



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

## ORDINARY MEETING

Notice is hereby given that a meeting of the Council of Burwood will be held electronically on Tuesday, 25 August 2020 at 4:00pm to consider the matters contained in the attached Agenda.

In the overriding interests of public health and safety during the current COVID-19 pandemic, Council will be conducting its meeting electronically as per provisions under the NSW Local Government Act. The customary face-to-face public participation opportunity has been replaced with the opportunity to speak via teleconference link. Written submissions on agenda items will also be accepted. The written submissions will be acknowledged at the meeting and referenced in the minutes.

Tommaso Briscese  
**GENERAL MANAGER**

### Our Mission

**Burwood Council will create a quality lifestyle for its citizens  
by promoting harmony and excellence in the delivery of its services**

## CONFLICT OF INTERESTS

**What is a “Conflict of Interests”** - A conflict of interests can be of two types:

**Pecuniary** - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

**Non-pecuniary** – are private or personal interests the Council official has that do not amount to a pecuniary interest as defined in the Local Government Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

**Who has a Pecuniary Interest?** - A person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- The person, or
- The person’s spouse or de facto partner or a relative of the person, or a partner or employer of the person, or
- A company or other body of which the person, or a nominee, partner or employer of the person, is a member.

**No Interest in the Matter** - However, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or
- Just because the person is a member of, or is employed by, a Council or statutory body or is employed by the Crown.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter so long as the person has no beneficial interest in any shares of the company or body.

N.B. “Relative”, in relation to a person means any of the following:

- a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person’s spouse;
- b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

### Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
  - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
  - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

**No Knowledge** - A person does not breach the Act if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

### What interests do not have to be disclosed (S 448 Act)?

- (a) an interest as an elector,
- (b) an interest as a ratepayer or person liable to pay a charge,
- (c) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Part,
- (d) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part,
- (e) an interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not),
- (f) an interest of a member of a council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee,
- (g) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument other than an instrument that effects a change of the permissible uses of:
  - (i) land in which the person or a person, company or body referred to in section 443 (1) (b) or (c) has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or
  - (ii) land adjoining, adjacent to or in proximity to land referred to in subparagraph (i), if the person or the person, company or body referred to in section 443 (1) (b) or (c) would by reason of the proprietary interest have a pecuniary interest in the proposal,
- (h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company,
- (i) an interest of a person arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises

because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership,

- (j) an interest of a person arising from the making by the council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
  - (i) the performance by the council at the expense of the relative of any work or service in connection with roads or sanitation,
  - (ii) security for damage to footpaths or roads,
  - (iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council or by or under any contract,
- (k) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor),
- (l) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252,
- (m) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor,
- (n) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person,
- (o) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or member of a council committee,
- (p) an interest arising from appointment of a councillor to a body as representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 448 of the Local Government Act.

**Non-pecuniary Interests** - Must be disclosed in meetings.

If you are a Council official, other than a member of staff of Council and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) Remove the source of the conflict by relinquishing or divesting the interest that creates the conflict, of reallocating the conflicting duties to another Council official;
- b) Have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in Section 451(2) of the Act apply.

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

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

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# AGENDA

FOR AN ORDINARY MEETING OF BURWOOD COUNCIL  
TO BE HELD ELECTRONICALLY ON TUESDAY 25 AUGUST 2020 AT 6.00 PM.

**I DECLARE THE MEETING OPENED AT (READ BY MAYOR)**

**ACKNOWLEDGEMENT OF COUNTRY (READ BY MAYOR)**

*"I would like to acknowledge the Wangal people who are the Traditional Custodian of this Land. I would also like to pay respect to the Elders both past and present of the Wangal Nation and extend that respect to other Aboriginals present".*

**PRAYER (READ BY MAYOR)**

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

**RECORDING OF MEETING (READ BY MAYOR)**

*"Meetings of Council and Council Committees are audio recorded for the purpose of assisting with the preparation of meeting minutes and promoting meeting transparency.*

*Such recordings are subject to the provisions of the Government Information (Public Access) Act 2009 (GIPA) and are promptly made available for public review via the Council website.*

**APOLOGIES / LEAVE OF ABSENCES**

**DECLARATIONS OF INTERESTS BY COUNCILLORS**

**DECLARATION OF POLITICAL DONATIONS (READ BY MAYOR)**

*In light of legislation that governs the process for the determination of Development Applications before Council, a person who makes a relevant application to Council or any person with a financial interest in the application must disclose any reportable political donation or gift made to any local Councillor or employee of Council. Such disclosure is required on Development Application Forms submitted to Council.*

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

*Should any person having business before Council this evening and being an applicant or party with a financial interest in such application feel that they have not made the appropriate disclosure, Council now invites them to approach the General Manager and to make their disclosure according to law."*

**RECORDING OF COUNCILLORS VOTING ON PLANNING DECISIONS**

*In accordance with Section 375A of the Local Government Act a division must be called for and taken on every Environmental Planning & Assessment decision. The names of those Councillors supporting and those opposed to the decision are to be recorded in the meeting minutes and the register retained by the General Manager.*

## **CONFIRMATION OF MINUTES**

### ***Recommendation***

That the Minutes of the following Meeting of Burwood Council:

A. Council Meeting held on Tuesday 28 July 2020

copies of which were previously circulated to all Councillors be and hereby confirmed as a true and correct record of the proceedings of that meeting.

## **PUBLIC FEEDBACK ON AGENDA ITEMS (Read by Mayor)**

The face-to-face public participation opportunity has been replaced with the opportunity to speak via teleconference link on agenda items. Written submissions are also accepted for this meeting and have been circulated directly to all Councillors. All submissions will be acknowledged at the Council Meeting and referenced in the minutes of the meeting.

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

### **MAYORAL MINUTES**

### **GENERAL BUSINESS**

(ITEM 83/20)	COVID-19 (CORONAVIRUS) - COUNCIL RESPONSE PROGRESS UPDATE - AUGUST 2020 .....	7
(ITEM 84/20)	REFERRAL OF THE ANNUAL FINANCIAL REPORTS FOR 2019-2020 TO COUNCIL'S AUDITOR .....	24
(ITEM 85/20)	DELIVERY PROGRAM AND OPERATIONAL PLAN FY2019/20 HALF YEARLY REPORT 1 JANUARY TO 30 JUNE 2020 .....	27
(ITEM 86/20)	FRAUD AND CORRUPTION PREVENTION POLICY .....	99
(ITEM 87/20)	GIFTS AND BENEFITS POLICY.....	117
(ITEM 88/20)	ADOPTION OF CODE OF CONDUCT AND PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT .....	124
(ITEM 89/20)	AUDIT RISK & IMPROVEMENT COMMITTEE (ARIC) CHARTER.....	214
(ITEM 90/20)	LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2020.....	223
(ITEM 91/20)	INVESTMENT REPORT AS AT 31 JULY 2020.....	224

### **REPORTS OF COMMITTEES**

(ITEM RC3/20)	BURWOOD LOCAL TRAFFIC COMMITTEE - AUGUST 2020 .....	229
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### **INFORMATION ITEMS**

(ITEM IN26/20)	GREENER PUBLIC SPACES PILOT PROJECT - RESPONSE TO MM11/19 ...	247
(ITEM IN27/20)	LANDSCAPING OF DEVELOPMENT SITES - RESPONSE TO MM15/19.....	248
(ITEM IN28/20)	REVISION TO SOFT LANDSCAPING REQUIREMENTS - RESPONSE TO NM2/20 .....	249

(ITEM IN29/20)	INVESTIGATE THE POSSIBILITY OF INSTALLING AN ATTACHMENT TO EXISTING RUBBISH BINS IN THE TOWN CENTRE FOR THE COLLECTION OF CANS/BOTTLES.....	250
(ITEM IN30/20)	MAYORAL DISCRETIONARY GRANTS - SMALL DONATIONS MADE FOR THE PERIOD ENDING 30 JUNE 2020.....	252
(ITEM IN31/20)	PETITIONS.....	254
(ITEM IN32/20)	ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 28 JULY 2020.....	255

**QUESTIONS WITHOUT NOTICE**

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

## **(ITEM 83/20) COVID-19 (CORONAVIRUS) - COUNCIL RESPONSE PROGRESS UPDATE - AUGUST 2020**

File No: 20/38270

REPORT BY GENERAL MANAGER

### **Summary**

To provide Council with a progress report on activities undertaken by Burwood Council in response to the COVID-19 (Coronavirus) pandemic over the last six months, as well as a summary of impacts to Council's activities.

### **Operational Plan Objective**

- 1.1.1 Provide a diverse range of strategies and initiatives that meet the needs of the community
- 1.2 A well informed, supported and engaged community.
- 1.2.3 Enhance communication and community engagement through innovative solutions

### **Background**

Following the COVID-19 outbreak and the activation of Council's Business Continuity Plan in early March 2020, priority has been given to the safety of community members and staff, whilst maintaining a regular delivery of services to residents and businesses wherever possible.

In many situations Council staff identified and implemented alternative delivery methods for existing programs, as well as introducing new services aimed specifically at supporting residents and businesses during the crisis.

Interaction and conversations with members of the community continued, and in some cases strengthened, during the period.

This report contains information on regular and targeted services provided by Council during the COVID-19 period, between March and August 2020.

### **BURWOOD CARES - Summary of Activities**

Council created the Burwood Cares program to provide support for local residents and businesses during COVID-19. Its aim is to keep the community safe through service delivery, support for residents who may be vulnerable or in need, struggling local businesses, hard hit sectors such as the arts and entertainment, and provide constant, up-to-date information throughout the pandemic.

Activities since March 2020 include:

- Letters mailed to all residents and businesses explaining how to stay safe
- Neighbour Cards in English and Chinese distributed LGA-wide to encourage people to support each other
- Multilingual COVID safety signs throughout the community
- 'Burwood Cares' sub-website created a central hub for local information and services on COVID-19 and a noticeboard for businesses to promote their offerings
- Website, letters, newsletters, fact sheets, phone and online surveys, media updates, videos and visual displays at facilities and street meetings were used to disseminate COVID-19 information and identify community and business needs.
- Information packs, including 500 social distancing packs, distributed to businesses and 135 'offer of support' phone calls
- 750 care, food, hygiene and craft packs distributed and 1106 phone calls made to vulnerable locals and community services.

- Two e-newsletters – *Burwood Cares for Communities* emailed to over 14,000 people and *Burwood Cares for Businesses* emailed to over 2000 businesses.
- Arts and culture supported through fortnightly *Burwood Comes Alive with Music* livestream featuring local musicians and the Hornsey Lane mural project which provided \$30,000 funding shared among five artists from 'Streets as Shared Spaces' grant funding from the NSW Department of Planning, Industry and Environment.

### **BURWOOD CARES - Key Data (Community)**

#### Care Packages

<b>Package</b>	<b>No. delivered</b>
Food packages	300
Hygiene Packages	300
Craft Packages	150
<b>Total packages delivered</b>	<b>750</b>

#### External Requests via Community Support Card

<b>Request</b>	<b>No. contacted</b>
Community support information	84
Friendly call from Council	35

#### Courtesy Calls to Existing Individuals, Groups and Services

<b>Existing Services/ Individuals</b>	<b>No. contacted</b>
Child and Family	64
Aged & Disability	148
Youth	62
Community Safety (Police and Local Services)	33
Have a Go Community Programs	12
Volunteer Network Services	72
Library (Home Library Service)	25
Library (JP volunteers)	14
Library (Activity Groups)	6
Library patrons aged 70+	670
<b>TOTAL</b>	<b>1,106</b>

#### Homelessness Support

<b>Activity</b>	<b>Data</b>
Department of Communities and Justice Homelessness Patrols (Burwood LGA)	3 general patrols of hot spot areas
Wesley Mission Targeted Assertive Outreach Support	3 targeted patrols based on reports
Homelessness Assistance Card	100 cards printed for distribution by frontline staff where appropriate
Opal Cards	Purchase of 50x \$10 opal cards for distribution to rough sleepers by frontline staff where appropriate

#### Community Noticeboard

<b>Community Noticeboard</b>	<b>Number of Support Services Listed</b>
Local Churches and Charities	3
Counselling and Support	34
Financial Management Support	1
Mental Health Crisis Support	1



Emergency Services	1
Commonwealth Income Support	1
Employment	2
Skill Building	1
Support for International Students	3
Community Language Translations	2
NSW Justices of the Peace	1
Supermarkets	2
Staying Safe during Covid-19	4
Online safety	1
Covid-19 and Family Violence	8
Things to do if self-isolating	4
Addiction Support	1
Anti-discrimination	1
<b>TOTAL</b>	<b>70</b>

### COVID-19 Community Service Impact Assessments

Consultation Target Group	Services
<b>Safety</b>	<ul style="list-style-type: none"> <li>- Burwood Police Area Command</li> <li>- Women's Domestic Violence Court Advocacy Service</li> </ul>
<b>Aged and Disability</b>	<ul style="list-style-type: none"> <li>- Youside Regional Assessment Service</li> <li>- CASS Home Aging Service</li> <li>- CASS Disability Services</li> <li>- Ethnic Community Services Co-Operative</li> <li>- Stepping On Program (Sydney Local Health District)</li> </ul>
<b>Child and Family</b>	<ul style="list-style-type: none"> <li>- Diversity Kids</li> <li>- Burwood Community Welfare Services – Inner West Family Support</li> <li>- Kids at Weldon</li> <li>- Woodstock Childcare</li> <li>- Burwood Public School</li> <li>- Enfield Public School</li> <li>- The Infants Home</li> <li>- Metro Assist</li> <li>- Inner West Play &amp; Chat Supported Playgroup</li> </ul>
<b>Youth</b>	<ul style="list-style-type: none"> <li>- Southern Cross Catholic Vocational College</li> <li>- Burwood Youth Advisory Group (BYAG)</li> <li>- Sydney Local Health District – Rivendell Child Adolescent Mental Health (School Link Program)</li> </ul>
<b>Community Programs</b>	<ul style="list-style-type: none"> <li>- Share Inc.</li> <li>- CASS: Speakers Corners</li> </ul>
<b>TOTAL</b>	21

### Summary of Community Activities, Programs and Tools Developed in Response to COVID-19

Activity/ Program Name	Data
Community support vouchers	\$4,500 vouchers donated by local services to support people at risk of homelessness and other at-risk residents in need of assistance including victims of domestic violence.
Interactive Digital Maps	1 medical center map 1 council owned and public car parks map 1 COVID-19 testing clinics map
Community Service COVID-19 Impact Assessments	21
Child and Family Online Interagency	2 workshops with 40 attendees
Child and Family eNewsletter	2 eNewsletters sent to 115 people

Online Burwood Youth Advisory Group Meetings	2 meetings with average of 8 attendees
New Mobile Playvan Instagram	18 posts 51 followers
Multicultural Advisory Committee Roundtable Meeting	1 meeting with 10 attendees to COVID-specific impacts and emerging issues
Accidental Counsellor Training	14 staff completed training
Burwood Comes Alive with Music Livestream	5 live streams averaging over 1000 views each
Neighbour Card	Distributed LGA-wide
Burwood Cares for Community Sub-Website - Free activities for isolation - Community support services and information - Our response to COVID-19	3 web pages
Coordinated response for people sleeping rough in Burwood LGA	3 assertive outreach targeted patrols undertaken by Wesley Mission following council reports
Burwood Cares welfare checks to library members 70+ and over	670 calls
Stay at home resources for adults and children regularly updated on the website: Links to information and activities Links to information and support for local businesses	11 themes for adults one for theme for business one theme for multicultural resources 11 themes for children
Mobile play van	6 sessions. Staff delivered story time and craft to 176 children and their parents/carers
Online resources for staying healthy, active and connected during Covid-19	13 online resources
Burwood Bear Hunt initiative	Many households around the community participated by placing a bear in their windows
Online Resume writing workshop	2 workshop with 30 attendees
Online Interview Skills workshop	1 workshop with 16 attendees
Online Zumba for seniors	5 sessions with 33 attendees
Live online chemistry show	1 workshop with 18 attendees
Comic conversations with Anime drawing workshop for teens	1 session with 26 attendees
Hot and cold science workshop for children	1 workshop with 20 attendees
Burwood Bakers competition for children and teens	5 entries
Tax time talk (English) - ATO WebEx	1 session in English with 14 attendees
Tax time talk (Mandarin)-ATO WebEx	1 session in Mandarin with 15 attendees
Tax time talk (Cantonese) - ATO WebEx	1 session in Cantonese with 22 attendees
Tech help in Chinese	Free 40 minute tech help telephone sessions delivered by Mandarin and Cantonese speaking staff to a number of community members
Stay-at-Home Online Activities for Children and Teens	5 digital resources - Burwood Bakers - Make it at home scrunchie - Make it at home isolation diary - Make it at home choc chip biscuits - Local history jigsaw puzzles
Online Resources for Adults	8 digital resources - Virtual book clubs - Contribute to our community cookbook - Film recommendations – what to stream next

	<ul style="list-style-type: none"> <li>- Craft and sewing projects</li> <li>- Tech help in Chinese</li> <li>- Online safety tips</li> <li>- Information and support for local businesses</li> <li>- Online learning</li> </ul>
Online Resources for Students	5 digital resources <ul style="list-style-type: none"> <li>- State Library HSC resources</li> <li>- HSC research guides</li> <li>- Drug Info</li> <li>- Find Legal Answers</li> <li>- Online Resources for Teens</li> </ul>
Online Resources for Children	4 digital resources <ul style="list-style-type: none"> <li>- Literacy planet</li> <li>- 10 Monkeys Maths Games</li> <li>- Story box library</li> <li>- Britannica online</li> </ul>
Community Information	1 online Community Directory

### BURWOOD CARES – Key Data (Business)

#### Campaigns and Digital Resources

<b>Program</b>	<b>Data</b>
Digital Visitor and Patron Contacts Log	1 interactive form
Social Distancing Package <ul style="list-style-type: none"> <li>- English Poster</li> <li>- Multilingual Poster</li> <li>- Floor Stickers</li> </ul>	3 PDF resources available to businesses online 100 hard copy packages also developed. Distribution in progress.
Becoming a COVID-Safe Business Campaign	1 fact sheet and 1 multi-lingual postcard developed
COVID-19 Contact Tracing Register	1 PDF developed and distributed to over 2000 businesses via eNews
Hornsey Lane Mural Project	\$30,000 funding shared among five artists from the Department of Planning, Industry and Environment
Burwood Comes Alive with Music Livestream	5 live streams averaging over 1000 views each \$6,000 shared among 21 artists and music technician
Touch free safer road crossings	2 touch free sensors installed at Railway Square
Burwood Cares for Business Sub-Website <ul style="list-style-type: none"> <li>- Burwood Cares for Business</li> <li>- Local Restaurants, Take-away and Delivery</li> <li>- Let us promote your business</li> <li>- Local Business Directory</li> <li>- Government Support Programs</li> </ul>	5 web pages
Promote your business online webpage	6 online platforms listed
Digital Maps <ul style="list-style-type: none"> <li>- COVID-19 Testing Clinic Locations</li> <li>- Council Owned and Private Parking in Burwood LGA</li> <li>- Medical Centers in Burwood LGA</li> </ul>	3 maps

#### Business Outreach

<b>Activity</b>	<b>Data</b>
Business Survey	64 responses
Direct Business Calls (Hospitality Industry)	135 calls
Direct Business Emails (Hospitality Industry)	55 emails sent
eNewsletter interested sign ups	107

Noticeboard

Noticeboard	Number of Businesses Listed
Local Business Directory	17
Local Restaurants Takeaway and Delivery	56

English and Multi-lingual Social Distancing Packs

Social Distancing Packs	Data
Packages ordered - English poster - Multi-lingual poster - Floor decals	100 packages
Business Expressions of Interest	31
Ad Hoc face to face business drop in's	69
Mayoral visits	3
Completed deliveries	100

Targeted Industry Support Programs

Program	Data
Hornsey Lane Mural Artist Engagement	5 Artists
Hornsey Lane Number of Murals Developed	3
Burwood Comes Alive with Music Live Stream Expression of Interest	21 applications from musicians and bands
Live Stream Musician Engagement	24 musicians and band members and one music technician engaged in the program through \$6,000 funding contributed by Council
Number of Live Streams Held	5

Summary of Circulated Key Local, State and Federal Government Business Programs and Subsidies**Local**

- Waiving of all mandatory health inspection fees for six months
- Increasing the grace period for ticketed and timed parking to 15 minutes
- Comprehensive review of Council fees and charges to determine those that could be adjusted during the next six months
- Increased cleansing and booked clean-ups
- Review of the Rates and Charges Hardship Policy to ensure the most equitable assessment is performed in the event of unpaid rates by residents and businesses.
- Council's adoption of a flexible and pragmatic approach to enforcement and compliance action
- Providing a 3-month credit to all businesses who have paid a license for outdoor dining for 2019/20, once business returns to normal.
- Implementing an appropriate relief package for cafes, sporting facilities, childcare centers where Council is the landlord
- Development of a dedicated section on Council's website for information and resources for businesses, including links to the Federal Government's stimulus package provided by the NSW Government
- Publishing a dedicated web page for restaurants and cafes to promote what they offer to locals can support them
- Increasing Council's processing and payment of invoices to suppliers to a weekly basis, to guarantee cash flow for our business partners.
- Council's food safety and hygiene checklist

**State**

- Becoming a COVID-Safe Business Program
- NSW Small Business Commissioner's small business survey

- Small Business Recovery Grant
- Easy to do Business Concierge Service
- NSW Government COVID-19 Business Recovery Roadshow Webinar
- NSW Food Authority Free Food Service Course
- Disability and Carers Support (Department of Social Services)
- NSW Government \$2.3 billion stimulus package in response to COVID-19

### Federal

- MyAus Covid-19 app
- Job Hub
- Economic Stimulus Package: JobSeeker and JopKeeper
- Cashflow support for small and medium businesses
- Temporary relief for financially distressed businesses
- Increasing the Instant Asset Write-off
- Support for Apprentices and Trainees

## BURWOOD CARES – Communications Update

### Community Engagement

Newsletters	Number of Issues	Number of People Reached
E-newsletter – Burwood Cares for Community	7	Over 14,000 residents
E-newsletter – Burwood Cares for Business	7	Over 2,000 businesses
Library E-newsletter	9	Over 12,000 residents
Burwood Update E-newsletter	1	Over 3,000 residents

Social Media	Number of Posts	Number of People Reached
COVID-19 Updates and Messaging	41	Avg. 1,200 per post
Burwood Cares Activities, Initiatives and Support	91	Avg. 2,500 per post
Promoting Local Restaurants and Businesses	42	Avg. 850 per post
Frontliner Stories	11	Avg. 1,000 per post

### BURWOOD CARES – Phases

At present the Burwood Cares program is operating under a four phase framework with a focus on prevention, early intervention, recovery and resilience into the future.

Phase 1: Immediate local crisis response

Phase 2: Prevention and Early Intervention

Phase 3: Transformative re-emergence

Phase 4: Resilience into the future

Evidence-based feedback and analysis of key business and community trends will underpin the transition between phases. The key principal when operating under this framework is agility; the Burwood Cares program is responsive to the needs of residents, businesses and the economy as well as advice from NSW Health and the State and Federal Government, enabling Council to respond swiftly following lifted restrictions or the re-emergence of a Covid-19 outbreak. Importantly, through its phases the Burwood Cares program will strengthen organisational resilience into the future; transforming practices, principles and programs both during and post-crisis.

At present, the Burwood Cares program is operating in Phase 2: prevention and early intervention, with work also being done in preparation for Phase 3: transformative re-emergence. In the coming months we will likely operate with agility between both Phases 2 and 3 as we develop new frameworks for repair and recovery that enable transformed opportunities for businesses and residents.

## Focus:

- Community education
- Fostering a renewed sense of connection and community resilience amongst residents and businesses
- Supporting and facilitating access to programs that enable people, businesses and activities to return safely.
  - Transformation of existing activities
  - Development of new programs
- Partnership and network development
- Use of evidence-based feedback to respond to community and business needs and disruptions
- Leveraging of technology
- Monitoring of trends
- Risk Preparedness

**Preparedness: Second Wave**

Key staff and resources required to re-activate community crisis support initiatives such as direct calls to vulnerable community members and the provision of online support information have been identified. This support can be mobilised immediately, as required.

**CUSTOMER SERVICE****Customer Requests**

During the period Council received a total of 3159 Customer Requests.

The top categories of requests include:

<b>Category</b>	
Blocked drain (flooding) issue	Footpath reports – damaged, lifted, trip hazards
Garbage Services for residents – includes missed services, bins repairs	Dumped garbage reports
Abandoned vehicles	Illegal Parking
Noise issues	Road maintenance – potholes
Parking meters	Street sweeping
Council tree trimming requests	Building and Development – unauthorised works

**Customer Service Calls**

During the period Council's Customer Service and Call Centre received a total of 12954 calls.

The common requests during this period of time have included:

<b>Enquiry</b>	
Building and Development enquiries	Building/Health complaints
COVID	Debtors/Creditor enquiries
Garbage bins	Council clean-ups
Dumped garbage	Parking meters
Parking permits	Rates/603s enquiries
Trees	

## Booked Garbage Clean Ups

In order to support residents with their household clean ups and to reduce instances of illegal dumping during the lockdown phase, Council increased the availability of booked clean ups. During the period Council booked and completed a total of 977 cleanups.

## Front Counter Visits

The Customer Service counter re-opened by appointment on 9 June 2020, and approximately 251 people have visited to date, which equates to be about 5 people per day over this period of time.

The top reasons for their visit has been:

Enquiry	
Parking Permits (Residential and 2P)	Rates Payments
B&D Payments	B&D related enquiries including lodgement of submissions
Viewing of plan	Lodgement of additional documents for a current DA/CDC application
Complaints (eg. B&D issues, drainage and neighbour)	Pet Registration
Tree Permit Applications	Waste services - garbage Bins and clean-ups for residential households

## COMMUNITY FACILITIES

The last facility booking prior to their closure was on 24 March 2020, and they re-opened on Monday 6 July 2020 (except Fitzroy). The following is a breakdown of bookings by venue, for the active months during the required period.

	March 2020	July 2020	August 2020	OVERALL
Burwood Park Community Centre	32	11	19	62
Pavilion	0	3	5	8
Fitzroy	27			27
George Street	14	0	4	18
Woodstock	54	8	12	74
<b>TOTALS</b>	<b>127</b>	<b>22</b>	<b>40</b>	<b>189</b>

## FINANCE UPDATE

The Budget Review report presented at the May 2020 Council meeting outlined the potential loss of income due to COVID-19 and requested that Council create a specific "COVID-19 Reserve" from Council's "Unrestricted Cash and Investment" to support current and future budgets, to provide funding for existing operational and planned capital expenditure for the 2019-20 and 2020-21 financial years only.

When projecting potential loss to Council's income base, staff applied a very conservative approach based on initial indications of lockdown measures, and forecast a possible loss of \$2.6m.

As of 30 June, however, actual income loss was approximately \$1.8m.

Main income reduction areas include Enfield Aquatic Centre and facilities closure, building and development fees and traffic/parking related fees.

An amount of \$419,188 was also spent toward COVID-19 business continuity activities, including redeployment of staff, as well as additional cleaning, which was primarily funded by savings throughout the budget as outlined in budget review.

Due to current circumstances, the projections for the July-September 2020 quarter include a potential income loss of \$1.8m. This has been factored in the 2020/21 Budget.

It is also important to note Council decided to offer a COVID-19 related Rates Rebate on residential assessments, which will amount to approximately \$440,000.

Finally, Council has recently received a Subsidy of \$110,107.43 from the State Government to offset the increases in the Fireboard and State Emergency Levy for 2020-21.

### LIBRARY ACTIVITIES AND ALTERNATE PROGRAMS

Activity/ Program Name	No. of activities/ programs run
<b>Revamped Library website</b> Statistics for March – July 2020 <a href="http://burwood.spydus.com">http://burwood.spydus.com</a>	Visits: 8,640 Page views: 38,556 Unique Page views: 24,757
Online registration	47 registered in July and 30 in June 455 total as at 31 July 2020
Burwood Cares – Home Library Service extension	4,809 items have been delivered
eBooks, eAudiobooks and eMagazine loans and new users	Total loans June-July eAudiobooks = 410 eBooks = 888 eMagazines = 532  New users e/audiobooks = 53
Burwood Cares welfare checks to library members 70+ and over	670 calls
Web chat service	32 live webchats
Revamped library website	Visits: 3,791 Page views: 19,677 Unique Page views: 11,870
<b>Library Newsletter:</b> 9 issues published  Maintained contact with Library members, promoted online events, digital resources and shared information about Burwood Cares and other Council initiatives.	<u>Newsletter 1, 18 April 2020</u> Total emails delivered: 10,804 Number of recipients who opened the email: 4,204 Number of recipients clicking on links: 387  <u>Newsletter 2, 2 May 2020</u> Total emails delivered: 10,287 Number of recipients who opened the email: 2,728 Number of recipients clicking on links: 234  <u>Newsletter 3, 15 May 2020</u> Emails delivered: 10,725 Opened: 1,837 Links clicked: 157  <u>Newsletter 4, 29 May 2020</u> Emails delivered: 10,347 Opened: 2,702 Links clicked: 185  <u>Newsletter 5, 12 June 2020</u> Emails delivered: 10,282 Opened: 2,174 Links clicked: 144  <u>Newsletter 6, 26 June 2020</u> Emails delivered: 10,238 Opened: 1,900 Links clicked: 173  <u>Newsletter 7, 10 July 2020</u>



	<p>Emails delivered: 10,186 Opened:1,885 Links clicked: 340</p> <p><u>Newsletter 8, 24 July 2020</u> Emails delivered: 10,268 Opened:1,746 Links clicked: 217</p> <p><u>Newsletter 9, 7 August 2020</u> <u>Total Emails delivered: 10,151</u> Opened: 2,003 Links clicked: 252</p>
Stay at home resources for adults and children regularly updated on the website: Links to information and activities Links to information and support for local businesses	<p>11 themes for adults one for theme for business one theme for multicultural resources 11 themes for children</p>
CNY Chinese Painting Workshop	1 workshop with 11 attendees
Little Bees childcare visit offsite	Staff delivered a story and craft to 48 children and teachers
Bricktopia Building Club	13 entries received
Zumba for kids	8 sessions with 254 attendees
Virtual story time	3 with 1.873 views including National simultaneous story time
Anzac Day trivia quiz	1 with 36 participants
Online resources for staying healthy, active and connected during Covid-19	13 online resources
Monday Book Club	3 sessions with 20 attendees
Karen Turner author talk	1 event with 11 attendees
Junior Book club	2 sessions with 4 attendees
Georgia draws a house for teens	1 session with 9 attendees
Imagining Elizabella with Georgia Norton Lodge for children	1 session with 10 attendees
Live online chemistry show	1 workshop with 18 attendees
Comic conversations with Anime drawing workshop for teens	1 session with 26 attendees
Burwood Bakers competition for children and teens	5 entries
Social media – Instagram, Facebook, Twitter	Instagram 1,014 followers, Facebook 282 followers, Twitter 753 followers

### COMMUNITY DEVELOPMENT PROGRAMS

Target Group	Program Name	No. of programs run
Seniors	<p>Stay Standing (falls prevention) lectures online</p> <p>Linking seniors from Seniors Social Club <i>Offering seniors the option to exchange numbers to talk via phone (matching CALD backgrounds so conversations can happen in community languages).</i></p>	<p>6 (online)</p> <p>4 seniors matched</p>
People with Disabilities	Online disability fitness classes offered by a community provider, promoted on council website	14 classes offered per week.
Youth	Youth Week Online Trivia Competition	1
	Stronger Minds, Stronger Youth – Mental Health Board Game	5 schools have been offered the resources to roll out the board game

	<i>Offering schools the resources to roll out the board game online with students.</i>	online for students
	Burwood Youth Advisory Group meetings	3 (online)
	BYAG attending online webinars and training offered by range of providers	1 - workshop attended so far, more to be offered
	Obstacle Course	1 - Construction was completed August 2020
Children and Families	Child and Family Interagency (online)	2 monthly newsletters, 3 online interagency meetings
	Training online safety webinar for educators and organisations working with children and young people	1 in August more to come
	Mobile Play Van Instagram is live	
	List of local community services that are reopening or continuing to operate in terms 3 & 4 distributed to all local primary schools	8 schools provided this information
	Distribution to schools and early childhood services of updated service directory	20 services and schools
Cultural Development	RMS Signal Boxes	6 completed in May
	Burwood Art Prize – promotion commenced	Promotion has commenced and rolled out across LGA and beyond through networks
	Hornsey Lane Mural	3 murals completed
Community Safety	Dissemination of Domestic Violence resources	1
	Dissemination of Cyber Safety resources	1
	Dissemination of local medical centre locations	1
	Trial of traffic light of touch free sensor commenced	1 set of traffic lights Railway parade and Burwood Rd

### ENFIELD AQUATIC CENTRE – Resumption of Services

The EAC re-opened to the public on 20 July 2020 at CovidSafe reduced capacity for lap swimming and gentle exercise and commenced a modified drop-in learn to swim program for current intermediate and advanced students only on 27 July 2020.

Prior to re-opening, a community survey was sent out to over 6,000 community members and facility users in order to assess community interest in services and to let people know about the re-opening plan. In total 113 responses were received, with 45% of respondents interested in lap swimming/gentle exercise, all respondents interested in learn to swim and 15% interested in aqua fitness programs. Based on the responses, EAC staff initiated outreach by contacting over 100 customers to discuss their requirements.

Since re-opening there has been the following use of the centre by the public:

#### Lap Swimming

##### **Week 1 – 20 July to 26 July**

- 208 Bookings – 173 Attendances
- 118 sessions available totaling 1,888 spots for the week = 9% occupancy
- Average 24 swimmers per day and 1.5 swimmers per session

##### **Week 2 – 27 July to 2 August**

- 261 Bookings – 253 Attendances (increase of 46% in attendance)
- 79 sessions available totaling 1,264 spots for the week = 20% occupancy
- Average 36 swimmers per day and 3 swimmers per session

**Week 3 – 3 August to 9 August**

- 319 Bookings – 316 Attendances (increase of 24% in attendance)
- 79 sessions available totaling 1,264 spots for the week = 25% occupancy
- Average 45 swimmers per day and 4 swimmers per session

**Week 4 - 10 August to 16 August**

- 207 Bookings for the week

**Lap Swimming Service Review:**

- Average Age of Swimmer: 52.4
- Declared purpose of use: Gentle Exercise/Walking – 34%, Easy Lap Swimmers – 45%, High Intensity Lap Swimmers – 22%
- The busiest sessions have been the 6:15am sessions at start of the day averaging 9 swimmers and 7:15am sessions on weekends averaging 6 swimmers
- 10:00am weekday session is the next busiest with an average of 5 swimmers
- The most swimmers booked for a single session was 11
- Quiet sessions are 12:15pm weekdays and weekend afternoons averaging 1 or less swimmers

**Learn to Swim**

- Recommended with 172 classes being offered and classes capped at 4 students.
- 113 families advised interest in resuming LTS (100% of survey respondents).

**Week 1 – 27 July to 2 August**

- 53 students booked
- 7.9% Occupancy
- 5 cancellations within the first week

**Week 2 – 3 August to 9 August**

- 70 students booked (+32%).
- 10.1% Occupancy
- 5 cancellations for week (65 attendances)

**Week 3 – 10 August to 16 August (current week)**

- 70 students booked (no change from prior week)
- 10.1% Occupancy

Analysis of the early data shows a steadily increasing trend in lap swimming/gentle exercise but a flat result for learn to swim. Staff are currently assessing how the program may be adapted to better meet customer needs under COVID restrictions.

**ENVIRONMENT AND HEALTH**

Inspections have continued during the pandemic period. There have been 81 inspections carried out in the period March to August 2020. Inspections are carried out in accordance with COVID-19 safety measures.

Council's Environment and Health Officers are working with NSW Health and the NSW Food Authority to spread the message to food shops about their obligations in relation to the development and implementation of a COVID-19 Safety Plan for each premises. Information letters have been and are being distributed to all targeted premises by Council with assistance from the Compliance Team.

## BUILDING AND DEVELOPMENT

### Development Applications

Development Applications Received and Determined:

	Development Application
Applications Received	91 (77 in 2019)
Applications Determined	83 (81 in 2019)

*Note applications include both DA's and S4.55 modifications.*

Key achievements during this period include:

- Full implementation of Electronic DA process
- DA Turnover times for portal DA's now 58 days for first 6 months of 2020.

## STRATEGIC PLANNING

The following is the status of applications for grants which have been created under special COVID-19 funds and administered by the Department of Planning, Industry and Environment (DPIE):

- Premier's Priority Council Fund – successful application for the upgrading of Hornsey Lane - \$130,000
- Streets as Shared Spaces – application submitted and under DPIE assessment for the installation of a pedestrian demonstration area along Deane Street from Burwood Road to Mary Street - \$1,000,000
- Metropolitan Green Spaces – application being prepared for the addition of trees, public engagement and temporary staff for installation and maintenance at Wangal Park - \$250,000
- Green Space Legacy Program – application being prepared for complementary facilities associated with the public benefits of the Burwood Place development. Conditions of this grant require the decrease in DA assessment times in order to receive the monies – Burwood is in the category to receive a maximum of \$5,500,000.

## OPERATIONS CENTRE

### Customer Request Investigations/Inspections & Actions

Street furniture maintenance requests (signage, bus stops etc)	63
Civil maintenance requests (footpaths, Roads, KG, Carparks)	146
Parks maintenance requests (including reserves, tree maintenance, naturestrip and	118
Waste and cleansing requests including graffiti	1,411

### Civil Maintenance Programs

Civil Work Maintenance Tickets	269 tickets issued
Road Repairs	709sqm
Footpath Repairs	3,623sq.m.
Kerb & Gutter	170m
Drainage assets repaired (pits, lintels, grates)	31units
Naturestrips returned	395sq.m
Trees Planted (not including the 500 trees program)	90 trees

## Key Infrastructure Projects

Despite the challenges presented by the COVID-19 situation, the majority of Council's projects are progressing as scheduled, as follows:

Project	Details
500 Tree Planting	275 trees planted
Burwood Place Beautification & Burwood Grand Hornsey Lane	Currently in progress. Highlights <ul style="list-style-type: none"> <li>▪ 21 smartpoles installed along Conder St, Belmore St, Wynne Ave and Hornsey Lane</li> <li>▪ Over 1500sq.m. of paving laid within Hornsey Lane</li> <li>▪ Over 4,000 plants planted</li> <li>▪ Over 20 trees planted</li> </ul>
Shaftesbury Road drainage and road rehabilitation.	Completed over 500sq.m. of concrete road pavement, 120sq.m of footpath, 75m of drainage pipe, three trees planted and over 75m of nature strip landscaped with over 250 plants.

## Waste & Cleansing Programs

Safe & Clean update	<ul style="list-style-type: none"> <li>▪ Over 2,000 additional hours from May until 13 July</li> </ul>
Parking Meter cleaning	<ul style="list-style-type: none"> <li>▪ Highly used meters cleaned every 1-2hours between 930am to 6pm up until 13 July 2020</li> <li>▪ Currently cleaning of meters once every 4-8hrs</li> </ul>
Handrail \ Bin and other hard surfaces	<ul style="list-style-type: none"> <li>▪ Cleaning up until 13 July up to 4 times per day throughout the LGA</li> <li>▪ Cleaning in satellite areas once per day</li> <li>▪ CBD twice per day</li> </ul>
Street sweeping program	<ul style="list-style-type: none"> <li>▪ Continued on three week cycle</li> <li>▪ Additional sweeping activity with the domestic waste collection service still in practice.</li> </ul>
Booked clean up additional crews	<ul style="list-style-type: none"> <li>▪ Additional booked clean-up crew was operating up until 13 July.</li> <li>▪ Well received and utilised during the restrictions</li> </ul>

### Waste & Cleansing Operations

- Additional 1,560 hours of safe and clean operations focused on touch point cleaning

## COMPLIANCE

A total of 813 CRM's actioned since March until 11 August.

During this period there was a total of 3145 Content Manager records created and 814 actions completed.

The Smart City Compliance Project commenced prior to the COVID period and this has seen an increase in field presence and proactive enforcement. Staff are now spending 90% of their time in the field providing a better community service.

The Revenue NSW PIN Post Project commenced in May 2020 as part of an initiative of the Burwood Compliance Team. This project is being rolled out to other NSW Councils and now means that Revenue NSW mails out all fines issued by Council.

The program has:

- Improved service time of fines to community
- Reduced Administration time of staff
- Ensured that a consistent message is being generated to the community

The program is a great example of council initiative on innovation and cost savings to the community.

**ASSETS & INFRASTRUCTURE**

<b>SITE INSPECTIONS - MARCH to AUGUST 2020</b>	
	MAR - AUG
<b>Customer Requests (CRM's)</b>	
Traffic - Parking	77
Trees	45
Signs	52
<b>Development Applications</b>	
Engineering DA's Assessed	42
Traffic DA's	42
<b>SITE INSPECTIONS</b>	
Group Manager	44
Design Manager	25
Tree Management, DA's, Private and Council trees	254
Traffic Engineering	197
Development/Design Engineering/Stormwater	202
Final Inspections and Refund of Damage Deposits	62
Landscape Design	53

<b>ADDITIONAL STATISTICS - MARCH to AUGUST 2020</b>	
	MAR - AUG
<b>COMMITTEE MEETINGS</b>	
Burwood Local Traffic Committee Reports	8
<b>CAPITAL WORKS PROGRAM</b>	
Traffic Facilities (roundabout, traffic islands)	8
<b>TRAFFIC PROJECTS</b>	
Parking Meter Stats	Average 19% decrease
<b>PARKING PERMITS</b>	
New Parking Permit Applications	69
Additional Parking Permit Applications	55
Enquiries - Street Promotions	9
Enquiries - Busking and Street Performances	6

**KEY INFRASTRUCTURE PROJECTS**

<b>Project</b>	<b>Status</b>
Grant Park off-leash area upgrades	COMPLETE
Challenger Obstacle Course – Grant Park	COMPLETE
Woodstock Playground	COMPLETE
Henley Park amenities building	On track - Work to commence 17.08.20
Blair Park	COMPLETE
Grant Park Netball Courts & Car Park Extension	On track - Sports Infrastructure grant application successful
500 Tree Plantings	On track 275 out of 500 now planted
Henley Park Turf Upgrade Works - Field 1 & 2	On track - design phase

Burwood Road Beautification - North Precinct	On track - landscape design completed
Railway Parade Beautification - Shaftesbury Road to Burwood Road	On track - Landscape concept completed

### **Conclusion**

The evolving situation under the COVID-19 pandemic has required an adaptive approach to the response, to allow for targeted support activities for our resident and business community.

Despite the difficulties caused by the necessary safety measures implemented, Council staff continue to deliver a high standard of services to the community.

As the situation improves, Council management will continue to make decisions based on official guidance from Federal and State governments, as well as sound risk mitigation strategies applied to our specific circumstances.

Any further re-opening decisions will be communicated to Council via internal memos and progress reports.

Extensive community engagement and communication will also continue throughout the prevention and early intervention phase of the pandemic.

### ***Recommendation(s)***

That Council notes the information contained in this report.

### **Attachments**

There are no attachments for this report.

## **(ITEM 84/20) REFERRAL OF THE ANNUAL FINANCIAL REPORTS FOR 2019-2020 TO COUNCIL'S AUDITOR**

File No: 20/36856

REPORT BY CHIEF FINANCE OFFICER

### **Summary**

Council's Financial Reports must be in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2005* (the Regulation), the Australian Accounting Standards, the Local Government Code of Accounting Practice and Financial Reporting and the Local Government Asset Accounting Manual. This is to ensure that the Financial Reports for each year fairly present the Council's operating result and financial position for the year.

In accordance with Section 413 of the Act, Council's Annual Financial Reports must be authorised for referral to the Auditor for audit.

### **Operational Plan Objective**

2.3.1 - Identify and maintain additional revenue sources to ensure financial sustainability

### **Background**

Sections 413, 415 and 416 of the Act require Council's Annual Financial Reports for 2019-2020 to be prepared, referred to audit and audited by 31 October 2020.

In relation to this process, Council is required to authorise the referral of the Annual Financial Reports to Council's External Auditor (NSW Audit Office).

Section 413 of the Act states that the Annual Financial Reports must be accompanied by a Statement of Council's opinion on the general purpose financial report (Attachment 1) made pursuant to a resolution of Council and signed by the:

- Mayor
- Deputy Mayor
- General Manager
- Responsible Accounting Officer (Chief Finance Officer)

The Annual Financial Reports for 2019-2020 are subject to review by the External Auditor (NSW Audit Office) before they can be finalised.

### **Proposal**

The 2019-2020 Annual Financial Reports are due for Audit Referral by 31 August 2020. In order to obtain sign-off prior to the Auditors commencing the audit on 14 September 2020, the draft Annual Financial Reports for 2019-2020 will be tabled on the night of the Council meeting.

During the 2019-20 year Council was required in accordance with Australian Accounting Standard 116 "Property, Plant and Equipment" to revalue our Infrastructure Assets (Roads, Footpaths, Kerb & Gutter and Drainage).

The revaluation of these assets is a specialist task requiring a condition assessment to be performed on all Council's Roads, Footpaths, Kerb & Gutter and Drainage and then a revaluation process to be undertaken, all performed through independent consultants. Council is still waiting to receive the revaluation report from the consultants who are performing this work. The delay has been prolonged due to the introduction of Council's new Asset System and the availability of the consultants.



As such the Statements tabled on the night will not contain the revaluation data. Once the revaluation data is received it will be incorporated within the Financial Statements, at which time a further draft of the Annual Financial Reports will be circulated to Councillors, this draft will then be presented to the Auditors.

### **Consultation**

The audited Annual Financial Reports will be presented to the Audit, Risk and Improvement Committee during October 2020 prior to completion of the external audit process. The Committee's comments will be included as part of the report to Council for the presentation of Council's Audited Annual Financial Reports for 2019-2020.

### **Conclusion**

The Annual Financial Reports provide a snapshot of Council's operating performance and its financial position at a point in time and their completion and presentation is a statutory requirement under the Act and the Regulation.

### ***Recommendation(s)***

That in accordance with Section 413(2)(c) of the *Local Government Act 1993* and Clause 215 of the *Local Government (General) Regulation 2005*, Council resolve the following:

1. That authority is granted to the Mayor, the Deputy Mayor, the General Manager and Responsible Accounting Officer to sign the Statements by Councillors and Management for the General Purpose Financial Reports and the Special Purpose Financial Reports for the Year Ended 30 June 2020.
2. That the signed statement be attached to the 2019-2020 Unaudited Annual Financial Reports and presented to Council's Auditor (NSW Audit Office) for the completion of the audit.
3. That the Auditor is invited to attend the Audit, Risk and Improvement Committee Meeting in October 2020 that will review the Annual Financial Reports and also to attend the Council Meeting that is to adopt the audited Annual Financial Reports.

### **Attachments**

1 [↓](#) Statement by Councillors and Management 1 Page

## Burwood Council

### General Purpose Financial Statements

for the year ended 30 June 2020

### Statement by Councillors and Management

made pursuant to Section 413(2)(c) of the *Local Government Act 1993 (NSW)* (as amended)

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

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

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

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

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

Signed in accordance with a resolution of Council made on 25 August 2020.

Councillor Faker  
**Mayor**  
25 August 2020

Councillor Mannah  
**Councillor**  
25 August 2020

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Tommaso Briscese  
**General Manager**  
25 August 2020

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Wayne Armitage  
**Responsible Accounting Officer**  
25 August 2020

## **(ITEM 85/20) DELIVERY PROGRAM AND OPERATIONAL PLAN FY2019/20 HALF YEARLY REPORT 1 JANUARY TO 30 JUNE 2020**

File No: 20/37545

REPORT BY GENERAL MANAGER

### **Summary**

A report on the progress of Council's Delivery Program 2018-21 is to be presented to Council on a half yearly basis in accordance with legislative requirements of the State Government's Integrated Planning and Reporting Framework (406(5) of the Local Government Act 1993).

### **Operational Plan Objective**

2.1.3.2 – Ensure that all public information is accessible and made available in a timely manner

### **Background**

Council's Integrated Planning & Reporting (IP&R) documentation reports qualitative information while providing communication in a transparent and streamlined process to provide easy access to information for residents.

Reflecting the IP&R Framework, reporting follows the structure of the Delivery Program 2018-21 and Operational Plan 2019-20, which delivers to the strategic goals identified by the community in the Burwood2030 Community Strategic Plan.

This Half Yearly Report is the second report for the Operational Plan 2019-2020 covering the period 1 January to 30 June 2020.

The strategic goals are divided into five themes:

- Community and lifestyle
- Leadership and innovation
- Healthy and sustainable environment
- Planning and infrastructure
- Vibrant city and villages

Each strategic goal is divided into actions which represent the specific initiatives Council proposes to implement to achieve the identified targets. The Delivery Program includes a total of 147 actions which are incorporated into the Operational Plan.

### **Reporting Structure**

Key users are required to provide a rating status and comment for each strategic action they are responsible for as follows:

On watch	The activity/project is underway but may not be completed in time or it has been postponed
Progressing	The activity/project is ongoing, progressing or scheduled to commence on schedule
Milestone	A significant achievement has been reached during the reporting period (such as the completion of a project or a highlight for the activity)

These requirements support and promote a continuous risk evaluation process for staff and management which allows the identification of risks and opportunities at an early stage in the delivery of activities/projects.

## Measuring our Success

For the period 1 January 2010 to 30 June 2020, Council has registered the following progress:

Status	Number
On watch	0
Progressing	137
Milestone	10
<b>Total</b>	<b>147</b>

Some of the significant milestones during this timeframe were internal digital solutions that have benefited the community through improved customer service and experience. They include:

- 1.2.2.2 Develop a modern website with improved accessibility and digitized services

Council's new website project was successfully completed in June 2020. This has provided a better user experience by being easy to navigate, have intuitive search capabilities, improved online forms and payments, accessibility and language translations. Over 50% of the community access the site through hand held devices and this was a key factor in determining which digital platform was chosen. The website design is responsive, meaning the interactive quality is highly suited to mobile and tablets users. The platform is scalable which means as requirements for the site grow and change, so too can the platform. It is also very easy to use in the back end which enables Council to de-centralise content responsibilities making information quicker to access and be current.

- 2.4.2.2 Identify and implement technology that will enhance and improve customer experience.

Council's new cloud based IT Infrastructure has been deployed. This was timely as the new system ensured service levels were maintained during the COVID-19 lockdown period. It enabled staff the seamless ability to technically move from their council work locations to remote working without disruption to deliverables.

- 2.5.3.1 Undertake an assessment of available technology to identify solutions that will streamline business processes

Upgrades network infrastructure including the implementation of a new internet connection making network connections to key Council sites more effective and reliable. New firewalls increased the ability for field staff to securely and readily access the information necessary for the prompt and efficient delivery of services to the Community.

- 2.5.4.1 Seek opportunities to be involved in pilot programs and other initiatives aimed at assessing customer needs.

Council has implemented a new booking system for community facilities and parks which includes online bookings capabilities. This has increased the efficiency of the booking process providing customers easier access to information and availability and the ability to make online payments.

## Consultation

Once the Half Yearly Report is adopted, it will be made available to the public on Council's website and in hard copy can be viewed by appointment at Customer Service Centre (due to COVID-19 safety measures).

**Planning or Policy Implications**

In accordance with s 404(5) of the *Local Government Act 1993* the General Manager must provide progress reports to Council, at least every six months, as to its progress with respect to the principal activities detailed in its Delivery Program. Burwood Council's Delivery Program 2018-21 (Strategic Goal 2.1.3.2) requires that public information is made available in a timely manner.

**Financial Implications**

No Financial implications.

**Conclusion**

Council's Delivery Program 2018-21 Half Yearly Report provides Council with ongoing updates on the progress of the objectives identified in Council's Delivery Program and Operational Plan.

***Recommendation(s)***

That Council endorse the Delivery Program 2018-2021 Half Yearly Report for the Period of 1 January 2020 to 30 June 2020.

**Attachments**

1 [↓](#) Burwood Council Half Yearly Report January -June 2020 Final

# BURWOOD2030 Half Yearly Report

1 January - 30 June 2020



**Burwood**  
Inc.1874

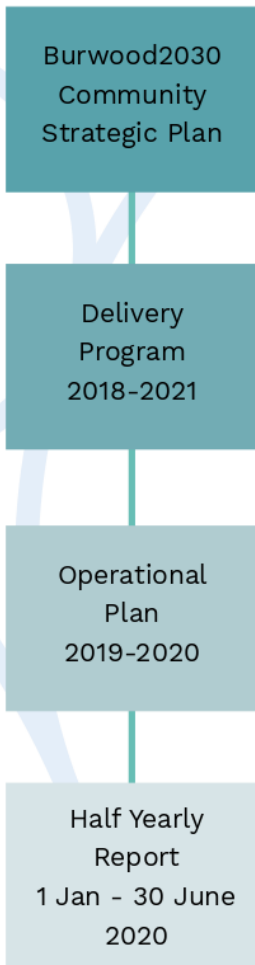
Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

# Contents

Introduction	3
Measuring our success	3
Our highlights	4
Burwood Cares - Council's response to COVID-19	6
Reporting by Burwood 2030 strategic themes:	
Community and lifestyle	7
Leadership and innovation	26
Healthy and sustainable environment	40
Planning and infrastructure	52
City and villages	61

# Introduction

## The Integrated Planning and Reporting Process



This report forms part of Council’s Integrated Planning & Reporting documentation. It is qualitative reporting communicated through a transparent and streamlined process to allow better access to information for residents.

This Half Yearly Report is the final report for the Operational Plan FY2019-2020. It provides the community with a summary of how Council has responded in the second half of this financial year to the strategic goals, objectives and planned actions outlined in the Delivery Program 2018-21.

Strategic goals, objectives and actions are grouped under five themes:

1. Community and lifestyle
2. Leadership and innovation
3. Healthy and sustainable environment
4. Planning and infrastructure
5. Vibrant city and villages

This report addresses the 147 actions incorporated under these themes and found into the Operational Plan.

## Measuring our success

Each action has a rating status and comment section to provide information on the progress.

<b>On watch</b>	The activity/project is underway but may not be completed in time or it has been postponed
<b>Progressing</b>	The activity/project is ongoing, progressing or on schedule
<b>Milestone</b>	A significant achievement has been reached during the reporting period - such as the completion of a project or a highlight for the activity



# Our highlights

10 Milestones achieved  
137 actions progressing  
0 items on watch

- E-Planning online DA lodgements reduced processing times from 173 days to 58 days
- New online booking and payment system for community facilities increased efficiency and improved user experience
- New website launched with improved digital capabilities and search, online forms and payments and accessible language translations
- Lunar New Year Dragon Parade for local businesses
- Public art program Traffic Box installations
- 95% of Council's street lighting upgraded to LED
- Park upgrades included Grant Park dog-off-leash, Henley Park futsal field, children's playgrounds, double flying fox and fitness stations and Blair Park sports field
- New fitness equipment in Burwood Park
- 500 trees program
- New Cloud based IT Infrastructure allowed Council staff to work remotely and flexibly
- Despite public event cancellations due to COVID-19, wreaths were laid on Anzac Day and for the National Servicemen







## Our response to COVID-19

Council created the Burwood Cares program to provide support for local residents and businesses during COVID-19. Its aim is to keep the community safe through service delivery, support for residents who may be vulnerable or in need and struggling local businesses, hard hit sectors such as the arts and entertainment, and provide constant, up-to-date information throughout the pandemic.

The activities since March 2020 include:

- Letters mailed to all residents and businesses explaining how to stay safe
- Neighbour Cards in English and Chinese distributed LGA-wide to encourage people to support each other
- Multilingual COVID safety signs throughout the community
- ‘Burwood Cares’ sub-website created a central hub for local information and services on COVID-19 and a noticeboard for businesses to promote their offerings
- Website, letters, newsletters, factsheets, phone and online surveys, media updates, videos and visual displays at facilities and street meetings were used to disseminate COVID-19 information and identify community and business needs.
- Information packs, including 500 social distancing packs, distributed to businesses and 135 ‘offer of support’ phone calls
- 750 care, food, hygiene and craft packs distributed and 1106 phone calls made to vulnerable locals and community services.
- Two e-newsletters – Burwood Cares for Communities emailed to over 14,000 people and Burwood Cares for Businesses emailed to over 2000 businesses
- Arts and culture supported through fortnightly Burwood Comes Alive with Music livestream featuring local musicians and Hornsey Lane mural project which provided \$30,000 funding shared among five artists (from ‘Streets as Shared Spaces’ grant funding from the Department of Planning, Industry and Environment)





# Community and lifestyle

## High quality facilities, services and initiatives to meet the diverse needs of the community

Provide a diverse range of strategies and initiatives that meet the needs of the community

Provide services to meet the current and future needs of diverse members in the community

Code	Responsible Unit	Action Name	Status	Comments
1.1.1.1	Community, Library & Aquatic Services	Monitor, review and develop programs to assist diverse groups in the community such as seniors, youth, families and children, people living with a disability and people on low income	Progressing	<p>The Mobile Playvan is an inclusive service that encourages community connections through play. The service operated four days a week in different local parks around Burwood facilitating information sharing, the development of child/ parent relationships and a sense of belonging.</p> <p>Seniors programs were delivered during Seniors Festival including social and recreational activities in celebration and acknowledgement of the contribution made by older people in the community.</p> <p>Community programs, such as Chinese Traditional Dancing, were offered at a subsidised rate allowing for a range of cultural, recreational and creative programs to be accessible and enjoyed by all.</p> <p>Through these activities Council continued to engage with local residents and address needs. As a result of the disruption caused by COVID-19 restrictions some activities were paused whilst others, like fitness classes for people with a disability and Stay Standing, the falls prevention program, continued online.</p> <p>Council also commenced the roll out of Burwood Cares in response to the impacts of COVID-19. This program provided practical support to the local residents and businesses to help mitigate the social, emotional, and financial impacts on the community.</p>

Provide financial assistance for community projects and actively seek funding from other sources

Code	Responsible Unit	Action Name	Status	Comments
1.1.1.2	Community, Library & Aquatic Services	Administer a grants program and actively promote other funding opportunities available to community groups	Progressing	<p>The 2019-2020 Community Grants program was discontinued in 2020 due to COVID-19 restrictions and impacts. At this stage it is planned that the 2020-2021 Community Grants program will be delivered as planned.</p> <p>Council continued to administer Club Grants 2020 despite the COVID-19</p>

Code	Responsible Unit	Action Name	Status	Comments
				Impacts and applications received will be assessed during August 2020 and recommendations submitted to the Burwood RSL Board for funding allocations.

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

Provide a range of information and services to meet the needs of new and existing members

Code	Responsible Unit	Action Name	Status	Comments
1.1.2.1	Community, Library & Aquatic Services	Identify and implement resources and information services	Progressing	<p>The Library developed and provided stay at home resources through Council's website as part of the Burwood Cares program. Links to resources for adults, children and local businesses were provided and regularly updated. A total of six themes for adults, six for children and two for businesses were developed.</p> <p>The first edition of the Library's eNewsletter, Burwood Library Connect, was emailed to members on 18 April 2020. The contents covered a wide range of topics, including online events, online resources, local history and Council services updates. Up to the end of June 2020 six editions of the fortnightly newsletter have been published and sent to members.</p> <p>The Library's webchat service was launched on 4 May 2020. By 30 June 2020, the Library had received 32 requests for chats.</p> <p>Online membership registration increased between April and June 2020, with 127 new members during these months when compared with 54 new members for the previous three months.</p> <p>Temporary remote access to the Find my Past database was established in March 2020. This allowed members who were interested in their family history to continue their research, taking access to this service outside the library.</p>

Provide resources to reflect the needs and interests of the multicultural community

Code	Responsible Unit	Action Name	Status	Comments
1.1.2.2	Community, Library & Aquatic Services	Increase number of language resources available based on the demands and needs of the	Progressing	A total of 637 items in Chinese, Korean and Hindi were added to the community languages collections between January and June 2020, making a total of 1,167 items were acquired in the financial year. The total

Code	Responsible Unit	Action Name	Status	Comments
		community		Includes 69 materials for English as a second language. This part of the collection represents just over 12% of total acquisitions.  Access to Mango Languages, an online language learning resource, has been greatly enhanced with the addition of a video produced in-house on how to setup and use the resource, with instructions being available in both English and Mandarin.  Library staff launched a phone-in tech-help in Mandarin on 29 May 2020. Customers were booked in for a 45 minute session to learn how to use the library's e-resources, with three sessions in Mandarin run in June.

*Establish key partnerships with agencies and services providers*

Code	Responsible Unit	Action Name	Status	Comments
1.1.2.3	Community, Library & Aquatic Services	Deliver services, resources and initiatives in conjunction with agencies and service providers	Progressing	<p>Burwood Library continues to deliver a diverse and engaging program of activities to the community. For children in the January, Library staff provided a number of well-attended school holiday activities, visited childcare centres and delivered stories and craft fun through the Mobile Playvan. For adults, the Library provided free book giveaways at the Woodstock, Henley Park, Wangal Park and Burwood Park and ran a painting workshop to celebrate Chinese New Year. In addition, the Library's Seniors Book Club, English Conversation Classes and Wrap with Love met regularly. In partnership with Westfield, the Library staff delivered the Alice in Westfield school holiday activity and hosted a week long pop-up information stand at Westfield.</p> <p>The COVID-19 pandemic presented the Library with both challenges and opportunities. Acknowledging that this is a significant moment in history and the important role that the Library plays in the community, Library staff quickly adapted to move programs online to allow for continued connection, information and support. The Library's online children's programs during this time have included story-time, Burwood Bricktopia competition, Burwood Bear hunt initiative, Kids Zumba classes, kids online book club, Zoom Yoga for teens and a Zoom Drawing Workshop for 'twens and teens. Adult online programs have included online Monday Book Club, a live Zoom author talk with Karen Turner, resume writing Zoom workshop, interview skills Zoom workshop and online Zumba for seniors</p> <p>The past six months, Library held 81 activities with 4,097 attendees/views.</p>

Provide active and passive recreational and sporting activities that contribute to health and wellbeing

Enhance facilities of the Enfield Aquatic Centre to optimise use

Code	Responsible Unit	Action Name	Status	Comments
1.1.3.1	Community, Library & Aquatic Services	Undertake Stage 2 of the Enfield Aquatic Centre Master Plan	Progressing	Due to COVID-19 the works have not yet commenced.

Offer programs at the Enfield Aquatic Centre based on the needs of residents and patrons

Code	Responsible Unit	Action Name	Status	Comments
1.1.3.2	Community, Library & Aquatic Services	Improve the design of Learn to Swim and other programs and actively promote to the community	Progressing	Due to COVID-19 the aqua program has been suspended since March 2020. We will be recommending a modified learn to swim program in late July 2020.

Provide a safe and healthy environment for patrons

Code	Responsible Unit	Action Name	Status	Comments
1.1.3.3	Community, Library & Aquatic Services	Undertake continual testing of water quality, safety audits and staff training to ensure a healthy and safe environment in accordance with NSW health standards	Progressing	Due to COVID-19 the pools have been closed since March 2020. Limited access to the 25 metre pool commenced in July 2020. Prior to closing and since re-opening continual daily water monitoring and testing were carried out, inclusive of additional treatments and preventative actions in line with NSW Health requirements. Independent biological testing was also in place with all results within standard parameters. Preventative maintenance program was put in place and ongoing inspections and servicing were carried out.

Enhance parks and open spaces to promote recreational activities

Code	Responsible Unit	Action Name	Status	Comments
1.1.3.4	Assets & Infrastructure	Implement master plans for major parks and upgrade existing parks and reserves according to usage type	Progressing	Staff prepared master plans for Henley Park, Blair Park and Woodstock Park. Some major projects in these and other parks are underway or have been completed as follows: <b>Henley Park</b> The construction of a new synthetic Futsal field has been completed.



Code	Responsible Unit	Action Name	Status	Comments
				<p>Further upgrade works in Henley Park are also underway and these include:</p> <ul style="list-style-type: none"> <li>• Design and construction of new field irrigation, drainage and turf works for the 2 southern fields</li> <li>• Design for the refurbishment and extension of the amenities block has been completed.</li> </ul> <p><b>Blair Park</b> In Blair Park the following capital works upgrades were recently completed.</p> <ul style="list-style-type: none"> <li>• Design and construction of new field irrigation, drainage and turf works.</li> <li>• Capital works according the master plan have commenced</li> </ul> <p><b>Woodstock Park</b></p> <ul style="list-style-type: none"> <li>• A concept design for the sensory garden is also completed</li> <li>• Construction of a new Playground including a flying fox</li> </ul> <p><b>Burwood Park</b> Installation of a new fitness equipment station in the north west corner of Burwood Park has been completed.</p> <p><b>Grant Park</b> Upgrades including fencing, gates, new solar lights and bubblers to the two dog off leash areas have been completed.</p> <ul style="list-style-type: none"> <li>• Construction of a new obstacle course is underway</li> <li>• Design for the new two netball courts and extension to the Enfield Aquatic Centre carpark is underway.</li> </ul> <p><b>Flockhart Park</b> Masterplan Design for Flockhart Park which includes, 10 X Exercise Equipment Stations, Reconstruction of Cricket Nets, New Playground and New Fencing along Burwood Road, Hextol Street and Lees Ave. Also stabilising the embankment under the road bridge on the pathway cyclist at Georges River Road.</p>

*Promote an active and healthy lifestyle*

Code	Responsible Unit	Action Name	Status	Comments
1.1.3.5	Community, Library & Aquatic Services	Offer programs and activities that promote active and passive recreation in partnership with local organisations and groups	Progressing	Due to COVID-19 restrictions many programs usually offered by Council have been temporarily discontinued. However, in partnership with SHARE, some active programs were continued online. The falls prevention program Stay Standing and the Youth Trivia Night event were also continued online. With changing restrictions now allowing some activities to recommence, COVID Safe plans are being developed for many recreational activities, including line dancing, Zumba, Mobile Play Van and Chinese painting workshops, which we hope to begin in early 2020/2021. The development of the Challenger Obstacle Course in Grant Park continued throughout the year and is due to open in early 2020/2021.

*Encourage community participation and promote a healthy and harmonious lifestyle*

*Provide a range of venues and facilities for residents and community groups to meet their diverse needs*

Code	Responsible Unit	Action Name	Status	Comments
1.1.4.1	Customer Service & Records	Offer a range of facilities for hire that accommodate the various types of use required by the community	Progressing	Council continues to promote and facilitate the use of venues to its community groups, particularly local groups, seniors groups and not for profit groups.  The community facilities usage from 1 January 2020-30 June 2020 was Woodstock 389, George Street Centre 82, Fitzroy Hall 112, Burwood Park Community Centre 100. Woodstock Artisan Market was held on 8 March 2020

*Provide space for sporting and recreational activities*

Code	Responsible Unit	Action Name	Status	Comments
1.1.4.2	Customer Service & Records	Offer parks for hire and identify green and open spaces that can be used for passive and active use by the community	Progressing	Council recently installed a synthetic turf futsal field in Henley Park. This facility is being well used, and has proven to be very popular with the local football clubs and the local community.  Council carried out upgrades to the Grant Park off-leash dog areas. New fencing and easy access gates were installed and new water drinking fountains with dog bowls. New turf sections were laid. New native trees planted, and old signage replaced.  A new obstacle course with a wide range of challenging fitness equipment

Code	Responsible Unit	Action Name	Status	Comments
				with rubber soft-fall is nearing completion in Grant Park located adjacent to Ann Street. The completion of the of the Blair Park sport field major renovation works which included new turf, irrigation and drainage works. Commencement of competition play was 3 July and all feedback from football club has been positive so far.

*Promote an inclusive and harmonious lifestyle in the community*

Code	Responsible Unit	Action Name	Status	Comments
1.1.4.3	Community, Library & Aquatic Services	Provide programs and activities that encourage active community participation	Progressing	Due to COVID-19 restrictions many programs usually offered by Council had to be temporarily discontinued. Burwood Youth Advisory Group, which encourages youth participation in Council, continued to operate online with young people bringing their concerns and ideas to Council. Also, the Multicultural Advisory Committee held a roundtable in May 2020 inviting representatives from local culturally and linguistically diverse (CALD) groups to bring forward any specific issues caused by the COVID situation.

**A well informed, supported and engaged community**

Inform the community of Council's activities, facilities and services using accessible communication

*Provide regular information in a range of formats to ensure that it is accessible to all members of the community*

Code	Responsible Unit	Action Name	Status	Comments
1.2.1.1	Corporate Planning & Communications	Deliver ongoing communication through appropriate methods based on the target audience	Progressing	Council has used a range of communication methods to reach members of the community. These include social media (Facebook, Twitter, Instagram and WeChat), Council's website, letters and newsletters, phone and online surveys, visual displays at facilities and street meetings. With the COVID-19 situation arriving, Council saw the need to develop a communications campaign that signaled to the community that it was working outside of business as usual and focused on providing the community and business with constant, up to the minute information and support. The communications output increased by 400%. Letters were mailed to all residents and businesses outlining the situation and ways they could stay safe. Neighbour Cards in English and Chinese were distributed across the LGA to encourage people to support each other.

Code	Responsible Unit	Action Name	Status	Comments
				<p>Signage in multiple languages was place in parks and open spaces to educate the community on how to stay safe. A dedicated website section 'Burwood Cares' was established as a hub for all information and support programs regarding COVID-19. Social media was the most active form of communications. Videos made in isolation provided instruction and support to businesses. This saw an increase in the Council's main platform with Facebook followers and likes increasing by 15% from February to June 2020.</p> <p>Utilising the Mayor as the key spokesperson on COVID-19, the Mayor's official Facebook followers and likes increased by 48%.</p> <p>Businesses that were still open were delivered an information pack and later in the campaign a business pack consisting of social distancing floor decals and posters.</p>

**Modernise and enhance access to information on services**

*Ensure all information is available in a digital and accessible format*

Code	Responsible Unit	Action Name	Status	Comments
1.2.2.1	Corporate Planning & Communications	Identify and implement new digital technology and social platforms to improve access to information	Progressing	<p>Council continues to look for ways to review new digital technologies and social platforms to improve communication with all its residents. Council recently launched its new website. The platform is easy to use and features enhanced digital capabilities and information search, new and streamlined online forms and payments which reduced the need to visit Council or download documents and more accessible language translations.</p> <p>In January Council launched its e-planning capability. Lodging development applications and tracking can all be done online through the state government portal. This reduces paperwork and paper, streamlines the process making the outcome faster.</p> <p>During the COVID-19 situation under the banner of the Burwood Cares program two E-Newsletters were launched. Burwood Cares for Communities was emailed to over 14,000 people on a weekly basis during a critical period of the pandemic. This is now dispatched on a fortnightly basis. Burwood Cares for Businesses is emailed out fortnightly to over 2,000 businesses.</p>

*Increase Council's digital presence*

Code	Responsible Unit	Action Name	Status	Comments
1.2.2.2	Corporate Planning & Communications	Develop a modern website with improved accessibility and digitised services	Milestone	Council's new website project was successfully completed in June 2020. This has provided a better user experience by being easy to navigate, have intuitive search capabilities, improved online forms and payments, accessibility and language translations. Over 50% of the community access the site through hand held devices and this was a key factor in determining which digital platform was chosen. The website design is responsive, meaning the interactive quality is highly suited to mobile and tablets users. The platform is scalable which means as requirements for the site grow and change, so too can the platform. It is also very easy to use in the back end which enables Council to de-centralise content responsibilities making information quicker to access and be current.

*Enhance communication and community engagement through innovative solutions*

*Engage with, and increase Council presence with its digital community*

Code	Responsible Unit	Action Name	Status	Comments
1.2.3.1	Corporate Planning & Communications	Monitor and identify emerging technology and communication tools to enhance engagement	Progressing	With such a culturally and linguistically diverse community Council is seeking better ways for the community to participate in decision-making. Council is exploring new software with the potential for digital surveys to be accessible in multiple languages and responses translated.

*Establish regular interaction and communication with the community through targeted methods*

Code	Responsible Unit	Action Name	Status	Comments
1.2.3.2	Corporate Planning & Communications	Identify local communities and provide relevant information through appropriate communication methods	Milestone	The profile and demographics of Burwood continue to shift and change with 57% of people in the Burwood LGA born overseas. As communities become more established new communities emerge. Well established is the Chinese community at 33% of the population with a growing Korean community and the emerging Nepali community. Council continues to place monthly Council Columns in the local Korean and Nepali press as well as the local Chinese paper to increase the community reach of updates relating to works and what's on in Burwood. Council also provides local information through its WeChat platform.  Council also arranged foreign language media interviews with the Mayor on video and radio.

Code	Responsible Unit	Action Name	Status	Comments
				During the COVID-19 situation, Council used the above channels to provide important updates and safety information. Council also developed safety information in multiple languages on outdoor community signage, business factsheets and other messaging. Communications materials that were sent to all residents and businesses were produced in English and simplified Chinese.

*Promote informal discussions between Council and the community*

Code	Responsible Unit	Action Name	Status	Comments
1.2.3.3	Corporate Planning & Communications	Engage with residents and the digital community through face to face interactions and social media	Progressing	Council's calendar of events provides an excellent opportunity to interact with the community face to face. These events allow Council to promote services, conduct surveys and answer questions. With the cancellation of Events due to the COVID-19 pandemic, the forced lockdown and concern for health and safety of Council staff, there was no opportunity for face to face activity.  Because of this situation, Council quickly developed a COVID-19 digital communications campaign - 'Burwood Cares' that included establishing a dedicated section on the website to provide timely information, downloadable materials and share key contacts. Social media became critical with Council's output increasing by 400% between the months of February to June.

*Foster a sense of community pride*

*Provide leadership on the community's vision and values*

Code	Responsible Unit	Action Name	Status	Comments
1.2.4.1	Corporate Planning & Communications	Develop a visual identity and vision for Burwood in line with community aspirations	Milestone	In August 2019 Council launched its new brand and visual identity.  The design and subsequent collateral created reflects the Burwood of today and into the future - a vibrant, diverse and dynamic place, rich with heritage. This was met with positive feedback from the community. While visible signs of the new brand are now appearing, as part of a sustainable roll out, Council has kept costs and material waste to a minimum with new branding replacing existing items only when needed.

**A safe community for residents, works and visitors**

Work with key partners and the community to minimise crime and enhance community safety

*Maintain and enhance CCTV capabilities*

Code	Responsible Unit	Action Name	Status	Comments
1.3.1.1	Compliance	Ensure CCTV technology is up to date and utilised in key areas around Burwood as needed	Progressing	Council meets with Local Police Command on a regular basis to discuss crime trends and statistics. Police requested 6 CCTV applications for the period and they were supplied to the Police within the service time frames. Crime in the Burwood LGA is low for most categories

*Work in partnership with NSW Police to support crime prevention and increase community safety*

Code	Responsible Unit	Action Name	Status	Comments
1.3.1.2	Community, Library & Aquatic Services	Deliver and support safety campaigns to target specific crimes and raise awareness in the community	Progressing	Council staff commenced the development of a booklet to help reduce community vulnerability to scams. The booklet will provide information on how to identify and report scam attempts. Council staff has also commenced a partnership project with the Burwood Women's Domestic Violence and Court Advocacy Service to address domestic violence locally. It is anticipated that both initiatives will be rolled out in early 2020/2021.

*Liaise closely with NSW Police and other stakeholders to identify crime activity and trends*

Code	Responsible Unit	Action Name	Status	Comments
1.3.1.3	Community, Library & Aquatic Services	Regularly meet with NSW Police and other stakeholders and implement strategies to address crime activities and trends	Progressing	Council staff continues to work closely with local Police and community organisations to plan for a healthy and safe community. Up to the COVID-19 restrictions, Council staff continued to attend monthly meetings with Burwood Police Local Area Command to identify and prioritise crime issues in the Burwood Local Government Area utilising statistical analysis mapping of crime hot spots and physical site assessments. Through this process two campaigns to address domestic violence (DV) and scams have been initiated. The DV campaign is in the initial consultation phase with local organisations. The scam campaign has resulted in a resource to enable people to 'spot a scam'. Both campaigns will be rolled out in the 2020-2021 financial year.

Support and implement programs that aim to reduce anti-social behaviour

Implement strategies to reduce illegal dumping, vandalism, graffiti and abandoned trolleys

Code	Responsible Unit	Action Name	Status	Comments
1.3.2.1	Compliance	Deliver campaigns and provide initiatives to target illegal dumping, vandalism, graffiti and abandoned trolleys	Progressing	Council's Waste Investigation Officer has continued with patrols in key locations focusing on dumped rubbish. These patrols have resulted in the installation of specific signage targeting unlawful rubbish dumping. The Compliance Team has also commenced passive surveillance in marked vehicles in locations that have been identified problem streets for rubbish dumping and abandoning trolleys. This passive surveillance highlights a physical presence and this has seen a reduction in dumped trolleys in the area.

Deter anti-social behaviour through design

Code	Responsible Unit	Action Name	Status	Comments
1.3.2.2	Assets & Infrastructure	Implement place activation and design solutions that beautify the area and deter anti-social behaviour	Progressing	Council has continued to design and construct new glass balustrade fencing at a number of locations along the Burwood Road corridor. As part of these projects, new outdoor tables and chairs have been installed with the aim to support the growth of local businesses by attracting new customers. The glass balustrade projects were undertaken collectively with Councils Burwood Road Beautification Initiative that involved the introduction of new street tree plantings, oversized planters as well as the inclusion of tree wrapped fairy lighting. These works have added some much needed vibrancy to the area whilst enhancing its aesthetics  The Shopfront Improvement Program and Policy provided 6 local business owners and tenants matching funds to improve the appearance of their shopfront and building facades. The program aims to support the development of local businesses whilst raising the image of the Town Centre.

Encourage and promote a safe night time culture

Code	Responsible Unit	Action Name	Status	Comments
1.3.2.3	Assets & Infrastructure	Enhance street lighting, increase visibility and promote activities in and around town centres at night	Progressing	Following the successful public lighting trial of new LED street lighting technology, Ausgrid updated its list of approved lanterns for pedestrian (P) category lighting to include a diverse number of LED options. LED technology has been found to increase visibility, improve reliability,



Code	Responsible Unit	Action Name	Status	Comments
				enhance energy efficiency and more importantly reduce overall costs for Council. As of 30 June 2020, 1295 street lights have been upgraded within the Burwood LGA, approximately 95% of Council's local road street lighting inventory. Replacement of old technology will continue into 2020/21  Fairy lights have been installed around the tree trunks of the existing street trees within the Burwood Town Centre, at the Georges River Road shopping precinct as well as along The Strand in Croydon. All these lighting projects were designed and developed to improve the appearance of the corresponding areas but more notably to promote the use of the area by adding much need life and vibrancy.

**A proud and inclusive community that celebrates diversity**

Celebrate the achievements of the local community

Share the achievements of the local community and its members

Code	Responsible Unit	Action Name	Status	Comments
1.4.1.1	Corporate Planning & Communications	Publish information on local achievements through appropriate methods of communication	Progressing	Through our multiple communications channels, Council regularly provides updates and information for the community on local achievements to foster a sense of pride in the local area. Utilising social media, media releases, Council's website, the regular Mayoral column and newsletters. Council is also proud to support and promote local schools by featuring school bands, musicians, dancers, sporting groups and vocalists as well as the cadets at memorial services. Due to the COVID-19 situation the community did not have opportunity to be out and about.  During the COVID-19 situation Council called out to the community for good samaritan stories and highlighted them through social media channels. Once such story involved a local family who established a food pantry in the front yard offering free items for those in need.  Council promoted the recipients of the Citizen of the Year and Young Citizen of the Year Awards earlier in the year.

Encourage and award achievements within the community

Code	Responsible Unit	Action Name	Status	Comments
1.4.1.2	Corporate	Provide initiatives such as	Milestone	Burwood council celebrated its citizens of the year at its Australia Day

Code	Responsible Unit	Action Name	Status	Comments
	Planning & Communications	awards and incentives to promote achievements to encourage community participation		<p>Citizenship ceremony with awards presented by the Mayor.</p> <p>This year the Citizen of the Year award went to Ringo Slette for his services as a volunteer English teacher of our CASS (Chinese Australian Service Society) Ashfield Activity Group for almost 10 years. Now retired from his job at the Department of Immigration, he also helps new migrants adjust to life in Australia by including local customs, laws and culture in his classes.</p> <p>The Young Citizen of the Year award went to Jack Kamaghan for his volunteer work with Burwood Youth Advisory Group. He consistently sets an example to his peers with his conscientiousness in activities including project management and communications and is committed to improving the lives of others.</p> <p>The call for nominations was promoted through all Council's communications channels.</p>

**Engage with Culturally and Linguistically Diverse communities**  
*Ensure information is accessible to CALD community members*

Code	Responsible Unit	Action Name	Status	Comments
1.4.2.1	Corporate Planning & Communications	Utilise traditional and digital technology for translation to assist in providing information to CALD communities	Progressing	<p>Council included Google translate on its website to enable easy translation of content with up to 90% accuracy.</p> <p>The new website includes enhanced digital translation.</p> <p>Signage promoting Council's language aide services were on display at Council's Customer Services. In addition, contact details for Council's interpreter service feature in Council publications, residential newsletters and Council's letterhead.</p> <p>During the COVID-19 situation Council has provided printed materials with updates and information in multiple languages and erected community safety signage in multiple languages.</p>

**Harness the digital environment to provide information to CALD groups**

Code	Responsible Unit	Action Name	Status	Comments
1.4.2.2	Corporate	Identify and implement	Progressing	Council uses its WeChat account to share information with its large

Code	Responsible Unit	Action Name	Status	Comments
	Planning & Communications	technology which will assist in providing information to CALD communities		Chinese community. Engagement has increased by 20% over the last six months. The new Council website digital translation has enhanced capability as it can target cultural groups as well as utilise google translate which enables easy translation of content with up to 90% accuracy. Council is exploring software with potential for digital surveys to be accessible in multiple languages and responses translated.

*Develop key relationships with CALD service providers*

Code	Responsible Unit	Action Name	Status	Comments
1.4.2.3	Community, Library & Aquatic Services	Identify and support CALD service providers that offer services within the community	Progressing	Council staff continues to have productive working relationships with local services, such as Metro Assist and the Chinese Australian Services Society (CASS). Both agencies were invited to attend a Multicultural Advisory Committee roundtable on issues affecting the local CALD communities arising out of COVID-19. Council staff also attended the Inner West Multicultural Interagency to support local services undertake with their clients.

*Provide opportunities for CALD communities to share and celebrate their cultures*

Code	Responsible Unit	Action Name	Status	Comments
1.4.2.4	Community, Library & Aquatic Services	Host and support inclusive activities and initiatives to improve communication between different cultural groups and between cultural groups and council	Progressing	Council hosted a roundtable through the Multicultural Advisory Committee in May 2020 to discuss any CALD-specific issues that had arisen due to COVID-19 and associated restrictions. Council staff are also currently investigating options to develop an Aboriginal Reconciliation Plan.

*Coordinate, facilitate and support inclusive cultural events and initiatives to celebrate community, diversity and cultural heritage*

*Provide a program of inclusive community events which celebrate diversity*

Code	Responsible Unit	Action Name	Status	Comments
1.4.3.1	Community, Library & Aquatic Services	Engage with different cultural groups and encourage participation in events and	Progressing	Council staff engaged with a wide range of cultural groups through community development programs and activities. The Multicultural Advisory Committee (MAC), which is made up of a

Code	Responsible Unit	Action Name	Status	Comments
		services		<p>diverse group of community leaders who, came together to discuss and provide advice to Council on multicultural issues. The MAC was suspended during COVID-19 restrictions, however an online roundtable was held with MAC members and other culturally and linguistically diverse (CALD) community leaders and multicultural local services to discuss the specific impacts of COVID-19 and its restrictions on local CALD communities. The feedback was used to help inform the activities of Council's Burwood Cares program.</p> <p>The Burwood Youth Advisory Group (BYAG) is made up of a diverse group of young people who provide advice to Council on future youth development initiatives and has worked collaboratively with Council on cultural programs for young people in conjunction with staff. BYAG meetings has been held via Zoom during the COVID-19 restriction and will recommence face to face as restrictions ease and COVID safe measures are put in place.</p> <p>Bilingual support is provided to Councils Mobile Playvan (MPV) to assist in communicating with parents and grandparents CALD backgrounds, which enables Council to plan and address the needs of the community. MPV will recommence in local parks as restrictions ease and COVID-19 safe measures are put in place.</p> <p>Culture plays a key role in creating a sense of place, identity and belonging. It influences views, values and connections. Through its actions, Council is making an effort to build a more engaged and culturally connected community.</p>

*Seek to support events and activities within the area that celebrate diversity*

Code	Responsible Unit	Action Name	Status	Comments
1.4.3.2	Corporate Planning & Communications	Provide support or sponsorship to cultural events and activities within the community	Progressing	Throughout the year Council supports community groups and associations to hold public events that celebrate cultural heritage. Due to the COVID-19 restrictions the scheduled Lunar New Year Festival was cancelled and Burwood Park and other venues were closed to any further events.

Promote and celebrate the area's heritage and Indigenous history

Preserve and maintain the area's heritage and history

Code	Responsible Unit	Action Name	Status	Comments
1.4.4.1	Community, Library & Aquatic Services	Support initiatives which celebrate the area's history and heritage	Progressing	Burwood Library continues to support initiatives which celebrate Burwood's history and heritage. For ANZAC Day, Library staff developed an online quiz using Khoot. The staff also purchased over 100 photographs from the Duncan Miller Gallery featuring Burwood from the 1960s to the 1990s. This acquisition represents a significant pictorial record of Burwood during those years.

Preserve and promote the local Indigenous history and identify existing cultures

Code	Responsible Unit	Action Name	Status	Comments
1.4.4.2	Community, Library & Aquatic Services	Develop a strategy to acknowledge and celebrate the local Indigenous history and community	Progressing	Staff has evaluated options for Council to participate more actively in Aboriginal reconciliation and will be aiming to roll out a strategy to achieve this goal in early 2020/2021.

Remember and reflect on Australia's history in local context

Code	Responsible Unit	Action Name	Status	Comments
1.4.4.3	Corporate Planning & Communications	Host events and services which promote awareness of Australian history such as Australia Day and Anzac Day and history of a local significance	Progressing	Starting in January, the annual Movies in the Park were successfully held on Australia Day attracting over 200 people. The two Australian movies shown were The Sapphires and Oddball, chosen to suit the family event.  Unfortunately from February onwards, Due to the COVID-19 pandemic all events scheduled for the rest of the financial year were cancelled. These included the Lunar New Year Carnival, (although the traditional Lion Dance Parade along the Businesses of Burwood Road, Emerald Square and Burwood Plaza went ahead), Easter in the Park, ANZAC Day March and Dawn Service (The Mayor, State and Federal members and RSL dignitaries laid wreaths in a private service) and the National Servicemen's Commemorative Service (with the Mayor, State member and RSL representative laying wreaths and a book in a private service).

Promote volunteering opportunities and local participation  
 Work with agencies to support volunteering including volunteers of CALD background

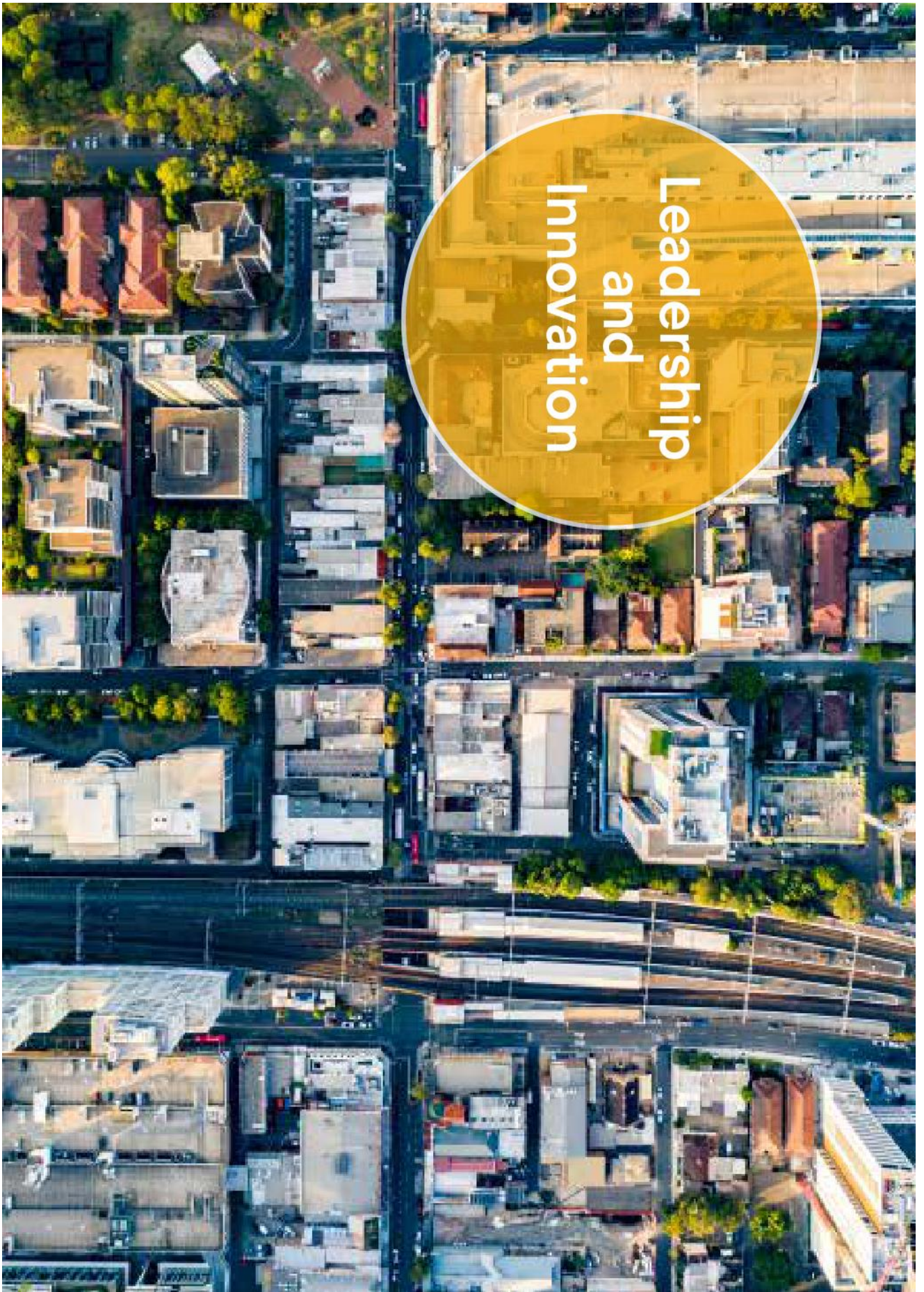
Code	Responsible Unit	Action Name	Status	Comments
1.4.5.1	Community, Library & Aquatic Services	Form strategic partnerships and support local volunteering initiatives	Progressing	Volunteering opportunities were promoted through the Council, Volunteer Network and GoVolunteer websites. When COVID-19 restrictions came into effect, volunteering was significantly reduced. During this period Council create a new position of Volunteers and Program Officer to increase capacity to develop further opportunities for local volunteering and skills sharing when the restrictions allow. It is anticipated that a new range of opportunities will be rolled out in early 2020-2021.

Provide volunteering opportunities and participation within Council

Code	Responsible Unit	Action Name	Status	Comments
1.4.5.2	Community, Library & Aquatic Services	Seek volunteering opportunities for Council projects, initiatives and events where possible	Progressing	Volunteers continued to be engaged for local services until the COVID-19 restrictions came into effect. While restrictions significantly decreased volunteering opportunities from March 2020, Council created a new position of Volunteers and Programs Officer to further enhance and broaden local opportunities for residents to give back and share their skills through volunteer work when the restrictions allow. It is anticipated that a new range of opportunities will be rolled out in early 2020-2021.

Support the capacity of the local community to develop projects, events and activities

Code	Responsible Unit	Action Name	Status	Comments
1.4.5.3	Community, Library & Aquatic Services	Provide skills development and project mentoring for individuals and groups	Progressing	Each year Burwood Council delivers free civic leadership training for the Burwood Youth Advisory Group (BYAG), the youth advisory committee. The latest BYAG leadership training program was delivered on 22 February 2020. At this training day BYAG members built leadership, project management and communication skills. It was also a fantastic opportunity for members to form connections with other like-minded and highly driven young people. The training forms an integral part of BYAGs planning process for upcoming programs and events and assists Council in identifying key youth focus areas.



# Leadership and innovation

## Community confidence in Council's decision making

Provide opportunities for discussions and report decisions back to the community

*Consult and engage with the community on issues that impact the local community*

Code	Responsible Unit	Action Name	Status	Comments
2.1.1.1		Conduct workshops, special meetings and forums when necessary	Progressing	Public participation opportunities provided at Council meetings. COVID-19 pandemic disruptions led to switch from face-to-face opportunities to canvassing of written submissions and participation via teleconferencing as permitted under temporary changes to the Local Government Act.

*Provide an opportunity for the community to provide input and feedback on major decisions*

Code	Responsible Unit	Action Name	Status	Comments
2.1.1.2	Corporate Planning & Communications	Undertake community consultations in line with the Community Engagement Strategy	Progressing	<p>Community Engagement is a framework that Council operates within, ensuring the community is able to participate in decision-making that affects the quality of their environment and lifestyle. Council employs the International Association for Public Participation (IAP2) methodology to ensure best practice approach to meaningful engagement.</p> <p>During this year Council undertook community satisfaction research to assess the overall performance of Council and to measure community perceptions. The research demonstrates the correlation between community level of importance of a service and level of satisfaction of service delivery. This contributes to Council's service reviews and identifies priorities in corporate planning. The research also benchmarks across greater Sydney's Councils.</p> <p>Results included:</p> <ul style="list-style-type: none"> <li>91% of residents rate their overall quality of life as good to excellent.</li> <li>85% agree with Burwood area is a great place to live.</li> <li>Overall 90% of residents are somewhat satisfied with Council's performance which was an increase on 2017.</li> </ul>



**Report outcomes of Council decisions and resolutions**

Code	Responsible Unit	Action Name	Status	Comments
2.1.1.3		Provide information to the community on outcomes of Council decisions and resolutions in a timely manner	Progressing	Ordinary meetings of Council successfully convened each month from February to June inclusive despite COVID-19 pandemic disruptions. Council was in recess during January. Business papers and related documents for the current term of Council have been successfully migrated from the legacy website of Council and loading of new content on the new website commenced in June.

**Inform the community on key regional projects and plans**

**Inform the community on key infrastructure projects which effect the local community**

Code	Responsible Unit	Action Name	Status	Comments
2.1.2.1	Assets & Infrastructure	Provide information on major infrastructure projects that impact the local area and community	Progressing	<p>Staff have prepared master plans for Henley Park, Blair Park and the Woodstock Park.</p> <p>Some major projects in these and other parks are underway or have been completed as follows;</p> <p><b>Henley Park</b> The construction of a new synthetic Futsal field has been completed. Further upgrade works in Henley Park are also underway and these include:</p> <ul style="list-style-type: none"> <li>• Design and construction of new field irrigation, drainage and turf works for the 2 southern fields</li> <li>• Design for the refurbishment and extension of the amenities block has been completed.</li> <li>• The Tender process for the construction of the amenities block has been completed.</li> </ul> <p><b>Blair Park</b> In Blair Park capital works upgrades recently completed includes the design and construction of new field irrigation, drainage and turf works.</p> <p><b>Woodstock Community Centre</b></p> <ul style="list-style-type: none"> <li>• Capital works according the master plan has commenced.</li> <li>• Construction of a new Children's Playground including a 15m long</li> </ul>

Code	Responsible Unit	Action Name	Status	Comments
				flying fox. <ul style="list-style-type: none"> <li>A concept design for the sensory garden is also completed.</li> </ul> <b>Burwood Park</b> <ul style="list-style-type: none"> <li>Installation of a new fitness equipment station in the north west corner of Burwood Park has been completed.</li> <li>Installation of an additional POPP outdoor table tennis table.</li> </ul> <b>Grant Park</b> <ul style="list-style-type: none"> <li>Upgrades including fencing, gates, new solar lights and bubblers to the two dog off-leash areas have been completed.</li> <li>Construction of a new obstacle course is underway</li> <li>Design for the new two netball courts and extension to the Enfield Aquatic Centre carpark is underway.</li> </ul>

*Provide community education on Council policies and regulations and other legislation which affects the community*

Code	Responsible Unit	Action Name	Status	Comments
2.1.2.2	Governance	Distribute relevant information in a format that is easy to understand to ensure the community are aware of any changes to policies, regulations or legislation	Progressing	All Council Policies, Delegations and Resolutions of Council and the Burwood Planning Panel are made available on Council's website. Any new or revised Council policies for the period have been published on Council's new website. (Redundant, outdated and duplicate documents have been left behind on the legacy website as part of the Website Migration Project.)

*Ensure transparency and accountability in decision making*

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

Code	Responsible Unit	Action Name	Status	Comments
2.1.3.1	Governance	Provide transparent auditing processes and ensure reports are made available to the community where appropriate	Progressing	Council continued its schedule of Audit, Risk and Improvement Committee meetings with two held during the reporting period on 18 February and 26 May 2020. The Committee was presented a report on the Building Certification and Fee Management Audit review.

*Provide information in a transparent manner*

Code	Responsible Unit	Action Name	Status	Comments
2.1.3.2	Governance	Ensure all public information is accessible and made available in a timely manner	Progressing	All Council Policies, Delegations and Resolutions of Council and the Burwood Planning Panel are made available on Council's website. During the reporting period 114 informal application and 16 formal applications have been processed under the Government Information (Public Access) Act 2009.

*Provide efficient and transparent procurement and purchasing*

Code	Responsible Unit	Action Name	Status	Comments
2.1.3.3	Finance & Resource Management	Maintain a transparent process when engaging with contractors, suppliers and businesses	Progressing	Council has set in place effective and efficient processes for purchasing and procurement of goods and services through a comprehensive Procurement Strategy and Purchasing and Contract Management Corporate Practice along with Tendering Manual. These are updated on a regular basis in accordance with Council's Corporate Review Practice.  In addition Council uses a number of prescribed agencies for contracts and supply agreements, namely Local Government Procurement (LGP), and Procurement Australia (PA). Council is part of Southern Sydney Region of Councils (SSROC), and utilises some of their contracts to enable transparency and accountability. For certain purchases the NSW Government Contracts are used.

**Strong partnerships to benefit the community**

**Maintain dialogue between neighbouring councils to share resources and improve provision of services**

*Participate in regional associations and seek opportunities to work with neighbouring councils*

Code	Responsible Unit	Action Name	Status	Comments
2.2.1.1	Organisation Development	Participate in inter-agencies and networks within the region and deliver initiatives through established Memorandums of Understanding	Progressing	Burwood Council is an active member of key local government industry bodies, including LGNSW, LG Professionals, LG Procurement, Civic Risk Mutual, Statecover, SSROC and works collaboratively with NSW government agencies to deliver outcomes to our community and employees. Council became members of the Diversity Council of Australia Ltd; this partnership demonstrates our ongoing commitment to diversity and inclusion in the workplace. Working with Transport NSW we participated in a three month trial of contactless pedestrian crossings

Code	Responsible Unit	Action Name	Status	Comments
				Installed in our CBD area.

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

**Maintain and establish relationships with State and Federal agencies, service providers and not for profits**

Code	Responsible Unit	Action Name	Status	Comments
2.2.2.1	Community, Library & Aquatic Services	Seek funding opportunities and work with State and Federal agencies on initiatives that will benefit the community	Progressing	Council has secured a five year funding contract from the State Government to undertake targeted early intervention for families.
2.2.2.1	Community, Library & Aquatic Services	Participate in regional alliances and local interagencies	Progressing	Council staff hosted the local child and family interagency for government and non-government service providers from Burwood, Ashfield, Strathfield and Canada Bay. The interagency provides opportunities for service providers to network, identify current gaps and develop programs and activities in partnership with one another and Council.  Staff also participated on a number of regional forums to support people living with a disability. However, the COVID-19 restrictions have curtailed the activities of most of these groups for the time being.

**Ensure financial sustainability and organisational effectiveness**

**Identify and maintain additional revenue sources to ensure financial sustainability**

**Maintain an investment strategy and policy**

Code	Responsible Unit	Action Name	Status	Comments
2.3.1.1	Finance & Resource Management	Implement appropriate strategies and report outcomes to Council	Progressing	Council has developed an Investment Strategy and an Investment Policy through a third party Investment advisor which are reviewed regularly.  Council invests surplus funds with various Financial Institutions during the year. These invested funds have been receiving at least 0.25 basis points above the RBA official rate. Council staff ensures that these invested funds are in secure financial instruments.  Staff ensured that Council was made aware of all Invested Funds through a monthly report tabled at each available meeting in accordance with Legislative requirements.

*Investigate opportunities to expand revenue from commercial operations, property portfolio and other income generating assets*

Code	Responsible Unit	Action Name	Status	Comments
2.3.1.2	Property & Building Services	Manage Council's property portfolio to ensure best value returns and to ensure properties are developed, renewed and maintained for the benefit of the community	Progressing	<p>Council has achieved comparable market rental across its leased properties. The assets are regularly maintained to ensure requirements and compliance is met for community use. However, as a result of the challenges of dealing with the COVID-19 outbreak, Council implemented direct crisis management strategies to protect the health and safety of our community, customers and staff, which included the closing of the Enfield Aquatic Centre, cancellation of public events and cultural initiatives and cancellation of bookings for venues and public parks. As such, Council implemented the Burwood Cares program in March 2020.</p> <p>As such, on the 24 March 2020 Council approved to support relief measures for small businesses in the local area, as a result of the economic impact that COVID-19 has had on businesses, for which Council is the landlord.</p> <p>Council is in the process of implementing a new asset management system for the purposes of maintaining and managing Council's assets. The implementation of the new Asset Management solution will be completed in 2020 and allow Council to capture its asset data within a single source as well as report and track the condition and maintenance of all assets.</p> <p>Council is currently reviewing its Property Strategy. The review will ensure Council's property management continues to have a 'whole of Council' approach. The Strategy will assist Council to maintain financial sustainability and provide a clear direction in the management of Council's income producing properties with the objective of optimising Council's financial return on investment, whilst continuing to provide for the Burwood community's needs and expectations."</p>

*Seek additional sources of income to improve financial sustainability such as discounted loans, financial grants and special variations*

Code	Responsible Unit	Action Name	Status	Comments
2.3.1.3	Finance & Resource Management	Identify the community's capacity and willingness for additional sources of Income and implement where appropriate or required	Progressing	<p>After a successful Special Rate Variation application (Drainage Infrastructure) in the first half of the year, Council has continued to reduce its Infrastructure backlog.</p> <p>Along with the normal Capital Works program, Council has applied for and been granted additional Grant funding from the Roads and Maritime Services Blackspot program, Local Government Safer Roads program and</p>

Code	Responsible Unit	Action Name	Status	Comments
				Public Domain Works from developers within the Local Government area. Council also sort further Grant Funding opportunities for the upgrade of Henley Park Car Park and the creation of Netball Courts behind The Aquatic Centre which Council was notified in late June that they were successful, works to completed during 2020-21.

Ensure the organisation is well led, staff can carry out their roles efficiently and effectively in line with the community's vision

Deliver services and initiatives to the community in line with Council's Community Strategic Plan and supporting documentation

Code	Responsible Unit	Action Name	Status	Comments
2.3.2.1	Corporate Planning & Communications	Develop, review and monitor a Resourcing Strategy including a Workforce Plan, Asset Management Plan and Long Term Financial Plan	Milestone	This was completed in the previous semester and will be reviewed during FY20/21.

Ensure corporate values and objectives align with the community's vision

Code	Responsible Unit	Action Name	Status	Comments
2.3.2.2	Organisation Development	Develop, review and monitor a Corporate Plan	Progressing	Burwood Council continues to build the capability within the management levels of building, monitoring and reporting on the progress of a Corporate Plan. The projects identified in the Internal Corporate Plan continue to be implemented. Through the implementation of team work plans, employees have a greater understanding of the Corporate Plan and their role in the delivery of these associated projects.

Provide structured procedures and processes to ensure organisational effectiveness

Code	Responsible Unit	Action Name	Status	Comments
2.3.2.3	Organisation Development	Identify and implement frameworks that will improve organisational efficiency and business excellence	Progressing	Council continues to participate in the Local Government Professionals/ Price Waterhouse Coopers Australasian Local Government Performance Excellence Program resulting in better communication, control and management of Council's performance with stakeholders. The program provides deeper insights into relevant areas of internal business operations with quality data that supports quality decision making. The data from this Program has informed Workplace Improvement Program projects, in

Code	Responsible Unit	Action Name	Status	Comments
				particular the Organisational Review Project and the Workplace Flexibility Project.

**Efficient and innovative customer focused services**

Provide a 'one stop shop' for customers

Optimise the experiences of visitors to Council

Code	Responsible Unit	Action Name	Status	Comments
2.4.1.1	Property & Building Services	Implement a service centre at the new Council Administration offices	Progressing	<p>Council has recently completed the project works which involved the expansion of its Library and Community Hub. This exciting and much needed new space will introduce much needed additional community space, create a single point of service for residents and stakeholders and provide an improved solution to the accommodation needs of staff, incorporating the immediate and long term needs of our LGA into the future. As a result of the COVID -19 pandemic, the opening of the new Burwood Council and Library is yet to be confirmed. The new facility has reinvigorated the Library &amp; Community Hub into a place of civic pride, offering a variety of enhanced facilities:</p> <p>Introduction of a combined service hub for library and council customers improved access to services, payment of rates, community lounge and meeting facilities</p> <ul style="list-style-type: none"> <li>• Purpose-built library and community space</li> <li>• Self-serve tech points</li> <li>• Enhanced collection spaces</li> <li>• Indoor garden spaces</li> <li>• Amphitheatre</li> <li>• Children's activity and youth zones</li> <li>• Technology training areas with 3D printing facilities</li> <li>• Music suite</li> <li>• Interactive digital and 3D virtual gallery area</li> <li>• Creative makers space</li> </ul>

Code	Responsible Unit	Action Name	Status	Comments
				<ul style="list-style-type: none"> <li>Local Studies display and collections</li> <li>Large multi-purpose event/program rooms for hire with full conference facilities</li> <li>Touch screen way finding points</li> <li>Physical art gallery displays</li> <li>Study areas for group assignments or private study</li> <li>Wi-Fi connectivity throughout the library</li> <li>Additional community space with increased flexibility and function</li> </ul>

*Identify ways to provide enhanced customer service at key facilities*

Code	Responsible Unit	Action Name	Status	Comments
2.4.1.2	Customer Service & Records	Identify and implement the use of concierges and undertake customer service training with relevant staff	Progressing	<p>Council is researching different service models for its new customer service centre as part of the relocation to Conder Street scheduled for 2020.</p> <p>The service models include co-located Customer Service and Library staff which will result in improved and extended service delivery to the community. A new knowledge management system has been developed to ensure a seamless service which can be provided by Library and Customer Service staff.</p>

*Maintain high quality customer service for all points of contact*

Code	Responsible Unit	Action Name	Status	Comments
2.4.1.3	Customer Service & Records	Ensure customers are attended to in line with service standards	Progressing	<p>During the period of 1 January 2020 to 30 June 2020, the number of customers that were served at the counter from 1 January to 31 March 2020 was 603 with 83% being served within five minutes. There are no figures from April to June 2020, as the counter has been closed to the public due to the COVID-19 pandemic. Number of calls received during these 6 months totaled 16622, with 85% being answered in less than 40 seconds.</p>



Modernise and digitise relevant services to meet the needs of the community

Allow customers to 'do business with council' entirely online

Code	Responsible Unit	Action Name	Status	Comments
2.4.2.1	Information Technology	Digitise all forms, applications, requests and payment methods where possible	Milestone	Council has published over 50 interactive online forms as part of the new Council Website. The forms allow Customers to fill, submit and if necessary pay online, thus drastically improving turnaround times and reducing the need to visit Council. An example of this is the "Application for Council Pensioner Concession Rates Rebate" form. The new online form can be completed online, including the ability to upload separate documentation, thus avoiding the need to attend Council to complete the application.

Explore new online communication tools

Code	Responsible Unit	Action Name	Status	Comments
2.4.2.2	Information Technology	Identify and implement technology that will enhance and improve customer experience	Milestone	Council's new cloud based IT Infrastructure has been deployed to allow Staff to work remotely and flexibly. The new system has been actively used to maintain service levels during the COVID-19 lockdown period and to implement a range of remotely delivered Council services.  Council's new Customer Service Knowledge Base system has been implemented and staff are currently being trained. A go live date has been set in August 2020. The Knowledge Base will improve Council's customer service capabilities and facilitate the integration of Customer service delivery by Library staff in the new Council and Library building at 2 Conder St.

Provide opportunity for ongoing community feedback to ensure best practice

Allow customers to provide immediate feedback on their experience

Code	Responsible Unit	Action Name	Status	Comments
2.4.3.1	Customer Service & Records	Implement customer feedback mechanisms at Council facilities to receive immediate feedback on customer experience	Progressing	Council has introduced new customer feedback software and terminal at Fitzroy Hall. The electronic questionnaire allows customers to provide immediate feedback on their experience and to assist Council with decision-making processes for future activities at the facilities. Based on 226 Ratings from 1/1/2020 1/7/2020 the statistics indicate that: 66% of people rated Customer Experience as awesome and 76% said they would use the venue again.

**Monitor and measure Council's customer service**

Code	Responsible Unit	Action Name	Status	Comments
2.4.3.2	Customer Service & Records	Conduct initiatives to support and improve the training of Council staff in customer service	Progressing	Council's transition to a combined Customer service and Library location at 2 Conder St will deliver extended and improved service levels for the Community. During the period Customer Service and Library teams commenced training activities to prepare for the transition to the new location. A knowledge management system has been developed to ensure a seamless service by Library and Customer Service staff. A new customer service kiosk has been introduced to ensure effective monitoring of customers and improve service delivery.

**Improve overall customer satisfaction**

Code	Responsible Unit	Action Name	Status	Comments
2.4.3.3	Customer Service & Records	Conduct regular surveys to gauge customer experience	Progressing	Burwood Cares COVID-19 impact assessments were conducted with 21 local community services in June 2020. The assessments provided Council staff with insight into our community's greatest areas of need during the COVID-19 pandemic. Our engagement with services has strengthened our capacity to allocate resources effectively and efficiently.  The Burwood Cares business survey was conducted in May 2020 to gain insight into the issues being faced by local businesses and how we might better support them during the COVID-19 pandemic.  Meetings were held with Council's youth committee, the Burwood Youth Advisory Group (BYAG) to identify the needs and concerns of local youth, particularly during COVID-19, enabling the informed planning and development of upcoming programs and activities.

**Leaders in the Local Government sector**

Provide strong leadership and advocacy on behalf of the community

*Support the roles of Council and Councillors to ensure elected leaders can govern efficiently and effectively on behalf of the community*

Code	Responsible Unit	Action Name	Status	Comments
2.5.1.1	Governance	Conduct regular training and induction sessions to support Councillors	Progressing	Opportunity to conduct councilor briefings a workshops following January recess heavily curtailed due to COVID-19 pandemic impacts. A special briefing on the pandemic Implications was convened in April 2020. Subsequent COVID-19 briefings have occurred via reports to ordinary

Code	Responsible Unit	Action Name	Status	Comments
				meetings of Council and via timely communications directly from General Manager.
2.5.1.1	Governance	Provide information and resources and encourage professional development	Progressing	Briefing memos and information updates via online portal for councillors became increasingly significant adjuncts to reporting to ordinary meetings of Council about COVID-19 pandemic implications.

**Monitor and review Council's performance against other councils**

**Review Council's services and functions to gauge residents' satisfaction and benchmark performance against other councils**

Code	Responsible Unit	Action Name	Status	Comments
2.5.2.1	Customer Service & Records	Participate in benchmarking activities and analyse results to improve Council's performance (in areas such as financial sustainability, customer services, and other service provisions)	Progressing	During the semester Council received positive feedback from the National Local Government Customer Service Benchmarking survey.

**Strive for business excellence through innovation**

**Implement technology which will increase efficiencies and productivity**

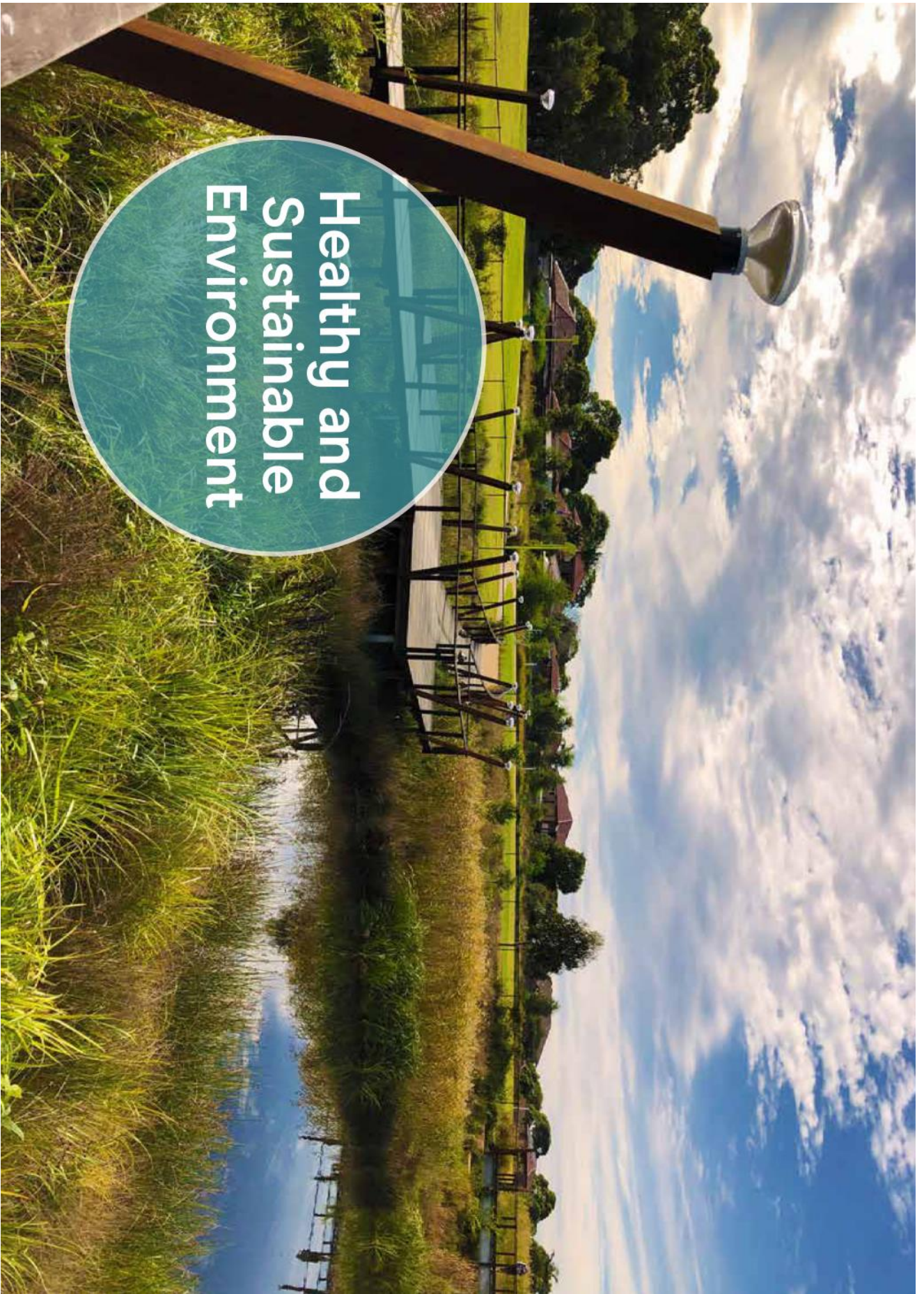
Code	Responsible Unit	Action Name	Status	Comments
2.5.3.1	Information Technology	Undertake an assessment of available technology to identify solutions that will streamline business processes	Milestone	Council has completed the upgrade of its network infrastructure including the implementation of a new internet connection. With redundancy built into the network architecture, network connections to key Council sites are now more effective and reliable. New firewalls have been implemented increasing the ability for field staff to securely and readily access the information necessary for the prompt and efficient delivery of services to the Community.  Council has commenced the migration of all IT systems to Cloud solutions and the project is expected to be completed in the first half of 2020. The Cloud infrastructure will lead to reduced IT costs and increased reliability to access information and services by the Community.  Council has implemented an Online venue booking system. The solution

Code	Responsible Unit	Action Name	Status	Comments
				allows Customers to view the availability of parks and facilities online as well as submit and pay for bookings 24/7 through the online booking portal. Council has implemented an email security solution for all incoming and outgoing Council email, providing additional resiliency and reliability to one of Council's key communications channels. Council has identified and started to implement improvements to internal record keeping and information management systems that have resulted in streamlined business processes. Stage 1 of the project has been completed and on 1 January 2020 Online Development Application Lodgement will be available to Customers. The stage 1 system improvements will also deliver significant efficiencies in the handling of Development Applications. Stage 2 of the project is currently underway and will result in an overhauled and streamlined business process for Council's field based Compliance teams that will deliver greater efficiency and a speedier response time to Customer requests.

**Anticipate emerging trends and changes that will impact the area**

***Proactively monitor external strategies, technology and solutions that have the potential to impact Burwood***

Code	Responsible Unit	Action Name	Status	Comments
2.5.4.1	Customer Service & Records	Seek opportunities to be involved in pilot programs and other initiatives aimed at assessing customer needs	Milestone	Council has implemented a new booking system for community facilities and parks which includes online bookings capabilities. This has increased the efficiency of the booking process, making our facilities more attractive to current and potential hirers. Customers have easier access to information and the ability to make online payments.



# Healthy and sustainable environment

## Maintain and enhance green and open spaces

Ensure strong planning controls to protect and encourage open and green spaces

Ensure planning policies enhance and protect open and green space where appropriate

Code	Responsible Unit	Action Name	Status	Comments
3.1.1.1	Assets & Infrastructure	Develop specific plans of management for public spaces	Progressing	Council Staff are working with a consultant team and Crown Land Management on updating the Burwood Park Plan of Management. A preliminary first draft has been received and staff provided comment back to the consultant. The final draft Plan of Management will be completed in late 2020 and will be placed on public exhibition for formal adoption by Council.
3.1.1.2	Strategic Planning, Heritage & Place Planning	Ensure State and District Plan strategies are included into relevant Council planning policies	Progressing	Council has been working closely with the Department of Planning, Industry and Environment on assessing Burwood's public spaces including Wangal Park, Chinatown, Deane Street, Hornsey Lane and Burwood Park. Council was successful in securing a \$130,000 grant under the Streets as Shared Space program (a COVID-19 initiative) to assist with the pedestrianisation, landscaping and public art installations on Hornsey Lane.
3.1.1.3	Strategic Planning, Heritage & Place Planning	Provide strategic planning input into future development proposal where possible	Progressing	Strategic planning works closely with the Building and Development Team, Property and Strategy Team and Assets and Infrastructure Team in order to coordinate development outcomes across the city to result in high quality public domain (streets, parks, through-site links, public buildings) as well as high quality residential and commercial buildings.
3.1.1.4	Assets & Infrastructure	Identify opportunities to increase canopy coverage within the area	Progressing	The management of all trees in the Burwood Local Government Area is aimed at increasing the overall urban tree canopy and so there is no net loss. Council has also allocated \$100,000 to planting 500 trees in the Burwood LGA commencing in the 2019/20 Financial Year. Council staff have developed a strategy to implement these street trees in the most suitable locations to best increase the urban tree canopy and reduce the overall temperature of the urban environment. Approx. 20% or 100 street trees have now been planted in the LGA.

Pursue partnerships and opportunities to create new open spaces  
Negotiate with developers for additional space upon redevelopment of sites

Code	Responsible Unit	Action Name	Status	Comments
3.1.2.1	Strategic Planning, Heritage & Place Planning	Quantify and report on additional open space provided as part of redevelopment	Progressing	During pre-DA discussions on all complex developments Strategic Planning seeks opportunities to maximise opportunities for quality streets, public open space and communal spaces. All Voluntary Planning Agreements negotiated include public benefits which can include new open space. A particular accomplishment this year has been the conversion of Hornsey Lane from a carpark to an urban laneway including public art, paving, smart poles and landscaping. This was funded with a combination of VPA monies, Section 7.12 monies and a grant from the DPLE.

Ensure regular cleaning and maintenance of local areas to prevent damage to the environment  
Monitor and maintain local streets to mitigate risk to the environment

Code	Responsible Unit	Action Name	Status	Comments
3.1.3.1	Operations	Provide regular street sweeping and maintenance services	Progressing	Council undertakes daily cleaning of the CBD areas with a combination of machine \ manual sweeping techniques. Burwood Council's road network of approx. 91 lineal kms is swept over a three week sweeping cycle with an additional sweeping cycle implemented following the domestic waste collection by the second afternoon sweeping cycle. Council has recently purchased an additional medium sized street sweeper to complement the large road sweeper and mini sweeper used to service the CBD. This sweeper provides an additional capacity to improve services in narrower streets with heavy leaf drops through the LGA.

Maintain the stormwater drainage network

Code	Responsible Unit	Action Name	Status	Comments
3.1.3.2	Operations	Regularly maintain and clean the stormwater drainage network and clear blocked pits	Progressing	Council actively and routinely inspects pits identified as being hot spot or critical and schedule cleaning of these pits and pipes. Re-actively Council responds to Customer requests within the stipulated time frames. Council Staff responded to 104 customer inquiries this fiscal year.

**Remove priority weeds from public spaces**

Code	Responsible Unit	Action Name	Status	Comments
3.1.3.3	Operations	Implement a priority weed removal program in line with the Biosecurity Act 2015 (NSW)	Progressing	Weed spraying by Contractors for all Streets and Council Carparks within the Burwood LGA is carried out approximately four times per year with the scheduled spray in June 2020 completed on time. Council's Parks Staff also carry out selective weed spraying of streets, parks and reserves within the Burwood LGA as required seasonally. All pesticide spraying is carried out in accordance with the Pesticide Regulation 2014. Residents and the General Public are notified as per Council's Pesticide Notification Plan available on the website. Council Staff and contractors are investigating and trialing alternative products to glyphosate herbicides products

**Maintain trees and vegetation to ensure that they are attractive and safe**

Code	Responsible Unit	Action Name	Status	Comments
3.1.3.4	Operations	Trees and vegetation are maintained as required to avoid damage or risk and new vegetation is planted where possible	Progressing	Park and Street Tree Maintenance activities are carried out by qualified Council Staff and Contractors to mitigate risk of damage or injury to property and persons. Tree maintenance works are completed in accordance with the Australian Standard for Pruning of Amenity Trees 2007. Opportunities for new vegetation and planting is considered for all Capital Works and where possible maintenance works. Beautification opportunities are also considered where possible to add amenity. Council's Operations Teams and Contractors have recently completed Burwood Library Carpark beautification works at the corner of Railway Parade and Conder Street, Hornsey Lane beautification, Shaftesbury Road Beautification and over eighty trees planted as part of the 500 tree program.

**Ensure all public parks and open spaces are accessible, maintained and well managed to meet the current and future needs of the community**

**Regularly maintain parks, playgrounds, sportsfields, gardens and open spaces**

Code	Responsible Unit	Action Name	Status	Comments
3.1.4.1	Operations	Undertake scheduled maintenance programs to meet community needs	Progressing	Council undertakes both a proactive and reactive maintenance program. Council's operations staff have attended over 1,700 reactive customer requests and have completed over 600 maintenance jobs this fiscal year.



*Ensure sustainable materials are used for park amenities and facilities*

Code	Responsible Unit	Action Name	Status	Comments
3.1.4.2	Property & Building Services	Maintain and upgrade existing park amenities to ensure longevity and sustainability	Progressing	Council's parks and reserves are serviced daily to weekly depending on their location and usage. Facilities in which cleaning and servicing works are carried out include toilet's, BBQ and picnic areas. Additional maintenance includes emptying of bins and dog litter bins, rubbish/litter removal, playground inspections and repairs and landscape maintenance. Blair Park amenities block has recently undergone a refurbishment including an extension of the footprint, new commercial kitchen and amenities. The Capital work project to revitalise the Henley Park amenities is now at its final stage of planning. Construction work will begin in the first quarter of 2020/2021 financial year. The new facilities include new amenities, kiosk, store rooms and change rooms. The upgrading of the Henley Park amenities will provided the much needed facilities of which the sporting community has been longing for.

*Provide support for the establishment of sensory and community gardens*

Code	Responsible Unit	Action Name	Status	Comments
3.1.4.3	Assets & Infrastructure	Identify opportunities to implement sensory or community gardens in existing parks, reserves and open spaces	Progressing	Staff have identified the area in the northwest corner of the Woodstock Community Centre Park land as a possible suitable location to design and develop a sensory garden. This location is shown on the Woodstock Proposed Capital Works Master Plan. Staff have developed a concept plan and preliminary cost estimate for the sensory garden. It is expected that in 20/21 financial year that the sensory garden will be constructed. At this stage there are currently no plans for any further community gardens in Burwood's other parks and reserves. However, staff will investigate suitable locations for possible community gardens in the future.

*Ensure parks are accessible and offer inclusive activities*

Code	Responsible Unit	Action Name	Status	Comments
3.1.4.4	Assets & Infrastructure	Ensure parks can be accessed by people living with a disability or impairment and that playgrounds are inclusive and accessible	Progressing	All of Council parks, reserves and new playground equipment are designed to be accessed by people living with a disability or impairment. Recent playgrounds completed at Woodstock Community Centre and Sanders Reserve are fully accessible to children / people living with a disability or impairment.

**Provide sustainable waste management practices**

**Promote existing recycling services**

**Provide education and information about Council's recycling services**

Code	Responsible Unit	Action Name	Status	Comments
3.2.1.1	Environment & Health	Use Council communication to inform the community on existing services	Progressing	The Burwood Council Waste Info App has detailed information on recycling options for residents. Council's website offers alternative recycling options for materials and items not accepted through the kerbside recycling service, as well as accepted items for the kerbside collection service. The council social media platforms have been featuring a weekly #wastetipwedgesday post outlining tips and facts relating to recycling, reducing waste and sustainability. Through the new waste contract with JJ Richards, a WERRO has been assigned to council to assist commercial buildings with the waste and recycling disposal requirements.

**Ensure residents adhere to sustainable recycling practices**

Code	Responsible Unit	Action Name	Status	Comments
3.2.1.2	Environment & Health	Conduct bin audits and encourage residents to recycle correctly	Progressing	The comprehensive waste and recycling kerbside bin audit was undertaken in early 2019. The report has been finalised and Council will be using the outcomes to tailor the education campaigns to focus on the top priority areas. Council has undertaken visual bin audits in multi-unit dwellings within the town centre to ascertain best methods for educating residents to increase recycling and minimise contamination. Bin infrastructure and bin bay signs are a priority.

**Identify emerging waste management solutions**

**Actively seek and identify new processes and technology**

Code	Responsible Unit	Action Name	Status	Comments
3.2.2.1	Environment & Health	Implement waste management solutions that will benefit the community	Progressing	The combined e-waste, whitegoods and mattress drop off days at the Operations Centre have proven popular with Council residents. Commencing in April 2020, mattresses that are put out as part of the clean-ups are now being collected separately by an SSROC approved contractor.

**Establish clear targets for recycling and reducing waste to landfill**

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

Code	Responsible Unit	Action Name	Status	Comments
3.2.3.1	Environment & Health	Continue to report targets to the community	Progressing	An annual report is presented to Council outlining programs and projects undertaken which aim to reduce waste generation and divert material going to landfill and promote recycling.

**Educate the community on sustainable practices**

Provide initiatives to encourage more sustainable practices in the community and around home

*Deliver educational programs to the community, networks and businesses that encourage sustainable practices*

Code	Responsible Unit	Action Name	Status	Comments
3.3.1.1	Environment & Health	Provide an annual calendar of initiatives on environmentally sustainable practices	Progressing	The e-waste drop-off days and NSW EPA Clean Out days are featured on both the Waste Info App and Council website.

**Participate in regional sustainability programs**

Code	Responsible Unit	Action Name	Status	Comments
3.3.1.2	Environment & Health	Work with neighbouring councils and agencies to deliver sustainability programs to the community	Progressing	Council works with adjoining Councils on regional initiatives to standardise waste and recycling education and messages to the community. Many of the projects are coordinated through SSROC to ensure consistent and factual information is provided to the community.

**Encourage the community to follow sustainable practices**

Code	Responsible Unit	Action Name	Status	Comments
3.3.1.3	Environment & Health	Award residents, streets, businesses or areas that follow sustainable recycling practices	Progressing	Council is compiling checklists for sustainable recycling practices for business, streets and residents. Internal discussions are being held to determine how to best promote and award successful recipients.

Promote public transport and more active forms of transport such as cycling and walking

*Promote public transport, cycling and walking to residents going to work and those who work in Burwood*

Code	Responsible Unit	Action Name	Status	Comments

Code	Responsible Unit	Action Name	Status	Comments
3.3.2.1	Environment & Health	Undertake campaigns and initiatives that encourage the use of alternative transport	Progressing	Alternative transport promotion and education is being rolled out via Council communication Channels. Council has dedicated cycle ways and makes provision in large developments to accommodate alternate transport infrastructure including share car services and bicycle parking stations.

**Encourage the community to take pride in the cleanliness and maintenance of the area**

**Promote a clean environment through urban architecture and landscaping**

Code	Responsible Unit	Action Name	Status	Comments
3.3.3.1	Environment & Health	Identify opportunities to provide recycling and other waste collection terminals across town centres	Progressing	Council has agreed to enter into a partnership with Canada Bay Council to allow Burwood residents access to the Community Recycling Centre in Five Dock. Burwood residents will be able to drop off problem wastes including batteries, old paint, gas bottles, light globes including fluorescent tubes, smoke detectors and old fire extinguishers. Materials that should not be disposed of to landfill. Council is also implementing public place recycling and litter prevention devices at bus stops and strategic locations to maintain cleanliness in the local government area.

**Raise awareness in the community on littering**

Code	Responsible Unit	Action Name	Status	Comments
3.3.3.2	Environment & Health	Undertake campaigns to reduce littering in town centres	Progressing	The waste team works with the Compliance and Clean and Safe teams to monitor and control littering in the town centres in an effort to ensure littering is kept to a minimum. Special attention is given to the main town centres to promote anti littering campaigns and messages. Council also has a dedicated waste investigations officer for the investigation and follow up and prosecution where possible of littering offences.

**Leadership in environmental sustainability**

**Invest in green and renewable technology**

**Implement green and renewable energy initiatives across Council facilities**

Code	Responsible Unit	Action Name	Status	Comments
3.4.1.1	Property & Building Services	Audit existing facilities and upgrade where appropriate	Progressing	Council is going into a phase of re-evaluating the underperforming assets. These assets will need to be revitalised to increase the return. Taking a pragmatic fundamental principle of responsible private sector property portfolio management, focusing on the community needs is a priority. In addition, also developing an overall strategy to increase the capital base and its efficiency for a higher yield, will subsequently benefit the wider community. It is essential to regularly assess and improve the quality and management of the existing assets.  Regular inspections of Council's facilities were conducted to assess and monitor the condition of Council premises and to ensure compliance and comfort for the community. Council has also recently implemented a cloud based software solution to improve service levels and reduce capital and maintenance spending.

**Promote greater use of more efficient green technologies and alternative energy sources**

**Support and promote Federal and State Government initiatives in the rollout of green technologies and alternative energy sources**

Code	Responsible Unit	Action Name	Status	Comments
3.4.2.1	Environment & Health	Actively advertise State and Federal initiatives through Council's established communication channels	Progressing	State Government initiatives such as the Return and Earn scheme and Love Food Hate Waste programs are promoted through Council website.

**Ensure planning promotes environmentally sustainable development to reduce impacts on the environment**

**Work with developers to promote sustainable developments**

Code	Responsible Unit	Action Name	Status	Comments
3.4.3.1	Strategic Planning, Heritage & Place Planning	Provide strategic planning input into developments where possible to encourage vertical gardens and green spaces	Progressing	Assessment of planning proposals and development applications for land within the Burwood Town Centre continues to require consideration on green spaces provision whether by vertical, podium or roof top gardens. Consideration for whole of block and whole of street approach is being

Code	Responsible Unit	Action Name	Status	Comments
		within the Burwood CBD		undertaken as applications are received to ensure opportunities are maximised, sun access and open space may be able to be shared and driveway/service areas on streets reduced.

#### Ensure developers follow sustainable practices during construction

Code	Responsible Unit	Action Name	Status	Comments
3.4.3.2	Compliance	Carry out a regular program of inspections of development sites to ensure compliance with safe and sustainable practices (such as sediment control and removal of materials)	Progressing	Council's Compliance Team patrol all building sites on a daily basis and enforce all consent provisions. These patrols have seen an increase in compliance and developers seeking approval for roadway activities. These patrols are also linked to the Parramatta River Catchment Enforcement Program.

#### Encourage and contribute to public health and welfare

Provide services and encourage the community to take pride in the area to ensure public health

#### Reduce spread of foodborne, waterborne and transferable diseases

Code	Responsible Unit	Action Name	Status	Comments
3.5.1.1	Environment & Health	Undertake regular inspections of cooling towers and water systems, food premises and health, beauty and cosmetic premises to take action against risk	Progressing	The inspection program has continued for the reporting period. There were 130 inspections carried out in the period. Enforcement action included 2 Improvement Notices and 1 Penalty Notice.

#### Minimise urban related pollution such as air, water and noise pollution

Code	Responsible Unit	Action Name	Status	Comments
3.5.1.2	Environment & Health	Investigate air, water and noise pollution complaints	Progressing	Public health and pollution incident complaints continue to be investigated by Council's Environmental Health Officers. There were 16 complaints investigated and resolved during the January to June 2020 reporting period.

**Educate business owners on public health to ensure compliance with food regulations**

Code	Responsible Unit	Action Name	Status	Comments
3.5.1.3	Environment & Health	An annual calendar of initiatives on public health including information in relevant community languages	Progressing	Council's environmental health officers continue to provide educational information by way of one on one discussions with shopkeepers and topic specific pamphlets in languages other than English.

**Educate the community on public health matters**

Code	Responsible Unit	Action Name	Status	Comments
3.5.1.4	Environment & Health	Undertake and participate in relevant campaigns to raise awareness and engage the community	Progressing	Council provides public health information and alerts through the Council website. Council also delivers targeted information through food schools made available to shopkeepers and managers of premises which might present a public health risk. Risk premises include food shops, cooling towers, boarding houses and places of skin penetration (beauticians and the like).

**Provide services and support to encourage responsible animal ownership practices and ensure that animals are well cared for in a safe community**

**Educate residents on companion animals**

Code	Responsible Unit	Action Name	Status	Comments
3.5.2.1	Compliance	Provide information and relevant campaigns to raise awareness in the community	Progressing	Council's Compliance Team patrols local parks and main streets on a daily basis and any related breaches are actioned accordingly. The Compliance Team review the companion animal register twice a year and send registration reminder letters to dog owners that have failed to register their dogs. As part of their proactive approach, the Compliance Team have increased their presence in local parks and streets due to the Smart City Compliance Project and this has meant that staff have been more interactive with animal owners in the LGA.

**Establish pet friendly environments for animal owners**

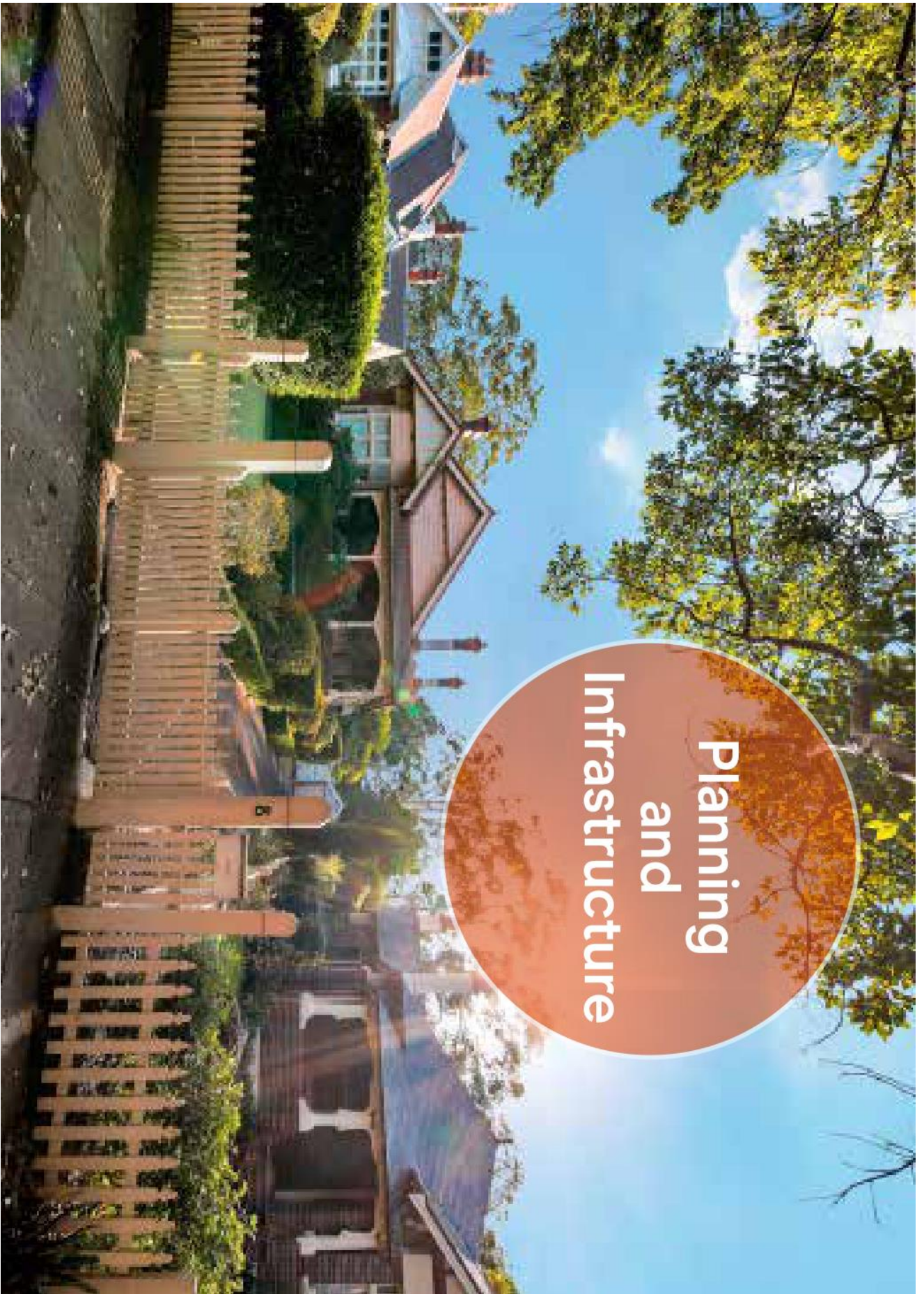
Code	Responsible Unit	Action Name	Status	Comments
3.5.2.2	Assets & Infrastructure	Consider pet friendly facilities when undertaken any new plans of management for parks, reserves and open	Progressing	When undertaking new plans of management for parks Council will consider new pet friendly facilities. There are currently dog off-leash areas in Henley Park, Grant Park, Blair Park and Burwood Park. Recently Council approved to amend the Generic Plan of Management - Parks to

Code	Responsible Unit	Action Name	Status	Comments
		spaces		include a fenced Dog off-leash area in Sanders Reserve. Also Council recently upgraded the two fenced dog off-leash areas in Grant Park and in Blair park including solar lighting. Also during the height of COVID -19 a request to temporarily expand the unfenced dog off-leashed area in Henley Park was also undertaken.

*Provide regulatory support to ensure a safe environment for animals and residents*

Code	Responsible Unit	Action Name	Status	Comments
3.5.2.3	Compliance	Undertake compliance inspections for dangerous or displaced animals	Progressing	All dangerous and restricted dogs in the LGA have been inspected





# Planning and infrastructure

## Implement regional traffic and parking strategies

Ensure strategies accommodate population growth

*Design traffic facilities which improve traffic flow and alleviate congestion*

Code	Responsible Unit	Action Name	Status	Comments
4.1.1.1	Assets & Infrastructure	Investigate traffic hot spots and implement solutions such as pedestrian refuges, roundabouts or traffic calming devices	Progressing	Investigations are undertaken for all requests received for traffic calming devices or pedestrian facilities. Additionally locations are identified by staff based upon RMS accident data. Locations where improvements can be made are presented to the Burwood Local Traffic Committee prior to be reported to a Council Meeting for adoption.

*Encourage opportunities for additional public parking spaces within developments*

Code	Responsible Unit	Action Name	Status	Comments
4.1.1.2	Assets & Infrastructure	Negotiate with developers for additional public parking within developments in the Burwood CBD where possible	Progressing	The strategic planning team will continue to negotiate for a wide range of public benefits on developments that implements the Community Strategic Plan, the LSPS and supports Burwood as a Strategic Centre. Negotiating outcomes to share service areas across sites and blocks will be investigated in order to also facilitate more parking.

*Ensure developments provide sufficient parking and off-street parking in line with Council policies*

Code	Responsible Unit	Action Name	Status	Comments
4.1.1.3	Assets & Infrastructure	Investigate parking provisions during assessments of development applications	Progressing	All major development applications are referred to Councils Traffic Engineers for review. The assessment of these applications includes ensuring that provisions of off-street parking for motor vehicles and bicycles meets Councils Development Control Plan or relevant State Environmental Planning Policy, as well as confirming all relevant standards are met with regards to the design of the parking areas.

*Consider social impacts of population growth*

Code	Responsible Unit	Action Name	Status	Comments
4.1.1.4	Community, Library & Aquatic Services	Investigate the social impact and quality of life of high density living	Milestone	Council engaged students from the University of Western Sydney who were completing a Masters of Social Work to undertake research into the social impacts of high density living. This research improved Council's understanding of the needs of residents in high density dwellings and increased capacity to leverage off the positive opportunities generated by higher densities, such as economic benefits, to better respond to identified needs. Staff continue to keep a watching brief on the effects of urban density on our current landscape and the community.

*Implement strategies to promote alternative transport use*

*Investigate opportunities for bus priority lanes to improve public transport efficiency*

Code	Responsible Unit	Action Name	Status	Comments
4.1.2.1	Assets & Infrastructure	Work with RMS and Transport NSW to identify locations for improved bus access	Progressing	Council is continuing to work with Transport NSW on the Bus Stop Guideline and Wayfinding Program. The Program will include an extensive review of all bus stops within the Burwood local government area to ensure consistent signage, compliance with Disability Discrimination Act, adequate facilities such as seating and bins, as well as ensuring that the location and length of the Bus Zone is safe and sufficient.

*Seek funding opportunities for cycling facilities and cycleways*

Code	Responsible Unit	Action Name	Status	Comments
4.1.2.2	Assets & Infrastructure	Identify and apply for grants where possible and implement facilities which promote cycling (such as bicycle parking stations)	Progressing	Council successfully applied for grant funding via the Parramatta Road Urban Amenity Improvement Program for the installation of three new cycleways. The new cycleways link the Parramatta Road corridor to Burwood Park and Wangal Park, with the first link along Neich parade having been completed. Demand for additional bicycle parking will be considered as part of this project.

**Work with key stakeholders to ensure an integrated transport plan****Work with RMS, STA, NSW Police and major stakeholders to continue to develop new parking initiatives**

Code	Responsible Unit	Action Name	Status	Comments
4.1.3.1	Assets & Infrastructure	Conduct regular meetings with key stakeholders and report outcomes to the community	Progressing	The Burwood Local Traffic Committee is held monthly to review recommendations for the improvement of traffic facilities, parking initiatives, road safety matters and the movement of traffic throughout the Burwood local government area. The minutes of these Meetings are placed on the agenda for the following Council Meeting to provide an opportunity for the community to review and make comment on any recommendation prior to a decision being made.

**Participate in regional projects to ensure an integrated transport network**

Code	Responsible Unit	Action Name	Status	Comments
4.1.3.2	Assets & Infrastructure	Work with key agencies to ensure regional transport projects have a positive impact on the local community	Progressing	Regular meeting are held with Transport for New South Wales, Sydney Metro, bus operators and the Southern Sydney Regional Organisation of Councils in relation to transport projects and improvements.

**Consider pedestrians and cyclists as key stakeholders in traffic management planning**

Code	Responsible Unit	Action Name	Status	Comments
4.1.3.3	Assets & Infrastructure	Ensure pedestrians and cyclists are consulted during traffic management planning	Progressing	Consultation is undertaken with all major traffic and transport projects in order to obtain feedback on designs and concepts. Consultation is undertaken with residents, businesses and schools directly via surveys where projects will have a direct impact on the movement of traffic, pedestrians and cyclists. Larger proposal such as the restriction of traffic movements are also placed on public exhibition and advertised in local media.

**Enhance road and pedestrian safety****Educate residents on safe practices to reduce road incidents and fatalities**

Code	Responsible Unit	Action Name	Status	Comments
4.1.4.1	Assets & Infrastructure	Undertake safety campaigns and run targeted programs	Progressing	Several Road Safety Programs are run every year with an aim of reducing accidents and educating the public on road rules and behavior

Code	Responsible Unit	Action Name	Status	Comments
		and initiatives to promote safety around schools and town centres, pedestrian and cycling safety.		Improvements. Councils Slow Down campaign targets streets which have a high percentage of recorded accidents which contributed to speed. The Child Safety Restraint Check program provides a free check of any child seats installed by a qualified installer to ensure compliance with current standards. Councils Walk Safe campaign is targeted towards pedestrians to ensure that they are aware of their surroundings when crossing the street, and that they cross at safe locations. The Graduated Licensing Scheme Workshops helps new drivers gain the correct knowledge by educating parents and carers who will be accompanying new learner drivers. In addition regular meetings with local schools are undertaken to ensure that the road environment surrounding the school is safe, in addition to providing educational materials to the schools to be passed on to students and parents.

*Implement traffic facilities which will enhance road and pedestrian safety*

Code	Responsible Unit	Action Name	Status	Comments
4.1.4.2	Assets & Infrastructure	Identify blind spots and hot spots and implement solutions to take action against potential incidents	Progressing	Blackspot projects are identified on a yearly basis following the distribution of RMS accident data. Locations which meet the criteria based on the number of accidents which have occurred are investigated to determine if engineering treatments can reduce the likelihood and severity of accidents. Council has successfully secured funding for three projects in 2020/21 being Woodside Avenue Burwood, Norwood Street Burwood and Wentworth Road Strathfield.

**Provide connected an accessible infrastructure**

**Improve the accessibility of Burwood CBD**

*Improve pedestrian flow within the Burwood CBD*

Code	Responsible Unit	Action Name	Status	Comments
4.2.1.1	Assets & Infrastructure	Investigate opportunities to limit motorist access to certain areas within the Burwood CBD	Progressing	Pedestrian only walkways are being provided as the Burwood CBD continues to be developed. An existing walkway has been provided as part of the B1/Emerald Square development which links Clarendon Place to Wynne Avenue. This walkway will continue as part of the current Burwood Grand development which will link Wynne Avenue to Conder Street. Additional pedestrian only walkways identified in Councils DCP include

Code	Responsible Unit	Action Name	Status	Comments
				Burwood Road to Burlleigh Street, Deane Street to Victoria Street and Burwood Road to Elsie Street.
				Further investigations into restricting access for vehicles will form part of the current Traffic and Transport Study to be completed in the second half of 2020.

*Identify parking solutions that will alleviate traffic congestion*

Code	Responsible Unit	Action Name	Status	Comments
4.2.1.2	Assets & Infrastructure	Review parking strategy within the Burwood CBD and investigate parking initiatives to alleviate traffic congestion	Progressing	The third review of the Burwood Public Parking Strategy is currently underway and will be reported to Council in 2020. The Strategy Review looks at a number of options to improve parking turnover, decrease traffic generated by circulating vehicles searching for parking and address the impact of high parking demand in residential streets.

*Improve access and connection between the Burwood CBD and residential areas, facilities and open spaces and linkage to neighbouring areas*

Code	Responsible Unit	Action Name	Status	Comments
4.2.1.3	Assets & Infrastructure	Implement strategies and initiatives to enhance connectivity within the area	Progressing	Additional cycleways are being delivered to link the Parramatta Road corridor to Burwood Park and Wangal Park. These cycleways are fully funded via the Parramatta Road Urban Amenity Improvement Program (PRUAIIP). The first link along Neich Parade has been completed, with the remaining two links scheduled to be completed in the 2020/21 financial year.

*Provide quality local infrastructure that caters to population growth*

*Regularly maintain and upgrade local roads, footpaths, kerbs and gutters*

Code	Responsible Unit	Action Name	Status	Comments
4.2.2.1	Operations	Provide an extensive capital works program to regularly maintain and renew local infrastructure	Progressing	Council maintains a comprehensive Capital Works program covering all assets including but not limited to Roads, Drainage, Footpaths, KG, Beautification and other special projects

*Continue to monitor the condition of infrastructure across the area*

Code	Responsible Unit	Action Name	Status	Comments
4.2.2.2	Assets & Infrastructure	Undertake infrastructure audits in order to determine the condition of local infrastructure	Progressing	Council has completed condition data capture and assessment for its road and park assets following the previous data capture and assessment that was done in 2015/16. This new condition data has been imported into Council's Asset Management Software Assetic which will assist to prepare, prioritise, schedule and formulate forward capital and maintenance works programs. The new road infrastructure condition data was used to complete the revaluation of Council's road assets.

**Ensure all Council infrastructure is safe and accessible***Ensure infrastructure design aids accessibility*

Code	Responsible Unit	Action Name	Status	Comments
4.2.3.1	Assets & Infrastructure	Identify and incorporate prams and wheelchair access ramps and other facilities to improve accessibility	Progressing	During this half year Council has upgraded ten (10) new pram ramps across the LGA. It should be noted that pram ramps are constructed/upgraded in conjunction with capital and maintenance works projects.

**Integrate Burwood's existing heritage with high quality urban design***Encourage architectural integrity and aesthetically appealing buildings**Planning policies to enhance and promote architectural integrity and aesthetically appealing buildings*

Code	Responsible Unit	Action Name	Status	Comments
4.3.1.1	Building & Development	Ensure that design is assessed as part of the development application process	Progressing	2 major DAs, 2 amended designs and 1 Court matter referred to Council's Urban Design Consultants for a review during this period.

**Maintain and preserve heritage through relevant planning strategies***Ensure integrity in planning to preserve heritage*

Code	Responsible Unit	Action Name	Status	Comments
4.3.2.1	Building & Development	Ensure that all development applications relating to heritage items or heritage	Progressing	62 DAs were referred to the Executive Strategic Planner-Heritage Adviser during this period.

Code	Responsible Unit	Action Name	Status	Comments
		conservation include a heritage assessment		
4.3.2.1		Provide information and education relating to heritage as it applies to development	Progressing	Strategic planning work such as the Burwood Masterplan, and the Local Character Investigation Areas embed heritage items within the urban structure to reveal and celebrate heritage items throughout the city.

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

Provide advocacy on regional and metropolitan projects on behalf of the community

*Ensure that the community's interest are taken into consideration on regional and metropolitan projects*

Code	Responsible Unit	Action Name	Status	Comments
4.4.1.1		Provide strategic and planning input into major regional infrastructure strategies and projects	Progressing	Strategic Planning works with Department of Planning, Industry and Environment on implementing their programs. Currently these include the Metro West Station in North Burwood, The Premiers Priority Greener Public Places, Parramatta Road Strategy and Burwood as a Strategic Centre in Sydney.

Partner with key stakeholders to deliver major projects

*Work with State and Federal Governments and developers to ensure major infrastructure projects benefit the community*

Code	Responsible Unit	Action Name	Status	Comments
4.4.2.1		Actively participate in the planning process of regional and metropolitan infrastructure projects and advocate for the area's needs	Progressing	With the LSPS now completed, the implementation of the LSPS will require continued engagement with regional and metropolitan infrastructure projects including the Metro West, improved north-south public transport linking Campsie to Burwood and other projects.



**Ensure customer focused processes for development services**

Ensure support and provide efficient assessment of developments

Provide support and information on development processes

Code	Responsible Unit	Action Name	Status	Comments
4.5.1.1	Building & Development	Develop and provide information on development application processes and services in an accessible and easy to understand format	Progressing	Electronic lodgement of DAs implemented, Council now looking at lodgement of Part 4A Certificates through NSW Planning Portal. DA information on Council's web site has been reviewed and updated with the new web site. DA process and procedures manual being amended as required. Standard DA conditions now under review.

**Ensure streamlined and timely processes for development services**

Code	Responsible Unit	Action Name	Status	Comments
4.5.1.2	Building & Development	Assess development applications in a timely manner	Progressing	DA's lodged to Council since 1 Jan 2020 have been submitted through the NSW Planning Portal and the 57 DA's processed from the portal have been determined in an average time of 58 days.

Ensure independence and transparency in decision making on significant developments

Facilitate and coordinate the Independent Hearing and Assessment Panel

Code	Responsible Unit	Action Name	Status	Comments
4.5.2.1		Report decisions made by the Independent Hearing and Assessment Panel to the community	Progressing	Burwood Local Planning Panel (BLPP) meetings were convened in February, March, May and June. There was insufficient business to convene a meeting in April and, like elected Council, the Panel was in recess during January. The BLPP Meeting Agendas are published on Council's website six days prior to each meeting. The official minutes and the recording of meetings are published within two working days on Council's website. Panel Member's declaration of Conflicts of Interest for each meeting are also published on Council's website.



# Vibrant City and Villages

## Maximise Burwood's regional and strategic status within inner western Sydney

### Stimulate the local economy and activate the Burwood CBD

#### Plan and facilitates economic development strategies that stimulate the economy and attract businesses

Code	Responsible Officer Unit	Action Name	Status	Comments
5.1.1.1	Corporate Planning & Communications	Review and monitor Economic Strategies and policies	Progressing	Council is in the process or reviewing its strategies, studies and plans to identify an integrated approach to supporting economic development. This review will inform objectives and actions in the next Delivery Program.

#### Attract large scale festivals, events and initiatives to the Burwood CBD

Code	Responsible Officer Unit	Action Name	Status	Comments
5.1.1.2	Corporate Planning & Communications	Apply for grants and sponsorships, and seek participation regional, metropolitan and nation-wide initiatives	Progressing	Due to the COVID-19 situation our partnership event Lunar New Year was cancelled and all other activities investigating wider metropolitan opportunities were suspended. Council was successful in receiving \$2,000 Anzac Community Grant from the NSW Office of Veterans Affairs. This was to contribute to displaying a Sandakan Death March Roadshow for two weeks prior to the Sandakan Remembrance Service. As the service was cancelled the grant terms have been extended.

#### Promote Burwood CBD as a destination for food and culture

Code	Responsible Officer Unit	Action Name	Status	Comments
5.1.1.3	Corporate Planning & Communications	Promote and enhance the retail and dining experience in Burwood through initiatives which attract visitors	Progressing	Early in 2020 the business community, particularly the Asian hospitality businesses were concerned about the rapid drop in trade. This coincided with the fear that the virus in China had made its way to Burwood and residents and visitors alike stayed away. At this stage there was no rational reason to avoid the businesses so a digital campaign was developed 'Burwood Eats' to show support for the businesses, eliminate fear and bring people back to the restaurants and cafes. The Mayor

Code	Responsible Officer Unit	Action Name	Status	Comments
				<p>featured in daily posts and videos dining in local restaurants and engaging with the owners and patrons. Due to the COVID-19 situation rapidly deteriorating causing restaurant lockdowns, the campaign was moved under a new community and business outreach program - Burwood Cares.</p> <p>During the past six months the Town Centre Beautification Program to enhance the aesthetics of the business centres has continued with more tree planting, planter boxes and seating. A highlight is Hornsey Lane which has become a pedestrian way with landscaping, paving and seating which will appeal to retailers seeking tenancy and diners in what could be an emerging restaurant, bar and cafe hub.</p>

**Encourage mixed use buildings: commercial and residential to maximise Burwood CBD**

**Enhance and promote mix use buildings to ensure the Burwood CBD maintains its regional status**

Code	Responsible Officer Unit	Action Name	Status	Comments
5.1.2.1		Review planning provisions for development controls and encourage mix use development where possible	Progressing	<p>Strategic Planning and pre-DA referrals ensure that the appropriate mix of commercial and residential is achieved.</p> <p>The DCP controls are working to provide a robust framework to support this.</p>

**Build links and partnerships with educational institutions for the development of diverse local skills**

**Promote and support local learning institutions to encourage residents to enter the local workforce**

Code	Responsible Officer Unit	Action Name	Status	Comments
5.1.3.1	Organisation Development	Provide and support opportunities for employment, placements, traineeships and volunteering where appropriate	Progressing	<p>Burwood Council continues to support opportunities for employment, volunteering and work experience. Providing work experience opportunities where students are placed in various areas of Council to gain an understanding of the broad operations, assisting students to fulfil their Higher School Certificate requirements. These placements assist in a very practical and positive way to assist students with their transition from school to a working environment. Council supports graduates, traineeships and apprenticeships through both direct employment and through a</p>

Code	Responsible Officer Unit	Action Name	Status	Comments
				Registered Training Organisation. Through the Burwood Cares Program a number of job search training opportunities were made available to our community.

**Provide facilities to businesses, services and institutions for corporate events**

**Provide venues for businesses and services to conduct corporate events such as expos, conferences and seminars**

Code	Responsible Officer Unit	Action Name	Status	Comments
5.1.4.1	Customer Service & Records	Offer a range of facilities for hire that accommodate the various types of use required by businesses, services and institutions	Progressing	Council provides a range of venues across the area to suit the diverse needs of the community with different venues providing spaces for corporate, community, educational and lifestyle events.

**Support and engage with local services and businesses**

**Promote local businesses and services to the community**

**Promote the services of local businesses to boost the local economy**

Code	Responsible Officer Unit	Action Name	Status	Comments
5.2.1.1	Corporate Planning & Communications	Develop communication material that promotes local services and businesses to the community	Progressing	Planned communication campaigns such as the Burwood Eats Food Trail Activation and promotion of local businesses at major events have been put on hold until further notice. Council identified that the businesses had more immediate needs for support with COVID-19. Under Burwood Cares for Businesses, two digital business billboards, one for local services and one for hospitality businesses were activated on the website so that they could use them as vehicle for promotion. Council used social media to develop #takeawayTuesdays and #homedeliveryfridays, highlight their menus, created videos with the Mayor that featured businesses and the community were encouraged to upload favourite local eatery and dish.  Other local services such as Yoga Schools and Music Shops were promoted on the billboard and in social media demonstrating how they had changed their business models to continue their services online.

Develop programs to strengthen and sustain local businesses  
Facilitate educational and advisory initiatives that encourage good economic practices

Code	Responsible Officer Unit	Action Name	Status	Comments
5.2.2.1	Corporate Planning & Communications	Support State agencies in delivering business services to the community	Progressing	There may never be a more urgent time for Council to support State Government services and initiatives. The COVID-19 pandemic has seen a wave of State agencies announcing many business support programs. Understanding the diversity of businesses in the Burwood local government area, Council quickly responded by disseminating the information and re-packaging the information where necessary to make it more accessible to the business community. This was done with a dedicated web page under 'Burwood Cares' that provided latest news and updates for businesses, highlighted Government support programs and downloadable fact sheets with links to key agencies and initiatives. Council also promoted government programs via the Burwood Cares for Business E-Newsletter.  Burwood was also an early adopter of key State government initiatives such as Park'nPay which saw the Mayor promote the innovative parking payment app on Channel 7 News. This will benefit businesses in the town centres as customers can top up their parking meter without leaving the premises. The program is being rolled out across the LGA. Council also participated successfully in Transport NSW's trial of touchless pedestrian crossing sensors installed at the intersection of Railway Parade and Burwood Road. This brings greater confidence in the safety of the business district.

Engage with local business organisations and chambers

Code	Responsible Officer Unit	Action Name	Status	Comments
5.2.2.2	Corporate Planning & Communications	Maintain ongoing dialogue and identify opportunities to support initiatives or deliver joint projects	Progressing	Council supports State and Federal Government initiatives that strengthens and sustains local businesses. Service NSW's 'Easy to do Business' program provides Council and its existing and potential local businesses with a digital platform and state wide policy solutions that make it easier for small businesses to start up and grow. The service provides step by step guidance through application processes ensuring that the quality of submissions lodged with Council will be decision ready,

Code	Responsible Officer Unit	Action Name	Status	Comments
				<p>saving time in having to go back and forth for more information or updates.</p> <p>Many businesses were affected by the COVID-19 pandemic and to support them Council developed its Burwood Cares for Business program which included promoting government support programs and highlighting resources available for further education and training and business advice. This was done on the Burwood Cares web section and the Burwood Cares for Business E-Newsletter.</p> <p>Council also made contact with over 300 hospitality businesses in the LGA and the two Business Chambers to encourage them to maintain dialogue with Council and voice their needs and concerns. A business survey gathered key information for Council to formulate its response to business need and developed support packages.</p>

**Encourage participation of local businesses in community events**

*Invite local businesses to participate in Council's civic events*

Code	Responsible Officer Unit	Action Name	Status	Comments
5.2.3.1	Corporate Planning & Communications	Provide regular notice to businesses of Council's upcoming events and provide opportunities for involvement	Progressing	Council provides ongoing notifications to local businesses on Council's upcoming events and initiatives and encourages them to engage either through sponsorship, in-kind support or through other means of active involvement. Due to the COVID-19 situation all community events and business forums were cancelled.

**Enhance and foster the local identity**

**Develop opportunities for public art and events that promote history and culture**

*Encourage authorised public art within the Burwood area*

Code	Responsible Officer Unit	Action Name	Status	Comments
5.3.1.1	Community, Library & Aquatic	Implement public art and street music programs to enhance the culture within the	Progressing	Council staff are currently working with local artists to develop three murals for a large section of wall in the newly upgraded Hornsey Lane. These artists will depict the past, present and future of Burwood local area.

Code	Responsible Officer Unit	Action Name	Status	Comments
	Services	Burwood CBD		The murals are scheduled for installation in early 2020/2021.  An initiative delivered under the Burwood Cares program in response to COVID restriction was live online music sessions which commenced in June 2020 and which have continued into 2020/2021.

**Maintain an attractive Burwood CBD**

**Enhance the aesthetics of the Burwood CBD through architecture and landscaping**

Code	Responsible Officer Unit	Action Name	Status	Comments
5.3.2.2	Assets & Infrastructure	Implement a CBD and Strathfield town centre master plan	Progressing	Staff have compiled various village town centre capital works master plan drawings detailing proposed beautification and upgrading works. The master plan drawings are completed. However, the drawings may be amended and revised should further requirements present. A specific town centre master plan has been prepared showing the proposed capital works for the beautification of the Strathfield town centre.  Staff have prepared a photo montage of shopfront elevations for Burwood Road in the CBD to help inform and visualise potential areas for beautification. This works dovetailed into the specific town centre master plan prepared for the beautification of Burwood Road from Parramatta Rd to Church Street within Burwood CBD. A consultant was engaged to provide specific and detailed concept drawings for the beautification of Burwood Road in the town centre and for Railway Parade east. Burwood Road beautification works in the southern, central and Burwood Park precinct which included some tree removals, garden bed plantings and potted tree installations has been completed. Beautification works in the southern precinct from Parramatta Rd to Corner St is programmed to be undertaken next financial year.



*Ensure the Burwood CBD and town centres are clean and presentable*

Code	Responsible Officer Unit	Action Name	Status	Comments
5.3.2.3	Compliance	Deliver a Safe & Clean program to monitor the CBD and town centres	Progressing	This function is now part of the Operations Centre - moved from the Compliance Service. See the update for item 3.1.3.1.

*Support innovation which will enhance local identity and culture*

*Ensure the Burwood CBD is a modern and innovative centre*

Code	Responsible Officer Unit	Action Name	Status	Comments
5.3.3.1	Information Technology	Identify and implement emerging technology that will enhance the CBD and attract visitors	Progressing	A new WiFi public internet access system has been implemented at Railway Parade, Woodstock, Fitzroy Centre, Horsey Lane and at Council's new facilities at 2 and 8 Conder St. The solution will provide faster internet speeds and increased range of access as well as a simplified customer connection experience. The project is on track to be completed by August 2020.

*Provide civic events which foster a sense of pride in the community*

*Deliver a range of civic events which attract visitors to the area*

Code	Responsible Officer Unit	Action Name	Status	Comments
5.3.4.1	Corporate Planning & Communications	Facilitate and coordinate major events that celebrate the area	On Watch	In the second half of the financial year and events calendar, Council co-hosts one major event being the Lunar New Year Carnival. Due to the COVID-19 pandemic this event, scheduled for 8 February had to be cancelled. Although at the time the community was not in lock down or socially distancing, Performers were not able to travel from China and with the uncertainty surround the virus, Council and the co-hosts made the decision from a community safety and stallholder economic perspective to initially postpone the event. As the public health situation escalated it was cancelled. To show support for the businesses, the traditional Lion Dance Parade along Burwood Road went ahead).

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

**Update and maintain the aesthetics of town centres and villages**

**Enhance the aesthetics of village town centres including Croydon, Croydon Park and Enfield**

Code	Responsible Officer Unit	Action Name	Status	Comments
5.4.1.1	Assets & Infrastructure	Develop master plans for village town centres	Progressing	Staff have compiled various village town centre capital works master plan drawings detailing proposed beautification and upgrading works. The master plan drawings are completed. However, the drawings may be amended and revised should further requirements present. These include, Burwood CBD, Strathfield CBD, The Strand Croydon, Liverpool Rd shopping strip, Georges River Road shopping Strip. In particular Council has commissioned a consultant Landscape Architect who undertook the Burwood Road Main Street Refurbishment project. This looked at strategic landscape and beautification plans for Burwood Road, in four distinctive precincts, namely: Burwood Road North, Burwood Park Precinct, Central Precinct, and Southern Precinct. A preliminary beautification concept plan has been developed by the consultant for the Railway Parade east.

**Promote and recognise local history through urban design**

**Interpret the local history and character of the area through art and design**

Code	Responsible Officer Unit	Action Name	Status	Comments
5.4.2.1	Community, Library & Aquatic Services	Identify local history and implement art and design that creates a sense of pride in the area	Progressing	Extensive planning and preparation has gone into Council's new public art site in Hornsey Lane to coincide with the redevelopment and beautification of this key thoroughfare. The site will soon will be the subject of three murals depicting the past, present, and future of Burwood Local Government Area. Artists have been engaged who will render fitting designs that reflect these elements. The designs will also be digitised to allow them, to be used at other sites and in Council publications. The murals are expected to be completed in the early part of 2020/2021.

## **(ITEM 86/20) FRAUD AND CORRUPTION PREVENTION POLICY**

File No: 20/38336

REPORT BY GENERAL MANAGER

### **Summary**

This report proposes the adoption of an updated Fraud and Corruption Prevention Policy to replace the current policy previously adopted by Council in 2013.

### **Operational Plan Objective**

2.1 Community confidence in Council's decision-making

### **Background**

Burwood Council has a current Fraud and Corruption Prevention Policy that was adopted by Council in 2013. It does not align with the requirements of the Fraud Control Improvement Kit issued in 2015 by the Audit Office of NSW nor the Australian Standard AS 8001-2008 Fraud and Corruption Control with which the Kit aligns.

The Fraud Control Improvement Kit issued by the Audit Office of NSW contains a comprehensive approach to the development of an effective fraud control framework for public sector organisations. The Kit focuses particularly on creating a culture of positive and proactive fraud awareness as opposed to a 'tick and flick' approach.

This draft policy is the first step in refreshing Burwood Council's approach to fraud and corruption prevention. This is to be followed by a detailed review of the fraud and corruption risks that exist within each area of Council's operations. The review will include examination of the controls that exist, their effectiveness and actions necessary to ensure that the risks that have been identified are appropriately managed.

Auditing Standard ASA 240 issued by the Australian Government states that "The primary responsibility for the prevention and detection of fraud rests with both those charged with governance of the entity and management". By adopting this policy Council will be demonstrating its commitment to fraud and corruption prevention and to creating a culture of honesty and ethical behaviour.

### **Proposal**

The draft policy is based on the requirements of the Fraud Control Improvement Kit and AS 8001-2008 Fraud and Corruption Control. The draft policy is structured around ten key attributes, which sit within the themes of prevention, detection and response. Each attribute has a checklist of high-level processes and behaviours that should be present. The ten attributes are as follows:

1. Leadership;
2. Ethical Framework;
3. Responsibility Structures;
4. Fraud Control Policies;
5. Prevention Systems
6. Fraud Awareness;
7. Third-party Management Systems;
8. Notification Systems;
9. Detection Systems; and

## 10. Investigation Systems.

By adopting this policy, Council will be demonstrating a commitment to embedding the management of fraud and corruption in within the culture of Burwood Council and integrating it with the core business of the organisation.

The draft policy is also a key component in the wider fraud and corruption prevention framework at Burwood Council. Work is already underway on fraud and corruption prevention plans that cover specific areas of Council's operations to ensure that risks are identified, controlled and monitored. These in turn will inform the development of a fraud and corruption prevention action plan to provide assurance that all risks have a program of active management associated with them. This framework represents Council's practical commitment to enterprise risk management.

### **Communication**

The policy will be the subject of staff communications and training following adoption. The Internal Ombudsman will work across the organisation to ensure that the policy is being appropriately implemented.

### **Consultation**

The Policy has been endorsed by the Audit, Risk and Improvement Committee, the General Manager and Council's Policy, Corporate Practice and Procedures Panel.

### **Planning or Policy Implications**

The adoption of the updated draft Fraud and Corruption Prevention Policy will ensure that Council's position is consistent with the requirements of the Audit Office of NSW in relation to best practice fraud and corruption prevention.

### **Financial Implications**

No financial implications.

### **Conclusion**

An effective fraud and corruption prevention framework at Burwood Council is essential to provide confidence to the community that decisions made by Council and by staff under delegated authority are ethical and free from improper influence. The draft policy proposed for adoption is a key component underpinning this framework and will ensure that Council complies with the requirements of the Audit Office of NSW.

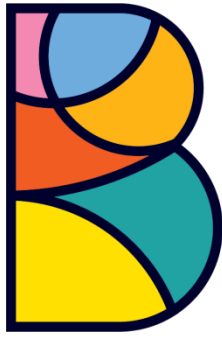
### **Recommendations**

That Council:

- a) rescinds the current Fraud and Corruption Prevention Policy adopted by Council in 2013;
- b) adopts the draft Fraud and Corruption Prevention Policy as shown at Attachment A to this report; and
- c) delegates authority to the General Manager to make minor administrative changes to the Policy if required.

### **Attachments**

1 [↓](#) DRAFT Fraud and Corruption Prevention Policy



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

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

## **FRAUD AND CORRUPTION PREVENTION POLICY**

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**TABLE OF CONTENTS**

1. PURPOSE .....	4
2. SCOPE .....	4
3. POLICY STATEMENT .....	4
4. DEFINITIONS .....	4
5. FRAUD CONTROL .....	5
5.1 Attribute One: Leadership .....	5
5.2 Attribute Two: Ethical Framework .....	5
5.3 Attribute Three: Responsibility Structures .....	5
5.3.1 Responsibilities Within Burwood Council .....	5
5.3.2 Audit, Risk and Improvement Committee Responsibilities .....	7
5.3.3 Internal Audit .....	7
5.3.4 Members of the Public .....	7
5.4 Attribute Four: Fraud and Corruption Prevention Policy .....	7
5.5 Attribute Five: Prevention Systems .....	7
5.5.1 Fraud Risk Assessment .....	7
5.5.2 Fraud and Corruption Prevention Action Plan .....	8
5.5.3 Ethical Workforce .....	8
5.5.4 IT Security Strategy .....	8
5.6 Attribute Six: Fraud Awareness .....	8
5.6.1 Staff Awareness .....	8
5.6.1.1 Staff Training .....	8
5.6.1.2 Ethical Behaviour Policies and Corporate Practices .....	9
5.6.1.3 Awareness Raising .....	9
5.6.1.4 Stakeholder and Supplier Awareness .....	9
5.7 Attribute Seven: Third Party Management Systems .....	9
5.8 Attribute Eight: Notification Systems .....	10
5.8.1 Fraud Allegations Made by a Staff Member .....	10
5.8.2 Public Interest Disclosures .....	10
5.8.3 Fraud Allegations About Burwood Council Made by Our Stakeholders and Suppliers ...	10
5.9 Attribute Nine – Detection Systems .....	11
5.9.1 Risk-based Internal Audit Program .....	11
5.9.2 Protection Against Reprisals .....	11
5.10 Attribute 10: Investigation Systems .....	11
5.10.1 Preliminary Assessment .....	11
5.10.2 Full Investigation .....	12
5.10.3 Conduct Standards .....	12

**ITEM NUMBER 86/20 - ATTACHMENT 1**

**DRAFT Fraud and Corruption Prevention Policy**

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5.10.4 Disciplinary Standards ..... 12

5.10.5 Maintaining Confidentiality ..... 12

5.10.6 Making Vexatious, Frivolous or Misleading Allegations ..... 12

5.10.7 Documenting Reporting Fraud ..... 13

6. EXAMPLES OF POTENTIAL FRAUDULENT AND CORRUPT BEHAVIOUR..... 13

6.1 Theft ..... 13

6.2 Gifts, Benefits and Bribes..... 13

6.3 Misuse of Council Resources for Inappropriate Private Purposes..... 13

6.4 Zoning and Development ..... 14

6.5 Regulatory Compliance ..... 14

6.6 Procurement, Tendering and Contract Management..... 14

6.7 Conflicts of Interest..... 14

6.8 Human Resources..... 14

6.9 Delegations ..... 14

6.10 Information Technology..... 14

6.11 Forgery or Falsification of Records to Originate or Conceal a Fraud ..... 15

6.12 Unauthorised Sale or Provision of Information..... 15

7. LEGISLATIVE CONTEXT ..... 15

8. CONTACT ..... 15

9. REVIEW..... 15

10. FRAUD AND CORRUPTION PREVENTION TRAINING..... 15

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## 1. PURPOSE

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To clearly state the commitment by Burwood Council to the prevention of fraud and corruption and to outline the methodology to detect and deter fraudulent behaviour and corrupt conduct.

## 2. SCOPE

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This Policy applies to Councillors, employees, volunteers, consultants and contractors.

## 3. POLICY STATEMENT

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Burwood Council will not tolerate fraudulent or corrupt conduct by its Councillors and employees or by any contractor, consultant or volunteer.

Burwood Council is committed to the:

- development and maintenance of a sound ethical culture supported by appropriate policies, procedures and strategies that prevent fraudulent and corrupt behaviour;
- regular conduct and review of fraud and corruption risk assessments to identify circumstances in which fraud and corruption could occur;
- implementation of fraud and corruption prevention and mitigation procedures in day to day operations;
- use of formal procedures for the investigation of allegations of corrupt and fraudulent behaviour;
- maintenance of processes and procedures that encourage all business dealings with tenderers, suppliers, consultants and contractors are conducted in an ethical manner; and ongoing education and training of all Council officers and Councillors in relation to their obligations in combating dishonest and fraudulent behaviour.

## 4. DEFINITIONS

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**Fraud** - is defined in *Australian Standard AS8001-2008: Fraud and Corruption Control*, as:

“Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit.

The theft of property belonging to an entity by a person or persons internal to the entity but where deception is not used is also considered “fraud” for the purposes of this definition.”

Examples of fraud include (but are not limited to):

- theft and/or misappropriation of Burwood Council revenue in the form of cash, cheques, money order, electronic funds transfer or other negotiable instrument;
- unauthorised removal of equipment, parts, software, and office supplies from Burwood Council premises;
- deliberate over-ordering of materials or services to allow a proportion to be used for personal purposes;



**DRAFT Fraud and Corruption Prevention Policy**

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- submission of fraudulent applications for reimbursement;
- payment of fictitious employees or suppliers;
- falsification of time records;
- damage, destruction or falsification of documents for the purpose of material gain; and
- failure to disclose a conflict of interest in the performance of duties as a councillor, employee, volunteer or contractor of Burwood Council.

**Corruption** - is defined in *Australian Standard AS8001-2008: Fraud and Corruption Control*, as:

“Dishonest activity in which a director, executive, manager, employee or contractor of an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity.”

## **5. FRAUD CONTROL**

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Burwood Council’s approach to fraud control is based on the ten attributes of fraud control contained within the *Fraud Control Improvement Kit* released by the NSW Audit Office in 2015. These attributes sit within the themes of prevention, detection and response as follows:

**The Ten Attributes of Fraud Control**

<b>Attribute</b>		<b>Theme</b>
Attribute One	Leadership	Prevention
Attribute Two	Ethical Framework	Prevention, Detection, Response
Attribute Three	Responsibility structures	Prevention, Detection, Response
Attribute Four	Policy	Prevention
Attribute Five	Prevention systems	Prevention
Attribute Six	Fraud awareness	Prevention, Response
Attribute Seven	Third party management systems	Prevention, Response
Attribute Eight	Notification systems	Detection, Response
Attribute Nine	Detection systems	Detection
Attribute Ten	Investigation systems	Response

### **5.1 Attribute One: Leadership**

A successful fraud control framework is led by a committed and accountable executive. The General Manager has ultimate responsibility for the fraud and corruption control framework and endorses fraud and corruption control activities within Burwood Council. The General Manager is supported by Senior Management, the Audit, Risk & Improvement Committee, the Internal Ombudsman and Governance.

### **5.2 Attribute Two: Ethical Framework**

Burwood Council has adopted a Code of Conduct that clearly sets out acceptable standards of ethical behaviour. The Code of Conduct is provided to all Councillors at the start of each term of Council and to all Council officers upon commencement. Training is provided to ensure that all Councillors and Council officers understand their obligations. In addition, a suite of complementary policies and corporate practices have been adopted that are listed in this Policy under section 5.6.1.2.

### **5.3 Attribute Three: Responsibility Structures**

#### **5.3.1 Responsibilities Within Burwood Council**

**Councillors** are responsible for:

- raising community awareness of the Council’s commitment to fraud and corruption prevention
- promoting awareness and compliance with Council’s Code of Conduct;

## ITEM NUMBER 86/20 - ATTACHMENT 1

### DRAFT Fraud and Corruption Prevention Policy

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- supporting the General Manager in the implementation of adequate prevention measures for fraud and corruption; and
- reporting all instances of suspected or actual fraud or corrupt conduct in accordance with Council's Code of Conduct and *Public Interest Disclosures Act 1994 – Internal Reporting Policy*.

The **General Manager** is responsible for the proper management of Council resources and the development and implementation of systems and practices to minimise the risk of fraud and corruption, including:

- reporting actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC) in accordance with Section 11 of the *ICAC Act 1988*;
- reporting criminal offences to the NSW Police Force;
- requiring Councillors and Council officers to prevent and minimise fraud and corruption by focussing on ethical behaviour, good practice and sound internal controls;
- arranging regular fraud and corruption awareness training courses for Councillors and Council officers;
- promoting a workplace culture and environment in which fraud and corruption is actively discouraged and is readily reported should it occur; and
- undertaking and reviewing a fraud and corruption risk assessment on a regular basis.

**Executive Members and Managers** have the following responsibilities, in addition to their responsibilities as Council officers:

- taking a leadership role in promoting ethical behaviour within the Council;
- ensuring that Council officers within their area of responsibility receive appropriate fraud and corruption awareness training and understand the Council's Code of Conduct;
- providing ethical advice and support to Council officers;
- ensuring that appropriate internal controls are in place to minimise fraud and corruption risks;
- ensuring that internal controls are operating effectively;
- identifying and managing potential fraud and corruption risks within their area of responsibility; and
- taking reasonable steps to require that Council contractors who report to them comply with this Policy to the extent that it is relevant to their contractual arrangements and adhere to the ethical standards described in this Policy.

The **Internal Ombudsman** is responsible for the education and overseeing the prevention of fraud and corruption, and is Council's Disclosures Co-ordinator for the purposes of Council's *Public Interest Disclosures Act 1994 – Internal Reporting Policy*.

The Internal Ombudsman may investigate matters and report on them in accordance with Council's *Internal Ombudsman Policy*.

All **Council officers** are responsible for:

- performing their functions and duties with skill, care, diligence, honesty, integrity and impartiality;
- being aware of their individual responsibilities under this Policy;
- complying with the requirements of this Policy and legislative requirements to not participate in fraudulent and corrupt behaviour; and
- reporting in accordance with this Policy any suspicion of fraudulent and corrupt behaviour.

Burwood Council requires all **contractors, consultant, applicants, suppliers of goods and services, owners and applicants of development applications and anyone doing business with Council**, to observe Council's Statement of Business Ethics and the following principles:

- act ethically and honestly in all dealings with Council;
- declare actual or perceived conflicts of interests as soon as the conflict becomes apparent;
- comply with Council's procurement policies and procedures;
- provide accurate and reliable information when required; and
- take all reasonable measures to prevent disclosure of confidential Council information.

### **5.3.2 Audit, Risk and Improvement Committee Responsibilities**

The Audit, Risk and Improvement Committee provides independent assistance to Council and the General Manager by monitoring and providing advice on the adequacy of the fraud control framework and the processes and systems in place to capture and effectively investigate fraud-related information. This includes reviewing the fraud control framework and other strategies and their implementation every four years.

### **5.3.3 Internal Audit**

Internal audit must be alert to the possibility of fraud within Burwood Council. Internal audit assists in deterring fraud by examining and evaluating the adequacy and effectiveness of internal controls. It is also expected to evaluate whether the Senior Management is properly overseeing the fraud control policies and practices.

Internal audit is not specifically responsible for detecting fraud, but is expected to obtain assurance that any material control deficiencies are detected. Internal audit must report known or suspected fraud to the General Manager if they detect it.

### **5.3.4 Members of the Public**

Burwood Council invites customers and residents to support its commitment to preventing and addressing fraudulent and corrupt behaviour.

If a customer or a resident suspects fraud or corruption that involves Council, they should report their suspicions to any of the following:

- The General Manager;
- The Internal Ombudsman;
- The Independent Commission Against Corruption (in the case of allegations of fraud and corruption);
- The NSW Division of Local Government (in the case of allegations relating to pecuniary interests);
- NSW Police Force (in the case of allegations relating to criminal activity); or
- NSW Electoral Commission (in the case of allegations relating to election fraud).

## **5.4 Attribute Four: Fraud and Corruption Prevention Policy**

The *Fraud and Corruption Prevention Policy* does not operate in isolation and has strong links to the Code of Conduct and the Statement of Business Ethics. It sets out the system of fraud control and covers the responsibilities for managing fraud within Burwood Council.

## **5.5 Attribute Five: Prevention Systems**

Burwood Council's prevention systems contain a number of components including:

### **5.5.1 Fraud Risk Assessment**

The Fraud Risk Assessment is a proactive effort:

- to identify areas where fraud risks exist;
- to evaluate how effective controls are to mitigate those risks; and

- to determine actions necessary to eliminate any gaps.

The Fraud Risk Assessment includes responsibilities and timeframes for action and reporting.

The Fraud Risk Assessment is carried out when there is a substantial change in the function, structure or activities of Burwood Council and at least every two years. The Internal Ombudsman is responsible for monitoring the results over time and for reporting the results of the Fraud Risk Assessment to the General Manager and the Audit, Risk and Improvement Committee.

### **5.5.2 Fraud and Corruption Prevention Action Plan**

The Fraud Action Plan contains all the key fraud control activities of Burwood Council, responsibilities and timeframes for action and information on review mechanisms. It is linked to the Fraud Risk Assessment and contains details of the risks requiring treatment, controls and mitigation strategies in place. The Fraud Action Plan is regularly reviewed and updated, and its outcomes and results reported to the General Manager and the Audit, Risk and Improvement Committee.

### **5.5.3 Ethical Workforce**

Burwood Council is committed to employing people who support our ethical values. Pre-employment screening is used to verify information supplied by candidates on their resumes and applications, and includes two reference checks prior to a position being offered.

### **5.5.4 IT Security Strategy**

The Information Security Policy supports the interests of Burwood Council by defining management requirements for safeguarding its information assets and assuring the continued delivery of services.

## **5.6 Attribute Six: Fraud Awareness**

A key element of the *Fraud and Corruption Prevention Policy* and *Fraud Action Plan* is:

- creating awareness about the different parts of the strategy among Council officers, stakeholders and suppliers;
- creating awareness about what activities are considered fraudulent; and
- providing information on how to respond if fraud is suspected.

### **5.6.1 Staff Awareness**

Council officers need to understand fraud is not tolerated and the consequences of committing fraud. They need to be aware of:

- what fraud is;
- common types of fraud they may encounter;
- their responsibilities; and
- how to report suspected frauds.

Council officers have a responsibility to contribute to eliminating fraud and corruption.

#### **5.6.1.1 Staff Training**

The Code of Conduct is provided to all Councillors and Council officers upon commencement to assist them in understanding the expected standards of ethical behaviour. Council officers are also provided with a copy of this Policy that includes an overview of the fraud control framework to raise awareness of fraud control by Council officers. Council officers are required to sign an acknowledgement and agreement declaration to abide by its provisions. Awareness training will be implemented through the following programs:

**DRAFT Fraud and Corruption Prevention Policy**

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- Induction Program for all new Council officers to include awareness training on this Policy and the Code of Conduct;
- Induction Program for new Councillors to include awareness training on this Policy and the Code of Conduct;
- Training in fraud and corruption prevention is undertaken on a regular basis;
- Distribution of fraud and corruption prevention information through management meetings, newsletters and other internal publications;
- Appropriate Council officers to take active participation in the fraud and corruption risk assessment reviews and other audit activities regularly undertaken by the Council's internal and external auditors; and
- Regular mandatory training of Councillors and Council officers on the Code of Conduct.

**5.6.1.2 Ethical Behaviour Policies and Corporate Practices**

Burwood Council has a range of policies and other guidance to encourage ethical behaviour and reduce the incidence of fraud and corruption including:

- Code of Conduct
- Complaints Management Policy
- Conflict of Interest Policy
- Councillors' Expenses and Facilities Policy
- Councillor Induction and Professional Development Policy
- Councillor Induction, Briefing Sessions and Workshop Policy
- Councillors Access to Information and Interaction with Council Officers Policy
- General Manager's Delegations
- Internal Ombudsman Policy
- Lobbying Policy
- Out of Pocket Expenses Policy
- Public Interest Disclosures Act 1994 – Internal Reporting Policy
- Statement of Business Ethics
- Sub-Delegations to Council Officers from the Acting General Manager
- Tender Policy
- Risk Management Strategic Plan and Risk Register
- Cash Handling Procedures
- Petty Cash Handling Procedures
- Corporate Credit Corporate Practice
- Gifts and Benefits Policy
- Secondary Employment Guidelines
- Disposal of Assets Corporate Practice
- Recruitment and Selection Corporate Practice and Procedures
- Use and Monitoring of Network, Email and Internet Corporate Practice
- Motor Vehicle Management Corporate Practice

**5.6.1.3 Awareness Raising**

The Internal Ombudsman will conduct a review of the Fraud Action Plan every two years. Council officers are asked to get involved with the review, and provide views on their understanding of the *Fraud and Corruption Prevention Policy* and how Burwood Council is managing the prevention of fraud and corruption. It is used to identify areas of concern. The results of the review are provided to the General Manager and summarised to all staff.

**5.6.1.4 Stakeholder and Supplier Awareness**

Burwood Council is committed to ensuring our stakeholders and suppliers are aware of our commitment to ethical behaviour. The Statement of Business Ethics sets out our position on fraud and expected standards of behaviour in business relationships with external parties. It is published

on our website, along with the *Fraud and Corruption Prevention Policy* and *Receipt of Gifts and Benefits Policy*.

### 5.7 Attribute Seven: Third Party Management Systems

Burwood Council ensures specific internal controls relating to third parties, such as segregation of duties, are in place to manage our dealings with third parties. We provide a copy of the Statement of Business Ethics, setting out expected standards of behaviour and mutual obligations of all parties, to our stakeholders and suppliers. Burwood Council is committed to complying with PBD-2017-07 Procurement Board Direction - Conduct by Suppliers ('direction') by ensuring that:

- our tendering processes require tenderers to:
  - 
  - comply with the relevant policies and guidelines as listed in the direction; and
  - provide information concerning any findings of dishonest, unfair, unconscionable, corrupt or illegal conduct against the tenderer, its directors or management.
  -
- we are aware of any adverse findings against our suppliers and report such findings to the NSW Procurement Board when such findings become known to us.
- 

Third party management also covers managing conflicts of interest. The Code of Conduct and the *Conflict of Interest Policy* set out how Council officers should manage conflicts of interest, including secondary employment.

### 5.8 Attribute Eight: Notification Systems

Burwood Council requires Council officers and encourages its stakeholders and suppliers to report known or suspected fraud or unethical behaviour. Council officers should be aware of the provision in section 316(1) of the Crimes Act 1900 which says that a failure to report a serious offence, including fraud, is an offence.

#### 5.8.1 Fraud Allegations Made by a Staff Member

If a Council officer knows or suspects another Council officer has defrauded Burwood Council, they must report it to either the:

- Internal Ombudsman; or
- General Manager

For guidance on how to report suspected or actual fraud refer to the *Public Interest Disclosures Internal Reporting Policy*. Council officers are encouraged to make a report in writing, as this helps to avoid any confusion or misinterpretation, but reports can be made orally.

In most instances, reports of fraud can be dealt with internally. However, if Council officers have concerns that their report of fraud will not be dealt with appropriately, then they have the option of reporting directly to the ICAC.

If Council officers suspect that another organisation or person is defrauding Burwood Council, the suspicion can be discussed with their manager in the first instance, or directly with the Internal Ombudsman or the General Manager.

#### 5.8.2 Public Interest Disclosures

In addition to the above notification on fraud allegations, a Council officer can make a public interest disclosure in respect of internal corrupt conduct, maladministration, or serious and substantial waste of public money. For more detailed information, refer to the *Public Interest Disclosures Internal Reporting Policy* which includes details of all the categories of behaviour covered by the *Public Interest Disclosures Act 1994*.

### 5.8.3 Fraud Allegations About Burwood Council Made by Our Stakeholders and Suppliers

Our stakeholders and suppliers and members of the public are encouraged to report suspected cases of fraud, misconduct or unethical behaviour by Council officers of Burwood Council.

Any detailed allegations of substantial fraud or corruption will be referred to the relevant external body, the NSW Police Force, the Crown Solicitor, the Director of Public Prosecutions, the NSW Ombudsman or the Independent Commission Against Corruption. Where, on reasonable grounds, there is suspicion that corrupt conduct has occurred, the General Manager has a duty under section 11 of the *Independent Commission Against Corruption Act 1988* to report it to the Independent Commission Against Corruption as soon as the suspicion arises. This is irrespective of the how insignificant or minor the allegation.

### 5.9 Attribute Nine – Detection Systems

Internal controls are effective at detecting fraud. Burwood Council maintains appropriate controls including:

- 
- segregation of duties;
- approvals and authorisation;
- verification;
- reconciliations;
- management reviews;
- risk assessments;
- job rotation; and
- internal and external audits.

#### 5.9.1 Risk-based Internal Audit Program

Internal audit regularly examines risk processes across Burwood Council to detect irregularities. Internal audit recommendations are recorded and are followed up regularly with responsibility assigned to individuals and clear time tables set for response. Outcomes of reviews are reported to the Senior Management and the Audit, Risk and Improvement Committee on a quarterly basis. Management uses internal audit findings as an opportunity to improve processes.

The General Manager and the Audit, Risk and Improvement Committee regularly review the internal audit program.

#### 5.9.2 Protection Against Reprisals

Burwood Council will not tolerate any reprisal action against Council officers and will ensure appropriate action is taken to protect Council officers who report suspected fraud ('internal reporter'). If someone believes detrimental action has been or is being taken against them, or the internal reporter, they should immediately tell:

- their Manager;
  - the Group Manager People & Culture;
  - the Internal Ombudsman; or
  - the General Manager.
- 

Burwood Council will make sure that internal reporters are supported and encouraged to access the professional support services they may need as a result of the reporting process including stress management, counselling services or legal advice.

## **5.10 Attribute 10: Investigation Systems**

### **5.10.1 Preliminary Assessment**

When an allegation of fraud is made against a staff member ('the alleged perpetrator'), the Internal Ombudsman will discuss the matter with the internal reporter. The internal reporter may be asked to make a written statement regarding the allegations.

The alleged perpetrator may be interviewed during this preliminary stage and can be accompanied by their Manager or other nominated staff member staff during the interview.

The Internal Ombudsman:

- will acknowledge the report of fraud within 10 working days of receipt, providing the name and contact details of the people who can provide further updates or information;
- will organise a preliminary assessment of the allegations and provide details to the internal reporter of any decisions and how the allegations will be progressed; and
- may, if the allegation is serious and the evidence is compelling, recommend to the General Manager that the matter be immediately referred to an external body. A full investigation may still be undertaken even though another agency, such as the NSW Police Force or the ICAC, is also investigating.

### **5.10.2 Full Investigation**

Following the preliminary assessment, the Internal Ombudsman may recommend to the General Manager a full investigation be conducted by an appropriately qualified external investigator. Any internal investigation should be conducted in accordance with the ICAC's Fact Finder – 'A guide to conducting internal investigations (March 2012)' where considered appropriate.

The internal reporter will be advised of the decision and any actions that will be taken. When further action is to be taken, the alleged perpetrator may also be notified.

During the investigation, the Group Manager People & Culture will be involved to ensure the disciplinary policies are properly followed and to ensure that any personnel issues affecting the staff members involved are properly addressed. Proper and full records will be kept during the investigation and any evidence gathered will be secured and preserved.

### **5.10.3 Conduct Standards**

The standards of personal conduct expected of Council officers are clearly set out in the Code of Conduct. The Code requires that Council officers act lawfully and honestly, and not conduct themselves in a manner that is improper or unethical, or is likely to bring the Council or other Council Officials into disrepute.

### **5.10.4 Disciplinary Standards**

Where the allegation is proved because of an admission by the Council officer or as a result of an investigation, the Internal Ombudsman, in consultation with the Group Manager People & Culture, will make a recommendation to the General Manager regarding disciplinary action or referral to an external body.

The General Manager will determine the nature of any disciplinary action.

### **5.10.5 Maintaining Confidentiality**

Every endeavour will be made to ensure that any allegations of fraud and subsequent investigations are handled confidentially. This is designed to help prevent any action being taken



against internal reporters. However, there may be situations where confidentiality may not be possible or appropriate. This will be discussed with the internal reporter.

While anonymous reports are not encouraged, there may be situations where someone may not want to identify themselves. Burwood Council will accept anonymous reports, however, anonymity may limit our ability to seek further information to assess the report adequately. When the identity of the internal reporter is known, Burwood Council is able to obtain any further necessary information, provide the person with protection and support and give feedback about the outcome of any investigation into the allegations.

#### **5.10.6 Making Vexatious, Frivolous or Misleading Allegations**

Any report that turns out to be vexatious, frivolous or misleading will result in disciplinary action against the internal reporter.

#### **5.10.7 Documenting Reporting Fraud**

The Internal Ombudsman will maintain a database of all reports of suspected fraud. The database will help Burwood Council determine where it should focus its efforts and where changes to controls, policies or procedures are required. The results of any investigation will be reported to the General Manager who will decide on the appropriate communication and action required.

### **6. EXAMPLES OF POTENTIAL FRAUDULENT AND CORRUPT BEHAVIOUR**

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#### **6.1 Theft**

The most common types of property stolen include:

- stationery and office supplies;
- construction and maintenance equipment and tools;
- lap top computers;
- mobile phones;
- technical equipment;
- cash; and
- intellectual property, including documents and data.

Theft also includes the unauthorised use of credit cards, petrol cards, Cabcharge cards or vouchers.

#### **6.2 Gifts, Benefits and Bribes**

Gifts, benefits and bribes are usually intended to influence the way the recipient carries out official functions. The intention may be to encourage the recipient to not look too closely at an illegal or unauthorised activity, or to actively participate in a fraudulent or corrupt activity.

Exposure to offers of gifts, benefits or bribes is particularly common for Council officers who:

- approve or can influence decisions;
- procure goods or services;
- carry out regulatory work;
- provide customer or client service; or
- carry out work with the private sector.

#### **6.3 Misuse of Council Resources for Inappropriate Private Purposes**

In their publication "Use and Misuse of Public Sector Resources Guideline 2" (2008), the ICAC provide a number of examples of this type of risk:

## ITEM NUMBER 86/20 - ATTACHMENT 1

### DRAFT Fraud and Corruption Prevention Policy

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- a Council driver using a Council truck to deliver tonnes of gravel to a friend's property and remove a tree;
- a works team undertakes paid work for a builder on a construction site during working hours;
- a swimming pool manager running a non-authorised swimming school during work hours;
- a parks maintenance officer running a landscaping business using Council equipment and materials, and falsifying timesheets to cover up his private use; and
- five Council officers spend a work day turfing an employee's backyard

Other forms of misuse include:

- staff using mobile phones excessively for private purposes without reimbursement of costs;
- internet services being used extensively for non-work purposes; and
- "left-over" materials and low value assets being claimed by Council officers

#### 6.4 Zoning and Development

The main risk areas of zoning and development activities are:

- coercion, intimidation and harassment of Council planners dealing with development applications; and
- inducements from developers to modify approved DA or conditions imposed.

#### 6.5 Regulatory Compliance

The main risk area of regulatory compliance is:

- Council Officers accepting bribes and favours to allow illegal and unauthorised activities

#### 6.6 Procurement, Tendering and Contract Management

Activities associated with procurement, tendering and contract management have traditionally been susceptible to fraud and corruption. This normally results from bribes, commissions or conflicts of interests. Examples of the type of fraud and corruption risk exposures include:

- order splitting to avoid tendering or obtaining quotes;
- collusion with suppliers to provide dummy quotes;
- accepting late tenders without justification; and
- approving fraudulent contract variations.

#### 6.7 Conflicts of Interest

A conflict of interest can be pecuniary or non-pecuniary (see Council's Code of Conduct and the *Conflicts of Interest Policy*) and risk exposure can include:

- Councillors pressured by key local constituents;
- regular contact between Council officers and developers that leads to personal relationships; and
- Council use of consultants who may have conflicts of interest with external parties that they are negotiating with, regulating or investigating.

#### 6.8 Human Resources

The main risk areas of Human Resources are:

- creation of fictitious Council officers on the payroll register;
- applicants for positions falsifying career background details; and

**DRAFT Fraud and Corruption Prevention Policy**

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- direct recruitment of friends and relatives to permanent and casual positions.

### **6.9 Delegations**

The main risk areas in relation to delegations are:

- not acting within delegations;
- delegation for order and payment granted to same person; and
- lack of supporting documentation.

### **6.10 Information Technology**

The main risk areas of computer fraud are:

- unauthorised electronic transfer of funds.
- electronic claims processing;
- unauthorised alteration of input data;
- misappropriation, destruction or suppression of output data;
- alteration of computerised data; and
- alteration or misuse of software program.

### **6.11 Forgery or Falsification or Records to Originate or Conceal a Fraud**

The falsification of records and processing of a false statement is fraud. Examples include falsification of:

- data on expense claims and receipts;
- credit card reimbursement claims;
- invoices and timesheets;
- job application forms;
- leave records; and
- forgery of a signature on a cheque or document.

### **6.12 Unauthorised Sale or Provision of Information**

This risk involves unauthorised sale or provision of confidential information, including client information.

## **7. LEGISLATIVE CONTEXT**

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This Policy is based on the NSW Audit Office's *Better Practice Guide, Managing Your Fraud Control Obligations 2015*. The Better Practice Guide itself was developed with reference to:

- Australian Standard 8001-2008 Fraud and Corruption Controls;
- Public Interest Disclosure Act 1994;
- ICAC's Fact Finder – A Guide to Conducting Internal Investigations (March 2012);
- Independent Commission Against Corruption Act 1988;
- ICAC Fighting Fraud: Guidelines for State and Local Government (2002); and
- International Professional Practices Framework (2013 edition) – Internal Auditing and Fraud.

This Policy should also be read in conjunction with the Model Code of Conduct issued by the Office of Local Government.

## **8. CONTACT**

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The Internal Ombudsman is the contact for this policy.

## 9. REVIEW

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The Policy is reviewed every two years, or earlier if significant new information, legislative or organisational change warrants an update.

## 10. FRAUD AND CORRUPTION PREVENTION TRAINING

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Burwood Council acknowledges that a high level of awareness amongst all Councillors and Council officers of fraud and corruption issues is an essential element in the identification and prevention of such behaviours. Awareness training will be implemented through the following programs:

- Induction Program for all new Council officers to include awareness training on this Policy and the Code of Conduct;
- Induction Program for new Councillors to include awareness training on this Policy and the Code of Conduct;
- Training in fraud and corruption prevention is undertaken on a regular basis;
- Distribution of fraud and corruption prevention information through management meetings, newsletters and other internal publications;
- Appropriate Council officers to take active participation in the fraud and corruption risk assessment reviews and other audit activities regularly undertaken by the Council's internal and external auditors; and
- Regular mandatory training of Councillors and Council officers on the Code of Conduct.

## **(ITEM 87/20) GIFTS AND BENEFITS POLICY**

File No: 20/39984

REPORT BY CONSULTANT GOVERNANCE SPECIALIST

### **Summary**

Proposal to remake Council policy in relation to gifts and benefits management. Address the need to improve clarity and transparency around Council's policy position in light of contemporary statutory mandates. In particular:

1. The universal relevance of the policy to all classes of Council Officials;
2. Appropriate responses to gift offers; and
3. Proactive public release of information about offers of gifts and the responses to offers.

### **Operational Plan Objective**

- 2.1 Community confidence in Council's decision making
- 2.5 Leaders in the Local Government sector

### **Background**

Probity around gifts and benefits management is one of the central themes of good governance in the public sector. It is a favourite topic of the mainstream media, so it is not surprising to see heightened public scrutiny and demands for greater transparency and accountability in this area continue to grow. The topic was given increased prominence in the 2018 revision of the Model Code of Conduct released by the NSW Office of Local Government. It received further attention in a subsequent update to the Model Code published on 7 August 2020. The Model Code is, by law, the basis of all locally adopted codes of conduct for local government authorities across NSW.

The current *Receipt of Gifts and Benefits Policy* was last considered in full by Council in July 2018 and resulted in the adoption of v6.0 of the policy. The document was subsequently modified in 2019 by to ensure consistency with details on the nature of token gifts as specified in the Burwood Council Code of Conduct adopted by Council in March 2019. (Note that a separate report on Model Code of Conduct and consequent changes to the Burwood Council Code of Conduct appears as a separate item in the business papers for the August 2020 meeting of Council.)

### **Discussion**

Revision of the policy sought to ensure that the following key questions were addressed more effectively:

1. Can staff accept gifts but not keep them?
2. Should staff refuse to accept all gifts?
3. What does Council do with gifts that are accepted and handed in?
4. Can councillors accept and keep ceremonial gifts of any value?
5. What about tickets to events / conferences that have no face value?
6. Are any business areas within Council that should have specific restrictions in relation to gifts and benefits?
7. Who reviews the Gifts and Benefits Register and how is that reported?

The proposed policy leaves no doubt as to its wide target audience of all 'Council Officials' engaged in exercising functions of Council. It is an important companion to the Code of Conduct and a key tool for shaping and reinforcing acceptable behaviour. The proposed policy also strengthens reporting and transparency requirements on the handling of gift offers and any subsequent disposal of gifts received.

The minimum document review requirement specified in the proposed policy stipulates that review should occur within the first 12 months of the term of each incoming Council. This timing of routine review is designed to tie into the same requirement for review of the Code of Conduct. The review requirement for the Code of Conduct is mandated under the Section 447(7) of the *Local Government Act 1993*.

### **Implementation**

Gifts and benefits management is an integral component of Code of Conduct compliance and training. Details of the Gifts and Benefits Policy are to be:

1. Promoted concurrently with the proposed new Fraud and Corruption Policy developed by the Internal Ombudsman (see also separate report appearing as a separate item in the business papers for the August 2020 meeting of Council)
2. Promulgated widely via internal email
3. Promoted and reviewed at the next available meeting of the Leadership Team and / or Cloud Teams Group Manager Gathering
4. Publicised and discussed at business unit team meetings throughout Council (and confirmation of action and feedback on discussion sought)
5. Included as a core resource in information packages and orientation sessions for on-boarding of new recruits
6. Given a high profile within the new Council intranet as soon as that capability is enhanced
7. Featured in the next round of Code of Conduct training planned for councillors
8. Covered as a staple within mandatory training programs for all councillors, staff and others falling within the definition of Council officials

### **Consultation**

The Policy has been endorsed by the General Manager and Council's Policy, Corporate Practice and Procedures Panel as well as the Audit, Risk & Improvement Committee.

### **Financial Implications**

No budgetary implications are associated with this policy remaking initiative.

### **Conclusion**

The Community Strategic Plan emphasises transparency and accountability along with a commitment to strong leadership in the local government sector. Maintaining high standards of probity and behaviour under policies such as the Gifts and Benefits Policy underscore Council's commitment to the community in these strategically important areas.

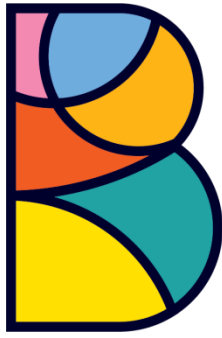
### **Recommendation(s)**

That Council:

1. retires the current Receipt of Gifts and Benefits Policy;
2. adopts the draft Gifts and Benefits Policy as shown in Attachment 1 to this report;
3. delegates authority to the General Manager to make minor administrative changes to the Policy if required.

### **Attachments**

1 [↓](#) Draft Gifts and Benefits Policy\_2020



**Burwood** Inc.1874

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

## GIFTS AND BENEFITS POLICY

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Public Document

Adopted by Council: <Date> Minute No. xx/20

Ref. No.: 20/35460

Version No.: 1.0

< This policy supersedes Receipt of Gifts and Benefits Policy v.6.1 >

Ownership: Governance

## 1. Purpose

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To protect Council Officials from being compromised, or from the perception of being compromised in the course of their duties by providing clear guidance on what to do if offered a gift or benefit.

## 2. Scope

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This policy applies to all **Council Officials** as defined in this document.

## 3. Definitions

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**Bribe:** Money or favour given or promised in order to influence the judgment or conduct of a Council Official.

**Ceremonial Gifts:** Gifts that are offered by one agency to another, generally when conducting official business with delegates from another organisation.

**Council Official:** Councillors, employees, volunteers, consultants and contractors.

**Gifts of Token Value:** One or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$30. They include, but are not limited to:

- a) invitations to and attendance at social, cultural or sporting events with a ticket value that does not exceed \$30
- b) gifts of alcohol that do not exceed a value of \$30
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$30 in value.

**Gifts and Benefits of More than Token Value:** These include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$30, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

## 4. Gifts and Benefits

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All gifts or benefits that are offered must be recorded in Council's Gift Register. Details of the gift or benefit must be provided on the Gifts and Benefits Registration Form (Appendix 1), lodged in Council's document management system and actioned to Governance for inclusion in the Gifts Register. The Gifts and Benefits Registration Form must be completed and lodged within two weeks of being offered the gift or benefit.

### 4.1 Where a gift or benefit is offered to a Council Official

- a) Consider whether the gift or benefit is of less than token value (i.e. \$30 or less) and if it is of more than token value it must be refused.
- b) Consider whether the gift or benefit is being offered in order to influence you in the



course of your duties - if it is then it must be refused.

- c) Consider whether the gift or benefit is cash or a cash-like gift (such as a gift voucher or lottery tickets) - if it is then it must be refused
- d) Consider whether the gift or benefit is being offered by a supplier or a company that is in the process of becoming a supplier to Council - if it is then it must be refused.
- e) Consider whether you are **involved in the determination of development applications** - if you are you **must refuse all offers** of gifts or benefits.
- f) After consideration of all of the issues above you may determine to decline the gift, accept and keep the gift or accept and surrender the gift to Governance.
- g) **In all cases you must complete the Gifts and Benefits Registration Form** at Appendix 1, lodge it in Council's records management system and action it to Governance for inclusion in the Gifts Register.

#### 4.2 Where a bribe is offered to a Council Official

- a) If you have been offered a bribe, or think that you have been offered a bribe, you must advise the General Manager and Internal Ombudsman immediately.
- b) If you are a member of the staff of Council, to avoid a perception of influence, you must refer all future contact with the person offering or suspected of offering you the bribe to your supervisor.
- c) The General Manager will advise the Independent Commission Against Corruption.

#### 4.3 Ceremonial Gifts

- a) Ceremonial gifts are generally provided to a host agency when conducting official business with delegates from another organisation and are considered to be for the agency and not for the personal benefit of any particular individual.
- b) Ceremonial gifts may have a value that exceeds token value (\$30) and may be accepted but must be surrendered to Governance with a completed Gifts and Benefits Registration Form (Appendix 1). The Manager Governance, in conjunction with the General Manager, will determine what to do with any ceremonial gift.

#### 4.4 Work-related functions

- a) There is no requirement to declare the receipt of modest hospitality that is provided by another agency or individual as part of normal work-related activities including interviews, business meetings and conferences and seminars where hospitality is provided to all participants.
- b) However, if the hospitality is significantly more than what Council would offer in similar circumstances, or if there is any suggestion or perception that an attempt is being made to influence you in the course of your duties, it must be refused and declared by completing the Gifts and Benefits Registration Form (Appendix 1), lodging it in Council's document management system and actioning it to Governance for inclusion in the Gifts Register.
- c) Any offer of free or subsidised travel and accommodation to attend a meeting or conference either as a participant or presenter should be declared and approved by the General Manager.

#### 4.5 Prizes

- a) Any gift or benefit (such as lucky door prizes or raffles) that is won as a result of engaging in official duties at an external event must be declared by completing the

## ITEM NUMBER 87/20 - ATTACHMENT 1

### Draft Gifts and Benefits Policy\_2020

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Gifts and Benefits Registration Form (Appendix 1), lodging it in Council's document management system and actioning it to Governance for inclusion in the Gifts Register.

- b) If Council has a business relationship with the organisation that provided the prize or has, or is likely to, exercise any of its regulatory powers in relation to that organisation, then the prize must be declined.
- c) If the prize is of more than token value (i.e. greater than \$30) then it must be declined.

#### 4.6 Competitions

Council Officials are prohibited from entering any competitions run by suppliers where eligibility to participate is dependent on being a customer of the supplier.

### 5. Mayor and Councillors

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The Mayor and Councillors may find themselves in situations where they are offered gifts and benefits by residents and other stakeholders or at community events. If the gifts or benefits offered are of more than token value (i.e. greater than \$30) they must be refused in accordance with the requirements of the Code of Conduct. If the gift has been sent to the Mayor or Councillors it should be returned with a letter of gratitude suggesting a list of charities to which the gift could be given instead.

### 6. Disposal of Gifts and Benefits

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Gifts which have been handed in to Governance by a Council Official will be disposed of by the Manager Governance by one of the following means and details recorded accordingly:

- returned to the giver;
- donated to a charity within the Burwood local government area;
- shared amongst staff; or
- retained and used as part of Council's operations.

### 7. Gifts Register

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Governance is responsible for maintaining a Gifts Register as a record of all gifts and benefits offered to Council Officials and any gift disposal arrangements. An up-to-date version of the Gifts Register is to be proactively released to the public via publication on the Council website.

### 8. Related Information / Glossary

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- Burwood Council Code of Conduct

### 9. Review

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Within the first 12 months of the term of each incoming Council.

### 10. Contact

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Manager Governance – Approval of gifts, policy advice and gift register - call 9911 9910

Internal Ombudsman – Reporting of a bribe or inducement – call 9911 9808

Appendix 1



**Burwood**  
Inc.1874

**GIFTS AND BENEFITS REGISTRATION FORM**

**NAME** \_\_\_\_\_

**DATE** \_\_\_\_\_

**POSITION** \_\_\_\_\_

Date Gift Received	Giver (Individual/Organisation)	Relationship to Council/Council Official	Description of gift/benefit	Estimated Value (\$)	Recipient's Signature	Manager's Signature

**ACTION** *(circle one)*

**Declined**

**Accepted and Surrendered**

**Accepted and Kept**

## **(ITEM 88/20) ADOPTION OF CODE OF CONDUCT AND PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT**

File No: 20/39919

REPORT BY GENERAL MANAGER

### **Summary**

The *Model Code of Conduct for Local Councils in NSW* (Model Code) and the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (Model Procedures) are prescribed under the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

On 14 August 2020, the NSW Office of Local Government (OLG) confirmed that amendments to both the Model Code and the Model Procedures had commenced that day under regulation. These amendments were foreshadowed a week earlier via publication of the amended instruments in the NSW Government Gazette and via a notice from the OLG to all councils. Councils are required to formally adopt the provisions of the Model Code and the Model Procedures as soon as practicable.

### **Operational Plan Objective**

2.1 Community confidence in Council decision-making

### **Background**

The Model Code sets out the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

All councils must adopt a code of conduct that is consistent with the Model Code. Burwood Council adopted the provisions of the previous Model Code and companion Model Procedures on 26 March 2019 as a single instrument.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person to which the Council code applies to must comply with the provisions of that code.

Breaches of a council code of conduct are to be dealt with in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*. All councils must adopt procedures for the administration of their codes of conduct that are consistent with the provisions of the Model Procedures.

This report recommends that the Burwood Code and Procedures be unbundled so that the updated versions are adopted as separate instruments in the same way as the model instruments are maintained by the OLG. Each serves quite distinct though related purposes. In practice, the Code targets a much wider audience thus making it particularly important to ensure that the critical messages in it are as easy to refer to and work with as possible.

## **Amendments - Procedures for the Administration of the Model Code of Conduct**

Consistent with the decision by the Supreme Court in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment [2019] NSWSC 1134.*, councils have the following options when taking disciplinary action against councillors for breaches of their codes of conduct under the new Procedures:

- that a councillor be formally censured for the breach under section 440G of the *Local Government Act 1993* (the Act), or
- that a councillor be formally censured for a breach under section 440G and the matter referred to OLG for further disciplinary action under the misconduct provisions of the Act.

The process for censuring councillors for breaches of their code of conduct has been significantly strengthened to ensure councillors are made publicly accountable to their electors for their conduct. When censuring a councillor, a council is required to specify in their resolution the grounds on which the councillor is being censured by disclosing the investigator's findings and determination plus any other grounds that the council considers may be relevant.

Councillors may seek to avoid public censure for breaches of the code of conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct, or to give undertakings not to repeat their conduct before the investigator finalises their report to the council. Investigators can finalise their investigations without a report to the council if they consider one or more of the foregoing to be an appropriate outcome to the matter they are investigating. However, it will remain open to each investigator to finalise their report and to recommend censure where they consider that this is warranted.

The process for referral by councils of code of conduct breaches by councillors to the OLG for further disciplinary action under the misconduct provisions of the Act has been streamlined. Investigators are required to consult with the OLG before recommending the referral of matters. This is to ensure that the conduct in question is sufficiently serious to warrant disciplinary action for misconduct and that there is sufficient evidence of a breach to allow the OLG to take further disciplinary action.

Other amendments have been made to the Model Procedures to:

- allow panels of conduct reviewers to be appointed without a resolution of the council, and
- allow the referral of investigators' reports to the OLG for action under the misconduct provisions of the Act where the council will not have a quorum to deal with the matter.

## **Amendments - Model Code of Conduct**

The Model Code has been amended to:

- remove as a breach, failure to comply with a council resolution requiring action in relation to a code of conduct breach (because it is now redundant)
- update the language used to describe the various heads of discrimination in clause 3.6 to reflect more contemporary standards
- include in the definition of council committee and council committee members, members of audit risk and improvement committees (ARICs) in anticipation of the commencement of the requirement for all councils to have an ARIC in place within a specified time frame following the next general election of NSW local government.

Amendments have also been made to the gifts and benefits provisions of the Model Code of Conduct in response to feedback from some councils. The amendments are:

- raise the \$50 cap on the value of gifts that may be accepted to \$100

- clarify that items with a value of \$10 or less are not “gifts or benefits” for the purposes of the Model Code of Conduct and do not need to be disclosed
- clarify that benefits and facilities provided by councils (as opposed to third parties) to staff and councillors are not “gifts or benefits” for the purposes of the Model Code of Conduct, and
- remove the cap on the value of meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties.

Burwood Council is not obliged to amend its code of conduct to raise the cap on the value of gifts that may be accepted if it does not wish to. It is open to councils to retain the existing \$50 cap or to impose another cap that is lower than \$100. It is proposed that the cap on the value of gifts that may be accepted by Council officials at Burwood Council is \$30. (See also the separate report on the proposed new Gifts and Benefits Policy in the business papers for the August meeting of Council.)

A comparison table provided to Burwood Council by Centium Consulting detailing the changes to the Code and Procedures appears as Attachment 3 to this report.

### **Consultation**

No general consultation has been undertaken as the changed provisions of the Model Code and Model Procedures commenced on 14 August 2020 - a week after notice was gazetted and confirmation advice was provided to councils by the OLG. The new provisions are already in force so they currently apply to Burwood Council.

### **Planning or Policy Implications**

No Planning or Policy implications.

### **Financial Implications**

No Financial implications.

### **Conclusion**

Council is obliged to embrace the new provisions of the amended Model Code and Model Procedures. The provisions of the new Model Code and Model Procedures took immediate effect under regulation on 14 August 2020. The amendments to the Model Procedures largely reflect existing practice following the Supreme Court’s decision and the OLG has taken the view that the amendments to the Model Code are minor in nature.

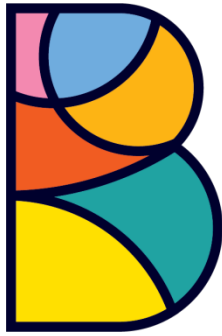
### **Recommendation**

That Council:

1. rescind the Code of Conduct and Procedures for the Administration of the Code of Conduct adopted by Council on 26 March 2019;
2. adopt Code of Conduct appearing as at Attachment 1 to this report;
3. adopt the Procedures for the Administration of the Code of Conduct appearing as Attachment 2 to this report; and
4. delegate authority to the General Manager to make minor administrative changes to the Burwood Council Code of Conduct and the Burwood Council Procedures for the Administration of the Code of Conduct.

**Attachments**

- 1 [↓](#) Draft Burwood Council Code of Conduct 2020
- 2 [↓](#) Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020
- 3 [↓](#) Centium comparison between 2018 & 2020 CoC & Procedures



**Burwood** Inc.1874

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

## CODE OF CONDUCT

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## TABLE OF CONTENTS

PART 1	INTRODUCTION	3
PART 2	DEFINITIONS	4
PART 3	GENERAL CONDUCT OBLIGATIONS	6
PART 4	PECUNIARY INTERESTS	9
PART 5	NON-PECUNIARY CONFLICTS OF INTEREST	15
PART 6	PERSONAL BENEFIT	19
PART 7	RELATIONSHIPS BETWEEN COUNCIL OFFICIALS	22
PART 8	ACCESS TO INFORMATION AND COUNCIL RESOURCES	24
PART 9	MAINTAINING THE INTEGRITY OF THIS CODE	28
SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21		30
SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21		36
SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37		39

## PART 1 INTRODUCTION

This *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”) is made under section 440 of the *Local Government Act 1993* (“LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”).

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council’s or joint organisation’s adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not “council officials” for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council’s or joint organisation’s adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council’s or joint organisation’s adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council’s adopted code of conduct applies to, must comply with the applicable provisions of their council’s code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council’s code of conduct may give rise to disciplinary action.

**Note:** References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

**Note:** In adopting the Model Code of Conduct, joint organisations should adapt it to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.

**Note:** In adopting the Model Code of Conduct, county councils should adapt it to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

## ITEM NUMBER 88/20 - ATTACHMENT 1

### Draft Burwood Council Code of Conduct 2020

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#### PART 2 DEFINITIONS

In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
(a)	complaint a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
(b)	
(c)	council includes county councils and joint organisations
(d)	
(e)	council committee a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council’s audit, risk and improvement committee
(f)	council committee
(g)	member a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council’s audit, risk and improvement committee
(h)	
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
(i)	designated person a person referred to in clause 4.8
(j)	
(k)	election campaign includes council, state and federal election campaigns
(l)	
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation

## ITEM NUMBER 88/20 - ATTACHMENT 1

### Draft Burwood Council Code of Conduct 2020

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joint organisation	a joint organisation established under section 400O of the LGA
LGA	<i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

## PART 3 GENERAL CONDUCT OBLIGATIONS

### General conduct

3.1 You must not conduct yourself in a manner that:

- a) is likely to bring the council or other council officials into disrepute
- b) is contrary to statutory requirements or the council's administrative requirements or policies
- c) is improper or unethical
- d) is an abuse of power
- e) causes, comprises or involves intimidation or verbal abuse
- f) involves the misuse of your position to obtain a private benefit
- g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.

3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (*section 439*).

### Fairness and equity

3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

### Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 3.7 For the purposes of this code, “harassment” is any form of behaviour towards a person that:
- a) is not wanted by the person
  - b) offends, humiliates or intimidates the person, and
  - c) creates a hostile environment.

### Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, “bullying behaviour” is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
  - b) the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
  - b) belittling or humiliating comments
  - c) spreading malicious rumours
  - d) teasing, practical jokes or ‘initiation ceremonies’
  - e) exclusion from work-related events
  - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
  - g) displaying offensive material
  - h) pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
  - b) disciplinary action for misconduct
  - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
  - d) directing a worker to perform duties in keeping with their job
  - e) maintaining reasonable workplace goals and standards
  - f) legitimately exercising a regulatory function
  - g) legitimately implementing a council policy or administrative processes.

### **Work health and safety**

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
  - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
  - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
  - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
  - e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
  - f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

### **Land use planning, development assessment and other regulatory functions**

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

### **Binding caucus votes**

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

### Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
  - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
  - c) deliberately seek to impede the consideration of business at a meeting.

## PART 4 PECUNIARY INTERESTS

### What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
  - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your “relative” is any of the following:
    - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - ii) your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).

## ITEM NUMBER 88/20 - ATTACHMENT 1

### Draft Burwood Council Code of Conduct 2020

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(b) “de facto partner” has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):

- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
- (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
- (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

#### **What interests do not have to be disclosed?**

4.6 You do not have to disclose the following interests for the purposes of this Part:

- (a) your interest as an elector
- (b) your interest as a ratepayer or person liable to pay a charge
- (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
- (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
- (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
  - (j)
    - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
    - ii) security for damage to footpaths or roads



## ITEM NUMBER 88/20 - ATTACHMENT 1

### Draft Burwood Council Code of Conduct 2020

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- iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
- (k) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
- (l) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
- (m) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
- (n) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- (o) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- (p) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

4.7 For the purposes of clause 4.6, “relative” has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

#### **What disclosures must be made by a designated person?**

4.8 Designated persons include:

- (a) the general manager
- (b) other senior staff of the council for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a member of staff or delegate and the person’s private interest
- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council’s functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member’s duty as a member of the committee and the member’s private interest.

4.9 A designated person:

- (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
- (b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person’s salary as a member of staff, or to their other conditions of employment.

## ITEM NUMBER 88/20 - ATTACHMENT 1

### Draft Burwood Council Code of Conduct 2020

---

- 4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

#### **What disclosures must be made by council staff other than designated persons?**

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

#### **What disclosures must be made by council advisers?**

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

#### **What disclosures must be made by a council committee member?**

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

#### **What disclosures must be made by a councillor?**

- 4.20 A councillor:
- (a) must prepare and submit written returns of interests in accordance with clause 4.21, and
  - (b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

#### **Disclosure of interests in written returns**

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
  - (b) 30 June of each year, and
  - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

## ITEM NUMBER 88/20 - ATTACHMENT 1

### Draft Burwood Council Code of Conduct 2020

---

- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
  - (b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

#### **Disclosure of pecuniary interests at meetings**

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
  - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
  - (b) a partner of, or in the employment of, a specified person.

## ITEM NUMBER 88/20 - ATTACHMENT 1

### Draft Burwood Council Code of Conduct 2020

---

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
    - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
  - (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
  - (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
  - (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
  - (b) that it is in the interests of the electors for the area to do so.

- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

## **PART 5 NON-PECUNIARY CONFLICTS OF INTEREST**

### **What is a non-pecuniary conflict of interest?**

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

### **Managing non-pecuniary conflicts of interest**

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or

## ITEM NUMBER 88/20 - ATTACHMENT 1

### Draft Burwood Council Code of Conduct 2020

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- another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
  - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

## Political donations

5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.

5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:

- a) made by a major political donor in the previous four years, and
- b) the major political donor has a matter before council,

you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.

5.17 For the purposes of this Part:

- a) a “reportable political donation” has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
- b) “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018*.

5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

## Loss of quorum as a result of compliance with this Part

5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:

- a) the matter is a proposal relating to:
  - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council’s area, or
  - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council’s area, and
- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person’s principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part

## ITEM NUMBER 88/20 - ATTACHMENT 1

### Draft Burwood Council Code of Conduct 2020

---

in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b) that it is in the interests of the electors for the area to do so.

5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

#### **Other business or employment**

5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.

5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.

5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.

5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.

5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:

- a) conflict with their official duties
- b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
- c) require them to work while on council duty
- d) discredit or disadvantage the council
- e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

#### **Personal dealings with council**

5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.



## PART 6 PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) items with a value of \$10 or less
  - b) a political donation for the purposes of the *Electoral Funding Act 2018*
  - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
  - d) a benefit or facility provided by the council to an employee or councillor
  - e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
  - f) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
    - i) the discussion of official business
    - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
    - iii) conferences
    - iv) council functions or events
    - v) social functions organised by groups, such as council committees and community organisations.

### Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

### How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
  - b) seek gifts or benefits of any kind
  - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
  - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
  - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
  - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
  - g) personally benefit from reward points programs when purchasing on behalf of the council.

## ITEM NUMBER 88/20 - ATTACHMENT 1

### Draft Burwood Council Code of Conduct 2020

---

- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
  - b) the estimated monetary value of the gift or benefit
  - c) the name of the person who provided the gift or benefit, and
  - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

#### **Gifts and benefits of token value**

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$30. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$30
  - b) gifts of alcohol that do not exceed a value of \$30
  - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
  - d) prizes or awards that do not exceed \$30 in value.

#### **Gifts and benefits of more than token value**

- 6.9 Gifts or benefits that exceed \$30 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$30, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$30 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

#### **“Cash-like gifts”**

- 6.13 For the purposes of clause 6.5(e), “cash-like gifts” include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

### **Improper and undue influence**

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

## **PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS**

### **Obligations of councillors and administrators**

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
  - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
  - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
  - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

### **Obligations of staff**

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

7.5 Members of staff of council must:

- a) give their attention to the business of the council while on duty
- b) ensure that their work is carried out ethically, efficiently, economically and effectively
- c) carry out reasonable and lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

### **Inappropriate interactions**

7.6 You must not engage in any of the following inappropriate interactions:

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

## **PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES**

### **Councillor and administrator access to information**

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

### **Councillors and administrators to properly examine and consider information**

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

### **Refusal of access to information**

- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

### **Use of certain council information**

- 8.9 In regard to information obtained in your capacity as a council official, you must:
  - a) subject to clause 8.14, only access council information needed for council business
  - b) not use that council information for private purposes

## ITEM NUMBER 88/20 - ATTACHMENT 1

### Draft Burwood Council Code of Conduct 2020

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- c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
- d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

#### Use and security of confidential information

8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

8.11 In addition to your general obligations relating to the use of council information, you must:

- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- b) protect confidential information
- c) only release confidential information if you have authority to do so
- d) only use confidential information for the purpose for which it is intended to be used
- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

#### Personal information

8.12 When dealing with personal information you must comply with:

- a) the *Privacy and Personal Information Protection Act 1998*
- b) the *Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government

#### Use of council resources

8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.

## ITEM NUMBER 88/20 - ATTACHMENT 1

### Draft Burwood Council Code of Conduct 2020

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- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
  - b) for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

#### Internet access

- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

#### Council record keeping

- 8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

#### Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.

- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

## **PART 9 MAINTAINING THE INTEGRITY OF THIS CODE**

### **Complaints made for an improper purpose**

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
  - b) to damage another council official's reputation
  - c) to obtain a political advantage
  - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
  - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
  - f) to avoid disciplinary action under the Procedures
  - g) to take reprisal action against a person for making a complaint alleging a breach of this code
  - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
  - i) to prevent or disrupt the effective administration of this code under the Procedures.

### **Detrimental action**

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
  - b) intimidation or harassment
  - c) discrimination, disadvantage or adverse treatment in relation to employment
  - d) dismissal from, or prejudice in, employment
  - e) disciplinary proceedings.

### **Compliance with requirements under the Procedures**

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.



## ITEM NUMBER 88/20 - ATTACHMENT 1

### Draft Burwood Council Code of Conduct 2020

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- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

#### **Disclosure of information about the consideration of a matter under the Procedures**

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

#### **Complaints alleging a breach of this Part**

- 9.14 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

**SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21**

**Part 1: Preliminary**

**Definitions**

1. For the purposes of the schedules to this code, the following definitions apply:

*address* means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

*de facto partner* has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

*disposition of property* means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

*gift* means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

*interest* means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

*listed company* means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

*occupation* includes trade, profession and vocation.

*professional or business association* means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

*property* includes money.

*return date* means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

*relative* includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

*travel* includes accommodation incidental to a journey.

## **Matters relating to the interests that must be included in returns**

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

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## **Part 2: Pecuniary interests to be disclosed in returns**

### **Real property**

5. A person making a return under clause 4.21 of this code must disclose:
  - a) the street address of each parcel of real property in which they had an interest on the return date, and
  - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
  - c) the nature of the interest.

## ITEM NUMBER 88/20 - ATTACHMENT 1

### Draft Burwood Council Code of Conduct 2020

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6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
  - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
  - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

### Gifts

9. A person making a return under clause 4.21 of this code must disclose:
  - a) a description of each gift received in the period since 30 June of the previous financial year, and
  - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
  - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
  - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - c) the donor was a relative of the donee, or
  - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

### Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
  - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
  - b) the dates on which the travel was undertaken, and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
  - a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
  - b) was made by a relative of the traveller, or
  - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
  - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or

## ITEM NUMBER 88/20 - ATTACHMENT 1

### Draft Burwood Council Code of Conduct 2020

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- e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
- f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
- g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.

14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

#### Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:

- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
- b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
- c) the nature of the interest, or the position held, in each of the corporations, and
- d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.

16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:

- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
- b) required to apply its profits or other income in promoting its objects, and
- c) prohibited from paying any dividend to its members.

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.

18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

#### Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

*close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

*property developer* has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

#### Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:

- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and

## ITEM NUMBER 88/20 - ATTACHMENT 1

### Draft Burwood Council Code of Conduct 2020

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- b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
- c) a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

#### Dispositions of real property

A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

24. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

#### Sources of income

25. A person making a return under clause 4.21 of this code must disclose:

- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
- b) each source of income received by the person in the period since 30 June of the previous financial year.

26. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:

- a) in relation to income from an occupation of the person:
  - (i) a description of the occupation, and
  - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
  - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
- b) in relation to income from a trust, the name and address of the settlor and the trustee, or
- c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

27. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.

28. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.

29. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

## Debts

30. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
  - b) at any time in the period since 30 June of the previous financial year.
31. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
32. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
    - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
    - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
  - b) the person was liable to pay the debt to a relative, or
  - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
  - d) in the case of a debt arising from the supply of goods or services:
    - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
    - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
  - e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

## Discretionary disclosures

33. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

**SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21**

**‘Disclosures by councillors and designated persons’ return**

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word “NIL” is to be placed in an appropriate space under that heading.

**Important information**

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously



ITEM NUMBER 88/20 - ATTACHMENT 1

Draft Burwood Council Code of Conduct 2020

failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by *[full name of councillor or designated person]*

as at *[return date]*

in respect of the period from *[date]* to *[date]*

*[councillor's or designated person's signature]*

*[date]*

A. Real Property

Street address of each parcel of real property in which I had an interest at Nature of interest the return date/at any time since 30 June

B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
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2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee
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3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

*[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]*

C. Gifts

Description of each gift I received at any time since 30 June Name and address of donor

D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
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E. Interests and positions in corporations

Name and address of each corporation in which I had an interest (if any) or held a position at the return	Nature of interest	Description of position (if any)	Description of principal objects (if any) of corporation
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**ITEM NUMBER 88/20 - ATTACHMENT 1**

**Draft Burwood Council Code of Conduct 2020**

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date/at any time since 30 June

(except in case of  
listed company)

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F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

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G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position

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H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

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I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

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2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

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J. Discretionary disclosures

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**SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37**

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

**Important information**

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

**ITEM NUMBER 88/20 - ATTACHMENT 1**

**Draft Burwood Council Code of Conduct 2020**

Special disclosure of pecuniary interests by [full name of councillor]

in the matter of [insert name of environmental planning instrument]

which is to be considered at a meeting of the [name of council or council committee (as the case requires)]

to be held on the                      day of                      20                      .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor [Tick or cross one box.]	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest <sup>1</sup>	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) <sup>2</sup> [Tick or cross one box]	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on councillor or associated person [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	

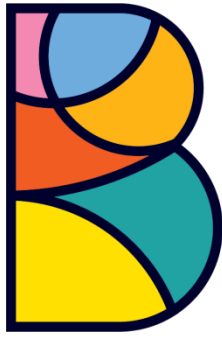
[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

<sup>1</sup> Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.  
<sup>2</sup> A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.



**Burwood** Inc.1874

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

## PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

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## TABLE OF CONTENTS

PART 1	INTRODUCTION	3
PART 2	DEFINITIONS	3
PART 3	ADMINISTRATIVE FRAMEWORK	5
PART 4	HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?	7
PART 5	HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?	8
PART 6	PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT REVIEWERS	14
PART 7	INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER	18
PART 8	OVERSIGHT AND RIGHTS OF REVIEW	23
PART 9	PROCEDURAL IRREGULARITIES	25
PART 10	PRACTICE DIRECTIONS	25
PART 11	REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL MANAGER	26
PART 12	CONFIDENTIALITY	26

## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

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#### PART 1 INTRODUCTION

These procedures (“the Model Code Procedures”) are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”).

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* (“the LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: References in these procedures to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code Procedures, joint organisations should adapt them to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.

Note: In adopting the Model Code Procedures, county councils should adapt them to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.

#### PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager

## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

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council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures



## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

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wholly advisory  
committee

a council committee that the council has not delegated any  
functions to

## PART 3 ADMINISTRATIVE FRAMEWORK

### The establishment of a panel of conduct reviewers

- 3.1 The council must establish a panel of conduct reviewers.
- 3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
  - a) an understanding of local government, and
  - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
  - c) knowledge and experience of one or more of the following:
    - i) investigations
    - ii) law
    - iii) public administration
    - iv) public sector ethics
    - v) alternative dispute resolution, and
  - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
  - a) a councillor, or
  - b) a nominee for election as a councillor, or
  - c) an administrator, or
  - d) an employee of a council, or
  - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.

## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

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- 3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

#### **The appointment of an internal ombudsman to a panel of conduct reviewers**

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

#### **The appointment of complaints coordinators**

- 3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19 The general manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.21 The role of the complaints coordinator is to:

## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

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- a) coordinate the management of complaints made under the council's code of conduct
- b) liaise with and provide administrative support to a conduct reviewer
- c) liaise with the Office, and
- d) arrange the annual reporting of code of conduct complaints statistics.

#### **PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?**

##### **What is a code of conduct complaint?**

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
  - a) complaints about the standard or level of service provided by the council or a council official
  - b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
  - c) complaints about the policies or procedures of the council
  - d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

##### **When must a code of conduct complaint be made?**

- 4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint about the general manager, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

##### **How may a code of conduct complaint about a council official other than the general manager be made?**

- 4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

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- 4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

#### **How may a code of conduct complaint about the general manager be made?**

- 4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.
- 4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

## **PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?**

### **Delegation by general managers and mayors of their functions under this Part**

- 5.1 A general manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the general manager or mayor are also to be taken to be references to their delegates.

### **Consideration of complaints by general managers and mayors**

- 5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

### **What complaints may be declined at the outset?**

- 5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- is not a code of conduct complaint, or
  - subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
  - is trivial, frivolous, vexatious or not made in good faith, or
  - relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or

## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

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- e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

#### **How are code of conduct complaints about staff (other than the general manager) to be dealt with?**

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

#### **How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?**

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.

## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

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- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
  - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
  - c) prosecution for any breach of the law
  - d) removing or restricting the person's delegation
  - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
  - b) the person must be given an opportunity to respond to the allegation, and
  - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

#### **How are code of conduct complaints about administrators to be dealt with?**

- 5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The general manager must notify the complainant of the referral of their complaint in writing.

#### **How are code of conduct complaints about councillors to be dealt with?**

- 5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct

## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

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- b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
- c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
- d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

- 5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.
- 5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

#### **How are code of conduct complaints about the general manager to be dealt with?**

- 5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.

## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

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- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

#### **How are complaints about both the general manager and the mayor to be dealt with?**

- 5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:
- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
  - b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

#### **Referral of code of conduct complaints to external agencies**

- 5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

#### **Disclosure of the identity of complainants**

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:



## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

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- a) the complainant consents in writing to the disclosure, or
- b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
- c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
- d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
- e) it is otherwise in the public interest to do so.

5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.

5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.

5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.

5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

#### **Code of conduct complaints made as public interest disclosures**

5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

#### **Special complaints management arrangements**

5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.

## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

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- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
  - b) impeded or disrupted the effective administration by the council of its code of conduct, or
  - c) impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
  - b) the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

## **PART 6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT REVIEWERS**

### **Referral of code of conduct complaints about councillors or the general manager to conduct reviewers**

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or

## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

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- b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interest in relation to the matter referred to them, or
  - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
  - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
  - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
  - b) comply with a lawful and reasonable request by the complaints coordinator, or
  - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their

## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

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decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

#### **Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer**

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
  - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - d) to refer the matter to an external agency
  - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

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- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
  - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and
  - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
  - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
  - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
  - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

#### **Referral back to the general manager or mayor for resolution**

- 6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

### Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
  - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
  - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
  - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
  - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
  - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
  - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
  - i) any previous proven breaches of the council's code of conduct
  - j) whether the conduct complained of forms part of an ongoing pattern of behaviour
  - k) whether there were mitigating circumstances giving rise to the conduct complained of
  - l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
  - m) the significance of the conduct or the impact of the conduct for the council
  - n) how much time has passed since the alleged conduct occurred
  - o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

## **PART 7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER**

### What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.
- 7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

### How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:

## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

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- a) disclose the substance of the allegations against the respondent, and
- b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
- c) advise of the process to be followed in investigating the matter, and
- d) advise the respondent of the requirement to maintain confidentiality, and
- e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
- f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.

7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.

7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.

7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.

7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:

- a) advise them of the matter the investigator is investigating, and
- b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
- c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

#### Written and oral submissions

7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.

7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.

7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.

7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.

7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal

## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

---

adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.

- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

#### **How are investigations to be conducted?**

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

#### **Referral or resolution of a matter after the commencement of an investigation**

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
  - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
  - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.



## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

---

7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

#### Draft investigation reports

7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.

7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.

7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.

7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.

7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.

7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

#### Final investigation reports

7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.

7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

7.35 The investigator's final report must:

- a) make findings of fact in relation to the matter investigated, and,
- b) make a determination that the conduct investigated either,
  - i. constitutes a breach of the code of conduct, or
  - ii. does not constitute a breach of the code of conduct, and
- c) provide reasons for the determination.

7.36 At a minimum, the investigator's final report must contain the following information:

## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

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- a) a description of the allegations against the respondent
- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
- c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
- d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
- e) a description of any attempts made to resolve the matter by use of alternative means
- f) the steps taken to investigate the matter
- g) the facts of the matter
- h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- i) the investigator's determination and the reasons for that determination
- j) any recommendations.

7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:

- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
- b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
- c) in the case of a breach by a councillor, that the council resolves as follows:
  - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
  - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.

7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:

- a) that the council revise any of its policies, practices or procedures
- b) that a person or persons undertake any training or other education.

7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.

7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:

- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- b) the investigator's determination and the reasons for that determination
- c) any recommendations, and
- d) such other additional information that the investigator considers may be relevant.

## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

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- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.
- 7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

#### **Consideration of the final investigation report by council**

- 7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
  - b) seek an opinion from the Office in relation to the report.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.

## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

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- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
  - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
  - c) in the case of a breach by a councillor:
    - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
    - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.
- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

## **PART 8 OVERSIGHT AND RIGHTS OF REVIEW**

### **The Office's powers of review**

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

### **Complaints about conduct reviewers**

- 8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.

## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

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- 8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

#### Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

#### Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
  - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
  - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.

## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

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- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
  - b) the council must:
    - i. review its decision to impose the sanction, and
    - ii. consider the Office's recommendation in doing so, and
    - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

## **PART 9 PROCEDURAL IRREGULARITIES**

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
- a) the non-compliance is isolated and/or minor in nature, or
  - b) reasonable steps are taken to correct the non-compliance, or
  - c) reasonable steps are taken to address the consequences of the non-compliance.

## **PART 10 PRACTICE DIRECTIONS**

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

## **PART 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL MANAGER**

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

## ITEM NUMBER 88/20 - ATTACHMENT 2

### Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020

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- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
- b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
- d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.

11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

## PART 12 CONFIDENTIALITY

12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.

12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the general manager or their delegate, and consider any submission made by them.

12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.

12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:

- a) the complainant
- b) the complaints coordinator
- c) the Office, and
- d) any other person the general manager or their delegate considers should be notified of the determination.

12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.

**ITEM NUMBER 88/20 - ATTACHMENT 2**

**Draft Burwood Council Procedures for the Administration of the Code of Conduct 2020**

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- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.





**COMPARISON BETWEEN THE  
2018 AND 2020 MODEL CODE OF  
CONDUCT AND THE PROCEDURES  
FOR THE ADMINISTRATION OF THE  
MODEL CODE OF CONDUCT**



August 2020

**MODEL CODE OF CONDUCT**

<b>PART, CLAUSE</b>	<b>2018 CODE</b>	<b>2020 CODE</b>	<b>CHANGES TO BE IMPLEMENTED</b>
<b>Part 3. General Conduct Obligations</b>  <b>3.6 Harassment and discrimination</b>	3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.	3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.	3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of <b>age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, breastfeeding, face, age, marital or domestic status, homosexuality, disability, transgender relationship status, infectious disease, carer's family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status</b> or political, religious or other affiliation.
<b>Part 3. General Conduct Obligations</b>	WHS Act	WHS Act	WHS Act
<b>3.12 Work Health &amp; Safety section</b>	Non-pecuniary	Nonpecuniary	Non-pecuniary [remove dash]
<b>Part 4. Pecuniary Conflicts of Interest</b>	Non-profit	Nonprofit	Non-profit [remove dash]
<b>Part 5. Non Pecuniary Conflicts of Interest</b>			



PART, CLAUSE	2018 CODE	2020 CODE	CHANGES TO BE IMPLEMENTED
Part 6. Personal Benefit	<p>6.2 A reference to a gift or benefit in this Part does not include:</p> <ul style="list-style-type: none"> <li>a) a political donation for the purposes of the <i>Electoral Funding Act 2018</i></li> <li>b) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them</li> <li>c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or</li> <li>d) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to.....</li> </ul>	<p>6.2 A reference to a gift or benefit in this Part does not include:</p> <ul style="list-style-type: none"> <li>a) items with a value of \$10 or less</li> <li>b) a political donation for the purposes of the <i>Electoral Funding Act 2018</i></li> <li>c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them</li> <li>d) a benefit or facility provided by the council to an employee or councillor</li> <li>e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or</li> <li>f) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to.....</li> </ul>	<p>6.2 A reference to a gift or benefit in this Part does not include: A reference to a gift or benefit in this Part does not include:</p> <ul style="list-style-type: none"> <li>a) <b>items with a value of \$10 or less</b></li> <li>b) a political donation for the purposes of the <i>Electoral Funding Act 2018</i></li> <li>c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them</li> <li>d) <b>a benefit or facility provided by the council to an employee or councillor</b></li> <li>e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or</li> <li>f) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to.....</li> </ul>



PART, CLAUSE	2018 CODE	2020 CODE	CHANGES TO BE IMPLEMENTED
<p><b>Part 6. Personal Benefit</b></p> <p><b>Gifts and Benefits of token value</b></p>	<p>6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:</p> <ul style="list-style-type: none"> <li>a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50</li> <li>b) gifts of alcohol that do not exceed a value of \$50</li> <li>c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like</li> <li>d) prizes or awards that do not exceed \$50 in value.</li> </ul>	<p>6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:</p> <ul style="list-style-type: none"> <li>a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100</li> <li>b) gifts of alcohol that do not exceed a value of \$100</li> <li>c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like</li> <li>d) prizes or awards that do not exceed \$100 in value.</li> </ul>	<p>6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of <b>\$50,100</b>. They include, but are not limited to:</p> <ul style="list-style-type: none"> <li>a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed <b>\$50,100</b></li> <li>b) gifts of alcohol that do not exceed a value of <b>\$50,100</b></li> <li>c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like</li> <li>d) prizes or awards that do not exceed <b>\$50,100</b> in value.</li> </ul>
<p><b>Part 6. Personal Benefit</b></p> <p><b>Gifts and Benefits of more than token value</b></p>	<p>6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.</p> <p>6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use</p>	<p>6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.</p> <p>6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the</p>	<p>6.9 Gifts or benefits that exceed \$50,100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.</p> <p>6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50,100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the</p>



PART, CLAUSE	2018 CODE	2020 CODE	CHANGES TO BE IMPLEMENTED
	<p>6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.</p>	<p>6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.</p>	<p>6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 <del>100</del> in value.</p>
<p><b>Part 6. Personal Benefit</b></p> <p><b>“Cash-like gifts”</b></p>	<p>6.13 For the purposes of clause 6.5(e), “cash-like gifts...”</p>	<p>6.13 For the purposes of clause 6.5(e), “cashlike gifts...”</p>	<p>6.13 For the purposes of clause 6.5(e), “cash-like <b>cashlike</b> gifts...”</p>
<p><b>Part. 6 Relationship between council officials</b></p> <p><b>Inappropriate Interactions</b></p>	<p>76 e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting</p>	<p>76 e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting</p>	<p>76 e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor <b>or administrator</b> has a right to be heard by the panel at the meeting</p>
<p><b>Part 9. Maintaining the Integrity of this Code</b></p> <p><b>Compliance with requirements under the Procedures</b></p>	<p>9.9 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.</p>	<p>[removed]</p>	<p>9.9 <del>Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.</del></p>



<b>PART, CLAUSE</b>	<b>2018 CODE</b>	<b>2020 CODE</b>	<b>CHANGES TO BE IMPLEMENTED</b>
<b>Part 9. Maintaining the Integrity of this Code</b> <b>Disclosure of Information about the consideration of a matter under the Procedures</b>	9.13 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.	9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.	9.12 You must not disclose information about a complaint you have made alleging a breach of this code or a <b>any other</b> matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

**PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT**

<b>PART, CLAUSE</b>	<b>2018 PROCEDURES</b>	<b>2020 PROCEDURES</b>	<b>CHANGES TO BE IMPLEMENTED</b>
<b>Part 3. Administrative Framework</b> <b>The establishment of a panel of conduct reviewers</b>	3.1 The council must by resolution establish a panel of conduct reviewers.  3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.  3.10 The council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.	3.1 The council must establish a panel of conduct reviewers.  3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.  3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.	3.1 The council must by resolution establish a panel of conduct reviewers.  3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.  3.10 The council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.



PART, CLAUSE	2018 PROCEDURES	2020 PROCEDURES	CHANGES TO BE IMPLEMENTED
<p><b>Part 4. How may Code of Conduct complaints be made?</b></p> <p><b>When must a code of conduct complaint be made?</b></p>	<p>4.4 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.</p>	<p>4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within 3 months of the complainant becoming aware of the alleged conduct.</p>	<p>4.4 A code of conduct complaint must be made within <b>three 3</b> months of the alleged conduct occurring or within <b>three 3</b> months of the complainant becoming aware of the alleged conduct.</p>
<p><b>Part 6. Preliminary assessment</b></p>	<p>6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:                      a) a panel of conduct reviewers established by the council, or                      b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Office.</p>	<p>6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:                      a) a panel of conduct reviewers established by the council, or                      b) a panel of conduct reviewers established by an organisation approved by the Office.</p>	<p>6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:                      a) a panel of conduct reviewers established by the council, or                      b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Office.</p>
<p><b>Part 6. Preliminary assessment</b></p> <p><b>Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer</b></p>	<p>6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:                      a) that the complaint is a code of conduct complaint for the purposes of these procedures, and                      b) that the alleged conduct is sufficiently serious to warrant investigation, and                      c) that the matter is one that could not or should not be resolved by alternative means.</p>	<p>6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:                      a) that the complaint is a code of conduct complaint for the purposes of these procedures, and                      b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and                      c) that the matter is one that could not or should not be resolved by alternative means.</p>	<p>6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:                      a) that the complaint is a code of conduct complaint for the purposes of these procedures, and                      b) that the alleged conduct is sufficiently serious to warrant investigation <b>the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven</b>, and                      c) that the matter is one that could not or should not be resolved by alternative means.</p>

PART, CLAUSE	2018 PROCEDURES	2020 PROCEDURES	CHANGES TO BE IMPLEMENTED
	<p>6.23 In determining whether a matter is sufficiently serious to warrant investigation, the conduct reviewer is to consider the following...</p>	<p>6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following...</p>	<p>6.23 In determining whether a matter is sufficiently serious to warrant investigation <b>formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment</b>, the conduct reviewer is to consider the following...</p>
<p><b>Part 7. Investigations</b> <b>What matters may a conduct reviewer investigate?</b></p>	<p>7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.</p>	<p>7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.</p>	<p>7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or <b>do not</b> arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.</p>
<p><b>Part 7. Investigations</b> <b>How are investigations to be commenced?</b></p>	<p>7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must: e) invite the respondent to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice, and....</p>	<p>7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must: e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and....</p>	<p>7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must: e) invite the respondent to make a written submission in relation to the matter within at least <b>a period of not less than 14 days or such other period</b> specified by the investigator in the notice, and....</p>



PART, CLAUSE	2018 PROCEDURES	2020 PROCEDURES	CHANGES TO BE IMPLEMENTED
	<p>7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least 14 days or such other period specified by the investigator in the amended notice.</p>	<p>7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.</p>	<p>7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least <b>a period of not less than 14 days</b> or such other period specified by the investigator in the amended notice</p>
	<p>7.8 The notice must:</p> <ul style="list-style-type: none"> <li>a) advise them of the matter the investigator is investigating, and</li> <li>b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and</li> <li>c) invite the complainant to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice.</li> </ul>	<p>7.8 The notice must:</p> <ul style="list-style-type: none"> <li>a) advise them of the matter the investigator is investigating, and</li> <li>b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and</li> <li>c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.</li> </ul>	<p>7.8 The notice must:</p> <ul style="list-style-type: none"> <li>a) advise them of the matter the investigator is investigating, and</li> <li>b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and</li> <li>c) invite the complainant to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice</li> </ul> <p><b>written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.</b></p>
Part 7. Investigation	7.20	7.20	7.20
Referral or resolution of a matter after the commencement of an investigation	At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to....	At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to....	At any time after an investigator has issued a notice of investigation and before they have issued a draft <b>their final</b> report, an investigator may determine to....

PART, CLAUSE	2018 PROCEDURES	2020 PROCEDURES	CHANGES TO BE IMPLEMENTED
<p><b>Part 7. Investigation</b></p> <p><b>Draft Investigation reports</b></p>	<p>7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.</p> <p>7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.</p>	<p>7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.</p> <p>7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.</p>	<p>7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within at least <b>a period of not less than 14 days or such other period</b> specified by the investigator.</p> <p>7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within <b>at least a period of not less than 14 days or such other period</b> specified by the investigator.</p>
<p><b>Part 7. Investigation</b></p> <p><b>Final Investigation reports</b></p>	<p>7.36 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:</p> <ul style="list-style-type: none"> <li>a) that the council revise any of its policies, practices or procedures</li> <li>b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach</li> <li>c) that the respondent be counselled for their conduct</li> <li>d) that the respondent be removed from membership of a committee of the council or any other body or organisation that the</li> </ul>	<p>[removed]</p>	<p>7.36 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:</p> <ul style="list-style-type: none"> <li>a) <del>that the council revise any of its policies, practices or procedures</del></li> <li>b) <del>that the respondent undertake any training or other education relevant to the conduct giving rise to the breach</del></li> <li>c) <del>that the respondent be counselled for their conduct</del></li> <li>d) <del>that the respondent be removed from membership of a committee of the council or any other body or organisation</del></li> </ul>

PART, CLAUSE	2018 PROCEDURES	2020 PROCEDURES	CHANGES TO BE IMPLEMENTED
	<p>respondent serves on as the council's representative</p> <p>e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation</p> <p>f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation</p> <p>g) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the council meeting at which the matter is considered</p> <p>h) in the case of a breach by the general manager, that action be taken under the general manager's contract</p> <p>i) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA</p> <p>j) in the case of a breach by a councillor, that the council resolves as follows:</p> <p>i) that the councillor be formally censured for the breach under section 440G of the LGA, and</p> <p>ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.</p> <p>7.37 Where the investigator determines that the conduct investigated does not</p>		<p>that the respondent serves on as the council's representative</p> <p>e) <del>that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation</del></p> <p>f) <del>that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation</del></p> <p>g) <del>that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the council meeting at which the matter is considered</del></p> <p>h) <del>in the case of a breach by the general manager, that action be taken under the general manager's contract</del></p> <p>i) <del>in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA</del></p> <p>j) <del>in the case of a breach by a councillor, that the council resolves as follows:</del></p> <p>i) <del>that the councillor be formally censured for the breach under section 440G of the LGA, and</del></p> <p>ii) <del>that the matter be referred to the Office for further action under the</del></p>





PART, CLAUSE	2018 PROCEDURES	2020 PROCEDURES	CHANGES TO BE IMPLEMENTED
	<p>constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:</p> <ul style="list-style-type: none"> <li>a) that the council revise any of its policies, practices or procedures</li> <li>b) that a person or persons undertake any training or other education.</li> </ul> <p>7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:</p> <ul style="list-style-type: none"> <li>a) the seriousness of the breach</li> <li>b) whether the breach can be easily remedied or rectified</li> <li>c) whether the respondent has remedied or rectified their conduct</li> <li>d) whether the respondent has expressed contrition</li> <li>e) whether there were any mitigating circumstances</li> <li>f) the age, physical or mental health or special infirmity of the respondent</li> <li>g) whether the breach is technical or trivial only</li> <li>h) any previous proven breaches</li> <li>i) whether the breach forms part of an ongoing pattern of behaviour</li> <li>j) the degree of reckless intention or negligence of the respondent</li> <li>k) the extent to which the breach has affected other parties or the council as a whole</li> <li>l) the harm or potential harm to the reputation of the council or local government in general arising from the conduct</li> </ul>		<p><del>7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:</del></p> <ul style="list-style-type: none"> <li><del>a) that the council revise any of its policies, practices or procedures</del></li> <li><del>b) that a person or persons undertake any training or other education.</del></li> </ul> <p><del>7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:</del></p> <ul style="list-style-type: none"> <li><del>a) the seriousness of the breach</del></li> <li><del>b) whether the breach can be easily remedied or rectified</del></li> <li><del>c) whether the respondent has remedied or rectified their conduct</del></li> <li><del>d) whether the respondent has expressed contrition</del></li> <li><del>e) whether there were any mitigating circumstances</del></li> <li><del>f) the age, physical or mental health or special infirmity of the respondent</del></li> <li><del>g) whether the breach is technical or trivial only</del></li> <li><del>h) any previous proven breaches</del></li> <li><del>i) whether the breach forms part of an ongoing pattern of behaviour</del></li> <li><del>j) the degree of reckless intention or negligence of the respondent</del></li> </ul> <p>miscconduct provisions of the LGA.</p>

PART, CLAUSE	2018 PROCEDURES	2020 PROCEDURES	CHANGES TO BE IMPLEMENTED
	<p>m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny</p> <p>n) whether an educative approach would be more appropriate than a punitive one</p> <p>o) the relative costs and benefits of taking formal disciplinary action as opposed to taking no action or taking informal action</p> <p>p) what action or remedy would be in the public interest.</p> <p>7.39 Where the investigator proposes to make a recommendation under clause 7.36(f), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.</p>		<p><del>k) the extent to which the breach has affected other parties or the council as a whole</del></p> <p><del>l) the harm or potential harm to the reputation of the council or local government in general arising from the conduct</del></p> <p><del>m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny</del></p> <p><del>n) whether an educative approach would be more appropriate than a punitive one</del></p> <p><del>o) the relative costs and benefits of taking formal disciplinary action as opposed to taking no action or taking informal action</del></p> <p><del>p) what action or remedy would be in the public interest.</del></p> <p>7.39 Where the investigator proposes to make a recommendation under clause 7.36(f), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.</p>





		<p><b>7.37</b> Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:</p> <ul style="list-style-type: none"> <li>a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or</li> <li>b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or</li> <li>c) in the case of a breach by a councillor, that the council resolves as follows:             <ul style="list-style-type: none"> <li>i) that the councillor be formally censured for the breach under section 440G of the LGA, and</li> <li>ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.</li> </ul> </li> </ul>	<p><b>7.37</b> Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:</p> <ul style="list-style-type: none"> <li>a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or</li> <li>b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or</li> <li>c) in the case of a breach by a councillor, that the council resolves as follows:             <ul style="list-style-type: none"> <li>i) that the councillor be formally censured for the breach under section 440G of the LGA, and</li> <li>ii) that the matter be referred to the Office for further action under the provisions of the LGA.</li> </ul> </li> </ul>
	<p><b>7.38</b> Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.</p>	<p><b>7.38</b> Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must</p>	

PART , CLAUSE	2018 PROCEDURES	2020 PROCEDURES	CHANGES TO BE IMPLEMENTED
	<p>7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendations, the general manager is responsible for implementing the recommendations.</p>	<p>7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.</p> <p>7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:</p> <ul style="list-style-type: none"> <li>a) that the council revise any of its policies, practices or procedures</li> <li>b) that a person or persons undertake any training or other education.</li> </ul>	<p><b>Take any comments by the Office into consideration when finalising their report.</b></p> <p><b>7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.</b></p> <p><b>7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:</b></p> <ul style="list-style-type: none"> <li><b>a) that the council revise any of its policies, practices or procedures</b></li> <li><b>b) that a person or persons undertake any training or other education.</b></li> </ul>
	<p>7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendations, the general manager is responsible for implementing the recommendations.</p>	<p>7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation [this merges into the next changes as per the row below]</p>	<p>7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendations, the general manager is responsible for implementing the recommendations.</p>



PART, CLAUSE	2018 PROCEDURES	2020 PROCEDURES	CHANGES TO BE IMPLEMENTED
	<p><b>7.45</b> Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.</p>		<p>Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.</p>
	<p><b>7.46</b> Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)), the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local</p>	<p><b>7.44</b> [see row above]...under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.</p>	<p><b>7.44</b> Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)) <b>under clause 7.37</b>, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's</p>





PART, CLAUSE	2018 PROCEDURES	2020 PROCEDURES	CHANGES TO BE IMPLEMENTED
	government election, in which case the report must be reported to the first ordinary council meeting following the election.		consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.
		7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.	7.45 <b>Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.</b>
<b>Part 7. Investigation</b>  <b>Consideration of the final report by council</b>	7.47 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.36, paragraphs (d) to (j) (Whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).	7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.	7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)). <b>37</b>
	7.50 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.	7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to	7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to



PART, CLAUSE	2018 PROCEDURES	2020 PROCEDURES	CHANGES TO BE IMPLEMENTED
	<p>7.59 A council may by resolution impose one or more of the following sanctions on a respondent:</p> <ul style="list-style-type: none"> <li>a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach</li> <li>b) that the respondent be counselled for their conduct</li> <li>c) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative</li> <li>d) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution</li> <li>e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution</li> <li>f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting</li> <li>a) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach</li> <li>b) in the case of a breach by a councillor, that the councillor be formally censured for the breach</li> </ul>	<p>7.58 A council may by resolution impose one of the following sanctions on a respondent:</p> <ul style="list-style-type: none"> <li>a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or</li> <li>b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or</li> <li>c) in the case of a breach by a councillor:                         <ul style="list-style-type: none"> <li>i) that the councillor be formally censured for the breach under section 440G of the LGA, and</li> <li>ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.</li> </ul> </li> </ul>	<p>7.58 A council may by resolution impose one or more of the following sanctions on a respondent:</p> <ul style="list-style-type: none"> <li>a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach</li> <li>b) that the respondent be counselled for their conduct</li> <li>c) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative</li> <li>d) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution</li> <li>e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution</li> <li>f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting</li> <li>a) in the case of a breach by the general manager, that <b>disciplinary</b> action be taken under the general manager's contract <b>of employment</b> for the breach, <b>or</b></li> <li>b) in the case of a breach by a councillor, that the councillor</li> </ul>



PART, CLAUSE	2018 PROCEDURES	2020 PROCEDURES	CHANGES TO BE IMPLEMENTED
	<p>under section 440G of the LGA, or c) in the case of a breach by a councillor: i) that the councillor be formally censured for the breach under section 440G of the LGA, and ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.</p>	<p>7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.</p>	<p>7.59 <b>Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.</b></p>
	<p>7.60 The council is not obliged to adopt the investigator's recommendations. Where the council proposes not to adopt one or more of the investigator's recommendations, the council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.  7.61 Where the council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the</p>	<p>7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.  7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints</p>	<p>7.60 The council is not obliged to adopt the investigator's recommendations. Where the council proposes not to adopt one or more of the investigator's recommendations, the council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.  <del>Where the council proposes to impose a sanction on the respondent under clause</del></p>



PART, CLAUSE	2018 PROCEDURES	2020 PROCEDURES	CHANGES TO BE IMPLEMENTED
	<p>Investigator in their final report, the council must state in its resolution the reasons for its decision.</p> <p>7.62 Where the council resolves not to adopt the investigator's recommendations or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, the complaints coordinator must notify the Office of the council's decision and the reasons for it.</p>	<p>coordinator must notify the Office of the council's decision and the reasons for it.</p>	<p><del>7.59 that is different to the sanction recommended by the investigator in their final report, the council must state in its resolution the reasons for its decision.</del></p> <p>7.61 Where the council resolves not to adopt the investigator's recommendations or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, the complaints coordinator must notify the Office of the council's decision and the reasons for it.</p>
<p><b>Part 8. Oversight and rights of review</b></p> <p><b>Review of decisions to make sanctions</b></p>	<p>8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.59, paragraph (f), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.</p> <p>8.20 In the case of a sanction implemented by the general manager or mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:</p> <ul style="list-style-type: none"> <li>a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the general manager or the mayor, and</li> <li>b) the general manager or mayor must review any action taken by them to implement the sanction, and</li> </ul>	<p>8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.</p> <p>8.19 Where the Office recommends that the decision to impose a sanction be reviewed:.....</p>	<p>8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.59<b>58</b>, paragraph (e), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.</p> <p>8.19 In the case of a sanction implemented by the general manager or mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:</p> <ul style="list-style-type: none"> <li>a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the general manager or the mayor, and</li> <li>b) the general manager or mayor must review any action taken by them to implement the sanction, and</li> </ul>



PART, CLAUSE	2018 PROCEDURES	2020 PROCEDURES	CHANGES TO BE IMPLEMENTED
	<p>c) the general manager or mayor must consider the Office's recommendation in doing so.</p> <p>8.21 In the case of a sanction imposed by the council by resolution under clause 7.59, where the Office recommends that the decision to impose a sanction be reviewed:.....</p>		<p><del>e)</del> the general manager or mayor must consider the Office's recommendation in doing so.</p> <p>In the case of a sanction imposed by the council by resolution under clause 7.59, where <b>Where</b> the Office recommends that the decision to impose a sanction be reviewed:.....</p>
	<p>8.22 Where, having reviewed its previous decision in relation to a matter under clause 8.21, the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.</p>	<p>8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.</p>	<p>8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.21<b>9(b)</b>, the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.</p>
<p><b>Part 12. Confidentiality</b></p>	<p>12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within at least 14 days or such other period specified by the general manager or their delegate, and consider any submission made by them.</p>	<p>12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the general manager or their delegate, and consider any submission made by them.</p>	<p>12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within <b>at least a period of not less than 14 days or such other period</b> specified by the general manager or their delegate, and consider any submission made by them.</p>

**Local Government Act 1993**

**440G Formal censure of councillor for misconduct**

- (1) A council may by resolution at a meeting formally censure a councillor for misconduct.
- (2) (Repealed)
- (3) A council may pass a formal censure resolution only if it is satisfied that the councillor has engaged in misconduct on one or more occasions.
- (4) The council must specify in the formal censure resolution the grounds on which it is satisfied that the councillor should be censured.
- (5) A motion for a formal censure resolution may, without limitation, be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.



## **(ITEM 89/20) AUDIT RISK & IMPROVEMENT COMMITTEE (ARIC) CHARTER**

File No: 20/36145

REPORT BY GENERAL MANAGER

### **Summary**

The Audit Risk & Improvement Committee of Burwood Council (ARIC) has reviewed its Charter and now seeks endorsement by Council of the revised version that the ARIC Charter as recommended for adoption at the ARIC meeting of 18 August.

### **Operational Plan Objectives**

- 2.1 Community confidence in Council's decision making
- 2.3 Financial sustainability and organisational effectiveness

### **Background**

The Audit Risk & Improvement Committee (ARIC) is established by Council's authority under Section 355 of the *Local Government Act 1993*. It is a well-established review and advisory body to Council which has grown from traditional roots of financial audit oversight to oversight of the internal audit function and its work in evaluating and improving the effectiveness of risk management, internal controls and governance processes across Council. The ARIC is underpinned by a continuous improvement and review philosophy and this includes regular review of its own role and effectiveness in supporting the needs of Council and the community it serves.

### **Discussion**

- 1) Section 4A of the *Local Government Act 1993* (LG Act) mandating significant changes in the scope and obligations of the ARIC has yet to commence. Commencement has been widely anticipated but delayed due to disruptions to local government elections arising from major council amalgamation initiatives of the NSW Government in 2016, and recent COVID-19 pandemic disruptions. The next general election is to be the trigger to activate a six month count down for making it compulsory for all local government authorities to have an ARIC and to comply with new requirements under the legislation.
- 2) A host of proposed changes under the new ARIC regime were foreshadowed in an industry discussion paper issued by the NSW Office of Local Government (OLG) in September 2019. This work entitled *A new risk management and internal audit framework for local councils in NSW* looked set to be the basis of core requirements that would supersede the current *Internal Audit Guidelines* published by the OLG in 2010 under Section 23A of the LG Act. Nothing further has emerged since the comments on the discussion paper were invited and there is no indication as to when fresh advice on it may emerge.
- 3) The ARIC has a local mandate under its existing Charter to review its Charter at least once every two years. The current Charter approved by Council is the result of a review completed by the ARIC in February 2018. Given the extended delays and uncertainty around the final promulgation of anticipated statutory reforms NSW local government, the ARIC determined that it was not prudent to delay what is now effectively an interim review of the ARIC Charter.
- 4) A comprehensive review of the ARIC Charter has commenced in anticipation of the foreshadowed legislative reforms. Current recommendations for change to the Charter are limited to several modest enhancements and machinery changes to begin smoothing way with transitional arrangements for the ARIC. Further changes to the Charter need to be considered once there is greater certainty around the final form of statutory requirements and fresh guidelines are issued by the OLG.

- 5) The ARIC endorsed changes to the existing ARIC Charter on 18 August 2020 as highlighted in Attachment 1 of this report. The current Charter appears as Attachment 2 of this report. Key changes are:
- a) The objective of the ARIC (Section 2) has been refreshed to underscore Council's accountability for the discharge of its responsibilities.
  - b) The objective of the ARIC also recognises the purview of the ARIC over organisational performance in addition to the other responsibility areas listed in the current Charter
  - c) The explanation of membership and attendance details (Section 5) has been sharpened and recognises the Audit Office of NSW as the external auditor to Council.
  - d) Term of office specifications and Charter review frequency (Section 5) have been amended to assist with transitional and succession arrangements.

### **Consultation**

Senior officers and specialist officers of Council reviewed emerging industry developments and provided advice accordingly. The ARIC has reached its independent determination in light of relevant advice and the expertise of its current members.

### **Planning or Policy Implications**

Recommended changes to the ARIC Charter will begin smoothing the way for transitional arrangements for the ARIC.

In practical terms, the proposed amendments to the Charter will allow the General Manager to extend the term of the two independent members on the ARIC by twelve months, to align with Council's term and to guarantee continuity of delivery during the COVID period.

Further planning and policy implications have yet to be clarified by the NSW Government once it confirms its position on statutory requirements underpinning Section 4A of the LG Act.

### **Financial Implications**

No financial implications are inherent under the current proposal.

### **Conclusion**

The ARIC of Burwood Council has reviewed its Charter and now seeks endorsement by Council of the revised version recommended for adoption at the ARIC meeting of 18 August 2020. The proposed changes are designed to assist with transitional arrangements for the ARIC as new statutory requirements for its composition and operation are set to emerge in the next year or so.

### ***Recommendation(s)***

That Council:

1. approves the proposed revision of the Audit Risk & Improvement Committee (ARIC) Charter endorsed by the ARIC on 18 August 2020 to become v6.1 of the Charter.
2. notes that a subsequent comprehensive revision of the Charter will be required to reflect emerging statutory changes under Section 4A of the *Local Government Act 1993* once they become clearer.

### **Attachments**

1 [↓](#) Draft Revision\_ARIC Charter\_2020\_August\_subject to Council approval

## AUDIT, RISK & IMPROVEMENT COMMITTEE CHARTER

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Version: 6.1

Public Document

Endorsed by the ARIC: 18/08/2020

Approved by Council: xxx

Sponsorship: Deputy General Manager Corporate, Governance & Community

### 1 PURPOSE

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To identify the role, composition, authority, responsibilities and operation for the Burwood Council Audit, Risk and Improvement Committee (ARIC).

### 2 OBJECTIVE

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The ARIC is to provide independent assurance and assistance to Burwood Council in the effective discharge of its responsibilities for risk management, internal controls, governance, internal audits, organisational performance and external accountabilities.

### 3 AUTHORITY

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The ARIC is established by Council's authority under Section 355 of the *Local Government Act 1993*. Council authorises the ARIC, within the scope of its role and responsibilities, to:

1. Obtain any information it needs from any employee or external party (subject to their legal obligation to protect information).
2. Discuss any matters with the external auditor or other external parties (subject to confidentiality considerations).
3. Request the attendance of any employee or Councillor at ARIC meetings.
4. Obtain external legal or other professional advice, as considered necessary to meet its responsibilities.

### 4 ROLE AND RESPONSIBILITIES

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1. The role of the ARIC is to oversee risk management, compliance, governance, external accountability and the internal control systems on behalf of Council.
2. The ARIC has no executive powers, except those expressly provided by Council.
3. In carrying out its responsibilities, the ARIC must at all times recognise that the primary responsibility for management of Council rests with Council and the General Manager as defined by the *Local Government Act 1993*.
4. The responsibilities of the ARIC may be revised or expanded by Council from time to time.

Specifically, the ARIC's responsibilities are:

***Risk Management – oversee Council's risk management arrangements and review whether or not:***

1. Council complies with AS/NZS ISO 31000: 2009 Risk Management, Principles and Guidelines, and any other relevant risk management standards.



## ITEM NUMBER 89/20 - ATTACHMENT 1

### Draft Revision\_ARIC Charter\_2020\_August\_subject to Council approval

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2. Management has in place a current and comprehensive risk management framework, as well as associated procedures for effective identification and management of business and financial risks, including fraud.
3. A sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings.
4. A sound and effective approach has been followed in establishing business continuity planning arrangements, including whether or not plans have been tested periodically.

#### ***Control Systems – review whether or not:***

1. Management has taken steps to embed a culture which is committed to achieving efficient and effective operations in an ethical and lawful behaviour.
2. Management has adequate and effective internal controls in place, including over external parties such as contractors and advisors.
3. Management has in place relevant policies and procedures, and if these are periodically reviewed and updated.
4. Appropriate processes are in place to assess compliance with policies and procedures.
5. Appropriate policies and procedures are in place for the management and exercise of delegations.

#### ***External Accountability***

1. Be satisfied that the annual financial reports comply with applicable Australian Accounting Standards and are supported by appropriate management sign-off on the statements, as well as the adequacy of internal controls.
2. Review the External Audit opinion, including whether or not appropriate action has been taken in response to audit recommendations and adjustments.
3. Consider contentious financial reporting matters in conjunction with senior management and External Auditors.
4. Review the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements.
5. Satisfy itself there are appropriate mechanisms in place to review and implement, where appropriate, relevant State Government reports and recommendations.

#### ***Compliance***

1. Determine if management has appropriately considered legal and compliance risks as part of risk assessment and management arrangements.
2. Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies.

#### ***Internal Audit***

1. Act as a forum for communication between Council, General Manager, senior management, as well as the Internal and External Audit functions.
2. In partnership with senior management and the Contracted Internal Auditor, develop and authorise the Internal Audit Program, including consideration of risk management issues.
3. Support the independence of the Internal Audit function.
4. Make recommendations to commission audits of any kind.

## ITEM NUMBER 89/20 - ATTACHMENT 1

### Draft Revision\_ARIC Charter\_2020\_August\_subject to Council approval

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5. Review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices.
6. Monitor the acceptance and implementation of Internal Audit recommendations by management.
7. Review the performance of all Contracted Internal Audits on an annual basis.

#### **External Audit**

1. Act as a forum for communication between the Council, General Manager and senior management with both the Internal and External Audit functions.
2. Provide input and feedback on the financial statements and performance audit coverage proposed by the External Auditor, and feedback on the External Audit services provided.
3. Review all external plans and reports in respect of planned or completed external audits, and monitor management's implementation of audit recommendations.
4. Consider significant issues arising in relevant reports and better practice guides.

#### **Responsibilities of Members**

Members of the **ARIC** are expected to:

1. Understand the relevant legislative and regulatory requirements appropriate to Burwood Council.
2. Contribute the time needed to study and understand the papers provided.
3. Apply analytical skills, objectivity and sound judgment.
4. Express opinions frankly, ask questions and pursue independent lines of enquiry.
5. Undertake annual performance review of Internal Audit providers engaged by Council in the previous 12 months.

Additional Responsibilities of the Chair:

1. Review draft minutes of meetings and confirm accuracy within 10 working days from distribution.
2. Prepare an annual summary report on activities undertaken by the **ARIC** by October each year, to be presented to Council at either a formal Council meeting or at a Councillor workshop.

## **5 MEMBERSHIP AND TENURE OF THE **ARIC****

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#### **Skills and Experience**

1. The members of the **ARIC**, taken collectively, will have a broad range of skills and experience relevant to the operations.
2. At least one external independent member of the **ARIC** shall have accounting and related financial management experience, as well as an understanding of accounting and auditing standards in a public sector environment.

Membership of the **ARIC** is by virtue of the appointed position; no delegates of the members are permitted.

## **Membership**

The ARIC will consist of:

### **Members (voting)**

- Two Independent External Members – appointed through merit based selection
- Two Council members – councillors as confirmed by resolution of Council each September at a meeting of Council

### **Attendees (non-voting) for all agenda items**

- General Manager (or delegate)
- Deputy General Manager Corporate, Governance & Community (or delegate)
- Internal Ombudsman (or delegate)
- Internal auditor/s contracted to Council (or delegate/s)

### **Attendees (non-voting) for specific agenda items**

- Representative of external auditor (Audit Office of NSW)
- Other Council directors, managers and / or specialist staff may attend to address agenda items relevant to their areas of responsibility

## **Selection of Members**

The selection criteria and process for the appointment of the independent external members shall ordinarily be as follows:

1. The Council shall seek nominations from persons interested in being appointed to the available position.
2. The eligible persons will be interviewed by a panel that may include the Deputy General Manager and the Internal Ombudsman.
3. Following receipt of recommendations from the above persons, the General Manager may appoint the independent external members.

## **Term of Office**

Independent External Members shall be appointed by resolution of Council for an initial period of at least three years and no more than five years. They must not be employees of Burwood Council or have served as an elected member of Burwood Council in the current or previous term of the Council following general elections.

An Independent External Member may be re-appointed for one further term but shall not serve more than two consecutive terms in either the role of Chair or non-chairing Member. They are eligible under normal circumstances for extension or re-appointment up to a maximum of 8 years of continuous service. Consideration may be given by Council to a part term extension of appointment of up to 12 months to enable Independent External Members to have overlapping terms or to deal with transitional exigencies outside the direct control of Council.

### **Vacancy/Absence**

In the case of resignation from the **ARIC** by an independent external member, the General Manager will select a new independent member following the process outlined in this Charter.

In the case of resignation by the Chair, the other current serving independent external member will be appointed as Chair.

In the absence of the appointed Chair, the other current serving independent external member shall serve as the Chair for the period of absence of the duly nominated Chair.

### **Code of Conduct**

All members of the Audit, Risk and Improvement Committee are to abide by Burwood Council's Code of Conduct.

### **Operational Handover**

Following the appointment of a new Audit, Risk and Improvement Committee, the outgoing Chair will be invited to attend the first meeting of the new Committee to update the new Chair and independent members on activities undertaken by the Committee in the previous term.

### **Quorum**

A quorum will consist of a majority of Committee members, including at least one independent external member.

### **Proceedings**

#### ***Meetings***

1. The Committee shall meet at least four times a year, with one of these meetings to include review and endorsement of the annual audited financial reports and external audit opinion as well as review and endorsement of the annual Internal Audit Plan.
2. Meetings can be held in person, by telephone or by video conference but preferably face-to-face.
3. A forward meeting plan, including meeting dates and agenda items, will be agreed to by the Committee each year. The forward meeting plan will cover all Committee responsibilities as detailed in this Audit, Risk and Improvement Committee Charter.

Where internal audit priorities change between meetings or new urgent issues arise, and where it is not possible to schedule an additional meeting, the Committee will be kept fully informed of all changes via email.

The Committee may, at any time, consider any other matter it deems of sufficient importance. In addition, at any time an individual Committee member may request a meeting with the Chair of the Committee.

## ITEM NUMBER 89/20 - ATTACHMENT 1

### Draft Revision\_ARIC Charter\_2020\_August\_subject to Council approval

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#### ***Attendance of Non-Members:***

1. The attendance of non-members is subject to invitation by the Chair.
2. Following each internal audit review, the Contracted Internal Auditor will be invited to attend a committee meeting to present the findings of the review.

#### ***Conflicts of Interest***

1. Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.
2. Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Audit, Risk and Improvement Committee.

#### ***Minutes***

1. Secretariat support is provided to the Committee by Council Management.
2. The Secretariat will ensure the agenda for each meeting and supporting papers are circulated, at least one week before the meeting, and ensure minutes of the meetings are prepared and maintained.
3. Minutes shall be approved by the Chair and circulated to each member within three weeks of the meeting being held.

#### ***Induction***

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

#### ***Reporting***

The Committee shall prepare an annual summary report on activities undertaken by October each year, to be presented to Council at either a formal Council meeting or at a Councillor workshop.

#### ***Decision Making / Deliverables***

1. The Committee makes decisions by resolutions, which are to be recorded in the minutes.
2. Each member of the Audit, Risk and Improvement Committee shall be entitled to one vote only. In the case of an equality of votes on any issue, the Chair shall have the casting vote.
3. Between meetings, the Chair may circulate to members by email specific proposals for adoption by the Committee. Members shall be given a set time – at least 5 (five) days – in which to reply to indicate their agreement with a particular proposal.
4. A member's failure to respond within the timeframe given shall be taken as a vote against the proposal. Any decision taken by the Committee by email is to be noted and minuted at the commencement of the next meeting.

**ITEM NUMBER 89/20 - ATTACHMENT 1**

**Draft Revision\_ARIC Charter\_2020\_August\_subject to Council approval**

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The Contracted Internal Auditor, External Auditor and Council Officers are not voting members of the Committee.

**Review of the ARIC**

1. The ARIC shall review the scope and effectiveness of its activities and performance at least every two years.
2. The ARIC shall review the ARIC Charter at least once every year.
3. Amendment of this ARIC Charter is subject to the approval of Council following review and endorsement by the ARIC itself and the Executive Team of Council.

**(ITEM 90/20) LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2020**

File No: 20/34927

REPORT BY GENERAL MANAGER

**Summary**

This year the Local Government NSW Annual Conference is being held from Sunday 22 to Tuesday 24 November 2020 at the Crowne Plaza, Hunter Valley.

Council can nominate three voting delegates to vote on the motions and, as customary, observers to attend the Conference.

**Operational Plan Objective**

2.5.1 Provide strong leadership and advocacy on behalf of the community

**Financial Implications****Funds for Councillors and Council Officers attending the Conference have been provided for in the 2020-2021 Budget.**

Below are approximate costs per person to attend the conference in the Hunter Valley:

▪ Early Bird Registration Fee (Payment due by 25 September 2020)	840.00
▪ Conference Dinner Ticket	132.00
▪ Hotel Accommodation per Night	250.00
▪ Travel by Car <input checked="" type="checkbox"/>	

Councillors using private vehicles will be reimbursed in accordance with the Rate payable for claims by Council Officers under the *NSW (Local Government) State Award*, subject to the cost not exceeding the average Flexible Economy Class air fare to the same destination available at the time of the conference.

The above expenses will be met by Council in accordance with the Councillors' Expenses and Facilities Policy. If spouses/partners wish to accompany Councillors to the Local Government NSW 2020 conference, all costs, including any additional accommodation costs, must be met by the Councillor or spouse/partner.

***Recommendation(s)***

1. That Council consider nominating three Councillors to attend as the Voting Delegates who will be appointed as a proxy to vote on behalf of Council at the Local Government NSW Annual Conference 2020 to be held in the Hunter Valley from Sunday 22 to Tuesday 24 November 2020.
2. That the General Manager and other Observers be authorised to attend, and that the nominated Observers confirm their attendance by Tuesday 1 September 2020 to the General Manager.

**Attachments**

There are no attachments for this report.

**(ITEM 91/20) INVESTMENT REPORT AS AT 31 JULY 2020**

File No: 20/36863

REPORT BY CHIEF FINANCE OFFICER

**Summary**

In accordance with Clause 212 of the *Local Government (General) Regulation 2005*, this report details all money that Council has invested under Section 625 of the *Local Government Act 1993*.

**Operational Plan Objective**

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability

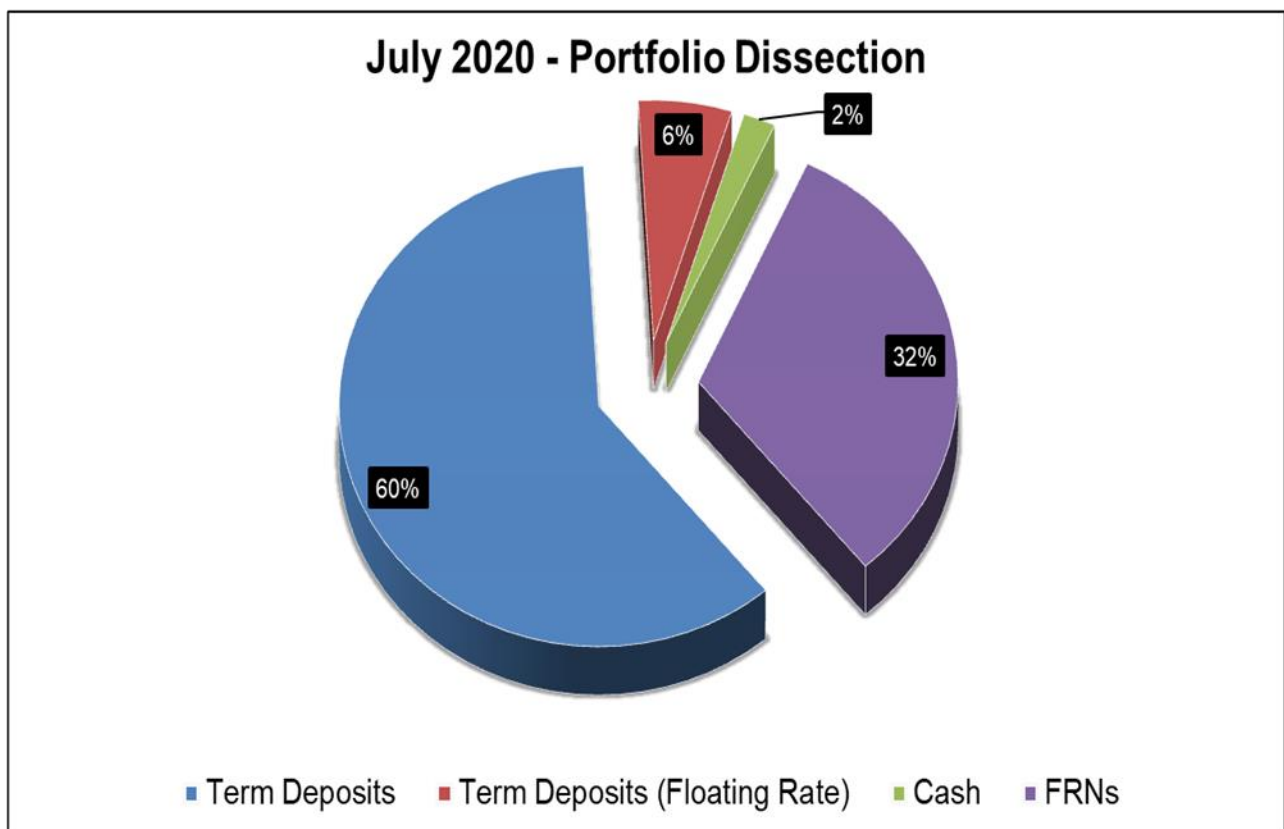
**Background**

As provided for in Clause 212 of the *Local Government (General) Regulation 2005*, a report listing Council's investments must be presented to Council.

Council's investments are made up of a number of direct investments some of which are managed or advised by external agencies.

**Investment Portfolio**

Council has a diversified investment portfolio and has a number of direct investments in term deposits. Its investment portfolio as at 31 July 2020 is:

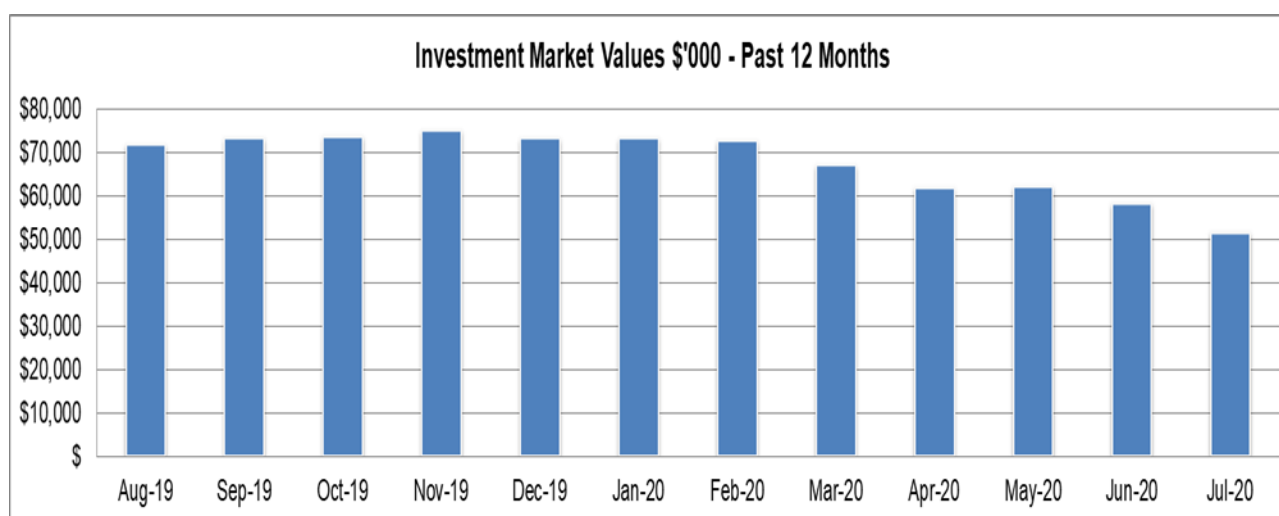


As at 31 July 2020 Council held the following term deposits:



Purchase Date	Financial Institution	Principal Amount	Interest Rate	Investment Days	Maturity Date
31 Aug 18	National Australia Bank	3,000,000	2.80%	731	31 Aug 20
16 Aug 19	National Australia Bank	4,000,000	1.60%	364	14 Aug 20
31 Aug 19	Westpac	3,000,000	1.58%	367	31 Aug 20
09 Dec 19	ING Bank	4,000,000	1.58%	275	09 Sep 20
10 Mar 20	National Australia Bank	3,000,000	1.35%	184	10 Sep 20
24 Mar 20	Suncorp-Metway	4,000,000	1.75%	184	24 Sep 20
13 May 20	AMP Bank (Imperium)	2,000,000	1.40%	61	13 Jul 20
14 Jul 20	Westpac	4,000,000	0.89%	730	14 Jul 22
14 Jul 20	National Australia Bank	4,000,000	0.90%	730	14 Jul 22
<b>Total</b>		<b>31,000,000</b>			

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



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

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

### **Investment Performance and Market Commentary**

At the Reserve Bank of Australia (RBA) meeting on the 4 August 2020, the Board decided to maintain the current policy settings, including the targets for the official interest rate at 0.25%. According to the RBA Governor "...The Board took this decision stating that the global economy is experiencing a severe downturn as countries seek to contain the coronavirus. Even though the worst of this contraction has now passed, the outlook remains highly uncertain. The recovery is expected to be only gradual and its shape is dependent on containment of the virus. While infection rates have declined in some countries, they are still very high and rising in others. International trade remains weak, although there has been a strong recovery in industrial activity in China over recent months.

The Australian economy is going through a very difficult period and is experiencing the biggest contraction since the 1930s. As difficult as this is, the downturn is not as severe as earlier expected and a recovery is now underway in most of Australia. This recovery is, however, likely to be both uneven and bumpy, with the coronavirus outbreak in Victoria having a major effect on the Victorian economy. Given the uncertainties about the overall outlook, the Board considered a range of scenarios at its meeting. In the baseline scenario, output falls by 6 per cent over 2020 and then

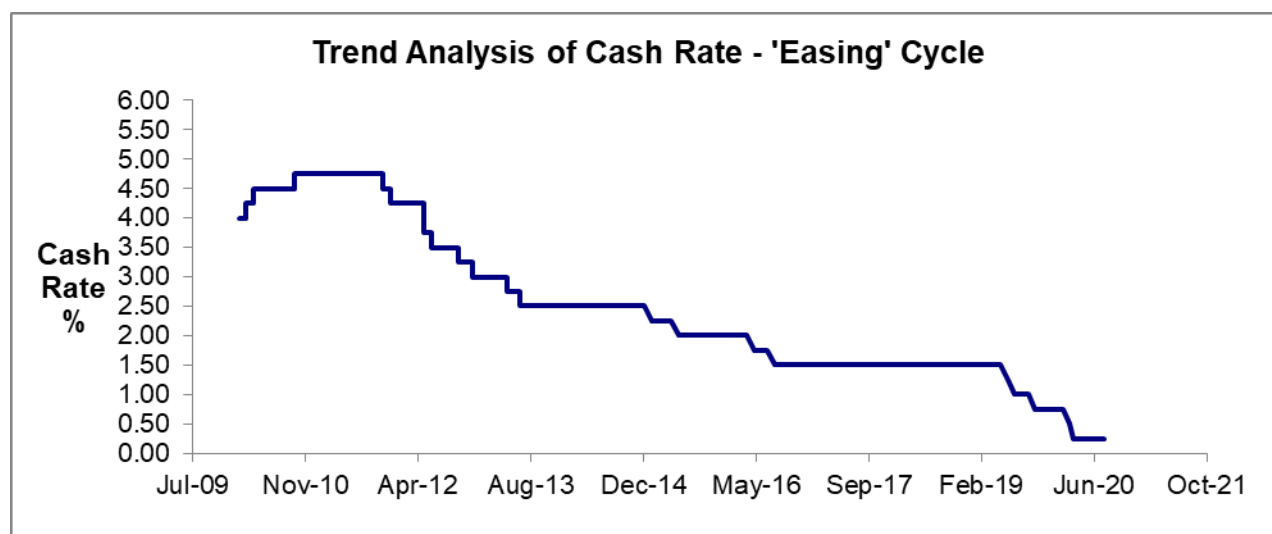
grows by 5 per cent over the following year. In this scenario, the unemployment rate rises to around 10 per cent later in 2020 due to further job losses in Victoria and more people elsewhere in Australia looking for jobs. Over the following couple of years, the unemployment rate is expected to decline gradually to around 7 per cent.

The Board also considered other scenarios. A stronger recovery is possible if progress is made in containing the virus in the near future. This progress would support an improvement in confidence and a less cautious approach by households and businesses to their spending. On the other hand, if Australia and other countries were to experience further widespread lockdowns, the recovery in both output and the labour market would be delayed.

In each of the scenarios considered by the Board, inflation remains below 2 per cent over the next couple of years. In the most recent quarter, CPI inflation fell to –0.3 per cent in year-ended terms, reflecting lower oil prices and the effects of various policy measures, including the decisions to make child care and some pre-school free for a period. Inflation is expected to return to positive territory in the current quarter. Beyond that, given the ongoing spare capacity in the economy, inflation is expected to average between 1 and 1½ per cent over the next couple of years.

The Board is committed to do what it can to support jobs, incomes and businesses in Australia. Its actions are keeping funding costs low and assisting with the supply of credit to households and businesses. This accommodative approach will be maintained as long as it is required. The Board will not increase the cash rate target until progress is being made towards full employment and it is confident that inflation will be sustainably within the 2–3 per cent target band.” Statement by Philip Lowe, Governor: Monetary Policy Decision – 4 August 2020”.

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



### **Recommendations(s)**

1. That the investment report for 31 July 2020 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

### **Attachments**

- 1 [↓](#) Investment Register July 2020 1 Page
- 2 [↓](#) Investment Types 1 Page

ITEM NUMBER 91/20 - ATTACHMENT 1

Investment Register July 2020

BURWOOD COUNCIL  
INVESTMENT PORTFOLIO  
as at 31 July 2020

Investment Adviser	Issuer	ADI or N-ADI	Investment Name	Type	Rating S&P	Invested Amount	Market Value as at 31/05/2020	Market Value as at 30/06/2020	Market Value as at Reporting Date	% of Total Invested
<b>Cash</b>										
Council	Commonwealth Bank	ADI	Operating Account	Cash	AA-	394,500	1,643,892	2,035,555	394,500	0.77
Council	Commonwealth Bank	ADI	Cash Deposit Account	AI Call	AA-	57,819	1,890,831	8,991,291	577,819	1.12
Council	Commonwealth Bank	ADI	Online Saver	AI Call	AA-	34	34	34	34	0.00
Council	AMP Bank Limited	ADI	AMP Business Saver & Notice Account	AI Call / Notice 30 days	A	61,646	61,538	61,581	61,646	0.12
<b>Term Deposits</b>										
Council	AMP Bank (Interim)	ADI	AMP Bank	Term Deposit	BBB+	-	3,000,000	-	-	60.17
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.82
Council	Westpac	ADI	Westpac	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.82
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.82
Council	Westpac	ADI	Westpac	Term Deposit	AA-	-	3,000,000	3,000,000	-	-
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Term Deposit	A+	4,000,000	4,000,000	-	-	7.76
Council	AMP Bank (Interim)	ADI	AMP Bank	Term Deposit	BBB+	2,000,000	2,000,000	2,000,000	2,000,000	3.88
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	4,000,000	4,000,000	4,000,000	4,000,000	7.76
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	4,000,000	-	-	4,000,000	7.76
Council	Westpac	ADI	Westpac	Term Deposit	AA-	4,000,000	-	-	4,000,000	7.76
Council	ING Bank	ADI	ING Bank	Term Deposit	A-	-	4,000,000	-	-	7.76
Council	ING Bank	ADI	ING Bank	Term Deposit	A-	4,000,000	4,000,000	4,000,000	4,000,000	7.76
<b>Term Deposits - Fixed &amp; Floating Rates</b>										
Council	Commonwealth Bank	ADI	Commonwealth Bank	Global Fixed Income Deposit (0.5 Yr fixed plus 4.5 Yr (90day BBSW + 0.80 bps)	AA-	-	2,000,000	2,000,000	-	-
Council	Westpac	ADI	Westpac	Coupon Select Deposit 2 Yr Fixed plus 3 Yr (90day BBSW + 1.03 bps)	AA-	3,000,000	3,000,000	3,000,000	3,000,000	5.82
<b>Floating Rate Notes</b>										
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Floating Rate Notes (90 day BBSW and +94 bps)	A+	1,500,000	1,508,988	1,511,514	1,517,213	2.95
Council	Bendigo-Adelaide	ADI	Bendigo Bank & Adelaide Bank	Floating Rate Notes (90 day BBSW and + 105 bps)	BBB+	1,500,000	1,503,920	1,506,444	1,518,893	2.95
Council	ANZ Group	ADI	ANZ Group	Floating Rate Notes (90 day BBSW and + 77 bps)	AA-	2,000,000	2,014,384	2,017,432	2,022,890	3.93
Council	Newcastle Permanent Building Society	ADI	Newcastle Permanent Building Society	Floating Rate Notes (90 day BBSW +140 bps)	BBB	1,250,000	1,256,890	1,259,395	1,268,006	2.46
Council	Members Equity Bank Pty Ltd	ADI	ME Bank	Floating Rate Notes (90 day BBSW and +127 bps)	BBB	2,500,000	2,507,858	2,509,315	2,510,940	4.87
Council	Bank Australia Ltd	ADI	Bank Australia Ltd	Floating Rate Notes (90 day BBSW +130 bps)	BBB	1,500,000	1,507,758	1,507,869	1,509,126	2.93
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +93 bps)	AA-	2,000,000	2,024,024	2,026,852	2,035,410	3.95
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +113 bps)	AA-	4,000,000	4,071,968	4,079,984	4,101,180	7.96
<b>Grand Total</b>						<b>51,283,999</b>	<b>61,992,085</b>	<b>58,207,226</b>	<b>51,517,657</b>	<b>100.00</b>

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

**Certificate of Responsible Accounting Officer**

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

*W. Arncliffe*

Wayne Arncliffe

Chief Finance Officer

**Investment Types**

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**Types of Investments**

Council's investment portfolio consists of the following types of investment:

1. **Cash and Deposits at Call** – Cash and Deposits at Call accounts are a flexible savings facility providing a competitive rate of interest for funds which are at call (available within 24hours). These accounts enable us to control Council's cashflows along with council's General Fund Bank account. Interest rates are updated in accordance with movements in market rates.

The following investments are classified as Cash and Deposits at Call:

- Commonwealth Bank of Australia – Operating Bank Account AA-
- Commonwealth Bank of Australia – Online Saver AA-
- AMP Business Saver and Notice – At Call/Notice A

2. **Floating Rate Notes (FRN)** - FRNs are a contractual obligation whereby the issuer has an obligation to pay the investor an interest coupon payment which is based on a margin above bank bill. The risk to the investor is the ability of the issuer to meet the obligation.

FRNs are either sub-debt or senior-debt which means that they are guaranteed by the bank that issues them with sub-debt notes rated a notch lower than the bank itself. The reason for this is that the hierarchy for payments of debt in event of default is:

- a. Term Deposits
- b. Global Fixed Income Deposits
- c. Senior Debt
- d. Subordinated Debt
- e. Hybrids
- f. Preference shares
- g. Equity holders

In the case of default, the purchaser of subordinated debt is not paid until the senior debt holders are paid in full. Subordinated debt is therefore more risky than senior debt.

**(ITEM RC3/20) BURWOOD LOCAL TRAFFIC COMMITTEE - AUGUST 2020**

File No: 20/39037

REPORT BY DEPUTY GENERAL MANAGER LAND, INFRASTRUCTURE AND ENVIRONMENT

**Summary**

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of August 2020. The Minutes are hereby submitted to the Ordinary Council Meeting for consideration and adoption by Council.

**Operational Plan Objective**

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

***Recommendations***

That the minutes of the Burwood Local Traffic Committee of August 2020 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

**(ITEM LTC18/20) ROBINSON STREET, CROYDON - PROPOSED KISS & RIDE ZONE*****Recommendation***

That Council approves the installation of a 25.0m timed 'No Parking' Kiss & Ride zone on the western side of Robinson Street, Croydon, from 8.00am to 9.00am and 2.30pm to 3.30pm, School Days Only.

**(ITEM LTC20/20) THE STRAND CROYDON - PROPOSED NIGHT RIDE BUS ZONE*****Recommendation***

That Council approves the installation of a 'Bus Zone Midnight – 5.00am' along #3 and #8-10 The Strand Croydon for a total length of 30m.

**(ITEM LTC21/20) EVERTON ROAD STRATHFIELD - REQUEST FOR SHORT TERM PARKING AREA*****Recommendation***

That Council approves the installation of '10 Minute' parking between 9.00am – 6.00pm Monday to Saturday on the northern side of Everton Road for a length of 12 meters per the plan in the report.

**(ITEM LTC22/20) WELDON STREET BURWOOD - EXTENSION OF NO STOPPING AREA*****Recommendation***

That Council approves the conversion of the two spaces to '15 minute 9.00am – 4.30pm' parking and 'No Stopping - at all other times' restrictions fronting 60 Weldon Street.

**(ITEM TIN2/20) BRIGHTON STREET, CROYDON - NO PARKING RESTRICTIONS****No Decision – Information Item Only****Attachments**

1 [↓](#) BLTC Agenda - August 2020

2 [↓](#) BLTC Minutes - August 2020



## NOTICE OF BURWOOD LOCAL TRAFFIC COMMITTEE MEETING

The August 2020 meeting of the Burwood Local Traffic Committee will be held electronically with the Agenda emailed to Members for review. The minutes from the previous meeting have also been emailed to members for confirmation. All comments are requested to be returned to Council by 5.00pm Wednesday August 12, 2020.

Tommaso Briscese  
**GENERAL MANAGER**

**Our Mission**

**Burwood Council will create a quality lifestyle for its citizens  
by promoting harmony and excellence in the delivery of its services**

Suite 1, Level 2, 1-17 Elsie Street, Burwood NSW 2134, PO Box 240 Burwood NSW 1805  
phone: 9911 9911 facsimile: 9911 9900  
email: [council@burwood.nsw.gov.au](mailto:council@burwood.nsw.gov.au)  
website: [www.burwood.nsw.gov.au](http://www.burwood.nsw.gov.au)

## AGENDA

### APOLOGIES/LEAVE OF ABSENCES

### CONFIRMATION OF MINUTES

#### *Recommendation*

That the Minutes of the May 2020 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 LTC18/20)	ROBINSON STREET, CROYDON - PROPOSED KISS & RIDE ZONE .....	3
(ITEM LTC20/20)	THE STRAND CROYDON - PROPOSED NIGHT RIDE BUS ZONE.....	6
(ITEM LTC21/20)	EVERTON ROAD STRATHFIELD - REQUEST FOR SHORT TERM PARKING AREA.....	8
(ITEM LTC22/20)	WELDON STREET BURWOOD - EXTENSION OF NO STOPPING AREA.....	10

### INFORMATION ITEMS

(ITEM TIN2/20)	BRIGHTON STREET, CROYDON - NO PARKING RESTRICTIONS .....	12
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**(ITEM LTC18/20) ROBINSON STREET, CROYDON - PROPOSED KISS & RIDE ZONE**

File No: 20/34283

REPORT BY ENGINEER TRAFFIC & DESIGN

**Summary**

Council has been requested to consider converting some existing unrestricted parking to a 'No Parking' Kiss & Ride zone in Robinson Street, Croydon, in order to provide an additional drop-off and pick-up area for students currently attending Presbyterian Ladies College (PLC) Junior Campus.

**Background**

Council was contacted by PLC with concerns about the number of additional vehicles being used to drop-off and pick-up students during the current COVID-19 pandemic. The correspondence highlighted the need for an additional drop-off and pick-up area for the Junior Campus along Robinson Street given the current deficiency of such spaces within the area.

**Proposal**

Robinson Street runs in a north-south direction and is an unclassified local road, meaning that it carries low vehicle volumes that serves to move traffic to regional and state roads. Robinson Street is bounded by Queen Street to the north and Boundary Street to the south, with several links to other local roads in between.

PLC Junior Campus is located on the north western corner of Robinson Street where it intersects Boundary Street. There is currently 11.0m of unrestricted parking in Robinson Street, directly outside PLC's Junior Campus followed by 19.0m of No Stopping to the south. See image below.



Existing Parking Restrictions Outside Presbyterian Ladies College Junior Campus



Inspections were undertaken in the vicinity of PLC Junior Campus over several days in order to gauge the current vehicle movements and motorist's behaviour. The inspections confirmed there was a moderate increase in vehicles dropping off and picking up students but only during the standard school peak times. Observations also showed a number of motorists stopping illegally to drop-off and pick-up students.

Consequently an additional drop-off and pick-up area would be beneficial and it is therefore proposed to introduce a timed 'No Parking' Kiss & Ride zone along the western side of Robinson Street for a length of approximately 25.0m, directly outside PLC Junior Campus. The time restrictions will be from 8.00am to 9.00am and 2.30pm to 3.30pm on School Days Only, with the current unrestricted parking still available outside the Kiss & Ride operational times.



Proposed Timed Kiss & Ride Zone in Robinson Street, Croydon

It should be noted that a Kiss & Ride zone operates under the same condition as a No Parking zone with the addition of Kiss & Ride signage. This signage is included to inform motorists that they can drop off and pick up passengers but only during the times indicated on the signs. Motorists are permitted to stop for a maximum of two minutes provided they remain within three meters of the vehicle.

**Consultation**

All residents in the vicinity of the proposed Kiss & ride Zone on Robinson Street were notified through a hand delivered survey package which included a letter and survey with the option of providing feedback on the proposal. No objections were received.

**Financial Implications**

The proposed parking signage amendments are estimated to cost \$500.00 and will be funded from the 2020/21 Traffic Facilities Budget.

***Recommendation***

That Council approve the installation of a 25.0m timed 'No Parking' Kiss & Ride zone on the western side of Robinson Street, Croydon, from 8.00am to 9.00am and 2.30pm to 3.30pm, School Days Only.

**Attachments**

There are no attachments for this report.

**(ITEM LTC20/20) THE STRAND CROYDON - PROPOSED NIGHT RIDE  
BUS ZONE**

File No: 20/35263

REPORT BY TRAFFIC ENGINEERING OFFICER

**Summary**

Council has received a request from the overnight bus service operators travelling through The Strand Croydon to sign post 'Bus Zone' restrictions overnight to help facilitate the service.

**Background**

The Strand Croydon is a popular commercial strip located around Croydon Railway Station. The Strand runs in a south-west to north-east direction and is classified as a regional road, meaning that it carries a high vehicle capacity that serves to move traffic into local streets.

Night ride buses replace most train services between midnight and 4.30am, stopping at railway stations or on main roads near railway stations. ComfortDelGro and Cabcharge (CDC) operate the N50, N60 and N61 bus services which run between Town Hall and Liverpool, Fairfield and Carlingford.

Night ride bus stop signs are already in place at The Strand outside numbers 3 and 8-10 to identify the stop locations.

CDC has requested to sign post the overnight 'Bus Zone' parking restrictions along The Strand. The request comes following concerns relating to vehicles parking in the kerb side lane overnight which affects the buses from safely dropping off and picking up passengers from the footpath.

Parking occupancy audits revealed that the area show that on-street parking is not highly utilised at night, with multiple free parking spaces available within the vicinity of the bus stop as well as ample parking opportunities in adjacent streets. The properties directly affected by the proposed night 'Bus Zone' are local businesses that are not in operation after midnight.

**Proposal**

The new 'Bus Zone' parking restrictions are proposed to be placed fronting #3 and #8-10 The Strand Croydon for a length of 30 meters which will ensure compliance with the Road Rules and sufficient space for buses to pull in and out of the kerb side lane.

The proposed time restrictions will commence from Midnight to 5.00am Monday to Sunday. Existing parking restrictions will apply outside of these times.

**Consultation**

Notification letters were sent to the each property address along The Strand Croydon of the proposed changes.

**Financial Implications**

The estimated cost of \$300.00 to install new parking signs to be funded from the 2020/21 Traffic Facilities Budget.

***Recommendation***

That Council approves the installation of 'Bus Zone Midnight – 5.00am' along #3 and #8-10 The Strand Croydon for a total length of 30m.

**Attachments**

There are no attachments for this report.

**(ITEM LTC21/20) EVERTON ROAD STRATHFIELD - REQUEST FOR SHORT TERM PARKING AREA**

File No: 20/35866

REPORT BY TRAFFIC ENGINEERING OFFICER

**Summary**

Council has received a request from Australia Post to install free short term parking for customers on Everton Road Strathfield to coincide with the relocation of the Post Office.

**Background**

Everton Road Strathfield is a local street which connects Mosley Street to Wentworth Road. Due to Strathfield Station and local eateries, Everton Road is highly used by drivers as a drop off and pick up zone throughout the day. The road is 10.3m wide and has a combination of '2P Ticket', 'Mail Zone' and 'Bus Zone' parking restrictions.

Council has received notification from Australia Post regarding the relocation of the Strathfield Post Office to 19-21 Everton Road in March 2020. As part of the relocation process, Australia Post had requested the 'Mail Zone' on the southern side of Everton Road be relocated to front the new Post Office on the northern side. A report was presented to the March 2020 Burwood Local Traffic Committee and subsequently adopted by Council.

Australia Post has advised Council that a large turnover of customers requires free short term parking fronting their office on Everton Road to stop and pick up their parcels without the need to pay for a ticket.

**Proposal**

It is proposed to install '10 Minute' parking between 9.00am – 6.00pm Monday to Saturday on the northern side of Everton Road fronting Australia Post Office for a total length of 12 meters to allow Australia Post customers to stop temporarily to pick up their parcels without the need to purchase a parking ticket.



**Consultation**

The installation of free short term parking aligns with Council's Public Parking Strategy which aims to provide parking restrictions which meet the needs of users. The proposed two short term parking spaces are not expected to heavily impact parking availability within the area and can be utilised by all motorists, not just those visiting the post office. As such no consultation has been undertaken.

**Financial Implications**

The cost of modifying and installing signs is estimated to be \$400.00 and will be funded from the 2020/21 Traffic Facilities budget.

**Recommendation**

That Council approve the installation of '10 Minute' parking between 9.00am – 6.00pm Monday to Saturday on the northern side of Everton Road for a length of 12 meters per the plan in the report.

**Attachments**

There are no attachments for this report.

**(ITEM LTC22/20) WELDON STREET BURWOOD - EXTENSION OF NO STOPPING AREA**

File No: 20/35925

REPORT BY TRAFFIC ENGINEERING OFFICER

**Summary**

Concerns have been raised from local residents regarding the increase in traffic congestion along the south bound lane in Weldon Street Burwood at its intersection with Liverpool Road resulting in a request to extend 'No Stopping' restrictions further along the frontage of 60 Weldon Street Burwood.

**Background**

Burwood Council has received a number of concerns from local residents regarding the increase in traffic congestion along the south bound lane in Weldon Street Burwood at its intersection with Liverpool Road.

Weldon Street Burwood runs in a north-south direction and is an unclassified collector road, meaning that it carries a low to moderate vehicle capacity that serves to move traffic from local streets to arterial roads.

An existing '15 Minute' parking area fronts So Wai Seniors Wellness Centre (SWC). The SWC caters to older Australians under the Commonwealth Home Support Program. The '15 Minute' parking area allows carers and family members to be dropped off and picked up throughout the day to assist the elderly residents. The SWC is also associated with the Bernard Chan Residential Care Facility located next door at 58 Weldon Street which offers a range of clinical services.

An extensive analysis of the area was conducted by Council Officers to determine the number of vehicles proposing to turn right onto Liverpool Road, the duration of the green phase for southbound traffic, the number of vehicles travelling south bound and the occupancy of adjacent on-street parking were all considered.

It was found that the biggest impact on congestion was vehicles observed to be parking in the two '15 Minute' parking spaces fronting 60 Weldon Street. The analysis confirmed vehicles travelling south bound were not able to pass queuing vehicles waiting to turn right onto Liverpool Road due to occupancy of these two parking spaces.

**Proposal**

It is proposed to restrict the two parking spaces to '15 Minute' parking between 9.00am – 4.30pm and with 'No Stopping' restrictions at all other times. This combination will accommodate the requirements of the SWC as well as improving the traffic flow and reducing traffic congestion in the street by providing additional capacity for traffic travelling south bound.



### **Consultation**

Consultation was conducted with the owners of 58-60 Weldon Street Burwood.

The General Manager Community Care of Australian Nursing Home Foundation Limited (ANHF), strongly objected to the permanent removal of the '15 Minute' parking spaces stating that they are highly used by carers and family members between 9.00am – 11.30am and 3.00pm – 4.30pm on a daily basis.

There was no objection to 'No Stopping' restrictions at all other times.

### **Financial Implications**

The cost of modifying and installing signs is estimated to be \$400.00 and will be funded from the 2020/21 Traffic Facilities budget.

### **Recommendation**

That Council approves the conversion of the two spaces to '15 minute 9.00am – 4.30pm' parking and 'No Stopping - at all other times' restrictions fronting 60 Weldon Street.

### **Attachments**

There are no attachments for this report.



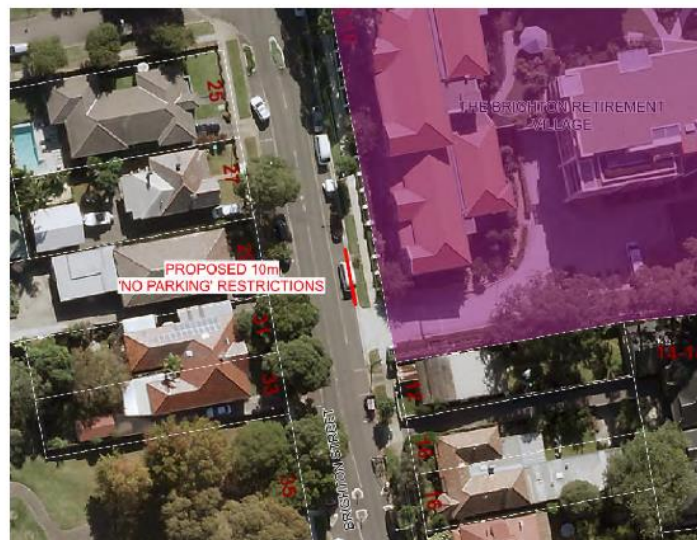
**(ITEM TIN2/20) BRIGHTON STREET, CROYDON - NO PARKING RESTRICTIONS**

File No: 20/35259

REPORT BY TRAFFIC ENGINEERING OFFICER

**Summary**

The Brighton Retirement Village raised concerns with Council in late 2019 regarding sightline issues for residents looking north towards Liverpool Road when egressing onto Brighton Street. Council Officers inspected the site and observed that when vehicles were parked on the eastern side of the road north of the driveway, the line of sight for drivers egressing was restricted all the way up to Liverpool Road. Given the safety concerns a report was presented to the November 2019 Burwood Local Traffic Committee recommending the installation of 10 metres of 'No Parking' restrictions on the eastern side of Brighton Street per the below diagram. As the proposed restrictions were located directly in front of the Brighton Retirement Village, no consultation was undertaken with adjoining properties.



A report was subsequently presented to the November Ordinary Council Meeting where it was resolved to proceed with the installation of 'No Parking' signs.

Upon the installation of the new restrictions, residents along Brighton Street requested explanation regarding the removal of 2 parking spaces and requested additional consultation with the surrounding residents due to the impact on parking within the street during afternoons and weekends.

In April 2020 consultation occurred with the 20 residents' properties in the vicinity of the recently installed 'No Parking' zone as per the attached document. The results from the residential consultation were:

- six 'Strongly Against',
- one 'Against' and
- two 'Strongly in Favour'

of the 'No Parking' signs. The Brighton Retirement Village also provided a petition with 85 signatures of residents in support of retaining the restrictions.

**BURWOOD LOCAL TRAFFIC COMMITTEE**

6 AUGUST 2020

Given the safety concerns for vehicles exiting the property the 'No Parking' restrictions are not proposed to be removed.

In addition, one resident from Croydon Avenue also sent in a letter requesting that the 'No Parking' restrictions on the western side of Croydon Avenue adjacent to the main entry and exit driveways of the Brighton Retirement Village be reduced. This 'No Parking' zone was the result of a previous request by Management of the Brighton Retirement Village to improve site distances at this location. The Burwood Local Traffic Committee recommended to Council to extend the 'No Parking' which Council subsequently implemented in July 2017.

As such it is recommended to retain the existing 'No Parking' in Croydon Avenue.

**No Decision – Information Item Only****Attachments**

- 1 Consultation result - Proposed No Parking - Brighton Street Croydon

ITEM NUMBER TIN2/20 - ATTACHMENT 1

Consultation result - Proposed No Parking - Brighton Street Croydon

**PROPOSED 'NO PARKING' RESTRICTIONS**  
BRIGHTON STREET CROYDON



MINUTES OF THE MEETING OF THE BURWOOD LOCAL TRAFFIC COMMITTEE held at the Council Chamber, Suite 1, Level 2, 1-17 Elsie Street, Burwood on Thursday 6 August 2020 commencing at 9:30am.

**ATTENDANCE**

Cr John Faker (Mayor) Chairperson  
 Sgt Trudy Crowther, NSW Police Service  
 Ms Caitlin Bailey, Roads and Maritime Services  
 Ms Jodi McKay, State Member for Strathfield  
 Mr Peter Whitney, Transit Systems  
 Mr Doug Sutherland AM, JP, Burwood Chamber of Commerce

Mr John Inglese, Group Manager Assets and Infrastructure  
 Mr Roberto Di Federico, Manager Traffic and Transport  
 Mr Robert Ristevski, Engineer – Traffic and Design  
 Mr Henry Huynh, Traffic Engineering Officer

**APOLOGIES**

That there were no apologies.

**CONFIRMATION OF MINUTES**

That the minutes of the Burwood Local Traffic Committee of Burwood held on Thursday 2 July 2020, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

**GENERAL BUSINESS**

**(ITEM LTC18/20) ROBINSON STREET, CROYDON - PROPOSED KISS & RIDE ZONE**

**Summary**

Council has been requested to consider converting some existing unrestricted parking to a 'No Parking' Kiss & Ride zone in Robinson Street, Croydon, in order to provide an additional drop-off and pick-up area for students currently attending Presbyterian Ladies College (PLC) Junior Campus.

**COMMENTS**

The State Member for Strathfield recommended that the school advise parents of changed traffic conditions.

***Recommendation***

That Council approve the installation of a 25.0m timed 'No Parking' Kiss & Ride zone on the western side of Robinson Street, Croydon, from 8.00am to 9.00am and 2.30pm to 3.30pm, School Days Only.

**MINUTES OF BURWOOD LOCAL TRAFFIC COMMITTEE MEETING 6 AUGUST 2020**

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**(ITEM LTC20/20) THE STRAND CROYDON - PROPOSED NIGHT RIDE BUS ZONE**

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**Summary**

Council has received a request from the overnight bus service operators travelling through The Strand Croydon to sign post 'Bus Zone' restrictions overnight to help facilitate the service.

***Recommendation***

That Council approves the installation of 'Bus Zone Midnight – 5.00am' along #3 and #8-10 The Strand Croydon for a total length of 30m.

**(ITEM LTC21/20) EVERTON ROAD STRATHFIELD - REQUEST FOR SHORT TERM PARKING AREA**

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**Summary**

Council has received a request from Australia Post to install free short term parking for customers on Everton Road Strathfield to coincide with the relocation of the Post Office.

***Recommendation***

That Council approve the installation of '10 Minute' parking between 9.00am – 6.00pm Monday to Saturday on the northern side of Everton Road for a length of 12 meters per the plan in the report.

**(ITEM LTC22/20) WELDON STREET BURWOOD - EXTENSION OF NO STOPPING AREA**

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**Summary**

Concerns have been raised from local residents regarding the increase in traffic congestion along the south bound lane in Weldon Street Burwood at its intersection with Liverpool Road resulting in a request to extend 'No Stopping' restrictions further along the frontage of 60 Weldon Street Burwood.

***Recommendation***

That Council approves the conversion of the two spaces to '15 minute 9.00am – 4.30pm' parking and 'No Stopping - at all other times' restrictions fronting 60 Weldon Street.

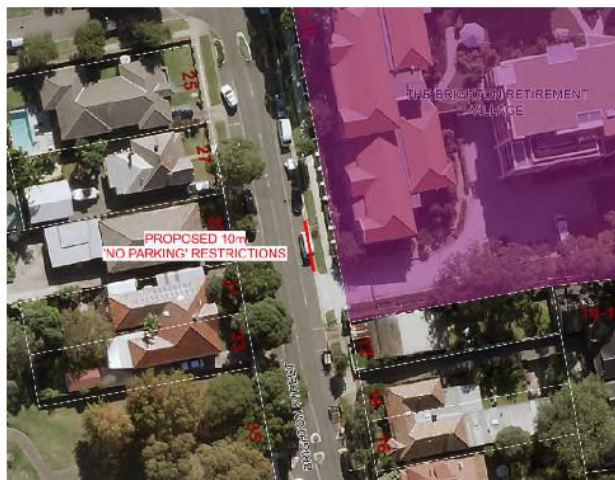
**INFORMATION ITEMS****(ITEM TIN2/20) BRIGHTON STREET, CROYDON - NO PARKING RESTRICTIONS**

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**Summary**

The Brighton Retirement Village raised concerns with Council in late 2019 regarding sightline issues for residents looking north towards Liverpool Road when egressing onto Brighton Street. Council Officers inspected the site and observed that when vehicles were parked on the eastern side of the road north of the driveway, the line of sight for drivers egressing was restricted all the way up to Liverpool Road. Given the safety concerns a report was presented to the November 2019 Burwood Local Traffic Committee recommending the installation of 10 metres of 'No Parking' restrictions on the eastern side of Brighton Street per the below diagram. As the proposed restrictions were located directly in front of the Brighton Retirement Village, no consultation was undertaken with adjoining properties.

## MINUTES OF BURWOOD LOCAL TRAFFIC COMMITTEE MEETING 6 AUGUST 2020



A report was subsequently presented to the November Ordinary Council Meeting where it was resolved to proceed with the installation of 'No Parking' signs.

Upon the installation of the new restrictions, residents along Brighton Street requested explanation regarding the removal of 2 parking spaces and requested additional consultation with the surrounding residents due to the impact on parking within the street during afternoons and weekends.

In April 2020 consultation occurred with the 20 residents' properties in the vicinity of the recently installed 'No Parking' zone as per the attached document. The results from the residential consultation were:

- six 'Strongly Against',
- one 'Against' and
- two 'Strongly in Favour'

of the 'No Parking' signs. The Brighton Retirement Village also provided a petition with 85 signatures of residents in support of retaining the restrictions.

Given the safety concerns for vehicles exiting the property the 'No Parking' restrictions are not proposed to be removed.

In addition, one resident from Croydon Avenue also sent in a letter requesting that the 'No Parking' restrictions on the western side of Croydon Avenue adjacent to the main entry and exit driveways of the Brighton Retirement Village be reduced. This 'No Parking' zone was the result of a previous request by Management of the Brighton Retirement Village to improve site distances at this location. The Burwood Local Traffic Committee recommended to Council to extend the 'No Parking' which Council subsequently implemented in July 2017.

As such it is recommended to retain the existing 'No Parking' in Croydon Avenue.

#### **No Decision – Information Item Only**

This concluded the business of the meeting.

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This is page 3 of the Minutes of the Burwood Local Traffic Committee held on 6 August 2020

## **(ITEM IN26/20) GREENER PUBLIC SPACES PILOT PROJECT - RESPONSE TO MM11/19**

File No: 20/35840

REPORT BY DEPUTY GENERAL MANAGER LAND, INFRASTRUCTURE AND ENVIRONMENT

### **Summary**

At the August 2019 Council meeting, Council passed a Mayoral Minute (MM11/19) endorsing the Greener Public Spaces Pilot Project and that the Acting General Manager notify the Secretary of the Department of Planning, Industry and Environment (DPIE) of Burwood's acceptance as the pilot local government area (LGA). Also requested was a report on the results of the project.

In May 2019, the Premier of NSW established her Premier's Priorities including:

- Priority 11 – Greener Public Spaces
- Priority 12 – Greening Our City

Consequently, Burwood was selected by DPIE as the pilot LGA to assist with the development of the State definition of public spaces. Council officers assisted DPIE in developing a methodology to determine a baseline public spaces quantum to enable NSW to deliver on the priorities. Through the development of this definition DPIE changed the scope to better meet the expectations of the Premier's Priorities.

Burwood together with five other Local Government Areas was invited to participate in a new partnership to explore opportunities for the implementation of public space demonstration projects. Council officers progressed this opportunity and entered into a funding deed in July 2020 for the Burwood Quality Public Space Demonstration Project as part of the Premier's Priority Councils Fund. Hornsey Lane was selected as a demonstration project case study.

Financial and strategic support is being provided to Council to test and demonstrate the approach to deliver quality public space developed under Priority 11, Greener Public Spaces. Council will receive \$130,000, including \$100,000 towards civil works, public art and landscaping, and \$30,000 towards community engagement activities. The project at Hornsey Lane is now in its final stages of completion.

### **Operational Plan Objective**

- 2.2 Strong partnerships to benefit the community
- 3.1 Maintain and enhance green and open spaces
- 4.4 Participate in regional planning and infrastructure projects to ensure the best outcomes for the community
- 5.1 Maximise Burwood's regional and strategic status within inner western Sydney
- 5.3 Enhance and foster the local identity

### **No Decision – Information Item Only**

### **Attachments**

There are no attachments for this report.

## **(ITEM IN27/20) LANDSCAPING OF DEVELOPMENT SITES - RESPONSE TO MM15/19**

File No: 20/35841

REPORT BY DEPUTY GENERAL MANAGER LAND, INFRASTRUCTURE AND ENVIRONMENT

### **Summary**

At the October 2019 Council meeting, Council approved a Mayoral Minute (MM15/19) to investigate methods that will enable standards of landscaping similar to those visible at 2A Elsie St Burwood to be applied to all developments in Burwood. The methods of which were requested be incorporated into a review of the Burwood Local Environmental Plan 2012 (BLEP) and Burwood Development Control Plan (BDCP) and an update be reported to Council following the adoption of the Local Strategic Planning Statement (LSPS).

Highlights of the landscaping at 2A Elsie Street include the installation of mature plants; articulation of layers of landscaping and setbacks; integrated coverings for utility services including fire safety and power; and a mix of materials adding interest and colour.

The methods to incorporate improved standards of landscaping into planning controls include:

1. Implementation of the LSPS which contains many direct and indirect beautification actions leading to improved ecological sustainability;
2. Completion of the Burwood LGA Masterplan which will identify opportunities for concentrated and integrated public domain improvements;
3. Updating of the BDCP to proactively enhance Council's influence on the processes and requirements for specific public domain elements within developments at the time of development assessment; and
4. Completion and integration within the BDCP of the Local Character Investigation Areas identified in the LSPS within the town centre which will contain site-specific controls for enhancing Burwood's landscaping requirements and development standards.

The BDCP and BLEP will be subject to amendment to give effect to the LSPS. This process including robust public consultation (as appropriate under current COVID-19 restrictions) will occur over the next six months. It is Council's intention for the planning instruments to provide high quality landscaping integrated into different development types, streetscape and detailed aspects of site and building design to ultimately be applied to all developments in Burwood resulting in improved outcomes for the community.

### **Operational Plan Objective**

4.3.1 Planning Policies to enhance and promote architectural integrity and aesthetically appealing buildings.

### **No Decision – Information Item Only**

### **Attachments**

There are no attachments for this report.



## **(ITEM IN28/20) REVISION TO SOFT LANDSCAPING REQUIREMENTS - RESPONSE TO NM2/20**

File No: 20/39218

REPORT BY DEPUTY GENERAL MANAGER LAND, INFRASTRUCTURE AND ENVIRONMENT

### **Summary**

At the March 2020 Council meeting, Council approved a Notice of Motion (NM2/20) to investigate revisions to relevant codes and/or policies for soft landscaping and access requirements.

The investigation involved the review of relevant codes and/or policies. These included:

- Burwood Landscaping Code (2010)
- Burwood Development Control Plan (2013)
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Council is bound by the various requirements for landscaping percentages for different development types. The Burwood Council documents will be undergoing revisions as part of the upcoming Burwood Local Environmental Plan (BLEP) amendment process over the next six months.

The need for landscaping within developments, including single dwelling residential developments, continues to decrease the area's urban heat index, provide habitat for various fauna and contribute to the beautification of Burwood.

In the interim, Council staff will consider landscaping requirements on an individual basis when required to assist the residents of Burwood in extenuating circumstances.

### **Operational Plan Objective**

1.1.1 Provide a diverse range of strategies and initiatives that meet the needs of the community

### **No Decision – Information Item Only**

### **Attachments**

There are no attachments for this report.

## (ITEM IN29/20) INVESTIGATE THE POSSIBILITY OF INSTALLING AN ATTACHMENT TO EXISTING RUBBISH BINS IN THE TOWN CENTRE FOR THE COLLECTION OF CANS/BOTTLES

File No: 20/39985

REPORT BY DEPUTY GENERAL MANAGER LAND, INFRASTRUCTURE AND ENVIRONMENT

### Summary

At the September 2019 Council meeting, Council approved Mayoral Minute Item MM14/19 Additional Waste Bins Near Bus Stops Within Town Centres.

### Operational Plan Objective

- 3.1.3 Ensure regular cleaning and maintenance of local areas to prevent damage to the environment
- 3.2 Provide sustainable waste management practices
  - 3.2.1 Promote existing recycling services
  - 3.2.2 Identify emerging waste management solutions
- 3.3 Educate the community on sustainable practices
  - 3.3.3 Encourage the community to take pride in the cleanliness and maintenance of the area
- 3.4.3 Ensure planning promotes environmentally sustainable development to reduce impacts on the environment
- 5.3.2 Maintain an attractive Burwood CBD

### Background

Council currently has 105 B-tidy bins in either 120L or 240L sizes within the Burwood LGA.

A trial is proposed to replace up to four existing 240L general waste b-tidy bins along Burwood Road with a set of two 120L bins side by side. One of the 120L bins will be dedicated to recycling and the other to general waste. Proper disposal in each of the bins will effectively reduce the waste generation going to landfill by 50% or equivalent to 10 tonnes of waste per annum.

The trial is proposed to occur over six months.

The 'Once Off' cost associated with this proposal is as follows:

Activity	Rate	Estimated Cost Per Set
Supply of Bin Casing 120L	\$2,538 \ unit	\$20,304
Ash Receptacle Stainless Steel	\$512 \ unit	\$ 2,048
Installation per bin set	\$200 \ unit	\$ 800
Management Module	\$60 \ unit	\$ 480
<b>Total 'Once Off' Cost to supply and install GST Exclusive :</b>		<b>\$23,632</b>

The "ongoing maintenance costs" associated for the additional bins:

Activity	Additional Rate per Week	Estimated Cost for four sets Proposed per Year
Collection & Disposal	\$25.00 \ set of bins	\$5,200
Cleaning of Housing	\$17.50 \ set of bins	\$3,640
<b>Total</b>	<b>\$42.50 \ set of x2 120L bins</b>	<b>\$8,840</b>

The trial will be deemed successful based on two measures:

- Utilisation rates of the recyclable bins. This will be measured by the management modules inserted within the bins which use smart technology to measure the volume of waste in the bin at any time; and
- Level of contamination. The waste collected within the recyclable bins must meet a high level of recyclable materials and not be considered contaminated with general waste. If contaminated, the waste will be required to be mixed with the general waste and disposed accordingly, thus negating the benefit of providing the recyclable bins.

Should the trial be successful, future locations will be identified and implemented within the LGA.

**Recommendation:**

1. That Council approve the once off and additional ongoing maintenance cost expenditures detailed above.
2. That the Council authorise the General Manager to proceed with the six month trial.
3. That the General Manager report the results of the trial to Council for further consideration.

**Attachments**

There are no attachments for this report.

## **(ITEM IN30/20) MAYORAL DISCRETIONARY GRANTS - SMALL DONATIONS MADE FOR THE PERIOD ENDING 30 JUNE 2020**

File No: 20/37227

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE AND COMMUNITY

### **Summary**

The Discretionary Grants – Small Donations Policy was reviewed by Council and adopted on 12 December 2017. As part of the Policy requirements a list of donations made is to be reported to Council on a quarterly basis. The attached table details all the Discretionary Grants for the quarter ending 30 June 2020.

### **Background**

The Mayor is allocated an annual budget of \$15,000 to extend civic leadership by supporting, through the allocation of small donations on behalf of Council, organisations or individuals for one or more of the following purposes:

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

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

### **Proposal**

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

### **Financial Implications**

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

### **No Decision – Information Item Only**

### **Attachments**

- 1 [↓](#) Mayoral Discretionary Grants - Small Donations Policy - 2019-2020



**(ITEM IN31/20) PETITIONS**

File No: 20/36826

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE AND COMMUNITY

**Summary**

Petitions received are reported to Council on a monthly basis. Council has received one petition since the July 2020 Council Meeting.

**Operational Plan Objective**

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

**Background**

<b>Date Received</b>	<b>Petition Subject</b>	<b>No. of Households and Businesses within the LGA</b>	<b>No. of Households outside the LGA</b>	<b>Responsible Council Division</b>
27 July 2020	Petition requesting that Council investigate the issue of crows and cockatoos causing damage to properties and fruit trees at Minna Street Burwood and neighbouring streets.	17	0	Land, Infrastructure and Environment

**Comments**

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

**No Decision – Information Item Only****Attachments**

There are no attachments for this report.

## (ITEM IN32/20) ANSWERS TO QUESTIONS WITHOUT NOTICE - COUNCIL MEETING OF 28 JULY 2020

File No: 20/37073

REPORT BY DEPUTY GENERAL MANAGER CORPORATE, GOVERNANCE AND COMMUNITY

### Summary

At the Council Meeting of 28 July 2020 the following Questions without Notice (QWN) were submitted by Councillors. Council Officers responded to the QWN and Councillors were notified on 11 August 2020 of the outcome of the QWN.

### **Operational Plan Objective**

2.1.3 Ensure transparency and accountability in decision making.

This is now submitted as part of the Council Agenda for Public Notification:

<b>QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 28 JULY 2020</b>	
<b>Question</b>	<b>Response</b>
<p><b><u>Councillor Heather Crichton</u></b></p> <p><b>Question 1:</b></p> <p>Does the General Manager promote via our social media platforms the enhanced features of the new Burwood Council website specifically: the “translate” feature, allowing the entire website to instantly translate into nine (9) community languages, and the search tools available under the Planning &amp; Building tab?</p>	<p><b><u>Group Manager Corporate Planning and Communications</u></b></p> <p>Council has included in its social media planning schedule the promotion of the website features including translation and E-Planning.</p> <p>Council has promoted the multilingual features and the E-Planning success in its E-Newsletters and will continue to do so in coming weeks.</p>
<p><b><u>Councillor Lesley Furmeaux-Cook</u></b></p> <p><b>Question 1:</b></p> <p>What can Council do to ensure the safety of residents near the corner of Culdees Road and Liverpool Road where there has been a number of accidents? Has representation been made to the state government agencies?</p>	<p><b><u>Manager Traffic &amp; Transport</u></b></p> <p>As Liverpool Road is a classified arterial road it falls under the jurisdiction of Transport for NSW. A request was sent to TfNSW earlier this year to review this location with a view of installing either guard rail or ‘Elsholz Kerb’ (i.e. a safety barrier style redirective kerb, similar to a section of kerb in place further east on Liverpool Rd) on the southern side of Liverpool Road west of Culdees Road.</p>
<p><b><u>Councillor Lesley Furmeaux-Cook</u></b></p> <p><b>Question 2:</b></p> <p>What was the community consultation process for the proposed new netball courts at Henley Park and how can residents see / comment on the</p>	<p><b><u>Group Manager Assets &amp; Infrastructure</u></b></p> <p>Over the last few years Mayor, Councillors and staff have received representation from residents and sporting associations for the creation of multipurpose courts in Grant Park. Particular requests came from various</p>

<b>QUESTIONS WITHOUT NOTICE – COUNCIL MEETING OF 28 JULY 2020</b>	
design?	<p>Netball associations, highlighting the lack of netball courts in the LGA despite a strong athlete community.</p> <p>In light of the above, Council applied for and received the grant funding amount of \$1.0mil from the State Government's Greater Sydney Sport Facility Fund (GSSFF) to build the Grant Park Netball Courts and Extension to the EAC Car Park joint project. The announcement was made in June 2020.</p> <p>The best and natural location for the new netball/multipurpose courts is between Shelly Street and Ann Street (slightly closer to Shelly Street to preserve the existing mature trees beside Ann Street), and adjacent to Enfield Aquatic Centre and the existing, fenced, off leash dog area. An extension to the current EAC carpark is being provided by Council, which adds further distance between the courts and pool, and greater car parking opportunities for both.</p> <p>The proposed design of the multipurpose courts and car park will be placed on Council's website for information once finalized.</p>
<p><b><u>Councillor Lesley Furmeaux-Cook</u></b></p> <p><b>Question 3:</b></p> <p>Has council received any indication that Flower Power is set to be redeveloped as per their approved plans?</p>	<p><b><u>Group Manager Building &amp; Development</u></b></p> <p>Building &amp; Development staff have had no contact with any representatives from Flower Power regarding lodgement of a DA for this site.</p>

**No Decision – Information Item Only**

**Attachments**

There are no attachments for this report.