



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

ORDINARY MEETING

Notice is hereby given that a meeting of Burwood Council will be held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 13 February 2024 at 6:00 PM 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. In the event there are no speakers registered, the Public Forum will not be held and the Council Meeting will commence promptly at 6:00pm.

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General Manager

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Council meeting room

General
Manager

Mayor
Faker

Cr
Mannah

Cr Esber

Cr
Cutcher

Cr
Crichton

Cr
Robinson

Cr Hull

Public gallery

Agenda

For an Ordinary Meeting of Burwood Council to be held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 13 February 2024 immediately after the Public Forum commencing at 6.00pm.

1. Prayer

Lord, we humbly beseech thee to vouchsafe thy blessing on this Council, direct and prosper its deliberations for the advancement of this area and the true welfare of its people. Amen.

2. Acknowledgement of Country

3. Statement of Ethical Obligations

4. Apologies

5. Declarations of Interest

6. Declaration of Political Donations

7. Confirmation of Minutes

8. Mayoral Minutes

9. General Business

Mayoral Minutes

General Business

(Item 1/24)	Council submission on Transport Oriented Development (TOD) Program - Croydon Precinct.....	5
(Item 2/24)	Post-Exhibition - Planning Proposal - Amendment to Schedule 5 of Burwood LEP 2012 - Group Heritage Listing of Appian Way Central Reserve and Public Domain.....	11
(Item 3/24)	Heritage Powers to Enforce Maintenance and Illegal Demolition of Heritage Items - Update	43
(Item 4/24)	Draft Customer Experience Strategy 2024 - 2027 - For Adoption.....	50
(Item 5/24)	Draft Multicultural Burwood Strategy 2024 - 2028 - Endorsement for Public Exhibition.....	52
(Item 6/24)	Data Breach Policy and Privacy Management Plan - Adoption.....	55
(Item 7/24)	Budget Review for Quarter Ending 31 December 2023.....	87
(Item 8/24)	Investment Report as at 30 November 2023	98
(Item 9/24)	Investment Report as at 31 December 2023	103
(Item 10/24)	Suspension of Alcohol Prohibited Areas for Council-led events.....	107

Reports of Committees

(Item RC1/24) Burwood Local Traffic Committee - February 2024 109

Confidential Items

(Item 11/24) Cleaning Services - Council Park Amenities

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) (d) of the Local Government Act, 1993, as the matter involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

(Item 12/24) Extension of Burwood Local Planning Panel Expert and Community Members

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) of the Local Government Act, 1993, as the matter involves personnel matters concerning particular individuals.

(Item 1/24) Council Submission on Transport Oriented Development (TOD) Program - Croydon Precinct

File No: 24/3221

Report by Director City Strategy

Summary

The NSW Government's Transport Oriented Development Program (TOD), which was released in December 2023 is proposed to fast track the rezoning of land within 400m of Croydon railway station to allow for 6 storey residential flat buildings.

This is a NSW Government initiative, and Council officers were not involved in the selection of the Croydon Precinct. To date, Department has not provided information on the criteria or analysis supporting the selection, even after numerous requests.

Due to the timing of the announcement of the TOD program and the timeframe for submissions, Council officers have reviewed the information and prepared an interim submission outlining matters of concern and recommendations for consideration by the Department of Planning Housing and Industry (DPHI).

DPHI will be formally briefing the Councillors on 22 February 2024. Following this briefing, Council will have the opportunity to develop and lodge a further formal submission.

Operational Plan Objective

- C.3 An urban environment that maintains and enhances our sense of identity and place
- C.3.1 Facilitate well designed, high quality and sustainable land use and development that is appropriately scaled to complement its surroundings
- C3.2 Protect our unique built heritage and maintain or enhance local character
- C.4 Sustainable, integrated transport, infrastructure and networks support population growth and improve liveability and productivity
- C.4.2 Plan for a city that is safe, accessible and easy to get to and move around in

Background

On 7 December 2023, the NSW Minister for Planning announced the Transport Oriented Development (TOD) program, as follows:

Tier 1 – Accelerated Precincts will focus on 8 accelerated precincts to create infrastructure and capacity for new homes. None of the 8 stations are located within Burwood LGA. The closest accelerated precinct to Burwood LGA is the Homebush Precinct.

Tier 2 – Introduction of a TOD State Environmental Planning Policy (SEPP)

From April 2024, a new TOD SEPP will apply to 31 locations that have been identified to support additional growth, including Croydon station which is located in Burwood LGA and Inner West LGA (refer to Figure 1 below).

The proposed changes will allow:

- Residential apartment buildings in all residential zones (R1, R2, R3, and R4) within 400m of identified stations
- Residential apartment buildings and shop-top housing in local and commercial centres (E1 and E2) within 400m of identified station

The floor space ratio is proposed to increase to 3:1; the building height increased to 21m (6 storeys); no minimum lot width or lot size; maximum parking rates; minimum active street frontage controls in the E1 and E2 zones; and a minimum 2% affordable housing contribution is proposed

The Department advised that it is only undertaking targeted consultation with affected Councils and required submissions by 31 January 2024.

The Department has advised that it does not intend to exhibit a draft SEPP and is aiming for the TOD SEPP to commence on 1 April 2024. The Program document indicates that the SEPP planning controls will remain in place until Council has completed and delivered a new strategic vision for these areas, that consider –

- Housing uplift, equal to or exceeding the SEPP controls,
- Use of planning controls and zones that reflect medium-high density potential,
- Residential supply pipeline into the future,
- Long-term affordable housing provisions in perpetuity,
- Amenity outcomes, including open space provisions.

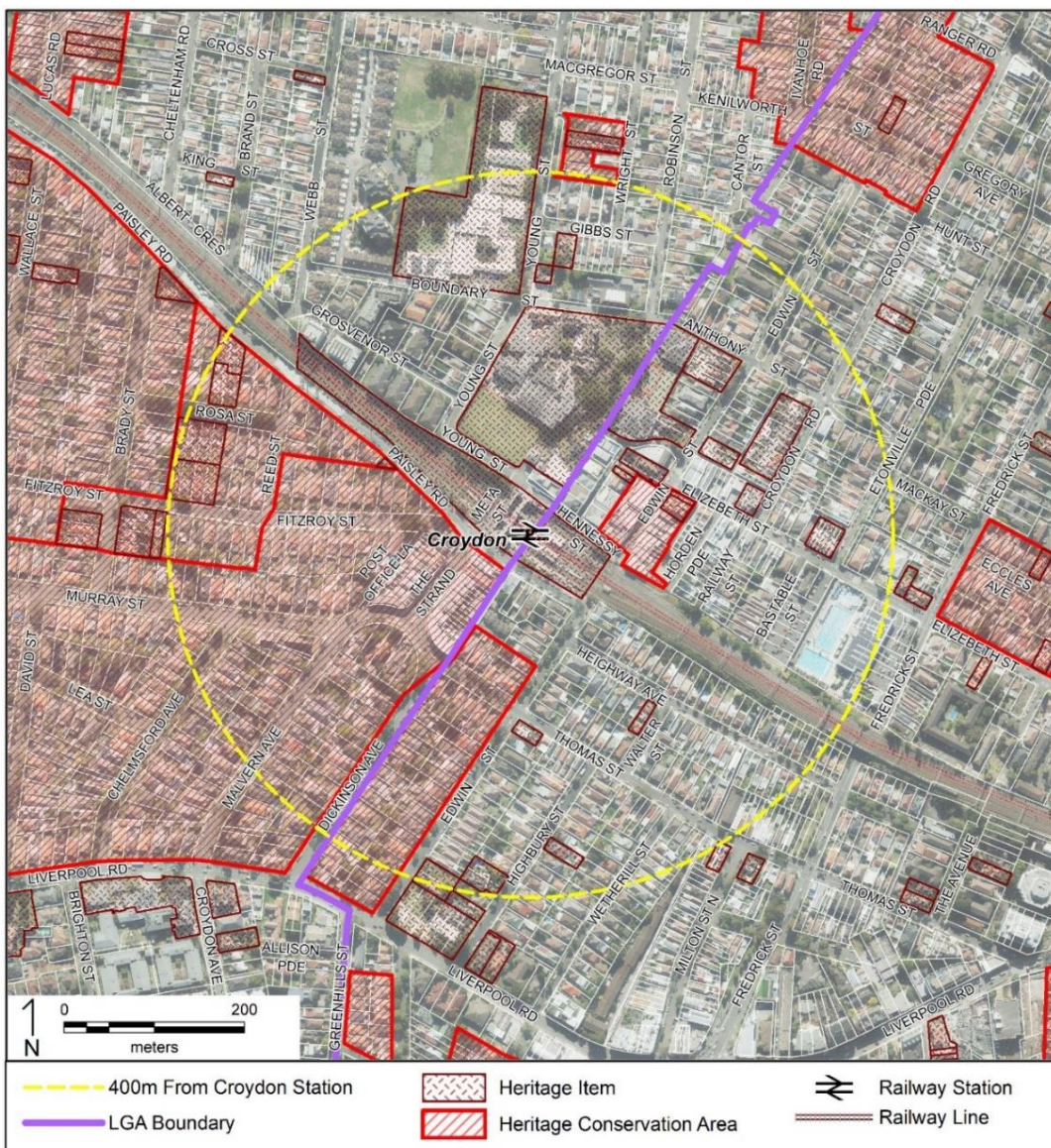


Figure 1: Proposed TOD SEPP – Croydon Precinct - 400m radius with heritage overlay

In response to the announcement, on 12 December 2023 Council resolved an Urgent Notice of Motion as follows:

151/23 RESOLVED

That:

1. *Council (via the General Manager), as a matter of urgency, make representations to the Premier, the Hon Chris Minns and the Minister for Planning and Public Spaces, the Hon. Paul Scully and the State Member for Strathfield in relation to the following:*
 - a) *Voicing disappointment and concern over the proposal to snap rezone Croydon to allow residential flat building development built forms with no regard for the heritage and streetscape character values of the neighbourhood.*
 - b) *Request the immediate release of any available evidence based planning and rationale that informed the announcement of Croydon as a precinct to be rezoned*
 - c) *Request that any community consultation which proposes major changes to the planning framework that have the potential to impact a significant number of residents and adversely impact on the highly valued heritage character be appropriately undertaken from February 2024 outside the Christmas and new year holiday period.*
 - d) *Request that the proposal to snap rezone Croydon be held in abeyance or rescinded, to allow Burwood Council to continue its long standing vision for future planning and increased densities to be centred in and around the Burwood Town Centre and the new Metro Railway Station.*
 - e) *Request that the Department of Planning and Environment actively communicate and engage with Council with appropriate modelling and technical studies being completed prior to the establishment of any new planning controls in Croydon which could result in irreversible impacts on the heritage and streetscape character values of the neighbourhood.*
2. *Council (via the General Manager), as a matter of urgency, write to all ratepayers in the area affected by the Tier 2 proposal to inform them of the announcement and Council's lack of involvement in the decision making process.*
3. *Council to run an online community petition against the government proposal, and incorporate results as required in any future submissions to the NSW Government on this matter.*

(Moved Deputy Mayor George Mannah/Seconded Councillor Ned Cutcher)

For: Cr Mannah, Cr Crichton, Cr Cutcher, Cr Esber, Cr Hull, Cr Robinson

Against: Nil

Letters to the Premier, the Hon Chris Minns and the Minister for Planning and Public Spaces the Hon. Paul Scully were sent on 21 and 22 December 2023 respectively. To date no formal response has been received.

An on-line community petition was set up on Council's Participate Burwood page from 22 December 2023 to 28 January 2024. During this period a total of 769 responses (petition website and physical petitions) were received. All 769 responses indicated they do not support the NSW Government's proposal to snap re-zone Croydon to allow multi-level development within 400m of the train station.

The petition revealed concern from our community that a sweeping application of generalised planning controls in Croydon would destroy the character and “village” feel of the precinct and would adversely impact on the amenity, streetscape and result in a loss of important heritage. A common sentiment emphasises a lack of consideration for the heritage values and streetscape characteristics that are unique to the Croydon area and Burwood LGA.

All 769 responses indicated that it was more appropriate for Council and its planning team, together with DPHI, to be involved in determining appropriate modelling for Croydon in consultation with the community and highlighted the community’s desire to be involved in future strategic planning decisions that affect their neighbourhood.

In addition to this interim submission, Council has also made representations to the State Member for Strathfield, Jason Yat-sen Li and the Minister for Planning and Public Spaces, the Hon. Paul Scully in a meeting held on 19 December 2023. At this meeting, Council reiterated that it has long been an advocate for the implementation of policy to increase the supply of new housing near existing transport corridors, community services and open spaces.

It was also highlighted at this meeting the importance of working with our community to ensure a balanced approach to housing delivery; protecting those neighbourhoods and streetscapes that our community highly value and ensuring that the identification of areas for future housing is well planned and supported by a strong evidence base, with proper consideration given to ensuring that these areas are supported by adequate and appropriate infrastructure to meet the needs of our rapidly growing population.

Planning or Policy Implications

Council officers were not involved in the selection of the Croydon Precinct. At this stage the Department has not provided detailed information on the criteria or analysis supporting the selection, even after numerous requests.

Council is currently focusing its resources on the delivery of a pipeline of capacity along the Parramatta Road Corridor, consistent with the State Government’s 2016 strategy (PRCUTS). Council has recently exhibited the draft Burwood North Masterplan which proposes a significantly higher yield than was anticipated under PRCUTS and is seeking to deliver a planning framework that creates the capacity for approximately 5,300 new dwellings and 1,300 new jobs over the next 20 years as compared to PRCUTS targets of 3,200 dwellings and 664 jobs (Burwood LGA – Burwood-Concord Precinct under PRCUTS).

The Department’s approach, as outlined in the TOD Program is to uplift the controls within the identified precincts and to require Council to complete a planning strategy that reflects or exceeds these controls.

This would require the diversion of resources away from existing State Government and Council endorsed strategies that have been extensively consulted with the community.

Interim submission

DPHI requested Councils provide interim feedback on the proposed TOD program by 31 January 2024.

Due to the timing of the release of the TOD program and the short timeframe for submissions, Council officers prepared and lodged an interim submission outlining the matters of concern and recommendations for the proposed TOD SEPP. A copy of the interim submission is included at Attachment 1

The interim submission outlines the following concerns with the TOD program:

- The timing of the announcement just before the Christmas break;
- The lack of consultation with Council and its community;
- The failure to provide the technical studies and assumptions utilised for the decision to identify Croydon as one of the 31 Tier Two Precincts including the projected impact on the established heritage conservation areas present in Croydon; and
- The anticipated speed at which the State Government intends to enact this legislation.

The interim submission provides several recommendations for consideration by DPHI:

Recommendation A

Council requests that DPHI not include Croydon as a Tier Two Precinct in the proposed TOD SEPP. This will allow Council to focus its resources on ensuring that within the next 12 months the following will be undertaken to ensure that there is a pipeline of available land across the Burwood LGA to ensure the delivery of housing:

- *Finalise the planning framework for the Burwood North Precinct*
- *Investigate other opportunities along the Parramatta Road Corridor which could support increased capacity to deliver additional housing*

Recommendation B

Should DPHI seek to progress with the inclusion of Croydon as a Tier Two Precinct in the proposed TOD SEPP notwithstanding the request in Recommendation A above, Council requests that prior to the commencement of the provisions of the TOD SEPP for the Croydon Precinct:

- (i) *Delay the implementation of the TOD SEPP, and specifically the Croydon Precinct, to allow Council to undertake a robust planning process to investigate opportunities within the Croydon Precinct and/or identify alternative precincts which could facilitate a pipeline for the delivery of housing.*
- (ii) *Provide financial support to assist in undertaking an expedited review (to be completed before August 2024). This would include the preparation of any relevant supporting studies which would inform the preparation of a masterplan to establish the vision, principles for the Precinct/s. This would be supported by an Implementation Plan which could then be incorporated into the TOD SEPP.*
- (iii) *Council is given the opportunity to review and provide feedback on any modelling and technical studies that informed the identification of Croydon, including but not limited to:*
 - *Planning assumptions*
 - *Criteria for the selection of Precincts*
 - *Spatial data*
 - *Feasibility analysis*
 - *Infrastructure capacity analysis – road and rail network*
 - *Streetscape character analysis and heritage assessment*
 - *Constraints mapping*
 - *Infrastructure needs analysis – open space, community facilities.*
- (iv) *DPHI collaborate with Council on any proposed planning objectives and controls for the Croydon Precinct to ensure that future development does not result in diminishing*

the heritage and streetscape character values of the Precinct and which may result in poor built form outcomes and irreversible impacts on the amenity of existing residents in the Precinct.

- (v) *DPHI provide information on the proposed Affordable Housing Contributions Scheme including the proposed mechanisms to ensure the delivery of affordable housing across the Precinct.*
- (vi) *DPHI provide information on any assessment that has been undertaken with respect to required infrastructure to support the future growth in the Precinct and how the delivery of new infrastructure (open space, community facilities etc) is proposed to be funded (delivery and ongoing maintenance).*

Financial Implications

The Department's approach to require Council to complete a planning strategy that reflects or exceeds the controls will require additional human and financial resource, currently not budgeted for.

At this stage the extent of the resourcing requirements and budget is not known. A further report will be presented to Council outlining these details should Council be required to proceed with further planning work in relation to the TOD SEPP and the identification of the Croydon Precinct.

Conclusion

The interim submission on the TOD SEPP was provided to DPHI on 31 January 2024. Following the scheduled briefing with DPHI officers on 22 February 2024, Mayor and Councillors and Council officers will be able to make a further/revised submission to the Department.

Recommendation(s)

- a) That Council note the interim submission to DPHI on the TOD SEPP and the identification of the Croydon Precinct.
- b) That the GM be delegated to make changes to the interim submission to include any changes requested by the Councillors following the DPHI Briefing to Councillors on 22 February 2024.
- c) That the interim submission be included on the Participate Burwood page and a letter be sent to all affected residents from Council Officers advising of the submission with a link to the Participate Burwood page.
- d) That Council Officers continue to liaise, work with and make representations to DPHI officers in relation to the development and preparation TOD SEPP provisions and controls.
- e) That Council Officers commence an independent planning analysis, with the aim of identifying alternate planning options to that proposed under the TOD SEPP for the Croydon Precinct.

Attachments

- 1 ➡ Interim Council Submission on Transport Oriented Development Program – **See separate attachments paper**

(Item 2/24) Post-Exhibition - Planning Proposal - Amendment to Schedule 5 of Burwood Lep 2012 - Group Heritage Listing of Appian Way Central Reserve and Public Domain

File No: 24/1879

Report by Director City Strategy

Summary

This report provides an overview of the exhibition of the Planning Proposal to group heritage list the Appian Way Central Reserve and Public Domain.

During the exhibition of the Planning Proposal 10 submissions were received, all in support.

This report recommends the endorsement of the Planning Proposal to allow finalisation by the Department of Planning, Housing & Industry (DPHI).

Operational Plan Objective

- A.16 Deliver initiatives that promote and improve access to local heritage
- 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

Background

The Burwood Local Planning Panel (BLPP) at its meeting on 12 September 2023 resolved to

- (a) *support the Planning Proposal to amend Schedule 5 of the BLEP 2012 to group list the Appian Way central reserve and public domain 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 2 to group list the Appian Way central reserve and public domain in the Appian Way Conservation Area as a local heritage item in the BLEP 2012.*
- (c) *commend the officers on the quality of the report.*

Council, at its meeting of 26 September 2023, considered the planning proposal and resolved:

1. *That Council support the group listing of the Appian Way central reserve, owned by the Appian Way Recreation Club, and public domain, encompassing the entire roadway and paths from Liverpool Road to Burwood Road, as a group item of local heritage significance as outlined in the Planning Proposal as a local group heritage item on the heritage schedule of the Burwood Environmental Plan 2012.*
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 to:*
 - i. *group list the Appian Way central reserve, and public domain, encompassing the entire roadway, paths and trees from Liverpool Road to Burwood Road, as a group as a heritage item in Schedule 5 Environmental heritage; and*
 - ii. *Mapping the land 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.*

On 31 October 2023, a Gateway Determination was issued by the then Department of Planning and Environment (DPE) allowing the planning proposal to be publically exhibited.

Public Exhibition

The public exhibition of the planning proposal (PP-2023-2146), included at **Attachment 1** was undertaken in accordance with the conditions of the Gateway Determination and the requirements set out in DPE's Local Environmental Plan Making Guideline.

The Gateway Determination included the following conditions:

- *That the Planning Proposal be publicly exhibited for a minimum of 10 working days, and*
- *Heritage NSW be consulted.*

Referral to Heritage NSW

In accordance with the Gateway Determination, the planning proposal was referred to Heritage NSW through the NSW Planning Portal on 16 November 2023.

Heritage NSW provided a submission on 6 December 2023 raising no objection to the planning proposal. A copy of the Heritage NSW's submission is included at **Attachment 2**.

Community Consultation

In accordance with the Gateway Determination, the planning proposal was publicly exhibited from 22 November to 19 December 2023 in the following manner:

- 28 property owners were notified of the exhibition by letter on 21 November 2023
- The Planning Proposal and associated information was also available for viewing on:
 - the NSW Planning Portal; and
 - Participate Burwood

During the exhibition, a total of ten (10) submission were received.

All submission received were in support of the proposed heritage listing of the Appian Way Central Reserve and public domain.

The submissions acknowledged that the Appian Way Central Reserve and its grass tennis court are key elements to the original Hoskins Estate plans and are important in the context of the streetscape. There is also strong support for the listing of the historical streetscape and the public domain.

An overview of the submissions and council officers' response is included in **Attachment 3**.

Planning or Policy Implications

The properties are afforded heritage protection (i.e. deemed a "draft heritage item") as soon as the planning proposal was placed on public exhibition and a notation was included on planning certificates for properties within the Appian Way.

DPHI has delegated the finalisation of the planning proposal to Council. Should Council resolve to finalise the planning proposal, Council staff will liaise with DPHI and Parliamentary Counsel to draft

the amendment, which will come into force from the date of it being notified on the NSW Legislation website.

Financial Implications

There are no financial implications for Council other than staff time.

Conclusion

The planning proposal to group heritage list the Appian Way Central Reserve and associated public domain was placed on public exhibition in accordance with DPE's Gateway Determination and DPE's *Local Environmental Plan Making Guideline*, and Council's *Community Engagement Strategy 2023-2026*.

All of the submissions have been considered and indicate that there is strong support for the proposed listing.

It is recommended that Council endorse the planning proposal so as to progress its finalisation.

Recommendation(s)

1. That Council, pursuant to Section 3.36 of the *Environmental Planning & Assessment Act 1979* and in accordance with the Gateway Conditions, exercise its LEP making delegations to finalise and make the amendment (with delegation being issued to the General Manager to sign and authorize the relevant documentation on behalf of Council) to Burwood Local Environmental Plan 2012 to list the following as a heritage item of local significance under Schedule 5 and on the Heritage Maps of the Burwood Local Environmental Plan 2012:
 - a) Appian Way Central Reserve (Lot 44, DP 12249), and
 - b) Appian Way public domain, encompassing the entire roadway and paths from Liverpool Road to Burwood Road.
2. That Council endorse that the General Manager may make minor modifications to correct any numerical, typographical, mapping, interpretation and formatting errors, if required, to improve clarity and readability.
3. That the affected property owners and those who made a submission be advised in writing of Council's decision.

Attachments

- 1 [↓](#) Attachment 1 - Planning Proposal - Heritage Listing of Appian Way Central Reserve and Public Domain - Exhibited Version
- 2 [↓](#) Attachment 2 - Heritage NSW Response - Appian Way and Central Reserve
- 3 [↓](#) Attachment 3 - Analysis and Consideration of Submissions - Heritage Listing of Appian Way Central Reserve & Public Domain - PP-2023-2146



Planning Proposal

Amendment of Schedule 5 of the Burwood LEP 2012 to list Appian Way Central Reserve and Public Domain as a Group Heritage Item

Version 3 – 16 November 2023
(Amended response to Gateway Determination)

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 list under Schedule 5 of the Burwood Local Environmental Plan (BLEP) 2012, the Appian Way central reserve and the public domain, within the Appian Way Heritage Conservation Area (HCA), as a group heritage item of local heritage significance.

Part 2 – Explanation of Provisions

The Burwood LEP 2012 is to be amended by:

1. Amending Schedule 5 Environmental heritage of the Burwood LEP 2012 to add to Part 1 Heritage items the following lands as a group heritage item of local significance (see Table 1 below).

Table 1: Sites included in planning proposal

Address	Lot Number	Deposited Plan Number
Appian Way Central Reserve	Lot 44	DP12249
Appian Way public domain, encompassing the entire roadway and paths from Liverpool Road to Burwood Road	-	-

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

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

ITEM NUMBER 2/24 - ATTACHMENT 1

Attachment 1 - Planning Proposal - Heritage Listing of Appian Way Central Reserve and Public Domain - Exhibited Version



Figure 1: Aerial Photograph of subject lands
Subject lands are shown outlined in red and hatched



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.

The subject lands are located within the Appian Way Heritage Conservation Area (HCA), which is listed in Schedule 5 of the Burwood LEP. Approximately 30 properties, surrounding the central reserve and located along both sides of the Appian Way, Burwood Road and Liverpool Road, have recently been listed as a group heritage item (Item I226) through Amendment 24 to the Burwood LEP 2012, which was gazetted on 26 May 2023.

Submissions received by Council, in response to the public exhibition of the planning proposal to group heritage list the 30 odd properties in the Appian Way HCA, called for the inclusion of the Appian Way central reserve (containing open space, tennis courts and pavilion), which is owned by the Appian Way Recreation Club, and street trees as a heritage item.

It is considered that there is merit in listing the landscape features (significant trees and vegetation) and the Appian Way central reserve as a heritage item, to allow for greater protection of the streetscape and character of the area, as a result, Council at its meeting on 28 March 2023, resolved (in part) the following:

That Council's Heritage Adviser undertake an investigation of the landscape features (significant trees and vegetation) and the Appian Way Recreation Club and if appropriate prepare a planning proposal for the heritage listing of the items.

Council's Heritage Advisor has undertaken an investigation in accordance with the Heritage Significance Assessment Guidelines (2001), Investigating Heritage Significance (2021) and the updated Assessing Heritage Significance (June 2023), published by Heritage NSW or its precursor.

An independent external heritage consultant was not engaged for this assessment, as the entire Appian Way HCA has previously been recognised as holding heritage significance, meeting the historical, aesthetic and rarity criteria.

The assessment by Council's Heritage Advisor has revealed that the subject lands meet the historical, associative, aesthetic, rarity and representative criteria, as outlined in Table 2 below:

Table 2: Assessment Against Heritage Significance Assessment Criteria

NSW Heritage Criteria	Assessment
Historical ■ important in the course, or pattern, of Burwood's cultural or	It is a personal and individual interpretation of the architectural and planning 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.

ITEM NUMBER 2/24 - ATTACHMENT 1

Attachment 1 - Planning Proposal - Heritage Listing of Appian Way Central Reserve and Public Domain - Exhibited Version

<p>natural history</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 landscape elements, including the club house, picket fence, organic shaped circular street, the native Brush Box (<i>Lophostemon confertus</i>) - believed to have been planted in 1905, <u>meet 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>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 (which are part of a separate but adjacent listing) arranged around a centre recreation reserve creating an attractive and unusual circular streetscape. Native Brush Box Tree's planted around the time of the creation of the Appian Way add to the uniqueness of the precinct. The streetscape, it's central common reserve and its unique shape were conceived by Mr Hoskins.</p> <p>Mr. Hoskins, from 1893, resided in St. Cloud, No.223 Burwood Road, which overlooked the Appian Way.</p> <p><u>Therefore, landscape elements and streetscape of the Appian Way meet the threshold for Associative Significance.</u></p>
<p>Aesthetic or Technical</p> <ul style="list-style-type: none"> • important in demonstrating 	<p>The central reserve, its recreational clubhouse, historic gate all combine with the native Brush Box in the public domain and circular streetscape to be of aesthetic significance and technical</p>

ITEM NUMBER 2/24 - ATTACHMENT 1

Attachment 1 - Planning Proposal - Heritage Listing of Appian Way Central Reserve and Public Domain - Exhibited Version

<p>aesthetic characteristics and/or a high degree of creative or technical achievement in Burwood</p>	<p>planning components of the Garden City movement of the early 20th Century.</p> <p>The street also consists of rare Federation Queen Anne (sometimes referred to as Edwardian Bungalow) precinct of architectural and constructional excellence. Although the dwellings are part of a separate (but adjacent) listing, it is recognised that they combine with the landscape listing to create a particularly aesthetic streetscape.</p> <p>The landscape elements <u>meet the threshold for aesthetic significance.</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>There is social significance within the landscaped elements, particularly focused on the recreational area and club house. It is a rare 'garden city' estate whose early residents were likely to have been regular tennis players and/or users of the recreational space. This continues to this day, with the owners of dwellings within the Appian Way also shareholders of the recreational area and club house. However, the site does not meet the criteria as there is no evidence of historically important people being a part of the group.</p> <p>The landscape elements and overall streetscape do not meet the <u>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>There is research potential within the combined landscaped area and grouped heritage dwellings as a rare 'garden city' estate.</p> <p>This is recognised within the Appian Way HCA. However, the potential does not extend to the landscape elements alone. Therefore, <u>they do not 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 landscaped elements and overall streetscape is a rare example of a garden city with recreational area for residents only. The unique shape of the streetscape, the central reserve, clubhouse, historic gates and native Brush Box plantings create a rare streetscape.</p> <p>When considered with the surrounding dwellings (which are part of a separate but adjacent listing), 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.</p>

ITEM NUMBER 2/24 - ATTACHMENT 1

Attachment 1 - Planning Proposal - Heritage Listing of Appian Way Central Reserve and Public Domain - Exhibited Version

	The landscape elements <u>meet the threshold for this criteria.</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 with central recreational area.</p> <p>The central reserve, its recreational clubhouse, historic gate all combine with the native Brush Box in the public domain and circular streetscape to be a representative of the Garden City movement of the early 20th Century.</p> <p>The landscape elements and overall streetscape of the Appian Way <u>meet the threshold for representative significance.</u></p>

The following statement of heritage significance is provided in Council's Heritage Advisor's assessment:

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

The design and construction of the estate, including its unique organic street layout, 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 landscape elements and streetscape of the Appian Way (especially when considered with the surrounding group heritage item dwellings), have local significance for their ability to demonstrate early and unique subdivision pattern within Burwood (and more broadly NSW), their unique yet consistent Federation aesthetic, their rarity as a garden city suburb, for their association with George Hoskins and for their representative value as fine planning example of its type.

The assessment by Council's Heritage Advisor is included as **Attachment 1**. The Heritage Inventory Sheet is included as **Attachment 2**.

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

The planning proposal is the only means of listing the subject lands as a group heritage item of local significance and ensuring their protection within the Appian Way HCA.

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 subject lands 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 LSPS was endorsed by the former 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.

The Burwood 2036 Community Strategic Plan (CSP) set the vision as follows:

Burwood is a welcoming and inclusive community that is defined by our diversity of people, liveable places and progressive ideas. We acknowledge and celebrate our history and place, protect our heritage and environment and share a quality of life that is equitable, sustainable and supports each other to thrive and prosper.

The CSP further states:

Our places are built around people, protecting our heritage and are well planned and liveable with housing, transport and infrastructure that meet the diverse and changing needs of our community.

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.

ITEM NUMBER 2/24 - ATTACHMENT 1

Attachment 1 - Planning Proposal - Heritage Listing of Appian Way Central Reserve and Public Domain - Exhibited Version

Biodiversity and Conservation (2021)	Not relevant. This SEPP contains the definition of heritage development, and provides that heritage development may be carried out only with development consent. 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 lands 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	Not relevant.
Precincts – Central River City	Not relevant.
Precincts – Western Parkland City	Not relevant.
Precincts – Regional	Not relevant.
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 those lands, but all lands in Appian Way are currently included in the HCA. 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.

ITEM NUMBER 2/24 - ATTACHMENT 1

Attachment 1 - Planning Proposal - Heritage Listing of Appian Way Central Reserve and Public Domain - Exhibited Version

Direction		Comment
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 lands 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.
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 lands 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		

ITEM NUMBER 2/24 - ATTACHMENT 1

Attachment 1 - Planning Proposal - Heritage Listing of Appian Way Central Reserve and Public Domain - Exhibited Version

Direction		Comment
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 Appian Way central reserve is zoned RE2 Private Recreation and the entire Appian Way public domain encompassing the roadway and paths is zoned R2 – Low Density Residential under the Burwood LEP 2012. The planning proposal does not seek to amend the zoning or range of permissible uses for the subject lands.
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.
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
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,	Council's Heritage Advisor has conducted an assessment of the subject lands and concluded that the lands possess sufficient historical, associative, aesthetic, rarity, and representative values to warrant their listing as a group heritage item of local significance.

ITEM NUMBER 2/24 - ATTACHMENT 1

Attachment 1 - Planning Proposal - Heritage Listing of Appian Way Central Reserve and Public Domain - Exhibited Version

<p>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</p>	<p>This PP seeks to list the subject lands as a group heritage item. Once listed the provisions of Clause 5.10 Heritage Conservation of the Burwood LEP would apply to these lands. This clause seeks to conserve the environmental heritage of Burwood.</p>
<p>b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</p>	<p>N/A.</p>
<p>c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an 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>	<p>The heritage investigation conducted by Council's Heritage Advisor does not encompass any Aboriginal assessment.</p>

The planning proposal is consistent with Direction 3.2 Heritage Conservation.

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, as it will enhance the protection and retention of local heritage, and will ensure best practice urban

design and development that retains character and is sympathetic to adjoining heritage properties and/or the HCA.

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 the subject sites as a group heritage item in Schedule 5 of the Burwood LEP 2012. As a result, it 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

In response to the public exhibition of the planning proposal to list approximately 30 properties within the Appian Way HCA as a group heritage item, submissions were received requesting the inclusion of additional lands. These lands consist of the central reserve owned by the Appian Way Recreation Club, which contains tennis courts and a pavilion, as well as the trees and streetscape along the Appian Way public roadway and footpaths. Council's Heritage Advisor, however, considered that these lands have distinct characteristics that differentiate

them from other residential properties, suggesting that they should be considered separately for heritage listing.

Burwood Council did not consult with the Appian Way Recreation Club or residents of the Appian Way HCA prior to preparing this planning proposal. Instead, the views expressed by the community during the previous planning proposal's consultation were taken into account. The subject lands are already part of the Appian Way HCA, and this planning proposal aims to provide greater protection by listing the central reserve and the entire Appian Way public domain encompassing the roadway and paths as a group heritage item.

It is proposed that the Appian Way Recreation Club, as well as all owners within and adjacent to the HCA, will be consulted during the exhibition of the planning proposal. The specific timeframes for this consultation will be outlined in the Gateway Determination. The public exhibition will encompass the following:

- Electronic copy of all relevant information on Council's Participate Burwood page, as well as the DPE planning proposal tracker.
- Letters to the Appian Way Recreation Club and all land owners within and adjacent to the HCA.
- 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 DPE, to finalise the LEP is a period of 9 months.

Table 6: Project Timeframe

Submit to DPE seeking a Gateway Determination	Early October 2023
Receive Gateway Determination	November 2023
Consult with State/commonwealth agencies	November- mid December 2023
Commencement and completion dates for the public exhibition period	November- mid December 2023
Dates for public hearing	Not applicable
Review of Public Submissions and preparation of report to Council	February 2024
Seek Parliamentary Counsel Office's (PCO) opinion	February 2024
Submit maps for DPE review	February 2024

Gazettal of LEP amendment	March 2024
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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 group heritage item would be inserted into Schedule 5 of the BLEP 2012. The proposed item number 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	Appian Way central reserve and public domain associated with the Appian Way Heritage Conservation Area	Central Reserve, Appian Way, Burwood Public domain, Appian Way, Burwood	Lot 44 in DP 12249 Public domain, encompassing the entire roadway and paths from Liverpool Road to Burwood Road	Local	1227

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:
Burwood Local Environmental Plan 2012 (Amendment No 25)
Address of Land (if applicable):
Appian Way central reserve and public domain encompassing the roadway and paths
Intent of draft LEP:
To amend Schedule 5 Environmental heritage of the Burwood LEP 2012 to list sites within the Appian Way Heritage Conservation Area as a group heritage item of local heritage significance
Additional Supporting Points/Information:
Please refer to the Planning Proposal.

ITEM NUMBER 2/24 - ATTACHMENT 1

Attachment 1 - Planning Proposal - Heritage Listing of Appian Way Central Reserve and Public Domain - Exhibited Version

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.

ITEM NUMBER 2/24 - ATTACHMENT 1

Attachment 1 - Planning Proposal - Heritage Listing of Appian Way Central Reserve and Public Domain - Exhibited Version

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

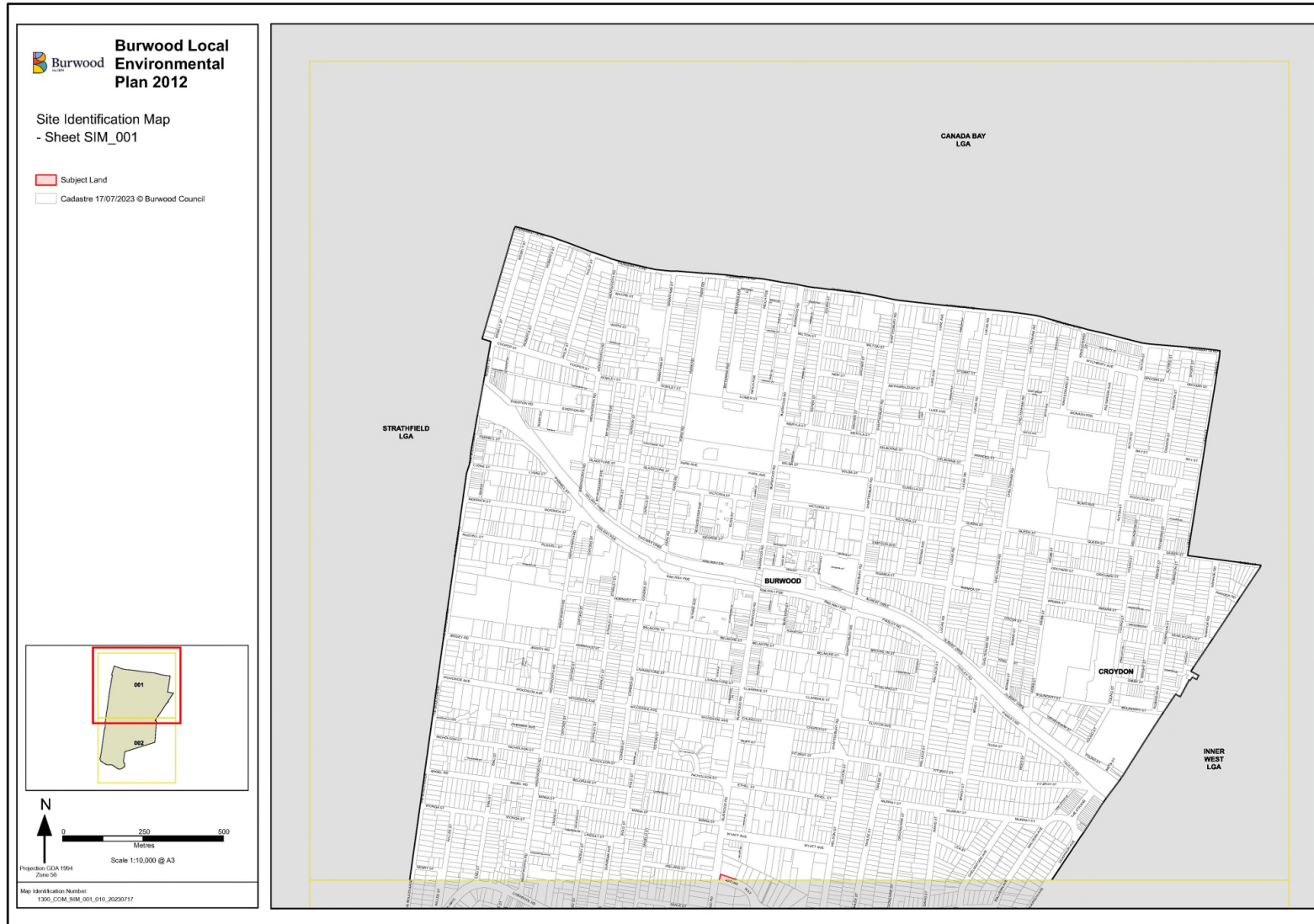
Heritage assessments and other supporting documents are provided
under separate cover

Enclosure No.	Description
1	Burwood Council – The Appian Way Central Reserve and Public Domain - Heritage Assessment, undertaken by Council's Heritage Advisor (Version 3 – 16 November 2023)
2	Burwood Council – Inventory Sheet (16 November 2023)

Mapping

ITEM NUMBER 2/24 - ATTACHMENT 1

Attachment 1 - Planning Proposal - Heritage Listing of Appian Way Central Reserve and Public Domain - Exhibited Version



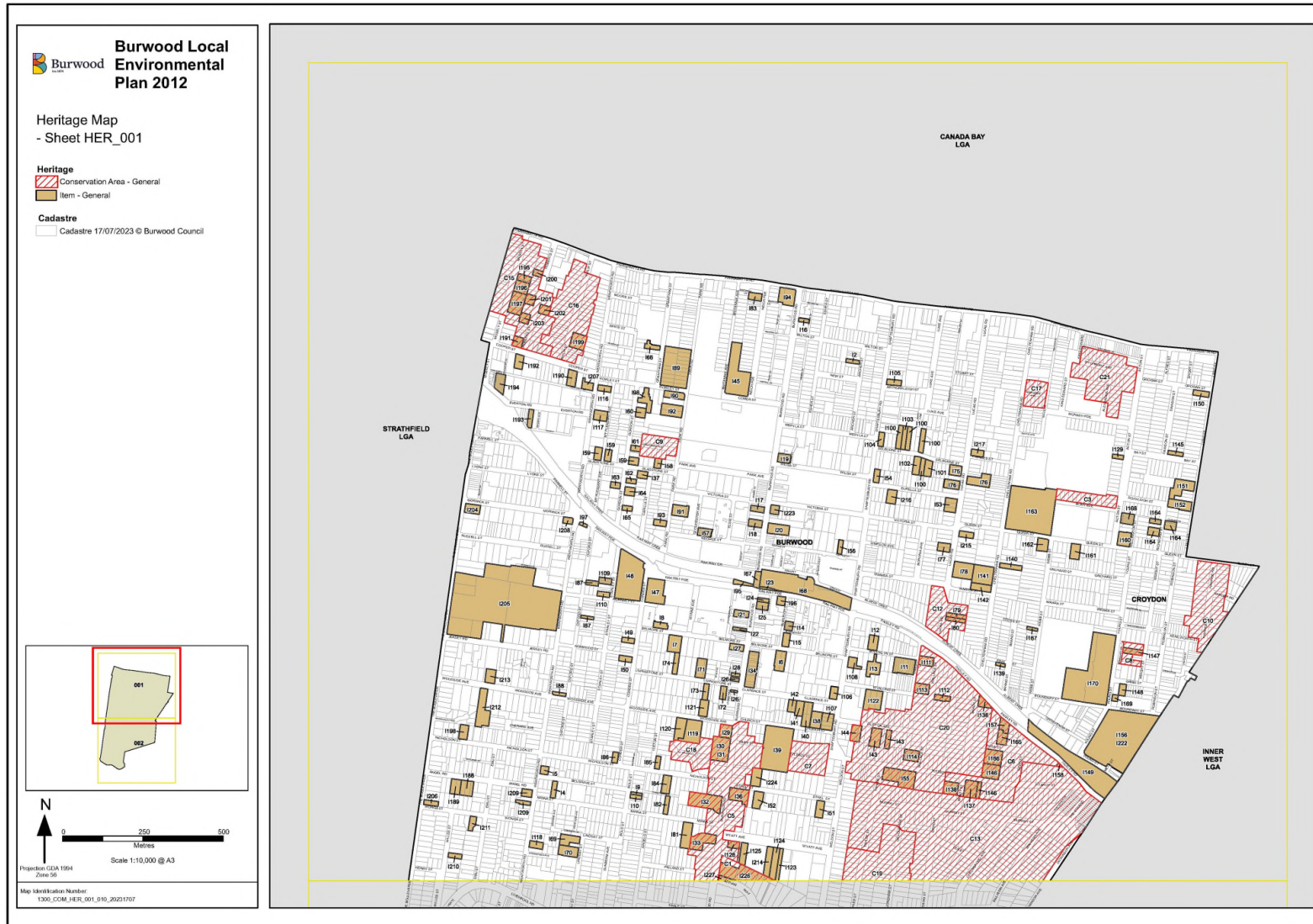
ITEM NUMBER 2/24 - ATTACHMENT 1

Attachment 1 - Planning Proposal - Heritage Listing of Appian Way Central Reserve and Public Domain - Exhibited Version



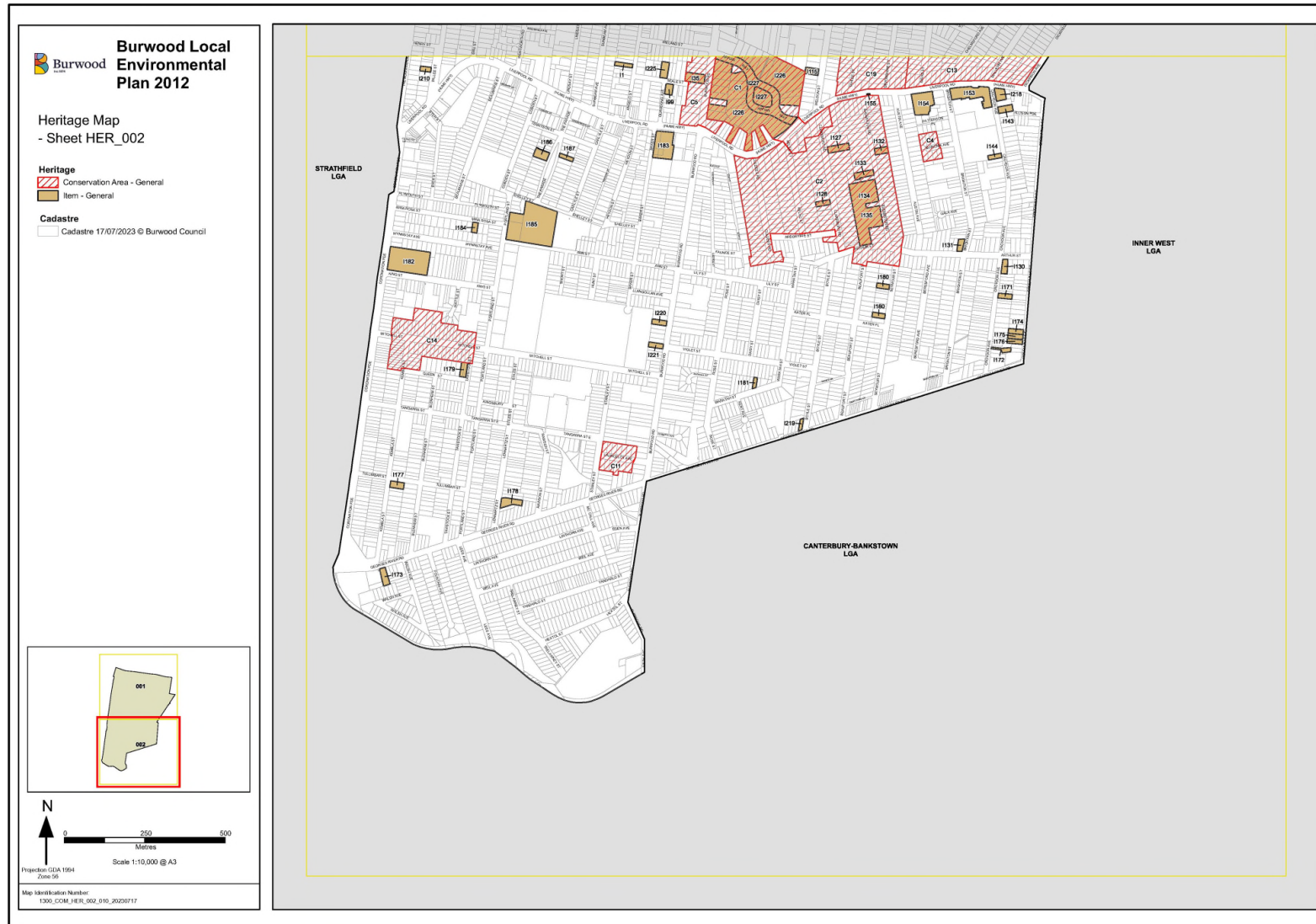
ITEM NUMBER 2/24 - ATTACHMENT 1

Attachment 1 - Planning Proposal - Heritage Listing of Appian Way Central Reserve and Public Domain - Exhibited Version



ITEM NUMBER 2/24 - ATTACHMENT 1

Attachment 1 - Planning Proposal - Heritage Listing of Appian Way Central Reserve and Public Domain - Exhibited Version





Department of Planning and Environment

Our ref: DOC23/1004136

Holly Duan
Burwood Council
2 Conder Street
Burwood NSW 2134

Attention: Holly Duan, holly.duan@burwood.nsw.gov.au

Appian Way Central Reserve

Dear Ms Dunn

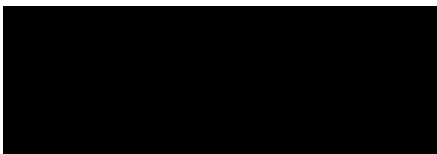
Thank you for the opportunity to comment on the planning proposal to list Appian Way Central Reserve and Public Domain as an item of local heritage significance under *Burwood LEP 2012*.

It is noted that the assessment indicated that the Appian Way Central Reserve and Public Domain, met the criteria for listing at a local level.

Heritage NSW encourages the identification and listing of new heritage items to environmental planning instruments which provide for greater heritage protection, provided that all necessary due diligence, assessments and notifications have been undertaken. Prior to finalisation of the planning proposal, Council should be satisfied that this is the case.

If you have any questions please contact Louise Doherty, Senior Assessment Officer, at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au.

Yours sincerely



Rajeev Maini
Manager Assessments
Heritage NSW

As delegate of the Heritage Council of NSW

5 December 2023

ITEM NUMBER 2/24 - ATTACHMENT 3

Attachment 3 - Analysis and Consideration of Submissions - Heritage Listing of Appian Way Central Reserve & Public Domain - PP-2023-2146

Attachment 3 – Consideration and Analysis of Submissions

Planning Proposal (PP-2023-2146) – Group Heritage Listing of Appian Way Central Reserve & Public Domain

No.	Internal Reference	Summary of Submission	Council Officer's Response
1	E23/46553	<p>Supports the Planning Proposal.</p> <p>Believes that the Appian Way Central Reserve and its iconic grass tennis court offers exceptional amenity in the LGA and should be preserved for future generations. Suggests that the stupendous and unique features warrants protection in its current form.</p>	Support noted.
2	E23/46653	<p>Supports the Planning Proposal.</p> <p>Fully in favour of the protection of the Appian Way Central Reserve and public domain.</p> <p>Also suggests that this protection is long overdue.</p>	Support noted.
3	E23/47923	<p>Supports the Planning Proposal.</p> <p>Strongly in support of the heritage listing.</p>	Support noted.
4	E23/48450 Heritage NSW	<p>No objection was raised to the Planning Proposal.</p> <p>Notes the heritage assessment indicated that the Appian Way Central Reserve and Public Domain met the criteria for listing at a local level.</p> <p>Encourages the identification and listing of new heritage items to environmental planning instruments which provide for greater heritage protection, provided that all necessary due diligence, assessments and notifications have been undertaken.</p>	Comments noted.

ITEM NUMBER 2/24 - ATTACHMENT 3

Attachment 3 - Analysis and Consideration of Submissions - Heritage Listing of Appian Way Central Reserve & Public Domain - PP-2023-2146

No.	Internal Reference	Summary of Submission	Council Officer's Response
5	23/52211	<p>Supports the Planning Proposal.</p> <p>Strongly supports the heritage listing.</p> <p>Suggests the street has significance and it is imperative that the Central Reserve and Tennis Court be kept intact.</p> <p>Notes this resident who made this submission has lived in Appian Way for over seven decades.</p>	Support noted.
6	E23/50897	<p>Supports the Planning Proposal.</p> <p>Argues that the recent group listing of properties in the Appian Way HCA is incomplete without affording similar protection to the tennis courts, pavilion, gardens and surrounding landscaping and significant trees.</p> <p>Discusses that Appian Way is an outstanding precinct because much of the precinct has remained relatively intact over the last century and the precinct is a showcase of unique and integrated set of rare Federation Queen Anne dwellings situated within traditional streetscape.</p>	Support noted.
7	E23/50916	<p>Supports the Planning Proposal.</p> <p>Discusses that the Appian Way central reserve and the public domain is an integral part of the Appian Way precinct and needs to be protected in the same way as the surrounding houses and land.</p>	Support noted.
8	E23/50940	<p>Supports the Planning Proposal.</p> <p>Suggests that the recent group listing of properties in the Appian Way Heritage Conservation Area should be reinforced with the inclusion of the tennis courts, pavilion, gardens, trees and landscaping. Notes that</p>	Support noted.

ITEM NUMBER 2/24 - ATTACHMENT 3

Attachment 3 - Analysis and Consideration of Submissions - Heritage Listing of Appian Way Central Reserve & Public Domain - PP-2023-2146

No.	Internal Reference	Summary of Submission	Council Officer's Response
		<p>the tennis courts and aforementioned aspects are key to the original Hoskins Estate plans.</p> <p>Emphasises that this precinct is a unique feature which has been preserved and cared for over 100 years. The precinct holds historical significance and is a unique feature unlike any other streetscape in Burwood.</p>	
9	E23/50941	<p>Supports the Planning Proposal.</p> <p>Believes that Appian Way is an outstanding example of heritage architecture and holds great significance in the community.</p> <p>Advocates that including the tennis courts and central reserve to the group heritage list is essential to maintaining the historical significance of Appian Way.</p>	Support noted.
10	E23/50942	<p>Supports the Planning Proposal.</p> <p>Fully in support of the heritage listing.</p> <p>Argues that the heritage listing of the street, the central reserve and all the houses in Appian Way is long overdue that this historical street is protected.</p>	Support noted.

(Item 3/24) Heritage Powers to Enforce Maintenance and Illegal Demolition of Heritage Items - Update

File No: 24/3386

Report by Director City Strategy

Summary

This report provides an update on the action taken in response to the Mayoral Minute (MM5/22) in relation to the issue of neglect of heritage properties by owners and provides an update on actions taken by Council to seek support for the introduction of greater powers for Councils around enforcement for neglect of heritage properties.

Operational Plan Objective

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

Background

Council, at its meeting on 22 March 2022 considered a Mayoral Minute (MM5/22) on the issue of neglect of heritage properties by owners, to the point where either demolition becomes the most feasible alternative to retention or they deteriorate to the point of being unsafe.

Council, in this regard, resolved the following:

- 1. The General Manager investigate legislative powers available to Burwood Council and/or that would be needed to encourage and enforce maintenance of locally listed buildings and report back to Council*
- 2. Council write to the (then) Minister for Environment and Heritage (NSW), the Honourable Mr James Griffin (MLA), and request NSW Councils be provided with additional powers to take action against owners who neglect heritage homes to the point of demolition by neglect.*

Council wrote to the (then) Minister for Environment and Heritage (NSW), the Honourable Mr James Griffin (MLA) in July 2022 requesting that the Minister advocate for the provision of stronger powers to local government authorities, which require that items of local heritage significance meet minimum standards of maintenance and repair; and the power to enforce these requirements.

As no response was received, a further letter has been sent to the current Minister for Environment & Heritage, the Hon Penny Sharpe MLC on 17 August 2023 requesting consideration for the provision of strengthened powers to ensure that Council is able to take appropriate action against owners who wilfully neglect heritage properties. A copy of this letter is included at Attachment 1.

Council has also written to the Minister for Planning and Public Spaces, the Hon Paul Scully MP in November 2023 voicing concern in relation to the illegal demolition of heritage listed homes and advocating for the provision of stronger powers to local government authorities to provide greater powers to take action against unlawful demolition. A copy of this letter is included at Attachment 2.

To date, no response has been received from the Minister for Environment & Heritage or the Minister for Planning and Public Spaces.

Overview of Legislative Powers

Items of Local Heritage Significance (Burwood LEP 2012)

As outlined in the previous report to Council, there are no specific heritage powers under the *Heritage Act 1977*, *Local Government Act 1993 (LG Act 1993)* and the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)* that Council can enforce in relation to the enforcement of maintenance of items of local heritage significance under the Local Environmental Plan.

Council does have powers under Schedule 5, Part 1 – General Orders of the *Environmental Planning & Assessment Act 1979* to take action for the neglect of properties, regardless of heritage significance. These orders include broad powers including:

- Development Control Orders and Repair Orders – to repair or make structural alterations to a building
- Complete Works Orders (where authorised works are left partially completed) - To complete authorised works under a planning approval within a specified time
- Public Safety Order - To erect or install structures or appliances necessary for public safety
- Fire safety orders – including lack of maintenance of the premises

Although Council can activate legal proceedings, doing so is costly and time-consuming for ratepayers and frequently results in a minor financial penalty with no chance of recovering the lost legacy. Even with the powers currently afforded to Council under the *Environmental Planning & Assessment Act 1979*, a building may never be restored/constructed to its original standards with its original heritage features.

Council has recently had success with enacting the provisions of the EP&A Act and have required the owners to reconstruct a heritage listed dwelling at 48 Fitzroy Street, Croydon. Council had approved alterations and additions to the existing dwelling however the owners subsequently demolished 95% of the dwelling without Council approval.

Council issued a Development Control Order in accordance with s9.34 and Schedule 5 of the *Environmental Planning & Assessment Act 1979*. The Order provided the terms of the rectification works which were required. The Order included the submission of a Remedial Building Action Plan, which outlines the steps required to be undertaken to ensure the appropriate reconstruction of the dwelling. The applicant, as part of this process, has agreed to have milestones inserted into the Order to require the submission of documentation and to enable inspection of the works by Council staff so as to ensure that the reconstruction of the dwelling is undertaken in accordance with Council's requirements.

Council has now instigated separate proceedings in the Land & Environment Court to prosecute for the demolition of the heritage item without approval.

While the above example could be considered a successful legal action, it unfortunately relates to post-demolition, and it is extremely costly from a resourcing and reputational perspective. It is therefore critical that provisions are introduced so as to further deter behaviour in the first place.

Staff have undertaken a review of powers that other states across Australia have and are advocating the option of granting powers similar to those which have been provided for in Victoria since February 2021 be made available in NSW.

The Victorian law allows that, in the event that the owner is accused of unlawful destruction and proven guilty, there is a prohibition of any further development on the property for ten years in addition to additional fines and penalties. This penalty is a much more powerful deterrent, particularly in cases where the owner has undertaken unauthorised demolition so as to redevelop the site or to replace the dwelling with a new dwelling.

Items of State Heritage Significance

Similarly, there are no specific or additional powers available to Council in relation to items of State heritage significance.

Heritage NSW, through the Heritage Council, does have specific heritage compliance powers for items of State heritage significance. These are outlined in Division 5 of the *Heritage Act 1977* (s79C – Order restricting harm to heritage items) and Part 3 – Minimum standards of maintenance and repair of the *Heritage Regulation 2012*

Specifically, they include the following in relation to maintenance and repair:

- Weather protection
- Fire protection
- Additional fire protection for unoccupied buildings
- Essential maintenance and repair

It is proposed that a follow up letter be sent to both the Minister for Environment & Heritage, the Hon Penny Sharpe MLC and the Minister for Planning and Public Spaces, the Hon Paul Scully MP continuing to advocate for the provision of stronger powers to local government authorities, to ensure that items of local heritage significance meet minimum standards of maintenance and repair; and the power to enforce these requirements.

Financial Implications

No financial implications.

Conclusion

There are no existing additional powers for Council to enforce maintenance of locally listed heritage items. Council is able to undertake action generally for neglect to properties in accordance with the General Orders under the *Environmental Planning & Assessment Act 1979*.

Council has previously written to the relevant Ministers requesting that they advocate for the provision of stronger powers to local government authorities, which require that items of local heritage significance meet minimum standards of maintenance and repair; and the power to enforce these requirements.

As no response has been received, it is recommended that a follow up letter be sent to both the Minister for Planning & Public Spaces and the Minister for Environment & Heritage requesting consideration for the provision of strengthened powers to ensure that Council is able to take appropriate action against owners who wilfully neglect or illegally demolish heritage properties.

Recommendation(s)

That a follow up letter be sent to the Minister for Planning & Public Spaces and the Minister for Environment & Heritage requesting consideration for the provision of strengthened powers to ensure that Council is able to take appropriate action against owners who wilfully neglect or illegally demolish heritage properties.

Attachments

1 [↓](#) Letter - Minister for Environment & Heritage - Neglect of Heritage

2 [↓](#) Letter - Minister for Planning and Public Spaces - Illegal Demolition of Heritage Homes



Councillor John Faker Burwood Mayor

Working for our Community

The Hon Penny Sharpe MLC
Minister for Environment and Heritage
52 Martin Place
SYDNEY NSW 2000

Our Ref.: 23/34464
17 August 2023

Dear The Hon. Penny Sharpe MLC

HERITAGE POWERS TO ENFORCE MAINTENANCE OF HERITAGE ITEMS

There have been a number of examples in our Local Government Area (LGA) of heritage properties of local heritage significance being neglected to the point of either requiring extensive demolition, or requiring renovations which effectively remove or damage a considerable amount of heritage fabric (including heritage landscaping).

Often it is a lack of relatively routine maintenance, such as proper weather proofing, which turns a simple repair into a more serious degradation of significant heritage fabric with potential loss of buildings which are important to the community and contribute positively to our local character.

I would like to call on you to advocate for the provision of stronger powers to local government authorities, which require that items of local heritage significance meet minimum standards of maintenance and repair; and the power to enforce these requirements.


Council would consider the existing powers available under the Heritage Act 1977 for items of State heritage significance, would be appropriate to be extended for Councils to enforce for local items of significance and contributory properties within Heritage Conservation Areas.

Council supports mechanisms that would afford flexibility and proportionality in targeted enforcement actions for non-compliance. The majority of heritage property owners in Burwood take pride in their property, however Council needs the option available to ensure those few who let their properties fall into neglect deliberately, in the hope of gaining a development financial advantage, are appropriately regulated.

Council notes the recent changes in Victoria to the Planning and Environment Act 1987 (Victoria), which can ultimately restrict development on property for up to 10 years where a heritage item has either been allowed to fall into significant disrepair or where a dwelling has been fully or partially demolished. While similar powers in NSW would allow greater deterrence, Council would prefer to be able to intervene before the damage to the heritage property is at such a significant level.

Thank you for your time in considering this important missing element within the NSW heritage regulatory system.

Yours Sincerely,


Cr John Faker
MAYOR OF BURWOOD



Office of the Mayor
2 Conder Street, Burwood NSW 2134
P (02) 9911 9916 E mayor@burwood.nsw.gov.au

 @BurwoodMayor
 @Burwood.Mayor
burwood.nsw.gov.au

If you require information in other languages contact the Telephone Interpreter Service directly on 131 450 (free service) and ask them to call Burwood Council on 9911 9911 on your behalf.

ARABIC

إذا كنت بحاجة إلى معلومات بلغات أخرى، اتصل بخدمة الترجمة الشفهية عبر الهاتف على الرقم 131 450 (خدمة مجانية) واطلب منهم الاتصال بالنيابة عنك بمجلس بيروود على الرقم 9911 9911.

CANTONESE

如果您需要以其他語言瞭解信息，請致電131 450聯繫電話傳譯服務中心（免費服務），並請他們代您致電9911 9911聯繫Burwood市議會。

GREEK

Εάν χρειάζεστε πληροφορίες σε άλλες γλώσσες επικοινωνήστε με την Υπηρεσία Μετάφρασης και Διερμηνείας στο 131 450 (δωρεάν υπηρεσία) και ζητήστε τους να καλέσουν εκ μέρους σας το Δήμο Burwood στο 9911 9911.

HINDI

यदि आपको अन्य भाषाओं में जानकारी की आवश्यकता है, तो सीधे 131 450 (निःशुल्क सेवा) पर टेलीफोन दुभाषिया सेवा से संपर्क करें और उनसे बरवुड काउंसिल को 9911 9911 पर आपकी ओर से कॉल करने के लिए निवेदन करें।

ITALIAN

Se avete bisogno di informazioni in altre lingue contattate il servizio di interpretariato telefonico direttamente al numero 131 450 (servizio gratuito) e chiedete loro di chiamare il Burwood Council al numero 9911 9911 per conto vostro.

KOREAN

다른 언어로 정보가 필요하시면 전화통역서비스(Telephone Interpreter Service)에 바로 연락하셔서(131 450번, 무료) 귀하를 대신해 버우드 카운슬(9911 9911번)로 전화를 걸어 달라고 요청하십시오.

MANDARIN

如果您需要以其他语言了解信息，请致电131 450联系电话传译服务中心（免费服务），并请他们代您致电9911 9911联系Burwood市议会。

NEPALI

अरू भाषामा यहाँलाई जानकारी आवश्यक भएमा 131 450 (निःशुल्क सेवा) मा सिधै टेलिफोन दोभाषे सेवामा सम्पर्क गर्नुहोस् र आफ्नो तर्फबाट 9911 9911 मा बर्नवुड काउन्सिलमा सम्पर्क गर्नका लागि उनीहरूलाई भन्नुहोस्।

VIETNAMESE

Nếu quý vị cần thông tin bằng các ngôn ngữ khác xin liên lạc trực tiếp với Dịch vụ Thông dịch qua Điện thoại qua số 131 450 (dịch vụ miễn phí) và nhờ họ thay quý vị gọi cho Hội đồng Thành phố Burwood qua số 9911 9911.



The Hon. Paul Scully MP
 Minister for Planning and Public Spaces
 Email: wollongong@parliament.nsw.gov.au

Our Ref.: 23/46272
 7 November 2023

Dear Minister Scully

ILLEGAL DEMOLITION OF HERITAGE HOMES

I'm writing to you to voice the concerns of the Burwood community, Burwood Council, and myself regarding the lack of legal authority granted to NSW Councils to take action against owners in cases where homes of historical significance and that have been listed in the Burwood Local Environmental Plan 2012 have been demolished without consent.

This is becoming an increasingly common occurrence - in the past 12 months Burwood Council has had two heritage listed homes demolished overnight without Council approval. Concerns have been expressed by the community that Council lacks the necessary authority to deter this from happening and to take appropriate action against this unlawful action.

Although Council is able to, and is taking legal action, doing so is costly and time-consuming for ratepayers and frequently results in a minor financial penalty with no chance of recovering the lost legacy.

I would like to call on you to advocate for the provision of stronger powers to local government authorities to provide greater powers to take action against unlawful demolition. We have undertaken a review of powers that other states across Australia have and are proposing that the option of granting powers similar to those which have been provided for in Victoria since February 2021 be made available in NSW.

The Victorian law allows that, in the event that the owner is accused of unlawful destruction and proven guilty, there is a prohibition of any further development on the property for ten years in addition to additional fines and penalties. This penalty is a much more powerful deterrent, particularly in cases where the owner has undertaken unauthorised demolition so as to redevelop the site or to replace the dwelling with a new dwelling.

I recently also wrote to the Minister Penny Sharpe requesting consideration of a review of heritage powers to enforce maintenance of heritage items. These powers ought to be comparable to those that are already granted to the Minister for Heritage for items that are included in the State Heritage Register.

The majority of heritage property owners in Burwood take pride in their property, however Council needs the option available to ensure those few owners who let their properties fall into neglect deliberately, or worse demolish without consent, in the hope of gaining a development financial advantage, are appropriately regulated.

Our Ref.: 23/46272

Thank you for your time in considering this important missing element within the NSW heritage regulatory system and I eagerly await your reply.

Yours sincerely



Cr John Faker
MAYOR OF BURWOOD

Ps. Stay connected and subscribe to our enewsletter at the following link:
<https://www.burwood.nsw.gov.au/E-News-Signup>

Cc Jason Yat-Sen Li, Member for Strathfield

(Item 4/24) Draft Customer Experience Strategy 2024 - 2027- For Adoption

File No: 24/2529

Report by Director Community Life

Summary

The *Draft Customer Experience Strategy 2024 – 2027* outlines Council’s commitment to enhancing customer experience for those who live, work, visit and do business in the Burwood Local Government Area (LGA). Importantly, it also sets out a four-year roadmap for building a better customer experience when interacting with Council.

Following an extended public exhibition period, the *Draft Customer Experience Strategy 2024 – 2027* is now submitted to Council for adoption.

Operational Plan Objective

A.127: Monitor and report on Customer Feedback Program to track real-time satisfaction with Council services.

A.128: Conduct Mystery Shopping Program across Council.

A.129: Finalise Customer Experience Strategy and commence implementation.

Background

The *Draft Customer Experience Strategy 2024 - 2027* is a supporting strategy that assists Council to deliver on its Community Vision outlined in the Community Strategic Plan, *Burwood 2036*, and it is a Principal Activity outlined under Strategic Direction 5: ‘Open and collaborative leadership’.

Following endorsement for public exhibition by Council at its meeting held on 28 November 2023, the Draft Plan was placed on public exhibition from 29 November 2023 to 23 January 2024 and resulted in no submissions from the community.

Proposal

The *Draft Customer Experience Strategy 2024 – 2027* has been developed through an extensive process of research, data analysis, customer feedback and community engagement carried out from July 2022 to October 2023.

As the first Council-wide Customer Experience Strategy, it seeks to develop a shared vision and strategic approach to customer experience across the organisation and improve the overall level of community satisfaction with Council.

The Draft Strategy articulates the following Customer Experience Vision:

“At Burwood Council our customers are at the heart of everything we do – we listen, we understand and we deliver a great customer experience every day.”

It also includes the following four key focus areas and associated goals:

- **Our People** – Goal: Build a customer centric culture across the organisation.
- **Our Processes and Accessibility** – Goal: Cut red tape to make every interaction easy, fast and accessible.
- **Our Systems and Technology** – Goal: Use technology to support better customer experience 24/7.

- **Our Responsiveness** – Goal: Elevate the voice of the customer to deliver continuous improvements.

The accompanying Action Plan outlines a total of 42 actions that Council will implement over four years (from February 2024 to December 2027) as well as a series of measures that will enable Council to monitor our progress and outcomes linked to the implementation of the Strategy.

The results of the 2022/23 National Local Government Customer Service Benchmarking Survey were received by Council during the public exhibition period in December 2023. Data included on page 24 of the Strategy has now been updated to reflect these latest results, replacing the 2021/22 benchmarking information.

A copy of the updated Strategy is included under Attachment 1 of this report.

Consultation

The Draft Strategy was placed on public exhibition for a period of 56 days (from 29 November 2023 until 23 January 2024) for the community's review and feedback. During the public exhibition period, the project page on Participate Burwood received 214 views and 129 document downloads. Nil submissions were received.

Planning or Policy Implications

The Draft Strategy has been developed to address action 'A.129: Finalise Customer Experience Strategy and commence implementation', which is outlined in the adopted *Operational Plan 2023 – 2024*. Key actions will be incorporated annually into Council's Operational Plan to ensure their delivery. Council will monitor implementation, regularly review and measure outcomes of activities through Council's Integrated Planning and Reporting framework.

Financial Implications

All operational initiatives planned for the current financial year will be delivered within the adopted operational budget. The Strategy will be used to inform decision making and develop future budgets aligned with Council's annual operational plans.

Conclusion

This report recommends that Council adopts the *Draft Customer Experience Strategy 2024 – 2027* following a period of public exhibition and with minor amendments made to reflect the latest results of the 2022/23 National Local Government Customer Service Benchmarking Survey.

The *Draft Customer Experience Strategy 2024 – 2027* has been developed to create a shared vision and strategic approach to customer experience across the organisation. The Strategy aims to improve customer satisfaction, current levels of service and enhance the community's experience when interacting with Council.

Recommendation(s)

That Council adopts the *Draft Customer Experience Strategy 2024 – 2027* included in Attachment 1 of this report.

Attachments

- 1 ➡ Draft Customer Experience Strategy 2024 - 2027- For Adoption – **See separate attachments paper**

(Item 5/24) Draft Multicultural Burwood Strategy 2024 - 2028 - Endorsement for Public Exhibition

File No: 23/51766

Report by Director Community Life

Summary

The *Draft Multicultural Burwood Strategy 2024 - 2028* sets out a four-year roadmap to build a more informed, cohesive and connected community for people of all cultural backgrounds who live, work, visit and do business in the Burwood Local Government Area (LGA).

The Draft Strategy was informed by extensive community consultation with community groups, residents, businesses and other stakeholders and the preparation of a *Culturally Diverse Communities of Burwood Research Paper*.

This report seeks Council's endorsement to place the *Draft Multicultural Burwood Strategy 2024 - 2028* on public exhibition. The public exhibition period will provide an opportunity for the community and other key stakeholders to review and respond to the Draft Strategy and in particular, the identified priorities and actions.

Operational Plan Objective

A.5: Develop and implement the Multicultural Strategy.

A.8: Implement social research program to identify and address existing and emerging community needs.

Background

Burwood is the fifth most culturally and linguistically diverse Local Government Area in Australia, with nearly two in every three people speaking a language other than English and over 105 ancestries represented.

The *Draft Multicultural Burwood Strategy 2024 - 2028* has been developed through an extensive process of research, data analysis and community engagement with the culturally diverse communities of Burwood. The Draft Strategy defines the key priorities and actions that Council will take to ensure that people of all cultural backgrounds are welcomed, included and supported.

Proposal

The *Draft Multicultural Burwood Strategy 2024 - 2028* outlines how Council will work with the community, sector partners and others to celebrate Burwood's unique multicultural strengths, build a more connected, welcoming and cohesive community and improve the participation of people of all cultural backgrounds.

The Draft Strategy identifies the following three Outcome Areas for focus over the next four years:

1. An empowered and respectful community where language and culture are not barriers to access and participation.
2. A strong, responsive, connected and trusted community sector.
3. A welcoming, harmonious and inter-connected community where our diverse and shared experiences are harnessed and celebrated.

The accompanying Action Plan outlines a total of 42 actions that Council will implement from April 2024 to April 2028 by working together with community sector partners, Council's Multicultural Advisory Committee and other key stakeholders.

The *Culturally Diverse Communities of Burwood Research Paper* is included under Attachment 1 of this report and documents the research process and key findings. It is provided for Council's information and will be made available to the community as additional support material during the public exhibition process.

The *Draft Multicultural Burwood Strategy 2024 - 2028* is included under Attachment 2 and is presented for Council's endorsement for public exhibition to ensure the community and other stakeholders have an opportunity to provide further feedback prior to its adoption.

Consultation

Community Engagement Undertaken

The development of the Draft Strategy was informed by extensive research and community engagement. Council's Multicultural Advisory Committee (MAC) has also been actively involved throughout all stages of the development process. A Culturally and Linguistically Diverse Communities Forum was also held in October 2023 to shape specific strategies and actions included within the Action Plan.

Public Exhibition Process

This report recommends that the Draft Strategy be placed on public exhibition for 28 days from 14 February 2024 to 12 March 2024. During this period, feedback will be actively sought from community members, stakeholders who participated in engagement activities and via local community networks with submissions to be invited through Council's Participate Burwood platform.

Planning or Policy Implications

The Draft Strategy has been developed to address action 'A.5: Develop and implement the Multicultural Strategy' outlined in the adopted *Operational Plan 2023 – 2024*.

An implementation plan will be developed for each year of the four-year life of the Strategy and key actions will be incorporated annually into Council's Operational Plan to ensure their delivery. Council will monitor implementation, regularly review and measure the outcomes of activities through Council's Integrated Planning and Reporting framework.

Financial Implications

All actions planned for the current financial year will be delivered within the adopted operational budget. The *Draft Multicultural Burwood Strategy 2024 - 2028* will be used to inform decision making and develop future budgets aligned with Council's annual operational plans. Council will also continue to seek external funding and collaboration opportunities to support the implementation of key projects.

Conclusion

The *Draft Multicultural Burwood Strategy 2024 - 2028* identifies and responds to the key priorities and needs of the diverse communities, individuals and cultural groups that make up multicultural Burwood.

This report presents the *Culturally Diverse Communities of Burwood Research Paper* for Council's information and seeks Council's endorsement to place the *Draft Multicultural Burwood Strategy*

2024 - 2028 on public exhibition for a period of 28 days. Council will actively seek community and stakeholder feedback during the public exhibition period. Any submissions received and amendments made to the Draft Strategy as a result of the public exhibition period will be reported to Council along with the final document for adoption in April 2024.

Recommendation(s)

That Council:

1. Receive and note the *Culturally Diverse Communities of Burwood Research Paper* included under Attachment 1 of this report.
2. Endorse the *Draft Multicultural Burwood Strategy 2024 - 2028* and place the document on public exhibition for a period of 28 days.
3. Receive a report following the conclusion of the public exhibition period in April 2024, outlining submissions received on the *Draft Multicultural Burwood Strategy 2024 - 2028* and detailing any changes to the final Strategy recommended to Council for adoption.

Attachments

- 1⇒ Culturally Diverse Communities of Burwood Research Paper – **See separate attachments paper**
- 2⇒ Draft Multicultural Burwood Strategy 2024 – 2028 – **See separate attachments paper**

(Item 6/24) Data Breach Policy and Privacy Management Plan - Adoption

File No: 24/1995

Report by Director Corporate Services

Summary

Following public consultation, this report proposes Council adopts the draft *Data Breach Policy* and draft *Privacy Management Plan* to ensure compliance with the Mandatory Notification Data Breach Scheme under the *Privacy and Personal Information Protection Act 1998*.

Operational Plan Objective

- C.11 Effective, innovative and collaborative leadership is underpinned by open, transparent and responsible governance
- P.50 Advance Council's Cyber Security capabilities to safeguard customer information and access to services

Background

Amendments to the *Privacy and Personal Information Protection Act 1998* (PIIP Act) came into effect on 28 November 2023, creating a Mandatory Notification of Data Breach (MNDB) Scheme that applies to public agencies, including local councils.

Under the MNDB agencies must notify the Privacy Commissioner and affected individuals of data breaches involving personal or health information that is likely to result in serious harm. Agencies must have in place a *Data Breach Policy* and must also make consequential amendments to their *Privacy Management Plans* to reflect the MNDB Scheme requirements.

At its meeting of 28 November 2023, Council endorsed the public exhibition of the proposed *Data Breach Policy* and proposed *Privacy Management Plan*.

Proposal

It is proposed that Council adopts:

- the draft *Data Breach Policy* with the minor amendments outlined below and as shown in red in [Attachment 1](#).
- the draft *Privacy Management Plan* with minor amendments outlined below and as shown in red in [Attachment 2](#).

Consultation

The draft documents were published on Participate Burwood on 4 December 2023, together with background information and an invitation for the public to make submissions. The closing date for submissions was 29 January 2024. The public exhibition of these documents was also promoted in the Burwood Community Update email each week until the closing date for submissions. No submissions from the public were received.

Coincidentally, during the consultation period there was a data breach at a third-party software provider that had the potential to impact some of Burwood Council's customers. Along with existing internal procedures, Council officers used the draft *Data Breach Policy* as a guide in responding to that incident to ensure that Council's response complied with the PIIP Act. Officers involved in managing that incident were consulted for feedback on any consequential policy changes that may be required.

Proposed changes

Data Breach Policy

The feedback confirmed that, generally, the policy objectives outlined in the draft policy are considered robust. However, for clarity, the following minor changes to the draft *Data Breach Policy* are proposed:

- Rewording of Part 11 to clarify that the purpose of the Public Notification Register under section 59P is to record those eligible data breaches where it was not possible to directly contact individuals who may have been affected and where Council relied instead on publication of a notice under section 59N(2) of the PPIP Act.
- A consequential addition to Part 10 to reflect the requirement for the NSW Privacy Commissioner to be advised of how to access any public notifications made under section 59N(2).

The proposed changes are shown in red in the attached draft *Data Breach Policy* at Attachment 1.

Privacy Management Plan

The feedback did not suggest any required changes for this draft plan. However, Council officers have proposed minor additions to make it clear that Council records telephone calls and web chats received by the Customer Service team. Those recordings constitute personal information. The recordings are only stored for a short period of time before deletion and are only accessed in the event that a complaint is received about that customer interaction.

Planning or Policy Implications

Adoption of the *Data Breach Policy* and the revised *Privacy Management Plan* will ensure Council meets its policy obligations under the PPIP Act.

Financial Implications

No Financial implications.

Conclusion

Council is subject to the PPIP Act and must comply with the new requirements. Adoption of the proposed draft *Data Breach Policy* and revised *Privacy Management Plan* ensures Council meets those requirements and will complement operational arrangements already in place to manage these particular risks.

Recommendation(s)

That Council:

1. Adopts the draft *Data Breach Policy* at Attachment 1.
2. Adopts the draft *Privacy Management Plan* at Attachment 2.
3. Rescinds the *Privacy Management Plan* that was endorsed by Council on 22 May 2018.

Attachments

1 [↓](#) Draft Data Breach Policy - for adoption

2 [↓](#) Draft Privacy Management Plan - for adoption



Burwood ^{Inc.1874}

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

DATA BREACH POLICY

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Public Document
Adopted by Council: <Date>
Ref. No.: 23/47675
Version No.: 1

Joint Ownership: Governance & Risk and Information Technology

1. Purpose

This policy has been adopted to inform the public of Council's approach to identifying, responding to and reporting data breaches of Council held information.

The objective of this Policy is to set out Council's approach to identifying and managing a data breach, including:

- providing examples of situations considered to constitute a data breach
- outlining the key steps involved in responding to a data breach
- outlining the considerations around notifying persons whose privacy may be affected by a data breach on a mandatory basis where required, or on a voluntary basis where warranted, to ensure that the Council responds appropriately to a data breach,
- assisting Council in avoiding or reducing possible harm to both the affected individuals and the Council.

This Policy will assist the Council to meet its legal obligations in respect of Mandatory Reporting Data Breaches under the NSW *Privacy and Personal Information Protection Act 1998* (PPIP Act) and the Commonwealth *Privacy Act 1988* and complies with best practice guidelines.

2. Scope

This policy is applicable to all council officials. A breach of this policy constitutes a breach of the Council's *Codes of Conduct* and may lead to disciplinary action.

This policy applies to all data breaches of information held by Burwood Council in either a paper based or electronic format. Council holds personal information such as ratepayer, resident and customer data and personal or commercial information from parties who interact with Council. Council also maintains personnel and workforce information. This data is collected by Council and is used to plan, monitor and manage the workforce, services and properties across the Local Government Area.

This policy supplements Council's *Privacy Management Plan*, which provides more information on how Council may collect, use and disclose personal information.

3. Background

The Notifiable Data Breaches (NDB) scheme came into effect under the *Privacy Act 1988* of the Commonwealth (Privacy Act) in February 2018. Under the NDB, scheme organisations must notify affected individuals and the Office of the Australia Information Commissioner (OAIC) when a data breach is likely to result in serious harm to an individual whose personal information has been compromised.

In addition to the NDB scheme, amendments to the *Privacy and Personal Information Protection Act 1998* of NSW (PPIP Act) taking effect on 28 November 2023 create a Mandatory Notification of Data Breach (MNDB) Scheme that requires public sector agencies bound by the PPIP Act to notify the NSW Privacy Commissioner and affected individuals of data breaches involving personal or health information likely to result in serious harm.

Council must comply with the notification requirements of the scheme in the event of any data breach occurring, as failure to do so may render Council liable for significant penalties under Australian law.

4. Definitions

Commercial information	Any commercial information, whether it be that of Council, external stakeholders' or provided by a service provider in confidence. Note that commercial information does not fall within the MNDB scheme unless it contains Personal Information or Health Information, but it is information that Council also strives to protect.
-------------------------------	---

Council official	Councillors, employees and delegates (including volunteers, consultants, contractors or any other service provider involved in exercising a Council function).
CSIRT	Means the Cyber Security Incident Response Team established under Council's Cybersecurity Incident Response Plan.
Data breach	See section 5 of this policy.
Eligible data breach	See section 6 of this policy.
General Manager	A reference in this policy to the "General Manager" includes a reference to a delegate of the General Manager under this policy.
Harm	See section 6 of this policy.
Health information	Information or an opinion about a person's physical or mental health or disability, or information relating to the provision of health services to a person. Health information can include a psychological report, blood tests or an x-ray, results from drug and alcohol tests, information about a person's medical appointments, and information regarding vaccination status. It can also include some personal information that is collected to provide a health service, such as a name and telephone number. For the purposes of the MNDB scheme, Health Information is Personal Information.
IPC	Means the NSW Information and Privacy Commission.
MNDB	Means the Mandatory Notification of Data Breaches Scheme established under Part 6A of the <i>Privacy and Personal Information Protection Act 1998</i> of NSW.
NDB	Means the Notifiable Data Breach scheme established under the <i>Privacy Act 1988</i> of the Commonwealth.
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.
Personal information	Information or an opinion about a person where that person's identity is apparent or can reasonably be ascertained. This information can be in a database and does not necessarily have to be recorded in a material form. For the purposes of the MNDB scheme, Personal Information includes Health Information.
Privacy Act	Means the <i>Privacy Act 1988</i> of the Commonwealth.
PPIP Act	Means the <i>Privacy and Personal Information Protection Act 1998</i> of NSW.
Unauthorised access	See section 5 of this policy.

5. What is a data breach?

A **data breach** is an incident where unauthorised access to, or unauthorised disclosure or loss of, personal information or health information has occurred. The information may have been compromised, disclosed, copied, transmitted, accessed, removed, or destroyed.

Examples of a data breach include:

- A database that contains individuals' personal information has been accessed by an unauthorised person.
- Personal information held by Council is disclosed by an unauthorised person.
- A device containing personal information or commercial information is lost or stolen.
- A cyberattack has occurred, which has resulted in personal information being stolen.

Unauthorised access to personal information occurs when personal information held by an agency is accessed by someone who is not permitted to do so. Unauthorised access can occur:

- **Internally within an agency** – for example, an employee browses agency records relating to another employee or a family member without a legitimate purpose.
- **Between agencies** – for example, a team at one agency may be provided with access to systems and data at a second agency as part of a joint project. Unauthorised access may occur if a member of that team were to use that access beyond what is required for their role as part of that project.
- **Externally outside an agency** – for example, personal information is compromised during a cyberattack and accessed by a person external to the agency.

6. Responsibilities

The **Manager Governance & Risk** and the **Manager Information Technology** are jointly responsible for implementation of this policy.

All council officials, service providers and members of the public are responsible for immediately reporting any actual or suspected data breaches to the Manager Information Technology, Manager Governance & Risk or Director Corporate Services.

The **Cyber Security Incident Response Team**, in addition to its responsibilities under Council's *Cybersecurity Incident Response Plan*, is also responsible for the following in relation to eligible data breaches under this policy:

- Immediately meeting to review and respond to the reported data breach, with delineation of responsibilities undertaken depending on the nature of the data breach.
- Following the response requirements as set out in this Data Breach Policy.
- Consulting with relevant internal and external stakeholders as required.
- Assisting the General Manager with notification requirements.

The **General Manager** or their delegate is responsible for reporting eligible data breaches to the appropriate bodies in accordance with section 10 of this policy.

7. Identifying and reporting breaches

Council may be made aware of a data breach through a report from an officer, a contractor, an affected third party, a member of the public, or through a report from another government agency.

Data breaches may also be identified as a result of investigations into Council's IT infrastructure or cybersecurity incidents such as malware, hacking, ransomware, phishing or a combination of these. Council has in place a number of internal policies and procedures to manage cybersecurity risks including the *Cyber Crime and Security Incident Corporate Practice* and *Cybersecurity Incident Response Plan*, which requires certain incidents to be reported immediately to the Manager Information Technology.

Council has in place a Cyber Security Incident Response Team (CSIRT) that investigates data breaches that arise from cyber incidents. The Manager Governance & Risk is a member of the CSIRT and, as the officer responsible for Council's *Privacy Management Plan*, brings that expertise and responsibility to the CSIRT's assessment of data breaches that may also be eligible data breaches under this policy.

In the event of a known or suspected data breach relating to personal information or health information that arises from a non-cyber incident, this should be reported either verbally or in writing to Council's Manager Governance & Risk or Director Corporate Services, as soon as

practicable, for assessment in accordance with this policy and Council's *Privacy Management Plan*.

8. When does a breach become 'eligible' for notification?

Under the Mandatory Notifiable Data Breach (MNDB) scheme Council must notify affected individuals and the NSW Privacy Commissioner about an eligible data breach.

An **eligible data breach** occurs where:

1. There is an unauthorised access to, or unauthorised disclosure of, personal information held by a public sector agency or there is a loss of personal information held by a public sector agency in circumstances that are likely to result in unauthorised access to, or unauthorised disclosure of, the information, and
2. A reasonable person would conclude that the access or disclosure of the information would be likely to result in serious harm to an individual to whom the information relates.

Harm caused by a breach can be assessed in number of ways and may be determined based on the following factors:

- Physical safety of the person or organisation
- Financial loss
- Emotional wellbeing or loss
- Reputational damage
- Legal liability
- Breach of secrecy provisions.

In relation to the NDB under the Privacy Act, Council must notify the Australian Information Commissioner of instances where a data breach affects the tax file number of individuals.

9. Data Breach Preparation and Prevention Measures

Council maintains a risk management framework, allocating resources, responsibility and accountability to manage risks across the organisation in accordance with AS ISO 31000:2018.

Council also has a range of supporting policies to control and mitigate exposures to breaches of data. This includes a Business Continuity Plan, Fraud and Corruption Control Policy, Privacy Management Plan and Codes of Conduct.

In addition to the policy controls, Council has a comprehensive set of information technology and cyber security controls. This includes robust access controls, data encryption, network and endpoint security measures, data loss prevention systems, and incident response plans. An up-to-date inventory of assets is maintained, along with strong patch and vulnerability management measures, to ensure all IT assets are properly secured and monitored. Regular penetration tests are performed by a third party to identify and remediate any weaknesses in the IT infrastructure.

Other measures Council undertakes to minimise the risks of data breaches and ensure appropriate response in the event of a breach are:

- Council officials are provided with an IT induction and receive a copy of the Data Breach Policy when they commence a role at Council and the information is constantly available to employees on Council's intranet and to Councillors on the Councillor Portal.
- Provides training and targeted advice to council officers and business units to help them understand how the Data Breach Policy is implemented.
- Encourages Council officials to seek advice from the relevant officers in Council in relation to any potential data breach issues or concerns.
- Promotes awareness and compliance with Data Breach requirements by participating in promotional activities as part of the annual Privacy Awareness Week and Cybersecurity Awareness Month.

- Ensures that service providers are aware of their obligations under this Policy to report any data breaches to either the Manager Information Technology, Manager Governance & Risk or Director Corporate Services immediately.
- Schedules regular testing to assess the effectiveness of Council's response to data breaches, and to assess whether there are any risks that need to be addressed.

10. Data breach response strategy

Council's data breach response utilises the existing CSIRT structure and processes to investigate, respond and report internally on any suspected eligible data breach. It is noted the CSIRT will have concurrent responsibilities and actions in relation data breaches arising from a cybersecurity incident.

The data breach response involves the following steps, some of which may occur concurrently.

Step 1 — Report and triage

Any Council Officer who becomes aware of a Data Breach will immediately notify the Manager Information Technology, Manager Governance & Risk or Director Corporate Services.

Where either of those Managers believe, or have reasonable grounds to believe, that the data breach is an eligible data breach, that Manager will notify the General Manager (or delegate) immediately.

Step 2 — Contain

Containing the data breach will be prioritised. All Council officers will take all immediate steps to contain any data breach by limiting the extent and duration of the unauthorised access to or disclosure of Council held Information, and preventing the data breach from intensifying. This obligation is ongoing as other steps proceed.

If a third party is in possession of the personal information and declines to return it, it may be necessary to seek legal or other advice on what action can be taken to recover the information. When recovering information, Council will make every attempt to ensure that copies have not been made by a third party or, if they have, that all copies are recovered.

Step 3 — Assess and Evaluate

To determine what other steps are needed, an assessment of the type of information involved in the suspected breach and the risks associated with the breach will be undertaken. The General Manager (or delegate) will appoint a member of the CSIRT to conduct that assessment.

Assessment of the breach should be completed as soon as practicable and at latest within 30 calendar days of the breach being reported.

Factors to consider when conducting the assessment include:

- What is the nature of the information that has been lost or disclosed? Some types of information are more likely to cause harm if compromised.
- What was the cause of the data breach?
- Who is affected by the data breach?
- What combination of information was lost? Certain combinations or types of Personal Information can lead to increased risk.
- How long the information has been accessible? The length of time of unauthorised access to, or unauthorised disclosure may increase risks of harms to individuals.
- How many individuals were involved? The scale of the data breach will likely affect the Council's assessment of likely risks.
- Did the data breach involve tax file number information?
- Was it a one-off incident or does it expose a more systemic vulnerability?
- What steps have been taken to contain the data breach?
- Has the Council held information been recovered?
- Is the Council held information encrypted or otherwise not readily accessible?

- What is the foreseeable harm to affected individuals or organisations?
- Who is in receipt of the Council held information?
- What is the risk of further access, use or disclosure, including via media or online?
- Are other public agencies involved in the Data Breach?

In conducting the assessment, regard is to be had to any guidelines on the assessment of data breaches published by the IPC.

If the assessment indicates that an eligible data breach has occurred, the General Manager (or delegate) will decide whether an eligible data breach has actually occurred.

The General Manager (or delegate) will also assess and consider whether a data breach is a Commonwealth notifiable data breach.

Step 4 – Notification

If the General Manager (or delegate) decides that an eligible data breach has occurred, the notification process under Division 3 of Part 6A of the PPIP Act is triggered.

The General Manager (or delegate) will take the following actions:

- **Notify the NSW Privacy Commissioner:** immediately notify the NSW Privacy Commissioner about the breach using the [approved form](#) published on the IPC website.
- **Determine whether an exemption applies:** If one of the six exemptions set out in Division 4 of Part 6A of the PPIP Act applies in relation to an eligible data breach, Council may not be required to notify affected individuals. This assessment should occur as part of or immediately following the assessment of the data breach.
- **Notify individuals:** Unless an exemption applies, Council will notify affected individuals as soon as reasonably practicable. Notification will be made directly to the individual concerned, their parent or guardian (in the case of children) or an authorised representative. Where Council is unable to notify directly or it is not reasonably practicable to do so, a public notification will be made [and advice will be provided to the NSW Privacy Commissioner on how to access that public notification](#). Where a data breach is not an eligible data breach, Council may still provide voluntary notification to individuals and organisations where appropriate.
- **Provide further information to the NSW Privacy Commissioner (as required):** Agencies may be required to provide additional information to the Privacy Commissioner, if they have been unable to provide complete information in their initial notification, if they have made a public notification, or if they are relying on an exemption.
- **Notifiable data breach under Privacy Act:** Where the data breach is a notifiable data breach under the Privacy Act, the General Manager (or delegate) will notify the Australian Information Commissioner using the [approved form](#) published on the website of the Office of the Australian Information Commissioner.
- **Notification to other agencies:** Depending on the circumstances of the data breach and the categories of data involved, Council may need to notify or engage with other agencies. Examples include the NSW Police Force, Cyber Security NSW, Australian Federal Police, Australian Taxation Office and the Department of Health.

Step 5 – Review and monitoring

After the incident has been assessed and notification has taken place, the Manager Information Technology, Manager Governance & Risk and Director Corporate Services will coordinate a further investigation into the circumstances of the breach to ensure that any processes or weaknesses in data handling that may have contributed to the data breach are identified and remediated. This will mitigate future risks and ensure Council's proactive management of data breaches.

The investigation findings and recommendations must be reported to the Executive Team and Council's Audit Risk and Improvement Committee and cover the following:

- Recommended changes to system and physical security.
- Recommend changes to any Council policies or procedures.
- Revision or changes recommended to staff training and education.
- Disciplinary measures, if required.

11. Record keeping

Council will, at all times, maintain appropriate records of all data breaches, regardless of the seriousness of the data breach or whether it is immediately contained.

Data Breach **Incident** Register

Council will maintain an internal Data Breach **Incident** Register (which for practical purposes is combined with Council's Cybersecurity Incident Register) that details the following in relation to each eligible data breach:

- Who was notified of the data breach
- When the data breach was notified
- The type of data breach
- The steps taken by Council to mitigate the harm done by the data breach
- Details of the actions taken to prevent future data breaches
- The estimated cost of the data breach.

Public Notification Register

Council will keep a ~~p~~Public ~~a~~Notification ~~r~~Register that is available on its website. ~~The public notification register will contain details of the data breaches that have been notified to the public, including all information provided to an individual or organisation when they are notified of a data breach. That register will contain details of any data breaches for which Council was unable to directly notify individuals, or where it was not reasonably practicable to do so, and so the public were notified instead by the publication of a notice under section 59N(2) of the PPIP Act. The register will include a link to that public notification.~~ Personal Information or information that could prejudice Council's functions will not be published on the public notification register.

Data Breaches published on the ~~p~~Public ~~a~~Notification ~~r~~Register will remain on the register for at least 12 months.

12. Related Information

This policy will be included in the induction programs for all council officials.

See also:

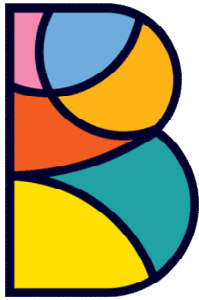
- *Privacy Management Plan*
- *Cyber Security Incident Response Plan* (only accessible by council officers)
- *Cyber Crime and Security Incident Corporate Practice* (only accessible by council officers)

13. Review and testing

This policy will be tested and reviewed at least every 2 years.

14. Contact

- Manager Information Technology Ph 9911 9958
- Manager Governance & Risk Ph 9911 9910
- Director Corporate Services Ph 9911 9815



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PRIVACY MANAGEMENT PLAN

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Ownership: The Public Officer

PART 1 – INTRODUCTION**Purpose**

The *Privacy and Personal Information Protection Act 1998* (NSW) (**PIPPA**) requires all public sector agencies to prepare and implement a Privacy Management Plan.

The purpose of this plan is to outline how Burwood Council will manage personal information and health information in accordance with PPIPA and the *Health Records and Information Privacy Act 2002* (**HRIPA**). These Acts provide for the protection of personal and health information and for the protection of the privacy of individuals.

Scope

This plan applies to all council officials at Burwood Council. A breach of this policy constitutes a breach of the Council's *Codes of Conduct* and may lead to disciplinary action.

Definitions

Council official	Councillors, employees and delegates (including volunteers, consultants, contractors or any other service provider involved in exercising a Council function).
GIPA Act	Means the <i>Government Information (Public Access) Act 2009</i> .
Health information	Information or an opinion about a person's physical or mental health or disability, or information relating to the provision of health services to a person. Health information can include a psychological report, blood tests or an x-ray, results from drug and alcohol tests, information about a person's medical appointments, and information regarding vaccination status. It can also include some personal information that is collected to provide a health service, such as a name and telephone number.
Health record	Means an ongoing record of health care for an individual.
Health records linkage system	Means a computerised system that is designed to link health records for an individual held by different organisations for the purpose of facilitating access to health records, and includes a system or class of systems prescribed by the regulations as being a health records linkage system, but does not include a system or class of systems prescribed by the regulations as not being a health records linkage system.
HPP	Refers to a Health Privacy Principle prescribed under the <i>Health Records and Information Privacy Act 2002</i> .
HRIPA	Means the <i>Health Records and Information Privacy Act 2002</i> .
IPC	Means the NSW Information and Privacy Commission.
IPP	Refers to an Information Privacy Principle prescribed under the <i>Privacy and Personal Information Protection Act 1998</i> .
LG Act	Means the <i>Local Government Act 1993</i> .

<i>MNDB</i>	Means the Mandatory Notification of Data Breaches Scheme established under Part 6A of the <i>Privacy and Personal Information Protection Act 1998</i> of NSW.
<i>Officer</i>	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.
<i>Personal information</i>	See section 5 of this plan.
<i>Public register</i>	Means a register of personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee). See section 3 of PPIPA.
<i>Privacy Act</i>	Means the <i>Privacy Act 1988</i> of the Commonwealth.
<i>PPIPA</i>	Means the <i>Privacy and Personal Information Protection Act 1998</i> of NSW.
<i>the Code</i>	Mean the <i>Privacy Code of Practice for Local Government</i> made under Part 3 of the <i>Privacy and Personal Information Protection Act 1998</i> .

Policy statement

Burwood Council is committed to complying with the Information Protection Principles set out in the PPIPA and the Health Privacy Principles set out in the HRIPA.

Council will collect, hold, disclose and manage personal information and health information for the purpose of its functions, operations and activities and in compliance with relevant NSW privacy laws and guidelines.

Personal information — what is and isn’t personal information?

Section 4 of the PPIPA defines personal information as:

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.

However, personal information **does not** include information about an individual that is contained in a publicly available publication. Personal information, once it is contained in a publicly available publication, ceases to be covered by the PPIPA.

Where Council is requested to provide access or make a disclosure and that information has already been published, then the Council will rely on the provisions of the relevant Act that authorises Council to hold that information and not the PPIPA (for example, Section 8 of the GIPA Act).

Council considers the following to be publicly available publications:

- An advertisement containing personal information in a local, city or national newspaper
- Personal information on the Internet
- Books or magazines that are printed and distributed broadly to the general public
- Council Business papers or that part that is available to the general public
- Personal information that may be a part of a public display on view to the general public.

Section 4A of the PPIPA also specifically excludes “health information” (as defined by Section 6 of the HRIPA) from the definition of personal information. However, health information is included in the PPIPA’s consideration of public registers. Information about Council’s treatment of health information and public registers is covered in Part 2 of this plan.

Personal information held by Council

Burwood Council holds personal information concerning Councillors, such as:

- personal contact information
- complaints and disciplinary matters
- pecuniary interest returns
- entitlements to fees, expenses and facilities
- payroll and superannuation data
- professional development plans

The Council holds personal information concerning its customers, ratepayers and residents, such as:

- rates records
- development applications and related submissions
- customer requests, including recordings of telephone calls and web chats with the customer service team
- library records
- Enfield Aquatic Centre records
- donation, grant and sponsorship applications
- Submissions and informant collected as part of Council's community engagement and consultation activities
- CCTV footage
- various types of health information

The Council holds personal information concerning its employees, contractors, advisory committee members and volunteers, such as:

- recruitment material
- leave and payroll data
- personal contact information
- qualifications and certifications relevant to the job
- performance management plans
- disciplinary matters
- pecuniary interest returns
- wage and salary entitlements
- health information (such medical certificates and workers' compensation claims)

Unsolicited information

Unsolicited information is personal or health information received by Council in circumstances where Council has not asked for or required the information to be provided. It includes volunteered, gratuitous or irrelevant information received.

Such information is not deemed to have been collected by Council, meaning the Information Protection Principles relating to collection do not apply to that information. However, the retention, use and disclosure principles will apply to any such information in Council's possession.

Applications for suppression in relation to general information (not public registers)

Under Section 739 of the LGA a person can make an application to suppress certain material that is available for public inspection in circumstances where the material discloses or would disclose the person's place of living if the person considers that the disclosure would place the personal safety of the person or their family at risk.

Section 739 of the LGA relates to publicly available material other than public registers. As such, it limits disclosure in those circumstances where an application for suppression is successful. An application for suppression must be verified by statutory declaration and otherwise meet the requirements of Section 739.

When in doubt, Council will err in favour of suppression.

PART 2 – PUBLIC REGISTERS

Public registers held by Council

Council is required by law to maintain a number of public registers and to make them available for public inspection. Council will maintain a Table of Public Registers held by Council, which will be published on Council's website, together with this plan.

Some parts of the public register may already be available in published form. The PIPPA does not apply to personal information that has already been legitimately published that way. Anything not already published legitimately will be subject to the procedures for disclosure outlined in this Part.

For example, the *Environmental Planning and Assessment Act 1979* requires Council to advertise or publish applications for development consent. When Council publishes the address of the property, it may identify the owner.

The personal information that has not been published and any applications not advertised or that have been rejected or withdrawn (and hence also not published) will be treated as a public register under PPIPA, being the Register of Consents and Certificates held by Council under Section 4.58 of the *Environmental Planning and Assessment Act 1979*.

Disclosure of personal information contained in public registers

Some of these registers contain personal information. Personal information contained in a public register, other than where required by legislation, will only be disclosed where Council satisfied that the information is to be used for a purpose consistent with the purpose of the register. (See section 57 of PPIPA.)

A person wishing to have access to a public register to confirm their own details needs only to provide proof of their identity to Council before having access to their own personal information.

A person seeking access to someone else's personal information contained in a public register will be expected to provide Council with information in writing about the purpose for which the information will be used. Council may request a statutory declaration as to the purpose for which access to the information is being sought. If the purpose is not consistent with the public register is kept, access to the information sought will not be given.

Where personal information is contained in a publicly available publication, that information will not be regarded as personal information covered by PPIPA or as health information for the purposes of Part 6 of PPIPA.

Purposes of public registers

Some registers have been created to serve a number of purposes. The following section provides guidance on the primary purpose of some of the public registers held by Council. In some cases, a secondary purpose has also been identified as a guide to what might constitute a "purpose relating to the register" under Section 57 (1) of PPIPA.

Purposes of Public Registers under the LG Act

- **Land Register (Section 53)** – The primary purpose is to identify all land vested in Council, or under its control. The secondary purpose includes a consideration of public accountability as to the land held by Council. Third party access is therefore a secondary purpose.
- **Records of Approvals (Section 113)** – The primary purpose is to identify all approvals granted under the LG Act. There is a corresponding public accountability purpose and third party access is a secondary purpose.
- **Register of Pecuniary Interests Returns (Section 440AAB)** – The primary purpose of this register is to record the tabling of returns of disclosures of pecuniary interests by councillors and other designated persons under the *Codes of Conduct*. There is a corresponding public accountability purpose and third party access is a secondary purpose.
- **Rates Record (Section 602)** – The primary purpose is to record the value and category of a parcel of land, rate liability (including any exemptions) in respect of that land, and the rates and charges levied on that land. The secondary purpose includes recording the owner or lessee of each parcel of land.

For example, a disclosure on a rating certificate under Section 603 of the LGA that a previous owner was a pensioner is considered to be allowed, because the secondary purpose is a purpose relating to the purpose of the register.

Purposes of Public Registers under the *Environmental Planning and Assessment Act 1979*

- **Register of consents and certificates (Section 4.58)** – The primary purpose is to identify applications for development consent, the determinations (and any terms) of those applications, the determinations (and any terms) of complying development certificates, and any decisions on appeal from such determinations.
- **Record of building information certificates (Section 6.26)** – The primary purpose is to identify all building certificates. Inspection of that record by the public is a secondary purpose. However, Section 6.26 requires that a copy can only be made with the consent of the owner of the building.

Purposes of Public Registers under the *Protection of the Environment Operations Act 1997*

- **Public register of licences held (Section 308)** – The primary purpose is to identify all licences granted under the Act.

Purposes of the public register under the *Public Spaces (Unattended Property) Act 2021*

- **Record of property taken possession of (Section 33)** – The primary purpose is to identify any property that is taken possession of by Council under the Act. There is a corresponding public accountability purpose and third party access is a secondary purpose.

Secondary purposes of all public registers

Council aims to be open and accountable and considers that a secondary purpose for which all public registers are held by Council includes the provision of access to members of the public. Therefore, disclosure of records from public registers would normally be considered to be allowable under Section 57 of PPIPA.

However, requests for access, copying or the sale of the whole or a substantial part of a public register held by Council will not necessarily fit within this purpose. Council will be guided by the *Privacy Code of Practice for Local Government* in this respect. Where Council officers have doubt as to the intended use of the information, an applicant may be requested to provide a statutory declaration so that Council may satisfy itself as to the intended use of the information.

Council will make its assessment as to the **minimum** amount of personal information that is required to be disclosed with regard to any request.

Other purposes

Persons or organisations who apply to Council to have access to the information contained in any public register for a purpose not related to the purpose of the register may be given access at the discretion of Council but only in accordance with the Code concerning Public Registers.

Applications for suppression in relation to a public register

An application for suppression in relation to a public register will be dealt with under PPIPA, rather than Section 739 of the LGA.

A person about whom personal information is contained (or proposed to be contained) in a public register, may request Council under Section 58 of the PPIPA to have the information removed from, or not placed on the register.

If Council is satisfied that the safety or well-being of any person would be affected by not suppressing the personal information as requested, Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information, in accordance with Section 58(2) of the PPIPA. (“Well-being” is defined in the Macquarie Dictionary as “the good or satisfactory condition of existence; welfare”.)

When in doubt, Council will err in favour of suppression.

Any information that is removed from, or not placed on, that aspect of a public register to be made public may be kept on the register for other purposes. That is, the information may still be used for Council functions, but it cannot be disclosed to other parties.

An application for suppression should be made in writing addressed to the General Manager and must outline the reasons for the request. The Council may require supporting documentation where appropriate.

Other Registers

Council may keep other registers that are not public registers. The Information Protection Principles, this Plan, the *Privacy Code of Practice for Local Government* and PPIPA apply to the use and disclosure of information in those registers.

Council may hold a register under the *Contaminated Land Management Act 1997* on behalf of the Environment Protection Authority. This is not to be considered a public register of the Council as the statute does not place any obligations on the Council to make this register publicly available as a register of contaminated land. Furthermore, the legislation foreshadows that the Environment Protection Authority may indeed post this list or register on the internet. This may constitute a publication of the information and therefore the PPIPA will not apply.

PART 3 – INFORMATION PRIVACY PROTECTION PRINCIPLES

This Part outlines how Council complies with the IPPs prescribed under PPIPA.

COLLECTION OF INFORMATION

IPP 1 – Lawful collection ([Section 8 of PPIPA](#))

Council policy

- Council collects personal information only for a lawful purpose that is directly related to Council's functions and activities. Council's functions and activities are outlined in its [Agency Information Guide](#).
- Anyone engaged by Council as a private contractor or consultant that involves the collection of personal information must agree to be bound not to collect personal information by any unlawful means. This will include debt recovery actions by or undertaken on behalf of Council by commercial agents.
- Collection of information under the *Companion Animals Act 1998* and Council's use of the Companion Animals Register is guided by the Departmental Chief Executive's guidelines, which have been developed with the PPIPA in mind.
- The Code makes no provision to depart from the requirements of this principle.

Role of Privacy Contact Officer

- In order to ensure compliance with IPP 1, internet contact forms, rates notices, application forms of whatever nature, or written requests by which personal information is collected by Council, will be referred to the Privacy Contact Officer prior to adoption or use. Burwood Council's Privacy Contact Officer is the Public Officer (Manager Governance & Risk). The Privacy Contact Officer will also provide advice as to:
 - Whether the personal information is collected for a lawful purpose
 - If that lawful purpose is directly related to a function of Council
 - Whether or not the collection of that personal information is reasonably necessary for the specified purpose

Any further concerns of a legal nature will be referred to Council's solicitor.

IPP 2 – Direct collection ([Section 9 of PPIPA](#))

Council policy

- Council collects personal information directly from the person concerned, except as provided for in Section 9 or under other statutory exemptions or Codes of Practice.

- The compilation or referral of registers and rolls are the major means by which the Council collects personal information. Other means include forms that customers may complete and lodge with Council for development consent, companion animal registration, applications for specific inspections or certifications or applications in respect of tree preservation orders. Council also collects personal information by way of recordings of telephone conversations and web chats with our customer service team.
- In relation to petitions, the Council will treat the personal information contained in petitions in accordance with PPIPA.
- Where Council or a Councillor requests or requires information from individuals or groups, that information will be treated in accordance with PPIPA.
- Council may collect personal information from other public sector agencies in respect of specific statutory obligations where it is authorised by law to do so.
- Where Council anticipates that it may otherwise need to collect personal information indirectly it will first obtain the authorisation of each individual under Section 9 (a) of the PPIPA.
- The Code makes provision for Council to depart from this principle where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be conferred upon the person to whom the information relates.
- Where Council cannot collect personal information directly from the person, it will ensure one of the following:
 - Council has obtained authority from the person under Section 9(a) of the PPIPA.
 - The collection of personal information from a third party is permitted under an Act or law. (For example, the indirect collection from the Land Titles Office.)
 - The collection of personal information from a parent or guardian is permitted provided the person is less than 16 years of age.
 - The collection of personal information indirectly where one of the below statutory exemptions applies.
 - The collection of personal information indirectly is permitted under the Privacy Code of Practice for Local Government or the Investigative Code of Practice.
- The only other exception to the above is in the case where Council is given unsolicited information.

Existing statutory exemptions under PIPPA

- Compliance with IPP 2 is also subject to certain exemptions under PPIPA. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in very obvious and limited circumstances and legal advice should normally be obtained. The relevant statutory exemptions are:
 - Section 23(2) of the PPIPA permits non-compliance with IPP 2 if the information concerned is collected in connection with proceedings (whether or not actually commenced) before any court or tribunal.
 - Section 24(4) of the PPIPA extends the operation of Section 24(1) to Councils and permits non-compliance with IPP 2 if a Council is:
 - investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency
 - if compliance might detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions
 - Section 25(a) of the PPIPA permits non-compliance with IPP 2 where the agency is lawfully authorised or required not to comply with the principle.
 - Section 25(b) of the PPIPA permits non-compliance with IPP 2 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.
 - Section 26(1) of the PPIPA permits non-compliance with IPP 2 if compliance would prejudice the interests of the individual concerned.

IPP 3 – Requirements when collecting ([Section 10 of PPIPA](#))**Council policy**

- Council informs people why their personal information is being collected, what it will be used for, and to whom it will be disclosed.
- Council will tell people how they can access and amend their personal information and any possible consequences, if they decide not to give their personal information to us.
- Council will inform persons if the information is required by law or voluntarily given.
- Council will inform individuals which department or business unit within Council holds their personal information, and of the right to access and correct that information.
- Council will adapt the general Section 10 pre-collection Privacy Notification form as appropriate.
- The Code makes provision for Council to depart from this principle where personal information is collected about an individual for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition without prior or subsequent notification.

Post-collection

- Where Council collects personal information indirectly from another public sector agency in respect of any one of its statutory functions, it will endeavour to advise those individuals that it has collected their personal information (for example, in the case of a change of property ownership, by including a privacy notification form in the next issue of their rates notice).
- A common example of the collection of information from another public sector agency is the Land Titles Office. Council receives information as to new ownership changes when property is transferred from one owner to the next.

IPP 4 – Relevance of collection ([Section 11 of PPIPA](#))**Council policy**

- Council ensures personal information is relevant, accurate, is not excessive and does not unreasonably intrude into the personal affairs of people.
- Council collects personal information through the various forms that customers may complete and lodge with Council. Before adoption of a new form, a draft form will be reviewed for compliance with IPP 4 by the Public Officer or other suitable person. Should there be any residual doubts, advice will be sought from the IPC.
- When contacting Council's customer service team by telephone or web chat, customers are advised that the call is being recorded or the chat transcript is retained.
- The *Privacy and Personal Information Protection Regulation 2019* provides that local councils are exempt from Section 11 of PPIPA in with respect to the collection of personal information by using a CCTV camera that the council installs for the purpose of filming a public place, if the camera is positioned so no other land is filmed (unless it is not reasonably practicable to avoid filming the other land when filming the public place).
- Council manages personal data images collected via the use of closed circuit television in accordance with the NSW Government policy statement and guidelines for the establishment and implementation of closed circuit television (CCTV) in public places, the PPIPA and the Work Place Surveillance Act 2005.
- The Code makes no provision to depart from the requirements of this principle.

Collection by external and related bodies

- Anyone or anybody exercising a function of Council will be required to comply with this Plan, any applicable Privacy Code of Practice, and the PPIPA. This includes:
 - Council owned businesses
 - Council consultants
 - Private contractors
 - Council committees
- Council will seek to contractually bind each of these entities to comply with the PPIPA.

- Where any of the above collect personal information on behalf of Council or in relation to the performance of their activities, that body or person will be required to:
 - obtain a written authorisation and consent to that collection
 - notify those persons in accordance with IPP 3 as to the intended recipients and other matters required by that principle.

Collection in relation to investigations

- Where Council is conducting an investigation, it will have regard to any applicable direction of the Privacy Commissioner under Section 41 of the PPIPA that may affect the application of IPPs 1 to 4.

STORAGE OF INFORMATION

IPP 5 – Retention and security of information ([Section 12 of PPIPA](#))

Council policy

- Information is kept for no longer than is necessary for the purposes for which the information may lawfully be used
- Information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information
- Information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other misuse
- If it is necessary for Council to give information to a person in connection with the provision of a service to Council, everything reasonably within the power of the Council is done to prevent unauthorised use or disclosure of the information
- Council may use the following or similar documents to comply with this principle:
 - Records Management Plan
 - Records Storage Maintenance and Monitoring Procedure
 - Records Counter Disaster Plan and Vital Records Corporate Practice
 - Records Removed from Council Premises Procedure
 - Records Appraisal and Disposal Corporate Practice
 - Records Storage and Security Corporate Practice
 - Information Security Policy
- The Code makes no provision to depart from the requirements of this principle.

ACCESS AND ACCURACY OF INFORMATION

IPP 6 – Transparency ([Section 13 of PPIPA](#))

Council policy

- Council is transparent about any personal information that is stored, what it is used for, and the right to access and amend it.
- Council notes that IPP 6 is subject to any applicable conditions or limitations contained in the GIPA Act.
- If Council holds any information about a person, upon request it will advise them the nature of that information, the main purposes for which it is held, and that person's entitlement to access. As a matter of practicality, not every item of personal information, however insignificant, will be capable of ascertainment.
- Any person can make application to Council by completing the appropriate form and submitting it to Council.
- Where Council receives an application or request by a person as to whether Council holds information about them, Council will undertake a search of its records to answer the enquiry. Council may ask the applicant to describe what dealings the applicant has had with Council in order to assist Council to conduct the search.
- Council will ordinarily provide a response to applications of this kind within 28 days of the application being made.
- The Code makes no provision to depart from the requirements of this principle.

Collection in relation to investigations

- Where Council is conducting an investigation, it will have regard to any applicable direction of the Privacy Commissioner under Section 41 of the PPIPA that may affect the application of IPP 6.

Existing statutory exemptions under PIPPA

- Compliance with IPP 6 is also subject to certain exemptions under PPIPA. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained. The relevant statutory exemptions are:
 - Section 25(a) of the PPIPA permits non-compliance with IPP 6 where Council is lawfully authorised or required not to comply with the principle.
 - Section 25(b) of the PPIPA permits non-compliance with IPP 6 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

Reporting matters

Council will issue a statement to be included on its website concerning the nature of personal information it regularly collects, the purpose for which the personal information is used and an individual’s right to access their own personal information.

IPP 7 – Accessibility ([Section 14 of PPIPA](#))**Council policy**

- Council allows people to access their own personal information without reasonable delay or expense.
- Customers wishing to exercise their right of access to their own personal information should apply in writing using the approved form or direct their inquiries to the Public Officer, who will make a determination.
- Members of staff wishing to exercise their right of access to their personal information should apply in writing using the approved form or direct their inquiries to the Director People & Performance, who will deal with the application.
- Where a person makes an application for access under the PPIPA and it is involved or complex, it may be referred, with the written consent of the applicant, as an application under the GIPA Act. However, use of the GIPA Act is to be a last resort. The applicant has the right to insist on being dealt with under PPIPA.
- Under Section 20(5) of the PPIPA, IPA 7 is subject to any applicable conditions or limitations contained in the GIPA Act.
- In order to comply with the requirement to provide the requested information “without excessive delay or expense”, Council will ordinarily provide a response to applications of this kind within 28 days of the application being made.
- IPP 7 does not allow disclosure of information about other people. If access to information that relates to someone else is sought, the application must be made under the GIPA Act, unless Information Protection Principles 11 and 12 or the Public Register provisions apply.
- The Code makes no provision to depart from the requirements of this principle.

Existing statutory exemptions under PIPPA

- Compliance with IPP 7 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained. The relevant statutory exemptions are:
 - Section 25(a) of the PPIPA permits non-compliance with IPP 7 where Council is lawfully authorised or required not to comply with the principle.
 - Section 25(b) of the PPIPA non-compliance with IPP 7 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

IPP 8 – Correctness of Information ([Section 15](#) of PPIPA)**Council policy**

- Council allows people to update, correct or amend their personal information where necessary.
- Where information is requested to be amended (either by way of correction, deletion or addition), the individual to whom the information relates, must make a request. That request should be made using the approved form and should be accompanied by appropriate evidence as to the cogency of the making of the amendment, sufficient to satisfy the Council that the proposed amendment is factually correct and appropriate. The Council may require further documentary evidence to support certain amendments. Council will not charge to process an application to amend a record under Section 15.
- If personal information is amended in accordance with this Section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have the recipients of that information notified of the amendments made by the Council. Council will seek to notify recipients of information as soon as possible, of the making of any amendment, where it is reasonably practicable.
- If Council declines to amend personal information as requested, it will, on request of the individual concerned, place an addendum on the information in accordance with Section 15(2) of the PPIPA.
- Where there are complaints about the accuracy of information that are, or could be, the subject of a staff complaint or grievance, they will be referred to the Director People & Performance in the first instance and treated in accordance with the *Grievance and Complaint Handling Procedures*.
- Any alterations that are, or could be, the subject of a customer complaint or grievance will be referred to the General Manager, who will make a determination in relation to the matter.
- The Code makes no provision to depart from the requirements of this principle.

State Records Act 1998

- Under the *State Records Act 1998* the deletion of records only occurs in accordance with records disposal authorities. However, as a result of Section 15(1) of the PPIPA, some deletions, corrections and additions to records may be allowed in accordance with IPP 8. Where a record is deleted or altered in accordance with IPP 8, a record of that deletion or alteration having been made should be created to ensure a proper record audit trail.

USE OF INFORMATION**IPP 9 – Ensuring accuracy of personal information before use ([Section 16](#) of PPIPA)****Council policy**

- Council makes sure that personal information is relevant and accurate before using it.
- The steps taken to comply with IPP 9 will depend on the age of the information, its likelihood of change and the particular function for which the information was collected.
- The more significant the information, the greater the necessity that checks to ensure its accuracy and currency be undertaken prior to its use.
- For example, each employee's record should be updated when there is any change of circumstances or when the employee's contact details change.
- The Code makes no provision to depart from the requirements of this principle.

IPP 10 – Limits on use of personal information ([Section 17](#) of PPIPA)

- Council only uses personal information for the purpose it was collected for.
- Where Council may need to use personal information collected for one purpose for another purpose, it will first gain the consent of the individual concerned, unless an exemption applies.
- The Code makes provision that Council may use personal information for a purpose other than the purpose for which it was created in the following circumstances:

- where the use is in pursuance of Council's lawful and proper function/s and Council is satisfied that the personal information is reasonably necessary for the exercise of such function/s
- where personal information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of personal recognition.

An example of where Council may use personal information obtained for one purpose for another purpose in pursuance of its lawful and proper functions is the Rates Record that Council holds under Section 602 of the LGA. The Rates Record may also be used to:

- notify neighbours of a proposed development
- evaluate a road opening
- evaluate a tree preservation order.

External and related bodies

- Anyone or anybody exercising a function of Council will be required to comply IPP 10. This includes:
 - Council owned businesses
 - Council consultants
 - Private contractors
 - Council committees
- Council will seek to contractually bind each of these bodies or persons to comply.
- Where any of the above seek to use personal information collected for one purpose, that body or person will be required to obtain the written consent of those persons in accordance with Section 17(a) of the PPIPA to the use of the information for another purpose.

Investigative Functions

- Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under Section 41 of the PPIPA that may affect the application of IPP 10.

Existing exemptions under the Act

- Compliance with IPP 10 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained. The relevant statutory exemptions are:
 - Section 23(4) of the PPIPA permits Council not to comply with IPP 10 where the use of the information for another purpose is reasonably necessary for law enforcement purposes or for the protection of the public revenue. "Law enforcement purposes" means a breach of the criminal law and criminal law enforcement. This Section does not remove the rights of an accused person. "Protection of the public revenue" means a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty.
 - Section 24(4) of the PPIPA extends the operation of Section 24(2) to Councils and permits non-compliance with IPP 10 where:
 - Council is investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency
 - the use of the information concerned for a purpose other than the purpose for which it was collected is reasonably necessary in order to enable the Council to exercise its complaint handling functions or any of its investigative functions.
- Section 25(a) of the PPIPA permits non-compliance with IPP 10 where Council is lawfully authorised or required not to comply with the principle.
- Section 25(b) of the PPIPA permits non-compliance with IPP 10 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.
- Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g., the

Office of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister's (or Premier's) administration.

DISCLOSURE OF PERSONAL INFORMATION

IPP 11 – Limits on disclosure of personal information ([Section 18 of PPIPA](#))

- Council will not disclose the information to another person or other body, unless the disclosure is directly related to the purpose for which the information was collected or where the Council has no reason to believe that the individual concerned would object to the disclosure.
- Council may disclose personal information to another person or other body where this disclosure is directly related to the purpose for which the personal information was collected and the individual concerned is reasonably likely to have been aware, (or has been made aware in accordance with Section 10), of the intended recipients of that information. "Directly related" can mean the disclosure to another person or agency to deliver a service that supplements that of Council or disclosure to a consultant for the purpose of assessing or reviewing the delivery of a program to which the original collection relates.
- The Council may disclose personal information to another person or other body where this disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.
- The Code makes provision for Council to depart from this principle in the following circumstances:
 - Council may disclose personal information to public sector agencies or public utilities on condition that:
 - the agency has approached Council in writing
 - Council is satisfied that the information is to be used by that agency for the proper and lawful function/s of that agency
 - Council is satisfied that the personal information is reasonably necessary for the exercise of that agency's function/s
 - Where personal information that has been collected about an individual is to be disclosed for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition.
 - Where Council is requested by a potential employer, it may verify that a current or former employee works or has worked for Council, the duration of that work, and the position occupied during that time. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.
- Sections 18 and 57 of the PPIPA should be read in conjunction in regard to Public Registers. Public Registers are discussed further in Part 2 of this Plan.

Investigative Functions

- Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under Section 41 of the PPIPA that may affect the application of IPP 11.

Existing exemptions under the Act

- Compliance with Information Protection Principle 11 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained. The relevant statutory exemptions are:
 - Section 23(5)(a) of the PPIPA permits non-compliance with IPP 11 where disclosure is made to a law enforcement agency in connection with proceedings for an offence or for law enforcement purposes. "Law enforcement purposes" means a breach of the criminal

- law and criminal law enforcement. However, Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.
- Section 23(5)(b) of the PPIPA permits non-compliance with IPP 11 where the disclosure is made to a law enforcement agency for the purpose of ascertaining the whereabouts of a person reported to be missing. However, Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.
 - Section 23(5)(c) of the PPIPA permits non-compliance with IPP 11 where disclosure is authorised by subpoena, search warrant or other statutory instrument. However, Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.
 - Section 23(5)(d)(i) of the PPIPA permits non-compliance with IPP 11 where disclosure is reasonably necessary for the protection of the public revenue. "Protection of the public revenue" could mean a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty. However, Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.
 - Section 23(5)(d)(ii) of the PPIPA permits non-compliance with IPP 11 where disclosure is reasonably necessary to investigate an offence where there are reasonable grounds to believe an offence has been committed.
 - Section 24(4) of the PPIPA permits non-compliance with IPP 11 if:
 - investigating a complaint that could be referred or made to, or has been referred from or made by, an investigative agency
 - if the disclosure is to an investigative agency
 Note: "investigative agency" is defined at s.3 of PPIPA.
 - Section 25(a) of the PPIPA permits non-compliance with IPP 11 where Council is lawfully authorised or required not to comply with the principle. Section 25(b) of the PPIPA permits non-compliance with IPP 11 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.
 - Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.
 - Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g. the Office of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister's (or Premier's) administration.
- It is anticipated that a disclosure of personal information for research purposes will be allowed under a Section 41 Direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney General.

Suppression

- Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Plan for more details about suppression of personal information.

IPP 12 – Special restrictions on disclosure of personal information ([Section 19](#) of PPIPA)

- Council will not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.
- Sections 19 and 57 of the PPIPA should be read in conjunction in regard to Public Registers. Public Registers are discussed further in Part 2 of this Plan.

Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under Section 41 of the PPIPA that may affect the application of Information Protection Principle 12.

Existing exemptions under the Act

Compliance with Information Protection Principle 12 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained. The relevant statutory exemptions are:

- Section 23(7) of the PPIPA permits non-compliance with IPP 12 where the disclosure is necessary to investigate an offence or where there are reasonable grounds to believe an offence has been or may be committed.
 - Section 25(a) of the PPIPA permits non-compliance with IPP 12 where Council is lawfully authorised or required not to comply with the principle.
 - Section 25(b) of the PPIPA permits non-compliance with IPP 12 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.
 - Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.
 - Section 28(2) permits non-compliance with IPP 12 where, in the case of health information, the consent of the person cannot reasonably be obtained and the disclosure is made by an authorised person to another authorised person. “Authorised person” means a medical practitioner, health worker, or other official or employee providing health or community services who is employed or engaged by a public sector agency.
 - Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g. the Office of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister’s (or Premier’s) administration.
- It is anticipated that a disclosure of personal information for research purposes will be allowed under a Section 41 Direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney General.

Suppression

- Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Plan for more details about suppression of personal information.

1. PART 4 – HEALTH PRIVACY PRINCIPLES

Health information includes personal information that is information or an opinion about the physical or mental health or a disability of an individual. Health information also includes personal information that is information or an opinion about:

- a health service provided, or to be provided, to an individual
- an individual’s express wishes about the future provision of health services to him or her
- other personal information collected in connection with the donation of human tissue
- genetic information that is or could be predictive of the health of an individual or their relatives or descendants

Local councils will often hold health information by reason of their role in elder care, child care and various types of community health support services. It is therefore very important for Councils to be familiar with the 15 Health Protection Principles set down in Schedule 1 to the HRIPA. Each of these HPPs are considered below.

The following is a non-exhaustive list of examples of the types of health information and circumstances in which local councils may collect health information in exercising their functions:

- Tree pruning/removal application where residents approach council for a reconsideration or reassessment of a tree pruning/removal application on medical grounds
- Issuing of clean up orders that may include recording information about a resident’s health, GP professional contact details or involvement with mental health services

- Volunteer programs where volunteers are asked to disclose health conditions that may preclude them from some types of volunteer work
- Meals on Wheels programs where residents may be asked for medical or dietary requirements, e.g. allergies for catering purposes
- Seniors bus outings where information may be collected on special medical needs
- Councils may provide respite and social support services collecting information that is consistent with the client intake and referral record system
- Information on families for the purposes of children's services. e.g. history of illness, allergies, asthma, diabetes, epilepsy etc.
- Physical exercise classes
- Some councils run Podiatry services
- Information may be collected through a healthy community program
- Children's immunization records
- Family counsellor/youth support workers' records.

HPPs 1 to 4 – Collection of health information ([Schedule 1, sections 1–4 of HRIPA](#))

Council policy

- Council will only collect health information for a lawful purpose that is directly related to Council's activities and is necessary for that purpose (HPP 1).
- Council will ensure that the health information is relevant, accurate, up to date and not excessive and that the collection is not unnecessarily intrusive into the personal affairs of the individual (HPP 2).
- Council will only collect health information directly from the individual that the information concerns, unless it is unreasonable or impractical for Council to do so (HPP 3).
- Council will tell the person why the health information is being collected, what will be done with it, who else might see it and what the consequences are if the person decides not to provide it. Council will also tell the person how they can see and correct the health information (HPP 4).
- If Council collects health information about a person from someone else, Council will take reasonable steps to ensure that the subject of the information is aware of the above points (HPP 4).

Exemptions

- An organisation is not required to comply with HPP 4 if:
 - the individual to whom the information relates has expressly consented to the organisation not complying with it
 - the organisation is lawfully authorised or required not to comply with it
 - non-compliance is otherwise permitted (or necessarily implied or reasonably contemplated) under any Act or any other law including the *State Records Act 1998*)
 - compliance by the organisation would, in the circumstances, prejudice the interests of the individual to whom the information relates the information concerned is collected for law enforcement purposes
 - the organisation is an investigative agency and compliance might detrimentally affect (or prevent the proper exercise of) its complaint handling functions or any of its investigative functions.

HPP 5 – Retention and security of health information ([Schedule 1, Section 5 of HRIPA](#))

Council policy

- Council will store health information securely and protect health information from unauthorised access, use or disclosure. Health information will not be kept for any longer than is necessary and will be disposed of appropriately

Exemptions

- An organisation is not required to comply with a requirement of HPP 5 if:
 - the organisation is lawfully authorised or required not to comply with it

- non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the *State Records Act 1998*).
- If the organisation is an investigative agency, it is not required to comply with the HPP 5 requirement to ensure the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used.

HPP 6 to 9 – Transparency about, access to, amendment of and accuracy of health information held and used by organisations ([Schedule 1, Sections 6–9](#) of HRIPA)

Council policy

- Council will provide details about what health information Council is holding about an individual, information about why Council is storing that information, and what rights of access the individual has (HPP 6).
- Council will allow the individual to access his or her health information without reasonable delay or expense (HPP 7).
- Council will allow the individual to update, correct or amend his or her health information where necessary (HPP 8).
- Council will make sure that the health information is relevant and accurate before using it (HPP 9).

HPP 10 – Use of health information ([Schedule 1, Section 10](#) of HRIPA)

Council policy

- Council will only use the health information for the primary purpose for which, unless it is for the person concerned has consented to its use or one of the secondary purposes described in Section 10 of Schedule 1 applies. Those secondary purposes include:
 - a purpose directly related to the primary purpose where the person would reasonably expect Council to disclose the information
 - where there is a serious threat to health or welfare
 - for the management of a health service
 - for the training of employees
 - for research, or the compilation or analysis of statistics, in the public interest
 - to assist a law enforcement agency in relation to a missing person
 - in relation to suspected unlawful activity, unsatisfactory professional conduct or a breach of discipline
 - for the exercise of law enforcement functions by a law enforcement agency where an offence may have been committed
 - for the exercise of complaint handling or investigation functions by an investigative agency (this extends to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency)
 - other circumstances prescribed by the regulations.

Exemptions

- An organisation is not required to comply with HPP 10 if:
 - the organisation is lawfully authorised or required not to comply with the provision concerned
 - non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the *State Records Act 1998*).
- HPP 10 does not prevent or restrict the disclosure of health information by a public sector agency:
 - to another public sector agency under the administration of the same Minister, if the disclosure is for the purposes of informing that Minister about any matter within that administration

- to any public sector agency under the administration of the Premier, if the disclosure is for the purposes of informing the Premier about any matter.

HPP 11 – Disclosure of health information ([Schedule 1, Section 11](#) of HRIPA)**Council policy**

- Council will only disclose health information for the primary purpose for which, unless it is for the person concerned has consented to its use or one of the secondary purposes described in Section 10 of Schedule 1 applies. Those secondary purposes include:
 - a purpose directly related to the primary purpose where the person would reasonably expect Council to disclose the information
 - where there is a serious threat to health or welfare
 - for the management of a health service
 - for the training of employees
 - for research, or the compilation or analysis of statistics, in the public interest
 - to assist a law enforcement agency in relation to a missing person
 - in relation to suspected unlawful activity, unsatisfactory professional conduct or a breach of discipline
 - for the exercise of law enforcement functions by a law enforcement agency where an offence may have been committed
 - to an immediate family member of the individual for compassionate reasons
 - for the exercise of complaint handling or investigation functions by an investigative agency (this extends to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency)
 - other circumstances prescribed by the regulations.

Exemptions

- An organisation is not required to comply with HPP 11 if:
 - the organisation is lawfully authorised or required not to comply with the provision concerned
 - non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the *State Records Act 1998*).
- HPP 11 does not prevent or restrict the disclosure of health information by a public sector agency:
 - to another public sector agency under the administration of the same Minister, if the disclosure is for the purposes of informing that Minister about any matter within that administration
 - to any public sector agency under the administration of the Premier, if the disclosure is for the purposes of informing the Premier about any matter.

HPP 12 – Identifiers ([Schedule 1, Section 12](#) of HRIPA)**Council policy**

- Council will only give an identification number to health information if it is reasonably necessary for Council to carry out its functions effectively (HPP 12).

HPP 13 – Anonymity ([Schedule 1, Section 13](#) of HRIPA)**Council policy**

- Council will provide health services anonymously where it is lawful and practical to do so.

HPP 14 – Trans border data flows and data flow to Commonwealth agencies ([Schedule 1, Section 14](#) of HRIPA)

- HPP 14 prevents the transfer of health information about an individual to any person or body who is in a jurisdiction outlines NSW or to a Commonwealth agency unless specified requirements are met.
- Council will only transfer personal information out of New South Wales if the requirements of HPP 14 are met.

HPP 15 – Linkage of health records ([Schedule 1, Section 15](#) of HRIPA)**Council policy**

- Council will only include health information in a system to link health records across more than one organisation if the individual to whom the health information relates expressly consents to the link.

Exemptions

- An organisation is not required to comply with HPP 15 if:
 - the organisation is lawfully authorised or required not to comply with the provision concerned
 - non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the *State Records Act 1998*)
 - the inclusion of the health information about the individual in the health records information system (including an inclusion for which an identifier of the individual is to be disclosed) is a use of the information that complies with Schedule 1, Clause 10 (1) (f) of HRIPA or a disclosure of the information that complies with Schedule 1, Clause 11 (1) (f) or HRIPA.

PART 5 – IMPLEMENTATION OF THE PRIVACY MANAGEMENT PLAN

Training Seminars/Induction

All Council officials should be acquainted with the general provisions of the PPIPA, the HRIPA and in particular, the 12 IPPs the 15 HPPs, the Public Register provisions, the *Privacy Code of Practice for Local Government*, this Plan and any other applicable Code of Practice.

During induction, all employees should be made aware that the performance management system will include personal information on their individual work performance or competency.

Responsibilities of the Privacy Contact Officer

It is assumed that the Public Officer within Council will be assigned the role of the Privacy Contact Officer unless the General Manager has directed otherwise.

In order to ensure compliance with PPIPA and the HRIPA, the Privacy Contact Officer will review all contracts and agreements with consultants and other contractors, rates notices, application forms of whatsoever nature, and other written requests by which personal information is collected by Council, to ensure that Council is in compliance with the PPIPA.

The Privacy Contact Officer will ensure Council in its public areas has special provisions for working with computer screens. Computer screens may require:

- fast screen savers
- face the computers away from the public
- only allow the record system to show one record at a time

Council's electronic databases should also be reviewed to ensure that they contain procedures and protocols to check the accuracy and currency of personal and health information.

The Privacy Contact Officer will also provide opinions within Council as to:

- Whether the personal or health information is collected for a lawful purpose
- If that lawful purpose is directly related to a function of Council

- Whether or not the collection of that personal or health information is reasonably necessary for the specified purpose

Any further concerns of a legal nature will be referred to a legal specialist engaged by Council. Should the Council require, the Privacy Contact Officer may assign designated officers as "Privacy Resource Officers", within the larger departments of Council. In this manner, the Council may ensure that the information protection principles are more broadly understood and that individual departments have a greater focus on the information protection principles and are directly applied to Council's day to day functions.

Distribution of information to the public

Council may prepare its own literature such as pamphlets on the PPIPA, HRIPA or it may obtain and distribute copies of literature available from the IPC.

PART 6 – INTERNAL REVIEW

How does the process of Internal Review operate?

Under Section 53 of the PPIPA a person (the applicant) who is aggrieved by the conduct of a Council is entitled to a review of that conduct. An application for internal review is to be made within 6 months of when the person first became aware of the conduct.

The application is to be in writing and addressed to Council's Privacy Contact Officer. The Privacy Contact Officer will appoint a Reviewing Officer to conduct the internal review. The Reviewing Officer must not be substantially involved in any matter relating to the application. The Reviewing Officer must be an employee and suitability qualified.

The review must be completed as soon as is reasonably practicable in the circumstances. If the review is not completed within 60 days of the lodgement, the applicant is entitled to seek external review.

The Council must notify the Privacy Commissioner of an application as soon as practicable after its receipt, keep the Commissioner informed of the progress of the application and inform the Commissioner of the findings of the review and of the action it proposes to take in relation to the application.

The Privacy Commissioner is entitled to make submissions in relation to internal reviews and the Council is required to consider any relevant material submitted by the Privacy Commissioner. The Council must provide the Privacy Commissioner with a draft of the Council's internal review report to enable the Privacy Commissioner to make a submission.

Council may provide a copy of any submission by Privacy Commissioner's to the applicant.

The Council must notify the applicant of the outcome of the review within 14 days of its determination. A copy of the final review should also be provided to the Privacy Commissioner where it departs from the draft review.

An internal review checklist has been prepared by the IPC and can be accessed from its website <http://www.ipc.nsw.gov.au>.

The Privacy Commissioner must be notified of a complaint, briefed on progress and notified of the outcome of an internal review under the PPIPA or HRIPA.

What happens after an Internal Review?

If the complainant remains unsatisfied, they may appeal to the NSW Civil and Administrative Tribunal (NCAT), which hears the matter afresh and may impose its own decision and can make a range of orders including an award of damages for a breach of an information protection principle or a health privacy principle.

PART 7 – OTHER RELEVANT MATTERS

Mandatory Data Breach Scheme

In accordance with the MNDB Scheme established under Part 6A of the PPIPA, Council has in place a *Data Breach Policy* that sets out how Council will respond to a data breach that involves disclosure of personal information. The policy outlines the roles and responsibilities of Council officers in relation to managing a breach and the steps Council will follow if a breach occurs.

The *Data Breach Policy*, together with the *Cyber Crime and Security Incident Corporate Practice* and *Cybersecurity Incident Response Plan*, and related procedures, provides comprehensive guidance to Council officials on how to prevent, prepare for, identify, report, contain, evaluate and notify an eligible data breach.

Contracts with consultants and other private contractors

It is necessary to have specific provisions to protect the Council in any dealings with private contractors.

Confidentiality

The obligation of confidentiality is additional to and separate from that of privacy. Nevertheless, a duty to withhold information lies at the heart of both concepts. Confidentiality attaches to information per se, personal or health information to the person to whom that information relates.

An obligation of confidentiality exists for all employees whether express or implied as a matter of law.

Information that may be confidential is also likely to have a separate and independent obligation attaching to it in the form of privacy and in that regard, a release for the purposes of confidentiality will not suffice for privacy purposes. Two separate releases will be required and, in the case of privacy, the person to whom the information relates will be required to provide the release.

Misuse of personal or health information

Section 664 of the LGA makes it an offence for anyone to disclose information except in accordance with that Section. Whether or not a particular disclosure is made with lawful excuse is a matter that requires legal opinion from case to case.

Regular review of the collection, storage and use of personal or health information

The information practices relating to the collection, storage and use of personal or health information will be reviewed by the Council every three years. Any new program initiatives will be incorporated into the review process with a view to ascertaining whether or not those programs comply with the PPIPA.

Procedures, forms and other guidance

The Privacy Contact Officer will lead the development of appropriate procedures, forms, templates and other guidance material to assist the implementation of this Plan.

Review

When information practices are reviewed from time to time, the Privacy Management Plan will also be reviewed to ensure that the Plan is up to date. At a minimum, the Plan will be reviewed every four years.

Further information

Council Contact: Manager Governance & Risk Ph 9911 9910.

The IPC can also provide assistance with understanding the processes under the PPIPA and HRIPA.

(Item 7/24) Budget Review for Quarter Ending 31 December 2023

File No: 24/2570

Report by Director Corporate Services

Summary

The 2023-2024 Budget was adopted at the Council Meeting held on 27 June 2023 with a surplus of \$12,718. The adopted budget was prepared on the basis of the organisational structure which includes five Directorates and the Office of the General Manager.

This report provides Council with the financial results for the period ending 31 December 2023, in the 2023-2024 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 \$12,718 as at 31 December 2023 which is the same as the September revised surplus of \$12,718.

Operational Plan Objective

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability

Background

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

Council's budget is prepared on a program basis and forecasts expected operating and capital income and expenditure for the year. To fund the budget, Council also utilises funds held in reserve that have accumulated in prior years such as Section 7.12 Local Infrastructure Contributions and Internally Restricted Reserves.

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

This requires Council to:

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

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

BURWOOD COUNCIL							
Statement of Budget Income & Expenditure							
as at 31 December 2023							
Income							
Type	Budget	Adopted Variations September	Amended Budget	Recommended Amendments	Forecasted Year End	Reference	Actuals
Rates & Annual Charges	(38,581,652)	-	(38,581,652)	-	(38,581,652)	1	(38,769,882)
User Charges & Fees	(10,299,164)	-	(10,299,164)	32,435	(10,266,729)	2	(6,091,004)
Interest & Investment Revenue	(1,425,000)	(400,000)	(1,825,000)	(98,595)	(1,923,595)	3	(1,432,503)
Other Revenue	(4,948,177)	-	(4,948,177)	-	(4,948,177)	4	(2,808,302)
Rental Income	(2,304,911)	-	(2,304,911)	-	(2,304,911)	5	(932,941)
Operating Grants & Contributions	(2,660,700)	(1,315,814)	(3,976,514)	76,000	(3,900,514)	6	(737,111)
Capital Grants & Contributions	(42,548,475)	(1,726,339)	(44,274,814)	(347,068)	(44,621,882)	7	(7,531,306)
Total Income	(102,768,079)	(3,442,153)	(106,210,232)	(337,228)	(106,547,460)		(58,303,050)
Expenditure							
Type	Budget	Adopted Variations September	Amended Budget	Recommended Amendments	Forecasted Year End	Reference	Actuals
Employment Costs	23,970,388	223,260	24,193,648	16,177	24,209,825	8	11,538,605
Borrowing Costs	335,151	-	335,151	-	335,151	9	131,990
Materials & Services	26,651,003	2,088,901	28,739,904	131,521	28,871,425	10	13,516,893
Depreciation	10,940,886	-	10,940,886	-	10,940,886	11	5,470,443
Other Expenses	1,133,050	-	1,133,050	-	1,133,050	12	1,175,314
Total Expenditure	63,030,478	2,312,161	65,342,639	147,698	65,490,337		31,833,245
Net Operating Result	(39,737,601)	(1,129,992)	(40,867,593)	(189,531)	(41,057,124)		(26,469,804)
Net Operating Result before Capital Items	2,810,874	596,347	3,407,221	157,538	3,564,759		(18,938,498)
Funding Statement							
Net Operating Result	(39,737,601)	(1,129,992)	(40,867,593)	(189,531)	(41,057,124)		(26,469,804)
Add Back Non Cash Items							
Depreciation	(10,940,886)	-	(10,940,886)	-	(10,940,886)	13	(5,470,443)
Movement in ELE	-	-	-	-	-	-	-
Adjusted Net Operating Result	(50,678,487)	(1,129,992)	(51,808,479)	(189,531)	(51,998,010)		(31,940,247)
Source of Capital Funds							
Sale of Assets	(825,000)	-	(825,000)	-	(825,000)	14	(269,245)
Loan Funding	(1,000,000)	-	(1,000,000)	-	(1,000,000)	15	-
Transferred From S7.12 Reserves	(775,000)	(2,219,800)	(2,994,800)	-	(2,994,800)	16	(1,276,870)
Transferred From Reserves	(1,705,000)	(4,585,355)	(6,290,355)	(756,177)	(7,046,532)	17	(3,176,995)
Add Back Non Cash Property	-	-	-	-	-	-	-
Funds Available	(54,983,487)	(7,935,147)	(62,918,634)	(945,708)	(63,864,342)		(36,663,358)
Funds Utilised:							
Acquisition of Assets	43,227,605	7,935,147	51,162,752	945,708	52,108,460	18	11,487,620
Loan Principal Repayment	731,019	-	731,019	-	731,019	19	374,432
Lease Liability Principal Repayment	217,145	-	217,145	-	217,145	19	-
Transfer to S7.12 Reserves	10,030,000	-	10,030,000	-	10,030,000	20	6,775,380
Transfer to Reserves	765,000	-	765,000	-	765,000	21	220,000
Budget Result	(12,718)	-	(12,718)	-	(12,718)		(17,805,926)

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 \$102,768,079. At the September review this was increased to \$106,210,332. As at December there has been a further increase of \$337,228 to \$106,547,460. The major items resulting in this forecast income adjustment include:

Reference 2 – User Charges and Fees - An overall decrease of \$32,435 to the budget due to the following;

- Reduction in revenue of \$59,620 from Outdoor dining as a result of changing business

conditions.

- Increase in revenue of \$31,160 for Urban Design Review Planning Panel

Reference 3 – Interest and Investment - An overall increase of \$98,595 attributed to increase interest rates received on investments.

Reference 6 – Operating Grants and Contributions – A decrease in Operating Grants and Contributions of \$76,000 associated with the following:

- \$76,000 less funds received from the Regional and Local Roads Repair Program than expected.

Reference 7 – Capital Grants and Contributions – An increase of \$347,068 to the budget due to the following:

- Received additional \$317,068 in LRCI Phase 2 funding for Burwood Road, Deane to Park
- Expected to receive a grant for \$30,000 for table tennis table at Wangal Park.

Total Expenditure from continuing operations

Expenditure from continuing operations was originally forecast at \$63,030,478. At the September Review it was increased to \$65,342,639. As at the December 2023 there is a further increase of \$147,698 to \$65,490,337. The major items resulting in this forecast expenditure adjustment include:

Reference 8 – Employment Costs - An overall increase in Employee costs of \$16,177 is attributed to, but not limited to:

- Decrease in casual domestic waste staff costs of \$70,000 transferred to temporary staff for be tidy bins, illegal dumping and street cleaning.
- Increase in temporary staff costs of \$86,177 for the WH&S project manager funded from WH&S Reserve

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 \$131,521 was attributed to various movements within Business Units throughout the budget. Significant movements and additional funding requests were:

- Increase of \$70,000 of temporary labour for be tidy bins, illegal dumping and street cleaning, funded through the decrease of salary and wages.
- Increase of \$35,000 due to variation to Audit fees for the 2023-24 Audit, funded from increase investment income.
- Increase of \$31,160 for consultants for Urban Design Review Panel funded from the increase in corresponding revenue.

There were other budget movements within the classification of Materials and Services. These movements had no significant change to the actual overall budget.

Capital Expenditure

Reference 18 – Acquisition of Assets - Council's original adopted 2023-2024 Capital Budget, per Delivery Plan, was \$43,227,605. At the September review it was increased to \$51,162,752. As at December there is a further allocation of \$945,708 bringing the total Capital Works programme to \$52,108,460.

Capital Plant and Equipment:

Actual Expenditure to 31 December 2023 is represented in the table below.

Property Acquisitions/Disposals:

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

Capital Works Program:

During the December quarter review the Capital Program Working Party assessed and revised the 2023-2024 Capital Works Program based on recommendations from the respective Project Managers, the following adjustments have been made:

Further Capital project movements during December quarter totalling \$941,068 consisted of:

- \$317,068 additional grant funding received for Burwood Rd (Deane to Park), funded from LRCI phase 2.
- \$370,000 additional funding for replacement of a large sweeper transferred from plant reserve.
- \$300,000 additional funding for replacement of light fleet funded from plant reserve.
- \$30,000 additional expected grant funding for installation of table tennis table in Wangal Park.
- \$76,000 reduction in expenditure for Roads due to decrease revenue received from the Regional & Local Roads Repair Program.

BURWOOD COUNCIL							
Statement of Capital Income & Expenditure							
Budget Review as at 31 December 2023							
<u>Income</u>							
Adopted Variations							
Capital Expenditure	Budget	September	Amended Budget	Recommended Amendments	Forecasted Year End	Reference	Actuals
Renewal Assets (Replacement):							
Fleet Capital Acquisitions Sales	1,650,000	-	1,650,000	670,000	2,320,000	19	1,072,737
Grant Funded Capital Works	169,168	-	169,168	-	169,168	19	354,249
Roads	1,950,000	1,011,950	2,961,950	262,068	3,224,018	19	1,014,504
Traffic Facilities	230,000	-	230,000	-	230,000	19	7,594
Footpaths	525,000	129,900	654,900	-	654,900	19	310,454
Kerb & Gutter	450,000	40,250	490,250	-	490,250	19	281,108
Drainage	2,278,796	1,595,830	3,874,626	(90,000)	3,784,626	19	1,542,262
Park Improvements	275,000	2,947,823	3,222,823	30,000	3,252,823	19	1,529,237
Playground Equip	275,000	-	275,000	-	275,000	19	17,528
Street Furniture	420,000	404,000	824,000	-	824,000	19	386,741
Public Domain Chargeable Works	750,000	-	750,000	90,000	840,000	19	287,409
Library Collection	145,000	-	145,000	-	145,000	19	44,678
Lib Resources	40,000	-	40,000	-	40,000	19	10,369
IT Projects	945,000	1,498,000	2,443,000	4,640	2,447,640	19	564,363
Corporate Projects	100,000	-	100,000	-	100,000	19	280
Town Centre Beautification	500,000	-	500,000	(21,000)	479,000	19	149,151
Council Buildings	1,000,000	307,394	1,307,394	-	1,307,394	19	582,761
Westinvest - Stage 1	20,809,641	-	20,809,641	-	20,809,641	19	39,397
Westinvest - Stage 2	10,600,000	-	10,600,000	-	10,600,000	19	780,262
Domestic Waste Collection	115,000	-	115,000	-	115,000	19	50,855
Total Capital Expenditure	43,227,605	7,935,147	51,162,752	945,708	52,108,460		9,025,939
Capital Funding							
Rates & other Charges	3,588,870	299,818	3,888,688	157,538	4,046,226		
Capital Grants & Contributions	(42,548,475)	(1,726,339)	(44,274,814)	(347,068)	(44,621,882)		
Loan Funding	(1,000,000)	-	(1,000,000)	-	(1,000,000)		
Domestic Waste Charge	(115,000)	-	(115,000)	-	(115,000)		
Sale of Assets	(825,000)	-	(825,000)	-	(825,000)		
Reserves:							
Section 7.12 Funding	(775,000)	(2,219,800)	(2,994,800)	-	(2,994,800)		
Reserve Funding	(1,553,000)	(4,288,826)	(5,841,826)	(756,177)	(6,598,003)		
Total Capital Funding	(43,227,605)	(7,935,147)	(51,162,752)	(945,708)	(52,108,460)		

Transfers to and From Reserves:

Reference 17 – Transferred from Reserves – An increase of \$756,177 relating to the following projects:

- Heavy Fleet replacement - \$370,000
- Light Fleet replacement - \$300,000
- WH&S Training and project manager – \$86,177

Budget Review for quarter ended 30 September 2023						
Cash & Investments						
	Opening Balance as at 1 July 2023 000s	Original Budget 2023-24 000s	Budget Review September 2023-24 000s	Budget Review December 2023-24 000s	Projected Year End Result 000s	Actual YTD figures 000s
Total Cash, Cash Equivalents and Investment Securities	52,606	59,921	53,116	52,360	52,360	54,876
Restrictions						
External Restrictions						
Developers Contributions	15,296	9,255	-2,220		22,331	22,331
Specific Purpose Unexpended Grants	69				69	69
Loans	1,000	- 1,000			-	-
Stormwater Management	426				426	426
Domestic Waste Management	2,029				2,029	2,029
Total External Restrictions	18,820	8,255	-2,220	0	24,855	24,855
Internal Restrictions						
Plant & Vehicle Replacement	3,699	-600		- 670.00	2,429	2,429
Employees Leave Entitlements	1,171				1,171	1,171
Carry Over Works	1,141		-963		178	178
Deposits, Retentions & Bonds	5,252				5,252	5,252
Financial Assistance Grant (advance)	1,405				1,405	1,405
Information Technology	2,101	-520	-1,116		465	465
WHS	410	- 40	-198	- 86.00	86	86
Parking Meters Replacement	566	100			666	666
Property Sales	500	32			532	532
Future Property Investment	3,548	70			3,618	3,618
LATMs	294				294	294
Woodstock Community Building	287				287	287
Election	281	120			401	401
Property Maintenance	1,271				1,271	1,271
Park Upgrades	265		-100		165	165
Enfield Aquatic Centre Maintenance/Upgrade	263				263	263
Local Environmental Plan	556		-306		250	250
Insurances	50	50			100	100
CCTV	130				130	130
Infrastructure - SRV	2,085		-1,596		489	489
Operations Centre	222		- 207		15	15
Business Continuity (operational reimbursement)	600				600	600
Contract Liabilities	5,219				5,219	5,219
Town Centre festive decorations	150				150	150
Other	473	- 152	-99		222	222
Total Internal Restrictions	31,939	-940	-4,585	-756	25,658	25,658
Total Restrictions	50,759	7,315	-6,805	-756	50,513	50,513
Unrestricted Cash	1,847	1,847	1,847	1,847	1,847	4,363

Council's Current Unrestricted Cash is distorted as Council has received a high volume of rate revenue as at 31 December 2023. The Unrestricted Cash figure will fluctuate during the year as it will be used to fund planned expenditure.

Investments:

Council's investments have been made in accordance with its Investment Policy and the Investment Guidelines issued by the Minister for Local Government at the time of their placement. As at 31 December 2023, Council's cash and investment portfolio stood at \$54,875,577. 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 8 January 2024 for the month ending 31 December 2023. The reconciliation was approved by the Financial Operations Accountant and the balance in Council's General Fund Bank Account totalled \$763,965.

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	2023-24 Original Budget	2023-24 Budget Sept Review	2023-24 Budget Dec Review	Local Government or NSW Treasury Corp Bench Mark	December quarter Comments
1	Operating Performance Ratio	-4.67%	-5.50%	-5.76%	Greater or equal to break-even	Tracking as per budget.
2	Consolidated Budget Result	\$12,718 Surplus	\$12,718 Surplus	\$12,718 Surplus	N/A	Current budget tracking to revised result.
3	Unrestricted Current Ratio	1.93:1	3.72:1	3.22:1	Greater or equal to 1.5:1	Currently trending above the benchmark.
4	Debt Service Result	7.94%	7.38%	7.23%	Greater than Zero	Tracking as per Budget.
5	Rates and Annual Charges Outstanding %	5.67%	60.93%	42.09%	Less than or equal to 5%	For the year to 31 December 2023 Council has received \$23,482,476 in payment of Rates, Annual Charges and Interest levied which equates to 58% paid.
6	Building and Infrastructure Renewals Ratio	462%	504%	507%	>100% or 1:1	Ratio increased due due to capital works projects carried over from 2022-23 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.
- 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 3.22:1 at year's 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 58% 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 31 December 2023 which is reportable.

Contractors	Contract Details and purpose	Contract Value GST excl	Commencement Date	Duration of contract	Budget ed (Y/N)
THE TRUSTEE FOR BLACKETT FAMILY TRUST &	Principal Certifying Authority to verify with building regulations during design and execution	\$66,000.00	13/10/2023	Sep-27	YES
JCDECAUX AUSTRALIA TRADING PTY LTD	Relocate the bus shelter in 105-115 Liverpool Rd Burwood	\$50,699.76	30/10/2023	Feb-24	YES
ASPLUNDH TREE EXPERT (AUSTRALIA) PTY LTD	Street Planting for FY 23/24	\$64,103.29	30/10/2023	Jun-24	YES
ROSS TAYLOR & ASSOCIATES PTY LTD	Consultant to undertake Design Development, Quality performance of water proof system	\$61,600.00	1/11/2023	Mar-27	YES
WATERFORMS INTERNATIONAL PTY LTD	Consultant to undertake Design development of Water feature elements	\$64,680.00	1/11/2023	Dec-24	YES
PLANET CIVIL PTY LTD TRADING AS	Upgrading existing stormwater drainage network on the western side of Badminton Rd	\$344,505.00	2/11/2023	Mar-24	YES
ARTCRAFT PROPRIETARY LIMITED	Supply and installation of Parks signage at Flockhart Park and	\$82,347.50	10/11/2023	Apr-24	YES

Contractors	Contract Details and purpose	Contract Value GST excl	Commencement Date	Duration of contract	Budget ed (Y/N)
	Walsh Avenue Reserve.				
THE TRUSTEE FOR CITIZEN TRUST T/AS	Consultant to undertake wayfinding and signage design including quality and performance report	\$68,200.00	17/11/2023	Mar-27	YES
PLANET CIVIL PTY LTD TRADING AS	Road Re Sheet - Capital Works 2023/2024.	\$598,385.00	22/11/2023	Feb-24	YES
EBCON PTY LTD	Stormwater Pipe Relining at 33-35 Belmore St on Wynne Ave Frontage, see attached.	\$121,690.00	28/11/2023	Mar-24	YES
PLANET CIVIL PTY LTD TRADING AS	Footpath Program 23/24 Capital works	\$94,419.00	6/12/2023	Feb-24	YES
GALAPAGOS PTY LIMITED	Archiving data from Authority and TechOne systems	\$70,000.00	28/11/2023	Dec-24	YES
AMPLE PROJECTS PTY LTD	Burwood Park Lighting Sculptures	\$105,600.00	31/10/2023	Apr-24	YES

Part B – Legal Expenses

Type	Individual Matter	Expenditure Year to Date	Cost Recovery/ Fines Year to Date
Advice	WestInvest	1,520	
Advice	49 Belmore Street - Lease preparation & advice	735	
Advice	Blair & Henley Parks licence agreement	1,225	
Voluntary Planning Agreement	Legal Advice - 180-186 Burwood Road Burwood	1,140	
Advice	8-14 Lyons Street Strathfield	6,475	
Local Court	20A Angelo Street Burwood		112
Land and Environment Court	13 Appian Way Burwood		49,588
Local Court	Strathfield Partners - erect sign without approval Parramatta Rd and Mosely St	6,378	
Supreme Court	13 Appian Way Burwood	6,538	115,704
Advice	Contract negotiations Visy Recycling	3,375	
Advice	Advice on Fire Safety Issues. Marsden Hotel.	980	
Land and Environment Court	20 Seymour Street Croydon Park		5,000
Land and Environment Court	2-4 Cooper Street Strathfield	9,849	
Advice	68-72 Railway Pde and 2-10 Oxford St Burwood Refusal of a S4.44 Modification	8,550	
Land and Environment Court	68-72 Railway Pde and 2-10 Oxford St Burwood Deemed refusal of a Building Information Certificate	3,439	
Land and Environment Court	33 Beresford Avenue Croydon Park	607	
Land and Environment Court	21 Appian Way Burwood	1,050	
Land and Environment Court	Illegal Works – Rooftop Penthouse 68-72 Railway Pde and 2-10 Oxford St Burwood		168,170
Advice	Advice - Delegations for Contract and Temporary Appointments	175	
Local Court	Dangerous dog matter - 67-69 Wentworth Road Strathfield	3,068	
Land and Environment Court	Class 5 action and pursuing a process to obtain a new DA unlawful works to a heritage building - 1 Lea Street Croydon	14,719	
Land and Environment Court	98-100 Wentworth Street & 9-11 Oxford Street Burwood	58,548	
Land and Environment Court	48 Fitzroy Street Burwood	7,525	
Local Court	70-72 Arthur Street Burwood Heights	3,679	3,550
Land and Environment Court	72 Liverpool Road Burwood Heights	13,496	
Local Court	23 Victoria Street Burwood	605	
Advice	Council vs Rich and Oliva Pty Limited - PIN 3254629676 SEPP breach -Liverpool Rd Croydon	750	
Local Court	Dangerous dog matter - 19A Cheltenham Road Croydon	4,001	
Land and Environment Court	28-34 Victoria Street Burwood	8,534	
Advice	Council vs Zoom Hibble Real Estate -Lily St - PIN 3254629667 unauthorised real estate signage installed Council property	1,987	
Local Court	Council vs Weiling GU - Unauthorised Tree Works/Breach of Consent - 43 Weldon Street Burwood	6,656	
Land and Environment Court	50-52 Belmore Street Burwood	12,083	
Local Court	Council vs Mr MikeQShi & Mrs ArianneJShi - Unauthorised Work and Non-Compliance with DCO - 15 Wellington Street Croydon	2,172	
Land & Environment Court	19 Grosvenor St Croydon	2,934	
Local Court	Council vs Samir Hatif – parking fine 3254634168	1,580	
Land & Environment Court	2A The Appian Way Burwood	2,403	
Local Court	Council vs Verify Construction Pty Ltd - development works on public road without an approval 12 Minna Street Burwood	1,740	
Advice	Victoria Street Burwood	25,598	
Advice	MOU between Burwood Council and Strathfield Council	693	
Advice	1A Railway Pde Lease Fees	5,782	
Advice	Lease - Elsie Street Burwood	-1,991	
Advice	Burleigh Street project	5,612	
Supreme Court	4 Mitchell Street, Enfield	76,554	
Rates Recovery Action		900	
Health Orders			11,000
Library Fines			86
Environment Enforcement			60,719
Traffic Enforcement			1,566
Parking Enforcement			0
Animal Management			280
		311,666	415,776
Annual Adopted Budget		525,500	
Adopted/Proposed Variation		400,000	
Annual Budget		925,500	

Conclusion

The current forecast budget result and the variations identified as part of the 31 December 2023 Quarter review have been undertaken by the Executive Team and the Finance Manager. There were also minor income and expenditure changes made throughout the budget which had minimal effect on the revised projected surplus.

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 Finance Manager has been appointed as the Responsible Accounting Officer by the General Manager.

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

“It is my opinion that the Quarterly Budget Review Statement for Burwood Council for the quarter ended 31 December 2023 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 2023-2024 Budget as at 31 December 2023, including the statement by the Responsible Accounting Officer, Finance Manager, 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 2023-2024 surplus of \$12,718, 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 8/24) Investment Report as at 30 November 2023

File No: 24/2522

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

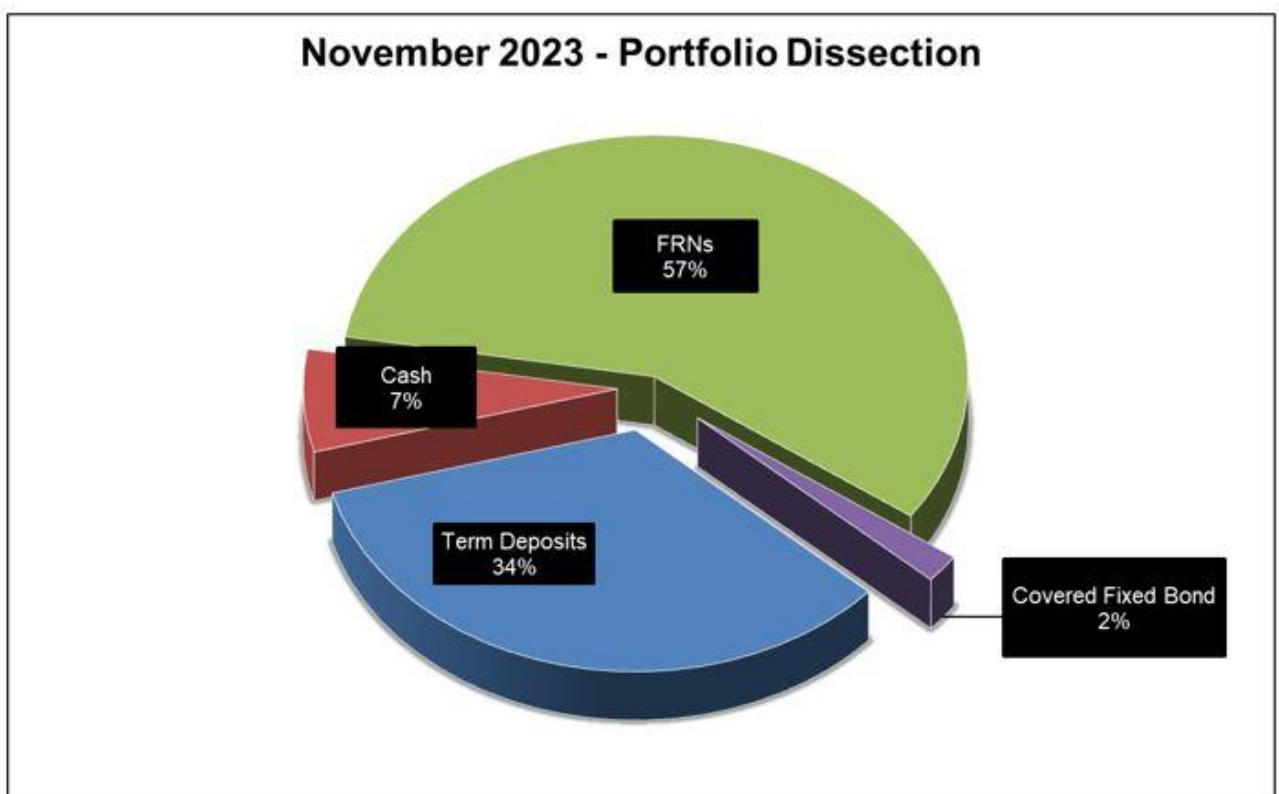
Background

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 30 November 2023 is:



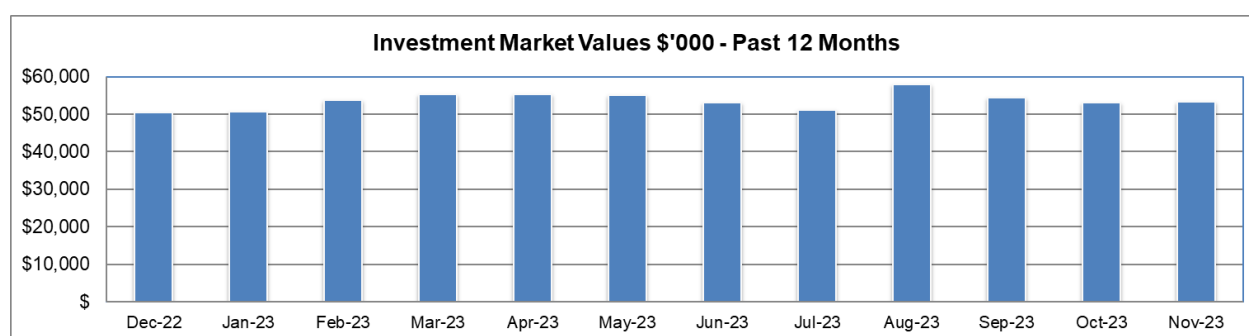
As at 30 November 2023 Council held the following term deposits:

Purchase Date	Financial Institution	Principal Amount	Interest Rate	Investment Days	Maturity Date
14 Aug 23	CBA	4,000,000	5.50%	270	10 May 24
09 Oct 23	SunCorp	4,000,000	5.15%	274	09 Jul 24
10 Oct 23	NAB	4,000,000	5.17%	365	09 Oct 24
02 Nov 23	CBA	3,000,000	5.40%	364	31 Oct 24
27 Jun 23	AMP	3,000,000	5.60%	175	19 Dec 23
	Total	18,000,000			

As at 30 November 2023 Council held the following Floating Rate Notes:

Purchase Date	Financial Institution	Principal Amount	Current Coupon Rate	Investment Days	Maturity Date
11 Jan 19	Commonwealth Bank of Australia	4,000,000	5.2696%	1,826	11 Jan 24
16 Jun 21	MyState Bank Ltd	2,500,000	4.7694%	1,461	16 Jun 25
24 Aug 21	National Australia Bank	1,500,000	4.7886%	1,826	24 Aug 26
11 Aug 22	Westpac	1,800,000	5.2186%	1,096	11 Aug 25
18 Aug 22	Commonwealth Bank of Australia	2,400,000	5.4028%	1,826	18 Aug 27
13 Oct 22	MyState Bank Ltd	1,500,000	5.4541%	1,096	13 Oct 25
17 Oct 22	Suncorp-Metway Limited	800,000	5.0342%	1,096	17 Oct 25
07 Nov 22	Sumitomo Mitsui Banking Sydney	2,000,000	5.5142%	1,096	07 Nov 25
13 Jan 23	Commonwealth Bank of Australia	3,000,000	5.3041%	1,826	13 Jan 28
19 Jan 23	Rabobank U.A Australia Branch	1,500,000	5.3967%	1,826	19 Jan 28
10 Feb 23	Newcastle Permanent Building Society	1,000,000	5.4142%	1,461	10 Feb 27
03 Mar 23	HSBC Sydney Branch	2,000,000	5.1750%	1,827	03 Mar 28
16 Mar 23	United Overseas Bank Sydney	2,000,000	4.8494%	1,096	16 Mar 26
18 May 23	Suncorp-Metway Limited	1,500,000	5.4328%	1,096	18 May 26
16 Jun 23	QPCU Limited T/A QBANK	2,750,000	5.8194%	1,096	16 Jun 26
	Total	30,250,000			

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 5 December 2023, the Board decided to leave the cash rate target unchanged at 4.35 per cent.

Statement by Michelle Bullock, Governor: Monetary Policy Decision

“Last month, the Board increased interest rates by 25 basis points, following a period of four months where it had held interest rates steady. This decision reflected the Board’s view that progress in bringing inflation back to the target range of 2 to 3 per cent was looking slower than earlier forecast. While the economy has been experiencing a period of below-trend growth, it was stronger than expected over the first half of the year. Underlying inflation was higher than expected at the time of the August forecasts, including across a broad range of services. Conditions in the labour market had eased but remained tight. Housing prices were continuing to rise across the country as was the number of new mortgages. Given this, the Board judged that the risk of inflation remaining higher for longer had risen and an increase in interest rates was therefore warranted to be more assured that inflation would return to target in a reasonable timeframe.

The limited information received on the domestic economy since the November meeting has been broadly in line with expectations. The monthly CPI indicator for October suggested that inflation is continuing to moderate, driven by the goods sector; the inflation update did not, however, provide much more information on services inflation. Overall, measures of inflation expectations remain consistent with the inflation target. Wages growth picked up in the September quarter but this was expected given that it captured the earlier Fair Work Commission decision on award wages. Wages growth is not expected to increase much further and remains consistent with the inflation target, provided productivity growth picks up. Conditions in the labour market also continued to ease gradually, although they remain tight.

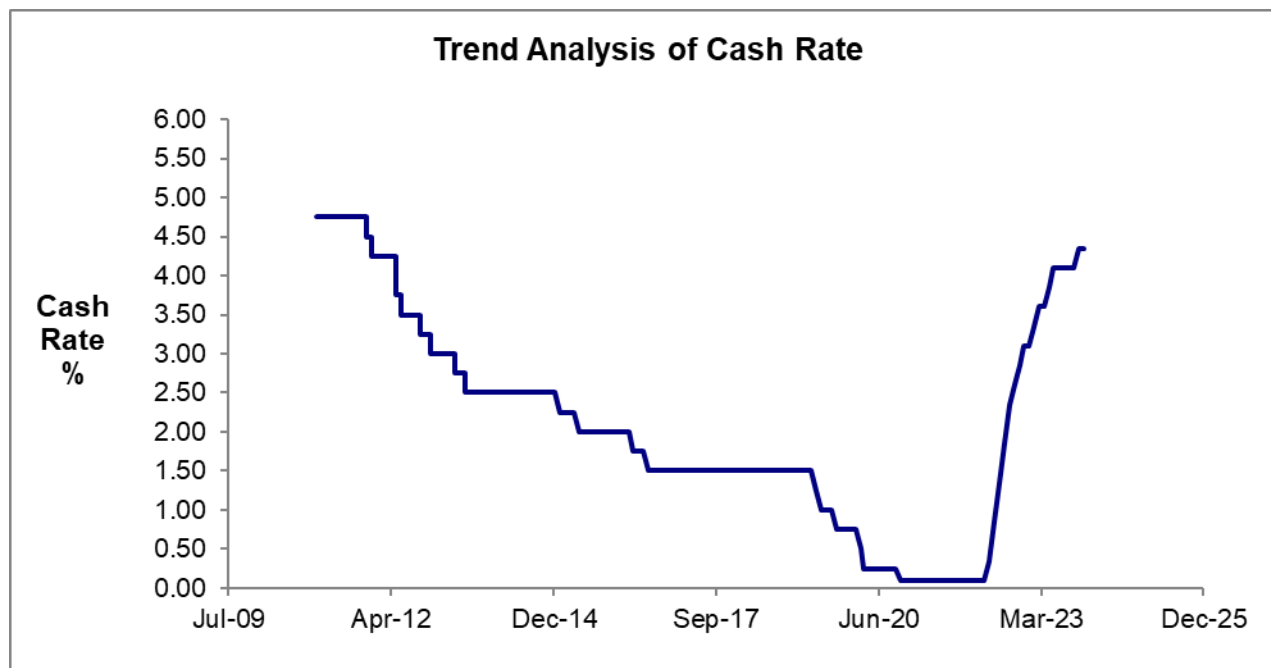
Higher interest rates are working to establish a more sustainable balance between aggregate supply and demand in the economy. The impact of the more recent rate rises, including last month’s, will continue to flow through the economy. High inflation is weighing on people’s real incomes and household consumption growth is weak, as is dwelling investment. Holding the cash rate steady at this meeting will allow time to assess the impact of the increases in interest rates on demand, inflation and the labour market.

Returning inflation to target within a reasonable timeframe remains the Board’s priority. High inflation makes life difficult for everyone and damages the functioning of the economy. It erodes the value of savings, hurts household budgets, makes it harder for businesses to plan and invest, and worsens income inequality. And if high inflation were to become entrenched in people’s expectations, it would be much more costly to reduce later, involving even higher interest rates and a larger rise in unemployment. To date, medium-term inflation expectations have been consistent with the inflation target and it is important that this remains the case.

There are still significant uncertainties around the outlook. While there have been encouraging signs on goods inflation abroad, services price inflation has remained persistent and the same could occur in Australia. There also remains a high level of uncertainty around the outlook for the Chinese economy and the implications of the conflicts abroad. Domestically, there are uncertainties regarding the lags in the effect of monetary policy and how firms’ pricing decisions and wages will respond to the slower growth in the economy at a time when the labour market remains tight. The outlook for household consumption also remains uncertain, with many households experiencing a painful squeeze on their finances, while some are benefiting from rising housing prices, substantial savings buffers and higher interest income.

Whether further tightening of monetary policy is required to ensure that inflation returns to target in a reasonable timeframe will depend upon the data and the evolving assessment of risks. In making its decisions, the Board will continue to pay close attention to developments in the global economy, trends in domestic demand, and 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 outcome.”

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



Recommendation(s)

1. That the investment report for 30 November 2023 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

Attachments

- 1 Investment Register November 2023
- 2 Types of Investments

ITEM NUMBER 8/24 - ATTACHMENT 1

Investment Register November 2023

BURWOOD COUNCIL
INVESTMENT PORTFOLIO
as at 30 November 2023

Investment Adviser	Issuer	ADI or N-ADI	Investment Name	Type	Rating S&P	Invested Amount	Market Value as at 30/09/2023	Market Value as at 31/10/2023	Market Value Reporting Date	% of Total Invested
Cash										6.85
Council	Commonwealth Bank	ADI	Operating Account	Cash	AA-	3,303,269	516,987	2,153,743	3,303,269	6.19
Council	Commonwealth Bank	ADI	Cash Deposit Account	At Call	AA-	0	-	-	-	0.00
Council	Commonwealth Bank	ADI	Online Saver	At Call	AA-	348,565	9,299,424	1,336,209	348,565	0.65
Council	AMP Bank Limited	ADI	AMP Business Saver	At Call	BBB-	1,251	1,245	1,248	1,251	0.00
Council	AMP Bank Limited	ADI	AMP Notice Account	Notice 30 days	BBB-	3,638	3,608	3,623	3,638	0.01
Term Deposits										34.12
Council	Westpac	ADI	Westpac	Term Deposit	AA-	-	3,001,849	-	-	0.00
Council	AMP Bank Limited	ADI	AMP Business Saver	Term Deposit	BBB-	-	3,061,644	3,074,384	-	0.00
Council	AMP Bank Limited	ADI	AMP Business Saver	Term Deposit	BBB-	3,000,000	3,043,726	3,057,995	3,071,803	5.76
Council	Commonwealth Bank	ADI	Commonwealth Bank	Term Deposit	AA-	4,000,000	4,028,329	4,047,014	4,065,096	7.62
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	4,000,000	-	4,011,898	4,028,895	7.55
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Term Deposit	AA-	4,000,000	-	4,012,416	4,029,348	7.55
Council	Commonwealth Bank	ADI	Commonwealth Bank	Term Deposit	AA-	3,000,000	-	-	3,012,427	5.65
Term Deposits - Covered Fixed Bond										1.88
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Covered Fixed Bond (4.85%) Semi Annual	AA-	1,000,000	1,019,050	994,060	1,003,220	1.88
Floating Rate Notes										57.14
Council	MyState Bank Ltd	ADI	MyState Bank Ltd	Floating Rate Notes (90 day BBSW +130 bps)	BBB	1,500,000	1,522,110	1,507,350	1,515,315	2.84
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Covered Flating Bond (90 day BBSW +88 bps)	AA-	800,000	811,048	802,880	806,368	1.51
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Covered Flating Bond (90 day BBSW +105 bps)	AA-	1,500,000	1,515,165	1,519,320	1,505,760	2.82
Council	Rabobank U.A. Australia Branch	ADI	Rabobank U.A. Australia Branch	Floating Rate Notes (90 day BBSW mid + 118 bps)	A	1,500,000	1,529,115	1,511,775	1,519,560	2.85
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +112 bps)	AA-	3,000,000	3,066,390	3,034,680	3,050,070	5.72
Council	The Hongkong and Shanghai Banking Corporation Limited Sydney Branch	ADI	The Hongkong and Shanghai Banking Corporation Limited Sydney Branch	Floating Rate Notes (90 day BBSW +105 bps)	AA-	2,000,000	2,008,980	2,015,960	2,023,100	3.79
Council	United Overseas Bank Ltd Sydney Branch	ADI	United Overseas Bank Ltd Sydney Branch	Floating Rate Notes (90 day BBSW +73 bps)	AA-	2,000,000	2,002,220	2,009,260	2,018,720	3.78
Council	Newcastle Permanent Building Society	ADI	Newcastle Permanent Building Society	Floating Rate Notes (90 day BBSW +138 bps)	BBB	1,000,000	989,710	993,950	985,090	1.85
Council	Sumitomo Mitsui Banking Corporation Sydney	ADI	Sumitomo Mitsui Banking Corporation Sydney	Floating Rate Notes (90 day BBSW +110 bps)	A	2,000,000	2,027,020	2,035,340	2,018,620	3.78
Council	National Australia Bank	ADI	National Australia Bank	Floating Rate Notes (90 day BBSW +41 bps)	AA-	1,500,000	1,493,295	1,499,010	1,488,615	2.79
Council	MyState Bank Ltd	ADI	MyState Bank Ltd	Floating Rate Notes (90 day BBSW +65 bps)	BBB	2,500,000	2,485,550	2,496,525	2,508,600	4.70
Council	QPCU Limited T/A QBANK	ADI	QPCU Limited T/A QBANK	Floating Rate Notes (90 day BBSW +170 bps)	BBB-	2,750,000	2,759,295	2,772,248	2,788,775	5.23
Council	Westpac Banking Corporation Ltd	ADI	Westpac Banking Corporation Ltd	Floating Rate Notes (90 day BBSW +80 bps)	AA-	1,800,000	1,817,514	1,824,714	1,810,440	3.39
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +102 bps)	AA-	2,400,000	2,429,880	2,439,792	2,419,008	4.53
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +113 bps)	AA-	4,000,000	4,057,480	4,016,480	4,031,720	7.56
Grand Total						52,906,723	54,490,635	53,171,874	53,357,273	100.00

Credit Ratings	
AAA	Extremely strong capacity to meet financial commitments Highest Rating
AA	Very strong capacity to meet financial commitments.
A	Strong capacity to meet financial commitments but somewhat susceptible to adverse economic conditions and changes in circumstances.
BBB	Adequate capacity to meet financial commitments, but more subject to adverse economic conditions.
CCC	Currently vulnerable and dependent on favourable business, financial and economic conditions to meet financial commitments
D	Payment default on financial commitments
+	Means that a rating may be raised
-	Means that a rating may be lowered

Certificate of Responsible Accounting Officer

I hereby certify that the investments listed have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policies at the time of their placement.



Sarah Seaman

Finance Manager

(Item 9/24) Investment Report as at 31 December 2023

File No: 24/2530

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

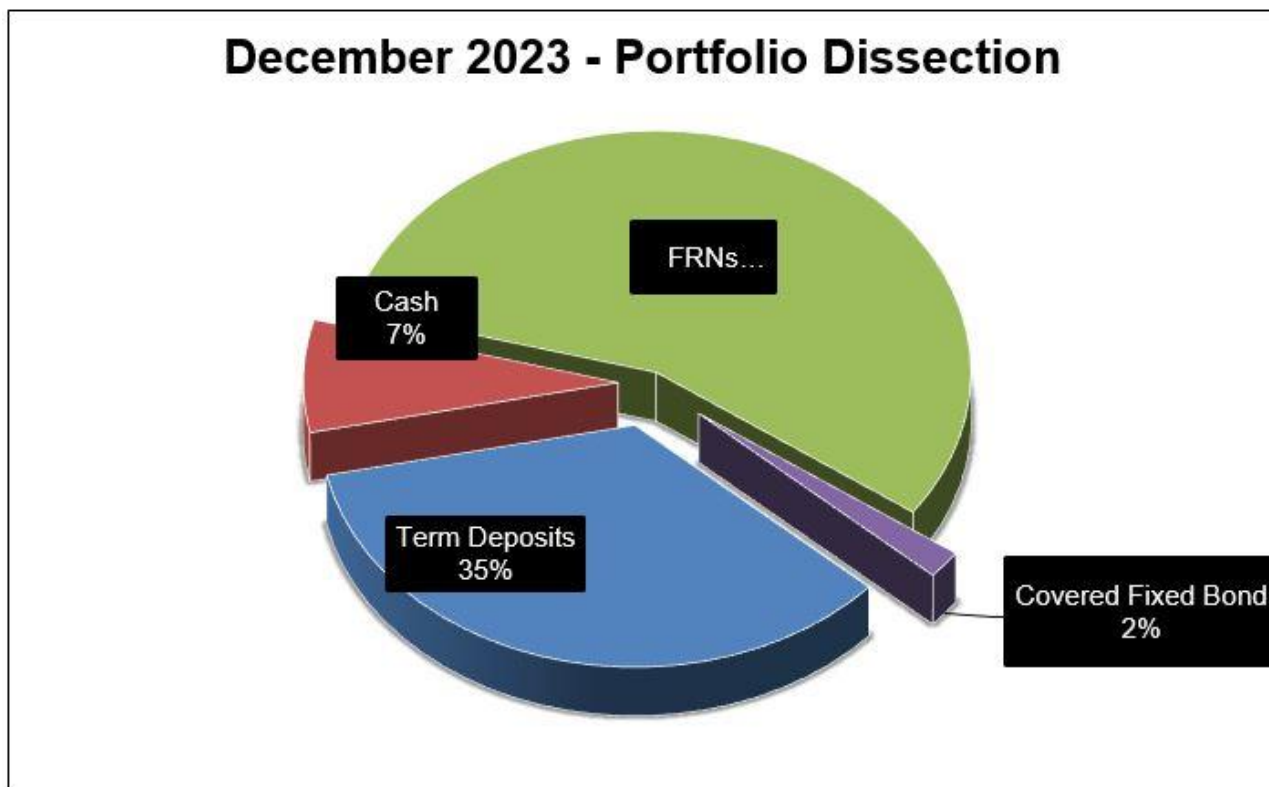
Background

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 December 2023 is:



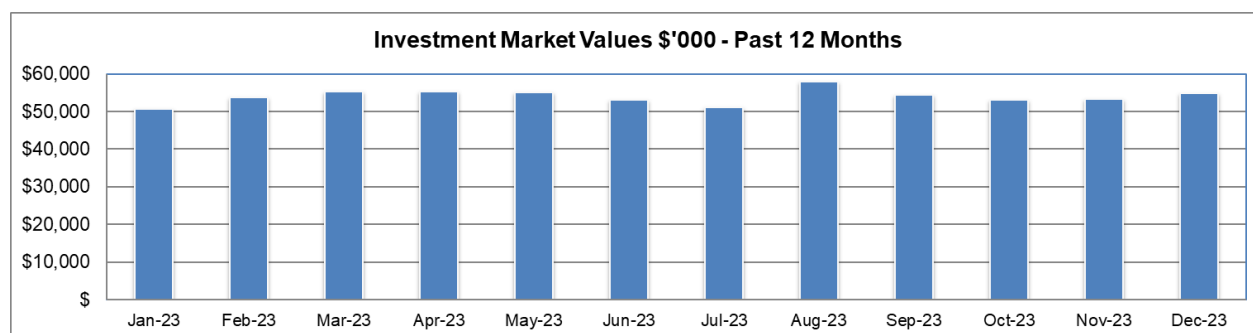
As at 31 December 2023 Council held the following term deposits:

Purchase Date	Financial Institution	Principal Amount	Interest Rate	Investment Days	Maturity Date
14 Aug 23	CBA	4,000,000	5.50%	270	10 May 24
09 Oct 23	SunCorp	4,000,000	5.15%	274	09 Jul 24
10 Oct 23	NAB	4,000,000	5.17%	365	09 Oct 24
02 Nov 23	CBA	3,000,000	5.40%	364	31 Oct 24
05 Dec 23	CBA	4,000,000	5.21%	182	03 Jun 24
	Total	19,000,000			

As at 31 December 2023 Council held the following Floating Rate Notes:

Purchase Date	Financial Institution	Principal Amount	Current Coupon Rate	Investment Days	Maturity Date
11 Jan 19	Commonwealth Bank of Australia	4,000,000	5.2696%	1,826	11 Jan 24
16 Jun 21	MyState Bank Ltd	2,500,000	4.7694%	1,461	16 Jun 25
24 Aug 21	National Australia Bank	1,500,000	4.7886%	1,826	24 Aug 26
11 Aug 22	Westpac	1,800,000	5.2186%	1,096	11 Aug 25
18 Aug 22	Commonwealth Bank of Australia	2,400,000	5.4028%	1,826	18 Aug 27
13 Oct 22	MyState Bank Ltd	1,500,000	5.4541%	1,096	13 Oct 25
17 Oct 22	Suncorp-Metway Limited	800,000	5.0342%	1,096	17 Oct 25
07 Nov 22	Sumitomo Mitsui Banking Sydney	2,000,000	5.5142%	1,096	07 Nov 25
13 Jan 23	Commonwealth Bank of Australia	3,000,000	5.3041%	1,826	13 Jan 28
19 Jan 23	Rabobank U.A Australia Branch	1,500,000	5.3967%	1,826	19 Jan 28
10 Feb 23	Newcastle Permanent Building Society	1,000,000	5.4142%	1,461	10 Feb 27
03 Mar 23	HSBC Sydney Branch	2,000,000	5.1750%	1,827	03 Mar 28
16 Mar 23	United Overseas Bank Sydney	2,000,000	4.8494%	1,096	16 Mar 26
18 May 23	Suncorp-Metway Limited	1,500,000	5.4328%	1,096	18 May 26
16 Jun 23	QPCU Limited T/A QBANK	2,750,000	5.8194%	1,096	16 Jun 26
	Total	30,250,000			

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



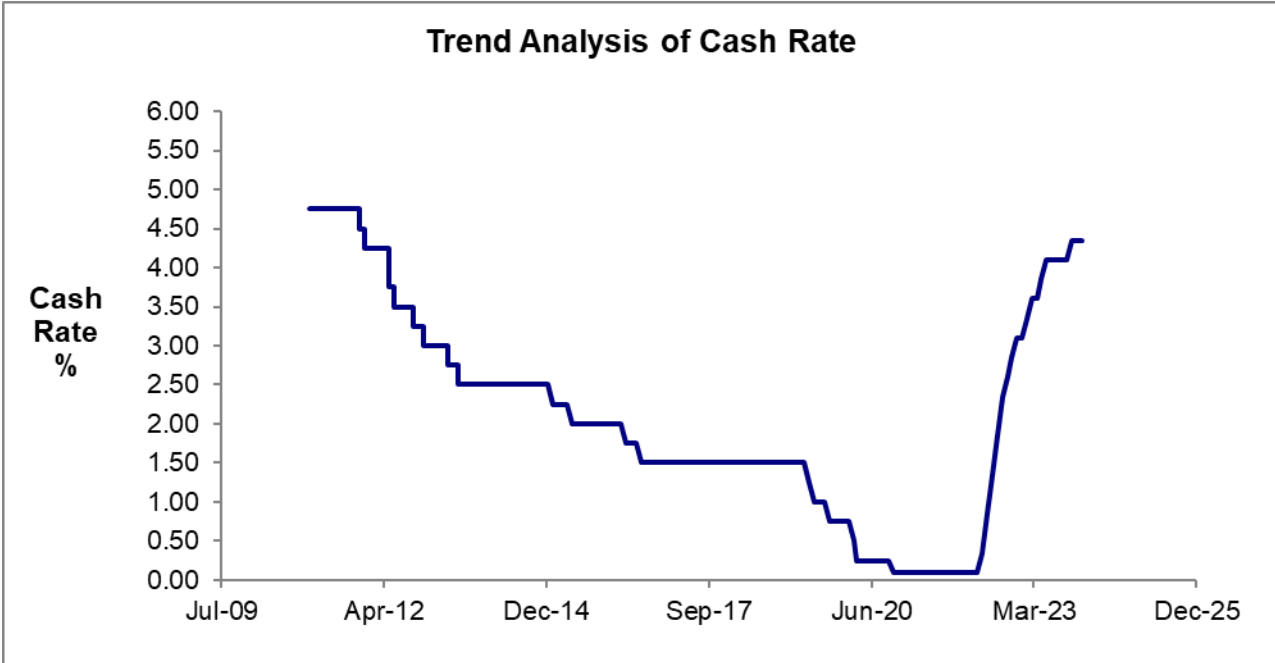
Council's investment portfolio is recognised at market value and some of its investments are based on the midpoint valuations of the underlying assets and are subject to market conditions that occur over the month.

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

There was no Reserve Bank Australia (RBA) meeting held on the 2 January 2024 due to the Christmas and New Year break, the official cash rate remained at 4.35% per cent. The next RBA meeting will take place in February 2024.

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



Recommendation(s)

- 1. That the investment report for 31 December 2023 be received and endorsed.
- 2. That the Certificate of the Responsible Accounting Officer be received and noted.

Attachments

- 1 [↓](#) Investment Register December 2023
- 2 [⇒](#) Types of Investments

ITEM NUMBER 9/24 - ATTACHMENT 1

Investment Register December 2023

BURWOOD COUNCIL
INVESTMENT PORTFOLIO
as at 31 December 2023

Investment Adviser	Issuer	ADI or N-ADI	Investment Name	Type	Rating S&P	Invested Amount	Market Value as at 31/10/2023	Market Value as at 30/11/2023	Market Value as at Reporting Date	% of Total Invested
Cash										7.51
Council	Commonwealth Bank	ADI	Operating Account	Cash	AA-	763,965	2,153,743	3,303,269	763,965	1.39
Council	Commonwealth Bank	ADI	Cash Deposit Account	At Call	AA-	0	-	-	-	0.00
Council	Commonwealth Bank	ADI	Online Saver	At Call	AA-	3,349,906	1,336,209	348,565	3,349,906	6.10
Council	AMP Bank Limited	ADI	AMP Business Saver	At Call	BBB-	1,255	1,248	1,251	1,255	0.00
Council	AMP Bank Limited	ADI	AMP Notice Account	Notice 30 days	BBB-	3,653	3,623	3,638	3,653	0.01
Term Deposits										35.02
Council	AMP Bank Limited	ADI	AMP Business Saver	Term Deposit	BBB-	-	3,074,384	-	-	0.00
Council	AMP Bank Limited	ADI	AMP Business Saver	Term Deposit	BBB-	-	3,057,995	3,071,803	-	0.00
Council	Commonwealth Bank	ADI	Commonwealth Bank	Term Deposit	AA-	4,000,000	4,047,014	4,065,096	4,083,781	7.44
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	4,000,000	4,011,898	4,028,895	4,046,459	7.37
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Term Deposit	AA-	4,000,000	4,012,416	4,029,348	4,046,844	7.37
Council	Commonwealth Bank	ADI	Commonwealth Bank	Term Deposit	AA-	3,000,000	-	3,012,427	3,026,186	5.51
Council	Commonwealth Bank	ADI	Commonwealth Bank	Term Deposit	AA-	4,000,000	-	-	4,014,845	7.32
Term Deposits - Covered Fixed Bond										1.85
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Covered Fixed Bond (4.85%) Semi Annual	AA-	1,000,000	994,060	1,003,220	1,015,010	1.85
Floating Rate Notes										55.62
Council	MyState Bank Ltd	ADI	MyState Bank Ltd	Floating Rate Notes (90 day BBSW +130 bps)	BBB	1,500,000	1,507,350	1,515,315	1,523,055	2.78
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Covered Floating Bond (90 day BBSW +88 bps)	AA-	800,000	802,880	806,368	810,520	1.48
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Covered Floating Bond (90 day BBSW +105 bps)	AA-	1,500,000	1,519,320	1,505,760	1,513,920	2.76
Council	Rabobank U.A Australia Branch	ADI	Rabobank U.A Australia Branch	Floating Rate Notes (90 day BBSW mid + 118 bps)	A	1,500,000	1,511,775	1,519,560	1,525,920	2.78
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +112 bps)	AA-	3,000,000	3,034,680	3,050,070	3,067,050	5.59
Council	The Hongkong and Shanghai Banking Corporation Limited Sydney Branch	ADI	The Hongkong and Shanghai Banking Corporation Limited Sydney Branch	Floating Rate Notes (90 day BBSW +105 bps)	AA-	2,000,000	2,015,960	2,023,100	2,008,040	3.65
Council	United Overseas Bank Ltd Sydney Branch	ADI	United Overseas Bank Ltd Sydney Branch	Floating Rate Notes (90 day BBSW +73 bps)	AA-	2,000,000	2,009,260	2,018,720	2,004,060	3.65
Council	Newcastle Permanent Building Society	ADI	Newcastle Permanent Building Society	Floating Rate Notes (90 day BBSW +138 bps)	BBB	1,000,000	993,950	985,090	990,800	1.81
Council	Sumitomo Mitsui Banking Corporation Sydney	ADI	Sumitomo Mitsui Banking Corporation Sydney	Floating Rate Notes (90 day BBSW +110 bps)	A	2,000,000	2,035,340	2,018,620	2,029,200	3.70
Council	National Australia Bank	ADI	National Australia Bank	Floating Rate Notes (90 day BBSW +41 bps)	AA-	1,500,000	1,499,010	1,488,615	1,496,520	2.73
Council	MyState Bank Ltd	ADI	MyState Bank Ltd	Floating Rate Notes (90 day BBSW +65 bps)	BBB	2,500,000	2,496,525	2,508,600	2,491,175	4.54
Council	QPCU Limited T/A QBANK	ADI	QPCU Limited T/A QBANK	Floating Rate Notes (90 day BBSW +170 bps)	BBB-	2,750,000	2,772,248	2,788,775	2,764,768	5.04
Council	Westpac Banking Corporation Ltd	ADI	Westpac Banking Corporation Ltd	Floating Rate Notes (90 day BBSW +80 bps)	AA-	1,800,000	1,824,714	1,810,440	1,818,918	3.31
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +102 bps)	AA-	2,400,000	2,439,792	2,419,008	2,432,208	4.43
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +113 bps)	AA-	4,000,000	4,016,480	4,031,720	4,047,520	7.38
Grand Total						54,368,779	53,171,874	53,357,273	54,875,577	100.00

Credit Ratings	
AAA	Extremely strong capacity to meet financial commitments Highest Rating
AA	Very strong capacity to meet financial commitments.
A	Strong capacity to meet financial commitments but somewhat susceptible to adverse economic conditions and changes in circumstances.
BBB	Adequate capacity to meet financial commitments, but more subject to adverse economic conditions.
CCC	Currently vulnerable and dependent on favourable business, financial and economic conditions to meet financial commitments
D	Payment default on financial commitments
+	Means that a rating may be raised
-	Means that a rating may be lowered

Certificate of Responsible Accounting Officer

I hereby certify that the investments listed have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policies at the time of their placement.



Sarah Seaman

Finance Manager

(Item 10/24) Suspension of Alcohol Prohibited Areas for Council-Led Events

File No: 24/2030

Report by General Manager

Summary

This report recommends the temporary suspension of Burwood Park as an Alcohol Prohibited Area (APA) on Friday 23 February 2024 from 6pm to 8:30pm for the rescheduled Music in the Park Burwood Summer activation.

This report also recommends that Council approves a blanket suspension of Alcohol Prohibited Areas for all future council-led events involving the consumption of alcohol, subject to meeting consultation requirements, including liaison with the Burwood Local Police Area Command, and compliance with legislative requirements.

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 Friday 23 February 2024, Council will be hosting the third instalment in a series of already successful activations as part of the Burwood Summer program in Burwood Park, offering the community the opportunity to enjoy live music, food, drinks and entertainment by the Rotunda. To facilitate the responsible service of alcohol at the event, this report seeks to temporarily suspend Burwood Park as an Alcohol Prohibited Area from 6pm – 8pm.

This proposal follows Council's endorsement in October 2023 for the original event date of 18 January 2024 which was postponed due to unforeseen weather conditions.

This report also recommends that Council approves a blanket suspension of Alcohol Prohibited Areas for all future council-led events involving the consumption of alcohol, contingent upon meeting consultation requirements.

Council implements various measures to ensure the safety of patrons and responsible consumption of alcohol at events, such as hiring trained personnel holding a NSW Responsible Service of Alcohol certificate to serve alcohol and employing security staff to maintain community safety during evening events.

Consultation

Liaison with the Burwood Local Police Area Command will continue to be undertaken prior to the exhibition of any public notification relating to the suspension of an Alcohol Prohibited Area 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.

Recommendation(s)

That Council:

1. Temporarily suspends Burwood Park as an Alcohol Prohibited Area on Friday 23 February 2024 from 6:00pm – 8:30pm for the Music in the Park Burwood Summer activation.
2. Grants a blanket approval for the suspension of Alcohol Prohibited Areas for any future council-led events involving the consumption of alcohol, subject to meeting consultation requirements, including liaison with the Burwood Local Police Area Command, and compliance with legislative requirements.

Attachments

There are no attachments for this report.

(Item RC1/24) Burwood Local Traffic Committee - February 2024

File No: 24/3325

Report by Director City Assets

Summary

Attached are the Minutes of the Burwood Local Traffic Committee from meeting of February 2024. 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

Recommendation(s)

That the minutes of the Burwood Local Traffic Committee of February 2024 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

(ITEM LTC1/24) LANG STREET, CROYDON - INSTALLATION OF BUS ZONE SIGNAGE***Recommendation***

That Council approves the formalisation of the existing Bus Stop at Lang Street north of Queen Street with signage installed 20m on the approach and 10m on the departure of the bus stop in compliance with the Bus Infrastructure Guidelines.

(ITEM LTC2/24) GIBBS STREET, CROYDON - REQUEST FOR MOBILITY PARKING SPACE***Recommendation***

That Council approves the installation of one 6.7m long mobility parking space on-street along the front boundary of 8 Gibbs Street, Croydon as per the plan in the report.

(ITEM LTC3/24) BREAST CANCER SCREENING SERVICES DATES 2024***Recommendations***

That Council approve the road occupancy for a Breast Screen NSW mobile lab unit at the following locations:

- a) Park Avenue, Burwood from Friday 15 March 2024 to Friday 12 April 2024.
- b) Lyons Street, Strathfield from Friday 14 June 2024 to Friday 5 July 2024.

(LATE ITEM) CLARENDON PLACE, BURWOOD - 2024 EVENT ROAD CLOSURES***Recommendation***

That Council approve the full road closure of Clarendon Place for the Burwood Chinatown Laneway Market from 6pm Friday to 11pm Monday on the following dates for 2024:

- March 22nd – 24th
- March 29th – 31st
- April 12th – 14th
- April 19th – 21st
- May 10th – 12th
- May 24th – 26th
- June 7th – 9th
- June 21st – 23rd
- July 5th – 7th
- July 12th – 14th
- August 16th – 18th
- August 30th – September 1st
- September 13th – 15th
- September 27th – 29th
- October 4th – 6th
- October 18th – 20th
- November 15th – 17th
- November 29th – December 1st
- December 13th – 15th
- December 20th – 22nd

Attachments

- 1 [↓](#) Burwood Local Traffic Committee Agenda - 01.02.2024
- 2 [↓](#) Burwood Local Traffic Committee Late Report - 01.02.2024
- 3 [↓](#) Burwood Local Traffic Committee Minutes - 01.02.2024



Notice of Burwood Local Traffic Committee Meeting

The February 2024 meeting of the Burwood Local Traffic Committee will be held electronically with the Agenda emailed to Members for review.

The minutes from the November 2023 meeting has also been emailed to members for confirmation.

All comments are requested to be returned to Council by 9:00 AM Thursday 1st February 2024.

Tommaso Briscese
General Manager

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 November 2023 Meeting of Burwood Local Traffic Committee as typed and circulated, be confirmed and signed as a true record of the proceedings of that meeting.

GENERAL BUSINESS

(ITEM LTC1/24)	LANG STREET, CROYDON - INSTALTION OF BUS ZONE SIGNAGE	4
(ITEM LTC2/24)	GIBBS STREET, CROYDON - REQUEST FOR MOBILITY PARKING SPACE.....	6
(ITEM LTC3/24)	BREAST CANCER SCREENING SERVICES DATES 2024	8

(ITEM LTC1/24) LANG STREET, CROYDON - INSTALTION OF BUS ZONE SIGNAGE

File No: 24/163

REPORT BY TRAFFIC ENGINEER, ASSETS & INFRASTRUCTURE

Summary

Following reports received from Council’s Community Safety team of illegal parking adjacent to the Bus Stop located on the western side of Lang Street, Croydon immediately north of Queen Street it is proposed to formalise the zone with signage.

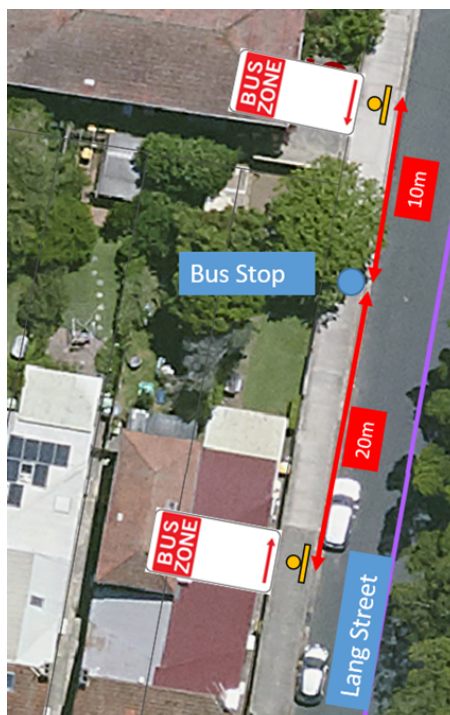
Background

An audit of Bus Stop No. 213231 located on the western side of Lang Street, Croydon immediately north of Queen Street has shown that vehicles are regularly parking too close which results in the bus being unable to pull up parallel to the kerb. Under NSW Road Rule 195 a driver “*must not stop at a bus stop, or on the road, within 20 metres before a sign on the road that indicates the bus stop, and 10 metres after the sign*”.

Proposal

An onsite inspection undertaken by Council Traffic staff has confirmed that vehicles are regularly parking contrary to the Road Rules. It is therefore proposed that the bus stop be formalised by providing ‘Bus Zone’ signage in accordance with the below mark-up.

The ‘Bus Zone’ will be 30.0m in length and it is proposed to provide the Bus Zone signs on new stems located at the front and rear of the bus stop. It is considered that the proposed ‘Bus Zone’ signage is appropriate and should be installed to allow buses to pull up parallel to the kerb for patron safety reasons.



Consultation

As works are to bring the Bus Stop in compliance with NSW Road Rules and will not result in the loss of any on-street parking, no community consultation is proposed. Affected residents will be notified of the proposed changes prior to works commencement.

Financial Implications

The cost of the installation of two poles and corresponding bus zone signs estimated to be \$500 and will be funded from the 2023/24 Traffic Facilities Budget.

Recommendation

That Council approves the formalisation of the existing Bus Stop at Lang Street north of Queen Street with signage installed 20m on the approach and 10m on the departure of the bus stop in compliance with the Bus Infrastructure Guidelines.

Attachments

There are no attachments for this report.

(ITEM LTC2/24) GIBBS STREET, CROYDON - REQUEST FOR MOBILITY PARKING SPACE

File No: 24/176

REPORT BY TRAFFIC ENGINEER, ASSETS & INFRASTRUCTURE

Summary

Council has received a request from a resident of No. 8 Gibbs Street, Croydon to install a mobility parking space along the front boundary of their property.

Background

Gibbs Street currently has 2P restricted parking on both sides of the street, and is under a Resident Parking Scheme Area 6. The resident who has requested the mobility parking space does not have off-street parking, and has provided all required information including proof of Mobility Parking Scheme permit and vehicle registration to support their application.

Proposal

It is proposed to install a 6.7m mobility parking space with associated signage along the front boundary of 8 Gibbs Street, Croydon with a review of the mobility parking space use in 12 months' time. The parking space will be located next to the property's footpath entrance.



Consultation

Consultation was undertaken with 15 residential properties in the vicinity of the proposed mobility space, with frontage along Gibbs Street. The consultation asked residents to express their view on the proposal as either strongly in favour, in favour, neutral, against, or strongly against.

A total of 4 responses were received following community consultation, representing a 27% response rate. The results are tallied below:

Strongly in favour	1
In favour	3
Neutral	-
Against	-
Strongly against	-

Financial Implications

The installation of new 'Mobility parking' signage is estimated to cost \$400. The cost will be funded from the 2022/23 Traffic Facilities Budget.

Recommendation

That Council approves the installation of one 6.7m long mobility parking space on-street along the front boundary of 8 Gibbs Street, Croydon as per the plan in the report.

Attachments

There are no attachments for this report.

(ITEM LTC3/24) BREAST CANCER SCREENING SERVICES DATES 2024

File No: 24/626

REPORT BY TRAFFIC ENGINEER & DESIGN

Summary

This report is to inform and seek the Council's approval to allow a mobile breast screen unit to occupy parking spaces along Park Avenue, Burwood and Lyons Street, Strathfield.

Background

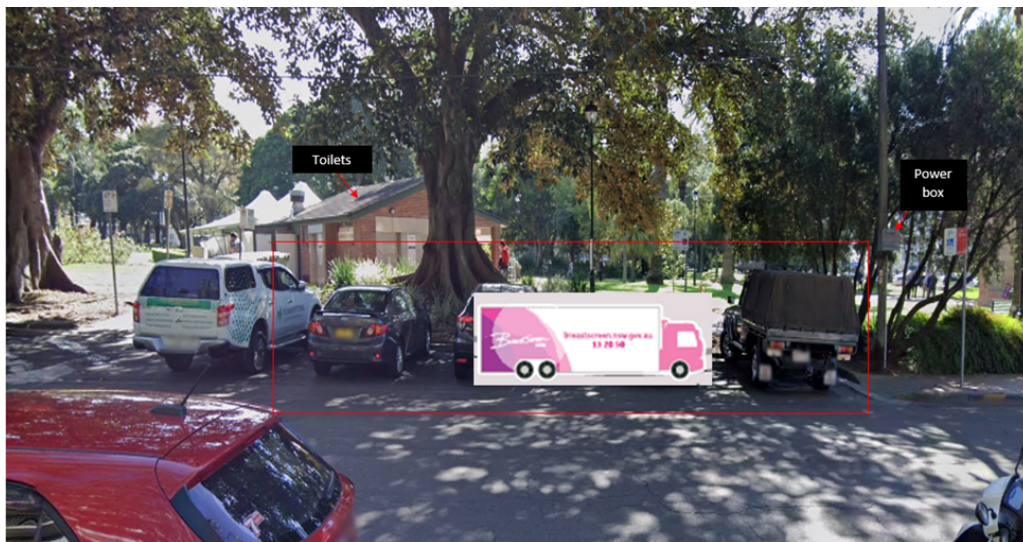
Breast Screen NSW has requested approval to locate a mobile lab unit on the following locations:

1. Park Avenue, near the corner of Burwood Road from Friday 15 March 2024 to Friday 12 April 2024.
2. Lyons Street, Strathfield beside Westpac bank from Friday 14 June 2024 to Friday 5 July 2024. This location.

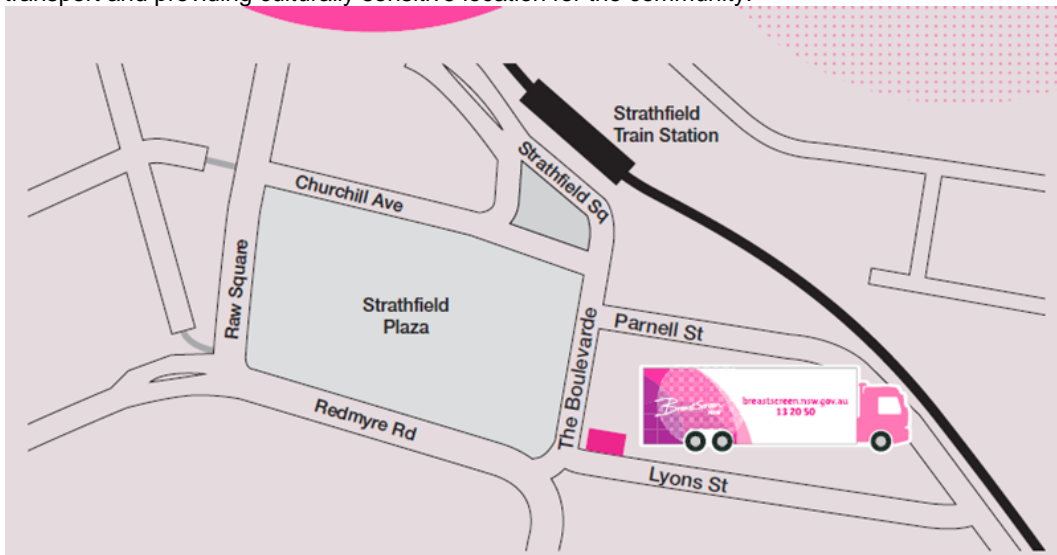
The service is part of a Government funded program implemented by Breast Screen NSW for the early detection of breast cancer and is available free to all women over forty years of age.

Proposal

Park Avenue, Burwood location was used in previous years by the Breast Screen NSW mobile unit. This location is proposed to dedicate the first five angle parking spaces on the norther side of Park Avenue immediately west of Burwood Road. This location provides maximum visibility with little disruption to on street parking within the area.



Lyons Street, Strathfield location was used in previous years by the Breast Screen NSW mobile unit and this location is selected for a number of reasons including being close to shops and public transport and providing culturally sensitive location for the community.



Consultation

Adjacent business owners to be informed by the applicant prior to the mobile unit setting up on the location.

Financial Implications

The cost of the service is funded by Breast Screen NSW

Recommendations

That Council approve the road occupancy for a Breast Screen NSW mobile lab unit at the following locations:

- a) Park Avenue, Burwood from Friday 15 March 2024 to Friday 12 April 2024.
- b) Lyons Street, Strathfield from Friday 14 June 2024 to Friday 5 July 2024.

Attachments

There are no attachments for this report.

(ITEM) CLARENDON PLACE, BURWOOD - 2024 EVENT ROAD CLOSURES

File No: 24/2630

REPORT BY MANAGER TRAFFIC & TRANSPORT

Summary

To seek the Committee's endorsement of the full road closure of Clarendon Place for the Burwood Chinatown Laneway Market and associated activities on various dates throughout 2024.

Background

The Burwood Chinatown Laneway Market is a vibrant and dynamic event that celebrates the Asian cuisine, culture and community, and also provides a platform for local businesses, performers and artists to showcase their talents.

The market covers a diverse range of food stalls, and features a range of entertainment options, attracting people from all walks of life to visit, shop and dine in Burwood. It's a great opportunity for friends and family to come together and connect, which helps foster a sense of community.

Entry is free of charge with amazing local designers, delicious Asian street food and unique products, the market has been attracting both locals and tourists, cementing Burwood's position as a key destination for Sydneysiders seeking novel, inexpensive food experiences.

Proposal

The proposed events will incorporate a full road closure of Clarendon Place for its entire length. As Clarendon Place is a no through road that primarily acts as loading and parking for Burwood Chinatown businesses, it is not expected that the closure will have an impact on surrounding traffic.

Appropriate warning signage and will be provided on the day with a Traffic Management Plan, and even organisers will ensure that access through the closed-off area will be available for emergency vehicles with the guidance of traffic controllers.

The proposed dates and times of the road closure are from 6pm Friday to 11pm Monday on the below dates for 2024:

- March 22nd – 24th
- March 29th – 31st
- April 12th – 14th
- April 19th – 21st
- May 10th – 12th
- May 24th – 26th
- June 7th – 9th
- June 21st – 23rd
- July 5th – 7th
- July 12th – 14th
- August 16th – 18th
- August 30th – September 1st
- September 13th – 15th
- September 27th – 29th
- October 4th – 6th
- October 18th – 20th
- November 15th – 17th

BURWOOD LOCAL TRAFFIC COMMITTEE MEETING1 FEBRUARY 2024

- November 29th – December 1st
- December 13th – 15th
- December 20th – 22nd

Consultation

Burwood Chinatown will undertake community consultation with their tenants, and circulate the full list of road closures dates will be circulated after approval.

Financial Implications

No financial implications to Council. All consultation and traffic management will be engaged by Burwood Chinatown.

Recommendation

That Council approve the full road closure of Clarendon Place for the Burwood Chinatown Laneway Market from 6pm Friday to 11pm Monday on the following dates for 2024:

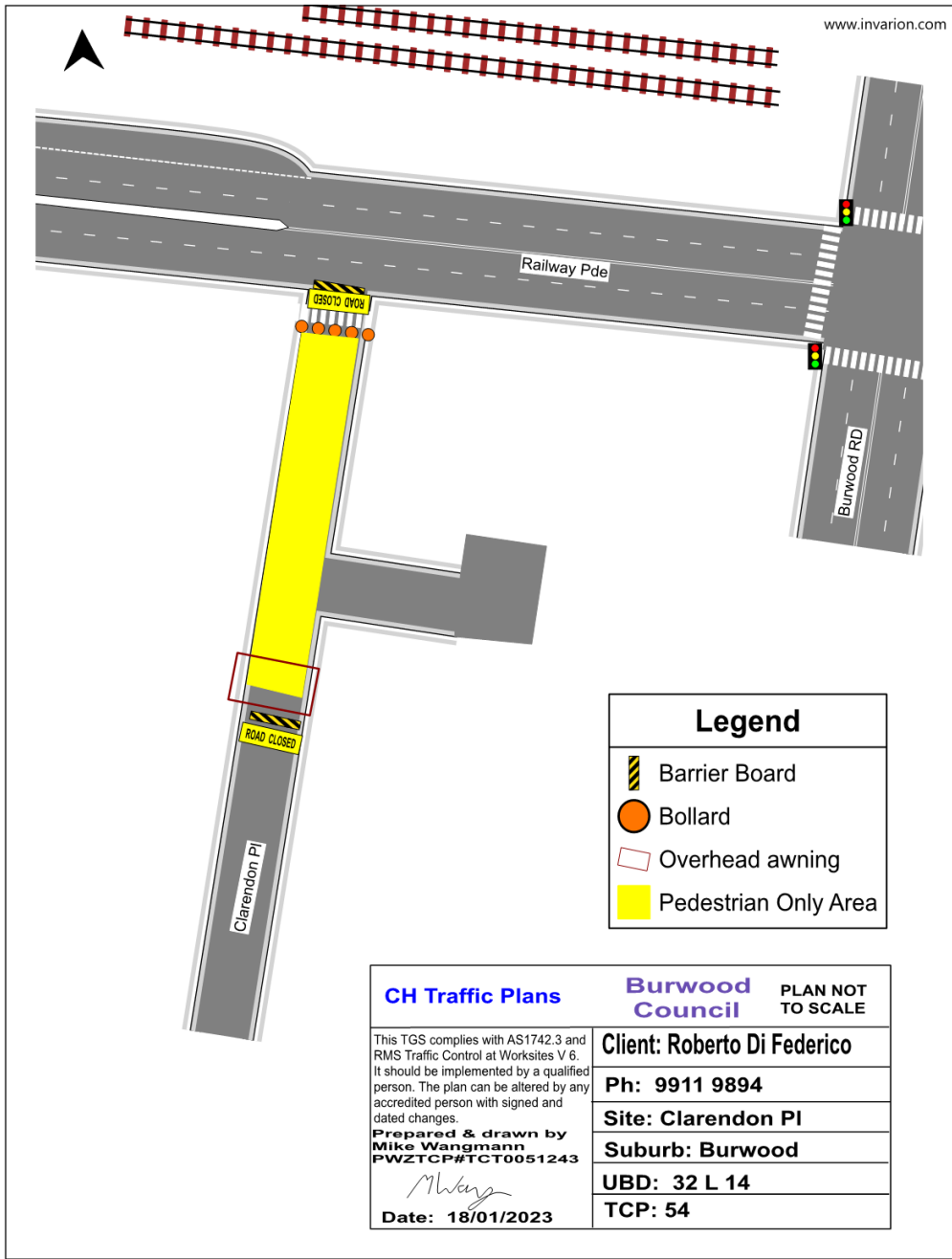
- March 22nd – 24th
- March 29th – 31st
- April 12th – 14th
- April 19th – 21st
- May 10th – 12th
- May 24th – 26th
- June 7th – 9th
- June 21st – 23rd
- July 5th – 7th
- July 12th – 14th
- August 16th – 18th
- August 30th – September 1st
- September 13th – 15th
- September 27th – 29th
- October 4th – 6th
- October 18th – 20th
- November 15th – 17th
- November 29th – December 1st
- December 13th – 15th
- December 20th – 22nd
-

Attachments

- 1 Clarendon Place Closure TMP

ITEM NUMBER - ATTACHMENT 1

Clarendon Place Closure TMP





MINUTES OF THE MEETING OF THE BURWOOD LOCAL TRAFFIC COMMITTEE held electronically with all responses submitted by Thursday 1 February 2024 9:00 AM.

Attendance

Cr John Faker (Mayor) Chairperson
Ms Angelica Joie Abragan, Transport for NSW
Ms Maryann Duggan, Representative for State Member for Strathfield
Mr Adrian Pritchard, Transit Systems
Snr Constable Germaine Grant, NSW Police Service

Mr George El Kazzi, Director City Assets
Mr Roberto Di Federico, Manager Traffic and Transport
Mr Jeremy Tinslay, Traffic Engineer
Mrs Manasa Simhalapathi, Traffic & Design Engineer

Apologies

That there were no apologies.

Confirmation of Minutes

That the minutes of the Burwood Local Traffic Committee of Burwood held on 2 November 2023, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

GENERAL BUSINESS

(ITEM LTC1/24) LANG STREET, CROYDON - INSTALTION OF BUS ZONE SIGNAGE

File No: 24/163

Summary

Following reports received from Council's Community Safety team of illegal parking adjacent to the Bus Stop located on the western side of Lang Street, Croydon immediately north of Queen Street it is proposed to formalise the zone with signage.

Recommendation

That Council approves the formalisation of the existing Bus Stop at Lang Street north of Queen Street with signage installed 20m on the approach and 10m on the departure of the bus stop in compliance with the Bus Infrastructure Guidelines.

MINUTES OF BURWOOD LOCAL TRAFFIC COMMITTEE MEETING

1 FEBRUARY 2024

TFNSW Comment:

No Objections on installing Bus Zone signage to formalize bus stop. However, the 10m distance on the departure of the bus stop would seem to be located within the driveway of 75 Lang St property. Please ensure that this sign does not impact access to property.

Council response:

Signs will be installed on the far end of the driveway as to not impact access to the property of 75 Lang Street.

(ITEM LTC2/24) GIBBS STREET, CROYDON - REQUEST FOR MOBILITY PARKING SPACE

File No: 24/176

Summary

Council has received a request from a resident of No. 8 Gibbs Street, Croydon to install a mobility parking space along the front boundary of their property.

Recommendation

That Council approves the installation of one 6.7m long mobility parking space on-street along the front boundary of 8 Gibbs Street, Croydon as per the plan in the report.

(ITEM LTC3/24) BREAST CANCER SCREENING SERVICES DATES 2024

File No: 24/626

Summary

This report is to inform and seek the Council's approval to allow a mobile breast screen unit to occupy parking spaces along Park Avenue, Burwood and Lyons Street, Strathfield.

Recommendations

That Council approve the road occupancy for a Breast Screen NSW mobile lab unit at the following locations:

- a) Park Avenue, Burwood from Friday 15 March 2024 to Friday 12 April 2024.
- b) Lyons Street, Strathfield from Friday 14 June 2024 to Friday 5 July 2024.

(ITEM) CLARENDON PLACE, BURWOOD - 2024 EVENT ROAD CLOSURES

File No: 24/2630

Summary

To seek the Committee's endorsement of the full road closure of Clarendon Place for the Burwood Chinatown Laneway Market and associated activities on various dates throughout 2024.

Recommendation

That Council approve the full road closure of Clarendon Place for the Burwood Chinatown Laneway Market from 6pm Friday to 11pm Monday on the following dates for 2024:

- March 22nd – 24th
- March 29th – 31st
- April 12th – 14th
- April 19th – 21st
- May 10th – 12th
- May 24th – 26th
- June 7th – 9th
- June 21st – 23rd
- July 5th – 7th
- July 12th – 14th
- August 16th – 18th
- August 30th – September 1st
- September 13th – 15th
- September 27th – 29th
- October 4th – 6th
- October 18th – 20th
- November 15th – 17th
- November 29th – December 1st
- December 13th – 15th
- December 20th – 22nd

TFNSW Comment:

No Objections. As Clarendon Pl is a no through road and that closure is only within its entire length, we classify this as a Class 3 event. No concurrence needed from TfNSW.

Moving forward, please make sure that events are clearly classified as part of the LTC recommendation so we can easily identify the relevant approvals.

Council Response:

Future events will be clearly classified when submitted to LTC.

This concluded the business of the meeting.