

MEETING NOTICE

The **Ordinary Meeting** of
Bayside Council
will be held in the Rockdale Town Hall, Council Chambers,
Level 1, 448 Princes Highway, Rockdale
on **Wednesday 10 October 2018** 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 Minutes of the Council Meeting - 12 September 2018.....3
- 6 MAYORAL MINUTES**
 - 6.1 Mayoral Minute - Student Excellence Awards 17
- 7 PUBLIC FORUM**

Members of the public, who have applied to speak at the meeting, will be invited to address the meeting.

Any item the subject of the Public Forum will be brought forward and considered after the conclusion of the speakers for that item.
- 8 REPORTS**
 - 8.1 Mayoral Reception for Lebanese Dignitaries 18
 - 8.2 Alcohol-Free Zones and Alcohol-Prohibited Areas - Renewal.....20
 - 8.3 Stardust Circus - Request to Operate in Bayside LGA.....27
 - 8.4 Proposed Response to NSW Government Improving Certifier
Independence: Options Paper, October 2018.....39
 - 8.5 Bayside Advisory Committees - Review.....68
 - 8.6 Expenses & Facilities Policy72
 - 8.7 Pecuniary Interest Disclosure Returns..... 109
 - 8.8 Fees & Charges 2018/19 - Proposed Amendments 118

8.9	Statutory Financial Report for August 2018	123
8.10	Lady Robinson Beach Ramsgate - Beach Nourishment - Acceptance of Grant	130
8.11	Arncliffe Park Detention	132
8.12	Lighting the Way - LED Street Light Replacement Project	136
8.13	Tender - Operational Minor Works.....	147
8.14	Tender - Electrical and Plumbing Services Tender	151
8.15	Tender - Mattress Collection.....	154
8.16	Tender - Library Payment, Print Management and PC Booking System	157
8.17	Fire & Rescue Report - 3 Dalby Place Eastlakes	160
9	MINUTES OF COMMITTEES	
9.1	Minutes of the Botany Historical Trust Meeting - 6 August 2018	166
9.2	Minutes of the Community Services & Library Committee Meeting - 13 August 2018	170
9.3	Minutes of the Community Relations Committee Meeting - 20 August 2018	173
9.4	Minutes of the Risk & Audit Committee Meeting - 23 August 2018	176
9.5	Minutes of the Sport & Recreation Committee Meeting - 27 August 2018....	181
9.6	Minutes of the Brighton Le Sands Working Party Meeting - 29 August 2018	188
9.7	Minutes of the Sport & Recreation Committee Meeting - 17 September 2018	191
9.8	Minutes of the Bayside Floodplain Risk Management Committee Meeting - 19 September 2018	197
9.9	Minutes of the Planning Committee Meeting - 24 September 2018.....	200
9.10	Minutes of the Bayside Traffic Committee Meeting - 3 October 2018.....	203
10	NOTICES OF MOTION	
10.1	Notice of Motion - Access Ramp Near President Avenue at Lady Robinsons Beach	210
11	QUESTIONS WITH NOTICE	
12	CALL FOR RESCISSION MOTIONS	

The meeting will be video recorded and live streamed to the community via Council's Facebook page, in accordance with Council's Code of Meeting Practice.

Meredith Wallace
General Manager

Council Meeting

10/10/2018

Item No	5.1
Subject	Minutes of the Council Meeting - 12 September 2018
Report by	Michael Mamo, Director City Performance
File	SF17/2829

Officer Recommendation

That the Minutes of the Council meeting held on 12 September 2018 be confirmed as a true record of proceedings.

Present

Mayor, Councillor Bill Saravinovski
Deputy Mayor, Councillor Joe Awada
Councillor Liz Barlow
Councillor Ron Bezic
Councillor Christina Curry
Councillor Tarek Ibrahim
Councillor Petros Kalligas
Councillor James Macdonald
Councillor Ed McDougall
Councillor Scott Morrissey
Councillor Vicki Poulos
Councillor Dorothy Rapisardi
Councillor Paul Sedrak
Councillor Andrew Tsounis

Also Present

Meredith Wallace, General Manager
Michael McCabe, Director City Futures
Debra Dawson, Director City Life
Michael Mamo, Director City Performance
Colin Clissold, Director City Presentation
Bruce Cooke, Acting Manager Governance & Risk
Liz Rog, Manager Executive Services
Matthew Walker, Manager Finance
Samantha Urquhart, Manager Property
Vincenzo Carrabs, Head of Communications & Events
Ian Vong, IT Support Officer
Anne Suann, Governance Officer

The Mayor opened the meeting in the Council Chambers, Rockdale Town Hall, Level 1, 448 Princes Highway, Rockdale at 7.04 pm.

The Mayor informed the meeting, including members of the public, that the meeting is being video recorded and live streamed to the community via Council's Facebook page, in accordance with Council's Code of Meeting Practice.

1 Acknowledgement of Traditional Owners

The Mayor affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 Opening Prayer

Father Vlado Nedeski from the Macedonian Orthodox Church of St Petka in Rockdale opened the meeting in prayer.

3 Apologies

8.13 Leave of Absence - Councillor Michael Nagi

RESOLUTION

Minute 2018/190

Resolved on the motion of Councillors Poulos and Macdonald

That Councillor Michael Nagi's request be received and leave of absence granted for the period 18 August 2018 to 29 September 2018 inclusive.

There were no other apologies received.

4 Disclosures of Interest

Councillor Tsounis declared a Less than Significant Non-Pecuniary Interest in Item 6.3 on the basis that a family member is a member of the Hellenic Lyceum Sydney, and stated he would remain in the Chamber for consideration and voting on the matter.

Councillor Tsounis declared a Less than Significant Non-Pecuniary Interest in Item 8.2 on the basis that he is a member of the AHEPA organisation, and stated he would remain in the Chamber for consideration and voting on the matter because he is not in the Executive Committee of that organisation.

Councillor Curry declared a Less than Significant Non-Pecuniary Interest in Item 8.5, on the basis that she sits on the board of Clubs NSW which is the association for all clubs, and stated she would leave the Chamber for consideration and voting on the matter.

5 Minutes of Previous Meetings

5.1 Minutes of the Council Meeting - 8 August 2018

RESOLUTION

Minute 2018/191

Resolved on the motion of Councillors Tsounis and Curry

That the Minutes of the Council Meeting held on 8 August 2018 be confirmed as a true record of proceedings.

5.2 Matters Arising from Previous Minutes

A The Big Dry Drought Appeal (Item 6.1, Minute No. 2018/168)

The Mayor reported that his challenge to Sydney metropolitan Councils to support the drought appeal is a resounding success. So far, nine Councils have contacted him to pledge their support to our state's farmers and six Councils confirm a donation of over \$5,000. As promised Bayside is adding another \$1,000 for each pledge over \$5,000, bringing our total donation so far to \$11,000.

The Mayor thanked the following Councils for their donations:

- Woollahra Council
- Cumberland Council
- City of Canada Bay
- Camden Council
- City of Sydney Council , and
- Georges River Council

Another three Councils informed the Mayor that they're in the process of raising funds for our farmers:

- Fairfield City Council
- North Sydney Council
- Randwick Council

The Mayor looks forward to hearing back from these Councils soon with confirmation of generous donations.

B Call for Motions and Nominations for Councillor Attendance at Local Government NSW Annual Conference, Albury NSW (Item 8.8, Minute No. 2018/176)

Councillor Curry advised the meeting that, due to work commitments, she will be unable to attend the Local Government NSW Annual Conference in Albury on 21 – 23 October 2018, and she would like to withdraw her nomination.

Presentations

A Presentation from St George Football Association Special Needs Program, the St George Warriors

Penny Hancock and players from St George Football Association Special Needs Program, the St George Warriors, presented the Mayor, representing the Council, and Councillors with the soccer ball used for the inaugural match on the synthetic turf at Ador Avenue Reserve.

B Certificate of Recognition – Mohamed Humayon Chowdhury and Family

The Mayor, Councillor Saravinovski, accompanied by the Member for Rockdale, Mr Stephen Kamper MP, and the Honourable Shaoquett Moselmane MLC, presented a Certificate of Recognition to Mohamed Humayon Chowdhury and his family from Kakadu Kimberly Fashion Weara Pty Ltd, trading as 7 Eleven, in West Botany Street, Rockdale in recognition of their outstanding contribution to the Bayside community through their excellent customer service.

6 Mayoral Minutes

6.1 Mayoral Minute - No Cruise Ships in Port Botany

- Ms Maria Poulos, interested resident and representing Save the Bay Coalition, speaking for the Officer Recommendation, addressed the Council.
- Mr Bill Burst, interested resident and representing Save the Bay Coalition, speaking for the Officer Recommendation, addressed the Council.

RESOLUTION

Minute 2018/192

Resolved on the motion of Councillors Saravinovski and Tsounis

That Council calls on the State Government to reject Botany Bay as a destination for cruise ships and that the Government looks for other, more viable options.

6.2 Mayoral Minute - Bayside Council Successful in Local Environmental Plan Development Funding Application

RESOLUTION

Minute 2018/193

Resolved on the motion of Councillors Saravinovski and Ibrahim

- 1 That Council accepts the \$2.5 million funding from the State Government to help with the preparation of Bayside's Local Environmental Plan, subject to a review of the funding agreement.
- 2 That the General Manager is authorised to sign the funding agreement, under delegation.
- 3 That Council requests that the State Government returns planning and decision making for Turrella and Bardwell Park back to Council as part of the preparation of Bayside's Local Environmental Plan.
- 4 That in relation to the request regarding Turrella and Bardwell Park, Council writes to the Member for Rockdale asking for his support.

6.3 Mayoral Minute - Greek Costumes

Councillor Tsounis had previously declared a Less than Significant Non-Pecuniary Interest.

RESOLUTION

Minute 2018/194

Resolved on the motion of Councillors Saravinovski and Tsounis

- 1 That Council provides temporary storage space within AMAC House, Botany, for the Hellenic Lyceum Sydney to store their traditional costumes and historical artefacts for up to two years. It is anticipated that their new premises in Bexley will be ready for occupation within that timeframe.
- 2 That Council agrees to waive any hire fee or charges.

The Mayor, Councillor Saravinovski, accompanied by the Member for Rockdale, Mr Stephen Kamper MP, and Councillor Tsounis, presented a framed copy of the Mayoral Minute to the Hellenic Lyceum Sydney representatives.

7 Public Forum

Details associated with the presentations to the Council in relation to items on this agenda can be found in the individual items.

8.1 Cook Cove - Trust Lands

- Mr Rasmus Torkel, interested resident, speaking for the Officer Recommendation (previously spoke at the Bayside Planning Panel on 14 August 2018), addressed the Council.
- Ms Wendy Aylward, interested resident, speaking for the Officer Recommendation (previously spoke at the Bayside Planning Panel on 14 August 2018) addressed the Council.
- Ms Margaret Blackmore, interested resident speaking for the Officer Recommendation, addressed the Council.

RESOLUTION

Minute 2018/195

Resolved on the motion of Councillors Ibrahim and Tsounis

- 1 That Attachments 7, 8, 9 and 10 to this report be withheld from the press and public as they are confidential for the following reason:

With reference to Section 10A(2)(g) of the Local Government Act 1993, these attachments contain advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. 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.

- 2 That Council as trustee cannot advance the current Planning Proposal to re-classify the Trust Lands without a conflict of duty arising and that Council awaits a formal response from the Attorney General as detailed in the body of this report.
- 3 That Council engages with the relevant parties, including The Attorney General and RMS to explore the re-constitution of the 'Trust Lands' to exclude the road, post the RMS use of the 'Trust Lands'.

8.7 Planning Proposal - 8 Princess St, Brighton Le Sands

Mr James McBride, consultant from Ethos Urban on behalf of the applicant, speaking for the Officer Recommendation, addressed the Council.

RESOLUTION

Minute 2018/196

Resolved on the motion of Councillors Tsounis and Macdonald

- 1 That Council does not support the draft planning proposal submitted for 8 Princess Street, Brighton Le Sands.

- 2 That this site be reviewed during the development of the new Bayside Local Environmental Plan.

Division on planning matter

For: Councillors Tsounis, Saravinovski, Kalligas, Sedrak, Morrissey, Curry, Rapisardi, Ibrahim, Poulos, McDougall, Macdonald, Bezic, Barlow and Awada

The Motion was carried.

**BTC18.134 – Minutes of the Bayside Traffic Committee Meeting –
5 September 2018 - Hattersley Street (north), Arncliffe - Proposed
extension of the existing resident parking scheme**

Ms Michele Nettlefold, interested resident, speaking for the Committee Recommendation, addressed the Council.

RESOLUTION

Minute 2018/197

Resolved on the motion of Councillors McDougall and Tsounis

- 1 That endorsement be given to the extension of the existing resident parking scheme in Hattersley Street from south of Subway Road to north of Subway Road along the eastern kerb line of residential properties. The signage is '2P 8.30 am-6.00 pm Mon-Fri 8.30 am-12.30 pm Sat, Permit holders excepted, Area RCD'.
- 2 That endorsement be referred to Roads and Maritime Services to approve as this area is within 1km radius of Rockdale Railway Station.

8 Reports

8.2 Proposed Lease To Order of AHEPA NSW Inc - 72 Laycock Street, Bexley North

Councillor Tsounis had previously declared a Less than Significant Non-Pecuniary Interest.

RESOLUTION

Minute 2018/198

Resolved on the motion of Councillors Kalligas and Tsounis

- 1 That Council, in its capacity as land owner, endorses the revised proposal for 72 Laycock Street, Bexley North, for the replacement of the existing building as outlined in Annexure 4 to this report.

- 2 That a further report be submitted which tables the proposed lease terms and design documentation, including a detailed program, costings and demonstrating AHEPA's financial capacity to deliver the proposed works.
- 3 That three months after Council resolves to progress the lease, AHEPA are required to lodge a development application for the site as proposed.

8.3 Lease Matter - 9 Ador Avenue, Rockdale

RESOLUTION

Minute 2018/199

Resolved on the motion of Councillors Barlow and Tsounis

- 1 That the attachments to this report be withheld from the press and public as they are confidential for the following reason:

With reference to Section 10A(2)(d)(i) of the Local Government Act 1993, the attachment contains 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.

- 2 That Council rejects the current offer to lease 9 Ador Ave, Rockdale, (tabled at Annexure 3) proposed by St Mark Coptic Orthodox Church and to discontinue discussions for a lease with St Mark Coptic Orthodox Church over the subject site;
- 3 That Council notifies St Mark Coptic Orthodox Church that Council has rejected their current lease proposal for 9 Ador Avenue, Rockdale;
- 4 That a further report be submitted to Council by no later than December 2018 tabling options for the site, informed by comprehensive condition reports and associated cost plans.

8.4 Lease matter - Kyeemagh RSL & Community Club, St George & Randwick Hockey Club

Councillor Curry was absent for the voting on this item.

RESOLUTION

Minute 2018/200

Resolved on the motion of Councillors McDougall and Macdonald

- 1 That Attachments 1 and 2 to this report be withheld from the press and public as they are confidential for the following reason:

With reference to Section 10A(2)(d)(i) of the Local Government Act 1993, the attachment contains 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.

- 2 That Council endorses a lease agreement to the St George Randwick Hockey Club over the Hockey Facility within the former licensed area of the Kyeemagh RSL and Community Club, subject to Section 47 of the Local Government Act 1993
- 3 That Council endorses an Expressions of Interest campaign for the remainder of the area formerly licensed to the Kyeemagh RSL and Community Club, namely the club house.
- 4 That a further report be submitted to Council following the Expressions of Interest campaign.

8.5 Bayside Local Environmental Plan and Development Control Plan - Community Engagement Framework

Councillor Curry had previously declared a Less than Significant Non-Pecuniary Interest, and left the chamber for consideration of, and voting on, this item.

RESOLUTION

Minute 2018/201

Resolved on the motion of Councillors Tsounis and Bezic

That Council endorses the draft Community Engagement plan for the development of Bayside's Local Strategic Planning Statement, Local Environment Plan and Development Control Plan.

8.6 Post-Exhibition Report: Planning Proposal - 3 Macquarie Street & 3A Maloney Street, Rosebery (The Lakes Hotel)

Councillor Curry returned to the meeting.

RESOLUTION

Minute 2018/202

Resolved on the motion of Councillors McDougall and Morrissey

- 1 That Council acknowledges that no submissions were received during the public exhibition process.
- 2 That Council, in accordance with Section 3.36(2) of the Environmental Planning & Assessment Act 1979, exercises its delegation and makes the Local Environmental Plan amendment, as exhibited, for 3 Macquarie Street and 3A Maloney Street, Rosebery.

Division on planning matter

For: Councillors Tsounis, Saravinovski, Kalligas, Sedrak, Morrissey, Curry, Rapisardi, Ibrahim, Poulos, McDougall, Macdonald, Bezic, Barlow and Awada

The Motion was carried.

8.8 Bad Debts Write-Off for Uncollectable Debts Relating to the Bayside Council as at 30 June 2018

RESOLUTION

Minute 2018/203

Resolved on the motion of Councillors Tsounis and Barlow

That the outstanding bad debts relating to Bayside Council as at 30 June 2018, totalling \$71,747.00 (GST Inclusive) be written off as uncollectable.

8.9 Statutory Financial Report for July 2018

RESOLUTION

Minute 2018/204

Resolved on the motion of Councillors Tsounis and Macdonald

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

8.10 Request for Financial Assistance - Botany District Music Association

RESOLUTION

Minute 2018/205

Resolved on the motion of Councillors Morrissey and Curry

- 1 That Council approves financial assistance of \$5,000 to the Botany District Music Association for the Botany Bay Band.
- 2 That Council notes that the Botany Bay Band will be paid to deliver between 6 to 8 performances for Council per annum to ensure its ongoing financial sustainability.

8.11 Request for Support by the Organisation of Hellene and Hellene-Cypriot Women of Australia

RESOLUTION

Minute 2018/206

Resolved on the motion of Councillors Tsounis and Poulos

- 1 That Council provides support for this event under its Financial Policy to a value of \$1,000.
- 2 That Councillors interested in attending the annual fundraising event be confirmed.

8.12 Disclosure of Interest Return

RESOLUTION

Minute 2018/207

Resolved on the motion of Councillors Tsounis and Barlow

That the information be received and noted.

8.14 5 Lindsay Street Rockdale - Fire Order

RESOLUTION

Minute 2018/208

Resolved on the motion of Councillors Macdonald and Tsounis

- 1 That Report Reference number BFS 18/568 (8000002915) dated 11 July 2018, forwarded on behalf of the Commissioner of Fire and Rescue NSW, be tabled at Council's meeting as required by Part 9.3 Sch.5 Part 8 (17), of the Environmental Planning and Assessment Act 1979.
- 2 That Council notifies Fire & Rescue NSW of Council's actions in relation to this matter.

9 Minutes of Committees

9.1 Minutes of the Bayside Traffic Committee Meeting - 5 September 2018

RESOLUTION

Minute 2018/209

Resolved on the motion of Councillors McDougall and Barlow

That the Minutes of the Bayside Traffic Committee meeting held on 5 September 2018 be received and the recommendations therein be adopted with the exception of Items BTC18.134 (discussed during Public Forum) and BTC18.136.

**BTC18.136 – Minutes of the Bayside Traffic Committee Meeting –
5 September 2018 - High Street, Carlton - Proposed 10m 'No Parking' and
29m 'P15min 3pm-7pm Mon-Fri'**

RESOLUTION

Minute 2018/210

Resolved on the motion of Councillors Barlow and Tsounis

That approval be given for the installation of following parking restrictions along the eastern kerbline of High Street, north of Carlton Parade at the applicant's cost:

- 1 0-10m – retain existing 'No Stopping'
- 2 10-35m – Proposed 25m 'P15 min, 3 pm - 7.00 pm Mon-Fri'

**9.2 Minutes of the Bayside Floodplain Risk Management Committee
Meeting - 20 June 2018**

RESOLUTION

Minute 2018/211

Resolved on the motion of Councillors Barlow and Awada

That the Minutes of the Bayside Floodplain Risk Management Committee meeting held on 20 June 2018 be received and the recommendations therein be adopted.

10 Notices of Motion

Nil

11 Questions With Notice

Councillor Morrissey asked the following question:

The pedestrian crossing on Botany Road, at the intersection with Wilson Street, Botany remains one of the most dangerous crossings in the area and it is only a matter of time before a pedestrian is killed. Many locals, including myself, know of others who have been seriously injured.

Can officers please update Council on what representations have been made to Roads and Maritime Services (RMS) in relation to the pedestrian crossing on Botany Road at the corner of Wilson Street, Botany.

What response has RMS provided to Council, and what actions, if any, have been or will be taken?

Can Council notify the Local Members of Parliament and ask them to make representations on behalf of Council?

Petitions

Councillor Morrissey tabled a petition containing 1,978 names, which he has received from Tim Clifford, calling on Council to prohibit any hiring of parks, reserves and other Council facilities to circuses which include trained wild animals in their performances, such as elephants, lions, monkeys, and foreign and native animals being used for entertainment outside of their natural habitat.

12 Confidential Reports

Notwithstanding the report was confidential, this item was considered in Open Council.

12.1 Sydney Airport Corporation Limited (SACL) - rate equivalent payments in lieu of rates

RESOLUTION

Minute 2018/212

Resolved on the motion of Councillors Morrissey and Tsounis

- 1 That Council receives and notes this report.
- 2 That Council grants the General Manager delegated authority to finalise and execute the appropriate form of deed of agreement and deed of settlement.
- 3 That a new internally restricted cash reserve titled 'Community and Environmental Projects reserve' be established for the purposes outlined in this report. Also, that \$1 million be allocated annually to this reserve from future payments received in association with the annual payment by Sydney Airport Corporation Limited (SACL) as part of their rate equivalent payment. This annual amount allocated to the reserve is to be indexed annually in future years in line with the approved rate pegging limit currently set by the Independent Pricing and Regulatory Tribunal (IPART) for the applicable financial year.
- 4 That a Memorandum of Understanding (MOU) or equivalent instrument be drafted for Council approval which outlines how suitable projects are to be funded from the newly created 'Community and Environmental Projects reserve' in consultation with SACL and the provisions for co-promotional opportunities of the agreed projects.

13 Call For Rescission Motions

There were no Rescission Motions lodged at the meeting.

The Mayor closed the meeting at 8:44 pm.

Councillor Bill Saravinovski
Mayor

Meredith Wallace
General Manager

Attachments

Nil

Council Meeting

10/10/2018

Item No 6.1
Subject **Mayoral Minute - Student Excellence Awards**
File SF17/2681

Motion

That the Bayside Council Student Excellence Award Program for 2018 be implemented, providing \$200 to each school located within the Bayside Local Government Area.

Mayoral Minute

Councillors,

I am pleased to announce the 2018 Bayside Council Student Excellence Award Program.

The program is offered to schools within the Bayside Local Government Area and provides \$200 to each school to reward and encourage a deserving student or students who have made a significant and positive contribution to their school community.

Bayside has 31 primary schools and 9 high schools. Each of these schools will receive \$200 and have discretion in selecting the student or students to be the recipients for 2018. The \$200 can be divided amongst several students and turned into an appropriate prize or gift card for educational purposes.

School principals will be individually contacted seeking their presentation date/times for Mayor and/or Councillor representation and attendance to present the award(s).

Fellow Councillors, I look forward to continuing to grow strong relationships with all schools in the Bayside Local Government Area.

Attachments

Nil

Council Meeting

10/10/2018

Item No 8.1
Subject **Mayoral Reception for Lebanese Dignatories**
Report by Kylie Gale, Coordinator Events
File F17/1234

Summary

This report seeks financial support to host a Mayoral Reception for the newly appointed Ambassador for Lebanon and the Consulate General of Lebanon.

Officer Recommendation

That Council provides the total cost of \$8,500 of Financial and in-kind support to host a Mayoral Reception for the Ambassador for Lebanon and the Consulate General of Lebanon.

Background

Council has received a request to host and provide financial support for a Mayoral Reception for the Ambassador for Lebanon and the Consulate General of Lebanon to welcome both newly appointed officials to Australia.

The Lebanese community represents 5% of the total Bayside Community, making it the 5th largest community by ancestry in the Bayside Council area* .

The event is proposed for the 26 November 2018 at 6pm, to be held in Rockdale Town Hall.

The proposed event will include performance of both the Australian and Lebanese National anthems by local students, ceremoniously acknowledging both national flags and speeches by Local, State and Federal representatives along with foreign dignitaries.

It is expected that this Reception will attract 150 - 200 persons, commencing at 6:00pm and ending at 8.00pm.

The Mayoral Reception will require financial support as follows:

Item	Cost
Catering (200 @ \$35p/p)	\$7,000
Town Hall fee waive	\$760
Table Cloth hire	\$150
Caretaker and Event staff	\$540
Invitations	\$50
Total	\$8500

**ID Profile 2016*

Financial Implications

Additional funds required ☒ NA

Community Engagement

Not applicable

Attachments

Nil

Council Meeting

10/10/2018

Item No	8.2
Subject	Alcohol-Free Zones and Alcohol-Prohibited Areas - Renewal
Report by	Debra Dawson, Director City Life
File	F18/681
Duration	15 minutes

Summary

A review of the eight Alcohol-Free Zones and related Alcohol-Prohibited Areas within the Bayside Local Government Area identified that four zones and two areas needed renewal during 2018. This report outlines the process to re-establish these zones and areas.

Officer Recommendation

- 1 That Council endorses the proposal to re-establish the four Alcohol-Free Zones and two Alcohol-Free Areas identified in this report.
 - 2 That Council undertakes a public Consultation process as required by Section 644A of the Local Government Act 1993 and consults with the Local Area Commander of Police.
 - 3 That Council considers the establishment of the Alcohol-Prohibited Areas and Alcohol-Free Zones at a future meeting and takes into account the position of the police and any issues raised in consultation.
-

Background

Alcohol-Free Zones (AFZ) and Alcohol-Prohibited Areas (APA) are designed to prevent drinking in public areas like streets and footpaths, public parks and reserves. They also help to address alcohol related crime including disorderly behaviour in public places.

These zones and areas are part of a community safety program, which should also include better lighting, implementation of community safety by design principles, the use of CCTV as well as strategies to populate and enliven dark and unsafe spaces. A proposal to establish these zones would be supported by evidence from the police and community that the public use of these spaces has been compromised by street drinkers.

The AFZ and APA are established under various sections of the Local Government Act 1993. Currently the AFZ (streets) and APA (parks) allow for confiscation and disposal of alcohol and related fines by police. Zones are designed to prevent people who are drinking from moving from licensed premises into surrounding streets or from congregating in public areas while drinking. The APA is often used to address congregation of drinkers in parks. They both provide police with the capacity to intervene early when alcohol is being consumed in these places.

A review of the eight zones and areas in Bayside identified four, which have expired or are expiring in 2018.

The process for establishing or renewing an existing AFZ or APA requires endorsement by Council to go to exhibition to the community. Relevant businesses, licensed premises, community organisations and residents will be advised during the exhibition. NSW Police must give their support. The zone or area can then be established after taking feedback into account and subject to final Council endorsement. The consultation with community and police should determine whether the areas and zones are necessary.

The APA at Sir Joseph Banks Reserve will be structured to restrict alcohol consumption between sunset and sunrise as per previous arrangements. It is not proposed to set a time limit on the zones and on Lever Street Reserve, which means these will apply for 24 hours every day throughout the year. The zones and areas will be limited to a period of 4 years and they are outlined below.

Alcohol-Free Zone Prohibited Area	Establishment Date	Streets
Alcohol-Free Zone 1: Public Roads in the vicinity of the Lakes Hotel, Rosebery:	Established 2004. Current Period: 2014-2018. Due for renewal in 2018	The block bounded by: <ul style="list-style-type: none"> • Macquarie Street (East side). • Gardeners Road (South side between Macquarie and Maloney). • Maloney Street (west side between Gardeners Road and Want Street). • Want Street (North side between Macquarie Street and Maloney Street).



Alcohol-Free Zone Prohibited Area	Establishment Date	Streets
<p>Alcohol-Free Zone 2:</p> <p>Public Roads in the vicinity of the Captain Cook Hotel and the Waterworks Hotel, Botany.</p>	<p>Established 2005.</p> <p>Current Period: 2014-2018.</p> <p>Due for renewal in 2018.</p>	<ul style="list-style-type: none"> • Botany Road (between Hickson Street and Hale Street). • Chegwyn Street. • Bay Street: (between Ivy Street and Chegwyn Street). • Hale Street (North side between Botany Road and Chegwyn Street). • The Botany Public Car Park. • Banksia Street (between Botany Road and James Bourke Place). • Edward Street (between Botany Road and James Bourke Place). • James Bourke Place. • Nilsson Lane. • Rose Street. • Ivy Street. • Daphne Street (between Botany Road and Ivy Street).



Alcohol-Free Zone Prohibited Area	Establishment date	Streets
<p>Alcohol-Free Zone 3:</p> <p>Public Roads in the vicinity of the Newmarket Hotel, Rosebery and an Alcohol-Prohibited Area in Lever Street Reserve.</p>	<p>Established 2010.</p> <p>Current Period: 2014-2018.</p> <p>Due for renewal in 2018.</p>	<p>The block bounded by:</p> <ul style="list-style-type: none"> • Botany Road (East side) • Rolfe Street (North side). • Middlemiss Street (West side). • Gardeners Road (South side). • Tramway Street. • Lever Street.



Alcohol-Free Zone Prohibited Area	Establishment date	Streets
Alcohol-Free Zone 4: Public Roads adjacent to Sir Joseph Banks Park, Botany and an Alcohol-Prohibited Area affecting Sir Joseph Banks Park, Botany.	Established 2014 Latest period: 2015-2016. Due for renewal in 2016.	<ul style="list-style-type: none"> • Tupia Street (between Anniversary Street and Sir Joseph Banks Park). • Anniversary Street. • Waratah Road (between Anniversary Street and Sir Joseph Banks Park). • Fremlin Street (between Anniversary Street and Sir Joseph Banks Park).



Financial Implications

Not applicable	<input type="checkbox"/>	
Included in existing approved budget	<input checked="" type="checkbox"/>	Signage exists and a small cost for modification will apply.
Additional funds required	<input type="checkbox"/>	

Community Engagement

Community engagement will occur after Council endorsement to go to exhibition and will be reported back to Council.

Procurement

Not applicable	<input checked="" type="checkbox"/>
Applicable – procurement method	<input type="checkbox"/>

Attachments

Nil

Council Meeting

10/10/2018

Item No	8.3
Subject	Stardust Circus - Request to Operate in Bayside LGA
Report by	Debra Dawson, Director City Life
File	SC18/57

Summary

The Sport and Recreation Advisory Committee of 16 July 2018 considered a request from Stardust Circus to operate in the Bayside Local Government area during the June/July 2019 school holiday period.

The Sport and Recreation Committee of 16 July 2018 referred the matter to the 8 August 2018 meeting of Council recommending that Council consider the broader issue of supporting a circus operation in the local area.

Council determined that the matter be referred to a General Manager briefing with representatives of Stardust Circus invited to attend. An invitation was also extended to the head petitioner who had provided a petition against the circus, organised through change.org.

Following this briefing, the original recommendation of the Sport and Recreation Committee is referred to Council for determination.

Officer Recommendation

- 1 That Council receives and notes this supplementary report on the request by Stardust Circus to operate in the Bayside area.
 - 2 That Council acknowledges the petition created on change.org calling for circuses that include animal performances to be banned.
 - 3 That Council supports the original request from Stardust Circus to operate in the Bayside Local Government Area.
 - 4 That Council supports the use of Bicentennial Recreation Park prior to the F6 Motorway commencement of works as the location for Stardust Circus in 2019.
-

Background

The Sport and Recreation Advisory Committee of 16 July 2018 considered a request from Stardust Circus to operate in the Bayside Local Government area during the June/July 2019 school holiday period.

The circus has previously operated in Bayside at Cahill Park Wolli Creek for more than 10 years. The ability to operate in this location was precluded last year by the upgrade to Cahill Park and with the installation of a permanent new playground, this location is no longer an

option. Bicentennial Recreation Park has been proposed as an alternative location for 2019 until the F6 Motorway works commence.

The Sport and Recreation Committee of 16 July 2018 referred the matter to the 8 August 2018 meeting of Council recommending that Council consider the broader issue of supporting a circus operation in the local area, and that if agreed in principle, a site visit be arranged to determine the professionalism of the Stardust operation.

Council determined that the matter be referred to a General Manager briefing with representatives of Stardust Circus invited to attend.

On 11 September 2018, a petition consisting of 2139 signatures, collected through change.org by local resident Tim Clifford was sent to the General Manager.

The General Manager briefing was held on 19 September 2018. Representatives of Stardust Circus were invited and the organiser of the petition, Tim Clifford was also invited to present the results of his petition.

Adam St James from Stardust Circus attended and presented details of the circus operating model, their positive track record and evidence that the circus possessed all the necessary licensing and approvals through relevant authorities.

Tim Clifford was unable to attend however analysis of the petition undertaken by Council's community engagement staff showed that of the 2139 signatures collected, 1505 were from outside Australia. 22 were Bayside residents.

Financial Implications

Not applicable	<input checked="" type="checkbox"/>
Included in existing approved budget	<input type="checkbox"/>
Additional funds required	<input type="checkbox"/>

Community Engagement

As detailed above the, the Circus has operated in Bayside for 10 years, has been well attended and has received very limited negative feedback from residents.

The global petition again circuses, organised by a local resident, has resulted in 22 responses from Bayside residents.

Attachments

- 1 Sport & Recreation Committee dated 16/7/18 - Stardust Circus - New Locations [↓](#)
- 2 Stardust Circus Presentation [↓](#)

Bayside Council

Serving Our Community

Sport & Recreation Committee**16/07/2018**

Item No 5.5
Subject **Circus - New Locations**
Report by Sue Matthew, Coordinator Sports and Recreation
File SC18/57

Summary

Stardust Circus (established in the early 1990s) is a circus that tours in remote towns and larger cities all around Australia from January to late November.

The circus was established by the Lennon and West families, two circus families with tradition going back to the late 19th century. It is a very traditional form of circus, featuring animals and a wide variety of circus arts such as tumblers, solo trapeze, acrobats, teeter board, aerial silks, cloud swing, flying trapeze and clowns. Animals include liberty horses (performing dressage without rider and on signals alone), monkeys, Welsh mountain liberty ponies, lions and dogs.

This report is to gauge support of the Sports & Recreation Committee for the Circus to return to Bayside Council at an alternative location.

Officer Recommendation

That the Sport and Recreation Committee

- 1 That the Sport & Recreation Committee supports the operation of Stardust Circus in Bayside Council Local Government Area.
- 2 That the Sport & Recreation Committee supports the use of Bicentennial Recreation Park prior to the F6 Motorway Extension Stage One commencement of works.

Background

Stardust Circus have operated once a year at Cahill Park, Wolli Creek. Cahill Park was recently upgraded with the installation of a new playground at the site located on Princes Highway, Wolli Creek and as a result, impacted the ability to hold the Stardust Circus on this site.

Stardust Circus entry fees range from \$25 - \$35 for children over 3 years and over and \$35 - \$45 for adults. The Circus generated about \$28,000 per annum income for Council in fees and charges for the hiring of the site and access to power.

Council has been recently approached by Stardust Circus to explore the possibility of operating within the Bayside Council Local Government Area - Western side. The Company advised that they have been receiving a number of enquiries from the Wolli Creek Community on when they would be returning to the area.

Item 5.5

1

Sport & Recreation Committee

16/07/2018

Council have received a number of petitions over the years that the Circus operated for, from the wider community concerned with their operation model and their perceived cruelty to animals performing in their show.

Stardust Circus require large open space, access to ample parking, electricity and water to meet their operating model of entertainment.

Council have explored a number of potential sites to meet their requirements and support the return of Stardust Circus to Bayside Council.

The proposed sites are consideration are;

- Bicentennial Recreation Park - Kogarah
- Firmstone Gardens – Arncliffe

Bicentennial Recreation Park would be the most suitable in the short term pending the F6 Motorways Extension Stage One commencement of works. Bicentennial Recreation Park meets all the requirements including; parking, electricity and water facilities to support the successful operation of the Stardust Circus at Bayside Council.

Firmstone Gardens has been considered as another potential site for the Stardust Circus, however, minor works would be required to facilitate access to electricity to support their operation. Firmstone Gardens is currently an open space with a small children's playground. The park forms part of the Cook Cove development and offers a potential site for relocation of sporting fields in the future.

Attachments

- 1 Bicentennial Recreation Park Map
- 2 Firmstone Gardens Map

Exotic Animals FAQs

We love our animals. They are part of our family and part of our identity as a circus. Their safety and comfort is of the utmost importance to us and we are dedicated to their care from birth, throughout their performing years and into retirement.

Our animal enclosures are set up in full view of the public. Every day, many people visit the circus lot just to view our animals from outside our security fencing. We are also regularly inspected by the RSPCA and have always been praised on the conditions of our animals and the quality of their living quarters. Each of our animals receives the very best in veterinary care and every member of our circus treats them with love and respect.

We understand that some people may have questions about our animals and below are some answers to these frequently asked questions.

To peruse the official codes for Australian circuses exhibiting animals please see <http://www.dpi.nsw.gov.au/agriculture/livestock/animal-welfare/exhibit/circus>

Exotics: Our lions at Stardust Circus

Where do our lions come from?

Our lions come from the same breeding stock that, until recently, also supplied Australian zoos. Maasai, Zaire, Zimbi, Nairobi, Hulk and Akita are all 21-generations captive bred here in Australia. No animal at Stardust Circus has been sourced directly from the wild. In fact, there has not been an animal sourced directly from the wild for any Australian circus since 1963.

Our lions are truly part of our circus family. They grow up in our caravans surrounded by our children and our other pets. In play sessions, they eat out of their trainer's hands and roll on the ground with him as if he is a member of their pride. These majestic animals are far from wild; they are very comfortably conditioned to their life here at Stardust Circus.

How are lions suited to circus life?

Similar to their domesticated cousins, lions can sleep for up to 20 hours a day. Our big cats enjoy sunning themselves, preening their coats and having lazy wrestling matches with each other. As carnivores, their instinct is to preserve energy until the next hunt. They are relaxed animals and have moderate exercise needs. Circus life suits a lions' mental and physical needs, allowing them lots of time to sleep and rest while still stimulating their minds and bodies with performances, training and play with their handlers.

Lions are also the only cat species to live in social groups (called 'prides'). In the wild, they live in prides to increase their potential for survival. At Stardust Circus, we house our lions together – replicating this natural grouping and encouraging them to form their own pride.

How are the lions trained?

ALL of our animals here at Stardust Circus are trained by positive reinforcement. We reward good behaviour by treats and verbal praise. The lions' treat of choice is chicken breast. We ONLY use this method of training on our animals. Our lions enjoy training and performing (you can hear them roaring with excitement before each performance) because they know they will be receiving their favourite tasty titbit. Other than these regular treats, the lions receive 3 healthy meals a week of fresh meat with vitamin supplement. This feeding schedule matches the inconsistent diet of wild lions that eat only after successful hunts.

When you watch our lions, indeed all our animals, in the ring, you can see that they enjoy performing and that they have a positive bond with their trainers.

What kind of acts are the lions performing?

During the lion act, the lions perform actions that their bodies naturally produce, for example: standing, walking and jumping. The lions never have to face any situation that may disturb or scare them. They are conditioned to people and audiences from when they are cubs, appearing in front of audiences in the arms of their trusted handlers.

What happens to the lions when they are too old to keep performing?

Stardust Circus lions are retired to a private property here in Australia. Their purpose-built enclosures are 540m² and, for their safety and comfort, they are housed only with their pride, their lifelong travelling and performing companions from Stardust Circus.

How big are the lions' enclosures?

Australian circus has a very strict code of practice for the exhibition of circus animals. It is set by the multiple concerned organisations: New South Wales State Government, the RSPCA, Taronga Zoo and the Australian Circus Federation (<http://www.dpi.nsw.gov.au/agriculture/livestock/animal-welfare/exhibit/circus>). We always ensure that our lions' outdoor enclosures are at least 5 times larger than the legal size requirements. Stardust Circus lions have a full semi-trailer as their indoor enclosure. This semi-trailer doubles as their traveling wagon and is fitted out with elevated bedding, a reverse cycle air conditioner and heaters – providing the

lions a comfortable, climate-controlled area to relax in. For the lions' safety, we also enclose them in this area a period of 7 hours during the night.

How are our lions transported?

During travel, the comfort and well being of all our animals is of primary importance. On travel day, the animal yards are the very last item to be packed away prior to departure and the very first item to be set up on arrival. When showing in Sydney (where the circus tours most regularly) the approximate length of travel for the lions is 1 hour. The lions travel inside a dedicated semi-trailer that is fitted out for their safety and, since it doubles as their indoor enclosure, is comfortable and familiar to them. Our lions are well adjusted to travel, having been on the road with the circus since they were very young. They enjoy looking out their windows at the passing scenery and often surprise passing motorists with their curious gazes.

Stardust Circus and conservation

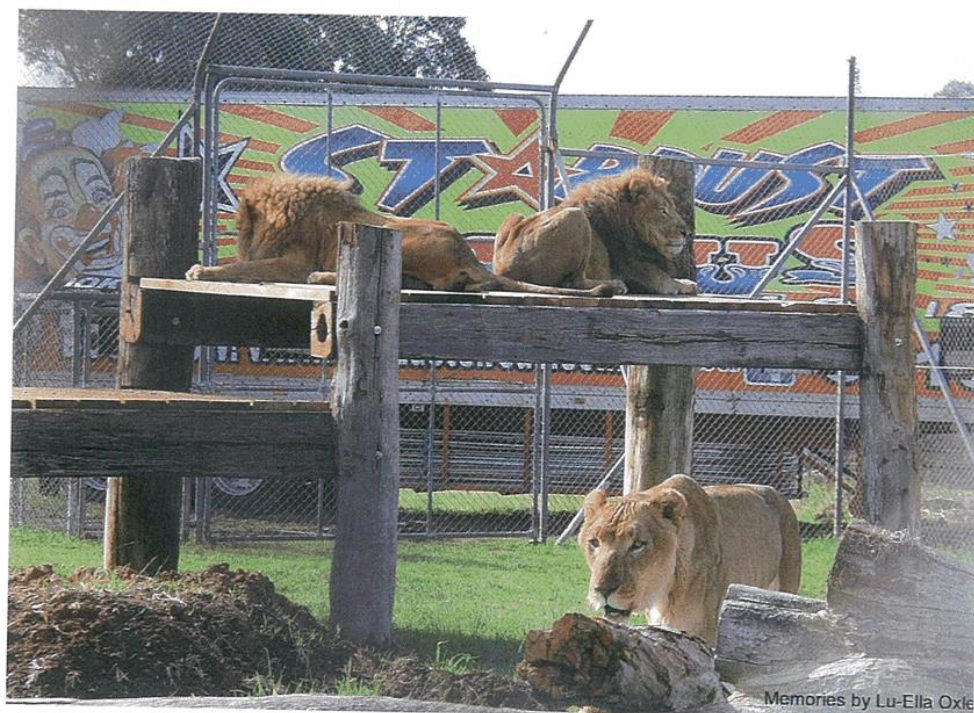
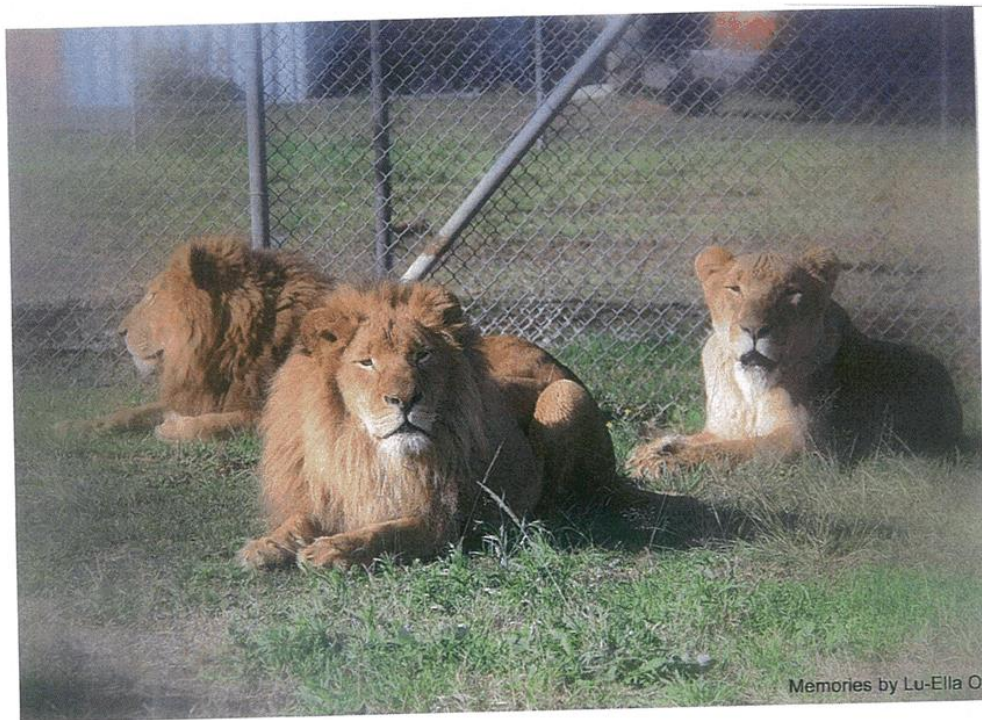
We understand that not all lions are as comfortable and safe as our ones. The lion is listed as vulnerable on the World Conservation Union's (IUCN's) Red List of Threatened Animals. The West African subspecies, the Senegal lion, may be extinct within 10 years, with only around 400 of the species left.

We are looking to create a relationship with a lion-related charity to educate the circus-going public about the African lions' plight and while raising funds for this charity. Each show, our ringmaster will make a speech after the lion act detailing the situation of the lion and the work of the charity. At this point, we will collect money directly from the public (this is a system we have previously used, with great success, for local charities). We would also position collection boxes at our canteen to encourage patrons to donate to your foundation. Any banners or advertising that you can offer us will be displayed in our foyer tent.

The charities that we have approached are – Panthera: leaders in wild cat conservation, Maasai Wilderness Conservation Trust, and the African Wildlife Foundation.











Council Meeting

10/10/2018

Item No	8.4
Subject	Proposed Response to NSW Government Improving Certifier Independence: Options Paper, October 2018
Report by	Michael McCabe, Director City Futures
File	F13/294

Summary

The NSW Government commenced a review of the Building Professional Act (BP Act) 2005 back in 2014. This Act regulates accredited certifiers. The review found that the current Act was not achieving its policy objectives and required legislative change, as well as exposing a range of issues relating to the administration of the Act.

As a result of the review, legislation was overhauled to rewrite the BP Act, which resulted in the creation of the Building and Development Certifiers Bill (the Bill). This Bill was introduced to Parliament in the second half 2017.

The Bill was publicly exhibited to the 4 September 2018 and comments were reviewed by NSW Fair Trading. Subsequently the **Improving Certifier Independence: Options Paper** (Options Paper) is currently open to public consultation until 30 October 2018 (refer Annexure 1).

The Options Paper discusses thresholds for developments for class 2 to 9 buildings above three storeys with a total floor area greater than 2000m² and is valued at more than \$5 million or more. Where a development meets either of these criteria, NSW Fair Trading have recommended that a scheme be implemented to select a private certifier via 1 of 3 options being considered:

- 1 The Rotation Scheme.
- 2 The Cab Rank Scheme
- 3 The Time Limit Scheme

The aim is to ensure certifiers working with the same client for extended period of times do not form a relationship which may impair the certifier's ability to remain independent, resulting in substandard development or incomplete developments available to the public.

Page 25 of the Options Paper provides a summary of questions for comment. It is recommended that Council prepare a submission responding to the 25 questions.

Officer Recommendation

- 1 That Council prepare a submission to NSW Fair Trading responding to the Improving certifier Independence: Options Paper
- 2 That Council authorise the General Manager to prepare and lodge the submission based on the body of this report.

Background

The NSW Government's review of the BP Act 2005 resulted in some 150 recommendations, where the NSW Government supported 72 of the recommendations of the report in full or part. One of those recommendations relating to overhauling the legislation was to rewrite the BP Act, which resulted in the Bill being introduced to the Parliament in the second half 2017.

The Bill:

- Clarifies certifier's roles and responsibilities
- Improves the independence of certifiers
- Tightens licensee probity requirements
- Improves complaint handling and disciplinary procedures for certifiers
- Modernises, updates and streamlines the structure and administration of the Act.

The Bill also requires the Environmental Planning and Assessment Act 1979 to be amended to allow for the introduction in the alternative appointment process for principal certifying authorities to support certifier independence.

The Bill was publicly exhibited to the 4 September 2018 and comments were reviewed by NSW Fair Trading after which they developed an "Options Paper". This Paper is open to public consultation until 30 October 2018.

The Options Paper discusses thresholds for developments that are class 2 to 9 buildings above three storeys with a total floor area greater than 2000m² and is valued at more than \$5 million or more. Where a development meets either of these criteria, NSW Fair Trading have recommended that a scheme be implemented to select a private certifier via 1 of 3 options being considered:

"Option 1: The rotation scheme.

This option involves the establishment of an eligibility list with certifiers who are selected at random from the list, similar to a lottery system.

Option 2: The cab rank scheme

This option involves the establishment of an eligibility list where the next available certifier would be appointed to work on a development that met the thresholds, similar to a cab rank.

Option 3: The time limit scheme

This option involves enforcing a limit on the amount of time a certifier can continually work for the same client, and would require the certifier to take a three-year break from the client after a certain period."

The Options Paper also discusses the role of local councils in the appointment of certifiers. It advised that Council will maintain their current role as a "public certifier" as well as the role in 'providing community services and enforcing building, construction and environment laws.' The question was raised that should Councils have a role in the appointing or allocating of private certifier to projects. The Options paper advised that Council currently has no role in

this as it would be considered a conflict of interest in that Councils are competing with private certifiers for projects.

It is recommended that Council prepare a submission to NSW Fair Trading responding to the Options Paper based on the following points:

- The Paper does not provide enough detail for Council to fully understand the impact, if any, of the options on Council as a 'public certifier'.
- It should be clarified that Council acting as a "public certifier" is not required to go into the rotation or cab rank to compete for projects, noting that Council staff are not remunerated directly by clients of the public certification service and therefore not subject to the same pressures on their independence.
- It should be made clear that developers can use Councils at any time and not be restricted as to how many times they use Council as a certifier.
- No discussion is given as to who will regulate the selection process of certifiers, and how transparency will be maintained? Who will adjudicate when a developer advises that the designated certifier is unsuitable?
- It is recommended that a mandatory review process be introduced at the construction certificate stage and before the issue of occupation certificate, and that a certificate of compliance be obtained from Council (at a fee) certifying that the "private certifier" has, complied with the requirements of the consent and building codes and the certificate can be release. This provides an independent review of the application and ensures that no occupation certificate is released before the building is complete and fit for habitation.
- The scheme should apply to all forms of developments. Council receives numerous complaints for small applications done by private certifiers not complying with the conditions of consent, signing off on applications where variations have occurred that should have been a S4.55 application, landscaping, driveways, payments of fees not completed etc. One system across the board creating equity for all private certifiers.

Financial Implications

Not applicable



Community Engagement

Nil

Attachments

Improving Certifier Independence - Option Paper [↓](#)

Improving Certifier Independence: **Options Paper**

October 2018



Improving Certifier Independence – Options Paper

Table of Contents

Making a submission.....	3
Introduction.....	4
The importance of maintaining certifier independence.....	6
The role of the local council in the appointment of certifiers.....	9
Options for consideration.....	11
Option 1: The rotation scheme.....	14
Option 2: The cab rank scheme.....	18
Option 3: The time limit scheme.....	22
Appendix A.....	25

Improving Certifier Independence – Options Paper

Making a submission

Interested organisations and individuals are invited to provide a submission on the Options Paper or any matter relevant to improving certifier independence.

Submissions can be made by email with any documents that are provided to be produced in an 'accessible' format. Accessibility is about making documents more easily available to those members of the public who have some form of impairment (visual, physical, cognitive). Further information on how you can make your submission accessible is contained at <http://webaim.org/techniques/word/>.

Please forward submissions by email to: BDCBill2018@finance.nsw.gov.au

The closing date for submissions is close of business 30 October 2018.

We invite you to read this paper and provide comments. You can download the Options Paper and the proposed *Building and Development Certifiers Bill 2018* from www.fairtrading.nsw.gov.au and www.bpb.nsw.gov.au.

Printed copies can be requested from NSW Fair Trading by phone on (02) 9895 0791.

Important note: release of submissions

All submissions will be made publicly available. If you do not want your personal details or any part of your submission published, please indicate this clearly in your submission together with your reasons. Automatically generated confidentiality statements in emails are not sufficient.

You should also be aware that, even if you state that you do not wish certain information to be published, there may be circumstances in which the Government is required by law to release that information (for example, in accordance with the requirements of the *Government Information (Public Access) Act 2009*).

Interpretation note

Any reference to Part 4A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is simultaneously taken to be a reference to Part 6 of the EP&A Act which commences from 1 September 2019. The key provisions relating to building regulation and certification, currently contained in Part 4A, will be consolidated into Part 6 of the EP&A Act when it commences.

Improving Certifier Independence – Options Paper

Introduction

Building certification involves the independent checking and approval of building work in accordance with the relevant consent, the National Construction Code, applicable Australian Standards and other legislative requirements. The certification process is an integral part of the building and construction sector in NSW, and is essential to managing risks to safety, health, amenity and sustainability of the design and performance of buildings.



Submissions to the 2015 Independent Review of the *Building Professionals Act 2005* (the Independent Review), also known as the Lambert Review, raised concerns about certifiers and the potential for conflicts of interest to impact upon the integrity of their work. This is an important issue because certifiers are entrusted with providing a public function. The community has a right to expect that certifiers will provide services without prejudice, and that the decisions they make are robust and independent.

In its response to the Independent Review, the NSW Government committed to several measures to improve the independence of certifiers. A number of reforms were introduced into the *Environmental Planning and Assessment Act 1979* (the EP&A Act), many of which commenced in March 2018.

For example, amendments were introduced to require principal certifying authorities (PCA) to issue directions for a non-compliance with an aspect of the development in certain circumstances. This provision of the EP&A Act is yet to commence, and details about

certifier directions are currently being developed. Amendments to the EP&A Act also introduced complying development 'stop work' provisions, which will allow councils to stop work on a complying development site for up to seven days to investigate complaints.

The NSW Government is focused on ensuring that certification and complying development processes continue to deliver substantial community benefits and that there is strong public confidence in the system. A number of reforms are contained in the draft *Building and Development Certifiers Bill 2018* (the Bill) which was released in August 2018 for public consultation. Reforms include extending the scope of the conflict of interest provisions, strengthening contract requirements and increasing regulatory oversight.

The changes in the Bill seek to support and improve overall independence, and the NSW Government recognises that more could be done to enhance the appointment of certifiers, particularly private certifiers.

Council certifiers and private certifiers are both responsible for certifying developments to ensure that there is compliance with relevant building and planning laws. While there are independence risks that can arise for both private and council certifiers, the risks are considered greater for private certifiers due to the challenge of managing a for-profit business against their duty to act as a public official.

Improving Certifier Independence – Options Paper

This Options Paper explores the possibility of introducing new methods of appointment for private certifiers, by rotating who is available to be used for a specific development, to minimise the opportunities for these certifiers to face pressures that could compromise their ability to act in the public interest.

This paper describes thresholds (including if the development is a Class 2 to 9 building above three storeys with a total floor area greater than 2,000 square meters and is valued at more at \$5 million or more), that, if met, would require the development to be subject to one of the rotation options considered by this paper. These thresholds are intended to capture and apply to developments where there is the greatest complexity and potential risk to consumers.

This paper seeks feedback on whether any one of the three options described below could be introduced for developments that fall within the proposed thresholds:

Option 1: The rotation scheme

This option involves the establishment of an eligibility list with certifiers who are selected at random from the list, similar to a lottery system. Under this option, if the development met the required thresholds, three eligible certifiers would be randomly selected and provided to the developer. As part of this process the developer would be able to appoint any one of the certifiers as the PCA and engage with each in a way that would occur in the ordinary course of business (e.g. by seeking quotes or comparing services).

Option 2: The cab rank scheme

This option involves the establishment of an eligibility list where the next available certifier would be appointed to work on a development that met the thresholds, similar to a cab rank. The developer would be allocated one certifier in chronological order on a 'next-in-line' basis. The appointed certifier would have an obligation to accept any work that they were competently trained and qualified to undertake.

Option 3: The time limit scheme

This option involves enforcing a limit on the amount of time a certifier can continually work for the same client, and would require the certifier to take a three-year break from the client after a certain period. During the three-year break, the certifier would be permitted to engage and work with any other client before commencing work for the same client again.

Each of these options are designed to work cohesively with the reform measures contained in the draft Bill and aim to support and enhance the independence of certifiers.

This paper also considers the existing role of local councils in the appointment of PCAs and examines whether local councils should have any role in the appointment process for higher risk developments.

Improving Certifier Independence – Options Paper

The importance of maintaining certifier independence

In NSW, certifiers are regulated by the EP&A Act. That Act prescribes the functions and duties of certifiers, while the *Building Professionals Act 2005* (the BP Act) creates accreditation schemes and generally regulates their professional conduct (including conflicts of interest).

A unique characteristic of private certifiers is that they are considered 'public officials' under the *Independent Commission Against Corruption Act 1988* and 'public authorities' under the *Ombudsman Act 1974*. Such statutory functions, and the specific requirements under the BP Act, highlight the criticality of certifiers performing their role in manner that is both objective and impartial.



A certifier's role

Certifiers are responsible for inspecting building work at critical stages, certifying compliance with various laws and issuing compliance certificates. There are 24 categories of accredited certifier, each category requires specific knowledge, skills, qualifications and experience in the construction sector.

Certifiers play a crucial role in the development and construction system by providing checks and balances at key stages of development, and supporting the work of other building practitioners to ensure that building work complies with approvals, codes and standards.

While all building practitioners who work on a construction project have an important role to play in the compliance and quality of building work, certifiers have a unique role in that they are required to carry out inspections at key points to ensure that the work of all parties is compliant at each stage of the process.

These checks and balances can help to identify defects and non-compliances before completion and occupation of a building. As rectification of defects can be costly, and 'prevention is better than cure', it is important that certifiers play a part in avoiding later, higher costs to industry and consumers from rectifying problems once the building is occupied.

How certifiers are appointed

Under the EP&A Act, the person with the benefit of the development consent has the right to appoint the PCA. The PCA can be the local council or a private certifier. In the case of a 'consumer-led' development the appointee will usually be the property owner. Although a builder cannot appoint a certifier themselves, often they will suggest a choice of certifier. A consumer may accept a builder's suggestion (or specifically ask for it) because they are not confident in making in their own decision or unaware of their right to choose (incorrectly assuming it is the builder's role).

In cases where a development is being undertaken by a developer, the benefit of the development consent is often with the developer, who, in accordance with the EP&A Act, has the right to select the PCA. However, unlike consumer-led developments, the developer often transfers ownership of the development to one or more other parties once the project is complete. For example, the

Improving Certifier Independence – Options Paper

developer sells the units in a newly built strata scheme to individual consumers. This means that the person that ultimately has the benefit of the development consent (i.e. the consumer or purchaser of the development once complete) is not involved in the decision to appoint the PCA and is unable to advocate for their own interests and ensure any conflicts of interest are avoided or managed. This is the case even where a number of units in the development have been sold 'off the plan' as the owners corporation of the strata scheme has not yet been formed and is not able to exert any influence over the selection process at that time.

Potential for conflicts of interest in certification work

Payments to a private service provider for a public regulatory function

Despite the existing provisions in the BP Act and the proposed Bill, there are community concerns about certifiers, particularly private certifiers, being unduly influenced by the builders and developers they work for, given the certifier is being paid by the same party that they are supposed to be independently overseeing.

The role provided by a certifier has the potential to be affected by the inherent conflict that exists between maintaining a private certifier's regulatory responsibilities and fulfilling their own commercial interests. In some circumstances, certifiers can become reliant on the same entities for work (e.g. builders, developers or owners) and these financial relationships may, over time, impact on the ability for the certifier to make impartial decisions. This is particularly the case where the decision of the certifier may result in a substantial negative impact on one of the parties involved. For example, a delay in issuing an occupation certificate for a development would limit a developer's ability to complete the sale of the units in the development. In this regard developers may have an incentive to place pressure on the certifier to issue of certificates to help protect the profitability of the development.

A builder, owner or developer may not appreciate that part of a private certifier's role is to act in an independent manner and be responsible for ensuring that certain work complies with relevant building and planning legislation. There may be an expectation that because the certifier is being paid by the owner (or other party), that they are working for them and therefore have an obligation to ensure that the client's desired outcomes or timeframes are achieved. While this may not always be the case, this perception can result in undue pressure being placed on the certifier to allow for unlawful variations in the building's design or result in an occupation certificate being wrongly issued.

These pressures may become more pronounced where a certifier continues to work for the same client over a long period of time. In these situations, there may be a higher risk that a certifier will not identify non-compliances, particularly where rectification is costly. This may lead to poor quality certification and non-compliance with regulatory requirements.

However, in noting the potential conflicts that can arise, it should be recognised that having private certifiers chosen by persons other than the consumer will not necessarily always result in harmful outcomes. An experienced builder or developer is likely to gain expertise working with different PCAs, and this sector knowledge may place them in a strong position to be able to identify those with the most appropriate expertise. Also, having a level of familiarity may lead to efficiencies in the certification and construction processes as both parties will understand each other's approach.

Different risks that arise for council certifiers versus private certifiers

Council certifiers and private certifiers are both responsible for certifying developments to ensure that there is compliance with relevant building and planning laws. While there are independence risks that can arise for both private and council certifiers, the risks are considered greater for

Improving Certifier Independence – Options Paper

private certifiers due to the challenge of managing a for-profit business against their duty to act as a public official.

By contrast, council certifiers are not personally financially dependent on winning business and are responsible to the relevant council rather than the building owner. They also tend to perform a range of roles other than certification (which limits the likelihood of forming an entrenched position) and in a working environment where there are formal internal processes to manage conflicts of interests, such as audit processes, additional reviews, etc.

- 1) Do you agree that there is a greater risk for conflicts of interest to arise in private certification work and result in poor certification outcomes (as compared to council certifiers)?**
- 2) Do you think that an additional mechanism is required to support independence in private certification work?**

Improving Certifier Independence – Options Paper

The role of the local council in the appointment of certifiers

In NSW, certification functions can be performed by both private and public (local council) certifiers. The role of local councils in the certification of building and construction work will vary greatly depending on whether a council or a private certifier has been appointed as the PCA for a project. However, regardless of whether a private or public certifier is used, both are equally bound by legislative requirements and must ensure that building and engineering projects are conducted in accordance with relevant laws, regulations, standards and codes.

The current role of local councils

What is the role of local council when they are appointed as the PCA?

The role of the PCA, whether private or as the local council, is described in section 6.5 of the EP&A Act to broadly include:

- issuing construction certificates for building work;
- carrying out inspections of building work;
- issuing occupation certificates; and
- issuing compliance certificates.

Council and private certifiers may also approve on the council's behalf a range of works described in clause 161 of the

Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), including but not limited to earthwork, road work, stormwater drainage work, landscaping work, erosion and sedimentation control work, excavation work, mechanism work, structural work and hydraulic work. These certifiers may also approve work associated with driveways and parking bays, including road pavement and road finishing, and matters relating to the external finish of a building.

In addition to, and distinct from their functions as certifying authorities, council have functions as consent authorities under the EP&A Act that can be utilised to enforce development consent requirements.



What is the role of local council in appointing a council certifier?

Local councils are responsible for appointing their own employees who are suitably accredited council certifiers, or, in the absence of a suitable certifier, hired contractors who are equipped with

Improving Certifier Independence – Options Paper

the necessary qualifications, skills and experience to assess a project and ensure it is compliant with all relevant laws and codes of practice. As there are many categories of certifiers who each have a unique set of skills, local councils must be careful when appointing the right certifier for the job. For example, certifiers who have experience working on swimming pools will have vastly different skills and experience to a certifier who works on major developments.

What is the role of local council in appointing a private certifier?

Local councils do not currently have any role in appointing or allocating private certifiers to work on projects.

Can a local council replace a private certifier as the PCA?

In most cases the person appointed as the PCA for a project will continue in that role for the duration of the project. However, an owner of a development is entitled to replace the PCA at any point during the project. The replacement PCA may be another private certifier or the local council but it is generally up to the owner who they wish to appoint as the replacement PCA.

The easiest and quickest way to appoint a new certifier is for the owner to reach an agreement with their current certifier and the new certifier. However, if an agreement cannot be achieved between all parties, an application can be made to the Building Professionals Board (the BPB) to request the PCA to be changed. At this point the BPB would attempt to assist the parties involved to find a replacement certifier.

In situations where the BPB cannot find a replacement certifier, the local council can be appointed as the back-stop for that development and would be obligated to accept an appointment as the PCA. This process is important as there must be a certifying entity through all phases of construction that can provide the relevant expertise necessary to ensure that the project is constructed in a compliant way.

Should councils have a role in the appointment of a certifier?

Local councils are the governing bodies of their local area and are accountable to the people living in the local community. Prior to the introduction of private certification in 1998, local councils were responsible for almost all planning approvals and building certification within their area of responsibility.

Councils have an important and significant role to play in providing community services and enforcing other building, construction and environment laws, in addition to their responsibilities for council certifiers. However, in the current regulatory environment local councils compete with private certifiers. This raises questions about a council's ability to oversee the appointment process impartially.

- 3) Should local councils have an additional role in appointing certifiers?
If so, what kind of role should they play?**

Improving Certifier Independence – Options Paper

Options for consideration

In considering the options discussed in this paper, certain thresholds are proposed, which if met, would require a developer to appoint the PCA for their project by following one of the proposed alternative appointment options.

These thresholds are intended to capture and apply to developments where there is the greatest complexity and potential risk to consumers, and are not intended to extend to simple or lower-value developments.

Threshold requirements

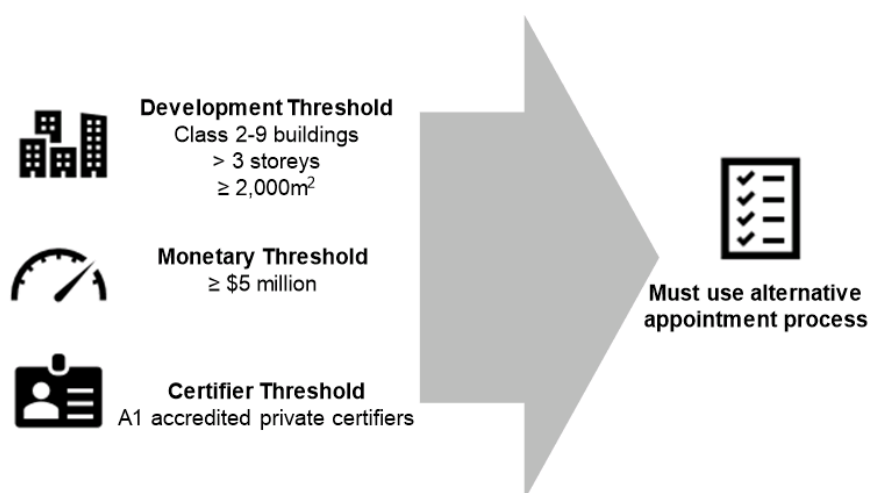


Figure 1 – Overview of thresholds

Development threshold

It is proposed that the alternative appointment process will need to be followed for Class 2 to 9 buildings above three storeys with a total floor area greater than 2,000 square meters. This threshold seeks to focus the application of the alternative process on higher-risk developments where developers may be more inclined to rely on the same person or company to certify work.

Further, this threshold has been proposed as poor certification outcomes in these types of buildings have the potential to create significant public amenity impacts. They also represent the type of certification work where relationships between certifiers and developers may be more likely to arise.

Monetary threshold

In addition to the building class, height and floor area requirements listed above, a monetary threshold is also proposed to apply before a certifier and/or development would be required to use an alternative appointment process proposed by this paper. A monetary threshold is intended to help ensure the options are targeted to developments where there is the greatest complexity and risk to consumers, with a higher cost development seen as being representative of higher risk and greater complexity.

Improving Certifier Independence – Options Paper

Following consideration of a range of alternatives, a monetary threshold of \$5 million or more is proposed. For a development to meet the threshold requirements, its capital investment value (CIV), as defined in the EP&A Regulation, would need to be at this amount or greater.

Figure 2 illustrates the number of development applications approved in 2015-16 by their respective CIV. While this data includes all development applications, not just those relating to the type of developments proposed to be captured under the options (i.e. Class 2 to 9 buildings over three storeys with a total floor area of 2,000 square meters), it provides an indication of the total number of development applications that may be required to use or engage with one of the options, and is particularly relevant for Options 1 and 2, the rotation scheme and the cab rank scheme.

For Options 1 and 2, a monetary threshold of \$5 million or more is likely to capture around 1,000 development applications each year. It is also noted that this value aligns with the Department of Planning and Environment's threshold for the mandatory Independent Hearing and Assessment Panel (IHAP) process.

The available data suggests that there is a greater propensity for using private certifiers in the Greater Sydney metropolitan area rather than in regional NSW. While the data for construction certificates and occupation certificates includes all types and scales of development and is therefore only indicative, it does suggest that there is a high likelihood that private certifiers, rather than councils, are being appointed as PCAs for developments greater than \$5 million.

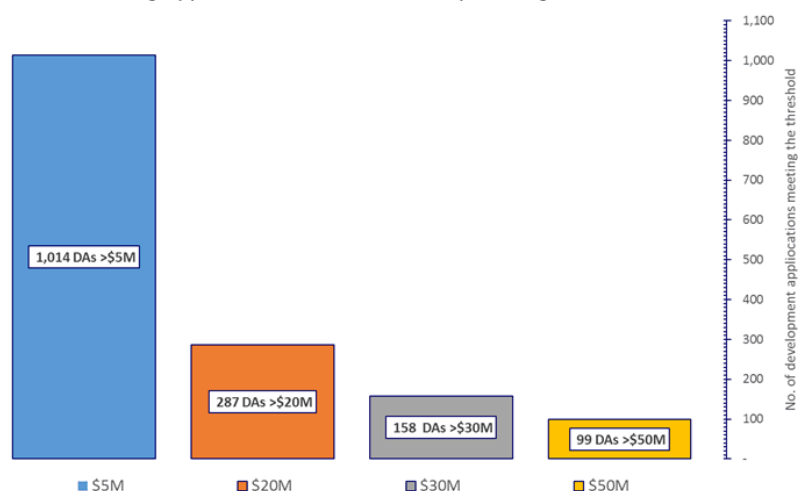


Figure 2 – Number of development applications at different CIV values

Source: 2015-16 Local Development Performance Monitoring, Department of Planning and Environment.

Developments worth more than \$5 million tend to be located in the Greater Sydney metropolitan area. In the period of 2015-16, 49 out of 128 Local Government Areas did not have developments greater than \$5 million.

Of those 49, all but one (Hunters Hill) were located outside of the Greater Sydney metropolitan area. While there are some developments greater than \$5 million located in regional areas, these appear to be atypical rather than indicative of a pattern of a type of development (for example, the construction of an aged care facility in Molong and a solar farm in Gidginbung).

Improving Certifier Independence – Options Paper

In considering the most appropriate monetary threshold, a value of \$20 million was also identified as a reasonable alternative. It is arguable that this threshold would overly reduce the effectiveness of any one of the options by excluding many developments and regions where independence has been identified as a concern.

Certifier threshold

Given that it is proposed for the three options to apply to Class 2-9 buildings above three storeys with a total floor area greater than 2,000 square metres, these criteria practically determine that only A1 accredited private certifiers could be involved in any one of the proposals as they are the only class of certifier able to undertake this type of work. As at September 2018, there were 245 accredited A1 private certifiers in NSW.

- 4) Do you agree with the proposed threshold requirements for when one of the options would apply? If not, why not?
- 5) Do you support a monetary threshold of \$5 million, \$20 million or another amount? Why?
- 6) Is the type of certification proposed to be captured by one of the options sufficient?
- 7) Is it appropriate to only include A1 level accredited private certifiers if introducing one of the options?

Discussion of options

The aim of rotating certifiers is to prevent the certifier from working with the same client for an extended period of time on the basis that this ongoing and familiar relationship could impair the certifier's ability to remain independent and result in poor certification outcomes. The rotation of certifiers can be done by requiring a developer to choose a certifier through an eligibility list, or by limiting the number of years a certifier can work for the same client.

This paper presents three options for consideration. Where a development meets the thresholds set by this paper, the developer or certifier would be required to go through an alternative appointment process. The options for this process are outlined in Figure 3 and discussed in detail below.

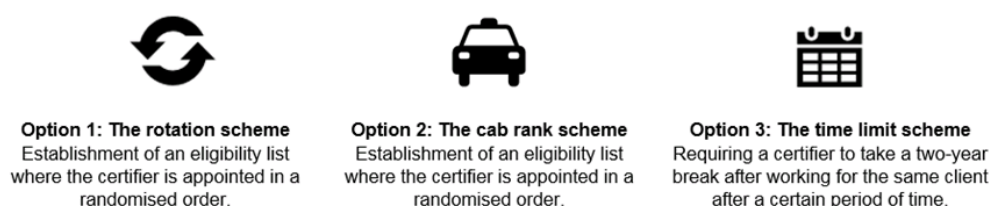


Figure 3 – Overview of the proposed options

Improving Certifier Independence – Options Paper

Option 1: The rotation scheme

Option 1 proposes a rotation scheme. This option involves the establishment of an eligibility list where eligible certifiers are randomly selected or selected on a rotating basis and appointed from a short list. The independent 'random' selection of the certifiers on the list reduces the opportunity for clients to manipulate the allocation of a certifier to a client.

Where a development meets the threshold requirements, a PCA would need to be appointed using the rotation scheme. The rotation scheme would provide a choice of three randomly selected PCAs from a master list and the parties involved in the development would be able to engage with any of these certifiers (e.g. seek quotes, etc.) as part of finalising the appointment. If less than three private certifiers are available to perform the work, the developer could be provided with any other available and appropriate certifier/s or the relevant local council.

It is fair and necessary to provide the developer with the opportunity to obtain quotes from three comparable certifiers to ensure the benefits of competition are maximised and any anti-competitive effects (such as over-charging) are minimised. If only one certifier were presented, the certifier may be able to set a price and other appointment conditions that is out of step with the market.

The rotation scheme seeks to minimise the opportunities for certifiers to face actual or perceived conflicts of interest, or be subject to commercial pressures that can compromise their ability to act in the public interest by rotating the certifiers available to be used for specific developments. The rotation scheme aims to advocate for the interests of the consumer who may not be present at the time of development, to ensure that the integrity of the private certification system is maintained.

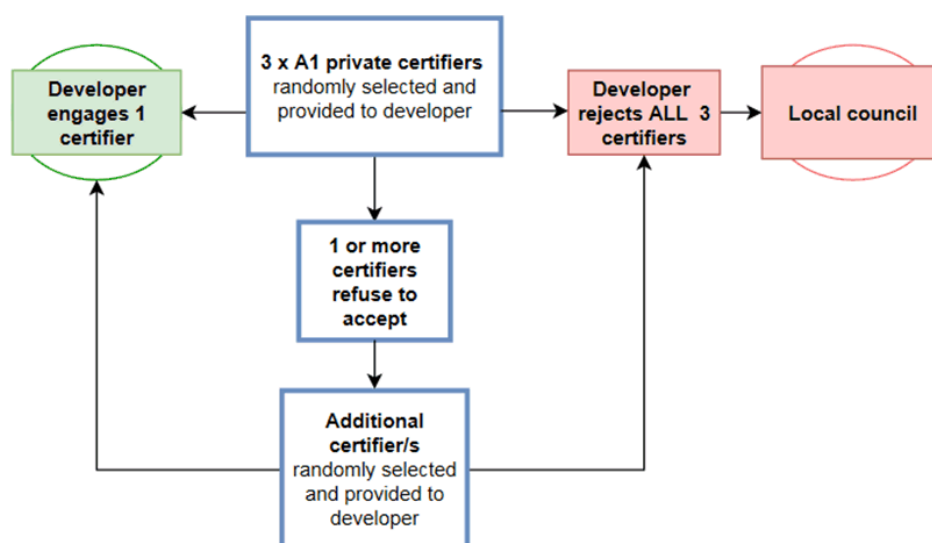


Figure 4 – Overview of the rotation scheme

Improving Certifier Independence – Options Paper

- 8) Does the proposed selection method raise any concerns that may impact the integrity of the rotation scheme?
- 9) How should certifiers preferences for working in certain Local Government Areas be managed?

Practical implementation

The rotation scheme would be implemented by amending the EP&A Regulation to prescribe classes of development in which the PCA was to be appointed. This amendment would require that the person could not refuse to be appointed as a PCA, so long as the appointment was made in accordance with the requirements of the scheme and the regulations.

It is important that the rotation scheme incorporates additional conduct requirements outside of the existing licensing framework to ensure that the scheme operates as intended. For example, if the person did not have any conflicts of interest to disclose for the development.

It is likely that an online system would be the most efficient means of implementing this option. It may be possible to integrate such a system with existing regulatory products used by certifiers in NSW, such as the NSW Planning Portal or the CertAbility App. To manage the issue of location, it is proposed that certifiers would be able to nominate certain Local Government Areas in which they would be available to work, or be open to working and traveling to any area. These preferences would be maintained in an online register and could be updated on request.

Based on the thresholds outlined above, it is estimated that around 1,000 developments per year would be required to use the rotation scheme.

Will a developer be able to reject all three certifiers?

Provisions would need to be established to allow the developer to reject all three certifiers. However, to ensure the intent of the rotation scheme is not compromised, there would be a limited set of circumstances in which this would be permitted to occur. While the exact circumstances would need to be finalised, some examples could include:

if there is a conflict of interest between the developer and each of the nominated certifiers;

if the quotes provided by each certifier are unreasonable to the developer given the type of development; or

if the nominated certifiers do not have capacity to take on the job.

In circumstances where all three certifiers are rejected, the developer could be required to use the local council.

Will a certifier be able to refuse to accept if selected under the rotation scheme?

The rotation scheme would include a provision that required a certifier to refuse an appointment if they had a conflict of interest that may result in an impartial or objective assessment of the development and its compliance with the law. It is noted that being nominated by the rotation scheme would not eliminate a certifier's obligations to comply with other conflict of interest provisions that apply to certifiers generally.

Improving Certifier Independence – Options Paper

It could also be appropriate to allow a certifier to refuse to accept selection for a development in other circumstances, and these would need to be prescribed. Situations where a certifier may refuse to be selected for a development could include:

- the development is beyond the certifier's capability, skill and/or experience;
- the certifier is not available for the period in which the certification work is required (e.g. due to other commitments such as existing workload or planned holidays); or
- the certifier has a conflict of interest.

If a certifier is unable or refuses to be selected for a development, the developer could be entitled to obtain the next eligible certifier to ensure the developer always has three certifiers in which to obtain quotes. The additional certifier would be considered in conjunction with the two certifiers nominated in the first instance.

Only in cases where the developer rejects all three certifiers would the developer be required to then engage the services of the local council as occurs now if there is no private certifier available for the development.

- 10) Do you support the provision of three certifiers for each development that meets the threshold requirements? If not, what other way could help eliminate competition concerns?**
- 11) Is it appropriate to allow a developer to reject all three certifiers provided under the rotation scheme? If yes, in what circumstances would this be appropriate?**
- 12) Is it appropriate to mandate the developer appoint the local council as principal certifying authority where the developer rejects the three certifiers provided?**
- 13) Should a certifier be able to refuse selection and/or appointment under the rotation scheme? If yes, in what circumstances would this be appropriate?**

Impacts on stakeholders

The rotation scheme balances the need to manage conflicts of interest while still providing the developer with the ability to participate in the free market. Under this option, the developer is still able to pursue all standard activities that generally occur prior to the appointment being confirmed (e.g. obtaining quotes, confirming availability and confirming experience) with any or all of the three certifiers selected by the scheme. The design of the scheme encourages certifiers to competitively price their services and offer value for money.

The introduction of the rotation scheme may also strengthen confidence in the certification system by sending a clear signal to the public that the government takes potential conflicts of interest seriously, and will intervene in the standard appointment process where necessary.

On the other hand, the introduction of a rotation may also work to remove the incentive for certifiers to continually improve and deliver quality work. As certifiers will be chosen at random rather than through market forces, individual performance may become less important and over time result in a

Improving Certifier Independence – Options Paper

deterioration of skills and quality amongst certifiers. In addition, a certifier can be appointed regardless of whether they are the best person for the job. This is because the rotation scheme is designed to use a process of random selection and does not consider the experience or skills of a certifier outside of what is prescribed by the thresholds.

Certifiers may be penalised for establishing long term working relationships with developers, regardless of whether an actual conflict of interest exists. Having a level of familiarity may lead to efficiencies in the certification process as both parties can understand each other's preferences and approach. Established working relationships can also encourage parties to engage in proper and robust checks and balances, which can contribute to greater compliance. Such benefits could be minimised or eliminated with the introduction of the scheme.

Advantages	Disadvantages
<p>Balances the need to manage conflicts of interest while still providing the developer and certifier with freedom to participate in the market.</p> <p>May improve public perception and create better certification outcomes in the future.</p> <p>Reducing conflicts of interests is likely to increase the integrity of certification work, which could reduce the need for rectification work.</p>	<p>Administratively complex and potentially costly to implement, particularly in regional areas.</p> <p>May reduce incentives for certifiers to provide exceptional service as certifiers are not rewarded or chosen for their skills or experience.</p> <p>May slow down the development and construction approvals process, particularly where a local council becomes involved.</p> <p>May unfairly punish certifiers who have established effective working relationships with their clients.</p>

Figure 5 – Overview of the advantages and disadvantages of Option 1

14) Do you support Option 1? If not, why not?

Improving Certifier Independence – Options Paper

Option 2: Cab rank scheme

A cab rank scheme is the second option proposed to enhance certifier independence. This option involves the creation of an eligibility list for certifiers, and contemplates that the next available certifier on the list is allocated to the job.

This option differs to Option 1 (the rotation scheme) in that the cab rank scheme would mean that if a development met the thresholds, the developer would be allocated one, rather than three certifiers, in cab rank order. The certifier would have an obligation to accept any work that they were competently trained and qualified to undertake.

The introduction of a cab rank would provide Fair Trading, as the building regulator responsible for monitoring the conduct of certifiers, the power to restrict developers from relying on the same certifier for every project. Enforcing a cab rank scheme would mean that every certifier would eventually have a turn at being appointed as the PCA for a development that fell within the thresholds. After a certifier was appointed using the cab rank, the certifier would then be placed at the end of the eligibility list and would not be selected again until that certifier made their way to the beginning of the list.

At present, a type of cab rank system is applied to barristers who are required to accept cases that meet the requirements of the *Legal Profession Uniform Conduct (Barristers) Rules 2015*. This system ensures that all people can gain access to the justice system in a fair and impartial manner.

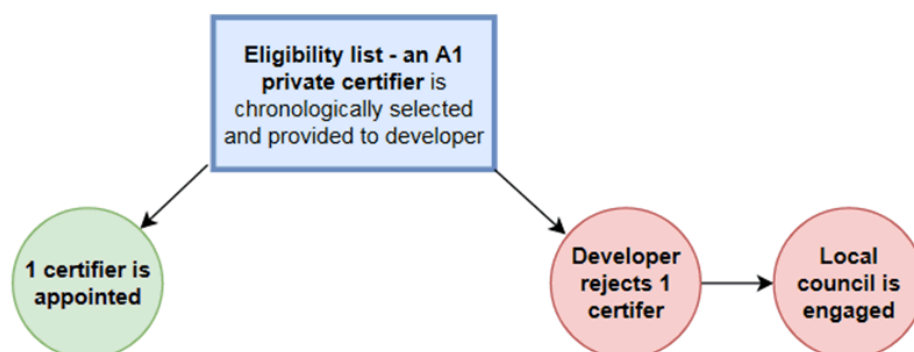


Figure 6 – Overview of the cab rank scheme

Practical implementation

The cab rank scheme would be implemented by amending the EP&A Regulation to prescribe classes of development in which the PCA is to be appointed as per the cab rank scheme. This amendment would require that the person could not refuse to be appointed as a PCA, so long as the appointment was made in accordance with the requirements of the cab rank and the regulations.

Improving Certifier Independence – Options Paper

The cab rank scheme would operate similarly to the rotation scheme outlined in Option 1. However, the cab rank system would require each successive job to be taken by the next available certifier, rather than by random allocation from a short list of certifiers to jobs. It is proposed that certifiers would be able to nominate preferred suburbs and/or Local Government Areas in which they could work. These preferences would be updated at any time to ensure that the cab rank system accurately reflected the areas in which a certifier was available to work.

Given the thresholds set by this Options Paper, it is estimated that approximately 1,000 developments would be captured by the cab rank system each year. Similar to Option 1, the cab rank would incorporate additional conduct requirements outside of the existing licensing framework to ensure that certifiers who were on the eligibility list could be allocated to the developer in a timely manner. For example, a person could be permitted to participate if the person did not have any conflicts of interest to disclose for the development.

The development of an online system is considered the most efficient means of implementing this option. Further efficiencies could be achieved by integrating the online system with one or more of the existing online regulatory services provided to certifiers as discussed under Option 1.

Will a developer be able to reject a certifier?

As discussed above under Option 1, provisions would need to be established to allow a developer to reject a certifier selected using the cab rank scheme, such as:

- if there is a conflict of interest between the developer and the nominated certifier;
- if the quote provided by the certifier is unreasonable to the developer given the type of development; or
- if the nominated certifier did not have capacity to take on the job.

In circumstances where the developer rejected the maximum number of certifiers provided, the developer would be required to use the local council as the PCA for that development.

Additionally, to encourage price competition, a developer could possibly be given two rights of refusal on price grounds, and these refusals would not be subject to review.

Will a certifier be able to refuse to accept an appointment if selected under the cab rank scheme?

It is preferable that the cab rank system includes a provision that could permit a certifier to refuse an appointment. An example could include requiring a certifier to refuse an appointment if they had a conflict of interest that was likely to result in an impartial or objective assessment of the development and its compliance with the law. Another example could include if the development was beyond the certifier's skill or experience, or the certifier was not available to undertake the job (for example, because the certifier was away, taking a break or on holiday).

As with the other options, a certifier would be required to comply with other conflict of interest provisions that apply to certifiers generally. In circumstances where a certifier was unable to accept an appointment due to a conflict of interest, the developer would be entitled to obtain the next eligible certifier on the list.

Improving Certifier Independence – Options Paper

- 15) Do you support the cab rank scheme for the appointment of the PCA for developments that meet the threshold requirements? If not, why not?**
- 16) Is it appropriate to allow a developer to reject the single certifier provided under the cab rank? If so, in what circumstances would this be appropriate?**
- 17) Is it appropriate for developers to have two rights of rejection? Would this encourage price competition?**
- 18) Is it appropriate to mandate the developer appoint the local council as PCA where the developer rejects the private certifier provided?**
- 19) Should a certifier be able to refuse selection and/or appointment under the cab rank? If yes, in what circumstances would this be appropriate?**

Impacts on stakeholders

The introduction of a cab rank is a strong measure that would minimise conflicts of interest and ensure impartiality was maintained. This is because the developer would be allocated one certifier who, if capable, would be required to accept the job, removing any discretion in regard to the appointment of the PCA.

Under the cab rank system, certifiers may also be more motivated to identify non-compliances as they would not be reliant on the same client for ongoing work. This may reduce the pressure on certifiers to meet the clients wishes or demands if they are unreasonable or non-compliant. The cab rank system could also be valuable in alleviating public concerns that certifiers are not sufficiently independent when undertaking work, particularly when engaging with the same clients over an extended period.

However, an experienced developer is likely to gain expertise by working with different PCAs and this sector knowledge may place them in a strong position to identify those with the most appropriate expertise for the job. The introduction of a cab rank scheme would prohibit a developer from engaging with a certifier of their choice and interfere with the ability to appoint the best person for the job.

Additionally, for the cab rank system to operate as intended, there would need to be a sufficiently large pool of certifiers available to accept work. Otherwise, the local council would be required to act as the PCA for developments where there are no certifiers available on the list. This could result in additional pressure being placed on local council to do work that would otherwise be performed by private certifiers in a free market.

A cab rank system could also be viewed by some as being inflexible and too stringent. For example, in the United Kingdom a cab rank burial system was criticised after discriminating against the religious needs of certain communities. The system involved dealing with burials in a chronological order, but did not consider the religious priority requirements of the communities to proceed with a burial as soon as possible after death. A similar issue could arise for developments that were subject to the cab rank scheme. A cab rank may not be flexible enough to meet the demands or priorities of a construction schedule. This could result in some developments missing important deadlines or being sold or occupied later than planned.

Improving Certifier Independence – Options Paper

Additionally, a cab rank system which did not involve competition would likely lead to inflated certification costs.

Advantages	Disadvantages
<p>Reduces the likelihood of a conflict of interest occurring between a certifier and developer.</p> <p>May improve public perception, create greater confidence and lead to better outcomes in the certification system.</p> <p>May reduce the pressure on the certifiers to rely on the same entity for a source of income, leading to better certification outcomes.</p> <p>Reducing conflicts of interests would likely increase the integrity of certification work, reducing the need for rectification.</p>	<p>Administratively complex and inflexible system, and would require careful design to manage impacts on development project timelines, the approvals process.</p> <p>Limits competition and may lead to inflated certification costs.</p> <p>Would require a sufficiently large pool of certifiers to engage in the cab rank to ensure the option could operate as intended.</p> <p>May place undue pressure on the certification industry and create disincentives for individuals to join the industry in the future.</p>

Figure 7 – Overview of advantages and disadvantages of Option 2

20) Do you think that a 'cab rank' system will result in additional costs or delays for industry? If so, what sorts of costs or delays?

21) Do you support Option 2? If not, why not?

Improving Certifier Independence – Options Paper

Option 3: The time limit scheme

Another option is to enforce a limit on the amount of time a certifier can continually work for the same client. This option would limit the number of years a certifier can work for one individual or company before taking a three year 'time out' from working for that client.

If the thresholds are met, the time limit scheme would encourage the certifier to seek new clients to diversify their client base. Such an option may lessen the pressure on certifiers to be tempted to compromise their independence to ensure future work from a client. Certifiers would also retain the freedom to work with any client, as long as the both parties complied with the time out requirements.

While this option does not put forward a suggested time as to the number of consecutive years a certifier would be able to work for the same client, there is evidence to suggest that a period of three to five years could be appropriate.

The enforcement of a time limit exists for other professionals who are similarly faced with situations where a conflict of interest may arise. For example, there are provisions which are used for auditors to monitor auditor independence and reduce the 'familiarity threat' created by long audit firm tenure. Under section 324DA of the *Corporations Act 2001* (Cth), an auditor who plays a 'significant' role in the audit of a client (i.e. five years or more), must take a time out period of two years before commencing work for that client again. The Corporations Act applies to auditors nationally and is a legal measure implemented to reduce issues of conflicts of interest within the industry.

In the building and construction space, a period of five years may also be necessary for bigger clients with long-term construction contracts or projects. For example, it would make sense for one certifier to see a project through to completion and ensure the project was compliant with the relevant requirements.



Figure 8 – Overview of the time limit proposal

Practical implementation

The time limit scheme would be implemented by amending the EP&A Regulation, the draft Bill or the supporting regulation to introduce a provision to prohibit a certifier from working with the same

Improving Certifier Independence – Options Paper

client for more than a certain period at a time, such as five years. Regardless of the period set, there would need to be an exemption for situations where a certifier was appointed to a project within the period (e.g. five years), but continued working on the project for longer than the required period (i.e. in this example, over five years). This would provide certifiers the ability to continue working on projects that they have already been appointed to. Where this exemption applies, the 'time out' period would not commence until the date of completion for that project.

The provision would prescribe that a certifier could return to the client after a three-year break. This option would be paired with one or more enforcement provisions to promote compliance. For example, a certifier who broke the time limit requirements could face penalties for non-compliance and/or have their accreditation suspended or revoked. Similarly, any party that attempted to wrongly engage a certifier during their three-year break could face penalties for non-compliance.

The time limit scheme would not require the design, development or implementation of an additional system. As such, under Option 3 certifiers would be largely responsible for complying with all relevant provisions to ensure they do not breach their obligations under the law.

Fair Trading would also be required to engage in compliance and enforcement measures more frequently (such as proactively auditing or investigating certifiers who were captured by the thresholds of this paper) to ensure certifiers were complying with the law.

22) Do you agree that a three-year break between certifier and client would sufficiently mitigate a conflict of interest from occurring? If not, what would be a more appropriate break time?

23) Do you support that a certifier can work for the same client for a period of five years before taking a break? If not, what would be a more appropriate period?

Impacts on stakeholders

The introduction of a time limit is unlikely to be administratively complex or unfairly restrictive on certifiers. This option strikes a balance between managing conflicts of interest and encouraging certifiers to diversify their client base by rotating their clients after a certain period has passed. Only where a certifier has failed to comply with the requirements would they be subject to a compliance and enforcement measures such as penalties.

Additionally, the time limit scheme is unlikely to slow down the building and construction approvals process because developers would be open to engage with most certifiers in the market. This also means that certifiers would be able to operate competitively by charging different fees and offering value for money. Also, this option would be easier to manage by local councils, who would be able to more easily meet the demands of the option if it were introduced.

A key cost of the option is that it may unfairly punish certifiers who have fostered good long-term working relationships with their clients. Certifiers may have to spend extra time seeking out and establishing new working relationships with other clients to remain in business.

Further, the introduction of Option 3 is not guaranteed to minimise or eliminate conflicts of interest. Certifiers may still face the same challenges and be influenced by actual or potential conflicts of

Improving Certifier Independence – Options Paper

interest in a similar way. This is because certifiers can still form close relationships with clients within five years (or a similar or longer period). These financial relationships may impact on the ability of the certifier to make impartial decisions. The option may be too flexible and prevent the legislation from operating as intended. As five years is still a long period of time, a certifier with poor conduct may continue to be influenced by private interests.

Advantages	Disadvantages
<p>Administratively simple to develop and implement.</p> <p>Certifiers who take a time out from long term clients may be more likely to be objective in future appointments.</p> <p>Fosters an environment of self-regulation for certifiers and their clients.</p> <p>Balances the need to manage conflicts of interest while still providing the certifier with freedom to choose clients.</p> <p>Encourages competition by forcing certifiers to diversify their client base.</p> <p>Unlikely to impose a significant burden on the development and construction approvals process.</p>	<p>Likely to impact certifiers who have effective working relationships with long-term clients.</p> <p>Certifiers may have to spend extra time seeking out and establishing new working relationships with clients.</p> <p>Conflicts of interest may still arise before or after the time-out period option.</p>

Figure 9 – Overview of advantages and disadvantages of Option 3

24) Do you support an exemption that permits a certifier to work with the same client for more than the maximum number of years (e.g. to see a project through to completion)? If so, what kinds of situations should be exempt?

25) Do you support Option 3? If not, why not?

Improving Certifier Independence – Options Paper

Appendix A**Summary of questions for comment**

1. Do you agree that there is a greater risk for conflicts of interest to arise in private certification work and result in poor certification outcomes (as compared to council certifiers)?
2. Do you think that an additional mechanism is required to support independence in private certification work?
3. Should local councils have an additional role in appointing certifiers? If so, what kind of role should they play?
4. Is it appropriate to only include A1 level accredited private certifiers if introducing one of the options?
5. Do you agree with the proposed threshold requirements for when one of the options would apply? If not, why not?
6. Do you support a monetary threshold of \$5 million, \$20 million or another amount? Why?
7. Is the type of certification proposed to be captured by one of the options sufficient?
8. Does the proposed selection method raise any concerns that may impact the integrity of the rotation scheme?
9. How should certifiers preferences for working in certain Local Government Areas be managed?
10. Do you support the provision of three certifiers for each development that meets the threshold requirements? If not, what other way could help eliminate competition concerns?
11. Is it appropriate to allow a developer to reject all three certifiers provided under the rotation scheme? If yes, in what circumstances would this be appropriate?
12. Is it appropriate to mandate the developer appoint the local council as principal certifying authority where the developer rejects the three certifiers provided?
13. Should a certifier be able to refuse selection and/or appointment under the rotation scheme? If yes, in what circumstances would this be appropriate?
14. Do you support Option 1? If not, why not?
15. Do you support the cab rank scheme for the appointment of the PCA for developments that meet the threshold requirements? If not, why not?
16. Is it appropriate to allow a developer to reject the single certifier provided under the cab rank? If so, in what circumstances would this be appropriate?
17. Is it appropriate for developers to have two rights of rejection? Would this encourage price competition?

Improving Certifier Independence – Options Paper

18. Is it appropriate to mandate the developer appoint the local council as PCA where the developer rejects the private certifier provided?
19. Should a certifier be able to refuse selection and/or appointment under the cab rank? If yes, in what circumstances would this be appropriate?
20. Do you think that a 'cab rank' system will result in additional costs or delays for industry? If so, what sorts of costs or delays?
21. Do you support Option 2? If not, why not?
22. Do you agree that a three-year break between certifier and client would sufficiently mitigate a conflict of interest from occurring? If not, what would be a more appropriate break time?
23. Do you support that a certifier can work for the same client for a period of five years before taking a break? If not, what would be a more appropriate period?
24. Do you support an exemption that permits a certifier to work with the same client for more than the maximum number of years (e.g. to see a project through to completion)? If so, what kinds of situations should be exempt?
25. Do you support Option 3? If not, why not?

Council Meeting

10/10/2018

Item No	8.5
Subject	Bayside Advisory Committees - Review
Report by	Michael Mamo, Director City Performance
File	F17/1273

Summary

The purpose of this report is to propose an amendment to the Bayside Advisory Committees Terms of Reference to address an issue regarding committee membership and public participation. It also outlines the outcomes of an internal review of the operations of the advisory committee structure since established about one year ago.

Council, since its new term, has operated an advisory committee system with accountability and governance standards espoused through terms of reference for the committees. Each committee is advisory in nature, has no decision making power and its minutes are submitted to Council for notation and determination on any recommendations. The membership of each advisory committee is three Councillors and staff are in attendance to support the Committee. This approach seems to be common in local government and consistent with advice Councillors received in the State Government's NSW Councillor Handbook and Meeting Practice Note.

Recent advice from the Office of Local Government indicates that a Councillor only committee with minutes requires public participation. It has suggested options for the Council to consider including a committee membership of councillors and the General Manager/staff. Should Council wish to continue with the current committee structure; this option is supported.

In addition, a review has been undertaken of the advisory committee structure. Previous reports have mentioned the time and effort for councillors and staff to support the number of committees in conjunction with the escalating number of General Manager Briefing Sessions required to deal with the numerous strategic issues and challenges facing the new Council. A review has been undertaken and some alternatives are suggested to consolidate and transform to more interactive information sharing forums between councillors and staff.

Officer Recommendation

- 1 That Council receives and notes the report.
- 2 That General Manager's Briefing Sessions continue to be held as they support Councillor professional development and sound decision making.
- 3 a) That the Bayside Advisory Committees be retained and the Terms of Reference be amended so that the membership of each committee includes the General Manager, who may appoint an alternate when unable to attend, as further detailed in the body of this report

or

- b) That Council adopts the information sharing forums as detailed in this report comprising named/themed Working Parties/Groups to replace the existing advisory committee system.
- 4 That the themes for the committees/working parties be confirmed and chairs and councillor members be appointed.
-

Background

Membership

Council established six advisory committees in October 2017, and subsequently adopted their Terms of Reference in November 2017. Each Advisory Committee currently comprises three Councillors, and has the ability to invite representatives and experts to assist the committee. Each committee is supported by Council officers and minutes are dealt with by Council at its Ordinary meeting.

These committees were set up as 'advisory committees' as described in the NSW Councillors' Handbook (and supported in the NSW Meeting Practice Note), and thus it was understood that they were not subject to the meeting procedures of the Local Government Act. Nevertheless appropriate accountability and governance standards were espoused in the Terms of Reference, which also stated that they are not open to the public.

Recent advice from the Office of Local Government indicates that, in its view, Bayside's Advisory Committees are considered to be committees of Council and subject to Section 10(1) regarding their being open to members of the public to attend:

Section 10

- (1) Except as provided by this Part:
 - (a) everyone is entitled to attend a meeting of the council and those of its committees of which all the members are councillors, and
 - (b) a council must ensure that all meetings of the council and of such committees are open to the public.

It is noted that there are also other committees that comprise community representatives, experts and/or government agency representatives, as well as councillors. Such committees include: Bayside Traffic Committee; Risk & Audit Committee; the Floodplain Risk Management Committee, Botany Historical Trust, Rockdale Nursery Committee, and Lydham Hall Management Committee. These committees are not impacted as they comprise more than councillors alone, and are also not open to the public in accordance with Section 10(1) of the Local Government Act.

It is also noted that, although advisory committees are not open to the public, minutes of each committee meeting are included in the next convenient Council Meeting business paper. Members of the public may speak to any committee recommendation at the Council Meeting at which a committee recommendation is considered.

In discussions with the Office of Local Government a number of options are available to Council. However to maintain the intent of the existing Advisory Committee structure, the membership of the Advisory Committees could be formally extended to include the

General Manager and/or Council officer/s. Accordingly, should this option be supported, it is considered that the membership provisions of the Terms of Reference be amended as follows:

5 Membership

5.1 Overview

An Advisory Committee comprises Councillors and the General Manager and any other nominated Council officer.

5.2 Membership

Council appoints three (3) Councillors to be members of an Advisory Committee. All other Councillors are welcome to attend meetings of an Advisory Committee as observers and contribute to discussions but are not entitled to vote.

The General Manager, who is a committee member, may nominate one or more Council officer(s) as alternate member(s) to the General Manager or as additional members.

The inclusion of the General Manager and/or staff as members is consistent with advice from the Office of Local Government.

Internal Review

As mentioned the advisory committee structure has been in place for approximately 12 months and therefore it is opportune to review the appropriateness and effectiveness of the committees as originally established in light of current and future priorities.

Councillors will be well aware that the new term of Council has required (and will continue to require) significant time and effort in understanding and addressing the complexity of Council's strategic issues in shaping the future of Bayside Council and delivering the community's aspirations as evidenced in the recently adopted Community Strategic Plan and Council's Delivery Program. Councillors also have stricter legislative obligations concerning their own councillor development.

In order to ensure Councillors are properly informed of matters and also to assist in the councillor development obligations, information sharing through General Manager Briefing Sessions has escalated from one per month to each non Council Meeting Wednesday. It is expected that this frequency will continue.

Also, notwithstanding the intent in setting up the advisory committees, it is apparent that important information is being shared in those forums which would be better placed for all councillor briefings through the current General Manager Briefing Session process. Councillors will be well aware that there is significant understanding and work required in consolidating the Local Environment Plans and Development Control Plans and the Priority Precincts. Councillors have also expressed interest in gaining a better understanding of Council's budgetary processes and financial accounts.

In the current circumstances, Council may wish to consider transforming and consolidating the current forums into working parties and briefing sessions. Information sharing will remain

a key element of the revised system but key strategic matters would move to General Manager briefing sessions. Both forums will have the General Manager and relevant staff participate with Councillors in an informal setting. External parties may attend by invitation as is the current approach. No decisions or recommendations will be made in these forums and any matter requiring a Council decision will be submitted to an Ordinary Council Meeting via a staff report. Therefore minutes of meetings will not be taken but a formal record of the forum will be kept typically similar to the current record for briefing sessions.

General Manager Briefing Sessions will continue to occur on each non Council meeting Wednesday night and working parties or advisory committees would be scheduled for Monday night. The following working parties/advisory committees are proposed:

- **Community Relations** –would have a broader scope to incorporate community services and Library, in addition to events. Ward boundaries and election issues would move to General Manager Briefing Sessions.
- **Sport and Recreation** – this would remain unchanged.
- **Assets and Public Works** – this would be a combination of two current advisory committees. Finance matters would move to General Manager Briefing Sessions.
- **Brighton Working Group** –remains unchanged and meets as required until purposes is achieved.
- **Ramadan Working Group** – new working group and meets as required until purpose is achieved.
- **Arnccliffe Youth Centre Working Group** – remains unchanged and the meeting schedule will be determined based on construction timeline.

Other existing committees with external parties and delegates remain unchanged.

It is considered that the proposed information sharing forums improve the way in which Councillors are informed and have input to address the current and foreseen challenges of Council.

Financial Implications

Not applicable	<input checked="" type="checkbox"/>
Included in existing approved budget	<input type="checkbox"/>
Additional funds required	<input type="checkbox"/>

Community Engagement

Not applicable

Attachments

Nil

Council Meeting

10/10/2018

Item No	8.6
Subject	Expenses & Facilities Policy
Report by	Michael Mamo, Director City Performance
File	F11/553

Summary

This report considers any submissions received following public exhibition of the draft Councillor Expenses & Facilities Policy with a view to its adoption.

Officer Recommendation

That the publicly exhibited Councillor Expenses & Facilities Policy, attached to this report be adopted.

Background

The Local Government Act makes provision for the payment of expenses and the provision of facilities for the mayor and councillors. Under section 253 of the Local Government Act, Council is required to give 28 days public notice of the proposal to adopt the Councillor Expenses & Facilities Policy. The public exhibition period for the draft Policy has now expired and the submissions following the public exhibition are outlined in this report for Council's consideration with a view to its adoption.

At its meeting on 8 August 2018 Council resolved the following:

- 1 That the draft Councillor Expenses and Facilities Policy, attached to the report be placed on public exhibition for 28 days in accordance with Section 253 of the Local Government Act.
- 2 That a further report on this matter be submitted to the next Council meeting following the expiration of the public exhibition period to consider adoption of this Policy."

In accordance with this resolution an advertisement of the draft Policy inviting submissions was placed in the Southern Courier and St George & Sutherland Shire Leader. The draft Policy was also made available for inspection at Council's Customer Service Centre in the Rockdale and Eastgardens Libraries and via Council's 'Have Your Say' webpage. The public exhibition period was from 9 August to 5 September 2018.

There were two submissions received in response to the public consultation process. The 'Have Your Say' webpage had 65 visits, 8 informed visitors, 5 downloads of the document and 2 submissions received. Out of the two submissions received, one related to another matter and the other was from an anonymous objector. The anonymous objector's comments is stated below:

Election to the office of Councillor is undertaken on a voluntary basis, as such it is not reasonable to use rate payer funds to offset the costs of a Councillor

attending council meetings. The cost of travel, or for carers during meetings, should be borne by the individual Councillors and not reimbursed. The attendance of a Councillor's or the Mayor's spouse at an event has no benefit to the community, as such the cost of such attendance should not be borne by the community.

In relation to this submission, the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors stipulates that the matters referred to are appropriate and allowable expenses and facilities as included in the draft Policy. Refer items 10.3 Spouse, Partner and Accompanying Persons Expenses and 11.1 Attendance at seminars, conferences, training, education and including Council business in the attached Policy.

It is recommended that the attached Councillor Expenses & Facilities Policy be adopted without amendment, and that it becomes effective upon adoption. For ease of reference, the highlighted areas in attached Policy identify the areas amended from the original Policy.

Financial Implications

Not applicable	<input type="checkbox"/>
Included in existing approved budget	<input checked="" type="checkbox"/>
Additional funds required	<input type="checkbox"/>

Community Engagement

The draft Policy was publicly exhibited for 28 days from 9 August to 5 September 2018, as described above. No further community engagement is required.

Attachments

Expenses & Facilities Policy [↓](#)



Bayside Council

Serving Our Community

Draft Expenses & Facilities Policy

Date July 2018



© Bayside Council

Expenses & Facilities Policy

File: F11/553 Document: 18/104794 16/111665[v3]

Policy Register: F16/951 Policy No.:

Class of document: Council Policy

Enquiries: Manager Governance & Risk



Telephone Interpreter Services - 131 450

Τηλεφωνικές Υπηρεσίες Διερμηνέων

بخدمة الترجمة الهاتفية

電話傳譯服務處

Служба за преведување по телефон

Contents

Policy Summary	5
PART 1 INTRODUCTION	5
1 TITLE - COMMENCEMENT OF THE POLICY	5
2 DEFINITIONS.....	5
3 PURPOSE OF THE POLICY	7
4 OBJECTIVES AND COVERAGE OF THE POLICY	7
5 OBLIGATIONS OF COUNCILLORS.....	7
6 REPORTING REQUIREMENTS	8
7 LEGISLATIVE PROVISIONS.....	8
8 OTHER GOVERNMENT POLICY PROVISIONS	8
9 APPROVAL ARRANGEMENTS.....	8
PART 2 PAYMENT OF EXPENSES	9
10 GENERAL PROVISIONS.....	9
10.1 Payment of Expenses	9
10.2 Annual Fees	10
10.3 Spouse, Partner and Accompanying Persons Expenses	10
11 SPECIFIC EXPENSES FOR MAYORS AND COUNCILLORS.....	11
11.1 Attendance at seminars, conferences, training, education and including Council business.....	11
11.2 Non Attendance at Conferences, Seminars and Functions	12
11.3 Attendance at dinners and other non-Council functions representing Council	13
11.4 Local travel arrangements and expenses	13
11.4.1 Public Transport.....	13
11.4.2 Private Motor Vehicle Use.....	13
11.4.3 Bicycle	13
11.4.4 Taxi Cab or for documented ride-share programs	13
11.5 Parking Fees and Tolls	14
11.5 Travel outside the LGA including Interstate travel.....	14
11.5.1 Travel within Australia	14
11.5.2 Overseas Travel.....	15
11.5.3 General	15
11.6 Carers Expenses (Childcare, the care of the elderly, disabled and/or sick immediate family member)	16
11.7 Disability and Access Needs	16
11.8 Insurance and Legal Assistance.....	16
11.8.1 Insurance.....	16
11.8.2 Legal Assistance	17
PART 3 PROVISION OF FACILITIES.....	19
12 PROVISION OF FACILITIES AND EQUIPMENT FOR COUNCILLORS.....	19
12.1 Telephone costs and expenses.....	19
12.2 Tablet	19
12.3 Personal Equipment and Internet Access	20
12.4 Other Equipment	20
12.5 Public Facilities.....	21
12.6 Postage Arrangements	21
12.7 Stationery, Office Supplies and Support	21
13 PROVISION OF ADDITIONAL EXPENSES AND FACILITIES FOR MAYOR.....	22
14 PRIVATE USE OF COUNCIL EQUIPMENT AND FACILITIES.....	23
PART 4 OTHER MATTERS	23
15. DISPUTES.....	23
16. RETURN OR RETENTION OF FACILITIES.....	23

17.	PUBLICATION	24
18.	REPORTING	24
19.	AUDITING	24
20.	BREACHES	24
21.	STATUS OF THE POLICY	24
22.	ALLOWANCE (SALARY) SACRIFICE	25
23.	THE ROLE OF COUNCILLOR.....	25
24.	ACCESS TO POLICY	25
25.	RELEVANT PROVISIONS UNDER THE ACT AND REGULATION.....	26
26.	OTHER NSW GOVERNMENT POLICY PROVISIONS.....	27
26.1	Office of Local Government Guidelines.....	27
26.2	Circulars to Councils.....	27
26.3	The Model Code of Conduct for Local Councils in NSW (OLG)	28
26.4	Councillor Induction and Professional Development Guide (OLG)	28
26.5	No Excuse for Misuse, preventing the misuse of Council resources (ICAC)	29
27.	RELEVANT DOCUMENTS.....	29
28.	VERSION HISTORY.....	29
Appendix A - Claim for Reimbursement of Expenses by Councillors.....		30
Appendix B – Process for Claiming Reimbursement of Legal Costs.....		31
Appendix C - Electronic Equipment Acknowledgement		34

Policy Summary

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

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

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2005* (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

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

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

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

Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

PART 1 INTRODUCTION

1 TITLE - COMMENCEMENT OF THE POLICY

This Policy will be referred to as the Expenses and Facilities Policy for the Mayor and Councillors; long title is Policy for the Payment of Expenses and the Provision of Facilities to the Mayor, and Councillors. This policy takes effect from the date of adoption until further amended.

2 DEFINITIONS

For the purpose of this policy the term "**Councillors**" also refers to the **Mayor** and **Deputy Mayor** unless otherwise stated.

Accompanying person means a spouse, partner or de facto or other person who has a close personal relationship with the Councillor and/or provides carer support to the Councillor.

Appropriate refreshments means food and beverages, excluding alcohol, provided by council to support councilors undertaking official business.

Act means the Local Government act 1993 (NSW)

Clause means unless stated otherwise, a reference to a clause is a reference to a clause in this policy

Code of Conduct means the Code of Conduct adopted by Council or the Model Code if none is adopted

Councillor means a person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the mayor

General Manager means the general manager of Council and includes their delegate or authorised representative

Incidental personal use means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct

Long distance intrastate travel means travel to other parts of NSW of more than three hours duration by private vehicle

Maximum limit means the maximum limit for an expense or facility provided in the text.

NSW New South Wales

Official Business means functions that the mayor or councillors are required or invited to attend to fulfil their legislated role and responsibilities for council or result in a direct benefit for council and/or for the local government area, and includes:

- meetings of council and committees of the whole
- meetings of committees facilitated by council
- civic receptions hosted or sponsored by council
- meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved by council.

Professional Development means a seminar, conference, training course or other development opportunity relevant to the role of a councillor or the mayor

Year means the financial year, that is the 12 month period commencing on 1 July each year

Administrator/s of Council in circumstances where an Administrator has been appointed this Policy also applies.

Councillor Expenses and Facilities Policy: policy prepared on the payment of expenses and the provision of facilities to Mayor and Councillors.

Expenses: Payments made by the Council to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses to be reimbursed must be outlined in Council's policy and may be either reimbursed to a Councillor or paid directly by Council for something that is deemed to be a necessary expense to enable the Councillor to perform their civic functions. Expenses are separate and additional to annual fees.

Facilities: Equipment and services that are provided by the Council to Councillors to assist or enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as Councillors.

Functions of civic office/civic functions: Functions that Councillors undertake to fulfil their legislated role and responsibilities for the Council that should result in a direct benefit for the Council and/or for the local government area.

Legal Expenses means any fee or fees charged for legal representation or legal advice.

Regulation: The Local Government (General) Regulation 2005 (NSW).

3 PURPOSE OF THE POLICY

To ensure that there is accountability and transparency in the reimbursement of actual expenses incurred by Councillors. This policy also ensures that the facilities provided to assist Councillors to carry out their civic functions are reasonable.

To reimburse Councillors for expenses reasonably incurred in the performance of their role as a Councillor, including expenses incurred in becoming adequately informed on subjects relevant to their civic functions.

Further that the details and range of expenses paid and facilities provided to Councillors by the Council are clearly and specifically stated, fully transparent and acceptable to the local community.

4 OBJECTIVES AND COVERAGE OF THE POLICY

The objectives of this policy are:

- To ensure that the Mayor, as the first citizen of the Bayside Council area, as the leader of the governing body of the Council and as the principal spokesperson on Council policy and attitude is reimbursed for expenses reasonably incurred in performing the role of Mayor, and is provided with a standard and range of facilities appropriate to the importance of the office.
- To ensure that the Councillors of Bayside in their dual roles as members of the governing body of the Council and as elected persons are reimbursed for expenses reasonably incurred in the performance of their role and are provided with a standard and range of facilities to assist in discharging the functions of civic office.
- To ensure that the Mayor and Councillors do not suffer financial hardship by meeting their responsibilities as a member of the governing body of the Council or as an elected person.

5 OBLIGATIONS OF COUNCILLORS

A Councillor must:

- Use Council resources effectively and economically in the course of his or her discharging the functions of civic office and must not use them for private purposes unless the use is authorised by this policy and proper payment is made.
- Not convert to his or her use any property of Council.
- Carry out the functions of civic office by attending a variety of functions in their capacity as a representative of Council.

Note: Breaches of this clause would be viewed as a breach of the Code of Conduct.

6 REPORTING REQUIREMENTS

Section 428 of the Act and clause 217 of the Regulation require Council to include in each Annual Report a copy of the Policy and details of the cost of implementing the Policy. These are detailed in section 20 of this Policy.

The General Manager must include in Council's annual report such information on expenses as required by the Regulation but also itemised by individual Councillor and Mayor.

7 LEGISLATIVE PROVISIONS

This policy is made under the Act including Sections 252 to 254A, together with clause 403 of the Regulation. The Act requires that the Council must adopt a policy concerning the payment of expenses incurred by, and the provision of facilities to, the Mayor and other Councillors.

Note: This policy excludes annual fees paid to the Mayor and Councillors in accordance with Sections 248-251 of the Act. These fees are separately determined each year based on the determination of the Local Government Remuneration Tribunal.

8 OTHER GOVERNMENT POLICY PROVISIONS

In addition to the Act and Regulation a number of documents have also been considered during the development of this Policy including:

- Division of Local Government (Department of Premier and Cabinet) Guidelines for payment of expenses and provision of facilities
- Model Code of Conduct
- Office of Local Government Circulars to Councils
- ICAC publications

Further details in relation to these documents are contained in section 21 of this Policy.

9 APPROVAL ARRANGEMENTS

Attendance at seminars, conferences, training, education and including other activities by Councillors for Council business and the like is to be, where possible, approved by a full meeting of the Council. If this is impracticable then the approval is to be given jointly by the Mayor and the General Manager. If the Mayor requires approval to travel outside of a Council meeting it should be given jointly by the Deputy Mayor or another Councillor and the General Manager.

All other matters not specifically covered by this policy in relation to civic office expenses or facilities are to be dealt with by the Mayor and General Manager.

Total costs for the payment of expenses and the provision of facilities to the Mayor and Councillors are to be within the limits of the provision of this Policy and Council's annual budget, with expenditure against budget allocation to be reviewed quarterly in accordance with Council's normal quarterly budget review process.

PART 2 PAYMENT OF EXPENSES

10 GENERAL PROVISIONS

10.1 Payment of Expenses

Where there is a right under this Policy to claim reimbursement of costs and expenses, reimbursement will only be made upon the production of appropriate receipts and tax invoices, and the completion of the required claim forms, attached to this policy (see Appendix A).

Unless extraordinary circumstances are determined by the Mayor and General Manager, Councillors must seek reimbursement of expenses within one (1) month of incurring that expense. This allows the Council to report on actual expenses monthly internally and within its quarterly reporting processes.

Any payments in advance in anticipation of expenses to be incurred in attending conferences, seminars, training and approved functions/events away from the local government area are to be reconciled and submitted to Executive Services within one (1) month of the conclusion of the conference, seminar, training, and approved event/function. Subsequent advances will not be made until previous reconciliations are submitted.

Where a service is partly used for official Council business, Councillors must claim only that part directly related to their civic duties as a Councillor. Individual Councillors must therefore make a reasonable estimate as to their private and civic duties usage (in percentage terms) for such accounts. In accordance with the Office of Local Government (OLG) Guidelines, incidental private use is allowed. Council allows 5% for private use for mobile phones, landlines, internet, stationery and minor equipment. Any private usage above the 5% threshold must be paid for by the Councillor.¹

This policy only authorises payment or reimbursement of actual expenses incurred by Councillors in carrying out their civic duties. Council will not pay a general expense allowance. It is not appropriate or lawful to pay a general allowance unrelated to actual expenses incurred or designed to supplement Councillors' annual fees payable under the Local Government Act 1993. Only those expenses included in this policy are to be paid or reimbursed.

Decisions on approval or refusal of claims for expenses for Councillors will be made by the General Manager or his/her nominee.

Value of Expenses^{2 3}

Notwithstanding any other specific references in this Policy to individual values for expenses, the maximum total expenses that are claimable by Councillors will be as follows:

¹ DLG Circular No. 09-36 (Guidelines for the Payment of Expenses and the provision of Facilities for Mayors and Councillors in NSW – October, 2009) Guidelines Private Benefit Page 5

² DLG Circular No. 09-36 (Guidelines for the Payment of Expenses and the provision of Facilities for Mayors and Councillors in NSW – October, 2009) Limits Page 6 Reasonable Expenses Page 8 Monetary Limits to Expenses Page 6

³ Code of Conduct (Part 7) Use of Resources – Page 16-17

Total Reimbursement for Value of Expenses each 12 month period from 9 September to 8 September (Amounts below include GST)	
Position	Amount
Mayor	\$15,000
Deputy Mayor	\$12,000
Councillor	\$11,000

10.2 Annual Fees

Annual fees are payable to the Mayor and Councillors in accordance with the determination of the Local Government Remuneration Tribunal.

Councillors appointed as council representatives on the Sydney Eastern City Planning Panel (established by the NSW Government as one of the Joint Regional Planning Panels) are paid a \$600 meeting attendance fee.

Councillors appointed as council representatives on the Sydney Eastern City Planning Panel receive an allowance of \$100 per hour, minimum one hour up to a maximum of \$600 for attending briefings of the Regional Planning Panel. The allowance includes travel and briefings on multiple applications.

10.3 Spouse, Partner and Accompanying Persons Expenses

Council will meet the reasonable costs of spouses, partners and accompanying persons when they accompany the Mayor or Councillors in the following circumstances:

- Attendance at formal and ceremonial events/functions within the Local Government area. This includes but is not limited to Australia Day Award Ceremonies, Citizenship Ceremonies, Civic Receptions and charitable functions for charities formally supported by the Council.
- Attendance at the LGNSW Annual Conference with costs limited to conference registration and official conference dinner.
- Attendance by the Mayor or a Councillor representing the Mayor at an official Council function or official ceremonial duty outside the city but within the state. Interstate and overseas events are expressly excluded.

The above reasonable costs are limited to the ticket, meal and/or direct costs of attending the function and specifically exclude grooming, special clothing and transport costs. Furthermore the policy does not include attendance at seminars, conferences and the like.

Any additional accommodation and/or other costs incurred as a result of the attendance of spouse, partners, accompanying persons and/or children shall be borne by the Councillor.

Note: An accompanying person in this policy is defined as a person who has a close personal relationship with the Councillor and/or provides care support to the Councillor.

11 SPECIFIC EXPENSES FOR MAYORS AND COUNCILLORS

11.1 Attendance at seminars, conferences, training, education and including Council business.

Councillors, with the approval of Council or with the written approval of the Mayor and the General Manager are able to attend conferences, seminars, education and training courses etc subject to the following:

- The conference, seminar etc relates to Local Government, its responsibilities and the functions of civic office;
- It is held within Australia; and
- All relevant costs are within the available budget.

Councillors attending conferences, seminars, courses etc will have the following expenses paid, where applicable, provided Council has resolved that the Councillor attend the conference seminar etc or written approval has been provided by the Mayor and the General Manager:

- Registration fees, official luncheons, dinners and tours relevant to the conference, seminar, courses, etc and meetings.
- ~~—~~Accommodation in the hotel where the conference is being held, or the nearest hotel of a similar standard, or as authorised by the host organiser where the conference is not located within the Sydney metropolitan area as defined under the Regional Development Regulation 2012 – Reg 4 or as superseded. The period of accommodation is to not be longer than the night before the official opening of a conference, seminar etc and the night of the last day of the conference, seminar.
- Reasonable costs (including sustenance, telephone, fax and Internet charges, laundry and dry cleaning charges, newspapers, taxi fares and parking fees). Receipts must be supplied to substantiate reimbursement.
- Reasonable childcare expenses of the Councillor incurred where the Councillor is the nominated Primary Care Giver of any child that may be required to accompany the Councillor to the conference during official conference sessions including conference luncheons and dinners.
- Accommodation cost reimbursement for Council business not covered within this policy will be determined by the Mayor and General Manager.

Council will make all necessary arrangements for Councillors attending conferences, seminars, courses etc. The procedures will be as follows:

- Council will, where possible, book accommodation in advance and pay expenses directly to the hotel/host organisation.
- Councillors finding they need to pay reasonable expenses incurred in connection with their attendance but not prepaid by Council will submit a claim for reimbursement to the General Manager, as provided in Clause 10.1 of this policy.

- Once all expenses have been finalised, accounts will be forwarded to Councillors for any expenses payable by them, in accordance with Council's normal terms ie 30 days. Any arrangements to finalise an account by periodic payment must be approved by the Mayor and the General Manager. Accounts, with prior approval, will be settled via a deduction from the Councillor's monthly allowance.

All Councillors will, as soon as possible or otherwise within one month after attending a conference/seminar (excluding the LGNSW Annual Conference and Education and Training Courses), provide the Council with a written report on the aspects of the conference/seminar relevant to the Council business. Alternatively copies of papers presented, decisions taken etc in either an electronic or paper form are to be provided to the General Manager who will advise Councillors of their existence and provide copies to interested Councillors.

Councillors attending approved education and training courses that are directly associated with their civic duties, must provide a written request to the General Manager stating what the course covers and what the benefits are to both Council and the community. Each Councillor will be eligible to attend Council approved education and training courses up to an individual value of \$5,000 per annum.

Council is committed to supporting Councillors attending learning and professional development activities related to Council functions and their role as a Councillor.

The Councillors Professional Development Policy addresses the training needs of Councillors. The cost of attending training will be accounted in the Value of Expenses provided annually to Councillors. As part of this Policy and annual Professional Development Plan, Council will arrange for internal seminars and guest speakers to address Councillors on relevant topics (e.g. changes to legislation, best practice initiatives).

11.2 Non Attendance at Conferences, Seminars and Functions

Where costs are paid by Council for Mayor/Councillor attendance at an approved conference, seminar, function or the like, and the Councillor does not attend and has not provided opportunity for Council to seek a refund of the costs incurred or substitute another Councillor to attend; the Mayor/Councillor shall be personally liable to repay all amounts paid (and not refunded) to Council. In this case, the costs incurred (net of any refund) by the Council will be charged to that Mayor/Councillor.

Where the Mayor/Councillor believes there are extenuating circumstances (eg family or medical emergency) for non-attendance the Mayor/Councillor may apply to the General Manager to have such repayment waived.

11.3 Attendance at dinners and other non-Council functions representing Council

Council will meet the cost of Councillors attendance at dinners and other functions where the Councillor is representing Council or the Mayor as well as non-Council functions that provide briefings to Councillors from key members of the community, politicians and business.

Approval to meet the cost of attending will only be given when the function is relevant to the Council's interest. Reimbursement will be up to a maximum of \$150 per function per Councillor.

Approval will not be provided for a Councillor to attend any political fundraising event, for any donation to a political party or candidate's electoral fund or for some other private benefit. Enquires should be made whether any expenses to be incurred would be directed towards such events and activities prior to approval being granted.

11.4 Local travel arrangements and expenses

As a general principle, Councillors should undertake their travel by utilising the most direct route and the most practicable and economical mode of transport including public transport. Councillors are also encouraged to walk or use a bicycle where appropriate for Council related business.

11.4.1 Public Transport

Council will meet the cost of reasonable public transport expenses for travel relating to council business eg activities described in clause 11.1, 11.2 and 11.3.4.

11.4.2 Private Motor Vehicle Use

Councillors may claim the per kilometre allowance prescribed under Clause 10 of the Local Government (State) Award. The claim is to be submitted no later than 1 month after the costs were incurred and the claim include full details of the nature of the Council business, the date and time and the amount claimed. Councillors are responsible for any fines for parking and traffic infringements.

11.4.3 Bicycle

Councillors may claim incidental costs for the use of a bicycle to attend Council related business.

11.4.4 Taxi Cab or for documented ride-share programs

A **Taxi** cab card will be provided and is available to an annual value of \$1000, in the following circumstances:-

- Attendance by Councillors at meetings of community groups whose activities encompass all or part of the local government area and where the venue of such meeting may be either inside or outside the area.
- Attendance at social functions or meetings as a representative of the Mayor or Council when requested to do so by the Mayor.
- Attendance at social functions or meetings where the invitation or opportunity to attend the functions or meetings would not, in the normal course of events have been extended to the Councillor(s) concerned had it not been for their position as a Councillor within Council.
- Inspection of works or properties in the city as a result of a request from the resident.

- Travel as a result of Councillors attendance at a Council, Committee, Reference Group, Task Group, External Committee or Working Party meeting or where 3 or more Councillors are meeting on Council business. Attendance at approved Conferences, Seminars, Training Sessions and Courses. Taxi cab cards can be used in relation to the above events/activities for travel between:
 - place of residence and airport, airport and approved accommodation;
 - approved accommodation and site of conference or official visit;
 - within approved locations outside of the Council area.

Note: Councillors are required to submit Taxi cab dockets containing a note as to the Council business/function attended that was covered by the journey and the pick-up point and destination for reconciliation with the monthly account from the service supplier.

Documented ride-share programs, such as Uber, can be utilised for the same circumstances and conditions as for Taxi Cab as listed above but also require the submission of a tax invoice with each claim. Each claim is to be submitted to the General Manager within one (1) month of costs being incurred as outlined in Appendix A of this Policy, Reimbursement of Expenses.

The annual value includes claims for documented ride-share programs

11.5 Parking Fees and Tolls

Councillors will be reimbursed reasonable parking fees and road tolls incurred while on business expressly authorised by this policy. Fees payable will be up to \$75 per event. In all instances, Councillors are encouraged to find the lowest cost parking and toll option.

11.5 Travel outside the LGA including Interstate travel

11.5.1 Travel within Australia

Councillors who travel within Australia as approved under this policy have the following entitlements in relation to transportation:

- An economy class air ticket (or business class if medical reasons prevail). With all travel arrangements due consideration is to be given to the physical capacity of the Councillor and any variation to these arrangements will be with the approval of the Mayor and the General Manager.
- Use of a personal vehicle (provided the vehicle has current and unlimited third party risk insurance covering damage by the vehicle to property). Councillors may claim the per kilometre allowance prescribed under Clause 10 of the Local Government (State) Award for the shortest practical route. The claim is to be submitted no later than 1 month after the costs are incurred and the claim includes full details of the nature of the Council business, the date and time and the amount claimed.
- Travel using a Council owned vehicle – A Councillor may use a Council-owned vehicle (if one is available) to facilitate the Councillors travelling requirements under this Policy by the shortest practical route and meeting the following;

- Provide a copy of a current and valid driver's licence to the Manager Executive Services indicating that they are licenced to drive a motor vehicle.
- May claim actual costs, if a fuel card does not meet the full costs involved, and a claim is submitted to the General Manager within one (1) month of costs being incurred in the terms referred to in this policy.
- Use of Hire car – A Councillor may use a hire car to facilitate travel requirements provided approval by the General Manager has been given prior to the hire of the vehicle.

11.5.2 Overseas Travel

- Any overseas travel by a councillor is at the expense of the individual councillor.

11.5.3 General

Council's policy is as follows:

- accommodation expenses incurred for conference, seminars and/or other travel/delegation etc. will be paid for by Council, including for the night prior to the Official Opening of the conference or delegation, depending upon travel schedules, as expressly authorised by Council prior to such travel being incurred. In accordance with the Australian Fringe Benefits Tax Guidelines, these accommodation expenses need to be substantiated in writing and a travel record kept where the travel involves more than 6 nights away (or as required by legislation from time to time) from the Councillor's ordinary place of residence;
- all travel vouchers and/or tickets will be returned to Council at the completion of each journey; the cost of daily meals and any incidental expenses actually incurred by the authorised attendee of Council to conferences and/or delegations. Amounts will be reimbursed on provision of documentary evidence and a claim form and to the daily limit having regard to the amounts set in the Australian Taxation Office TD 2016/13 for 2016/17 or such determinations or policies of the Australian Tax Office that supersede it. In this regard for domestic travel the limits are set per Table 3 of paragraph 11 of that ruling. Provided also that such expenses incurred are subject to the period of stay not exceeding the period for the conference or authorised business plus one day each way for travelling;
- airfares will be at economy class standard, or business class if medical reasons prevail.

After returning from overseas Councillors or an accompanying member of staff are to provide a detailed written report within one month to Council on the aspects of the trip relevant to Council business and/or the local community.

No travel is to be sponsored by private enterprise.

Note: Administrative arrangements may be made for Council to initially fund travel and accommodation costs of Councillors associated with the Sister City Program,

with such costs being fully reimbursed by Councillors from their monthly fee payments over a maximum 12 month period.

11.6 Carers Expenses (Childcare, the care of the elderly, disabled and/or sick immediate family member)

Councillors will be reimbursed for reasonable expenses incurred for carer's expenses due to the need to attend Council Meetings, Committee Meetings or other official Council business providing the Councillor is the Primary Care Giver or a Legal Guardian irrespective of whether more than one Councillor on Council is responsible for the care of an immediate family member. Councillors are to provide evidence of attendance at such events.

Councillors will be reimbursed for expenses paid to commercial providers other than spouse or partner up to one (1) hour before and up to one (1) hour after the civic duties mentioned above, to a maximum of \$150 per day, per person requiring care except for childcare expenses. In respect of childcare expenses the maximum limit that may be reimbursed is \$150 per family per day for accredited persons/organisations or a maximum of 50% of the daily allowance for non-accredited persons. A tax invoice is to be submitted with the claim. Childcare limits do not apply in cases of the LGNSW Annual Conference (see section 11.1).

11.7 Disability and Access Needs

Council will give consideration to the payment of reasonable expenses associated with the special requirements of Councillors with respect to disability and access needs to allow them to perform their normal civic duties.

11.8 Insurance and Legal Assistance

11.8.1 Insurance

Councillors are covered under the following insurance policies (subject to any limitations or conditions set out in those policies) while discharging the duties of civic functions, including attendance at meetings of external bodies as Council's representative:

- **Personal Injury** For claims arising out of or in connection with a Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor.
- **Professional Indemnity** For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors provided the performance or exercise of the relevant civic duty or function is in the opinion of Council bona fide and/or proper and is carried out in good faith, as required under Section 731 of the Local Government Act, but subject to any limitation or conditions set out in the policy of insurance, which is, at the direction of Council, taken out.
- **Public Liability** For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, carried out in good faith but subject to any limitations or conditions set out in the policy of insurance which is, at the direction of Council, taken out.

11.8.2 Legal Assistance

- 11.8.2.1** The Council may indemnify or reimburse a Councillor's reasonable legal costs including defending legal proceedings being taken against a Councillor arising from the discharging in good faith the Councillors functions of civic office under the Local Government Act (section 731 refers) or defending where such proceedings are an action in defamation, provided that the outcome of the legal proceedings is not substantially unfavourable to the Councillor.

Provided that:

- the amount of such reimbursement shall be limited to the extent that only fees charged at a rate equivalent to the average hourly rate then being charged by partners at the firm(s) appointed by Council as it's solicitors will be paid, and any portion of the expenses exceeding that hourly rate will not be reimbursed; and
- the amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis as a result of the proceedings which caused the legal expenses to be incurred; and
- the legal expenses were incurred:
 1. as a result of an inquiry, investigation or hearing, into a Councillor's conduct by an appropriate investigative or review body including but not limited to:
 - Local Government Pecuniary Interest and Disciplinary Tribunal
 - conduct reviewer or conduct review panel
 - Independent Commission Against Corruption
 - Office of the Ombudsman
 - Division of Local Government, Department of Premier and Cabinet
 - Federal or State Police Force
 - Director of Public Prosecutions
 - Councils Conduct Review Committee/ Reviewer
 - A Court
 2. as a result of legal proceedings taken against the Councillor in relation to his or her discharging in good faith the functions of civic office; or
 3. as a result of an appeal commenced by the Councillor against the outcome of any originating inquiry, investigation, hearing or proceeding relating to the discharge of the functions of civic office but only if the appeal is successful;
- the expenses can only be reimbursed after the conclusion of the inquiry, investigation, hearing or proceeding.

Note: This may include circumstances in which a matter does not proceed to a finding. Also in addition to a Councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

11.8.2.2 Council will not meet:

- the legal costs of legal proceedings initiated by the Mayor and/or Councillors under any circumstance,⁴
- expenses incurred in any defamation proceedings instituted by the Councillor, even if they relate to activities undertaken by the Councillor in relation to discharging the function of civic office;
- expenses arising from an investigation as to whether a Councillor acted corruptly by using knowledge of a proposed rezoning for private gain;
- any expenses incurred by a Councillor in discharging the functions of civic office not in good faith.

11.8.2.3 It should be noted that the legal expenses must be incurred in relation to discharging the functions of civic office and not all activities by a Councillor undertaken as a Councillor as such.

11.8.2.4 Notwithstanding the above, the General Manager is delegated to obtain legal advice relating to this Policy and any associated matters concerning to a pecuniary interest, conflict of interests or matter governed by the Code of Conduct which in the opinion of the General Manager is necessary to clarify the particular Councillor's responsibilities in the performance of his/her functions of civic office.

11.8.2.5 Any resolution by Council to provide indemnity and reimbursement needs to be subject to the provisions of this Policy and specifically clause 11.7.2.1.

11.8.2.6 A Councillor seeking reimbursement of any legal costs must follow the claims process outlined in Appendix B to this Policy.

PART 3 PROVISION OF FACILITIES

12 PROVISION OF FACILITIES AND EQUIPMENT FOR COUNCILLORS

Given the increasing ownership or access by individuals to electronic communication devices such as PCs, laptops/tablets, internet, and mobile phone devices it is recognised that Councillors may not wish to duplicate such services by the provision of separate communications devices. Accordingly in such circumstances Council's preference is that Councillors use their own equipment/services and seek reimbursement of usage for civic office purposes from Council eg for voice and data costs.

⁴ DLG Circular No. 09-36 (Guidelines for the Payment of Expenses and the provision of Facilities for Mayors and Councillors in NSW – October, 2009) Legal Assistance Provisions and Expenses Page 17-18

Council takes a flexible approach towards continuously reviewing innovations to obtain the benefits from such technological advances that improve service and reliability.

Equipment, facilities and services provided under this policy, if any, shall not be used to produce election material or for political purposes. Council's Code of Conduct and Electronic Communications Policy also govern the use of such equipment. Councillors will be required to sign an Electronic Equipment Acknowledgement Statement (as per Appendix C or similar) to that effect.

12.1 Telephone costs and expenses

Councillors should use their private electronic communications services and related equipment (including mobile, landline and fax) for Council related business and claim reimbursement up to a monthly maximum of \$125 (including voice, fax, landline and data) from Council. Councillors using their private electronic communication devices are required to present copies of monthly accounts and indicate the costs attributable to Council business.

In the event that Councillors use a Council provided mobile phone service and equipment (under a capped agreement up to \$125 per month), costs in excess of capped agreement will be repaid by the Councillor. The mobile phone and any other equipment will remain the property of Council subject to the acquisition provisions under this Policy.

All mobile phone/landline/faxlines numbers the subject of reimbursement of costs or mobile phone numbers provided by Council will be automatically published as contact number(s) of the relevant Councillor.

Councillors must abide by all Federal, State and Local laws and regulations when using a Council mobile phone including those that apply to the use of mobile phones while in motor vehicles.

12.2 Tablet

Councillors will be provided with a tablet based on Council's current standards, to enable Internet access, emailing access to Council business papers, minutes, policies and other Council records. This will include the provision of relevant "apps" as considered relevant from time to time by Council to enable Councillors to undertake their civic duties. A data package will be provided to a maximum of \$60 per month.

12.3 Personal Equipment and Internet Access

All Councillors will be provided with a Council email address and extranet service (or Councillor Webpage).

Councillors should use their own internet service and related equipment eg PC, Laptop and/or printer for Council business and claim reimbursement from Council. The limits are:

- For internet access up to a monthly maximum of \$79. This service may be part an overall voice/data service. Councillors using their internet service are required to present copies of monthly account and indicate the costs attributable to Council business.

- For Multi functional device, printer or similar paper supplies to a limit of \$250 per annum (as per section 12.7) and other consumables ie toner to a limit of \$250 per annum.

In the event that Councillors prefer Council to provide equipment then they may select:

- 1 Multi functional device, printer or similar to Council's standard and the provision of paper suppliers to a limit of \$250 per annum (as per section 12.7) and other consumables ie toner to a limit of \$250 per annum.
- 1 Council Standard Laptop
 - All equipment will be provided with the latest system configuration requirements and be subject to regular reviews to keep pace with future technological advancements and the latest operating software.
 - No unauthorised or unlicensed software is to be installed on the computer provided by Council and Councillors are required to comply with Councillor Use of Email and the Internet at all times, when using Council's computers. Council has the right to block the downloading of software should the need arise.
 - Wireless Internet access via USB dongle or related means up to a maximum of \$79 per month.

12.4 Other Equipment

Councillors may also select from within the following list the appropriate type of equipment/support required to perform their duties:

- **Shredder** - Provided with a paper shredder on request.
- **Filing Cabinet** - Be provided with a filing cabinet on request.
- **Computer software training** - Be provided with computer training where necessary to undertake the functions of civic office. The cost of training course fees and software will be met from the annual Councillor Value of Expenses outlined in this policy.

12.5 Public Facilities

Councillors will be provided with the following facilities, which remain the property of Council and must be returned to Council within 14 days of Councillors ceasing to hold office:-

- A security card and automatic gate "buzzer" to enable access from outside of the building to the Councillors' Room, in the case of the Mayor, access to the Mayor's Office. Access will be denied immediately from ceasing to hold Office.
- Above Rooms suitably furnished and equipped with telephone, computer facilities and photocopier to enable meetings with constituents.

- A bar fridge within the Councillors' Room, which will be maintained and stocked by Council, for Councillors' official use.

12.6 Postage Arrangements

Official Councillor correspondence is to be directed through Council's own mail system. Where that is impractical Councillors are entitled to claim a monthly maximum reimbursement subject to substantiation equivalent to the cost of 50 standard letters.

12.7 Stationery, Office Supplies and Support

Councillors have access to the following support in performance of their role as elected members of Council:

- Standard office supplies (pens, rulers, staples, paper etc).
- 500 Business Cards (replacement on request) up to a maximum of **\$150** per annum. To include Councillor's contact details as authorised and a colour photograph. Up to 100 personalised Christmas Cards, if required and corporate presentation gifts (tie, scarf, etc). Additional generic Christmas Cards are to be purchased by the Councillor at the unit cost to Council.
- Personalised Councillor professional eletterhead with colour photograph and their contact details will be provided as well as paper supplies up to a value of \$250 per annum.
- Councillor eletterhead provided to Councillors and Councillor emails using Council email address will carry the following disclaimer:
"The statements made in this correspondence [email] are the views of the individual Councillor and do not necessarily reflect the views or the position of the Council or Management of Bayside Council".
- A suitable name badge.
- Tea, coffee and refreshments when carrying out civic duties in the Council premises during office hours.
- Suitable meal and refreshments at Council/Committee/Task Group/etc meetings. The standard of the meal will be determined by the Mayor in consultation with the General Manager.
- Corporate gifts for use on a Council related business trip or when receiving visitors. These will be of token value and managed in accordance with a policy on Gifts.
- Dedicated executive services in typing of Councillor correspondence and all other needs.
- A briefcase to the value of \$200 will be provided to each Councillor on request.
- Professional advice and assistance from Council officers in preparing media material (other than election campaign material) relevant to the function of

civic office and in each case subject to the approval of the Mayor and General Manager.

- A Recognition of Service plaque will be provided to each Councillor when they cease to hold office.

13 PROVISION OF ADDITIONAL EXPENSES AND FACILITIES FOR MAYOR

In addition to the previously detailed support in this Clause the Mayor and Deputy Mayor (when acting in the position of the Mayor) will be provided with:

- Mayoral vehicle of prestige class (of a similar standard as that provided to the General Manager under State Government purchasing requirements) at the discretion of the Mayor of the day, fully maintained and complete with hands free access for a mobile phone and for use by the Mayor at all times;
- The cost of telephone calls made from the Mayor's mobile telephone, in relation to mayoral duties, up to a limit of \$150 per month having regard to the need for additional contact with the community in undertaking mayoral functions and civic duties;
- An allotted secure parking space;
- A petrol card for the Mayoral vehicle;
- Mayoral Chain of Office for official/civic/ceremonial use;
- A Mayoral office, suitably furnished and equipped;
- A refreshment cabinet located in the Mayoral office, which will be maintained and stocked by Council for official use (meetings/receptions) by the Mayor, and by the Deputy Mayor when acting in the position of Mayor.
- A suitably qualified and experienced executive assistant;
- Standard Mayoral letterhead for official correspondence;
- Handling of all Mayoral correspondence written in the course of Mayoral duties, including posting of mail and follow up correspondence.
- Tea, coffee, meals and refreshments when carrying out meetings in the course of official duties in the Council Chambers or Administration Centre.

14 PRIVATE USE OF COUNCIL EQUIPMENT AND FACILITIES

Councillors should not generally obtain private benefit from the provision of equipment and facilities, nor from travel bonus or any such loyalty schemes. (Note any benefits from travel or loyalty schemes would be considered a breach of Council's Code of Conduct.) However, it is acknowledged that incidental use of Council equipment and facilities may occur from time to time. Such incidental private use is not subject to a compensatory payment.

Where a Mayor or councillor's private use is more than incidental (5%), the councillor shall compensate Council for the private use within 30 days of request.

Council is entitled to deduct from the councillor's fees any amounts outstanding after 30 days from request.

Councillors must report the theft of any equipment issued immediately to the Police and to the General Manager or Manager Executive Services.

PART 4 OTHER MATTERS

15. DISPUTES

15.1 If a Councillor's Expenses Claim is refused for not being in accordance with this Policy:

- The Councillor will be advised by the Manager Executive Services via email.
- Councillor states his/her case to the Manager Executive Services in writing if he/she disputes the determination.
- Manager Executive Services will advise the Councillor of his/her decision in writing.
- If Councillor disputes the determination made by Manager Executive Service, the Councillor should discuss the matter with the General Manager.

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

15.3 If the Councillor and the General Manager cannot resolve the dispute, the Councillor may submit a notice of motion to a council meeting seeking to have the dispute resolved.

15.4 If the matter is determined by Council; Council's Resolution is final and binding.

16. RETURN OR RETENTION OF FACILITIES

16.1 All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a councillor or mayor ceasing to hold office or at the cessation of their civic duties.

16.2 Should a councillor desire to keep any equipment allocated by council, then this policy enables the councillor to make application to the general manager to purchase any such equipment. The general manager will determine an agreed fair market price or written down value for the item of equipment.

16.3 The prices for all equipment purchased by councillors under Clause 11.2 will be recorded in Council's annual report.

17. PUBLICATION

17.1 This policy will be published on council's website.

18. REPORTING

18.1 Council will report on the provision of expenses and facilities to councillors as required in the Act and Regulations.

18.2 Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

19. AUDITING

19.1 The operation of this policy, including claims made under the policy, will be included in council's audit program and an audit undertaken at least every two years.

20. BREACHES

20.1 Suspected breaches of this policy are to be reported to the general manager. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

21. STATUS OF THE POLICY

This Policy, once adopted, is to remain in force until it is reviewed by the Council in accordance with the provisions of Sections 253 and 254 of the Local Government Act 1993.

This Policy will be reviewed in accordance with the provisions of Section 252(1) of the Local Government Act.

Amendments to the Policy will be carried out in accordance with the provisions of Section 253 of the Local Government Act.

Formatting or grammatical corrections to the Policy including amendments to legislation or guidelines issued by the Office of Local Government may be made with approval of the General Manager.

22. ALLOWANCE (SALARY) SACRIFICE

"In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf."

Councillors should seek their own financial advice on the impact upon their personal financial and taxation benefits before nominating a deduction from their allowance/s into the nominated superannuation fund. These requests are to be directed to the General Manager.

No other allowance (salary) sacrifice benefits are available to Councillors.

23. THE ROLE OF COUNCILLOR

Section 232 of the Local Government Act defines the role of a Councillor. It generally provides that Councillors have two distinct roles; as a member of the governing body of the Council; and as an elected person. Councillors as members of the governing body should work as part of a team to make decisions and policies that guide the activities of the Council. Their role as an elected person requires Councillors to represent the interests of the community and provide leadership.

The Councillor Expenses and Facilities Policy should facilitate and assist Councillors to carry out their role.

Section 232 of the Act (The role of a councillor) states:

(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.

Recognition of service

In recognition of long service as Councillor and/or Mayor, Councillors are eligible to receive particular Local Government NSW awards if their service meets certain criteria. Refer to Council's *Councillors' Recognition of Service Policy* for details.

24 ACCESS TO POLICY

The Government Information (Public Access) Act 2009 ("GIPA Act") gives a right to all persons to access Council documents as listed in the Act. These documents include annual reports, management plans, and Council policies including this Policy. The GIPA Act provides that the public is able to inspect such documents during office hours at the Council, and at no charge. This Policy is also available online.

25 RELEVANT PROVISIONS UNDER THE ACT AND REGULATION

Reporting

Section 428(2) (f) of the Act requires Council to include in its annual report:

- *The total amount of monies expended during the year on Mayoral fees and Councillors fees,*
- *The Council's policy on the provision of facilities for the use by Councillors and the payment of Councillors' expenses,*
- *Statement of the total amount of money expended during the year on the provision of such facilities and the payment of such expenses.*

In addition, Section 428(2) (r) of the Act states, "*such other information as the regulations may require*".

Clause 217 of the Regulation requires Council to include in its annual report the following information:

- (a) *details (including the purpose) of overseas visits undertaken during the year by Councillors, Council staff or other persons while representing the Council (including visits sponsored by other organisations).*
- (a1) *details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, Councillors in relation to their civic functions (as paid by the Council, reimbursed to the Councillor or reconciled with the Councillor), including separate details on the total cost of each of the following:*
 - (i) *the provision during the year of dedicated office equipment allocated to Councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in Councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),*
 - (ii) *telephone calls made by Councillors, including calls made from mobile telephones provided by the Council and from landline telephones and facsimile services installed in Councillors' homes,*
 - (iii) *the attendance of Councillors at conferences and seminars,*
 - (iv) *the training of Councillors and the provision of skill development for Councillors,*
 - (v) *interstate visits undertaken during the year by Councillors while representing the Council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
 - (vi) *overseas visits undertaken during the year by Councillors while representing the Council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
 - (vii) *the expenses of any spouse, partner or other person who accompanied a Councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Director-General from time to time.*
 - (viii) *expenses involved in the provision of care for a child of, or an immediate family member of, a Councillor, to allow the Councillor to undertake his or her civic functions.*

Disallowance of expenses and facilities

Clause 403 disallows the payment of a general expense allowance and for a vehicle to be made available for the exclusive use of a Councillor other than the Mayor.

Clause 403 (Payment of expenses and provision of facilities) states:

A policy under section 252 of the Local Government Act 1993 must not include any provision enabling a Council:

- (a) to pay any Councillor an allowance in the nature of a general expense allowance, or*
- (b) to make a motor vehicle owned or leased by the Council available for the exclusive or primary use or disposition of a particular Councillor other than a Mayor.*

26. OTHER NSW GOVERNMENT POLICY PROVISIONS**26.1 Office of Local Government Guidelines**

Under section 252(5) of the *Local Government Act 1993* the Council expenses policy must comply with guidelines issued under section 23A of the Act.

26.2 Circulars to Councils

The policy must take into account the following Circulars.

- Circular 16-20 re *Misuse of Council Resources*
- Circular 16-18 re *Council Decision Making prior to Ordinary Elections*
- Circular 09/36 re *Councillor Expenses and Facilities Guidelines*
- **Local Government Circular 17-17 Councillor Expenses and Facilities Policy Better Practice Template**

26.3 The Model Code of Conduct for Local Councils in NSW (OLG)

The policy should be consistent with the *Model Code of Conduct for Local Councils in NSW, Office of Local Government - November 2015*. The following parts of the Code are particularly relevant to s252 policies:

Code of Conduct provisions relevant to this policy are:

"Use of Council resources

You must use Council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

Union delegates and consultative committee members may have reasonable access to Council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters*

b) the representation of employees with respect to grievances and disputes

c) functions associated with the role of the local consultative committee.

You must be scrupulous in your use of Council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.

You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

You must not use Council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

You must not use Council letterhead, Council crests and other information that could give the appearance it is official Council material for:

a) the purpose of assisting your election campaign or the election campaign of others, or

b) for other non-official purposes.

You must not convert any property of the Council to your own use unless properly authorised.

You must not use Council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature."

26.4 Councillor Induction and Professional Development Guide (OLG)

The policy provisions on training and development should integrate with any training and development policy, plan or program developed by the Council. The Office has produced a *Councillor Induction and Professional Development Guide* (September 2008) and this was updated in June 2012 (circular 12-18) to assist Councils to develop these programs. The Guide is available on the OLG website.

26.5 No Excuse for Misuse, preventing the misuse of Council resources (ICAC)

Councils should also be aware of and take account numerous corruption reports available from the Independent Commission Against Corruption (ICAC) concerning misuse of resources or corruption that are available on the ICAC website at www.icac.nsw.gov.au.

Councillors are also referred to the Council's Code of Conduct (Part 7) and its Electronic Communications Policy (Appendix 1 – Inappropriate use of electronic communications) regarding the use of Council's resources

27 RELEVANT DOCUMENTS

- Local Government Act 1993, **Sections 252 and 253**

- Local Government (General) Regulation 2005, **Clauses 217 and 403**
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees
- **Local Government Circular 17-17 Councillor Expenses and Facilities Policy Better Practice Template**
- Council's Code of Conduct

28 VERSION HISTORY

Version	Release Date	Author	Reason for Change
1.0	14/09/2016	Bruce Cooke	New document
2.0	12/07/2017	Warren Park	Review of document
2.1	30/08/2017	Warren Park	Minor edits
3.0	19/07/2018	Coordinator Governance	Review of document

Appendix A - Claim for Reimbursement of Expenses by Councillors

I hereby submit my claim for reimbursement of expenses in accordance with the provisions of the Local Government Act and Council's Councillors' Expenses & Facilities Policy.

Councillor.....

Claim for reimbursement of expenses

Date	Nature of Business/ Function attended	Representing Mayor/Council		Nature of Claim	\$ or % For Private Use Above 5%	\$ or % Civic Duties	Amount Claimed (Inc GST)
		Yes	No				

Claim for reimbursement of travel expenses (personal vehicle/taxi cab / ride-share eg. Uber)

Date	Nature of Business/ Function attended	Method of travel	Pick-up Point*	Destination*	Distance in kms	Rate /km#	Amount claimed

* Pick-up Point and Designation is required for Taxi cab vouchers / documented ride share eg. Uber.
Contact Council's Executive Services to obtain current rate for Km usage

Total amount claimed: \$_____

Please note:

- The form is to be lodged with Tax Invoices/Receipts attached in order for reimbursement to be processed.
Claims must be lodged within one month of incurring.
- Councillors are required to submit Taxi cab dockets / documented ride share eg. Uber dockets containing a note as to the Council business/function attended that was covered by the journey as well as the pick-up point and destination for reconciliation with the monthly account from the service supplier

I certify that the above expenses have been reasonably incurred in the performance of my role as a Councillor of Bayside Council and are due and payable to me in accordance with Council's Policy.

Signature: Date: / ... /

Appendix B – Process for Claiming Reimbursement of Legal Costs

1. To whom do you make the application for reimbursement?

The application for reimbursement of legal expenses should be made in writing to the General Manager. The General Manager may ask for additional information and shall put such application before the Council in accordance with the Policy.

2. When can you make an application for reimbursement?

An application for reimbursement of legal expenses can be made having regard to rights and obligations in the Policy.

3. Requirement for previous application to the Attorney-General where acting as a witness before an ICAC hearing

If you have been called as a witness at a hearing (public or private) conducted by the Independent Commission Against Corruption (**ICAC**), you must have:

- 3.1. **Prior to or during your appearance as a witness at the hearing**, applied in writing to the Attorney General for financial assistance with respect to your legal representation, pursuant to section 52 of the *Independent Commission Against Corruption Act 1988*; and
- 3.2. Have been refused such financial assistance in part or full.

Note: Your application to the Attorney-General will need to include the full details of your financial situation and, provided your summons does not prevent you from doing so, the evidence you expect to give.

4. What other eligibility requirements need to be addressed in your application?

The application should address the following criteria where relevant:

- 4.1 specify which investigative body has conducted the relevant interview/s and hearing/s (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
- 4.2 specify whether you are currently a Councillor or Mayor, or have been a former Councillor or Mayor (in which case you must have been acting in this office at any time from the March 2004 Local Government Elections onwards);

Note: See the definition of “investigative body” in the Policy.

- 4.3 state whether you are the subject of the investigation/s and/or the hearing/s and, if not, specify who is the subject (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);

Note: Where you are uncertain as to whether you are the subject of the investigation/s and/or the hearing/s, or as to whom the subject is, you should state this.

- 4.4 provide details of the request or summons to attend an interview/s or hearing/s by the relevant investigative body (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
- 4.5 detail the legal expenses (including hourly rate charged) in part or in full incurred in connection with attending the interview/s or hearing/s (public or private);
- 4.6 describe the nature of the information the investigative body has, through requesting an interview or your attendance at a hearing, sought from you (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
- 4.7 describe how the information the investigative body has sought from you directly derives from your discharge of duties or your exercise of civic functions as the Mayor or as a Councillor (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
- 4.8 state whether you are satisfied you discharged the duties or exercised the functions in question in good faith or with honest intent (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
- 4.9 show that you have complied with any reasonable and lawful direction of your insurer and/or the General Manager (if there has been any such direction); and
- 4.10 provide evidence that the investigative body or Court has:
 - 4.10.1 confirmed in writing that it has completed the investigation/s or hearing/s or, where a Report is to be provided pursuant to the relevant legislation, published its Report; and
 - 4.10.2 confirmed in writing that the outcome of the legal proceedings is not substantially unfavourable to Council has been made with respect to you.

5. What documents need to be included with your application?

Where appropriate the following information should be provided:

- 5.1 A copy of the document requesting your attendance at an interview/s or hearing/s by the investigative body or Court, for example, a letter or summons (except where a suppression order or other such order is in force which prevents disclosure of this information – see paragraph 6);
- 5.2 If you have been called as a witness at a hearing (public or private) conducted by ICAC, a copy of your request to the Attorney-General for legal assistance pursuant to section 52 of the *Independent Commission Against Corruption Act 1988*, and a copy of the Attorney General's response;
- 5.3 Copies of any itemised invoices issued to you for legal expenses (fees

charged for legal representation or legal advice including the hourly rate charged) in connection with the interview/s or hearing/s and any receipts for payment for such invoices;

- 5.4 Confirmation in writing from the investigative body or Court that it has completed its investigation/s or hearing/s or, where a Report has been prepared, a copy of the Report or the decision of the Court;
- 5.5 Where not included in the Report, or where a Report is not provided, written confirmation that the outcome of the legal proceedings is not substantially unfavourable to Council has been made with respect to you;
- 5.6 Any other documents relevant to the eligibility requirements outlined in paragraph 4.

6. What will happen where a suppression order or other order restricting disclosure of information applies?

- 6.1 Where you have been ordered by the investigative body or Court, for example, in your summons, not to disclose information which the Policy requires you to provide (see paragraph 4 and 5 above), you should refrain from including such information in your application.
- 6.2 Once any suppression order or other order has been lifted by the investigative body or Court, you should immediately provide the General Manager with the information previously omitted from your application on this basis.
- 6.3 The General Manager may not be able to consider your application where a suppression order or other order restricting disclosure of information apply until the suppression order or other order is lifted and information previously omitted is available where the information is required to approve the reimbursement.

7. Will Council need to pass a resolution regarding my application?

- 7.1 Yes, in accordance with Clause 11.7.2.5 Legal Assistance of this Policy "A Councillor must seek and obtain approval from Council for indemnity and reimbursement of any legal cost covered by this policy prior to legal expenses being incurred.
- 7.2 Any resolution by Council to provide indemnity and reimbursement needs to be consistent with this Policy and subject to the provisions of clause 11.7.2.1.
- 7.3 Where Council is not satisfied of the above, Council should provide reasons for its determination.

Appendix C - Electronic Equipment Acknowledgement

Appropriate Use

As a Council official of Bayside Council, I will use electronic communications and/or devices appropriately, and in accordance with the Code of Conduct and Electronic Communications Policy (both accessible from the Councillor Portal).

In particular, I am aware that:

- Council's Code of Conduct specifically includes a requirement that Council officials "must use resources ethically, effectively, efficiently and carefully in the course of (their) duties."
- Council's Electronic Communications Policy provides more specific guidance as to the use of Council's electronic communication devices.

I understand that it is my responsibility to seek advice regarding any questions that I might have regarding the use of Council's equipment prior to my using this device.

Standards of use

I acknowledge that the standards of use of electronic communications and devices are as outlined in the Electronic Communications Policy:

- Do not use devices or electronic communications in a way that is unlawful or in conflict with this and other Council's policies and procedures.
- Do not use devices or electronic communications in a way that damages Council's reputation.
- Do not access Council information that is not relevant to your official responsibilities.
- Do not interfere with others conducting Council business.
- Do not use Council's electronic devices for personal use (apart from insignificant use).

Software and applications

I understand that:

- I should report any known misuse of software or related documentation to the General Manager.
- Under Australian copyright law, unauthorised duplication and distribution of software can expose Council to extensive fines and claims for civil damages, and can expose me to personal fines together with possible detention and claims for civil damages.
- With Council owned and supplied electronic devices, I must only use on those devices copies of software legally acquired by the Council or myself, and I must comply with all known license conditions accompanying any software acquired or used.

Monitoring

I acknowledge that, in accordance with Section 10 of the Workplace Surveillance Act 2005, surveillance of electronic communications and devices is undertaken by Council.

Enquiries

Enquiries to IT Helpdesk through Councillor Support or 9562 1757.

Ownership

I acknowledge that, if an electronic communication device is provided by Council, it remains the property of Bayside Council. The following electronic communications and other items have been allocated to me:

Tablet	BC No:	Serial No:
Locker key	No:	
Garage remote	User No:	
Taxi card	Yes	Refer to separate Taxi cab form

Councillor's Name

Signature

Date

Councillor Support Officer

Council Meeting

10/10/2018

Item No	8.7
Subject	Pecuniary Interest Disclosure Returns
Report by	Michael Mamo, Director City Performance
File	SC17/288

Summary

The Local Government Act, 1993 details the statutory requirements in respect of the lodgement of Disclosure of Pecuniary Interest and Other Matters by Councillors and Designated Persons.

This report provides information regarding Returns recently lodged with the General Manager by Designated Persons holding office as at 30 June 2018.

Officer Recommendation

That the information be received and noted.

Background

Section 450A of the Local Government Act, 1993 relates to the register of Disclosure of Interest Returns and the tabling of these Returns, which have been lodged by Councillors and Designated Persons.

Section 450A of the Act states:

"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 lodged 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.*

As required by Section 450A(1), a register of all Returns lodged by Councillors and Designated Persons in accordance with Section 449 of the Act is established by Council.

The purpose of this report is to table, in accordance with Section 450A(2), all Returns lodged by Councillors and Designated Persons by the dates outlined in subsections (a) and (b).

First Returns – Designated Persons

In accordance with Section 450(2)(a), the following Section 449(1) Returns have been lodged by an employee who has recently appointed as Designated Persons.

Position	Return Date	Date Required	Date Lodged
Building Certifier	29.06.2018	29.09.2018	31.07.2018
Building Certifier	29.06.2018	29.09.2018	31.07.2018
Contracts Manager	29.06.2018	29.09.2018	03.08.2018
Coordinator Airside	29.06.2018	29.09.2018	28.08.2018
Coordinator City Works	29.06.2018	29.09.2018	10.07.2018
Coordinator Events	29.06.2018	29.09.2018	19.07.2018
Coordinator Facilities & Property Maintenance.	29.06.2018	29.09.2018	19.07.2018
Coordinator Parks & Open Space – East	29.06.2018	29.09.2018	25.07.2018
Coordinator Strategic Planning	29.06.2018	29.09.2018	09.07.2018
Development Assessment Planner	29.06.2018	29.09.2018	25.07.2018
Development Assessment Planner	29.06.2018	29.09.2018	23.08.2018
Development Assessment Planner	29.06.2018	29.09.2018	31.07.2018
Development Assessment Planner	29.06.2018	29.09.2018	19.07.2018
Director City Performance	29.06.2018	29.09.2018	19.07.2018
Environmental Compliance Officer	29.06.2018	29.09.2018	25.07.2018
Environmental Health Officer	29.06.2018	29.09.2018	08.08.2018

Position	Return Date	Date Required	Date Lodged
Environmental Health Officer	29.06.2018	29.09.2018	19.07.2018
Environmental Health Supervisor	29.06.2018	29.09.2018	13.08.2018
Events Officer	29.06.2018	29.09.2018	23.07.2018
Events Officer	29.06.2018	29.09.2018	08.08.2018
Events Officer	29.06.2018	29.09.2018	16.07.2018
Events Support Officer	29.06.2018	29.09.2018	16.07.2018
Fire Safety Officer	29.06.2018	29.09.2018	23.07.2018
Parking Patrol Officer	29.06.2018	29.09.2018	13.08.2018
Parking Patrol Officer	29.06.2018	29.09.2018	19.07.2018
Parking Patrol Officer	29.06.2018	29.09.2018	19.07.2018
Parking Patrol Officer	29.06.2018	29.09.2018	16.07.2018
Parking Patrol Officer	29.06.2018	29.09.2018	19.07.2018
Parking Patrol Officer	29.06.2018	29.09.2018	16.07.2018
Procurement Officer	29.06.2018	29.09.2018	24.07.2018
Procurement Specialist	29.06.2018	29.09.2018	10.07.2018
Procurement Specialist	29.06.2018	29.09.2018	23.07.2018
Project Engineer	29.06.2018	29.09.2018	03.08.2018
Project Landscape Architect	29.06.2018	29.09.2018	31.07.2018
Project Manager	29.06.2018	29.09.2018	03.08.2018
Property Admin. Officer (Footway Trading)	29.06.2018	29.09.2018	09.08.2018
Senior Building Certifier (Fire)	29.06.2018	29.09.2018	23.07.2018
Senior Development Assessment Planner	29.06.2018	29.09.2018	11.07.2018

Position	Return Date	Date Required	Date Lodged
Senior Environmental Health Officer	29.06.2018	29.09.2018	19.07.2018
Senior Parking Patrol Officer	29.06.2018	29.09.2018	11.07.2018
Senior Parking Patrol Officer	29.06.2018	29.09.2018	08.08.2018
Senior Urban Planner	29.06.2018	29.09.2018	23.08.2018
Swimming Pool Officer	29.06.2018	29.09.2018	13.08.2018
Swimming Pool Officer	29.06.2018	29.09.2018	20.07.2018
Urban Designer	29.06.2018	29.09.2018	16.07.2018
Urban Planner	29.06.2018	29.09.2018	09.08.2018

Annual Returns

In accordance with Section 450(2)(b), the following Returns have been lodged by Councillors and Designated Persons holding that position as at 30 June 2018:

Councillors' Name	Return Period	Date Lodged
AWADA Joseph	15.09.2017 – 30.06.2018	13.09.2018
BARLOW Elizabeth	15.09.2017 – 30.06.2018	11.07.2018
BEZIC Ronald	15.09.2017 – 30.06.2018	13.07.2018
CURRY Christina	15.09.2017 – 30.06.2018	08.08.2018
IBRAHIM Tarek	15.09.2017 – 30.06.2018	13.09.2018
KALLIGAS Petros	15.09.2017 – 30.06.2018	13.09.2018
MACDONALD James	15.09.2017 – 30.06.2018	24.08.2018
MCDUGALL Edward	15.09.2017 – 30.06.2018	08.08.2018
MORRISSEY Scott	15.09.2017 – 30.06.2018	31.07.2018
NAGI Michael	15.09.2017 – 30.06.2018	22.08.2018
POULOS Vicki	15.09.2017 – 30.06.2018	13.09.2018
RAPISARDI Dorothy	15.09.2017 – 30.06.2018	11.07.2018
SARAVINOVSKI Bill	15.09.2017 – 30.06.2018	11.07.2018
SEDRAK Paul	15.09.2017 – 30.06.2018	08.08.2018
TSOUNIS Andrew	15.09.2017 – 30.06.2018	10.09.2018

Existing Designated Officers

Position	Return Period	Date Lodged
Coordinator Applications	01.07.2017 – 30.06.2018	06.07.2018
Coordinator Asset Strategy	01.07.2017 – 30.06.2018	01.08.2018
Coordinator Development Assessment	01.07.2017 – 30.06.2018	13.08.2018
Coordinator Development Assessment	01.07.2017 – 30.06.2018	28.08.2018

Position	Return Period	Date Lodged
Coordinator Development Assessment	01.07.2017 – 30.06.2018	09.08.2018
Coordinator Development Assessment	01.07.2017 – 30.06.2018	13.08.2018
Coordinator Development Certification	01.07.2017 – 30.06.2018	28.08.2018
Coordinator Fleet Operations & Stores	01.07.2017 – 30.06.2018	20.07.2018
Coordinator Infrastructure Assets	01.07.2017 – 30.06.2018	03.07.2018
Coordinator Infrastructure Projects	01.07.2017 – 30.06.2018	03.07.2018
Coordinator IT Technical Support	01.07.2017 – 30.06.2018	06.07.2018
Coordinator Major Projects	01.07.2017 – 30.06.2018	03.08.2018
Coordinator Operations Waste & Cleansing	01.07.2017 – 30.06.2018	13.07.2018
Coordinator Parks & Open Space - West	01.07.2017 – 30.06.2018	19.07.2018
Coordinator Property	01.07.2017 – 30.06.2018	05.07.2018
Coordinator Public Domain	01.07.2017 – 30.06.2018	28.08.2018
Coordinator Regulations	01.07.2017 – 30.06.2018	11.07.2018
Coordinator Traffic & Road Safety	01.07.2017 – 30.06.2018	19.07.2018
Coordinator Venues	01.07.2017 – 30.06.2018	24.07.2018
Coordinator Waste Avoidance, Res. & Recvry.	01.07.2017 – 30.06.2018	06.08.2018
Development Assessment Planner	01.07.2017 – 30.06.2018	16.07.2018
Development Assessment Planner	01.07.2017 – 30.06.2018	19.07.2018
Development Assessment Planner	01.07.2017 – 30.06.2018	11.07.2018
Development Assessment Planner	01.07.2017 – 30.06.2018	08.08.2018
Development Assessment Planner	01.07.2017 – 30.06.2018	03.08.2018
Director City Futures	01.07.2017 – 30.06.2018	19.07.2018

Position	Return Period	Date Lodged
Director City Life	01.07.2017 – 30.06.2018	19.07.2018
Director City Presentation	01.07.2017 – 30.06.2018	09.07.2018
Environmental Compliance Officer	01.07.2017 – 30.06.2018	05.07.2018
Executive Engineer	01.07.2017 – 30.06.2018	09.07.2018
General Manager	01.07.2017 – 30.06.2018	11.08.2018
Head of Communications & Events	01.07.2017 – 30.06.2018	09.07.2018
Major Projects Director	01.07.2017 – 30.06.2018	03.08.2018
Manager Airport Business Unit	01.07.2017 – 30.06.2018	07.09.2018
Manager Certification	01.07.2017 – 30.06.2018	01.08.2018
Manager City Infrastructure	01.07.2017 – 30.06.2018	09.07.2018
Manager City Works	01.07.2017 – 30.06.2018	16.07.2018
Manager Compliance	01.07.2017 – 30.06.2018	10.07.2018
Manager Customer Experience	01.07.2017 – 30.06.2018	19.07.2018
Manager Development Services	01.07.2017 – 30.06.2018	07.09.2018
Manager Executive Services	01.07.2017 – 30.06.2018	06.07.2018
Manager Finance	01.07.2017 – 30.06.2018	06.07.2018
Manager Governance & Risk	01.07.2017 – 30.06.2018	09.07.2018
Manager Information Technology	01.07.2017 – 30.06.2018	03.09.2018
Manager Parks & Open Space – East & West	01.07.2017 – 30.06.2018	25.07.2018
Manager People & Organisational Culture	01.07.2017 – 30.06.2018	16.07.2018
Manager Procurement	01.07.2017 – 30.06.2018	09.08.2018
Manager Property	01.07.2017 – 30.06.2018	23.08.2018

Position	Return Period	Date Lodged
Manager Recreation & Community Services	01.07.2017 – 30.06.2018	13.08.2018
Manager Strategy Planning	01.07.2017 – 30.06.2018	19.07.2018
Manager Waste & Cleansing Services	01.07.2017 – 30.06.2018	20.07.2018
Procurement Specialist	01.07.2017 – 30.06.2018	11.07.2018
Project Architect	01.07.2017 – 30.06.2018	03.08.2018
Project Manager	01.07.2017 – 30.06.2018	03.08.2018
Project Manager	01.07.2017 – 30.06.2018	03.08.2018
Project Manager	01.07.2017 – 30.06.2018	03.08.2018
S94 Planner	01.07.2017 – 30.06.2018	19.07.2018
Senior Building Certifier	01.07.2017 – 30.06.2018	19.07.2018
Senior Building Certifier	01.07.2017 – 30.06.2018	19.07.2018
Senior Building Certifier	01.07.2017 – 30.06.2018	02.08.2018
Senior Development Assessment Planner	01.07.2017 – 30.06.2018	13.08.2018
Senior Development Assessment Planner	01.07.2017 – 30.06.2018	19.07.2018
Senior Development Assessment Planner	01.07.2017 – 30.06.2018	01.08.2018
Senior Development Assessment Planner	01.07.2017 – 30.06.2018	09.08.2018
Senior Development Assessment Planner	01.07.2017 – 30.06.2018	19.07.2018
Senior Development Assessment Planner	01.07.2017 – 30.06.2018	13.08.2018
Senior Environmental Compliance Officer	01.07.2017 – 30.06.2018	09.08.2018
Senior Project Architect	01.07.2017 – 30.06.2018	03.08.2018
Senior Project Engineer	01.07.2017 – 30.06.2018	09.07.2018
Senior Project Landscape Architect	01.07.2017 – 30.06.2018	03.08.2018

Position	Return Period	Date Lodged
Senior Project Landscape Architect	01.07.2017 – 30.06.2018	08.08.2018

All Designated Persons have lodged their Returns prior to the due date of 30 September 2018 as required by the Act.

Financial Implications

Not applicable



Community Engagement

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

Attachments

Nil

Council Meeting

10/10/2018

Item No	8.8
Subject	Fees & Charges 2018/19 - Proposed Amendments
Report by	Michael Mamo, Director City Performance
File	SF18/1731

Summary

On 28 June 2018 after public consultation Council adopted its 2018/19 Fees and Charges. Since the adoption of these Fees & Charges, it has become apparent that some amendments are required for various reasons including changes to statutory fees. It is also opportune to review several other fees & charges and continue the harmonisation process.

These proposed amendments are outlined in the table included in the body of report, with a view to them being placed on public exhibition before consideration for endorsement.

Officer Recommendation

- 1 That the amendments to the current 2018/19 Fees and Charges as outlined in the table in the body of this report be placed on public exhibition for a period of 28 days.
 - 2 That a further report be submitted to a future Council meeting after the expiration of the community consultation period.
-

Background

The current Fees & Charges 2018/19 were adopted by Council at its Extraordinary meeting of 28 June 2018. Since its adoption it has become apparent that several amendments are required due to various reasons including changes to statutory fees published by the State Government after the original document was compiled.

It is also opportune to review other fees & charges for the purposes of clarification, cost recovery and administrative changes, and the continuation of the harmonisation process. The proposed amendments are in the following areas:

- Sporting fields and recreation
- Street Stalls
- Market stalls
- Library photocopying
- Development applications
- Companion animals

The following table outlines the proposed changes to the 2018/19 Fees & Charges and the reason for the amendment – the page numbers refer to the existing adopted Fees & Charges document:

Item	Current 2018/2019 Fees & Charges	Proposed new / amended fee / charge	Reason
SPORTING FIELDS (page 1) Cricket - Synthetic Wicket (Former Rockdale area) Seasonal Daily	\$321	\$85	Fee Review - Original fee increase reviewed
Sporting Fields (page 1)		Night Training Fee including lights (Seasonal hire only) \$32 per night. Night Training Programming Fee for Lights \$220	Administrative omission
Ador Reserve (page 1)		Admin Fee \$111	As above
Keys (page 2)		Key bond \$60 Cyber Keys \$220	As above
Recreational Park Hire Commercial sporting and fitness activities / personal training. (page 2)		Admin Fee (All Hirers) \$111 Delete Former Botany area administration charge \$262	As above. Harmonised administration fee to be applied for all hirers \$111
Triathlon / Fun Run Permits (page 2)		Add Commercially organised triathlons, biathlons or similar events per half day \$1,322.50	Administrative omission
Cross Country (page 2)		Cross Country Admin Fee \$111 Cross Country Local (Residents and Clubs) \$123 Cross Country Outside LGA (Clubs) \$175 Cross Country Commercial \$250	Administrative omission

Item	Current 2018/2019 Fees & Charges	Proposed new / amended fee / charge	Reason
Hensley Soccer Pitch & Athletic Track (pages 1-2)	Athletics track and space for athletics field events Proposed Deletion Field Night Training Mon-Fri (per hour) \$200.00	Athletics track and outfield Add Soccer Field Training - Monday to Friday (per hour) \$200.00 Off Soccer Field training area - Monday to Friday (per hour) \$150.00 Delete Field Night Training Mon-Fri (per hour) \$200.00	Clarification - Amended heading. Clarification - Additional wording. Clarification and administrative omission.
Events / Markets & Exhibitions (page 2)	Stall site fee – Fee varies based on type of event \$30-\$400 per day	Note: General Manager may waive fees for: charitable and/or Not-for-Profit organisations and Members of Parliament providing community information outside of election periods. Exemption does not apply to Stall Equipment fee.	Fee Review - New waiver condition
Library Photocopying & Printing Charges (page 8)	A4 B&W \$0.10 A4 Colour \$0.10 A3 B&W \$0.20 A3 Colour \$0.20	A4 B&W \$0.20 A4 Colour \$1.00 A3 B&W \$0.40 A3 B & W \$2.00	Cost Recovery review - Amendment to re-instate the copying and printing charges to the previous higher rates as a result of cost recovery review. Implementation of the new print contract has re-assessed these fees based on full cost recovery to cover the cost of providing a printing and photocopying service at Council libraries.
Development Applications Miscellaneous Fees (page 25)	Scanning documents fees	Deletion of the various fees ranging from \$32 - \$379 associated with scanning documents for various development types	Harmonisation - all DA documents submitted are to be on USB; scanning is no longer required. If required it a scanning fee is to be applied under Customer Service (page 9)

Item	Current 2018/2019 Fees & Charges	Proposed new / amended fee / charge	Reason
Moveable Dwelling (Caravan) on building site Refundable Bond (page 25)		\$1,000 refundable bond	Administrative omission
Development Applications (page 26)	Integrated Development Processing Fee (per referral authority) \$144.00	 \$140.00	Fee Review - Original fee increase inadvertently applied to statutory fee.
Companion Animals Cats and Dogs (page 32)	De-sexed animal TBA	\$57.00	Statutory Change - Fees for 2018/19 had not been gazetted at the time of Council's extraordinary 28 June meeting.
Companion Animals Cats and Dogs (page 32)	Non de-sexed animal TBA	\$207.00	As above.
Companion Animals Cats and Dogs (page 32)	Recognised breeder TBA	\$57.00	As above
Companion Animals Cats and Dogs (page 32)	Desexed animal purchased from pound or shelter TBA	\$28.50	As above
Companion Animals Cats and Dogs (page 32)	Animal enclosure compliance certificate (in accordance with Regulation No.25)	Animal enclosure compliance certificate (in accordance with Regulation 36) \$150.00	As above and reference to Regulations updated.
Companion Animals Cats and Dogs (page 32)	Dangerous dog and restricted breed distinctive signage (Companion Animals Regulation 28)	Warning signs for dangerous, menacing and restricted breed dogs (Companion Animals Regulation 33)	Clarification - Wording changes and reference to Regulations updated.
Companion Animals Cats and Dogs (page 32)	Dangerous dog and restricted breed distinctive collars (Companion Animals Regulation 27):-	Distinctive collars for dangerous, menacing and restricted breed dogs (Companion Animals Regulation 34):-	As above

It is recommended that the proposed amendments as outlined in the table above to the Fees & Charges 2018/19 be placed on public exhibition for period of 28 days.

Financial Implications

Not applicable



Included in existing approved budget ☐
Additional funds required ☐

Community Engagement

The proposed amendments to Fees & Charges 2018/19 to be placed on public exhibition.

Attachments

Nil

Council Meeting

10/10/2018

Item No	8.9
Subject	Statutory Financial Report for August 2018
Report by	Michael Mamo, Director City Performance
File	F09/605

Summary

This report is provided in accordance with the Local Government (General) Regulations, 2005, Division 5, paragraph 212 and s625 of the Local Government Act, 1993.

The necessary certificate by the Responsible Accounting Officer is included in this report and the Statutory Financial Reports are presented as follows:

- Investment Performance against Benchmark
- Statement of Bank Balances
- Schedule of Investments

As at 31 August 2018, Bayside Council had \$410.4m in cash and investments with an adjusted portfolio return on investments of 2.74%. Our income and expenditure cashflow movements for the period primarily comprised the following:

- Income from operating activities \$42.4m from rates, grants and development planning contributions.
- Expenses from operating activities \$19.6m include payments for employee costs, utilities, waste, contract and infrastructure work.

The restricted cash and investments funding dissection will be included in a future report to Council.

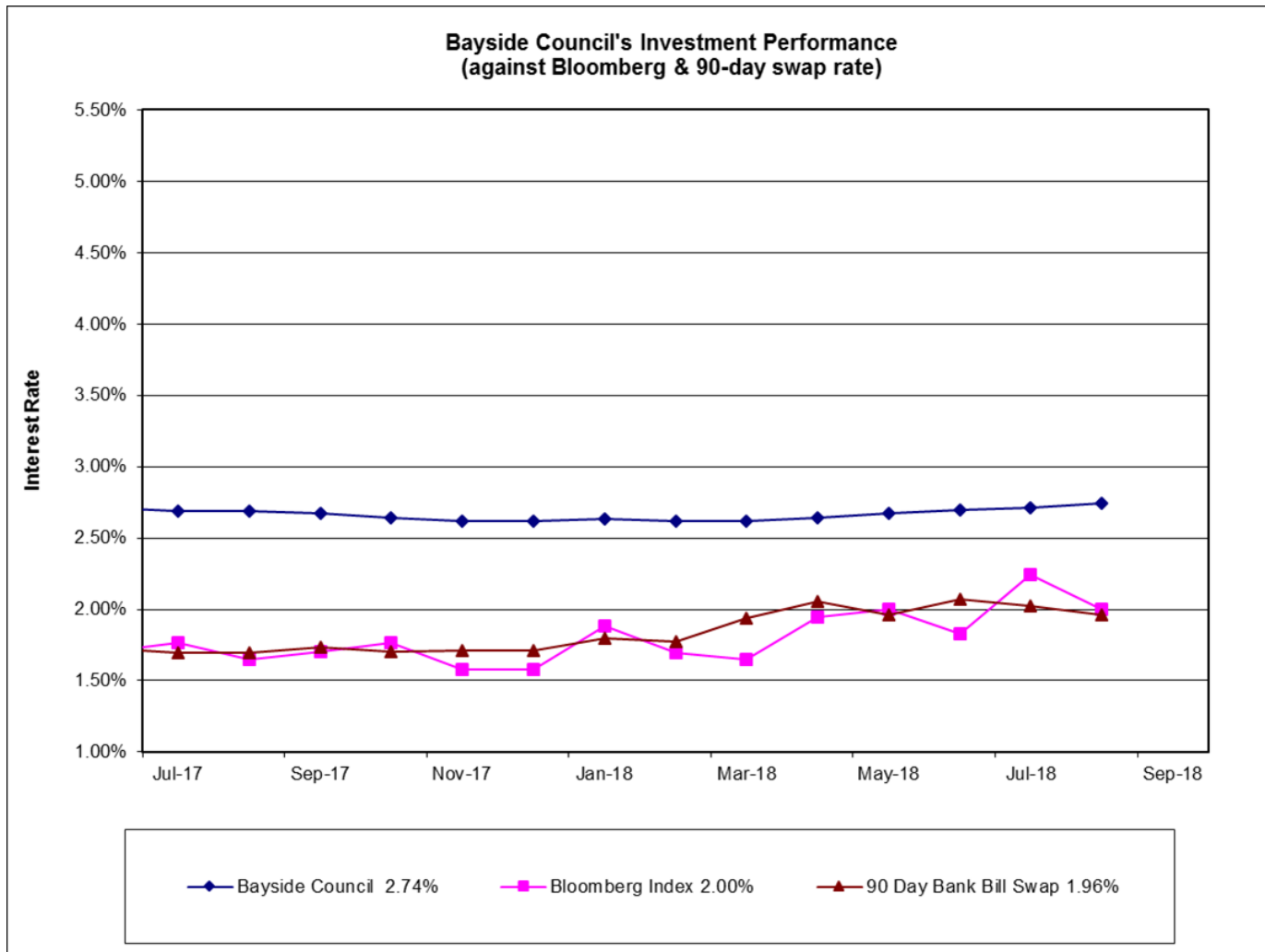
Officer Recommendation

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

Background

The following table shows the performance of Council's investments since July 2017. The Bloomberg (former UBS) Index is used for comparison as this is a generally accepted industry benchmark used by Australian businesses. The 90-day Bank Bill Swap Rate is the worldwide rate that is reviewed by the financial markets every 90 days. This rate underpins the majority of investments which makes it a meaningful comparison for measuring investment performance.

For the current period, Council outperformed the market by 74 basis points. As demonstrated by the investment performance graph, investment returns are stable and consistently above the industry benchmark and 90-day Bank Bill Swap Rate.



Statement of Bank Balances

The table below shows details of movements in Council's cash at bank for the period ended 31 August 2018.

STATEMENT OF BANK BALANCES AS AT 31 August 2018		
	GENERAL FUND	
Cash at Bank (Overdraft) as per Bank Statement as at:	31/07/2018	\$2,176,407
Add:		
Income from Operating Activities for the Period		
- Rates and other receipts*	\$35,049,803	
- Sundry Debtors	\$627,616	
- DA Fees, FCDs & Application Fees	\$810,945	
- Interest	\$705,653	
- Parking and Other Infringements	\$412,843	
- Rents, Leases, Booking Fees, Certificates & Licences	\$931,269	
- Sydney Airport Contract Income	\$1,358,600	
- Sale of Assets/Fleet	\$137,870	
- GST Refund from Tax Office	\$678,982	
- Long Service Levy	\$29,630	
- Grants	\$1,499,954	
- Childcare, Pool & Library Income	\$26,079	
- S.94 & Planning Contributions	\$129,297	
Total Income from Operating Activities for the Period	\$42,398,541	
Less:		
Expenses from Operating Activities for the Period		
Accounts Paid for Period (includes urgent cheques & refunds)	-\$13,624,758	
Direct Payroll	-\$5,639,257	
Presented Cheques	-\$288,560	
Dishonoured Cheques	-\$5,204	
Bank Charges (including Agency Fees)	-\$10,358	
Total Expenses from Operating Activities for the Period	-\$19,568,137	
Total Net Movement from Operating Activities:		\$22,830,404
Investment Activities for the Period		
- Investments redeemed	\$15,344,356	
- Transfer from Short-Term Money Market	\$39,080,000	
- Transfer to Short-Term Money Market	-\$37,150,000	
- New Investments	-\$35,000,000	
Net Investment Flows for the Period	-\$17,725,644	
Funding Activities for the Period		
Loan Repayments	-\$33,222	
Net Funding Flows for the Period	-\$33,222	
Total Net Movement from Investment & Funding Activities:		-\$17,758,866
Cash at Bank (Overdraft) as per Bank Statement as at:	31/08/2018	\$7,247,945
Limit of overdraft arranged at Bank for: Bayside West \$350,000 & Bayside East \$540,000		
* other receipts include Australia Post & Bank Tape		

Schedule of Investments

Bayside Council currently holds \$410.4m in investments and cash at call. In accordance with current accounting standards, investments are recorded at Fair Value (market value).

SCHEDULE OF INVESTMENTS HELD ON BEHALF OF BAYSIDE COUNCIL AS AT: 31/08/2018								
	Credit Rating	Purchase Price	Purchase Date	Maturity Date	Term Days	Prop %	Interest Rate	Market Value
Term Deposits								
Bank of Western Australia	A1	\$1,203,508	24/07/2018	03/10/2018	71	0.32%	2.59%	\$1,203,508
Bank of Western Australia	A1	\$5,000,000	30/08/2018	30/05/2019	273	1.33%	2.75%	\$5,000,000
Bank of Western Australia	A1	\$2,000,000	18/07/2018	10/10/2018	84	0.53%	2.70%	\$2,000,000
Bank of Western Australia	A1	\$2,137,008	30/05/2018	29/11/2018	183	0.57%	2.65%	\$2,137,008
Bank of Western Australia	A1	\$5,000,000	24/08/2018	23/05/2019	272	1.33%	2.80%	\$5,000,000
Bank of Western Australia	A1	\$5,193,991	20/06/2018	20/03/2019	273	1.39%	2.80%	\$5,193,991
Bank of Western Australia	A1	\$5,149,822	21/02/2018	20/11/2018	272	1.37%	2.55%	\$5,149,822
Bank of Western Australia	A1	\$1,238,546	03/07/2018	26/03/2019	266	0.33%	2.80%	\$1,238,546
Bank of Western Australia	A1	\$1,142,737	27/06/2018	26/03/2019	272	0.30%	2.80%	\$1,142,737
Bank of Western Australia	A1	\$1,109,909	10/04/2018	10/10/2018	183	0.30%	2.70%	\$1,109,909
Bank of Western Australia	A1	\$1,084,961	06/03/2018	13/09/2018	191	0.29%	2.45%	\$1,084,961
Bank of Western Australia	A1	\$1,084,813	13/02/2018	13/11/2018	273	0.29%	2.50%	\$1,084,813
Bank of Western Australia	A1	\$1,300,000	17/07/2018	10/04/2019	267	0.35%	2.80%	\$1,300,000
Bank of Western Australia	A1	\$1,135,414	05/12/2017	05/09/2018	274	0.30%	2.50%	\$1,135,414
Bank of Western Australia	A1	\$10,000,000	16/08/2018	16/05/2019	273	2.67%	2.80%	\$10,000,000
Bank of Western Australia	A1	\$5,000,000	31/07/2018	02/05/2019	275	1.33%	2.80%	\$5,000,000
Bank of Western Australia	A1	\$2,500,000	10/07/2018	11/04/2019	275	0.67%	2.80%	\$2,500,000
Bank of Western Australia	A1	\$1,353,322	12/04/2018	03/10/2018	174	0.36%	2.70%	\$1,353,322
Bank of Western Australia	A1	\$1,196,307	12/01/2018	09/10/2018	270	0.32%	2.55%	\$1,196,307
Bank of Western Australia	A1	\$1,208,837	13/06/2018	13/03/2019	273	0.32%	2.75%	\$1,208,837
Bank of Western Australia	A1	\$5,000,000	09/08/2018	09/05/2019	273	1.33%	2.80%	\$5,000,000
Bank of Western Australia	A1	\$2,081,679	13/03/2018	13/09/2018	184	0.56%	2.55%	\$2,081,679
Bank of Western Australia	A1	\$1,303,595	14/03/2018	12/12/2018	273	0.35%	2.55%	\$1,303,595
Bank of Western Australia	A1	\$1,303,640	15/02/2018	15/11/2018	273	0.35%	2.55%	\$1,303,640
Bank of Western Australia	A1	\$2,036,247	08/05/2018	05/02/2019	273	0.54%	2.65%	\$2,036,247
Bank of Western Australia	A1	\$2,026,712	14/12/2017	12/09/2018	272	0.54%	2.50%	\$2,026,712
						18.35%		
Illawarra Mutual Building Society	A2	\$5,000,000	6/06/2018	06/06/2019	365	1.33%	2.75%	\$5,000,000
Illawarra Mutual Building Society	A2	\$1,198,273	24/04/2018	07/11/2018	197	0.32%	2.65%	\$1,198,273
Illawarra Mutual Building Society	A2	\$1,500,000	16/07/2018	11/04/2019	269	0.40%	2.75%	\$1,500,000
Illawarra Mutual Building Society	A2	\$1,400,000	17/07/2018	11/04/2019	268	0.37%	2.75%	\$1,400,000
Illawarra Mutual Building Society	A2	\$1,410,974	5/04/2018	04/10/2018	182	0.38%	2.55%	\$1,410,974
Illawarra Mutual Building Society	A2	\$1,134,511	18/04/2018	18/10/2018	183	0.30%	2.60%	\$1,134,511
Illawarra Mutual Building Society	A2	\$1,206,626	16/05/2018	12/02/2019	272	0.32%	2.70%	\$1,206,626
Illawarra Mutual Building Society	A2	\$2,659,570	5/06/2018	05/06/2019	365	0.71%	2.75%	\$2,659,570
Illawarra Mutual Building Society	A2	\$1,778,167	12/06/2018	12/03/2019	273	0.47%	2.68%	\$1,778,167
Illawarra Mutual Building Society	A2	\$1,310,107	19/04/2018	18/10/2018	182	0.35%	2.60%	\$1,310,107
Illawarra Mutual Building Society	A2	\$1,262,628	28/03/2018	27/09/2018	183	0.34%	2.50%	\$1,262,628
Illawarra Mutual Building Society	A2	\$2,000,000	1/09/2017	03/09/2018	367	0.53%	2.50%	\$2,000,000
Illawarra Mutual Building Society	A2	\$3,077,104	30/05/2018	30/05/2019	365	0.82%	2.75%	\$3,077,104
Illawarra Mutual Building Society	A2	\$5,000,000	30/08/2018	29/08/2019	364	1.33%	2.75%	\$5,000,000
						7.99%		
Newcastle Permanent Build Society	A2	\$1,272,595	19/07/2018	17/10/2018	90	0.34%	2.50%	\$1,272,595
Newcastle Permanent Build Society	A2	\$1,299,356	10/05/2018	06/11/2018	180	0.35%	2.40%	\$1,299,356
Newcastle Permanent Build Society	A2	\$1,194,645	27/03/2018	23/10/2018	210	0.32%	2.40%	\$1,194,645
Newcastle Permanent Build Society	A2	\$1,230,672	07/03/2018	18/09/2018	195	0.33%	2.40%	\$1,230,672
Newcastle Permanent Build Society	A2	\$1,133,269	29/03/2018	17/10/2018	202	0.30%	2.40%	\$1,133,269
Newcastle Permanent Build Society	A2	\$1,244,932	15/03/2018	26/09/2018	195	0.33%	2.40%	\$1,244,932
Newcastle Permanent Build Society	A2	\$1,321,984	17/05/2018	13/02/2019	272	0.35%	2.40%	\$1,321,984
						2.32%		
ME Bank	A2	\$1,000,000	07/12/2017	06/09/2018	273	0.27%	2.57%	\$1,000,000
ME Bank	A2	\$5,000,000	31/07/2018	01/08/2019	366	1.33%	2.80%	\$5,000,000
ME Bank	A2	\$2,000,000	22/05/2018	22/05/2019	365	0.53%	2.75%	\$2,000,000
ME Bank	A2	\$2,000,000	01/09/2017	04/09/2018	368	0.53%	2.60%	\$2,000,000
ME Bank	A2	\$2,000,000	29/05/2018	26/02/2019	273	0.53%	2.72%	\$2,000,000
ME Bank	A2	\$2,000,000	19/12/2017	19/09/2018	274	0.53%	2.57%	\$2,000,000
ME Bank	A2	\$3,000,000	08/03/2018	06/12/2018	273	0.80%	2.50%	\$3,000,000
ME Bank	A2	\$4,000,000	11/05/2018	10/05/2019	364	1.07%	2.75%	\$4,000,000
ME Bank	A2	\$2,000,000	06/12/2017	06/09/2018	274	0.53%	2.57%	\$2,000,000
ME Bank	A2	\$1,000,000	08/05/2018	08/05/2019	365	0.27%	2.75%	\$1,000,000
ME Bank	A2	\$1,000,000	12/07/2018	11/07/2019	364	0.27%	2.80%	\$1,000,000
ME Bank	A2	\$1,000,000	23/05/2018	22/05/2019	364	0.27%	2.75%	\$1,000,000
						6.93%		

<u>Schedule of Investments cont'd</u>								
Westpac	AA-	\$5,000,000	06/06/2018	06/06/2019	365	1.33%	2.76%	\$5,000,000
Westpac	AA-	\$3,000,000	01/08/2018	01/08/2019	365	0.80%	2.76%	\$3,000,000
Westpac	AA-	\$3,000,000	01/05/2018	01/05/2019	365	0.80%	2.76%	\$3,000,000
Westpac	AA-	\$3,000,000	08/06/2018	11/06/2019	368	0.80%	2.76%	\$3,000,000
Westpac	AA-	\$3,000,000	23/11/2017	23/11/2018	365	0.80%	2.55%	\$3,000,000
Westpac	AA-	\$2,000,000	18/12/2017	18/12/2018	365	0.53%	2.58%	\$2,000,000
Westpac	AA-	\$5,000,000	09/02/2018	10/09/2018	213	1.33%	2.44%	\$5,000,000
Westpac	AA-	\$5,000,000	09/02/2018	11/02/2019	367	1.33%	2.61%	\$5,000,000
Westpac	AA-	\$5,000,000	23/03/2018	25/03/2019	367	1.33%	2.72%	\$5,000,000
Westpac	AA-	\$5,000,000	09/02/2018	09/11/2018	273	1.33%	2.50%	\$5,000,000
Westpac	AA-	\$5,000,000	09/08/2018	09/08/2019	365	1.33%	2.79%	\$5,000,000
Westpac	AA-	\$5,000,000	02/03/2018	03/12/2018	276	1.33%	2.52%	\$5,000,000
Westpac	AA-	\$5,000,000	02/03/2018	02/01/2019	306	1.33%	2.53%	\$5,000,000
Westpac	AA-	\$5,000,000	02/03/2018	04/03/2019	367	1.33%	2.62%	\$5,000,000
Westpac	AA-	\$10,000,000	31/07/2018	31/07/2019	365	2.67%	2.76%	\$10,000,000
Westpac	AA-	\$5,000,000	30/08/2018	29/08/2019	364	1.33%	2.74%	\$5,000,000
Westpac- AMP FRN	A	\$750,000	11/12/2015	11/06/2019	1278	0.20%	3.16%	\$752,730
Westpac FRN	AA-	\$1,000,000	11/03/2016	10/05/2019	1155	0.27%	2.96%	\$1,004,310
Westpac- Bank of QLD FRN	BBB+	\$1,000,000	18/05/2016	18/05/2021	1826	0.27%	3.44%	\$1,013,850
						<u>20.47%</u>		
AMP Bank	A1	\$3,000,000	12/06/2018	12/06/2019	365	0.80%	2.80%	\$3,000,000
AMP Bank	A1	\$2,000,000	15/05/2018	13/11/2018	182	0.53%	2.75%	\$2,000,000
						<u>1.33%</u>		
National Australia Bank	A1	\$1,000,000	12/02/2018	12/11/2018	273	0.27%	2.45%	\$1,000,000
National Australia Bank	A1	\$2,000,000	11/07/2018	11/07/2019	365	0.53%	2.75%	\$2,000,000
National Australia Bank	A1	\$1,000,000	21/02/2018	21/11/2018	273	0.27%	2.45%	\$1,000,000
National Australia Bank	A1	\$1,000,000	15/05/2018	28/11/2018	197	0.27%	2.55%	\$1,000,000
National Australia Bank	A1	\$2,000,000	07/03/2018	25/09/2018	202	0.53%	2.51%	\$2,000,000
National Australia Bank	A1	\$2,000,000	28/02/2018	28/11/2018	273	0.53%	2.45%	\$2,000,000
National Australia Bank	A1	\$3,000,000	29/05/2018	27/11/2018	182	0.80%	2.60%	\$3,000,000
National Australia Bank	A1	\$2,000,000	22/02/2018	22/11/2018	273	0.53%	2.45%	\$2,000,000
National Australia Bank	A1	\$2,000,000	24/05/2018	21/11/2018	181	0.53%	2.58%	\$2,000,000
National Australia Bank	A1	\$1,000,000	14/06/2018	14/06/2019	365	0.27%	2.75%	\$1,000,000
National Australia Bank	A1	\$2,000,000	08/02/2018	08/11/2018	273	0.53%	2.45%	\$2,000,000
National Australia Bank	A1	\$2,000,000	21/03/2018	26/09/2018	189	0.53%	2.55%	\$2,000,000
National Australia Bank	A1	\$1,000,000	13/03/2018	13/09/2018	184	0.27%	2.55%	\$1,000,000
National Australia Bank	A1	\$3,000,000	01/03/2018	04/09/2018	187	0.80%	2.50%	\$3,000,000
National Australia Bank	A1	\$5,000,000	19/06/2018	19/03/2019	273	1.33%	2.70%	\$5,000,000
National Australia Bank	A1	\$5,000,000	20/03/2018	20/09/2018	184	1.33%	2.55%	\$5,000,000
National Australia Bank	A1	\$2,000,000	01/09/2017	03/09/2018	367	0.53%	2.55%	\$2,000,000
NAB FRN	AA-	\$2,000,000	25/02/2016	25/02/2019	1096	0.53%	2.93%	\$2,006,764
NAB- Suncorp FRN	A+	\$2,000,000	12/04/2016	12/04/2021	1826	0.53%	3.35%	\$2,039,441
NAB - Newcastle Perm Build Soc FRN	BBB	\$2,000,000	22/03/2016	22/03/2019	1095	0.53%	3.71%	\$2,022,014
NAB- Bank of QLD FRN	BBB+	\$1,000,000	29/10/2015	29/04/2019	1278	0.27%	3.11%	\$1,006,014
						<u>11.74%</u>		
ING Direct	A	\$2,000,000	15/09/2017	25/09/2019	740	0.53%	2.75%	\$2,000,000
ING Direct	A	\$4,000,000	31/08/2017	04/09/2019	734	1.07%	2.75%	\$4,000,000
ING Direct	A	\$3,000,000	13/09/2017	18/09/2019	735	0.80%	2.75%	\$3,000,000
ING Direct	A	\$3,000,000	12/09/2017	12/09/2019	730	0.80%	2.75%	\$3,000,000
ING Direct	A	\$1,000,000	05/12/2017	05/12/2018	365	0.27%	2.52%	\$1,000,000
ING Direct	A	\$1,000,000	14/09/2017	18/12/2018	460	0.27%	2.70%	\$1,000,000
ING Direct	A	\$1,000,000	06/06/2018	06/12/2019	548	0.27%	2.80%	\$1,000,000
ING Direct	A	\$3,000,000	15/09/2017	18/12/2018	459	0.80%	2.70%	\$3,000,000
ING Direct	A	\$2,000,000	24/07/2018	04/09/2019	407	0.53%	2.53%	\$2,000,000
						<u>5.33%</u>		

Direct Investments (Floating Rate & Fixed Rate Term Deposits -TDs)								
CBA- ME Bank FRN	BBB	\$3,000,000	09/08/2016	18/07/2019	1073	0.80%	3.45%	\$3,031,980
CBA- Greater Bank FRN	BBB+	\$2,000,000	30/08/2016	30/08/2019	1095	0.53%	3.50%	\$2,007,770
CBA- Bank of QLD FRN	A-	\$2,000,000	26/02/2016	06/11/2019	1349	0.53%	3.04%	\$2,013,080
CBA- Bendigo & Adelaide FRN	A-	\$2,000,000	26/02/2016	18/08/2020	1635	0.53%	3.06%	\$2,013,980
CBA - Rabobank FRN	A+	\$2,000,000	04/03/2016	04/03/2021	1826	0.53%	3.50%	\$2,039,020
CBA FRN	AA-	\$3,000,000	17/01/2017	17/01/2022	1826	0.80%	3.12%	\$3,047,550
CBA- Greater Bank FRN	BBB-	\$3,000,000	07/06/2016	07/06/2019	1095	0.80%	3.65%	\$3,008,190
CBA- Greater Bank FRN	BBB-	\$4,000,000	24/02/2017	24/02/2020	1095	1.07%	3.40%	\$4,009,960
CBA- Greater Bank FRN	BBB-	\$1,000,000	04/08/2017	29/05/2020	1029	0.27%	3.34%	\$1,001,430
CBA- Credit Union Australia FRN	BBB+	\$2,000,000	01/04/2016	01/04/2019	1095	0.53%	3.70%	\$2,022,260
CBA- Credit Union Australia FRN	BBB+	\$2,750,000	20/03/2017	20/03/2020	1096	0.73%	3.39%	\$2,782,313
CBA- Rabobank FRN	A+	\$2,000,000	03/03/2017	03/03/2022	1826	0.53%	3.08%	\$2,019,400
CBA- Bendigo & Adelaide FRN	A-	\$2,000,000	09/08/2016	19/09/2019	1136	0.53%	2.99%	\$2,018,780
CBA-Suncorp FRN	A+	\$2,000,000	12/10/2016	12/10/2018	730	0.53%	2.77%	\$2,009,160
CBA- Bendigo & Adelaide FRN	A-	\$2,000,000	21/11/2016	21/02/2020	1187	0.53%	3.06%	\$2,012,440
CBA- ME Bank FRN	BBB+	\$3,000,000	06/04/2017	06/04/2020	1096	0.80%	3.31%	\$3,027,510
CBA- Greater Bank FRN	BBB-	\$2,000,000	25/03/2017	29/05/2020	1161	0.53%	3.36%	\$2,002,860
CBA- AMP FRN	A	\$2,000,000	06/10/2017	06/10/2020	1096	0.53%	2.81%	\$2,004,300
CBA - Heritage Bank FRN	BBB+	\$2,000,000	27/11/2017	04/05/2020	889	0.53%	3.37%	\$2,013,760
CBA - Newcastle Perm Build Soc FRN	BBB	\$2,000,000	29/11/2017	07/04/2020	860	0.53%	3.41%	\$2,019,660
CBA FRN	AA-	\$2,000,000	12/07/2016	12/07/2021	1826	0.53%	3.23%	\$2,038,860
ANZ - Heritage Bank FRN	BBB+	\$1,450,000	04/05/2017	04/05/2020	1096	0.39%	3.27%	\$1,455,395
ANZ Bank Fixed Rate TD	A1+	\$1,203,555	01/03/2018	01/09/2018	184	0.32%	2.35%	\$1,203,555
ANZ Bank Fixed Rate TD	A1+	\$1,191,338	21/03/2018	21/09/2018	184	0.32%	2.35%	\$1,191,338
ANZ Bank Fixed Rate TD	A1+	\$5,131,392	06/04/2018	06/10/2018	183	1.37%	2.25%	\$5,131,392
Commonwealth Bank Fixed Rate TD	A1+	\$2,000,000	18/07/2018	20/09/2018	64	0.53%	2.33%	\$2,000,000
Commonwealth Bank Fixed Rate TD	A1+	\$2,000,000	20/03/2018	20/09/2018	184	0.53%	2.55%	\$2,000,000
Commonwealth Bank Fixed Rate TD	A1+	\$2,000,000	14/05/2018	14/11/2018	184	0.53%	2.43%	\$2,000,000
Commonwealth Bank Fixed Rate TD	A1+	\$5,000,000	08/02/2018	05/11/2018	270	1.33%	2.55%	\$5,000,000
Commonwealth Bank Fixed Rate TD	A1+	\$2,000,000	18/04/2018	18/02/2019	306	0.53%	2.70%	\$2,000,000
Commonwealth Bank Fixed Rate TD	A1+	\$2,000,000	18/06/2018	18/02/2019	245	0.53%	2.70%	\$2,000,000
Commonwealth Bank Fixed Rate TD	A1+	\$5,000,000	13/04/2018	13/12/2018	244	1.33%	2.62%	\$5,000,000
Commonwealth Bank Fixed Rate TD	A1+	\$2,000,000	08/03/2018	04/09/2018	180	0.53%	2.50%	\$2,000,000
Bendigo Adelaide Bank Fixed Rate TD	A2	\$5,000,000	24/08/2018	23/05/2019	272	1.33%	2.68%	\$5,000,000
Bendigo Adelaide Bank Fixed Rate TD	A2	\$5,000,000	02/03/2018	30/11/2018	273	1.33%	2.50%	\$5,000,000
Bendigo Adelaide Bank Fixed Rate TD	A2	\$5,000,000	02/03/2018	01/03/2019	364	1.33%	2.55%	\$5,000,000
Bendigo Adelaide Bank Fixed Rate TD	A2	\$2,000,000	19/03/2018	19/12/2018	275	0.53%	2.50%	\$2,000,000
						25.53%		
FTD= Floating Rate Deposit								
FRN= Floating Rate Note								
Unlisted Community Bank Shares								
NRMA/IAG Shares	Unrated	\$7,552				0.01%		
Bendigo Bank	A2	\$5,000				0.01%		
Total Investments		\$374,915,299				100.00%		
Operating Accounts		\$7,247,945						
Cash Deposit Accounts		\$17,798,689						
AMP 31 Day Notice Account		\$10,430,692						
Total Investments and Cash		\$410,392,625						

Investment and Cash Flows for Bayside Council:

	Jul-18	Aug-18	Total Net Movement
Total Investments	\$357,259,655	\$374,915,299	\$17,655,644
Operating Accounts	\$2,176,407	\$7,247,945	\$5,071,538
Cash/Short Term Money Market	\$17,541,362	\$17,798,689	\$257,328
AMP 31 Day Notice Account	\$10,410,357	\$10,430,692	\$20,335
TOTAL Investments and Cash:	\$387,387,781	\$410,392,625	\$23,004,845

NOTE: In accordance with current accounting standards Council is required to obtain market values on its investments and hence the inclusion in the above table. It is important to note that Council does not hold any CDOs which have adversely affected many councils in NSW.

I hereby certify in accordance with Clause 212 of the Local Government (General) Regulation 2005 that the above investments have been made in accordance with Section 625 of the Local Government Act 1993, and Council's investment policies.

MATTHEW WALKER
RESPONSIBLE ACCOUNTING OFFICER

Investment Translation

The following investment information is provided as translation of what the types of investments are:

- * A Term Deposit is a short term deposit held at a financial institution for a fixed term and attracts interest at the prevailing market rate.
- * A Bank Bill is a short term investment issued by a bank representing its promise to pay a specific sum to the bearer on settlement. The amount payable to Council at maturity is the face value which represents the purchase price and interest earned.
- * A Floating Rate Note is a longer term investment issued by a financial institution with a variable interest rate. The adjustments to the interest rate are usually made every three months are tied to a certain money-market index such as the Bank Bill Swap Rate (BBSW).
- * A CDO (Collateralised Debt Obligation) is an investment backed by a diversified pool of one or more classes of debt. These investments are for longer terms and offer a higher rate of interest. Council does not invest in CDOs.
- * A Capital Guaranteed Note is a longer term investment issued by a financial institution with a fixed coupon that is paid contingent on the performance of the underlying investments, being equities, property bonds etc. In addition, this form of investment also can attract capital growth. The issuer of the note has provided a guarantee that the capital is guaranteed at maturity.
- * A Floating Term Deposit and Variable Rate Deposits are exactly the same as term deposits except they automatically roll over (reinvest) at the end of the 90-day period for up to 2 years.
- * Money Market Call Account refers to funds held at a financial institution and can be recalled by Council either same day or overnight.
- * Unlisted Community Bank Shares refer to bank shares not listed on the Australian Stock Exchange. The local community owns and operates the Bendigo Bank branch which assists the bank in providing banking infrastructure and community support.

Credit Ratings

- * AAA - Extremely strong capacity to meet financial commitments (highest rating).
- * AA - Very strong capacity to meet financial commitments.
- * A - Strong capacity to meet financial commitments, but somewhat more susceptible to adverse economic conditions and changes in circumstances.
- * BBB - Adequate capacity to meet financial commitments with adverse economic conditions or changing circumstances more likely to lead to a weakened capacity of the obligor to meet its financial commitments.
- * BB - Less vulnerable in the near term, but faces uncertainties and exposures to adverse business, financial and economic conditions.
- * B - More vulnerable to non-payment than obligations rated 'BB', but the obligor has the capacity to meet its financial commitment on the obligation.
- * CCC - Currently vulnerable, dependent upon favourable business, financial and economic conditions to meet its financial commitments.
- * CC - Currently highly vulnerable.
- * C - Highly likely to default.

Financial Implications

- | | |
|--------------------------------------|-------------------------------------|
| Not applicable | <input checked="" type="checkbox"/> |
| Included in existing approved budget | <input type="checkbox"/> |
| Additional funds required | <input type="checkbox"/> |

Community Engagement

Not required.

Attachments

Nil

Council Meeting

10/10/2018

Item No	8.10
Subject	Lady Robinson Beach Ramsgate - Beach Nourishment - Acceptance of Grant
Report by	Michael McCabe, Director City Futures
File	F11/155

Summary

Council at its meeting of 9 May 2018 considered a report on the erosion of the Botany Bay Foreshore. The report identified that an application had been made to the NSW Office of Environment and Heritage for grant funding towards beach nourishment works at Ramsgate Baths. Council has been successful in its application and has now been offered funding. This report seeks endorsement to accept the offer, and commit Council's matching funds in accordance with the offer.

Officer Recommendation

- 1 That Council approve a budget adjustment to allocate funds of \$490,000 for Beach Renourishment works at Lady Robinson Beach, Ramsgate comprising a transfer of \$245,000 from the Infrastructure Levy Reserve to fund Council's contribution and grant income of \$245,000 from the NSW Office of Environment and Heritage.
 - 2 That Council accept the funding offer (2017-18-CEI-0002) from the NSW Office of Environment and Heritage for a maximum of \$245,000 contribution (50%) for beach renourishment works at Lady Robinson Beach, Ramsgate.
-

Background

The beach area surrounding the Ramsgate Baths has been subject to on-going erosion, with significant loss of sand at certain times. As the coast is dynamic, the amount of erosion varies according to storm impacts. Significant scouring and sand loss at this location created a hazard of exposed rocks and large step at the end of the ramp.

Whilst Council has an agreement in place with the NSW Government (to 1 January 2050) that indicates Council's maintenance responsibilities do not include beach nourishment, Council has supported the funding of works previously to maintain public access and amenity along the beach.

As a first stage in implementing the Management Plan for Lady Robinson Beach it is proposed to undertake beach nourishment works around Ramsgate Baths at an estimated cost of \$490,000. The completion of these works were subject to a grant application to the Office of Environment and Heritage (OEH) under the 2017/18 Coastal Management Program with Council being required to contribute \$245,000 towards the Project. The grant application was submitted on 24 January 2018.

Council has now received a letter from OEH to advise that the application has been successful and an offer of \$245,000 has been made, subject to a funding agreement. A primary condition of the agreement is for Council to commit to meeting the balance of funds for the project, with a minimum 50% contribution, and works complete by 30 November 2019.

As the offer of funding has been received after the adoption of the 2018/2019 Budget, an adjustment will be required to allocate Council's matching funds contribution towards the project. It is recommended that the funds be drawn from the Special Rate Variation Reserve for this purpose.

It is intended to seek statutory approvals and tender for the works to be in a position to undertake the renourishment works over the 2019 Autumn/Winter period.

It should be noted that Council has also submitted a second application to the OEH for a grant to undertake the detailed planning and design of works recommended by Worley Parsons and addressing the erosion issues between Solander Street, Monterey and O'Neil Street, Brighton Le Sands. The estimated cost of these works is \$430,000. No announcement has been made on this application at this point.

It should be noted that the detailed planning and design of these strategies is mandatory before OEH will even consider granting funds for the implementation of major works.

Financial Implications

Not applicable	<input type="checkbox"/>	
Included in existing approved budget	<input type="checkbox"/>	
Additional funds required	<input checked="" type="checkbox"/>	It is recommended that Council allocates funding of \$245,000 from the Infrastructure Levy Reserve to match the 50% contribution required in the terms of the grant offer.

Community Engagement

Not Applicable

Attachments

Nil

Council Meeting

10/10/2018

Item No	8.11
Subject	Arncliffe Park Detention
Report by	Michael McCabe, Director City Futures
File	SC16/5

Summary

Council has determined that Arncliffe Park will be the site of a synthetic field and concept designs have been prepared to ensure that the synthetic field will not be subject to flooding. An evaluation of the costs and benefits of providing flood detention at Arncliffe Park has been made. The evaluation found that providing detention at Arncliffe Park would only have a minor impact on flood levels and the construction costs of detention far outweigh the minor flood mitigation benefits.

Officer Recommendation

- 1 That Council resolve not to proceed with water detention at Arncliffe Park as it does not provide sufficient reduction in flood levels and construction costs outweigh the benefits.
 - 2 That Council resolve that the synthetic field at Arncliffe Park be elevated to allow for overland flow and to not increase flooding off the site.
-

Background

In 1998 a Council initiated study (*Wolli Creek, Bardwell Creek, Bonnie Doon Channel, Eve Street/Cahill Park Catchments Floodplain Management Plan, 1998, by Webb McKeown & Associates*) identified flood mitigation in the form of a detention area in Arncliffe Park as a high priority. A report detailing concept design options for a detention basin was prepared. The costs benefits based on the reduction in average annual damages showed a Benefit to Cost ratio of less than 0.5. The report identified that none of the options evaluated provided a completely satisfactory flood reduction solution.

Council subsequently resolved to provide a synthetic playing field within Arncliffe Park. Synthetic fields are not designed nor suited to inundation from overland flow. Where overland flow occurs on a synthetic field, it results in movement of the infill and/or deposition of sediment. This can require replacement of all or many of the components (e.g. synthetic grass, infill, shock pad and underlying base).

In 2017 the Bonnie Doon, Eve Street/ Cahill Park pipe and overland 2D Flood study was prepared by WMA Water. A concept design report then considered how a synthetic field in Arncliffe Park could be constructed in light of flood risk management. The report identified that the inclusion of synthetic fields would add significant cost to flood detention options. The option that offered the greatest reduction in flood damages was upgrading the Wollongong Road pipe, providing extra piped capacity. Of the options involving detention the greatest reduction in flood damages was when a non-synthetic field was located within a detention basin. This option is incompatible with a synthetic field.

During 2018 Council has prepared a concept design and modelling of a synthetic field in Arncliffe Park. The concept consists of a synthetic field located on a suspended concrete slab to allow overland flow to pass under the field without increasing flooding upstream or downstream of the site. The concept design includes two options, one with and one without a detention tank.

Flood Mitigation Benefits

The October 2017 Flood Risk Management Concept Options Report by WMA Water assessed the benefit to cost ratio of 5 options. This included a flood damages assessment. The option of a synthetic field above a detention tank (cost estimated at \$7.7M - \$11.1M) resulted in a Benefit to Cost ratio of 0.01. The best option identified was a non-synthetic field in a detention basin at a cost of \$1.1-2.2M with a Benefit to Cost ratio of 0.46-0.94. A Benefit to Cost of less than one indicates the benefits do not outweigh the cost. As Council has committed to providing a synthetic field at this site this option is not supported. There are also many construction and environmental issues that were not investigated at this concept level.

The next stage in concept design refinement was limited to just the detention tank option as this can be constructed in conjunction with a synthetic field. Sensitivity analysis was undertaken to determine the flood benefit of detention tanks with varying capacities.

Table 1: Effect of Detention Tank Volume on Peak Flood Depths (1% AEP Event)

Location	Base Case Depth (m)	2,500 m ³ tank Depth (m) (Difference)		5,000 m ³ tank Depth (m) (Difference)		10,000 m ³ tank (Depth (m) (Difference)		15,000 m ³ tank (Depth (m) (Difference)	
Mitchell St	0.69	0.69	(0.00)	0.69	(0.00)	0.68	(-0.01)	0.68	(-0.01)
Broe Ave	0.35	0.35	(0.00)	0.35	(0.01)	0.35	(0.00)	0.31	(-0.04)
Kelsey Street	0.93	0.93	(0.00)	0.91	(-0.02)	0.80	(-0.13)	0.65	(-0.28)
Wollongong Rd (near railway embankment)	1.65	1.62	(-0.03)	1.55	(-0.1)	1.46	(-0.19)	1.46	(-0.19)
Bidjigal Rd	1.45	1.41	(-0.04)	1.36	(-0.09)	1.18	(-0.27)	0.97	(-0.48)
Arncliffe St, east of Guess Ave	1.23	1.18	(-0.05)	1.14	(-0.09)	1.10	(-0.13)	1.09	(-0.14)

Note that given the variability of the terrain, the depths provided are indicative of the peak flood depths in the 1% AEP event and are intended to show the relativity of impacts caused by each detention tank option.

Detention tank storage is shown to reduce downstream peak flood levels, however even the largest tank (15,000m³) does not eliminate flooding. An example is the flooding in Bidjigal Road which would reduce by 0.48m however the flood depth would remain at 0.49m.

The capacity of the detention tank also depends on constructability and cost factors including:

- excavation and spoil disposal (cost dependent on waste classification);
- location of existing sewer and stormwater pipes under the field;

- Invert of the receiving pipe which sets the minimum downstream tank invert level; below this point pumps would be required to drain the detention tank.

A high level assessment of these constraints was considered before determining a tank with a capacity of 5,400 m³ as the most feasible option. A concept design and further evaluation was prepared for this tank.

Table 2: Difference in Peak Flood Depths in the 1% AEP event (both options)

Location	Peak Flood Depths (m), 1% AEP Event					
	Base Case Peak Flood Level (mAHD)	Base Case Depth (m)	Raised Field, no Tank	Difference (m)	Raised Field, 5,400 m ³ Tank	Difference (m)
Mitchell Street	18.9	0.69	0.69	0.00	0.69	0.00
Broe Avenue	15.7	0.35	0.35	0.00	0.35	0.00
Kelsey Street	12.2	0.93	0.93	0.00	0.87	-0.06
Wollongong Road (near railway embankment)	5.7	1.65	1.65	0.00	1.52	-0.13
Bidjigal Road	6.7	1.45	1.45	0.00	1.38	-0.07
Arncliffe Street, east of Guess Ave	2.6	1.23	1.23	0.00	1.18	-0.05

Since the proposal for detention was originally identified 30 years ago many flood affected properties have been redeveloped and the minimum floor levels set at or above the Flood Planning Level, which in this area is the 1% AEP event plus 0.5 m freeboard. The redevelopment of areas of Bonar Street precinct to high density residential has significantly reduced the benefits of detention as the redeveloped sites are no longer subject to flooding.

The main reason for installing a flood detention tank at Arncliffe Park is to reduce flood levels for downstream properties along the flow path between Broe Avenue and Bonar Street. The other benefit of detention is a reduction in flood levels on roads, which would improve safety for pedestrians and motorists.

Table 2 shows that a 5,400m³ tank would provide minimal benefit at the flood prone locations. For example Wollongong Road currently floods to a depth of 1.52m in a 1% AEP flood and this would reduce by 0.13m, resulting in a flood depth of 1.39m. This is not a significant reduction and the flood risk hazard at this location would remain high.

Estimated Costs

Option	Estimate
Synthetic field atop suspended concrete slab	\$4.0-6.0 million
Synthetic field atop suspended concrete slab plus detention tank (5,400m ³)	\$8-12 million

The reason for the large range in detention tank cost is due to the preliminary nature of the estimate and the impact of the waste classification of the soil on disposal costs. While a

preliminary assessment of soil contamination has been made there is potential that the soil is contaminated and this has a large impact on cost for disposal of soil.

The 5,400m³ tank does not provide sufficient reduction in flood levels to justify any further assessment. The option of constructing a larger tank is not supported as the construction limitations and costs mean the costs far outweigh the benefits.

Bayside Floodplain Risk Management Committee

At its meeting dated 19 September 2018, the Bayside Floodplain Risk Management Committee recommended to not proceed with detention at Arncliffe Park as it does not provide sufficient reduction in flood levels and construction costs far outweigh the minimal benefits. This recommendation was made on the basis that the synthetic field is elevated to allow for overland flow and not increase flooding off the site.

Design and Construction Program

Detailed design of the concrete structure will commence in October 2018, this will inform the costs and provide a more accurate construction estimate and construction program for the preferred option.

Construction is likely to occur following the 2019 winter sports season, subject to future decisions by Council. The project is to be routinely reported to Council's Sport and Recreation Committee.

Financial Implications

Not applicable	<input checked="" type="checkbox"/>
Included in existing approved budget	<input type="checkbox"/>
Additional funds required	<input type="checkbox"/>

Community Engagement

Not Applicable

Attachments

- 1 Arncliffe Park Concept Refinement WMA Water August 2018 (under separate cover) ➡
- 2 Arncliffe Park Concept Refinement Flood Impact Figures (under separate cover) ➡

Council Meeting

10/10/2018

Item No	8.12
Subject	Lighting the Way - LED Street Light Replacement Project
Report by	Michael Mamo, Director City Performance
File	F08/292

Summary

This report provides details of Ausgrid's proposed program to replace 4,266 Ausgrid street lights on residential roads within Council's Local Government Area with energy efficient LED's over the next three years. Street lighting services in the Local Government Area are generally provided by Ausgrid. This report deals with a portion of those lights owned and maintained by Ausgrid that were installed prior to 2009 on residential roads.

Officer Recommendation

- 1 That Council endorse Ausgrid's proposal for the accelerated replacement of 4,266 Ausgrid lights on residential roads over the next three years.
 - 2 That Council approve the funding mechanism for this project, being the use of an internal borrowing from consolidated internal reserves held by Council.
 - 3 That the General Manager be given delegated authority to finalise the terms and conditions of this project with Ausgrid.
-

Background

Ausgrid owns and maintains 10,944 street lights within Council's area which Council pays for. These lights include 4,266 pre-2009 lights on residential streets that can be cost-effectively replaced by newer, more efficient and more reliable LEDs.

With the support of councils, Ausgrid is proposing to replace all of these pre-2009 lights as part of a large 'Lighting the Way' program that aims to deploy up to 102,000 LED street lights on residential roads across 33 councils replacing all fifteen remaining types of pre-2009 roadway luminaires (excludes decorative and main road lighting at this stage). A few post-2009 luminaires that are considered obsolete are also included in the proposed replacement program.

The only types of standard street lighting that would be present on residential roads if this proposal is fully implemented are compact fluorescent lights (considered reasonably energy efficient and installed from 2009-13) and LEDs (considered highly energy efficient and installed from 2013 onwards).

The Australian Government is currently considering ratifying the Minamata Convention which would result in a ban on manufacturing or importing mercury vapour lamps in 2021. Even in the event that the Australian Government does not ratify the Minamata Convention, most of the lamp producing countries will have ratified the Convention, which will limit the future ability for Ausgrid to source replacement mercury vapour lamps. Much of the proposed 'Lighting the Way' Project involves the replacement of old mercury vapour luminaires.

In November 2017, the SSROC Street Light Improvement (SLI) program advised that Ausgrid were planning to bulk replace old street lights with new energy efficient LED street lights.

On 7 March 2018 a presentation was provided to Councillors and Senior Staff at the GM Briefing Session by Graham Mawer of Next Energy (the street lighting consultant to SSROC) and Councils Manager Procurement regarding the proposal. At that meeting, detailed modelling was presented showing the cost-benefits to Council of replacing in excess of 4,000 street lights.

The proposal was formalised by Ausgrid in May 2018 through a letter to SSROC (attached), after a meeting with General Managers. Ausgrid committed to a bulk replacement program and to also provide the financial modelling for review by SSROC's consultant Next Energy.

In August 2018 Ausgrid and SSROC released the updated modelling to Councils.

Details of the modelling and analysis are provided in this report and summarised below:

- There is financial and environmental benefits in participating in the accelerated program.
- Over 4,000 street lights will be replaced in our Council area in a more structured approach.
- The new LED lights to be installed require less maintenance and have better lighting attributes.
- The option to participate in Ausgrid's accelerated program and for Council to fund the program up front is more cost effective than the option of Ausgrid conducting the replacement in an adhoc manner whereby the replacement cost would be included in the monthly billing cycle.

Financial modelling for the project was prepared by our Procurement section in consultation with energy specialists, and Bayside Council Environment and Finance Staff.

Proposal Modelling Summary

Table 1 shows a summary of all pertinent data for this project.

Table 1: Summary Data for Led Light Replacement Proposal – Council Funded Option

Data Name	Data Value	Comments
Financial Investment Required	\$2,105,631	A budget allocation of \$2,227,781 has already been provided in the 2018/19 City Projects Program, which includes sufficient contingency for the project.
No of Lights to be Replaced	4,266	Pre-2009 lights to be replaced (mainly 80W MVLs)
New Light Type	17W LED	Manufactured by Gerard and/or GE
Project Duration	To 2020	May straddle into 2020/21 financial year
Net Present Value (NPV) of the project	\$520,063	Compares the amount invested today to “present value” of future cash receipts from investment. The higher the NPV the more worthwhile the project. The NPV uses a discount rate of 6% over 10 years
Energy Cost Savings per Year	\$198,425	Savings on the energy component of our bills
Maintenance Cost Savings per Year	\$59,055	Savings on the maintenance component of our bills
Capital Cost Savings per year	\$104,504	The regular capital cost component in monthly billing will be removed as we are paying up front
Payback Period	5.8 Years	The amount of time before the project has paid for itself
Energy Savings per Year	1,323 MWh	78.9% reduction in energy consumption
Greenhouse Gas Reductions	1,257 tonnes CO ₂	78.9% reduction in emissions and energy consumption

Analysis

Ausgrid and the SSROC Street Lighting Improvement Program (of which Council is a member along with 28 other councils) have both worked on a detailed business case for each council and for the project as a whole in 2018. A business case for Council is strongly positive when considered on a net present value (NPV) basis under the following 2 financing options:

- Option 1 - Ausgrid finances the upfront capital lighting replacement cost. This option produces a NPV of around \$256,000 over the next ten years.

Or, alternatively as is recommended:

- Option 2 - Council funds the upfront capital lighting replacement cost by way of an internal loan from our internally restricted cash reserves. This option produces a NPV of around \$520,000. This option is more financially favourable than option 1 as it avoids the 7% annual cost of capital that Ausgrid would charge Council if they were to fund the upfront costs of the project.

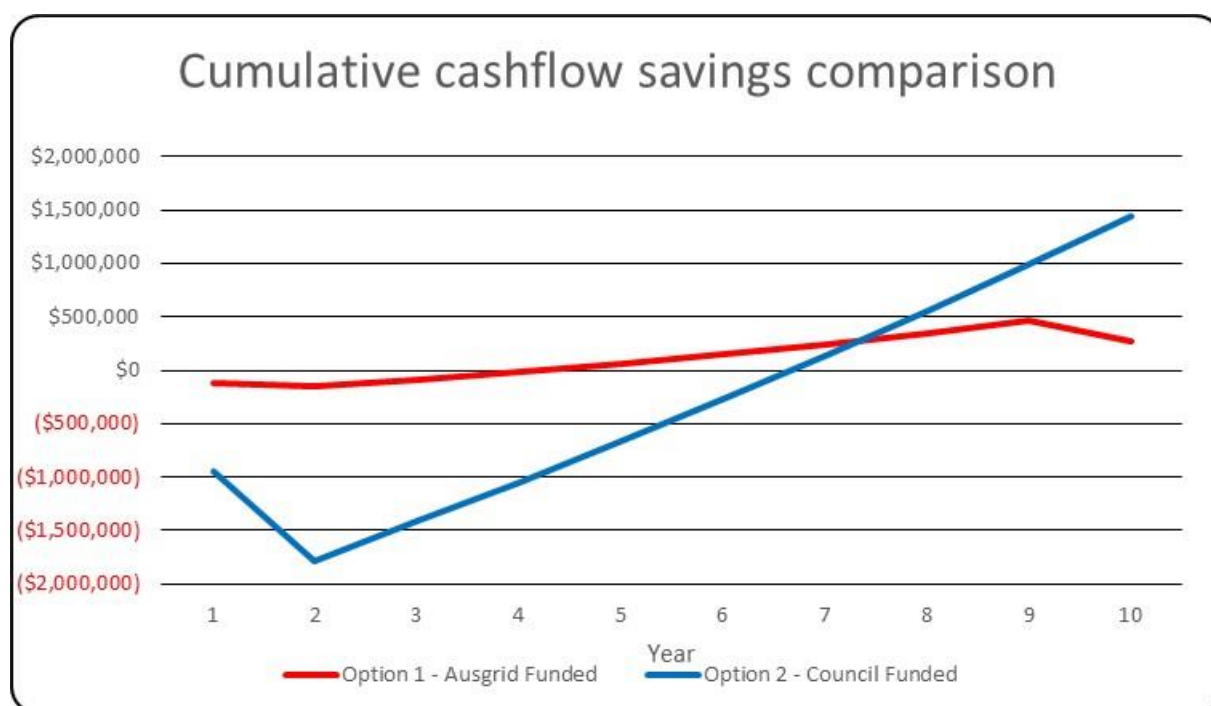
Based on option 2, the total investment required by Council is \$2,105,631, which has already been provided for in the 2018/19 budget.

Initial modelling was presented at the GM Briefing Session with Councillors in March 2018. This showed that in order to fund the project the following surcharges would apply based on the alternate funding options presented:

Funding source options	Annual Cost of Capital
Ausgrid to Fund	7%
Other External Funding	4%
Internal loan from Council Funds	No Surcharge but internal borrowing rate

The option which produces the best financial outcome, is for Council to fund the project from internally restricted cash reserves. This avoids the 4-7% annual cost of capital that would be incurred under the alternate funding options.

The following graph, shows the estimated cumulative cash-flow savings attributable to option 1 (Ausgrid to fund) and option 2 (Council to fund). Over a 10 year period, the Council funded scenario in option 2 (blue line) has an initial large cash outflow in years 1 and 2, however by year 10 the cashflow savings on a cumulative basis are in the order of \$1,500,000. By comparison, whilst the Ausgrid funded scenario in option 1 (red line) produces a smoother cashflow savings forecast, by Year 10, the cashflow savings on a cumulative basis are in the order of \$270,000. In real terms, this means that if Council funds the program, the savings to be realised over the next 10 years will be around \$1,230,000 greater for Council than if Ausgrid funds more the program.



The total annual savings associated with option 2 (Council funded) is \$361,984 which is on the following cost elements:

- Annual energy cost savings = \$198,425
- Annual maintenance cost savings = \$59,055
- Annual cost of capital saving = \$104,504

The payback period is estimated to be around 6 years based on an investment of \$2,105,631 divided by annual savings of \$361,984. Considering the relatively high NPV, positive cashflow savings in real terms and relatively low payback period, this project is considered highly positive for Council.

With the recommended use of internally restricted cash reserves, there will be sufficient funds allocated for this project within the current year's budget. This proposal will reduce Council's long-term costs of street lighting and importantly reduce Council's exposure to higher energy prices in the future. Council has made great efforts with SSROC to source cheap energy and also signing onto Grid and Renewable contracts to keep costs low. This project deals effectively with the other side of the equation, consumption.

Compared to the mixed portfolio of legacy lighting being replaced, the new LED lighting will:

- Provide the community with more effective lighting that is better distributed in the road reserve, is a high quality white light and, in many cases, will substantially improve compliance outcomes. Importantly, since 2013 Ausgrid has successfully deployed more than 40,000 of the types of LED lights that it is now proposing to deploy more widely. Ausgrid's LED deployments to date have had widespread acceptance and very low numbers of public complaints. Ausgrid has also recently introduced lighting options for narrow roads and shielding options to better address any resident complaints that do arise.

- b. Deliver environmental benefits including a 78.9% reduction in greenhouse gas emissions (a total GHG saving of 1257t CO₂-e/yr.), significantly reduced light pollution to the night sky and the elimination of mercury-containing lamps.
- c. Deliver cost savings for council over at least the next ten years from a combination of a 78.9% reduction in energy consumption compared to the lights being replaced (a total energy saving of almost 1323 MWhr/yr), lower maintenance costs, and a lower cost of capital.

Action Plan

There is no set contract for this project in a typical sense of “supplier” and “buyer”. As such this proposal remains simply a proposal until there is an agreement on terms and conditions. A draft letter to Ausgrid in this regard is attached to this report. This should be noted and flexibility allowed for the action plan below.

1. The General Manager be given delegated authority to finalise terms and conditions for this offer, through both the Procurement and City Infrastructure Units. These include, street locations, detailed time frames, and payment schedule to Ausgrid.
2. Once terms and conditions are agreed, City Infrastructure will coordinate the delivery of the program.
3. Once terms and conditions are agreed, the project is to be publicised alongside the Renewable Energy Power Purchase Agreement (PPA) with its own substantial cost and environmental benefits to Council.

Financial Implications

Not applicable ☐

Included in existing approved budget ☒



☒ \$2,227,781 has been included in the 2018/19 budget for the funding of this project.

The project is to be funded from an internal borrowing from the consolidated internal reserves held by Council. The internal borrowing will be repaid over a 6 year period from the savings in future year street lighting costs on a principal and interest basis.

Any savings realised after the payback period are proposed to be allocated to future energy efficiency programs.

Additional funds required ☐



Community Engagement

No public consultation is required, however, site works by Ausgrid and its contractors will include appropriate site management, signage, preparation and implementation of traffic management plans in accordance with specific job requirements. Nonetheless, the project is a good opportunity for Council to highlight how it seeks out savings, and efficiencies, and is an environmentally responsible corporate citizen. This, combined with initiatives in energy

procurement are a positive for Council, and as such the community should be made aware of these initiatives.

Attachments

- 1 Proposal from Ausgrid CEO [↓](#)
- 2 Letter to Ausgrid - Draft [↓](#)



11 May 2018

Office of the
Chief Executive Officer

Ms Namoi Dougall
General Manager – Southern Sydney Regional
Organisation of Councils
PO Box 3138
REDFERN NSW 2016

Level 22, 570 George Street
Sydney NSW 2000
All mail to GPO Box 4009
Sydney NSW 2001
T +61 2 9269 2115
www.ausgrid.com.au

~~Dear Ms Dougall~~ *Namoi*

Thank you for arranging to come in and speak with us on Friday, I think the meeting was productive and was a good opportunity for us to understand our respective challenges. We understand that street lighting remains a high priority for all councils with important community safety, environmental and cost aspects, and are pleased to be working with the councils to achieve a shift to new the technology in a sustainable way.

We acknowledge that this has taken some time to bring to a conclusion and believe we are close to being able to offer final pricing options along with an execution for agreement.

I'm sure you can understand that whilst we had presented a draft pricing model in November there has been a significant amount of work completed since, in particular the upfront capital options. As you know, we have never offered this type of model before in a global way and we have an obligation to our owners to ensure the model will align with our accounting and shareholder requirements.

We have also actively worked through our supply chain to ensure that we can meet council's indicative rollout timelines, securing product pricing and having a ramp up model for resourcing a bulk replacement program.

In terms of agreeing to next steps we can offer the following:

1. LED Residential bulk replacement of up to 100,000 lights. We will have final pricing options along with a draft agreement for consideration by each council enabling them to select their preferred option, no later than 29 June 2018.
2. LED Main Road. We are currently in negotiation, on price, for the LED lamps which you may be aware have recently reduced by a significant amount. Pending finalisation and agreement of our LED residential bulk replacement program and its pricing model, we should be in a position to offer final pricing for LED main roads by 10 August 2018.

3. Smart Controllers. We have 20 on trial which we agreed to provide an update on regarding performance. We will have a performance update by 29 June 2018. Please be aware that this technology is evolving rapidly with new controllers being currently offered to us that supersede even our trial models. We are not in a position to make any firm commitment on this at this stage as it's a key piece of our infrastructure and technology is rapidly changing.

Mr John Bedding is your technical contact and our Head of Customer Experience, Mr Paul Cahill, remains as the primary contact. We are continuing to strengthen our team and are close to appointing a newly created role for a dedicated Council and Community Engagement Manager, which we will update you on in due course.

Thank you again for your patience.

Yours sincerely



RICHARD GROSS
Chief Executive Officer

XX September 2018

Paul Cahill
Head of Customer Experience
Ausgrid
570 George Street
Sydney
NSW 2000

Paul,

RE: Residential Road LED Street Lighting Replacement Program Proposal

With reference to your letter dated 29 June 2018, council strongly welcomes Ausgrid's proposal to now commence a widespread LED replacement program and looks forward to working with Ausgrid on the project's implementation.

Please find attached a signed acceptance to Ausgrid's proposal to replace residential street lights with LED's which is conditional on a number of clarifications laid out below being addressed:

1. As Council has an obligation to comply with the requirements of the Local Government Act when making substantial budgetary commitments, it requires detailed information on the expected programming of works and specifically, the years in which it needs to allocate budget. Council therefore welcomes Ausgrid's commitment in its offer to mutual agreement on timing being a key next step and, as part of these discussions, Council will be seeking further budgetary clarity.
2. Council is seeking confirmation that LED capital costs proposed by Ausgrid still include a 5% premium to cover non-warranty failures, consistent with the LED tariff negotiated last year.
3. Council is seeking clarification of the calculation method to be used for capital cost reductions for volume deployments and how this discount will be implemented.
4. Council is seeking confirmation that Ausgrid is committed to continued cooperation with Council and its appointed Accredited Certificate Provider for Energy Saving Scheme certificate creation as the certificate value is an important financial aspect of this project.
5. Council would like the ability to review and nominate streets that will receive new lighting.
6. Recognising that Ausgrid last tendered for LEDs in 2014-15, Council is seeking clarification from Ausgrid about when it will next go to market and how it will keep its luminaire technology specification current during the life of this project. Council notes specifically the emergence of new suppliers, continuing reductions in capital costs and evolving technology (eg new controls interfaces to enable smart controls and smart city devices, digital power supplies, evolving advice about the appropriate colour temperature to minimise the human and environmental effects of public lighting). Council would welcome the opportunity to work with Ausgrid in updating the specification.
7. Council understands and supports Ausgrid's position on technical and supply diversity by having a minimum of two suppliers for large lighting categories. However, council understands that the technical differences between the two luminaires for P4/P5 roads proposed for the project are now minimal (eg latest model of each uses the same energy

and has the same predicted life). Council is therefore seeking clarification about the basis for the price difference of \$70-80 per luminaire before finalising a technology choice.

8. Council would like clarification on how project progress can be monitored and on how it can have input to ensure that any planned council or developer funded improvement streetscape projects, required lighting upgrades, site or road-specific requests that deviate from the default approach and areas that council may wish to exclude or prioritise under the project can be incorporated into the overall project program.

Council also notes a minor discrepancy in the model provided and in the letter with regards to FY2018/19 maintenance pricing which differs from published pricing. There is also an apparent discrepancy in the model where only pre-2009 42W CFLs are identified in the count of those to be replaced but capital charges for all pre-2009 and post-2009 CFLs are shown.

Council looks forward to receiving clarification from Ausgrid on the above items and to proceeding to implementation in a timely manner. Council also looks forward to progressing similar discussions on main road LED and smart controls deployments later this year as per Ausgrid's letter.

Council's primary contact for this project is **[Insert Name, Tel and email]**.

Regards,

[NAME]

[TITLE]

Council Meeting

10/10/2018

Item No	8.13
Subject	Tender - Operational Minor Works
Report by	Michael Mamo, Director City Performance
File	F17/1375

Summary

Council is responsible for a number of assets and as such requires the services of a diverse range of tradespeople, particularly for maintenance work. The Operational Minor Works Tender was designed to create panels of contractors in 10 key categories for use by staff to complete their required works and maintenance tasks.

Officer Recommendation

- 1 That the attachment to this report be withheld from the press and public as it is confidential for the following reason:

With reference to Section 10(A) (2) of the Local Government Act 1993, the attachment relates to (d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it.
 - 2 That Council endorses the creation of 10 Category Panels with their member contractors as shown in Table 3 of this report.
-

Background

RFT F18/403 Operational Minor Works, was published on the Bayside Council Tenderlink web portal on 21 May 2018. The Request for Tender (RFT) was advertised in the Sydney Morning Herald, St George Leader, Southern Courier, and the Bayside Council website. The RFT closed on 26 June 2018 at 10am (Sydney time).

The works required are primarily minor maintenance works, and cover a diverse range of categories across Council. They are generally specialised work of an ad hoc nature which makes them more efficient to run through an external service provider. The Tender was geared toward small business and this was explicitly stated in the Tender documentation.

There were 10 categories that Council requested submissions for, and these are shown in Table 1.

Table 1: Tender Categories and Their Description

Tender Category	Tender Category Description
1. Earthworks & Wind Blown Sand Removal	This is for small earth moving jobs and removing and reshaping sand from key beach areas to maintain amenity.
2. Inspection & Maintenance of Swimming Enclosures	Netting and other enclosures require regular inspection and maintenance, sometimes through diving operations.
3. General Building Repairs	This is for items such as small roofing and glazing repairs, and any “handyman” type works.
4. Metal Fabrication & Fencing	This includes chainwire fencing, colorbond, and “ball and rail” type fencing and repairs.
5. Signs & Banners	Council has over 100 high profile flag poles and requires the manufacture of banners, storage, and install/take-down.
6. Bricklaying & Rendering	For small brick laying jobs and repairs, and any rendering required on walls or repairs as such.
7. Tiling & Paving	This is for both internal ceramic tiles and outdoor stone/cement pavers, primarily for maintenance work.
8. Soft Fall Mulch	Playgrounds require a type of soft fall such as rubber or mulch. Where mulch is used, this requires maintenance.
9. Saw Cutting, Core Drilling and/or Grinding	Concrete sections require saw cutting as expansion joints or as part of removal; Core drilling and grinding also required as part of concrete works
10. Concrete Pump Services	For times where a concrete needs to be pumped with a boom to a location where a concrete truck cannot easily access.

Evaluation

A confidential tender evaluation report is attached. The evaluation report details the tender process, the Evaluation Team membership, and the scoring of each individual submission.

Submissions were received from the companies shown in Table 2. In order for Councillors and Staff to be able to identify any possible conflict of interest, the Directors of all companies that made a submission are also shown in Table 2.

Table 2: Companies That Made Submissions and Their Directors

Company Name	Director(s)
Xpresscut Pty Ltd	Mile Lucic
The Trustee for the C Di Mattia	Claudio Di Mattia
TGC (Triton Group Co. Pty Ltd	Shadi Chacra
Sydney Core Cutting	Hassan Kassem
Sullivans Construction	Damian Sullivan
Stateline Asphalt Pty Ltd	Michael Harb
Selby's Pty Ltd	Daniel Smith
Sea Dragon Protection Enclosures T/A C.M Fallon & R.j Fallon	Carl Fallon Rachael Fallon
Screengraphics Printing Pty Ltd	Geoffrey Barlow
Sam the Paving Man Pty Ltd	Sam Harb Annette Harb
Pisa Concrete Polishing Pty Ltd	Peter Pisaturo
Murphy's Group Services Pty Ltd	Mark Murphy
Metal Fencing Specialists Pty Ltd	Steven Diener
Master cut Concrete Aust Pty Ltd	Steven McCann
Makki Constructions Pty Ltd	Fadi Makki
Facilities Fix Pty	Colin James McMillan
Engineering Technologies Pty Limited	Keith Franke
Civilbuilt Pty Ltd	Jean-Pierre Rahme
CJR Concrete Pumping Pty Ltd	Christopher John Reitano
Bayot Building Services Pty Ltd	Heath Bayot
Astec Mulch Pty Ltd	Lorraine Vella
Amrod Pty Ltd T/AS Summit Fencing	Rodney, Trevor, Amanda Jane Ovenden
AdMart Exhibitions & Events (Crevation)	He Huang
Mourad tiling	Habib Mourad
RSA Bobcat	Ray Sayed-Ahmad

The Evaluation Teams which completed the assessment and scoring recommended the preferred supply panels shown in Table 3 be established. Note that there is no order of priority between tenderers.

Table 3: Category Panels and Successful Tenderers

Category	Panel Member A	Panel Member B	Panel Member C
1. Earthworks & Wind Blown Sand Removal	RSA Bobcat	Di Mattai	Sullivans Constructions
2. Inspection & Maintenance of Swimming Enclosures	Sea Dragon	n/a	n/a
3. General Building Repairs	Bayot	Makki	Sullivans Constructions
4. Metal Fabrication & Fencing	Summit Fencing	Metal Fencing Specialists	n/a
5. Signs & Banners	Screen Graphics	Selby	n/a
6. Bricklaying & Rendering	Triton Group	Mourad Tiling	Makki
7. Tiling & Paving	Bayot	Triton Group	Mourad Tiling
8. Soft Fall Mulch	Astec	n/a	n/a
9. Saw Cutting, Core Drilling and/or Grinding	Mastercut Concrete	Sydney Core Cutting	Xpress Cut
10. Concrete Pump Services	CJR Concrete Pumping	n/a	n/a

The Evaluation Teams believe that these selected Tenderers offer the best value for money for Council.

Financial Implications

Included in existing approved budget ☒

Community Engagement

No community engagement required.

Attachments

Operational Minor Works Evaluation Report (confidential)

Council Meeting

10/10/2018

Item No	8.14
Subject	Tender - Electrical and Plumbing Services Tender
Report by	Michael Mamo, Director City Performance
File	F18/402

Summary

Council is responsible for a number of building and facility assets and as such requires the services of electricians and plumbers for maintenance and small scale work. The Tender was designed to create two panels (electrical and plumbing contractors) for use by staff to complete their required maintenance tasks and small scale works.

Officer Recommendation

- 1 That the attachment to this report be withheld from the press and public as they are confidential for the following reason:

With reference to Section 10(A) (2) of the Local Government Act 1993, the attachment relates to (d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it.
 - 2 That Council endorse the establishment of an Electrical Services Preferred Supplier Panel Contract consisting of Modern Electric, Altrelec, and Sydney Electrical Services.
 - 3 That Council endorse the establishment of a Plumbing Services Preferred Supplier Panel Contract consisting of Mark Ellison Plumbing, Infracore, and Pronto Express Plumbing.
 - 4 That Council delegate to the General Manager to finalise the contracts to be issued to the preferred suppliers outlined in recommendations 2 & 3 above.
-

Background

Council is responsible for a substantial number of assets, which includes buildings, parks and other facilities with electrical, water and gas infrastructure.

As such, Council requires the services of qualified electricians and plumbers to help maintain and improve this infrastructure.

The contracts of the former Councils for electrical and plumbing services contracts expired which provided the opportunity to review and establish preferred supplier panels to service the needs of Bayside LGA.

A public Request for Tender (RFT) was issued out to market to *establish a three (3) year, one plus one option* preferred supplier panel contract for electrical and plumbing services. The contract scope is for maintenance programs and reactive works. The appropriate procurement process for Capital Work projects will still be required.

The contract pricing is based on a schedule of rates for the services to be provided. Pricing of works within the scope of the contract will be quoted based on the adopted schedule of rates included in the contract issued.

RFT F18/402 Electrical and Plumbing Services, was published on the Bayside Council Tenderlink web portal on 21 May 2018. The RFT was advertised in the Sydney Morning Herald, St George Leader, Southern Courier, and the Bayside Council website. The RFT closed on 26 June 2018 at 10am (Sydney time).

Evaluation

Submissions were received from the companies shown in Table 1. In order for Councillors and Staff to be able to identify any possible conflict of interest, the Directors of all companies that made a submission are also shown in Table 1.

Table 1: COMPANIES THAT MADE SUBMISSIONS AND THEIR DIRECTORS

Company Name	Director(s)
Two forty Pty Ltd	Peter Terkes
The Sydney Electrical Company	Kurt Gledson
Solo Facility Services Australia	Matthew Salihi
Sharpline Plumbing Solutions	David John Sharp
Sarkis Electrical	Cian Sarkis
RCR Infrastructure	Roderick Brown, Sue Palmer Paul Dalgleish, David Robinson Eva Skira, Paul Dippie Lloyd Jones, Bruce James
Pronto Express Plumbing	Shaun Baldan
Prime Pumps	Peter Beggs
No.1 Plumbing Services	Scott Lawrence
New Era	Jenny Valentino
Never Stop Water Group	Blair Taylor
Mark Ellison Plumbing	Mark Ellison
McDonnell Considine Digby Pty Ltd	Peter McDonnell
Komarin Holdings Pty Ltd Trading as Modern Electric	Robert Henderson
Katopa Holdings Pty Ltd T/A CBD Mechanical Electrical	David Tunstall, Robert Galvin Alan Dixon
Infraworks	Michael Olsen
Harnleigh Pty Ltd	Wayne Fairbank
G & M Maxwell Electrical Pty Ltd	Sam Maxwell
Fredon Asset Services	Alan Lipman, Alan Brown Piero Bua, Scott Bryant David Simpson
Altrelec Pty Ltd	Anthony Lambrou
Active Electrical Services (AUST) Pty Ltd	Gary Andreadis

A confidential tender evaluation report is attached. The evaluation report details the tender process along with the scoring of each individual submission.

The Evaluation Team which completed the assessment and scoring recommended the following preferred supplier panels be established (in no specific order):

Plumbing

1. Mark Ellison Plumbing
2. Infraworks Pty Ltd
3. Pronto Express Plumbing

Electrical

1. Modern Electric
2. Altrelec
3. Sydney Electrical Services

The recommendation is made on the basis that these companies provided the best value for money for Council in the provision of their respective services.

The decision to have three contractors on each panel was to ensure that over the 3 year contract period a high standard of responsiveness, serviceability and continuity for the volume and type of work projected across the Bayside LGA as well as maintaining healthy, fair and open competition.

Financial Implications

Not applicable	<input type="checkbox"/>
Included in existing approved budget	<input checked="" type="checkbox"/>
Additional funds required	<input type="checkbox"/>

Community Engagement

No community engagement required.

Attachments

Electrical and Plumbing Evaluation Report (confidential)

Council Meeting

10/10/2018

Item No	8.15
Subject	Tender - Mattress Collection
Report by	Michael Mamo, Director City Performance
File	F18/75

Summary

Council has previously participated in a Southern Sydney Regional Organisation of Councils (SSROC) tender for the establishment of a preferred supplier panel for mattress collection and processing.

The current contract expired and fresh tenders were invited with the process facilitated by SSROC. The outcome of the new tender is the selection of a new preferred supplier panel contract.

To finalise the tender process and formalise the contract, each SSROC participating Council is required to seek formal endorsement from their Council in accordance with Local Government Tendering Regulations and Guidelines.

Officer Recommendation

- 1 That the attachment/s to this report be withheld from the press and public as they are confidential for the following reason:

With reference to Section 10(A) (2) of the Local Government Act 1993, the attachment relates to (d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it.
 - 2 That Council endorses the decision by the SSROC tender evaluation panel to reject all tenders and accept the following contractors and their negotiated schedule of rates on a preferred supplier panel contract established by SSROC for mattress collection and processing services:
 - a. Community Resources Limited trading as Soft Landing
 - b. Renewable EnergyCorp Australia
 - 3 That Council delegates to the General Manager to sign the SSROC Commissioning Agreements to be issued to the successful Tenderers on behalf of Bayside Council.
-

Background

Councils engage suppliers to conduct mattress processing services when mattresses are dumped in the area and as part of Council's regular household clean-up service. Council utilises the preferred supplier contract for the processing service only, not the actual collection and transportation to the processing centre.

The current Southern Sydney Regional Organisation of Councils (SSROC) preferred supplier panel contract for mattress collection and processing services expired and fresh tenders were invited to establish a new contract.

The SSROC developed a Request for Tender (RFT) document in consultation with the following participating Councils:

- Bayside Council
- Burwood Council
- Canterbury-Bankstown Council
- City of Sydney
- Georges River Council
- Inner West Council
- Randwick City Council
- Sutherland Shire Council

The contract term is for three years subject to satisfactory performance, which will be determined by member Councils and SSROC, with two one year options to extend for up to a further two years.

Procurement Process

Tenders for the “Provision of Mattress Collection and Processing Services” were advertised in the Sydney Morning Herald, Daily Telegraph, SSROC website, and via tendersonline.com.au/ssc website on Tuesday 28 November, 2017. Tenders closed at 10:00am ADST on Wednesday 17 January 2018.

The SSROC Tender Evaluation Report is attached as a Confidential item.

Submissions were received from 2 Tenderers:

- Community Resources Limited trading as Soft Landing (“Soft Landing”).
- Renewable EnergyCorp Australia Pty Ltd.

SSROC and participating Council’s agreed through the evaluation process that the submissions provided would not result in best value for money for the Councils as there were significant increases in the schedule of rates from the original contract.

It was therefore decided by the SSROC evaluation panel to reject all tenders and enter into negotiations with the 2 tenderers to achieve a better value for money outcome.

The result of negotiations was pricing that was in the order of 20% less than those in the original tender submissions, and far less than taking mattresses to landfill.

In May 2018 SSROC signed the Preferred Supplier Master Agreements (PSMAs) and set up a panel with:

- Community Resources Limited trading as Soft Landing (“Soft Landing”).
- Renewable EnergyCorp Australia Pty Ltd.

Councils that participate and hence opt in to this contract are required to seek Council's formal endorsement in accordance with the Local Government Legislation and NSW Tendering Guidelines. Once endorsed, Council issues Commissioning Agreements to the suppliers advising them that the Council will use their services and hence, the supplier must provide the agreed rate as specified in the Preferred Supplier Master Agreement.

Financial Implications

Not applicable	<input type="checkbox"/>
Included in existing approved budget	<input checked="" type="checkbox"/>
Additional funds required	<input type="checkbox"/>

Community Engagement

Not Applicable

Attachments

SSROC Tender Evaluation Report (confidential)

Council Meeting

10/10/2018

Item No	8.16
Subject	Tender - Library Payment, Print Management and PC Booking System
Report by	Michael Mamo, Director City Performance Debra Dawson, Director City Life
File	F15/265

Summary

Award a contract to Monitor Business Machines Pty Ltd to provide a new Library Payment, Print Management and PC Booking System across all Council libraries.

Officer Recommendation

- 1 That the attachment to this report be withheld from the press and public as they are confidential for the following reason:

With reference to Section 10(A) (2) (d) of the Local Government Act 1993, the attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.
 - 2 That Council award a contract to Monitor Business Machines Pty Ltd to provide a Library Payment, Print Management and PC Booking System (hardware and software) for an initial term of five years plus two optional extensions of one year each. The cost of the contract over the initial five year term will be \$237,289.75 excluding GST. The cost of each optional one year extension will be \$33,248.95 excluding GST.
-

Background

Bayside Council currently uses two systems to provide payments, print management and bookings for PCs and rooms at Council libraries. Bear Solutions (Australasia) Pty Ltd is the system used currently for all Bayside Council libraries with the exception of Mascot library which uses Envisionware Pty Ltd.

In January 2017, Bear Solutions went into liquidation and the availability for product support became unavailable. The Bear Solutions system is experiencing outages and failures which is negatively impacting the ability of library staff to deliver superior customer service.

The Procurement Business Unit collaborated with Customer Experience – Library and Information Technology to develop a Request for Tender (RfT) to procure a single Library Payment, Print Management and PC Booking System, which will include hardware and software, to replace the two existing systems.

On 27 March 2018, RfT 2017-056554: Library Print Management and PC Booking System was published on the Bayside Council Tenderlink web portal. The RfT was advertised in the Sydney Morning Herald, St George Leader and Southern Courier and the Bayside Council website. The RfT closed on 26 April 2018 at 10am (Sydney time).

Tenders from the following two companies were received via the Bayside Council Tenderlink web portal:

- Envisionware Pty Ltd
- Monitor Business Machines

A tender evaluation team assessed each tender and recommended **Monitor Business Machines** be awarded the contract for provision of the system in all Bayside Council libraries. The evaluation team consisted of staff from Procurement, Customer Experience – Library, Information Technology and an independent subject matter expert from Inner West Council. The decisions made by the evaluation team are detailed in the Evaluation Report (attached). This Report should be considered confidential as it includes price offers from both tenderers as well as evaluator scores for tendered responses to non-price and technical criteria.

HWL Ebsworth Lawyers, a firm on Council's Legal Services Panel, reviewed and amended an agreement template used by Council for previous service contracts and aligned it to the requirements detailed in the RfT 2017-056554 specification document. Amendments to the agreement include the incorporation of clauses that address software licencing, acceptance testing, escrow material and intellectual property.

On 6 September 2018 the IMT Steering Committee reviewed the findings of the tender evaluation team and supported in principle the team's recommendation that a contract for the provision of library print management and PC booking be awarded to Monitor Business Machines subject to endorsement by Council.

Contract Term and Value Excluding GST

The initial contract term is five years and there are two optional extensions of one year each. The total value over the full contract term of seven years will be \$303,787.65.

	Contract Value Year 1	Annual Contract Value Years 2, 3, 4, 5, 6, 7.	Total Contract Value over 7 Year Term
Capital Cost: Hardware and software installation and implementation	\$ 77,190.00		\$ 77,190.00
Operational Cost: Hardware and software maintenance and upgrades	\$ 27,103.95	\$ 33,248.95	\$ 303,787.65

Financial Implications

Not applicable ☐

Included in existing approved budget ☒

The first two years of the contract will cost \$137,542.90 excluding GST. This cost will be covered by NCIF funding. The NCIF funding is contingent on an order being placed with the Contract by December 2018.

Annual maintenance, software upgrades and

licencing fees for each subsequent year of the contract will cost \$33,248.95 excluding GST. This cost will be covered by the operational budget.

Additional funds required

☐

Community Engagement

Not Applicable

Attachments

RfT 2017-056554 Library Print Mgmt PC Booking - Evaluation Report (confidential)

Council Meeting

10/10/2018

Item No	8.17
Subject	Fire & Rescue Report - 3 Dalby Place Eastlakes
Report by	Michael McCabe, Director City Futures
File	F08/584P02

Summary

Council is in receipt of correspondence from Fire & Rescue NSW dated 14 August 2018 advising that an inspection of the residential flat building at 3 Dalby Place Eastlakes by one of their Authorised Fire Officers has identified concerns relating to fire safety. A copy of the report and recommendations has been referred to Council as required by Schedule 5, Part 8, Section 17 (2) of the Environmental Planning and Assessment Act 1979.

A copy of the Fire & Rescue correspondence was sent to the building's Property Manager on 7 September 2018 and a joint site inspection was requested.

A site inspection of the building was undertaken by a Council Fire Safety Officer with the building's Property Manager on 13 September 2018, which identified the fire safety concerns raised by Fire & Rescue NSW that needed actioning.

The building is in one ownership and the Property Manager raised no objection to addressing the issues raised.

A Notice of Proposed Order (Fire Safety Order) requiring the upgrading of fire safety measures within the building was served on the building owner on 21 September 2018.

Officer Recommendation

- 1 That Report Reference number FRN 18/603 dated 14 August 2018, forwarded on behalf of the Commissioner of Fire and Rescue NSW, be tabled at Council's meeting as required by Schedule 5, Part 8, Section 17 (2) of the Environmental Planning and Assessment Act 1979.
 - 2 That Council notifies Fire & Rescue NSW of Council's actions in relation to this matter.
-

Background

The residential flat building at 3 Dalby Place, Eastlakes is a three (3) storey brick and tile building containing six (6) units, with garaging at the ground level, constructed in about the 1950s to early 1960s. The building remains in its original condition.

There is a record of complaints that have been lodged with Council over the past 12 months from a person identifying themselves as a relative of one of the tenants living at 3 Dalby Place, concerned about the windows in the common stairwell being blocked from opening more than 125mm.

These complaints were investigated by a Senior Building Certifier from Council and were found to be unjustified as the windows in question did not form part of the required exit. Fire & Rescue NSW came to the same conclusion. An email reply was sent to the concerned resident at the time, advising of the inspection outcome. It is understood the objector was not satisfied with this outcome and pursued the matter further via a complaint to NSW Fire & Rescue.

NSW Fire & Rescue carried out an inspection of 3 Dalby Place and identified areas of non-compliance with the current building codes, although it should be noted that the building is in general compliance with the building regulation applicable at the time of construction.

A fire upgrade of the building is being instigated by Council after a joint inspection and consultation between a Senior Building Certifier from Council and the building's property manager.

Financial Implications

Not applicable	<input checked="" type="checkbox"/>
Included in existing approved budget	<input type="checkbox"/>
Additional funds required	<input type="checkbox"/>

Community Engagement

Not Applicable

Attachments

1 Dalby Place Eastlakes - Fire Rescue Report [↓](#)



File Ref. No: FRN18/603
TRIM Ref. No: D18/48877
Contact: Mark Knowles

14 August 2018

General Manager
Bayside Council
PO Box 21
ROCKDALE NSW 2216

Email: council@bayside.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
3 DALBY PLACE EASTLAKES ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 13 March 2018 and 8 June 2018, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence received on 13 March 2018 stated in part that:

The owner (###) and her managing agent (###) have illegally bolted the windows shut in the hallways of the building on the first and second floors with blocks of wood preventing escape from the building in an emergency. This is obviously a serious fire safety hazard and is a disaster waiting to happen. While every unit has functioning smoke detectors, we as residents are gravely concerned that if a fire were to break out we would not be able to escape the building via the windows, particularly if the front entrance door on the ground floor was blocked by falling debris or flames. The back door of the block on the ground floor could not be used as a fire escape because it is permanently locked due to trespassing and repeated vandalism by teenage hooligans. So with the windows bolted shut we would have no way of exiting the building in a fire. We have contacted the local council about this fire safety hazard numerous

FIRE AND RESCUE NSW
Community Safety Directorate
Fire Safety Compliance Unit
firesafety@fire.nsw.gov.au

ABN 12 593 473 110
1 Amarina Ave,
Greenacre NSW 2190

Unclassified

www.fire.nsw.gov.au

T (02) 9742 7434
F (02) 9742 7483

Page 1 of 4



times since last year, but after the merger with Rockdale council they take months to respond to complaints.

The correspondence received on 8 June 2018 stated in part that:

One of my relatives lives here and I am gravely concerned for their safety due to a severe breach of fire safety regulations. My relative made numerous complaints to Bayside council over a year ago. But since the Botany council merger with Rockdale council nothing has been done apart from putting up an "exit" sticker on top of the front door. The windows in the hallways have been permanently jammed shut by the landlord back in 2016 with nails and blocks of wood. With the back fire escape door permanently locked due to vandalism and thieves there's no way to escape a fire if someone was stuck in the hallways of the building and the front entrance door became inaccessible due to flames, smoke or falling debris. I'm pretty sure this is bordering on criminal negligence and quite illegal. What use are the new smoke detectors they just installed in the hallways if you can't escape the building? Ridiculous! Therefore I request a FRNSW Fire Safety inspection under section 119T of the Environmental Planning and Assessment Act 1979, as per your website.

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 14 June 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

FIRE AND RESCUE NSW
Community Safety Directorate
Fire Safety Compliance Unit
firesafety@fire.nsw.gov.au

ABN 12 593 473 110
1 Amarina Ave,
Greenacre NSW 2190

Unclassified

www.fire.nsw.gov.au

T (02) 9742 7434
F (02) 9742 7483

Page 2 of 4



COMMENTS

Whilst the inspection of 'the premises' was based on correspondence received on 13 March 2018 and 8 June 2018 (specifically the fixing shut of the common area windows and the locked rear door), observations at the time of the inspection were contrary to what was submitted. Moreover, the concerns outlined in the correspondence may not be deemed a breach in terms of building regulations. However, the following items were identified as concerns during the inspection:

1. Access and Egress

1A. Enclosure of space under stairs – the space beneath the non-fire-isolated stair on the ground floor was enclosed to form a cupboard and did not appear to be fitted with a self closing -/60/30 fire door, contrary to the requirements of Clause D2.8(b) of the National Construction Code 2016 Volume One Building Code of Australia (NCC).

1B. Balustrades –

- a. The balustrade to the internal non-fire isolated stairway on the second-floor level, achieves a height of less than 1m above the floor level, contrary to the requirements of Clause D2.16(g) of the NCC. Furthermore, the balustrade contained openings that would permit a 125mm sphere to pass through it, contrary to the requirements of Clause D2.16(h)(ii)(A) of the NCC.
- b. The external balustrades to the Sole Occupancy Unit (SOU) balconies appeared to achieve a height of less than 1m above the floor level, contrary to the requirements of Clause D2.16(g) of the NCC. Furthermore, the balustrades contained openings that would permit a 125mm sphere to pass through it, contrary to the requirements of Clause D2.16(h)(ii)(A) of the NCC.

1C. Door swing – the final exit door on the ground floor swings against the direction of egress and was not fitted with a device for holding it in the open position, contrary to the requirements of Clause D2.20(b) of the NCC.

2. Compartmentation and Separation

2A. Bounding construction – The doorways providing access from the SOU's into the public corridors/internal non-fire isolated stairway, appeared to be tight-fitting, solid core doors, not less than 35mm thick, however the doors were not provided with a self-closing device, contrary to the requirements of Clause C3.11(a) of the NCC.

FIRE AND RESCUE NSW
Community Safety Directorate
Fire Safety Compliance Unit

ABN 12 593 473 110
1 Amarina Ave,
Greenacre NSW 2190

www.fire.nsw.gov.au
T (02) 9742 7434
F (02) 9742 7483

firesafety@fire.nsw.gov.au

Unclassified

Page 3 of 4



3. Generally

- 3A. An emergency lighting system did not appear to be provided in the required non-fire isolated stairway, contrary to the requirements of Clause E4.2(d) of the NCC.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 3 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference FRN18/603 for any future correspondence in relation to this matter.

Yours faithfully



Mark Knowles
Building Surveyor
Fire Safety Compliance Unit

Council Meeting

10/10/2018

Item No	9.1
Subject	Minutes of the Botany Historical Trust Meeting - 6 August 2018
Report by	Debra Dawson, Director City Life
File	SF17/2829

Officer Recommendation

That the Minutes of the Botany Historical Trust meeting held on 6 August 2018 be received and the recommendations therein be adopted.

Summary

The minutes include the following substantial recommendations:

5.1 Botany Historical Trust Constitution

- 1 That the amendments to the Botany Historical Trust Constitution, as shown in the attached document, are endorsed and put to Council for adoption.
 - 2 That, if the Constitution is amended, it is operational for the next Annual General Meeting of the Trust.
 - 3 That the transitional arrangements, as outlined in this report, apply until the next Annual General Meeting of the Trust.
-

Present

President Anne Slattery
Vice President Christopher Hanna
Senior Vice President Alice McCann
Secretary Robert Hanna
Treasurer Richard Smolenski
Committee Member Clarence Jones
Committee Member Jacqueline Milledge
Committee Member Peter Orlovich

Also Present

Meredith Wallace General Manager
Angela Hume Manager Customer Experience
Bruce Cooke Coordinator Governance
Jenny MacRitchie, Community History Librarian

The Chairperson opened the meeting in the Mascot Library and George Hanna Memorial Museum at 6.45 pm.

1 Acknowledgement of Traditional Owners

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 Apologies

An apology was received from Samantha Sinnayah, Curator.

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

4.1 Minutes of the Botany Historical Trust Meeting - 7 May 2018

Committee Recommendation

On the motion of Peter Orlovich, seconded by Richard Smolenski:

That the Minutes of the Botany Historical Trust meeting held on 7 May 2018 be confirmed as a true record of proceedings.

5 Reports

5.1 Botany Historical Trust Constitution

Committee Recommendation

- 1 That the amendments to the Botany Historical Trust Constitution, as shown in the attached document, are endorsed and put to Council for adoption.
- 2 That, if the Constitution is amended, it is operational for the next Annual General Meeting of the Trust.
- 3 That the transitional arrangements, as outlined in this report, apply until the next Annual General Meeting of the Trust.

Notes:

Mr Cooke provided a summary of the discussions relating to updating the constitution. He confirmed that the new Trustee of the Botany Historical Trust is Bayside Council and that the 'Area' refers to the boundaries of the former City of Botany Bay. The Purposes of the Trust are proposed to be left as is, although there can be further discussion and clarification around the types of records and artefacts to be retained.

Under Section 7, Management by Executive, it is proposed that two Councillors from the wards incorporating the former City of Botany Bay will be eligible for nomination to the Executive. All other Executive positions remain and up to three community representatives or independent experts can be appointed by the General Manager, on the recommendation of the Executive. All of these Executive members have voting rights. Two Council staff members with appropriate responsibilities may also attend Executive meetings but have no voting rights.

Mr Smolenski expressed his concern about Councillors voting on matters related to the Heritage Advisory Sub-Committee. He also expressed a preference for historic artefacts and records to be maintained locally. Mr Cooke noted that for the ongoing safety of Council's records that they should be stored in purpose-built facilities which offer greater protection. He advised that some Council archives will be stored at ZircoDATA and that Council minutes and valuation books etc. will be digitised and sent to NSW State Archives at Kingswood.

Dr Orlovich expressed his strong preference for the Council archives to be kept locally for the use of specialist Council staff such as the Community History Librarians and Curator. In answer to a question, Ms Wallace advised that the State Records Act provides the framework for record preservation and a schedule of disposal but that the actual housing of Council records was a local decision. Mr Cooke suggested that the Trust could, in conjunction with Council, develop a policy that would define which documents should be retained in original condition after digitisation

Mr Cooke retired from the meeting at 7.43 pm.

5.2 Events

Committee Recommendation

That it be noted that the following changes be made to the upcoming events schedule:

- That the park dedication for Hillier Park be postponed until early 2019.
- That the Beersheba talk and plaque unveiling previously proposed for Eastlakes on Saturday 22 September be postponed due to difficulties in confirming arrangements with participants from regional NSW. A smaller ceremony will be organised for Saturday 3 November at 1.00 pm to be followed by the previously planned author talk for *Postings from the Front: The City of Botany Bay and World War I* which will be relocated to the Alf Kay Community Centre at Eastlakes at 2.00 pm.
- That two services will be held at 11.00 am on Sunday 11 November at Mascot and Botany War Memorials to mark the centenary of the Armistice. These will include plaque unveilings. Participants will then join together for refreshments at the Eastlakes Sports Club.

- The BHT AGM and Christmas party will be held on Thursday 29 November at a venue to be confirmed.

5.3 Community History and Museum

Committee Recommendation

That the report be received and noted.

6 General Business

6.1 Astrolabe Park

Ms Milledge asked about the proposals for Astrolabe Park in Daceyville, expressing concern about its potential heritage significance.

That Executive members send Ms Slattery their concerns/objections to the proposal to build two sporting ovals in Astrolabe Park before community consultation ends on 10 August 2018.

6.2 Arthur Park

That the Community History Librarian prepare a report about the proposed replacement of World War II plaques in Arthur Park, Botany.

7 Next Meeting

That the next meeting be held in the Mascot Library and George Hanna Memorial Museum at 6.30 pm on Monday, 5 November 2018.

The Chairperson closed the meeting at 8:25 pm.

Attachments

Nil

Council Meeting

10/10/2018

Item No	9.2
Subject	Minutes of the Community Services & Library Committee Meeting - 13 August 2018
Report by	Debra Dawson, Director City Life
File	SF17/2829

Officer Recommendation

That the Minutes of the Community Services & Library Committee meeting held on 13 August 2018 be received and the recommendations therein be adopted.

Summary

The minutes include the following substantial recommendation:

5.2 Renew our Libraries

- a. That the 'Renew our Libraries' campaign be supported and endorsed.
 - b. That progress reports be provided about Council's support of the campaign.
-

Present

Councillor Christina Curry
Councillor Tarek Ibrahim
Councillor Michael Nagi

Also Present

Meredith Wallace, General Manager
Debra Dawson, Director City Life
Angela Hume, Manager Customer Experience
Maree Girdler, Acting Manager Community Capacity Building & Engagement
Councillor Dorothy Rapisardi

The Chairperson opened the meeting in the Meeting Room, Botany Town Hall at 6:36pm.

1 Acknowledgement of Traditional Owners

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 Apologies

There were no apologies received.

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

4.1 Minutes of the Community Services & Library Committee Meeting - 14 May 2018

Committee Recommendation

That the Minutes of the Community Services & Library Committee meeting held on 14 May 2018 be confirmed as a true record of proceedings.

5 Reports

5.1 Easy to do Business

Committee Recommendation

- 1 That the Committee receives and notes the 'Easy to do Business' presentation by Paul Dwyer of Service NSW.
- 2 That the initiative be endorsed.

5.2 Renew our Libraries

Committee Recommendation

- c. That the 'Renew our Libraries' campaign be supported and endorsed.
- d. That progress reports be provided about Council's support of the campaign.

6 General Business

6.1 Regular Reports on Council Services

That regular reports on the following Council services be provided to the Committee:

- Meals on Wheels.

- Youth Services.
- Other community services.
- Updates on relevant community facilities such as PCYC lease.

7 Next Meeting

The next meeting will be held at Eastgardens Library at 6.30pm on Monday, 22 October 2018.

The Chairperson closed the meeting at 7:26 pm.

Attachments

Nil

Council Meeting

10/10/2018

Item No 9.3
Subject **Minutes of the Community Relations Committee Meeting - 20 August 2018**
Report by Meredith Wallace, General Manager
File SF17/2829

Officer Recommendation

That the Minutes of the Community Relations Committee meeting held on 20 August 2018 be received and the recommendations therein be adopted.

Summary

The minutes include the following substantial recommendations:

5.2 EOI - Markets in Bayside LGA 2019

- 1 That the report be noted.
- 2 That the Expression of Interest and its publication be endorsed.

5.3 Christmas Events 2018

- 1 That the report and options to reduce the Christmas events be noted.
- 2 That the matter be referred to a General Manager's Briefing.

6.1 Review of Elector Numbers and Ward Boundaries

That the Review of Elector Numbers and Ward Boundaries, initially considered at the April 2018 committee meeting, be investigated further and a report be provided to the next committee meeting.

Present

Councillor Dorothy Rapisardi
Councillor Ed McDougall

Also Present

Councillor Liz Barlow
Councillor Andrew Tsounis
Meredith Wallace, General Manager
Vince Carrabs, Head Communications & Events
Kylie Gale, Coordinator Events

The Chairperson opened the meeting in the Meeting Room, Botany Town Hall at 6.35pm.

1 Acknowledgement of Traditional Owners

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 Apologies

The following apologies were received:

Councillor Michael Nagi
Councillor Bill Saravinovski, Mayor
Councillor James Macdonald

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

4.1 Minutes of the Community Relations Committee Meeting - 25 June 2018

Committee recommendation

That the Minutes of the Community Relations Committee meeting held on 25 June 2018 be confirmed as a true record of proceedings.

5 Reports

5.1 Event Guidelines and Application Form

Committee recommendation

That the Committee endorses the Event Guidelines and Application form for circulation to Event Organisers.

5.2 EOI - Markets in Bayside LGA 2019

Committee recommendation

- 1 That the report be noted.
- 2 That the Expression of Interest and its publication be endorsed.

5.3 Christmas Events 2018

Committee recommendation

- 1 That the report and options to reduce the Christmas events be noted.
- 2 That the matter be referred to a General Manager's Briefing.

5.4 Ramadan Food Festival 2019

Committee recommendation

That the matter be referred to a General Manager's Briefing for further discussion.

5.5 A Taste of Mascot - RFQ Update

Committee recommendation

That the report be noted.

6 General Business

6.1 Review of Elector Numbers and Ward Boundaries

Committee recommendation

That the Review of Elector Numbers and Ward Boundaries, initially considered at the April 2018 committee meeting, be investigated further and a report be provided to the next committee meeting.

7 Next Meeting

That the next meeting be held in the Meeting Room, Botany Town Hall at 6.30pm on Monday, 15 October 2018.

The Chairperson closed the meeting at 7:56 pm.

Council Meeting

10/10/2018

Item No	9.4
Subject	Minutes of the Risk & Audit Committee Meeting - 23 August 2018
Report by	Michael Mamo, Director City Performance
File	SF17/2829

Officer Recommendation

That the Minutes of the Risk & Audit Committee meeting held on 23 August 2018 be received and the recommendations therein be adopted.

Summary

The minutes include the following substantial recommendations:

5.1 Operation Ricco - The ICAC Perspective

- 1 That the presentation on Operation Ricco be received and noted.
- 2 That the General Manager reviews the Internal Audit Committee to determine if it fulfils its obligations.

5.5 Business Continuity Management Policy

- 1 That the report be received and noted.
 - 2 That the Business Continuity Management Policy be endorsed subject to its amendment by including a diagram indicating the relationship of all associated documents.
 - 3 That a one page 'user friendly' document for use by staff be developed.
-

Present

Jennifer Whitten, Independent External Member (Chair)
Lewis Cook, Independent External Member
Barry Munns, Independent External Member
Councillor Scott Morrissey, Member

Also Present

Meredith Wallace, General Manager
Michael Mamo, Director City Performance
David Nolan, Director Financial Audit Services, Audit Office of NSW

Steve Kent, Acting Internal Auditor
Dr Andrew Howe, Senior Corruption Prevention Officer, ICAC
John Hughes, Coordinator Risk & Audit
Stephen Walker, Performance Analyst, Office of Local Government
Bruce Cooke, Acting Manager Governance & Risk
Matthew Walker, Manager Finance
Gina Nobrega, Governance Officer

The Chairperson opened the meeting in the Pindari Room, Rockdale Town Hall at 6.45pm.

1 Acknowledgement of Traditional Owners

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 Apologies

The following apologies were received:

Catriona Barry, Independent External Member

Councillor Liz Barlow

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

4.1 Minutes of the Risk & Audit Committee Meeting - 24 May 2018

Committee Recommendation

- 1 That the Minutes of the Risk & Audit Committee meeting held on 24 May 2018 be confirmed as a true record of proceedings.
- 2 That outstanding Actions from previous meetings be updated.

Item	Action	Responsible Officer
22/02/18 5.3	A summary email to Committee members regarding insurance risk from bike-share incidents.	Manager Governance & Risk

22/02/18 5.7	Future reports on the progress of Project Ricochet include an updated list of priorities, findings, actions and risks. To be considered at the September meeting.	Manager Governance & Risk
22/02/18 6.4	Committee members be invited to the Council meeting of which the Draft 2016/17 Financial Statements are presented.	Manager Governance & Risk
24/05/18 5.6	The Manager Procurement provides a copy of the Procurement Guide to all Committee members.	Manager Procurement
24/05/18 6.1	An extra-ordinary meeting of the Committee be held, if necessary, to consider the draft Financial Statements for 2016/17.	Manager Finance
24/05/18 6.1	The Committee be provided with a copy of the key assumptions underlying the Financial Statements audit.	Manager Finance
23/08/18 5.4	Report on Project Ricochet to be brought to next meeting.	Cate Trivers
23/08/18 5.4	Hard copies of both the Strategic and Operational Risk Registers be provided to Committee members for future meetings.	Coordinator Risk
23/08/18 5.4	Provide a summary report of the Operational Risk Register for the November meeting.	Coordinator Risk
23/08/18 5.7	Consider simplifying the Liability Claims Performance Report and/or masking it 'confidential'.	Coordinator Risk
23/08/18 6.0	An annual report of the Risk & Audit Committee to be considered at the November meeting.	Committee Chair

5 Reports

5.1 Operation Ricco - The ICAC Perspective

Committee Recommendation

- 1 That the presentation on Operation Ricco be received and noted.
- 2 That the General Manager reviews the Internal Audit Committee to determine if it fulfils its obligations.

At this stage Dr Andrew Howe left the meeting at 7.23pm.

5.2 Update on 2016-17 Financial Reports

Committee Recommendation

- 1 That the verbal update on the progress of the draft 2016-17 Financial Reports be received and noted.

- 2 That the Committee be provided with draft 2016/17 Financial Statements well in advance of the next extraordinary Risk & Audit meeting of 27 September 2018.

5.3 Strategic Risk Register Review

Committee Recommendation

That the report be received and noted.

5.4 Operational Risk Register Review

Committee Recommendation

That the report be received and noted.

5.5 Business Continuity Management Policy

Committee Recommendation

- 1 That the report be received and noted.
- 2 That the Business Continuity Management Policy be endorsed subject to its amendment by including a diagram indicating the relationship of all associated documents.
- 3 That a one page 'user friendly' document for use by staff be developed.

5.6 Bayside Administration Precinct Business Continuity Plan

Committee Recommendation

- 1 That the report be received and noted.
- 2 That it be noted scenario testing is intended to be undertaken annually and updates of report outcomes of testing be received.

5.7 Liability Claims Performance Overview

Committee Recommendation

That the report be received and noted.

6 General Business

6.1 Project Ricochet

Committee Recommendation

That internal audit undertake a review of the actions implemented as part of Project Ricochet to assess the effectiveness of the new controls and processes that have been established.

6.2 Internal Auditor

Committee Recommendation

That it be noted Steve Kent of BDO has been appointed Acting Internal Auditor during while the substantive Internal Auditor is on leave.

6.3 Risk & Audit Committee Review

Committee Recommendation

That it be noted a review of the Risk & Audit Committee is being arranged by Council.

7 Next Meeting

The next extraordinary meeting of the Risk & Audit Committee will be held in the Pindari Room, Rockdale Town Hall at 6.30pm on Thursday, 27 September 2018.

The Chairperson closed the meeting at 9:00 pm.

Council Meeting

10/10/2018

Item No	9.5
Subject	Minutes of the Sport & Recreation Committee Meeting - 27 August 2018
Report by	Debra Dawson, Director City Life
File	SF17/2829

Officer Recommendation

That the Minutes of the Sport & Recreation Committee meeting held on 27 August 2018 be received and the recommendations therein be adopted.

Summary

The minutes include the following substantial recommendations:

5.2 Angelo Anestis Aquatic Centre - Todd McHardy

That the Committee supports Major Projects to investigate different design and fabric options for a larger and new shade cloth structure with costing and report back to the Sports and Recreation Committee.

5.3 Rowland Park Amenities

That the report be received and noted and that the recommendations below be considered by Council for endorsement.

- 1 That the Committee recommends an additional \$650,000 to be allocated to the Rowland Park amenities project to enable the delivery of Stage 1 and Stage 2 as one contract to take advantage of economies of scale.
 - 2 That the Committee recommends tender documentation be prepared based on keeping the canteen building, demolishing and reconstructing the amenities/change building and completing the project in one stage to take advantage of economies of scale.
 - 3 That Voluntary Planning Agreement funds obtained from the Stage 1 BATA development by Meriton at 130-150 Bunnerong Road, Pagewood or Section 7.11 funding be considered to fund the Stage 2 works component.
 - 4 That the 2018/2019 budget allocation for the Rowland Park amenities building is revised to \$1,400,000 in the Quarter 1 Budget Review based on confirmed available and approved funds.
 - 5 That Major Projects engage with local school children to assist with the planting and designs for the proposed gardens at Rowland Park amenities.
-

Present

Councillor James Macdonald
Councillor Scott Morrissey

Also Present

Councillor Andrew Tsounis
Councillor Liz Barlow
Meredith Wallace, General Manager
Michael McCabe, Director City Futures
Debra Dawson, Director City Life
Hayla Doris, Manager Recreation & Community Services
Sue Matthew, Coordinator Sports & Recreation
Louise Farrell, Senior Project Architect, Major Projects (from 6.51pm)
Samantha Urquhart, Manager Property (from 7.20pm)
Ben Heraud, Coordinator Property (from 7.20pm)
Matthew Gallagher, Technical & Environmental Manager, NSW Roads & Maritime Services
Marion Tynan, NSW Roads & Maritime Service
Tod McHardy, Managing Director Angelo Anestis Aquatic Centre
Gina Nobrega, Governance Officer

The Chairperson opened the meeting in the Meeting Room, Botany Town Hall at 6.33pm.

1 Acknowledgement of Traditional Owners

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 Apologies

The following apologies were received:

Councillor Christina Curry
Councillor Michael Nagi

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

4.1 Minutes of the Sport & Recreation Committee Meeting - 16 July 2018

Committee Recommendation

That the Minutes of the Sport & Recreation Committee meeting held on 16 July 2018 be confirmed as a true record of proceedings subject to the amendment in relation to the question posed by Councillor Curry and notes that Councillor Curry is not the Chair of the Sport & Recreation Committee.

That it be noted that the recommendation from the Council meeting held on 9 August 2018 be added to the Sport & Recreation Committee meeting for endorsement:

- a That the Sport & Recreation Committee discussed an issue previously raised at the meeting of 14 May 2018 regarding the use of Booralee Park for a group of under 12 year olds relocated temporarily from Mutch Park for up to 4 hours per week; that it be confirmed that no issues were raised about this matter at the previous meeting and that it was unanimously agreed that the hire to this group was appropriate.

5 Reports

5.1 Proposed F6 Motorway: Presentation from NSW Roads and Maritime Service

Committee Recommendation

- 1 That the Sport & Recreation Committee receives the presentation by NSW Roads & Maritime Services on the proposed F6 motorway.
- 2 That the Sport & Recreation Committee supports the collaboration of Council and NSW Roads & Maritime Services for the preparation of a recreation needs analysis for the Bicentennial Park precinct.
- 3 That the proposed F6 motorway be a standing item at the Sports & Recreation Committee with regular updates by representatives from Council, staff representatives on the RMS Technical Working Group (Property, Open Space, Traffic, Active Transport and Environment).

At this point Matthew Gallagher and Marion Tynan left the meeting at 7:19pm.

5.2 Angelo Anestis Aquatic Centre - Todd McHardy

Committee Recommendation

- 1 That the Committee supports the investigation by Major Projects into different design and fabric options for a larger and new shade cloth structure with costing and report back to the Sports & Recreation Committee.

- 2 That the General Manager responds to Chris Minns, Member for Kogarah and advises that the Committee has considered the proposal of introducing Fitness Passport at Angelo Anestis Aquatic Centre and has agreed not to proceed with the introduction of the fitness passport, at Angelo Anestis or Reciprocal rights at Hurstville Aquatic leisure Centre.

5.3 Rowland Park Amenities

Committee Recommendation

That the report be received and noted and that the recommendations below be considered by Council for endorsement.

- 1 An additional \$650,000 to be allocated to the Rowland Park amenities project to enable the delivery of Stage 1 and Stage 2 as one contract to take advantage of economies of scale.
- 2 Tender documentation be prepared based on keeping the canteen building, demolishing and reconstructing the amenities/change building and completing the project in one stage to take advantage of economies of scale.
- 3 Voluntary Planning Agreement funds obtained from the Stage 1 BATA development by Meriton at 130-150 Bunnerong Road, Pagewood or Section 7.11 funds be considered to fund the Stage 2 works component.
- 4 That the 2018/2019 budget allocation for the Rowland Park amenities building is revised to \$1,400,000 in the Quarter 1 Budget Review based on confirmed available and approved funds.
- 5 That Major Projects engage with local school children to assist with the planting and designs for the proposed gardens at Rowland Park amenities.

5.4 Ador Avenue Synthetic Facility - Proposed Licence

Committee Recommendation

- 1 That the presentation on the proposed heads of agreement between St George Football Association and Council for the proposed winter licence over Ador Reserve Synthetic Field be received and noted.
- 2 That Council officers (Property) continue to update the Sports & Recreation Committee as the heads of agreement progresses.

6 General Business

6.1 Cahill Park - Cricket Fees & Charges

Committee Recommendation

That the General Manager responds to Mr Keven McKiernan, St George District Cricket Club confirming Council endorsed fees and charges for the use of Cahill Park cricket pitch.

6.2 Ador Avenue Reserve - Lighting and Vandalism

Committee Recommendation

- 1 That the Ador Reserve Synthetic field be closed to general public access to meet the synthetic field warranty requirement and that officers continue to report back to the Sports & Recreation Committee.
- 2 Installation of the following signage; No Dogs on Premises, No Alcohol, No Smoking and designates the ambulance access at the Ador Reserve Synthetic Field facility.
- 3 Endorse the increased temporary lighting poles at Ador Reserve synthetic field to meet safety and night training requirements.

6.3 Hensley Field - Fees & Charges

Committee Recommendation

That Council endorses the use of Hensley Athletics field unoccupied spaces on a permit basis for the use of volley ball and other sporting clubs in line with appropriate Council Fees & Charges.

6.4 Botany Aquatic Centre - Update on Masterplan

Committee Recommendation

That a report be provided at the next Sports & Recreation Committee meeting on the Botany Aquatic Centre Masterplan and that Botany Aquatic Centre Masterplan continue to be a standing item on the agenda.

6.5 Booralee Park Change Rooms and Field Conditions

Committee Recommendation

- 1 That Council endorses the inclusion of permit conditions to ensure sporting clubs maintain cleanliness of change rooms at Booralee sporting field for the allocated seasonal hire.

- 2 That City Presentation reports to the Committee on the progress of the bore water conditions located at Booralee Park.

6.6 AFL - Scarborough Park Masterplan

Committee Recommendation

That the Committee be provided with updates on the community consultation with Sporting Clubs on the proposed Scarborough Park Masterplan.

6.7 Bayside Council Sporting Fields - Fees and Maintenance

Committee Recommendation

That Council considers consistency across Bayside local government area in fees and maintenance programs to all sporting fields including line marking.

6.8 Barton Park - Cook Cove Proposed DA

Committee Recommendation

That the Committee be provided with regular updates on the proposed Cook Cove Development.

6.9 Barton Park - Amenities Block

Committee Recommendation

That the committee be provided with updates on the installation of the lighting upgrades at Barton Park.

6.10 Arncliffe Park and Gardiner Park - Synthetic Fields

Committee Recommendation

- 1 That the Committee be provided with a report on the progress of Arncliffe Park and Gardiner Park Synthetic Fields.
- 2 That a formal invitation be made to Banksia Tigers, Aurora Soccer Clubs and St George Soccer Association to an upcoming meeting of the Sport & Recreation Committee to discuss synthetic fields projects timelines.

6.11 Bayside Bowling Clubs and Golf Course Update

Committee Recommendation

That the Committee be provided with regular reports and updates on the status of the lease negotiations with Bexley Bowling Club and Botany Golf Club.

6.12 Greater Sydney Sporting Facilities Grant Application - Synthetic Field

Committee Recommendation

That Council endorses the application for Greater Sydney Sporting Facilities Grant Funding for the installation of a Synthetic Field at Jellicoe Park.

7 Next Meeting

The next meeting is to be held in the Meeting Room, Botany Town Hall at 6.30pm on Monday, 17 September 2018.

The Chairperson closed the meeting at 9:45 pm.

Council Meeting

10/10/2018

Item No	9.6
Subject	Minutes of the Brighton Le Sands Working Party Meeting - 29 August 2018
Report by	Michael McCabe, Director City Futures
File	SF17/2829

Officer Recommendation

That the Minutes of the Brighton Le Sands Working Party meeting held on 29 August 2018 be received and the recommendations therein be adopted.

Summary

The minutes include the following substantial recommendations:

5.1 Brighton Le Sands Working Party - Implementation Plan

- 1 That the status and future actions associated with on-street parking priorities be endorsed by the Working Party.
 - 2 That the status and future actions associated with off-street parking priorities be endorsed by the Working Party.
 - 3 That the Working Party discuss the funding analysis and adjoining owner interest associated with property opportunities underpinned by the Masterplanning Project and Parking Strategy.
 - 4 That the Working Party notes that the Masterplanning project has met the major milestone for August 2018 being completion of the request for quotation and selection process for the Urban Form Study.
-

Present

Councillor Bill Saravinovski, Mayor
Councillor Ed McDougall
Councillor Vicki Poulos
Councillor Joe Awada
Councillor Michael Nagi
Councillor Andrew Tsounis
Councillor Paul Sedrak
Councillor James Macdonald

Also Present

Michael McCabe, Director City Futures
Meredith Wallace, General Manager

Samantha Urquhart, Manager Property
Clare Harley, Manager Strategic Planning
Jeremy Morgan, Manager City Infrastructure
Irene Chan, Urban Designer
Agasteena Patel – Traffic Engineer

The Chairperson opened the meeting in the Level 2 Conference Room at 6:30 pm.

1 Acknowledgement of Traditional Owners

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 Apologies

There were no apologies received.

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

4.1 Minutes of the Brighton Le Sands Working Party Meeting - 4 June 2018

Officer Recommendation

That the Minutes of the Brighton Le Sands Working Party meeting held on 4 June 2018 and adopted by Council at its meeting dated 13 June 2018 be confirmed as a true record of proceedings.

5 Reports

5.1 Brighton Le Sands Working Party - Implementation Plan

Officer Recommendations

- 1 That the status and future actions associated with on-street parking priorities be endorsed by the Working Party.

- 2 That the status and future actions associated with off-street parking priorities be endorsed by the Working Party.
- 3 That the Working Party discuss the funding analysis and adjoining owner interest associated with property opportunities underpinned by the Masterplanning Project and Parking Strategy.
- 4 That the Working Party notes that the Masterplanning project has met the major milestone for August 2018 being completion of the request for quotation and selection process for the Urban Form Study.

6 General Business

There was no General Business.

7 Next Meeting

That the next meeting be held in the Level 2 Conference Room at 6:30 pm on Wednesday, 31 October 2018.

The Chairperson closed the meeting at 8:35 pm.

Council Meeting

10/10/2018

Item No	9.7
Subject	Minutes of the Sport & Recreation Committee Meeting - 17 September 2018
Report by	Debra Dawson, Director City Life
File	SF17/2829

Officer Recommendation

That the Minutes of the Sport & Recreation Committee meeting held on 17 September 2018 be received and the recommendations therein be adopted.

Summary

The minutes include the following substantial recommendations:

5.2 Scarborough Park Masterplan - Field Allocation, Stakeholder Engagement Report and Community Engagement Strategy

That Open Space options in Bayside Council – Western side are investigated to confirm if other options for full size AFL fields are available outside of the Scarborough Park Masterplan.

6.1 L'Estrange Park Amenities Upgrades

That Council notes the L'Estrange Park Amenities Upgrades will be funded through Bayside Council Development Contribution Plan (Botany Bay S 7.11, 2016) in the 2019/2020 capital works program if Council is unsuccessful in obtaining the Greater Sydney Sporting Facility Grant funds which have been applied for.

6.5 Congratulations on Finals Victory

That Council formally acknowledge the end of season finals where Rockdale Ilinden City Suns played in the semi final for NPL 1 and St George Football Club NPL 2, who won the grand final.

6.6 Recognition of Volunteers

That Council supports a new sporting volunteer category at Council's annual volunteers event with each sporting club encouraged to nominate an outstanding volunteer in recognition of their contribution to their group and local community.

Present

Councillor James Macdonald
Councillor Christina Curry
Councillor Scott Morrissey

Also Present

Meredith Wallace, General Manager
Councillor Dorothy Rapisardi
Councillor Liz Barlow
Councillor Andrew Tsounis
Michael McCabe, Director City Futures
Debra Dawson, Director City Life
Hayla Doris, Manager Recreation & Community Services
Clare Harley, Manager Strategic Planning
Maritza Abra, Coordinator Infrastructure Projects
Sue Matthew, Coordinator Sports & Recreation
Alexandra Vandine, Coordinator Polity & Strategy
Ted Pirola, Senior Project Landscape Architect
Gina Nobrega, Governance Officer
Andrew James, CEO, Cricket NSW
Sam Graeme, CEO, AFL NSW/ACT
Neil Morris, UNSW

The Chairperson opened the meeting in the Meeting Room, Botany Town Hall at 6.30pm.

1 Acknowledgement of Traditional Owners

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 Apologies

There were no apologies received.

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

4.1 Minutes of the Sport & Recreation Committee Meeting - 27 August 2018

Committee Recommendation

That the Minutes of the Sport & Recreation Committee meeting held on 27 August 2018 be confirmed as a true record of proceedings with the following changes.

Item 6.9

That the Committee endorses the use of the Barton Park amenities block and playing fields by a Volleyball group. Councillor Macdonald to provide details of a Volleyball request through a Customer Request.

Item 6.10

That Arncliffe Park and Gardiner Park to be a standing item at each Sport & Recreation Committee.

5 Reports

5.1 Astrolabe Park - Update

Committee Recommendation

That the presentation is received and noted.

5.2 Scarborough Park Masterplan - Field Allocation, Stakeholder Engagement Report and Community Engagement Strategy

Committee Recommendation

- 1 That Open Space options in Bayside Council western side are investigated to confirm if other options for full size AFL fields are available outside of the Scarborough Park Masterplan.
- 2 That Council officers retrieve previous Council consultation with sporting clubs regarding Scarborough Park field layouts dating back to the 1990's.

5.3 Update on F6 Technical Working Group Meetings

Committee Recommendation

That the update be received and noted.

5.4 Update on Matters - Property

Committee Recommendation

That the report be received and noted.

5.5 Botany Aquatic Centre - Update on Potential Funding and Masterplan

Committee Recommendation

- 1 That the presentation be received and noted.
- 2 That the Committee continues to receive updates on the progress of the Botany Aquatic Centre.

6 General Business

6.1 L'Estrange Park Amenities

Note

Councillor Curry highlighted the need for L'estrangle Park amenities to be considered for upgrades. The amenities are in poor conditions and currently do not meet the club needs and requirements.

Officers advised that Council has applied for the Greater Sydney Sporting Facilities grant application and will be keeping the Committee updated.

Officers also advised they will be putting forward a bid for the facilities to be considered for upgrades in the Capital Works program 2019/20.

Committee Recommendation

That the Committee supports the upgrade for L'estrangle amenities building for Capital Works program 2019/20 using the allocated Development Contribution Plan fund (Botany Bay S.711, 2016).

6.2 Frys Reserve

Note

Councillor Barlow is seeking an update on the proposed works for the location of the Cricket Nets at Frys Reserve .

Committee Recommendation

That an update on the Cricket Nets at Fry's Reserve be provided to the Sports & Recreation Committee scheduled in October 2018 on the location of the new cricket nets and timeframe of installation.

6.3 Arncliffe and Gardiner Park Update

Note

Committee members were provided with clarification from the Manager Strategic Planning on the recent detection of the sewer lines confirming that all detection places informs future development of the project and that it will not impact the progress of the synthetic installation.

Committee Recommendation

That Arncliffe Park and Gardiner Park to be a standing item at each Sport & Recreation Committee and an invitation be extended to the Banskia Tigers and Arncliffe Aurora Clubs as well as St George Football Association.

6.4 Arncliffe Scots

Note

The Committee was advised that Council Development Officers had met with Arncliffe Scots and provided them with clarity around requirements to lodging a Development Application (DA) for fencing, new grandstands, irrigation systems and advertising. To date, the DA has not been officially lodged by Arncliffe Scots.

Committee Recommendation

That the information provided by Council officers be received and noted.

6.5 Congratulations on Finals Victory

Committee Recommendation

That Council formally acknowledge the end of season finals where Rockdale Ilinden City Suns played in the semi final for NPL 1 and St George Football Club NPL 2, who won the grand final.

6.6 Recognition of Volunteers

Committee Recommendation

That Council supports a new sporting volunteer category at Council's annual volunteers event with each sporting club encouraged to nominate an outstanding volunteer in recognition of their contribution to their group and local community.

6.7 Botany Aquatic Centre

Note

The committee were provided with an overview of the upcoming events and programs proposed during the season at the Aquatic Centre.

Proposed Events are as follows:

- A Halloween party was proposed with a movie night.
- Australia Day Inflatable pool party.
- Swim school and Fitness programs.

The aim of these events is to increase community participation at the Botany Aquatic centre and provide opportunities to engage in recreational activities to improve their health and wellbeing.

Committee Recommendation

That the proposed activities and programs hosted by Council at the Botany Aquatic Centre be supported.

That the installation of water stations at Botany Aquatic Centre, to replace the current eroded water bubblers, be supported.

7 Next Meeting

The next meeting will be held in the Meeting Room, Botany Town Hall at 6.30pm on Wednesday, 17 October 2018.

The Chairperson closed the meeting at 8:59 pm.

Council Meeting

10/10/2018

Item No	9.8
Subject	Minutes of the Bayside Floodplain Risk Management Committee Meeting - 19 September 2018
Report by	Michael McCabe, Director City Futures
File	SF17/2829

Officer Recommendation

That the Minutes of the Bayside Floodplain Risk Management Committee meeting held on 19 September 2018 be received and the recommendations therein be adopted.

Summary

The minutes include the following substantial recommendation:

5.1 Arncliffe Park Detention

That the Committee recommend to not proceed with detention at Arncliffe Park as it does not provide sufficient reduction in flood levels and construction costs far outweigh the minimal benefits.

That the Committee make the recommendation on the basis that the synthetic field is elevated to allow for overland flow and not increase flooding off the site.

Present

Director City Futures (Chairperson) Michael McCabe
Manager City Works Steven Poulton
Coordinator Development Advisory Services Diane Sarkies
Acting Coordinator Asset Strategy Debbie Fransen
Office of Environment and Heritage (OEH) Isobelle Testoni
Sydney Water David Grasby
Manager City Infrastructure Jeremy Morgan

Also Present

Pulak Saha, Strategic Floodplain Engineer
Dipen Mandodwala, Asset Officer Canterbury Bankstown

The Chairperson opened the meeting in the Conference Room at 1:10 pm.

1 Acknowledgement of Traditional Owners

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 Apologies

The following apologies were received:

Meredith Wallace, General Manager
Cherie Blackburn, Catchment Management Planner, Canterbury Bankstown

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

4.1 Minutes of the Bayside Floodplain Risk Management Committee Meeting - 20 June 2018

Committee Recommendation

That the Minutes of the Bayside Floodplain Risk Management Committee meeting held on 20 June 2018 be confirmed as a true record of proceedings.

5 Reports

5.1 Arncliffe Park Detention

Committee Recommendation

That the Committee recommend to not proceed with detention at Arncliffe Park as it does not provide sufficient reduction in flood levels and construction costs far outweigh the minimal benefits.

That the Committee make the recommendation on the basis that the synthetic field is elevated to allow for overland flow and not increase flooding off the site.

5.2 Flood Studies Update

Committee Recommendation

1. That the Committee Review the draft Bardwell Creek flood study and provides feedback for the Consultant within 2 weeks of the meeting.

2. That the Committee Reviews the Botany Bay and Foreshore Beach Flood study sensitivity assessment and provides feedback on whether the original flood study requires updating in accordance with ARR2016 methodology and rainfall within 2 weeks of receipt of final draft.

6 General Business

Community Representative

The Committee discussed the recent expression of interest process for two community representatives to join the Committee. There was only one party and an interview will be held.

That a second round of expression of interest for Community Representatives be carried out to meet the requirement of 2 community representatives.

6.2 Status of Dominey Reserve Investigations

The Committee discussed the proposed Sydney Water project and links to the detention in Dominey Reserve based on the cost benefit report tabled at the last meeting.

7 Next Meeting

That the next meeting be held in the Bayside Administration Centre, Conference Room in December 2018.

The Chairperson closed the meeting at 3:36 pm.

Council Meeting

10/10/2018

Item No	9.9
Subject	Minutes of the Planning Committee Meeting - 24 September 2018
Report by	Michael McCabe, Director City Futures
File	SF17/2829

Officer Recommendation

That the Minutes of the Planning Committee meeting held on 24 September 2018 be received and the recommendations therein be adopted.

Summary

The minutes include the following substantial recommendations:

5.2 Update on the Development of Bayside's Local Environmental Plan

That the Planning Committee reviews the progress of the development of Bayside's Local Environmental Plan and the key outcomes of the LEP Review.

5.3 Bayside West 2036

That the Planning Committee notes that Bayside West 2036 has been adopted by the Minister for Planning and relates to the Arncliffe and Banksia Priority Precinct and Cooks Cove.

5.4 Eastlakes Town Centre State Design Review Panel Decision

That the Planning Committee notes that the State Design review Panel has considered and made recommendations in relation to a Modification Application for a Part 3A Project Approval at the Eastlakes Town Centre.

Present

Councillor Michael Nagi
Councillor Liz Barlow
Councillor Dorothy Rapisardi

Also Present

Meredith Wallace, General Manager
Michael McCabe, Director City Futures
Clare Harley, Manager Strategic Planning
Luis Melim, Manager Development Services
Alexandra Vandine, Coordinator Policy and Strategy

Dawson Heperi, Customer Service Advocate

The Chairperson opened the meeting in the Meeting Room, Botany Town Hall at 6:35 pm.

1 Acknowledgement of Traditional Owners

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 Apologies

An apology was received from Councillor Bill Saravinovski.

3 Disclosures of Interest

Councillor Nagi declared an interest in Item 5.3 - Bayside West 2036, being that he owns property located within Bayside West planning area.

4 Minutes of Previous Meetings

4.1 Minutes of the Planning Committee Meeting - 21 May 2018

Officer Recommendation

That the Minutes of the Planning Committee meeting held on 21 May 2018 be confirmed as a true record of proceedings.

5 Reports

5.1 DA Customer Satisfaction Survey Results and Analysis

Officer Recommendation

- 1 That the findings of the DA customer satisfaction survey be received and noted.
- 2 That the business improvements identified be implemented.
- 3 That respondents be thanked for their participation and are provided with a summary of outcomes.

5.2 Update on the development of Bayside's Local Environmental Plan

Officer Recommendation

That the Planning Committee reviews the progress of the development of Bayside's Local Environmental Plan and the key outcomes of the LEP Review.

5.3 Bayside West 2036

Officer Recommendation

That the Planning Committee notes that Bayside West 2036 has been adopted by the Minister for Planning and relates to the Arncliffe and Banksia Priority Precinct and Cooks Cove.

5.4 Eastlakes Town Centre State Design Review Panel Decision

Officer Recommendation

That the Planning Committee notes that the State Design review Panel has considered and made recommendations in relation to a Modification Application for a Part 3A Project Approval at the Eastlakes Town Centre.

5.5 Update - Planning Proposals

Officer Recommendation

That the Planning Committee notes the status update for Planning Proposals.

6 General Business

There was no General Business.

7 Next Meeting

That the next meeting be held in the Level 2 Conference Room, Bayside Council Administration Building, 444-446 Princes Highway, Rockdale at 6.30pm on Monday, 26 November 2018.

The Chairperson closed the meeting at 8:20 pm.

Council Meeting

10/10/2018

Item No	9.10
Subject	Minutes of the Bayside Traffic Committee Meeting - 3 October 2018
Report by	Michael McCabe, Director City Futures
File	SF17/2829

Officer Recommendation

That the Minutes of the Bayside Traffic Committee meeting held on 3 October 2018 be received and the recommendations therein be adopted.

Present

Jeremy Morgan, Manager City Infrastructure, Bayside Council (Acting Convener),
Traffic Sergeant Frank Gaal, St George Local Area Command,
Senior Constable Alexander Weissel, Botany Bay Police,
James Suprain, representing Roads and Maritime Services,
Les Crompton, representing State Member for Kogarah,
George Perivolarellis, representing State Members for Rockdale and Heffron,

Also Present

Pintara Lay, Coordinator Traffic and Road Safety, Bayside Council,
Lyn Moore, NSW Pedestrian Council,
Peter Hannett, St George Bicycle User Group,
Rabih Bekdache, State Transit Authority - west,
Glen McKeachie, Coordinator Regulations, Bayside Council,
David Carroll, Senior Parking Patrol Officer, Bayside Council,
Agasteena Patel, Traffic Engineer, Bayside Council,
Malik Almuhanha, Traffic Engineer, Bayside Council,
Pat Hill, Traffic Committee Administration Officer, Bayside Council,
Scott McNairn, Events Officer, Bayside Council. (Item BTC18.168)

The Convenor opened the meeting in the Rockdale Town Hall, Pindari Room, Level 1, 448 Princes Highway, Rockdale at 9.15am and affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

1 Apologies

An apology was received from Councillor Ed McDougall.

2 Disclosures of Interest

There were no disclosures of interest.

3 Minutes of Previous Meetings

BTC18.159 Minutes of the Bayside Traffic Committee Meeting - 5 September 2018

Committee Recommendation

That the Minutes of the Bayside Traffic Committee meeting held on 5 September 2018 be confirmed as a true record of proceedings.

4 Reports

BTC18.160 Alfred Street north of Ramsgate Road, Ramsgate Beach - Proposed change from 'No Stopping' to a '1P, 8.30am-6pm' restriction

Committee Recommendation

That the existing 'No Stopping' restriction be changed to '1P, 8.30 am-6 pm' restriction along the eastern kerb line of Alfred Street, north of Ramsgate Road, in front of the medical centre at No.152 Ramsgate Road, Ramsgate Beach.

BTC18.161 Hanna Street at the rear of 1364-1366 Botany Road, Botany - Proposed 25m Works Zone for 33 weeks

Committee Recommendation

That the approval be given to the installation of 25m of 'Works Zone, 7 am – 6.30 pm, Mon – Fri- and 8 am – 3.30 pm Sat' restriction along the northern side of Hanna Street, rear of 1364-1366 Botany Road, Botany, for the duration of 33 weeks, subject to relevant conditions and:

- The applicant demonstrate that the swept paths for the largest construction vehicles can traverse the intersections of Hanna Street and Waratah Street and Fremlin Street and Botany Road to Council's satisfaction.
- The type of vehicles be provided.
- The construction vehicle movements be constricted in a one-way anticlockwise direction from Botany Road to Waratah Street then left turn into Hanna Street then left turn into Fremlin Street and exiting Botany Road.
- Construction vehicles are not permitted to double park or layover and idle in nearby streets and in Hanna Street.
- The local residents be advised by developers.

BTC18.162 Hanna Street rear of 1368 Botany Road, Botany - Proposed 12m Works Zone for 26 weeks**Committee Recommendation**

That the approval be given to the installation of 12m of 'Works Zone, 7 am – 6.30 pm, Mon – Fri- and 8 am – 3.30 pm Sat' restriction along the northern side of Hanna Street, at the rear of 1368 Botany Road, Botany, for the duration of 26 weeks, subject to relevant conditions and:

- The applicant demonstrate that the swept paths for the largest construction vehicles can traverse the intersections of Hanna Street and Waratah Street and Fremlin Street and Botany Road to Council's satisfaction.
- The type of vehicles be provided.
- The construction vehicle movements be constricted in a one-way anticlockwise direction from Botany Road to Waratah Street then left turn into Hanna Street then left into Fremlin Street and exiting Botany Road.
- Construction vehicles are not permitted to double park or layover and idle in nearby streets and in Hanna Street
- The local residents be advised by developers.

BTC18.163 Light Traffic Thoroughfare restriction - proposed updating all load limit signs with the standard 'No Trucks' signs with a truck symbolic with a red slash**Committee Recommendation**

That approval be given to the progressive replacement of:

- all existing load limit signs, '3t AND OVER with a truck symbol with a red slash' signs
- all existing load limit signs, '4.5t with a truck symbol with a red slash' signs
- and other existing similar signs

with 'No Trucks' signs with a truck symbol with a red slash signs, (type R6-10-2) as signs require replacement.

BTC18.164 Lynwen Crescent, west of West Botany Street, Banksia - proposed temporary one-way street during the 2018 Christmas and 2019 New Year period between 8 Dec 2018 and 7 Jan 2019**Committee Recommendation**

That endorsement be given to the conversion of Lynwen Crescent, Banksia, west of West Botany Street, to a temporary one-way street (anticlockwise direction) to control

the traffic flow during the Christmas and New Year period, between 8 December 2018 and 07 January 2019 and that a Traffic Management Plan be submitted to the Roads and Maritime Services for consideration.

BTC18.165 Maders Avenue, Kogarah, east of Rocky Point Road - proposed temporary one-way street during the Christmas and New Year period (8 Dec 2018 to 7 Jan 2019)

Committee Recommendation

That endorsement be given to the conversion of Maders Avenue, Kogarah, east of Rocky Point Road, to a temporary one-way street (anticlockwise direction) to control the traffic flow during the Christmas and New Year period, between 8 December 2018 and 07 January 2019 and that a Traffic Management Plan be submitted to the Roads and Maritime Services for consideration.

BTC18.166 Miller Avenue between Bexley Road and New Illawarra Road - proposed painted median and one way pavement arrows

Committee Recommendation

- 1 That approval be given for the installation of a painted median island including raised reflective pavement markers along the centre of Miller Avenue around the existing street trees and electric light poles to enhance traffic safety.
- 2 That approval be given to the painting of four (4) of one way street pavement markings to reinforce the direction of flow in the separated carriageway of Miller Avenue.

BTC18.167 26 McPherson Street Banksmeadow - Proposed 6m 'Motorbikes Only' Restriction

Committee Recommendation

- 1 That the approval be given for the provision of a 6m 'No Stopping' restriction outside 26 McPherson Street, Banksmeadow to enhance sight distance for motorists exiting the car park.
- 2 That the proposed 'No Stopping' restriction near Nant Street be further investigated

BTC18.168 New Year's Eve 2018 - Fireworks Display - Traffic Management Plan and Traffic Control Plan

Committee Recommendation

- 1 That the attachment/s to this report be withheld from the press and public as they are confidential for the following reason:

With reference to Section 10(A) (2) of the Local Government Act 1993, the attachment relates to(f) issues affecting the security of the Council, Councillors, Council Staff or Council property. 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 public security and safety.

- 2 That the Committee notes this Class 1 event to be forwarded to the Transport Management Centre for approval and endorses the report.
- 3 That all relevant agencies not present at the meeting be notified.

BTC18.169 Princess Street and The Boulevarde, Brighton Le Sands - Proposed parking restrictions

Committee Recommendation

That approval be given for the following restrictions:

- 1 That approval be given for the installation of '2P 8 am-9 pm' parking restrictions on both sides of Princess Street to the existing 35 unrestricted parking spaces between The Grand Parade and Moate Avenue.
- 2 That approval be given for the replacement of '1P 8.30 am-6 pm Mon-Fri and 8.30 am-12.30 pm Sat, Front to Kerb' restrictions for 15 car spaces along both sides of The Boulevarde with '2P, 8 am-9 pm Front to Kerb' parking restrictions between The Grand Parade and Crighton Lane.
- 3 That approval be given to the installation of '2P 8 am-9 pm' parking restrictions on both sides of The Boulevarde for 31 spaces between Crighton Lane and The Boulevarde Walk adjoining the Council car park.

BTC18.170 Solander Street, Monterey, from Nos. 32-38 to O' Connell Street- proposed change parallel parking to a 90 degree angle parking arrangement

Committee Recommendation

- 1 That community engagement be undertake with affected residents in Solander Street, between O'Connell Street and The Grand Parade to determine the level of support for the proposed 90 degree angle parking between O'Connell Street and the existing 90 degree parking at 32-38 Solander Street.
- 2 That the results of public consultation be submitted to the Bayside Traffic Committee for further consideration.

BTC18.171 Valda Avenue, and Marsh Street east of West Botany Street and Marsh Street, Wolli Creek - airport parking issues**Committee Recommendation**

- 1 That a resident parking scheme not to be installed in Valda Avenue and Marsh Street east of West Botany Street, Arncliffe as it does not satisfy the requirements of the RMS Permit Parking Guidelines.
- 2 That consultation be undertaken with residents of Valda Avenue and Marsh Street east of West Botany Street, Arncliffe, regarding options for timed parking restrictions.

BTC18.172 14 Willison Road Carlton - Proposed 12m Works Zone for 32 weeks**Committee Recommendation**

That the approval be given to the installation of 12m of 'Works Zone, 7 am – 6.30 pm, Mon – Fri- and 8 am – 3.30 pm Sat' restriction outside No.14 Willison Road, Carlton for the duration of 32 weeks, subject to relevant conditions.

BTC18.173 Wollongong Road between Forest Road and Hamilton Street, Arncliffe - proposed traffic calming scheme**Committee Recommendation**

That approval be given to the construction of a traffic concrete island and two rubber cushion pads in Wollongong Road at Hamilton Street, Arncliffe as shown in the attached detailed drawing.

BTC18.174 Anti-Social Driving Behaviour**Committee Recommendation**

No matters were raised for consideration.

BTC18.175 Matters referred to the Bayside Traffic Committee by the Chair**Committee Recommendation**

No matters were raised by the Chair.

BTC18.176 General Business

Committee Recommendation

That this report be received and noted.

5 General Business

There was no General Business.

The Acting Convenor closed the meeting at 11:30 am.

Council Meeting

10/10/2018

Item No	10.1
Subject	Notice of Motion - Access Ramp Near President Avenue at Lady Robinsons Beach
Submitted by	Ed McDougall, Councillor
File	SF17/2829

Summary

This Motion was submitted by Councillor Ed McDougall:

Motion

- 1 That Council urgently investigates minor works to improve safe access to the beach ramp near the intersection of The Grand Parade and President Avenue on Lady Robinsons Beach.
 - 2 That Council delegate authority to the Mayor and General Manager to carry out works prior to the start of Summer if the quantum of works are under \$100,000 and are considered by the Mayor and General Manager to provide value for money.
 - 3 That Council writes to Roads and Maritime Services requesting that they make good the impact of inadequate drainage works that were completed during the 2016 The Grand Parade pinch point works appear to be exacerbating erosion issues in this area.
-

Background

Supporting Statement by Councillors

Sand at the bottom of the access ramp near President Avenue at Lady Robinsons Beach has eroded causing safety issues in accessing the beach as a result of recent storms and other damage. As a major access point to our foreshore we should ensure our waterfront amenities are maintained to a high standard prior to the busy summer period.

Comment by General Manager:

Council has a budget for emergency/urgent works which may be utilised should investigations conclude that the nature and value of the works falls within that budget category.

Attachments

Nil