursement)	600			600	600
Contract Liabilities	7,288			7,288	7,288
Town Centre festive decorations	150			150	150
Other	425			425	425
Total Internal Restrictions	31,732	-780	-4,579	26,373	26,373
Total Restrictions	44,468	6,950	-6,545	44,873	44,873
Unrestricted Cash	1,126	1,126	1,126	1,126	6,507

Council's Current Unrestricted Cash is distorted as Council has received a high volume of rate revenue as at 30 September 2022. The Unrestricted Cash figure will fluctuate during the year as it will be used to fund planned expenditure.

Investments:

Council's investments have been made in accordance with its Investment Policy and the Investment Guidelines issued by the Minister for Local Government at the time of their placement. As at 30 September 2022, Council's cash and investment portfolio stood at \$51,379,875. 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 5 October 2022 for the month ending 30 September 2022. The reconciliation was approved by the Financial Operations Accountant and the balance in Council's General Fund Bank Account totalled \$2,023,881.

Key Performance Indicators Statement

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

	Performance Indicator	2022-23 Original Budget	2022-23 Budget Sept Review	Local Government or NSW Treasury Corp Bench Mark	September quarter Comments
1	Operating Performance Ratio	-4.21%	-10.23%	Greater or equal to break-even	The increase negativity caused by Operating projects carried over from 2021-22
2	Consolidated Budget Result	\$4,877 Surplus	\$9,495 Surplus	N/A	Current budget tracking to revised result.
3	Unrestricted Current Ratio	2.29:1	4.55:1	Greater or equal to 1.5:1	Currently trending above the benchmark.
4	Debt Service Result	1.90%	1.86%	Greater than Zero	Tracking as per Budget.
5	Rates and Annual Charges Outstanding %	5.64%	62.44%	Less than or equal to 5%	For the year to 30 September 2022 Council has received \$14,335,719 in payment of Rates, Annual Charges and Interest levied which equates to 37.56% paid.
6	Building and Infrastructure Renewals Ratio	199%	279%	>100% or 1:1	Ratio increased in September quarter due to capital works projects being carried over from 2021-22 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 4.55:1 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 37.56% of the Rates and Annual Charges raised, based on these figures a collection rate for the year is estimated to 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

There were four contracts entered into by Council during the quarter ending 30 September 2022 which is reportable.

Contractors	Contract Details and purpose	Contract Value GST excl	Commencement Date	Duration of contract	Budgeted (Y/N)
CRS Creative Recreational Solutions Pty Ltd	Martin Reserve Upgrade – Design and Construction	\$361,926	12 September 2022	31 March 2023	Y
UAP Australia Pty Ltd	Burwood Park (Art Seat) and Luke Ave (Sculpture)	\$730,000	1 September 2022	30 June 2023	Y
The Trustee for the Philip Cox & Partner	Burwood North Masterplan – Affordable Housing Policy and Contribution Scheme	\$732,070	23 September 2022	30 May 2023	Y
Australian Parking and Revenue Control Pty Ltd	Parking Meters – Maintenance and Hosting Licence	\$219,624	1 July 2022	30 June 2023	Y

Part B – Legal Expenses

Type	Individual Matter	Expenditure Year to Date	Cost Recovery / Fines YTD
Voluntary	17 Dean Street	2,952.60	
Advice	38 Kembla St CroydonPark Prosecution-Mr Mehedin Abdul-Rahman Unauthorised removal of trees	560.00	
Unlawful Works	20 Seymour Street Croydon Park	3,577.00	
Advice	Mr Dai – 36 Oxford Street Burwood Order regarding unsafe structure at the rear yard	18,979.03	
Advice	Legal - 18 Appian Way Burwood DA.2021.8 DA.2021.8 - L&E Court Appeal	9,754.00	
Advice	Legal Advice - 23 Victoria Street	9,088.63	
Advice	Legal Advice - DA 68 Fitzroy Street Alterations to Boarding House	2,362.50	
Advice	Advice - Delegations for Contract and Temporary Appointments	1,400.00	
Advice	Dog Attack - 23-31 Morwick Street	1,225.00	
Advice	Legal Advice - Tender Urban Public Art Projects	1,526.30	
Advice	Review & Advice Construction Variation Claim	8,230.00	
		59,655	0
Annual Budget		490,500	

Conclusion

The current forecast budget result and the variations identified as part of the 30 September 2022 Quarter review have been undertaken by the Executive Team and the Chief Finance Officer. During this quarter carryover Capital Works and Operational projects were brought to account with the corresponding expenditure and funding sources. However, some of these carried forward Operational projects have had a significant impact on Council's Operating Performance Ratio as the funding sources are from Reserves and not operational income. There were also minor income and expenditure changes made throughout the budget which had minimal effect on the revised projected surplus.

There are a number of operational budget items that will require close monitoring and reviewed over the next three months, including Enforcement Fine income, Car Parking income, Development Application income and Town Planning Consultancy expenses, Temporary Agency Staff expenses, Wages and Salaries Overtime, Enfield Aquatic Centre revenue and expenditure and Property expenses.

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

Regulatory Compliance

In compliance with the requirements of Clause 203(2) of the 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 30 September 2022 indicated in the above report, takes into account and reflects the changing economic and other conditions that are currently impacting on Council. Council is in a satisfactory position, however, it will be essential for the forecasted Surplus to be continually monitored by Management during the remainder of the financial year and wherever possible

endeavour to minimise excessive and nonessential expenditure, with particular attention being placed on maintaining revenue streams where possible and delivering Council's Capital Works programme."

Recommendation(s)

1. That the Budget Review Statement of the 2022-2023 Budget as at 30 September 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 2022-2023 surplus of \$9,495, 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 approved.

Attachments

There are no attachments for this report.

(ITEM 117/22) INVESTMENT REPORT AS AT 31 OCTOBER 2022

File No: 22/42494

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

A.103 Implement and monitor appropriate investment strategies and prepare monthly investment reports

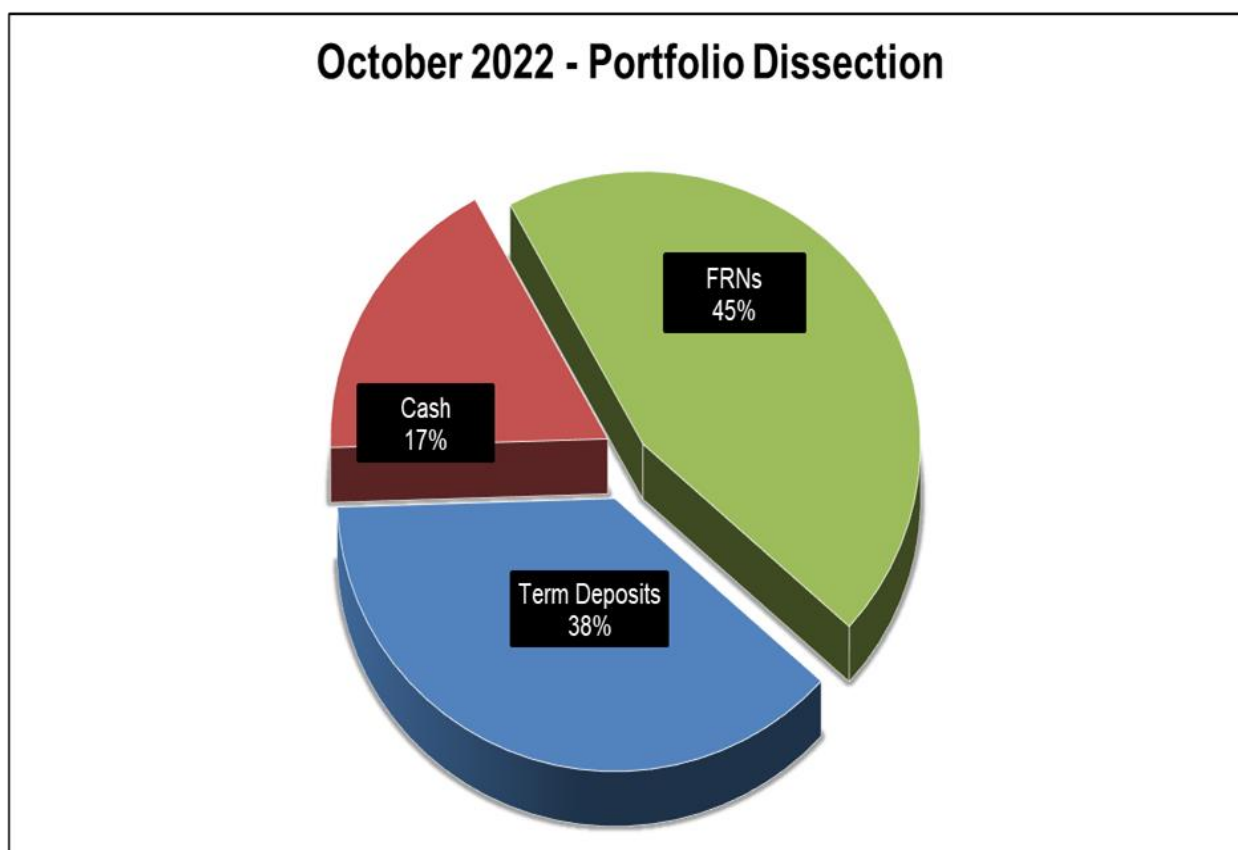
Background

As provided for in Clause 212 of the *Local Government (General) Regulation 2005*, a report listing Council's investments must be presented to Council.

Council's investments are made up of a number of direct investments some of which are managed or advised by external agencies.

Investment Portfolio

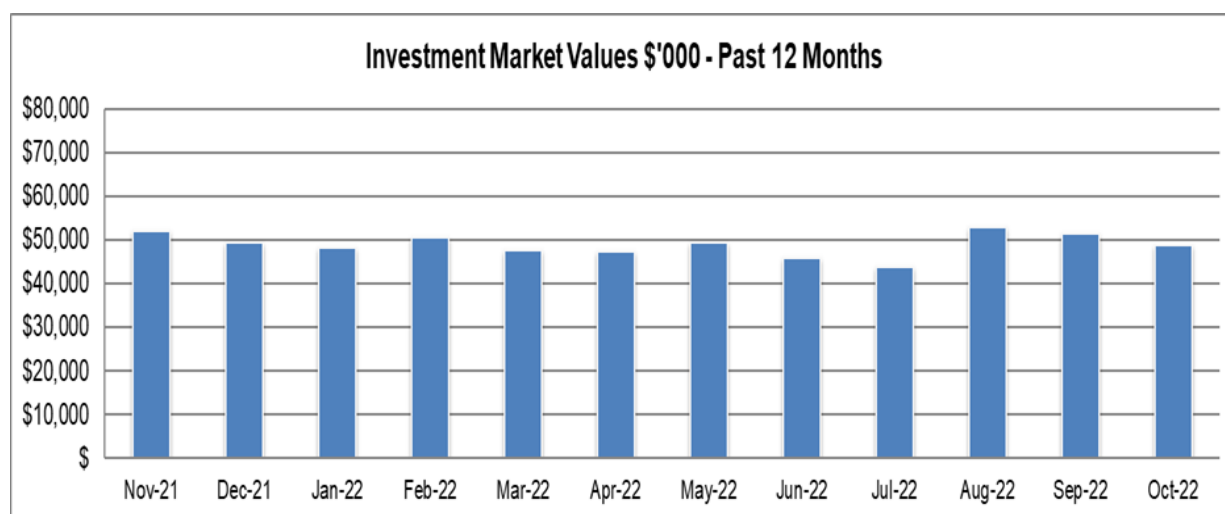
Council has a diversified investment portfolio and has a number of direct investments in term deposits. Its investment portfolio as at 31 October 2022 is:



As at 31 October 2022 Council held the following term deposits:

Purchase Date	Financial Institution	Principal Amount	Interest Rate	Investment Days	Maturity Date
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
15 Aug 22	AMP Bank	4,000,000	3.70%	184	15 Feb 23
08 Sep 22	National Australia Bank	4,000,000	3.18%	91	08 Dec 22
28 Sep 22	National Australia Bank	4,000,000	3.64%	104	10 Jan 23
Total		18,000,000			

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



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

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

Investment Performance and Market Commentary

At the Reserve Bank of Australia (RBA) meeting on the 1 November 2022, the Board decided to increase the official cash rate by 25 basis points to 2.85 per cent. According to the RBA Governor "... The Board is committed to return of inflation to the 2–3 per cent range over time, this increase in interest rates will help achieve this goal and further increases are likely to be required over the period ahead. As is the case in most countries, inflation in Australia is too high. Global factors explain much of this high inflation, but strong domestic demand relative to the ability of the economy to meet that demand is also playing a role.

The Australian economy is continuing to grow solidly and national income is being boosted by a record level of the terms of trade. Economic growth is expected to moderate over the year ahead as the global economy slows, the bounce-back in spending on services runs its course, and growth in household consumption slows due to tighter financial conditions. The labour market remains very tight, with many firms having difficulty hiring workers. The unemployment rate was steady at 3.5 per cent in September, around the lowest rate in almost 50 years. Job vacancies and job ads are both at very high levels, although employment growth has slowed over recent months as spare capacity in the labour market has been absorbed. The central forecast is for the unemployment rate to remain around its current level over the months ahead, but to increase gradually to a little above 4 per cent in 2024 as economic growth slows.

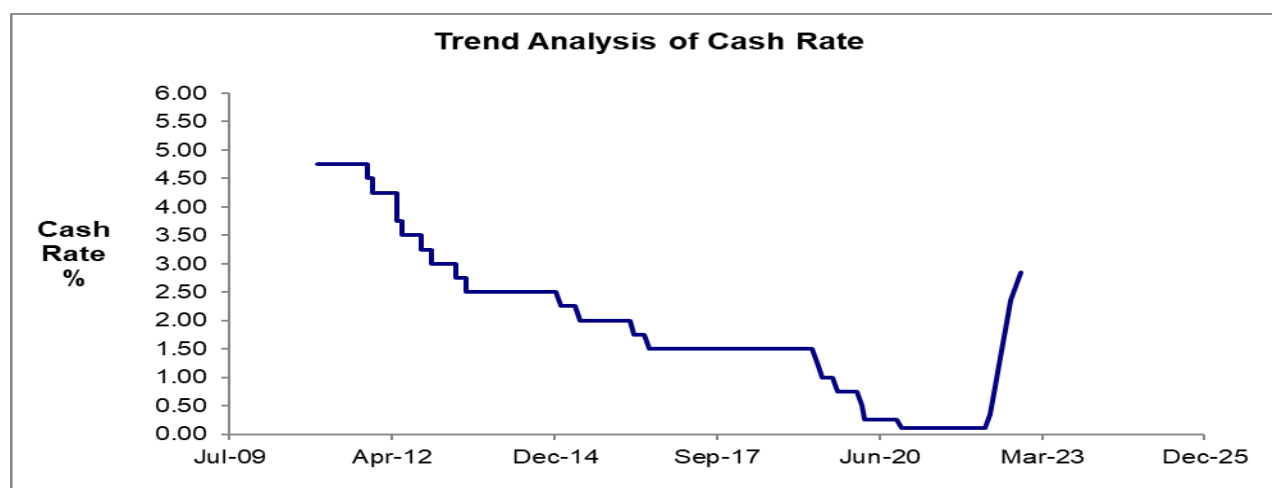
Wages growth is continuing to pick up from the low rates of recent years, although it remains lower than in many other advanced economies. A further pick-up is expected due to the tight labour market and higher inflation. Given the importance of avoiding a prices-wages spiral, the Board will continue to pay close attention to both the evolution of labour costs and the price-setting behaviour of firms in the period ahead.

Price stability is a prerequisite for a strong economy and a sustained period of full employment. Given this, the Board's priority is to return inflation to the 2–3 per cent range over time. It is seeking to do this while keeping the economy on an even keel. The path to achieving this balance is a narrow one and it is clouded in uncertainty.

One source of uncertainty is the outlook for the global economy, which has deteriorated over recent months. Another is how household spending in Australia responds to the tighter financial conditions. The Board recognises that monetary policy operates with a lag and that the full effect of the increase in interest rates is yet to be felt in mortgage payments. Higher interest rates and higher inflation are putting pressure on the budgets of many households. Consumer confidence has also fallen and housing prices have been declining following the earlier large increases. Working in the other direction, people are finding jobs, gaining more hours of work and receiving higher wages. Many households have also built up large financial buffers and the saving rate remains higher than it was before the pandemic.

The Board has increased interest rates materially since May. This has been necessary to establish a more sustainable balance of demand and supply in the Australian economy to help return inflation to target. The Board expects to increase interest rates further over the period ahead. It is closely monitoring the global economy, household spending and wage and price-setting behaviour. The size and timing of future interest rate increases will continue to be determined by the incoming data and the Board's assessment of the outlook for inflation and the labour market. The Board remains resolute in its determination to return inflation to target and will do what is necessary to achieve that. Statement by Philip Lowe, Governor: Monetary Policy Decision – 1 November 2022".

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



Recommendation(s)

1. That the investment report for 31 October 2022 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

Attachments

- 1 [↓](#) Investment Register as at 31 October 2022
- 2 [↓](#) Investment Types

Investment Register as at 31 October 2022

BURWOOD COUNCIL
INVESTMENT PORTFOLIO
as at 31 October 2022

Investment Adviser	Issuer	ADI or N-ADI	Investment Name	Type	Rating S&P	Invested Amount	Market Value as at 31/08/2022	Market Value as at 30/09/2022	Market Value as at Reporting Date	% of Total Invested
Cash										
Council	Commonwealth Bank	ADI	Operating Account	Cash	AA-	8,032,124	12,328,144	6,915,935	8,032,124	17.20
Council	Commonwealth Bank	ADI	Cash Deposit Account	At Call	AA-	0	-	-	-	16.47
Council	Commonwealth Bank	ADI	Online Saver	At Call	AA-	351,394	350,175	350,731	351,394	0.72
Council	Macquarie Bank	ADI	Accelerator Account	At Call	AA-	0	4,034,400	4,041,487	-	0.00
Council	AMP Bank Limited	ADI	AMP Business Saver	At Call	BBB-	1,252	1,251	1,252	1,252	0.00
Council	AMP Bank Limited	ADI	AMP Notice Account	Notice 30 days	BBB-	3,478	3,464	3,471	3,478	0.01
Term Deposits										
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	-	4,000,456	-	-	37.05
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	4,000,000	-	4,000,000	4,018,470	8.24
Council	Westpac	ADI	Westpac	Term Deposit	AA-	3,000,000	3,000,000	3,001,949	3,003,760	6.16
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	4,000,000	-	4,000,798	4,013,164	8.23
Council	Commonwealth Bank	ADI	Commonwealth Bank	Term Deposit	AA-	-	3,006,523	3,006,523	-	0.00
Council	AMP Bank Limited	ADI	AMP Business Saver	Term Deposit	BBB-	4,000,000	4,006,488	4,018,952	4,031,222	8.27
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	3,000,000	3,000,000	3,001,973	3,004,911	6.16
Term Deposits - Covered Fixed Bond										
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Covered Fixed Bond (4.87%) Semi Annual	AA-	1,000,000	-	-	1,003,450	2.06
Floating Rate Notes										
Council	MyState Bank Ltd	ADI	MyState Bank Ltd	Floating Rate Notes (90 day BBSW +130 bps)	BBB	1,500,000	-	-	1,502,640	3.08
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Covered Floating Bond (90 day BBSW +88 bps)	AA-	800,000	-	-	800,984	1.64
Council	Bendigo-Adelaide	ADI	Bendigo Bank & Adelaide Bank	Floating Rate Notes (90 day BBSW mid + 105 bps)	BBB+	1,500,000	1,507,845	1,510,830	1,502,370	3.08
Council	ANZ Group	ADI	ANZ Group	Floating Rate Notes (90 day BBSW mid + 77 bps)	AA-	2,000,000	2,010,500	2,013,960	2,003,900	4.11
Council	Newcastle Permanent Building Society	ADI	Newcastle Permanent Building Society	Floating Rate Notes (90 day BBSW +140 bps)	BBB	1,250,000	1,256,750	1,259,150	1,262,713	2.59
Council	National Australia Bank	ADI	National Australia Bank	Floating Rate Notes (90 day BBSW +41 bps)	AA-	1,500,000	1,477,845	1,478,280	1,477,890	3.03
Council	MyState Bank Ltd	ADI	MyState Bank Ltd	Floating Rate Notes (90 day BBSW +65 bps)	BBB	2,500,000	2,496,875	2,494,575	2,488,400	5.10
Council	Westpac Banking Corporation Ltd	ADI	Westpac Banking Corporation Ltd	Floating Rate Notes (90 day BBSW +80 bps)	AA-	1,800,000	1,806,768	1,807,902	1,809,234	3.71
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +102 bps)	AA-	2,400,000	2,410,992	2,409,768	2,407,584	4.94
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +93 bps)	AA-	2,000,000	2,012,380	2,015,020	2,020,380	4.14
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +113 bps)	AA-	4,000,000	4,052,160	4,057,720	4,034,760	8.27
Grand Total						48,638,248	52,756,901	51,379,875	48,773,179	100.00

Credit Ratings	Extremely strong capacity to meet financial commitments Highest Rating
AAA	Extremely strong capacity to meet financial commitments
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. Armitage

Wayne Armitage
Chief Finance Officer

Types of Investments

Council's investment portfolio consists of the following types of investment:

1. **Cash and Deposits at Call** – Cash and Deposits at Call accounts are a flexible savings facility providing a competitive rate of interest for funds which are at call (available within 24hours). These accounts enable us to control Council's cashflows along with council's General Fund Bank account. Interest rates are updated in accordance with movements in market rates.

The following investments are classified as Cash and Deposits at Call:

- Commonwealth Bank of Australia – Online Saver AA-
- 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 118/22) SUSTAINABILITY AND ENVIRONMENT ADVISORY COMMITTEE - UPDATED TERMS OF REFERENCE AND MEETING MINUTES

File No: 22/40085

REPORT BY DIRECTOR CITY STRATEGY

Summary

This report responds to Council's resolution of 27 September 2022 with respect to proposed amendments to the Terms of Reference (ToR) for the Sustainability and Environment Advisory Committee (SEAC). It also seeks to make an amendment to the ToR to amend the meeting schedule.

The report also seeks Council's endorsement of the Minutes from the SEAC meeting of 13 September 2022.

Operational Plan Objective

- 1.2 A healthy and active lifestyle where people experience a sense of connection and wellbeing
- 3.2 People and infrastructure contribute positively to the environment and respond to climate change
 - 3.2.1 Deliver efficiency and innovation in the use of resources

Background

Council, at its meeting on 24 May 2022 considered a report on the ToR for the establishment of the SEAC where it resolved (in part) the following (42/22):

1. *That Council endorse the Sustainability and Environment Advisory Committee Terms of Reference, including the proposed membership to the Committee.*
2. *That Councillor Cutcher be the Councillor Representative on the Committee.*

The ToR include a section relating to the Committee's proceedings and requires that meetings of the SEAC be held bi-monthly. The first meeting of the SEAC was held on 13 September 2022, following Council's endorsement of the Committee members.

Council, at its meeting on 27 September 2022 considered a report (114/22) relating to the annual review of Councillor representation on Council committees. As a result of this report, Council resolved (in part), the following (87/22):

2. *Determines councillor representation and role arrangements for committees remains the same with the following exceptions:*
 - a) *Council amends the Terms of Reference for the Burwood Sustainability and Environment Committee to allow an Alternate delegate. Cr Robinson will be the Alternate delegate for that Committee.*
 - b) *Council investigates the inclusion of a State Member's delegate on the Burwood Sustainability and Environment Committee.*

Discussion

The Terms of Reference (ToR) have been updated to respond to 2(a) of Council's resolution and now includes Councillor Robinson as an alternate delegate member of the SEAC. A copy of the amended ToR is included at Attachment 1 to this report.

In addition, point (a) under Committee Proceedings in the ToR is also proposed to be amended. This relates to how often the Committee meets. The current ToR proposed that meetings will be held bi-monthly (6 times/year). It is proposed that this be amended to quarterly (four times/year). This is to ensure that the meeting schedule allows for staff to follow up on issues raised by the Committee and respond with meaningful feedback. It also gives staff adequate time to organise key speakers on relevant topics for each meeting.

Point 2(b) of council's resolution requested that Council officers investigate the inclusion of a State Member's delegate on the SEAC. Council officers are concerned that including a State Member's delegate as a member of the SEAC would be contrary to the ToR that was advertised with the EOI, which stated that representatives of political parties are excluded from being members of the SEAC.

Extending the invitation to a MP, or their representative needs to be transparent and there needs to be a Policy in place to ensure consistency across all of Council's Advisory Committees and regulate MP's (or their delegate's) participation and ensure that any conflicts of interest are declared and addressed appropriately. Consideration also needs to be given to inviting an MP, or their representative to a committee meeting, even as just an observer.

The current members of the SEAC applied on the basis that there would be no political representation, other than by Councillors. This was clearly stated in the Council endorsed ToR which was advertised as part of the EOI. Proposing this change after the Committee members have been nominated may result in a perceived lack of transparency around the process and its intent.

It should also be noted that Council's other Advisory Committee (Multicultural Advisory Committee) also excludes representatives of political parties. Any proposed change to include a State Member's delegate would need to be reviewed in the context of both Advisory Committees.

Based on the investigations undertaken by Council officers, it is recommended that Council does not at this point in time amend the ToR to include representation of a State Member's delegate. Should Council consider it appropriate to include a State Member's delegate in the future as a member on its Advisory Committees, then this would need to be clearly stated in any EOI and would need to be consistent across all Advisory Committees.

To ensure transparency and to ensure that MPs are kept informed about the sustainability and environment issues important for Burwood's residents, it is recommended that the Minutes of Meetings, once endorsed by Council, be forwarded to both the State Member for Strathfield and the Member for Reid. Similarly, if there are matters which might be of interest to the Sustainability and Environment Committee, these can be conveyed to the group by existing membership.

In accordance with the ToR for the SEAC, the minutes of the meeting of 13 September 2022 are attached at Attachment 2 for Council's endorsement.

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.

The SEAC plays a key role in providing input and participating in the delivery of the initiatives, as well as providing a voice for the community on sustainability and environmental initiatives.

Financial Implications

There are no immediate financial implications associated with the Committee as membership of the Committee is 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, costed and presented to Council for endorsement prior to implementation. Grant funding opportunities will be identified, where appropriate, and the Committee will be advised of such opportunities as they arise.

Conclusion

The ToR for the SEAC have been updated to reflect the addition of the alternate Councillor representative and the update of the meeting schedule from bi-monthly to quarterly. Attached are also the minutes from the first meeting of the SEAC held on 13 September 2022.

At this stage it is recommended that no changes be made to the membership of the Committee to include representation by the State Member or their delegate, however Council officers will ensure that the Minutes of each meeting are forwarded to both the State Member of Strathfield and the Federal Member of Reid.

Recommendation(s)

1. That Council endorse the amended Sustainability and Environment Advisory Committee Terms of Reference, which have been updated as outlined in the body of the report.
2. That the endorsed Minutes of each meeting be forwarded to the State Member for Strathfield and Federal Member for Reid.
3. That the Meeting Minutes of the SEAC meeting held on 13 September 2022 be endorsed by Council.

Attachments

- 1 [↓](#) Draft Terms of Reference - Sustainability & Environment Advisory Committee Version 2
- 2 [↓](#) Sustainability and Environment Advisory Committee - Meeting #1 Minutes 13 September 2022



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SUSTAINABILITY & ENVIRONMENT ADVISORY COMMITTEE TERMS OF REFERENCE

Public Document
Approved by Council: 24 May 2022 (42/22)

Version: 2
Ref No. 22/20626
Ownership: City Planning, City Strategy

Functions of the Committee

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

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
- An Alternate Councillor is nominated by Council to participate in the absence of any of the Councillor members.

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

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

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 quarterly.
- 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.

- . 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.
- a. 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.
- b. Recommendations at meetings will be arrived at by way of consensus.
- c. 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).
- d. Other Council officers will attend as required.
- e. 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 receive and note.

Review

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



Tuesday 13 September 2022
5.30pm – 6.30pm

Sustainability and Environment Advisory Committee MINUTES

ATTENDEES

Mayor John Faker (Chairperson) (JF)
Councillor Ned Cutcher
Chris Gray
Monica Fehon
Preeti Govindan
Rita Vella, Manager City Planning (RV)
Edwina Holland, Sustainability and Resilience Officer (EH)
Dylan Porter, Director City Strategy

APOLOGIES

Councillor George Mannah
Billie Ayling
Ruby Bron

A. WELCOME and INTRODUCTIONS

JF welcomed attendees and gave an acknowledgement of country. JF provided a brief overview of how the Committee came about and emphasised working closely with the community and members of the Committee to deliver great outcomes. Attendees provided a brief career background and what motivated them to join the committee.

B. CODE OF CONDUCT

RV delivered an overview of Council's Code of Conduct requirements including general conduct, bullying, fairness and equity, work health and safety, harassment and discrimination, development decisions, using Council resources, social media expectations and avenues for reporting anything contrary to the Code. Advised that a copy of the slides will be made available to the Committee members.

C. OVERVIEW OF SEAC

EH outlined the functions of the committee. The committee is to work in partnership with Council to provide input and participate in the delivery of sustainability and environmental initiatives to deliver on the vision of Sustainable Burwood strategy, through:

- Actively participating in the development of programs and initiatives
- Providing two-way communication between Council and the community
- Promoting and raising awareness of sustainability and environmental issues

D. SUSTAINABLE BURWOOD

EH provided a brief breakdown of the Sustainable Burwood strategy. There are four themes within the strategy;

Theme	Key Responses
Natural Environment	<ul style="list-style-type: none"> Plant a further 2000 trees by 2026 Increase urban tree canopy cover to 25% by 2030 Assist and contribute to improving the water quality of the Cooks River and Parramatta River catchments
Built Future	<ul style="list-style-type: none"> Net zero emissions by 2050 (community) Support the community to reduce potable water consumption, targeting no net increase on average household annual water consumption Reduce total waste generated by 10% per person by 2030 Halve the amount of organic waste sent to landfill by 2030
Being Connected and Resilient	<ul style="list-style-type: none"> Strengthen the community's resilience and adaption capacity to climate change related hazards Offer and deliver workshops/education sessions to Burwood residents on a wide range of sustainability topics Improve the quantity and quality of open space and public places across the LGA Increase the number of peak hour trips taken by residents on public transport to 50% by 2030
Leading Burwood (Council operations)	<ul style="list-style-type: none"> 100% of Council power to be from renewable energy sources by 2030 25% reduction in potable water consumption (based on 2020-2021 water consumption) Support the roll out of electrical vehicle charge stations and infrastructure Working towards implementation of an electric / hybrid Council vehicle fleet

The strategy also contains four 'big moves' which are the result of the community engagement feedback. The 'big moves' are;

- *Reduce, reuse and recycle.* Reduction in waste creation and diversion of materials from landfill represents a key target.
- *Reduce our carbon footprint.* Through strategic decisions now and reviewing our current operational practices, there are steps to be made to reduce Council's carbon footprint.
- *Green infrastructure.* Burwood Council is a growing area and an increase in population will increase pressure on our existing open spaces. Through maximising new green infrastructure and enhancing our existing open spaces, Council can increase usability and accessibility.
- *Community led participation.* Many of the actions in the strategy will only be successful with a high level of community participation and acceptance.

E. CITIES POWER PARTNERSHIP – 5 PLEDGES

EH outlined Council's recent membership with the Cities Power Partnership (CPP). CPP is a not for profit, national program run by the Climate Council. CPP connects councils throughout Australia to share knowledge and best practice on climate and

clean energy solutions. The intent of the CPP is to improve the success and take up of climate action and clean energy initiatives through four key actions:

- Sharing knowledge
- Fostering collaboration
- Accelerating climate initiatives
- Celebrating success

The CPP program has Council's elect five pledges to work towards reducing their emissions. Burwood's five pledges and their relationship to the targets, goals and outcomes in the Sustainable Burwood strategy are below:

CPP Pledge	Sustainable Burwood Strategy Action
Ensure Council fleet purchases meet strict greenhouse gas emissions requirements and support the uptake of electric vehicles	Increasing hybrid / electric vehicles in our fleet
Provide fast-charging infrastructure throughout the city at key locations for electric vehicles	Support the rollout of electric vehicle charge stations and infrastructure
Develop education and behaviour-change programs to support local residents and businesses to tackle climate change through clean energy, energy efficiency and sustainable transport	To educate and promote opportunities for energy efficiency and the switch to renewable energy generation to the community
Lobby state and federal governments to increase sustainable transport options	Collaborate with NSW Government and Sydney Metro in the delivery of a world class metro station precinct at Burwood North
Develop procurement policy to ensure that the practices of contractors and financiers align with Council's renewable energy, energy efficiency and sustainable transport goals	Add sustainable procurement consideration to all project briefs and tender evaluations

F. ENVIRONMENT AND SUSTAINABILITY PROJECTS

EH provided an overview of the key sustainability and resource recovery projects currently being undertaken by Council. The projects and initiatives are:

- Azility – environmental monitoring
- FOGO Trial
- Tree planting program
- Regular e-waste, mattress & white good drop-off days
- RecycleSmart
- The Bower Rehoming Database & Collection Service
- WasteInfo App
- SSROC projects – Zen Energy contract, paving the way recycled roads project crumbed rubber trial on Park Avenue
- Schools education program

G. COMMITTEE PROJECT

A potential project for the committee to commence working on was then discussed.

Council officer's preference was a project that aligned with the CPP program pledges and raised the option of development of an Electric Vehicle (EV) Strategy.

Discussion amongst the Committee resulted in the potential project to fall under the umbrella of 'Sustainable Transport' which encompasses an education awareness campaign promoting active transport eg walking, cycling, public transport and the transition to EV vehicles within the community and their associated infrastructure, future DA requirements, retrofitting of existing developments and public charging points and locations for residential properties without off-street parking.

H. ITEMS FOR NEXT MEETING

There was discussion with the Committee members as what could be the focus of the next meeting. Options included a presentation from Resilient Sydney on their dashboard and/or hearing from other Councils that have already embarked on the EV journey

Next Meeting: Tuesday 15 November 2022
Conference Room, Burwood Library and Community Hub
5.30pm – 6.30pm

(ITEM 119/22) CODES OF CONDUCT AND PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT - ADOPTION

File No: 22/39048

REPORT BY DIRECTOR CORPORATE SERVICES

Summary

The *Model Code of Conduct for Local Councils in NSW* (Model Code) and the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (Model Procedures) are prescribed under the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

Following a review of these documents, and a period of public exhibition, three proposed Codes of Conduct and the proposed procedures for the administration of those Codes are now reported back to Council for adoption.

Operational Plan Objective

C.11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making

Background

Burwood Council's *Code of Conduct* was recently reviewed following the local government election, as required by section 440 (7) of the *Local Government Act 1993*. The review resulted in a proposal to create 3 separate Codes of Conduct, each targeting specific classes of persons — councillors, council staff, and a range of other people involved in delivering the functions of Council.

At its 27 September 2022 meeting, Council endorsed the following Draft Code of Conduct package for public exhibition:

- *Code of Conduct for Councillors*
- *Code of Conduct for Council Staff*
- *Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees*
- *Procedures for the Administration of the Codes of Conduct*

The proposed Codes of Conduct and related Procedures were published on Participate Burwood engagement website for a period of 28 days, together with a description of their application.

The opportunity to comment on this suite of documents was promoted in three editions of the Community e-news, which is distributed to approximately 12,000 subscribers. Council officers were also notified that the proposed drafts were on public exhibition for comment.

No submissions were received by the closing date of 26 October 2022 and no further changes have been identified by Council officers.

Proposal

It is proposed the three Codes of Conduct and related Procedures (appearing as Attachments 1–4 to this report) be adopted by Council without further amendment.

Planning or Policy Implications

The proposed Codes of Conduct are each consistent with the mandatory Model Code. Although now presented as three separate documents with updated formatting, the Codes are essentially the same as the current Code of Conduct based on the Model Code. The only substantive changes are to clarify that the Code's operation extends to volunteers, contractors and members of wholly advisory committees, and to remove inaccurate references in a form.

The proposed Procedures are consistent with the Model Procedures, with the addition of provisions clarifying their application to Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees.

Financial Implications

No financial implications.

Conclusion

The proposed Codes of Conduct and Procedures are consistent with the mandatory Model Code of Conduct and Model Procedures. No further changes have been identified during the consultation period. It is proposed the three Codes of Conduct and the related Procedures are adopted to replace the documents currently in place.

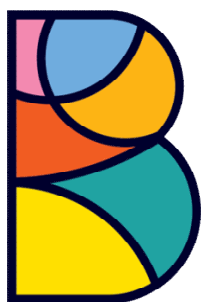
Recommendation(s)

That Council:

1. Adopts the following documents under section 440 of the *Local Government Act 1993*:
 - a) *Code of Conduct for Councillors* (Attachment 1)
 - b) *Code of Conduct for Council Staff* (Attachment 2)
 - c) *Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees* (Attachment 3)
 - d) *Procedures for the Administration of the Codes of Conduct* (Attachment 4)
2. Rescinds the *Code of Conduct* adopted by Council on 25 August 2020
3. Rescinds the *Procedures for the Administration of the Code of Conduct* adopted by Council on 25 August 2020

Attachments

- 1 [↓](#) Draft Burwood Council Code of Conduct for Councillors
- 2 [↓](#) Draft Burwood Council Code of Conduct for Council Staff
- 3 [↓](#) Draft Burwood Council Code of Conduct for Committees, Delegates, Advisers, Volunteers, Contractors and Wholly Advisory Committees
- 4 [↓](#) Draft Procedures for the Administration of the Codes of Conduct



Burwood Inc.1874

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

CODE OF CONDUCT FOR COUNCILLORS

Based on the Model Code of Conduct for Local Councils in NSW issued by the Office of Local Government under section 440 of the *Local Government Act 1993*

PO Box 240, BURWOOD NSW 1805
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Email: council@burwood.nsw.gov.au
Website: www.burwood.nsw.gov.au

Public Document
Adopted by Council: <Date>
Ref. No.: 22/35488
Version No.: 1
Ownership: Governance & Risk

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PART 1 INTRODUCTION**Scope**

This Code of Conduct applies to councillors. It is based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct"), which is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2021* ("the Regulation").

To help councillors focus on the elements of the Code that apply to them, the *Code of Conduct for Councillors* includes the following provisions from the Model Code of Conduct:

- the general provisions that apply to all those involved in delivering the functions of Burwood Council
- the specific provisions that relate to elected councillors.

The *Code of Conduct for Councillors* excludes those provisions that do not apply to councillors, such as those relating to council staff, members of council committees, delegates of council, council advisers, volunteers, contractors and members of wholly advisory committees.

Purpose

This Code of Conduct applies to councillors. It is based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct"), which is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2021* ("the Regulation").

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's or joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council's or joint organisation's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council's or joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures
conduct	includes acts and omissions
contractor	a contractor engaged by council to undertake works or deliver services on behalf of council, including staff employed by that contractor to carry out such works or services (for example, employees of a firm contracted to collect residential waste on behalf of council)
council	includes county councils and joint organisations
council adviser	a person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to (see LGA Section 355) and the council’s audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council’s audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	A joint organisation established under section 4000 of the LGA
LGA	the <i>Local Government Act 1993</i>

local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes staff employed by council on a permanent, temporary or casual basis
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2021</i>
volunteer	any person who freely offers to take part in an enterprise or undertake a task without financial gain
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General Conduct

- 3.1 You must not conduct yourself in a manner that:
- is likely to bring the council or other council officials into disrepute
 - is contrary to statutory requirements or the council's administrative requirements or policies
 - is improper or unethical
 - is an abuse of power
 - causes, comprises or involves intimidation or verbal abuse
 - involves the misuse of your position to obtain a private benefit
 - constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (*section 439*).

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
 - b) offends, humiliates or intimidates the person, and
 - c) creates a hostile environment.

Bullying

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

Work health and safety

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
 - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons

- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 You must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or

- b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
- c) deliberately seek to impede the consideration of business at a meeting.

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- a) your interest, or
 - b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- a) Your “relative” is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - b) “de facto partner” has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- a) your interest as an elector
 - b) your interest as a ratepayer or person liable to pay a charge
 - c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the

council in the same manner and subject to the same conditions as apply to persons who are not subject to this code

- e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - f) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - g) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
 - h) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
 - i) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
 - j) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
 - k) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
 - l) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
 - m) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor
 - n) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a councillor?

- 4.8 A councillor:
- a) must prepare and submit written returns of interests in accordance with clauses 4.9, and
 - b) must disclose pecuniary interests in accordance with clause 4.16 where it is applicable.

Disclosure of interests in written returns

- 4.9 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's interests as specified in schedule 1 to this code within 3 months after:
- a) becoming a councillor, and

- b) 30 June of each year, and
 - c) the councillor becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.10 A councillor need not make and lodge a return under clause 4.9, paragraphs (a) and (b) if:
- a) they made and lodged a return under that clause in the preceding 3 months, or
 - b) they have ceased to be a councillor in the preceding 3 months.
- 4.11 A councillor must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.12 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.13 Returns required to be lodged with the general manager under clause 4.9(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.14 Returns required to be lodged with the general manager under clause 4.9(c) must be tabled at the next council meeting after the return is lodged.
- 4.15 Information contained in returns made and lodged under clause 4.19 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2018* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.16 A councillor who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.17 The councillor must not be present at, or in sight of, the meeting of the council or committee:
- a) at any time during which the matter is being considered or discussed by the council or committee, or
 - b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.18 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.16 and 4.17 where they participate in the meeting by telephone or other electronic means.
- 4.19 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.20 A general notice may be given to the general manager in writing by a councillor to the effect that the councillor, or the councillor's spouse, de facto partner or relative, is:
- a) a member of, or in the employment of, a specified company or other body, or
 - b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- 4.21 A councillor is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor has an interest in the matter of a kind referred to in clause 4.6.

- 4.22 A person does not breach clauses 4.16 or 4.17 if the councillor did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.23 Despite clause 4.17, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.24 Clause 4.17 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - c) the councillor made a special disclosure under clause 4.25 in relation to the interest before the commencement of the meeting.
- 4.25 A special disclosure of a pecuniary interest made for the purposes of clause 4.24(c) must:
- a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.26 The Minister for Local Government may, conditionally or unconditionally, allow a councillor who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.
- 4.27 A councillor with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.26, must still disclose the interest they have in the matter in accordance with clause 4.16.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.

- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest

as if you had a pecuniary interest in the matter by complying with clauses 4.16 and 4.17.

- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest, you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

Political donations

- 5.13 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.14 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.15 For the purposes of this Part:
- a) a “reportable political donation” has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.16 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.17 Despite clause 5.14, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.18 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council’s area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council’s area, and
 - b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person’s principal place of residence, and
 - c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.19 The Minister for Local Government may, conditionally or unconditionally, allow a councillor who is precluded under this Part from participating in the consideration of a matter to be

present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.
- 5.20 Where the Minister exempts a councillor from complying with a requirement under this Part under clause 5.19, the councillor must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Personal dealings with council

- 5.21 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.22 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

PART 6 PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) items with a value of \$10 or less
 - b) a political donation for the purposes of the *Electoral Funding Act 2018*
 - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - d) a benefit or facility provided by the council to a councillor
 - e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - f) free or subsidised meals, beverages or refreshments provided to councillors in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

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

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to the general manager in writing. The recipient or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - c) the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$30. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$30
 - b) gifts of alcohol that do not exceed a value of \$30
 - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d) prizes or awards that do not exceed \$30 in value.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$30 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$30, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$30 in value.

- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

- 6.13 For the purposes of clause 6.5(e), “cash-like gifts” include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
 - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
 - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - d) contact or issue instructions to any of the council’s contractors, including the council’s legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors may contact the council’s external auditor or the chair of the council’s audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions. Councillors should not approach council staff regarding these day-to-day matters, other than in accordance with the procedures governing the interaction of councillors and council staff.

Inappropriate interactions

- 7.5 You must not engage in any of the following inappropriate interactions:
- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
 - d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
 - e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
 - f) councillors and administrators being overbearing or threatening to council staff
 - g) council staff being overbearing or threatening to councillors or administrators
 - h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
 - i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
 - j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
 - k) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES**Councillor and administrator access to information**

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.

- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Use of certain council information

- 8.8 In regard to information obtained in your capacity as a council official, you must:
- a) only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

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

Personal information

- 8.11 When dealing with personal information you must comply with:
- a) the *Privacy and Personal Information Protection Act 1998*
 - b) the *Health Records and Information Privacy Act 2002*
 - c) the Information Protection Principles and Health Privacy Principles
 - d) the council's privacy management plan
 - e) the Privacy Code of Practice for Local Government.

Use of council resources

- 8.12 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, unless this use is lawfully authorised and proper payment is made where appropriate.

Burwood Council Code of Conduct for Councillors

- 8.13 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.14 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.15 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.16 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 8.17 You must not convert any property of the council to your own use unless properly authorised.

Internet access

- 8.18 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

Council record keeping

- 8.19 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.20 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.21 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.22 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

- 8.23 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.24 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.25 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE**Complaints made for an improper purpose**

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
 - b) to damage another council official's reputation
 - c) to obtain a political advantage
 - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f) to avoid disciplinary action under the Procedures
 - g) to take reprisal action against a person for making a complaint alleging a breach of this code
 - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

Disclosure of information about the consideration of a matter under the Procedures

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.

- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

- 9.14 Complaints alleging a breach of this Part by a councillor or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.9**Part 1: Preliminary****Definitions**

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

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

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.9(a), the date on which a person became a councillor

- b) in the case of a return made under clause 4.9(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.9(c), the date on which the councillor became aware of the interest to be disclosed.

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor has an interest includes a reference to any real property situated in Australia in which the councillor has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.21 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.9 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.

10. A gift need not be included in a return if:
- it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - the donor was a relative of the donee, or
 - subject to paragraph (a), it was received prior to the person becoming a councillor.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.9 of this code must disclose:
- the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - the dates on which the travel was undertaken, and
 - the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - was made by a relative of the traveller, or
 - was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - subject to paragraph (d) it was received prior to the person becoming a councillor.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.9 of this code must disclose:
- the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - the nature of the interest, or the position held, in each of the corporations, and
 - a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - required to apply its profits or other income in promoting its objects, and
 - prohibited from paying any dividend to its members.

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.9 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.9 of the code must disclose:
 - a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor.

Dispositions of real property

23. A person making a return under clause 4.9 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.9 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor.

Sources of income

26. A person making a return under clause 4.9 of this code must disclose:
 - a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
 - a) in relation to income from an occupation of the person:
 - i) a description of the occupation, and

- ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.9 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.9 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - ii) the amounts to be paid exceeded, in the aggregate, \$500, or
 - b) the person was liable to pay the debt to a relative, or
 - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - d) in the case of a debt arising from the supply of goods or services:
 - i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
 - e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

**SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER
CLAUSE 4.9**

'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosures by Councillors and Designated Persons	
Return of Interests	
Submitted under Clause 4.9 of the Burwood Council Code of Conduct for Councillors	
<ol style="list-style-type: none"> 1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the <i>Model Code of Conduct for Local Councils in NSW</i> (the Model Code of Conduct). 2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person. 3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return. 4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year. 5. This form must be completed using block letters or typed. 6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you. 7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading. 	
<p><u>IMPORTANT INFORMATION</u></p> <p><i>This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct. You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.</i></p> <p><i>The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.</i></p> <p><i>Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.</i></p> <p><i>You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.</i></p>	
<p>DISCLOSURE OF PECUNIARY INTERESTS AND OTHER MATTERS</p> <hr style="width: 50%; margin: auto;"/>	
<p>By:</p> <p style="text-align: center; color: #0070C0; font-size: small;"><i>(full name of councillor or designated person)</i></p>	<p>As at:</p> <p style="text-align: center; color: #0070C0; font-size: small;"><i>(return date)</i></p>
<p>In respect of the period from:</p> <p style="text-align: center; color: #0070C0; font-size: small;"><i>(from date)</i></p>	
<p>to:</p> <p style="text-align: center; color: #0070C0; font-size: small;"><i>(to date)</i></p>	
<p>Signature:</p> <p style="text-align: center; color: #0070C0; font-size: small;"><i>(of councillor or designated person)</i></p>	<p>Date:</p> <p style="text-align: center; color: #0070C0; font-size: small;"><i>(of completion of return)</i></p>

A. REAL PROPERTY	
Street address of each parcel of real property in which I had an interest at the return date / at any time since 30 June	Nature of interest

B. SOURCES OF INCOME		
<p>1. Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June</p> <p>Sources of income I received from an occupation at any time since 30 June</p>		
DESCRIPTION OF OCCUPATION	NAME AND ADDRESS OF EMPLOYER OR DESCRIPTION OF OFFICE HELD (IF APPLICABLE)	NAME UNDER WHICH PARTNERSHIP CONDUCTED (IF APPLICABLE)
<p>2. Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June</p> <p>Sources of income I received from an occupation at any time since 30 June</p>		
NAME AND ADDRESS SETTLOR	NAME AND ADDRESS OF TRUSTEE	
<p>3. Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June</p> <p>Sources of income I received from an occupation at any time since 30 June</p> <p><i>include description sufficient to identify the person from whom, or the circumstances in which, that income was received)</i></p>		

C. GIFTS	
Description of each gift I received at any time since 30 June	Name and address of donor

D. CONTRIBUTIONS TO TRAVEL		
Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Names of States, Territories of the Commonwealth and overseas countries in which travel was undertaken

E. INTERESTS AND POSITIONS IN CORPORATIONS			
Name and address of each corporation in which I had an interest or held a position at the return date / any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) or corporation (except in case of listed company)

F. WERE YOU A PROPERTY DEVELOPER OR CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No

G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS	
Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date / any time since 30 June	Description of position

H. DEBTS
Name and address of each person to whom I was liable to pay any debt at the return date / any time since 30 June

I. DISPOSITIONS OF PROPERTY
1. Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
2. Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. DISCRETIONARY DISCLOSURES

**SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST
SUBMITTED UNDER CLAUSE 4.25**

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest your spouse, de facto partner, relative, business partner or employer has in that person's principal place of residence.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special Disclosure of Pecuniary Interest - Mayor / Councillor
 ~ Under Clause 4.25 of the Burwood Council Code of Conduct ~

Complete this form (in block letters or typing) **for participation in a meeting of Council or Council Committee** at which the consideration of an environmental planning instrument for the entire Burwood local government area, or a significant portion of it, is to occur.

It is only required where the instrument to be considered relates to a pecuniary interest that arises from:

1. your principal place of residence; **or**
2. the principal place of residence of another person who is your spouse or de facto partner, your relative, or your partner or employer.



Each completed disclosure must be announced and tabled at the relevant meeting before it starts and you begin participating in relevant discussion

This form is to be retained by the council's general manager (care of designated officers) and included in the full minutes of the meeting

Special disclosure of pecuniary interests by [.....]
 (full name of mayor / councillor)

in the matter of [.....]
 (insert name of environmental planning instrument)

which is to be considered at the meeting of [.....]
 (name of Council or Council committee)

to be held on the [.....] of [.....]
 (day / month written in words and year written numerically in full)

Pecuniary Interest

<p>Address of the affected principal place of residence of the councillor or an associated person i.e. <u>the identified land</u></p> <p style="text-align: right; font-size: small;"><i>(write address in space to the right of this note)</i></p>	[.....] [.....]
<p>Relationship of identified land to the councillor</p>	<p><input type="checkbox"/> ..The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option, contract or otherwise)</p> <p><input type="checkbox"/> An associated person of the councillor has an interest in the land</p> <p style="text-align: right; font-size: small;"><i>(tick or cross one box above)</i></p>

Matter Giving Rise to the Pecuniary Interest

Clause 4.1 of the *Model Code of Conduct* provides that a pecuniary interest is an interest that a person has because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the *Model Code of Conduct*.

A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person referred to in clause 4.3 of the *Model Code of Conduct* has a proprietary interest.

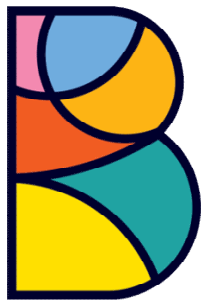
<p>Nature of the land that is subject to a change in zone / planning control by the proposed LEP i.e. <u>the subject land</u></p>	<p><input type="checkbox"/> The identified land</p> <p><input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land</p> <p><i>(tick or cross one box above)</i></p>
<p>Current zone / planning control</p>	<p><i>(insert name of current planning instrument and identify relevant zone / planning control applying to the subject land below)</i></p> <p> </p> <p> </p>
<p>Proposed change of zone / planning control</p>	<p><i>(insert name of current planning instrument and identify relevant zone / planning control applying to the subject land below)</i></p> <p> </p> <p> </p>
<p>Effect of proposed change of zone / planning control on councillor or associate person</p>	<p><input type="checkbox"/> Appreciable financial gain</p> <p><input type="checkbox"/> Appreciable financial loss</p> <p><i>(tick or cross one box above)</i></p>

Attach pages and reference if insufficient space above. If more than one pecuniary interest is to be declared, reproduce form and complete details for each additional interest.

Councillor's signature [.....]

Date of disclosure [.....]
(day / month written in words and year written numerically in full)

Sign above and hand this form to a Governance representative before the start of the relevant session, OR, you may type your name in the signature area then email the document to Governance@burwood.nsw.gov.au.



Burwood Inc.1874

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

CODE OF CONDUCT FOR COUNCIL STAFF

Based on the Model Code of Conduct for Local Councils in NSW issued by the Office of Local Government under section 440 of the *Local Government Act 1993*

PO Box 240, BURWOOD NSW 1805
2 Conder Street, BURWOOD NSW 2134
Phone: 9911-9911 Fax: 9911-9900
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Website: www.burwood.nsw.gov.au

Public Document
Adopted by Council: <Date>
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Ownership: Governance & Risk

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PART 1 INTRODUCTION**Scope**

This Code of Conduct applies to members of council staff, including the General Manager. It is based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2021* ("the Regulation").

To help council staff focus on the elements of the Code that apply to them, the *Code of Conduct for Council Staff* includes the following provisions from the Model Code of Conduct:

- the general provisions that apply to all those involved in delivering the functions of Burwood Council
- the specific provisions that relate to those staff employed by Burwood Council.

The *Code of Conduct for Council Staff* excludes those provisions that do not apply to council staff, such as those relating to councillors, members of council committees, delegates of council, council advisers, volunteers, contractors and members of wholly advisory committees.

Purpose

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's or joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council's or joint organisation's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council's or joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of "council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures

ITEM NUMBER 119/22 - ATTACHMENT 2

Draft Burwood Council Code of Conduct for Council Staff

Code of Conduct for Council Staff

conduct	includes acts and omissions
contractor	a contractor engaged by council to undertake works or deliver services on behalf of council, including staff employed by that contractor to carry out such works or services (for example, employees of a firm contracted to collect residential waste on behalf of council)
council	includes county councils and joint organisations
council adviser	a person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to (see LGA Section 355) and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
general manager	includes the executive officer of a joint organisation
joint organisation	A joint organisation established under section 400O of the LGA
LGA	<i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes staff employed by council on a permanent, temporary or casual basis
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion

the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2021</i>
volunteer	any person who freely offers to take part in an enterprise or undertake a task without financial gain
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General Conduct

- 3.1 You must not conduct yourself in a manner that:
- is likely to bring the council or other council officials into disrepute
 - is contrary to statutory requirements or the council's administrative requirements or policies
 - is improper or unethical
 - is an abuse of power
 - causes, comprises or involves intimidation or verbal abuse
 - involves the misuse of your position to obtain a private benefit
 - constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (*section 439*).

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- is not wanted by the person
 - offends, humiliates or intimidates the person, and
 - creates a hostile environment.

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:

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

Work health and safety

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
 - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
 - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
 - e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
 - f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Obligations in relation to meetings

- 3.15 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.16 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.17 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- a) your interest, or
 - b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- a) Your "relative" is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- a) your interest as an elector
 - b) your interest as a ratepayer or person liable to pay a charge
 - c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
 - e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - f) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - g) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
 - h) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
 - i) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
 - j) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a council committee member.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

- 4.8 Designated persons include:
- a) the general manager
 - b) other senior staff of the council for the purposes of section 332 of the LGA
 - c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
 - d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise

of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

- 4.9 A designated person:
- a) must prepare and submit written returns of interests in accordance with clause 4.18, and
 - b) must disclose pecuniary interests in accordance with clause 4.10.
- 4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council staff other than designated persons?

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by a council committee member?

- 4.16 A council committee member must disclose pecuniary interests in accordance with clause 4.25 and comply with clause 4.26.
- 4.17 For the purposes of clause 4.16, a "council committee member" includes a member of staff of council who is a member of the committee.

Disclosure of interests in written returns

- 4.18 A designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the designated person's interests as specified in schedule 1 to this code within 3 months after:
- a) becoming a designated person, and
 - b) 30 June of each year, and
 - c) the designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.19 A person need not make and lodge a return under clause 4.18, paragraphs (a) and (b) if:
- a) they made and lodged a return under that clause in the preceding 3 months, or
 - b) they have ceased to be a designated person in the preceding 3 months.
- 4.20 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.21 The general manager must keep a register of returns required to be made and lodged with the general manager.

- 4.22 Returns required to be lodged with the general manager under clause 4.18(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.23 Returns required to be lodged with the general manager under clause 4.18(c) must be tabled at the next council meeting after the return is lodged.
- 4.24 Information contained in returns made and lodged under clause 4.18 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2018* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

Note. For the purpose of clauses 4.25 to 4.32, a “council committee member” includes a member of staff of council who is a member of council committee.

- 4.25 A council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.26 The council committee member must not be present at, or in sight of, the meeting of the committee:
- a) at any time during which the matter is being considered or discussed by the committee, or
 - b) at any time during which the committee is voting on any question in relation to the matter.
- 4.27 A disclosure made at a meeting of a council committee must be recorded in the minutes of the meeting.
- 4.28 A general notice may be given to the general manager in writing by a council committee member to the effect that the council committee member, or the council committee member’s spouse, de facto partner or relative, is:
- a) a member of, or in the employment of, a specified company or other body, or
 - b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the council committee member’s interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council committee after the date of the notice.
- 4.29 A council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.30 A person does not breach clauses 4.25 or 4.26 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.31 The Minister for Local Government may, conditionally or unconditionally, allow a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.
- 4.32 A council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.31, must still disclose the interest they have in the matter in accordance with clause 4.25.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST**What is a non-pecuniary conflict of interest?**

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be

- determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.25 and 4.26.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest, you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

Loss of quorum as a result of compliance with this Part

Note: For the purpose of clauses 5.13 and 5.14, a "council committee member" includes a member of staff of council who is a member of a council committee.

- 5.13 The Minister for Local Government may, conditionally or unconditionally, allow a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.
- 5.14 Where the Minister exempts a committee member from complying with a requirement under this Part under clause 5.13, the committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

- 5.15 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.16 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.17 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.

- 5.18 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.19 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
 - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
 - c) require them to work while on council duty
 - d) discredit or disadvantage the council
 - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

- 5.20 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.21 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

PART 6 PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) items with a value of \$10 or less
 - b) a political donation for the purposes of the *Electoral Funding Act 2018*
 - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - d) a benefit or facility provided by the council to an employee
 - e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - f) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.

- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

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

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - c) the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$30. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$30
 - b) gifts of alcohol that do not exceed a value of \$30
 - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d) prizes or awards that do not exceed \$30 in value.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$30 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$30, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month

period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$30 in value.

- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

- 6.13 For the purposes of clause 6.5(e), “cash-like gifts” include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
 - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council in the exercise of the functions of the staff member
 - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager.
- 7.3 Despite clause 7.2, councillors may contact the council’s external auditor or the chair of the council’s audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- a) give their attention to the business of the council while on duty
 - b) ensure that their work is carried out ethically, efficiently, economically and effectively

- c) carry out reasonable and lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Inappropriate interactions

- 7.6 You must not engage in any of the following inappropriate interactions:
- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
 - d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
 - e) councillors and administrators being overbearing or threatening to council staff
 - f) council staff being overbearing or threatening to councillors or administrators
 - g) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
 - h) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
 - i) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
 - j) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals.

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in

the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Refusal of access to information

- 8.7 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 8.8 In regard to information obtained in your capacity as a council official, you must:
- a) subject to clause 8.13, only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your position with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

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

Personal information

- 8.11 When dealing with personal information you must comply with:
- a) the *Privacy and Personal Information Protection Act 1998*
 - b) the *Health Records and Information Privacy Act 2002*
 - c) the Information Protection Principles and Health Privacy Principles
 - d) the council's privacy management plan
 - e) the Privacy Code of Practice for Local Government.

Use of council resources

- 8.12 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied

- as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.13 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 8.14 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.16 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.17 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 8.18 You must not convert any property of the council to your own use unless properly authorised.

Internet access

- 8.19 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

Council record keeping

- 8.20 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.21 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.22 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.23 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

- 8.24 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.

- 8.25 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.
- 8.26 Council staff who are authorised to meet with councillors should hold those meetings in the councillor meeting room or in public meeting spaces within council's administration building and avoid using staff-only meeting spaces.

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
 - b) to damage another council official's reputation
 - c) to obtain a political advantage
 - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f) to avoid disciplinary action under the Procedures
 - g) to take reprisal action against a person for making a complaint alleging a breach of this code
 - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

Disclosure of information about the consideration of a matter under the Procedures

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

- 9.14 Complaints alleging a breach of this Part by the general manager are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.18

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

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

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.18(a), the date on which a person became a designated person

- b) in the case of a return made under clause 4.18(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.18(c), the date on which the designated person became aware of the interest to be disclosed.

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a designated person has an interest includes a reference to any real property situated in Australia in which the designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.18 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.18 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.

10. A gift need not be included in a return if:
- it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - the donor was a relative of the donee, or
 - subject to paragraph (a), it was received prior to the person becoming a designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.18 of this code must disclose:
- the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - the dates on which the travel was undertaken, and
 - the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - was made by a relative of the traveller, or
 - was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - subject to paragraph (d) it was received prior to the person becoming a designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.18 of this code must disclose:
- the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - the nature of the interest, or the position held, in each of the corporations, and
 - a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - required to apply its profits or other income in promoting its objects, and

- c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.18 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.18 of the code must disclose:
- the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a designated person.

Dispositions of real property

23. A person making a return under clause 4.18 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.18 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a designated person.

Sources of income

26. A person making a return under clause 4.18 of this code must disclose:
- each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- in relation to income from an occupation of the person:
 - a description of the occupation, and

- ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a designated person need not be disclosed.

Debts

30. A person making a return under clause 4.18 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
31. A liability to pay a debt must be disclosed by a person in a return made under clause 4.18 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
32. A liability to pay a debt need not be disclosed by a person in a return if:
- a) a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - ii) the amounts to be paid exceeded, in the aggregate, \$500, or
 - b) the person was liable to pay the debt to a relative, or
 - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - d) in the case of a debt arising from the supply of goods or services:
 - i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
 - e) subject to paragraph (a), the debt was discharged prior to the person becoming a designated person.

Discretionary disclosures

33. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

**SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER
CLAUSE 4.18**

'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosures by Councillors and Designated Persons	
Return of Interests	
Submitted under Clause 4.9 of the Burwood Council Codes of Conduct	
<ol style="list-style-type: none"> 1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the <i>Model Code of Conduct for Local Councils in NSW</i> (the Model Code of Conduct). 2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person. 3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return. 4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year. 5. This form must be completed using block letters or typed. 6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you. 7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading. 	
<p><u>IMPORTANT INFORMATION</u></p> <p><i>This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct. You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.</i></p> <p><i>The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.</i></p> <p><i>Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.</i></p> <p><i>You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.</i></p>	
<p>DISCLOSURE OF PECUNIARY INTERESTS AND OTHER MATTERS</p> <hr style="width: 50%; margin: auto;"/>	
<p>By:</p> <p style="text-align: center; color: #0070C0; font-size: small;"><i>(full name of councillor or designated person)</i></p>	<p>As at:</p> <p style="text-align: center; color: #0070C0; font-size: small;"><i>(return date)</i></p>
<p>In respect of the period from:</p> <p style="text-align: center; color: #0070C0; font-size: small;"><i>(from date)</i></p>	
<p>to:</p> <p style="text-align: center; color: #0070C0; font-size: small;"><i>(to date)</i></p>	
<p>Signature:</p> <p style="text-align: center; color: #0070C0; font-size: small;"><i>(of councillor or designated person)</i></p>	<p>Date:</p> <p style="text-align: center; color: #0070C0; font-size: small;"><i>(of completion of return)</i></p>

A. REAL PROPERTY	
Street address of each parcel of real property in which I had an interest at the return date / at any time since 30 June	Nature of interest

B. SOURCES OF INCOME		
<p>1. Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June</p> <p>Sources of income I received from an occupation at any time since 30 June</p>		
DESCRIPTION OF OCCUPATION	NAME AND ADDRESS OF EMPLOYER OR DESCRIPTION OF OFFICE HELD (IF APPLICABLE)	NAME UNDER WHICH PARTNERSHIP CONDUCTED (IF APPLICABLE)
<p>2. Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June</p> <p>Sources of income I received from an occupation at any time since 30 June</p>		
NAME AND ADDRESS SETTLOR		NAME AND ADDRESS OF TRUSTEE
<p>3. Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June</p> <p>Sources of income I received from an occupation at any time since 30 June</p> <p><i>(Include description sufficient to identify the person from whom, or the circumstances in which, that income was received)</i></p>		

C. GIFTS	
Description of each gift I received at any time since 30 June	Name and address of donor

D. CONTRIBUTIONS TO TRAVEL		
Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Names of States, Territories of the Commonwealth and overseas countries in which travel was undertaken

E. INTERESTS AND POSITIONS IN CORPORATIONS			
Name and address of each corporation in which I had an interest or held a position at the return date / any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) or corporation (except in case of listed company)

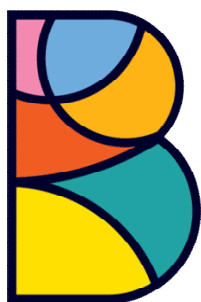
F. WERE YOU A PROPERTY DEVELOPER OR CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No

G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS	
Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date / any time since 30 June	Description of position

H. DEBTS
Name and address of each person to whom I was liable to pay any debt at the return date / any time since 30 June

I. DISPOSITIONS OF PROPERTY
1. Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
2. Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. DISCRETIONARY DISCLOSURES



Burwood Inc.1874

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

Code of Conduct

For Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees

Based on the Model Code of Conduct for Local Councils in NSW issued by the Office of Local Government under section 440 of the *Local Government Act 1993*

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Draft Burwood Council Code of Conduct for Committees, Delegates, Advisers, Volunteers, Contractors and Wholly Advisory Committees

Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees

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PART 1 INTRODUCTION

Scope

This Code of Conduct applies to council committee members, delegates of council, volunteers, contractors and members of wholly advisory committees who are not councillors or staff of the council. It also applies to advisers of council for the purposes of clause 4.12.

It is based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct"), which is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2021* ("the Regulation").

To help committee members, delegates, advisers, volunteers and contractors focus on the elements that apply to them, this Code of Conduct includes the following provisions from the Model Code of Conduct:

- the general provisions that apply to all those involved in the functions of Burwood Council
- the specific provisions that relate to council committee members, delegates of council, council advisers, volunteers, contractors and members of wholly advisory committees.

This Code of Conduct excludes those provisions that apply only to councillors and council staff and are therefore not relevant to the people covered by this Code.

Note: This Code does not apply to members of the Burwood Local Planning Panel. A separate *Local Planning Panels Code of Conduct* approved by the Minister for Planning applies to members of that Panel.

Purpose

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's or joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council's or joint organisation's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council's or joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a council committee member or delegate of the council to comply with a council's code of conduct may give rise to disciplinary action. Where a council adviser, volunteer, contractor or member of a wholly advisory committee fails to comply with this Code of Conduct, other action may be taken, depending on the circumstances.

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PART 2 DEFINITIONS

In this code the following terms have the following meanings:

Committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures
conduct	includes acts and omissions
contractor	a contractor engaged by council to undertake works or deliver services on behalf of council, including staff employed by that contractor to carry out such works or services (for example, employees of a firm contracted to collect residential waste on behalf of council)
council	includes county councils and joint organisations
council adviser	a person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to (See LGA Section 355) and the council’s audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council’s audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council, and, for the purposes of clause 4.12, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
general manager	includes the executive officer of a joint organisation
joint organisation	A joint organisation established under section 400O of the LGA
LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes staff employed by council on a permanent, temporary or casual basis

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the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2021</i>
volunteer	any person who freely offers to take part in an enterprise or undertake a task without financial gain
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General Conduct

- 3.1 You must not conduct yourself in a manner that:
- is likely to bring the council or other council officials into disrepute
 - is contrary to statutory requirements or the council's administrative requirements or policies
 - is improper or unethical
 - is an abuse of power
 - causes, comprises or involves intimidation or verbal abuse
 - involves the misuse of your position to obtain a private benefit
 - constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (*section 439*).

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:

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- a) is not wanted by the person
- b) offends, humiliates or intimidates the person, and
- c) creates a hostile environment.

Bullying

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

Work health and safety

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
 - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
 - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
 - e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations

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- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Obligations in relation to meetings

- 3.15 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.16 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.17 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
 - a) your interest, or
 - b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
 - a) Your "relative" is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

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- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- a) your interest as an elector
 - b) your interest as a ratepayer or person liable to pay a charge
 - c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
 - e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
 - g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
 - i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
 - j) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
 - k) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member.

4.7 For the purposes of clause 4.6, “relative” has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:

- l) a person who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a delegate and the person’s private interest
- m) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council’s functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member’s duty as a member of the committee and the member’s private interest.

4.9 A designated person:

- a) must prepare and submit written returns of interests in accordance with clause 4.18, and
- b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the general manager the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

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

What disclosures must be made by council advisers?

4.12 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person’s interest as an adviser.

4.13 A person does not breach clause 4.12 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

4.14 A council committee member must disclose pecuniary interests in accordance with clause 4.22 and comply with clause 4.23.

Note: A council committee member identified by council as a “designated person” for the purposes of clause 4.8(b) must also prepare and submit written returns of interests in accordance with clause 4.15.

Disclosure of interests in written returns

4.15 A designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the designated person’s interests as specified in schedule 1 to this code within 3 months after:

- a) becoming a designated person, and
- b) 30 June of each year, and

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- c) the designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.16 A person need not make and lodge a return under clause 4.15, paragraphs (a) and (b) if:
 - a) they made and lodged a return under that clause in the preceding 3 months, or
 - b) they have ceased to be a designated person in the preceding 3 months.
- 4.17 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.18 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.19 Returns required to be lodged with the general manager under clause 4.15(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.20 Returns required to be lodged with the general manager under clause 4.15(c) must be tabled at the next council meeting after the return is lodged.
- 4.21 Information contained in returns made and lodged under clause 4.15 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2018* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.22 A council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.23 The council committee member must not be present at, or in sight of, the meeting of the committee:
 - a) at any time during which the matter is being considered or discussed by the committee, or
 - b) at any time during which the committee is voting on any question in relation to the matter.
- 4.24 A disclosure made at a meeting of a council committee must be recorded in the minutes of the meeting.
- 4.25 A general notice may be given to the general manager in writing by a council committee member to the effect that the council committee member, or the council committee member's spouse, de facto partner or relative, is:
 - a) a member of, or in the employment of, a specified company or other body, or
 - b) a partner of, or in the employment of, a specified person.Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council committee after the date of the notice.
- 4.26 A council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.27 A person does not breach clauses 4.22 or 4.23 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

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- 4.28 The Minister for Local Government may, conditionally or unconditionally, allow a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.
- 4.29 A council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.28, must still disclose the interest they have in the matter in accordance with clause 4.22.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.
- 5.7 If a disclosure is made at a committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household

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- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest, you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Loss of quorum as a result of compliance with this Part

- 5.13 The Minister for Local Government may, conditionally or unconditionally, allow a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.
- 5.14 Where the Minister exempts a committee member from complying with a requirement under this Part under clause 5.13, the committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Personal dealings with council

- 5.15 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action

that could lead members of the public to believe that you are seeking preferential treatment.

- 5.16 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

PART 6 PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) items with a value of \$10 or less
 - b) a political donation for the purposes of the *Electoral Funding Act 2018*
 - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - d) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - e) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

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

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser

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- g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to the general manager in writing. The general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - c) the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$30. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$30
 - b) gifts of alcohol that do not exceed a value of \$30
 - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d) prizes or awards that do not exceed \$30 in value.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$30 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$30, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$30 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

- 6.13 For the purposes of clause 6.5(e), “cash-like gifts” include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Use of certain council information

- 7.1 In regard to information obtained in your capacity as a council official, you must:
- a) only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your position with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

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

Personal information

- 7.4 When dealing with personal information you must comply with:
- a) the *Privacy and Personal Information Protection Act 1998*
 - b) the *Health Records and Information Privacy Act 2002*
 - c) the Information Protection Principles and Health Privacy Principles
 - d) the council's privacy management plan
 - e) the Privacy Code of Practice for Local Government.

Use of council resources

- 7.5 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes unless this use is lawfully authorised and proper payment is made where appropriate.

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- 7.6 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 7.7 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 7.8 You must not use council resources (including council staff), property or facilities for the purpose of assisting the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 7.9 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
 - a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 7.10 You must not convert any property of the council to your own use unless properly authorised.

Internet access

- 7.11 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

Council record keeping

- 7.12 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 7.13 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 7.14 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 7.15 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

PART 8 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

- 8.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 8.2 For the purposes of clause 8.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
 - a) to bully, intimidate or harass another council official
 - b) to damage another council official's reputation
 - c) to obtain a political advantage

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- d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
- e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
- f) to avoid disciplinary action under the Procedures
- g) to take reprisal action against a person for making a complaint alleging a breach of this code
- h) to take reprisal action against a person for exercising a function prescribed under the Procedures
- i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

- 8.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 8.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 8.5 For the purposes of clauses 8.3 and 8.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under the Procedures

- 8.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 8.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 8.8 You must comply with a practice ruling made by the Office under the Procedures.

Disclosure of information about the consideration of a matter under the Procedures

- 8.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 8.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 8.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 8.12 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 8.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

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Complaints alleging a breach of this Part

- 8.14 Complaints alleging a breach of this Part by persons to whom this Code applies are to be managed by the general manager in accordance with the Procedures.

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.15

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

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

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a designated person

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- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the designated person became aware of the interest to be disclosed.

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

- 2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
- 3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a designated person has an interest includes a reference to any real property situated in Australia in which the designated person has an interest.
- 4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

- 5. A person making a return under clause 4.15 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
- 6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
- 7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a designated person.
- 8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

- 9. A person making a return under clause 4.15 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and

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- b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
- a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.15 of this code must disclose:
- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.15 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:

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- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.15 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:
- close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.
- property developer* has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.15 of the code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a designated person.

Dispositions of real property

23. A person making a return under clause 4.15 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.15 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a designated person.

Sources of income

26. A person making a return under clause 4.15 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and

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- b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
 - i) a description of the occupation, and
 - ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a designated person need not be disclosed.

Debts

30. A person making a return under clause 4.15 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
31. A liability to pay a debt must be disclosed by a person in a return made under clause 4.15 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
32. A liability to pay a debt need not be disclosed by a person in a return if:
- a) a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - ii) the amounts to be paid exceeded, in the aggregate, \$500, or
 - b) the person was liable to pay the debt to a relative, or
 - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - d) in the case of a debt arising from the supply of goods or services:
 - i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or

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~~Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees~~

- e) subject to paragraph (a), the debt was discharged prior to the person becoming a designated person.

Discretionary disclosures

33. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

**SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER
CLAUSE 4.15**

'Disclosures by councillors or designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

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Draft Burwood Council Code of Conduct for Committees, Delegates, Advisers, Volunteers, Contractors and Wholly Advisory Committees

Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees

Disclosures by Councillors or Designated Persons	
Return of Interests	
Submitted under Clause 4.15 of the Burwood Council Codes of Conduct	
<ol style="list-style-type: none"> 1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the <i>Model Code of Conduct for Local Councils in NSW</i> (the Model Code of Conduct). 2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person. 3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return. 4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year. 5. This form must be completed using block letters or typed. 6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you. 7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading. 	
<p><u>IMPORTANT INFORMATION</u></p> <p><i>This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct. You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.</i></p> <p><i>The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.</i></p> <p><i>Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.</i></p> <p><i>You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.</i></p>	
DISCLOSURE OF PECUNIARY INTERESTS AND OTHER MATTERS	
By:	As at:
<i>(full name of councillor or designated person)</i>	<i>(return date)</i>
In respect of the period from:	to:
<i>(from date)</i>	<i>(to date)</i>
Signature:	Date:
<i>(of councillor or designated person)</i>	<i>(of completion of return)</i>

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Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees

C. GIFTS	
Description of each gift I received at any time since 30 June	Name and address of donor

D. CONTRIBUTIONS TO TRAVEL		
Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Names of States, Territories of the Commonwealth and overseas countries in which travel was undertaken

E. INTERESTS AND POSITIONS IN CORPORATIONS			
Name and address of each corporation in which I had an interest or held a position at the return date / any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) or corporation (except in case of listed company)

F. WERE YOU A PROPERTY DEVELOPER OR CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No

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Draft Burwood Council Code of Conduct for Committees, Delegates, Advisers, Volunteers, Contractors and Wholly Advisory Committees

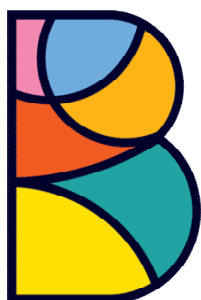
Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees

G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS	
Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date / any time since 30 June	Description of position

H. DEBTS
Name and address of each person to whom I was liable to pay any debt at the return date / any time since 30 June

I. DISPOSITIONS OF PROPERTY
<p>1. Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time</p>
<p>2. Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property</p>

J. DISCRETIONARY DISCLOSURES



Burwood Inc.1874

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

PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT

Based on the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW issued by the Office of Local Government under section 440 of the *Local Government Act 1993*

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PART 1 INTRODUCTION

These procedures (“the Model Code Procedures”) are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”).

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* (“the LGA”) and the *Local Government (General) Regulation 2021* (“the Regulation”). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.

PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
contractor	a contractor engaged by council to undertake works or deliver services on behalf of council, including staff employed by that contractor to carry out such works or services (for example, employees of a firm contracted to collect residential waste on behalf of council)
council	includes county councils and joint organisations
council adviser	a person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council’s audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who

Procedures for the Administration of the Codes of Conduct

	is a member of the council's audit, risk and improvement committee
Councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	the <i>Local Government Act 1993</i>
Mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes staff employed by council on a permanent, temporary or casual basis
the Office	the Office of Local Government
Investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2021</i>
Respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
volunteer	any person who freely offers to take part in an enterprise or undertake a task without financial gain
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

- 3.1 The council must establish a panel of conduct reviewers.
- 3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:

- a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
- a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.

Procedures for the Administration of the Codes of Conduct

- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.33 or 5.40 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

- 3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19 The general manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.21 The role of the complaints coordinator is to:
- a) coordinate the management of complaints made under the council's code of conduct
 - b) liaise with and provide administrative support to a conduct reviewer
 - c) liaise with the Office, and
 - d) arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
- a) complaints about the standard or level of service provided by the council or a council official
 - b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
 - c) complaints about the policies or procedures of the council
 - d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.

Procedures for the Administration of the Codes of Conduct

- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint about the general manager, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the general manager be made?

- 4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

- 4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.
- 4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?

Delegation by general managers and mayors of their functions under this Part

- 5.1 A general manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the general manager or mayor are also to be taken to be references to their delegates.

Consideration of complaints by general managers and mayors

- 5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a code of conduct complaint, or
 - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - c) is trivial, frivolous, vexatious or not made in good faith, or
 - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
 - e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

How are code of conduct complaints about staff (other than the general manager) to be dealt with?

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
 - c) prosecution for any breach of the law
 - d) removing or restricting the person's delegation
 - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
 - b) the person must be given an opportunity to respond to the allegation, and
 - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are code of conduct complaints about volunteers, contractors and members of wholly advisory committees to be dealt with?

- 5.18 The general manager is responsible for the management of code of conduct complaints about a volunteer, contractor or a member of a wholly advisory council committee.

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- 5.19 The general manager may decide to take no action in relation to a code of conduct complaint about a volunteer, contractor or a member of a wholly advisory council committee.
- 5.20 Where the general manager decides to take no action in relation to a code of conduct complaint about a volunteer, contractor or a member of a wholly advisory committee, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.21 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about a volunteers, contractors or members of a wholly advisory committee by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.22 Where the general manager resolves a code of conduct complaint under clause 5.21 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.23 Sanctions for breaches of the code of conduct by volunteers, contractors or a members of a wholly advisory committee depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
 - c) prosecution for any breach of the law
 - d) ending the engagement of a volunteer's services
 - e) pursuing a contractor for potential breach of contractual obligations
 - f) removing the person from membership of the relevant wholly advisory committee.
- 5.24 Prior to imposing a sanction against a volunteer, contractor or a member of a wholly advisory committee under clause 5.23, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
 - b) the person must be given an opportunity to respond to the allegation, and
 - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.23.

How are code of conduct complaints about administrators to be dealt with?

- 5.25 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.26 The general manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

- 5.27 The general manager must refer the following code of conduct complaints about councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct

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- b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
 - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.56.
- 5.28 Where the general manager refers a complaint to the Office under clause 5.27, the general manager must notify the complainant of the referral in writing.
- 5.29 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the general manager resolves a code of conduct complaint under clause 5.31 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

- 5.34 The mayor must refer the following code of conduct complaints about the general manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.56.
- 5.35 Where the mayor refers a complaint to the Office under clause 5.34, the mayor must notify the complainant of the referral in writing.
- 5.36 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.34, where they consider that no action is warranted in relation to the complaint.
- 5.37 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.38 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those

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requiring referral to the Office under clause 5.34, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 5.39 Where the mayor resolves a code of conduct complaint under clause 5.38 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.40 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.34 or finalised under clause 5.37 or resolved under clause 5.38, to the complaints coordinator.

How are complaints about both the general manager and the mayor to be dealt with?

- 5.41 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:
- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
 - b) refer the matter to the complaints coordinator under clause 5.33 and clause 5.40.

Referral of code of conduct complaints to external agencies

- 5.42 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.43 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.44 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.42, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.45 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.46 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - e) it is otherwise in the public interest to do so.
- 5.47 Clause 5.46 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.

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- 5.48 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.49 A request made by a complainant councillor under clause 5.48 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.50 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.48 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.51 Where a complainant councillor makes a request under clause 5.48, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

- 5.52 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.53 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.54 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.53, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

- 5.55 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.56 Where the Office receives a request under clause 5.55, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - b) impeded or disrupted the effective administration by the council of its code of conduct, or
 - c) impeded or disrupted the effective functioning of the council.
- 5.57 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.
- 5.58 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.59 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of

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- conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.60 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.61 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.62 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.61.

PART 6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT REVIEWERS

Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.33 or 5.40, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interest in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.

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- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.27 and 5.34.

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- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the general manager or mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.

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- 6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
 - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
 - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
 - i) any previous proven breaches of the council's code of conduct
 - j) whether the conduct complained of forms part of an ongoing pattern of behaviour
 - k) whether there were mitigating circumstances giving rise to the conduct complained of
 - l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
 - m) the significance of the conduct or the impact of the conduct for the council
 - n) how much time has passed since the alleged conduct occurred
 - o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

PART 7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER

What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that

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has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.

- 7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
- a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
 - c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.

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- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.

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- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i) constitutes a breach of the code of conduct, or
 - ii) does not constitute a breach of the code of conduct, and
 - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
 - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
 - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)

- d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
 - e) a description of any attempts made to resolve the matter by use of alternative means
 - f) the steps taken to investigate the matter
 - g) the facts of the matter
 - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - i) the investigator's determination and the reasons for that determination
 - j) any recommendations.
- 7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor, that the council resolves as follows:
 - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.
- 7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:
- a) that the council revise any of its policies, practices or procedures
 - b) that a person or persons undertake any training or other education.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - b) the investigator's determination and the reasons for that determination
 - c) any recommendations, and
 - d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next

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ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

- 7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

Consideration of the final investigation report by council

- 7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion from the Office in relation to the report.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor:
 - i) that the councillor be formally censured for the breach under section 440G of the LGA, and

- ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.
- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

PART 8 OVERSIGHT AND RIGHTS OF REVIEW

The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the

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- sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
 - b) the council must:
 - i) review its decision to impose the sanction, and
 - ii) consider the Office's recommendation in doing so, and
 - iii) resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 9 PROCEDURAL IRREGULARITIES

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:

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- a) the non-compliance is isolated and/or minor in nature, or
- b) reasonable steps are taken to correct the non-compliance, or
- c) reasonable steps are taken to address the consequences of the non-compliance.

PART 10 PRACTICE DIRECTIONS

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

PART 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL MANAGER

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
 - a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
 - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
 - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
 - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
 - e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
 - f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
 - g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.
- 11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

PART 12 CONFIDENTIALITY

- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the general manager or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.

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- 12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
- a) the complainant
 - b) the complaints coordinator
 - c) the Office, and
 - d) any other person the general manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

(ITEM 120/22) GIFTS AND BENEFITS POLICY - ADOPTION

File No: 22/39049

REPORT BY DIRECTOR CORPORATE SERVICES

Summary

The *Gifts and Benefits Policy* provides guidance to council officials on what to do if they are offered a gift or benefit to protect themselves from being compromised, or giving rise to the perception of being compromised, in the course of their duties.

The policy was recently reviewed and a revised draft policy placed on public exhibition. The draft *Gifts and Benefits Policy* is now reported back to Council for adoption.

Operational Plan Objective

C.11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making

Background

The *Gifts and Benefits Policy* is a subordinate policy under the *Codes of Conduct*. The current policy was adopted by Council on 27 October 2020. The policy was recently reviewed, taking into account the practical operation of the policy since its adoption, as well as any developments in best practice since that time.

The resulting *Draft Gifts and Benefits Policy* contained the following changes:

- Provisions requiring that certain officers cannot accept gifts of any value are to be extended to a broader class of officials in high-risk roles, being those involved in proposals or approvals under planning, health or environment legislation, or regulatory enforcement activities of any kind.
- The time-frame during which an offer of a gift or benefit must be declared is reduced from 2 weeks to 5 working days.
- Clarification is made regarding:
 - the role of supervisors in assessing and guiding supervisees on appropriate management of offers of gifts or benefits
 - the responsibilities for assessments, probity reviews and record keeping when an offer of a gift or benefit has been declared
 - guidance on the return gifts, particularly in instances where the gift has been sent to, or left for, the recipient without their knowledge, or where the gift contains perishable items
 - a breach of the policy being a breach of the *Codes of Conduct* that will be dealt with in accordance with the *Procedures for the Administration of the Codes of Conduct*.
- The Gift and Benefits Registration Form has been detached from the Policy, restyled and updated to ensure it captures all relevant information. The Policy also enables the General Manager to make further changes to the Form to facilitate the efficient administration of the registration process.

At its meeting on 27 September 2022 Council endorsed the *Draft Gifts and Benefits Policy* for public exhibition.

Consultation

The *Draft Gifts and Benefits Policy* was published on the Participate Burwood engagement website for a period of 28 days, together with a brief description of the purpose of the policy.

The opportunity to comment on the draft policy was promoted in three editions of the Community e-news, which is distributed to approximately 12,000 subscribers. Council officers were also notified that the draft policy was on public exhibition for comment.

No submissions were received by the closing date of 26 October 2022 and no further changes have been identified by Council officers.

Planning or Policy Implications

The policy is subordinate to the *Codes of Conduct* and supplements those Codes by guiding council officials on their responsibilities in the event they are offered a gift or benefit in the course of their duties. The proposed draft policy provides clarity and sets a higher standard for high-risk classes of council officials.

Financial Implications

No Financial implications.

Conclusion

The *Draft Gifts and Benefits Policy* appearing at Attachment 1 provides clarity and sets a higher standard for high-risk classes of council officials. No further changes have been identified during the consultation period. It is proposed the *Draft Gifts and Benefits Policy* is adopted to replace the policy currently in place.

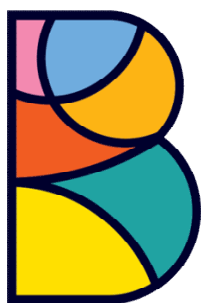
Recommendation(s)

That Council:

1. Adopts the *Gifts and Benefits Policy* shown at Attachment 1 to this report.
2. Rescinds the *Gifts and Benefits Policy* adopted by Council on 27 October 2020.

Attachments

1 [↓](#) Draft Gifts and Benefits Policy



Burwood Inc.1874

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

GIFTS AND BENEFITS POLICY

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

Public Document
Adopted by Council: XXXX Minute No. XX/22
Ref. No.: 22/36723
Version No.: 2.0
Ownership: Governance & Risk

1. Purpose

- 1.1 The purpose of this policy is to provide clear guidance to council officials on what to do if they are offered a gift or benefit to protect themselves from being compromised, or giving rise to the perception of being compromised, in the course of their duties.
- 1.2 This policy is a subordinate policy to the *Burwood Council Codes of Conduct*.

2. Scope

- 2.1 This policy applies to all **council officials** as defined in this document.

3. Definitions

<i>bribe</i>	means money or favour given or promised in order to influence the judgment or conduct of a council official
<i>ceremonial gifts</i>	are gifts that are offered by one agency to another, generally when conducting official business with delegates from another organisation
<i>council officials</i>	includes councillors, employees, volunteers, delegates, consultants, contractors and members of any council committee
<i>gifts and benefits</i>	<p>are things or various forms of goodwill offered to or received by a council official, or someone personally associated with them, for their personal use and enjoyment</p> <p>For the purposes of this policy they do <u>not</u> include:</p> <ol style="list-style-type: none"> a) items with a value of \$10 or less b) a political donation for the purposes of the <i>Electoral Funding Act 2018</i> c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them d) a benefit or facility provided by the council to an employee or councillor e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or f) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to: <ol style="list-style-type: none"> i) the discussion of official business ii) work-related events such as council-sponsored or community events, training, education sessions or workshops iii) conferences iv) council functions or events v) social functions organised by groups, such as council committees and community organisations.
<i>gifts and benefits of token value</i>	means one or more gifts or benefits offered by or received from a person or organisation over a 12-month period that, when aggregated, do <u>not</u> exceed a value of \$30.

Examples include, but are not limited to:

- a) invitations to and attendance at social, cultural or sporting events (including charity fundraisers) with a ticket value that does not exceed \$30
- b) gifts of alcohol that do not exceed a value of \$30
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$30 in value.

gifts and benefits of more than token value

means a gift offered by or received from a person or organisation that exceeds a value of \$30, or a series of gifts received from that person or organisation within a 12-month period that, when aggregated, exceed a value of \$30.

Examples include, but are not limited to:

- a) tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$30
- b) corporate hospitality at a corporate facility at major sporting events
- c) free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons
- d) the use of holiday homes
- e) artworks
- f) free or discounted travel.

supervisor

means either the designated people manager of the person, or the manager who is the key council contact for the person (in the case of a contractor, consultant, delegate, volunteer or committee member)

4. Offers of gifts or benefits

What should a council official do when offered a gift or benefit?

4.1 All gifts and benefits should be politely refused, with gratitude, at the time of offering.

4.2 Council officials should consider the following when presented with the offer of a gift or benefit:

- a) Consider whether the gift or benefit is of less than token value (\$30) — if it is of more than token value, it must be refused
- b) Consider whether the gift or benefit is being offered in order to influence them in the course of their duties — if it is, it must be refused, regardless of the value
- c) Consider whether the gift or benefit is cash or a cash-like gift (such as a gift voucher or lottery tickets) — if it is, it must be refused, regardless of the value
- d) Consider whether the gift or benefit is being offered by a supplier or a company that is in the process of becoming a supplier to Council — if it is, it must be refused, regardless of the value
- e) Consider whether they are involved in proposals or approvals under planning, health or environment legislation, or regulatory enforcement activities of any kind — if they are, the official must refuse all offers of gifts or benefits, regardless of the value.

4.3 After considering all the issues above the council official may determine to:

- a) decline the gift
 - b) accept and keep the gift, or
 - c) accept the gift and surrender it to Governance & Risk, or
 - d) in the instance where the gift has been sent to or left for the intended recipient without their knowledge, attempt to return the gift to the giver or donated to a charity nominated by the giver
- 4.4 If the return or donation of the gift under section 4.3 is not possible, for example because the gift is easily perishable, the gift must be surrendered to Governance & Risk for appropriate action, unless Governance & Risk provide instruction on alternative disposal methods. See part 7 for disposal options.
- 4.5 In all cases, a Gifts and Benefits Registration Form referred to in part 6 must be completed and promptly lodged.

What should a council official do when offered a bribe?

- 4.6 If you have been offered a bribe, or think that you have been offered a bribe, you must advise the General Manager and Manager Governance & Risk immediately.
- 4.7 If you are a member of the staff of Council, to avoid a perception of influence, you must refer all future contact with the person offering or suspected of offering you the bribe to your supervisor.
- 4.8 The General Manager will advise the Independent Commission Against Corruption.

Ceremonial Gifts

- 4.9 Ceremonial gifts are generally provided to a host agency when conducting official business with delegates from another organisation and are considered to be for the agency and not for the personal benefit of any particular individual.
- 4.10 Ceremonial gifts may have a value that exceeds token value (\$30) and may be accepted but must be surrendered to Governance & Risk with a completed Gifts and Benefits Registration Form. The Manager Governance, in conjunction with the General Manager, will determine what to do with any ceremonial gift.

Work-related functions

- 4.11 There is no requirement to declare the receipt of modest hospitality that is provided by another agency or individual as part of normal work-related activities. This includes activities such as interviews, business meetings and conferences and seminars where hospitality is provided to all participants.
- 4.12 However, if the hospitality is significantly more than what Council would offer in similar circumstances, or if there is any suggestion or perception that an attempt is being made to influence you in the course of your duties, it must be refused and declared by completing and lodging a Gifts and Benefits Registration Form.
- 4.13 Any offer of free or subsidised travel and accommodation to attend a meeting or conference, either as a participant or presenter, should be declared to and approved by the General Manager prior to acceptance.

Prizes

- 4.14 Any gift or benefit (such as lucky door prizes or raffles) that is won as a result of engaging in official duties at an external event must be declared by completing and lodging a Gifts and Benefits Registration Form.
- 4.15 If Council has a business relationship with the organisation that provided the prize, or has, or is likely to, exercise any of its regulatory powers in relation to that organisation, then the prize must be declined.

- 4.16 If the prize is of more than token value (\$30) then it must be declined.

Competitions

- 4.17 Council Officials are prohibited from entering any competitions run by suppliers where eligibility to participate is dependent on being a customer of the supplier.

5. Mayor and Other Councillors

- 5.1 The Mayor and other councillors may find themselves in situations where they are offered gifts and benefits by residents and other stakeholders or at community events.
- 5.2 If the gifts or benefits offered are of more than token value (\$30), they must be refused in accordance with the requirements of the *Burwood Council Code of Conduct for Councillors*.
- 5.3 If the gift has been sent to the Mayor or other councillor, it is to be:
- a) returned with a letter of gratitude suggesting a list of charities to which the gift could be given instead, or
 - b) donated to a local charity or organisation from whom a receipt is requested, and then the notice of receipt is to be copied to the giver with a letter of gratitude.
- 5.4 In all cases a Gifts and Benefits Registration Form referred to in part 6 must be completed and promptly lodged.

6. Registration of gifts and benefits

- 6.1 All offers of gifts or benefits must be recorded in Council's Gift Register, regardless of whether they have been accepted, refused or surrendered.
- 6.2 Details of the gift or benefit must be provided on a Gifts and Benefits Registration Form. The General Manager may make alterations to the format and content of this form to support efficient administration of the gifts and benefits declaration and registration process.
- 6.3 Forms lodged by councillors will be notified to the General Manager for assessment and sign-off.
- 6.4 Forms to be lodged by council officials other than councillors must be discussed with and assessed by the council official's supervisor prior to lodgement. The supervisor has a role to play in ensuring offers of gifts and benefits are appropriately handled by the council officials under their supervision, including addressing any potential perceptions by the community about the integrity of council officials.
- 6.5 A Gifts and Benefits Registration Form must be completed and lodged within 5 working days of being offered the gift or benefit.
- 6.6 All forms must be lodged with Governance & Risk. Governance & Risk are responsible for conducting a probity review, maintaining the Gifts and Benefits Register and ensuring completed forms are kept in Council's document management system.

7. Disposal of Gifts and Benefits

- 7.1 Gifts that have been surrendered to Governance & Risk by a council official, other than a councillor, will be disposed of by the Manager Governance & Risk by one of the following means and details recorded accordingly:
- a) returned to the giver
 - b) donated to a charity operating within the Burwood local government area, or
 - c) shared amongst staff in such a manner as to remove the nexus between the giving of the gift and the private benefit

- d) retained and used as part of Council's operations
- e) in the case of perishable gifts, guidance will be provided on disposal as an alternative to surrendering the gift to Governance & Risk.

8. Gifts Register

- 8.1 Governance & Risk is responsible for maintaining a Gifts and Benefits Register as a record of all gifts and benefits offered to council officials and any gift disposal arrangements.
- 8.2 An up-to-date version of the Gifts and Benefits Register is to be proactively released to the public via publication on the Council website.

9. Breaches of this policy

- 9.1 A breach of this policy is a breach of the *Codes of Conduct*.
- 9.2 Suspected breaches will be dealt with in accordance with the *Procedures for the Administration of the Codes of Conduct*.

10. Related Information / Glossary

- *Burwood Council Code of Conduct for Councillors*
- *Burwood Council Code of Conduct for Staff*
- *Burwood Council Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees*
- *Procedures for the Administration of the Codes of Conduct*.
- Gifts and Benefits Registration Form for councillors
- Gifts and Benefits Registration Form for council officers

11. Review

- 11.1 This policy is to be reviewed within the first 12 months of the term of each incoming Council.

12. Contact

Manager Governance & Risk — Telephone 9911 9810

(ITEM 121/22) INTERACTION BETWEEN COUNCIL OFFICIALS POLICY - ADOPTION

File No: 22/39050

REPORT BY DIRECTOR CORPORATE SERVICES

Summary

The *Interaction Between Council Officials Policy* is a subordinate policy of the *Codes of Conduct* and aims to cultivate an environment that fosters positive and productive working relationships between councillors and other officials of Burwood Council.

The policy was recently reviewed and a revised draft policy placed on public exhibition. The draft *Interaction Between Council Officials Policy* is now reported back to Council for adoption.

Operational Plan Objective

C.11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making

Background

Council adopted the current *Interaction Between Council Officials Policy* on 27 April 2021. The current policy stipulates that, as a minimum requirement, it be reviewed and brought back to Council within 12 months of a council general election.

The policy was reviewed, taking into account Burwood Council's new organisation structure, which came into effect on 22 March 2022, as well as the Office of Local Government (OLG) best practice model *Councillor and Staff Interaction Policy* that was released earlier this year.

At its meeting of 27 September 2022 Council endorsed the public exhibition of the revised *Interaction Between Council Officials Policy*.

Consultation

The *Draft Interaction Between Council Officials Policy* was published on the Participate Burwood engagement website for a period of 28 days, together with a brief description of the purpose of the policy.

The opportunity to comment on the draft policy was promoted in three editions of the Community e-news, which is distributed to approximately 12,000 subscribers. Council officers were also notified that the draft policy was on public exhibition for comment.

No submissions were received by the closing date of 26 October 2022 and no further changes have been identified by Council officers.

Planning or Policy Implications

The proposed *Interaction Between Council Officials Policy* appearing as Attachment 1 to this report meets and exceeds the requirements of the model OLG policy and reflects the current council structure. The policy is subordinate to the *Codes of Conduct* and supplements those Codes by providing a framework and direction to support positive, professional working relationships between council officials.

Financial Implications

No Financial implications.

Conclusion

The *Draft Interaction Between Council Officials Policy* provides best practice guidance for positive and effective working relationships between councillors and other council officials working for Burwood Council. No further changes have been identified during the consultation period. It is proposed the *Draft Interaction Between Council Officials Policy* is adopted to replace the policy currently in place.

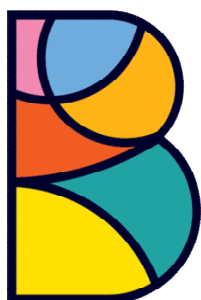
Recommendation(s)

That Council:

1. Adopts the *Interaction Between Council Officials Policy* shown at Attachment 1 to this report.
2. Rescinds the *Interaction Between Council Officials Policy* adopted by Council on 27 October 2020.

Attachments

1 [↓](#) Draft Interaction Between Council Officials Policy



Burwood Inc.1874

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INTERACTION BETWEEN COUNCIL OFFICIALS POLICY

Based on the Model Councillor and Staff Interaction Policy issued by the Office of Local Government

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Preface

Positive working relationships between council officials: a council's key asset

Positive, professional working relationships between council officials are a key element of any council's success. If relationships between council officials are functioning effectively, the council is more likely to perform effectively. If these relationships break down, it can lead to dysfunction, create a potential corruption risk¹, and ultimately the council's performance will suffer.

A good relationship between council officials is based, in large part, on both having a mutual understanding and respect for each other's roles and responsibilities.

Access to information: the key to the relationship

Councillors need access to information about the council's strategic position and performance to perform their civic functions effectively. The general manager and council officers are responsible for providing councillors with this information to facilitate the decision-making process.

Given councillors' role in setting the council's strategic direction and keeping its performance under review, councillors are entitled to request information about a range of issues.

However, in requesting information, councillors should not be seeking to interrogate the minutiae of the council's operations or to direct or influence officers in the performance of their duties. Councillors should also recognise that a council's resources are finite, and they need to be mindful of the impact of their requests.

Above all, interactions between council officials should be positive, respectful and professional.

PART 1 Introduction

Purpose

- 1.1 The purpose of the Interaction Between Council Officials Policy (the Policy) is to cultivate an environment that fosters positive and productive working relationships between councillors and other officials of Burwood Council.
- 1.2 The Policy provides a framework for councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised officers.
- 1.3 The Policy provides direction on interactions between council officials to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.
- 1.4 The Policy complements and should be read in conjunction with Burwood Council's Codes of Conduct (the Codes of Conduct).

Definitions

Council officials	Councillors, employees and delegates (including volunteers, consultants, contractors or any other service provider involved in exercising a Council function)
Councillors	Includes the mayor and other elected representatives of Council or, alternatively, an administrator of the Council appointed by the Minister for coal Government

¹ As highlighted by the NSW Independent Commission Against Corruption's [Operation Dasha](#)

Officer	For the purposes of this policy, any reference to the term “officer” is taken to mean all Council officials other than councillors or administrators who are involved in exercising a council function
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Scope

- 1.5 This Policy applies to all councillors and all council officer in relation to any of their interactions with each other.
- 1.6 It applies wherever and whenever interactions occur, whether onsite at Council premises, or at non-Council locations, online (including social media and virtual meeting platforms), by phone, text message or in writing, and whether inside or outside of work hours.
- 1.7 This Policy does not confer any delegated authority upon any person. All delegations and authorisations to officers are made by the General Manager.
- 1.8 The Codes of Conduct provide that council officials must not conduct themselves in a manner that is contrary to the Council’s policies. A breach of this Policy will be a breach of the Codes of Conduct.

Context

- 1.9 In accordance with the *Local Government Act 1993*, councillors and council officers have distinct though complementary roles in the effective exercise of Council functions. In order to perform effectively in these roles, there needs to be a respectful understanding and appreciation of the rights and responsibilities of each of these classes of Council officials.
- 1.10 Councillors are responsible for the strategic direction of the organisation and for determining the public policy framework of Council. The Council also has a number of critical statutory obligations including its role as a consent authority, under both the *Environmental Planning & Assessment Act 1979* and the *Local Government Act 1993*, for applications for development consent and for various local approvals.
- 1.11 The General Manager and other senior officers of Council are responsible for the effective management of the organisation and delivery of Council services. These responsibilities are focused on the implementation of public policies and strategic plans adopted by the elected body of councillors.
- 1.12 Councillors must not be involved in the day to day management of the Council. Council officers must not become involved in the political processes of the Council beyond their reporting and advisory responsibilities to all councillors. These respective obligations are reflected in the *Local Government Act 1993* and the supporting *Model Code of Conduct for Councils in NSW* which is the basis for the Burwood Council Codes of Conduct.
- 1.13 There often needs to be personal interaction between councillors and key officers to effectively integrate policy and plan making with service delivery. The operational distinction between the roles of councillor and officers may not always seem clear under these circumstances. This has prompted the need for additional policy direction that helps council officials to understand their respective roles, and how they are to operate in them in order to perform their jobs effectively and lawfully.
- 1.14 It is acknowledged that councillors and council officers may engage with their council in their private capacity. No provision in this Policy affords any councillor preferential treatment in the provision of any Council service when the councillor is acting outside their civic role, even in their private capacity as a local constituent. As per the Codes of Conduct councillors and council officers are not to receive favourable treatment for themselves or any other entity.

Policy objectives

- 1.15 The objectives of the Policy are to:

- a) establish positive, effective and professional working relationships between council officials defined by mutual respect and courtesy
- b) enable council officials to work together appropriately and effectively to support each other in their respective roles
- c) ensure that councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties
- d) ensure councillors have adequate access to information to exercise their statutory roles
- e) provide direction on, and guide councillor interactions with, officers for both obtaining information and in general situations
- f) maintain transparent decision making and good governance arrangements
- g) ensure the reputation of Council is enhanced by council officials interacting consistently, professionally and positively in their day-to-day duties
- h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

PART 2 Principles, roles and responsibilities

Principles

- 2.1 Several factors contribute to a good relationship between council officials. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.
- 2.2 Council commits to the following principles to guide interactions between councillors and council officers:

Principle	Achieved by
Equitable and consistent	Ensuring appropriate, consistent and equitable access to information for all councillors within established service levels
Considerate and respectful	Council officials working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions
Ethical, open and transparent	Ensuring that interactions between council officials are ethical, open, transparent, honest and display the highest standards of professional conduct
Fit for purpose	Ensuring that the provision of equipment and information to councillors is done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of seven people.
Accountable and measurable	Providing support to councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data

Roles

- 2.3 The Council's governing body and its administration (being officers within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the General Manager, who in turn, is accountable to the Council's governing body.
- 2.4 Section 232 of the *Local Government Act 1993* (the LGA) states that the role of a

councillor is as follows:

- a) to be an active and contributing member of the governing body
 - b) to make considered and well-informed decisions as a member of the governing body
 - c) to participate in the development of the integrated planning and reporting framework
 - d) to represent the collective interests of residents, ratepayers and the local community
 - e) to facilitate communication between the local community and the governing body
 - f) to uphold and represent accurately the policies and decisions of the governing body
 - g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.
- 2.5 The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.
- 2.6 It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.

Responsibilities

- 2.7 Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA. Councillors need to accept that:
- a) responses to requests for information from councillors may take time and consultation to prepare and be approved prior to responding
 - b) officers are not accountable to them individually
 - c) they must not direct officers except by giving appropriate direction to the General Manager by way of a council or committee resolution, or by the mayor exercising their functions under section 226 of the LGA
 - d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of officers in the exercise of their functions
 - e) they must not contact a member of officers on council-related business unless in accordance with this Policy
 - f) they must not use their position to attempt to receive favourable treatment for themselves or others.
- 2.8 The General Manager is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay. Council officers need to understand:
- a) they are not accountable to individual councillors and do not take direction from them. They are accountable to the General Manager, who is in turn accountable to the Council's governing body
 - b) they should not provide advice to councillors unless it has been approved by the General Manager or an officer with a delegation to approve advice to councillors
 - c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner
 - d) they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties
 - e) they must provide full and timely information to councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.
- 2.9 The General Manager is accountable for ensuring that council officials are kept fully aware of their responsibilities in relation to this policy.

PART 3 The councillor requests system

- 3.1 Councillors have a right to request information provided it is relevant to councillor's exercise of their civic functions. This right does not extend to matters about which a councillor is merely curious.
- 3.2 Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest, unless the information is otherwise publicly available.
- 3.3 The General Manager may identify Council support officers under this Policy for the management of requests from councillors.
- 3.4 Councillors can use the councillor requests system to:
- a) request information or ask questions that relate to the strategic position, performance or operation of the Council
 - b) bring concerns that have been raised by members of the public to the attention of officers
 - c) request IT or other support from the Council administration
 - d) request that an officer be present at a meeting (other than a meeting of the council) for the purpose of providing advice to the meeting.
- 3.5 Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a councillor's request lacks specificity, the General Manager or officer authorised to manage the matter is entitled to ask the councillor to clarify their request and the reason(s) why they are seeking the information.
- 3.6 Officers must make every reasonable effort to assist councillors with their requests and do so in a respectful manner.
- 3.7 The General Manager or the officer authorised to manage a councillor request will provide a response within 10 business days. Where a response cannot be provided within that timeframe, the councillor will be advised, and the information will be provided as soon as practicable.
- 3.8 Requests under clause 3.4 (d) must be made no less than 3 business days before the meeting. The General Manager, or officers that are listed at Schedule 1 of this Policy, are responsible for determining:
- a) whether an officer can attend the meeting, and
 - b) which officer will attend the meeting
- Officers who attend such meetings must be appropriately senior and be subject matter experts on the issues to be discussed at the meeting.
- 3.9 Councillors are required to treat all information provided by officers appropriately and to observe any confidentiality requirements.
- 3.10 Officers will inform councillors in writing of any confidentiality requirements for information they provide so councillors can handle the information appropriately.
- 3.11 Where a councillor is unsure of confidentiality requirements, they should contact the General Manager, or the officer authorised to manage their request.
- 3.12 The General Manager may refuse access to information requested by a councillor if:
- a) the information is not necessary for the performance of the councillor's civic functions, or
 - b) if responding to the request would, in the General Manager's opinion, result in an unreasonable diversion of officer time and resources, or
 - c) the councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
 - d) the General Manager is prevented by law from disclosing the information.

Interaction Between Council Officials Policy

- 3.13 Where the General Manager refuses to provide information requested by a councillor, they must act reasonably. The General Manager must advise a councillor in writing of their reasons for refusing access to the information requested.
- 3.14 Where a councillor's request for information is refused by the General Manager on the grounds referred to under clause 3.12 (a) or (b), the councillor may instead request the information through a resolution of the council by way of a notice of motion. This clause does not apply where the General Manager refuses a councillor's request for information under clause 3.12 (c) or (d).
- 3.15 Nothing in clauses 3.12, 3.13, and 3.14 prevents a councillor from requesting the information in accordance with the *Government Information (Public Access) Act 2009*.
- 3.16 Where a councillor persistently makes requests for information which, in the General Manager's opinion, result in a significant and unreasonable diversion of officer time and resources the council may, on the advice of the General Manager, resolve to limit the number of requests the councillor may make.
- 3.17 Councillor requests are state records and must be managed in accordance with the *State Records Act 1998*.
- 3.18 A report will be shared with councillors on the Councillor Portal every 12 months regarding the performance and efficiency of the councillor requests system against established key performance indicators.

PART 4 Access to Council officers

- 4.1 Councillors may directly contact officers that are listed in Schedule 1 of this Policy. The General Manager may amend this list at any time and will advise councillors promptly of any changes.
- 4.2 Councillors can contact officers listed in Schedule 1 about matters that relate to the officer's area of responsibility.
- 4.3 Councillors should as far as practicable, only contact officers during normal business hours.
- 4.4 If councillors would like to contact an officer not listed in Schedule 1, they must receive permission from the General Manager.
- 4.5 If a councillor is unsure which authorised officer can help with their enquiry, they can contact the General Manager or a Director who will provide advice about which authorised officer to contact.
- 4.6 The General Manager or a Director may direct any officer to contact councillors to provide specific information or clarification relating to a specific matter.
- 4.7 A council official must not take advantage of their official position to improperly influence other councillors or officers in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person. Such conduct should be immediately reported to the General Manager or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.
- 4.8 Councillors may engage directly with council officers and other committee members during a meeting of Council or one of its committees in accordance with the *Burwood Council Code of Meeting Practice* or the Terms of Reference for the relevant committee.

PART 5 Councillor access to council buildings

- 5.1 Councillors are entitled to have access to Council premises at 2 Conder Street as follows:
- the councillor common room
 - the mayoral office (with the consent of the mayor)

- the office of the Executive Assistant to the Mayor and Councillors (during office hours)
 - any public areas (subject to booking constraints)
 - the car park at 8 Conder Street to park within the car spaces under the control of Council
- 5.2 Councillors are provided with a security pass to enable access to the areas referred to in clause 5.1.
- 5.3 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.
- 5.4 Councillors must not enter officer-only areas of Council buildings without the approval of the General Manager and must be accompanied by a council officer.

PART 6 Appropriate and inappropriate interaction

Appropriate interaction

- 6.1 Examples of appropriate interactions between councillors and council officers include, but are not limited to, the following:
- a) councillors and council officers are courteous and display a positive and professional attitude towards one another
 - b) council officers ensure that information necessary for councillors to exercise their civic functions is made equally available to all councillors, in accordance with this Policy and any other relevant Council policies
 - c) council officers record the advice they give to councillors in the same way they would if it was provided to members of the public
 - d) council officers, including Council's executive team members, document councillor requests via the councillor requests system
 - e) council meetings and councillor briefings are used to establish positive working relationships and help councillors to gain an understanding of the complex issues related to their civic duties
 - f) councillors and council officers feel supported when seeking and providing clarification about council related business
 - g) councillors forward requests through the councillor requests system and officers respond in accordance with the timeframes stipulated in this Policy.
- 6.2 Councillors may need to make contact with officers as a local constituent or other direct customer of services offered to the public by Council. In these instances, it is appropriate for the councillor to engage with Customer Service officers and / or other frontline officers as other members of the public would be expected to.
- 6.3 Councillors may engage in contact with representatives of the Audit Office of NSW who are acting in their capacity as the external auditor of Council, or with the chair of the Audit Risk and Improvement Committee, to exchange information that is reasonably necessary for the exercise of external audit and internal audit functions.

Inappropriate interaction

- 6.4 Examples of inappropriate interactions between council officials include, but are not limited to, the following:
- a) councillors and council officers conducting themselves in a manner that:
 - i) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
 - ii) constitutes harassment and/or bullying within the meaning of the Code of Conduct, or is unlawfully discriminatory

- b) councillors approaching officers and staff organisations to discuss individual or operational staffing matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
 - c) officers approaching councillors to discuss individual or operational staffing matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
 - d) subject to clause 3.12, officers refusing to give information that is available to other councillors to a particular councillor
 - e) councillors who have lodged an application with the council, discussing the matter with officers in officer-only areas of the council
 - f) councillors being overbearing or threatening to officers
 - g) officers being overbearing or threatening to councillors
 - h) councillors making personal attacks on officers or engaging in conduct towards officers that would be contrary to the general conduct provisions in Part 3 of the Codes of Conduct in public forums including social media
 - i) councillors directing or pressuring officers in the performance of their work, or recommendations they should make
 - j) officers providing ad hoc advice to councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community
 - k) councillors or council officers attempting to take advantage of their official position to improperly influence other councillors or officers, in the performance of their public or professional duties, for the purpose of securing a private benefit for themselves or some other person. In the case of councillors, personal benefit includes activities associated with the pursuit of election to Council.
- 6.5 Where a councillor engages in conduct that, in the opinion of the General Manager, puts the health, safety or welfare of officers at risk, the General Manager may restrict the councillor's access to officers.
- 6.6 Any concerns relating to the conduct of officers under this Policy should be raised with the General Manager.

PART 7 Complaints

- 7.1 Council officials are responsible for ensuring that any breaches of this policy are reported immediately to the General Manager or the Mayor (if the complaint is about the General Manager). The General Manager is obliged to review breach allegations with the Mayor promptly.
- 7.2 This policy is a subordinate policy to the Codes of Conduct. Breaches of this policy are to be handled in accordance with the *Procedures for Administering the Codes of Conduct*.
- 7.3 Clause 7.1 does not operate to prevent matters being reported to the Office of Local Government, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.

PART 8 Scheduled review

- 8.1 This Policy will be reviewed within the first 12 months following a general election of Council.

Schedule 1 – Authorised officer contacts for councillors

1. Clause 4.1 of this Policy provides that councillors may directly contact officers that are listed below. The General Manager may amend this list at any time.
2. Councillors can contact officers listed below about matters that relate to the officer’s area of responsibility.
3. Councillors should, as far as practicable, only contact officers during normal business hours.
4. If councillors would like to contact a council officer not listed below, they must receive permission from the General Manager or their delegate.
5. If a councillor is unsure which authorised officer can help with their enquiry, they can contact the General Manager or a Director who will provide advice about which authorised officer to contact.
6. In some instances, the General Manager or a Director may direct a council officer to contact councillors to provide specific information or clarification relating to a specific matter.
7. Council officers are not permitted to interact with councillors on any matters not covered by the table below unless they have explicit approval from the relevant Director or the General Manager.

Matter	Scope	Authorised officers
Access to information – simple verbal queries	Requests for information that may reasonably be expected to be resolved at first point of contact	<ul style="list-style-type: none"> • General Manager • Directors (on matters directly relevant to their portfolio of responsibilities)
Access to information – requests requiring written response	Requests for information related to the functions of Council or referral of service requests that require research and / or considered assessment before response <i>(Excludes matters proactively consigned to the public domain via a Question on Notice through a meeting of Council)</i>	<ul style="list-style-type: none"> • General Manager • Directors (on matters directly relevant to their portfolio of responsibilities)
Complaints management	Complaints; Public Interest Disclosures; allegations of fraud or corruption or a breach of the Codes of Conduct.	<ul style="list-style-type: none"> • General Manager (preferred contact in the first instance) • Manager Governance & Risk
Elections	Information on legislative requirements and their implementation re local government elections	<ul style="list-style-type: none"> • Manager Governance & Risk • Coordinator Governance

ITEM NUMBER 121/22 - ATTACHMENT 1

Draft Interaction Between Council Officials Policy

Interaction Between Council Officials Policy

Executive support (ancillary)	Alternative points of contact for others authorised to deal with councillors, and to assist with information exchange and coordination of appointments	<ul style="list-style-type: none"> Executive Manager Place Management & Communication Executive Assistant (within the scope of the portfolio to which they are assigned)
Executive support (core)	Diary management; reception services; information exchange; logistical support; correspondence management; preparation of reports; secretariat support to nominated advisory and industry committees; citizenship services	<ul style="list-style-type: none"> Executive Assistant to the Mayor and Councillors
Expenses and facilities management	Queries related to councillor expenditure and facilities provisions; coordination of councillor expenses claims	<ul style="list-style-type: none"> Manager Governance & Risk Coordinator Governance
Information and communications technology support	Hardware supply / management, network connectivity, software installation / upgrade and software support	<ul style="list-style-type: none"> Manager IT (or their nominated delegate)
Media and communications support	Community engagement; media management; communications support	<ul style="list-style-type: none"> Executive Manager Place Management & Communication (or their nominated delegate) Coordinator Communications & Engagement (or their nominated delegate)
Notices of Motion and Questions on Notice handling and framing	Submissions and information on requirements for submitting Notices of Motion and Questions on Notice	<ul style="list-style-type: none"> General Manager Manager Governance & Risk Coordinator Governance Governance Officer
Probity obligations of a routine nature – compliance support	Advice on preparation and processing of documents such as disclosures of interests, conflict of interest declarations and declarations of offers of gifts or benefits	<ul style="list-style-type: none"> Manager Governance & Risk (or their nominated delegate) Coordinator Governance (or their nominated delegate)

ITEM NUMBER 121/22 - ATTACHMENT 1

Draft Interaction Between Council Officials Policy

Interaction Between Council Officials Policy

Code of Conduct and Code of Meeting Practice	Advice relating to requirements and practice	<ul style="list-style-type: none"> • General Manager • Manager Governance & Risk
Professional development and current awareness – logistical support	Appointment of delegates to conferences; provision of information relating to learning and development opportunities.	<ul style="list-style-type: none"> • Manager Governance & Risk • Coordinator Governance
Secretariat support for Council and committee meetings, councillor briefings and councillors workshops	Meeting logistics; queries related to supply of business papers and other records of (or related to) the meetings	<ul style="list-style-type: none"> • Coordinator Governance • Governance Officer • Executive Assistant to the Mayor and Councillors

(ITEM 122/22) COUNCILLOR BRIEFINGS AND WORKSHOPS POLICY AND COUNCIL MEETINGS, BRIEFINGS AND WORKSHOP SCHEDULE FOR 2023

File No: 22/39370

REPORT BY DIRECTOR CORPORATE SERVICES

Summary

The proposed 2023 schedule for Ordinary Meetings of Council, together with the proposed schedule of councillor briefings and workshops, is presented for consideration and adoption by Council.

In conjunction with the preparation of this schedule, the policy guiding the delivery of councillor briefings and workshops has been reviewed and a revised policy is presented for adoption by Council.

Operational Plan Objective

A.110 Deliver a progressive and accountable framework to support Councillors and Burwood Local Planning Panel

Background

Elected Council is required under Section 365 of the *Local Government Act 1993* to meet at least 10 times in a given year, each time in a different month, to conduct the business of Council. A schedule of minimum meeting requirements to effectively handle the anticipated levels of business in 2023 has been drafted for consideration by Council.

Proposal

Review of Policy

The *Councillor Induction, Briefings and Workshops Policy* was adopted by Council on 19 March 2019. This policy has now been reviewed and a revised policy is proposed containing the following changes:

- The policy has been renamed to remove reference to councillor inductions, which are covered by the existing *Councillor Induction and Professional Development Policy* that has been adopted as required by Section 23A of the *Local Government Act 1993*.
- The policy now provides for the establishment of an annual schedule of dates for briefings and workshops to be set in advance, rather than on a purely ad hoc basis. This will assist both councillors and council officials to plan those activities over the year. Additional sessions can still be scheduled by agreement throughout the year, if needed.
- The policy makes it clear to the community that this time is set aside for councillors to discuss matters together and to stay informed.
- The scope of the policy has been clarified to cover both the parties to whom these sessions apply, as well as the nature of the content covered by briefing and workshops.
- The material relating to community workshops has been removed as it is more appropriately included in Council's community engagement policies.
- Definitions, record-keeping requirements and external references have been updated.
- The policy has been restructured to remove unnecessary repetition.

The proposed *Councillor Briefings and Workshops Policy* appears as Attachment 1 to this report.

Meeting, briefing and workshop schedule for 2023

The proposed schedule for meetings, briefings and workshops appears as Attachment 2 to this report. The proposed schedule takes into account the following:

- Burwood Council normally convenes one ordinary meeting of Council in every month of the year, with the exception of January. The *Code of Meeting Practice* provides that meetings will typically be convened on the fourth Tuesday of the month. Traditionally, the meetings set down for February and December have been convened earlier in the month to accommodate a Christmas / New Year recess period.
- No major shifts in the volume of business to be considered by Council are anticipated in the coming year, therefore the established pattern of meetings should continue to serve the Council relatively well.
- Nomination of dates for the Council meeting schedule has taken account of the following key factors:
 - Public holidays
 - Australian Local Government Association National General Assembly, which has been tentatively scheduled for 18 to 21 June 2023
 - Local Government NSW 2023 Annual Conference, which is scheduled for 12 to 14 November 2023
- Councillor briefings that proceed on the same days as ordinary meetings of Council will tend to focus on matters set down in the agenda for the Council meeting to immediately follow.
- One standalone briefing or workshop per month (other than January) has been scheduled to allow for those topics that require more time for discussion than is available on a Council meeting night, or that are for general information or professional development purposes. These are generally scheduled for Thursday evenings.

Planning or Policy Implications

The proposal follows long-standing practices for the scheduling of Council meetings and introduces an advanced planning approach to the annual briefing and workshop schedule.

The proposed *Councillor Briefings and Workshops Policy* will replace the existing *Councillor Induction, Briefings and Workshops Policy*.

Financial Implications

No financial implications.

Conclusion

Council is obliged to determine scheduling arrangements for ordinary meetings of Council and ancillary briefings and workshops. Timely determination of these commitments is important for ensuring that stakeholders can effectively plan their commitments.

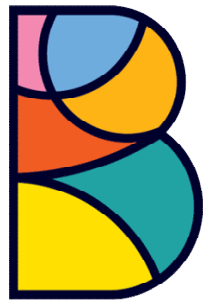
Recommendation(s)

That:

1. Council adopts the *Councillor Briefings and Workshops Policy* that appears as Attachment 1 to this report
2. Council rescinds the *Councillor Induction, Briefings and Workshops Policy* adopted by Council on 19 March 2019
3. Council endorses the schedule for ordinary meetings of Council and councillor briefing and workshop sessions in 2023 as proposed in Attachment 2 to this report.

Attachments

- 1 [↓](#) Draft Councillor Briefings and Workshops Policy
- 2 [↓](#) Draft Council Meeting, Briefing and Workshop Schedule 2023



Inc.1874
Burwood

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

COUNCILLOR BRIEFINGS AND WORKSHOPS POLICY

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

Public Document
Adopted by Council: <Date>
Ref. No.: 19/12706[v3]
Version No.: 5
Ownership: Governance

Purpose

This policy outlines the framework of informal gatherings of councillors to:

- keep councillors informed of upcoming council business
- provide an opportunity for councillor input into the development of council plans and strategies
- support councillors to acquire the knowledge needed to discharge their role as public officials.

Scope

This Policy applies to all councillors, as well as those council officers and external parties who are involved in briefing or workshop activities.

The information discussed at councillor briefings and workshops may be specific to a particular matter submitted to Council or may relate to a matter that impacts on codes, policies or major strategic change.

Councillor briefings and workshops may also be used solely for councillor professional development in accordance with the *Councillor Induction and Professional Development Policy*.

Definitions

briefing	<p>A session at which information is presented to councillors:</p> <ol style="list-style-type: none"> a) to inform them of specific matters that are, or may, come before Council for consideration, or b) to inform and assist them in discharging their role as a public official (for example, informing councillors of a legislative change that may impact the business of Council in the future). <p>Depending on its nature, a briefing may also form part of a councillors professional development program.</p>
workshop	<p>A session at which a working group or focus group of councillors and other council officials meet to discuss and have input into council strategies, policies or plans that are under development.</p> <p>Depending on its nature, a workshop may also form part of a councillors professional development program.</p>

Not a decision-making forum

Briefing sessions and workshops are not to be used for detailed or advanced discussion where agreement is reached or where a de-facto decision is made.

Decision-making and debate on a resolution is to be left to the open forum of a formal Council or Committee Meeting.

Briefings and workshops are a means to enable councillors to bring an informed mind to the appropriate decision-making forum by:

- receiving information
- asking questions
- sharing ideas
- giving information
- developing understanding
- identifying the need for more information
- exploring issues and concerns.

Accordingly, councillors will be reminded of the following in the invitation to each session and at the commencement of each session:

At this session:

- a. *Council will not formally consider any specific reports containing recommendations, and*
- b. *Council will not make a binding decision in relation to any matters discussed during the briefing session, and*
- c. *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 or workshop, 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 any briefing session or workshop and how the conflict of interest was managed by the councillor who made the declaration.*

Who attends these sessions?

All councillors are to be invited to attend each briefing and workshop. All councillors are encouraged, but not compelled, to attend.

Members of the Executive Team and other council officials are invited to attend to assist.

Members of the public and other parties may be invited to attend a briefing or workshop to present as a subject-matter expert or to assist with facilitation.

Who chairs the session?

All briefings and workshops are chaired by the General Manager or another council officer nominated by the General Manager.

Timing of sessions

For planning purposes, an annual schedule allocating time for briefings and workshops will be agreed to by Council in advance. However, times may be altered by agreement during the course of the year. Additional sessions may also be held should the need arise throughout the year.

Pre-meeting briefings

Councillor briefings are scheduled prior to each Council meeting and commence at 5.00 pm. These briefings generally focus on agenda items for that evening's meeting.

Additional briefings and workshops

A second session is scheduled in most months of the year to allow additional workshops or briefings that require more time than is available prior to a Council meeting. Those sessions are usually held on a Tuesday (that is not a Council Meeting night) or Thursday and commence at 5.00 pm and must conclude by 7.00 pm.

These sessions may also be used for professional development activities under the *Councillor Induction and Professional Development Policy*.

Scheduling and delivery

Governance & Risk is responsible for the coordination of scheduling, tracking and notifying of briefings and workshops and other pre-session logistics.

Other business units involved in facilitating the sessions are responsible for ensuring that all requirements for successful delivery of the session are met in a timely manner.

Record-keeping

Formal minutes and recordings of the meeting are not required. However, the following records

must be created:

- the date, subject and purpose of the briefing or workshop
- attendance by councillors and presenters or facilitators
- any documents distributed or presentation slides presented
- any conflicts of interests declared at the briefing or workshop, including a record of how the conflict of interest was managed

Can the public inspect briefing or workshop documents?

Documentation given out at councillor briefings and workshops becomes a document of the Council and can be inspected and copied, subject to the provisions of the *Local Government Act 1993* and the *Government Information (Public Access) Act 2009*.

Related Information/Glossary

- Burwood Council's *Code of Meeting Practice*
- Burwood Council's *Code of Conduct for Councillors*
- Burwood Council's *Procedures of the Administration of the Codes of Conduct*
- *Government Information (Public Access) Act 2009*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*

Review

This Policy will be reviewed within the first 12 months of the term of each incoming Council.

Contact

Governance Coordinator on 9911-9908

ITEM NUMBER 122/22 - ATTACHMENT 2

Draft Council Meeting, Briefing and Workshop Schedule 2023

Proposed Council Meeting Schedule 2023			
Date	Ordinary Meeting of Council 6pm	Councillor Briefing on Agenda 5pm	Councillor workshop, briefing or professional development session 5pm
14 February 2023	X	X	
16 February 2023			X
9 March 2023			X
28 March 2023	X	X	
6 April 2023			X
18 April 2023*	X	X	
4 May 2023			X
23 May 2023	X	X	
8 June 2023			X
<i>Tentative dates: 18 to 21 June 2023 – ALGA National General Assembly (Canberra)</i>			
27 June 2023	X	X	
6 July 2023			X
25 July 2023	X	X	
3 August 2023			X
22 August 2023	X	X	
7 September 2023			X
26 September 2023	X	X	
5 October 2023			X
24 October 2023	X	X	
2 November 2023			X
<i>12 to 14 November 2023 – LGNSW Annual Conference (Rosehill Gardens Racecourse)</i>			
28 November 2023	X	X	
7 December 2023			X
12 December 2023	X	X	

* Held in the third week of the month due to Anzac Day Public Holiday on 25 April 2023

22/42751

(ITEM 123/22) CODE OF MEETING PRACTICE - TIME LIMITS FOR SPEAKERS AND RECORDING OF VOTES

File No: 22/40876

REPORT BY DIRECTOR CORPORATE SERVICES

Summary

This report offers a comparative analysis of codes of meeting practice for all 47 councils in the Greater Sydney, Hunter and Illawarra regions in relation to time limits set for speakers and the recording of votes at council meetings.

Operational Plan Objective

C.11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making

Background

At its meeting of 27 September 2022 Council resolved the following:

That Council investigate what other councils are doing for time limits for speakers and the Chair at council meetings and also in relation to the recording of voting on items.

Discussion

A comparative review of the codes of meeting practice of 47 councils (including Burwood) from the Greater Sydney, Illawarra and Hunter regions has been undertaken. A summary of that review appears as Attachment 1 to this report. The review takes account of the *Model Code of Meeting Practice for Local Councils in NSW* (The Model Code), which is promulgated and administered by the NSW Office of Local Government under the *Local Government Act 1993*.

Speaking times

Section 10.22 of The Model Code includes the following mandatory provision:

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.

The *Burwood Council Code of Meeting Practice* conforms exactly with this mandatory provision from The Model Code. This same conformity is evident in codes of 79% of the councils reviewed. Seven councils in the review group had set a shorter speaking period of 3 minutes, and one council had set a limit of 2 minutes. Three councils included details in their codes of maximum limits to extension of speaking times – these ranged between 1 and 3 minutes.

The Model Code does not contain any special provisions for chairperson speaking arrangements. The chairperson is bound by the same speaking limits as any other councillor. No council reviewed during this exercise had made any special provisions relating to the chairperson's speaking rights.

Notwithstanding the normal speaking provisions, there is a mandatory provision under The Model Code which permits a councillor to seek the consent of the council if they wish to speak more than once or for longer than five minutes on a particular motion or amendment. Separate provision is also made for making a statement correcting a misrepresentation or misunderstanding.

Voting record

The Model Code provides two options for the recording of votes.

1. The individual votes of councillors are recorded if a councillor who has made a dissenting vote requests that their vote be recorded in the minutes, or when at least two councillors challenge the result of a vote and call for a division.
2. The individual votes taken by councillors for and against each motion are recorded, including the recording of any casting vote by the chairperson.

Section 375A of the *Local Government Act 1993* obliges Council to keep a register of voting on all planning decisions in relation to functions exercised under the *Environmental Planning and Assessment Act 1979*. To this end, the mandatory provision in section 11.3 of The Model Code (and incorporated within the Burwood code) indicates that a division is taken to have been called whenever a motion for a planning decision is put at a meeting.

Irrespective of the voting arrangements adopted by a council, a councillor who is present but fails to vote on a motion put to the meeting is taken to have voted against the motion.

The current *Burwood Council Code of Meeting Practice* has adopted the approach outlined in option 2 so as to provide greater transparency of decision making processes and participation by councillors. It also dramatically minimises the risk of inadvertently failing to comply with statutory requirements to record voting on planning matters. The comparative review showed that 63% of councils examined follow the same approach as Burwood by recording divisions on all voting.

Proposal

The comparative review of speaking and recording of voting at council meetings revealed that the practices at Burwood Council are consistent with The Model Code and with the practices undertaken by a majority of councils in the Greater Sydney, Illawarra and Hunter regions. In light of this review, no amendments are proposed for the Burwood Code of Meeting Practice in relation to time limits for speakers or the recording of voting.

Conclusion

The current *Burwood Code of Meeting Practice* is consistent with The Model Code. It is also consistent with the practices reflected in similar codes adopted by a majority of the 47 councils in the Greater Sydney, Hunter and Illawarra regions.

Recommendation(s)

That Council receives and notes this report.

Attachments

- 1 [Code of Meeting Practice Speaking Limits and Voting - Comparison with other Councils](#)

Code of Meeting Practice Speaking Limits and Voting - Comparison with other Councils

Code of Meeting Practice - Comparison with other councils (October 2022)

Council	Speaker limit - councillor		Chairperson	Record of votes	ABS / OLG classification
Bayside	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Not recorded unless division called or councillor requests dissenting vote be recorded	Metropolitan
Blacktown	5 minutes + chair can grant 1 extension of up to 3 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Not recorded unless division called or councillor requests dissenting vote be recorded	Metropolitan
Camden	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Metropolitan fringe
Campbelltown City	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Not recorded unless division called or councillor requests dissenting vote be recorded	Metropolitan fringe
Canada Bay	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Not recorded unless division called or councillor requests dissenting vote be recorded	Metropolitan
Canterbury Bankstown	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Not recorded unless division called or councillor requests dissenting vote be recorded	Metropolitan

ITEM NUMBER 123/22 - ATTACHMENT 1

Code of Meeting Practice Speaking Limits and Voting - Comparison with other Councils

Council	Speaker limit - councillor		Chairperson	Record of votes	ABS / OLG classification
Central Coast	3 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Metropolitan fringe
Cessnock	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Regional town/city
Cumberland	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Metropolitan
Dungog	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Not recorded unless division called or councillor requests dissenting vote be recorded	Large Rural
Fairfield	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Not recorded unless division called or councillor requests dissenting vote be recorded	Metropolitan
Georges River	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Metropolitan
Hornsby Shire	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Metropolitan fringe

ITEM NUMBER 123/22 - ATTACHMENT 1

Code of Meeting Practice Speaking Limits and Voting - Comparison with other Councils

Council	Speaker limit - councillor		Chairperson	Record of votes	ABS / OLG classification
Hunters Hill	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Metropolitan
Inner West	2 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Metropolitan
Kiama	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Regional town/city
Ku-ring-gai	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Metropolitan
Lake Macquarie	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Regional town/city
Lane Cove	3 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Metropolitan
Liverpool	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Not recorded unless division called or councillor requests dissenting vote be recorded	Metropolitan

ITEM NUMBER 123/22 - ATTACHMENT 1

Code of Meeting Practice Speaking Limits and Voting - Comparison with other Councils

Council	Speaker limit - councillor		Chairperson	Record of votes	ABS / OLG classification
Maitland	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Regional town/city
Midcoast	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Regional town/city
Mosman	3 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Metropolitan
Muswellbrook	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Not recorded unless division called or councillor requests dissenting vote be recorded	Large Rural
Newcastle	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Not recorded unless division called or councillor requests dissenting vote be recorded	Regional town/city
North Sydney	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Metropolitan
Northern Beaches	3 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Metropolitan

ITEM NUMBER 123/22 - ATTACHMENT 1

Code of Meeting Practice Speaking Limits and Voting - Comparison with other Councils

Council	Speaker limit - councillor		Chairperson	Record of votes	ABS / OLG classification
Parramatta	5 minutes + maximum extension of 1 minute may be granted by council (limits specifically exclude the time taken to ask and answer questions of staff and other councillors)	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Metropolitan
Penrith City	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Not recorded unless division called or councillor requests dissenting vote be recorded	Metropolitan fringe
Port Stephens	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Regional town/city
Randwick	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Not recorded unless division called or councillor requests dissenting vote be recorded	Metropolitan
Ryde	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Metropolitan
Shellharbour	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Regional town/city

ITEM NUMBER 123/22 - ATTACHMENT 1

Code of Meeting Practice Speaking Limits and Voting - Comparison with other Councils

Council	Speaker limit - councillor		Chairperson	Record of votes	ABS / OLG classification
Shoalhaven	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Regional town/city
Singleton	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Not recorded unless division called or councillor requests dissenting vote be recorded	Regional town/city
Strathfield	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Metropolitan
Sutherland	5 minutes + maximum extension of 2 minutes may be granted by council	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Metropolitan
Sydney	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Metropolitan
The Hills Shire	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Not recorded unless division called or councillor requests dissenting vote be recorded	Metropolitan fringe
Upper Hunter	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Large Rural

ITEM NUMBER 123/22 - ATTACHMENT 1

Code of Meeting Practice Speaking Limits and Voting - Comparison with other Councils

Council	Speaker limit - councillor		Chairperson	Record of votes	ABS / OLG classification
Waverley	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Not recorded unless division called or councillor requests dissenting vote be recorded	Metropolitan
Willoughby	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Metropolitan
Wingecarribee	3 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Not recorded unless division called or councillor requests dissenting vote be recorded	Regional town/city
Wollondilly	3 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Metropolitan fringe
Wollongong	5 minutes	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Not recorded unless division called or councillor requests dissenting vote be recorded	Regional town/city
Woollahra	3 minutes + must not ask a question longer than 1 minute	May be granted extra time if claiming misrepresentation/misunderstood to explain the misrepresentation/misunderstanding	No special provisions for speaking time	Individual votes recorded	Metropolitan

(ITEM 124/22) TEMPORARY SUSPENSION OF AN ALCOHOL PROHIBITED AREA - WOODSTOCK PARK

File No: 22/40916

REPORT BY GENERAL MANAGER

Summary

This report recommends the temporary suspension of Woodstock Park as an Alcohol Prohibited Area on Thursday 8 December 2022 between the hours of 6pm – 8:30pm for the Mayoral Christmas Appeal function.

Operational Plan Objective

C.1.1 Support and deliver initiatives that encourage social inclusion and community connections
C.2.3 Provide opportunities for people to participate in activities and events that celebrate our diverse community, history and culture.

Background

There are currently five Alcohol Prohibited Areas in the Burwood LGA that operate between the hours of 6pm – 8am, seven days a week:

- Burwood Park
- Woodstock Park
- Russell Street Reserve
- Reed Reserve
- Martin Reserve

The time restrictions aim to strike a balance between the reasonable consumption of alcohol associated with public activities during the daytime and limiting inappropriate use of alcohol during night hours.

However, under section 645 of the *Local Government Act 1993*, Council has the authority to temporarily suspend the operation of an Alcohol Prohibited Area. This allows Council to maintain a balance between the community benefits of alcohol consumption in public places and the overall safety and wellbeing of the community.

Proposal

On 8 December 2022 the Mayor of Burwood will once again host the annual Mayoral Christmas Appeal at Fitzroy Hall and Woodstock Park from 6pm – 8:30pm.

The event will see community members come together to fundraise for two local services, St Merkorious Charity and St Paul's Church Burwood.

It is proposed that Woodstock Park be temporarily suspended as an Alcohol Prohibited Area to allow for the responsible service of alcohol at the Mayoral Christmas Appeal function.

Council implements a number of strategies to manage the safety of patrons and responsible consumption of alcohol at events including:

- Engagement of four trained staff that hold a NSW Responsible Service of Alcohol certificate to serve alcohol.
- Engagement of two security staff.

Consultation

Liaison with the Burwood Local Police Area Command is undertaken before and after a Council resolution is passed to ensure that all parties are informed and all necessary action is co-ordinated.

As per legislative requirements, Council will notify the community of the suspension by way of public notice on Council's website.

Planning or Policy Implications

Council's "Prohibition of Alcohol in Public Spaces Policy 2019" is guided by section 645 of the *Local Government Act 1993*. Under this legislation Council has the authority to temporarily suspend the operation of an Alcohol Prohibited Area.

Financial Implications

No Financial implications.

Conclusion

The Mayor's annual Christmas appeal recognises the contribution of those who have made a difference to the lives of people in Burwood and continues to provide fundraising opportunities for local services who provide critical support for our community.

Recommendation(s)

That Council temporarily suspends Woodstock Park as an Alcohol Prohibited Area on Thursday 8 December 2022 between the hours of 6pm – 8:30pm for the Mayoral Christmas Appeal function.

Attachments

There are no attachments for this report.

(ITEM 125/22) PARK HIRE FEE WAIVER FOR THE USE OF HENLEY PARK - ENFIELD ROVERS FC WORLD CUP SOCCER EVENT

File No: 22/43766

REPORT BY DIRECTOR COMMUNITY LIFE

Summary

Enfield Rovers FC are an important sporting community organisation within the Burwood Local Government Area (LGA). In celebration of the Socceros participation in FIFA 2022, the Club are hosting a fund-raising event on Saturday 26 November 2022 at their home field, Henley Park.

Using the playing fields immediately to the north of the amenities building, the Enfield Rovers FC will be live screening the 2022 FIFA World Cup game Australia versus Tunisia on an inflatable screen for their members (300 to 500 people). They will also be selling refreshments from the canteen to raise funds.

The Enfield Rovers FC are seeking an exemption of the current park hire fee of \$2,751.50, in support of their fundraising efforts and in recognition of the event activating the Henley Park space and Enfield more broadly.

Operational Plan Objective

- C2 A Healthy active lifestyle where people experience sense of connection and wellbeing
- P7 Collaborate and provide initiatives for active and passive recreation and wellbeing
- A30 Support external partners to deliver community events.

Background

In celebration of the Socceros participation in FIFA 2022, The Enfield Rovers FC are hosting a fund-raising event on Saturday 26 November 2022 at the Club's home field, Henley Park. The Club has applied for this event via the formal council booking system and have been charged a cost of \$2751.50 for field hire according to Council's adopted fees and charges policy, and a bond of \$2755.00. The Bond is in place should any damage occurs during the event.

The Enfield Rovers FC, established in 1961 are a volunteer driven community club who operate from Council's Henley Park sports grounds. The Club is open to all ages and cultural backgrounds. The Club have a special connection to the Socceros, as ex-Enfield Rovers FC member, Brett Holman was a Socceroo after starting his career as an Enfield Rover.

Enfield Rovers FC's use of the Henley Park fields and facilities attribute up to \$56,270.00 of annual income. The Club raises funds mainly through membership fees and canteen sales. The event on the 26 November 2022 is an exercise in raising money via the Club's canteen. It is important to note that although Henley Park does not prohibit alcohol, the Club has committed to promote the event as a family-friendly, non-alcohol event.

In support of the event and to mitigate potential impacts on the community, Council has committed to supplying three lighting towers so that the Club can safely clean the field and move the patrons to their cars without the activation of the parks floodlights, after the curfew of 9pm. Council is also engaging two security guards onsite to alert Council events staff in case the event goes outside of its parameters. Burwood Police have been alerted to the event via the Council's event team. Council supported security detail will assess if Council staff or police should be contacted in the case that the Park sees uninvited guests to the screening.

Proposal

That the usual park fees of \$2,751.50 are waived by Council in this instance to allow the Enfield Rovers FC to raise money for the event which is providing an opportunity for their members to connect and activating Henley Park.

Financial Implications

Council will not receive the income of \$2,751.50 for the booking.

Conclusion

Enfield Rovers FC are an important sporting community organisation within the Burwood LGA. By waiving the Park hiring fees Council would be benefiting the Club's financial health and supporting local community organisations to create events that bring together local community in our parks and green open spaces.

Recommendation(s)

That Council waive the park hire fee of \$2,751.50 for the Enfield Rovers FC's event screening the Socceroo's FIFA 2022 game on Saturday 26 November 2022, in support of their fundraising efforts and activation of Henley Park.

Attachments

There are no attachments for this report.

(ITEM 126/22) ROAD RESHEET PROGRAM FOR 2022/23

File No: 22/43311

REPORT BY DIRECTOR CITY ASSETS

Summary

This report summarises the Request for Quotation (RFQ) process undertaken for the road re-sheeting Program for 2022/23 and recommends that Council accept the quotation from the recommended tenderer to undertake the road re-sheeting works for projects listed on Councils 2022-2023 Capital Works Program.

Background

The following projects form part of Council's Capital Works Program 2022-23:

- Eureka Street – Lucas Road to Shaftesbury Road
- Everton Lane – Everton Road to End
- Railway Ave – Everton Rd to Everton Lane
- Grantham St – Parramatta Road to Rowley Street
- Henry St – Willee Street to The Boulevarde
- Riley Lane – Nicoll Lane to Milton Street
- Willee Street – Henry Street to Liverpool Rd (west side)
- Wonga Street – Emu Street to The Boulevarde
- Willee Street – Wonga Street to Henry Street
- Nicoll Lane – Burwood Road to Neich Pde
- Tullimbar Street – Bleinheim Street to Coronation Parade
- Young Street – Irrara Street to Queen Street
- Beresford Avenue – Georges River Road to House No.44
- Bold Street – Nicholson Street to Lindsay Street
- Boyle Street – Georges River Road to Violet Street
- Arthur Street – Greenhills Street to Austin Avenue
- Clarendon Place – Railway Pde to End
- Deane Street – Marmaduke Street to Youth Lane
- Webb Street – Albert Crescent to Queen Street
- Mitchell Street – Burwood Road to Stanley Street
- Burwood Road – Violet Street to Mitchell St
- Oxford Street – Railway Parade to Hornsey Street
- Reed Street – Fitzroy St to Paisley Road

Council has adopted the budget for Capital Works 2022-23.

RFQ was advertised via the Vendor Panel System, a secure formal RFX portal. Burwood Council is part of the SSROC Sustainable Pavements – Recycled Crushed Glass (RCG) T2020-09 Contract. The works proposed are projects listed on Council's 2022-23 Capital Works Program and an RFQ was issued as opposed to a RFT since the SSROC T2020-09 contract was utilised.

On 24 October 2022, Councils 2022-23 Road Resheet Program RFQ was posted on Vendor Panel Portal (VP332405) by Councils Manager Civil Construction and Maintenance requesting quotations (RFQ) from suitably pre-qualified Contractors in SSROC Sustainable Pavements – Recycled Crushed Glass (RCG) T2020-09 Contract. Six suppliers were invited to supply quotations namely:

- Asphalt Laying Services P/L
- Bitupave LTD T/A Boral Asphalt
- Downer EDI Works Pty Ltd
- Fulton Hogan Industries Pty Ltd

- Planet Civil Pty Ltd
- State Asphalt Services Pty Ltd

A Non Compulsory meeting was held at 10.00am on 27 October 2022 at Council's Operations Centre where questions were raised and clarifications were provided to the prospective contractors.

The closing date for the RFQ was 5pm, 7 November 2022.

In accordance with Council's Procurement Policy a Road Pavement Investigation and Design Report was provided for the contractors to quote which listed specifications for all road segments.

Quotation Evaluation

On 8 November 2022, LGP's Vendor Panel RFQ submissions were downloaded. Following this Council's Quotation Assessment Panel (QEP) consisting of Group Manager Operations, Manager Civil Works and Operations and Council's Project Engineering Officer commenced assessing the quotations.

The quotes were assessed based on price, time to complete the works and past performance as the other criteria was met by the all the suppliers. All received quotations have been assessed and evaluated according to the total cost of the works which includes the asphalt works, line marking and service lid adjustments.

Summary of offers received

Three quotations were received from the following suppliers:

- Downer EDI Works Pty Ltd
- Planet Civil Pty Ltd
- State Asphalt Services Pty Ltd

No quotation was received from Asphalt Laying Services P/L, Bitupave LTD T/A Boral Asphalt and Fulton Hogan Industries Pty Ltd.

Evaluations

The individual and overall evaluations are outlined in Confidential Attachment 1.

Consultation

Notification of pending works will be provided to local residents and businesses prior to commencement of works.

Planning or Policy Implications

Council's current Purchasing and Contract Management Corporate Practice and Procedure was followed. The procurement process was reviewed by Council's Procurement Manager.

Financial Implications

Council has adopted the budget for Capital Works in 2022-23. These works will be funded from Council's Roads Capital Works Budget and S7.12 TC.

Due to the clay sub grade in the Burwood LGA it is recommended to allow a 15% budget contingency for any possible variations to asphalt works, undertaking additional pavement testing and house service adjustments if required when undertaking the works.

Budget available for Council Roads Capital funded projects	- \$2,180,116
Budget contingency (15%)	- \$327,017
Budget Remaining	- <u>\$1,853,099</u>

Council is currently also undertaking further testing on the following locations to confirm the pavement design:

- Webb Street – Albert Crescent to Queen Street
- Mitchell Street – Burwood Road to Stanley Street
- Burwood Road – Violet Street to Mitchell St
- Oxford Street – Railway Parade to Hornsey Street
- Reed Street – Fitzroy St to Paisley Road

These locations are on the supplementary list. Any budget contingency amount remaining will be used to undertake road re-sheeting of the roads listed on the supplementary list.

Options

Nil.

Conclusion

Following the quotation assessment, Council accept the quotation submitted by the recommended tenderer as outlined in Confidential Attachment 1 for the road re-sheeting works ascertained via Vendor Panel System, using the SSROC Sustainable Pavements – Recycled Crushed Glass (RCG) T2020-09 Contract.

Recommendation(s)

1. That Council approve the quotation submitted by the recommended tenderer as outlined in Confidential Attachment 1 for the road re-sheeting works as per the table below:

Project	Funding Source
Eurella Street	Council Road Capital Budget
Everton Lane	Council Road Capital Budget
Railway Avenue	Council Road Capital Budget
Henry Street	Council Road Capital Budget
Riley Lane	Council Road Capital Budget
Willee Street	Council Road Capital Budget
Nicoll Lane	Council Road Capital Budget
Tullimbar Street	Council Road Capital Budget
Young Street	Council Road Capital Budget
Beresford Avenue	Council Road Capital Budget
Bold Street	Council Road Capital Budget
Boyle Street	Council Road Capital Budget
Arthur Street	Council Road Capital Budget
Clarendon Place	S7.12 Town Centre (TC) Budget
Deane Street	S7.12 Town Centre (TC) Budget
Wonga Street	Council Road Capital Budget
Bold Street	Council Road Capital Budget
Grantham Street	Council Road Capital Budget

2. That Council approve any budget contingency amount remaining be used to undertake road re-sheeting of the roads listed on the supplementary list below:

Project	Funding Source
Webb Street	Council Road Capital Budget
Mitchell Street	Council Road Capital Budget
Burwood Road	Council Road Capital Budget
Oxford Street	Council Road Capital Budget
Reed Street	Council Road Capital Budget

3. That should the recommended supplier not be able to meet Councils timeframes to undertake the above works, that the General Manager be authorised to negotiate with the next available alternative supplier.

Attachments

- 1 Quotation Evaluation Road Resheet - Confidential

(ITEM RC12/22) BURWOOD LOCAL TRAFFIC COMMITTEE - NOVEMBER 2022

File No: 22/42954

REPORT BY DIRECTOR CITY ASSETS

Summary

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of November 2022. The Minutes are hereby submitted to the Ordinary Council Meeting for consideration and adoption by Council.

Operational Plan Objective

C.4.1 Plan and manage transport infrastructure to meet current and future community needs
A.40 Investigate traffic hot spots and implement solutions such as pedestrian refuges, roundabouts or traffic calming devices

Comment

Due to the timing of the submissions made to Council in relation to road closures for items LTC22/22 (Greek Orthodox Parish Annual Greek Street Fair) and LTC 23/22 (Fitzroy Street, Croydon - Street Party), it was not possible to have reports prepared to the Burwood Local Traffic Committee for endorsement and reported to Council for approval ahead of the event dates per normal procedures. As such, the reports were prepared to allow for feedback from the voting members of the Burwood Local Traffic Committee to ensure that members had the opportunity to raise any issues or place any conditions on the events.

The minutes of these items are now submitted to Council for its endorsement in accordance with the requirements of the Roads and Maritime Services delegation to Council.

Recommendation

That the minutes of the Burwood Local Traffic Committee of November 2022 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

(ITEM LTC18/22) RAILWAY PARADE, BURWOOD - ADDITIONAL KISS AND RIDE PARKING

Recommendation

That Council approve the removal of the 23m long 'Bus Zone' on the northern side of Railway Parade opposite Ford Lane, and replace it with 'No Parking' restrictions with supplementary Kiss & Ride signage.

(ITEM LTC19/22) COBBITTY AVENUE, CROYDON PARK - REVIEW OF PARKING RESTRICTIONS

Recommendation

That Council approve the proposed changes to parking restriction changes along Cobbitty Avenue:

- Extension of 'No Parking' restriction in front of #4 from 4.6m to 8m;
- Implementation of 42m of 'No Parking' restriction on the southern side of Cobbitty Avenue along the side boundary of #1 Cobbitty Avenue.

(ITEM LTC20/22) ROYCE AVENUE, CROYDON - REVIEW OF NO STOPPING RESTRICTIONS

That Council approve the proposed relocation of the 'No Stopping' sign outside 37 Royce Avenue to the wing of the driveway to 39 Royce Avenue, as per the attached image.

(ITEM LTC21/22) CHELTENHAM ROAD, CROYDON - CHANGES TO PARKING ADJACENT TO SES**Recommendations**

1. That Council approve the introduction of new 'No Stopping – Emergency Vehicles Excepted' restrictions across the two driveways of the SES site at Cheltenham Road, Croydon.
2. That Council approve the relocation of existing mobility parking space located on the eastern side of Cheltenham Road Croydon outside the SES site to immediately north of the SES site's driveway, and the introduction of 'No Parking – Emergency Vehicles Excepted' between the two SES site's driveways.

(ITEM LTC22/22) GREEK ORTHODOX PARISH ANNUAL GREEK STREET FAIR - 13 NOVEMBER 2022**Recommendations**

1. That Council approve the proposed road closure in Burleigh Street between Railway Parade and Elizabeth Street, as well as the section of Council car park at the corner of Elizabeth Street and Burleigh Street from midnight on Saturday 12 November 2022 to 6.00pm on Sunday 13 November 2022. The annual Greek Street Fair are subjected to the following conditions:
 - a) Emergency services and public transport operators are to be advised of the event (a copy to be forwarded to Council)
 - b) A copy of the Public Liability Insurance for the event (\$20 million) to be forwarded to Council.
 - c) Barricades and signs to be provided in accordance with Safe Work requirements and AS 1742.3(2002) – Traffic Control for Works on Roads
 - d) All traffic control associated with the event is to be set up and managed by SafeWork NSW Accredited Traffic Controllers
 - e) Residents and businesses of the following streets are to be advised of the event (outlining start and finish times, street closure details and a contact name and number for the day) with a copy of the correspondence forwarded to Council:
 - Burleigh Street
 - Burwood Road (from Railway Parade to Belmore Street)
 - Belmore Street (from Burwood Road to Shaftesbury Road)
 - Shaftesbury Road (from Belmore Street to Railway Parade)
 - Railway Parade (from Shaftesbury Road to Burleigh Street)
2. That Council waive all associated fees for the road and footpath closure.

(ITEM LTC23/22) FITZROY STREET, CROYDON - STREET PARTY**Recommendations**

1. That Council approve the full road closure of the Fitzroy Street cul-de-sac east of #6 and #7 between 11 AM – 4 PM on Sunday 20 November 2022.
2. That Council note that this is a Class 3 Special Event with minimal impact on local roads and negligible impact on the non-event community.

(ITEM LTC24/22) COMER STREET, BURWOOD - REVIEW OF PARKING RESTRICTIONS**Recommendation**

That Council approve the conversion of the existing 'No Stopping – Permit Holders Excepted Area 17' area located on the southern side of Comer Street just east of Britannia Avenue to 'No Parking 7am – 7pm Monday to Friday – Permit Holders Excepted Area 17'.

Attachments

- 1 [↓](#) Burwood Local Traffic Committee - November 2022 - Agenda
- 2 [↓](#) Burwood Local Traffic Committee - November 2022 - Minutes



NOTICE OF BURWOOD LOCAL TRAFFIC COMMITTEE MEETING

The November 2022 meeting of the Burwood Local Traffic Committee will be held electronically with the Agenda emailed to Members for review. All comments are requested to be returned to Council by 9.30 am Friday 4 November 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**

2 Conder Street, Burwood NSW 2134, PO Box 240 Burwood NSW 1805
phone: 9911 9911 facsimile: 9911 9900
email: council@burwood.nsw.gov.au
website: www.burwood.nsw.gov.au

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges the Wangal people of the Eora Nation who are the traditional custodians of this land. Council also pays respect to their elders, both past and present, and extends that respect to other First Nations People who may be present.

APOLOGIES/LEAVE OF ABSENCES

CONFIRMATION OF MINUTES

Recommendation

That the Minutes of the October 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

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(ITEM LTC18/22) RAILWAY PARADE, BURWOOD - ADDITIONAL KISS AND RIDE PARKING

File No: 22/40583

REPORT BY TRAFFIC ENGINEER, ASSETS & INFRASTRUCTURE

Summary

Following the recent temporary closure of Deane Street to traffic Council has undertaken a review of parking resections around Burwood Station with a view of maximising the available Kiss & Ride areas. It is proposed to remove the existing timed 'Bus Zone' on the northern side of Railway Parade opposite Ford Lane and replace it with permanent 'No Parking' restrictions.

Background

Railway Parade is a two-way regional road within the Burwood Town Centre that runs parallel to the train tracks.

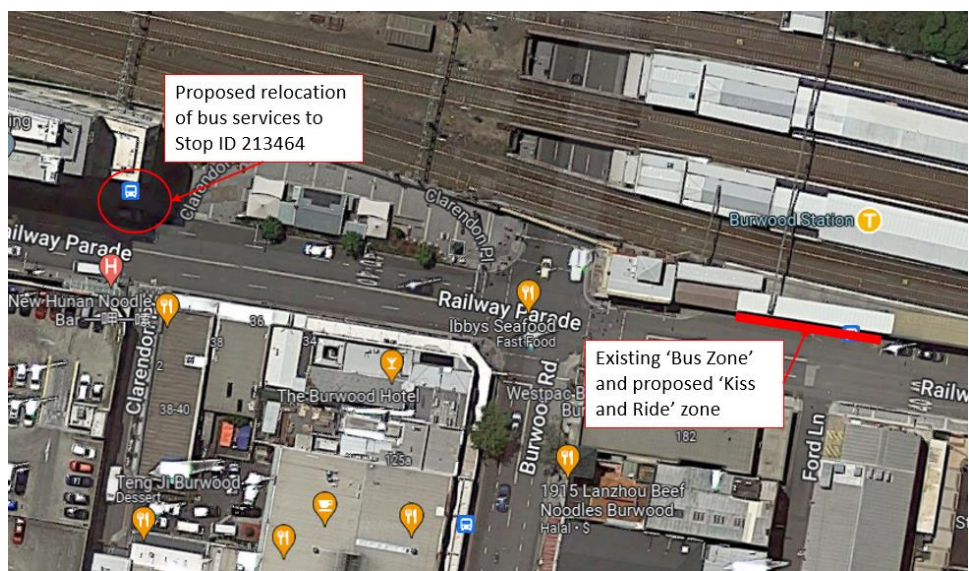
Currently, a 23m long timed 'Bus Zone' is located to the northern side of Railway Parade east of Burwood Road, opposite Ford Lane. The area is signposted as 'Bus Zone 3.15pm – 4.15pm School Days Only' and 'No Parking All Other Times'. The Stop ID connected to this 'Bus Zone' is 213411, and is used only by Route 578 - St Patricks College to Drummoyne school service.

Approximately 100 metres west of this location is another bus stop, Bus Stop ID 213464.

Proposal

In order to improve signage clarity and maximise Kiss & Ride spaces around Burwood Station, it is proposed to remove the existing 'Bus Zone' at Railway Parade opposite Ford Lane and replace it with 'No Parking' restrictions with supplementary Kiss & Ride signage. It is proposed that the sole route which utilises this bus stop, Route 578 - St Patricks College to Drummoyne, will be relocated west to Bus Stop ID 213464.

'Kiss and Ride' zones operate under the same conditions as 'No Parking' zones, which means allow for a maximum stopping time of 2 minutes, and drivers are required to remain in or within 3 metres of their vehicle.



Consultation

Consultation was undertaken with Transit Systems, who have supported the change. Transit Systems will notify St Patricks College of the change if approved.

Financial Implications

The removal of existing signage and installation of new signage is estimated to cost \$400.00 and will be funded from the 2022/23 Traffic Facilities Budget.

Recommendation

That Council approve the removal of the 23m long 'Bus Zone' on the northern side of Railway Parade opposite Ford Lane, and replace it with 'No Parking' restrictions with supplementary Kiss & Ride signage.

Attachments

There are no attachments for this report.

(ITEM LTC19/22) COBBITTY AVENUE, CROYDON PARK - REVIEW OF PARKING RESTRICTIONS

File No: 22/39347

REPORT BY TRAFFIC ENGINEER, ASSETS & INFRASTRUCTURE

Summary

Burwood Council has received concerns from local residents regarding the access/egress for emergency service vehicles in Cobbitty Avenue due to the current parking arrangements within the cul-de-sac.

Background

Cobbitty Avenue is a narrow local road with a pavement width of 6 meters. Currently there are no parking restrictions along Cobbitty Avenue except for a 4.6 meter 'No Parking' restriction fronting 4 Cobbitty Avenue which was installed to ensure unimpeded access to number 3.

Given the narrowness of the road, if vehicles were to park on both sides of the street the remaining travel lane would be too narrow to accommodate large vehicles such as emergency services or waste collection vehicles.

Proposal

To help ensure unrestricted access in and out of the street at all times Council is considering the installation of 'No Parking' restrictions on the southern side of Cobbitty Avenue as per the attached plan. The 'No Parking' restrictions allow any motorists to pull up for 2 minutes provided the driver stays within the vicinity of their vehicle, but does not allow vehicles to be parked indefinitely.

Consultation

Consultation was conducted with 12 properties on both sides of Cobbitty Avenue. Council received 5 responses, representing a response rate of 42%. Summary of the consultation is as follows:

Strongly in favour	In favour	Neutral	Against	Strongly Against
3	1	0	0	1

The single response strongly against the proposal noted that he supported the proposal in general, but was only opposed to the extension of existing 'No Parking' zone on the north side of Cobbitty Avenue outside #4.

It is noted that the extension of the 'No Parking' zone outside #4 will not result in the loss of any on-street parking. The existing on-street parking space outside #4 is large enough to accommodate 1.5 parking spaces. The extension of the 'No Parking' will result in 1 parking space being retained outside #4 whilst also ensuring 1 parking space can be retained on the southern side of the street outside #3.



Financial Implications

The cost of relocation of existing signage and pole, and the installation of new ones is estimated to be \$800.00 and will be funded from the 2022/23 Traffic Facilities budget.

Recommendation

That Council approve the proposed changes to parking restriction changes along Cobbitty Avenue:

- Extension of 'No Parking' restriction in front of #4 from 4.6m to 8m;
- Implementation of 42m of 'No Parking' restriction on the southern side of Cobbitty Avenue along the side boundary of #1 Cobbitty Avenue.

Attachments

There are no attachments for this report.

(ITEM LTC20/22) ROYCE AVENUE, CROYDON - REVIEW OF NO STOPPING RESTRICTIONS

File No: 22/36426

REPORT BY TRAFFIC ENGINEER, ASSETS & INFRASTRUCTURE

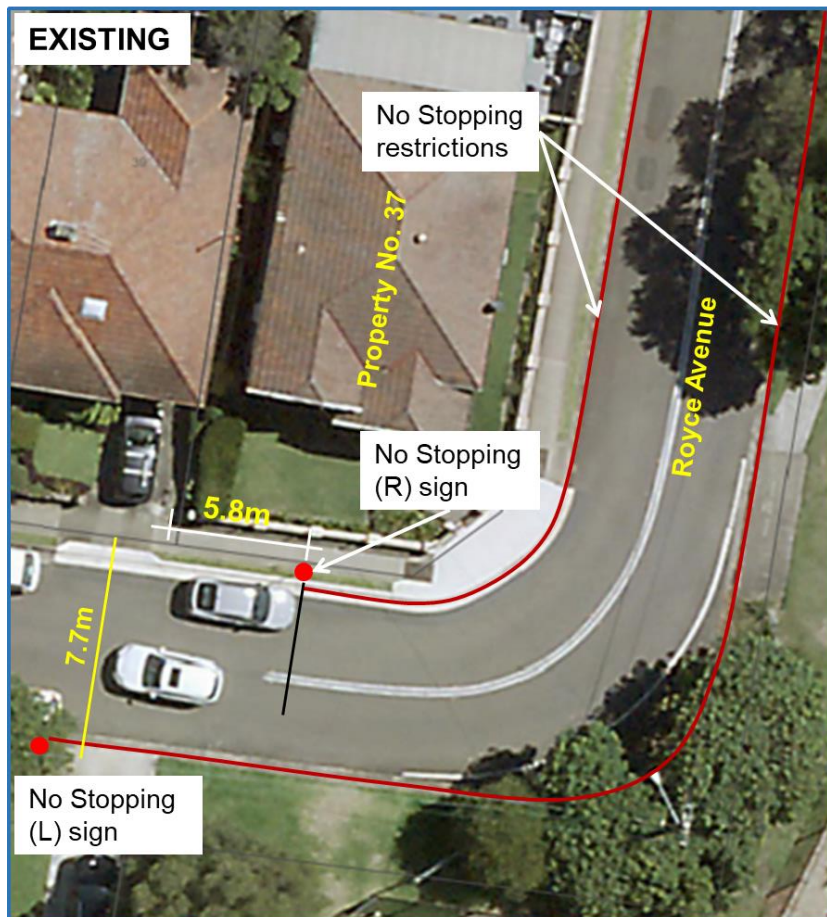
Summary

Council has received a request from a local resident to relocate the existing 'No Stopping' sign located in front of 37 Royce Avenue, further west to prevent eastbound traffic from crossing the double lines in this location.

Background

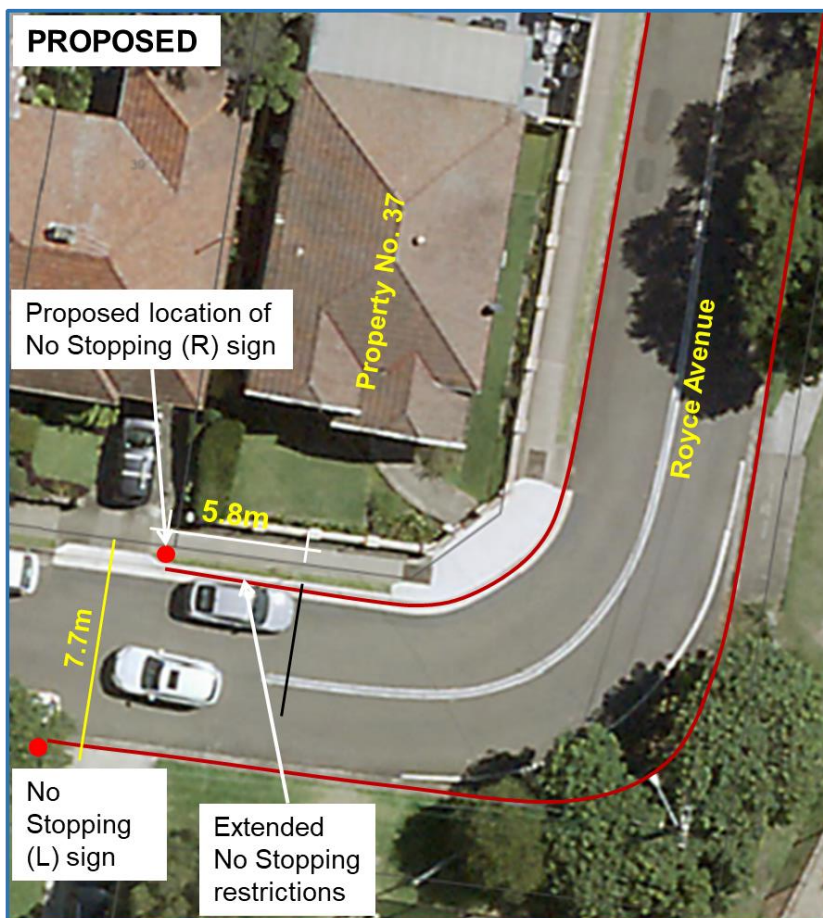
Royce Avenue is a local road with a pavement width of 7.7 meters. It forms a sharp bend around 37 Royce Avenue and there are currently 'No Stopping' restrictions in place on both sides of this bend. In order to regulate traffic flow at this bend, double barrier lines have also been installed.

Currently a single unrestricted parking space exists between the 'No Stopping' sign and the driveway of 39 Royve Avenue. When an east bound vehicle attempts to pass a vehicle parked in this location it is forced to cross the double lines.



Proposal

It is proposed to remove this unrestricted parking space and relocating the 'No Stopping' sign to the wing of the driveway to 39 Royce Avenue.



Consultation

Consultation was conducted with 13 properties on both sides of Royce Avenue near the bend. Council received 2 responses, representing a response rate of 15%. All responses were 'in favour' or 'strongly in favour' of the proposal.

Financial Implications

The cost of relocating existing No-Stopping pole and signage is estimated to be \$400.00 and will be funded from the 2022/23 Traffic Facilities budget.

Recommendation

That Council approve the proposed relocation of the 'No Stopping' sign outside 37 Royce Avenue to the wing of the driveway to 39 Royce Avenue, as per the attached image.

Attachments

There are no attachments for this report.

(ITEM LTC21/22) CHELTENHAM ROAD, CROYDON - CHANGES TO PARKING ADJACENT TO SES

File No: 22/39353

REPORT BY TRAFFIC ENGINEER, ASSETS & INFRASTRUCTURE

Summary

Council received a request from the NSW State Emergency Services (SES) to modify the current parking restrictions along the eastern side of Cheltenham Road Croydon to assist with vehicle access and egress to their site.

Background

Cheltenham Road is a two-way residential road outside the Burwood Town Centre that runs adjacent to Queen Street, south of Parramatta Road. The carriageway is 10 meters wide, kerb to kerb, with unrestricted parking on the western side and a mixture of unrestricted and mobility parking on the eastern side. See attached plans for a diagram of existing parking conditions near the SES site.

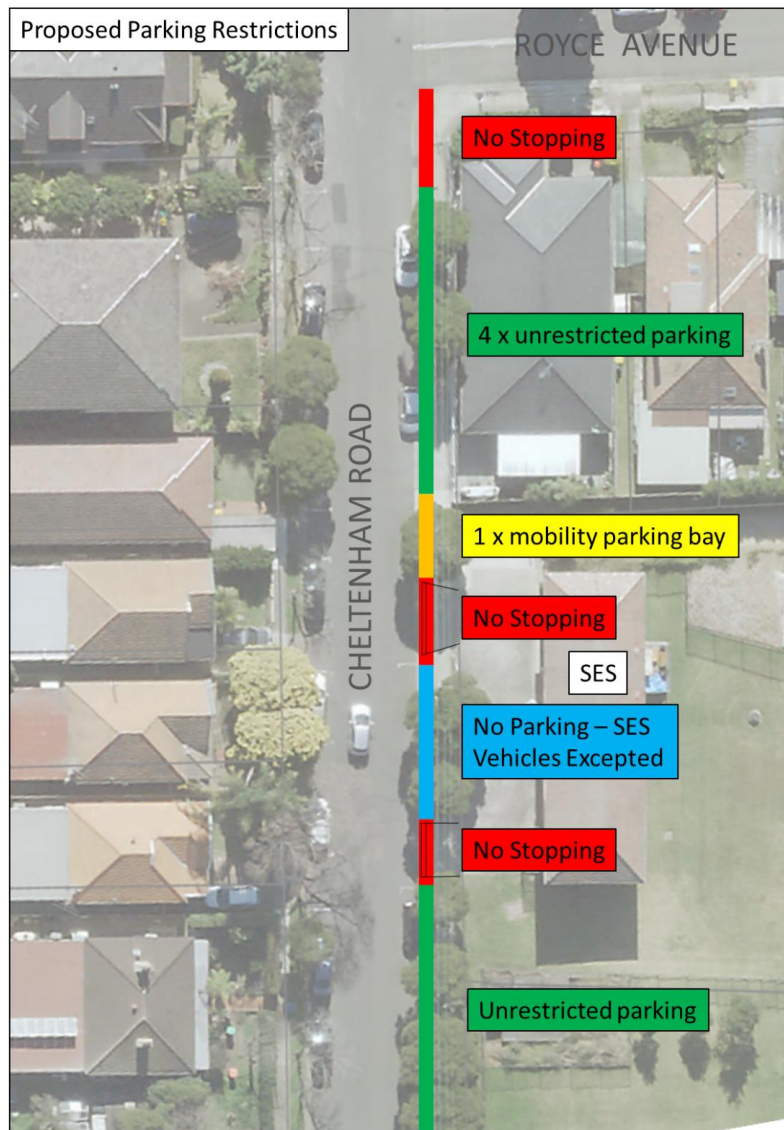
SES have requested alterations to the current parking arrangement fronting 32 Cheltenham Road to assist with emergency vehicles access and egress, to improve sightlines and to provide additional swept path space for vehicles reversing into the property.



Proposal

SES requested two modifications to assist with emergency vehicles access and egress, to improve sightlines and the swept path for vehicles reversing into the property. These modifications can be implemented individually or in conjunction. See attached plans for a diagram of each modification.

- **Modification 1** – Introduction of ‘No Stopping – Emergency Vehicles Excepted’ signage across the two driveways of the site. This modification will not impact existing parking along Cheltenham Road
- **Modification 2** – Relocation of existing mobility parking space to north of the site’s driveway, and the introduction of ‘No Parking – Emergency Vehicles Excepted’ at the original location. This modification will result in the loss of one unrestricted parking space along Cheltenham Road



Consultation

Given the high demand for parking in this area, all properties directly surrounding SES were notified of the proposal. A total of 2 responses were received from 40 letters, representing a 5% response rate. All responses were in favour of both modifications, and are summarised below:

	Strongly in favour	In favour	Neutral	Against	Strongly against
Modification 1	1	1	-	-	-
Modification 2	1	1	-	-	-

Financial Implications

The installation of four new parking signs and three posts are estimated to cost \$1,000.00 and will be funded from Council's 2022/23 Traffic Facilities Budget.

Recommendations

1. That Council approve the introduction of new 'No Stopping – Emergency Vehicles Excepted' restrictions across the two driveways of the SES site at Cheltenham Road, Croydon.
2. That Council approve the relocation of existing mobility parking space located on the eastern side of Cheltenham Road Croydon outside the SES site to immediately north of the SES site's driveway, and the introduction of 'No Parking – Emergency Vehicles Excepted' between the two SES site's driveways.

Attachments

There are no attachments for this report.

(ITEM LTC22/22) GREEK ORTHODOX PARISH ANNUAL GREEK STREET FAIR - 13 NOVEMBER 2022

File No: 19/42909

REPORT BY MANAGER TRAFFIC & TRANSPORT

Summary

The Greek Orthodox Archdiocese of Australia is seeking Council’s approval for the temporary road closure of Burleigh Street Burwood as well as part of the Elizabeth Street car park to facilitate the annual Greek Street Fair to be held on Sunday 13 November 2022 between 11am – 4pm.

Background

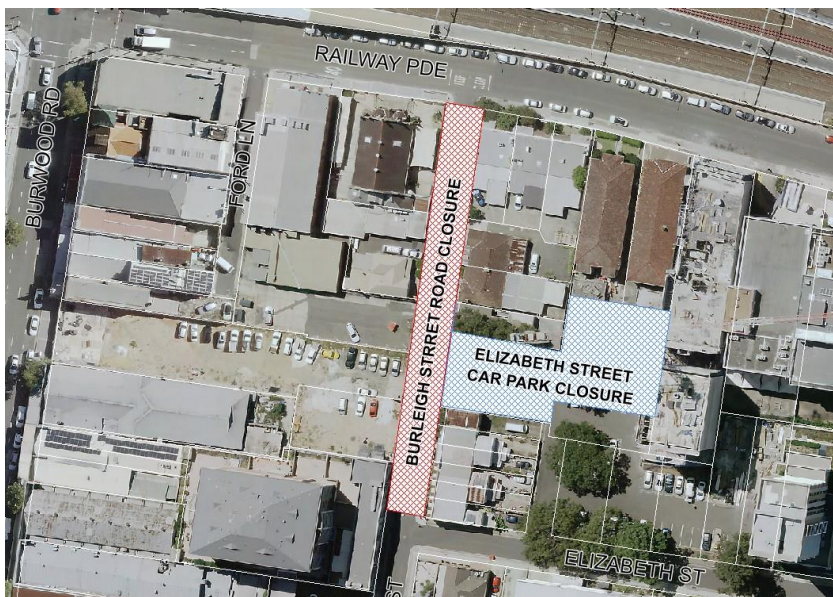
Burleigh Street is located south of Railway Parade within the Burwood Town Centre. Each year the Greek Orthodox Parish, ‘Saint Nectarios’, host an annual Greek Street Fair in Burleigh Street between Railway Parade and Elizabeth Street, as well as a section of Council’s Elizabeth Street car park.

In order to assist with the large crowds attending the annual event, it is proposed to temporarily close Burleigh Street between Elizabeth Street and Railway Parade on 13 November 2022. Council has previously given approval for this temporary road closure since its inception in 2012, excluding the last two years which have been cancelled due to Covid-19.

Proposal

Council has assessed the event as Class 3 under the NSW Government’s Guide to Traffic & Transport Management of Special Events guidelines. The road closure also includes a section of the Council car park at the corner of Elizabeth Street and Burleigh Street.

Barricades will be installed from midnight Saturday 12 November to prevent cars from being parked in the Burleigh Street (the fair site) and will be removed at approximately 6.00pm after the site pack up is completed on Sunday 13 November 2022.



Consultation

Saint Nectarios Church is required to notify all affected stakeholders, residents and businesses. The Greek Street Fair will also be advertised in local papers.

Financial Implications

Burwood Council is an official event sponsor and has provided a grant of \$1,500 via its Community Grants Program. In addition to this all fees for the event including road and car park closure and traffic control.

Recommendations

1. That Council approve the proposed road closure in Burleigh Street between Railway Parade and Elizabeth Street, as well as the section of Council car park at the corner of Elizabeth Street and Burleigh Street from midnight on Saturday 12 November 2022 to 6.00pm on Sunday 13 November 2022. The annual Greek Street Fair are subjected to the following conditions:
 - a) Emergency services and public transport operators are to be advised of the event (a copy to be forwarded to Council)
 - b) A copy of the Public Liability Insurance for the event (\$20 million) to be forwarded to Council.
 - c) Barricades and signs to be provided in accordance with Safe Work requirements and AS 1742.3(2002) – Traffic Control for Works on Roads
 - d) All traffic control associated with the event is to be set up and managed by SafeWork NSW Accredited Traffic Controllers
 - e) Residents and businesses of the following streets are to be advised of the event (outlining start and finish times, street closure details and a contact name and number for the day) with a copy of the correspondence forwarded to Council:
 - Burleigh Street
 - Burwood Road (from Railway Parade to Belmore Street)
 - Belmore Street (from Burwood Road to Shaftesbury Road)
 - Shaftesbury Road (from Belmore Street to Railway Parade)
 - Railway Parade (from Shaftesbury Road to Burleigh Street)
2. That Council waive all associated fees for the road and footpath closure.

Attachments

There are no attachments for this report.

(ITEM LTC23/22) FITZROY STREET, CROYDON - STREET PARTY

File No: 22/40089

REPORT BY TRAFFIC ENGINEER, ASSETS & INFRASTRUCTURE

Summary

Local residents of Fitzroy Street are seeking Council’s approval to hold a street party on the 20 November 2022. The party will require a full road closure of the Fitzroy Street cul-de-sac east of #6 and #7.

Background

Local residents of Fitzroy Street are seeking Council’s approval to hold a street party. The party is proposed to be held from 11 AM – 4 PM on Sunday 20 November 2022.

The party will require a full road closure of the Fitzroy Street cul-de-sac east of number 6 and 7 Fitzroy Street and will affect the driveway access of 7 properties. All affected properties have provided notification of support within the application.

This is the first time such an event has been proposed.

Proposal

It is proposed to approve the full road closure of the Fitzroy Street cul-de-sac east of #6 and #7 between 11 AM – 4 PM on Sunday 20 November 2022.

This event is classified as a Class 3 Special Event with minimal impact on local roads and negligible impact on the non-event community.



Consultation

The applicant is required to notify all affected residents along Fitzroy Street.

Financial Implications

Council will engage a qualified traffic control provider upon LTC approval, and bear all associated costs with the proposed road closure. The cost is estimated to be approximately \$1,000 and to be funded from the 2022/23 Transport Traffic & Parking Planning budget.

Recommendations

1. That Council approve the full road closure of the Fitzroy Street cul-de-sac east of #6 and #7 between 11 AM – 4 PM on Sunday 20 November 2022.
2. That Council note that this is a Class 3 Special Event with minimal impact on local roads and negligible impact on the non-event community.

Attachments

There are no attachments for this report.

(ITEM LTC24/22) COMER STREET, BURWOOD - REVIEW OF PARKING RESTRICTIONS

File No: 22/41741

REPORT BY MANAGER TRAFFIC & TRANSPORT

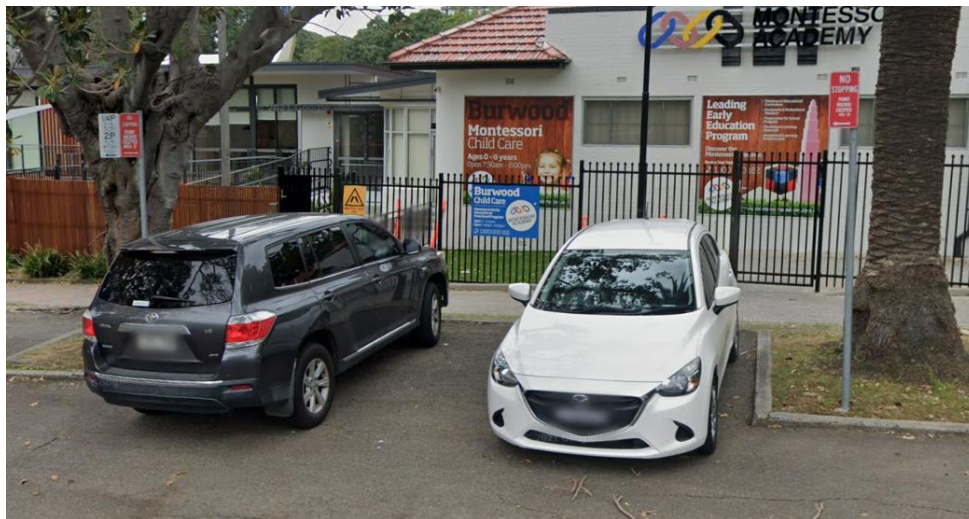
Summary

It is proposed to modify parking restrictions within Comer Street outside Burwood Montessori Child Care Centre in order to maximise available parking for visitors and residents.

Background

Following the commencement of works within Burwood Park and recent changes made to parking in Comer Street, a review of parking within the street has been undertaken to see what changes can be made to maximise parking availability.

It was found that an existing 'No Stopping – Permit Holders Excepted Area 17' area is located on the southern side of Comer Street just east of Britannia Avenue which covers two 90 degree angled parking bays. These restrictions have been in place for many years and it is unclear why 'No Stopping' restrictions were selected. The management of the Burwood Montessori Child Care Centre are provided four parking permits each year to utilise these parking spaces.



The child care centre is open Monday to Friday and so outside of operating hours these two parking spaces are unable to be used by the general public.

Proposal

It is proposed to convert these two parking spaces to 'No Parking 7am – 7pm Monday to Friday – Permit Holders Excepted Area 17'. This will allow the spaces to be used outside of the operating hours for users wanting to go to Burwood Park.

Consultation

Consultation has been undertaken with Management of Burwood Montessori Child Care who are supportive of the proposal.

Financial Implications

The cost to change the signage is estimate to be \$200 and will be funded from the 2022/23 Traffic Facilities budget.

Recommendation

That Council approve the conversion of the existing 'No Stopping – Permit Holders Excepted Area 17' area is located on the southern side of Comer Street just east of Britannia Avenue to 'No Parking 7am – 7pm Monday to Friday – Permit Holders Excepted Area 17'.

Attachments

There are no attachments for this report.



MINUTES OF THE MEETING OF THE BURWOOD LOCAL TRAFFIC COMMITTEE held electronically in November 2022.

ATTENDANCE Cr John Faker (Mayor) Chairperson
Snr Constable Germaine Grant, NSW Police Service
Ms Tanmila Islam, Transport for NSW
Ms Maryann Duggan, Representative for State Member for Strathfield
Mr Peter Whitney, Transit Systems

Mr George El Kazzi, Acting General Manager
Mr Roberto Di Federico, Manager Traffic and Transport
Mr Jeremy Tinslay, Traffic Engineer

APOLOGIES

That there were no apologies.

CONFIRMATION OF MINUTES

That the minutes of the Burwood Local Traffic Committee of Burwood held October 2022, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

GENERAL BUSINESS

(ITEM LTC18/22) RAILWAY PARADE, BURWOOD - ADDITIONAL KISS AND RIDE PARKING

Summary

Following the recent temporary closure of Deane Street to traffic Council has undertaken a review of parking resections around Burwood Station with a view of maximising the available Kiss & Ride areas. It is proposed to remove the existing timed 'Bus Zone' on the northern side of Railway Parade opposite Ford Lane and replace it with permanent 'No Parking' restrictions.

Recommendation

That Council approve the removal of the 23m long 'Bus Zone' on the northern side of Railway Parade opposite Ford Lane, and replace it with 'No Parking' restrictions with supplementary Kiss & Ride signage.

(ITEM LTC19/22) COBBITTY AVENUE, CROYDON PARK - REVIEW OF PARKING RESTRICTIONS

Summary

Burwood Council has received concerns from local residents regarding the access/egress for emergency service vehicles in Cobbitty Avenue due to the current parking arrangements within the cul-de-sac.

Recommendation

That Council approve the proposed changes to parking restriction changes along Cobbitty Avenue:

- Extension of 'No Parking' restriction in front of #4 from 4.6m to 8m;
- Implementation of 42m of 'No Parking' restriction on the southern side of Cobbitty Avenue along the side boundary of #1 Cobbitty Avenue.

(ITEM LTC20/22) ROYCE AVENUE, CROYDON - REVIEW OF NO STOPPING RESTRICTIONS

Summary

Council has received a request from a local resident to relocate the existing 'No Stopping' sign located in front of 37 Royce Avenue, further west to prevent eastbound traffic from crossing the double lines in this location.

Recommendation

That Council approve the proposed relocation of the 'No Stopping' sign outside 37 Royce Avenue to the wing of the driveway to 39 Royce Avenue, as per the attached image.

(ITEM LTC21/22) CHELTENHAM ROAD, CROYDON - CHANGES TO PARKING ADJACENT TO SES

Summary

Council received a request from the NSW State Emergency Services (SES) to modify the current parking restrictions along the eastern side of Cheltenham Road Croydon to assist with vehicle access and egress to their site.

Recommendations

1. That Council approve the introduction of new 'No Stopping – Emergency Vehicles Excepted' restrictions across the two driveways of the SES site at Cheltenham Road, Croydon.
2. That Council approve the relocation of existing mobility parking space located on the eastern side of Cheltenham Road Croydon outside the SES site to immediately north of the SES site's driveway, and the introduction of 'No Parking – Emergency Vehicles Excepted' between the two SES site's driveways.

(ITEM LTC22/22) GREEK ORTHODOX PARISH ANNUAL GREEK STREET FAIR - 13 NOVEMBER 2022

Summary

The Greek Orthodox Archdiocese of Australia is seeking Council's approval for the temporary road closure of Burleigh Street Burwood as well as part of the Elizabeth Street car park to facilitate the annual Greek Street Fair to be held on Sunday 13 November 2022 between 11am – 4pm.

Recommendations

1. That Council approve the proposed road closure in Burleigh Street between Railway Parade and Elizabeth Street, as well as the section of Council car park at the corner of Elizabeth Street and Burleigh Street from midnight on Saturday 12 November 2022 to 6.00pm on Sunday 13 November 2022. The annual Greek Street Fair are subjected to the following conditions:
 - a) Emergency services and public transport operators are to be advised of the event (a copy to be forwarded to Council)
 - b) A copy of the Public Liability Insurance for the event (\$20 million) to be forwarded to Council.
 - c) Barricades and signs to be provided in accordance with Safe Work requirements and AS 1742.3(2002) – Traffic Control for Works on Roads
 - d) All traffic control associated with the event is to be set up and managed by SafeWork NSW Accredited Traffic Controllers
 - e) Residents and businesses of the following streets are to be advised of the event (outlining start and finish times, street closure details and a contact name and number for the day) with a copy of the correspondence forwarded to Council:
 - Burleigh Street
 - Burwood Road (from Railway Parade to Belmore Street)
 - Belmore Street (from Burwood Road to Shaftesbury Road)
 - Shaftesbury Road (from Belmore Street to Railway Parade)
 - Railway Parade (from Shaftesbury Road to Burleigh Street)
2. That Council waive all associated fees for the road and footpath closure.

(ITEM LTC23/22) FITZROY STREET, CROYDON - STREET PARTY

Summary

Local residents of Fitzroy Street are seeking Council's approval to hold a street party on the 20 November 2022. The party will require a full road closure of the Fitzroy Street cul-de-sac east of #6 and #7.

Recommendations

1. That Council approve the full road closure of the Fitzroy Street cul-de-sac east of #6 and #7 between 11 AM – 4 PM on Sunday 20 November 2022.
2. That Council note that this is a Class 3 Special Event with minimal impact on local roads and negligible impact on the non-event community.

(ITEM LTC24/22) COMER STREET, BURWOOD - REVIEW OF PARKING RESTRICTIONS

Summary

It is proposed to modify parking restrictions within Comer Street outside Burwood Montessori Child Care Centre in order to maximise available parking for visitors and residents.

Recommendation

That Council approve the conversion of the existing 'No Stopping – Permit Holders Excepted Area 17' area is located on the southern side of Comer Street just east of Britannia Avenue to 'No Parking 7am – 7pm Monday to Friday – Permit Holders Excepted Area 17'.

This concluded the business of the meeting.

(ITEM RC13/22) 150 YEARS COMMITTEE MEETING MINUTES - TUESDAY 8 NOVEMBER 2022

File No: 22/43604

REPORT BY DIRECTOR COMMUNITY LIFE

Summary

Burwood Council's 150 Year Advisory Committee meets quarterly to develop the suite of activities planned to acknowledge and celebrate the Burwood municipality sesquicentenary in 2024. The minutes of the meeting held on 8 November 2022 are attached for Council's information.

Operational Plan Objective

A.99 Facilitate interagency networks and advisory committees to provide opportunities for collaboration and participation

Background

Council established the 150-year advisory committee in 2020 to begin to plan for the year of celebrations and activities in 2024 to mark the municipalities sesquicentenary. The Committee has been established to provide a forum for Council to engage with and obtain feedback from the community, to support the planning and delivery of the Burwood 150 Year Anniversary Program to take place in 2024.

The Committee acts as an advisory body to Council by providing input and advice on celebratory ideas, projects and festivities to mark the anniversary and inform Council funding allocations for these future initiatives.

The committee will also monitor the implementation of activities rolled out to acknowledge and celebrate Burwood's 150 Year Anniversary. The committee meeting minutes are presented to council thereafter for their interest and consideration.

Planning or Policy Implications

No Planning or Policy implications.

Financial Implications

No Financial implications.

Conclusion

The committee has been meeting and developing strategies and plans for the celebration and acknowledgment of the 150 anniversary that will occur in 2024. These plans will be reported to Council through the quarterly minutes and other presentations in the coming months.

Recommendation(s)

That Council acknowledge receipt of the 150-year advisory committee meeting minutes from 8 November 2022.

Attachments

1 [📄](#) 20221108 Burwood 150 Years Anniversary Steering Committee Draft Minutes - 8 November 2022



**BURWOOD 150 YEARS ANNIVERSARY
STEERING COMMITTEE
Tuesday 8 November 2022
4.00pm - 5.00pm**

Draft Minutes

ATTENDEES

Committee Members:

Cr Heather Crichton	Burwood Council - <i>Alternate Chair and Delegate</i>
Andrew Anderson	Community Representative
Susan Borel	Community Representative
Claire Boskett	Community Representative
Li Hua Chu	Community Representative
Cecily Gray	Burwood Historical Society Representative
Dennis Quinlan	Community Representative

Guests and Council Officers:

Jenny Hoff	Acting Director Community Life
Danielle McQuoid	Manager Library and Community Hub
Natasha Williams	Acting Manager Community and Culture
Miriam Wassef	Executive Place Management and Communication
Katarzyna Malicka	Multicultural & Local Studies Librarian
Dan Pocaterra <i>(Minutes)</i>	Executive Assistant

APOLOGIES

Committee Members:

Cr John Faker	Mayor of Burwood - <i>Chair</i>
Justine Ann Channing	Community Representative
Michael Pellegrino	Community Representative

1. WELCOME & ACKNOWLEDGEMENT OF COUNTRY

Councillor Crichton opened the meeting with an Acknowledgement of Country, noting that Burwood Council acknowledges the Wanagal Clan of the Eora Nation as the traditional custodians of the area and paid respect to their elders past, present and emerging.

Councillor Crichton noted the apology of the Mayor.

2. DECLARATION OF INTEREST

Nil declarations of interest were submitted.

3. COMMITTEE MEMBERSHIP

Council officer, Jenny Hoff was introduced to the committee as the Acting Director Community Life.

Council officer, Natasha Williams was introduced to the committee as the Acting Manager Community and Culture.

Council officers provided an updated on the expression of interest promoted on Participate Burwood for the Committee vacancy. It was noted there had been nil submissions.

4. CONFIRMATION OF MINUTES OF THE MEETING HELD ON 9 AUGUST 2022

Actions or Recommendations arising:

- 4.1 Dennis Quinlan noted a correction required changing the minute name of guest Michael Monroe to Michael Mornoey.

The Burwood 150 Years Anniversary Steering Committee minutes were confirmed as an accurate record of the proceedings of the previous meeting held on 9 August 2022 (Moved by Andrew Anderson/ Seconded by Claire Boskett).

5. UPDATE ON ACTIONS ARISING FROM MEETING HELD ON 9 AUGUST 2022

5.1 Burwood Clock Tower

Council officers provided an update to the committee highlighting that Council had contacted the owner of the Burwood Clock Tower and provided information relating to possible avenues and grant opportunities that may be suitable to assist with the restoration of the Clock Tower.

5.2 Events update

Council officers provided an update to the committee relating to Council events including:

- Burwood Festival, scheduled for 9 October 2022 in Burwood Park, had been cancelled due to severe weather. Whilst Burwood Festival has not been rescheduled in the same format, most of the program and activities have been incorporated into upcoming events on the calendar.

5.3 Invitation to Catherine Warne to browse the Burwood RSL photo archives

Dennis noted has not been in contact.

Actions or Recommendations arising:

- 5.3.1 Council to provide contact information to Dennis to liaise with Catherine Warne.

5.4 Active music and performance groups currently utilising Woodstock Community Centre

Council officer provided a list of active music and performance groups currently utilising Woodstock Community Centre.

5.4 Burwood Arts and Cultural Forum

Council officer provided an update on the Burwood Arts and Cultural Forum held on the 25 August 2022 with 14 attending the forum. The evening afforded an insight into Council run events and creative programs as well as a networking opportunity for local and regional organisations.

Participants were split into groups and given three key questions to workshop together.

- Highlighted the vision for arts and culture in Burwood local government area.
- What was needed to achieve this vision/grow arts and culture?
- What do you see as their role and the role Council could play?

Actions or Recommendations arising:

5.4.1 The committee suggested the winner of the art prize be on permanent display in the new facility at the new Burwood Urban Park and Culture Centre.

5.4.2 Cr Crichton noted it would be a great opportunity to provide a 150-year anniversary category as part of the art prize.

5.4.3 Cr Crichton recommended it would be great to engage local schools for any opportunities with Council initiatives and events.

5.5 Burwood Stories

Council Officer, Miriam Wassef joins the meeting.

Council officers provided an update on the Burwood Stories webpage and number of contributions and views to date. The next steps include:

- Renew the promotion during December
- Provided an end date on the page

The committee was encouraged to assist by contributing and getting the word out.

Actions or Recommendations arising:

5.5.1 Cr Crichton suggest a direct approach with schools and sporting groups.

5.5.2 Council to look at strategy to achieve a broader outreach to the community.

5.5.3 Council to update the Participate Burwood Page to also encourage community members to arrange an appointment with Council's Local Heritage Librarian as an alternative way to share their stories or images should they not be tech savvy.

6. COMMEMORATIVE PIN

Council Officers presented to the committee commemorative pins to be provided to the members of the committee members, councillors.

7. PRESENTATION ON WEST INVEST PROJECTS

Council officers provided a presentation on the West Invest projects including:

- Russell Reserve Expansion - transform 700m2 of underutilised land into new open space.

- Henley Park Expansion – 750m2 increase line of sight and turfed passive green space
- Henley Park sports field upgrade – New turf, irrigation and state of the are drainage. Tired spectator seating, accessible path to upgraded BBQ shelter and picnic area.
- Burwood Library Pod – self-service pod open 24 hours a day, 7 days a week.
- Burwood Park Inclusive Play Space - \$2.5 million for the Burwood Park Inclusive Play Space to support a makeover of Burwood Park into an inclusive and welcoming recreational precinct.
- Deanne Street Activation
- Place Making Project at Bells Lane
- Strathfield Place-Making Project

8. COMMUNITY HERITAGE GRANTS

Council officers provided a presentation on the Community Heritage grants, highlighting the opportunity to apply \$50,00 Community Heritage grant for an event. A suggestion to hold an event on Australian Music Week 2024 and will commemorate the GLAs connection to ACDC and Sydney Symphony Orchestra. The event will ideally coincide with the completion of the ACDC artwork to be installed onto the Telstra building.

Actions or Recommendations arising:

The committee supported the event proposal.

9. 2023 MEETINGS

Actions or Recommendations arising:

9.1. Council will provide a proposal of the upcoming schedules.

10. GENERAL BUSINESS

Actions or Recommendations arising:

9.1 Cr Crichton noted the committee is in a good position to promote the committee and give the opportunity to introduce the committee to the community along with Council incorporating the 150-year logo to correspondence and channels.

11. NEXT MEETING

The next meeting was scheduled for Tuesday 7 February 2023 at 4pm.

12. CLOSE OF THE MEETING

Cr Crichton thanked the Committee for their attendance and participation. The meeting was closed at 5:35pm.

(ITEM RC14/22) MULTICULTURAL ADVISORY COMMITTEE MINUTES

File No: 22/43991

REPORT BY DIRECTOR COMMUNITY LIFE

Summary

The Multicultural Advisory Committee provides Council with a two-way mechanism to connect, consult and advise the diverse and multicultural communities of Burwood. The Committee met on 24 August 2022 and 19 October 2022. The minutes are attached for Council's information.

Operational Plan Objective

C.1.1 Support and deliver initiatives that encourage social inclusion and community connections.
A.99 Facilitate interagency networks and advisory committees to provide opportunities for collaboration and participation.

Background

The Multicultural Advisory Committee was established by Council in 2017 to provide a forum for ongoing engagement and dialogue with culturally and linguistically diverse communities in the Burwood Local Government Area.

The Committee was expanded in early 2022 to include a larger number of community representatives in the 2022-23 financial year. The newly appointed Committee is comprised of eight members from a diverse range of cultural backgrounds who meet bimonthly to support Council's ongoing work of Council in building a stronger, connected and more inclusive Burwood.

The Committee has met twice in the 2022-23 financial year, and will continue to meet on a bimonthly basis.

Proposal

No proposals put forward to Council at this time from the Committee.

Planning or Policy Implications

No Planning or Policy implications.

Financial Implications

No Financial implications.

Conclusion

The Multicultural Advisory Committee has met twice since its appointment in July 2022. The minutes are now submitted to Council for information.

Future recommendations from the Committee will be put before council for consideration and adoption as they arise.

Recommendation(s)

That Council acknowledge receipt of the Multicultural Advisory Committee minutes of 24 August 2022 and 19 October 2022.

Attachments

- 1 [↓](#) Minutes - Multicultural Advisory Committee - 19 October 2022
- 2 [↓](#) Minutes - Multicultural Advisory Committee - 24 August 2022

**MULTICULTURAL ADVISORY COMMITTEE MEETING****2 Conder Street, Burwood****Conference Room****Wednesday 19 October 2022****6.00 pm to 7.30 pm****DRAFT MINUTES**

ATTENDEES**Committee Members:**

Cr Pascale ESBER (PE)

Aditi Kamath (AK)

Henry (Cheng-Li) Chen (HC)

Shameen Gaffoor (SG)

Hwa-Sur Hahn (HH)

Robin (Yinxia) Hu (RH)

Trilochan Pokharel (TP)

Bob (Dong) Bo (BB)

Other Attendees:

Jenny Hoff (JH) – Acting Director Community Life

Natasha Williams (NW) – Acting Manager Community and Culture

Rebekah Jeffery (RJ) – Community Projects Officer

Daniel Pocaterra (DP) – Executive Assistant Community Life, Minute Taker

Merryn Howell (MH) – Engage for Change

APOLOGIESAlex Yang (AY)

1. ACKNOWLEDGEMENT OF COUNTRY

The chair, Cr Pascale Esber opened the meeting at 6.12pm with an Acknowledgement of Country.

2. CONFIRMATION OF MINUTES

The minutes of the Multicultural Advisory Committee Meeting were confirmed as an accurate record of the proceedings of the previous meeting held on 24 August 2022. Moved by Henry Chen, Seconded by Jenny Hoff.

3. BUSINESS ARISING FROM MINUTES

Nil business mentioned from minutes outside of scheduled agenda items.

4. UPDATE ON THE RESEARCH PAPER INTO CULTURALLY DIVERSE COMMUNITIES OF BURWOOD

Merryn Howell, Principal Consultant: Engage for Change, provided a presentation to the Committee providing a progress update and preliminary findings for the research paper into the culturally diverse communities of Burwood. Details were provided to the committee highlighting the:

- Background research carried out
- Community engagement strategy
- Purpose of the project, to which included to;



- Identify the priority community needs and emerging issues affecting Culturally Diverse Communities of Burwood
- Inform other strategies and Council's approach
- Build ongoing relationships
- Who the consultation has captured thus far

MH opened the floor to the committee for any questions, comments or feedback.

Feedback from the Committee:

- Cr Pascale Esber highlights a high percentage of participation in Burwood Centre. MH advised the density of the location would be a considerable factor for this.
- Regards, contextually to stories that are relatable and highlight that is a strong good way to exchange is
- Committee noted it would be great to have this survey open as long as possible. It is noted that time is limited for consultation. Merrylyn advised the committee to promote the survey as much as possible to encourage participation.
- TP had noted the Nepalese community is comfortable with English correspondence and surveys and won't require translated correspondence.
- The Committee highlighted the Council webpage may not be heavily visited by the younger demographic, whereas apps such as Instagram and Tiktok would have the best exposure.
- The Committee suggested consultations in front of school either before or after school to assist with reaching the student demographics.
- MH highlighted to the committee – There is a Youth outreach pop-up occurring tomorrow, Thursday 20 October 2022, which should also assist with targeting the younger demographics.
- MH encouraged the committee to complete survey and promote with friends, family, network.

Actions or recommendations arising:

5. UPDATE ON THE RACISM NOT WELCOME CAMPAIGN

Council Officer, Rebekah Jeffery requested the committee to provide a draft submission for the Participate Burwood page.

Actions or recommendations arising:

5.1 Committee to provide draft submission to Rebekah by end of week.

6. CORRESPONDENCE

6.1. Incoming

Multicultural NSW provided advice that their offer to visit was superseded by the Regional Engagement Program. RJ has registered interest for the REP on behalf of the MAC but nothing has been received as yet.

6.2. Outgoing

Actions or recommendations arising:

6.2.1. RJ will follow up with Multicultural NSW/REP and report back to the committee.

7. KEY COUNCIL PROJECTS



Council Officer, Natasha Williams, provided an update to the committee regarding key Council projects including:

- Stronger Together grant Community Safety Survey
- Deane Street Launch – 18 November
- Greek Street Fair – 13 November
- Lebanese Festival – 13 November
- Nepal Festival – 19 November
- Burwood Summer – December 2022 – February 2023
- Youth Action Plan

NW opened the floor to the committee for feedback and ideas for Harmony Day.

Feedback from the Committee:

The committee noted ideas for Harmony Day, including:

- Media campaigns to encourage attendees to dress in traditional attire from their culture
- Provide incentives to businesses to take part on the day, specifically business that highlight diverse cultures
- Promote an around the world itinerary-like scavenger hunt program where participants can collect incentives, such as stamps to collect when participating in events across programs and activities throughout the LGA.
- Night market celebrating different culture's foods
- Community representatives, schools and business could have information sessions and performances (entertainment and creativity) for different cultures.
- Carry out a film festival or short story competition
- Have a QR code in high foot traffic areas where the community could scan to watch 'Burwood stories' that highlight the diverse culture around Burwood.

8. GENERAL BUSINESS

8.1. Calendar of meetings 2023

The schedule for the Multicultural Advisory Committee for 2023 was presented to the committee. The meeting schedule will continue to be bi-monthly on the last Wednesday of every second month.

8.2. Ideas for focus areas

- 8.2.1.** It was agreed that this item will be raised in November agenda

9. NEXT MEETING – 30 November 2022

The chair, Cr Pascale Esber thanked the Committee for their attendance and participation. The meeting was closed at 7:39pm



MULTICULTURAL ADVISORY COMMITTEE MEETING

Council Building 2 Conder Street, Burwood

Conference Room

Wednesday 24 August 2022

6.00 pm to 7.00 pm

MINUTES

ATTENDEES

Committee Members:

Cr Pascale ESBER (PE)
 Aditi Kamath (AK)
 Cheng-Li Chen (CC)
 Alex Yang (AY)
 Shameen Gaffoor (SG)
 Hwa-Sur Hahn (HH)
 Robin (Yinxia) Hu (RH)

Other Attendees:

Brooke Endycott (BE) – Director Community Life
 Jenny Hoff (JH) – Community Projects Officer
 Rebekah Jeffery (RJ) – Community Projects Officer
 Jacqueline Tafokitau (JT) – Minute Taker

APOLOGIES

Bong Dong Bo (BB)

Trilochan Pokharel (TP)

1. INTRODUCTION OF NEW MEMBERS

All members introduced themselves to the committee and gave reasoning as why they want to be a part of the committee

2. CORRESPONDENCE

2.1. Incoming

RJ advised that an email was received from Multicultural NSW advising they wished to meet with the Committee. All committee members advised that they are happy to do this

2.2. Outgoing

Nil

*Some action items were raised during the meeting: RH will need to be called to discuss a film that he was in; call to HH to discuss WHS at Woodstock to help with her visually impaired participant

3. CODE OF CONDUCT BRIEFING

- RJ provided a review of the code of conduct
- Handout was provided to the committee in relation to code of conduct as well as a copy of the Social Media Policy



4. 2021 CENSUS PRESENTATION

- Presented by RJ
- Community snapshot handout provided to the committee
- Burwood LGA is currently ranked number 5 for most culturally diverse LGAs in Australia
- RJ to email copy of slide to committee
- PE queried increase in residents of Nepalese background and decrease in Chinese background residents. RJ advised she believes that the decrease in Chinese residents is due to covid and less overseas students. BE advised during a meeting with herself and Mayor with members of the Nepalese community they advised that the increase is due to their community considering Burwood as a central hub.
- Many Nepalese came to Burwood on holidays and chose to stay on student visas. BE and the Mayor have been advised by members of their community that they believe Burwood currently has largest Nepalese community in Australia
- AY stated that he believed that the Nepalese community has been moving to Burwood due to the convenience and night life
- SG queried what percentage of our indigenous are elders and which are young. RJ to look at Census data and see if breakdown is available

5. UPDATE ON THE RACISM NOT WELCOME CAMPAIGN

- RJ provided overview of campaign to committee;
- New members provided with t-shirts
- RJ advised that Council's website under "Participate Burwood" will be having a section that allows the community to meet the multicultural advisory committee;
- Photos of committee members taken for the website and RJ advised she will provide a template for a biography which they would like included on the website
- RJ also requested the committee provide her with any ideas on how to promote the campaign
- SG suggested obtaining police data on who has been reporting crimes relating to racism so that it can be determined who the committee should presenting the #RacismNotWelcome campaign towards
- AK suggested an education program targeted towards primary school children as many of our core values are formed at an early age. This campaign could acknowledge that we are all special no matter what race/religion we come from
- Committee all agreed that racism comes in all different forms and we should look at bringing awareness to same
- Committee all agree that we need to ensure that communication is available in different languages, including for hearing and visually impaired residents;
- It was noted that Participate Burwood has no translations available in community languages. JH to follow up

6. UPDATE ON THE DEVELOPMENT OF THE MULTICULTURAL STRATEGY

JH provided overview

- No longer a strategy, but rather a research paper into culturally diverse communities of Burwood



- Undertaking qualitative and quantitative research into the multicultural communities within the Burwood LGA to develop:
 - Comprehensive research paper including issues, best practice approaches to working with diverse cultures, hard to reach and emerging communities
 - An understanding of best approaches to engaging
- Community Engagement Strategy incorporating Council's approach to community engagement, inclusive of strategies and recommendations from the community.
- The research paper will provide in-depth understanding and an evidence base to inform:
 - The work of the MAC
 - Policy and operational decisions
 - Funding submissions
 - Community sector
 - Government stakeholders
 - The process will build connections with community groups, community leaders and organisations.

7. GENERAL BUSINESS

- Burwood Festival being held in October 2022. This could be another opportunity to promote the #RacismNotWelcome Campaign

8. ACTIONS ARISING FROM MEETING

Action	Person Responsible	Due Date
Organise meeting with Committee and Multicultural NSW	RJ	19 October 2002
Discussion with RH in relation to film that he participated in	BE	19 October 2002
Discussion with HH in relation to WHS at Woodstock to help with her visually impaired participants	Julie Veljanoski	19 October 2002
Committee to be provided with a copy of the slide presented in relation to the 2021 Census	RJ	19 October 2002
Information on what percentage of our indigenous community are elders and which are young	RJ	19 October 2002
Participate Burwood currently does not have translations listed – this needs to be rectified	JH	19 October 2002

**9. NEXT MEETING – 19th October 2022 - 6.00pm
Meeting closed at 8.02pm**