

## **MEETING NOTICE**

The **Ordinary Meeting** of  
**Bayside Council**  
will be held in the Council Chambers, Rockdale Town Hall,  
448 Princes Highway, Rockdale  
**on 14 June 2017 at 7.00 pm**

## **AGENDA**

- 1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**
- 2 OPENING PRAYER**
- 3 APOLOGIES**
- 4 DISCLOSURES OF INTEREST**
- 5 MINUTES OF PREVIOUS MEETINGS**
  - 5.1 Council Meeting – 10 May 2017
  - 5.2 Extraordinary Council Meeting – 25 May 2017
- 6 ADMINISTRATOR MINUTES**
  - 6.1 General Manager – Renewal of Contract
- 7 PUBLIC FORUM**
- 8 REPORTS**
  - 8.1 Planning Proposal: 1A Willison Road, Carlton - Post-Exhibition Report
  - 8.2 Draft Bayside Council Community Gardens Policy
  - 8.3 Councillor Fees for 2017/2018
  - 8.4 Councillor Professional Development Policy
  - 8.5 Council Officials Relationship and Access Policy
  - 8.6 Election Material Policy
  - 8.7 Related Party Disclosures Policy
  - 8.8 Disclosure of Interest Returns
- 9 MINUTES OF COMMITTEES**
  - 9.1 Risk and Audit Committee – 18 May 2017
  - 9.2 Bayside Traffic Committee – 7 June 2017
  - 9.3 Local Representation Committee – 7 June 2017

Meredith Wallace  
**General Manager**

## **Council Meeting**

**14/06/2017**

Item No	5.1
Subject	<b>Minutes of Council Meeting – 10 May 2017</b>
Report by	Fausto Sut, Manager Governance and Risk
File	(R) SF16/1258

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## **Council Resolution**

Minute 2017/094

Resolved by the Administrator:

That the Minutes of the Council Meeting held on 10 May 2017 be confirmed as a true record of proceedings.

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## **Officer Recommendation**

That the Minutes of the Council Meeting held on 10 May 2017 be confirmed as a true record of proceedings.

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## **Present**

Greg Wright, Administrator

## **Also present**

Meredith Wallace, General Manager  
Colin Clissold, Director City Presentation  
Debra Dawson, Director City Life  
Daniel Fabri, Director City Performance  
Michael McCabe, Director City Futures  
Vince Carrabs, Coordinator City Media & Events  
Alister Duncan, Manager Finance  
Fausto Sut, Manager Governance and Risk  
Susanna Waller, Manager Libraries and Customer Service  
John Crawford, Project Lead, Information Technology  
Jihad Hussein, Information Technology Support Officer  
Greg Baker, Team Leader Regulatory Services  
Lauren Thomas, Governance Officer

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The Administrator opened the meeting in the Botany Town Hall at 7:01 pm.

## **1 Acknowledgement of Traditional Owners**

The Administrator acknowledged the traditional custodians of the land, the Gadigal and Bidjigal clans.

## **2 Opening Prayer**

Reverend Kurt Peters, from St Matthew's Anglican Church, Botany, opened the meeting in prayer.

## **3 Apologies**

There were no apologies received.

## **4 Disclosures of Interest**

There were no disclosures of interest.

## **5 Minutes of Previous Meeting**

### **5.1 Council Meeting – 12 April 2017**

Minute 2017/079

Resolved by the Administrator

That the Minutes of the Council Meeting held on 12 April 2017 be confirmed as a true record of proceedings.

## **6 Administrator Minutes**

There was no Administrator Minute.

At this stage, the Administrator extended his thanks to the members of the Local Representation Committee who attended ANZAC Day commemorations on his behalf, and to the Council staff and members of the broader community for organising and attending the various ANZAC Day events in the Bayside Local Government Area, all of which contributed to making the commemorations both memorable and successful.

## **7 Public Forum**

The Administrator invited the following public speakers to address the Council:

- 1 Mr Ron Hoenig MP speaking against the officer's recommendations (Item 9.2 – Minutes of the Traffic Committee 3 May 2017), specifically BTC17.65 – Frogmore Street and Hollingshed Street Intersection – Proposed Pedestrian Refuge Island With Additional STOP and BTC 17.66 – Garden Street, Mascot – Proposed Traffic and Parking Management.
- 2 Dr Sophia Tragoulis speaking against the officer's recommendation (Item 9.2 - Minutes of the Traffic Committee 3 May 2017), specifically BTC17.69 – Preddys Road in front of Angelo Anestis Aquatic Centre Proposed 'Bus Zone' and 'No Stopping' Restrictions.

## **8 Officer Reports**

### **8.1 Extended Opening Hours – Mascot and Eastgardens Library and Customer Service Centre**

Minute 2017/80

Resolved by the Administrator

That Council receive and note the report.

### **8.2 Bayside Events Strategy for the 2017/2018 Financial Year**

Minute 2017/81

Resolved by the Administrator

That Council endorses the Bayside Events Strategy and Events Calendar for the Financial Year 2017/2018.

### **8.3 Housekeeping Amendment to Botany Bay Development Control Plan 2013 – Amendment No. 8**

Minute 2017/82

Resolved by the Administrator

- 1 That Council places the draft BBDCP (Amendment No. 8) as shown in Attachment 1 to 13 on public exhibition for a minimum of 28 days in accordance with the provisions of *Environmental Planning & Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.
- 2 That at the conclusion of the exhibition period, a report on submissions be received.

### **8.4 Voluntary Planning Agreement Proposal for 75-81 Railway Street, Rockdale**

Minute 2017/83

Resolved by the Administrator

That Council agrees to the scope of the Voluntary Planning Agreement and delegates the finalisation of the VPA and its public exhibition to the General Manager, subject to the matter being reported back to Council for the information of both Council and the community once the matter has been finalised.

## **8.5 NSW Fire and Rescue Report – 637-645 Forest Road Bexley**

Minute 2017/84

Resolved by the Administrator

That report Reference number BFS 16/1445 (11005) dated 6 April 2017 forwarded on behalf of the Commissioner of Fire and Rescue NSW be tabled at Council's meeting as required by Section 121ZD (2) of the Environmental Planning and Assessment Act 1979.

## **8.6 Quarterly Budget Review Statement – 31 March 2017**

Minute 2017/85

Resolved by the Administrator

- 1 That the Quarterly Budget Review Statement by the Manager, Finance for the quarter ended 31 March 2017 be received and noted.
- 2 That the changes to the original budget highlighted in the attachment to this report be adopted by Council.

## **8.7 Statutory Financial Report – February 2017**

Minute 2017/86

Resolved by the Administrator

That the Statutory Financial Report by the Responsible Accounting Officer be received and noted.

## **8.8 Statutory Financial Report – March 2017**

Minute 2017/87

Resolved by the Administrator

That the Statutory Financial Report by the Responsible Accounting Officer be received and noted.

## **8.9 Code of Meeting Practice**

Minute 2017/88

Resolved by the Administrator

- 1 That the draft Code of Meeting Practice be adopted for public exhibition as required by Sections 360-363 of the Local Government Act.

- 2 That following the closing date for receipt of public submissions the matter be reconsidered by Council.

### **8.10 Statement of Business Ethics**

Minute 2017/89

Resolved by the Administrator

- 1 That the Statement of Business Ethics be adopted;
- 2 That the Statement of Business Ethics be promoted generally and particularly to the private sector organisations with which Council has a business relationship.
- 3 That the General Manager approve amendments to the Statement of Business Ethics to include Bayside Council's Values once developed.

### **8.11 Disclosure of Interest Return – Director of City Life, Debra Dawson**

Minute 2017/90

Resolved by the Administrator

That the information be received and noted.

## **9 Minutes of Committees**

### **9.1 Botany Historical Trust Committee – 1 May 2017**

Minute 2017/91

Resolved by the Administrator

That the Minutes of the Botany Historical Trust Committee meeting held on 1 May 2017 be received and the recommendations therein be adopted.

### **9.2 Bayside Traffic Committee – 3 May 2017**

Minute 2017/92

Resolved by the Administrator

- A That the Minutes of the Bayside Traffic Committee meeting held on 3 May 2017 be received and the recommendations therein be adopted, with the exception of Item BTC17.69.
- B In relation to Item BTC17.69, it is resolved:

- 1 That approval be given to the installation of 'No Stopping' restriction along the eastern kerbline of Preddy's Road between Canonbury Grove and Angelo Anestis Aquatic Centre Car Park driveway.
- 2 That approval be given to the installation of a bus zone at the existing bus stop in Preddy's Road in front of Angelo Anestis Aquatic Centre Car Park.
- 3 That approval be given to the installation of 'No Stopping, 9pm -5 am' restriction in the car park area north of No. 98 Preddy's Road.
- 4 That a Council officer meets with the affected residents living in close proximity of 98 Preddys Road, Bexley North to better understand their needs and whether there is any practical solution available regarding the positioning of signage.
- 5 That after consultation with the affected residents, a further report be submitted to the Traffic Committee for consideration, if relevant.

### **9.3 Local Representation Committee - 3 May 2017**

Minute 2017/93

Resolved by the Administrator

That the minutes of the Local Representation Committee meeting held on 3 May 2017 be received.

The Administrator closed the meeting at 7:41 pm.

Greg Wright  
**Administrator**

Meredith Wallace  
**General Manager**

## **Council Meeting**

**14/06/2017**

Item No	5.2
Subject	<b>Minutes of Extraordinary Council Meeting – 25 May 2017</b>
Report by	Fausto Sut, Manager Governance and Risk
File	(R) SF16/1258

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## **Council Resolution**

Minute 2017/095

Resolved by the Administrator:

That the Minutes of the Extraordinary Council Meeting held on 25 May 2017 be confirmed as a true record of proceedings.

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## **Officer Recommendation**

That the Minutes of the Extraordinary Council Meeting held on 25 May 2017 be confirmed as a true record of proceedings.

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## **Present**

Greg Wright, Administrator

## **Also present**

Meredith Wallace, General Manager  
Colin Clissold, Director City Presentation  
Debra Dawson, Director City Life  
Daniel Fabri, Director City Performance  
Karin Hartog, Major Projects Director  
Luis Melim, Manager Development Assessment  
Karen Purser, Manager Community Capacity Building  
Fausto Sut, Manager Governance and Risk  
Alister Duncan, Manager Finance  
Ben Heraud, Acting Manager Property and Venues  
Vince Carrabs, Coordinator - Media, Communications and Public Relations  
Zoran Sarin, Coordinator Asset Strategy  
Greg Baker, Team Leader Regulatory Services  
John Crawford, IT Support Officer  
Jihad Hussein, IT Support Officer  
Lauren Thomas, Governance Officer

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The Administrator opened the meeting in the Botany Town Hall at 7:00 pm.



## **1 Acknowledgement of Traditional Owners**

The Administrator acknowledged the traditional custodians of the land, the Gadigal and Bidjigal clans.

## **2 Opening Prayer**

Reverend Al Persohn from Botany City Church opened the meeting in prayer.

## **3 Apologies**

There were no apologies

## **4 Disclosures of Interest**

There were no disclosures of interest.

## **5 Administrator Minutes**

### **5.1 50th Anniversary 1967 Referendum and 25th Anniversary Mabo Native Title Decision**

Minute 2017/079

Resolved by the Administrator:

That this minute be received and noted.

## **Public Forum**

The Administrator invited the following public speaker to address the Council:

- 1 Ms Ingrid Knopf, speaking against the officer's recommendation (Item 6.2 - Amended Bayside Council Plan of Management for Community Land and Public Open Space 2016 – 72 Laycock Street, Bexley North)
- 2 Ms Ingrid Knopf, speaking against the officer's recommendation (Item 6.3 – Proposed Lease – 72 Laycock Street, Bexley North)

## **6 Officer Reports**

### **6.1 Draft Operational Plan 2017/2018**

Minute 2017/080

Resolved by the Administrator:

- 1 That Council endorse the draft Operational Plan 2017-18, including Budget 2017-18, Capital Works Program, Revenue Policy and Fees and Charges

for the purposes of public exhibition and consultation for a minimum of 28 days in accordance with the Local Government Act 1993.

- 2 That Council note that an Extraordinary Council Meeting will be held on Thursday 29 June 2017 to consider any submissions received and adopt the final Operational Plan for 2017-18.

## **6.2 Amendment to the Consolidated Plan of Management for Community Land (Bexley Bowling Site)**

Minute 2017/081

Resolved by the Administrator:

- 1 That Council endorse the re-categorisation of the land at 72 Laycock Street, Bexley North as both Sportsground (s36F) and General Community Use (s36I) as defined in the Amended Plan of Management titled Bayside Council Plan of Management for Community Land and Public Open Space 2016 (annexed to this report).
- 2 That in accordance with s114 of the Local Government Regulation 2005 Council's reason for adopting the Plan of Management without amending the proposed (re-) categorisation of the land at 72 Laycock Street, Bexley North is outlined in detail in the section titled 'Recommendations' contained within in the body of the report.
- 3 That the Amended Plan of Management titled Bayside Council Plan of Management for Community Land and Public Open Space 2016 (annexed to this report) be formally adopted (without marked up changes).

## **6.3 Proposed Lease Over 72 Laycock Street, Bexley North**

Minute 2017/082

Resolved by the Administrator:

- 1 That after duly considering the submissions made, Council re-affirm its intention to grant a lease over 72 Laycock Street, Bexley North to the Order of Australian Hellenic Educational Progressive Association of NSW Incorporated.
- 2 That in accordance with Section 47 of the Local Government Act Council make an application to seek Ministerial consent to grant the lease.
- 3 That if and when Ministerial consent is received, the proposed heads of consideration within the proposed/draft lease be reported back to council to ensure that lease provisions reflect reasonable community expectations about community access and retention of bowling activity and other elements identified in the submissions.
- 4 That it is noted that the remainder of issues raised in the consultation process will be addressed during the Development Approval process.

#### **6.4 York Street Car Park Update**

Minute 2017/083

Resolved by the Administrator:

- 1 That Council endorse the undertaking of additional parking occupancy surveys in the Rockdale Town Centre at an estimated cost of \$40,000.
- 2 That two parking occupancy surveys be undertaken as detailed within the report, namely Survey 1 (immediately) and Survey 2 (post loss of Chapel Street site parking).
- 3 That a report be prepared for consideration by Council following completion of Survey 1 and again following completion of Survey 2.

#### **6.5 Expenses and Facilities Policy**

Minute 2017/084

Resolved by the Administrator:

- 1 That the draft Expenses & Facilities Policy be adopted for public exhibition as required by Sections 252 and 253 of the Local Government Act 1993.
- 2 That following the closure for receipt of public submissions the draft policy be reconsidered by Council.

#### **6.6 Bicentennial Park South Synthetic Playing Field Design and Construction**

Minute 2017/085

Resolved by the Administrator:

- 1 That, in accordance with Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from Turf One Pty Ltd for contract F16/94 being for the design & construction of a synthetic playing field at Bicentennial Park South at 468 West Botany Street, Rockdale for the amount of \$1,556,520.00 exclusive of GST.
- 2 That Council proceeds with the full size synthetic field option (10,125 m<sup>2</sup>) and Maintenance Option 1 (partnering approach, both club and contractor having obligation).
- 3 That the General Manager initiates negotiations with Ilinden Football Club to seek a contribution from the club towards the cost of the extra 1,794 m<sup>2</sup> area of synthetic turf field as recommended.

## **6.7 Eastgardens Library and Customer Service Centre Refurbishment**

Minute 2017/086

Resolved by the Administrator:

That, in accordance with Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accept the tender from Patterson Building Group Pty Limited for Contract F17/242 being for the Eastgardens Library and Customer Service Centre Refurbishment for the amount of \$2,950,269.09 exclusive of GST.

## **6.8 Booralee Park Amenities Block Construction**

Minute 2017/087

Resolved by the Administrator:

That, in accordance with Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from Forefront Commercial Interiors Pty Ltd for contract F17/365 being for the construction of a new amenities block at Booralee Park, Jasmine Street, Botany, for the amount of \$948,021.82 exclusive of GST, subject to development approval being granted.

## **6.9 VPA Proposal – Land and Environment Court Proceedings No. 361926 of 2016, Combined Projects Pty Ltd v Bayside Council – Chapel Street, Lister Street and Rockdale Town Centre**

Minute 2017/088

Resolved by the Administrator:

- 1 That Council resolve to accept the VPA offer in principle.
- 2 That Council authorise the General Manager to negotiate the final terms of the VPA, including the legal interest to be provided and execute it on behalf of Council.

## **7 Confidential Reports**

### **7.1 Closed Council Meeting**

The Administrator did not close the meeting to the press and public.

Minute 2017/089

Resolved by the Administrator:

That the attachments to the following items be withheld from the press and public as they are confidential for the reasons outlined below:

- 1 That, in accordance with section 10A (1) of the Local Government Act 1993, the Council considers the following item/s in closed Council Meeting, from which the press and public are excluded, for the reason/s indicated:

**7.2 CONFIDENTIAL – Bicentennial Park South Synthetic Playing Field Design and Construction**

In accordance with section 10A (2) (d) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

**7.3 CONFIDENTIAL – Eastgardens Library and Customer Service Centre Refurbishment**

In accordance with section 10A (2) (d) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

**7.4 CONFIDENTIAL – Booralee Park Amenities Block Construction**

In accordance with section 10A (2) (d) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

**7.5 CONFIDENTIAL – Proposed Lease Over 72 Laycock Street, Bexley North**

In accordance with section 10A (2) (a) of the Local Government Act 1993, the Council resolves itself into closed session with the press and public excluded by reasons of personnel matters concerning particular individuals (other than Councillors).

- 3 That, in accordance with section 11 (2) and (3) of the Local Government Act 1993, the reports, correspondence and other documentation relating to these items be withheld from the press and public.

## **7.2 CONFIDENTIAL – Bicentennial Park South Synthetic Playing Field Design and Construction**

Minute 2017/090

Resolved by the Administrator:

That the report titled “CONFIDENTIAL - Bicentennial Park South Synthetic Playing Field Design and Construction” be received and noted.

## **7.3 CONFIDENTIAL – Eastgardens Library and Customer Service Centre Refurbishment**

Minute 2017/091

Resolved by the Administrator:

That the report titled “CONFIDENTIAL - Eastgardens Library and Customer Service Centre Refurbishment – Confidential Attachments” be received and noted.

## **7.4 CONFIDENTIAL – Booralee Park Amenities Block Construction**

Minute 2017/092

Resolved by the Administrator:

That the report titled ‘CONFIDENTIAL - Booralee Park Amenities Block Construction’ be received and noted.

## **7.5 CONFIDENTIAL – Proposed Lease Over 72 Laycock Street, Bexley North**

Minute 2017/093

Resolved by the Administrator:

That the report titled ‘CONFIDENTIAL – Proposed Lease Over 72 Laycock Street, Bexley North’ be received and noted.

## **7.6 Resumption of Open Council Meeting**

The Administrator did not close the meeting to the press and public.

The Administrator closed the meeting at 7:34 pm.

Greg Wright  
**Administrator**

Meredith Wallace  
**General Manager**



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## Council Meeting

**14/06/2017**

Item No 6.1

Subject **Administrator Minute - General Manager - Renewal of Contract**

File

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### Administrator Minute

Subject to the Council being satisfied with the performance of the General Manager, it is considered appropriate that the General Manager's contract be renewed for a five (5) year period.

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### Council Resolution

Minute 2017/096

Resolved by the Administrator:

- 1 That consistent with the Office of Local Government's guidelines for General Manager Employment Contracts, Council reappoints the existing General Manager to a five (5) year contract.
  - 2 That the Administrator authorise the signing of the employment contract having regard to the existing terms and conditions of the standard employment contract.
  - 3 That the Minister for Local Government be advised of Council's decision.
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### Motion

- 1 That consistent with the Office of Local Government's guidelines for General Manager Employment Contracts, Council reappoints the existing General Manager to a five (5) year contract.
  - 2 That the Administrator authorise the signing of the employment contract having regard to the existing terms and conditions of the standard employment contract.
  - 3 That the Minister for Local Government be advised of Council's decision.
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### Background

Council is required to adhere to the terms and conditions of the existing employment contract with the General Manager. The Administrator has the authority to continue, terminate and/or extend the appointment of the General Manager.

The Proclamation for Bayside Council does not prevent the Administrator from extending the term of appointment of the Interim General Manager.

In addition to Ms Wallace's strong performance since her commencement on 28 November 2011, it is recognised that she implemented an extensive preparation program prior to the



amalgamation. This preparation has significantly contributed to positioning Bayside Council as a lead council in the transition process and sustainable performance into the future.

In May 2016, the former council commended the General Manager's performance and resolved to reappoint the General Manager to a one-year term contract. This was based on the advice of the Office of Local Government for contract renewals during a merger proposal period.

It is recognised that the current General Manager had the confidence of the NSW Government in leading the new council through a significant change-management process.

As the former councillors represent the community, the aforementioned preparation program followed by a substantial implementation plan included strategies, activities and tasks to ensure that the former councillors' participation in Council activities remained during the transition period of 12 months.

The recent employee survey demonstrates the trust and belief that the employees of Bayside Council have in their leader. 83.5 % of Bayside Employees believe that Bayside Council has a positive future, 13.9% were undecided and only 2.6 % did not believe Bayside Council has a positive future. These are unusually high results for an organisation going through substantial change and a merger.

The General Manager's contract expires on 29 November 2017. Under the employment contract the General Manager is required to indicate six (6) months prior to the end of the contract if she wishes to seek a renewal of that contract.

The General Manager has requested that her contract be renewed. At least three (3) months before the expiring of the contract, i.e. 26 May 2017, Council is required to notify the General Manager of its decision.

It is therefore recommended that the General Manager's Employment Contract, due to expire on 29 November 2017, be extended for five (5) years to 29 November 2022.

Greg Wright  
**Administrator**

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## Council Meeting

14/06/2017

Item No	8.1
Subject	<b>Planning Proposal: 1A Willison Road, Carlton – Post Exhibition Report</b>
Report by	David Dekel, Coordinator City Places and Systems
File	F13/505

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## Summary

Following the receipt of a Gateway Determination from the NSW Department of Planning and Environment (DPE) on 2 December 2016, Council proceeded with the Public Exhibition of the Planning Proposal for the land at 1A Willison Road, Carlton. The Planning Proposal for the land can be viewed at Attachment 1 and the Gateway Determination can be viewed at Attachment 2.

Council publicly exhibited the Planning Proposal from 29 March to 27 April 2017. The Public Exhibition included direct notification of 94 local land-owners. A copy of the Planning Proposal and supporting documents was also made available for inspection at Rockdale Customer Service Centre and Bexley Library. The Planning Proposal was advertised in the St George and Sutherland Shire Leader and the documents were also published on the 'Have Your Say' page of Council's website.

Two written responses were received, both of which raised concerns with the Planning Proposal. The comments made by the objectors are described in more detail later in the 'Community Engagement' section of this report and in Attachment 4, along with Council officer responses to the concerns raised.

The Planning Proposal reflects a reasonable request to change the planning controls for the site, which is consistent with the surrounding area.

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## Council Resolution

Minute 2017/097

Resolved by the Administrator:

That Council requests that the Minister makes the Local Environmental Plan Amendment as exhibited.

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## Officer Recommendation

That Council requests that the Minister makes the Local Environmental Plan Amendment as exhibited.

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## Background

### The Planning Proposal

The Planning Proposal relates to the land located at the former Ausgrid Carlton Electricity Substation, 1A Willison Road Carlton. The substation has been decommissioned following the commissioning of a new substation located on the corner of Railway Parade and English Street, Kogarah (within the Georges River LGA). The land at the subject site has since been cleared and is surplus to Ausgrid's operational requirements.

The Planning Proposal aims to secure the efficient and productive re-use of the site for high-density residential accommodation close to public transport and in context with some of the land-uses in the immediate locality.

The Planning Proposal originally sought to:

1. Rezone the land from SP2 (Infrastructure) to R4 (High Density Residential);
2. Introduce a maximum Height of Building (HOB) on the land of 14.5m; and
3. Introduce a maximum Floor Space Ratio (FSR) on the land of 1.35:1.

The Planning Proposal was presented to Council on the 7 September 2016 and the following resolutions were passed:

1. That Council supports the Planning Proposal and its supporting documents for submission to the DPE for a Gateway Determination subject to the FSR being reduced to 1.26:1; and
2. The Council publicly exhibits the Planning Proposal in accordance with the DPE's Gateway Determination.

The Council Report of 7 September 2016 can be found at Attachment 3.

### Gateway Determination

The DPE's Gateway Determination was received on 2 December 2016 and was subject to the following pre-exhibition conditions:

1. Prior to exhibition, the Planning Proposal is to be updated to:
  - (a) Reflect a maximum Floor Space Ratio of 1.26:1; and
  - (b) Ensure that all maps comply with the 'Standard Technical Requirements for Spatial Datasets and Maps'.

*Compliance with Condition 1* – The proponent amended the Planning Proposal and the relevant supporting documents to reflect the revised FSR of 1.26:1. Council amended the Planning Proposal to include Standard Technical maps. The amended Planning Proposal (as provided in Attachment 1) and supporting documents were those exhibited.

2. Prior to exhibition, the Planning Proposal should be updated to include a discussion regarding how the proposal is consistent with the Draft Central District Plan.

*Compliance with Condition 2* – The proponent amended the Planning Proposal and the relevant supporting documents to provide commentary on the consistency of the proposal with the Draft Central District Plan. The amended Planning Proposal and supporting documents were those exhibited.

## **Public Exhibition**

In compliance with Condition 4(a) of the Gateway Determination, the Planning Proposal and supporting documents were placed on Public Exhibition for 29 days.

In accordance with Condition 4(b) of the Gateway Determination, the Planning Proposal was advertised in the St. George and Sutherland Shire Leader on 29 March 2017. The documents were made available for inspection at the Rockdale Customer Service Centre and Bexley Library, and were also published on the 'Have Your Say' section of Council's website. Council also directly notified 94 local landowners/residents by letter.

As required by Condition 3 of the Gateway Determination, Transport for NSW – Sydney Trains was also consulted. No response was received.

## **Submissions**

Two submissions were received from the community which raised objections with regard to:

- The proposed height of development on the land;
- The potential impact on the amenity of surrounding properties;
- Pedestrian and highway safety; and
- General objections to over-development and loss of green space.

A detailed summary of these submissions, and Council's responses to them, is provided in Attachment 4.

It is considered that the proposed R4 High Density Residential zoning, the proposed maximum Height of Building of 14.5m and the proposed FSR of 1.26:1 are generally consistent with the character, height and density of existing residential flat buildings in large parts of the surrounding area.

The proposed development standards would present a logical continuation of development standards already prevalent in the immediate locality. They would facilitate the effective and efficient re-use of a vacant, brownfield site for a residential development that would make a substantial contribution to Council's housing targets set out in the Draft Central District Plan.

No reduction in open space is proposed as part of this Planning Proposal.

Although it is not considered that the future development of the site will raise any significant highway or pedestrian safety issues, these matters will be given more-detailed consideration as part of any future Development Assessment application.

## **Conclusion**

The planning proposal represents a reasonable request to secure the efficient and productive re-use of the site for high-density residential accommodation close to public transport and in context with some of the land-uses in the immediate locality. It is recommended that Council requests that the Minister makes the proposed LEP Amendment which adopts the proposed R4 High Density Residential zoning and the proposed Height of Building and Floor Space Ratio of 14.5m and 1.26:1 respectively.

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## **Financial Implications**

Not applicable

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## **Community Engagement**

Public exhibition of the planning proposal was conducted and is described in the body of this report.

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## **Attachments**

- 1 Planning Proposal
- 2 Gateway Determination
- 3 Planning Proposal Council Report/Resolution – 7 September 2016
- 4 Summary of Submissions and Council Officer Responses

# **Planning Proposal**

**Rockdale Local Environmental Plan 2011**

**1A Willison Road, Carlton**



February  
2017

## Contents

- Part 1 -** A statement of the Objectives or Intended Outcomes of the proposed LEP
- Part 2 -** An Explanation of the Provisions that are to be included in the proposed LEP
- Part 3 -** The Justification for those objectives, outcomes and provisions and the process for their implementation
- Part 4 -** Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies
- Part 5 -** Details of the Community Consultation that is to be undertaken on the planning proposal
- Part 6 -** Project Timeline

## Table of revisions

<b>Version 1</b>	May 2016
<b>Version 2</b>	5 July 2016
<b>Version 3</b>	5 February 2017

## Introduction

This Planning Proposal explains the intended effect of, and justification, for the proposed amendment to *Rockdale Local Environmental Plan (LEP) 2011*. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning and Environment guides, including 'A Guide to Preparing Local Environment Plans' and 'A Guide to Preparing Planning Proposals'.

## Background

Ausgrid makes application to Bayside Council to initiate the Local Environmental Plan 'Gateway' process pursuant to section 55 of the *Environmental Planning and Assessment Act 1979* to rezone Lot 1 DP 634007, No. 1A Willison Road, Carlton from "*SP2 Infrastructure (Electricity Generating Works)*" to "*R4 High Density Residential*" under *Rockdale Local Environmental Plan 2011*.

A 'pre-application' meeting was held with Council officers on 15 November 2013 when it was advised that, in view of adjacent zoning and residential development, the R4 High Density Residential Zone is the most appropriate alternative zone for the subject site.

The reason for the Planning Proposal application is that the existing *SP2 Infrastructure (Electricity Generating Works)* zoning of the subject land under *Rockdale LEP 2011* is redundant, as the former Ausgrid Carlton Electricity Substation was decommissioned and demolished in September 2014 upon the commissioning of a new substation located nearby on the corner of Railway Parade and English Street, Kogarah.

The subject land is now vacant and surplus to Ausgrid's requirements and consequently it is appropriate to apply an alternative zoning to the subject land to facilitate higher order uses within the site in a manner consistent with metropolitan, regional and local planning strategies.

The subject land has an area of approximately 2,027m<sup>2</sup> and comprises an irregular-shaped corner lot with a frontage to Willison Road of 61.61m; a rear boundary of 70.7m; a western side boundary to Carlton Parade of 32.13m; and an irregular eastern side boundary of 45.87m, partly abutting the Illawarra Railway Line.

Surrounding development comprises a mix of detached dwelling houses and 3-4 storey residential flat buildings. Local shopping and service facilities are available within the Carlton neighbourhood shopping centre located within walking distance (approximately 200m) to the south-west of the subject land, where Carlton Railway Station also provides public transport connections to the Greater Metropolitan Area.

Massing Diagrams submitted with the application provide a visual presentation of the maximum built form that could result from the planning proposal. They demonstrate that the bulk and scale of a future residential flat building, consistent with the proposed 14.5m maximum permissible building height and 1.26:1 maximum permissible floor space ratio development standards, would be compatible with the bulk and scale of neighbouring residential development.



## Part 1 - Objectives or Intended Outcomes

The objective of the Planning Proposal is to amend Rockdale LEP 2011 by rezoning land known as 1A Willison Road, Carlton from its existing *SP2 Infrastructure (Electricity Generating Works)* zone to *R4 High Density Residential* and applying appropriate development standards to facilitate higher order uses within the site.

This objective will be achieved by amending Rockdale Local Environmental Plan 2011 in the following manner:

- Amend Land Zoning Map – Sheet LZN\_004 so as to rezone Lot 1 DP 634007, No. 1A Willison Road, Carlton from “*SP2 Infrastructure (Electricity Generating Works)*” to “*R4 High Density Residential*”;
- Amend Height of Buildings Map – Sheet HOB\_004 so as to apply a maximum permissible building height development standard of 14.5m to the erection of a building on Lot 1 DP 634007, No. 1A Willison Road, Carlton; and
- Amend Floor Space Ratio Map – Sheet FSR\_004 so as to apply a maximum permissible floor space ratio development standard of 1.26:1 to the erection of a building on Lot 1 DP 634007, No. 1A Willison Road, Carlton.

The Planning Proposal reflects the consideration of planning issues at metropolitan, district, local and site specific levels:

- At a strategic planning level, the proposed rezoning is considered in its metropolitan and district planning context;
- At the local planning level, the proposal is consistent with its broader urban context and adjacent higher density residential zone/development; and
- At a site specific level, building massing diagrams have been prepared by Thrum Architects to illustrate and test the proposed rezoning and potential bulk and scale impacts relative to the neighbouring property at No. 1 Carlton Parade (refer to the Town Planning report prepared by Doug Sneddon Planning Pty Ltd provided in Appendix 1).

The proposed application of the *R4 High Density Residential* zone to the subject land to enable the future development of a four storey residential flat building has the potential to increase housing supply in the locality and thereby provide a net community benefit by:

- Providing additional housing opportunities close to employment centres and transport nodes;
- Providing housing choice in the Carlton locality;
- Providing higher density housing in a location well served by public transport; and
- Maximising the efficient use of public infrastructure and investment.

## Part 2 - Explanation of Provisions

### A. Map Amendments.

The *Rockdale LEP 2011* Maps are proposed to be amended in relation to Lot 1 DP 634007, No.1A Willison Road, Carlton as per Table 1 below:

**Table 1** – Proposed Map Amendments

Map Tile No.	Amendment	Explanation
LNZ_004	<ul style="list-style-type: none"><li>• Apply R4 High Density Residential Zone</li></ul>	To permit RFB development.
HOB_004	<ul style="list-style-type: none"><li>• Apply height of 14.5m</li></ul>	To provide an appropriate maximum permissible building height commensurate with adjoining land.
FSR_004	<ul style="list-style-type: none"><li>• Apply FSR 1.26:1.</li></ul>	To provide an appropriate residential density.

### B. Written Instrument.

There are no proposed amendments to the written instrument (Rockdale LEP 2011).

## Part 3 – Justification

### A. Need for the planning proposal

#### A1 Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study.

The site is a redundant former Ausgrid electricity substation site adjoining land zoned R4 High Density Residential. The Planning Proposal will facilitate the development of the land for high density residential use, thereby providing increased housing choice and availability within the Carlton locality.

Development of the land for high density residential use will provide an appropriate local response to the housing targets set within the Draft Central District Plan for the Bayside LGA (10,150 dwellings) to accommodate an increasing metropolitan population in existing centres close to high capacity public transport.

At a local planning level, the Planning Proposal is compatible with existing high density residential development in the locality.

At a site level, the site area of 2,027m<sup>2</sup> provides sufficient area and dimensions to enable the design of a residential flat building which will:

- Provide a suitable level of amenity for both residents and neighbours; and
- Accommodate a built form of appropriate bulk and scale which will minimise impacts on neighbouring development and the public domain/streetscape.

The future development of this site for high density residential purposes will reduce the need for car travel and will support increased patronage of public transport given its location in close proximity to public transport services.

#### A2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is considered to be the best way of facilitating the higher use of the site, as the existing *SP2 Infrastructure (Electricity Generating Works)* zoning is now redundant and does not enable the land to be put to an appropriate economic use in a manner which provides economic and social benefits to the community.

The site needs to be rezoned in order to enable it to be used for higher density residential purposes in a manner consistent with the zoning of adjoining land.

### B. Relationship to strategic planning framework

#### B1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

##### (i) A Plan for Growing Sydney (2014)

*A Plan for Growing Sydney*, released in December 2014, is the NSW Governments 20 year plan for the Sydney Metropolitan Area. It provides direction for Sydney's productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space.

To achieve the NSW Government's vision for Sydney as a “*strong global city, a great place to live*”, the Government has set down the following goals that Sydney will be:

- *A competitive economy with world class services and transport;*
- *A city of housing choice with homes that meet our needs and lifestyles;*
- *A great place to live with communities that are strong, healthy and well connected; and*
- *A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.*

Goals 2 and 3 are principally relevant to this Planning Proposal to rezone Lot 1 DP 634007, No. 1A Willison Road, Carlton, to *R4 High Density Residential* in order to provide additional housing. The relevant goals, directions and actions for consideration in this Planning Proposal are as follows:

**GOAL 2: A city of housing choice, with homes that meet our needs and lifestyles**

**DIRECTION 2.1: Accelerate housing supply across Sydney**

The delivery of new housing must be accelerated to meet the needs of a bigger population and to satisfy a growing demand for different types of housing.

**Action 2.1.1: Accelerate housing supply and local housing choices**

The most suitable areas for significant urban renewal are those areas best Connected to employment and include:

- In and around centres that are close to jobs and are serviced by public transport services that are frequent and capable of moving large numbers of people; and
- In and around strategic centres.

**Action 2.1.3: Deliver more housing by developing surplus or under-used Government land**

Making surplus Government land available for housing will be a significant source of new housing.

**DIRECTION 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs**

New urban renewal locations will be selected in or near centres on the public transport network. Locating new housing here will make it easier for people to get to jobs and services and take pressure off congested roads.

**Action 2.2.1: Use the Greater Sydney Commission to support Council-led urban infill projects.**

A significant proportion of Sydney's additional housing supply needs to come from urban infill across Sydney. The Government will support council-led urban infill and local efforts to lift housing production around local centres, transport corridors and public transport access points.

**Action 2.2.3: Undertake urban renewal in transport corridors which are being transformed by investment, and around strategic centres.**

*A Plan for Growing Sydney* focuses new housing in centres which have public transport that runs frequently and can carry large numbers of passengers.

**DIRECTION 2.3: Improve housing choice to suit different needs and lifestyles.**

There is currently a shortage of apartments in the middle and outer areas of the city. This is affecting the capacity of people to buy or rent a home. To respond to these issues, the Government will introduce planning controls that increase the number of homes in established urban areas to take advantage of public transport, jobs and services.

**GOAL 3: A great place to live with communities that are strong, healthy and well connected.**

*A Plan for Growing Sydney* aims to create more vibrant places and revitalised suburbs where people will want to live.

**Action 3.1: Revitalise existing suburbs.**

Provision of new housing within Sydney's established suburbs brings real benefits to communities and makes good social and economic sense.

This type of development lowers infrastructure costs; reduces the time people spend commuting to work or travelling between places; gives people more time to spend with their families, relaxing and enjoying sport and other activities; and helps people get involved in the local community. Directing new housing to the existing urban area will reduce the impact of development on the environment and protect productive rural land on the urban fringe. It also improves resident's access to jobs, services and recreation and this will enhance the liveability of the city.

The subject land is located within an identified Urban Renewal Corridor, where the priority for accelerating housing supply, choice and affordability and building great places to live, is to work with councils to identify suitable locations for housing intensification and urban renewal, including employment agglomerations, particularly around Priority Precincts, established and new centres, and along key public transport corridors.

**SUMMARY ASSESSMENT of the consistency of the Planning Proposal with 'A Plan for Growing Sydney'.**

This planning proposal to rezone Lot 1 DP 634007, No. 1A Willison Road, Carlton to *R4 High Density Residential*, is consistent with the goals and related actions contained in *A Plan for Growing Sydney* aimed to accelerate housing supply/choice and to revitalise existing suburbs:

- The subject land is located within an urban renewal corridor;
- The subject land is located on the Illawarra Railway Line within walking distance of Carlton Railway Station, which provides high frequency public transport access to employment and services located elsewhere within the Metropolitan area;
- The subject land is located within walking distances of Carlton local centre and a short distance from 'strategic centres' at Hurstville and Kogarah, providing ready access to services and amenities;
- The subject land comprises a surplus Government site (Ausgrid is a Crown Authority) to be made available to increase housing supply; and
- The proposed *R4 High Density Residential* zone will increase the supply of apartments in the locality and reduce the impact of development on the urban fringe.

**(ii) Draft Amendment to update 'A Plan for Growing Sydney'**

The aim of the draft update of *A Plan for Growing Sydney* is to conceive and plan for Greater Sydney maturing into a metropolis of three cities. The subject land is located within the '*established Eastern City*' which includes Sydney City and economic corridors to its

north through to Macquarie Park, and south through Sydney Airport and Port Botany to Kogarah.

Since the release of *A Plan for Growing Sydney*, projections for growth have been revised upwards. In order to accommodate new housing growth, while also responding to housing affordability, there is a need to accelerate housing supply across Greater Sydney. Three ways are identified to increase housing supply, through urban renewal, medium density infill development and new communities in land release areas.

This Planning Proposal to rezone the subject land from *SP2 Infrastructure (Electricity Generating Works)* to *R4 High Density Residential* is consistent with opportunities identified to enhance the *Eastern City* and accelerate housing supply through the renewal of redundant government infrastructure sites located in existing centres and on major transport corridors that can carry large numbers of passengers.

### **(iii) Draft Central District Plan.**

The publicly exhibited draft Central District Plan, developed by the Greater Sydney Commission, sets out priorities and actions for Greater Sydney's Central District, which includes the Bayside local government area within which the subject land is located. The Draft Central District Plan is required to be taken into consideration and inform the preparation of planning proposals within the District.

*A Plan for Growing Sydney* identifies three planning principles that remain current and underpin many of the priorities of the draft District Plan. Principle 1 relates to increasing housing supply and choice:

***‘Principle 1: Increase housing choice around centres through urban renewal in established areas.’***

This Planning Proposal to rezone the subject site to *R4 High Density Residential* is consistent with the intention to increase housing supply through urban renewal close to centres and stations.

Chapter 4 of the draft District Plan is relevant to the consideration of this Planning proposal and addresses proposed priorities and actions for a liveable Central District, which are based on the District's dynamic urban network of unique places, safe neighbourhoods and vibrant communities. The overarching priorities are:

- Improving housing choice;
- Improving housing diversity and affordability;
- Coordinating and monitoring housing outcomes and demographic trends;
- Creating great places;
- Fostering cohesive communities; and
- Responding to people's need for services.

In response to the need to accelerate housing supply across Greater Sydney, the Draft District Plan contains a number of actions aimed to increase housing capacity. Action L3 requires each Council to increase housing capacity across the District. In this regard, Bayside Council is required to undertake a number of actions, including:

- “monitor and support the delivery of Bayside's five year target of 10,150 dwellings recognising significant growth in infill areas ad discovery Point”, and
- “investigate local opportunities to address diversity and demand in the short to medium term at local centres and close to transport and other areas with high accessibility”.

This Planning Proposal to rezone the subject land from *SP2 Infrastructure (Electricity Generating Works)* to *R4 High Density Residential* provides an opportunity to increase the supply and diversity of housing through urban renewal of a redundant electricity infrastructure site which is located close to local centres and a high capacity rail link, in a manner which is consistent with the overarching priorities of the draft District Plan for improving housing supply and choice; and will assist Bayside Council achieve its five year housing target of 10,150 dwellings.

The Planning Proposal is therefore consistent with the applicable strategies and actions of the draft Central District Plan to create housing capacity in the District.

**B2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

**'Rockdale City Plan 2013-2025'**

Council's current strategic plan for the locality is *Rockdale City Plan 2013-2015*. In its description of the future, the 'Rockdale City Plan' notes that:

*"Over the next 20 years, some parts of the City will have developed and changed in response to economic and population growth, while other parts of the City will be protected to preserve their existing character that is so highly valued by the community. Future growth is likely to occur in the centres of Rockdale, Wolli Creek, Brighton Le Sands, Bexley and Bexley North, which have the most significant opportunities for redevelopment. The City is expected to accommodate approximately 5,900 additional dwellings and 410,000 square metres of additional commercial floor space within the next 10-15 years. It is expected that the large majority of new dwellings will be in the form of medium and high density housing, focused around existing centres."*

In its discussion of planning, the Rockdale City Plan addresses the implications of various Regional and State Plans which will shape the local government area. The references to draft metropolitan and regional strategy documents contained in the Rockdale City Plan have now been superseded with the release of *A Plan for Growing Sydney* in December 2014.

This Planning Proposal to rezone Lot 1 DP 634007, No. 1A Willison Road, Carlton, to *R4 High Density Residential* is consistent with the description of future growth contained within the Rockdale City Plan (i.e. *"It is expected that the large majority of new dwellings will be in the form of medium and high density housing, focused around existing centres"*).

Table 2 below identifies how the Planning Proposal is consistent with the community outcomes.

**Table 2 – Consistency with Rockdale City Community Strategic Plan**

Outcome	Objective	Strategy	Consistency
2	2.2	2.2.2	Consistent: The Planning Proposal will enable the provision of high quality well designed housing on the subject land in a manner which is compatible with existing high density residential development in the locality; enhances and protects the amenity of the city; and enables residents to live close to public transport and local services.



**B3 Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?**

Table 3 below identifies how the Planning Proposal is consistent with applicable State Environmental Planning Policies:

**Table 3 - Consistency with State Environmental Planning Policies**

No.	Title	Consistency with Planning Proposal
1	Development Standards	(Repealed by <i>RLEP 2011</i> )
14	Coastal Wetlands	Not Applicable
15	Rural Land sharing Communities	Not Applicable
19	Bushland in Urban Areas	Not Applicable
21	Caravan Parks	Not Applicable
22	Shops and Commercial Premises	Not Applicable
26	Littoral Rainforests	Not Applicable
29	Western Sydney Recreation Area	Not Applicable
30	Intensive Aquaculture	Not Applicable
32	Urban Consolidation (Redevelopment of Urban Land)	Consistent in permitting high density residential development on the subject land.
33	Hazardous and Offensive Development	Not Applicable
36	Manufactured Home Estates	Not Applicable
39	Spit Island Bird Habitat	Not Applicable
44	Koala Habitat Protection	Not Applicable
47	Moore Park Showground	Not Applicable
50	Canal Estate Development	Not Applicable
52	Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable
55	Remediation of Land	Consistent – Site Audit Statement No. 0503-1119 issued under the Contaminated Land Management Act 1997 certifies that the subject land can be made suitable for residential use with minimal opportunity for soil access, including units, provided the site is remediated in accordance with the Remedial Action Plan prepared for the site.
59	Central Western Sydney Regional Open Space and Residential	Not Applicable
60	Exempt and Complying Development	(Repealed by <i>RLEP 2011</i> )
62	Sustainable Aquaculture	Not Applicable
64	Advertising and Signage	Not Applicable
65	Design Quality of Residential Flat Development	Consistent – The Planning Proposal will enable a future development application to be lodged for a residential flat building. Any future development application will be required to demonstrate the consistency of the particular development proposal with the provisions of SEPP 65 and the Apartment Design Guide.
70	Affordable Housing (Revised Schemes)	Not Applicable



71	Coastal Protection	Not Applicable
	(Affordable Rental Housing) 2009	Not Applicable
	(Building Sustainability Index: BASIX) 2004	Not Applicable
	(Exempt and Complying Development Codes) 2008	Not Applicable
	(Housing for Seniors or People with a Disability) 2004	Not Applicable
	(Infrastructure) 2007	Not Applicable
	(Kosciuszko National park Alpine Resorts) 2007	Not Applicable
	(Kurnell Peninsula) 1989	Not Applicable
	(Major Development) 2005	Not Applicable
	(Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable
	(Miscellaneous Consent Provisions) 2007	Not Applicable
	(Penrith Lakes Scheme) 1989	Not Applicable
	(Rural Lands) 2008	Not Applicable
	(SEPP 53 Transitional Provisions) 2011	Not Applicable
	(State and Regional Development) 2011	Not Applicable
	(Sydney Drinking Water Catchment) 2011	Not Applicable
	(Sydney Region Growth Centres) 2006	Not Applicable
	(Urban Renewal) 2010	Not Applicable
	(Western Sydney Employment Area) 2009	Not Applicable
	(Western Sydney Parklands) 2009	Not Applicable

Table 4 below reviews the consistency of the Planning Proposal with the formerly named State Regional Environmental Plans, now identified as deemed SEPPs:

**Table 4 - Consistency with deemed State Environmental Planning Policies**

No.	Title	Consistency with Planning Proposal
8	(Central Coast Plateau Areas)	Not Applicable
9	Extractive Industry (No.2 – 1995)	Not Applicable
16	Walsh Bay	Not Applicable
18	Public Transport Corridors	Not Applicable
19	Rouse Hill Development Area	Not Applicable
20	Hawkesbury-Nepean River (No.2 – 1997)	Not Applicable
24	Homebush Bay Area	Not Applicable
26	City West	Not Applicable
30	St Marys	Not Applicable
33	Cooks Cove	Not Applicable
	(Sydney Harbour Catchment) 2005	Not Applicable

**B4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

Table 5 below reviews the consistency of the Planning Proposal with Ministerial Directions for LEPs under section 117 of the *Environmental Planning and Assessment Act 1979*.

**Table 5 - Consistency with applicable Ministerial Directions**

**1. Employment and Resources**

No.	Title	Consistency with Planning Proposal
1.1	Business and Industrial Zones	Not Applicable
1.2	Rural Zones	Not Applicable
1.3	Mining, Petroleum Production & Extractive Industries	Not Applicable
1.4	Oyster Aquaculture	Not Applicable
1.5	Rural Lands	Not Applicable

**2. Environment and Heritage**

No.	Title	Consistency with Planning Proposal
2.1	Environmental Protection Zones	Not Applicable
2.2	Coastal Protection	Not Applicable
2.3	Heritage Conservation	Not Applicable
2.4	Recreation Vehicle Areas	Not Applicable

**3. Housing, Infrastructure and Urban Development**

No.	Title	Consistency with Planning Proposal
3.1	Residential Zones	Consistent – The Planning Proposal broadens housing choice in a locality utilising existing infrastructure.
3.2	Caravan Parks and Manufactured Home Estates	Not Applicable
3.3	Home Occupations	Consistent – The Planning Proposal will enable home occupations to be carried out on the site.
3.4	Integrating Land Use and Transport	Consistent – The Planning Proposal will provide additional housing opportunities within an existing metropolitan transport corridor; offering residents a choice of transport and enabling people to make fewer and shorter trips.
3.5	Development Near Licensed Aerodromes	Not Applicable
3.6	Shooting Ranges	Not Applicable

**4. Hazard and Risk**

No.	Title	Consistency with Planning Proposal
4.1	Acid Sulfate Soils	Consistent – The subject land is mapped as Class 5 on Acid Sulfate Soils Map AAS_004. The NSW Acid Sulfate Soils Planning Guidelines (1998) indicate

		that a threshold of 500 metres distance from Class 1-4 land is assigned as a threshold beyond which proposed works in Class 5 are unlikely to result in alterations to water table levels in Class 1-4 land. The subject land is located approximately 1450 metres distant from the closest Class 1-4 land. Having regard to the location of the subject land relative to Class 1-4 land and the minor significance of the Planning Proposal it is not considered necessary to require the preparation of an Acid Sulfate Soils Study to accompany the 'Gateway submission'.
4.2	Mine Subsidence and Unstable Land	Not Applicable
4.3	Flood Prone Land	Not Applicable
4.4	Planning for Bushfire Protection	Not Applicable

## 5. Regional Planning

No.	Title	Consistency with Planning Proposal
5.1	Implementation of Regional Strategies	Not Applicable
5.2	Sydney Drinking Water Catchments	Not Applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable
5.5	Development on the vicinity of Ellalong	Not Applicable
5.6	Sydney to Canberra Corridor	Not Applicable
5.7	Central Coast	Not Applicable
5.8	Second Sydney Airport: Badgerys Creek	Not Applicable

## 6. Local Plan Making

No.	Title	Consistency with Planning Proposal
6.1	Approval and Referral Requirements	Consistent – The Planning Proposal does not include any requirement for Ministerial or public authority concurrence, consultation or referral and does not identify any development as designated development.
6.2	Reserving land for Public Purposes	Consistent – The Planning Proposal does not identify land as being reserved or required for a public purpose.
6.3	Site Specific Provisions	Consistent – The Planning Proposal does not seek to permit a particular development to be carried out. Rather, it seeks to rezone the land to R4 High Density Residential without imposing any additional requirements to those already contained in Rockdale LEP 2011 with respect to that zone.

## 7. Metropolitan Planning

No.	Title	Consistency with Planning Proposal
7.1	Implementation of <i>A Plan for Growing Sydney</i>	Consistent – As demonstrated in section B1 above, the Planning Proposal is consistent with the goals and actions of <i>A Plan for Growing Sydney</i> and the draft <i>Central District Plan</i> which aim to accelerate housing supply in centres served by high capacity transport.

## C. Environmental, social and economic impact

### C1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject land was previously developed for electricity infrastructure purposes and does not contain any vegetation or flora and fauna habitat.

The Planning Proposal to facilitate the redevelopment of the land for high density residential purposes will not therefore result in any impact on threatened species, populations, ecological communities or their habitats.

### C2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Redevelopment of the subject land for high density residential development will not result in any other likely environmental impacts which would prevent its use for residential purposes:

- The subject land and any future residential development is able to be provided with all utility services, whilst stormwater drainage can be suitably designed/managed in the consideration of any future development application in order to avoid any adverse off-site water quality impacts;
- Sedimentation and waste management controls can be appropriately conditioned by the council in response to any future development application lodged in respect to the subject land;
- Rezoning and future development of the land for residential purposes will not have an adverse impact upon the streetscape or public domain generally;
- The accompanying Traffic Assessment Report (Varga Traffic Planning Pty Ltd July 2014) indicates that the future development of a residential flat building on the subject land can be provided with safe vehicular access having regard to local traffic conditions and potential traffic generation rates. Potential increased traffic movements will not beyond the capacity of the local road system;
- The development of a future residential flat building on the subject land may have the potential to cause overshadowing of the neighbouring residential flat building at No.1 Carlton Parade. The assessment of potential amenity impacts on neighbours of a future residential flat building on the subject land would be appropriately considered and addressed in the design and assessment of a future development application;
- The development of a future residential flat building on the subject land may result in an increased demand on public amenities and open space. Should there be a nexus between a future development and a demand for public amenities, the Council would be empowered to levy a S.94 contribution for the provision of

- public amenities as a condition of consent for future development of the land; and
- The subject land is not subject to any environmental hazards which would render its rezoning to R4 High Density Residential inappropriate.

**C3 How has the planning proposal adequately addressed any social and economic effects?**

The Planning Proposal will provide social benefits to the community in the form of the additional supply of high density housing in a highly accessible location; and economic multipliers in the form of construction employment and increased demand by residents for services and amenities provided in local service centres.

**D State and Commonwealth interests**

**D1 Is there adequate public infrastructure for the planning proposal?**

Yes. All utility services are available to the subject land in order to service future residential development. The Planning Proposal will not require the augmentation of public infrastructure.

The site is well located with respect to public transport (bus/rail) services within the area and is readily accessible to other activity nodes within the Sydney Metropolitan Area.

**D2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

No consultations have yet been undertaken with State and Commonwealth agencies. These consultations will occur following the 'Gateway Determination'.



## Part 4 – Mapping

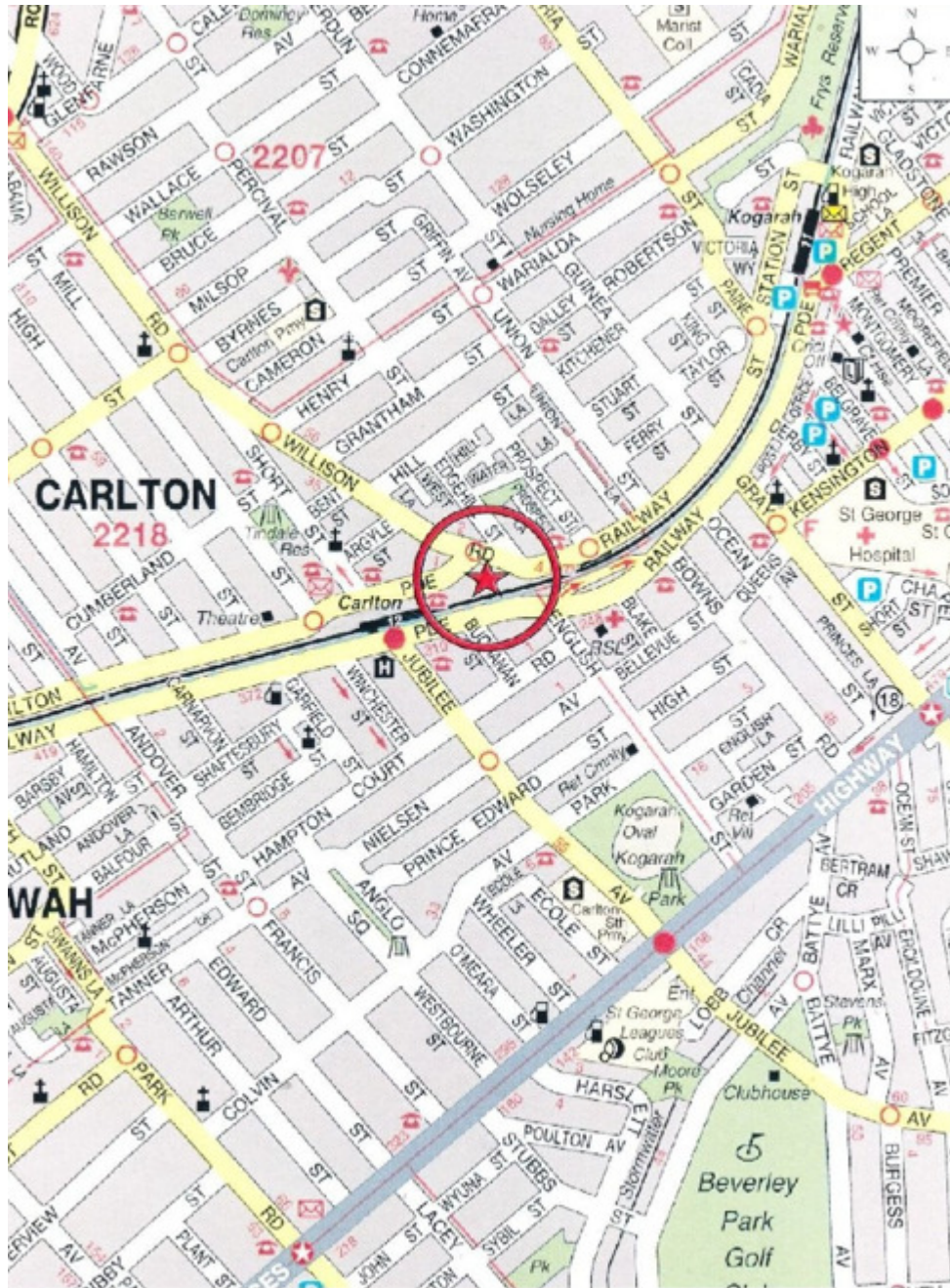


Figure 1: Site Context Map





**Figure 2: Site Context Aerial Photograph.**

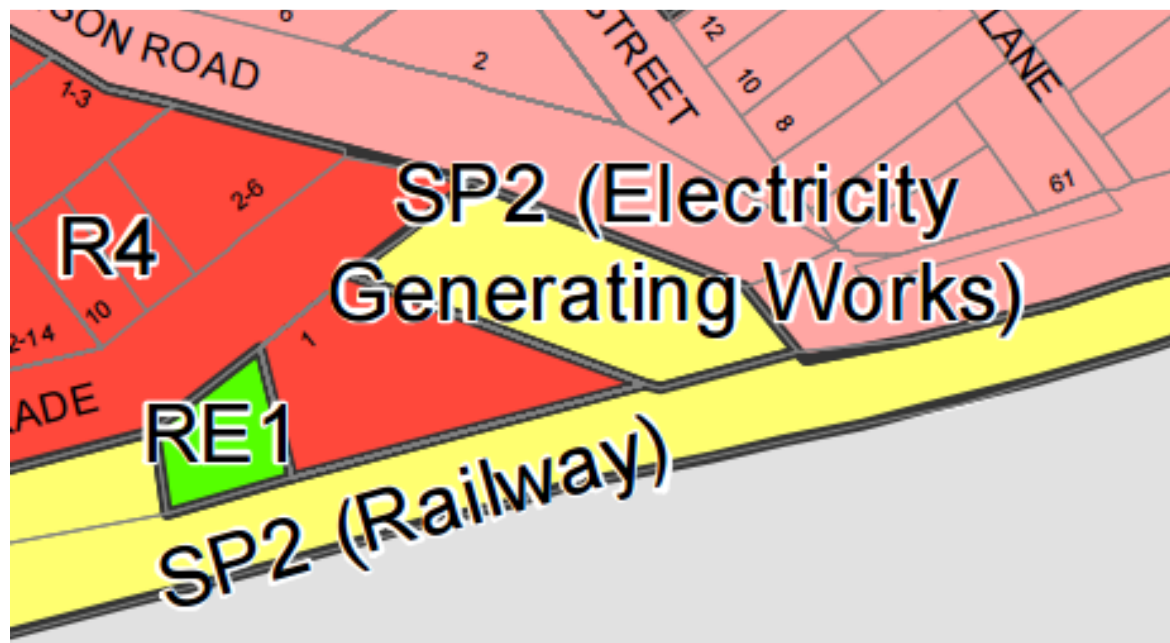
To facilitate the Planning Proposal the following map amendments to Rockdale Local Environmental Plan 2011 will be required to be undertaken:

**Figure 3: Sheet LZN 004 – designate the subject land as R4 High Density Residential Zone.**

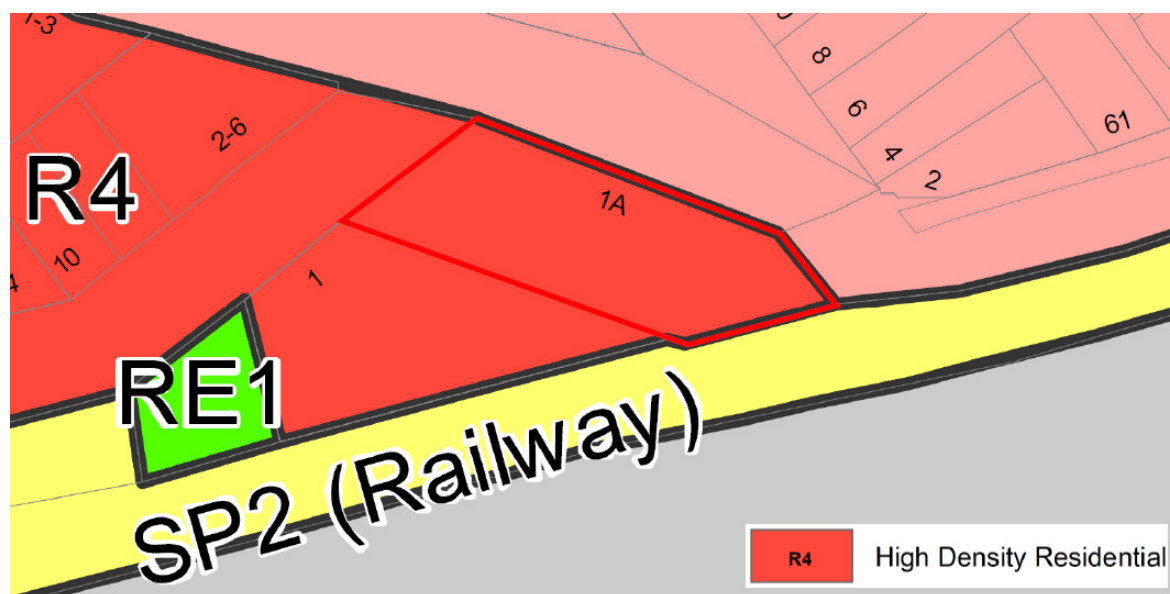
**Figure 4: Sheet HOB 004 – apply a maximum permissible building height development standard of 14.5m to the subject site.**

**Figure 5: Sheet FSR 004 – apply a maximum permissible FSR development standard of 1.26:1 to the subject site.**

FIGURE 3: CURRENT AND PROPOSED ZONING UNDER ROCKDALE LEP 2011



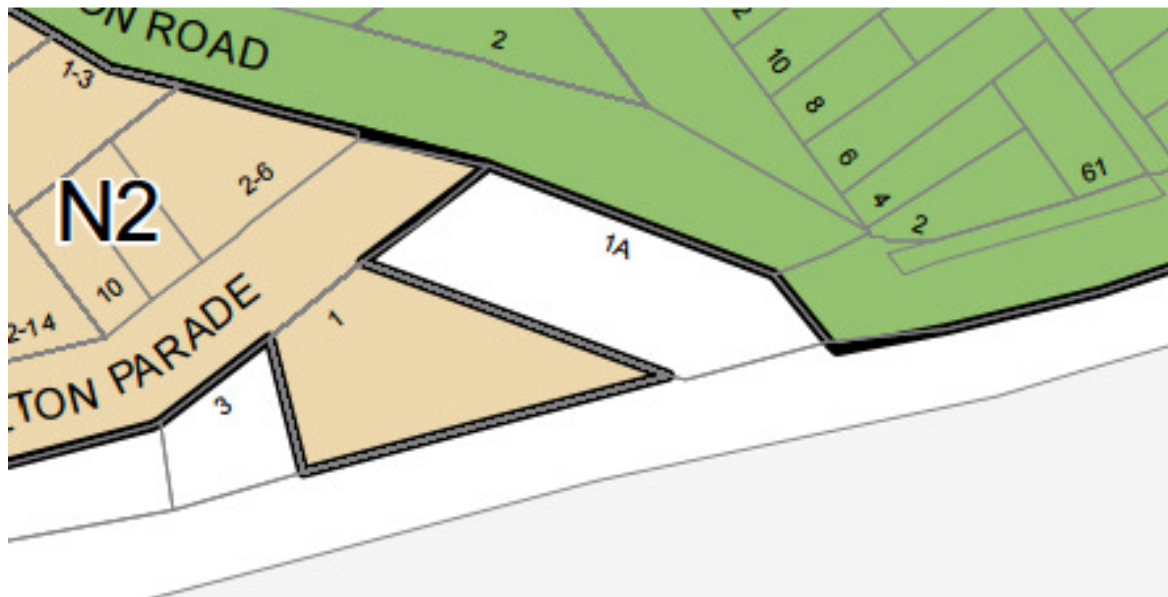
Existing Land Zoning – SP2 (Infrastructure)



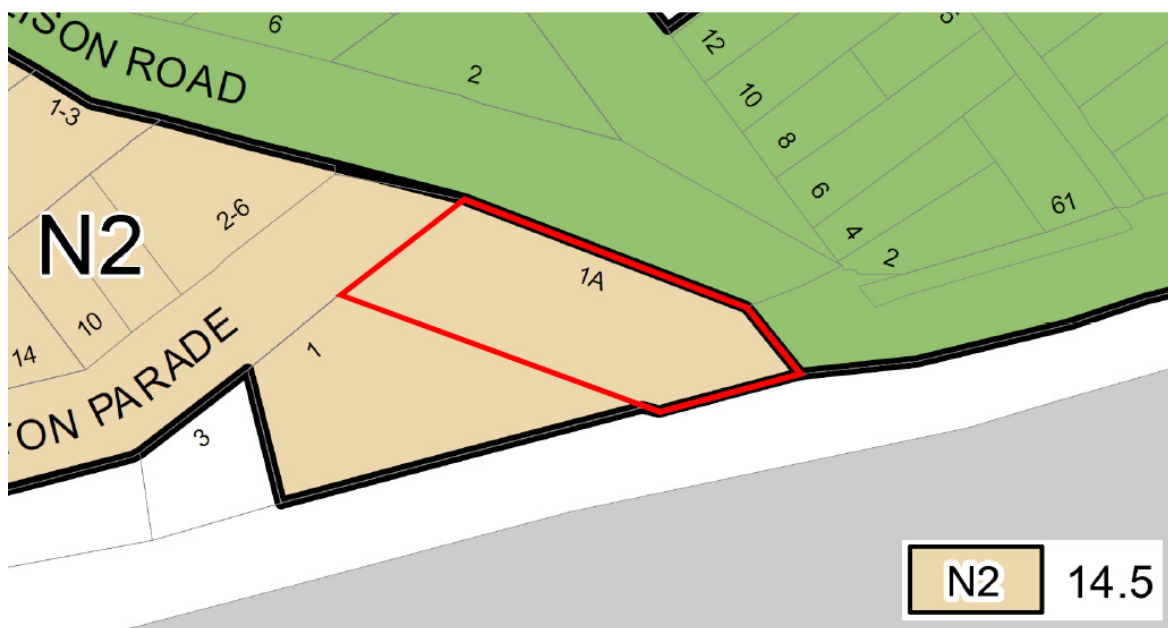
Proposed Land Zoning – R4 (High Density Residential)



**FIGURE 4: CURRENT AND PROPOSED MAXIMUM HEIGHT OF BUILDING UNDER ROCKDALE LEP 2011**

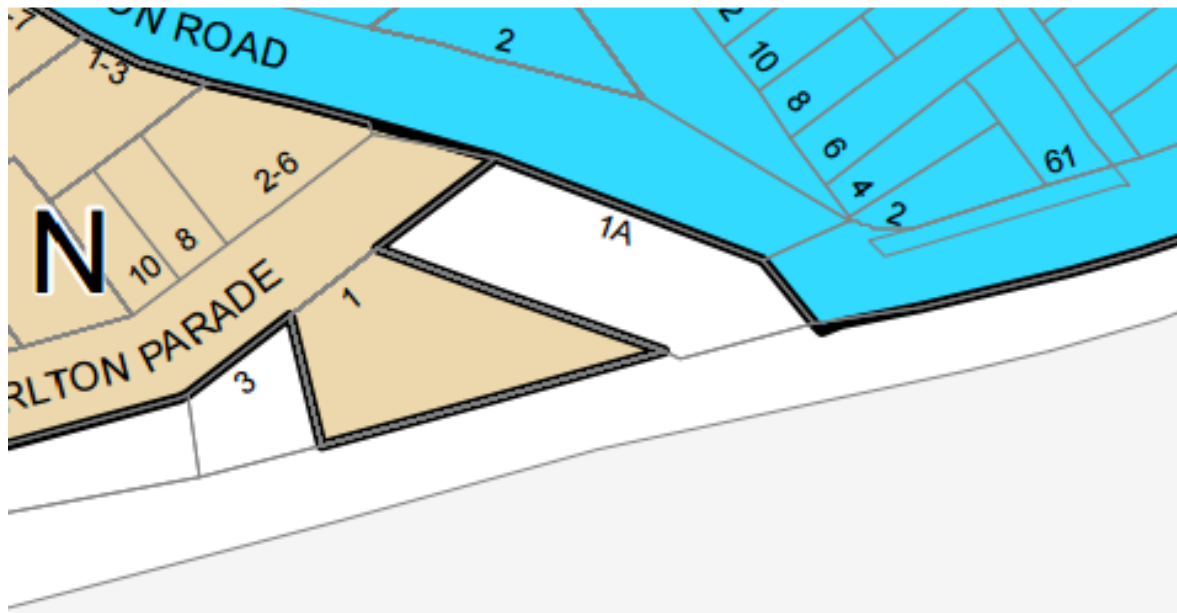


Existing Height of Building – No Current Standard

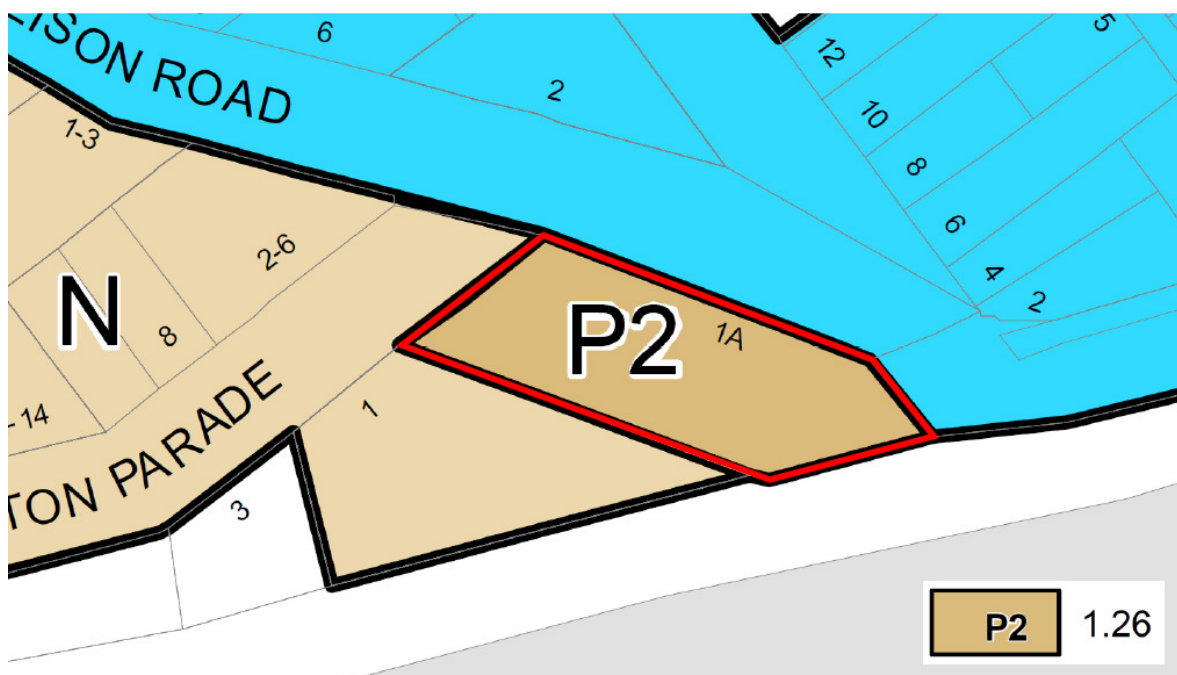


Proposed Height of Building – 14.5m

**FIGURE 5: CURRENT AND PROPOSED MAXIMUM FLOOR SPACE RATIO UNDER ROCKDALE LEP 2011**



Existing FSR – No Current Standard



Proposed FSR – 1.26:1

## **Community Consultation**

Whilst the 'Gateway Determination' will confirm requirements for public exhibition of the Planning Proposal, it is expected that the community consultation strategy will include:

- The Planning Proposal to be publicly notified for a period of 28 days;
- Advertising the public exhibition on council's website and in a local newspaper;
- Exhibition documents being made available at Council's Customer Service Centre;
- Exhibition documents being made available at the nearest Branch Library (Sans Souci);
- Notification letters issued to agencies and authorities identified in the 'Gateway Determination'; and
- Issue of notification letters to neighbouring landowners.

## Part 6 – Project Timeline

The table below provides a proposed timeframe for the project:

Task	Timing
Date of Gateway Determination	30.11.16
Anticipated timeframe for the completion of required technical information	By end March 2017
Timeframe for government agency consultation (pre- and post-exhibition as required by Gateway determination)	During exhibition – April 2017
Commencement and completion dates for public exhibition period	April 2017
Timeframe for consideration of submissions	Early May 2017
Timeframe for the consideration of a PP following exhibition	Mid-May 2017 to mid-June 2017
Consideration of PP by Council (Council Meeting)	14.06.17
Date of submission to the department to finalise the LEP	End June 2017
Anticipated date RPA will make the plan (if delegated) or Anticipated date RPA will forward to the department for notification	Mid-August 2017
Anticipated publication date	September 2017

**Appendix 1: Town Planning Report  
(Doug Sneddon Planning Pty Ltd – May 2016)  
(Under Separate Cover)**

**Includes:**

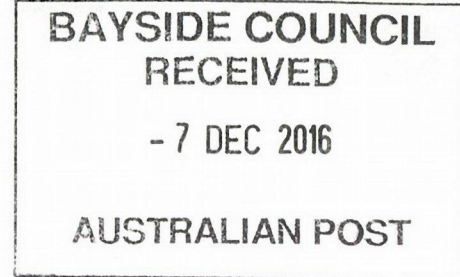
- (i) Site Audit Statement**  
(Andrew Lau – JBS & G 20<sup>th</sup> October 2014).
- (ii) Review of Vehicular Access Driveway Locations**  
(Varga Traffic Planning Pty Ltd – July 2014).
- (iii) Site Schematic Development Envelope Massing Study**  
(Thrum Architects Pty Ltd – August 2015).





Ms Meredith Wallace  
General Manager  
Bayside Council  
PO Box 21  
Rockdale NSW 2216

Our ref: PP\_2016\_BSIDE\_001\_00 (16/14328)  
Your ref: F13/505



Dear Ms Wallace

**Planning proposal to amend Rockdale Local Environmental Plan 2011**

I am writing in response to your Council's letter dated 21 October, 2016 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to rezone land at 1A Willison Road, Carlton and apply development standards.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with S117 Direction 4.1 - Acid Sulfate Soils is of minor significance. No further approval is required in relation to this Direction.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Jazmin van Veen of the Department's regional office to assist you. Ms van Veen can be contacted on (02) 9373 2877.

Yours sincerely

  
**Karen Armstrong** 30/11/16  
**Director, Sydney Region East**  
**Planning Services**

Encl:  
Gateway Determination  
Written Authorisation to Exercise Delegation  
Attachment 5 – Delegated Plan Making Reporting Template



## Gateway Determination

***Planning proposal (Department Ref: PP\_2016\_BSIDE\_001\_00): to rezone land at 1A Willison Road, Carlton and apply development standards.***

I, the Director, Sydney Region East, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Rockdale Local Environmental Plan (LEP) 2011 to rezone land at 1A Willison Road, Carlton and apply development standards, should proceed subject to the following conditions:

1. Prior to exhibition, the planning proposal is to be updated to:
  - (a) reflect a maximum Floor Space Ratio of 1.26:1; and
  - (b) ensure that all maps comply with the 'Standard Technical requirements for Standard Technical Requirements for Spatial Datasets and Maps.
2. Prior to exhibition, the planning proposal should be updated to include a discussion regarding how the proposal is consistent with the draft Central District Plan.
3. Consultation is required with Transport for NSW – Sydney trains under section 56(2)(d) of the Act. Council is to provide Transport for NSW – Sydney trains with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Environment 2016).
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).





6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated *30th* day of *NOVEMBER* 2016

**Karen Armstrong  
Director, Sydney Region East  
Planning Services  
Department of Planning and  
Environment**

**Delegate of the Greater Sydney  
Commission**

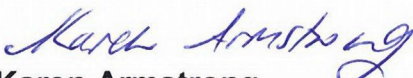
## WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Bayside Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_BSIDE_001_00	Planning proposal to rezone land at 1A Willison Road, Carlton and apply development standards

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 30TH November 2016

  
**Karen Armstrong**  
**Director, Sydney Region East**  
**Planning Services**  
**Department of Planning and Environment**  
  
**Delegate of the Greater Sydney Commission**



## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

#### Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

**Table 1 – To be completed by Department of Planning and Environment**

Stage	Date/Details
Planning Proposal Number	PP_2016_BSIDE_001_00
Date Sent to DoP&E under s56	21/10/2016
Date considered at LEP Review Panel	N/A
Gateway determination date	

**Table 2 – To be completed by the RPA**

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DoP&E requesting notification		

**Table 3 – To be completed by Department of Planning and Environment**

Stage	Date/Details
Notification Date and details	

#### Additional relevant information:



## Council Meeting

[Back](#) | [Print](#)

### General Report - Meeting Date: 07/09/2016

Public -

Item Number: ORD14  
 Subject: PLANNING PROPOSAL - 1A WILLISON ROAD, CARLTON  
 File Number: F13/505  
 Report by: Coordinator City Places & Systems (David Dekel)  
 Community Engagement: Yes  
 Financial Implications: No

### Precis

A planning proposal has been received affecting 1A Willison Road, Carlton. The site is a former Ausgrid Carlton Electricity Substation which has been decommissioned and demolished, and is located on the intersection of Willison Road and Carlton Parade Carlton.

The planning proposal seeks to rezone the land from SP2 Infrastructure to R4 High Density Residential, which is consistent with zoning to the west and north-west of the site. As a result of the existing SP2 zoning, no height or floor space ratio (FSR) controls apply to the site, and the planning proposal is also seeking to introduce a height limit of 14.5m and FSR of 1.35:1. The proposed zoning and height are consistent with the controls of the adjacent R4 zoned land and, while the proposed FSR is slightly greater than the 1:1 FSR of land to the west, it will result in a building that is similar in bulk and scale to the existing buildings in the area, including the building immediately to the west of the site.

The purpose of this report is to determine if the planning proposal has sufficient merit to be recommended to the Department of Planning and Environment for Gateway Determination.

### Council Resolution

NOTE:

Councillor Macdonald had previously declared a Significant Non-Pecuniary Interest in this item on the basis that he owns property in close proximity to the one mentioned in the report, and left the Chamber for discussion and voting.

Councillor Barlow had previously declared a Less than Significant Non-Pecuniary Interest in this item that she owns a business not far from the subject property.

MOTION moved by Councillors Mickovski and Tsounis

That voting on this matter be by way of a Division.

1 That Council supports the Planning Proposal and its supporting documents for submission to the Department of Planning & Environment for a Gateway determination subject to the FSR being reduced to 1.26:1.

2 That Council publicly exhibits the Planning Proposal in accordance with the Department of Planning and Environment's Gateway determination.

DIVISION

DIVISION on the MOTION called for by Councillors Mickovski, Tsounis,

FOR THE MOTION

Councillors Bezic, P Sedrak, Awada, Barlow, Kalligas, Nagi, Mickovski, Ibrahim, Hanna, Tsounis, Saravinovski,

AGAINST THE MOTION

Councillors

The MOTION was ADOPTED 11 votes to 0

### RECOMMENDATIONS

#### Officer Recommendation

That voting on this matter be by way of a Division.

1 That Council supports the Planning Proposal and its supporting documents for submission to the Department of Planning & Environment for a Gateway determination.

2 That Council publicly exhibits the Planning Proposal in accordance with the Department of Planning and Environment's Gateway determination.

## Background

**Applicant:** Doug Sneddon Planning Pty. Ltd. (on behalf of Ausgrid)  
**Land Owner:** Ausgrid

Council has received a Planning Proposal for land identified as 1A Willison Road, Carlton (the site) from Doug Sneddon Planning Pty. Ltd. on behalf of the owner Ausgrid. The subject site is the former Ausgrid Carlton Electricity Substation which has been decommissioned. The land at the subject site has since been cleared and is surplus to Ausgrid's operational requirements.

The proposal seeks to permit the erection of a residential flat building. To achieve this, the Planning Proposal seeks the following:

1. Rezone the site from SP2 (Infrastructure) to R4 (High Density Residential);
2. Introduce a maximum Height of Building on the land of 14.5m; and
3. Introduce a maximum Floor Space Ratio on the land of 1.35:1.

The proposed zoning and height limit are consistent with the controls set for R4 zoned land immediately to the west of the site. While the proposed FSR is slightly higher than the FSR control applied to the R4 zoned land immediately to the west, the resultant development would be consistent with the bulk and scale of existing buildings in the vicinity.

## SITE AND CONTEXT

The land at the subject site is legally described as Lot 1, DP 634007 and has an area of approximately 2,027m<sup>2</sup>. It comprises an irregular-shaped corner lot bounded by Railway Street and Willison Road to the east and north-east respectively, Carlton Parade to the north-west and the Illawarra railway line to the south (see Figure 1).

Abutting the subject site to the west lies a 4-storey unit block at 1 Carlton Parade, with a similar density of development also located opposite the site at 2 Willison Road on the corner of Willison Road and Edgehill Street. The immediate locality to the west and north-west of the site is zoned R4 (High Density Residential) in the Rockdale Local Environmental Plan 2011 (the RLEP) as is the site to the west at 1 Carlton Parade, while most of the land to the north of Willison Road and Railway Street is zoned R2 (Low Density Residential) and, other than the development at 2 Willison Road, is characterised predominantly by low-density residential lots.



**Figure 1** – Aerial photo with subject site outlined in red

The zoning of the subject site as SP2 (Infrastructure – Electricity Generating Works) was applied to the site under the comprehensive RLEP gazetted in 2011 and, in essence, reflects the Zone 5 – Special Uses (Electricity) zoning of the site in the repealed RLEP 2000. The historic use of the land as an electricity sub-station ended in February 2011 when it was decommissioned by Ausgrid following the construction of a larger, modern electricity sub-station facility in the Kogarah LGA. The sub-station structure was subsequently demolished in September 2014.

As the land is now surplus to the operation requirements of Ausgrid, it is proposed to seek a practical and viable alternate use for the site and, to this end, the rezoning of the land to Zone R4 is sought to reflect the adjacent R4 zones to the west and north west and the high-density residential building currently located within the R2 zone at 2 Willison Road.

## Current Planning Controls

The current planning controls for the site as per *Rockdale Local Environmental Plan 2011* ("RLEP 2011") are as follows:

- **Zone:** SP2 Infrastructure - Electricity Generating Works



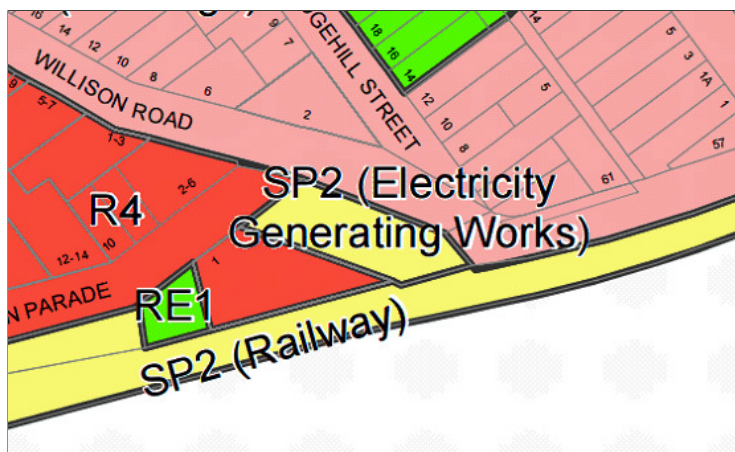


Figure 2: RLEP 2011 Land Zoning Map LZN\_004

- **Height:** no current maximum building height



Figure 3: RLEP 2011 Height of Building Map HOB\_004

- **FSR:** no current maximum FSR

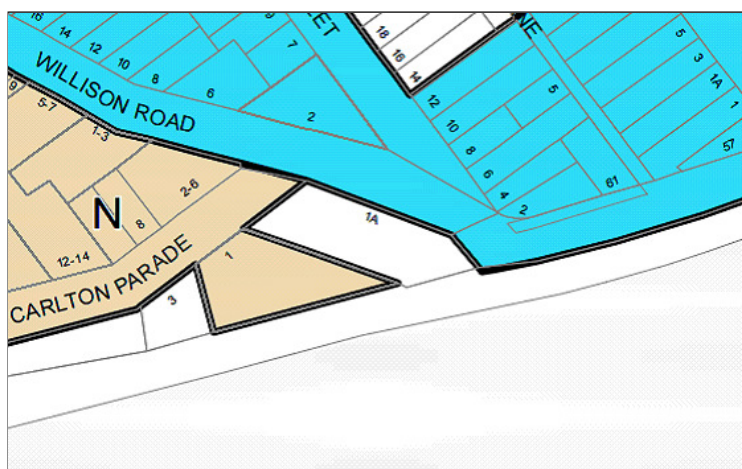


Figure 4: RLEP 2011 Floor Space Ratio Map FSR\_004

### Strategic Context

In 'A Plan for Growing Sydney', the Department of Planning and Environment (DPE) sets out a number of goals, directions and actions which includes:

- Accelerating the housing supply across Sydney; and
- Delivering more housing by developing surplus or under-used Government land.

The Planning Proposal seeks to achieve development standards which would facilitate the effective and efficient re-use of a parcel of vacant land for high-density residential uses. The subject site is no longer required by Ausgrid for operational purposes, and its redevelopment for residential buildings would make a substantial contribution to the provision of residential accommodation in the local area.

### THE PLANNING PROPOSAL

The planning proposal has been prepared generally in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and all relevant planning proposal guidelines published by the DPE. The planning proposal report was prepared by *Doug Sneddon Planning Pty. Ltd.* and is supported by the following documentation:

- Site Audit Statement by *JBS & G* dated 20 October 2014;
- Review of Vehicular Access Driveway Locations by *Varga Traffic Planning Pty Ltd.*; and
- Site Schematic Development Envelope Massing Study by *Thrum Architects Pty Ltd.*

The Planning Proposal aims to secure the efficient re-use of the site for high-density residential purposes close to public transport and in context with the high density residential land uses and zoned areas in the immediate locality. To achieve these aims, the following provisions are sought:

1. Rezone the site from SP2 (Infrastructure – Electricity Generating Works) to R4 (High Density Residential);
2. Introduce a maximum Height of Building on the land of 14.5m; and
3. Introduce a maximum Floor Space Ratio on the land of 1.35:1.

Copies of the Planning Proposal and supporting documents are attached as Appendix 1.

### ASSESSMENT OF THE PLANNING PROPOSAL

#### Proposed Zoning

The current zoning of the site for SP2 is currently obsolete. The owner of the land, Ausgrid, has decommissioned and demolished the electricity sub-station which previously occupied the site and has no further operational need for the land.

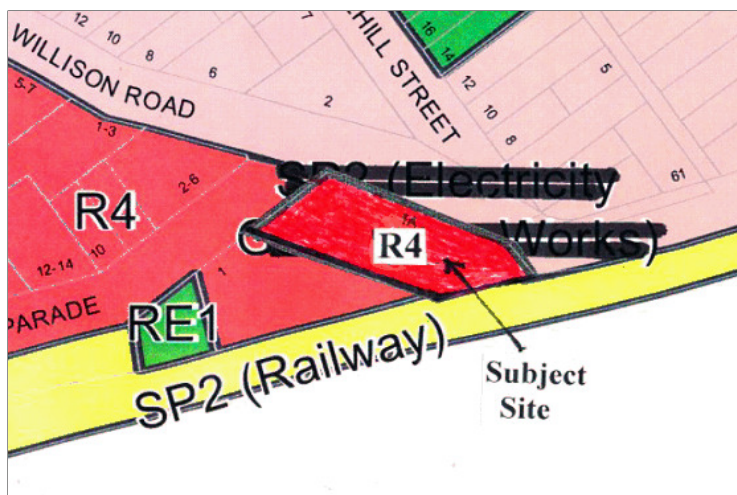


Figure 5: Proposed change to RLEP 2011 Land Zoning Map LZN\_004 (Subject site changed to R4)

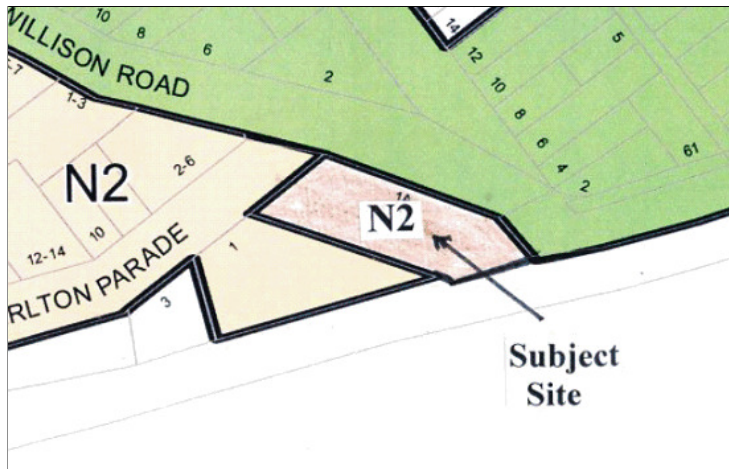
The proposed zoning of the land as R4 is intended to create a meaningful use of the land for high density residential accommodation to reflect a similar character of development already present in parts of the immediate locality. The Planning Proposal outlines the benefits of the proposed rezoning as being:

- Providing additional housing opportunities close to employment centres and transport nodes;
- Providing a range of housing choice within the Rockdale LGA;
- Providing higher density accommodation in a location well served by public transport; and
- Maximising the efficient use of public infrastructure and investment.

The proposed zoning is considered to be an appropriate re-use of the land given the predominantly residential character of the surrounding area. It would present a logical continuation of the adjacent R4 high-density residential zoning which already exists to the west and south-west of the subject site and, provided a future development application is designed sensitively and with the required boundary setbacks, a high density residential development in this location should have minimal adverse impact on adjacent residential amenity.

#### Proposed Height of Building (HOB)

The proposed HOB of 14.5m is considered to be acceptable in this location.

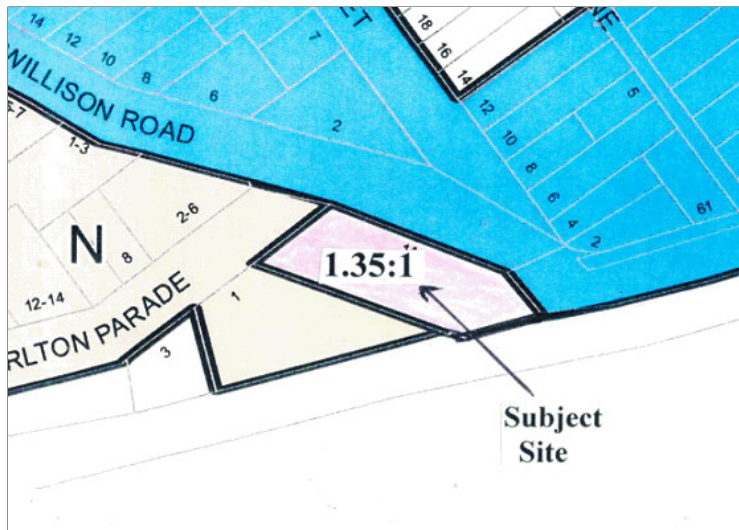


**Figure 6:** Proposed change to RLEP 2011 Height of Building Map HOB\_004 (Maximum height of building of 14.5m introduced to the subject site)

It is consistent with the maximum HOB zoning already applied to land to the west of the subject site between Willison Road and High Street, and south of Cumberland Street and Bent Street. Furthermore, the lot opposite the site at 2 Willison Road, whilst located within an area zoned with a maximum HOB of 8.5m, contains a 4-storey building of approximately 12-13m in height. The proposed maximum height of 14.5m is therefore consistent with the existing HOB in the immediate locality.

#### Proposed Floor Space Ratio (FSR)

The proposed FSR for the site is 1.35:1.



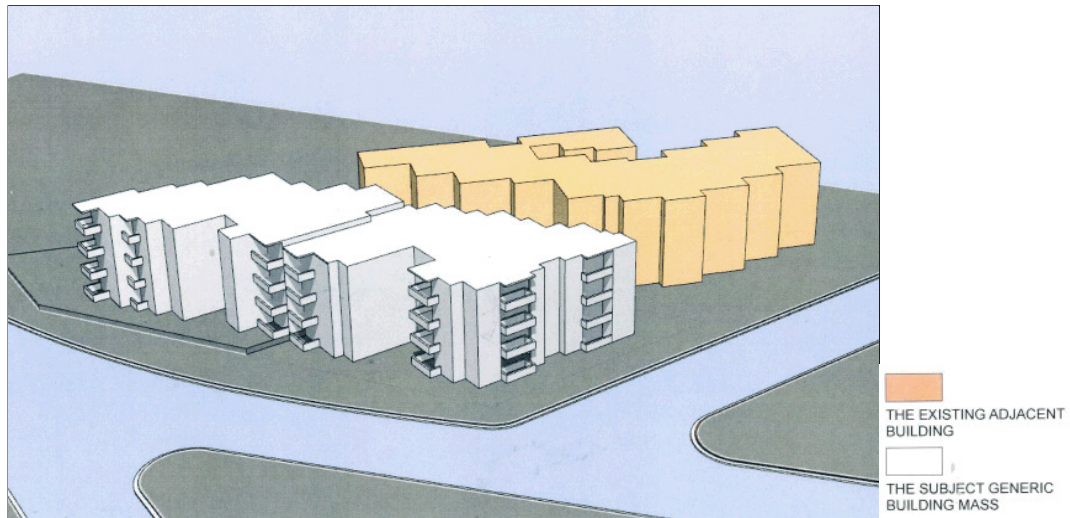
**Figure 7:** Proposed change to RLEP 2011 Floor Space Ratio Map FSR\_004 (Maximum FSR of 1.35:1 introduced to the subject site)

The surrounding area has a mix of 2, 3 and 4-storey properties with varying FSRs. Whilst the proposed FSR of 1.35:1 is in excess of the FSR of 1:1 which applies to the adjacent land zoned as R4, both 1 Carlton Parade to the west and 2 Willison Road to the north have FSRs well in excess of 1:1 and 1.35:1. The proposed FSR would allow for a development which makes the most efficient use of the R4 zoning up to the maximum height of 14.5m also being sought.

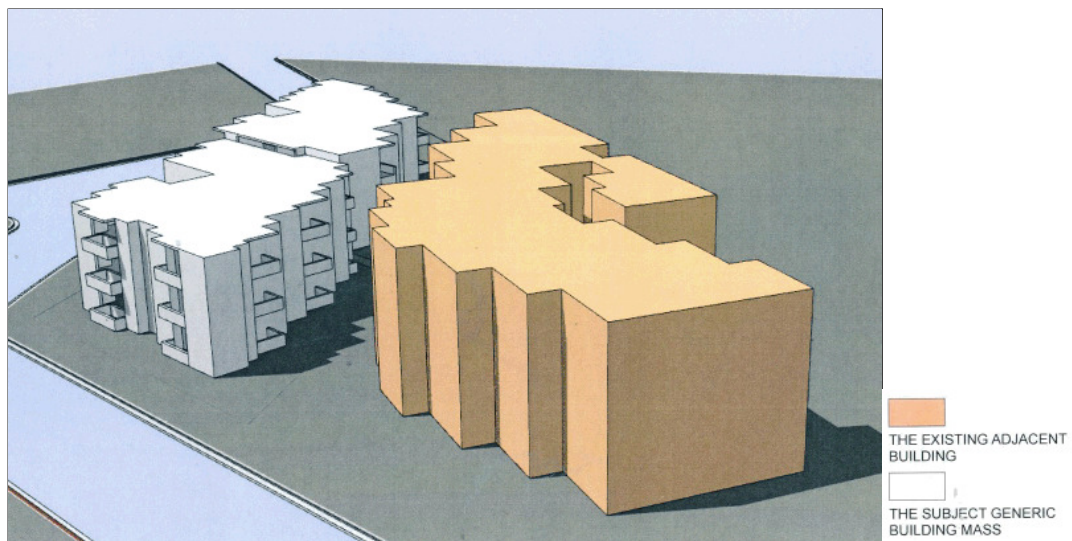
#### Urban Context Analysis

The Site Schematic Development Envelope Massing Study provides an analysis of the development yield potential of the site based on both the existing development controls within the adjacent R4 zoning and the development controls in the Planning Proposal. The study concludes that, if the FSR of 1:1 was to be applied to this site, it would mean that only a 3-storey building would be achievable on the land. The proponent considers this to be an inefficient use of the land which would result in building which, contextually, would be out of character with the 4-storey buildings in the immediate vicinity. The report provides an indicative massing study 4-storey building with an FSR of 1.35 that could be achieved on the site and how this would relate to the building to the west at 1 Carlton Parade (see Figures 8 and 9 below).





**Figure 8:** Massing Diagram looking south west



**Figure 9:** Massing Diagram looking south east

It should also be noted that, should the proposed changes to the Rockdale LEP 2011 be achieved, any future development application will need to show compliance with State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide.

**Conclusion:** The development envelope massing study clearly identifies the ability to develop the site successfully in a number of ways with minimal impact to the surrounding area.

#### **Traffic & Vehicular Access**

A Review of Vehicular Access Driveway Locations has also been submitted in support of the Planning Proposal to examine the options available for providing vehicular access/egress to and from the site. Although the report does not examine the impact on the local area from any additional vehicular movements associated with the change of zoning of the site, such detailed analysis would again be required as part of a development application. The subject site is also located less than 200m from Carlton train station and is well served by local bus routes, offering alternative modes of transport to potential future occupants.

**Conclusion:** The impact of any future development on the site would need to be considered in greater detail at the development application stage of the planning process.

#### **Other Environmental Considerations**

The southern boundary of the subject site abuts the Illawarra railway line embankment to the south and there is obvious potential for some disturbance to potential residential occupiers from noise and/or vibration from passenger and freight transport. Although the existing residential development to the west would suggest that any adverse impacts from the railway line are minimal, this development was consented some time ago. Any future development application may need to be supported by a Noise and Vibration Assessment to demonstrate that a residential development can be accommodated on the site when assessed against current levels of railway activity.

The proponent has submitted a Site Audit Statement issued by the NSW Environment Protection Authority (EPA), which states that the Stage 1

remediation works are acceptable and that, with further remediation works, the site can be made suitable for residential use with minimal access to soil. The site is also located in a Class 5 area of Acid Sulphate Soils and it is likely that a further Acid Sulphate Soils Study will be requested by the Department of Planning and Environment (DPE) should Council determine that the Planning Proposal should proceed to the Gateway stage.

#### ADEQUACY OF THE PLANNING PROPOSAL AND SUPPORTING INFORMATION FOR EXHIBITION PURPOSES

The DPE's guidelines states that Councils are responsible for the content of planning proposals. In this regard, the Planning Proposal is considered to be consistent with DPE's guidelines. The supporting documentation is also considered to be satisfactory for the purposes of this Planning Proposal.

#### CONCLUSION

The Planning Proposal seeks to achieve a strategic planning outcome that will provide higher density residential living opportunities. The proposed R4 zoning, HOB and FSR represent a logical continuation of development standards already present in the immediate locality and would facilitate the effective and efficient re-use of vacant urban land for additional residential accommodation.

#### Financial Implications

There are no financial implications applicable to this report.

#### Community Engagement

Should the Planning Proposal proceed through the Gateway, the Planning Proposal will be subject to community consultation in accordance with Sections 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979. The specific requirements for community consultation will be listed in the Gateway determination, including any government agencies that are to be consulted in relation to the Planning Proposal.

#### Rockdale City Plan

Outcome:	Outcome 2 - Rockdale is a City with a high quality natural and built environment and valued heritage in liveable neighbourhoods . A City that is easy to get around and has good links and connections to other parts of Sydney and beyond.
Objective:	Objective 2.2 - Our City has a well managed and sustainable built environment, quality and diverse development with effective housing choice in liveable neighbourhoods
Strategy:	2.2.2 - Promote high quality, well designed and sustainable development and places that enhances the City
Delivery Program:	2.2.2.A - Demonstrate leadership and commitment in the management of development that enhances the City (DCPD)
Operational Plan:	2.2.2.A.3 - Manage proposals for major development to ensure growth is appropriately scaled and located and delivers community benefits (MUES)
Additional Comments:	None



[Appendix 1 - Planning Proposal - July 2016.pdf](#)



[Appendix 2 - Supporting Documents.pdf](#)

WRITTEN SUBMISSIONS		
Responses from local landowners/residents:		
1.	<ul style="list-style-type: none"> <li>• The proposed maximum height of 14m is too high;</li> <li>• Sunlight and breeze to surrounding buildings will be lowered;</li> <li>• The proposed access to the site via Willison Road will make driving along the intersection Willison Road and Carlton Parade more dangerous; and</li> <li>• The building will also make it more dangerous for pedestrians. Future residents will have to cross to the other side of the road to walk to Kogarah and there is no pedestrian crossing to facilitate this.</li> </ul>	<ul style="list-style-type: none"> <li>- The maximum Height of Building (HOB) being sought is 14.5m, which is consistent with the maximum HOB already prevalent in the Zone R4 High Density Residential areas which abut the subject site to the south and west. Furthermore, the building on the lot opposite the site at 2 Willison Road, whilst located in an R2 Low Density Residential area with a maximum HOB of 8.5m, has a height of approximately 12-13m. For these reasons, the proposed HOB of 14.5m is considered to be consistent with the existing HOB in the immediate locality.</li> <li>- The current Planning Proposal seeks to introduce development standards for the land which, it is considered, reflect the general built form and development characters of much of the surrounding area, including immediately adjacent to the site. The images provided by the proponent to support the Planning Proposal are illustrative only, and show a basic representation of the massing of a future building on the site. Any future development on the site will be subject to a Development Application assessment, whereupon the impact of the development on any adjacent properties will be properly assessed.</li> <li>- The proponent has submitted a 'Review of Vehicular Access Driveway Locations' report in support of the Planning Proposal. The report examines three options available for providing vehicular access/egress to and from the site. The report concludes that the preferred, and safest, option is to locate the vehicular access at the westernmost point along the site frontage on Carlton Parade. However, any future Development Application would need to examine this, and the vehicular movements associated with the development, in more detail.</li> <li>- The subject site is located a short distance from Carlton Station providing regular train services to Kogarah and beyond. There are also local bus services nearby. The immediate locality, and most of the wider area, is served by public footpath on both sides of the road. The underpass pedestrian/vehicle route to Kogarah from Railway Street is already in use by pedestrians in the local area. The subject site is approximately 120m from the underpass, and therefore will not divert or obstruct this route.</li> </ul>
2.	<ul style="list-style-type: none"> <li>• There is way too much overdevelopment all over Sydney, including our region; and</li> </ul>	<ul style="list-style-type: none"> <li>- The proposed development standards are broadly consistent with the HOB and FSR standards already prevalent in many parts of the surrounding area. The Planning Proposal seeks to achieve a strategic</li> </ul>

	<ul style="list-style-type: none"><li>• We are witnessing the erosion of our green spaces and the destruction of the traditional Sydney suburb.</li></ul>	<p>planning outcome that will provide higher density residential living opportunities, and which would facilitate the effective and efficient re-use of vacant urban land.</p> <ul style="list-style-type: none"><li>- The Planning Proposal seeks the redevelopment of a parcel of vacant, brownfield land. It is not proposed to reduce the amount of green space in the locality.</li></ul>
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## Council Meeting

**14/06/2016**

Item No	8.2
Subject	<b>Council Community Gardens Policy</b>
Report by	David Dekel, Coordinator City Places and Systems
File	(R) F13/160

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## Summary

In October 2015, the former Rockdale City Council adopted a community gardens policy under which a community garden was approved and is currently being established at Lance Studdert Reserve, Kyeemagh.

Since amalgamation Bayside Council has received a further four enquiries to establish community gardens, two of which relate to locations in the former Botany LGA.

As the former City of Botany Bay did not have a community gardens policy, the Rockdale City Council Community Gardens Policy has been modified to create a Bayside Council Community Gardens Policy, so that community garden applications from across the Bayside Local Government Area (LGA) can be considered by Council (see Attachment).

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## Council Resolution

Minute 2017/098

Resolved by the Administrator:

That Council adopts the Bayside Council Community Gardens Policy.

---

## Officer Recommendation

That Council adopts the Bayside Council Community Gardens Policy.

---

## Background

In October 2015, the former Rockdale City Council adopted a community gardens policy under which a community garden was approved in 2016 and is currently being established at Lance Studdert Reserve, Kyeemagh.

Since its proclamation in September 2016, Bayside Council has received four additional enquiries regarding community gardens, two of which relate to locations in the former Botany Local Government Area. As the former City of Botany Bay did not have a community gardens policy there is no consistent mechanism to assess community garden applications from the suburbs that previously constituted the former Botany Local Government Area.

It is proposed that the current Rockdale City Council Community Gardens Policy be modified to create a Bayside Council Community Gardens Policy, so that all future community garden enquiries from across the Bayside Local Government Area can be considered by Council.

The changes to the Policy include:

- Name changes throughout the policy from Rockdale to Bayside Council
- Changes to section 1.1 Background to reflect references to the Community Strategic Plans of the former City of Botany Bay and former Rockdale City Council, as well as reference to the Bayside Council's Operational Plan 2017/18.
- Clarification of costs for issuing of permits to community garden groups in section 2.7. Occupation Agreement, that was not explicit in the previous Rockdale City Council policy;
- Changes to section 2.1 and paragraph 4.7 for the addition of exclusion zones for community gardens to include areas mapped as contaminated land and reserves adjacent to State roads; and
- Changes to paragraph 4.7 to state that all garden beds in community gardens that will be used to grow edible plants must be raised, self-contained (no contact with the ground surface) and filled with clean soil.

Other than the changes noted above the intent and scope of the policy has not been changed.

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## **Financial Implications**

Not applicable

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## **Community Engagement**

Not required

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## **Attachments**

Draft Bayside Council Community Gardens Policy

## Draft Community Gardens Policy

**Draft**



© Bayside Council

Community Gardens Policy  
File: F13/160 Document: 17/34873  
Class of document: Administrative Policy

Enquiries: Manager Strategic Planning



**Telephone Interpreter Services - 131 450**

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# 1 Introduction

## 1.1 Background

Community gardens provide local residents with recreational opportunities and a range of other environmental, social and educational benefits that can contribute to the health and well-being of individuals and the wider Bayside community.

The opportunities and values represented by the development of community gardens are informed by the Community Strategic Plans and Delivery Programs of both the former Rockdale City Council and former City of Botany Bay.

The Community Gardens Policy echoes the values and intent of Bayside Council's 2017/18 Operational Plan through its key theme:

- Diverse, active, healthy and inclusive communities

and particularly its sub-theme of:

- Developing strong, healthy and supportive communities.

## 1.2 Definitions

For the purposes of this policy a community garden is defined as a not-for-profit, community based enterprise producing food primarily for the consumption of the gardeners. Community gardens are also places for learning and sharing about sustainable living practices and for actively building communities through shared activities.

There are several models of community gardens in existence throughout Australia, Bayside Council will support the establishment of the following models:

- Gardens that include a shared area plus allotments for each member;
- Gardens where the entire area is managed collectively; and
- Verge gardens when they are managed collectively by a group of local residents and decisions are made jointly.

## 1.3 Policy statement

This Policy aims to provide a clear roadmap for the community and Council to develop and manage community gardens in the Bayside local government area (LGA). This policy outlines the types of gardens that may be supported by Council, where they can be located and the ongoing roles of Council and the public in managing and nurturing community gardens.

## 1.4 Scope of policy

This policy covers activities related to 'gardening' by community members on council or council managed land and does not include the activities of council or contracted land management activities.

## **2 Establishment of Community Gardens**

Establishing a community garden can be a complex process. Therefore, a clear process for development and management of a garden and clear roles and responsibilities are needed. All community gardening activities covered by this Policy must satisfy the following requirements to allow establishment and ongoing use.

Council encourages resident groups to contact Council early in the process and to review the many excellent resources available regarding community gardening including '10 Steps to Starting a Community Garden' on the Australian City Farms and Community Gardens Network web site and the City of Sydney's 'Guide to Getting Started in Community Gardening' available on the City of Sydney's website.

Application forms and a checklist for starting a community garden are included as appendices to this policy.

### **2.1 Where community gardens can be established**

For the purposes of the policy, community gardens supported by Council can only be located on Council owned or managed land and be managed only by an authorised group of local residents. All community gardens established on Council land require an approval from Council.

Not all Council land or open space is suitable for community gardening and the following areas are excluded from community garden applications:

- 1** Cook Park
- 2** Areas mapped as endangered ecological communities
- 3** Some areas mapped as contaminated land following assessment by Council
- 4** State Roads and reserves adjacent to State Roads
- 5** Median strips and roundabouts

### **2.2 Park Plans of Management**

Council has Plans of Management (POM) for many parks and open space areas. Community gardening activities that occur in an area with an existing POM must be consistent with this Plan. Where relevant, Council will incorporate community gardens into plans of management as 'community land'.

### **2.3 Establishing Community Garden Groups**

Community gardens come in many shapes and sizes and the groups that manage them are just as varied, encompassing a range of ages, skills and experience. To ensure community gardens are managed effectively groups will need to develop and adhere to a set of rules agreed to by both Council and the garden group. For larger groups this will mean the development of a plan of management, for smaller groups it may be a simple license agreement.

Larger community garden groups must become incorporated through the NSW Office of Fair Trading. Incorporation allows garden committees to open a bank account, obtain public liability insurance and apply for government grants. To become incorporated garden groups must first establish a management committee with annually elected office bearers and commit to regular meetings. A management structure such as this ensures; good management of the garden where issues are

addressed in a timely and transparent manner, tasks are shared thereby avoiding excessive responsibility being placed on a few people or the garden becoming dominated by one person or faction.

## **2.4 Insurance and Risk Management**

It is essential that garden groups be aware of the risks associated with undertaking publicly accessible community garden projects and that garden groups have a duty of care to community members who visit gardens. As such all community garden management plans will be required to include a risk assessment.

To ensure risks are financially covered each garden and its members must be covered by public liability insurance. Smaller garden groups may be covered under Council's public liability insurance but larger incorporated groups will be required to take out their own policy of at least \$10,000,000. Council recognises that there is a cost associated with obtaining public liability insurance and provides the following options for obtaining insurance cover:

- Council community grant or other grant
- Fundraising
- Garden membership fees
- A partnering organisation or agency that can extend their policy to cover the garden and,
- A group of community gardens with similar objectives might obtain insurance together.

## **2.5 Financial Sustainability**

Long term financial viability is critical for the success of any community garden project. While Council has a community grants program that can be applied to for the purposes of community gardens, gardens should be planned so that they are not wholly dependent on grants or sponsorship. Financial sustainability must be demonstrated in the garden's management plan and may require, as is the case for several community gardens around Sydney, an annual membership fee.

During the formation of a community garden, Council may, at its discretion and subject to budgetary constraints, fund the following materials and activities;

- Raised garden beds
- Recycling, worm farming and composting facilities and associated infrastructure
- Fencing
- A limited supply of soil, compost, mulch and tools
- Public signage and educational materials
- Soil contamination testing

## **2.6 Conflict Resolution and Complaints Procedure**

Community Gardens should aim to be tolerant and caring environments. However, it is inevitable that conflicts will arise, either within the garden group or with external stakeholders such as local residents or Council. Council therefore recommends that all community garden management plans include a gardener's agreement and a conflict resolution process that provides expectations of behaviour that all members

must sign and agree to follow. Garden groups of less than 12 twelve members that do not have a garden management plan, will be required to sign individual gardener's agreements with Council.

## **2.7 Occupation Agreement**

New community gardens that have been approved by Council will be granted an initial permit for a trial period of 12 months, which will accrue no occupation fee for the trial period. If the garden group or individuals fulfil their responsibilities with regard to the management of the garden within the first year, another permit may be negotiated. All permits issued after the 12 month trial period will incur an annual fee, the amount of which will be in accordance with the fee listed in Council's 'fees and charges'. The permit or any other occupation agreement granted between a community garden group or individual entities and Council may be revoked or not renewed if:

- The community garden group disbands or ceases to function;
- Individuals or community garden group fail to fulfil their agreed responsibilities as outlined in this policy and/or the permit issued;
- The garden is not maintained or becomes unsafe for public access;
- Appropriate insurance cover is not maintained;
- If any relevant Act, Regulation or environmental code is breached.

## **2.8 Use of the Gardens as Demonstration Sites**

Council's vision of community gardens includes promotion of the gardens as demonstration sites for sustainable living. As such Council, while ensuring that garden activities are not disrupted, retains the right to use community gardens for community education events such as tours and workshops. Council would, therefore, encourage community garden groups to include sustainable practices such as recycling, organic/permaculture gardening principles as well as outdoor learning, performance, meeting spaces and interpretative signage in their plans of management.

# **3 Roles and Responsibilities**

## **3.1 Council**

Council will provide the following support to community garden groups:

- A staff member who will act as a point of contact for all members of community gardens
- Assess garden proposals and management plans
- Provide initial advice on design and maintenance of gardens
- Assist with establishing worm farms and composting facilities.
- Connect local gardens and gardeners to each other to help build relationships and encourage the sharing of information and experiences.
- Promote community gardening through Council's website, publications and events.
- Determine if breaches of permits have occurred and revoke individual or group agreements if breaches have occurred.

Council is not in a position to provide the following services or resources;

- Ongoing administrative support (e.g. photocopying, promotion)
- Care of garden group finances
- The provision of large infrastructure (e.g. sheds, rainwater tanks, sun shelters)
- The ongoing provision of plants, seeds, soil or mulch, tools or other equipment
- The repair or replacement of damaged, lost or stolen infrastructure and equipment
- The development or hosting of any internet based platforms for group communications and promotion, e.g. websites, blogs, wikis
- Ongoing financial support

### **3.2 The Community**

Community gardens should be initiated and managed by community members for the long term, taking into account the needs of all stakeholders and the surrounding community. Specifically gardeners are responsible for ensuring that:

- They maintain effective relationships with the surrounding neighbourhood, partnering organisations and gardener members;
- Garden members and visitors to the garden are not to be discriminated against due to differences in race, gender, culture or sexuality;
- Decision making by the garden committee is democratic, transparent and inclusive;
- The garden is managed in such a way that water contaminated by sediment, fertilisers etc. is contained on site;
- Garden activities that may incur noise, dust etc. do not disturb neighbours;
- Compost, worm farms and garden materials are maintained so as not to attract vermin or produce unpleasant odours;
- Rainwater harvesting systems are maintained to ensure water is of a high quality;
- Lawn areas are regularly mowed and garden beds kept tidy and
- Visitors are welcomed during daylight hours.

Community gardeners have the right to:

- Develop their own internal policies, organisational procedures and plan of management providing they liaise with and get support from Council;
- Be consulted with regard to any decision that may affect the garden and to be advised by the Council in a timely manner of any policy changes that impact them;
- Be treated with respect by other gardeners, local residents and partnering organisations; and,
- Negotiate a secure and reasonable agreement with Council.

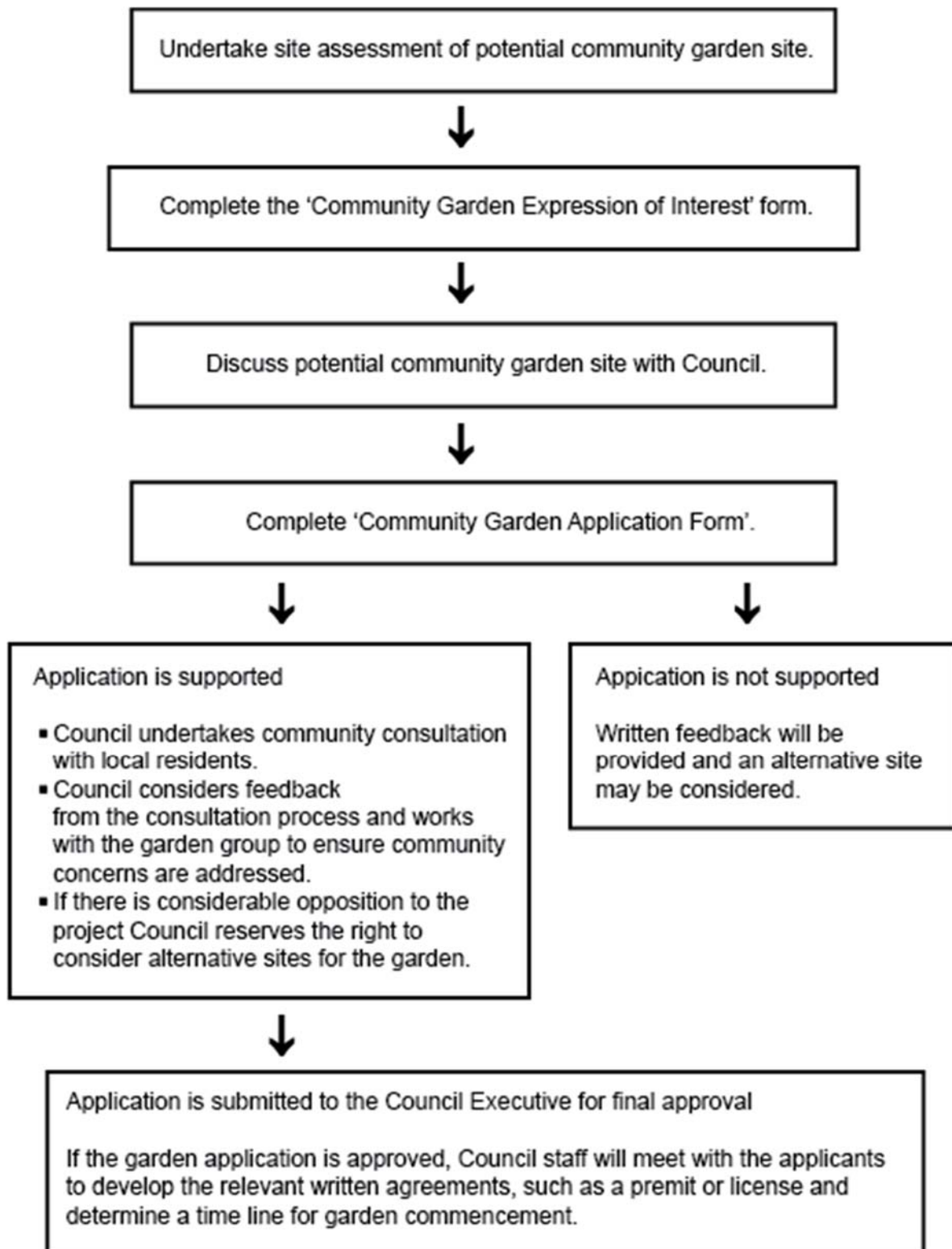
## **4 Site Selection Criteria for Community Gardens**

In order for Council to consider supporting the development of new community gardens on Council owned or controlled land, applicants will need to address the site selection criteria outlined below and follow the procedure for starting a new

community garden. The first steps in this procedure are to establish a community garden group, conduct a site assessment of potential sites and then discuss their proposal with the Council to identify possible issues. Once a preferred site has been established, applicants will need to submit a completed application form to Council. If the application is supported, Council will then organise community consultation with local residents and work with the community garden group to address any concerns.

- 1 Location: Sites classified as Community Land under the Local Government Act such as parks, open space and community centres that have outside areas may be appropriate for community gardens. Priority will be given to sites located in high density areas and/or near community centres or community organisations that might be able to support or partner the project.
- 2 Safety: Sites should have no major safety or health concerns; and have good passive surveillance (for example, can be easily seen from nearby houses or shopping areas).
- 3 Accessibility: Sites should be accessible for a range of user groups, located close to public transport and allow disabled and vehicular access e.g. for delivery of mulch and soil.
- 4 Solar access: To be suitable for growing fruits and vegetables potential garden sites need to receive full sunlight for at least 5 - 6 hours per day.
- 5 Size: The selected site will need to accommodate the all of members in the community garden group. Large garden groups will therefore need to locate a site that can accommodate the appropriate number of garden beds with room for storage and composting systems. Space for rainwater tanks, seating areas, shelter for gardeners and for community workshops and demonstrations may also need to be considered. Smaller garden groups may be able to utilise verges or pocket parks that can support few garden beds with storage and composting off site.
- 6 Water: Sites need to have access to reticulated water or access to buildings where water can be harvested.
- 7 Soil Contamination: Contaminated land is an issue across the entire Bayside Council area. As such garden beds within the community garden that are to be used for growing edible plants must be raised and self-contained (ie with enclosed bases so there can be no movement of moisture from the potentially contaminated ground surface into the garden bed). The garden beds must be filled with clean soil (ie soil bought from a landscaping supplier and not sourced from the garden site).
- 8 Multiple Use: Priority will be given to sites where a community garden can be integrated without conflicting adversely with other land uses and where the community garden can still be used by non-gardeners for passive recreation and educational workshops.

## 5 Procedure for initiating a community garden





## 6 Procedures

The General Manager may approve procedures, including forms, from time to time to support this policy.

## 7 Document control

### 7.1 Review

This policy is to be reviewed at least every four years.

### 7.2 Version history

This policy was based on a former Rockdale City Council policy last approved on 21 October 2015 and harmonised following the amalgamation of the former Botany Bay and Rockdale City Councils.

Version	Release Date	Author	Reason for Change
1.0	TBA	Madeline Hourihan	Harmonised document from former Councils

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## Council Meeting

**14/06/2017**

Item No	8.3
Subject	<b>Councillor Fees 2017/2018</b>
Report by	Warren Park Governance Coordinator
File	F09/526

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## Summary

The Local Government Act 1993 makes provision for the payment of fees to the mayor and other councillors. Payment is to be made in accordance with determinations of the Local Government Remuneration Tribunal. The Tribunal, each year, sets the maximum and minimum amount of fees to be paid to mayors and councillors of councils.

The Tribunal has recently handed down its determination for 2017-2018 being a 2.5% increase over the fees set last year. This increase is similar to the wages policy for the public sector. Council may set an additional fee for the Deputy Mayor, deducted from the Mayoral allowance. It is noted that general practice of the former Rockdale City and City of Botany Bay Councils was to set the annual fees to the maximum limit as set by the Tribunal and the recommendations within this report maintains that approach in setting the fees for 2017-2018.

---

## Council Resolution

Minute 2017/099

Resolved by the Administrator:

- 1 That the annual fee for Councillors for 2017/2018 be set at the maximum as determined by the Local Government Remuneration Tribunal.
  - 2 That the additional annual fee for the Mayor for 2017/2018 be set at the maximum as determined by the Local Government Remuneration Tribunal.
- 

## Officer Recommendation

- 1 That the annual fee for Councillors for 2017/2018 be set at the maximum as determined by the Local Government Remuneration Tribunal.
  - 2 That the additional annual fee for the Mayor for 2017/2018 be set at the maximum as determined by the Local Government Remuneration Tribunal.
- 

## Background

The Local Government Act 1993 allows a council to fix an annual fee for councillors and the mayor. The fee paid to the mayor is in addition to the fee paid to the mayor as a councillor. Should a council determine to set a fee, then it must fix the annual fee in accordance with

the appropriate determination of the Local Government Remuneration Tribunal. Where a council does not fix the annual fee, it must pay the appropriate minimum fee determined by the Remuneration Tribunal to the councillors and the mayor. A council may pay the deputy mayor a fee determined by the Council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.

The Local Government Remuneration Tribunal, pursuant to Section 241 of the Local Government Act 1993, has recently determined the maximum and minimum amount of fees to be paid to councillors and mayors during the period 1 July 2017 to 30 June 2018.

The Tribunal's review essentially had regard to the NSW Government's Wages Policy and considered that a 2.5% increase was warranted. However a number of Council's will receive a higher percentage as they have been placed in a higher or new category based on criteria for setting of fees. This increase is not subject to the Government Wages Policy for the initial year but will be in future determinations.

With the review of criteria for Councils following mergers, the Tribunal has developed a number of new categories or renamed existing categories as follows:

#### **Metropolitan**

- Principal CBD (previously Principal City)
- Major CBD (previously Major City)
- Metropolitan Large (previously Metropolitan Major)
- Metropolitan Medium (previously Metropolitan Centre)
- Metropolitan Small (previously Metropolitan)

#### **Non-Metropolitan**

- Regional City (new)
- Regional Strategic Area (new)
- Regional Rural (no change)
- Rural (no change)

The criteria for the allocation to this category is found in pages 12-15 of the determination (attached). The primary determinant is population. The former Rockdale City and City of Botany Bay Councils were in the "Metropolitan" category and by comparison Bayside Council is in "Metropolitan Medium"; one category higher because of its higher population.

The Tribunal has determined that the annual fees to be paid for the period 1 July 2017 to 30 June 2018 for a Metropolitan Medium Council (which includes Bayside) are as follows:

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
Tribunal limits		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Metropolitan Medium	13,150	24,550	27,940	65,230

\*Note: Pursuant to section 249 (2), the fee paid to the mayor, is paid in addition to the fee paid to the mayor as a councillor.

As previously indicated it has been the tradition of the former Rockdale City and City of Botany Bay Councils to adopt the maximum fees set by the Tribunal and therefore this is the recommendation in this report.

Based on these previous decisions, the maximum annual fees set by the Tribunal for the Councillors and Mayor of Bayside for 2017-18 would be as follows:

		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Existing	Proposed	Existing	Proposed
Council policy position		18,840	24,550	41,090	65,230

\*Note: Pursuant to section 249 (2), the fee paid to the mayor, is paid in addition to the fee paid to the mayor as a councillor.

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## Financial Implications

The draft Operational Budget 2017/2018 includes an increased amount for Councillor/Mayoral Fees and the increase is within the budgeted amounts.

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## Community Engagement

The issues raised in this report concern matters that do not require community consultation under Council's Community Engagement Policy.

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## Attachments

Determination of the Local Government Remuneration Tribunal for 2017/2018

# Local Government Remuneration Tribunal

## Annual Report and Determination

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

**12 April  
2017**

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# Executive Summary

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The Local Government Remuneration Tribunal (the Tribunal) is required to report to the Minister for Local Government by 1 May each year as to its determination of categories and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

## Categories

Since the making of the 2016 determination a number of councils have been amalgamated resulting in the creation of 20 new councils. The impact of those structural changes is an overall reduction in the number of councils in NSW from 152 to 128. This significant change has prompted a review of the existing categories and the allocation of councils into each of those categories.

In undertaking the review the Tribunal examined the existing categories, a range of statistical and demographic data and considered the views of councils and Local Government NSW. Having regard to that information the Tribunal has determined a categorisation model which differentiates councils primarily on the basis of their geographic location. Other factors which differentiate councils for the purpose of categorisation include population, the sphere of the council's economic influence and the degree of regional servicing.

In accordance with section 239 of the *Local Government Act 1993* (LG Act) the categories of general purpose councils are determined as follows:

### Metropolitan

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

### Non-metropolitan

- Regional City
- Regional Strategic Area
- Regional Rural
- Rural

## **Local Government Remuneration Tribunal**

The determination provides for the retention of five existing categories (some with new titles) and the creation of two new categories. Each council is allocated into one of the categories based on the criteria outlined on pages 12 to 15 of the report.

### **Fees**

The majority of councils will receive an increase of 2.5 per cent only which is consistent with the government's wages policy. Six existing councils will be eligible for increases of more than 2.5 per cent as those councils have been categorised into a higher or new category on the basis of the revised criteria.

The 20 new councils have been placed in one of the existing or new categories. These 20 councils replaced 44 former councils. The scale of the new councils means that the majority of these new councils will be eligible for fees that are higher than those paid to the former entities. However, the significant reduction in the number of councils from 152 to 128 has resulted in an estimated maximum saving on the overall cost of councillor fees in NSW of approximately \$2.5M.

## Section 1 Introduction

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1. Section 239 of the LG Act provides for the Tribunal to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.
2. Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
3. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission. The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.
4. The Tribunal's determinations take effect from 1 July in each year. The Tribunal's Report and Determination of 2016, made on 29 March 2016, provided a general increase of 2.5 per cent which was consistent with the Government's policy on wages.
5. Since the making of the 2016 determination there has been a reduction in the number of councils in NSW from 152 to 128. In response to this significant change the Tribunal will review the categories and the allocation of each council and mayoral offices into those categories, pursuant to section 239 of the LG Act.

## Section 2 Local Government Reform

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### Update on council amalgamations

6. The NSW Government has been working with local councils since 2011 to create stronger councils and strengthen local communities.
7. On 12 May 2016 the NSW Government announced the formation of 19 new councils. The proclamation of the new Bayside Council occurred on 9 September 2016 following

## Local Government Remuneration Tribunal

the conclusion of legal action in the Court of Appeal. This took the total number of new councils created in 2016 to 20.

8. The decision to create new councils follows four years of extensive community and industry consultation and independent research and analysis which found a strong case for reform.
9. Detailed information on the reform process and progress to date can be found on the [Fit for the Future](#) and [Stronger Councils](#) websites.
10. On 14 February 2017, the Government announced that all merged councils in NSW will remain in place and the proposed formation of a further five new councils in Sydney would proceed, subject to the outcome of court proceedings. However, there will be no further regional council mergers.

### Amendments to the *Local Government Act 1993*

11. The LG Act was amended in July 2016 to insert sub-clauses (3) and (4) into section 242A to clarify the intent of the impact of the government's wages policy on a determination which may change the category of a council as follows:

**242A Tribunal to give effect to declared government policy on remuneration for public sector staff**

- (1) In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 when making or varying awards or orders relating to the conditions of employment of public sector employees.*
- (2) The policies referred to in subsection (1) do not include any policy that provides for increases in remuneration based on employee-related savings.*
- (3) This section does not apply to a determination by the Remuneration Tribunal that changes the category of a council or mayoral office (whether or not the effect of the change is to increase the range of amounts payable to the councillors and mayor of a council).*
- (4) To avoid doubt, this section extends to a determination of the minimum and maximum amounts payable for a category in existence when the determination is made.*

12. The impact of these amendments to the LG Act is outlined in section 4 of this report.

## Section 3      Review of Categories

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### Scope of review

13. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last reviewed the categories during the 2015 annual review.

14. Since the making of the 2016 determination there has been an overall reduction in the number of councils from 152 to 128. This significant change has prompted a review of the existing categories and the allocation of councils into each of those categories.

15. In determining categories the Tribunal is required to have regard to the following matters that are prescribed in section 240 of the LG Act:

*“240 (1)*

- the size of areas*
- the physical terrain of areas*
- the population of areas and the distribution of the population*
- the nature and volume of business dealt with by each Council*
- the nature and extent of the development of areas*
- the diversity of communities served*
- the regional, national and international significance of the Council*
- such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government*
- such other matters as may be prescribed by the regulations.”*

16. The Tribunal is tasked with determining a categorisation model in which councils with the largest number of features in common can be grouped together for remuneration purposes. This is not straightforward as each council has challenges and issues which are unique.

17. The existing categories group councils primarily on the basis of their geographic location (predominantly metropolitan or rural). Categories are then further differentiated on other factors including population, the sphere of the council’s economic influence and the council’s degree of regional servicing.

## **Local Government Remuneration Tribunal**

18. The Tribunal reviewed this model having regard to a large amount of statistical material, including population and financial data, demographic indicators and indicators of regional significance. The Tribunal found that while the existing criteria continue to provide an equitable and transparent model by which to differentiate councils for the purposes of determining remuneration, there existed some scope to refine these criteria to address a number of categorisation anomalies and to better reflect the composition of councils post amalgamations.
19. In considering a new model the Tribunal sought to improve consistency and transparency in the determination of categories and the allocation of councils into each of those categories. Having considered the existing and new councils, the Tribunal identified a number of councils that specifically warranted either recategorisation into an existing category or a new category.
20. The current model provides for the councils of Newcastle, Wollongong, Central Coast (former Wyong and Gosford) and Lake Macquarie to be grouped with councils in the Sydney Metropolitan Area. These councils are not located in what is generally defined as the Sydney Metropolitan Area and the categorisation did not adequately reflect their regional status. Having assessed the characteristics of these councils the Tribunal was of the preliminary view that the categories should differentiate metropolitan and non-metropolitan councils. On that basis two new categories were proposed for the regional group to accommodate these councils.
21. In respect of the larger metropolitan councils, amalgamations in the Sydney metropolitan area have resulted in a significant number of councils with populations of greater than 200,000. The 2016 determination provided for the Council of the City of Parramatta to be categorised in the same category (Metropolitan City) as Newcastle and Wollongong City Councils. The proposal to move Newcastle and Wollongong into the non-metropolitan group necessitated a re-think of the categorisation for Parramatta City Council having regard to its status in the metropolitan region. The Tribunal found that Parramatta City Council was significantly differentiated from other large metropolitan councils on the basis of its secondary CBD status as recognised by the State Government. On this basis a new category of Major CBD was proposed for Parramatta City Council.
22. Prior to seeking the views of Local Government NSW (LGNSW) and councils the Tribunal's preliminary view was that most of the existing categories should be retained but there



## Local Government Remuneration Tribunal

should also be some new categories to reflect the evolving shape of local government in NSW. The proposed model was as follows:

### **Metropolitan**

- Principal CBD
- Major CBD
- Metropolitan Major
- Metropolitan Centre
- Metropolitan

### **Regional**

- Regional City
- Regional Strategic Centre
- Regional Rural
- Rural

23. To test this model the Tribunal wrote to all mayors in November 2016 advising of the commencement of the 2017 Annual Review. In doing so the Tribunal advised councils of its intention to revise the existing categorisation model following examination of the list of existing and new councils. To assist councils in making their submissions the Tribunal outlined its preliminary thinking on a proposed model for metropolitan and non-metropolitan councils as follows:

#### ***“Metropolitan***

*Five metropolitan categories are proposed. The existing Principal City category is proposed to be retained for Sydney City Council and renamed Principal CBD. Major City is proposed to be abolished and a new category created for Parramatta City Council. The Tribunal’s preliminary thinking is that this category will be titled Major CBD. The existing Metropolitan Major, Metropolitan Centre and Metropolitan categories will be retained for the new and remaining existing councils.....*

#### ***Non-metropolitan***

*Four non-metropolitan categories are proposed. A new Regional City category will be created for Newcastle and Wollongong City Councils. A new Regional Strategic Centre category will be created for Central Coast and Lake*

## **Local Government Remuneration Tribunal**

*Macquarie Councils. The existing Regional Rural and Rural categories will be retained for other new and remaining councils.....*

### **County Councils**

*The Tribunal does not intend to make any change to the categorisation of county councils and will retain the existing categories of Water and Other.”*

24. The Tribunal also outlined its approach to the criteria for categorising councils into the proposed metropolitan and non-metropolitan categories as follows:

*“The Tribunal’s 2009 annual determination outlines the characteristics for the existing categories. At this stage the Tribunal intends to adopt a similar approach and will determine descriptors for the proposed categories for the purposes of classifying councils into the categories. Population is likely to remain a determining factor for differentiating categories of councils. The Tribunal will also have regard to the matters prescribed in section 240 of the LG Act.”*

25. The Tribunal invited submissions on the proposed categorisation model, criteria for the allocation of councils into the categories, fees for the proposed categories and any other matters.
26. The Tribunal also wrote to the President of LGNSW in similar terms, and subsequently met with the President and Chief Executive of LGNSW. The Tribunal wishes to place on record its appreciation to the President and Chief Executive for meeting with the Tribunal.

## **Submissions received - categorisation**

27. In response to this review the Tribunal received 28 submissions from individual councils and a submission from LGNSW. A summary of the key points is below.

### **Categorisation**

28. Approximately half of the submissions (46 per cent) supported the proposed categories with no variation or supported the proposed categories with variations to titles or the number of categories. The balance of the submissions (54 per cent) did not express a view in respect to the proposed categorisation model.

## **Local Government Remuneration Tribunal**

29. In respect to variations put forward in submissions, the LGNSW requested that the proposed “Major CBD” and “Metropolitan Major” be merged and called “Metropolitan Major” and an additional category be created called “Special/Interim”. The “Metropolitan Major” category would include councils with a population of at least 250,000 and/or that met other specified indicators that set them apart from other metropolitan councils. The “Special/Interim” category would apply on an interim basis to councils that demonstrate special attributes/circumstances that are out of the ordinary, for example high population growth.
30. Council submissions requested additional categories such as a “Metropolitan Growth Centre” or “Metropolitan Major – Growth Centre” for councils dealing with high growth; “Metropolitan Gateway” for councils that connect the regions to metropolitan areas; and “Peri-Urban” for councils that interface between urban and rural areas.

### **Criteria**

31. A number of submissions referred to the criteria provided in section 240 of the LG Act, either noting or stating the criteria remain relevant (18 per cent) or suggesting that additional criteria to those provided in section 240 is required (50 per cent). Other submissions explained how their individual council performed against the section 240 criteria (29 per cent). The balance of the submissions did not express a view in respect to the criteria for categorisation (18 per cent).
32. The LGNSW suggested that the criteria need to be expanded to include a wider range of factors such as the level of disadvantage an area suffers, annual growth rate of an area (relative to population) and expenditure of an area.
33. Council submissions suggested additional criteria such as status as a NSW Evocity; the nature of a council’s business, for example some do not provide water and sewerage services; level of economic activity in a local government area; specific population thresholds; resident/councillor ratio and planning significance in terms of Government targets.
34. Councils were also asked to provide submissions on the matter of fees. Comments relating to fees are outlined in section 4.

## Local Government Remuneration Tribunal

### Findings - categorisation

35. The Tribunal is appreciative of the number of submissions received and the effort made in those submissions to comment on the proposed categorisation model and to provide further suggestions for consideration. Given the broad support the Tribunal will determine the categories as proposed with a number of minor variations which in part reflect the feedback received.
36. Since seeking the views of councils the Tribunal has reconsidered the titles of the former metropolitan categories being Metropolitan Major, Metropolitan Centre and Metropolitan. The Tribunal found that these titles did not adequately describe the characteristics of the councils in those groups or articulate the difference between them. The Tribunal has determined that the three categories will be retained but that they will be re-titled Metropolitan Large, Metropolitan Medium and Metropolitan Small. The primary determinant for categorisation into these groups will be population.
37. The Tribunal also considers that the title of Regional Strategic Centre is more appropriately titled Regional Strategic Area. The two councils to be categorised into this group are local government areas which represent a large number of townships and communities of varying scale.
38. The revised model which will form the basis of this determination is as follows:

#### **Metropolitan**

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

#### **Non-metropolitan**

- Regional City
- Regional Strategic Area
- Regional Rural
- Rural

39. The criteria for each of the categories are outlined below. As with the previous categories the predominant factor to guide categorisation is population. Other common features of councils within those categories are also broadly described. These criteria

## Local Government Remuneration Tribunal

have relevance when population alone does adequately reflect the status of one council compared to others with similar characteristics. In some instances the additional criteria will be significant enough to warrant the categorisation of a council into a group with a higher population threshold.

40. There is no significant change to the categorisation of county councils. A proclamation was published in the NSW Government Gazette No 52 of 22 June 2016 dissolving the Richmond River County Council and Far North Coast and the transferring their functions and operations to Rous County Council with effect 1 July 2016. County councils continue to be categorised on the basis of whether they undertake water and/or sewerage functions or administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Noxious Weeds Act 1993*.

### Criteria for categories

The following criteria will apply to each of the categories:

#### **Principal CBD**

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

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

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

## Local Government Remuneration Tribunal

### Major CBD

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

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

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

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

### Metropolitan Large

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

Other features may include:

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

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



## **Local Government Remuneration Tribunal**

### **Metropolitan Medium**

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

Other features may include:

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

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

### **Metropolitan Small**

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

Other features which distinguish them from other metropolitan councils include:

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

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

### **Regional City**

Councils categorised as Regional City will typically have a population above 150,000. These councils are metropolitan in nature with major residential, commercial and industrial areas. These Councils typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development.

These councils provide a full range of higher order services and activities along with arts, culture, recreation and entertainment facilities to service the wider community and broader region. These councils typically also contain ventures which have a broader State and national focus which impact upon the operations of the council.

Newcastle City Council and Wollongong City Councils are categorised as Regional City.

## **Local Government Remuneration Tribunal**

### **Regional Strategic Area**

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Rural category on the basis of their significant population. Councils categorised as Regional Strategic Area will typically have a population above 200,000. These councils contain a mix of urban and rural settlements. They provide a range of services and activities including business, office and retail uses, along with arts, culture, recreation and entertainment facilities to service the wider community. These councils host tertiary education campuses and health facilities.

While councils categorised as Regional Strategic Area may have populations which exceed those of Regional City, they would not typically provide the same range of regional services or have an equivalent sphere of economic influence.

Central Coast Council and Lake Macquarie Council are categorised as Regional Strategic Area.

### **Regional Rural**

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

Other features which distinguish them from other non-metropolitan councils include:

- a major town or towns with the largest commercial component of any location in the surrounding area
- a significant urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages or may be located on or close to the coast with high levels of population and tourist facilities
- provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- regional services to the wider community through principal referral hospitals, tertiary education services and major regional airports
- these councils may also attract large visitor numbers to established tourism ventures.

### **Rural**

Councils categorised as Rural will typically have a population below 20,000.

Other features which distinguish them from other non-metropolitan councils include:

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

### **County Councils - Water**

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

### **County Councils - Other**

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Noxious Weeds Act 1993*.

## Local Government Remuneration Tribunal

41. These criteria will be included in future determinations as an appendix to ensure they are readily accessible.

### Allocation of council into categories

42. In accordance with section 239 of the LG Act the Tribunal is required to allocate each of the councils into one of the categories. The allocation of councils is outlined in the determination under section 6.
43. In determining the allocation of councils into these categories the Tribunal found that that there were certain councils that could warrant categorisation into another category based on additional criteria. The Tribunal notes that a number of metropolitan and non-metropolitan councils have or are expected to experience significant development and population growth in the future. A number of these local government areas have been identified in the State Government's key planning strategies and include Camden and The Hills councils. The Tribunal acknowledges the additional responsibilities these and other councils may face now and in the future, however for the initial categorisation these councils have been categorised primarily on the basis of their population. The Tribunal will continue to monitor these and other councils to determine the appropriateness of the allocation of councils and the categorisation model for future determinations.

## Section 4 Fees

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### Scope of review

44. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 (IR Act), when making or varying awards or orders relating to the conditions of employment of public sector employees.
45. The current policy on wages pursuant to section 146C(1)(a) of the IR Act is articulated in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2014 (the Regulation). The effect of the Regulation is that public sector wages cannot increase by

## Local Government Remuneration Tribunal

more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.

46. The LG Act was amended in July 2016 to insert sub-clauses (3) and (4) into section 242A to clarify the intent of the impact of the government's wages policy on a determination which may change the category of a council as follows:

**242A Tribunal to give effect to declared government policy on remuneration for public sector staff**

*(1) In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 when making or varying awards or orders relating to the conditions of employment of public sector employees.*

*(2) The policies referred to in subsection (1) do not include any policy that provides for increases in remuneration based on employee-related savings.*

*(3) This section does not apply to a determination by the Remuneration Tribunal that changes the category of a council or mayoral office (whether or not the effect of the change is to increase the range of amounts payable to the councillors and mayor of a council).*

*(4) To avoid doubt, this section extends to a determination of the minimum and maximum amounts payable for a category in existence when the determination is made.*

47. Those amendments make clear that the minimum and maximum fees applicable to the existing categories cannot be increased by more than 2.5 per cent. The Tribunal is however able to determine that a council can be placed in another existing or a new category with a higher range of fees without breaching the government's wage policy. These changes provided the Tribunal with greater flexibility in reviewing fees for existing and new councils.

### Submissions received - Fees

48. A number of submissions supported an increase in fees either by no less than 2.5 per cent or by an unspecified amount (25 per cent of responses). Several submissions suggested an alternative fee model (11 per cent) or made other general comments (29 per cent). The balance of submissions did not express a view in respect to fees (36 per cent).

## **Local Government Remuneration Tribunal**

49. The LGNSW submitted that the Tribunal must increase fees by no less than 2.5 per cent being of the view that fees have already fallen behind comparable roles. Also, that the fee structure fails to recognise the work of councillors and is often inadequate to attract and retain people with the necessary skills and expertise. The LGNSW also made reference to the changes to the LG Act that have expanded the role of the governing body (section 223) and mayors and councillors (sections 226 and 232). These points were also put forward in several council submissions along with requests that fees account for additional duties performed as members of a joint organisation.
50. In respect to alternative fee models several councils requested the Tribunal to consider a fee model similar to those applying to local governments in Victoria or Queensland; that fees are calculated as a percentage of the salary payable to members of the NSW Parliament; or that fees be benchmarked against the remuneration for the Principal CBD category.

### **Findings - Fees**

51. The Tribunal is required to have regard to the Government's wages policy when determining the increase to apply to the maximum and minimum fees that apply to councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.
52. The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government's policy of rate pegging , and finds that the full increase of 2.5 per cent is warranted. The 2.5 per cent increase will apply to the minimum and the maximum of the ranges for all existing categories.
53. The new categories have their remuneration ranges determined for the first time in this determination. As an initial determination the ranges for the new categories are not subject to the wages policy, however any future increase will be impacted in accordance with section 242A(4) of the LG Act.
54. The minimum and maximum fees for the new categories have been determined having regard to the relativities that exist between the existing groups.
55. For the category of Major CBD the maximum councillor fee is set at approximately 85 per cent of maximum councillor fee for Principal CBD. The maximum mayoral fee is set at

## **Local Government Remuneration Tribunal**

approximately 50 per cent of the maximum mayoral fee for Principal CBD. The minimum fees for both councillors and mayors are set at the same as that determined for the Metropolitan Large.

56. For the category of Regional City the maximum councillor fee is set at approximately 80 per cent of maximum councillor fee for Principal CBD. The maximum mayoral fee is set at approximately 45 per cent of the maximum mayoral fee for Principal CBD. The minimum fees for both councillors and mayors are set at the same as that determined for the Regional Strategic Area.
57. The minimum and maximum fees payable to the category of Regional Strategic Area will be the same as those payable to Metropolitan Large.

### **Impact of fee increase and new categories**

58. The majority of councils will receive an increase of 2.5 per cent only.
59. Six councils will be eligible for increases of more than 2.5 per cent as those councils have been categorised into a higher or new category on the basis of the revised criteria.
60. The twenty new councils have been placed in one of the existing or new categories. These twenty councils replaced forty-four former councils. The scale of the new councils means that the majority of these new councils will be eligible for fees that are higher than those paid to the former entities. However, the significant reduction in the number of councils from 152 to 128 has resulted in an estimated maximum saving on the overall cost of councillor fees in NSW of approximately \$2.5M.

## **Section 5      Other matters**

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### **Fees for Deputy Mayors**

61. Several council submissions requested that the Tribunal review the remuneration payable to Deputy Mayors (14 per cent). It was suggested that the remuneration be increased to reflect the additional duties undertaken or that elected deputy mayors receive an allowance based on a percentage of the councillor fee.
62. Councils have raised the matter of separate fees for Deputy Mayors on previous occasions and the Tribunal notes that it has previously determined that there is no provision in the

## Local Government Remuneration Tribunal

LG Act to empower the Tribunal to determine a separate fee or fee increase for Deputy Mayors. The method for determining separate fees, if any, for a Deputy Mayor are provided in section 249 of the LG Act as follows:

**249 Fixing and payment of annual fees for the mayor**

- (1) *A council must pay the mayor an annual fee.*
- (2) *The annual fee must be paid in addition to the fee paid to the mayor as a councillor.*
- (3) *A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (4) *A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
- (5) *A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee."*

## Conclusion

63. The Tribunal's determinations have been made with the assistance of the two Assessors - Mr Ian Reynolds and Mr Tim Hurst. The allocation of councils into each of the categories, pursuant to section 239 of the LG Act, is outlined in Determination No. 1. The maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils, pursuant to section 241 of the LG Act, is outlined in Determination No. 2.

64. On 14 February 2017, the Government announced that the proposed formation of a further five new councils in Sydney would proceed, subject to the outcome of court proceedings.

65. The Tribunal may need to consider the categorisation of further new councils following the conclusion of legal action. Should this occur prior to the making of the 2018 determination the Minister may direct the Tribunal to make a special determination(s) in accordance with section 242 of the LG Act.

## The Local Government Remuneration Tribunal

*Signed*

**Dr Robert Lang**

**Dated:** 12 April 2017



## Section 6 Determinations

### Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2017

**Table 1: General Purpose Councils - Metropolitan**

Principal CBD (1)	Major CBD (1)
Sydney	Parramatta
Metropolitan Large (8)	Metropolitan Medium (9)
Blacktown	Bayside
Canterbury-Bankstown	Campbelltown
Cumberland	Georges River
Fairfield	Hornsby
Liverpool	Ku-ring-gai
Northern Beaches	Inner West
Penrith	Randwick
Sutherland	Ryde
	The Hills
Metropolitan Small (11)	
Burwood	
Camden	
Canada Bay	
Hunters Hill	
Lane Cove	
Mosman	
North Sydney	
Strathfield	
Waverley	
Willoughby	
Woollahra	

## Local Government Remuneration Tribunal

**Table 2: General Purpose Councils – Non-Metropolitan**

Regional City (2)		Regional Strategic Area (2)	
Newcastle		Central Coast	
Wollongong		Lake Macquarie	

Regional Rural (37)		Rural (57)	
Albury		Balranald	Kyogle
Armidale		Bellingen	Lachlan
Ballina		Berrigan	Leeton
Bathurst		Bland	Liverpool Plains
Bega		Blayney	Lockhart
Blue Mountains		Bogan	Moree Plains
Broken Hill		Bourke	Murray River
Byron		Brewarrina	Murrumbidgee
Cessnock		Cabonne	Muswellbrook
Clarence Valley		Carrathool	Nambucca
Coffs Harbour		Central Darling	Narrabri
Dubbo		Cobar	Narrandera
Eurobodalla		Coolamon	Narromine
Goulburn Mulwaree		Coonamble	Oberon
Griffith		Cootamundra-Gundagai	Parkes
Hawkesbury		Cowra	Snowy Valleys
Kempsey		Dungog	Temora
Kiama		Edward River	Tenterfield
Lismore		Federation	Upper Hunter
Lithgow		Forbes	Upper Lachlan
Maitland		Gilgandra	Uralla
Mid-Coast		Glen Innes Severn	Walcha
Mid-Western		Greater Hume	Walgett
Orange		Gunnedah	Warren
Port Macquarie-Hastings		Gwydir	Warrumbungle
Port Stephens		Hay	Weddin
Queanbeyan-Palerang		Hilltops	Wentworth
Richmond Valley		Inverell	Yass
Shellharbour		June	
Shoalhaven			
Singleton			
Snowy Monaro			
Tamworth			
Tweed			
Wagga Wagga			
Wingecarribee			
Wollondilly			

## Local Government Remuneration Tribunal

**Table 3: County Councils**

Water (5)
Central Tablelands
Goldenfields Water
Mid-Coast
Riverina Water
Rous

Other (7)
Castlereagh-Macquarie
Central Murray
Hawkesbury River
New England Tablelands
Southern Slopes
Upper Hunter
Upper Macquarie

## Local Government Remuneration Tribunal

### Determination No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Mayors

Pursuant to s.241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2017 are determined as follows:

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

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils – Metropolitan	Principal CBD	26,310	38,580	160,960	211,790
	Major CBD	17,540	32,500	37,270	105,000
	Metropolitan Large	17,540	28,950	37,270	84,330
	Metropolitan Medium	13,150	24,550	27,940	65,230
	Metropolitan Small	8,750	19,310	18,630	42,120
General Purpose Councils – Non-metropolitan	Regional City	17,540	30,500	37,270	95,000
	Regional Strategic Area	17,540	28,950	37,270	84,330
	Regional Rural	8,750	19,310	18,630	42,120
	Rural	8,750	11,570	9,310	25,250
County Councils	Water	1,740	9,650	3,730	15,850
	Other	1,740	5,770	3,730	10,530

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

**The Local Government Remuneration Tribunal**

*Signed*

**Dr Robert Lang**

**Dated:** 12 April 2017

# Local Government Remuneration Tribunal

## Annual Report and Determination

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

**12 April  
2017**

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# Executive Summary

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The Local Government Remuneration Tribunal (the Tribunal) is required to report to the Minister for Local Government by 1 May each year as to its determination of categories and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

## Categories

Since the making of the 2016 determination a number of councils have been amalgamated resulting in the creation of 20 new councils. The impact of those structural changes is an overall reduction in the number of councils in NSW from 152 to 128. This significant change has prompted a review of the existing categories and the allocation of councils into each of those categories.

In undertaking the review the Tribunal examined the existing categories, a range of statistical and demographic data and considered the views of councils and Local Government NSW. Having regard to that information the Tribunal has determined a categorisation model which differentiates councils primarily on the basis of their geographic location. Other factors which differentiate councils for the purpose of categorisation include population, the sphere of the council's economic influence and the degree of regional servicing.

In accordance with section 239 of the *Local Government Act 1993* (LG Act) the categories of general purpose councils are determined as follows:

### **Metropolitan**

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

### **Non-metropolitan**

- Regional City
- Regional Strategic Area
- Regional Rural
- Rural



## **Local Government Remuneration Tribunal**

The determination provides for the retention of five existing categories (some with new titles) and the creation of two new categories. Each council is allocated into one of the categories based on the criteria outlined on pages 12 to 15 of the report.

### **Fees**

The majority of councils will receive an increase of 2.5 per cent only which is consistent with the government's wages policy. Six existing councils will be eligible for increases of more than 2.5 per cent as those councils have been categorised into a higher or new category on the basis of the revised criteria.

The 20 new councils have been placed in one of the existing or new categories. These 20 councils replaced 44 former councils. The scale of the new councils means that the majority of these new councils will be eligible for fees that are higher than those paid to the former entities. However, the significant reduction in the number of councils from 152 to 128 has resulted in an estimated maximum saving on the overall cost of councillor fees in NSW of approximately \$2.5M.

## Section 1 Introduction

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1. Section 239 of the LG Act provides for the Tribunal to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.
2. Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
3. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission. The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.
4. The Tribunal's determinations take effect from 1 July in each year. The Tribunal's Report and Determination of 2016, made on 29 March 2016, provided a general increase of 2.5 per cent which was consistent with the Government's policy on wages.
5. Since the making of the 2016 determination there has been a reduction in the number of councils in NSW from 152 to 128. In response to this significant change the Tribunal will review the categories and the allocation of each council and mayoral offices into those categories, pursuant to section 239 of the LG Act.

## Section 2 Local Government Reform

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### Update on council amalgamations

6. The NSW Government has been working with local councils since 2011 to create stronger councils and strengthen local communities.
7. On 12 May 2016 the NSW Government announced the formation of 19 new councils. The proclamation of the new Bayside Council occurred on 9 September 2016 following

## Local Government Remuneration Tribunal

the conclusion of legal action in the Court of Appeal. This took the total number of new councils created in 2016 to 20.

8. The decision to create new councils follows four years of extensive community and industry consultation and independent research and analysis which found a strong case for reform.
9. Detailed information on the reform process and progress to date can be found on the [Fit for the Future](#) and [Stronger Councils](#) websites.
10. On 14 February 2017, the Government announced that all merged councils in NSW will remain in place and the proposed formation of a further five new councils in Sydney would proceed, subject to the outcome of court proceedings. However, there will be no further regional council mergers.

### Amendments to the *Local Government Act 1993*

11. The LG Act was amended in July 2016 to insert sub-clauses (3) and (4) into section 242A to clarify the intent of the impact of the government's wages policy on a determination which may change the category of a council as follows:

**242A Tribunal to give effect to declared government policy on remuneration for public sector staff**

- (1) In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 when making or varying awards or orders relating to the conditions of employment of public sector employees.*
- (2) The policies referred to in subsection (1) do not include any policy that provides for increases in remuneration based on employee-related savings.*
- (3) This section does not apply to a determination by the Remuneration Tribunal that changes the category of a council or mayoral office (whether or not the effect of the change is to increase the range of amounts payable to the councillors and mayor of a council).*
- (4) To avoid doubt, this section extends to a determination of the minimum and maximum amounts payable for a category in existence when the determination is made.*

12. The impact of these amendments to the LG Act is outlined in section 4 of this report.

## Section 3      Review of Categories

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### Scope of review

13. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last reviewed the categories during the 2015 annual review.

14. Since the making of the 2016 determination there has been an overall reduction in the number of councils from 152 to 128. This significant change has prompted a review of the existing categories and the allocation of councils into each of those categories.

15. In determining categories the Tribunal is required to have regard to the following matters that are prescribed in section 240 of the LG Act:

*“240 (1)*

- the size of areas*
- the physical terrain of areas*
- the population of areas and the distribution of the population*
- the nature and volume of business dealt with by each Council*
- the nature and extent of the development of areas*
- the diversity of communities served*
- the regional, national and international significance of the Council*
- such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government*
- such other matters as may be prescribed by the regulations.”*

16. The Tribunal is tasked with determining a categorisation model in which councils with the largest number of features in common can be grouped together for remuneration purposes. This is not straightforward as each council has challenges and issues which are unique.

17. The existing categories group councils primarily on the basis of their geographic location (predominantly metropolitan or rural). Categories are then further differentiated on other factors including population, the sphere of the council’s economic influence and the council’s degree of regional servicing.

## **Local Government Remuneration Tribunal**

18. The Tribunal reviewed this model having regard to a large amount of statistical material, including population and financial data, demographic indicators and indicators of regional significance. The Tribunal found that while the existing criteria continue to provide an equitable and transparent model by which to differentiate councils for the purposes of determining remuneration, there existed some scope to refine these criteria to address a number of categorisation anomalies and to better reflect the composition of councils post amalgamations.
19. In considering a new model the Tribunal sought to improve consistency and transparency in the determination of categories and the allocation of councils into each of those categories. Having considered the existing and new councils, the Tribunal identified a number of councils that specifically warranted either recategorisation into an existing category or a new category.
20. The current model provides for the councils of Newcastle, Wollongong, Central Coast (former Wyong and Gosford) and Lake Macquarie to be grouped with councils in the Sydney Metropolitan Area. These councils are not located in what is generally defined as the Sydney Metropolitan Area and the categorisation did not adequately reflect their regional status. Having assessed the characteristics of these councils the Tribunal was of the preliminary view that the categories should differentiate metropolitan and non-metropolitan councils. On that basis two new categories were proposed for the regional group to accommodate these councils.
21. In respect of the larger metropolitan councils, amalgamations in the Sydney metropolitan area have resulted in a significant number of councils with populations of greater than 200,000. The 2016 determination provided for the Council of the City of Parramatta to be categorised in the same category (Metropolitan City) as Newcastle and Wollongong City Councils. The proposal to move Newcastle and Wollongong into the non-metropolitan group necessitated a re-think of the categorisation for Parramatta City Council having regard to its status in the metropolitan region. The Tribunal found that Parramatta City Council was significantly differentiated from other large metropolitan councils on the basis of its secondary CBD status as recognised by the State Government. On this basis a new category of Major CBD was proposed for Parramatta City Council.
22. Prior to seeking the views of Local Government NSW (LGNSW) and councils the Tribunal's preliminary view was that most of the existing categories should be retained but there

## Local Government Remuneration Tribunal

should also be some new categories to reflect the evolving shape of local government in NSW. The proposed model was as follows:

### **Metropolitan**

- Principal CBD
- Major CBD
- Metropolitan Major
- Metropolitan Centre
- Metropolitan

### **Regional**

- Regional City
- Regional Strategic Centre
- Regional Rural
- Rural

23. To test this model the Tribunal wrote to all mayors in November 2016 advising of the commencement of the 2017 Annual Review. In doing so the Tribunal advised councils of its intention to revise the existing categorisation model following examination of the list of existing and new councils. To assist councils in making their submissions the Tribunal outlined its preliminary thinking on a proposed model for metropolitan and non-metropolitan councils as follows:

### ***“Metropolitan***

*Five metropolitan categories are proposed. The existing Principal City category is proposed to be retained for Sydney City Council and renamed Principal CBD. Major City is proposed to be abolished and a new category created for Parramatta City Council. The Tribunal’s preliminary thinking is that this category will be titled Major CBD. The existing Metropolitan Major, Metropolitan Centre and Metropolitan categories will be retained for the new and remaining existing councils.....*

### ***Non-metropolitan***

*Four non-metropolitan categories are proposed. A new Regional City category will be created for Newcastle and Wollongong City Councils. A new Regional Strategic Centre category will be created for Central Coast and Lake*

## Local Government Remuneration Tribunal

*Macquarie Councils. The existing Regional Rural and Rural categories will be retained for other new and remaining councils.....*

### **County Councils**

*The Tribunal does not intend to make any change to the categorisation of county councils and will retain the existing categories of Water and Other.”*

24. The Tribunal also outlined its approach to the criteria for categorising councils into the proposed metropolitan and non-metropolitan categories as follows:

*“The Tribunal’s 2009 annual determination outlines the characteristics for the existing categories. At this stage the Tribunal intends to adopt a similar approach and will determine descriptors for the proposed categories for the purposes of classifying councils into the categories. Population is likely to remain a determining factor for differentiating categories of councils. The Tribunal will also have regard to the matters prescribed in section 240 of the LG Act.”*

25. The Tribunal invited submissions on the proposed categorisation model, criteria for the allocation of councils into the categories, fees for the proposed categories and any other matters.
26. The Tribunal also wrote to the President of LGNSW in similar terms, and subsequently met with the President and Chief Executive of LGNSW. The Tribunal wishes to place on record its appreciation to the President and Chief Executive for meeting with the Tribunal.

## **Submissions received - categorisation**

27. In response to this review the Tribunal received 28 submissions from individual councils and a submission from LGNSW. A summary of the key points is below.

### **Categorisation**

28. Approximately half of the submissions (46 per cent) supported the proposed categories with no variation or supported the proposed categories with variations to titles or the number of categories. The balance of the submissions (54 per cent) did not express a view in respect to the proposed categorisation model.



## **Local Government Remuneration Tribunal**

29. In respect to variations put forward in submissions, the LGNSW requested that the proposed “Major CBD” and “Metropolitan Major” be merged and called “Metropolitan Major” and an additional category be created called “Special/Interim”. The “Metropolitan Major” category would include councils with a population of at least 250,000 and/or that met other specified indicators that set them apart from other metropolitan councils. The “Special/Interim” category would apply on an interim basis to councils that demonstrate special attributes/circumstances that are out of the ordinary, for example high population growth.
30. Council submissions requested additional categories such as a “Metropolitan Growth Centre” or “Metropolitan Major – Growth Centre” for councils dealing with high growth; “Metropolitan Gateway” for councils that connect the regions to metropolitan areas; and “Peri-Urban” for councils that interface between urban and rural areas.

### **Criteria**

31. A number of submissions referred to the criteria provided in section 240 of the LG Act, either noting or stating the criteria remain relevant (18 per cent) or suggesting that additional criteria to those provided in section 240 is required (50 per cent). Other submissions explained how their individual council performed against the section 240 criteria (29 per cent). The balance of the submissions did not express a view in respect to the criteria for categorisation (18 per cent).
32. The LGNSW suggested that the criteria need to be expanded to include a wider range of factors such as the level of disadvantage an area suffers, annual growth rate of an area (relative to population) and expenditure of an area.
33. Council submissions suggested additional criteria such as status as a NSW Evocity; the nature of a council’s business, for example some do not provide water and sewerage services; level of economic activity in a local government area; specific population thresholds; resident/councillor ratio and planning significance in terms of Government targets.
34. Councils were also asked to provide submissions on the matter of fees. Comments relating to fees are outlined in section 4.

## Local Government Remuneration Tribunal

### Findings - categorisation

35. The Tribunal is appreciative of the number of submissions received and the effort made in those submissions to comment on the proposed categorisation model and to provide further suggestions for consideration. Given the broad support the Tribunal will determine the categories as proposed with a number of minor variations which in part reflect the feedback received.
36. Since seeking the views of councils the Tribunal has reconsidered the titles of the former metropolitan categories being Metropolitan Major, Metropolitan Centre and Metropolitan. The Tribunal found that these titles did not adequately describe the characteristics of the councils in those groups or articulate the difference between them. The Tribunal has determined that the three categories will be retained but that they will be re-titled Metropolitan Large, Metropolitan Medium and Metropolitan Small. The primary determinant for categorisation into these groups will be population.
37. The Tribunal also considers that the title of Regional Strategic Centre is more appropriately titled Regional Strategic Area. The two councils to be categorised into this group are local government areas which represent a large number of townships and communities of varying scale.
38. The revised model which will form the basis of this determination is as follows:

#### **Metropolitan**

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

#### **Non-metropolitan**

- Regional City
- Regional Strategic Area
- Regional Rural
- Rural

39. The criteria for each of the categories are outlined below. As with the previous categories the predominant factor to guide categorisation is population. Other common features of councils within those categories are also broadly described. These criteria

## Local Government Remuneration Tribunal

have relevance when population alone does adequately reflect the status of one council compared to others with similar characteristics. In some instances the additional criteria will be significant enough to warrant the categorisation of a council into a group with a higher population threshold.

40. There is no significant change to the categorisation of county councils. A proclamation was published in the NSW Government Gazette No 52 of 22 June 2016 dissolving the Richmond River County Council and Far North Coast and the transferring their functions and operations to Rous County Council with effect 1 July 2016. County councils continue to be categorised on the basis of whether they undertake water and/or sewerage functions or administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Noxious Weeds Act 1993*.

### Criteria for categories

The following criteria will apply to each of the categories:

#### **Principal CBD**

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

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

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

## Local Government Remuneration Tribunal

### Major CBD

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

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

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

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

### Metropolitan Large

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

Other features may include:

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

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

## **Local Government Remuneration Tribunal**

### **Metropolitan Medium**

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

Other features may include:

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

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

### **Metropolitan Small**

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

Other features which distinguish them from other metropolitan councils include:

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

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

### **Regional City**

Councils categorised as Regional City will typically have a population above 150,000. These councils are metropolitan in nature with major residential, commercial and industrial areas. These Councils typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development.

These councils provide a full range of higher order services and activities along with arts, culture, recreation and entertainment facilities to service the wider community and broader region. These councils typically also contain ventures which have a broader State and national focus which impact upon the operations of the council.

Newcastle City Council and Wollongong City Councils are categorised as Regional City.

## Local Government Remuneration Tribunal

### Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Rural category on the basis of their significant population. Councils categorised as Regional Strategic Area will typically have a population above 200,000. These councils contain a mix of urban and rural settlements. They provide a range of services and activities including business, office and retail uses, along with arts, culture, recreation and entertainment facilities to service the wider community. These councils host tertiary education campuses and health facilities.

While councils categorised as Regional Strategic Area may have populations which exceed those of Regional City, they would not typically provide the same range of regional services or have an equivalent sphere of economic influence.

Central Coast Council and Lake Macquarie Council are categorised as Regional Strategic Area.

### Regional Rural

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

Other features which distinguish them from other non-metropolitan councils include:

- a major town or towns with the largest commercial component of any location in the surrounding area
- a significant urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages or may be located on or close to the coast with high levels of population and tourist facilities
- provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- regional services to the wider community through principal referral hospitals, tertiary education services and major regional airports
- these councils may also attract large visitor numbers to established tourism ventures.

### Rural

Councils categorised as Rural will typically have a population below 20,000.

Other features which distinguish them from other non-metropolitan councils include:

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

### County Councils - Water

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

### County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Noxious Weeds Act 1993*.

## Local Government Remuneration Tribunal

41. These criteria will be included in future determinations as an appendix to ensure they are readily accessible.

### Allocation of council into categories

42. In accordance with section 239 of the LG Act the Tribunal is required to allocate each of the councils into one of the categories. The allocation of councils is outlined in the determination under section 6.
43. In determining the allocation of councils into these categories the Tribunal found that that there were certain councils that could warrant categorisation into another category based on additional criteria. The Tribunal notes that a number of metropolitan and non-metropolitan councils have or are expected to experience significant development and population growth in the future. A number of these local government areas have been identified in the State Government's key planning strategies and include Camden and The Hills councils. The Tribunal acknowledges the additional responsibilities these and other councils may face now and in the future, however for the initial categorisation these councils have been categorised primarily on the basis of their population. The Tribunal will continue to monitor these and other councils to determine the appropriateness of the allocation of councils and the categorisation model for future determinations.

## Section 4 Fees

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### Scope of review

44. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 (IR Act), when making or varying awards or orders relating to the conditions of employment of public sector employees.
45. The current policy on wages pursuant to section 146C(1)(a) of the IR Act is articulated in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2014 (the Regulation). The effect of the Regulation is that public sector wages cannot increase by



## Local Government Remuneration Tribunal

more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.

46. The LG Act was amended in July 2016 to insert sub-clauses (3) and (4) into section 242A to clarify the intent of the impact of the government's wages policy on a determination which may change the category of a council as follows:

**242A Tribunal to give effect to declared government policy on remuneration for public sector staff**

*(1) In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 when making or varying awards or orders relating to the conditions of employment of public sector employees.*

*(2) The policies referred to in subsection (1) do not include any policy that provides for increases in remuneration based on employee-related savings.*

*(3) This section does not apply to a determination by the Remuneration Tribunal that changes the category of a council or mayoral office (whether or not the effect of the change is to increase the range of amounts payable to the councillors and mayor of a council).*

*(4) To avoid doubt, this section extends to a determination of the minimum and maximum amounts payable for a category in existence when the determination is made.*

47. Those amendments make clear that the minimum and maximum fees applicable to the existing categories cannot be increased by more than 2.5 per cent. The Tribunal is however able to determine that a council can be placed in another existing or a new category with a higher range of fees without breaching the government's wage policy. These changes provided the Tribunal with greater flexibility in reviewing fees for existing and new councils.

### Submissions received - Fees

48. A number of submissions supported an increase in fees either by no less than 2.5 per cent or by an unspecified amount (25 per cent of responses). Several submissions suggested an alternative fee model (11 per cent) or made other general comments (29 per cent). The balance of submissions did not express a view in respect to fees (36 per cent).

## **Local Government Remuneration Tribunal**

49. The LGNSW submitted that the Tribunal must increase fees by no less than 2.5 per cent being of the view that fees have already fallen behind comparable roles. Also, that the fee structure fails to recognise the work of councillors and is often inadequate to attract and retain people with the necessary skills and expertise. The LGNSW also made reference to the changes to the LG Act that have expanded the role of the governing body (section 223) and mayors and councillors (sections 226 and 232). These points were also put forward in several council submissions along with requests that fees account for additional duties performed as members of a joint organisation.
50. In respect to alternative fee models several councils requested the Tribunal to consider a fee model similar to those applying to local governments in Victoria or Queensland; that fees are calculated as a percentage of the salary payable to members of the NSW Parliament; or that fees be benchmarked against the remuneration for the Principal CBD category.

### **Findings - Fees**

51. The Tribunal is required to have regard to the Government's wages policy when determining the increase to apply to the maximum and minimum fees that apply to councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.
52. The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government's policy of rate pegging , and finds that the full increase of 2.5 per cent is warranted. The 2.5 per cent increase will apply to the minimum and the maximum of the ranges for all existing categories.
53. The new categories have their remuneration ranges determined for the first time in this determination. As an initial determination the ranges for the new categories are not subject to the wages policy, however any future increase will be impacted in accordance with section 242A(4) of the LG Act.
54. The minimum and maximum fees for the new categories have been determined having regard to the relativities that exist between the existing groups.
55. For the category of Major CBD the maximum councillor fee is set at approximately 85 per cent of maximum councillor fee for Principal CBD. The maximum mayoral fee is set at

## **Local Government Remuneration Tribunal**

approximately 50 per cent of the maximum mayoral fee for Principal CBD. The minimum fees for both councillors and mayors are set at the same as that determined for the Metropolitan Large.

56. For the category of Regional City the maximum councillor fee is set at approximately 80 per cent of maximum councillor fee for Principal CBD. The maximum mayoral fee is set at approximately 45 per cent of the maximum mayoral fee for Principal CBD. The minimum fees for both councillors and mayors are set at the same as that determined for the Regional Strategic Area.
57. The minimum and maximum fees payable to the category of Regional Strategic Area will be the same as those payable to Metropolitan Large.

### **Impact of fee increase and new categories**

58. The majority of councils will receive an increase of 2.5 per cent only.
59. Six councils will be eligible for increases of more than 2.5 per cent as those councils have been categorised into a higher or new category on the basis of the revised criteria.
60. The twenty new councils have been placed in one of the existing or new categories. These twenty councils replaced forty-four former councils. The scale of the new councils means that the majority of these new councils will be eligible for fees that are higher than those paid to the former entities. However, the significant reduction in the number of councils from 152 to 128 has resulted in an estimated maximum saving on the overall cost of councillor fees in NSW of approximately \$2.5M.

## **Section 5      Other matters**

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### **Fees for Deputy Mayors**

61. Several council submissions requested that the Tribunal review the remuneration payable to Deputy Mayors (14 per cent). It was suggested that the remuneration be increased to reflect the additional duties undertaken or that elected deputy mayors receive an allowance based on a percentage of the councillor fee.
62. Councils have raised the matter of separate fees for Deputy Mayors on previous occasions and the Tribunal notes that it has previously determined that there is no provision in the

## Local Government Remuneration Tribunal

LG Act to empower the Tribunal to determine a separate fee or fee increase for Deputy Mayors. The method for determining separate fees, if any, for a Deputy Mayor are provided in section 249 of the LG Act as follows:

**249 Fixing and payment of annual fees for the mayor**

- (1) *A council must pay the mayor an annual fee.*
- (2) *The annual fee must be paid in addition to the fee paid to the mayor as a councillor.*
- (3) *A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (4) *A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
- (5) *A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee."*

## Conclusion

63. The Tribunal's determinations have been made with the assistance of the two Assessors - Mr Ian Reynolds and Mr Tim Hurst. The allocation of councils into each of the categories, pursuant to section 239 of the LG Act, is outlined in Determination No. 1. The maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils, pursuant to section 241 of the LG Act, is outlined in Determination No. 2.

64. On 14 February 2017, the Government announced that the proposed formation of a further five new councils in Sydney would proceed, subject to the outcome of court proceedings.

65. The Tribunal may need to consider the categorisation of further new councils following the conclusion of legal action. Should this occur prior to the making of the 2018 determination the Minister may direct the Tribunal to make a special determination(s) in accordance with section 242 of the LG Act.

## The Local Government Remuneration Tribunal

*Signed*

**Dr Robert Lang**

**Dated:** 12 April 2017

## Section 6 Determinations

### Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2017

**Table 1: General Purpose Councils - Metropolitan**

Principal CBD (1)	Major CBD (1)
Sydney	Parramatta
Metropolitan Large (8)	Metropolitan Medium (9)
Blacktown	Bayside
Canterbury-Bankstown	Campbelltown
Cumberland	Georges River
Fairfield	Hornsby
Liverpool	Ku-ring-gai
Northern Beaches	Inner West
Penrith	Randwick
Sutherland	Ryde
	The Hills
Metropolitan Small (11)	
Burwood	
Camden	
Canada Bay	
Hunters Hill	
Lane Cove	
Mosman	
North Sydney	
Strathfield	
Waverley	
Willoughby	
Woollahra	

## Local Government Remuneration Tribunal

**Table 2: General Purpose Councils – Non-Metropolitan**

Regional City (2)		Regional Strategic Area (2)	
Newcastle		Central Coast	
Wollongong		Lake Macquarie	

Regional Rural (37)		Rural (57)	
Albury		Balranald	Kyogle
Armidale		Bellingen	Lachlan
Ballina		Berrigan	Leeton
Bathurst		Bland	Liverpool Plains
Bega		Blayney	Lockhart
Blue Mountains		Bogan	Moree Plains
Broken Hill		Bourke	Murray River
Byron		Brewarrina	Murrumbidgee
Cessnock		Cabonne	Muswellbrook
Clarence Valley		Carrathool	Nambucca
Coffs Harbour		Central Darling	Narrabri
Dubbo		Cobar	Narrandera
Eurobodalla		Coolamon	Narromine
Goulburn Mulwaree		Coonamble	Oberon
Griffith		Cootamundra-Gundagai	Parkes
Hawkesbury		Cowra	Snowy Valleys
Kempsey		Dungog	Temora
Kiama		Edward River	Tenterfield
Lismore		Federation	Upper Hunter
Lithgow		Forbes	Upper Lachlan
Maitland		Gilgandra	Uralla
Mid-Coast		Glen Innes Severn	Walcha
Mid-Western		Greater Hume	Walgett
Orange		Gunnedah	Warren
Port Macquarie-Hastings		Gwydir	Warrumbungle
Port Stephens		Hay	Weddin
Queanbeyan-Palerang		Hilltops	Wentworth
Richmond Valley		Inverell	Yass
Shellharbour		June	
Shoalhaven			
Singleton			
Snowy Monaro			
Tamworth			
Tweed			
Wagga Wagga			
Wingecarribee			
Wollondilly			

## Local Government Remuneration Tribunal

**Table 3: County Councils**

Water (5)
Central Tablelands
Goldenfields Water
Mid-Coast
Riverina Water
Rous

Other (7)
Castlereagh-Macquarie
Central Murray
Hawkesbury River
New England Tablelands
Southern Slopes
Upper Hunter
Upper Macquarie

## Local Government Remuneration Tribunal

### Determination No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Mayors

Pursuant to s.241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2017 are determined as follows:

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

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils – Metropolitan	Principal CBD	26,310	38,580	160,960	211,790
	Major CBD	17,540	32,500	37,270	105,000
	Metropolitan Large	17,540	28,950	37,270	84,330
	Metropolitan Medium	13,150	24,550	27,940	65,230
	Metropolitan Small	8,750	19,310	18,630	42,120
General Purpose Councils – Non-metropolitan	Regional City	17,540	30,500	37,270	95,000
	Regional Strategic Area	17,540	28,950	37,270	84,330
	Regional Rural	8,750	19,310	18,630	42,120
	Rural	8,750	11,570	9,310	25,250
County Councils	Water	1,740	9,650	3,730	15,850
	Other	1,740	5,770	3,730	10,530

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

#### The Local Government Remuneration Tribunal

*Signed*

**Dr Robert Lang**

**Dated:** 12 April 2017



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## Council Meeting

14/06/2017

Item No	8.4
Subject	<b>Councillor Professional Development Policy</b>
Report by	Warren Park, Coordinator Governance
File	SF17/528

---

## Summary

Recent amendments to section 232 of the Local Government Act 1993 have seen the inclusion of a prescribed role for councillors with a responsibility *“to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of councillor”*.

In support of this amendment councils are to develop an ongoing professional development program for the mayor and councillors. Attached is a Professional Development Policy that outlines council's commitment in developing an annual program and to provide councillors with the support required to meet their responsibilities under the Act.

---

## Council Resolution

Minute 2017/100

Resolved by the Administrator:

That the Councillor Professional Development Policy be adopted.

---

## Officer Recommendation

That the Councillor Professional Development Policy be adopted.

---

## Background

The Office of Local Government (OLG) by circular 16-52 dated 22 December 2016 informed Councils of recent amendments to the Local Government Act 1993. One amendment has seen the inclusion in the prescribed role of councillors under section 232 with a responsibility *“to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of Councillor”*. This policy addresses that requirement.

The Councillor Professional Development Policy outlines the opportunities for Councillors and the Mayor of the Day to undertake professional development throughout their term of office thereby increasing their level of expertise in managing the many facets of local government in NSW. The cost of the program/s will be provided for from the *“Value of Expenses”* in the Council's Expenses and Facilities Policy as this is an ongoing program and will operate for the term of each Council.

The Policy acknowledges the time required to undertake ongoing professional development and officers will work with the Mayor of the Day and Councillors to ensure every opportunity for inclusion.

Attendance at professional development courses, including induction training, will be reported to Council and the OLG as required.

The Office of Local Government is developing regulations for a consistent approach throughout the industry for induction and ongoing professional development of elected officials. The regulations are expected to require Councils to ensure annual programs are developed in-consultation with the Mayor, Councillors and the Council with appropriate reporting requirements.

Council's annual Professional Development Program will have regard to any requirements of the Local Government (General) Regulation 2005 or Guidelines issued by the OLG.

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## **Financial Implications**

There are no financial implications applicable to this report. The cost of attending professional development training will be funded from the "Value of Expenses" budget through the Expenses & Facilities Policy.

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## **Community Engagement**

The issues raised in this report do not require community consultation under Council's Community Engagement Policy.

---

## **Attachments**

- 1 Office of Local Government Circular 16-52, dated 22 December 2016 – Induction and Ongoing Professional Development for Mayors and Councillors
- 2 Councillor Professional Development Policy

<b>Circular Details</b>	Circular No 16-52 / 22 December 2016 / A523204
<b>Previous Circular</b>	16-30 Local Government Amendment (Governance and Planning) Act
<b>Who should read this</b>	Mayors / Councillors / General Managers / Council Governance staff
<b>Contact</b>	Council Governance Team / 02 4428 4100
<b>Action required</b>	Response to OLG

## Induction and Ongoing Professional Development for Mayors and Councillors

### What's new or changing

- The recent Phase 1 amendments to the *Local Government Act 1993* (the Act) have seen the inclusion in the prescribed role of councillors under section 232 a responsibility *"to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor"*.
- In support of this, the amendments allow regulations to be made for induction and other professional development for Mayors and Councillors.
- The Office has commenced work on the development of these regulations. It is proposed that these will provide as follows:
  - Councils are to develop an induction program for newly elected and returning councillors and a specialised supplementary program for the Mayor to assist them in the performance of their functions to be delivered within six months of their election.
  - Each year, councils are to develop an ongoing professional development program for the Mayor and each Councillor.
  - Councils are to determine the content of the induction and ongoing professional development programs in consultation with the Mayor and each Councillor and with the governing body as a whole.
  - In determining the content of induction and ongoing professional development programs, councils are to have regard to the specific needs of the Mayor, each individual Councillor and the governing body as a whole.
  - Councillors and Mayors must participate in the induction and ongoing professional development training offered to them.
  - Councils are to annually report details of the content of the induction and ongoing professional development training offered to the Mayor and each Councillor and whether or not they participated in it to a council meeting and publish these details in the council's annual report and on its website unless exempted by the Chief Executive of the Office of Local Government.
  - The Chief Executive of the Office of Local Government may, on an application by a council, exempt the council from the requirement to publish details of training provided to an individual councillor where he or she is satisfied that there are exceptional circumstances.

- The Office will be preparing Guidelines to outline the Government's expectations and to provide assistance to councils in developing the programs. A working group comprising of a number of key sector stakeholder groups will be convened for the purposes of consulting on the content of the Guidelines.

### **What this will mean for your council**

- The Office is seeking comment on the proposed regulations.
- In addition, the Office is seeking comment from individual councils on the following:
  - whether there are any impediments impacting on their capacity to comply with the proposed regulations; and
  - what support would be required for the council to overcome any such impediments.

### **Key points**

- Submissions may be made by email to [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).
- Submissions should be labelled "induction and ongoing professional development for Mayors and councillors" and marked to the attention of the Office's Council Governance Team.
- Submissions should be made before close of business **3 February 2017**.

### **Where to go for further information**

- For further information, contact the Office's Council Governance Team on 02 4428 4100.



**Tim Hurst**  
**Acting Chief Executive**

# Bayside Council

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## **Councillor Professional Development Policy**

**Draft**



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Councillor Professional Development Policy

File: SF17/528 Document: 17/29816

Class of document: Council Policy

Enquiries: Manager Governance & Risk



Telephone Interpreter Services - 131 450

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# 1 Introduction

## 1.1 Purpose

The Councillor Professional Development Policy outlines the requirements for the Mayor of the Day and Councillors to undertake an ongoing program of professional development to assist them in undertaking their responsibilities of being elected to local government at Bayside Council. This is in addition to Council's induction program following a general election.

The Policy endorses the Office of Local Government's (OLG) Induction Program following general elections and builds on this program to ensure the Citizens of Bayside Council have a well-informed Board of Management.

The Policy also endorses the OLG Councillor Induction and Professional Development – A Guide for Councils (Circular 12-18 June 2012) and requirements to comply with the regulations as may be developed from time to time.

## 1.2 Background

The Office of Local Government by circular 16-52 dated 22 December 2016 informed Councils of recent amendments to the Local Government Act 1993. One amendment has seen the inclusion in the prescribed role of councillors under section 232 with a responsibility *"to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of Councillor"*. This policy addresses that requirement.

The Councillor Professional Development Policy outlines the opportunities for Councillors and the Mayor of the Day to undertake professional development throughout their term of office thereby increasing their level of expertise in managing the many facets of local government in NSW. The cost of the program/s will be provided for from the "Value of Expenses" in the Council's Expenses and Facilities Policy as this is an ongoing program and will operate for the term of each Council.

Progress of each Councillor's participation in the OLG Councillor Induction Program (Hit the Ground Running Workshops) and Council's Professional Development and Induction Programs will be reported to open meetings of Council at times outlined in this Policy in addition to any requirements placed upon Council by the OLG or legislation.

This Policy acknowledges the time required to undertake ongoing professional development. Accordingly, Officers will work with the Mayor of the Day and Councillors to ensure every opportunity for inclusion.

It is recognised that persons standing for election to local government have done so on the basis of them desiring to make a contribution to the community in which they live or work and in this regard have committed themselves to providing their time for the betterment of the community.

Prior to election, candidates were able to view Candidate Information session/s on the NSW Electoral Commission website outlining the responsibilities of becoming a Councillor and the time placed upon elected officials. Accordingly candidates elected to Council have been informed of the time commitment required of them.



This policy outlines the various opportunities for Professional Development and Induction identified for all Bayside elected officials as follows:-

- Office of Local Government (OLG) Induction/Workshop
- Bayside Council Induction for Councillors and Mayor of the Day
- Bayside Council Professional Development for Councillors and Mayor of the Day

It is acknowledged that elected officials come from all walks of life with varying degrees of educational development and business acumen. However, with the ever changing demands, facilities and overall aspects of local government, continuing development for all elected officials whether they be first time elected or returning officials with maybe years of experience within local government, the economic and community demands are always changing and may require different approaches to issues than tried and true actions of the past.

The Office of Local Government<sup>1</sup> is developing regulations for a consistent approach throughout the industry for induction and ongoing professional development of elected officials. The regulations are expected to require Councils to ensure annual programs are developed in-consultation with the Mayor, Councillors and the Council with appropriate reporting requirements.

Council's annual Professional Development Program will have regard to any requirements of the Local Government (General) Regulation 2005 or Guidelines issued by the OLG.

### 1.3 Definitions

The definitions of certain terms are:

***Councillor/s:***

Refers to all elected members of council including the Mayor and Deputy Mayor.

***Councillors Portal*** is the official repository and communication channel between council officials. It provides a link to the electronic business papers; council policies; news items; calendar of events; and all matters of relevance to councillors.

***OLG:***

The Office of Local Government.

***Professional Development*** is an annual program for the ongoing educational development for all councillors during their term of office.

***The Act:***

The Local government Act 1993.

***The Regulation:***

The Local Government (General) Regulation 2005.

---

<sup>1</sup> OLG Circular 16-52 – 22 December 2016 – Induction and Ongoing Professional Development for Mayors and Councillors

## **1.4 Scope of policy**

This policy applies to all councillors ensuring they comply with section 232 of the Act “to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor”.

# **2 Office of Local Government Induction/ Workshop**

## **2.1 Overview**

The Office of Local Government (OLG) organises regional induction programs (Hit the Ground Running Workshops) following general council elections. Attendance at this program is strongly encouraged by the OLG and Council. Various dates are available to provide newly elected Officials every opportunity to attend a session. The General Manager is also encouraged to attend the Workshop.

The program is conducted over one day and provides a brief overview of local government operations, roles and responsibilities of elected officials, civic leadership, meeting attendance procedures and outcomes, conduct and ethical decision making, various codes and policies applicable to local government, conflict of interest issues and most importantly how elected officials are expected to conduct themselves under the Model Code of Conduct.

The workshop is generally modified after each general election to keep abreast of changes in legislation and in local government generally.

## **2.2 Reporting**

Attendance records will be kept for attendance at workshop session/s and a report will be presented to an open meeting of Council within three (3) months of the conclusion of the workshops in addition to any other reporting requirements by legislation or as notified by the Office of Local Government.

# **3 Bayside Council Induction for Councillors and Mayor of the Day**

## **3.1 Overview**

Council will undertake an extensive program of induction to provide the newly elected Council with sufficient information and material to support and enable Councillors to undertake their responsibilities as efficiently and effectively as soon as possible after a general election.

Induction sessions will be held on weekdays (generally Wednesdays) and on weekends (Saturdays and or Sundays as required) to ensure information is provided to Councillors in the shortest amount of time.

The Program will include Governance, Financial, Risk, Development, Community & Strategic Planning and Legal to mention a few. These areas of education are vital for

Councillors to undertake their responsibilities as outlined in Section 232 of the Local Government Act.

#### S232 Role of councillor

- (1) The role of a councillor is as follows:
  - (a) *to be an active and contributing member of the governing body,*
  - (b) *to make considered and well informed decisions as a member of the governing body,*
  - (c) *to participate in the development of the integrated planning and reporting framework,*
  - (d) *to represent the collective interests of residents, ratepayers and the local community,*
  - (e) *to facilitate communication between the local community and the governing body,*
  - (f) *to uphold and represent accurately the policies and decisions of the governing body,*
  - (g) **to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.**
- (2) *A councillor is accountable to the local community for the performance of the council.*

The Mayor of the Day will receive additional support and induction, as required. This will include one-on-one sessions with the General Manager, Manager Executive Services and Manager Governance & Risk given the high interaction between these officers in the daily operations of Council and the conduct of meetings. External professional development courses will be provided where appropriate.

The Mayor has additional roles and responsibilities under Section 226 of the Local Government Act.

#### S226 Role of mayor

*The role of the mayor is as follows:*

- (a) *to be the leader of the council and a leader in the local community,*
- (b) *to advance community cohesion and promote civic awareness,*
- (c) *to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,*
- (d) *to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,*
- (e) *to preside at meetings of the council,*
- (f) *to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,*
- (g) *to ensure the timely development and adoption of the strategic plans, programs and policies of the council,*
- (h) *to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,*
- (i) *to promote partnerships between the council and key stakeholders,*
- (j) *to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,*
- (k) *in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,*
- (l) *to carry out the civic and ceremonial functions of the mayoral office,*
- (m) *to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,*

- (n) *in consultation with the councillors, to lead performance appraisals of the general manager,*
- (o) *to exercise any other functions of the council that the council determines.*

### **3.2 Reporting**

Individual attendance records will be kept for all induction sessions and a report will be presented to an open meeting of Council within three (3) months of the conclusion of induction sessions and any other reporting requirements by legislation or as notified by the Office of Local Government.

## **4 Bayside Council Professional Development for Councillors and Mayor of the Day**

### **4.1 Overview**

Councillors, on a regular basis, via the Councillors Portal, will be provided with a list of development opportunities available to them to undertake during their term in office.

It is expected that Councillors will attend at least one professional development training session in a 12 month period in addition to any induction programs conducted by the Council. Additional development training is strongly encouraged.

Professional Development Programs are generally provided by Local Government NSW (LGNSW) being the peak Association of metropolitan and regional councils. However, other private companies may offer relevant training and development opportunities from time to time.

Councillors are to submit requests to the Manager Executive Services, via the Councillors Portal, to arrange attendance at any training or development courses in accordance with the provisions of clause 11.1 of the Expenses and Facilities Policy.

In addition to training courses or development opportunities identified by Councillors, Council will arrange for internal seminars and guest speakers to address Councillors on topics relevant to the whole Council.

### **4.2 Reporting**

Individual records will be kept for all training and professional development courses attended by Councillors and an annual report will be presented to an open meeting of Council at the end of each calendar year. Attendance records will be included in any other document as required by legislation or as notified by the OLG.

## **5 Policy implementation**

### **5.1 Policy responsibilities**

Council has an obligation under the Act to ensure a suitable program and opportunities are provided to councillors to undertake a professional development program on an annual basis. The implementation of this program rests with the

Manager Executive Services whilst policy development rests with the Manager Governance & Risk.

The Manager Executive Services will also be responsible for coordinating training and maintaining a register for reporting councillor attendance at professional development programs provided and offered to councillors as outlined in this policy.

The professional development training is provided for through the council's Expenses and Facilities Policy funding arrangements.

## **5.2 Procedures**

Procedures for implementing and reporting requirements outlined in this policy rests with the Manager Executive Services.

## **5.3 Breaches**

Breaches of this policy may be considered as a breach of the Council's Code of Conduct.

# **6 Document control**

## **6.1 Review**

This Policy will be reviewed prior to each general election in order for it to be kept up-to-date and in accordance with best practice.

The Director City Performance may approve non-significant and/or minor editorial amendments that do not change the policy substance.

## **6.2 Related documents**

Legislation or Council policies and procedures relevant to the policy are:

The Local Government Act 1993

The Local Government (General) Regulation 2005

The Code of Conduct

## **6.3 Version history**

<b>Version</b>	<b>Release Date</b>	<b>Author</b>	<b>Reason for Change</b>
1.0	TBA	Warren Park	New document

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## Council Meeting

14/06/2017

Item No	8.5
Subject	<b>Council Officials Relationships and Access Policy</b>
Report by	Warren Park, Coordinator Governance
File	F13/413

---

## Summary

The Council's Code of Conduct (Part 6) outlines obligations for Councillors when directing and controlling the affairs of Council so as to not direct or influence staff. Likewise there are obligations on staff when carrying out their duties. Further, the Code (Part 7) outlines the requirements placed on council officers to provide information to Councillors and how Council resources must be used ethically, effectively and efficiently in the course of their official duties.

The development of a Council Officials Relationships and Access Policy provides further guidance to councillors and staff on these matters and enhances the provisions of the Code of Conduct.

---

## Council Resolution

Minute 2017/101

Resolved by the Administrator:

That the Council Officials Relationships and Access Policy be adopted.

---

## Officer Recommendation

That the Council Officials Relationships and Access Policy be adopted.

---

## Background

The Council's Code of Conduct (Part 6) outlines obligations for Councillors when directing and controlling the affairs of Council so as to not direct or influence staff and likewise there are obligations on staff when carrying out their duties. The Code also outlines a number of inappropriate interactions that Councillors and staff must not engage in.

The Council's Code of Conduct (Part 7) outlines the requirements placed on council officers to provide information to Councillors and how council resources must be used ethically, effectively and efficiently in the course of their official duties.

The Code states "*Further to clause 6.2(c) of the Code of Conduct, and in order to undertake their civic duties, Councillors may contact the Executive, Managers and other staff nominated by the General Manager from time to time. The names, positions and contact details of such staff will be made available to Councillors and staff*".

The former Rockdale City Council had issued guidelines in support of the Code of Conduct including a list of authorised staff. It is now appropriate to develop these guidelines into a formal council policy to ensure the new council is fully aware of their obligations and responsibilities when dealing with staff and who they are authorised to contact within council to assist them.

The list of authorised officers has been reviewed, updated and adopted by the General Manager. Generally, the approved interactions will be at the positions of Manager and above with additional operational support nominated through help desk type arrangements in Executive Services, Governance, and Information Technology. The list of staff will be issued to Councillors following the general election and staff will be advised through their Director, and other normal channels.

Accordingly, the development of a Policy provides further guidance to councillors and staff on these matters and enhances the provisions of the Code of Conduct.

---

## **Financial Implications**

There are no financial implications applicable to this report.

---

## **Community Engagement**

The issues raised in this report do not require community consultation under Council's Community Engagement Policy.

---

## **Attachments**

Council Officials Relationships and Access Policy

# Bayside Council

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## **Council Officials Relationships and Access Policy**

**Draft**





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Council Officials Relationships and Access Policy

File: F13/413 Document: 16/140582

Class of document: Council Policy

Enquiries: Manager Executive Services



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# 1 Introduction

## 1.1 Background

Good working relations between Council officials, access to appropriate information and resources, as well as agreed values and behaviours are all important to achieving Council's desired outcomes.

Among other things, the *Code of Conduct* deals with 'Relationship between Council Officials' and 'Access to Information and Council Resources'. It outlines particular obligations for Councillors and staff, including specific inappropriate behaviours.

This policy provides further guidance to the Code requirements in relation to:

- interactions between Council officials,
- Councillor access to information and resources, and
- breaches of this policy may be viewed as a breach of the Code of Conduct.

## 1.2 Definitions

The definitions of certain terms are:

### ***Council officials***

Council officials include Councillors, Administrators, employees (permanent, temporary, casual), Council committee members, volunteers and others who fulfil responsibilities on behalf of Council.

### ***Councillors***

The requirements for 'Councillors' in this policy also refer to Administrator/s appointed under the Act.

### ***Supervisor***

A supervisor is a position holder to whom a Council official reports to as depicted in the approved organisation structure and who is deemed generally to be directly responsible for the oversight of the official during the execution or performance of Council duties. For clarity, in the case of Councillors it is deemed to be the Mayor; in the case of directors it is the General Manager; in the case of managers it is generally the Director; it may also be a Coordinator or Team Leader.

### ***the Act***

Local Government Act 1993

### ***IT***

Information technology

### ***ICAC***

Independent Commission Against Corruption

## 1.3 Policy statement

Council officials are to be aware of each other's roles and responsibilities in both the strategic and operational aspects of the Council, and utilise interactions, information and resources ethically, responsibly and appropriately for effective decision-making in the public interest.

## **1.4 Scope of policy**

This policy applies to all Council officials.

## **1.5 Roles and responsibilities**

### **1.5.1 Governance framework**

Understanding roles and responsibilities is a key to a sound governance framework, and in particular to sound decision-making. As outlined in Council's *Governance Framework*:

*Council strives to have effective working relationships that are promoted and supported among the Mayor, Councillors, General Manager and the administration. Importantly, all roles are understood and accepted by each other.*

### **1.5.2 Councillors**

Councillors have distinct roles, which are described in section 232 of the Act. (Refer Appendix 1 for detailed roles)

The Mayor (and Deputy Mayor if required) also have additional responsibilities as outlined in section 226 of the Act. These roles include policy-making in cases of necessity, presiding at meetings, and civic and ceremonial functions.

From these descriptions (which are outlined in detail in Appendix 1), it is evident that Councillors are not involved in day-to-day operational issues, but rather in the strategic aspects of Council. Decision-making is by the Councillors as a whole acting as a body politic, unless the Mayor, General Manager or staff are delegated to make specific decisions. Yet it is also evident that a Councillor's role extends beyond attendance at formal meetings of Council.

### **1.5.3 General Manager and staff**

Section 335 of the Act (refer to Appendix 1) describes the functions of the General Manager, and includes: implementing Council decisions effectively and efficiently; assisting Council in its integrated planning and reporting; day-to-day management of operations; and the appointment and management of staff.

The General Manager delegates and/or directs staff to carry out the day-to-day operations of the Council, and to implement policies and other decisions of Council.

### **1.5.4 Other Council officials**

The roles and responsibilities of other Council officials are defined in contracts of employment, position descriptions, delegations of functions, Council policies and procedures, terms of reference and other documents relating to the activities of the officials.

The role of the Public Officer of Council is described in section 343 of the Act. (Refer Appendix 1 for detailed functions)

## 2 Relationships

### 2.1 Conduct principles

Councillors, committee members, staff and other Council officials will interact appropriately, at all times.

The *Code of Conduct* sets the expected behaviour for Council officials. The relationships among Council officials (and with the public and others) should reflect the following general key principles:

- *Integrity* – having no external obligations that may influence performance of duties
- *Leadership* – promoting public duty to others
- *Selflessness* – making decisions in the public interest
- *Impartiality* – making decisions on merit and in accordance with statutory obligations
- *Accountability* – being accountable for decisions made
- *Openness* – being as open as possible in decision-making and the associated reasons
- *Honesty* – acting honestly and declaring any private interests
- *Respect* – treating others with respect at all times.

By embracing these key principles, Council officials will minimise inappropriate interactions between themselves and other officials.

Officials must also embrace Council's values, as adopted, from time to time.

The *Code of Conduct*<sup>1</sup> sets out the obligations and certain inappropriate behaviours of Council officials in terms of relationships and interactions. This policy builds on the following principles in relation to interactions.

### 2.2 Inappropriate interactions

Given the importance of roles and responsibilities as a key element of decision-making and good governance, it is important that relationships are well managed. Certain behaviours in relationships are appropriate and others are inappropriate.

The *Code of Conduct* prohibits certain interactions and/or behaviours of Councillors and staff. Such situations described in the Code include, but are not limited to:

- a) Councillors approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues. (*refer also to 2.7.5 Staff matters*)
- b) Council staff approaching Councillors to discuss individual or operational staff matters other than broader workforce policy issues.
- c) Council staff refusing to give information that is available to other Councillors to a particular Councillor.
- d) Councillors who have lodged a development application with Council, discussing the matter with Council staff in staff-only areas of

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<sup>1</sup> Council's Code of Conduct, Part 6

- the Council.
- e) Councillors being overbearing or threatening to Council staff.
  - f) Councillors making personal attacks on Council staff in a public forum.
  - g) Councillors directing or pressuring Council staff in the performance of their work, or recommendations they should make.
  - h) Council staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.
  - i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.
  - j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council's General Manager or, in the case of the Mayor, exercising their power under section 226 of the Act.

In particular, Council officials will not use their role to receive favourable treatment for themselves, any other person or an organisation in relation to a private matter.

This policy provides further guidance on these and other typical situations.

## **2.3 Councillor contacts**

It is entirely appropriate that Councillors have access to information in order to carry out their civic duties. For this purpose, the General Manager approves a list of position-holders that Councillors are permitted to contact. This list is made available to both Councillors and staff.

The general principles that determine which position-holders are included in the Councillor contact list are:

- The executive and managers
- Specific coordinators, whose responsibilities have a particular interest to Councillors and the community
- Specific staff whose responsibilities include direct support for Councillors, including administrative, IT and meeting secretariat assistance.

If staff (other than the nominated Councillor contacts) receive requests from Councillors, they are to politely and respectfully take a message, explaining that their manager will respond to the query.

Staff, who are not nominated Councillor contacts, must not contact Councillors about Council business.

## **2.4 Formal forums**

During formal forums such as Council Meetings, Information Sessions and Strategic Reference Group meetings, staff are often asked questions in order to clarify reports and issues being considered by the meeting. It is entirely appropriate for staff (who are not a nominated Councillor contact) to answer questions within their area of responsibility, when the relevant director / manager is present.

## **2.5 Informal interaction**

Council officials will often know other officials socially. It is appropriate to be cautious with such relationships, to ensure there is no perception of inappropriate influence either way. Council business should not be discussed.

In particular, there will also be occasions when Councillors and staff interact incidentally and informally. Such conversations should not involve discussions about individual Council officials or policy issues, nor should conversations be negative or critical of other Council officials.

## **2.6 Communications**

In order to minimise misunderstandings, important communications between Councillors and Council administration should normally be written. Such communications are ideally electronic using the IT tools available to Councillors and staff.

In particular, the Councillor Portal (an on-line extranet), provides a single point from where Councillors can obtain information in order to carry out their civic duty. It includes access to:

- Business papers
- Memos from the General Manager and departments
- Calendar and information about up-coming events
- Councillor resources
- Councillor requests and other forms.

Refer also to clauses *2.3 Councillor Contacts*, *2.8 Informing Councillors* and *3.1 Access to information*.

## **2.7 Typical situations**

### **2.7.1 Councillors as residents**

As Bayside residents and/or ratepayers, Councillors receive the same customer service as other residents and ratepayers. In this regard, they contact Council's Customer Service, the Library and other front-line staff of Council in the normal manner as publicised by Council, as any other member of the public.

Customer Service, Library and other staff provide prompt and courteous service in: the payment of rates; making enquiries, requests or complaints; lodging applications; and other transactions.

### **2.7.2 Officials as Council customers**

Council officials (including Councillors and staff) who are lodging an application, paying rates or dealing with Council on other resident / ratepayer business, are to do so in the same way a member of the public does.

For example, development applications lodged in person, are to be presented at the counter of the Customer Information Centre in public view. All pre-lodgement and subsequent discussions and correspondence should also be through the same channels that are open to the public.

In addition, development applicants and/or landowners, who are Council officials or who have a close relationship with any Council official, are to declare the relationship and the associated conflict of interest in the application. Such development



applications that identify pecuniary or non-pecuniary conflict of interests (that are significant) are to be assessed independently.

### **2.7.3 Lobbying of Councillors**

Appropriate lobbying of Councillors is part of the democratic process and an acceptable feature of the relationship between citizens and their elected representatives. However, it is in the public interest that lobbying is fair and does not undermine public confidence in impartial decision-making.

The following are examples of inappropriate or unlawful conduct that may occur during a lobbying process:

- Accepting undisclosed payments or benefits while making a decision that affects the giver's interests
- Accepting a political donation in return for the favourable exercise of discretion during decision-making
- Granting access to a particular individual or group while unreasonably denying similar access when requested by another party
- Fettering discretion by giving undertakings to an interested party prior to considering all the information available relevant to a decision
- Directing staff over the content of any advice or recommendation on a council matter as a result of being lobbied by a third party
- Disclosing confidential information while being lobbied
- Being unduly influenced by factors that are irrelevant to the merits of the matter under consideration.

More guidance about lobbying is provided by ICAC.<sup>2</sup>

In order to manage such interactions with lobbyists, it is appropriate that Councillors are accompanied by the appropriate 'Councillor contact' staff member. A written record of any meeting held and the discussion should be placed on the relevant Council file.

Such interactions might include site visits, or meetings and the like with developers, tenderers or other applicants regarding matters that may be or are before Council.

Where Councillors have been provided with information by Council staff so as to be fully aware of the issues, it is done so on the basis that it is for their civic use. Such information is not to be disclosed to the lobbyist or others unless authorised.

### **2.7.4 Councillor requests**

In their civic duty role (as distinct from any private role), Councillor requests could comprise several types:

- Assistance for the Councillor in their civic duty
- Request for a Council service on behalf of a constituent
- Request for a Council service for the Councillor themselves (as a resident / ratepayer)

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<sup>2</sup> Refer ICAC 'Lobbying local government councillors – a guide for councillors, constituents and other interested parties' August 2006.

The latter two attract the same priority as would be allocated to a resident / ratepayer request. However, Councillors are afforded the convenience of lodging all requests (relating to their civic duty role) on-line through the Councillor Portal.

### **2.7.5 Staff matters**

Councillors and staff may not discuss ‘individual or operational staff matters’. Such discussions would include restructures, redundancy payments, salaries, positions, Councillor / staff performance.

In terms of integrated planning and reporting however, Council (and therefore Councillors) will consider broad workforce issues raised in the Workforce Management Plan. The thrust of these issues are reflected in Council’s Delivery Program and Operational Plan.

## **2.8 Informing Councillors**

As described in the *Code of Conduct*, the General Manager has the responsibility to provide Councillors with “information sufficient to enable them to carry out their civic office functions.”<sup>3</sup>

Refer to 3.1 *Access to Information*, which expands on this issue.

# **3 Access**

## **3.1 Access to information**

### **3.1.1 Statutory obligations**

Council’s *Code of Conduct*<sup>4</sup> requires that:

- Councillors must have access to all information available under the *Government Information (Public Access) Act 2009*.
- Councillors must receive sufficient information, in a timely fashion, to enable them to carry out their civic duties.
- Councillors who have a private interest (as distinct from a civic interest) in a matter, have the same rights of access as a member of the public.

### **3.1.2 Provision of information**

The provision of information to Councillors occurs through the following vehicles:

- Business Papers – on-line agendas, reports and minutes
- Councillor Information Sessions – briefings on current proposals
- Councillor Portal – details of upcoming events, committees, policies and issues.

If information additional to that provided is required by Councillors to enable them to undertake their civic duties, Councillors may request the information from a nominated Councillor contact. If the request is appropriate (such as additional information relating to a matter on a meeting business paper), the information will also be available to any other Councillor who requests it.

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<sup>3</sup> Council’s Code of Conduct, Part 7

<sup>4</sup> Council’s Code of Conduct, Part 7

Information traditionally provided to selected members (such as Ward Councillors), is provided on the Councillor portal, and is available to all Councillors.

### **3.1.3 Refusal to provide information**

The *Code of Conduct* outlines arrangements where access to documents by a Councillor is refused.

### **3.1.4 Information not in the public domain**

Much of the information provided to Councillors is done so before it is released into the public domain. Although it may not be 'confidential' it is often provided to Councillors before firm proposals are developed in order to assist in decision-making. Such information must not be shared with others unless or until it is authorised for release.

In particular, some information provided to Councillors is 'confidential' as outlined in the *Local Government Act 1993* – it is normally marked 'Confidential'. Although Councillors are entitled to such information, the provision of it is counterbalanced by the obligation to use it appropriately and to maintain its integrity and security. Confidential information is not to be disclosed to unauthorised persons or used for improper purposes. The passing on of 'confidential' information to an unauthorised person would be viewed as a breach of the Local Government Act and Code of Conduct.

In regard to confidentiality, the medium (that is, hardcopy or electronic options) of communications is irrelevant in terms of handling them. If it is inappropriate to pass on to others a particular hardcopy confidential paper, it is inappropriate to forward the same paper electronically. This requirement includes allowing others to 'view' the confidential information.

In addition, personal information is generally protected from release to the public in accordance with Council's *Privacy Management Plan* and the *Personal Information Protection Act 1998*. Similarly, health information is protected under the *Health Records and Information Privacy Act 2002*.

### **3.1.5 Electronic information**

Council encourages the sharing of information in an appropriate electronic medium. The *Electronic Communications Policy* states "Council officials are to use electronic communications and/or records, and electronic devices ethically, effectively, efficiently and carefully in the course of their duties." The policy goes on to outline the standards, record-keeping, security and access, and personal use and privacy requirements.

For further information, consult the above-mentioned document in Council's Policy Register.

### **3.1.6 Government information**

Under the *Government Information (Public Access) Act 2009*, Council makes available to the public (including Councillors) certain government information:

- Open Access Information – as required by section 6 of the Act, and further

- outlined in the associated Regulation
- Other Information – proactively released as authorised by section 7 of the Act, unless there is an overriding public interest against disclosure of the information – such as the release of personal information as defined in the *Personal Information Protection Act 1998*.

Refer also to Council's *Access to Information Policy*, and *A Guide to Accessing Information Held by Council*.

## **3.2 Access to resources**

### **3.2.1 Expenses & Facilities Policy**

Council adopts an *Expenses and Facilities Policy* for the Mayor and Councillors as required by section 252 of the Local Government Act 1993 and any Guidelines issued by the Office of Local Government. The Policy outlines the payment of fees and reimbursement of appropriate expenses, and the provision of facilities to enable Councillors to undertake their civic duties.

The Policy also outlines the obligations of Councillors, including the requirement that "Councillors must use Council resources effectively and economically ..." The *Expenses and Facilities Policy*, which should be read in conjunction with the *Code of Conduct*, can be found in Council's Policy Register.

### **3.2.2 Tools of trade for staff**

In a similar way that Councillors are provided with facilities, Council staff are also provided with 'tools of trade' in order to undertake their duties and fulfil the functions of Council. These facilities are determined from various standpoints:

- Statutory requirements
- Work, health and safety requirements, particular to the duties
- Common and widely accepted provisions of workplaces
- Approved equipment and business systems for improved efficiency and/or effectiveness.

### **3.2.3 Personal use of resources**

Council officials should not obtain private benefit from the provision of facilities provided by Council in order to undertake their duties. However, as outlined in the *Electronic Communications Policy*, it is acknowledged that incidental use of Council electronic communications and associated devices may occur from time to time.

More than incidental use and other inappropriate private use of Council resources is a breach of the *Code of Conduct*.

### **3.2.4 Motor vehicles**

Council's *Fleet Manual (Use of Council Motor Vehicles and Plant)* outlines aspects of use and operation of Council vehicles. It includes availability and assignment, restrictions of use, permitted drivers, taking home vehicles, and work health and safety issues.

In particular, the manual makes it clear that:

- all vehicles (whether under leaseback or not) are to be available to staff generally for performing their official duties.
- Council vehicles are not to be taken home except with a business case approval and/or other specified conditions – this requirement does not apply to vehicles under leaseback, salary sacrifice or employment packaged arrangements.

### **3.2.5 Electronic Communications**

Electronic devices, communications and records are ‘resources’ in terms of the *Code of Conduct*, and as such are to be used ethically, effectively, efficiently and carefully by Council officials in the course of their duties.

Refer to Council’s *Electronic Communications Policy* and the associated procedures for the standards and other requirements.

### **3.2.6 Resources for elections**

Both the *Code of Conduct* and the *Expenses and Facilities Policy* prohibit the use of Council equipment, facilities and services for political purposes or in the production of election material. This restriction extends to advice from staff on the design and production of such material.

## **3.3 Access to buildings**

### **3.3.1 Rooms and spaces available**

Councillors’ access to Council buildings is outlined in the *Code of Conduct*<sup>5</sup>. The requirements are based on the principle that, in carrying out their civic duties, Councillors have access to the public areas of the Council buildings and other nominated areas. Councillors would not normally enter staff areas. Councillors are advised of the exact areas where access is permitted.

Staff have access to all those areas of Council buildings and facilities that are necessary for them to undertake their work – due to confidentiality and/or security reasons some areas may be restricted. The General Manager, Manager Executive Services and other managers may approve a general access regime and/or changes in access for individual staff members.

Other Council officials (such as volunteers and external committee members) may enter meeting and staff areas when accompanied by a staff member, in addition to the public areas of Council facilities.

Members of the public would not normally enter any staff areas of Council unless on council business and accompanied by a staff member.

### **3.3.2 Times**

In addition to normal business hours, Councillors and staff have out-of-hours access to buildings and facilities in order to attend meetings and undertake their duties. The General Manager, Manager Executive Services and other managers may approve a general access regime and/or changes in access for individual staff members.

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<sup>5</sup> Council’s Code of Conduct, Part 7

### **3.3.3 Security arrangements**

Councillors and staff that have access to Council buildings and facilities are issued with electronic access keys, programmed to suit their individual authorities.

## **4 Policy implementation**

### **4.1 Policy responsibilities**

The General Manager is responsible for this policy overall.

The Manager Executive Services is responsible for the implementation of this Policy, including monitoring its effectiveness.

In terms of breaches of this policy (and the *Code of Conduct*), the Manager Governance and Risk is responsible for coordinating complaints and/or disclosures under the Code and Council's *Public Interest Disclosures Policy*.

Managers and coordinators are to ensure Council officials, who report to them, are made aware of this Policy.

### **4.2 Procedures**

Procedures that support this Policy, may be approved by the General Manager from time to time and include such items as:

- Nomination of staff position-holders who are authorised Councillor contacts.
- The detailed process for dealing with applications from Council officials.
- Councillor communications.

### **4.3 Breaches**

Since this policy provides further guidance to the *Code of Conduct* requirements in relation to interactions between Council officials, and Councillor access to information and resources, breaches are considered breaches of the Code.

Complaints about alleged breaches of this policy are made in accordance with Council's *Code of Conduct Procedures*. Any complaints will be dealt with and reported on in accordance with the Procedures.

## **5 Document control**

### **5.1 Review**

This policy is to be reviewed at least every term of a Council. Amendments to this policy are to be submitted to Council for approval, apart from non-significant and/or editorial amendments, which can be approved by the General Manager.

### **5.2 Related documents**

This document should be read in conjunction with:

- *Local Government Act 1993*
- *Government Information (Public Access) Act 2009*

- *Private & Personal Information Protection Act 1998*
- *State Records Act 1998*
- *Council's Code of Conduct*
- *Council's Expenses and Facilities Policy* for Councillors
- *Council's Electronic Communications Policy* and associated procedures
- *Council's Access to Information Policy*
- *Council's A Guide to Access Information Held by Council*
- *Council's Motor Vehicles and Plant Policy* and associated manual

### **5.3 Version history**

This policy is based on a former Rockdale City Council guideline approved by the General Manager, Rockdale City Council on 9 March 2015.

<b>Version</b>	<b>Release Date</b>	<b>Author</b>	<b>Reason for Change</b>
1.0	TBA	Warren Park	Review of draft harmonised document

# Appendix 1

## 5.4 Mayor and Councillors

The Mayor (and Deputy Mayor if required) have additional responsibilities (than those of a councillor) as outlined in section 226 of the Act:

### 226 Role of mayor

The role of the mayor is as follows:

- (a) to be the leader of the council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness,
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- (e) to preside at meetings of the council,
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- (i) to promote partnerships between the council and key stakeholders,
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- (l) to carry out the civic and ceremonial functions of the mayoral office,
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,
- (o) to exercise any other functions of the council that the council determines.

### 232 The role of a councillor

(1) The role of a councillor is as follows:

- (a) to be an active and contributing member of the governing body,
- (b) to make considered and well informed decisions as a member of the governing body,
- (c) to participate in the development of the integrated planning and reporting framework,
- (d) to represent the collective interests of residents, ratepayers and the local community,
- (e) to facilitate communication between the local community and the governing body,
- (f) to uphold and represent accurately the policies and decisions of the governing body,
- (g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

(2) A councillor is accountable to the local community for the performance of the council



## 5.5 General Manager and staff

Section 335 of the Act describe the functions of the General Manager:

The General Manager delegates and/or directs staff to carry out the day-to-day operations of the Council, and to implement policies and other decisions of Council.

### 335 Functions of general manager

The general manager of a council has the following functions:

- (a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- (b) to implement, without undue delay, lawful decisions of the council,
- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
- (e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- (f) to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- (g) to exercise any of the functions of the council that are delegated by the council to the general manager,
- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- (i) to direct and dismiss staff,
- (j) to implement the council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the general manager by or under this or any other Act.

## 5.6 Public Officer

The role of the Public Officer of Council is defined in section 343 of the Act.

### 343 Functions of the public officer

- (1) The public officer:
    - may deal with requests from the public concerning the council's affairs
    - has the responsibility of assisting people to gain access to public documents of the council
    - may receive submissions made to the council
    - may accept service of documents on behalf of the council
    - may represent the council in any legal or other proceedings
    - has such other functions as may be conferred or imposed on the public officer by the general manager or by or under this Act.
  - (2) The public officer is subject to the direction of the general manager
- The Public Officer at Council is the Manager Governance & Risk.

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## **Council Meeting**

**14/06/2017**

Item No	8.6
Subject	<b>Election Material Policy</b>
Report by	Warren Park, Coordinator Governance
File	F08/633

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## **Summary**

The purpose of this policy is to outline the regime for managing the display of election material in public places during an election period of the three tiers of government.

The draft policy should be adopted in readiness for the upcoming local government election.

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## **Council Resolution**

Minute 2017/102

Resolved by the Administrator:

That the Election Material Policy be adopted.

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## **Officer Recommendation**

That the Election Material Policy be adopted.

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## **Background**

The purpose of this policy is to outline the regime for managing the display of election material in public places during an election period of the three tiers of government.

The policy requires the display and use of electoral material to comply with the relevant election legislation for local, state and federal government elections, as well as the various statutory planning instruments.

All political advertising on private property (including telegraph poles) will need to have the concurrence of the property owner. Council's role is generally limited to dealing with any planning issues, the issue of permits for proposed street stalls under the relevant legislation and removal of unauthorised advertising signs not in accordance with this policy.

A similar approach was in place at the former Rockdale City Council and a common approach is relevant for the whole of the Bayside Local Government Area.

The policy will be placed on council's website and upon application will be provided to applicants for the upcoming council elections and future state and federal elections.

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## **Financial Implications**

Not applicable

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## **Community Engagement**

Not required

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## **Attachments**

Election Material Policy

## Election Material Policy

**Draft**



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Election Material Policy

File: F08/633 Document: 17/46560

Class of document: Council Policy

Enquiries: Manager Governance & Risk



Telephone Interpreter Services - 131 450

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# 1 Introduction

## 1.1 Background

The purpose of this policy is to outline the regime for managing the display of election material in public places during an election period of the three tiers of government.

## 1.2 Definitions

The definitions of certain terms are:

### ***Election***

An official election for local, state or federal government under the relevant legislation.

### ***Candidate***

A person registered under the relevant state or federal legislation standing for election to local, state or federal government.

## 1.3 Policy statement

Council supports the reasonable promotion of candidates for government elections. Such promotion, including advertising signs and other electoral material is to comply with legislation and Council policies, including this policy.

## 1.4 Scope of policy

This policy applies to all election material used in the promotion of candidates (registered under the various state and federal legislation) for local, state and federal elections.

# 2 Requirements

The display and use of electoral material is to comply with the relevant election legislation for local, state and federal government elections, as well as the various statutory planning instruments.

All political advertising on private property (including telegraph poles) will need to have the concurrence of the property owner. Council's role is generally limited to dealing with any planning issues.

Proposed 'street stalls' require approval from Council under the Local Government Act 1993 and/or the Road Act 1993.

# 3 Enforcement

The following enforcement approach during election periods of all three tiers of government:

- Enforcement of the relevant election legislation is a matter for the respective state / federal electoral agencies and/or the Police in specific instances.
- Council will not direct resources to the removal of election signage from 40 days before election day (or the issue of the writ if earlier) and up to seven (7) days immediately following the election day, provided that any such signage:
  - supports a candidate or a party registered contesting election to Bayside Council or an electoral district within the Bayside local government area;
  - is no larger than 8,000sq centimetres;
  - is not on Council's Open Space (such as parks, reserves) and/or Crown Land; and
  - is fixed or located in a manner that is not likely to endanger the general public or impede the general flow of pedestrian traffic.

Council officers are authorised to remove any posters not meeting the above conditions and/or which are displayed outside the 40 day (or the issue of the writs whichever is the greater) and 7 day periods. Such posters will be made available to the candidate or political party upon payment of a release fee as per Council's adopted Fees and Charges.

In addition, Council may issue a Penalty Infringement Notice under the provisions of the Local Government Act 1993 for exposing an article without approval "in/on/over a road". Council may also invoice the candidate for the cost of the removal of unauthorised signage as per Council's adopted Fees and Charges.

## **4 Policy implementation**

### **4.1 Policy responsibilities**

The General Manager is responsible for this policy overall.

The Manager Compliance is responsible for the implementation of this Policy, including monitoring its effectiveness.

### **4.2 Procedures**

Administrative procedures that support this Policy, may be approved from time-to-time by the General Manager and/or the relevant director or manager:

- Detailed responsibilities
- Practical enforcement details.

## **5 Document control**

### **5.1 Review**

This policy is to be reviewed at least every term of a Council. Amendments to this policy are to be submitted to Council for approval, apart from non-significant and/or editorial amendments, which can be approved by the General Manager.



## 5.2 Related documents

Relevant legislation associated with this Policy are:-

- Local Government Act 1993
- Roads Act 1993
- Commonwealth Electoral Act 1918
- Parliamentary Electorates and Elections Act 1912
- State Environment Planning Policy
- Footway Trading Policy and associated Guidelines
- Other relevant legislation, planning instruments, Council policies or Council reports.

## 5.3 Version history

This policy was based on a former Rockdale City Council policy last approved on 15 October 2014.

Version	Release Date	Author	Reason for Change
1.0	TBA	Warren Park	Harmonised document

## **Appendix – Background to statutory requirements**

The current requirements relating to the display of election material in public places are numerous and a brief outline follows.

Note: Applicants are required to research and comply with all legislative requirements as this list is not exhaustive.

### ***Council Planning Provisions and Policies***

Bayside Council operates under the planning documents and guidelines of the former Rockdale City and Botany Bay Councils which govern and detail the regulations and enforcement provisions for this activity. Advertising signage is governed by the following planning instruments:

- Relevant Local Environment Plans;
- Relevant Development Control Plans;
- State Environment Planning Policy (Advertising and Signage);
- State Environment Planning Policy (Exempt and Complying Development Codes)

Since the establishment of the State Environment Planning Policy (Exempt and Complying Development Codes), most of the details previously outlined for advertising and signage in DCPs and LEPs have been removed and have been standardised at a State level through the SEPP.

Council also has a formal Footway Trading Policy and associated Footway Trading Guidelines that provide the conditions for Footway advertising and signage in the Bayside LGA. Council approvals under Footway Trading Policy are made under the Roads Act.

### ***Legislative Requirements***

In addition to any specific Council requirements, all candidates for local, state and federal government elections and political parties are required to comply with advertising requirements in state and federal legislation.

In terms of federal elections, the Commonwealth Electoral Act 1918 sets various milestones in an election timetable. The election period is determined by two key dates being the issue of the writs by the Governor General directing that an election be held and the date of the poll (ie election day). The minimum campaign period for an Australian Federal election is 33 days, meaning the writs are normally issued on the Monday after the weekend five weeks before polling day. Election material needs to be authorised by the Australian Electoral Commission.

In terms of NSW elections, these are held on the last Saturday in March every 4 years. A NSW election is held following the issue of the writs by the Governor which directs the NSW Electoral Commissioner to conduct the election according to the procedure set down in the Parliamentary Electorates and Elections Act 1912. Writs are required to be issued 4 clear days from the expiry of Parliament which must be at least the Friday before the first Saturday in March four years after the previous Assembly was elected. Following the issue of the writs all election advertising (including posters) must be in accordance with the statutory requirements and enforced by the NSW Electoral Commission.

In terms of NSW local government, council elections are generally held on the second Saturday in September every 4 years. Relevant to council elections is the regulated

election period, which commences 40 days before election day and ends at 6.00pm on election day. In this period all election advertising (including posters) must be in accordance with the statutory requirements and enforced by the NSW Electoral Commission (or the Returning Officer).

It should be noted that all breaches of election requirements are enforceable by the relevant State or Federal Electoral Commission (and the Police in specific instances) and not Council. Council is the enforcement authority for breaches of the Local Government Act and Roads Act.

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## Council Meeting

**14/06/2017**

Item No	8.7
Subject	<b>Related Party Disclosures Policy</b>
Report by	Warren Park, Coordinator Governance
File	SF17/560

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## Summary

The Office of Local Government (OLG) by circular 17-02, dated 7 February 2017 issued advice concerning the 2016-17 draft Code of Accounting Practice and Financial Reporting and Supplement, relating to the AASB 124 Related Party Disclosures.

AASB124 Related Party Disclosures now applies to Local Government. A policy has been developed embracing the accounting standard and Council must now endorse the Council officials to whom this policy will apply.

Essentially, the policy relates to disclosures required and are to provide information to the public through Council's annual financial statements about transactions which have occurred during the reporting period between the Council and key management personnel (KMP) and their related parties. For purposes of the Policy, KMP are Councillors, General Manager, Directors, Manager Procurement, Manager Finance and the Public Officer.

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## Council Resolution

Minute 2017/103

Resolved by the Administrator:

That the Related Party Disclosures Policy, including the recommended positions to which it applies, be adopted.

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## Officer Recommendation

That the Related Party Disclosures Policy, including the recommended positions to which it applies, be adopted.

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## Background

From 1 July 2016, the Australian Accounting Standards Board has determined that AASB 124 Related Party Disclosures will apply to government entities, including local governments. This now applies to Bayside Council.

The Office of Local Government (OLG) by circular 17-02, dated 7 February 2017 issued advice concerning the 2016-17 draft Code of Accounting Practice and Financial Reporting and Supplement, relating to the AASB 124 Related Party Disclosures.

AASB 124 provides that Council must disclose all material and significant related party transactions and outstanding balances, including commitments, in its annual financial statements. Generally, disclosure will only be made where a transaction has occurred between Council and a related party of Council. In addition, the transaction must be material in nature or size when considered individually or collectively. For the initial year it will be for the period from proclamation of Bayside Council (9 September 2016) to 30 June 2017 and in subsequent years, the financial year.

To enable Council to comply with AASB 124, Council's key management personnel are required to declare full details of any related party transactions that are not otherwise defined in this policy as a non-material ordinary citizen transaction. Such information will be retained in a register, and reported, where necessary, in Council's annual financial statements.

The purpose of this policy is to define the parameters for related party transactions and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB 124 - Related Party Disclosures.

Generally key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of Council, either directly or indirectly. In terms of Bayside Council it is proposed that the key management personnel of Council be deemed to be:

- Councillors (including the Mayor and Deputy Mayor);
- General Manager;
- Directors;
- Public Officer;
- Manager Procurement; and
- Manager Finance (Responsible Accounting Officer).

It will also apply to individuals acting in the above positions.

The proposed policy requires all KMP to periodically provide a Related Party Disclosure notifying any existing or potential related party transactions between Council and Ordinary Meeting of Council. The information will be maintained in a Register of Related Party Transactions Declarations to be kept by the Manager Governance & Risk.

If adopted, this policy will be placed on the Bayside Council website.

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## **Financial Implications**

There are no financial implications applicable to this report.

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## **Community Engagement**

Not required.

## **Engagement Summary**

The issues raised in this report do not require community consultation under Council's Community Engagement Policy.

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## **Attachments**

Related Party Disclosures Policy

## Related Party Disclosures Policy

**Draft**



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Related Party Disclosures Policy  
File: SF17/560 Document: 17/32754  
Class of document: Council Policy

Enquiries: Manager Governance & Risk



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# 1 Introduction

## 1.1 Objective

All councils in New South Wales must produce annual financial statements that comply with Australian Accounting Standards.

From 1 July 2016, the Australian Accounting Standards Board has determined that AASB 124 Related Party Disclosures will apply to government entities, including local governments<sup>1</sup>.

The objective of the accounting standard is to ensure that annual financial statements contain disclosures necessary for stakeholders to draw attention to the possibility that the financial position and financial performance may have been affected by transactions and outstanding balances with related parties.

Council recognises that Related Party transactions can present potential or actual conflict of interests and may raise questions about whether they are in the best interests of the organisation.

It is therefore important that 'key management personnel' act honestly and with reasonable care and diligence whilst avoiding improper use of their position and information. It is equally important that key management personnel of the Council are subject to a high level of accountability, including appropriate disclosure of their transactions with the Council in the annual financial statements.

## 1.2 Background

Related Party relationships are a normal feature of commerce and business. For example, entities frequently carry on parts of their activities through subsidiaries, joint ventures and associates. In those circumstances, there is the possibility of the entity having the ability to affect the financial and operating policies of Council through the presence of control, joint control or significant influence.

A related Party relationship could influence the normal business operations of Council. In some instances, Council may enter into transactions with a related party that unrelated parties would not. For example, goods are supplied to Council on terms that might not be offered to other customers. Also, transactions between related parties may not be made on the same terms as between unrelated parties.

The normal business operations of Council may be affected by a related party relationship even if related party Transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the Council with other parties. Alternatively, one party may refrain from trading with Council because of the significant influence of another—for example, a local supplier may be instructed by its parent not to engage in supplying goods to Council.

For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with related parties) may affect assessments of Council's operations by users of financial statements, including assessments of the risks and opportunities facing the Council.

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<sup>1</sup> OLG Circular 17-02 dated 7 February 2017 – 2016-17 draft Code of Accounting Practice and Financial Reporting

AASB 124 provides that Council must disclose all material and significant related party transactions and outstanding balances, including commitments, in its annual financial statements. Generally, disclosure will only be made where a transaction has occurred between Council and a related party of Council. In addition, the transaction must be material in nature or size when considered individually or collectively.

To enable Council to comply with AASB 124, Council's key management personnel are required to declare full details of any related party transactions that are not otherwise defined in this policy as a non-material ordinary citizen transaction. Such information will be retained and reported, where necessary, in Council's annual financial statements.

### 1.3 Definitions

The definitions of certain terms are:

**AASB 124** – the Australian Accounting Standards Board, Related Party Disclosures Standard.

**Arm's length transaction** – a transaction between two related parties that is conducted as if they were unrelated, so that there is no question of conflict of interest. That is, the transaction is consistent with what would result from:

- neither party bearing the other any special duty or obligation;
- the parties being unrelated and uninfluenced by the other; and
- each party having acted in its own interest.

**Close members of the family of a person** – in relation to a key management person, those family members who may be expected to influence, or be influenced by, that person in their dealings with the Council, including:

- that person's children and spouse or domestic partner;
- children of that person's spouse or domestic partner; and
- dependants of that person or that person's spouse or domestic partner.

For the purpose of AASB124, close family members could include extended members of a family (such as, without limitation, parents, siblings, grandparents, uncles / aunts or cousins) if they could be expected to influence, or be influenced by, the key management person in their dealings with Council.

**Control** – the power to govern the financial and operating policies of an entity so as to obtain benefits from its activities. Control of an entity is present when there is:

- power over the entity;
- exposure or rights to variable returns from involvement with the entity; and
- the ability to use power over the entity to affect the amount of returns received.

**Entity** – can include a body corporate, a partnership or a trust, incorporated association, or unincorporated group or body.

**Entities related to Council** – are entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties. If an entity holds, directly or indirectly (for example, through subsidiaries), 20% or more of the

voting power, it is presumed that the entity has significant influence, unless it can be clearly demonstrated that this is not the case.

The existence of significant influence by Council is usually evidenced in one or more of the following ways:

- representation on the board of directors or equivalent governing body of the investee;
- participation in policy-making processes, including participation in decisions about dividends or other distributions;
- material transactions between the entity and its investee;
- interchange of managerial personnel; or
- provision of essential technical information.

**Joint control** – the contractually agreed sharing of control of an arrangement, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

**Key management personnel** – those persons having authority and responsibility for planning, directing and controlling the activities of Council, either directly or indirectly. Specifically, key management personnel of Council are:

- Councillors (including the Mayor and Deputy Mayor);
- General Manager;
- Directors;
- Public Officer;
- Manager Procurement; and
- Manager Finance (Responsible Accounting Officer).

And includes any staff acting in the above positions from time to time.

**Key management personnel compensation** – all forms of consideration paid, payable, or provided in exchange for services provided, and including:

- short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free and subsidised goods or services) for current employees;
- post-employment benefits such as pensions, other retirement benefits, postemployment life insurance and post-employment medical care;
- other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit sharing, bonuses and deferred compensation; and
- termination benefits.

**Material (materiality)** – means the assessment of whether omitting or misstating the transaction, either individually or in aggregate with other transactions, could influence decisions that users make on the basis of Council's financial statements. Materiality depends on the size and nature of the omission or misstatement judged in the surrounding circumstances. The size or nature of the item, or a combination of both, could be the determining factor.

**Ordinary citizen transaction** – a transaction that an ordinary citizen would undertake with Council, and is undertaken on an arm's length basis and in the ordinary course of carrying out Council's functions and activities. For the purpose of this policy, any ordinary citizen transaction where the aggregate amount involved will be expected to exceed \$10,000 in any financial year is considered to be material and will be disclosed in the annual financial statements.

With regard to key management personnel and their close family members, examples of ordinary citizen transactions assessed as unlikely to be material in nature (unless the aggregate amount exceeds \$10,000 in a financial year) include:

- paying rates and utility charges;
- parking fees at rates available to the general public;
- paying fines on normal terms and conditions;
- pet registration fees; and
- using Council's public facilities after paying the corresponding fees or where those facilities are available to members of the public for free.

Transactions which are not to be considered ordinary citizen transactions include:

- infrastructure charges;
- lease agreements;
- awarding of contracts; and
- the purchase of goods, regardless of conditions.

**Related party** – For the purpose of this policy, related parties of Council are:

- entities related to Council;
- key management personnel of Council;
- close family members of key management personnel; and
- entities or persons that are controlled or jointly controlled by key management personnel, or their close family members.

Also, a person or entity is a related party of Council if any of the following apply:

- they are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others);
- they are an associate or belong to a joint venture of which Council is part of;
- they and Council are joint ventures of the same third party;
- they are part of a joint venture of a third party and council is an associate of the third party;
- they are a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council;
- they are controlled or jointly controlled by close members of the family of a person;
- they are identified as a close member of the family of a person with significant influence over Council or a close member of the family of a person who is a key management person of Council; or
- they or any member of a group of which they are a part, provide key management personnel services to Council.

**Related party transaction** – a transfer of resources, services or obligations between a Council and a related party, regardless of whether a price is charged. For the purpose of AASB 124, transactions with related parties of Council which are non-material ordinary citizen transactions will not be captured or reported on.

## **1.4 Purpose**

The purpose of this policy is to define the parameters for related party transactions and the level of disclosure and reporting required for Council to achieve compliance with the Australian Accounting Standard AASB 124 - Related Party Disclosures.

## **1.5 Policy statement**

Council is committed to responsible corporate governance, including compliance with laws and regulations governing related party transactions.

## **1.6 Scope of policy**

This policy applies to key management personnel, related parties of Council and related party transactions with Council, as defined within this policy.

Nothing in this policy removes the requirement for Councillors to declare any pecuniary interest they may have at the commencement of a Council (Committee) meeting as required under the Local Government Act or Council's Conflict of Interests Policy.

Councillors and Designated Officers are also required to submit their annual returns as required by section 449 of the Act.

# **2 Disclosure requirements**

AASB 124 provides that Council must disclose all material and significant related party transactions in its annual financial statements by aggregate or general description and include the following detail:

- the nature of the related party relationship; and
- relevant information about the transactions including:
  - the amount of the transaction;
  - the amount of outstanding balances, including commitments, and
    - their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in the settlement; and
    - details of any guarantee given or received;
  - provision for doubtful debts related to the amount of outstanding balances; and
  - the expense recognised during the period in respect of bad or doubtful debts due from related parties.

When assessing whether such transactions are significant, the closeness of the related party relationship shall be considered as will other factors relevant in establishing the level of significance of the transaction such as whether it is:

- significant in terms of size;
- carried out on non-market terms;

- outside normal day-to-day Council operations;
- disclosed to regulatory or supervisory authorities;
- reported to senior management;
- subject to Council approval.

Regard must also be given for transactions that are collectively, but not individually significant.

Disclosures that related party transactions were made on terms equivalent to those that prevail in arm's length transactions can only be made if such terms can be substantiated.

Prior to preparing the disclosure in the council's annual financial statements all related party transactions should be assessed for materiality. Transactions that are not considered material will not need to be disclosed.

## **3 Key management personnel**

### **3.1 Related party transactions notification**

All key management personnel are responsible for self-assessing their own related parties on at least an annual basis. Key management personnel are responsible for informing the General Manager when any changes to those related parties occur outside of reporting times. The self-assessment will be recorded on the prescribed Related Party Declaration (RPD).

The completed RPD must be provided to the General Manager by no later than the following periods during a financial year (the specified notification period):

- 30 days after the commencement of the application of this policy;
- 30 days after a key management person commences their term of employment with Council;
- 30 days after there is a change to the close family members and associated entities of key management personnel;
- 30 June.

If it is brought to Council's attention that any related party of a key management person has not been declared, an immediate review will be triggered, and the effected key management person will be required to review their existing declaration.

Key management personnel must also complete a Related Party Transactions Notification (RPT Notification) using the prescribed form, notifying any related party transactions between Council and either themselves, their close family members or entities controlled or jointly controlled by them or any of their close family members. This notification requirement does not apply to ordinary citizen transactions which are not material, or to key management personnel compensation which will be captured separately by Finance staff.

The completed RPT Notification must be provided to the General Manager by no later than 30 June, for related party transactions during that financial year.

At least 30 days before a specified notification period, the Manager Governance & Risk will provide key management personnel with a RPD Form and/or RPT Notification, as applicable.

### **3.2 Identification of related parties**

A related party is a person or entity that is related to the entity that is preparing its financial statements. (refer definitions for full description)

### **3.3 Related Party Transactions Disclosures**

All transactions between Council and related parties, whether monetary or not, are required to be identified. Such transactions may include:

- Purchase or sale of goods and materials (finished or unfinished);
- Purchase or sale of property and other assets;
- Rendering or receiving services or goods;
- Leases;
- Grants and subsidy payments made to associated entities of Council (including non-monetary transactions);
- Fees and charges charged to related parties;
- Infrastructure contributions and application fees from related parties;
- transfers of research and development;
- transfers under licence agreements;
- transfers under finance arrangements (including loans and equity contributions in cash or in kind);
- provision of guarantees or collateral;
- commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised);
- Quotations and/or tenders;
- Employee expenses for close family members of key management personnel (excluding normal salary or wages);
- Commitments; and
- Settlements of liabilities on behalf of Council or by Council on behalf of the related party.

Related party transactions excluded from disclosure requirements on the basis of Ordinary Citizen Transactions are:

- Any valid discounts and fee waivers that are available to the party as an ordinary citizen and is available to any ordinary citizen in the same circumstance; and
- Any service or benefit occurring within normal employee (including compensation/redundancy payments), customer or supplier relationships and at arm's length; and
- are not material or significant.

A further exclusion are expenses incurred and facilities provided to the mayor and councillors during the financial year under Council's *Expenses and Facilities Policy*, the particulars of which are contained in Council's Annual Report pursuant to the *Local Government (General) Regulation 2005*, clause 217.



Council must disclose all material and significant related party transactions in its annual financial statements and include the following detail:

- i The nature of the related party relationship; and
- ii Relevant information about the transactions including:
  - a the amount of the transaction;
  - b the amount of outstanding balances, including commitments;
  - c provision for doubtful debts related to the amount of outstanding balances; and
  - d the expense recognised during the period in respect of bad or doubtful debts due from related parties.

Materiality thresholds are reviewed annually as part of the audit process and reported related party disclosures will be in compliance with the framework of the Australian Accounting Standard AASB124 and other relevant standards, as required. At the present time (March 2017) any transaction where the aggregate amounts exceeds \$10,000 in any financial year are reportable.

The following matters must be considered in determining the materiality and significance of any related party transactions:

- i Significance of transaction in terms of size;
- ii Whether the transaction was carried out on non-market terms;
- iii Whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets;
- iv Whether the transaction is disclosed to regulatory or supervisory authorities;
- v Whether the transaction has been reported to senior management; and
- vi Whether the transaction was subject to Council approval.

### **3.4 Privacy**

Information provided by key management personnel and other related parties shall be held by Council for the purpose of compliance with Council's legal obligations under AASB 124 and shall be otherwise disclosed only where required by the *Government Information (Public Access) Act 2009* and *Privacy and Personal Information Protection Act 1998*.

Affected parties are entitled to access their personal information held by Council. They can also request that Council amends their personal information to ensure that it is accurate and, with regard to the purpose for which the information was collected, is relevant, up-to-date, complete and not misleading.

### **3.5 Review of Related Party Disclosures Policy**

A review of key management personnel and their related parties will be completed on adoption of this policy and then at intervals not exceeding twelve months from date of last review or 12 months from a general election. (refer 6.1 for other review periods)

### **3.6 Training and Communication**

Council is committed to informing key management personnel of the policy and procedures.

## 4 Register of Related Parties and Related Party Transactions

Council will maintain a register of key management personnel related party declarations.

Council will also maintain a register of related party transactions that captures and records the specified information for each existing or potential related party transaction during a financial year.

The contents of the register of related party transactions must detail for each related party transaction:

- the description of the related party transaction;
- the name of the related party;
- the nature of the related party's relationship with Council;
- whether the notified related party transaction is existing or potential;
- a description of the transactional documents the subject of the related party transaction; and
- the information specified in this policy under the heading *Disclosure Requirements*.

## 5 Policy implementation

### 5.1 Policy responsibilities

Responsibilities for implementing this policy are shared between Councillors, Executive and relevant staff as follows:

Key management personnel

- Comply with this policy by identifying and self-reporting details of related parties and related party transactions to the Manager Finance.

Manager Governance & Risk

- Provide advice and assistance to key management personnel in relation to this policy.
- Maintain a register for each of related party declarations and related party transactions.

Manager Finance

- Disclose all material and significant related party transactions in Council's annual financial statements as stipulated by AASB 124.

### 5.2 Procedures

Procedures that support this policy, may be approved by the General Manager from time to time and address such issues as:

- The method for identifying the close family members and associated entities of key management personnel will be by key management personnel self-

assessment. Key management personnel have an ongoing responsibility to advise Council immediately of any related party transactions.

- The preferred method of reporting is for key management personnel to provide details of related parties and related party transactions to the Manager Governance & Risk.
- Information provided will be reviewed in accordance with the Council's operational requirements and held on a centralised register.

Should a key management personnel have any uncertainty as to whether a transaction may constitute a related party transaction they should contact the Manager Governance & Risk or Manager Finance for clarification.

### **5.3 Breaches**

Describes the consequences of a breach of the policy. Consequences may include business and organisational reputation implications as well as punitive provisions.

## **6 Document control**

### **6.1 Review**

The General Manager may approve non-significant and/or minor editorial amendments that do not change the policy substance. The General Manager may also approve amendments to the relevant forms to reflect any legislative requirements, design and formatting issues.

This policy will also be reviewed when any of the following occur:

- a change of Councillors, Chief Executive Officer (General Manager) or other key management personnel;
- corporate restructure;
- the related legislation/documents are amended or replaced; and
- other circumstances as determined from time to time by a resolution of Council.

### **6.2 Related documents**

- Australian Accounting Standard AASB124 related party disclosures (AASB124)
- Australian Accounting Standard AASB10 consolidated financial statements (AASB10)
- Local Government Act 1993
- Local Government (General) Regulation 2005
- Council Code of Conduct
- Council Conflict of Interests Policy
- Council Expenses & Facilities Policy
- Privacy and Personal Information Protection Act 1998 [PPIPA]
- Government Information (Public Access) Act 2009 [GIPAA].
- Privacy Management Plan

### 6.3 Version history

Version	Release Date	Author	Reason for Change
1.0	TBA	Warren Park	New document

## **Appendix 1 – Attachments**

- Related Party Disclosures - Information Sheet for Key Management Personnel
- Related Party Declaration Form
- Related Party Transactions Notification Form
- Decision Tree for Ordinary Citizen Transactions

# Related Party Disclosures - Information Sheet for Key Management Personnel

## Introduction

From 1 July 2016 councils must disclose related party relationships, transactions and outstanding balances, including commitments, in the annual financial statements. This information will be audited as part of the annual external audit by the NSW Auditor-General.

In order to meet this requirement Council has adopted the Related Party Disclosures Policy (the policy). This Information Sheet provides additional guidance for the Key Management Personnel of Council, to assist them in complying with the policy.

## 1 Who and What are Related Parties of Council?

The related parties of a council are:

- 1 Entities related to council
- 2 Key Management Personnel (KMP) of council
- 3 Close family members of KMP; and
- 4 Entities that are controlled or jointly controlled by KMP or their close family members.

Any transactions with these parties, whether monetary or not, will need to be identified and may need to be disclosed. Disclosure will only be made if a transaction has occurred and the disclosure may be in aggregate.

### 1.1 Entities related to Council

Entities controlled by council, jointly controlled by council or over which council has significant influence are related parties of council. Council will need to identify transactions with these entities and may need to make extra disclosure about them in council's financial statements.

#### **Example 1 (Company that is a related party of council)**

Sunny Regional Council (SRC) owns 90% of the shares in Sunny Regional Development Pty Ltd (the company).

SRC has assessed that it has control over the company. The company is therefore a related party of SRC because SRC controls it.

SRC produces consolidated financial statements which include both a parent entity column and consolidated entity column. In these statements all individually significant transactions between SRC and the company will need to be disclosed. For other transactions that are collectively, but not individually, significant SRC will need to disclose a qualitative and quantitative indication of their extent.

SRC must also disclose the nature of its relationship with the company.

## 1.2 Key Management Personnel

Key management personnel (KMP), close family members of each KMP and entities that are related to KMP or their close family members are also related parties.

KMP are defined as:

- persons having authority and responsibility for planning, directing and controlling the activities of Council, either directly or indirectly

At Bayside Council, the Councillors (including the Mayor and Deputy Mayor), General Manager, Directors, Public Officer, Manager Procurement and the Manager Finance are considered to be KMP.

The policy requires all KMP to provide a Related Party Declaration Form and a Related Party Transactions Notification at specified periods. This is discussed further below.

## 1.3 Close family members of KMP

Close family members are defined as:

- family members who may be expected to influence, or be influenced by, that person in their dealings with the entity and include:
  - a that person's children and spouse or domestic partner;
  - b children of that person's spouse or domestic partner; and
  - c dependants of that person or that person's spouse or domestic partner.

### **Example 2 (Son of CFO employed by council)**

Sunny Shire Council has recently employed Paul's son (George) in the Council's parks and garden's area. Paul is Council's Chief Financial Officer but was not involved in hiring George. This process was managed by the Director of Parks and Gardens and included an independent assessment process. Paul did not have any influence in George securing the job.

Paul has been identified as a KMP of council, which makes him a related party.

George will also be a related party of Council because he is a close family member of Paul. The recruitment process that was undertaken for George's position is irrelevant when assessing whether George is a related party.

### **Example 3 (Cousin of Mayor)**

The Mayor of Happy Shire Council (Shelley) has lived in the Shire her whole life. In fact her family has been in the area for over five generations.

Shelley's cousin Mavis, owns and operates the local newsagent through a company Happy News Pty Ltd, in which she owns 100% of the shares. Shelley and Mavis have always been close and regularly socialise together.

Shelley has been identified as a KMP of Council. From these facts it would appear that Mavis is a close family member of Shelley because she would be expected to influence, or be influenced by, that person in her dealings with Council.

Both Mavis and the company she controls, Happy News Pty Ltd would therefore be related parties of Council. Any transactions that the Council makes with the newsagent would need to be separately identified and may need to be disclosed.

## **1.4 Entities that are controlled or jointly controlled by KMP or their close family members**

Entities can include a body corporate, a partnership or a trust, incorporated association, or unincorporated group or body. When assessing whether you or a close member of your family controls, or jointly controls, an entity, regard must be had to the following definitions:

- Control – the power to govern the financial and operating policies of an entity so as to obtain benefits from its activities. Control of an entity is present when there is:
  - Power over the entity;
  - Exposure or rights to variable returns from involvement with the entity; and
  - The ability to use power over the entity to affect the amount of returns received.
- Joint control – the contractually agreed sharing of control of an arrangement, which exists only when decision about the relevant activities require the unanimous consent of the parties sharing control.

### **Example 4 (Control)**

Fred is the Mayor of Sunny Shire Council and owns 100% of the ordinary shares in Sunny Development Company Pty Ltd (the company). The ordinary shares are the only shares in the company that have voting rights.

Fred controls the company because he has the power to affect the company's decisions and the return that he will get from the company.

Fred will need to include the company on his related party declaration.

### **Example 5 (Joint control)**

Fred is the Mayor of Sunny Shire Council and owns 50% of the ordinary shares in Sunny Development Company Pty Ltd (the company). Fred's brother Stan owns the other 50% of ordinary shares. Fred and Stan are the only Directors of the company and have equal voting rights on the board.

Fred and Stan have joint control of the company because any decisions require the unanimous consent of them both.

Fred will need to include the company on his related party declaration.

### **Example 6 (Mayor is the President of a local football club)**

The Mayor of Sunny Shire Council is the President of League Heroes Inc., the local football club. This club is overseen by a committee which comprises the President and four other committee members. Each member has a single vote when making decisions at meetings. The committee members are not related and do not have agreements to vote with one another. The club has over 100 members that each have a vote in electing the committee members at the club's annual general meeting.



From these facts it would appear that the Mayor does not control or jointly control the football club so it will not be a related party of Council just because the Mayor is the president of the club.

## 2 What Related Party Disclosures are required of Key Management Personnel?

### 2.1 Declaring related parties

The method for identifying your close family members and associated entities is by self-assessment using the Related Party Declaration form (declaration form) at Attachment 2. The policy establishes the specified notification periods for providing this form to the General Manager.

At least 30 days before the completed declaration form is required, a copy will be provided to you by the Director City Performance. During the year it will be your responsibility to inform the General Manager when any changes to those related parties occur.

The following table may assist you in identifying your close family members:

Definitely a close family member	May be a close family member
Your spouse/domestic partner	Your brothers and sisters, if they could be expected to influence or be influenced by you in their dealings with council
Your children	Your aunts, uncles and cousins, if they could be expected to influence or be influenced by you in their dealings with council
Your dependants	Your parents and grandparents, if they could be expected to influence or be influenced by you in their dealings with council
Children of your spouse/domestic partner	Your nieces and nephews, if they could be expected to influence or be influenced by you in their dealings with council
Dependants of your spouse/domestic partner	Any other member of your family if they could be expected to influence or be influenced by you in their dealings with council

With regard to your associated entities, in some cases it will be obvious that you or a close family member control or have joint control over an entity. In other cases it will be less clear.

If you are unsure whether you, or a close family member, has control or joint control of an entity then you should contact the Director City Performance for a confidential discussion.

Although the declaration form provides a system for identifying the related parties of KMP, it is not relied upon in isolation, as illustrated in example 5.

**Example 7 (Cousin of Mayor – related party but omitted from declaration)**

Shelley, the Mayor of Sunny Shire Council (from example 3) forgets to include her cousin Mavis, and Mavis' company, when she completes her KMP declaration.

It is commonly known in the community that Shelley and Mavis are close and that Shelley would be expected to influence, or be influenced by, Mavis in her dealings with Council and vice versa.

Mavis and her company are related parties of Council, even though Shelley omitted them from her declaration.

## 2.2 Notifying related party transactions

A related party transaction is defined as:

- a transfer of resources, services or obligations between a Council and a related party, regardless of whether a price is charged.

In addition to submitting a Related Party Declaration form, you are required to complete a Related Party Transactions Notification form (notification form) and provide this to the General Manager by the specified notification period detailed in the policy. As with the declaration form, a copy of this will be provided to you by the Director City Performance at least 30 days before you need to submit it. A copy is also included at Attachment 3.

You do not need to notify employee benefits, such as wages, as these will be recorded by Finance staff.

It is important to note that the notification form is supplementary to the identification of related party transactions by Council staff, which will occur on an ongoing basis throughout the year for all identified related parties of Council. The purpose of the additional KMP notification is to ensure that all related party transactions are captured and considered for disclosure in the annual financial statements.

The policy makes clear that there are some transactions with related parties that do not need to be captured and reported. These are ordinary citizen transactions, undertaken on an arms-length basis and in the ordinary course of carrying out Council's functions and activities.

For example, if you were to walk your dog in a council owned park that would be a related party transaction. However, it is unlikely that users of the financial statements would be interested in this transaction, and so the policy establishes that only material ordinary citizen transactions need to be disclosed.

A material ordinary citizen transaction is one where the aggregate amount involved exceeds \$10,000 in a financial year.

With regard to you and your close family members, examples of ordinary citizen transactions assessed as unlikely to be material in nature (unless the aggregate amount exceeds \$10,000 in a financial year) include:

- paying rates and utility charges;

- parking fees at rates available to the general public;
- paying fines on normal terms and conditions;
- pet registration fees; and
- using Council's public facilities after paying the corresponding fees or where those facilities are available to members of the public for free.

Examples of transactions that are NOT ordinary citizen transactions are:

- infrastructure charges;
- lease agreements;
- awarding of contracts; and
- purchase of goods, regardless of conditions.

A decision tree has been provided at Attachment 4 to assist you in determining whether an ordinary citizen transaction is material and therefore needs to be disclosed.

#### **Example 8 (Ordinary citizen transactions)**

Councillor P is a member of the key management personnel of a Council. The Council's functions include raising revenue to fund its functions and activities, and planning for and providing services and facilities (including infrastructure) for the local community. In carrying out its functions, the Council undertakes a wide range of activities including the imposition of rates and charges upon constituents, and the provision without charge of services such as parks and roads.

Councillor P is a ratepayer residing within the Council's constituency. As such, Councillor P takes advantage of the availability of free public access to local parks and libraries. Councillor P also used the swimming pool at the Council's Recreation Centre twice during the financial year, paying the casual entry fee applicable to the general public each time. The recreation centre has approximately 20,000 visitors each financial year.

All of the transactions described above between the Council and Councillor P are related party transactions of the Council; however, they are not considered to be material in size or nature and therefore do not need to be disclosed.

## **Sources**

- AASB 124 Related Party Transactions (Australian Accounting Standards Board)
- Bulletin 02/16 Disclosure of related party transactions (State of Queensland)
- Office of Local Government Circular 17-02 – 2016/17 draft Code of Accounting Practice and Financial Reporting (update 25) and Supplement
- Related Party Disclosures Policy (Bayside Council)
- Webinar – Understanding and implementing AASB 124 Related Party Transactions (NSW Office of Local Government)

Private and Confidential	
Related Party Declaration by Key Management Personnel (KMP)	
Name of Key Management Person:	
Position of Key Management Person:	
<p><b>List details of close family member, entities that are controlled/jointly controlled by you and entities that are controlled/jointly controlled by close family members</b></p> <p><i>(Please refer to definitions in Related Party Disclosures Policy and consider the additional guidance provided in the Related Party Disclosures Information Sheet for KMP)</i></p>	
<u>Name of person or entity</u>	<u>Relationship</u>
<p>I ..... <i>(insert full name)</i>, ..... <i>(insert position)</i> declare that that the above list includes all my close family members and the entities controlled, or jointly controlled, by myself or my close family members. I make this declaration after reading the Council's Related Party Disclosures Policy which details the meaning of the words 'close family members' and 'entities controlled, or jointly controlled, by myself or my close family members'.</p>	
Declared at:	<i>(insert place)</i>
on the	<i>(insert date)</i>
Signature of KMP:	

**Private and Confidential**

**Related Party Transactions Notification by Key Management Personnel**

Name of Key Management Person:

Position of Key Management Person:

**List details of each related party transaction with Council that you, or a close family member, or an entity controlled or jointly controlled by you or a close family member, has entered into or is reasonably likely to enter into in the 2016/2017 financial year and which you have not previously notified. You are not required to include ordinary citizen transactions which are not material.**

*(Please refer to definitions in Related Party Disclosures Policy and consider the additional guidance provided in the Related Party Disclosures Information Sheet for KMP)*

<u><b>Name of related party</b></u>	<u><b>Relationship</b></u>	<u><b>Nature of transaction</b></u>	<u><b>Terms and conditions</b></u>

I ..... *(insert full name)*, ..... *(insert position)* declare that that the above list includes all existing and potential related party transactions with Council involving myself, my close family members and the entities controlled, or jointly controlled, by myself or my close family members for the 2016/2017 financial year which I have not previously notified. I make this declaration after reading Council's Related Party Disclosures Policy which details the meaning of the words 'related party transactions', 'ordinary citizen transactions', 'close family members' and 'entities controlled, or jointly controlled, by myself or my close family members'.

Declared at:

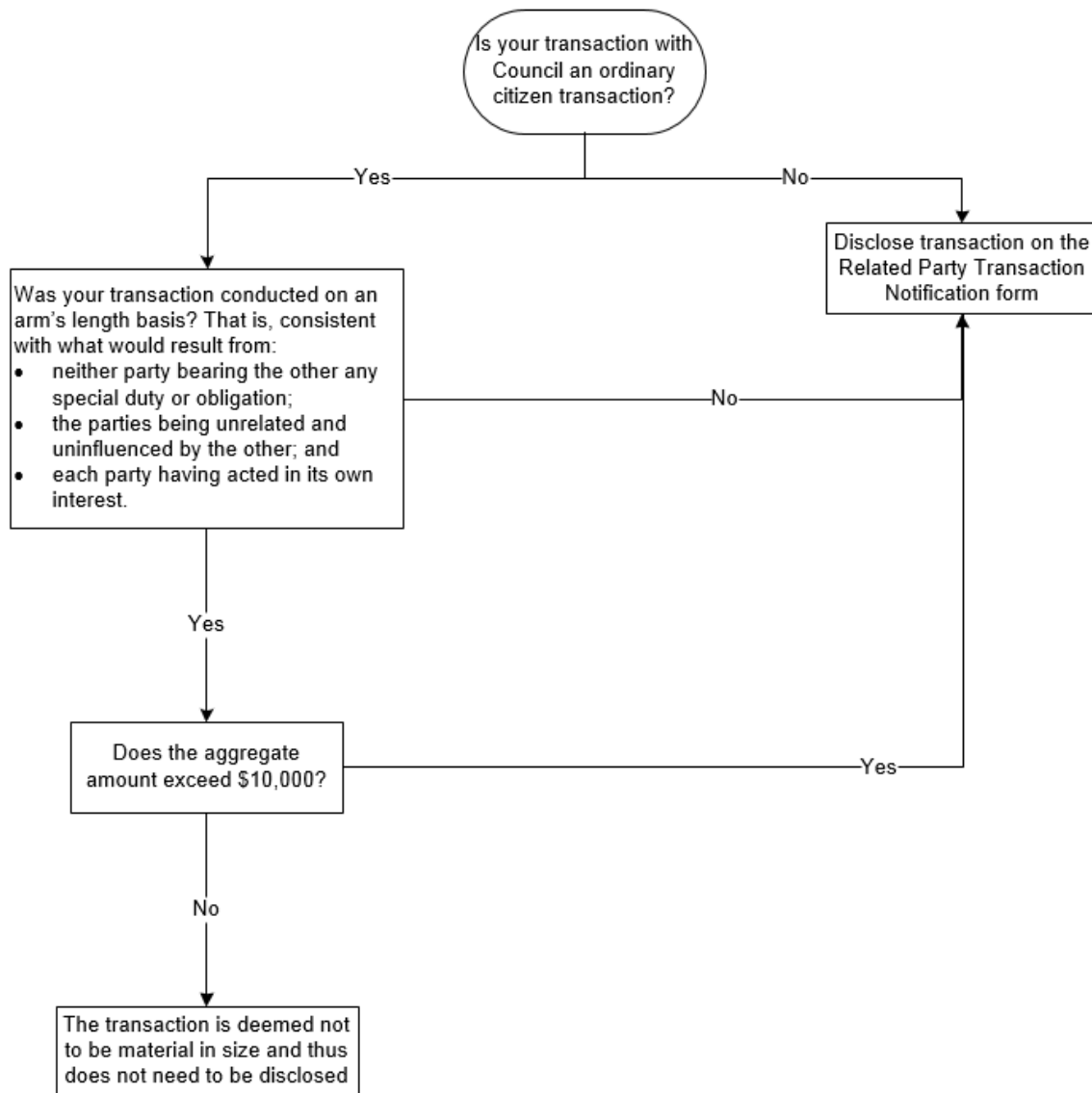
*(insert place)*

on the:

*(insert date)*

Signature of Key Management Person:

## Decision Tree for Ordinary Citizen Transactions



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## Council Meeting

**14/06/2017**

Item No	8.8
Subject	<b>Disclosure of Interest Returns</b>
Report by	Fausto Sut, Manager Governance & Risk
File	(R) SF16/1280

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## Summary

The Local Government Act 1993 details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interest and Other Matters Returns by Councillors and Designated Person.

Section 450A(2)(a) of the Local Government Act 1993 requires any Returns of Interest under Section 449 of the Act lodged with the General Manager to be tabled at the first meeting of Council held after the last day of lodgement of the return (which is three months after the start date of the Designated Person).

This report provides information regarding a Return recently lodged with the General Manager by a Designated Person.

It is recommended that Council note that the Disclosure of Pecuniary Interest and Other Matters lodged with the General Manager have been tabled in accordance with the Local Government Act.

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## Council Resolution

Minute 2017/104

Resolved by the Administrator:

That the information be received and noted.

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## Officer Recommendation

That the information be received and noted.

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## Background

Section 450A of the Local Government Act, 1993 relates to register of Pecuniary Interest Returns and the tabling of this Return, which has been lodged by a Designated Person.

Section 450A of the Act is as follows:

#### **450A Register and tabling of Returns:**

- 1 The general manager must keep a register of returns required to be lodged with the general manager under section 449.**
- 2 Returns required to be lodged with the general manager under section 449 must be tabled at a meeting of the council, being:**
  - (a) in the case of a return lodged in accordance with section 449(1) – the first meeting held after the last day for lodgement under that subsection, or**
  - (b) in the case of a return in accordance with section 449(3) – the first meeting held after the last day for lodgement under that subsection, or**
  - (c) in the case of a return otherwise lodged with the general manager – the first meeting after lodgement.**

With regard to Section 450(1), a register of all Returns lodged by Councillors and Designated Person in accordance with Section 449 of the Act is currently kept by Council as required by this part of the Act.

With regard to Section 450(2)(a), all Returns lodged by a Designated Persons under Section 449(1) of the Act, (ie. their first Return) must be tabled at a Council Meeting within three (3) months of being a Designated Persons.

In accordance with Section 450A(2)(a) the following Section 449(1) returns have been lodged.

POSITION	RETURN DATE	DATE LODGED
Manager Procurement	13 February 2017	13 May 2017
Manager Waste & Cleansing	20 February 2017	10 May 2017
Manager Executive Services	3 March 2017	3 June 2017

The returns are now tabled in accordance with Section 450A(2)(a) of the Act and is available for inspection if required.

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### **Financial Implications**

Not applicable

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### **Community Engagement**

The issue raised in this report do not require community consultation under Council's Community Engagement Policy.

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### **Attachments**

Nil



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## Council Meeting

**14/06/2017**

Item No	9.1
Subject	<b>Minutes of Risk and Audit Committee – 18 May 2017</b>
Report by	Natasha Balderston, Coordinator Risk & Audit
File	SC17/200

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## Council Resolution

Minute 2017/105

Resolved by the Administrator:

That the Minutes of the Risk and Audit Committee held on 18 May 2017 be confirmed.

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## Officer Recommendation

That the Minutes of the Risk and Audit Committee held on 18 May 2017 be confirmed.

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## Present

Jennifer Whitten, (Chairperson) Independent External Member  
Lewis Cook, Independent External Member  
Catriona Barry, Independent External Member  
Barry Munns, Independent External Member  
Greg Wright, Administrator Bayside Council

## Also present

Meredith Wallace, General Manager  
Daniel Fabri, Director City Performance  
Fausto Sut, Manager Governance & Risk  
Natasha Balderston, Coordinator Risk & Audit  
John Hughes, Internal Auditor  
David Nolan, Director, Financial Audit Services –Audit Office of NSW

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The Acting Chairperson Greg Wright opened the meeting in the Pindari Room, Rockdale Town Hall, 444-446 Princes Highway, Rockdale at 4:00 pm.

## 1 Acknowledgement of Traditional Owners and Welcome

Bayside Council's Administrator and Acting Chairperson Greg Wright acknowledged the traditional owners of the land upon which the Committee was meeting.

Bayside Council's General Manager, Meredith Wallace, then welcomed Committee members to the inaugural meeting of the Risk and Audit Committee.

## **2 Apologies**

There were no apologies received.

## **3 Disclosures of Interest**

There were no disclosures of interest.

## **4 Reports**

### **4.1 Code of Conduct Briefing**

Committee Recommendation:

That the Risk and Audit Committee members acknowledge their obligations under the attached Code of Conduct.

### **4.2 Risk and Audit Committee Charter Briefing**

Committee Recommendation:

That the Risk and Audit Committee members acknowledge the functions and operations of the attached Charter as well as their associated obligations outlined in the Charter.

### **4.3 Election of Chairperson**

Committee Recommendation:

That the Risk and Audit Committee elects Jennifer Whitten, an Independent External Member, to be its Chairperson.

### **4.4 Risk Management Policy and Risk Management Strategy**

Committee Recommendation:

- 1 That the report be received and noted.
- 2 That the Risk Management Policy and Risk Management Strategy be endorsed by the Risk and Audit Committee and presented to Council for consideration and adoption.

### **4.5 CONFIDENTIAL - City of Botany Bay Financial Statements 2015/2016 – Preliminary Audit Report**

Committee Recommendation:

- 1 That the Risk and Audit Committee receives and notes the report.
- 2 That the Risk and Audit Committee endorses the recommended approach to remediating the issues identified in the Auditor General's draft

preliminary report of the audit of the 2015/16 financial statements of the former City of Botany Bay's Council.

#### **4.6 Internal Audit and Approach and Program**

Committee Recommendation:

That the Risk and Audit Committee endorses the Internal Audit Program of health checks noting that the audit tasks will be timeframed, and that the proposed gap analysis, suggested priorities and any emergent issues that may arise will be reported by Internal Audit at the next meeting of the Committee.

#### **4.7 Internal Audit Approach to the Audit Office of NSW 2017/18 Program**

Committee Recommendation:

- 1 That the Risk and Audit Committee receives and notes the report.
- 2 That the Risk and Audit Committee endorses the proposed approach as detailed in this report to prepare Council for the Audit Office of NSW's 2017/18 performance audits.

#### **4.8 Outstanding Internal Issues Overview**

Committee Recommendation:

That the Risk and Audit Committee notes the progress made on implementing the outstanding recommendations and that they be listed as a standing item on the Committee agenda.

#### **4.9 Meeting Schedule**

Committee Recommendation:

That the Risk and Audit Committee endorses the meeting schedule for the remainder of 2017.

### **5 General Business**

There was no General Business.

### **6 Next Meeting**

That the next meeting of the Risk and Audit Committee be held in the Pindari Room, Rockdale Town Hall 444-446 Princes Highway, Rockdale at 6:00pm on Thursday, 17 August 2017.

The Chairperson closed the meeting at 6:00pm.

Jennifer Whitten  
Chairperson - Risk and Audit Committee

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## Council Meeting

**14/06/2017**

Item No	9.2
Subject	<b>Minutes of Bayside Traffic Committee – 7 June 2017</b>
Report by	Jeremy Morgan, Manager City Infrastructure
File	SC17/30, 17/61901

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## Council Resolution

Minute 2017/106

Resolved by the Administrator:

That the Minutes of the Bayside Traffic Committee meeting held on 7 June 2017 be received and the recommendations therein be adopted subject to an additional requirement as follows:

That a Council staff member meet with Ms Gigi Awadalla and consult on the issues that she has mentioned in Public Forum tonight and whether there are any further measures that might ameliorate the concerns that she has. If it is determined that other options should be considered, the matter can be re-submitted to the Traffic Committee for further consideration.

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## Officer Recommendation

That the Minutes of the Bayside Traffic Committee meeting held on 7 June 2017 be received and the recommendations therein be adopted.

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## Present

Jeremy Morgan, Manager City Infrastructure, Bayside Council (Convenor)  
Ron Hoenig, State Member for Heffron  
Steve Kamper, State Member for Rockdale  
Les Crompton, representing State Member for Kogarah  
Traffic Sergeant Frank Gaal, St George LAC  
Senior Constable Alexander Weissel, Botany Bay Police  
James Suprain, representing Roads and Maritime Services

## Also present

Rabih Bekdache, State Transit Authority – west  
Mark Carruthers, representing Roads and Maritime Services  
Lyn Moore, NSW Pedestrian Council  
Joe Scarpignato, St George Cabs  
Peter Hannett, George Bicycle User Group  
Pintara Lay, Coordinator Traffic and Road Safety, Bayside Council  
Michael Lee, Traffic Engineer, Bayside Council  
Agasteena Patel, Traffic Engineer, Bayside Council  
Pat Hill, Traffic Committee Administrative Officer, Bayside Council

The Convenor opened the meeting in Rockdale Town Hall, Council Chamber Room, at 9:15am.

## **1 Apologies**

The following apologies were received:

Glen McKeachie, Coordinator Regulations, Bayside Council  
Christina Curry representing State Member for Maroubra  
Lisa Williams representing Office of Michael Daley MP

## **2 Minutes of Previous Meetings**

That the Minutes of the meeting of the Bayside Traffic Committee held 3 May 2017 be confirmed.

The Convenor advised the Committee that the above recommendations of 3 May 2017 Meeting were adopted by Council on 10 May 2017 except item BTC17.69 - Preddy's Road in front of Angelo Anestis Aquatic Centre – Proposed 'Bus Zone' and 'No Stopping' restrictions, as follows:

- 1 That approval be given to the installation of 'No Stopping' restriction along the eastern kerbline of Preddy's Road between Canonbury Grove and Angelo Anestis Aquatic Centre Car Park driveway.
- 2 That approval be given to the installation of a bus zone at the existing bus stop in Preddy's Road in front of Angelo Anestis Aquatic Centre Car Park.
- 3 That approval be given to the installation of 'No Stopping, 9pm -5am' restriction in the car park area north of No. 98 Preddy's Road.
- 4 That a Council officer meet with the affected residents who live in close proximity of 98 Preddy's Road, Bexley North to better understand their needs and whether there is any practical solution available regarding the positioning of signage.
- 5 That after consultation with the affected residents, a further report be submitted to the Traffic Committee for consideration, if relevant.

## **3 Disclosures of Interest**

There were no disclosures of interest.

## **4 Reports**

**BTC17.76 No. 69 Caroline Street, Kingsgrove**  
**Proposed 'Works Zone, 7am – 6:30pm, Mon – Fri and 8:30am-3:30pm, Sat' restriction**

Committee recommendation

That approval be given to the installation of 19m of 'Works Zone, 7am- 6:30pm, Mon – Fri and 8:30am - 3:30pm, Sat' restriction in front of No. 69 Caroline Street, Kingsgrove, for a duration of 5 weeks subject to relevant conditions.

**BTC17.77      Cook Street with Reede Street and Victoria Street, Turrella  
Proposed 'No Stopping' restrictions and lane line marking on the  
crest.**

Committee recommendation

- 1      That approval be given for the installation of regulatory traffic signs and line marking at the intersection of Cook Street and Reede Street;
  - a)      13.5m "No Stopping" restrictions along the northern kerbline of Cooke Street west of Reede Street
  - b)      13.5m double barrier line on Reede Street western approach
  - c)      10m double barrier line east in Cook Street east of Reede Street
  - d)      13.5m "No Stopping" restrictions along the northern kerbline of Reede Street north of Cook Street
  - e)      'Give Way' priority control sign and line marking on Reede Street northern approach
- 2      That approval be given for the installation of regulatory traffic signs at the intersection of Cook Street and Victoria Street:
  - a)      10m "No Stopping" restrictions along the eastern and western kerbline of Victoria Street, south of Cook Street.
  - b)      40m "No Stopping" restrictions along the southern kerbline of Cook Street, east of Victoria Street in the split-elevated section, south of Cook Street.
  - c)      10m "No Stopping" restrictions along the northern kerbline of Cook Street, east of Victoria Street in the split-elevated section.
- 3      That approval be given to re-aligning centre lines of Cook Street between Reede Street and Victoria Street;
  - a)      25m realigned double barrier centre line in Cook Street west of Victoria Street intersection
  - b)      25m L1 broken lane line marking between Reede Street and Victoria Street to allow 2.3m parking lane on the southern kerb lane and 2.8m trafficable lane width for each direction.

**BTC17.78      Nos. 15-17 Gertrude Street, Wolli Creek  
Proposed 'Works Zone, 7am – 6.3:30pm, Mon – Fri and 8:30am –  
3:30pm, Sat' restriction.**

Committee Recommendation

That approval be given to the installation of 10.75m of 'Works Zone, 7am- 6:30pm, Mon – Fri and 8:30am - 3:30pm, Sat' restriction in front of Nos. 15 -17 Gertrude Street, Wolli Creek, for a duration of 68 weeks, subject to relevant conditions.

**BTC17.79      Gertrude Street and Levey Street intersection, Wolli Creek  
Proposed 'No Stopping' restrictions associated with the  
roundabout**

Committee Recommendation

That approval be given for the signposting of "No Stopping" restrictions at the intersection of Gertrude Street and Levey Street on all approaches to the roundabout, Wolli Creek, as follows:

- 1      Along the eastern kerb line of Levey Street, north of northern kerb line of Gertrude Street
  - from 0m to a point 10m – retain existing 'No Stopping' restriction area
  - From 10m to 16m – proposed 'Motorbikes Only' parking area
  - from 16m northward – retain existing parking
- 2      Along the eastern kerb line of Levey Street, south of northern kerb line of Gertrude Street
  - From 0m to a point 34m – proposed 'No Stopping' restriction
  - From 34m southward – retain existing parking
- 3      Along the western kerb line of Levey Street south of Gertrude Street
  - From 0m to a point 16m – proposed 'No Stopping' restriction
  - From 16m southward – retain existing parking
- 4      Along the southern kerb line of Gertrude Street west of Levey Street
  - From 0m to a point 32m – proposed 'No Stopping' restriction
  - From 32m westward – retain existing parking
- 5      Along the northern kerb line of Gertrude Street west of Levey Street
  - From 0m to a point 30m – proposed 'No Stopping' restriction
  - From 30m westward – retain existing parking
- 6      Along the western kerb line of Levey Street north of Gertrude Street
  - from 0m to a point 25m – proposed 'No Stopping' restriction
  - from 25m northward – retain existing 2P parking

**BTC17.80      Levey Street and Innesdale Road, Wolli Creek  
Proposed changes to parking restrictions outside 18, 32-34, 36-42  
Levey Street.**

Committee Recommendation

- 1      That approval be given for the signposting of the following restrictions along the northern kerblines of Innesdale Road as follows:

- a. From 0m to a point 21m – ‘No Stopping’ restriction in conjunction with the new pedestrian/ bicycle refuge island in Innesdale Road west of Marsh Street.
  - b. 21m-36m – existing driveway crossings for apartments
  - c. 36m-55m – 19m ‘2P 6am-10pm’ parking restriction
  - d. 55m-65m – retain existing 10 ‘No Stopping’ restriction
- 2 That approval be given for the signposting of the following restrictions along the eastern kerbline of Levey Street as follows:
- a. 0-11m – retain existing ‘No Stopping’ restriction.
  - b. 11m-40m – 29m remove ‘Work Zone 7am-6:30pm Mon-Fri 8am-3:30pm Sat’ and replace with ‘2P 6am-10pm’ parking restriction
  - c. Outside number 18 and 32-34 Levey Street – remove 22m ‘Work Zone 7am-6:30pm Mon-Fri 8am-3:30pm Sat’ restriction and replace with ‘2P 6am-10pm’ parking restriction.

**BTC17.81 Meriel Street and Lawson Street, Sans Souci  
Proposed 13m ‘No Paring’ restriction along kerbline.**

Committee Recommendation

That approval be given for the installation of 13m ‘No Stopping’ restrictions along the southern kerbline of the bend in Lawson Street and Meriel Street, Sans Souci.

**BTC17.82 Parliament Terrace and Bayview Street, Bardwell Valley  
Proposed change of priority control from Give Way to Stop and double barrier lines**

Committee Recommendation

That approval be given to the provision of additional traffic safety measures at the intersection of Parliament Terrace and Bayview Street as follows:

- 1 Replace the existing GIVE WAY with STOP priority control on both approaches of Bayview Street.
- 2 Paint 10m double centre lines on both approaches of Bayview Street.

**BTC17.83 Preddy’s Road in front of Angelo Anestis Aquatic Centre  
Proposed ‘Bus Zone’ and ‘No Stopping’ Restrictions**

Committee Recommendation

- 1 That approval be given to the installation of ‘No Stopping’ restriction along the eastern kerbline of Preddy’s Road between the common boundary of Nos. 98A and 98B Preddy’s Road and Angelo Anestis Aquatic Centre Car Park driveway.



- 2 That approval be given to the conversion of GIVE WAY to STOP priority control in Canonbury Road approach to Preddy's Road.

**BTC17.84      Production Avenue, Kogarah, east of Rocky Point Road  
Proposed 12m 'Loading Zone, 7am-6pm Mon-Sat' restriction**

Committee Recommendation

That approval be given for the installation of following parking restrictions on the northern kerb line of Production Avenue, Kogarah:

- 1 From 0m to a point 10m – retain existing 'No Stopping' restriction
- 2 From 10m to 125m retain existing parking
- 3 From 125m to 137m – Proposed 12m 'Loading Zone, 7am-6pm Mon-Sat'
- 4 From 137m eastward – retain existing parking

**BTC17.85      Ramsgate Road, Ramsgate Beach east of the Club carpark exit  
Proposed 6m 'No Stopping' restrictions**

Committee Recommendation

That approval be given to the installation of 6m "No Stopping" restrictions east of the Ramsgate RSL Club car park exit along southern kerblines of Ramsgate Road, Ramsgate beach, west of Chuter Avenue, as follows:

- 1 From 0m to a point 24m – retain existing 'No Stopping' restriction
- 2 From 24m to 85m – retain parking
- 3 From 85m to 70m – proposed 'No Stopping' restriction
- 4 From 70m westward – retain existing parking

**BTC17.86      Tenterden Road/Margate Street/Luff Street Intersection, Botany  
Proposed 'No Stopping' restrictions**

Committee Recommendation

- 1 That approval be given for the installation of 'No Stopping' signs along Margate Street to highlight the 10m and 20m 'No Stopping' restrictions
- 2 That approval be given for the installation of 'No Stopping' signs to highlight the 10m 'No Stopping' restrictions on the northern kerb line and 17m on the southern kerb line in the western approach of Tenterden Road to Margate Street/Luff Street.

**BTC17.87      Waratah Street and Botany Road intersection, Botany  
Proposed 10m statutory 'No Stopping' sign-posting**

Committee Recommendation

- 1      That approval be given for the installation of 'No Stopping' signs on all corners of the intersection of Waratah Street and Botany Road, Botany, to highlight the 10m statutory 'No Stopping' restrictions.
- 2      That Roads and Maritime Services be requested to install 'No Stopping' signs in Botany Road at Waratah Street as Botany Road is a state road.

**BTC17.88              West Botany Street and Bermill Street, Rockdale  
Proposed 10m 'No Parking 9pm – 5am' along the southern kerbline  
of Bermill Street and 8.03m concrete median island**

Committee Recommendation

- 1      That approval be given for the installation of following parking restrictions along the southern kerbline of Bermill Street, east of West Botany Street, Rockdale:
  - a.      From 0m to a point 10m – retain existing 'No Stopping' signs to reinforce the statutory 10m 'No Stopping' restrictions
  - b.      From 10m to 20m install 'No Parking, 9pm-5am' restriction to facilitate delivery of fuel between the hours of 9pm and 5am only. The driveway in Bermill Street will be closed off during day times.
  - c.      From 20m eastward retain existing parking restrictions
- 2      That approval be given for the construction of a 8m concrete median island in West Botany Street subject to compliance with Roads and Maritime Service Technical Directions.

**BTC17.89      Nos. 7-13 Willis Street, Wolli Creek  
Proposed 'Works Zone, 7am – 6:30pm, Mon – Fri and 8:30am –  
3:30pm, Sat' Restriction**

Committee Recommendation

That approval be given to the installation of 35m of 'Works Zone, 7am- 6:30pm, Mon – Fri and 8:30am - 3:30pm, Sat' restriction in front of Nos. 7- 13 Willis Street, Wolli Creek, for a duration of 26 weeks, subject to relevant conditions.

## **5 GENERAL BUSINESS**

**BTC17.90 General Business Session –Matters raised by members of the Bayside Traffic Committee – Additional Items**

**BTC17.91 The intersection of Sutherland street and King Street, Mascot  
Proposed provision of right turn facility raised by the State  
Member for Heffron.**

Committee Recommendation

That the Committee review the need for an exclusive right turn lane at the intersection of Sutherland Street and King Street, Mascot and provide details for a shared right turn north bound facility.

**BTC17.92 Intersection of Bourke Street and John Street Mascot  
Proposed 'No right Hand Turn' raised by State Member for Heffron  
(letter dated 20 March 2017 Ref: 17/29747, CRM 179653)**

Committee Recommendation

That this matter be investigated and the results of the investigation be brought back to the Bayside Traffic Committee at the next available meeting.

**BTC19.93 Notice of Motion of Recission – raised by State Member for  
Heffron- regarding the previous items BTC17.66 Garden Street and  
BTC17.65 Frogmore Street and Hollingshed Street –**

Committee Recommendation

That this information be received and noted. However, no actions will be carried out as there are no provisions under the Delegations from RMS to Councils to administer the Traffic Committee that State Member can appeal against the decision of Council.

The Convenor closed the meeting at 11.25am.

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## **Council Meeting**

**14/06/2017**

Item No	9.3
Subject	<b>Minutes of Local Representation Committee 7 June 2017</b>
Report by	Fausto Sut, Manager Governance
File	(R) SC17/195

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## **Council Resolution**

Minute 2017/107

Resolved by the Administrator:

That the Minutes of the Local Representation Committee of 7 June 2017 be received.

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## **Recommendation**

That the Minutes of the Local Representation Committee of 7 June 2017 be received.

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## **Present**

Greg Wright, Administrator  
Joe Awada  
Liz Barlow  
Ron Bezic  
Mark Castle  
Christina Curry  
George Glinatsis  
Mark Hanna  
Tarek Ibrahim  
Petros Kalligas  
James Macdonald  
Nicholas Mickovski  
Michael Nagi  
Shane O'Brien  
Peter Poulos  
Bill Saravinovski  
Lydia Sedrak  
Paul Sedrak  
Brian Troy  
Andrew Tsounis

## **Also Present**

Meredith Wallace, General Manager  
Fausto Sut, Manager Governance  
Karen Purser, Manager Community Capacity Building  
Luis Melim, Manager Development Assessment  
Lauren Thomas, Governance Officer

Stephen Kamper, MP – stayed until the end of the Priority Planned Precincts presentation.

The Administrator opened the meeting in the Level 2 Conference Room of the Rockdale Administration Centre, 2 Bryant Street, Rockdale at 7:10 p.m.

## **1 Acknowledgement of Traditional Owners**

The Administrator read the acknowledgement of traditional owners.

## **2 Apologies**

An apology was received from Greg Mitchell.

## **3 Minutes of Previous Meeting**

The Minutes of the Local Representation Committee Meeting held on 3 May 2017 be confirmed.

## **4 Disclosures of Interest**

There were no disclosures of interest.

## **5 Capital Works Update**

A hard copy of “Bayside Project Status Update March 2017” was provided to LRC members and the General Manager provided the following update on Capital Works:

- The Angelo Anestis Aquatic Centre was completed on budget and ahead of schedule. The official opening was held on 25 January 2017 and the facility opened to the public on Australia day.
- The Ramsgate Beach Town Centre is 85% complete, with the roundabout area and central plaza due for handover. Following this handover, the balance of the Eastern car park will commence, with the entire project anticipated to be complete by July 2017.
- Alfred street north car park - In April 2017, the Traffic Committee requested a preliminary design of the proposed car spaces be submitted at the next Traffic Committee meeting for their further consideration. Anticipated commencement for the design is winter 2017, pending Traffic Committee approval.
- The Mascot Childcare Centre building works are complete and an official opening is currently being organised by City Life.
- The Tender assessment for the Eastgardens Library and Customer Service has been completed and Council accepted the recommended tender on 25 May 2017. The contractor will commence work from 1 June 2017 for an anticipated completion in September. Library books and library and customer service staff will move in following practical completion.

- The Tender for Eastlakes Reserve Upgrade Works was advertised on 30th May and is anticipated to close on 20th June 2017.
- Cahill Park Playground Stage 1 Works commenced on site 18 April 2017 for an anticipated completion in September 2017 weather permitting.
- Intersection of Wentworth Avenue, Page and Baker Street is in concept design and at RMS approval stage.
- The tender for the design and construction of the Bicentennial Park Synthetic Field Project has been approved by Council and construction is anticipated to commence in August.
- The Botany Shops streetscape projects have been completed.
- Excell Street Drainage – the detailed design is currently being finalised.
- Emmaline Street Park Amenities building is under construction and is anticipated to be completed by end of June 2017.
- Pine Park Playground – The project has been transferred from City Infrastructure Team to Major Projects with handover scheduled early next week. The conceptual design and background information is currently being reviewed. The revised scope of delivery for the project will be written for approval by Executive.
- Mutch Park Skate Plaza - Design has been finalised. All other reports and documents for DA submission are currently being finalised. The DA will be submitted in June, pending sign off from landowner being Sydney Water.

The facility represents a unique style of plaza style skate elements, inspired by global and local precedents. The design is focused on participation, with provisions for all riders and skills levels. It also provides opportunity for the community to participate in the space beyond the skate function, with recreational grassland and landscaped spaces, lighting and integrated seating.

The skate facility has a footprint of approximately 1130sqm. The style of skate park - plaza style, is generally inspired by the elements and arrangements skateboards encounter in the urban environment and was determined to be the best fit for Pagewood's location and demographics.

The facility incorporates elements such as level changes, terraces, stairs, ledges, flat banks and quarter pipes as well as landscape and social integration. Plaza style allows skateboarders to discover and use the facility in their own way rather than dictating usage with more rigid elements such as ramps and pipes. They are also designed to be social spaces allowing broader social interaction and activities.

The project demonstrates Council's commitment to continue to improve facilities and services available to youth. Together with progressive design approach, best practice design principles and essential landscape elements, the facility will encourage community participation and social engagement whilst having the potential to cater for local youth events, competitions and learn to skate programs.

- Street trees Masterplan Civil Implementation - 6 streets were selected from the Street Tree Masterplan for an "in-road" planting proposal which comprises kerb side blister islands and/or median strip planted pocket islands containing trees and low shrubbery. The streets were selected from the Masterplan which recommended a

number of streets for "in-road" planting based on existing street characteristics that would support such an initiative such as road carriageway width and lack of, or constraints to, road verge/nature strip planting opportunities. "In-road" planting was a Masterplan strategy to increase the quantum of street tree planting and canopy cover throughout Council streets.

- The resident consultation period has closed. 420 letters were distributed inviting feedback for 6 streets. 113 submissions were received over 6 streets (27% response rate). The submissions are currently being reviewed.
- The Amenities Building at Scarborough Park, Monterey Street is under construction and is anticipated to be completed in June 2017.
- The Amenities Building at Scarborough Park, Barton Street is under construction and is anticipated to be completed in July 2017.
- The Amenities Building at Scarborough Park, Production Avenue – Detailed Documentation is underway with construction to commence in Spring 2017.
- The Amenities Building at Tonbridge Reserve – Detailed Documentation is underway with construction to commence in Spring 2017.
- Bexley Oval Amenities - Detailed Documentation is underway with construction to commence in Spring 2017.
- The Amenities building at Kyeemagh Boat Ramp Reserve – The concept design has been completed and detailed design is underway.
- The Amenities building at Depena Reserve – The concept design has been completed and detailed design is underway.
- The Amenities building at Scott Park – The concept design has been completed and detailed design is underway.
- Slade Road Reserve Playground Upgrade - Playground expected to be open to the public early July. All earthworks (excavation, regrading and restoration works) have been completed. Path networks completed. Playground equipment installed. Majority of turfing installed – waiting to be ready for ready use.
- Seaforth Park Improvements - tree removals progressing; footpaths underway; playground works commenced.
- Cook Park/ Robinson Street car park shared path diversion - off-road path completed; car park works completed; tree planting & turfing underway.
- Cook Park cycleway diversions - design on other diversions underway.
- Fraters Avenue Commuter Cycleway Diversion - Construction commenced 6 June 2017 and expected to be completed by July
- Jack and Jill ramp under construction expect to be open for use end June.
- Lena to Sanoni Cycleway is expected to commence end of June.
- Market Street Pedestrian Crossing - the pedestrian lighting is now operational.

- Slade and Hartill Pavement Restorations are now completed.
- Innesdale Road, Wolli Creek Refuge Island has now been constructed. Awaiting line-marking and signage for completion mid-June.
- Intersection of Abercorn and Kingsland Road, Bexley - intersection re-configuration - project about to commence mid-June.
- West Botany Street traffic islands - project to commence before end June.
- Crawford Road/O'Connell Street cycleway upgrade - issued for construction - expect mid-June.
- Renewable energy implementation - Works completed to upgrade 11 mercury vapour lights in the mechanics shed with LEDs. This will reduce the power consumption from the lights by 50%
- Natural Area Restoration - On ground works in natural areas have substantially commenced removing noxious and environmental weeds, supporting community Bushcare program and where appropriate undertaking plantings. Council has also purchased IT application to allow Council to map outbreak of noxious weed which will allow more effective weed control treatment and support Council's obligations under State Government legislation.
- Bardwell and Wolli Creek WSUD - Consultant engaged and developing priority site list for water sensitive urban design works.

BT: How are book returns being managed for the Eastgardens library? I used the returns slot to return my library book on time however, one-week later I received an email from the library advising me that my book was overdue.

MW: I will ask staff to investigate this and find out why this has happened.

CC: When will the works commence at Eastlakes Reserve?

MW: The works will commence well before September.

PS: What is the schedule of works for the Ramsgate Beach shops?

MW: The work is scheduled to end in July. There have been a number of setbacks. Council officers are having multiple meetings per week with tenants and the contractor.

PS: Will Council be seeking any compensation for the delay in works?

MW: The priority in the first instance is finishing the works.

PS: Have there been any incidents/accidents at the site.

MW: I understand there may have been some minor car incidents, though nothing that has been reported.

TI: What will be the cost of the works at Mutch Park?

MW: The money for that will come out of Section 94 funding and the budget allocation is \$2.2 million.



AT: In the "Bayside Project Status Update March 2017" it mentions that upgrades to the existing amenities at Cook Park were completed in July 2016. What was the upgrade as I don't think there has been any amenities upgrade.

MW: I will find out what specifically has been done and advise you when I have that information.

## **6 Planning Proposal for Cooks Cove**

The General Manager advised that Council now has a Project Plan that shows all of the elements and will have an indicative community proposal after the Council elections. A DA has also been submitted for the golf course and this is progressing.

The next steps for the planning proposal for Cooks Cove are as follows:

- The Deed of Agreement should be finalised by early June 2017.
- Once Deed has been finalised, RFQs will be sent out in June to early July 2017.
- A Project Manager and Assessment Consultants will be appointed in early-to-mid July 2017.
- An inception meeting/site visit with consultants, proponent etc. should happen in mid-July/late July at the absolute latest.

## **7 Operational Plan and Budget**

The Manager of Governance and Risk presented a summary of the Operational Plan and Budget as follows:

- The draft Operational Plan was submitted to the Extraordinary Meeting of Council on 25 May 2017
- The draft plan has been place on public exhibition and will conclude on 25 June 2017.
- It will be submitted back to Council at the Extraordinary meeting scheduled for 29 June 2017 for endorsement.
- The Operational Plan continues the work of the two former Councils

The Manager welcomed any preliminary feedback on the draft but no comments were received.

## **8 Update on Transition Plan Milestones**

The General Manager presented an overview of the progress in the last month for transition to Bayside Council. This is summarised as follows:

- Webcasting of our Council meetings, via Council's Facebook page, commenced in May. There were 300 views of the meeting on 10 May and 150 views of the meeting on 25 May. The first webcast of a Council meeting held in Rockdale Council Chamber will be Wednesday, 14 June.

- Bayside Council will be the first Council going to the Cloud with GovDC and this will commence over this June long weekend.
- The Hillsdale Community Centre refurbishment is underway and will be ready for Community Services staff to move in to in a couple of months.
- The State of the City Address was in May and 110 community members attended. We chose the Cooks River as the most central location we could find for the event. The "Bring Back Barton Park" representatives were the most vocal of groups in attendance. It was a very engaged audience with a number of questions put forward. Answers to all the questions raised will be put on the Council website.

GW: I would like to add that we received good feedback generally on the night and there was an even representation of people from each of the former Council areas.

- The implementation of the new Council structure is continuing with the direct and lateral transfer of every employee. No permanent staff member will be without a position. The union has been most cooperative.

BT: There was no easy public transport route available for the State of the City Address to residents of areas like Hillsdale.

KP: We investigated public transport options before settling on the Cooks River location and found that it was a 25-minute train ride from Mascot Station with a 5-minute walk.

MH: When I watched the Council meeting webcast, there was no vision of the public speakers.

MW: The webcast has two cameras – one focussed on the Administrator and Council staff and the other one focussed on the public speaker – this should create a split view on your computer screen. We also announce to those present at the meeting that the meeting is being broadcast on the web.

CC: Will youth groups still continue to operate out of Hillsdale Community Centre?

MW: Yes.

CC: Is there any plan to have another State of the City Address?

GW: Yes, it will be a six-monthly event.

Council's Manager of Development Assessment presented a PowerPoint presentation regarding the Department's announcement of 15 Priority Planned Precincts, two of them being in the suburbs of Bardwell Park and Turrella. Each of these two precincts straddle two local government areas. Council has received very little information about the proposals.

BS: Such a development would mean that a high concentration of people would be living around the stack, which we have previously been told is a health risk. The stack is not even properly filtered. Not one Council was consulted prior to this announcement.

GW: There is no community consultation or submission process as yet.

## **9 Results of the Bayside Council Design Logo Competition - Shortlist**

The Manager of Community Capacity Building advised members that this competition was advertised widely and Council received 79 individual entries. Prints of the finalists' entries, with each entrant's description of why they created the logo they did, were displayed around the walls of the meeting room and LRC members were asked to, at the conclusion of the meeting, examine the entries and place stickers on the entries they like the most. Shortlisted entrants would each receive a \$50 gift card.

## **10 Program of Events – Winter 2017**

Hard copies of the program of events for Winter 2017 were provided to members.

The Administrator also relayed to members a message that Council had received from Paul Snell, the Vice-President of the Arncliffe RSL Sub-Branch in regard to their ANZAC Day Service. The message read as follows:

*Veronica,*

*Thank you for your assistance in organising our Anzac Day Service. My past dealings with councils have not been the best of experiences but you made the journey painless and an enjoyable task.*

*Also could you please pass on the thanks from the Arncliffe Sub-Branch and Club Arncliffe members to Tarek Ibrahim for laying a wreath. Mr. Ibrahim represented the council in a very professional manner and acted with solemnity and respect at all times, a credit to the council.*

*Once again thank you to yourself and all other staff members who assisted us on the day.*

## **11 Action Items Review**

### **11.1 Action Items Review**

Answers were provided to Members, regarding questions that arose at the previous Local Representation Committee meeting, in the form of a report in the agenda.

## **12 Advice from Members on Local Issues**

MC: The former Botany Council had a Lionel Bowen Scholarship prize each year. Will that continue with Bayside Council?

GW: I assume that it will still proceed as we haven't ruled anything out.

BT: Do you know when the ICAC report is coming out?

GW: It will probably be in the third quarter of this year.

MW: Council is still receiving requests for information from ICAC. The ICAC Conference will be held in November this year and Operation Ricco will be featured in the programme.

- GG: Would there then be a recommendation to the DPP?
- GW: We will need to wait for the report.
- MW: ICAC have also asked Council what measures we have put in place to prevent this type of corruption from recurring.
- CC: Does Council have an after-hour's Ranger telephone number? There is no information regarding this on the Council website.
- MW: If you ring the main Council number you are redirected to the Rangers after hours number. However, we should make this very clear on the website.
- CC: Has there been a merging of the two former Council's LEPs?
- MW: It is specifically prohibited in the early stages of amalgamation. We've set aside \$1.5 million for this and the State Government should provide additional funds. The work is scheduled to commence in 2017/18 and 2018/19.
- MH: When I email Council with service requests, I usually send through several, one after the other. However, I only receive one auto response for the first email that I have sent. When I send each email on separate days, I receive a separate auto response for each individual email. And responses used to have standard text at the bottom of each message showing the response timeframes for more general matters. This no longer occurs. Can this be re-introduced?
- MW: I will investigate how the automatic reply system is set up and consider the standard text.
- MH: Long-term parking of trailers is becoming a big problem. Is there any reason why Council cannot move these vehicles?
- MW: There is a quite a degree of difficulty in moving on a registered trailer. The powers provided to Council by the State Government in regard to this are very weak. Council has to prove that the vehicle has not moved for 28 days.
- MH: Can Council consider reclaiming the Bexley car park?
- MW: I will ask for a report from to see what is being done to resolve the issues there.
- MH: The Heritage Conservation Area Plan went to public consultation. What's happening with this?
- MW: We'll get an update for you.
- LB: I see that the former Botany Council's financial statements were included on the Audit and Risk Committee agenda. Will Rockdale's financial statements be provided also?
- GW: The Auditor General provided an update on the former Botany Council audit and once this is finalised the information will be provided to Council. The former Rockdale Council financial statements have been provided.
- MN: The Wollongong Road shops are struggling. There is a loading zone there that is not used and this is affecting business.
- MW: I will ask the Traffic Committee to look at this matter.

MN: There are several issues around the Mosque relating to the issue of traffic infringement notices and the conduct of those issuing the notice.

MW: I will pass on that feedback to Council's Manager, Compliance. While Council cannot condone illegal behaviour on our road, our officers should be courteous at all times. I appreciate that it is a location where there simply isn't enough parking.

MN: I have previously complained about the leaf litter at Arncliffe Park that was not being picked up. It is building up again. Is there any update on this issue?

MW: This is a seasonal problem and staff have been instructed to periodically pick up the leaves. Now that the Autumn season is over and the trees will soon stop shedding their leaves, we will have another clean-up.

TI: The toilets at Bexley Oval are locked up too early. Can something be done about this?

MW: I will investigate this.

### **13 Date of Next Meeting**

The next Meeting of the Local Representation Committee will be held on Wednesday, 5 July 2017 and this will be the final meeting of the Bayside Local Representation Committee.

### **14 Meeting Close**

The Administrator closed the meeting at 8:30 pm.