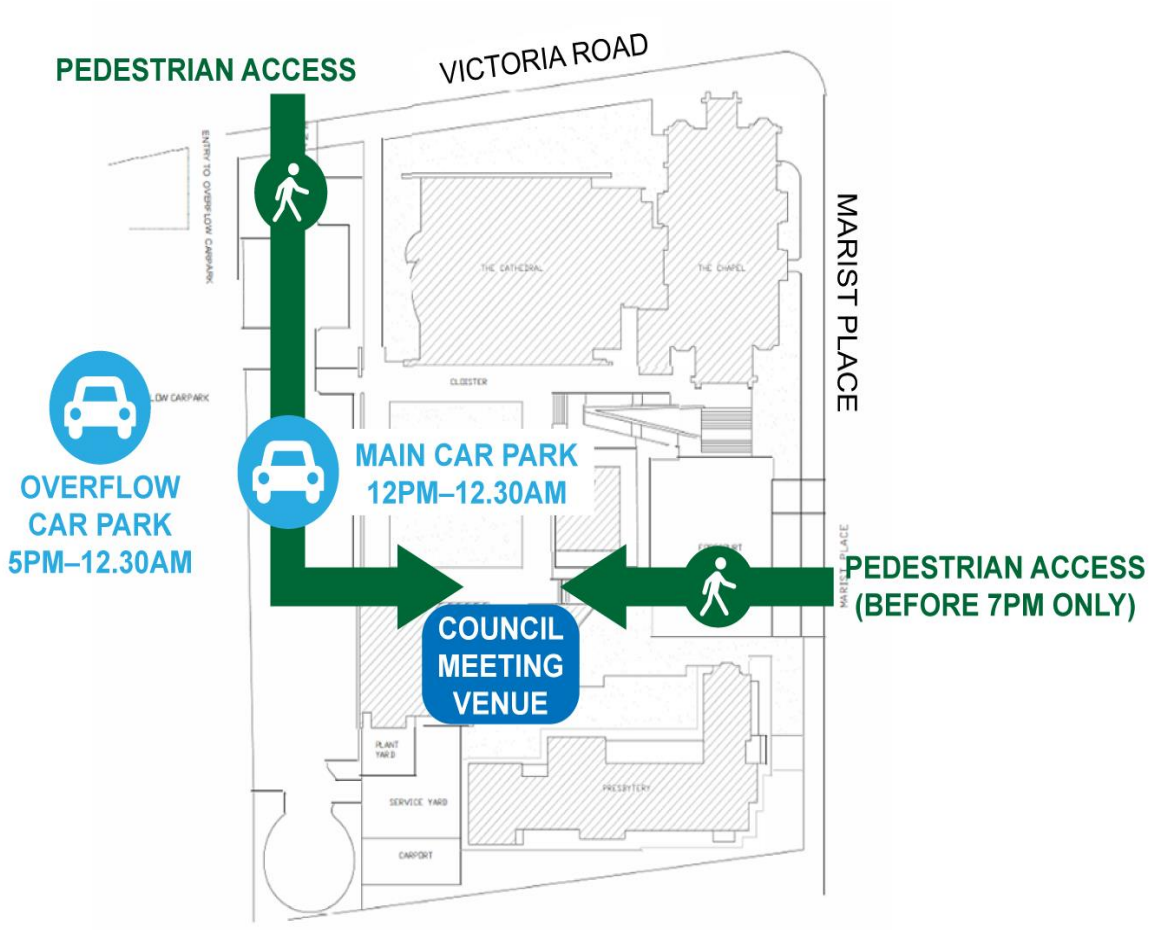
CITY OF PARRAMATTA

NOTICE OF COUNCIL MEETING

PUBLIC AGENDA

An Ordinary Meeting of City of Parramatta Council will be held in the Cloister Function Rooms, St Patrick's Cathedral, 1 Marist Place, Parramatta on Monday, 22 August 2022 at 6:30pm.

Brett Newman
CHIEF EXECUTIVE OFFICER



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CITY OF PARRAMATTA

COUNCIL CHAMBERS

Governance Manager	Lord Mayor Cr Donna Davis	Chief Executive Officer

Minute Clerk

Cr Phil Bradley	Cr Lorraine Wearne	Sound
Cr Sameer Pandey, Deputy Lord Mayor	Cr Donna Wang	
Cr Paul Noack	Cr Michelle Garrard	
Cr Ange Humphries	Cr Dan Siviero	IT
Cr Dr Patricia Prociv	Cr Henry Green	
Cr Pierre Esber	Cr Kellie Darley	
Cr Cameron Maclean	Cr Georgina Valjak	

Executive Director City Engagement & Experience	Executive Director Community Services	Executive Director City Planning & Design	Group Manager City Strategy	Executive Director City Assets & Operations	Chief Finance and Information Officer	Executive Director Property and Place

Press	Press

Public Gallery

CITY OF PARRAMATTA

STATEMENT OF ETHICAL OBLIGATIONS:

In accordance with clause 3.23 of the Model Code of Meeting Practice, Council is obligated to remind Councillors of the oath or affirmation of office made under section 233A of the Local Government Act 1993, and of their obligations under Council's Code of Conduct to disclose and appropriately manage conflicts of interest – the ethical obligations of which are outlined below:

Obligations	
Oath [Affirmation] of Office by Councillors	I swear [solemnly and sincerely declare and affirm] that I will undertake the duties of the office of Councillor in the best interests of the people of the City of Parramatta Council and the City of Parramatta Council that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.
Code of Conduct Conflict of Interests	
Pecuniary Interests	A Councillor who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council at which the matter is being considered, must disclose the nature of the interest to the meeting. The Councillor must not be present at, or in sight of, the meeting: **(a)** At any time during which the matter is being considered or discussed, or **(b)** At any time during which the Council is voting on any question in relation to the matter.
Non-Pecuniary Conflict of Interests	A Councillor who has a non-pecuniary conflict of interest in a matter, must disclose the relevant private interest in relation to the matter fully and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.
Significant Non-Pecuniary Conflict of Interests	A Councillor who has a significant non-pecuniary conflict of interest in relation to a matter under consideration at a Council meeting, must manage the conflict of interest as if they had a pecuniary interest in the matter.
Non-Significant Non-Pecuniary Interests	A Councillor who determines that they have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest must also explain why conflict of interest is not significant and does not require further action in the circumstances.

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16.1 Legal Status Report as at 31 July 2022

This report is confidential in accordance with section 10A (2) (e) of the Local Government Act 1993 as the report contains information that would, if disclosed, prejudice the maintenance of law.

16.2 Approval of Supplier for the receipt, processing and disposal of domestic and commercial garbage

This report is confidential in accordance with section 10A (2) (c) (d) of the Local Government Act 1993 as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

177 PUBLIC ANNOUNCEMENT

188 CONCLUSION OF MEETING

After the conclusion of the Council Meeting, and if time permits, Councillors will be provided an opportunity to ask questions of staff.

MINUTES OF THE MEETING OF CITY OF PARRAMATTA COUNCIL HELD IN THE CLOISTER FUNCTION ROOMS, ST PATRICK'S CATHEDRAL 1 MARIST PLACE, PARRAMATTA ON MONDAY, 8 AUGUST 2022 AT 6:30PM

These are draft minutes and are subject to confirmation by Council at its next meeting. The confirmed minutes will replace this draft version on the website once confirmed.

PRESENT

The Lord Mayor, Councillor Donna Davis and Councillors Phil Bradley, Kellie Darley, Pierre Esber, Michelle Garrard, Henry Green, Ange Humphries, Cameron Maclean, Sameer Pandey, Dr Patricia Prociv, Dan Siviero, Georgina Valjak, Donna Wang and Lorraine Wearne.

1. OPENING MEETING

The Lord Mayor, Councillor Donna Davis, opened the meeting at 6:33PM.

2. ACKNOWLEDGEMENT TO TRADITIONAL OWNERS OF LAND

The Lord Mayor acknowledged the Burramattagal people of The Darug Nation as the traditional owners of this land, and paid respect to their ancient culture and to their elders past, present and emerging.

3. WEBCASTING ANNOUNCEMENT

The Lord Mayor advised that this public meeting is being recorded and streamed live on the internet. The recording will also be archived and made available on Council's website.

The Lord Mayor further advised that all care will be taken to maintain privacy, however as a visitor in the public gallery, the public should be aware that their presence may be recorded.

4. GENERAL RECORDING OF MEETING ANOUNCEMENT

As per Council's Code of Meeting Practice, the recording of the Council Meeting by the public using any device, audio or video, is only permitted with Council permission. Recording a Council Meeting without permission may result in the individual being expelled from the Meeting.

Note: Councillor Phil Bradley arrived at the meeting at 6:34pm.

5. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS

3918 RESOLVED (Esber/Bradley)

(a) **That** the request to attend the Ordinary Meeting of Council dated 8 August 2022 via remote means submitted by Councillor Wearne due to personal reasons, be accepted.

(b) **Further, that** the Council note the leave of absence previously granted by Councillor Noack.

6. CONFIRMATION OF MINUTES

SUBJECT: Minutes of the Council Meeting held on 25 July 2022

3919 RESOLVED (Prociv/Wang)

That the minutes be taken as read and be accepted as a true record of the Meeting.

7. DISCLOSURES OF INTEREST

Councillor Bradley declared a significant non-pecuniary interest in Item 13.3 – Expression of Interest – Selection of Community Members – Access and First Nations Advisory Committees, as being a former committee member, he knows some of the recommended committee members. He retired from the meeting prior to consideration of the matter.

Councillor Bradley declared a non-pecuniary but significant interest in Item 13.5 – Expression of Interest – Selection of Members for the Environment Advisory Committee, being his spouse Annie Nielsen is one of the nominated members. He retired from the meeting prior to consideration of the matter.

8. MINUTES OF THE LORD MAYOR

8.1 SUBJECT Condolence Motion: Val Squires

REFERENCE F2022/00105 - D08640190

REPORT OF Lord Mayor, Councillor Donna Davis

3920 RESOLVED (Davis/Pandey)

(a) **That** Council acknowledge the passing of Val Squires, longtime local arts and community advocate and Honorary Life Member of the Riverside Theatres.

(b) **Further, that** the Chamber hold a minute's silence as a gesture of respect on Mrs Squires passing and in recognition of her contributions to the Parramatta community.

Note: Council observed a minute's silence.

8.2 SUBJECT Condolence Motion: Ian Hawthorn

REFERENCE F2022/00105 - D08640226

REPORT OF Lord Mayor, Councillor Donna Davis

3921 RESOLVED (Davis/Bradley)

(a) **That** Council acknowledge the passing of Ian Hawthorn, offering condolences to his family, friends and the NSW Lancers Memorial Museum.

(b) **That** Council write to the NSW Lancers Memorial Museum offering sincere condolences on Ian Hawthorn's passing.

(c) **Further, that** a minute's silence be observed by the Chamber as a gesture of respect on his passing and in recognition of his dedication and contributions to the community.

Note: Council observed a minute's silence.

8.3 SUBJECT Indian Independence Day

REFERENCE F2022/00105 - D08640239

REPORT OF Lord Mayor, Councillor Donna Davis

3922 RESOLVED (Davis/Pandey)

(a) **That** Council acknowledge and celebrate Indian Independence Day on 15 August 2022.

(b) **That** Council note this milestone will be celebrated at an Indian Independence Day Flag Raising Ceremony at Jubilee Park.

(c) **Further, that** Council acknowledge the significant contribution our Indian community makes to our city's social, cultural and economic vibrancy and success.

8.4 SUBJECT Local Government NSW Awards 2022

REFERENCE F2022/00105 - D08640257

REPORT OF Lord Mayor, Councillor Donna Davis

3923 RESOLVED (Davis/Garrard)

(a) **That** Council note the Parramatta Lanes festival received a RH Dougherty Award for Innovation in Special Events Division C at the 2022 Local Government Week Awards.

(b) **That** Council congratulate the Events & Festivals Team on this Commendation and for their commitment to delivering a dynamic schedule of events.

(c) **Further, that** funding be provided to City of Parramatta staff who designed and delivered the Parramatta Lanes festival and to all nominees of awards for a catered staff function to celebrate the significant achievements of Council.

8.5 SUBJECT SBS Relocation

REFERENCE F2022/00105 - D08640274

REPORT OF Lord Mayor, Councillor Donna Davis

3924 RESOLVED (Davis/Garrard)

(a) **That** Council note the Federal Government is conducting a feasibility study into the relocation of SBS headquarters to western Sydney to support local jobs and cultural infrastructure.

(b) **Further, that** the Lord Mayor write to the Federal Minister for Communications, the Hon. Michelle Rowland MP; Federal Minister for the Arts, the Hon. Tony Burke MP; Federal Member for Parramatta, the Hon. Andrew Charlton MP; and Secretary of the Department of Infrastructure, Transport, Regional Development, Communication and the Arts, Jim Betts:

i. noting Parramatta's position as a growing city at the geographical heart of Sydney, with significant cultural and linguistic diversity;

ii. advocating for the relocation of SBS headquarters to Parramatta; and

iii. requesting further information on the feasibility study, including details of any submissions process and timelines.

8.6 SUBJECT Launch of C3West partnership project Being Together: Parramatta Yearbook

REFERENCE F2022/00105 - D08640296

REPORT OF Lord Mayor, Councillor Donna Davis

3925 RESOLVED (Davis/Wang)

(a) **That** Council note the official launch of *Being Together: Parramatta Yearbook*, a Museum of Contemporary Art (MCA) and Parramatta Artists' Studios joint project for C3West.

(b) **Further, that** the Lord Mayor write to the Director of the MCA Suzanne Cotter, to congratulate the MCA for the work of C3West, which takes artists beyond the gallery to create new contemporary art projects with western Sydney communities.

9. PUBLIC FORUM

9.1 SUBJECT PUBLIC FORUM 1: Item 13.9 - Draft Late Night Trading Development Control Plan

REFERENCE F2022/00105 - D08636487

FROM Schandel Fortu (Director Think Planners)

Dear Lord Mayor and Councillors,

The Parramatta Liquor Accord represents numerous licensed venues in the LGA (restaurants, hotels, pubs, and clubs). The Accord requests Councillors –

- Defer making a decision this evening
- Arrange a meeting for the industry to workshop with the Councillors their suggestions and concerns

We submit that the draft DCP contains fundamental issues that will directly disincentivise investment and that is contrary to the very intent of the DCP.

- Did you know that the DCP's starting place for restaurants along the Parramatta River is a 10pm curfew on outdoor areas?

- Did you know that it is entirely unnecessary to put in place Trial Trading Hours? The planning provisions in NSW allows the Council to clearly spell out the trading requirements in terms of hours, acoustic measures, security. If an operator breaks the rules, enforcement should occur then and there….not await the outcome of a 12 or 24 month trial period. That would also give an operator confidence to invest in the city; financiers the confidence to lend operators finance; and for all to not be fearful of Council giving and then later taking away trading hours.

- Did you know that the DCP proposes noise criteria that does not align with the Liquor and Gaming NSW noise criteria? This misalignment with the State authority will lead to confusion and lack of confidence in the DCP.

- Did you know that only the CBD will have base hours past midnight and only small areas of Harris Park, Granville, Rosehill and Epping will be permitted to trade until 2AM if extended hours are approved?

- Did you know a restaurant in a Local Centres like Toongabbie, Telopea, Dundas, Carlingford will have base hours up to 10PM if they are licenced?

- Did you know that the DCP introduces uncertainty for venues that are not located in the CBD LNTA or any other LNTA; as the DCP implies that these facilities despite being approved and having been in operation for many years are not recognised in the DCP?

- Did you know that the Riverside Theatre has a 2am designation, but there is not the same for other land adjacent the River that is also zoned B4? There are 3 LNTA's along the one River in the one Zone in the one small part of the city.

The Parramatta Liquor Accords members are deeply invested in the night time economy across the entire Local Government Area. Like the Council, it seeks clear controls that will protect amenity; deliver a vibrant

and world class night time economy; and will give confidence to our members to invest financially and socially in Parramatta.

The Accord seeks deferral to workshop their suggestions and concerns directly with the Councillors please.

GROUP MANAGER, CITY STRATEGY RESPONSE

The draft Late Night Trading DCP seeks to consider impacts and balance the needs of a number of stakeholders, including businesses but also residents. The Liquor Accord is one of 71 stakeholders who have provided a submission on the draft DCP. Council staff have considered all feedback and are seeking a balance of economic activity and residential amenity, including noise mitigation.

Council have engaged with the Liquor Accord on four occasions at various stages of the project timeline. The feedback provided by the Liquor Accord has informed amendments to the draft DCP. During public exhibition 50% of respondents indicated they support the draft DCP, 24% indicated yes to an extent, 24% indicated no and 2% were unsure. The Liquor Accord indicated that yes, they support the draft DCP to an extent.

In response to the concerns raised I note in order, the following:

- Due to particular characteristics of the location of the outdoor dining areas facing the river, being opposite residential premises, without any buffer or sound reflective aspects, it is highly likely that permitting outdoor dining in this area will result in intrusive noise for residents. The proposed 10pm limit does not preclude businesses along the river from applying for indoor trading hours of up to 24 hours.
- We note the Liquor Accord's opinion on the use of trial periods. Council's use of trial periods is not a new process introduced by this draft DCP. The use of trial periods is in line with the Environmental Planning & Assessment Regulation 2021, section 79, which sets out parameters for conditions attached to development consents, regardless of the draft DCP.
- The Liquor & Gaming NSW noise criteria considers all premises as equal. As a result, controls in certain places may be unreasonably restrictive or permissive, with no consideration to local context.
- Trading hours are determined by local context and based on balancing residential amenity impacts and business activity.
- Development applications for venues outside of the LNTAs will not be affected by the provisions of the draft DCP, and will continue to be assessed on merit, as indicated in section 4.3 of the draft DCP
- The trading hours for Riverside are based on its connectivity to Church Street and its potential to drive growth as well as expansion of the night economy across the CBD. Regardless, as per Section

4.1, any outdoor area with a direct frontage to the river will have maximum trading hours of 10pm.

10. PETITIONS

There were no petitions tabled at this meeting.

11. RESCISSION MOTIONS

Nil

PROCEDURAL MOTION

3926 RESOLVED (Esber/Garrard)

That Items 12.1, 13.1, 13.2, 13.4, 13.6 and 13.8 be resolved en bloc.

12. REPORTS TO COUNCIL - FOR NOTATION

12.1 SUBJECT Homelessness Action Plan 2019-2023 - Mid Term Report

REFERENCE F2022/00105 - D08575352

REPORT OF Community Capacity Building Officer

3927 RESOLVED (Esber/Garrard)

That Council receive and note the Homelessness Action Plan 2019-2023 Mid Term Report.

13. REPORTS TO COUNCIL - FOR COUNCIL DECISION

13.1 SUBJECT Confirmation of Minutes - 11 July 2022 (Deferred Item)

REFERENCE F2022/00105 - D08624118

REPORT OF Governance Manager

3928 RESOLVED (Esber/Garrard)

(a) **That** Council approve the minutes, as attached to this report, as a true record of the Council Meeting held on 11 July 2022.

(b) **Further, that** Council note, as outlined in this report, Points of Order are not required to be recorded in the Minutes of Council Meetings and if Council sought to commence this practice, it would be necessary for Council to resolve to amend the Code of Meeting Practice to include recording Points of Order in the Minutes and place the amended Code on public exhibition.

13.2 SUBJECT Review of Council's Fees and Charges - Telecommunications Facilities

REFERENCE F2005/00020 - D08592653

REPORT OF Asset Manager

3929 RESOLVED (Esber/Garrard)

That Council's Fees and Charges for telecommunications facilities be amended to require a valuation to be undertaken, at the applicant's cost, on each occasion that a new agreement is entered into for the operation of a telecommunications facility on Council land.

13.4 SUBJECT Expressions of Interest - Selection of community members for Active Transport Advisory Committee

REFERENCE F2022/00105 - D08604865

REPORT OF Project Officer Transport

3930 RESOLVED (Esber/Garrard)

(a) **That** Council appoint the following people to the Active Transport Advisory Committee for the period of this Council term:

- Charlene Bordley
- Linda Gock
- Mark Green
- Angela Hansford
- Pam Kendrick
- Martin Lugod
- Paul MacDonald
- Muhammad Sukhera
- Catherine Unwin
- Andrew Watson
- Ian Weekes
- Matt Zahra

(b) **Further, that** Council thank all applicants who submitted to join the Active Transport Advisory Committee.

13.6 SUBJECT Expressions of Interest – Selection of community members for Heritage Advisory Committee

REFERENCE F2013/00235 - D08594900

REPORT OF Project Officer Land Use

3931 RESOLVED (Esber/Garrard)

(a) **That** Council appoint the following persons to the Heritage Advisory Committee for the period of this Council term:

- Jeff Allen
- Cheryl Bates
- Laurie Bennett
- Raelene Billedo
- Michele Grande
- Scott Hill
- Steve Kane
- Julie Jones
- Wei Li
- Stephanie Licciardo
- Suzette Meade
- Tim Owen
- Graham Shirley
- Terrence Smith

(b) **Further, that** Council thank all unsuccessful applicants who expressed interest in joining the Heritage Advisory Committee.

13.8 SUBJECT Community Grants Program 2023

REFERENCE F2022/00105 - D08600658

REPORT OF Community Capacity Building Manager

3932 RESOLVED (Esber/Garrard)

(a) **That** the 2023 annual application round of the 2023 Community Grants proceed with the categories and the proposed timeframe identified in this report, which includes the application closing date being at 4pm, Monday 19 September 2022.

(b) **That** the 2023 Community Grants round is administered according to the Grants and Donations Policy, including outcomes of the assessment process being presented to the Grants Committee prior to recommendations being presented to Council by December 2022.

(c) **Further, that** Council note the proposed changes to the Creative Project Grants and Cultural Heritage and Stories Grants, detailed in paragraph 14-15 of this report, with all other category information remaining unchanged from the 2022 program.

12.2 SUBJECT Variations to Standards under Clause 4.6 of Parramatta LEP 2011, Auburn LEP 2010, Holroyd LEP 2013, The Hills LEP 2012, Hornsby LEP 2013

REFERENCE F2022/00105 - D08435811

REPORT OF Group Manager - Development and Traffic Services

3933 RESOLVED (Esber/Garrard)

That the report be received and noted.

Note: Having previously declared a conflict of interest in this item, Councillor Bradley retired from the Chamber at 7:29pm prior to consideration of the matter.

13.3 SUBJECT Expression of Interest - Selection of Community Members - Access and First Nations Advisory Committees

REFERENCE F2022/00105 - D08596379

REPORT OF Community Capacity Building Officer

3934 RESOLVED (Humphries/Darley)

(a) **That** Council appoint the following persons to the Access Advisory Committees for the period of this Council term:

1 Jayne Boardman
2 Leone Clarke
3 Kanisha Diwakar
4 Scott Green
5 Timothy Hart
6 Mark Kunach
7 Emily Mahendran
8 Susan Thompson

(b) **That** Council appoint the following persons to the First Nations Advisory Committees for the period of this Council term:

1 Raelene Billedo
2 Jayne Christian
3 Marlene Corbett
4 Edwina Crawford
5 Luke Eldridge
6 Andrew Fernando
7 Ros Fogg
8 Bruce Gale
9 Julie Jones
10 Fetuuloa Lolesio
11 Cleonie Quayle
12 Isaac Roberts
13 John Robertson

(c) **That** Council note those marked as being on an eligibility list for the First Nations Advisory Committee in Paragraph 8 of this report will fill any vacancies that arise in the first six months, as per the Terms of Reference.

(d) **That** Council extend its appreciation to unsuccessful applicants, thanking them for their interest in supporting the work of Council through membership of the relevant Committee.

Note: Councillor Bradley returned to the Chamber at 7:31pm

Note: Having previously declared a conflict of interest in this item, Councillor Bradley retired from the Chamber at 7:32pm prior to consideration of the matter.

13.5 SUBJECT Expression of Interest - Selection of Community Members for Environment Advisory Committee

REFERENCE F2022/00105 - D08591857

REPORT OF Project Team Leader

3935 RESOLVED (Humphries/Darley)

(a) **That** Council appoint the following ten (10) community members to the Environment Advisory Committee for the period of this Council term: Adriana Genova, Alexi Gilchrist, Alexandria Moore, Annie Nielsen, Crystal Fleming, Julia Strykowski, Marina Gilmore, Mark Green, Melissa Brooks and Murray Sayle.

(b) **That** Council thank all unsuccessful applicants who expressed interest in joining the Environment Advisory Committee.

(c) **Further, that** Council note the terms of reference for the Environment Advisory Committee (adopted on 23 May 2022) provides the Lord Mayor of the day is the Chairperson of the Committee, and that the Lord Mayor may wish to delegate this role as appropriate.

Note: Councillor Bradley returned to the Chamber at 7:33pm.

13.7 SUBJECT Disability Inclusion Action Plan (DIAP) 2022-2026

REFERENCE F2022/00105 - D08591607

REPORT OF Community Capacity Building Manager

3936 RESOLVED (Maclean/Valjak)

(a) **That** Council note the feedback received during the public exhibition of the renewed draft Disability Inclusion Action Plan at **Attachment 1**.

(b) **That** Council approve the City of Parramatta's Disability Inclusion Action Plan 2022-2026 as per **Attachment 2** for implementation and promotion.

(c) **Further, that** Council thank all those who have taken part in workshops and provided feedback throughout the development of the renewed Plan.

13.9 SUBJECT Draft Late Night Trading Development Control Plan

REFERENCE F2022/00105 - D08547186

REPORT OF Project Team Leader

3937 Motion (Humphries/Garrard)

That Council defer consideration of the Draft Late Night Trading Development Control Plan to an urgent Councillor Workshop.

DIVISION A division was called, the result being:-

AYES: Councillors Bradley, Esber, Garrard, Green, Humphries, Maclean, Pandey, Prociv, Siviero, Valjak, Wang and Wearne

NOES: Councillors Darley and Davis

13.10 SUBJECT Arthur Phillip Commemorative Public Art Project - Charles Street Square

REFERENCE F2022/00105 - D08499820

REPORT OF Senior Officer - Cultural Projects & Public Art

MOTION (Pandey/Prociv)

(a) **That** Council endorse an updated scope of work by artist Craig Walsh to deliver a Public Artwork in the form of a Projection only artwork on the escarpment at the Parramatta Ferry Wharf, within the previously endorsed budget of $500,000 (ex gst).

(b) **That** the projection content feature Governor Arthur Phillip history and imagery as well as other relevant history and imagery to the location.

(c) **That** Council grant delegated authority to the Chief Executive Officer to execute all agreements, contracts or deeds necessary to complete the Public Artwork project.

(d) **Further, that** Council receive a report of any issues arising after the implementation of the project, and any complaints from the residents of the area.

AMENDMENT (Garrard/Esber)

That Council defer consideration of the Arthur Phillip Commemorative Public Art Project - Charles Street Square for eight (8) weeks to enable

business consultation to occur with a further report brought back to Council.

The Amendment moved by Councillor Garrard and seconded by Councillor Esber was put and declared CARRIED.

DIVISION A division was called, the result being:-

AYES: Councillors Davis, Esber, Garrard, Humphries, Maclean, Pandey, Siviero, Valjak, Wang and Wearne

NOES: Councillors Bradley, Darley, Green and Prociv

The Amendment became the motion.

The motion moved by Councillor Garrard and seconded by Councillor Esber was put and declared CARRIED.

3938 RESOLVED (Garrard/Esber)

That Council defer consideration of the Arthur Phillip Commemorative Public Art Project - Charles Street Square for eight (8) weeks to enable business consultation to occur with a further report to be brought back to Council.

DIVISION A division was called, the result being:-

AYES: Councillors Davis, Esber, Garrard, Humphries, Maclean, Pandey, Siviero, Valjak, Wang and Wearne

NOES: Councillors Bradley, Darley, Green and Prociv

Note:

1. **Councillor Siviero left the Chamber at 8:02pm and returned at 8:04pm during the discussion of the matter.**

2. **Questions were taken on notice by Council staff for this item.**

PROCEDURAL MOTION

3939 RESOLVED (Esber/Garrard)

That the meeting be adjourned for ten (10) minutes.

Note: The meeting was adjourned at 8:24pm for a short recess.

The meeting resumed at 8:36pm with the following Councillors in attendance: The Lord Mayor Councillor Donna Davis and Councillors Phil Bradley, Kellie Darley, Pierre Esber, Michelle Garrard, Henry Green, Ange Humphries, Cameron Maclean, Sameer Pandey, Dr Patricia Prociv, Dan Siviero, Georgina Valjak, Donna Wang and Lorraine Wearne.

14. NOTICES OF MOTION

14.1 SUBJECT Councillor Workshops / Briefings

REFERENCE F2022/00105 - D08620758

FROM Councillor Michelle Garrard

MOTION (Garrard/Siviero)

That Council endorse an amendment to the Councillors Workshop and Briefing Session Policy and Procedure to reflect:

1. Workshop/briefing session presentations be provided to Councillors a minimum of two (2) days prior to the Workshop/briefing session other than in exceptional circumstances that are approved by the LM.

2. For Councillors who have requested, have hard copies of the Presentations be made available at the workshop/briefing sessions.

AMENDMENT (Bradley/Prociv)

That Council endorse an amendment to the Councillors Workshop and Briefing Session Policy and Procedure to reflect:

1. Workshop/briefing session presentations be provided to Councillors a minimum of one (1) day prior to the Workshop/briefing session other than in exceptional circumstances that are approved by the LM.

2. For Councillors who have requested, have hard copies of the Presentations be made available at the workshop/briefing sessions.

The Amendment moved by Councillor Bradley and seconded by Councillor Prociv was put and declared LOST.

Debate resumed on the Motion.

The Motion moved by Councillor Garrard and seconded by Councillor Siviero was put and declared CARRIED.

3940 RESOLVED (Garrard/Siviero)

That Council endorse an amendment to the Councillors Workshop and Briefing Session Policy and Procedure to reflect:

1. Workshop/briefing session presentations be provided to Councillors a minimum of two (2) days prior to the Workshop/briefing session other than in exceptional circumstances that are approved by the LM.

2. For Councillors who have requested, have hard copies of the Presentations be made available at the workshop/briefing sessions.

15. QUESTIONS WITH NOTICE

15.1 SUBJECT Questions Taken on Notice - 25 July 2022 Council Meeting

REFERENCE F2022/00105 - D08620835

REPORT OF Governance Manager

BACKGROUND

1. Paragraph 9.23 of Council's Code of Meeting Practice states:

> *"Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council*."

STAFF RESPONSE

Item 12.1 – Investment Report For June 2022

During discussion on the Motion moved by Councillor Garrard, Councillor Bradley asked the following question:

"In the last monthly report, Suncorp had an investment of $11 million. This time, the investment with Suncorp is roughly $2.5 million. Why has there been such a reduction in this investment?"

Chief Finance and Information Officer Response

Imperium Markets have advised that there was a typographical error in their May 22 comprehensive report of the Suncorp holdings. The Total Suncorp Holdings as at 31st May 2022 should have read $3,201,837.50. Updated Counterparty holding reports can be viewed at **Attachments 1 and 2** to this report. All other information in the reports was correct.

Item 15.1 – Questions Taken on Notice From Council Meeting – 11 July 2022

During notation of the Questions Taken on Notice from the prior Council Meeting, Councillor Wang asked the following question:

"With relation to my Question Taken on Notice at the 11 July 2022 Council meeting, can we please have a breakdown of how the money will be spent in the 2022/23 budget at North Rocks Park?"

Executive Director City Assets and Operations Response

As per the Plan of Management, the lease fee will be used for the embellishment of North Rocks Park. In 2022/23, it will be applied to designing a new playground for the park, which is scheduled for an upgrade in 2023/24.

Note: Prior to moving into Closed Session, the Lord Mayor invited members of the public gallery to make representations as to why any item had been included in Closed Session. No member of the gallery wished to make representations.

16. CLOSED SESSION

3941 RESOLVED (Esber/Maclean)

That members of the press and public be excluded from the meeting of the Closed Session and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld. This action is taken in accordance with Section 10A(s) of the Local Government Act, 1993 as the items listed come within the following provisions:-

16.1 Town Hall Redevelopment Budget. (D08599004) - *This report is confidential in accordance with section 10A (2) (c) (d) of the Local Government Act 1993 as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

16.2 Tender 01/2022 Network Carriage & SD-WAN Managed Services. (D08491110) - *This report is confidential in accordance with section 10A (2) (c) of the Local Government Act 1993 as the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

16.1 SUBJECT Town Hall Redevelopment Budget

REFERENCE F2022/00105 - D08599004

REPORT OF Group Manager Project Delivery; Assistant Project Manager

3942 RESOLVED (Esber/Maclean)

(a) **That** Council approve an increase in budget from $20M to $32M to deliver the current design concept for 7PS as detailed at paragraph 10 of this report, subject to Major Projects Advisory Committee (MPAC) assurance, and updated Head Contractor financial check;

(b) **Further, that** Council delegate authority to the Chief Executive Officer to negotiate, execute contracts and sign all necessary documentation required for the design and construction of the Parramatta Town Hall to a maximum value of $32m allocated from the Property Reserve as detailed at paragraph 20 of this report.

16.2 SUBJECT Tender 01/2022 Network Carriage & SD-WAN Managed Services

REFERENCE F2022/00105 - D08491110

REPORT OF ICT Business Partner

3943 RESOLVED (Pandey/Bradley)

(a) **That** Council approve the appointment of the preferred proponent, as outlined in paragraph 23 in the report, for the provision of Network Carriage and Software-Defined Wide-Area Network (SD-WAN) Managed Services for a fixed three (3) year contract with two (2) one (1) year options to extend the term of the contract, thus totalling to the price of $ 1.66 million over five (5) years.

(b) **That** all unsuccessful tenderers be advised of Council's decision in this matter.

(c) **Further, that** Council delegate authority to the Chief Executive Officer (CEO) to finalise and execute all necessary documents.

PROCEDURAL MOTION

3944 RESOLVED (Esber/Maclean)

That the meeting resume into Open Session.

17. REPORTS OF RESOLUTIONS PASSED IN CLOSED SESSION

The Chief Executive Officer read out the resolutions for Items 16.1 and 16.2.

18. CONCLUSION OF MEETING

The meeting terminated at 9:12pm.

THIS PAGE AND THE PRECEDING 16 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON MONDAY, 8 AUGUST 2022 AND CONFIRMED ON MONDAY, 22 AUGUST 2022.

Chairperson

REPORTS TO COUNCIL - FOR COUNCIL DECISION

22 AUGUST 2022

13.1 Minutes of the Parramatta Traffic Committee meeting held on 20 July 2022 26

13.2 Minutes of the Traffic Engineering Advisory Group meeting held on 20 July 2022 89

13.3 Code of Conduct Review 2022 139

13.4 Expression of Interest - Selection of Members to Parramatta Light Rail Stage 2 Advisory Committee 383

13.5 Expression of Interest - Selection of Community Members - Riverside Theatres Advisory Committee 388

13.6 Planning Proposal for 168-176 Parramatta Road and 89-90 Cowper Street, Granville 395

13.7 Naming Proposal for Three Unnamed Bushland Reserves along Plympton Road in Carlingford and Beecroft 511

13.8 Future waste services 547

REPORTS TO COUNCIL - FOR COUNCIL DECISION

ITEM NUMBER	13.1
SUBJECT	Minutes of the Parramatta Traffic Committee meeting held on 20 July 2022
REFERENCE	F2021/00521 - D08386362
REPORT OF	Traffic and Transport Manager

CSP THEME: ACCESSIBLE

WORKSHOP/BRIEFING DATE: N/A

PURPOSE:

The purpose of this report is to provide Council with the Minutes of the Parramatta Traffic Committee held on 20 July 2022 and seek Council approval for the recommendation of the Committee.

RECOMMENDATION

(a) **That** Council note the minutes of the Parramatta Traffic Committee held on 20 July 2022, provided at **Attachment 1**.

(b) **Further, that** Council approve the recommendations of the Parramatta Traffic Committee from the meeting held on 20 July 2022 provided at **Attachment 1** and in this report, noting the following financial implications for each item.

I. ITEM 2207 A1 - HILL ROAD AND HOLKER STREET, SYDNEY OLYMPIC PARK AND WENTWORTH POINT – PROPOSED BILLBERGIA BENNELONG BRIDGE RUN ON SUNDAY 9 OCTOBER 2022

The proposed traffic management is to be implemented by the organiser of Billbergia Bennelong Bridge Run at no cost to Council. Therefore, this matter has no direct financial impact upon Council's budget.

II. ITEM 2207 A2 – PROPOSED CAR SHARE PARKING SPACES, WENTWORTH POINT

That this report has been deferred to the next Parramatta Traffic Committee meeting on 21 September 2022.

BACKGROUND

1. Transport for NSW (TfNSW) is legislated as the organisation responsible for the control of traffic on all roads in New South Wales under the *Road Transport (Safety & Traffic Management) Act 1999.* To deal with the large number and range of traffic related matters effectively, TfNSW has delegated certain aspects of the control of traffic on local roads to councils. TfNSW has retained both the control of traffic on the State's classified road network and the control of traffic signals on all roads.

2. The TfNSW Delegation to Councils limits the types of prescribed traffic control devices and traffic control facilities that Council can authorise and imposes certain conditions on councils. One of these conditions requires councils to obtain the advice of TfNSW and the Police prior to proceeding with any proposal. This is most commonly achieved by councils establishing a Local Traffic Committee.

3. The Committee is composed of four formal members each with one vote. These four members are a representative from Council, the Police, TfNSW and the Local State Member of Parliament or their nominee. The Parramatta Traffic Committee is an advisory body only, having no decision making powers. It is, primarily, a technical review committee that is required to advise the Council on traffic related matters referred to it by Council. In general, Council makes the decision, however, the Police and RMS can appeal Council's decision to the Regional Traffic Committee.

ISSUES/OPTIONS/CONSEQUENCES

4. The most recent meeting of the Parramatta Traffic Committee was held on 20 July 2022. The meeting was attended by Councillors Paul Noack (Chairperson), Henry Green and Kellie Darley. The minutes of that meeting and the reports to that meeting are in **Attachment 1** and **Attachment 2** of this report.

5. The recommendations from the Parramatta Traffic Committee meeting are provided below:

ITEM NO.

ITEM 2207 A1 - HILL ROAD AND HOLKER STREET, SYDNEY OLYMPIC PARK AND WENTWORTH POINT – PROPOSED BILLBERGIA BENNELONG BRIDGE RUN ON SUNDAY 9 OCTOBER 2022

Recommendation from Parramatta Traffic Committee:

1. That the proposed 'Billbergia Bennelong Bridge Run' event scheduled to be held on Sunday 9 October 2022 be classified as a Class 2 Event in accordance with the Austroads Guide to Traffic Management Part 9: Transport Control Systems - Strategies and Operations (Table 5.4 – Special Event Planning Matrix) and Transport for NSW Guide to Traffic and Transport Management for Special Events.

2. That the use of Holker Street west of Jamieson Street, Jamieson Street and Hill Road in Sydney Olympic Park and Wentworth Point for the 'Billbergia Bennelong Bridge Run' event is supported in principle subject to compliance with the attached traffic related conditions, and that a Road Occupancy License (ROL) be obtained from Transport for NSW (TfNSW).

3. That the Event Organiser obtain approval from the Sydney Olympic Park Authority and Wentworth Point Strata Management to close roads that are under their care and control.

4. That all costs associated with the 'Billbergia Bennelong Bridge Run' Event are to be funded and paid by the Event Organiser at no cost to City of

Parramatta Council.

5. That Sydney Olympic Park Authority be requested to require (as part of its approval) installation of event notification signs (made of waterproof materials) on off-road cycleways at least 28 days prior to the event, so that the users of these facilities are aware of the Event.

6. That the Event Organiser and Bus Service Provider notify the residents regarding the closure of bus stops on Hill Road, Wentworth Point at least 28 days prior to the event.

7. That the Event Organiser obtain approval from the Transport Management Centre of TfNSW to implement traffic controls in public and private roads.

8. That item 2 is subject to the Event Organiser completing items 3, 5, 6 and 7.

Unanimous support

ITEM 2207 A2 – PROPOSED CAR SHARE PARKING SPACES, WENTWORTH POINT

That this report be deferred to the next Parramatta Traffic Committee meeting for further consultation on the proposal with consultation letters to be sent to the Strata of the affected properties as well as to both the Ward Councillors' and the office of Geoff Lee MP.

Unanimous support

CONSULTATION & TIMING

6. Details of the consultation undertaken with the Community, Agencies and Councillors for each item, are included in **Attachment 2** and **Attachment 3**.

LEGAL IMPLICATIONS FOR COUNCIL

7. There are no legal implications for Council associated with any of the items in this report.

FINANCIAL IMPLICATIONS FOR COUNCIL

ITEM	
2207 A1	The proposed traffic management is to be implemented by the organiser of Billbergia Bennelong Bridge Run at no cost to Council. Therefore, this matter has no direct financial impact upon Council's budget.
2207 A2	This report has been deferred to the next Parramatta Traffic Committee meeting on 21 September 2022.

8. There are no financial impacts on the budget arising from approval of this report as summarised in the table below.

	FY 22/23	FY 23/24	FY 24/25	FY 25/26
Revenue				
Internal Revenue				
External Revenue				
Total Revenue	Nil	Nil	Nil	Nil
Funding Source	N/A	N/A	N/A	N/A
Operating Result				
External Costs				
Internal Costs				
Depreciation				
Other				
Total Operating Result	Nil	Nil	Nil	Nil
Funding Source	N/A	N/A	N/A	N/A
CAPEX				
CAPEX				
External				
Internal				
Other				
Total CAPEX	Nil	Nil	Nil	Nil

Richard Searle
Traffic and Transport Manager

Mark Leotta
Group Manager - Development and Traffic Services

Jennifer Concato
Executive Director City Planning and Design

John Angilley
Chief Financial and Information Officer

Brett Newman
Chief Executive Officer

ATTACHMENTS:

1⇩	PTC 2207 Approved Minutes for the Parramatta Traffic Committee meeting held on 20 JULY 2022	4 Pages
2⇩	PTC 2207 Agenda for the Parramatta Traffic Committee meeting held on 20 JULY 2022	52 Pages
3⇩	PTC 2207 Attachment 3 Consultation and Timing for Parramatta Traffic Committee meeting held on 20 July 2022	3 Pages

REFERENCE MATERIAL

PARRAMATTA TRAFFIC COMMITTEE MEETING

WEDNESDAY 20 JULY 2022

MINUTES

MINUTES OF THE PARRAMATTA TRAFFIC COMMITTEE MEETING HELD WEDNESDAY 20 JULY 2022 AT 1.30PM. MEETING HELD IN PERSON AT COUNCIL'S ADMINISTRATION BUILDING, 126 CHURCH STREET, PARRAMATTA OR OPTIONAL ATTENDANCE VIA MICROSOFT TEAMS

The Parramatta Traffic Committee Chairperson Councillor Paul Noack declared the meeting open at 1:31pm.

PRESENT:	
NAME:	**REPRESENTATIVE OF**
Paul Noack	Councillor and Chairperson
Sarah Thompson	Representative for Geoff Lee MP
Henry Green	Councillor
Kellie Darley	Councillor
Sergeant Jack Makhoul	Parramatta PAC
Sergeant Leonie Abberfield	Ryde Police Area Command (PAC)
Nazli Tzannes	Transport for NSW (TfNSW)
Richard Searle	Traffic & Transport Manager, CoPC
Saniya Sharmeen	Traffic & Transport Team Leader, CoPC
Randil Pohorambage	Traffic & Transport Engineer, CoPC
Zulfiqar Ali	Traffic & Transport Engineer, CoPC
Nathan McLauchlan	Traffic & Transport Engineer, CoPC
Behzad Saleh	Senior Traffic & Transport Engineer, CoPC – Minute Secretary
Coen O'Shannessy	Student Project Officer, CoPC

APOLOGIES:	
NAME:	**REPRESENTATIVE OF**
Senior Constable Raymond Yeung	Auburn PAC
Sandy Leung	Traffic & Transport Investigations Engineer, CoPC

DECLARATIONS OF CONFLICT OF INTEREST:

There were no declarations of conflict of interest.

CONFIRMATION OF THE MINUTES OF MEETING HELD ON 25 MAY 2022:

That the report of the Parramatta Traffic Committee meeting held on Wednesday, 25 May 2022 be taken as read and confirmed as a true record of the meeting.

BUSINESS ARISING:

Nil.

SECTION A ITEMS:

ITEM 2207 A1 - HILL ROAD AND HOLKER STREET, SYDNEY OLYMPIC PARK AND WENTWORTH POINT – PROPOSED BILLBERGIA BENNELONG BRIDGE RUN ON SUNDAY 9 OCTOBER 2022
Ward: Rosehill
State Electorate: Parramatta

Recommendation to Parramatta Traffic Committee

1. That the proposed 'Billbergia Bennelong Bridge Run' event scheduled to be held on Sunday 9 October 2022 be classified as a Class 2 Event in accordance with the Austroads Guide to Traffic Management Part 9: Transport Control Systems - Strategies and Operations (Table 5.4 – Special Event Planning Matrix) and Transport for NSW Guide to Traffic and Transport Management for Special Events.

2. That the use of Holker Street west of Jamieson Street, Jamieson Street and Hill Road in Sydney Olympic Park and Wentworth Point for the 'Billbergia Bennelong Bridge Run' event is supported in principle subject to compliance with the attached traffic related conditions, and that a Road Occupancy License (ROL) be obtained from Transport for NSW (TfNSW).

3. That the Event Organiser obtain approval from the Sydney Olympic Park Authority and Wentworth Point Strata Management to close roads that are under their care and control.

4. That all costs associated with the 'Billbergia Bennelong Bridge Run' Event are to be funded and paid by the Event Organiser at no cost to City of Parramatta Council.

5. That Sydney Olympic Park Authority be requested to require (as part of its approval) installation of event notification signs (made of waterproof materials) on off-road cycleways at least 28 days prior to the event, so that the users of these facilities are aware of the Event.

6. That the Event Organiser and Bus Service Provider notify the residents regarding the closure of bus stops on Hill Road, Wentworth Point at least 28 days prior to the event.

7. That the Event Organiser obtain approval from the Transport Management Centre of TfNSW to implement traffic controls in public and private roads.

8. That item 2 is subject to the Event Organiser completing items 3, 5, 6 and 7.

Comments:

Nazli Tzannes, the representative from Transport for NSW (TfNSW) advised the Traffic Management Centre (TMC) had not received an application from the Event Organiser to implement traffic controls in public and private roads. Due to the turnover times at the TMC, she recommended that Council forward the application to them directly if the Event Organiser had not.

Recommendation from Parramatta Traffic Committee:

1. That the proposed 'Billbergia Bennelong Bridge Run' event scheduled to be held on Sunday 9 October 2022 be classified as a Class 2 Event in accordance with the Austroads Guide to

Traffic Management Part 9: Transport Control Systems - Strategies and Operations (Table 5.4 – Special Event Planning Matrix) and Transport for NSW Guide to Traffic and Transport Management for Special Events.

2. That the use of Holker Street west of Jamieson Street, Jamieson Street and Hill Road in Sydney Olympic Park and Wentworth Point for the 'Billbergia Bennelong Bridge Run' event is supported in principle subject to compliance with the attached traffic related conditions, and that a Road Occupancy License (ROL) be obtained from Transport for NSW (TfNSW).

3. That the Event Organiser obtain approval from the Sydney Olympic Park Authority and Wentworth Point Strata Management to close roads that are under their care and control.

4. That all costs associated with the 'Billbergia Bennelong Bridge Run' Event are to be funded and paid by the Event Organiser at no cost to City of Parramatta Council.

5. That Sydney Olympic Park Authority be requested to require (as part of its approval) installation of event notification signs (made of waterproof materials) on off-road cycleways at least 28 days prior to the event, so that the users of these facilities are aware of the Event.

6. That the Event Organiser and Bus Service Provider notify the residents regarding the closure of bus stops on Hill Road, Wentworth Point at least 28 days prior to the event.

7. That the Event Organiser obtain approval from the Transport Management Centre of TfNSW to implement traffic controls in public and private roads.

8. That item 2 is subject to the Event Organiser completing items 3, 5, 6 and 7.

Unanimous support

ITEM 2207 A2 – PROPOSED CAR SHARE PARKING SPACES, WENTWORTH POINT
Ward: Rosehill
State Electorate: Parramatta

Recommendation to Parramatta Traffic Committee

1. That two (2) GoGet car share spaces be installed in Wentworth Point as detailed below:
   i. North side of Bennelong Parkway east of The Piazza, Wentworth Point
   ii. South side of Burroway Road west of Waterways Street, Wentworth Point
2. That a review of the usage of each individual car share space be carried out as part of the annual renewal of the car share spaces.

Comments:

Councillor Noack advised that he had undertaken his own consultation on the matter and noted that residents in the area were generally not in favour of the proposed car share spaces on the grounds that Wentworth Point was an expanding community and had a high demand for on-street parking. Ms Sarah Thompson, the representative from Geoff Lee MP, raised further concerns that the consultation had not reached the residents in Bennelong Parkway.

It was recommended that this report be deferred to the next PTC meeting and that further consultation on the proposal be undertaken with consultation letters to be sent to the Strata of the affected properties as well as to both the Ward Councilors' and the office of Geoff Lee MP.

Recommendation from Parramatta Traffic Committee

That this report be deferred to the next Parramatta Traffic Committee meeting for further consultation on the proposal with consultation letters to be sent to the Strata's of the affected properties as well as to both the Ward Councilors' and the office of Geoff Lee MP.

Unanimous support

BUSINESS ITEMS:

Nil

The Chairperson closed the meeting at 1:42pm.

CITY OF PARRAMATTA COUNCIL

Parramatta Traffic Committee Agenda Item

ITEM NO:	2207 A1
SUBJECT:	Hill Road and Holker Street, Sydney Olympic Park and Wentworth Point – Proposed Billbergia Bennelong Bridge Run on Sunday 9 October 2022
APPLICANT:	True Sports Events
REPORT OF:	Traffic and Transport Engineer
WARD:	Rosehill
SED:	Parramatta

Purpose

This report seeks approval of a Special Event Traffic Management Plan (SETMP) for the Billbergia Bennelong Bridge Run scheduled to be held on Sunday 9 October 2022.

OFFICER'S RECOMMENDATIONS:

1. That the proposed 'Billbergia Bennelong Bridge Run' event scheduled to be held on Sunday 9 October 2022 be classified as a Class 2 Event in accordance with the Austroads Guide to Traffic Management Part 9: Transport Control Systems - Strategies and Operations (Table 5.4 – Special Event Planning Matrix) and Transport for NSW Guide to Traffic and Transport Management for Special Events.

2. That the use of Holker Street west of Jamieson Street, Jamieson Street and Hill Road in Sydney Olympic Park and Wentworth Point for the 'Billbergia Bennelong Bridge Run' event is supported in principle subject to compliance with the attached traffic related conditions, and that a Road Occupancy License (ROL) be obtained from Transport for NSW (TfNSW).

3. That the Event Organiser obtain approval from the Sydney Olympic Park Authority and Wentworth Point Strata Management to close roads that are under their care and control.

4. That all costs associated with the 'Billbergia Bennelong Bridge Run' Event are to be funded and paid by the Event Organiser at no cost to City of Parramatta Council.

5. That Sydney Olympic Park Authority be requested to require (as part of its approval) installation of event notification signs (made of waterproof materials) on off-road cycleways at least 28 days prior to the event, so that the users of these facilities are aware of the Event.

6. That the Event Organiser and Bus Service Provider notify the residents regarding the closure of bus stops on Hill Road, Wentworth Point at least 28 days prior to the event.

7. That the Event Organiser obtain approval from the Transport Management Centre of TfNSW to implement traffic controls in public and private roads.

8. That item 2 is subject to the Event Organiser completing items 3, 5, 6 and 7.

Background

City of Parramatta has received a request from True Sports Events to hold the 'Billbergia Bennelong Bridge Run' event in Sydney Olympic Park and Wentworth Point on Sunday 9 October 2022. This event has 3 running options:

1. 7km Wheelchair Race along the route shown in Figure 1a (7:15am to 8:45am)
2. 10km Community Run along the route shown in Figure 1b (7:20am to 8:45am)
3. 2km Family Run along the route shown in Figure 1c (9am to 10am)

Figure 1: Overview of the proposed Billbergia Bennelong Bridge Run route (a) 7km Wheelchair Run; (b) 10km Community Run; (c) 2km Family Run

The Billbergia Bennelong Bridge Run was introduced in 2017. As part of the Traffic Management Plan for the 'Billbergia Bennelong Bridge Run', it is proposed to close various public and private roads for the event between 5am and 11am on Sunday 9 October 2022. An overview of the proposed lane and road closures are shown in Figure 2.

Bus Services

Hill Road is part of the Sydney Transit Authority (STA) 526 and 533 bus routes. Route 526 services the Sydney Olympic Park area on Sundays and runs every 30minutes starting from 7:30am. Managed bus access will be provided to Olympic Park Wharf. However, bus stops on the west side of Hill Road between Holker Street and Bennelong Parkway will not be operating between 5am and 10am on the event day. Route 533 does not operate on Sundays.

A copy of the Special Event Traffic Management Plan including event overview and Traffic Guidance Scheme is attached to this report.

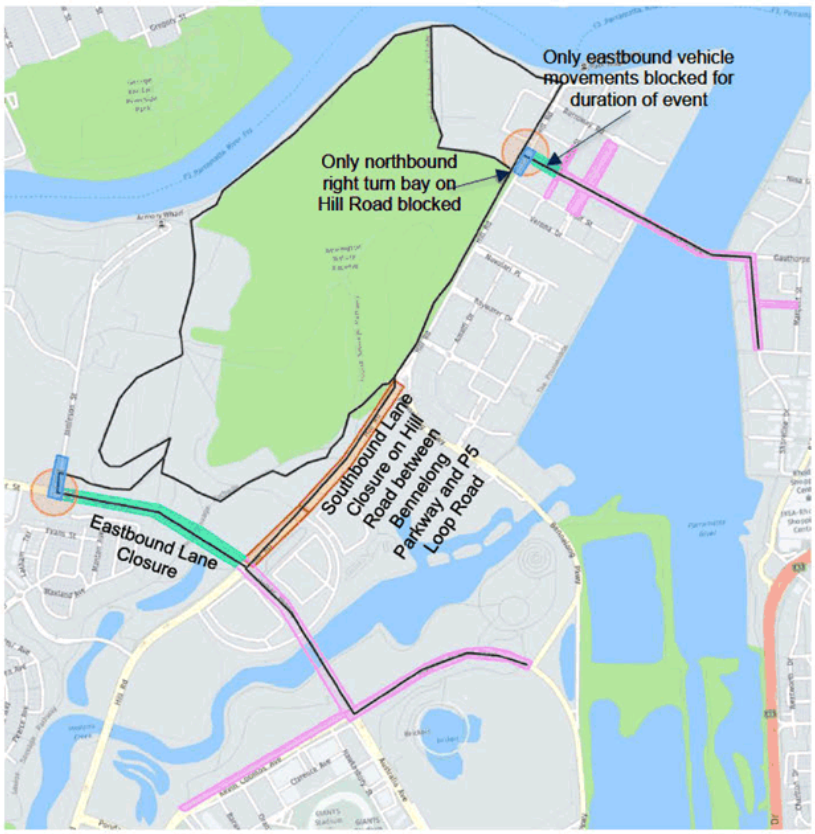
LEGEND	MAP
Road Closures Privately owned or within Sydney Olympic Park Authority or City of Canada Bay	
Road Closures Council owned public road	
Lane Closures/ Traffic Control Privately owned or within Sydney Olympic Park Authority	
Lane Closures/ Traffic Control Council owned public road	
Lane Closures/ Traffic Control at intersections	
Combined Billbergia Bennelong Bridge Run routes	

Figure 2: Overview of the proposed road closures in Sydney Olympic Park and Wentworth Point

Approval Process

Holker Street west of Jamieson Street, Jamieson Street and Hill Road are local roads under the care and control of Council. Accordingly, only traffic control and closures on these roads are considered as part of this report.

The remaining roads within the proposed route are private roads located in Sydney Olympic Park and Wentworth Point. Accordingly, the Event Organiser is to obtain approval from the Sydney Olympic Park Authority and Wentworth Point Strata Management to undertake traffic control and close roads/lanes under their care and control.

The Event Organiser is also required to obtain approval from Traffic Management Centre (TMC) of TfNSW. This is because the event is expected to affect streets in Sydney Olympic Park.

Advisory Signs on off-road Cycleways

The Event Oganiser is required to install event notification signs (made of waterproof materials) on off-road cycleways at least 28 days prior to the event. This is required to advise recreational cyclists and families that regularly use the off-road cycleways on weekends.

Community Notification

The Event Oganiser will notify all local residents via letter box drop. Notice of the road closures will also be placed in local newspapers, at least 28 days prior to the event.

Portable Variable Message Sign (VMS) boards will also be placed to advise the motorists of the changed traffic conditions for the event as shown in the attached Traffic Guidance Scheme.

Classification of the Event

The proposed road closures for the 'Billbergia Bennelong Bridge Run' event will disrupt local traffic, non-participating members of the community and transport systems but not major traffic and transport systems. It is therefore proposed to classify the event as a Class 2 Event in accordance with the Austroads Guide to Traffic Management Part 9: Transport Control Systems - Strategies and Operations (Table 5.4 – Special Event Planning Matrix) and Transport for NSW Guide to Traffic and Transport Management for Special Events.

FINANCIAL IMPLICATIONS

The proposed traffic management is to be implemented by the organiser of Billbergia Bennelong Bridge Run at no cost to Council. Therefore, this matter has no direct financial impact upon Council's budget.

[redacted]

Randil Pohorambage
Traffic and Transport Engineer
30 June 2022

Attachments

1. Traffic related Conditions
2. Special Event Traffic Management Plan
3. Traffic Guidance Scheme

ATTACHMENT 1: TRAFFIC RELATED CONDITIONS FOR *BILLBERGIA BENNELONG BRIDGE RUN 2022*

Prior to the event:

1. In accordance with the Transport for NSW Guide to Traffic and Transport Management for Special Events, the Event Organiser is to submit a signed and completed 'Special Event Transport Management Plan Template' form and all supporting documents to Council. (Refer to page 91)
2. The Event Organiser to provide to council the contact details, including mobile phone number of the Traffic Controller who will undertake the closure.
3. The Event Organiser to submit to Council a copy of its Public Liability Policy in an amount not less than $20,000,000 noting City of Parramatta and Transport for NSW as interested parties on the Policy and that Policy to cover both on-road and off-road activity.
4. The Event Organiser is to advertise the event in the local press and the traffic impact/ delays due to the event at least at least 28 days prior to the event; a copy of the proposed advertisement is to be submitted to Council (indicating the advertising medium). Directly affected residents and businesses are also to be notified via letter box drop at least seven (7) days prior to the event.
5. The Event Organiser is to notify the details of the event to the NSW Police, NSW Ambulance Services, NSW Fire Brigade / Rural Fire Service and SES at least at least 28 days prior to the event; a copy of the correspondence be submitted to Council.
6. The Event Organiser is to directly notify relevant bus companies, tourist bus operators and taxi companies operating in the area and all the residences and businesses affected by the proposed event at least at least 28 days prior to the event.
7. The Event Organiser is to assess the risk and addressing the suitability of the entire route as part of the risk assessment considering the possible risks for all participants traveling on winding, narrow, uneven gravel roads with steep roadside embankments and sharp bends; this assessment should be carried out by visual inspection of the route/site by the Event Organiser prior to preparing the TMP and prior to the event.
8. The Event Organiser is to carry out an overall risk assessment for the whole event to identify and assess the potential risks to spectators, participants and road users during the event and design and implement a risk elimination or reduction plan in accordance with the Work Health and Safety Act 2011; (information for Event Organisers about managing risk is available on the NSW Sport and Recreation's web site at http://www.dsr.nsw.gov.au). Note that the safety of all road users and personnel on or affected by the event is the responsibility of the Event Organiser.

During the event:

9. Access is to be maintained for businesses, residents and their visitors.
10. All traffic controllers/marshals operating within the public road network are to hold appropriate certification required by the TfNSW.
11. In accordance with the submitted Special Event Traffic Management Plan and associated Traffic Guidance Scheme, appropriate advisory signs, including temporary speed restriction signs, shall be placed at the Event Organiser's expense after all the required approvals are obtained from the relevant authorities, and traffic control devices be placed during the event along the route under the direction of a traffic controller holding appropriate certification required by the TfNSW.

After the event:

12. All roads and marshalling points are to be kept clean and tidy, with all directional signs removed immediately on completion of the activity.

BILLBERGIA BENNELONG BRIDGE RUN

TRAFFIC MANAGEMENT PLAN

Billbergia Bennelong Bridge Run

Sunday 9th October 2022

PREPARED ON BEHALF OF

True Sports Events

Version 1.0
3rd June 2022

By
WHO DARES PTY LTD

TRAFFIC PLANNERS
SAFETY CONSULTANTS

SHED 8 / 1 CANAL ROAD
LEICHHAROADT 2040
P.O. BOX 187
FIVE DOCK 2046

Ph: 02 9569 9922
Fax: 02 9569 9933

Event Organiser: **True Sports Events**

Document Author: **Tim Emslie**
Who Dares Pty Ltd
Prepare a Work Zone Traffic Management Plan
Certificate: 0048945001
Phone: 02 9569 9922

Version Control

Version	Date	Status	Comments
Version 1.0	3 June, 2022	DRAFT	First Draft

1. INTRODUCTION

1.1. Introduction

This plan has been prepared for **True Sports Events**.

It has been prepared after discussions with True Sports Events and Who Dares.

The plan relates to traffic management arrangements for the *Billbergia Bennelong Bridge Run* event held on Sunday 9th October 2022.

1.2. Objective

It is the objective of this report to set out the means and measures by which roads may managed so that the *Billbergia Bennelong Bridge Run* can take place.

The plan will include a description and detailed plan of the proposed measures, will identify and assess the impact of the proposed measures, will discuss the impact of re-assigned traffic, the proposal's effect on public transport services and what provisions are to be made for Emergency Services vehicles, heavy vehicles, cyclists and pedestrians. Furthermore, the plan will assess the effect of the proposal on existing and future developments within the vicinity, the possible flow on effects for traffic in adjoining Council Areas and finally will include a discussion about the requirement for a public consultation process with respect to the proposal.

1.3. Authority of the TMP

This Transport Management Plan (TMP) when approved by the relevant authorities becomes the prime document detailing the traffic, transport and pedestrian arrangements under which the Lunar Lanes event, will operate.

In case of emergencies, or for the management of incidents, the NSW Police are not subject to the conditions of this TMP but should endeavour to inform other agencies of the nature of the incident and the Police response.

2. EVENT DETAILS

2.1. Event summary

Event Name	**Billbergia Bennelong Bridge Run**
Event Date:	**Sunday 9th October 2022**
Wheelchair Event Times:	**07:15 hours - 08:45 hours.**
10km Event Times:	**07:20 hours - 08:45 hours.**
2km Event Times:	**09:00 hours – 10:00 hours.**
Event Set Up Time:	**05:00 hours**
Event Pack Down Finish Time:	**11:00 hours**

2.2. Contact Names

True Sports Events
Glen Lebeau — **Phone**
Race Director — **Mobile** [redacted]
E-mail [redacted]

Sydney Olympic Park
Stephen Kennett — **Phone** [redacted]
E-mail [redacted]

City of Canada Bay Council
Saskia Vromans — **Phone** [redacted]
Place Manager Rhodes — **Mobile** [redacted]
E-mail [redacted]

Parramatta City Council
Jeff Stein — **Phone** [redacted]
E-mail [redacted]

Transport for NSW
Kenneth Seeto — **Phone** [redacted]
Transport Operators Planner — **Mobile** [redacted]
Major Events — **E-mail** [redacted]

Transport for NSW - Buses
Rabih Bekdache — **Phone** [redacted]
A/Transport Planning Project Manager — **Mobile** [redacted]
Email [redacted]

Who Dares Pty Ltd
Tim Emslie — **Phone** [redacted]
Events Manager — **Mobile** [redacted]
E-mail [redacted]

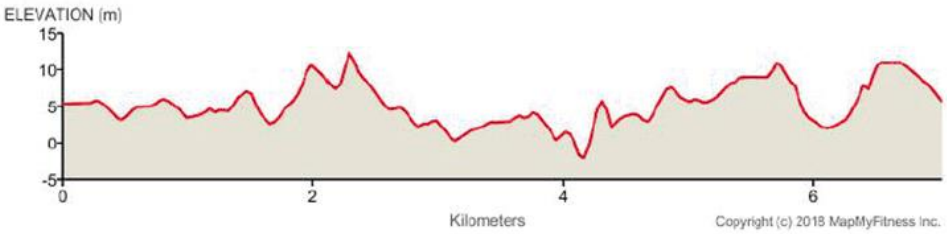
2.3. Brief Description of the event

The Rhodes, Sydney Olympic Park and Wentworth Point areas are experiencing a huge redevelopment and growth phase. We believe a successful community run will not only showcase these suburbs but will also add to the liveability of the area.

In its fifth year now the event will deliver a new 7km Wheelchair race in addition to the 10km community run and 2km family run. The event will highlight and promote the area as a fun vibrant place to live, as well as help build a cohesive active community.

3. TRAFFIC AND TRANSPORT MANAGEMENT

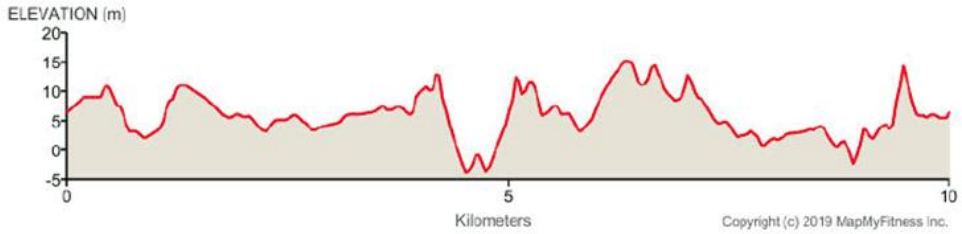
3.1. 7km Wheelchair Route



3.2. 7km Wheelchair Route Cues

Distance (km)	Notes
0	START
0.92	Cross Hill Road and turn left onto Louise Sauvage Pathway
1.10	Veer left to stay on Louise Sauvage Pathway
1.80	Turn right towards Newington Armory
2.00	Turn right
2.15	Turn sharp left
2.42	Turn right
2.83	Turn left towards Armory Wharf
3.30	Turn right onto River Walk
4.77	Turn right onto Louise Sauvage Pathway
5.02	Turn left, cross Hill Road and continue straight onto Footbridge Blvd
5.49	Continue onto Bennelong Bridge
5.90	Turn right onto Shoreline Drive
6.20	At Mary Street perform a U-Turn
6.50	Turn left onto Bennelong Bridge
7.00	FINISH

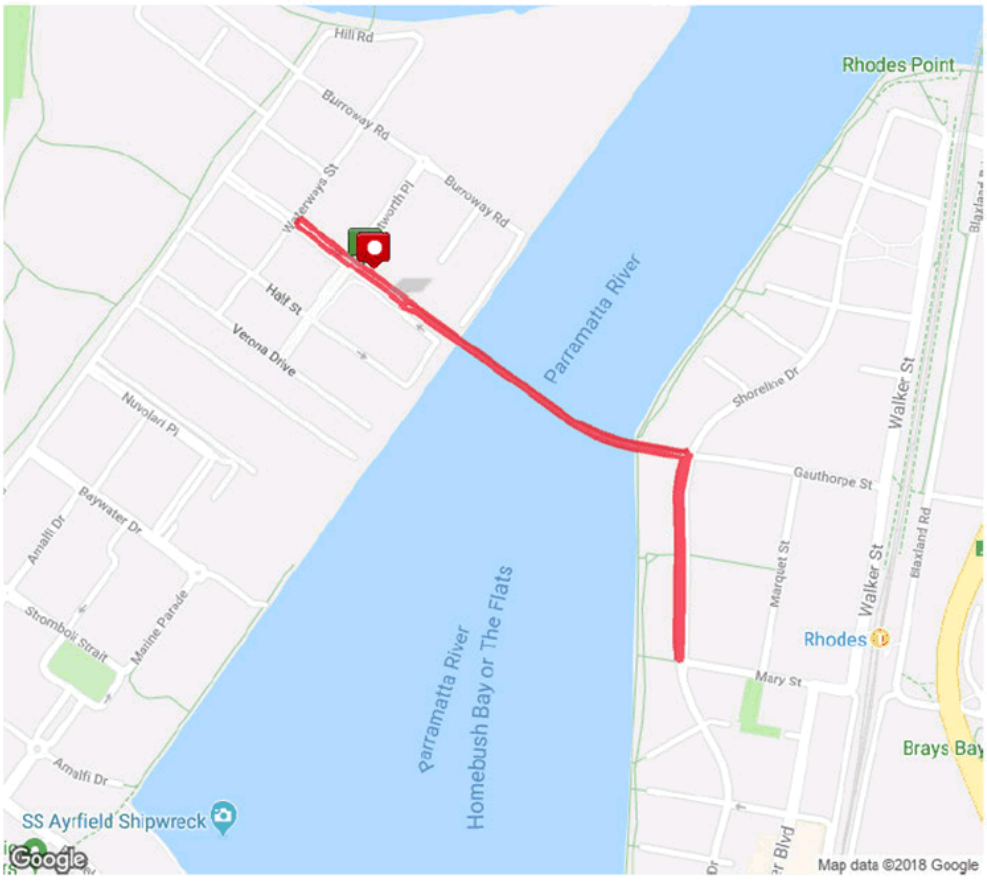
3.3. 10km Route

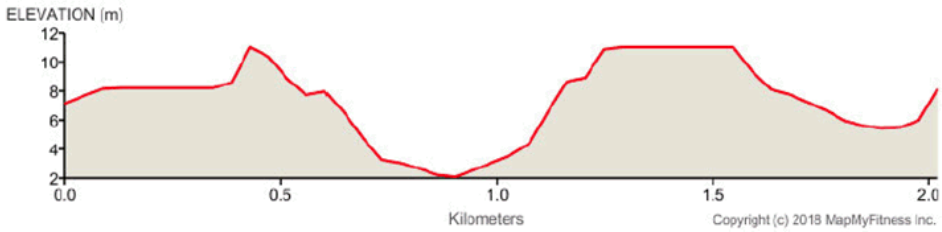


3.4. 10km Route Cues

Distance (km)	Notes
0	START
0.20	Continue onto Bennelong Bridge
0.60	Turn right onto Shoreline Drive
0.90	Perform U-Turn at Mary Street and return north on Shoreline Drive
1.20	Turn left onto Bennelong Bridge
1.50	Continue onto Footbridge Blvd
2.0	Cross Hill Road and turn left onto Louise Sauvage Pathway
2.91	Veer left onto Hill Road
3.65	Turn left onto Holker Busway
4.24	Turn left onto Marjorie Jackson Parkway
4.73	Perform U-Turn at Wentwork Common Carpark and return west on Marjorie Jackson Parkway
5.15	Turn left onto Holker Busway
5.75	Continue straight onto Holker Street
6.44	Turn right onto Jamieson St
6.53	Turn right into Newington Armoury
6.60	Turn Right onto Newington Armoury Criterium Circuit
7.61	Turn Left towards Parramatta River
8.11	Turn right onto River Walk
9.15	Turn right onto Louise Sauvage Pathway
9.50	Turn left towards
9.70	Turn left, cross Hill Road and continue straight onto Footbridge Blvd
10.10	FINISH

3.5. 2km Route


Hill Rd
Burroway Rd
Burroway Rd
Waterways St
Half St
Verona Drive
Nuvolari Pl
Baywater Dr
Amalfi Dr
Stromboli Strait
Marine Parade
Amalfi Dr
SS Ayrfield Shipwreck
Parramatta River
Parramatta River
Homebush Bay or The Flats
Rhodes Point
Shoreline Dr
Gauthorpe St
Marquet St
Walker St
Walker St
Blaxland Rd
Rhodes
Mary St
Brays Bay
Map data ©2018 Google


ELEVATION (m)
12
10
8
6
4
2
0.0
0.5
1.0
1.5
2.0
Kilometers
Copyright (c) 2018 MapMyFitness Inc.

3.6. 2km Route Cues

Distance (km)	Notes
0	START
0.14	Continue onto Bennelong Bridge
0.62	Turn right onto Shoreline Dr
0.93	Perform U-Turn at Mary Street and return north on Shoreline Drive
1.20	Turn left onto Bennelong Bridge
1.90	Make U-Turn at Waterways Street and return east on Footbridge Boulevard
2.01	FINISH

3.7. Road closures 05:00 hours – 11:00 hours Sunday 9th October 2022.

- Wentworth Place between Burroway Road & Footbridge Boulevarde

3.8. Road closures 05:00 hours – 10:00 hours Sunday 9th October 2022.

- Bennelong Bridge between Shoreline Drive and Waterways Street.
- Waterways Street between Park Street North and Half Street.
- Wentworth Place between Footbridge Boulevard & Half Street
- Shoreline Dr between Mary St & Gauthorpe St
- Annie Leggett Promenade between Marquet Street & Shoreline Drive

3.9. Road closures 05:00 hours – 09:00 hours Sunday 9th October 2022.

- Hill Road between Holker Street and the P5 Loop Road (both directions).
- Hill Road between the P5 Loop Road and Bennelong Parkway (northbound).
- Holker Busway between Hill Rd and Kevin Coombs Avenue
- Kevin Coombs Avenue between Olympic Boulevard and Australia Avenue (eastbound)

3.10. Lane closures 05:00 hours – 10:00 hours Sunday 9th October 2022.

- Jamieson Street Southbound lane between shared path and Holker Street (approx. 80 metres).
- Holker Street Eastbound between Jamieson Street and Hill Road (approx. 650 metres).

3.11. Intermittent Stop Slow Traffic Control from 05:00 hours – 10:00 hours Sunday 9th October 2022.

- Intersection of Hill Road & Footbridge Boulevarde.
- Jamison St between Holker Street and shared path.

3.12. Detours

Access around the Road closure on Hill Road will be via P5 Loop Road.

3.13. Cleaning

Prior to the reopening of the roads at 10:00 hours Sunday 9th October 2022, the event organiser will commence cleaning operations and make sure all roads are cleaned of any event waste before reopening's occur.

3.14. Modification to existing signage

There will be no requirement to modify any existing street signage.

3.15. Transit Systems amended route changes

- Bus route 526 will terminate at Olympic Park Wharf, it will not cross Bennelong Bridge and service Rhodes.
- Traffic Controllers will allow bus access to Olympic Park Wharf.
- Bus stop on western side of Hill Road north of Holker Street will not be serviced between 05:00hrs & 10:00hrs on Sunday 9th October 2022.

3.16. Busways Northwest amended route changes

- Bus route 533 will need to detour around the event footprint due to the closure of the Bennelong Bridge. It will detour via Australia Avenue, Homebush Bay Drive, Oulton Avenue, Rider Boulevarde and Mary Street.
- The following stops will be missed due to the detour; 2127112, 212715, 212746, 212797, 2127109 and 213899. Signage will be installed at these stops informing customers that they must go to either TSN 212755 (Olympic Park Station) or TSN 213863 (Rhodes Station, Walker Street, Stand C) between 05:00hrs & 10:00hrs on Sunday 9th October 2022.

3.17. Parking

Event parking for participants will be in any legal street parking spaces or local pay parking stations. The event organiser will encourage all participants to use public transport given the proximity to Rhodes train station.

3.18. Construction, traffic calming and traffic generating developments

At present, there are no indication of construction works that will be impact the event. There are no traffic calming devices or traffic generating developments along the route.

3.19. Traffic Control

An accredited Who Dares Traffic Manager and NSW Police will oversee implementation of the Traffic Guidance Schemes.

Temporary traffic control signage, barricades and equipment as per the supplied Traffic Guidance Schemes must be installed by TfNSW or SafeWork accredited traffic controllers with a current "Implement Traffic Control Plan" certificate. Any person operating a Stop/Slow bat onsite must hold a current "Traffic Controller" certificate.

3.20. Pedestrian and Cycle Management Control

There will be no affect to pedestrians, they will be able to use all the existing pedestrian paths along with the event participants. Cyclists will be asked to dismount and walk past the event or detour around the event if they do not wish to dismount.

3.21. Heavy Vehicle impacts

A Portable VMS will be positioned at the intersection of Hill Road and Old Hill Link to advise heavy vehicles wanting to access Wentworth Point to use the suggested detour of Old Hill Link, Edwin Flack Avenue, Sarah Durack Avenue, and Bennelong Parkway. This will avoid going under the 4.5metre bridge on the P5 Loop Road and then having a tight right hand turn back onto Hill Road to enter the contra low in place for general traffic.

3.22. Special Event Clearways

No special event clearways will be installed for this event.

4. RISK MANAGEMENT - TRAFFIC

4.1. Occupational Health & Safety – Traffic Control

True Sports Events are the Risk Managers for their event operations. It is True Sports Events' policy to treat identified hazards by endeavouring to prevent or eliminate health and safety risk where it is in their reasonable authority, to endeavour to minimise the likelihood of risks occurring when outside their authority and when risks occur to minimise the consequence of the risk activity.

Any risk treatment measure implemented by True Sports Events will be consistent with their obligations in accordance with the 2017 WHS Regulations and/ or AS/NZS ISO 31000:2018 Risk Management-Principles and guidelines.

True Sports Events by the nature of the event operations has accepted the uncontrollable risks such as weather, environment and crowd behaviour and will implement treatment programs to mitigate risk. Their role is to ensure the risk is transferred from the organisers to the expert contractors. The transfer needs to be formalised by way of contracts and key performance indicators.

True Sports Events needs to ensure that the staff/contractors have contemporary knowledge in their field and apply current safety regulations including J.S.A's and S.W.M.S's. True Sports Events need to ensure that the attached checklists, where relevant are applied and completed. True Sports Events then has to ensure that any new emerging risks or safety concerns are controlled as and when they arise.

4.2. Public Liability Insurance

Public liability insurance in the value of $20,000,000 has been arranged by the event organiser.

A copy is included as ***Annex 1***

4.3. Hostile Vehicle Mitigation

Hostile Vehicle mitigation strategies may be undertaken in accordance with the event's Vulnerability Report and NSW Police direction. This information is to remain confidential.

4.4. Police

Burwood and Flemington Local Area Commands are to be notified of the event and a Public Assembly Form submitted to Police.

4.5. Fire and Rescue NSW and NSW Ambulance

Fire and Rescue NSW and NSW Ambulance will be notified in writing of the event by the event organiser.

4.6. Risk & Contingency Plans

True Sports Events has compiled Risk Assessments and Site-Specific Safety Plans for the events that are not included in this Transport Management Plan

Item	Verified	Action Taken
All one-way streets are as described	☒ Yes ☐ No ☐ N/A	*Road closures, barricade and signage installed. Point duty by NSW Police and or authorised Traffic Controllers.*
Block access to local businesses	☐ Yes ☒ No ☐ N/A	*Confirm list of letters to residents, businesses, and car parks.* *Advertisement of event to general public.*
Block Police vehicle access	☐ Yes ☒ No ☐ N/A	*Confirm access and consultation of routes to and within areas affected by closures with Emergency Services.*
Block Ambulance access	☐ Yes ☒ No ☐ N/A	*Confirm access and consultation of routes to and within areas affected by closures with Emergency Services.*
Block fire station access	☐ Yes ☒ No ☐ N/A	*Normal access to fire station facilities are maintained* *Confirm access and consultation of routes to and within areas affected by closures with Emergency Services.*
Block heavy vehicle access	☐ Yes ☒ No ☐ N/A	*All heavy vehicles are diverted before the closure.*
Restricted movements – banned turns, heavy/high vehicles	☐ Yes ☒ No ☐ N/A	*All vehicles are diverted before the closure.*
Block Public facility (football oval, car park etc.)	☐ Yes ☒ No ☐ N/A	*Confirm list of letters to residents, businesses, and car parks.* *Advertisement of event to general public.*
Block public transport access	☒ Yes ☐ No ☐ N/A	*Bus 526 & 533 will be impacted by the Bennelong Bridge closure.*
Can route use alternatives such as bicycle tracks, paths, parks, bush tracks etc.?	☐ Yes ☒ No ☐ N/A	*None required*
Construction – existing, proposed that may conflict	☐ Yes ☒ No ☐ N/A	*None required*

Item	Verified	Action Taken
Numbers of lanes and their width are as described	☒ Yes ☐ No ☐ N/A	*None required*
Road signage – existing/temporary	☒ Yes ☐ No ☐ N/A	*Temporary signage Installed and removed by Who Dares Traffic Management.*
Route impeded by traffic calming devices?	☐ Yes ☐ No ☒ N/A	*None required*
Signalised intersections (flashing yellow? Point duty?	☐ Yes ☒ No ☐ N/A	*NSW Police to control intersections as required*
Tidal flows	☐ Yes ☐ No ☒ N/A	*None required*
Traffic generators – shopping centres, schools, churches, industrial area, hospitals	☒ Yes ☐ No ☐ N/A	*Advertisement of event to general public.*
Traffic movement contrary to any Notice	☐ Yes ☒ No ☐ N/A	*Under the direction of Police or traffic controllers*
Traffic signals are as described	☒ Yes ☐ No ☐ N/A	*Controlled by TfNSW*
Turning lanes are as described	☒ Yes ☐ No ☐ N/A	*None required*
Letter Drop Zone Maps to indicate precincts mailed	☐ Yes ☐ No ☒ N/A	*None required*

This section of the Transport Management Plan describes the contingency plans for the event. The contingency plan checklist identifies all possible issues/risks that may interfere with the event and the action to be taken to minimise the disturbance of the event.

Issues/Risks	Applicable	Action Taken
Heavy Weather	☒ Yes ☐ No	If heavy weather may cause crowds to depart early
Flood hazard on the route	☒ Yes ☐ No	TfNSW and Police provide diversions around flooded area
Flood hazard at the parking area	☐ Yes ☒ No	Event organiser to close parking area and direct to hardstand parking
Parking during Wet weather	☒ Yes ☐ No	Local Car parks only
Bush fire hazard	☐ Yes ☒ No	For major local/regional bushfire hazard affecting general public health or transport to greater Sydney, take direction from NSW Police
Accident on the route	☒ Yes ☐ No	If CCTV monitored by TfNSW. Facilitate emergency response to area
Breakdown	☒ Yes ☐ No	If CCTV monitored by TfNSW. Facilitate response to area.
Absence of marshals and volunteers	☒ Yes ☐ No	Re-deploy existing staff as required.
Block public transport access	☒ Yes ☐ No	526 & 533 services impacted by Bennelong Bridge closure
Slow participants	☒ Yes ☐ No	Cutoffs enforced
Delayed Event	☒ Yes ☐ No	Cutoffs enforced
Cancellation of Event	☒ Yes ☐ No	Cancellation of any aspect of the event will be communicated by the event organiser
Security of participants/general public	☒ Yes ☐ No	Provided by event organiser
Security of very important persons (VIP's)	☒ Yes ☐ No	As Required

It shall be noted that Transport Management Plan (TMP) and particularly Traffic Guidance Schemes (TGS) are seen as risk control measures, but alone they cannot substitute for a compliant and detailed event Risk Assessment.

Contingency forms part of the risk assessment and management plan and will be addressed in the overall Event Risk Assessment.

4.7. Regulatory Framework

This Transport Management Plan has been written in accordance with the following Act, Regulation, Australian Standards and Road Design Technical Direction

- NSW WHS Act 2011
- NSW WHS Regulation 2017
- AS/NZS ISO 31000:2018 Risk Management - Guidelines
- ISO/IEC 31010:2019 - Risk Management - Risk Assessment Techniques
- ISO Guide 73:2009 - Risk Management – Vocabulary
- Traffic Control at Work Sites – (TfNSW) V6.1 Feb 2022
- AS 1742.2:2009 Manual of uniform traffic control devices - Traffic control devices for general use
- AS 1743:2018 Road signs - Specifications
- AS/NZS 1906.4:2010 Retro-reflective materials and devices for road traffic control purposes - High-visibility materials for safety garments
- AS 3996-2019 Access covers and grates
- AS 1742.10-2009 Manual of uniform traffic control devices - Pedestrian control and protection
- AS 1742.13-2009 Manual of uniform traffic control devices - Local area traffic management
- AS 1742.3-2009 Manual of uniform traffic control devices - Traffic control for works on roads
- RMS Guide to Traffic & Transport Management for Special Event
- Version 3.5 – June 2018

5. MINIMISING IMPACT ON THE NON-EVENT COMMUNITY AND EMERGENCY SERVICES

5.1. Emergency Lane

A minimum 4 metre emergency lane will be maintained along the entire closure. Traffic controllers will be onsite to assist emergency vehicles through the closure points.

5.2. Advertise the traffic management arrangements

All residents will be notified of the event through:

- Letterbox drop will be conducted for impacted residents within and near the road closure precinct at least two weeks prior to the event.
- Notice of the road closures will be placed in Public Notice in the metropolitan newspapers, at least two weeks prior to the event.

5.3. Portable variable message signs

VMS 1 – Located on Median Strip on Hill Road 75 metres south of P5 Loop Road facing north bound traffic. This will be utilised to advertise the road closure times and the detour to Wentworth Point.

VMS 2 – Located on grass area at the intersection of Bennelong Parkway and Hill Road facing south bound traffic. This will be utilised to advertise the road closure times and the detour back to Hill Road.

VMS 3 – Located on footpath on Hill Road near Old Hill Link facing north bound traffic. This will be utilised to advertise the suggested heavy vehicle detour to Wentworth Point.

Refer TGS & detour map for location of VMS boards and messages.

6. PRIVACY NOTICE

The "Personal Information" contained in the completed Transport Management Plan may be collected and held by the NSW Police, Transport for NSW (TfNSW), or Local Government.

I declare that the details in this application are true and complete. I understand that:

The "personal information" is being collected for submission of the Transport Management Plan for the event described in Section 1 of this document;

I must supply the information under the Road Transport Legislation (as defined in the Road Transport (General) Act 1999) and the Roads Act 1993;

Failure to supply full details and to sign or confirm this declaration can result in the event not proceeding;

The "personal information" being supplied is either my own or I have the approval of the person concerned to provide his/her "personal information";

The "personal information" held by the Police, TfNSW or Local Government may be disclosed inside and outside of NSW to event managers or any other person or organisation required to manage or provide resources required to conduct the event or to any business, road user or resident who may be impacted by the event;

The person to whom the "personal information" relates has a right to access or correct it in accordance with the provisions of the relevant privacy legislation.

7. APPROVAL

TMP Approved by: ..... Date: .....

Event Organiser – True Sports Events

8. AUTHORITY TO *REGULATE TRAFFIC

Council's traffic management requirements have been met. Regulation of traffic is therefore authorised for all non-classified roads described in the risk management plans attached to this TMP.

Regulation of traffic authorised by: ..... Date: .....

Parramatta City Council

Regulation of traffic authorised by: ..... Date: .....

City of Canada Bay Council

Regulation of traffic authorised by: ..... Date: .....

Sydney Olympic Park Authority

TfNSW's traffic management requirements have been met. Regulation of traffic is therefore authorised for all classified roads described in the risk management plans attached to this TMP.

Regulation of traffic authorised by: ..... Date: .....

Transport for NSW

* "Regulate traffic" means restrict or prohibit the passage along a road of persons, vehicles or animals (Roads Act, 1993). Council and TfNSW require traffic to be regulated as described in the risk management plans with the layouts installed under the direction of a qualified person.

Attachments
Annex 1 – Public Liability Insurance
Annex 2 – Sydney Olympic Park Authority Traffic Guidance Schemes

Traffic Guidance Schemes
Who Dares Traffic Guidance Schemes 1-10

ANNEX 1

PUBLIC LIABILITY INSURANCE

Schedule of Insurance

Page 2 of 2

Class of Policy:	LIABILITY COMBINED	**Policy No:**	SUAS011685
The Insured:	TRUE SPORTS EVENTS PTY LTD	**Invoice No:**	32423
		Our Ref:	LEBEAU

POLICY ENDORSED - NOTED ADDITIONAL INTERESTED PARTIES

PLATINUM LIABILITY PACKAGE - SPORTS UNDERWRITING AUSTRALIA

INSURED : TRUE SPORTS EVENTS PTY LTD

TRADING NAMES : NIL ADVISED

INTERESTED PARTY : CANADA BAY COUNCIL
PARRAMATTA COUNCIL
SYDNEY OLYMPIC PARK AUTHORITY
ROADS & MARITIME SERVICES
TRANSPORT FOR NSW
TRANSPORT MANAGEMENT CENTRE

INSURED TYPE : COMPANY

INSURED ADDRESS : NEWINGTON, NSW 2127 & AUSTRALIA WIDE

THE BUSINESS : PRINCIPALLY ORGANISER OF 10KM, 7KM, 2KM & 500 FUN RUNS TO BE HELD ON THE 16TH FEB 2020

MAIN ACTIVITIES : FUN RUN - 16/02/2020

ESTIMATED TURNOVER : $25,000

NUMBER OF MEMBERS : UP TO 1000

NUMBER OF COACHES : 0

GENERAL LIABILITY - PART A (OCCURRENCE BASIS):

LIMIT OF INDEMNITY $ 20,000,000
PROPERTY IN YOUR PHYSICAL OR LEGAL CONTROL $ 500,000
STANDARD EXCESS - $ NIL / OTHER EXCESS - SEE POLICY

PROFESSIONAL INDEMNITY - PART B (CLAIMS MADE BASIS):

LIMIT OF INDEMNITY $ NIL
RETROACTIVE DATE THE DATE THE INSURED FIRST HELD CONTINUOUS PROFESSIONAL INDEMNITY COVER, OR THE INCEPTION DATE OF THIS POLICY WHICHEVER IS THE EARLIER

STANDARD EXCESS - $ N/A

MANAGEMENT LIABILITY - PART C (CLAIMS MADE BASIS):

LIMIT OF INDEMNITY $ NIL
RETROACTIVE DATE THE DATE THE INSURED FIRST HELD CONTINUOUS DIRECTORS & OFFICERS LIABILITY OR MANAGEMENT LIABILITY COVER, OR THE INCEPTION DATE OF THIS POLICY WHICHEVER IS THE EARLIER

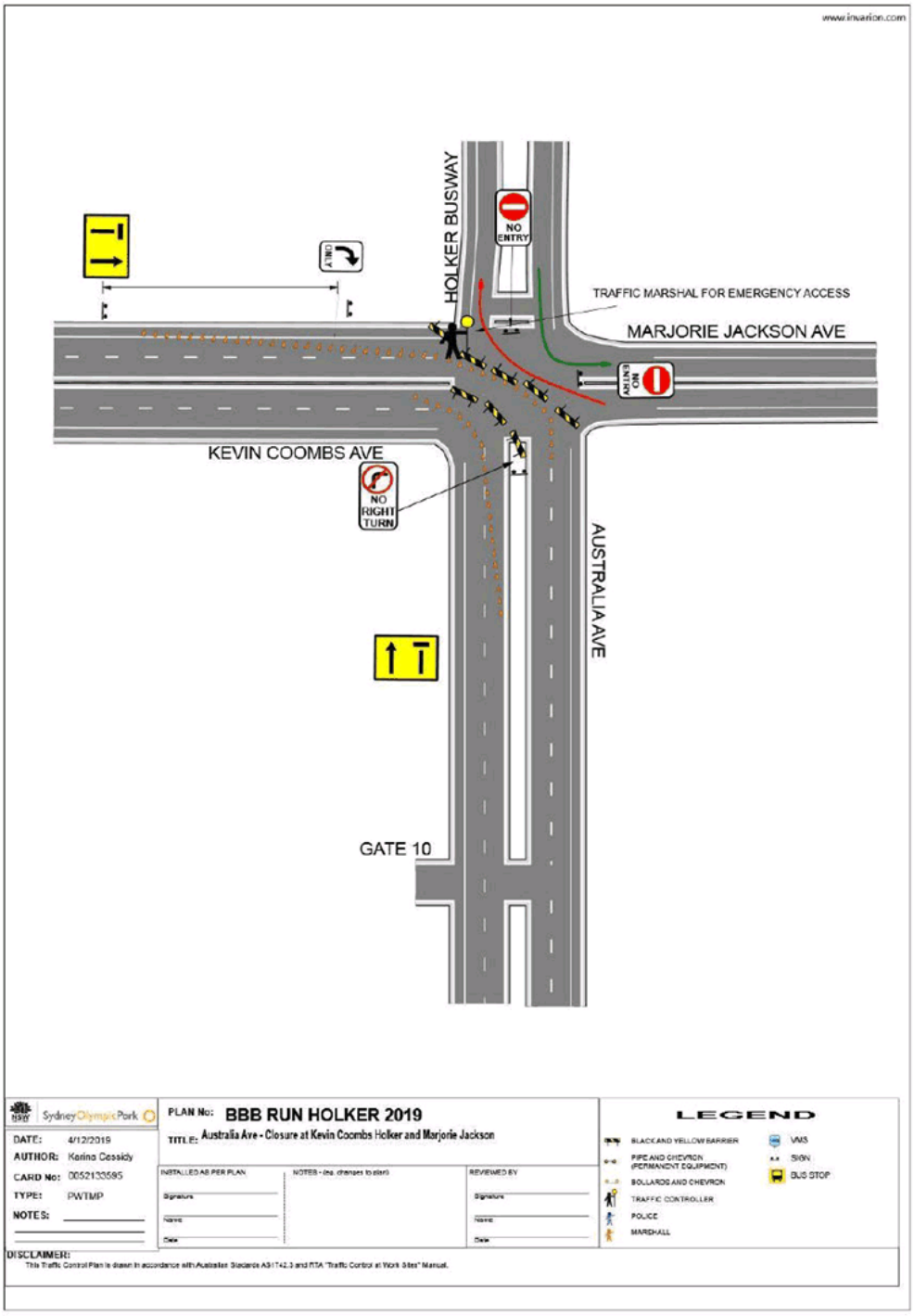
OPTIONAL EXTENSIONS:
FIDELITY COVER NOT INCLUDED
POLLUTION DEFENCE COSTS NOT INCLUDED

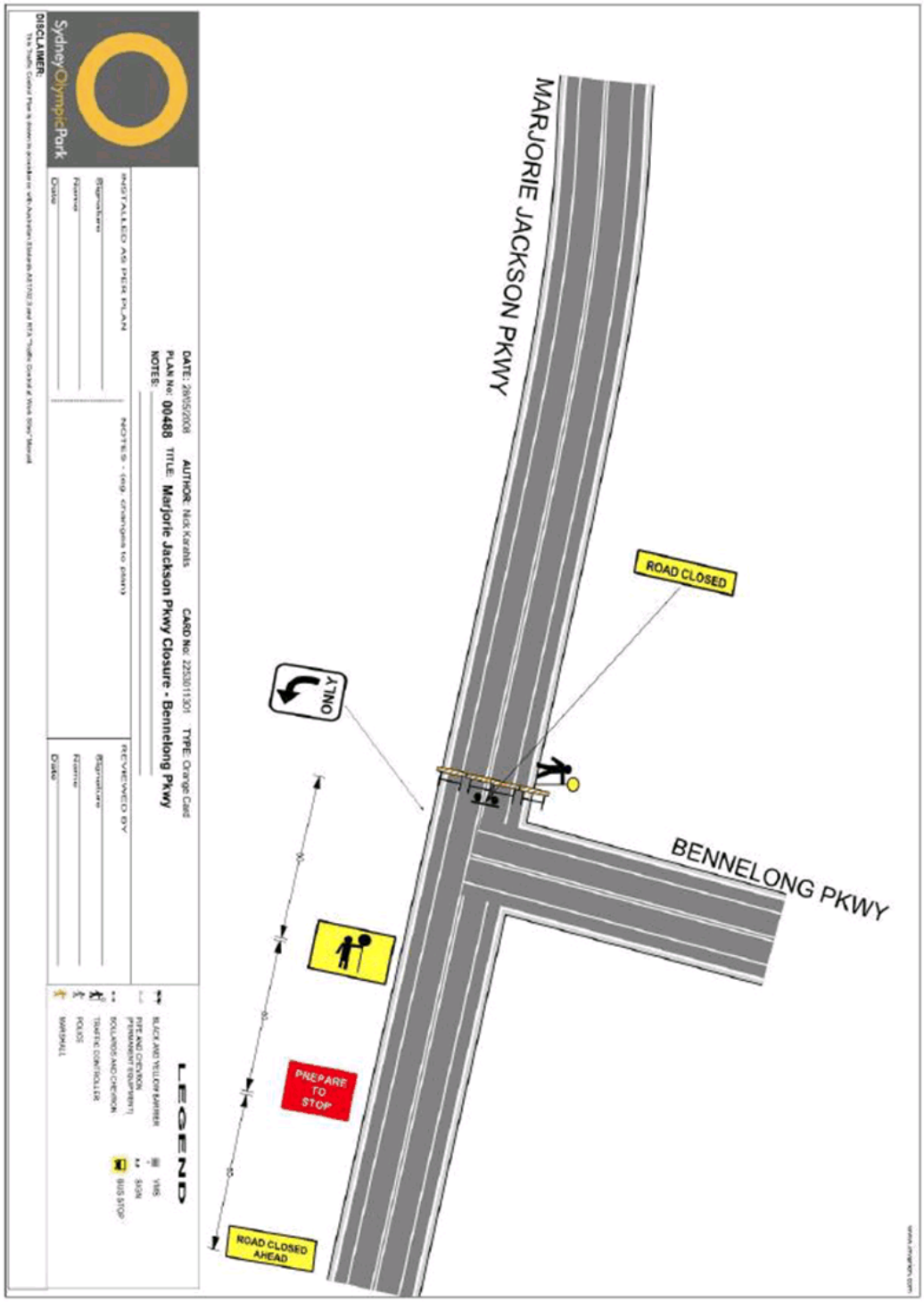
EXCESSES:
DIRECTORS AND OFFICERS - $ NIL FIDELITY - $ NIL
POLLUTION DEFENCE COSTS - $ ALL OTHER CLAIMS - $ NIL

ENDORSEMENTS: NIL

ANNEX 2

SYDNEY OLYMPIC PARK AUTHORITY TRAFFIC GUIDANCE SCHEMES




MARJORIE JACKSON PKWY
ROAD CLOSED
ONLY
BENNELONG PKWY
PREPARE TO STOP
ROAD CLOSED AHEAD
DATE: 28/05/2008
AUTHOR: Nick Karaiskos
CARD No: 2253011301
TYPE: Orange Card
PLAN No: 00488
TITLE: Marjorie Jackson Pkwy Closure - Bennelong Pkwy
NOTES:
INSTALLED AS PER PLAN
RECEIVED BY
LEGEND
BLACK AND YELLOW BARRIER
VMS
PIPE AND CITYLINK (PERMANENT EQUIPMENT)
SIGN
BUS STOP
BOLLARDS AND CHEVRON
TRAFFIC CONTROLLER
POLICE
MARSHALL
SydneyOlympicPark
DISCLAIMER:

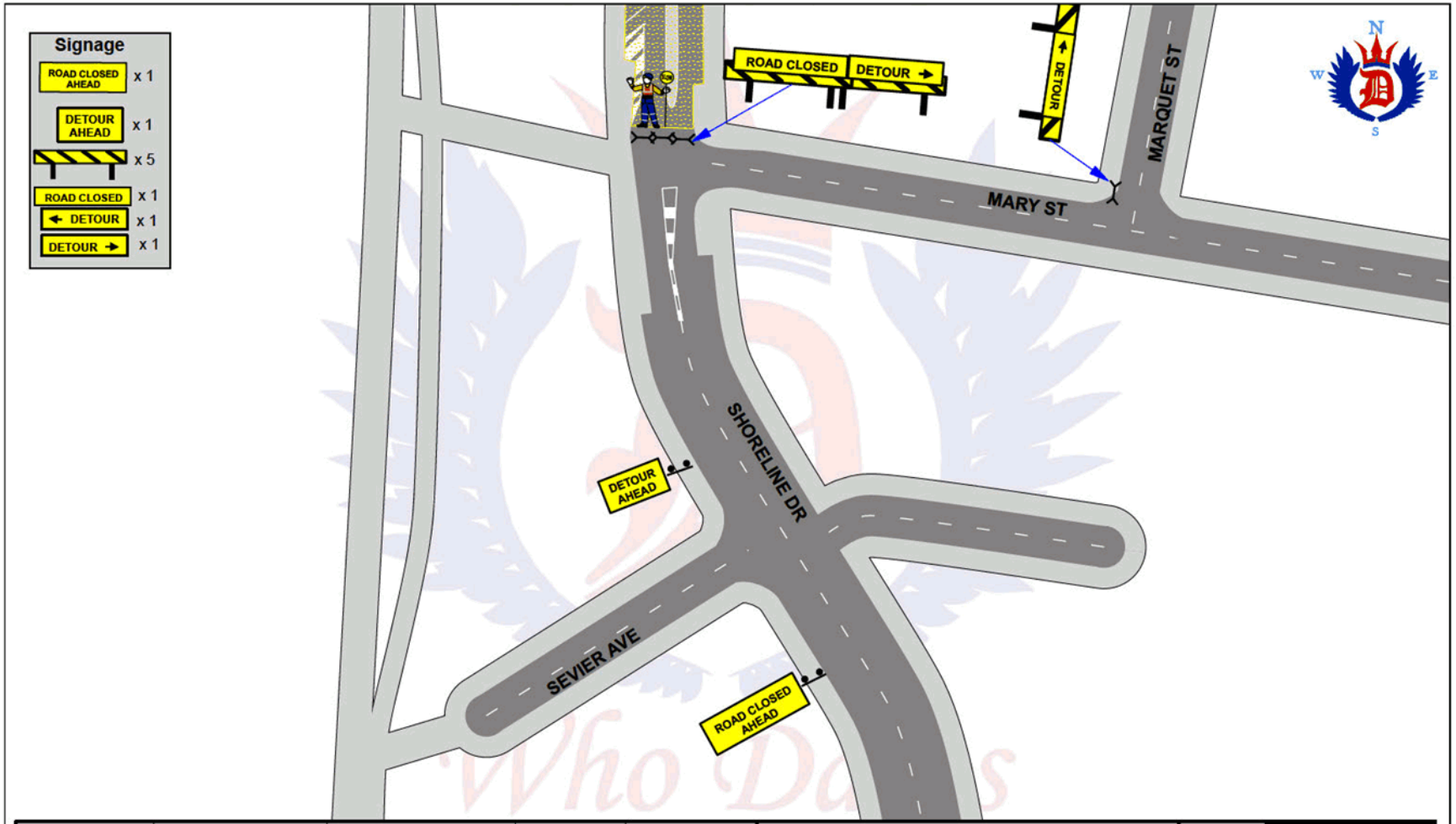
TRUE SPORTS EVENTS
BILLGERGIA BENNELONG BRIDGE RUN
SUNDAY 9th OCTOBER 2022
TRAFFIC GUIDANCE SCHEMES

TGS 01 Shoreline Dr & Mary St
TGS 02 Shoreline Dr & Gauthorpe St
TGS 03 Footbridge Blvd & Wentworth Pl
TGS 04a Waterways St, Burroway Rd & Hill St
TGS 04b Waterways St, Burroway Rd & Hill St
TGS 04c Waterways St, Burroway Rd & Hill St
TGS 05 Hill St & Benelong Pkwy
TGS 06 Hill St & P5 Loop Rd
TGS 07 Hill St & Ave of Ocieana
TGS 08 Holker St & Jamieson St
TGS 09 VMS locations
TGS 10 Detour map

Who Dares

Version 1.0

Revised 03 Jun 22



AGENCY	PRIMARY TASK	SECONDARY TASK	STAFF ON-SITE	TIME
TfNSW				
POLICE				
WHO DARES	Monitor Closure	Deliver Signage	1	0500 - 1000
MARSHAL				

BILLGERGIA BENNELONG BRIDGE RUN
Shoreline Drive & Mary Street
RHODES

Revised 03 Jun 22

TGS	01
DATE	Sun 9th Oct 2022

Drawn by: Tim Emslie
SafeWork PWZ Card No. TCT0073149
for Who Dares Pty Ltd
Signature:

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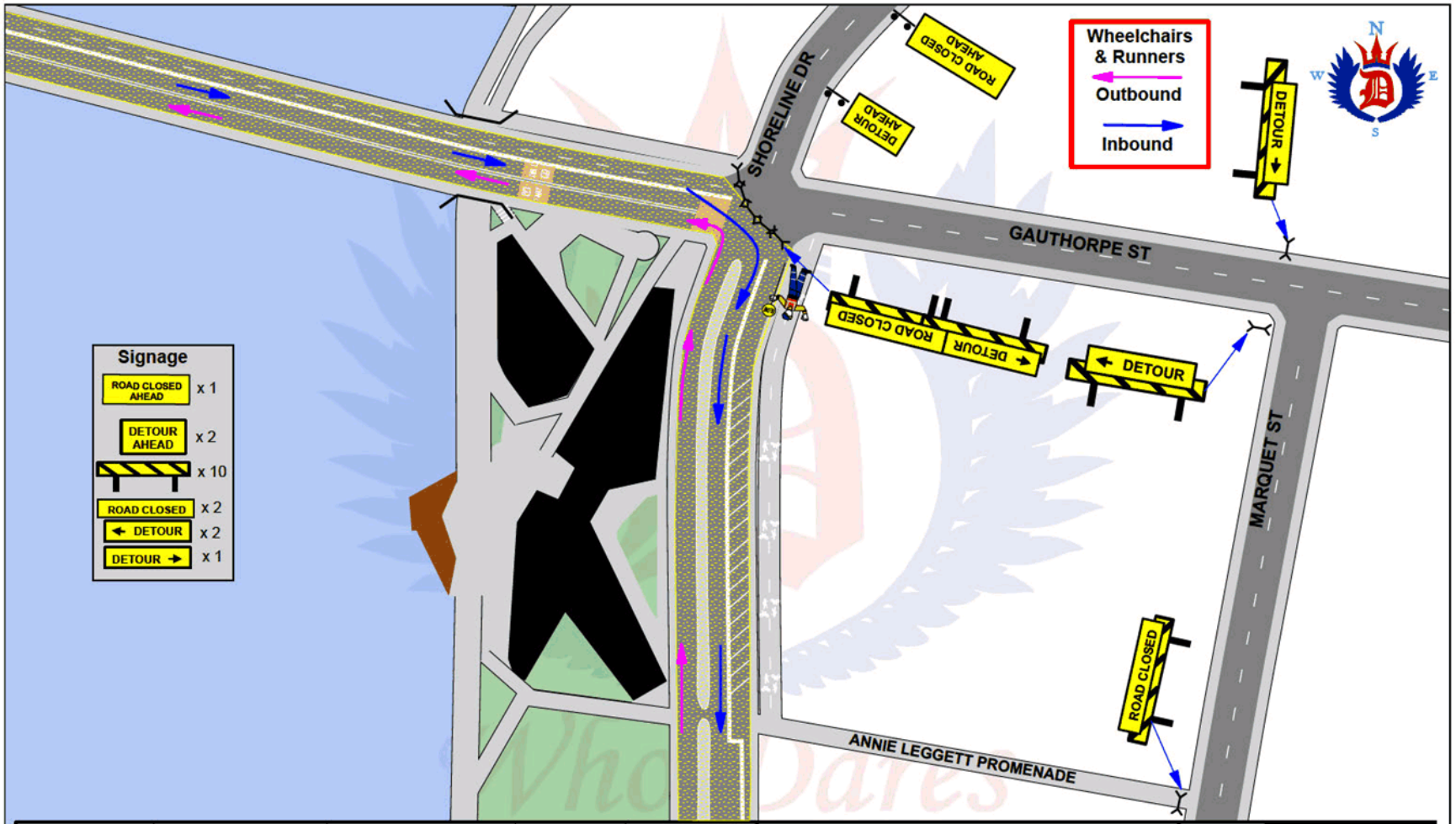

AGENCY	PRIMARY TASK	SECONDARY TASK	STAFF ON-SITE	TIME
TMC				
POLICE				
WHO DARES	Monitor Closure	Deliver Signage	1	0500 - 1000
MARSHAL				

BILLGERGIA BENNELONG BRIDGE RUN

Shoreline Drive & Gauthorpe Street
RHODES

Revised 03 Jun 22

TGS	02
DATE	Sun 9th Oct 2022

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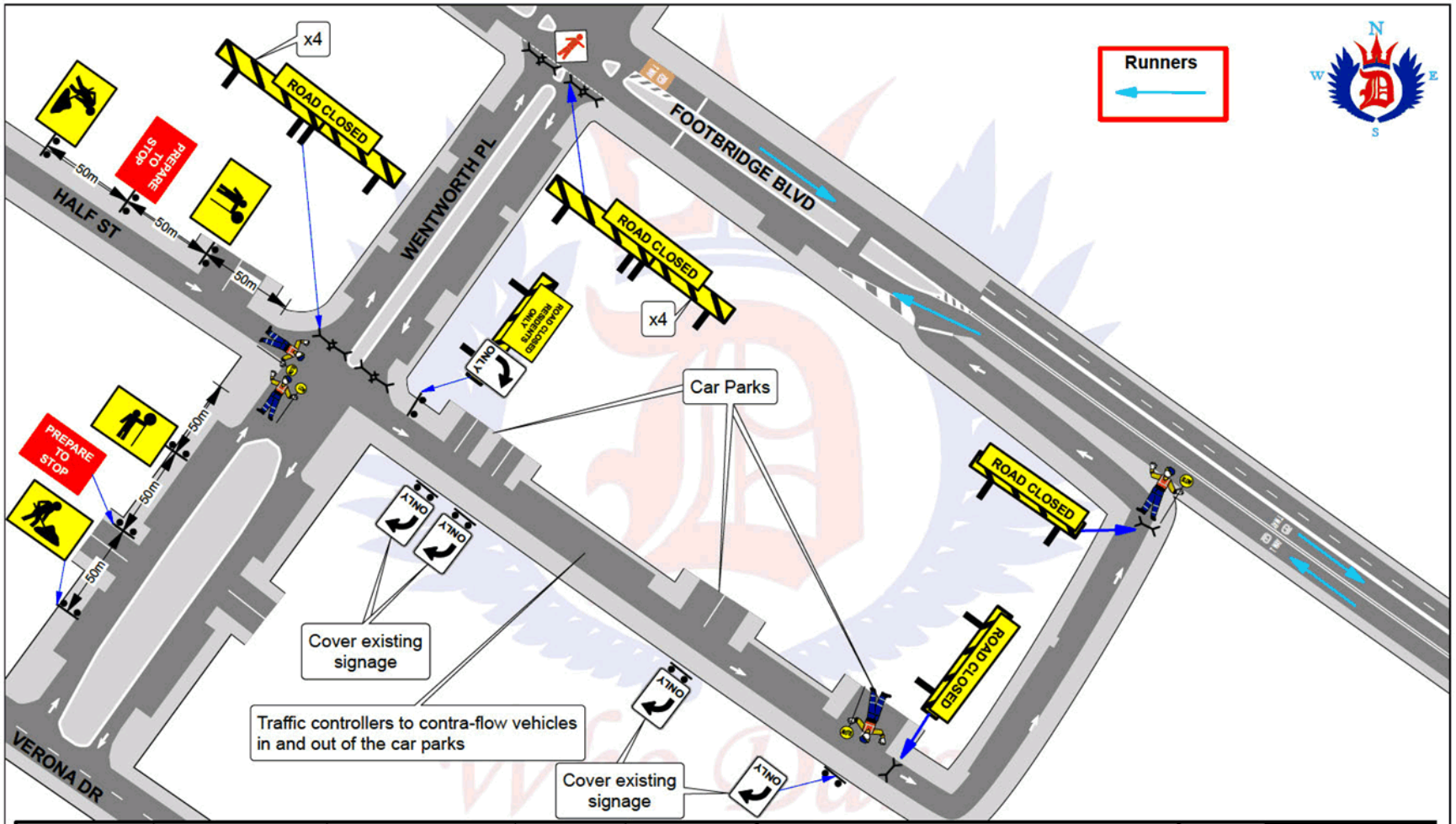

AGENCY	PRIMARY TASK	SECONDARY TASK	STAFF ON-SITE	TIME
TMC				
POLICE				
WHO DARES	Monitor Closures	Contraflow Vehicles out of Carparks	4	0500 - 1000
MARSHAL	Monitor Closures		1	0500 - 1000

BILLGERGIA BENNELONG BRIDGE RUN

Footbridge Boulevard & Wentworth Place
WENTWORTH POINT

Revised 03 Jun 22

TGS	03
DATE	Sun 9th Oct 2022

Drawn by: Tim Emslie
SafeWork PWZ Card No. TCT0073149
for Who Dares Pty Ltd

Signature: [redacted]

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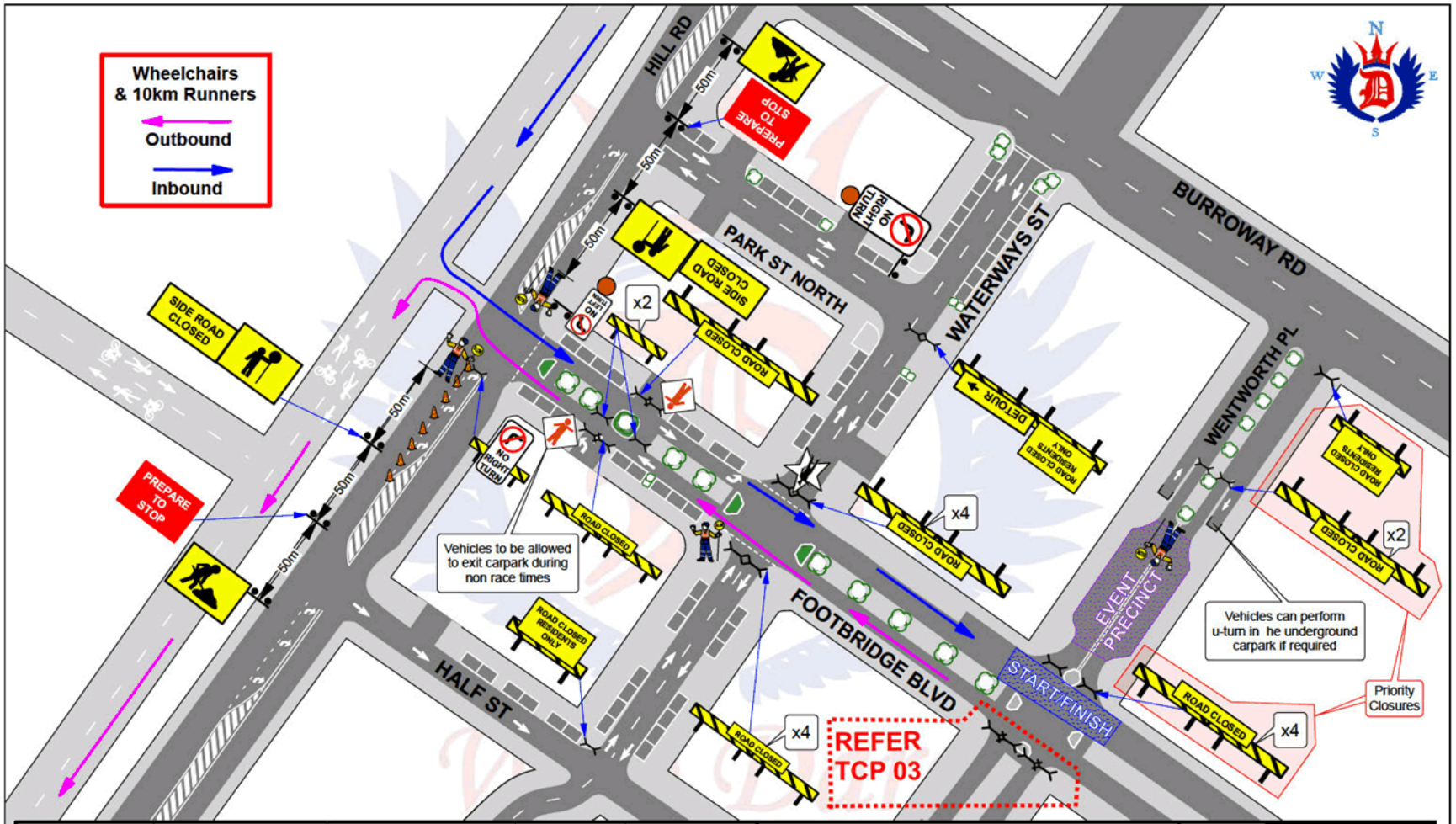

AGENCY	PRIMARY TASK	SECONDARY TASK	STAFF ON-SITE	TIME
TfNSW				
POLICE	Monitor Closures		1	0500 - 0900
WHO DARES	Monitor Closures & Control Traffic	Deliver Signage	4	0500 - 0900
MARSHAL	Monitor Closures		2	0500 - 0900

BILLGERGIA BENNELONG BRIDGE RUN

Footbridge Boulevard, Hill Road & Waterways Street
WENTWORTH POINT

Revised 03 Jun 22

TGS	04A
DATE	Sun 9th Oct 2022

Drawn by: Tim Emslie
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for Who Dares Pty Ltd
Signature: [redacted]

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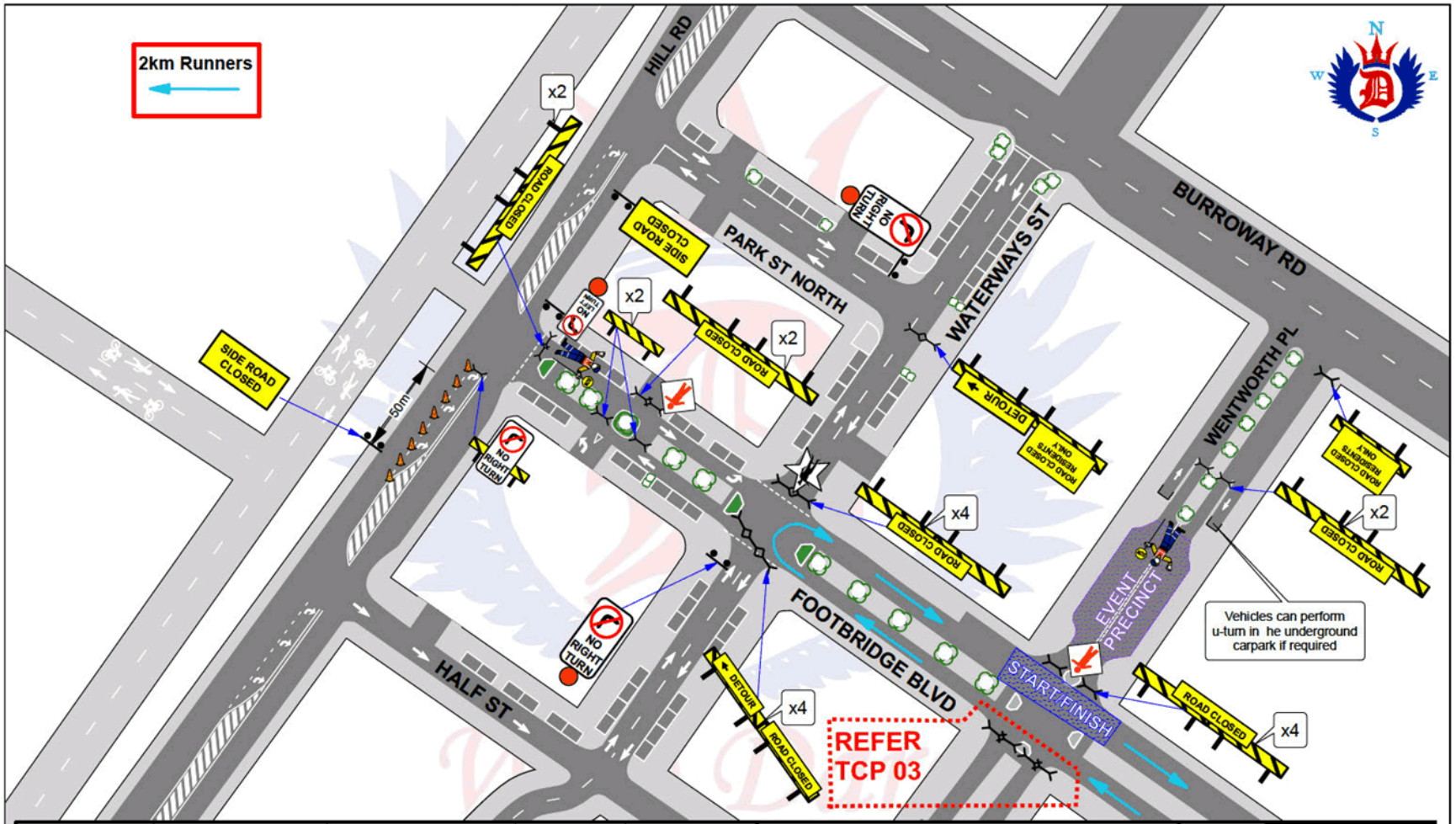

AGENCY	PRIMARY TASK	SECONDARY TASK	STAFF ON-SITE	TIME
TfNSW				
POLICE	Monitor Closures		1	0900 - 1000
WHO DARES	Monitor Closures	Deliver Signage	2	0900 - 1000
MARSHAL	Monitor Closures		2	0900 - 1000

BILLGERGIA BENNELONG BRIDGE RUN

Footbridge Boulevard, Hill Road & Waterways Street
WENTWORTH POINT

Revised 03 Jun 22

TGS	04B
DATE	Sun 9th Oct 2022

Drawn by: Tim Emslie
SafeWork PWZ Card No. TCT0073149
for Who Dares Pty Ltd
Signature: [redacted]

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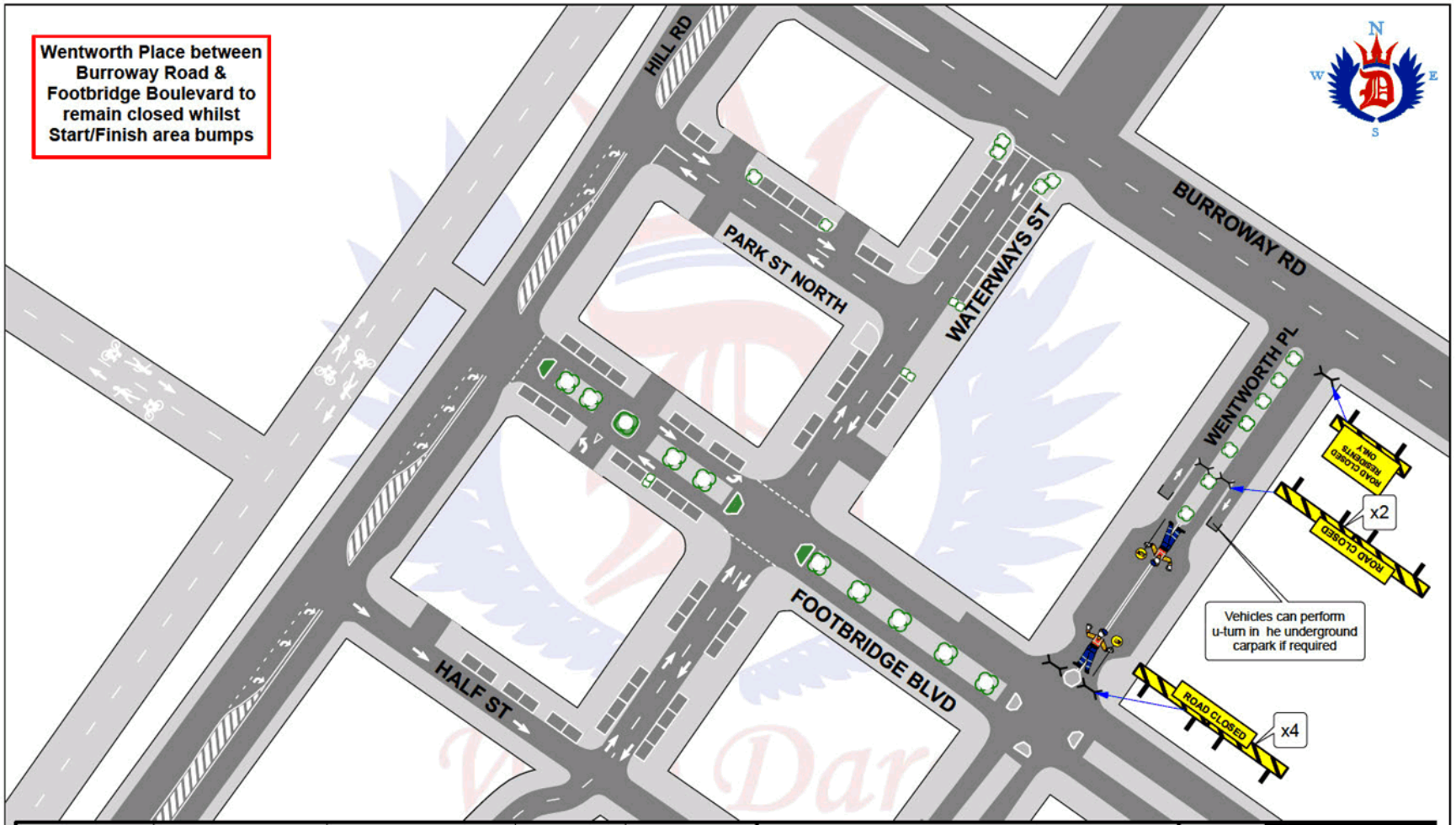

AGENCY	PRIMARY TASK	SECONDARY TASK	STAFF ON-SITE	TIME
TfNSW				
POLICE				
WHO DARES	Monitor Closures	Deliver Signage	2	1000 - 1100
MARSHAL				

BILLGERGIA BENNELONG BRIDGE RUN

Footbridge Boulevard, Hill Road & Waterways Street
WENTWORTH POINT

Revised 03 Jun 22

TGS	04C
DATE	Sun 9th Oct 2022

Drawn by: Tim Emslie
SafeWork PWZ Card No. TCT0073149
for Who Dares Pty Ltd

Signature: [redacted]

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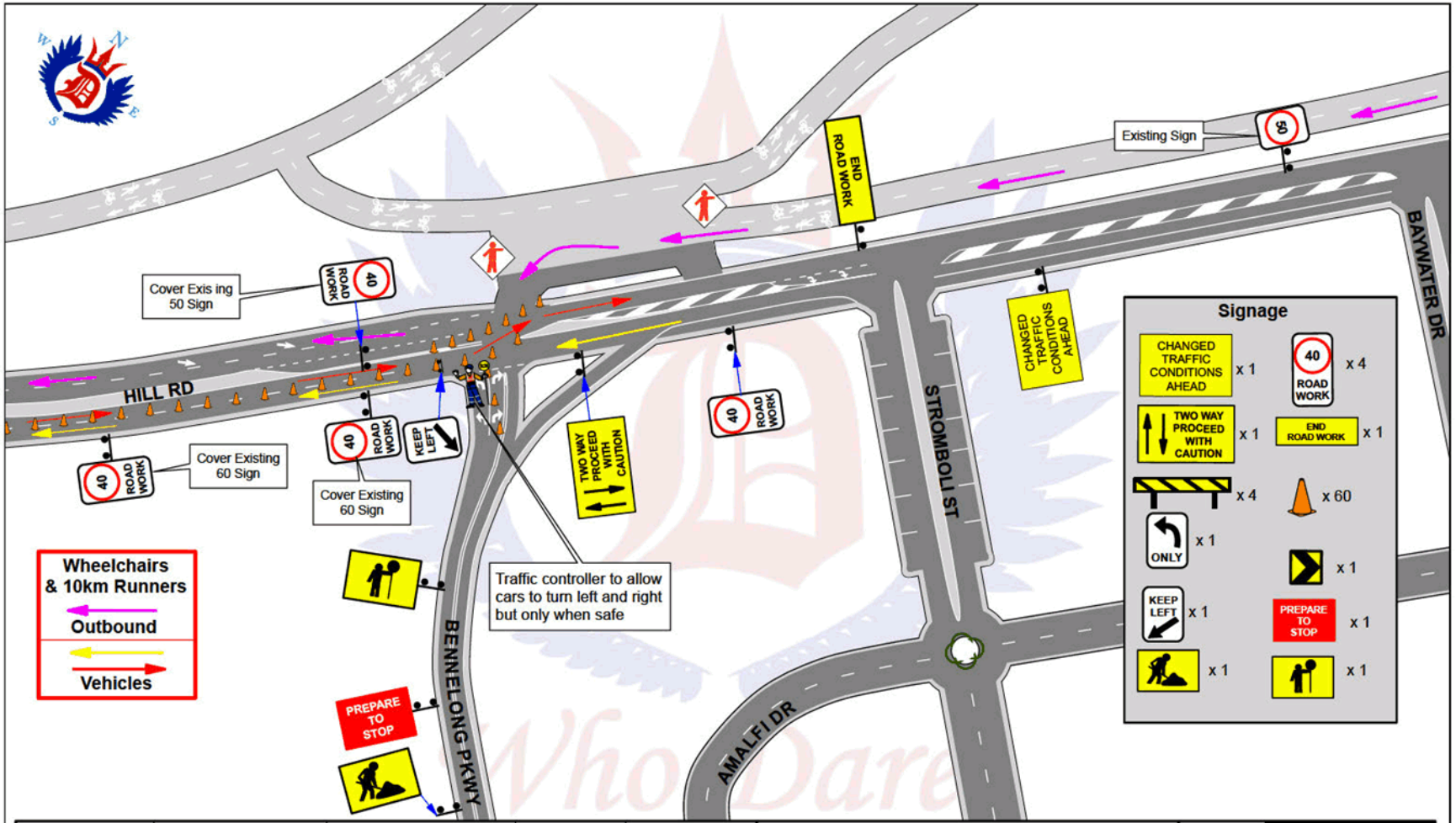

AGENCY	PRIMARY TASK	SECONDARY TASK	STAFF ON-SITE	TIME
TfNSW				
POLICE				
WHO DARES	Monitor & Direct Traffic	Deliver & Install Infrastructure	1	0500 - 1000
MARSHAL	Direct Event Participants		2	0500 - 1000

BILLGERGIA BENNELONG BRIDGE RUN
Hill Road & Bennelong Parkway
WENTWORTH POINT

Revised 03 Jun 22

TGS	05
DATE	Sun 9th Oct 2022

Drawn by: Tim Emslie
SafeWork PWZ Card No. TCT0073149
for Who Dares Pty Ltd
Signature: [redacted]

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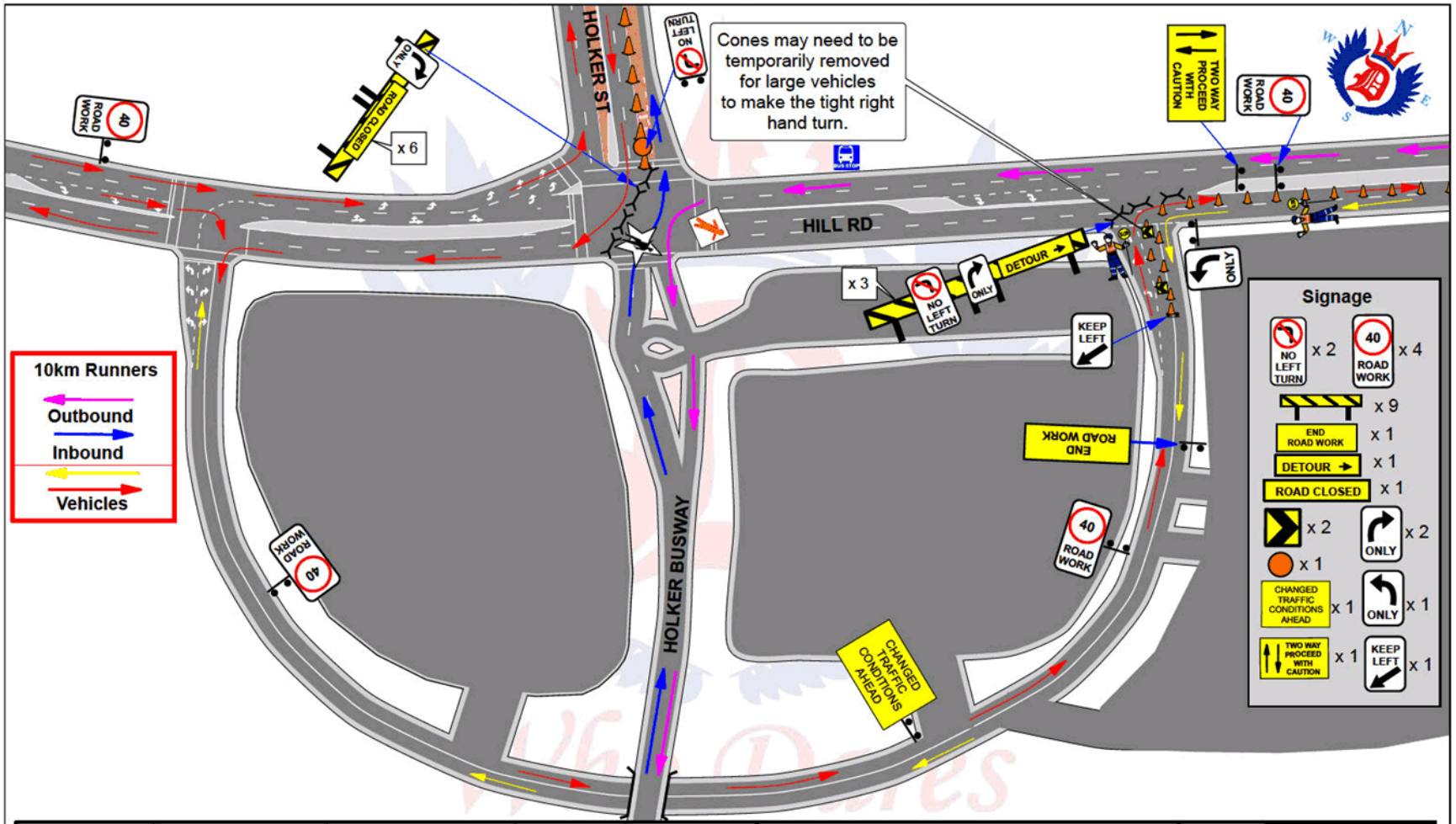

AGENCY	PRIMARY TASK	SECONDARY TASK	STAFF ON-SITE	TIME
TfNSW				
POLICE	Monitor Closure		1	0500 - 1000
WHO DARES	Monitor & Direct Traffic	Deliver Signage	2	0500 - 1000
MARSHAL	Direct Event Participants		1	0500 - 1000

BILLGERGIA BENNELONG BRIDGE RUN

Hill Road, Holker Street & P5 Loop Road

SYDNEY OLYMPIC PARK

Revised 03 Jun 22

TGB	06
DATE	Sun 9th Oct 2022

Drawn by: Tim Emslie
SafeWork PWZ Card No. TCT0073149
for Who Dares Pty Ltd
Signature: [redacted]

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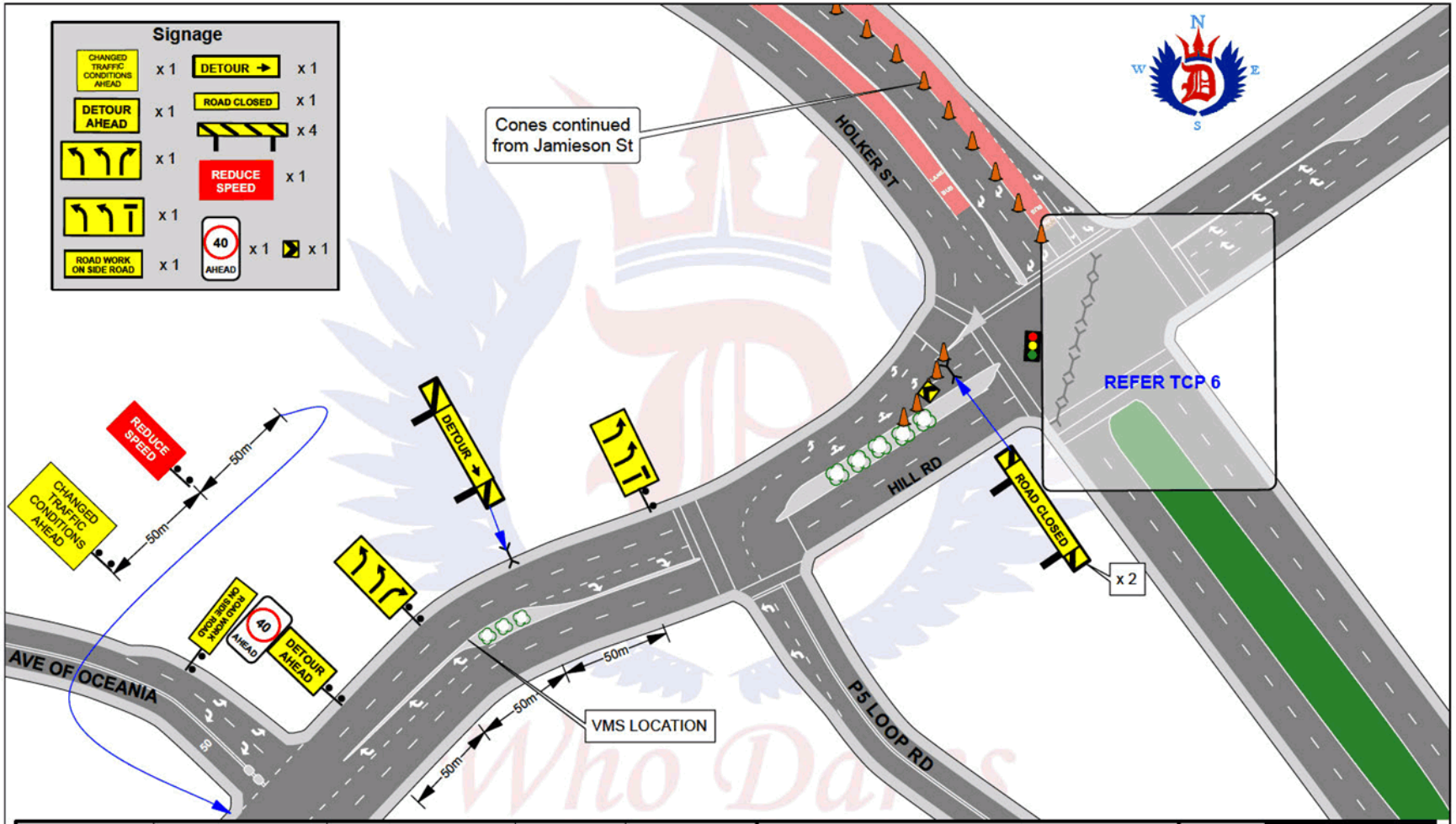

AGENCY	PRIMARY TASK	SECONDARY TASK	STAFF ON-SITE	TIME
TMC				
POLICE				
WHO DARES	Monitor Traffic	Deliver Signage	1	0500 - 1000
MARSHAL				

BILLGERGIA BENNELONG BRIDGE RUN
Hill Road & Avenue of Oceania
SYDNEY OLYMPIC PARK

Revised 03 Jun 22

TGS	07
DATE	Sun 9th Oct 2022

Drawn by: Tim Emslie
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Signature: [redacted]

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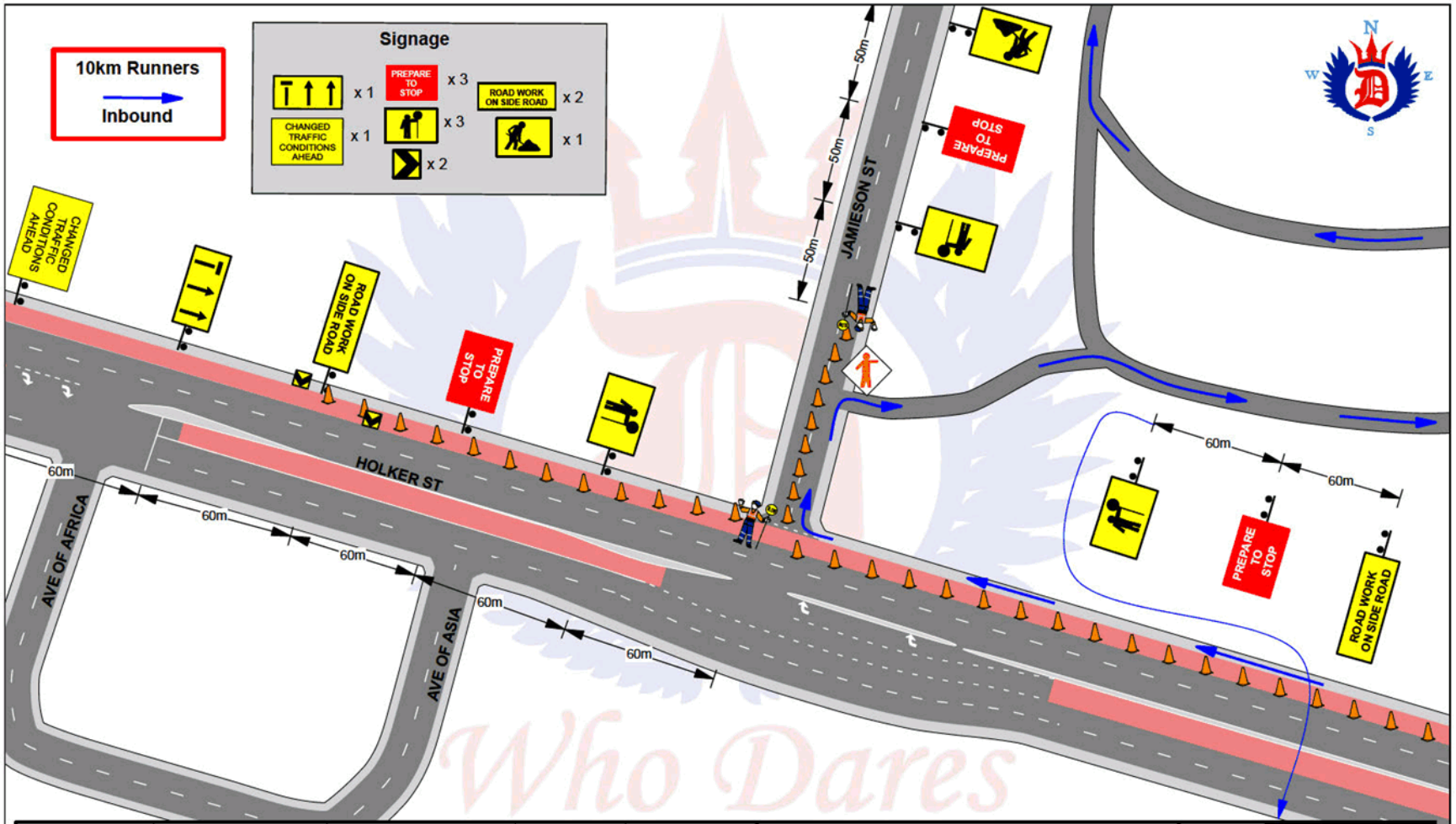

AGENCY	PRIMARY TASK	SECONDARY TASK	STAFF ON-SITE	TIME
TfNSW				
POLICE				
WHO DARES	Manage Traffic in/out of Jamison Road	Deliver Signage	2	0500 - 1000
MARSHAL	Direct Event Participants		1	0500 - 1000

BILLGERGIA BENNELONG BRIDGE RUN
Holker Street & Jamison Road
SYDNEY OLYMPIC PARK

Revised 03 Jun 22

TGS	08
DATE	Sun 9th Oct 2022

Drawn by: Tim Emslie
SafeWork PWZ Card No. TCT0073149
for Who Dares Pty Ltd
Signature: [redacted]

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PRIOR TO EVENT	EVENT DAY (BEFORE ROAD CLOSURES)	EVENT DAY (DURING ROAD CLOSURES)
From Fri 30th Sep till 23:59 on Sat 8th Oct	Displayed from 00:00 till 05:00 on Sun 9th Oct	Displayed from 05:00 till 10:00 on Sun 9th Oct
SCREEN 1: ROAD CLOSED SUN 16 FEB 5am - 10am	SCREEN 1: ROAD CLOSED TODAY 5am - 10am	SCREEN 1: SPECIAL EVENT TODAY ROAD CLOSED
	SCREEN 2: WENTWORTH POINT DETOUR VIA P5 LOOP RD	SCREEN 2: WENTWORTH POINT DETOUR VIA P5 LOOP RD

PRIOR TO EVENT	EVENT DAY (BEFORE ROAD CLOSURES)
From Fri 30th Sep till 23:59 on Sat 8th Oct	Displayed from 00:00 till 10:00 on Sun 9th Oct
SCREEN 1: ROAD CLOSED SUN 16 FEB 5am - 10am	SCREEN 1: SPECIAL EVENT TODAY 5am - 10am
SCREEN 2: CHANGED TRAFFIC CONDITIONS	SCREEN 2: CHANGED TRAFFIC CONDITIONS

AGENCY	PRIMARY TASK	SECONDARY TASK	STAFF ON-SITE	TIME
TfNSW				
POLICE				
WHO DARES				
TRUE SPORTS EVENTS	Supply VMS Boards			

BILLGERGIA BENNELONG BRIDGE RUN
Holker Street & Jamison Road
SYDNEY OLYMPIC PARK

Revised 03 Jun 22

TGS	09
DATE	Sun 9th Oct 2022

Drawn by: Tim Emslie
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for Who Dares Pty Ltd
Signature: [redacted]

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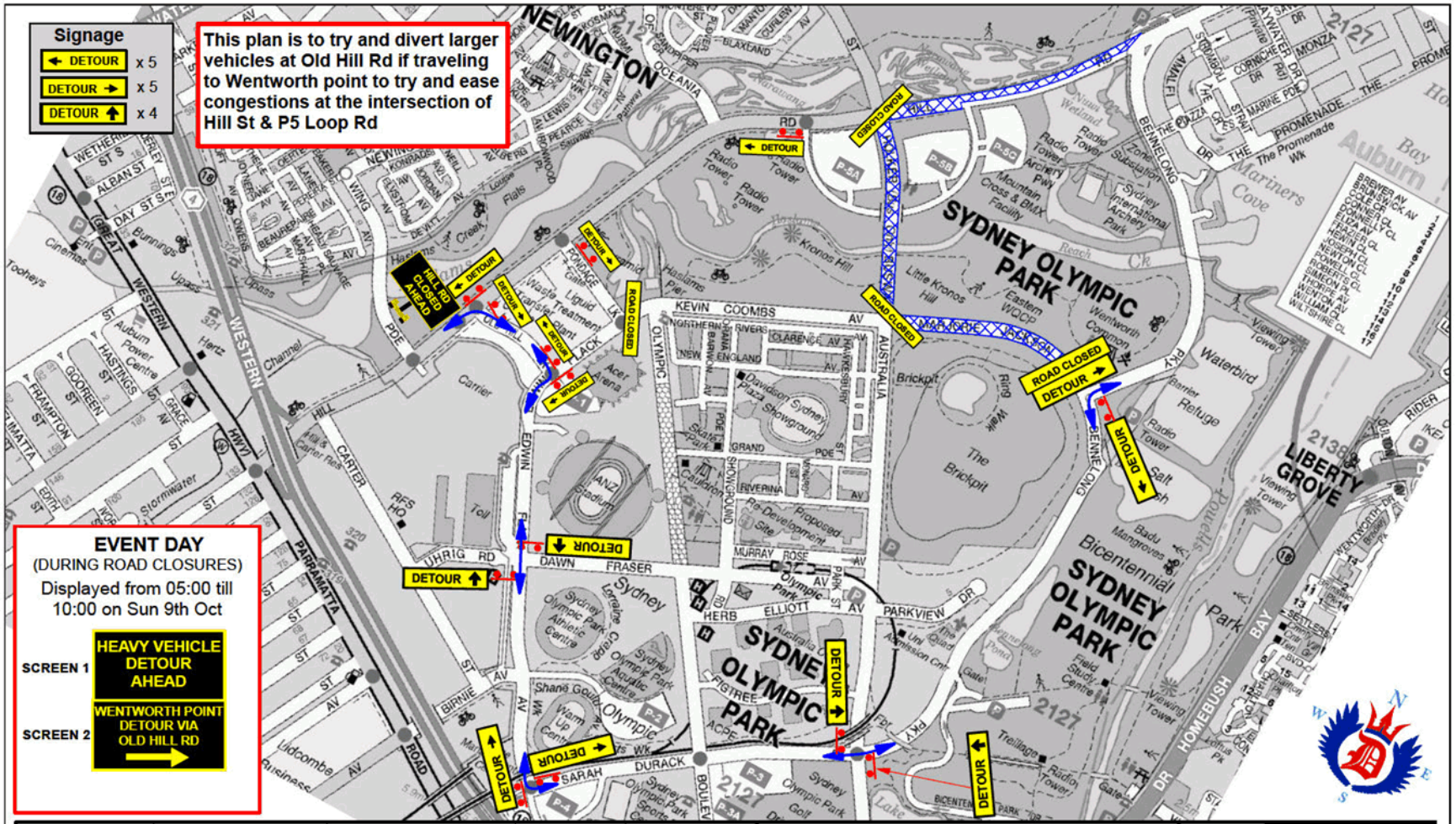

AGENCY	PRIMARY TASK	SECONDARY TASK	STAFF ON-SITE	TIME
TfNSW				
POLICE				
WHO DARES	Deliver Signage			0500 - 1000
MARSHAL				

BILLGERGIA BENNELONG BRIDGE RUN

Detour Map

SYDNEY OLYMPIC PARK

Revised 03 Jun 22

TGS	10
DATE	Sun 9th Oct 2022

Drawn by: Tim Emslie
SafeWork PWZ Card No. TCT0073149
for Who Dares Pty Ltd
Signature: [redacted]

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CITY OF PARRAMATTA COUNCIL

Parramatta Traffic Committee Agenda Item

ITEM NO:	2207 A2
SUBJECT:	Proposed Car Share Parking Spaces - Wentworth Point
APPLICANT:	GoGet Car Share Service Provider
REPORT OF:	Traffic and Transport Engineer
WARD:	Rosehill
SED:	Parramatta

PURPOSE

City of Parramatta Council has received an application from car share provider GoGet for the installation of eight (8) dedicated car share parking spaces in Granville, Harris Park, North Parramatta, Parramatta, and Wentworth Point. Six (6) of these parking spaces were considered in the Parramatta Traffic Committee (PTC) meeting held on 25 May 2022 and adopted by Council on 27 June 2022. This report reviews the two (2) remaining car share parking spaces, provides feedback received from community consultation and seeks approval for their installation.

OFFICER'S RECOMMENDATION:

1. That two (2) GoGet car share spaces be installed in Wentworth Point as detailed below:
    i. North side of Bennelong Parkway east of The Piazza, Wentworth Point
    ii. South side of Burroway Road west of Waterways Street, Wentworth Point
2. That a review of the usage of each individual car share space be carried out as part of the annual renewal of the car share spaces.

Background

City of Parramatta Council has received an application from car share provider GoGet for the installation of eight (8) dedicated car share parking spaces in Granville, Harris Park, North Parramatta, Parramatta, and Wentworth Point. The Parramatta Traffic Committee (PTC) at its meeting held on 25 May 2022 considered a report regarding this request (refer to attached PTC report 2205 A3). Council at its meeting on 27 June 2022 considered the PTC recommendations and resolved in-part:

1. That the two (2) GoGet car share spaces proposed in the below locations be deferred to the next meeting to provide further details on the consultation undertaken:
    i. North side of Bennelong Parkway east of The Piazza, Wentworth Point
    ii. South side of Burroway Road west of Waterways Street, Wentworth Point
2. That six (6) GoGet car share spaces be installed in Granville, Harris Park, North Parramatta, Parramatta and Wentworth Point as detailed below:
    i. South side of East Street east of Bridge Street, Granville
    ii. South side of Cowper Street east of Bold Street, Granville
    iii. North side of Una Street east of Wigram Street, Harris Park
    iv. North side of Isabella Street west of Buller Street, North Parramatta
    v. North side of Early Street east of Marsden Street, Parramatta
    vi. East side of Hill Road north of Stromboli Strait, Wentworth Point

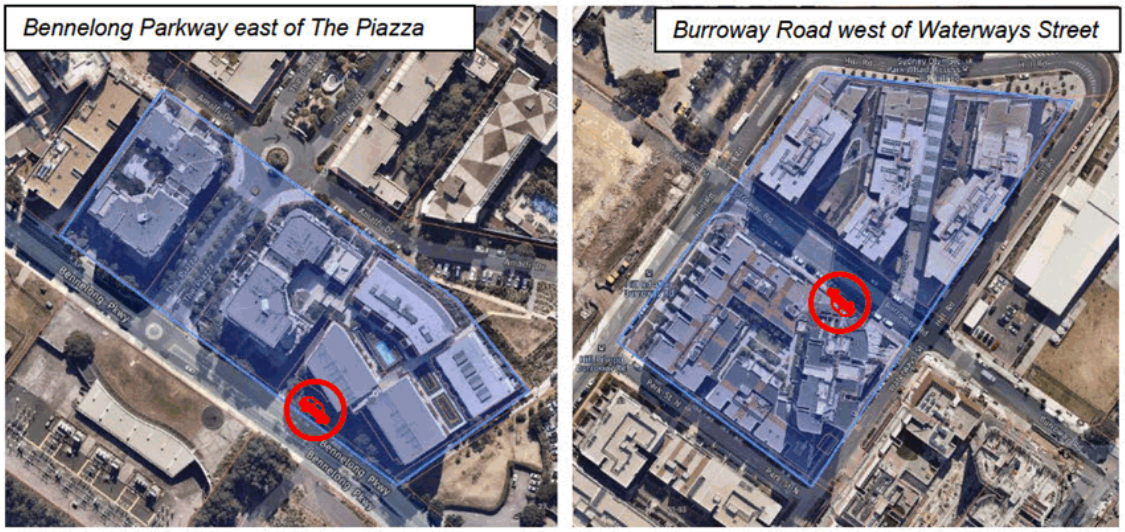
Community Consultation

Community consultation has been carried out through a letterbox drop to Strata located within approximately 50m of the proposed car share parking spaces on the:

i. North side of Bennelong Parkway east of The Piazza, Wentworth Point
ii. South side of Burroway Road west of Waterways Street, Wentworth Point

Council received no responses.

Considering the above, it is proposed that two (2) car share spaces be installed in Wentworth Point.



Legend	
	Proposed car share space
	Strata/Owner letterbox mailout area

Figure 1: Proposed car share parking spaces and mailout area

FINANCIAL IMPLICATIONS

According to 2021/22 Fees and Charges schedule, an initial application fee of $408.91 and annual renewal application fee of $163.77 will apply for the installation of each dedicated car share parking space in the Parramatta LGA outside the Parramatta CBD Core. These fees include the costs of installation, maintenance and removal of car share spaces.

[redacted]

Randil Pohorambage
Traffic and Transport Engineer
1/07/2022

Attachments – 1. PTC 2205 A3

CITY OF PARRAMATTA COUNCIL

Parramatta Traffic Committee Agenda Item

ITEM NO:	2205 A3
SUBJECT:	Granville, Harris Park, North Parramatta, Parramatta and Wentworth Point - Proposed Car Share Parking Spaces
APPLICANT:	City of Parramatta Council
REPORT OF:	Traffic and Transport Engineer
WARD:	Dundas & Rosehill
SED:	Parramatta

PURPOSE

City of Parramatta Council has received an application from car share provider GoGet for the installation of eight (8) dedicated car share parking spaces in Granville, Harris Park, North Parramatta, Parramatta and Wentworth Point. This report reviews this request, provides feedback received from community consultation and seeks approval for the installation of eight (8) dedicated car share parking spaces.

OFFICER'S RECOMMENDATION:

1. That eight (8) GoGet car share spaces be installed in Granville, Harris Park, North Parramatta, Parramatta and Wentworth Point as detailed below:
    i. South side of East Street east of Bridge Street, Granville
    ii. South side of Cowper Street east of Bold Street, Granville
    iii. North side of Una Street east of Wigram Street, Harris Park
    iv. North side of Isabella Street west of Buller Street, North Parramatta
    v. North side of Early Street east of Marsden Street, Parramatta
    vi. East side of Hill Road north of Stromboli Strait, Wentworth Point
    vii. North side of Bennelong Parkway east of The Piazza, Wentworth Point
    viii. South side of Burroway Road west of Waterways Street, Wentworth Point
2. That a review of the usage of each individual car share space be carried out as part of the annual renewal of the car share spaces.

<u>Background</u>

City of Parramatta received a request from car share provider GoGet, for the installation of eight (8) dedicated car share parking spaces in Granville, Harris Park, North Parramatta, Parramatta and Wentworth Point (as listed in Table 1). Table 1 also includes the number of GoGet members that live or work within 250m of the proposed car share spaces. Locations of these proposed car parking spaces and the existing car share spaces installed in nearby streets for GoGet and Popcar are also shown in Figures A1-A5 in Attachment 1 of this report.

attachment

No.	Suburb	Location	Members within 250m
(i)	Granville	South side of East Street east of Bridge Street	26
(ii)		South side of Cowper Street east of Bold Street	7
(iii)	Harris Park	North side of Una Street east of Wigram Street	206
(iv)	North Parramatta	North side of Isabella Street west of Buller Street	24
(v)	Parramatta	North side of Early Street east of Marsden Street	92
(vi)	Wentworth Point	East side of Hill Road north of Stromboli Strait	84
(vii)		North side of Bennelong Parkway east of The Piazza	45
(viii)		South side of Burroway Road west of Waterways Street	328

Table 1: Location and number of members within 250m of the proposed car share parking spaces

Existing Car Share Spaces

Table 2 provides a summary of the existing spaces and their usage in January 2022 including average hours booked per space and number of members utilising these spaces.

Suburb	Dedicated on-street spaces	Floating on-street cars	Spaces within Private Developments	Total No. of spaces/cars	Avg. Hours Booked per space	No. of members
Eastwood	--	3		3	26	63
Epping (east of the railway line)	7		--	8	101.5	686
Epping (west of the railway line)	5	3	--	8	106.8	
Granville	1	--	3	4	54.5	67
Harris Park (near Wigram Street)	1	--	1	2	190.8	108
Lidcombe		--	1	1	331	48
Melrose Park		--	7	7	8.7	19
North Parramatta	7	2	--	9	111.1	163
Parramatta CBD (area bounded by the river, O'Connell St, Parkes St and Macarthur St)	2	--	7	9	51.6	1,375
Parramatta (area bounded by the river, O'Connell St, Victoria Rd and Macarthur St)	5	--	--	5	105.1	
Parramatta (near Morton St Development)	--	3	--	3	123.8	
Parramatta South	--	1	--	1	152	
Rosehill	2	1	--	3	55.3	63
Rydalmere	--	1	--	1	77.5	62
Sydney Olympic Park	--	--	4	4	54	270
Wentworth Point	--	--	13	13	107.2	648
Westmead (near railway station)	6	--	--	6	180.1	207
Westmead (near Lydbrook St)	2	--	--	2	145.3	
Total	**38**	**15**	**36**	**89**	**95.2**	**3779**

Table 2: GoGet car share usage details for January 2022

According to Table 2, GoGet has 89 car share vehicles within Parramatta LGA. These vehicles are shared with 3779 members, averaging 42.5 members per vehicle. Of the 89 vehicles, 36 are located

Attachment

within private developments, 15 are floating on-street and 38 are dedicated on-street. On average, each of these 89 vehicles were booked for 95.2 hours in the month of January 2022.

In 2020/21, City of Parramatta earned $30,012 from GoGet and $11,619 from Popcar for the existing dedicated on-street and council owned off-street car share parking spaces located within the Parramatta LGA.

Community Consultation

Community consultation has been carried out through a letterbox drop to Strata located within approximately 50m of each individual space.

Council received 2 responses objecting the proposed installation of a car share parking space in Hill Road north of Stromboli Strait, Wentworth Point. Both residents noted that there are limited number of on-street parking in Hill Road and therefore the installation of the car share space would reduce the availability of parking spaces further for residents and visitors.

Details of survey responses and Council Officer's comments are listed in Attachment 2 of this report.

Comments on Survey Respondents' Concerns

The car share spaces are proposed near high-density residential areas in Granville, Harris Park, North Parramatta, Parramatta and Wentworth Point.

It is likely that respondents would not be aware that there are residents living in the area who are members of car share services. Currently, these members are travelling to other areas to access car share vehicles. Providing car share vehicles in the area may encourage more residents to use car sharing as an alternate mode of transport and therefore reduce car ownership and demand for on-street parking.

To address survey respondents' concerns, it is proposed to review the usage of each individual car share space during the annual renewal of the spaces.

Considering the above, it is proposed that the car share spaces be installed in Granville, Harris Park, North Parramatta, Parramatta and Wentworth Point as detailed in Table 1

FINANCIAL IMPLICATIONS

According to 2021/22 Fees and Charges schedule, an initial application fee of $408.91 and annual renewal application fee of $ 163.77 will apply for the installation of each dedicated car share parking spaces in the Parramatta LGA outside the Parramatta CBD Core. These fees include the costs of installation, maintenance and removal of car share spaces.

[redacted]

Randil Pohorambage
Traffic and Transport Engineer
16/05/2022

Attachments –
1. Figures A1-A5: Maps of the proposed and existing car share spaces
2. Feedback received from Stakeholder Consultation and Council Officer's Response

attachment

ATTACHMENT 1

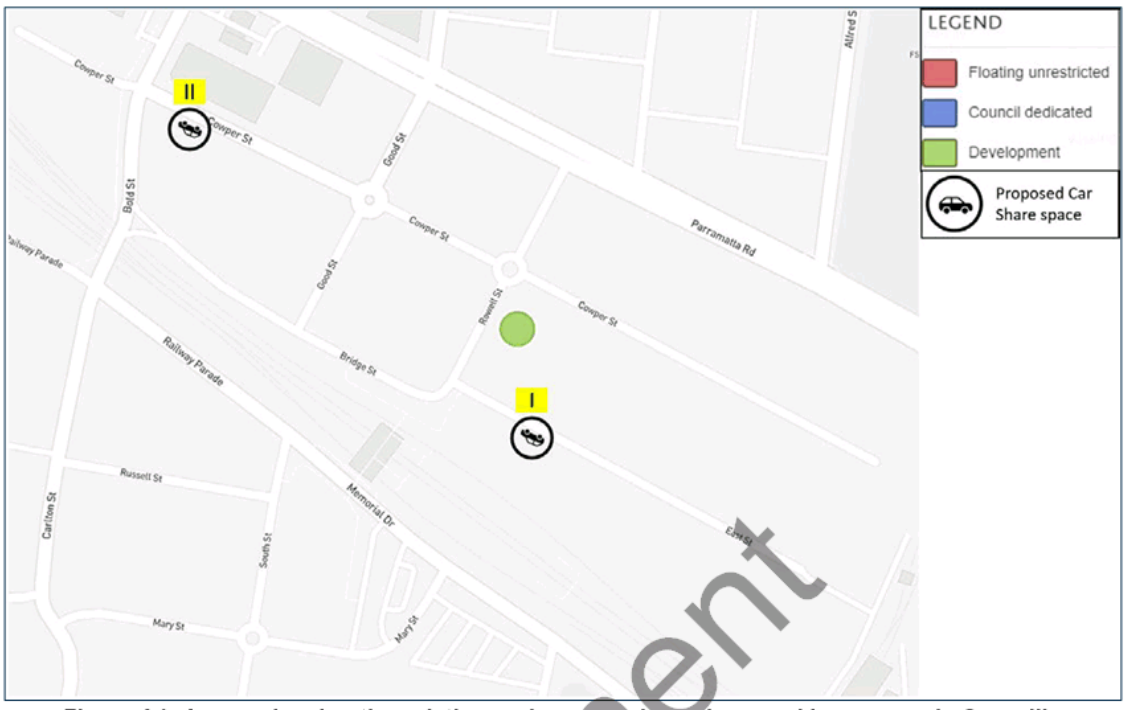


Figure A1: A map showing the existing and propos d car share parking spaces in Granville

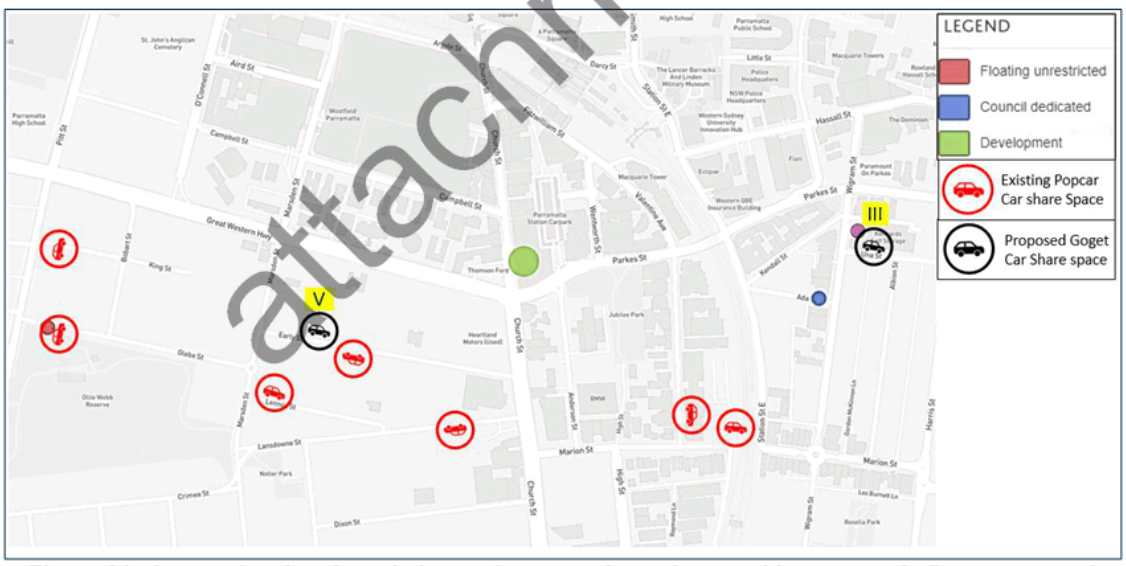


Figure A2: A map showing the existing and proposed car share parking spaces in Parramatta and Harris Park

attachment

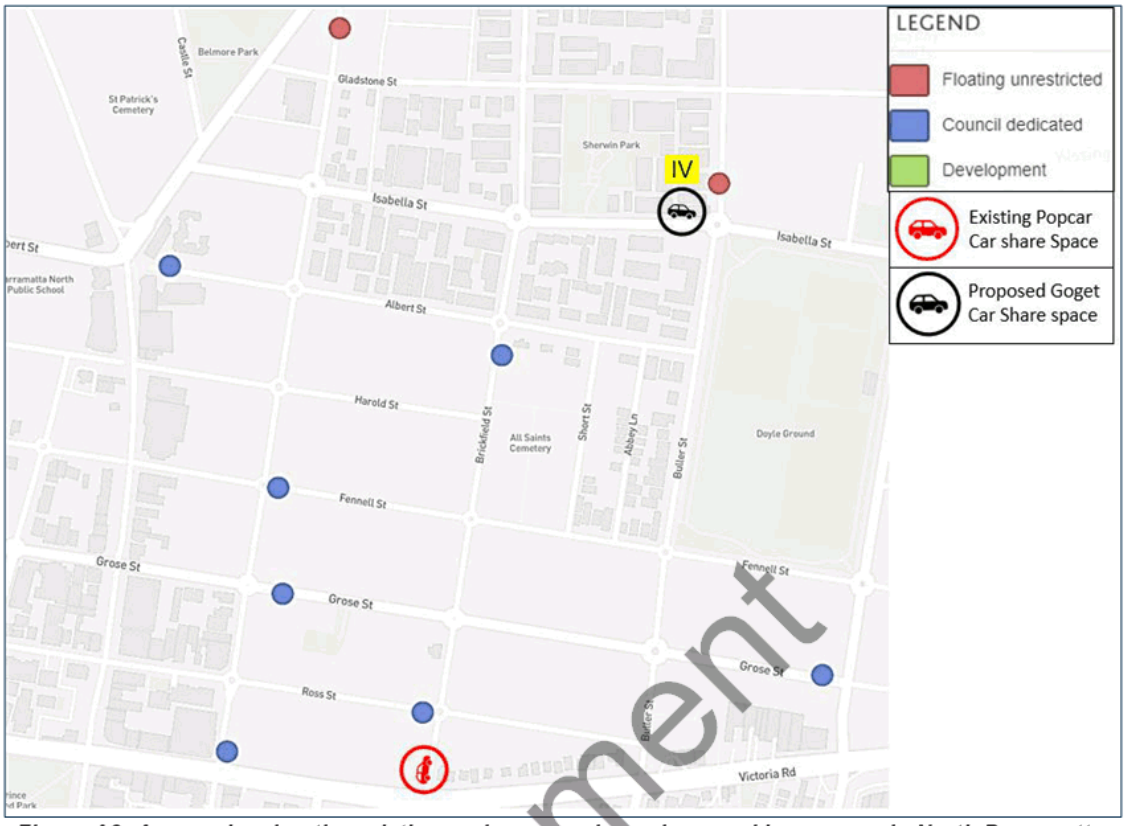


Figure A3: A map showing the existing and proposed car share parking spaces in North Parramatta

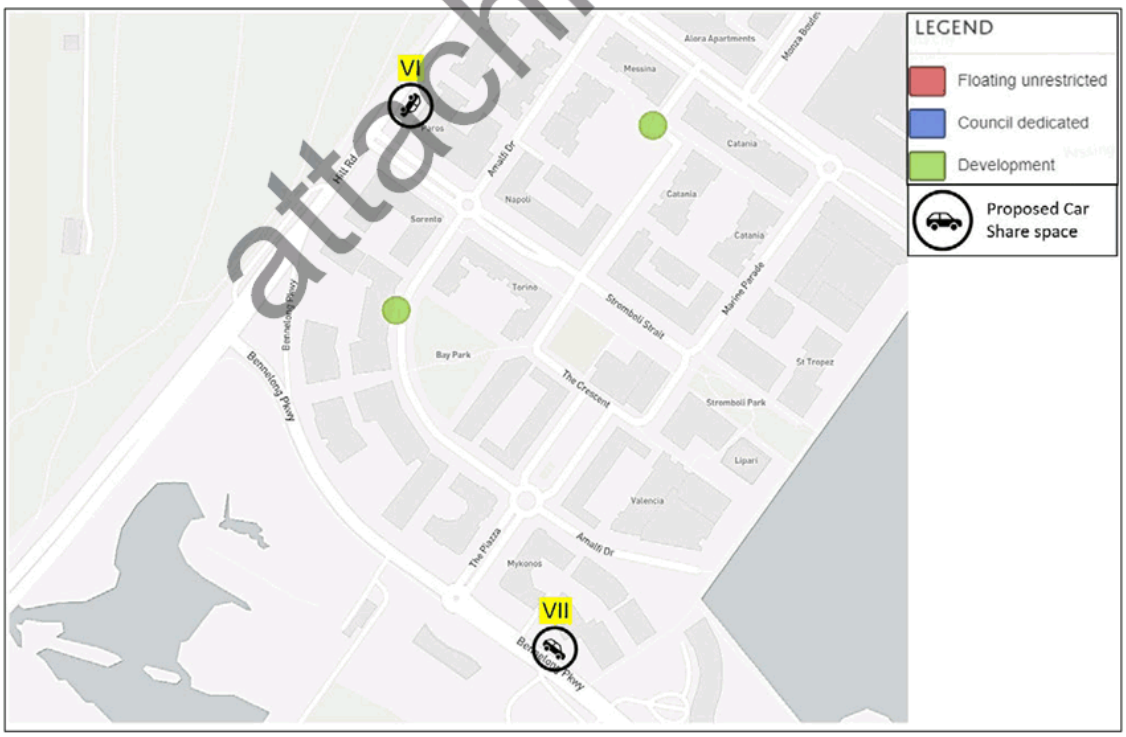


Figure A4: A map showing the existing and proposed car share parking spaces in Wentworth Point south of Baywater Drive

attachment

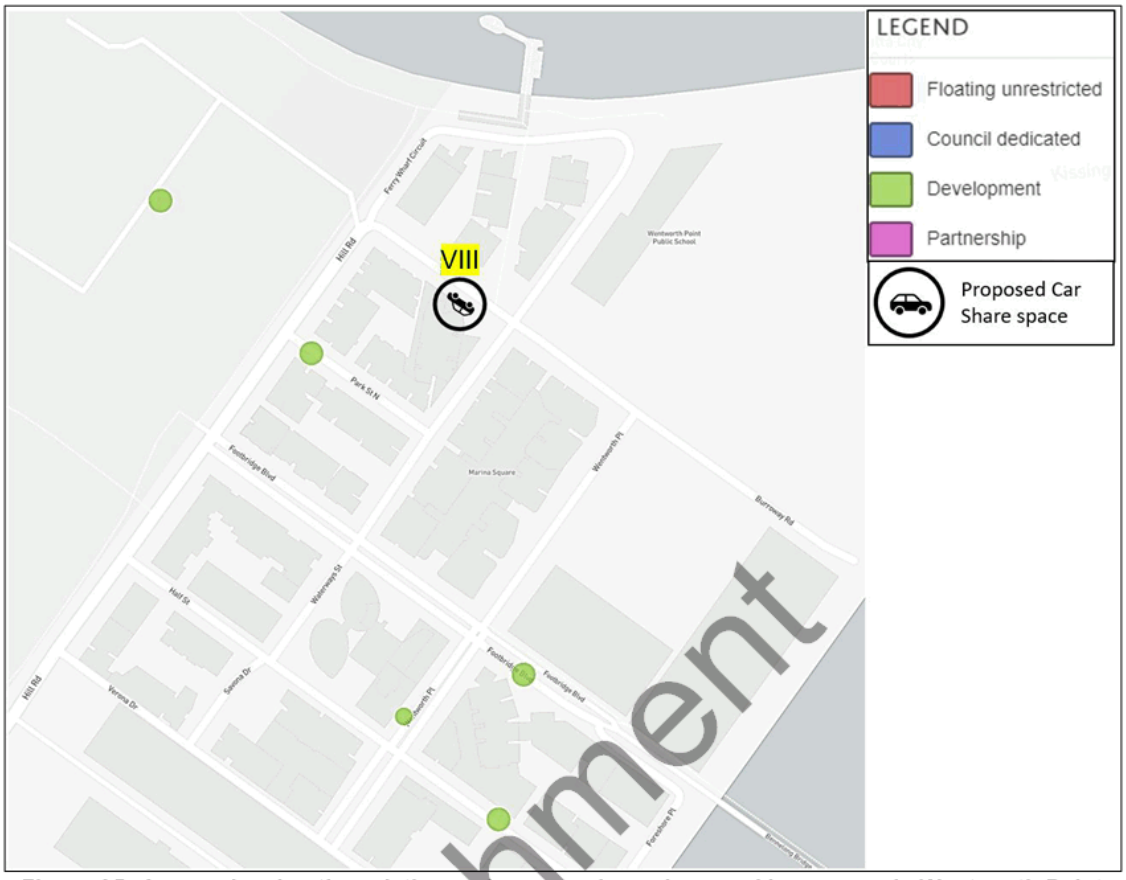


Figure A5: A map showing the existing and proposed car share parking spaces in Wentworth Point north of Baywater Drive

attachment

Attachment 2: Feedback received from Stakeholder consultation and Council Officer's Response

Date	Stakeholder	Stakeholder Comment	Council Officer Response
East side of Hill Road north of Stromboli Strait, Wentworth Point (TS 2021 19)			
2/05/2022	Resident (D08509518)	Not Supported. There is a high demand for on street parking in this area. The proposal would remove an unrestricted parking space from the street and would reduce the capacity of parking spaces for residents and visitors. A better location for a car share space would be the Woo-la-rah angled parking spaces on the west side of Hill Road at Bennelong Parkway.	There are 84 members of car share services living or working within 250m of the proposed car share space on the east side of Hill Road north of Stromboli Strait, Wentworth Point. Currently, these members are travelling to other areas to access car share vehicles. Providing car share vehicles in the area may encourage more residents and local employees to use car sharing as an alternate mode of transport and reduce car ownership. It is to be noted that only one parking space is being removed for the proposed GoGet car share space. The suggested location at the Woo-la-rah angled parking on the west side of Hill Road at Bennelong Parkway will require pedestrians to cross Hill Road when accessing the GoGet car. It is safer to install the parking space on the east side of Hill Road where the high-density residential buildings currently exist.
2/05/2022	Resident (D08511506)	Not Supported. There is a high demand for on street parking in this area. The proposal would remove an unrestricted parking space from the street and would reduce the capacity	Refer to above response

attachment

		of parking spaces for residents and visitors. A better location for a car share space would be the Woo-la-rah angled parking spaces on the west side of Hill Road at Bennelong Parkway.	

attachment

Attachment 3

Parramatta Traffic Committee meeting held on Wednesday 20 July 2022

Consultation & Timing: Items A1 to A2

ITEM 2207 A1 – HILL ROAD AND HOLKER STREET, SYDNEY OLYMPIC PARK AND WENTWORTH POINT – PROPOSED BILLBERGIA BENNELONG BRIDGE RUN ON SUNDAY 9 OCTOBER 2022

Stakeholder Consultation

A record of all submissions and responses is provided in the attachments to the Parramatta Traffic Committee report and Council report on the matter.

The Parramatta Traffic Committee agenda was emailed to the PTC/TEAG mailing list on 14 July 2022 and the meeting was held on 20 July 2022. The comments below were received.

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
20 July 2022	Nazli Tzannes, Representative from Transport for NSW (TfNSW)	Advised the Traffic Management Centre (TMC) had not received an application from the Event Organiser to implement traffic controls in public and private roads. Due to the turnover times at the TMC, she recommended that Council forward the application to them directly if the Event Organiser had not.	The application was emailed by the Traffic Engineer to Nazli Tzannes (TfNSW) after the meeting on 20 July 2022.	Randil Pohorambage Traffic Engineer, City of Parramatta Council

Councillor Consultation

The Parramatta Traffic Committee agenda was emailed to the PTC/TEAG mailing list on 14 July 2022 and the meeting was held on 20 July 2022. The below Councillor comments were received.

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
20 July 2022	No comment except Chairperson support for recommendation	Support recommendation	Mr Richard Searle	Manager Traffic & Transport

ITEM 2207 A2 – PROPOSED CAR SHARE PARKING SPACES, WENTWORTH POINT

Stakeholder Consultation

A record of all submissions and responses is provided in the attachments to the Parramatta Traffic Committee report and Council report on the matter.

The Parramatta Traffic Committee agenda was emailed to the PTC/TEAG mailing list on 14 July 2022 and the meeting was held on 20 July 2022. The comments below were received.

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
20 July 2022	Ms Sarah Thompson, Representative from Dr Geoff Lee,	Ms Thompson, raised concerns that the consultation had not reached the residents in Bennelong Parkway.	It was recommended that this report be deferred to the next PTC meeting and that further consultation on the proposal be undertaken with consultation letters to be sent to the Strata of the affected properties as well as to both the Ward Councilors and the office of Geoff Lee MP.	Mr Richard Searle Manager Traffic & Transport

Councillor Consultation

The Parramatta Traffic Committee agenda was emailed to the PTC/TEAG mailing list on 14 July 2022 and the meeting was held on 20 July 2022. The below Councillor comments were received.

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
20 July 2022	Mr Paul Noack (Chairperson)	Councillor Noack advised that he had undertaken his own consultation on the matter and noted that residents in the area were generally not in favour of the proposed car share spaces on the grounds that Wentworth Point was an expanding community and had a high demand for on-street parking.	It was recommended that this report be deferred to the next PTC meeting and that further consultation on the proposal be undertaken with consultation letters to be sent to the Strata of the affected properties as well as to both the Ward Councilors and the office of Geoff Lee MP.	Mr Richard Searle Manager Traffic & Transport

REPORTS TO COUNCIL - FOR COUNCIL DECISION

ITEM NUMBER	13.2
SUBJECT	Minutes of the Traffic Engineering Advisory Group meeting held on 20 July 2022
REFERENCE	F2021/00521 - D08386337
REPORT OF	Traffic and Transport Manager

CSP THEME: ACCESSIBLE

WORKSHOP/BRIEFING DATE: N/A

PURPOSE:

The purpose of this report is to provide Council with the minutes of the Traffic Engineering Advisory Group meeting held on 20 July 2022 and seek Council approval for the recommendations of the Group.

RECOMMENDATION

(a) **That** Council note the minutes of the Traffic Engineering Advisory Group meeting held on 20 July 2022, as provided at **Attachment 1**.

(b) **Further, that** Council approve the recommendations of the Traffic Engineering Advisory Group meeting held on 20 July 2022 as provided at **Attachment 1** and in this report, noting the following financial implications of each item.

I. ITEM 2207 B1 - INTERSECTION OF CHURCH STREET, ALBERT STREET AND PENNANT HILLS ROAD, NORTH PARRAMATTA – PETITION TO REVIEW AND EXTEND THE 40KM/H SCHOOL ZONE AT PARRAMATTA NORTH PUBLIC SCHOOL

This report provides an update on a request for Transport for NSW to investigate the extension of the 40km/h school zone at Parramatta North Public School. Therefore, this matter has no financial impact upon Council's budget.

II. ITEM 2207 B2 - HILL ROAD, WENTWORTH POINT – UPDATE ON THE PROPOSED IMPROVEMENTS ON HILL ROAD, WENTWORTH POINT

This report provides an update on the proposed traffic improvements and other proposed works on Hill Road and Bennelong Parkway, Wentworth Point and Sydney Olympic Park. The recommendation from TEAG will require staff time to implement using existing resources.

III. ITEM 2207 B3 - PROJECTS RECENTLY COMPLETED, PROJECTS CURRENTLY FUNDED AND PROJECTS LIST FOR CONSIDERATION OF FUTURE FUNDING

There are no financial implications to Council as a result of this report.

IV. ITEM 2207 B4 – ON STREET PARKING IN THE PARRAMATTA CBD

There are no financial implications as a result of this report.

BACKGROUND

1. The Traffic Engineering Advisory Group (TEAG) is similar to the Parramatta Traffic Committee, except that it only involves matters that do not invoke the Transport for NSW (TfNSW) Delegation to Councils. The TEAG does not have the formal voting process that Parramatta Traffic Committee has. It is primarily a technical review committee that advises Council on traffic related matters. TEAG also considers items where TfNSW maintains its control, such as speed limits, clearways and traffic signals, or items for which TfNSW does not have control such as planning of future projects.

2. The most recent meeting of the TEAG was held on 20 July 2022. Councillors in attendance were: Paul Noack (Chairperson), Henry Green and Kellie Darley. The minutes of that meeting and the reports to that meeting are in **Attachments 1 and 2** of this report.

ISSUES/OPTIONS/CONSEQUENCES

3. The recommendations from the TEAG meeting are provided below.

ITEM NO:

ITEM 2207 B1 - INTERSECTION OF CHURCH STREET, ALBERT STREET AND PENNANT HILLS ROAD, NORTH PARRAMATTA – PETITION TO REVIEW AND EXTEND THE 40KM/H SCHOOL ZONE AT PARRAMATTA NORTH PUBLIC SCHOOL

To note that Council wrote to the Minister for Metropolitan Roads requesting that Transport for NSW investigate the extension of the 40km/h school zone at Parramatta North Public School. On 11 July 2022, received a response advising that Transport for NSW will undertake a review of the existing speed limits and school zone length surrounding Parramatta North Public School.

Unanimous support

ITEM 2207 B2 - HILL ROAD, WENTWORTH POINT – UPDATE ON THE PROPOSED IMPROVEMENTS ON HILL ROAD, WENTWORTH POINT

1. That Council note the updates regarding the proposed improvements on Hill Road, Wentworth Point.

2. That a schedule of works and information on commencement of construction for the traffic signals at the intersection of Hill Road and Bennelong Parkway, Wentworth Point be provided to Councillor Noack.

Unanimous support

ITEM 2207 B3 - PROJECTS RECENTLY COMPLETED, PROJECTS CURRENTLY FUNDED AND PROJECTS LIST FOR CONSIDERATION OF FUTURE FUNDING

1. That Council note that six traffic projects have been completed by Council since the last Traffic Engineering Advisory Group meeting held in May

2022.

2. That the information regarding progress on 2021/22 funded projects be received and noted.

3. That the Projects Lists for proposed traffic works be received and noted.

Unanimous support

ITEM 2207 B4 – ON STREET PARKING IN THE PARRAMATTA CBD

That Council receive and note the information regarding on-street parking within the Parramatta CBD.

Unanimous support

CONSULTATION & TIMING

4. Details of the consultation undertaken with Agencies and Councillors for each item considered at the meeting are included in **Attachment 3**. No community consultation was required.

LEGAL IMPLICATIONS FOR COUNCIL

5. There are no legal implications for Council associated with any of the items in this report.

FINANCIAL IMPLICATIONS FOR COUNCIL

6. The financial comments for each item are provided below.

Item No.	
2207 B1	There is no financial implication to Council as a result of this recommendation.
2207 B2	There is no financial implication to Council as a result of this recommendation.
2207 B3	There is no financial implication to Council as a result of this recommendation.
2207 B4	There is no financial implication to Council as a result of this recommendation.

7. There are no financial impact on the budget arising from approval of this report as summarised in the table below.

	FY 22/23	**FY 23/24**	**FY 24/25**	**FY 25/26**
Revenue				
Internal Revenue				
External Revenue				
Total Revenue	Nil	Nil	Nil	Nil
Funding Source	N/A	N/A	N/A	N/A
Operating Result				

External Costs				
Internal Costs				
Depreciation				
Other				
Total Operating Result	Nil	Nil	Nil	Nil
Funding Source	N/A	N/A	N/A	N/A
CAPEX				
CAPEX				
External				
Internal				
Other				
Total CAPEX	Nil	Nil	Nil	Nil

Richard Searle
Traffic and Transport Manager

Mark Leotta
Group Manager - Development and Traffic Services

Jennifer Concato
Executive Director City Planning and Design

John Angilley
Chief Financial and Information Officer

Brett Newman
Chief Executive Officer

ATTACHMENTS:

1	TEAG 2207 Approved Minutes for the Traffic Engineering Advisory Group meeting held on 20 July 2022	4 Pages
2	TEAG 2207 Agenda for the Traffic Engineering Advisory Group meeting held on 20 July 2022.pdf	36 Pages
3	TEAG 2207 Attachment 3 Consultation and Timing for Traffic Engineering Advisory Group meeting held on 20 July 2022	6 Pages

REFERENCE MATERIAL

TRAFFIC ENGINEERING ADVISORY GROUP MEETING

WEDNESDAY 20 JULY 2022

MINUTES

MINUTES OF THE TRAFFIC ENGINEERING ADVISORY GROUP MEETING HELD WEDNESDAY 20 JULY 2022 AT 1.30PM. MEETING HELD IN PERSON AT COUNCIL'S ADMINISTRATION BUILDING, 126 CHURCH STREET, PARRAMATTA OR OPTIONAL ATTENDANCE VIA MICROSOFT TEAMS

The Traffic Engineering Advisory Group Chairperson Councillor Paul Noack declared the meeting open at 1:42pm.

PRESENT:	
NAME:	**REPRESENTATIVE OF**
Paul Noack	Councillor and Chairperson
Sarah Thompson	Representative for Geoff Lee MP
Henry Green	Councillor
Kellie Darley	Councillor
Sergeant Jack Makhoul	Parramatta PAC
Sergeant Leonie Abberfield	Ryde Police Area Command (PAC)
Nazli Tzannes	Transport for NSW (TfNSW)
Richard Searle	Traffic & Transport Manager, CoPC
Saniya Sharmeen	Traffic & Transport Team Leader, CoPC
Randil Pohorambage	Traffic & Transport Engineer, CoPC
Zulfiqar Ali	Traffic & Transport Engineer, CoPC
Nathan McLauchlan	Traffic & Transport Engineer, CoPC
Behzad Saleh	Senior Traffic & Transport Engineer, CoPC – Minute Secretary
Coen O'Shannessy	Student Project Officer, CoPC

APOLOGIES:	
NAME:	**REPRESENTATIVE OF**
Senior Constable Raymond Yeung	Auburn PAC
Sandy Leung	Traffic & Transport Investigations Engineer, CoPC

DECLARATIONS OF CONFLICT OF INTEREST:

There were no declarations of conflict of interest.

CONFIRMATION OF THE MINUTES OF MEETING HELD ON 25 MAY 2022:

Councillor Noack noted that he had raised a request in the previous meeting regarding Item 2205 B1 – Hill Road, Wentworth Point – Update on the proposed improvements on Hill Road, which was missing from the minutes. The request was for a schedule of works for the Traffic Control Signals at the intersection of Hill Road and Bennelong Parkway be provided.

With the above point noted, the report of the Traffic Engineering Advisory Group meeting held on 25 May 2022 is to be taken as read and confirmed as a true record of the meeting.

BUSINESS ARISING:

Nil.

SECTION B ITEMS:

ITEM 2207 B1 - INTERSECTION OF CHURCH STREET, ALBERT STREET AND PENNANT HILLS ROAD, NORTH PARRAMATTA – PETITION TO REVIEW AND EXTEND THE 40KM/H SCHOOL ZONE AT PARRAMATTA NORTH PUBLIC SCHOOL
Ward: Parramatta and Dundas
State Electorate: Parramatta

Recommendation to Traffic Engineering Advisory Group:

To note that Council wrote to the Minister for Metropolitan Roads requesting that Transport for NSW investigate the extension of the 40km/h school zone at Parramatta North Public School. On 11 July 2022, received a response advising that Transport for NSW will undertake a review of the existing speed limits and school zone length surrounding Parramatta North Public School.

Recommendation from Traffic Engineering Advisory Group:

To note that Council wrote to the Minister for Metropolitan Roads requesting that Transport for NSW investigate the extension of the 40km/h school zone at Parramatta North Public School. On 11 July 2022, received a response advising that Transport for NSW will undertake a review of the existing speed limits and school zone length surrounding Parramatta North Public School.

Unanimous support

ITEM 2207 B2 - HILL ROAD, WENTWORTH POINT – UPDATE ON THE PROPOSED IMPROVEMENTS ON HILL ROAD, WENTWORTH POINT
Ward: Rosehill
State Electorate: Auburn

Recommendation to Traffic Engineering Advisory Group:

That Council note the updates regarding the proposed improvements on Hill Road, Wentworth Point.

Comments:

Councillor Noack requested that the following question be taken on notice: whether it was possible for the construction of the traffic signals at the intersection of Hill Road and Bennelong Parkway to commence by November 2022. If it was not possible to commence construction at that time, can an explanation be provided as to why that is.

Councillor Noack further stated that $8.5 million from the Federal Government will be

available for the construction of the signals and other works in Hill Road. Mr Richard Searle of City of Parramatta Council advised that a confirmation in writing from the Federal Government is required before Council can act on that.

Recommendation from Traffic Engineering Advisory Group:

1. That Council note the updates regarding the proposed improvements on Hill Road, Wentworth Point.
2. That a schedule of works and information on commencement of construction for the traffic signals at the intersection of Hill Road and Bennelong Parkway, Wentworth Point be provided to Councillor Noack.

Unanimous support

ITEM 2207 B3 - PROJECTS RECENTLY COMPLETED, PROJECTS CURRENTLY FUNDED AND PROJECTS LIST FOR CONSIDERATION OF FUTURE FUNDING
Ward: All
State Electorate: All

Recommendation to Traffic Engineering Advisory Group:

1. That Council note that six traffic projects have been completed by Council since the last Traffic Engineering Advisory Group meeting held in May 2022.
2. That the information regarding progress on 2021/22 funded projects be received and noted.
3. That the Projects Lists for proposed traffic works be received and noted.

Recommendation from Traffic Engineering Advisory Group:

1. That Council note that six traffic projects have been completed by Council since the last Traffic Engineering Advisory Group meeting held in May 2022.
2. That the information regarding progress on 2021/22 funded projects be received and noted.
3. That the Projects Lists for proposed traffic works be received and noted.

Unanimous support

BUSINESS ITEMS:
ITEM 2207 B4 – ON STREET PARKING IN THE PARRAMATTA CBD
Ward: Parramatta
State Electorate: Parramatta

Comments:

Councillor Green asked about a previous item he had raised regarding on-street parking in Macquarie Street, Parramatta outside the Jessie Centre where the possibility of additional on-street parking spaces was to be investigated. Ms Saniya Sharmeen of City of Parramatta Council advised that an item had been included for approval by the Parramatta Traffic Committee items considered under Delegated Authority at the end of June 2022 (ref. DI 310 06). This item seeks to install additional on-street parking on the north side of Macquarie

Street between O'Connell Street and Marsden Street and it is anticipated that the signs will be installed within 4 weeks subject to approval.

Councillor Green further enquired about the possibility of installing 1/2P across the CBD due to the misuse of the existing parking spaces by vehicles displaying the Mobility Parking Scheme (MPS) Permits. Richard Searle noted that there was a report by Council's Regulatory Services which was considered by Council at its meeting on 14 June 2022 where Council resolved in part:

b) That Council provide in principal support for the conversion of current signposted one hour timed parking to 30 minute timed parking in Parramatta CBD.

c) That Council note the proposed changes to timed parking in the CBD will be reviewed by Council's Traffic Committee and come back to Council for approval.

For this item, community consultation will need to be undertaken prior to the matter being referred to the Parramatta Traffic Committee for approval as it represents significant changes to on-street parking.

Recommendation from the Traffic Engineering Advisory Group:

That Council receive and note the information regarding on-street parking within the Parramatta CBD.

Unanimous support

The Chairperson closed the meeting at 1:52pm.

CITY OF PARRAMATTA COUNCIL

Traffic Engineering Advisory Group Agenda Item

ITEM NO:	2207 B1
SUBJECT:	Intersection of Church Street, Albert Street and Pennant Hills Road, North Parramatta – Petition to review and extend the 40km/h school zone at Parramatta North Public School
APPLICANT:	City of Parramatta Council
REPORT OF:	Traffic and Transport Investigations Engineer
WARD:	Parramatta and Dundas
SED:	Parramatta

Purpose

To update TEAG on action taken by Council in response to Council's resolution of 14 June 2022 regarding a petition received by Council to review and extend the 40km/h school zone at Parramatta North Public School to the intersection of Church Street, Albert Street and Pennant Hills Road, North Parramatta.

OFFICER'S RECOMMENDATIONS:

To note that Council wrote to the Minister for Metropolitan Roads requesting that Transport for NSW investigate the extension of the 40km/h school zone at Parramatta North Public School. On 11 July 2022, received a response advising that Transport for NSW will undertake a review of the existing speed limits and school zone length surrounding Parramatta North Public School.

Background

In June 2022, City of Parramatta Council received a petition on behalf of Parramatta North Public School & the P&C requesting the urgent extension of the 40km/h school zone at Parramatta North Public School to include the intersection of Church Street, Alfred Street and Pennant Hills Road, North Parramatta. The petition was signed by the public and reads:

> *The petition is for the urgent extension of the Parramatta North Public School's 40km zone to include the intersection of Church and Albert Street and Pennant Hills Road. This also includes rectifying several design faults of the intersection too.*
>
> *As most of the school community would be aware, the intersection of Church and Albert Street and Pennant Hills Road has opened up the traffic now flowing in all directions.*
>
> *The intersection has grown bigger and undergone significant changes that drivers (local and visiting) now must navigate while primary school children are crossing.*
>
> *Traffic NSW have failed to consider the risk this intersection has on the safety of children using it to get to and from school with the 40km school zone starting after the intersection rather than before it. this along with the anomaly of signs and various design faults have been identified over several weeks. As a parent, I hold grave concerns and feel there is an urgent need for the school zone to be significantly extended to protect children and families.*
>
> *Deputy Lord Mayor Sameer Pandey has listened to our concerns and feels there is a need for the 40km zone to be extended on the North, East, South and West sides to slow traffic*

> *right down while children are crossing. Unfortunately, being a state road intersection, the responsibility remains with Traffic NSW.*
>
> *By signing the petition, you will be giving Parramatta Council the support it needs to effectively raise these issues with Traffic NSW and ask for the requested changes and extension of the 40km school zone to be done as a matter of priority.*

A copy of the petition is attached with this report (Attachment 1).

Council, at its meeting on 14 June 2022 considered the petition and resolved:

> ***That*** *Council write to the Minister for Transport for NSW for urgent intervention to resolve a range of issues raised by the Parramatta North Public School and P&C including urgent extension of the 40km/h zone around the school.*

In accordance with the above resolution, Council wrote to the Minister for Metropolitan Roads requesting Transport for NSW (TfNSW) investigate this matter and reply to Council as soon as possible. A copy of the letter sent is attached with this report (Attachment 2). On Monday 11 July 2022, Council received a response to this letter advising in part that 'Transport for NSW will undertake a review of the existing speed limits and School Zone length surrounding Parramatta North Public School'. A copy of the response received is attached with this report (Attachment 3). A copy of the response has been sent to Councillor Pandey and the School.

Note that traffic signals, Parramatta Light Rail and speed limits, including school zones, are under the care and control of TfNSW.

FINANCIAL IMPLICATIONS

This report requests Transport for NSW investigate the extension of the 40km/h school zone at Parramatta North Public School. Therefore, this matter has no financial impact upon Council's budget.

[redacted]

Sandy Leung

Traffic and Transport Investigations Engineer
30/06/2022

Attachments – 1. Copy of petition
2. Copy of letter sent to Minister for Metropolitan Roads
3. Copy of response received from Transport for NSW (TfNSW)

Parramatta North P & C Association

Petition for the urgent extension of Parramatta North Public Schools 40km zone

Petition for the urgent extension of Parramatta North Public Schools 40km zone to include the intersection of Church and Albert Street and Pennant Hills Road. This also includes rectifying several design faults of the intersection too.

As most of the school community would be aware, the intersection of Church and Albert Street and Pennant Hills Road has opened up with traffic now flowing in all directions.

The intersection has grown bigger and undergone significant changes that drivers (local and visiting) now must navigate while primary school children are crossing.

Traffic NSW have failed to consider the risk this intersection has on the safety of children using it to get to and from school with the 40km school zone starting after the intersection rather than before it. This along with the anomaly of signs and various design faults have been identified over several weeks. As a parent, I hold grave concerns and feel there is an urgent need for the school zone to be significantly extended to protect children and families.

Deputy Lord Mayor Sameer Pandey has listened to our concerns and feels there is a need for the 40km zone to be extended on the North, East, South and West sides to slow traffic right down while children are crossing. Unfortunately, being a state road intersection, the responsibility remains with Traffic NSW.

By signing this petition, you will be giving Parramatta Council the support it needs to effectively raise these issues with Traffic NSW and ask for the requested changes and extension of the 40km school zone to be done as a matter of priority.

We thank you for your support.

PNPS P & C A.

NAME	ADDRESS	EMAIL	SIGNATURE
[redacted]			

NAME	ADDRESS	EMAIL	SIGNATURE
[redacted]			

NAME	ADDRESS	EMAIL	SIGNATURE
[redacted]			

NAME	ADDRESS	EMAIL	SIGNATURE
[redacted]			
[redacted]			
[redacted]			

NAME	ADDRESS	EMAIL	SIGNATURE
[redacted]			

CITY OF PARRAMATTA

The Hon. Natalie Ward, MLC
Minister for Metropolitan Roads
Minister for Women's Safety and the Prevention of Domestic and Sexual Violence
GPO Box 5341
SYDNEY NSW 2000

Your Reference	D08544004
Our Reference	F2021/03362
Contact	Richard Searle
Telephone	9806 5642
Email	traffic@cityofparramatta.nsw.gov.au

20 June 2022

Dear Minister,

RE: Request to review and extend the 40km/h School Zone at Parramatta North Public School

A petition was tabled at the Council Meeting on 14 June 2022 requesting extension of the 40km/h school zone at Parramatta North Public School and investigation of recent Parramatta Light Rail works. Council resolved as follows:

> ***That*** *Council write to the Minister for Transport for NSW for urgent intervention to resolve a range of issues raised by the Parramatta North Public School and P&C including urgent extension of the 40km/h zone around the school.*

A copy of the petition requesting the extension of the 40km/h school zone is attached. In accordance with the resolution, Council requests that TfNSW investigate this matter and reply to Council as soon as possible.

Should you have any questions, please do not hesitate to contact Richard Searle, Manager Traffic and Transport on 9806 5642.

Yours sincerely,

[redacted]

Jennifer Concato
Executive Director City Planning and Design
City of Parramatta
Attachment: D08572196 Parramatta North Public School petition tabled at Council

Contact us:
council@cityofparramatta.nsw.gov.au | 02 9806 5050
@cityofparramatta | PO Box 32, Parramatta, NSW 2124
ABN 49 907 174 773 | **cityofparramatta.nsw.gov.au**

Transport for NSW

OFFICIAL

Our Ref: 01533605

Ms Jennifer Concato
Executive Director - City Planning and Design
City of Parramatta
traffic@cityofparramatta.nsw.gov.au

Dear Ms Concato

Thank you for your correspondence to the Minister for Metropolitan Roads about a request to review and extend the school zone speed limit at Parramatta North Public School. I have been asked to respond to you.

I note your comments and appreciate Council's concerns.

Transport for NSW will undertake a review of the existing speed limits and School Zone length surrounding Parramatta North Public School.

Speed limits and School Zones in NSW are determined by a number of factors as outlined in the NSW Speed Zoning Guidelines and the current NSW School Zone policy.

Should you have any further questions Mr Steven Nguyen, Senior Network and Safety Officer at Transport for NSW can be contacted at steven.nguyen@transport.nsw.gov.au.

Thank you for taking the time to write to the Minister.

Yours sincerely

[redacted]

08/07/2022

Terry McSweeney
Director Customer Response

PO Box K659, Haymarket NSW 1240

OFFICIAL

CITY OF PARRAMATTA COUNCIL

Traffic Engineering Advisory Group Agenda Item

ITEM NO:	2207 B2
SUBJECT:	Hill Road, Wentworth Point – Update on the proposed improvements on Hill Road, Wentworth Point
APPLICANT:	City of Parramatta Council
REPORT OF:	Traffic and Transport Investigations Engineer
WARD:	Rosehill
SED:	Auburn

Purpose

The purpose of this report is to provide an update to Council regarding the proposed improvements on Hill Road, Wentworth Point.

OFFICER'S RECOMMENDATIONS:

That Council note the updates regarding the proposed improvements on Hill Road, Wentworth Point.

Background

Council, at its meeting held on 14 March 2022 considered a report regarding Hill Road and resolved:

1. *That a monthly update be provided to Ward Councillors regarding the status of the Federal Funding application under its Stimulus Program.*
2. *That should the outcomes of the Federal Funding be unsuccessful or not received by end of July 2022, that Council will endeavour to secure alternative funding for the traffic signal upgrade at Hill Road and Bennelong Parkway, to ensure these works are completed in the 2022/23 financial year.*
3. *That Council continue to contact the developer advising of Council's resolution calling for the urgent construction of the planned roundabout and street crossing at the corner of Hill Road and Burroway Road.*
4. *Further, that updates on both projects referred to in this report be provided to each meeting of the Parramatta Traffic Committee and included in the minutes reported to Council until the projects are complete*

In addition, an email from Councillor Noack was received on 5 April 2022 requesting the following items also be included in the next Traffic Committee meeting:

1. *As per Council resolution a report on the work being done on the traffic lights at the corner of Bennelong Parkway and Hill Road*
2. *As per Council resolution a report on work being done on the roundabout and pedestrian crossing at Hill Road and Burroway Road*
3. *Update on lighting on Hill Road. This is the change to LED lightning*

4. *Update on drainage for Hill Road*
5. *Haslams Creek Bridge Update on Bennelong Road*
6. *Crossing from Wentworth Common across Bennelong Road*

Proposed traffic signals at Bennelong Parkway intersection

On 22 June 2022, Transport for NSW (TfNSW) provided advice from its 7 internal referral teams regarding Council's design plans. The comments were for minor changes and drafting issues. On 6 July 2022, Council Officers responded to TfNSW and provided the amended design plan and documents for TfNSW review and approval (refer to attached plan).

Council also met with TfNSW on 21 June 2022 and was advised to expect further correspondence related to conditions that would apply to the approval of the plans (once this has been obtained). Based on these discussions, Council is now targeting July 2022 for the approval of the design. Once approved, Council will advertise the tender. Note that the change of TfNSW approval date from June to July 2022 has not impacted Council's ability to commence the preparation of the tender, which is scheduled to commence in July 2022.

There are no outstanding issues with Ausgrid.

Proposed roundabout and pedestrian crossing at Burroway Road intersection

The proposed roundabout and pedestrian crossing at the Burroway Road intersection is to be completed prior to occupancy of the second stage of the development. Council Officers will be available to meet with the developer should they have any questions regarding the design requirements.

The 'street crossing' is part of the package of the works to be done by the developer. While it may be possible to start construction of the pedestrian facilities earlier than the roundabout works, this will not be known until the project progresses. It should also be noted, although construction of stage 1 of this development is complete, it was not necessary on traffic grounds for these Hill Road works to be completed prior to the occupation of this stage.

Proposed pedestrian bridge at Haslams Creek on Bennelong Parkway

Request for Quotation (RFQ) submissions for the detailed design work were issued through the Local Government Panel (LGP) as per Council's Procurement advice. Three submissions were received mid-June 2022 as there were requests for extensions and consultants confirming their LGP contract. Submissions are currently being reviewed and an evaluation panel will take place on Monday 11 July to review and recommend a consultant for the project. Contract terms will be negotiated with the recommended consultant, and it is anticipated that a consultant for the project will be appointed by early August 2022 with design to commence shortly after.

Proposed pedestrian crossings on Bennelong Parkway at Wentworth Common

Vehicle and pedestrian count surveys were undertaken in June 2022. These counts took place on a Thursday, Saturday and Sunday in Bennelong Parkway at Parkland Circuit, just south of Haslams Creek. The survey results indicate that:

- The peak pedestrian and cyclist (on path) volumes occurred outside of the vehicle peak periods.
- The weekday pedestrian and cyclist peak period occurred between 12:30pm and 1:30pm. A total of 23 pedestrians and cyclists crossed at this location, of which, 15 were crossing Haslams Creek bridge to head to or from Wentworth Point
- The weekend pedestrian and cyclist peak period occurred between 12pm to 1pm. A total of 74 pedestrians and cyclists crossed at this location, of which, 11 were crossing Haslams Creek bridge to head to or from Wentworth Point

City of Parramatta Council is still currently working to construct a pedestrian bridge north of the existing bridge over Haslams Creek on Bennelong Parkway. As mentioned in the last update, traffic counts undertaken will be used to prioritise this project for the next review of the Development Contributions Plan and for consideration of grant funding applications.

Drainage upgrades for Hill Road

A brief for the Civil Works design component is still in progress by Capital Projects designers for inclusion into one consolidated design brief.

Lighting upgrades for Hill Road

Council is waiting for Ausgrid to provide information regarding the details of conduits and switches.

FINANCIAL IMPLICATIONS

This report provides an update on the proposed traffic improvements and other proposed works on Hill Road and Bennelong Parkway, Wentworth Point and Sydney Olympic Park. Therefore, this matter has no financial impact upon Council's budget.

[redacted]

Sandy Leung

Traffic and Transport Investigations Engineer
4/07/2022

Attachments –

1. Amended traffic signal design plan submitted to TfNSW for Hill Road and Bennelong Parkway

TCS 5140

DATE IN SERVICE : 00/00/00

Transport for NSW

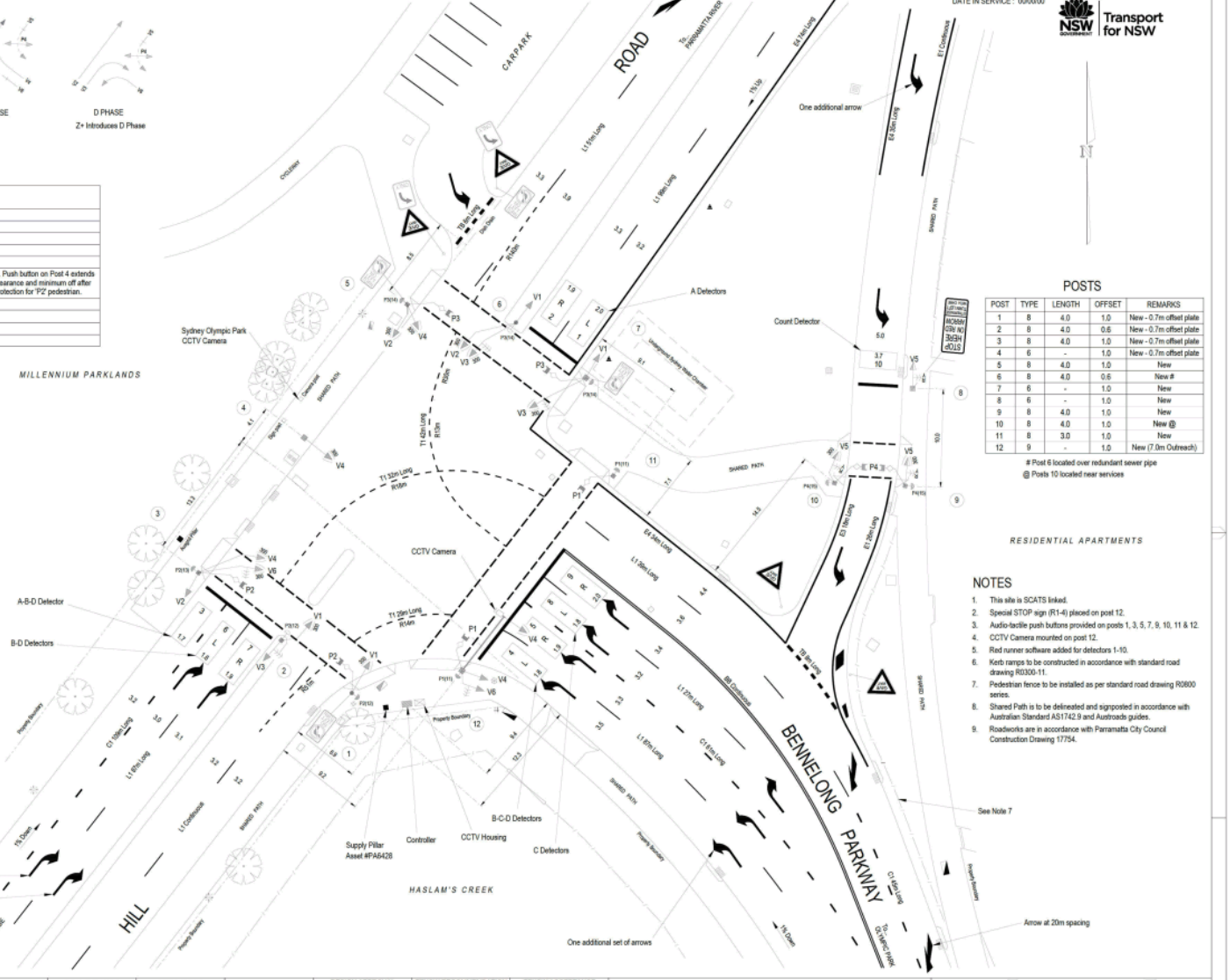
MOVEMENTS

SIGNAL GROUP PHASE CHART

SIGNAL GROUP	PHASE WHEN GREEN A	B	C	D	TABLE TYPE	REMARKS
V1	X				1	
V2	X	C		X	15	Full RED protection for P3 pedestrians
V3		X		X	34	
V4			X		1	
V5					96	2 aspect independent slip lane
V6		X	C	X	-	XSF1 allows timed RA protection for 'P2' pedestrian. Push button on Post 4 extends RA protection subject to timer. Flashing yellow for clearance and minimum off after ped clearance. Absence of XSF1 provides full RA protection for 'P2' pedestrian.
P1	X				3	Re-introduction in 'A' Phase
P2			X		2	
P3		X			2	
P4	X	X	X	X	35	Independent slip lane pedestrian

DETECTOR SPECIFICATION

Detector		Specifications			
A	FN	A(L)	A(E1)		
	SG/PS	$\overline{A}$	A		
	DS	—	—		
A-B-D	FN	A(L)	A(E2)		
	SG/PS	$\overline{V2}$	A		
	DS	$\overline{B.D}$	$\overline{B(NEXT).D(NEXT)}$		
cont. A-B-D	FN	B(E2)		D(E2)	
	SG/PS	B		D	
	DS	$\overline{A(NEXT).D(NEXT)}$		$\overline{A(NEXT).B(NEXT)}$	
B-C-D	FN	B(PR)	D(PR)	B(E1)	
	SG/PS	$\overline{B.C.D}$	$\overline{B.C.D}$	B	
	DS	$\overline{C}$	Z+.$\overline{C}$	$\overline{C(NEXT).D(NEXT)}$	
cont. B-C-D	FN	C(E1)		D(E1)	
	SG/PS	C		D	
	DS	$\overline{B(NEXT).D(NEXT)}$		$\overline{B(NEXT).C(NEXT)}$	
B-D	FN	B(L)	D(L)	B(E3)	D(E3)
	SG/PS	$\overline{V3}$	$\overline{V3}$	B	D
	DS	—	Z+	$\overline{D(NEXT)}$	$\overline{B(NEXT)}$
C	FN	C(L)	C(E2)		
	SG/PS	$\overline{C}$	C		
	DS	—	—		
P1 P.B.	FN	A(PB)	Reintroduction		
	SG/PS	P1(WALK)	A.P1(WALK)		
	DS	—	$\overline{B.C.D}$		
P2 P.B.	FN	C(PB)	A(L)		
	SG/PS	P2(WALK)	C.P2(WALK)		
	DS	—	$\overline{A.B.D}$		
P3 P.B.	FN	B(PB)	A(L)		
	SG/PS	P3(WALK)	B.P3(WALK)		
	DS	—	$\overline{A.C.D}$		



POSTS

POST	TYPE	LENGTH	OFFSET	REMARKS
1	8	4.0	1.0	New - 0.7m offset plate
2	8	4.0	0.6	New - 0.7m offset plate
3	8	4.0	1.0	New - 0.7m offset plate
4	6	-	1.0	New - 0.7m offset plate
5	8	4.0	1.0	New
6	8	4.0	0.6	New #
7	6	-	1.0	New
8	6	-	1.0	New
9	8	4.0	1.0	New
10	8	4.0	1.0	New @
11	8	3.0	1.0	New
12	9	-	1.0	New (7.0m Outreach)

Post 6 located over redundant sewer pipe
@ Posts 10 located near services

NOTES

1. This site is SCATS linked.
2. Special STOP sign (R1-4) placed on post 12.
3. Audio-tactile push buttons provided on posts 1, 3, 5, 7, 9, 10, 11 & 12.
4. CCTV Camera mounted on post 12.
5. Red runner software added for detectors 1-10.
6. Kerb ramps to be constructed in accordance with standard road drawing R0300-11.
7. Pedestrian fence to be installed as per standard road drawing R0600 series.
8. Shared Path is to be delineated and signposted in accordance with Australian Standard AS1742.9 and Austroads guides.
9. Roadworks are in accordance with Parramatta City Council Construction Drawing 17754.

A ORIGINAL ISSUE

PUBLIC UTILITY LEGEND	REFERENCE PLANS	
HYDRANT	SYMBOLS/ABRVS	V0003-6
STOP VALVE	STD POSN CMPT	V0001-3
GAS VALVE	INST1, STOP DET	V0386-17
SEWER MANHOLE	VEH GROUP OP	TS-TN-019
COMMS PIT	DET LOGIC OP	TS-TN-020
ELECT LIGHT POLE	PED MVT OP	TS-TN-021
POWER POLE		
STAY POLE		
TELEPHONE BOX	SURVEYOR : Council	
COMMS PILLAR	DATE : 2020	

U.R.D. Ref Map 212-N10
I.S.G. - E : 306 690
CO-ORD N : 1 255 140

DESIGNED : R BATES
CHECKED : J BATES
J BATES
SITE CHECKED
J BATES
RECOMMENDED

DESIGN APPROVAL
APPROVED
NAME: [redacted]
POSITION
DATE 06/07/22
DESIGN PREPARED BY
B-Line Drafting
on behalf of Council

TFNSW RECOMMENDATION
ROAD DESIGN ENGINEERING
NAME
POSITION
DATE
NETWORK OPERATIONS
NAME
POSITION
DATE

TFNSW ACCEPTANCE
ACCEPTED
NAME
POSITION
DATE
ACCEPTED BY
SECTION

TRANSPORT FOR NEW SOUTH WALES
PARRAMATTA COUNCIL AREA
TRAFFIC SIGNALS AT
HILL ROAD AND
BENNELONG PARKWAY
SYDNEY OLYMPIC PARK
DESIGN LAYOUT

EXISTING ☐ PROPOSED ☒
CADD FILE: VV5140_1A_DES.dgn
SCALE 0 5 10 (1:200) 5 10
FILE SF2022/079687
SUPERSEDES SHEET/ISSUE
ISSUE A
REG No. DS2022/000189
TCS No. 5140
SHEET 1

Revision 7 - August 2021
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CITY OF PARRAMATTA COUNCIL

Traffic Engineering Advisory Group Agenda Item

ITEM NO:	2207 B3
SUBJECT:	Projects Recently Completed, Projects Currently Funded and Projects Lists for Consideration of Future Funding
APPLICANT:	City of Parramatta Council
REPORT OF:	Traffic and Transport Team Leader
WARD:	All
SED:	All

Purpose

This report provides information on traffic and pedestrian projects recently completed or currently funded and projects lists that City of Parramatta Council maintains for budget planning purposes.

OFFICER'S RECOMMENDATION:

1. That Council note that six traffic projects have been completed by Council since the last Traffic Engineering Advisory Group meeting held in May 2022.
2. That the information regarding progress on 2021/22 funded projects be received and noted.
3. That the Projects Lists for proposed traffic works be received and noted.

Recently Completed Projects

Information on recently completed projects is provided below.

Projects Completed by Council	
1. Brabyn Street, North Parramatta	
Project Details:	Replace the existing children's crossing with a raised pedestrian crossing
Total cost of the project:	$173,575
Funding Details:	100% funded by Federal Stimulus Schools Zones Program (Tranche 1, 2 & 3)

Projects Completed by Council

2. Murray Farm Road (east of Tracey Avenue), North Rocks	
Project Details:	Raise existing pedestrian crossing
Total cost of the project:	$194,349
Funding Details:	100% funded by Federal Stimulus Schools Zones Program (Tranche 1, 2 & 3)

Projects Completed by Council

3. Karingal Avenue at Felton Road, Carlingford	
Project Details:	Install raised pedestrian crossing
Total cost of the project:	$164,404
Funding Details:	100% funded by Federal Stimulus Schools Zones Program (Tranche 1, 2 & 3)

Projects Completed by Council

4. Felton Road (east of Baker Street), Carlingford	
Project Details:	Raise existing pedestrian crossing
Total cost of the project:	$182,268
Funding Details:	100% funded by Federal Stimulus Schools Zones Program (Tranche 1, 2 & 3)

Projects Completed by Council

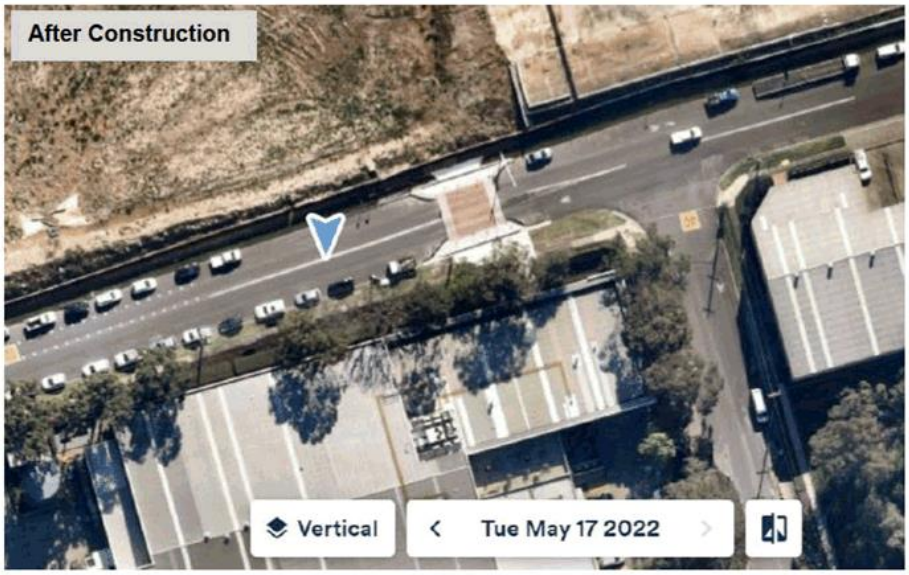
5. Ballandella Road, Toongabbie

Project Details:	Upgrade existing pedestrian crossing
Total cost of the project:	$160,147
Funding Details:	100% funded by Federal Stimulus Schools Zones Program (Tranche 1, 2 & 3)

Projects Completed by Council

6. Hope Street at Waratah Street, Melrose Park	
Project Details:	Replace the existing pedestrian refuge island with a raised pedestrian crossing
Total cost of the project:	$186,514
Funding Details:	100% funded by Federal Stimulus Schools Zones Program (Tranche 1, 2 & 3)

Projects Completed by Council



Projects to be undertaken in 2021/22

Information regarding the progress on currently funded projects is provided at the start of the attachment to this report.

Future Projects

Traffic projects that are to be considered for future funding are categorised into one of four lists as detailed below:

Development Contributions Plan List - outside the Parramatta City Centre

Council adopted this list on 12 July 2021 as part of the City of Parramatta (Outside Parramatta CBD) Contributions Plan 2021 (refer to Tables 37 and 38 of the Plan via the link

https://cityofparramatta.co/3HaPxLw). This list is prioritised in to three categories; high (5 years), medium (5-10 years) and low (10-20 years). This work is proposed to be funded from Development Contributions, unless grant funding, a Voluntary Planning Agreement, or other source of funding is obtained.

The Development Contributions Plan is reviewed and set approximately every 5 years. Therefore, the lists shown in Tables 37 and 38 of the City of Parramatta (Outside Parramatta CBD) Contributions Plan 2021 would also be set and fixed every 5 years (approximately) at the same time the Development Contributions Plan is approved by Council.

These projects have a range of purposes such as improving pedestrian safety and amenity; improving sight distance (or reducing speed where sight distance is limited); upgrading an existing facility; reducing congestion; guard rail or barriers; and reducing illegal or unsafe driving. The list includes projects that would be on the Black Spot list except they have a low Benefit Cost Ratio and would not attract grant funds.

Traffic Projects List – within the Parramatta City Centre

This list includes projects that are located within the Parramatta City Centre. These projects will generally be funded from the Parramatta City Centre Developer Contributions Plan (known as Civic Improvement Plan, CIP), unless otherwise noted.

Black Spot Projects List

This list is for the projects where funding is being or is proposed to be sought, from the State or Federal Government under their Black Spot and Safer Roads Programs.

The Black Spot locations generally have a high number of collisions, and the proposed work is forecast to have a significant reduction on accidents. Projects under Black Spot Program are ranked on Benefit Cost Ratio (BCR); whereas projects under Safer Roads Programs are ranked on Safety Performance Indicator (SPI). The individual funding programs also have different criteria regarding the number of accidents with injuries that have occurred. At present, a minimum of 2 injury accidents over a 5-year period is generally required for a project to be eligible for funding.

List of Traffic Projects Supported by Community Petition

This list includes locations where Council has received requests from at least 50% of households within the street for traffic calming to be installed in the street or part of the street. This support can be in the form of a petition or letters. Meeting this requirement demonstrates that the local community wants this treatment in the street. These streets often do not have a specific hazard, crash history, or concentration of vulnerable road users such as pedestrians. Often, in streets not on the list, many residents do not support traffic calming and have concerns regarding the installation of traffic calming, particularly in regard to perceptions of noise, loss of parking, and prioritisation of funds.

Development Contribution Funds are not suitable for these projects as these projects are not related to supporting growth in the area. These projects are generally unfunded.

FINANCIAL IMPLICATIONS:

Council's Traffic and Transport Services maintains four (4) projects lists with the funding options as detailed below:

- Development Contributions Plan list - outside the Parramatta City Centre:

  These projects have been grouped into 3 categories of priority (high, medium, and long term). It is proposed to deliver the high priority projects from 2021/22 to 2025/26 using Development Contributions fund for part, or all projects.

  Applications are also lodged for State and Federal Government funding for projects that would meet the requirements of funding applications at the time of lodgment. Applications are generally lodged between August and October each year for consideration under these programs.

- Traffic Projects List – within the Parramatta City Centre:

  These projects will generally be funded from the Parramatta City Centre Section 7.11 Contribution Plan (known as Civic Improvement Plan, CIP), unless otherwise noted.

- Black Spot Projects List:

  These projects will generally be funded from the State or Federal Government under their Blackspot and Safer Roads Programs. Applications are lodged between August and October each year for consideration under these programs.

- List of Traffic Projects Supported by Community Petition:

  These projects could be funded from General Revenue. Councillors may wish to use part of the ward initiatives budget to deliver these projects.

Approved Funding for the 2021/22 Projects is detailed below:

External Funding

- Council has received a 100% funding offer totaling $635,000 under the NSW Government Active Transport Program for the construction of a pedestrian refuge island and continuous footpath treatments in Wentworth Avenue at the laneways opposite Toongabbie Railway Station and footpath and kerb ramps on Cooyong Crescent. This project is now complete.

  It is to be noted that State Government has made changes to the guidelines for funding applications under this program. According to the new guidelines, eligible infrastructure projects including the construction of new pedestrian paths/routes that improve connectivity and livability associated with places. Eligible infrastructure projects must include the construction of either:

  - New footpaths or widening of existing footpaths that are part of a wider place making project or provide a direct access to a school (within 200m of a school access point)
  - Continuous footpath treatments, or
  - Shared zones.

  As part of the above eligible infrastructure projects, construction of new or upgrades to existing pedestrian crossing facilities and Traffic Control Signals (TCS) can be installed as part of a wider place making project. As a result of the new guidelines, many of the Council pedestrian projects are not eligible for funding under Active Transport Program.

- Council has received a 100% funding offer totaling $4,230,000 under the Federal Government Stimulus Commitment on Road Safety Program (School Zone Infrastructure) for fourteen (14) traffic projects for the 2021/22 (Tranche 2 - Q1 & Q2; and Tranche 3 - Q3 & Q4) financial years. It is to be noted that the projects in Tranche 2 - Q1 (completion by December 2021) are now complete. Procurement for a Tranche 2 – Q2 (completion by June 2022) project is complete.

- Council has received a 100% funding offer totaling $116,000 under the Australian Government Black Spot Program for two traffic projects for 2021/22. One of these projects is now complete. The other project is partially complete. Refer to 'Recently Completed Projects' section above for details.

- Council has also recently received a 100% funding offer totaling $94,000 from TfNSW for the installation of on-street railway commuter parking at Wentworthville Railway Station by 29 July 2022. This project is now complete. Refer to 'Recently Completed Projects' section above for details.

Applications Lodged for External Funding for 2022/23 Projects

- Applications have been lodged to Transport for NSW (TfNSW) in September 2021 for two (2) projects under the 2021/22 Federal and State Government's Stimulus Programs. The projects were Hill Road/Bennelong Parkway traffic signals and design for street lighting in Wentworth Street north of Martha Street, Clyde.

- Applications have been lodged to Transport for NSW (TfNSW) in September 2021 for seven (7) projects under the 2022/23 Federal and State Government's Black Spot and Safer Roads Programs. The outcome of the applications is expected to be available late July 2022. Refer to the attached Black Spot Projects List for details.

- Applications have been lodged to Transport for NSW (TfNSW) in December 2021 for fourteen (14) projects including Hill Road/Bennelong Parkway traffic signals under the 2022/23 Federal Government's Stimulus Program (listed in the report). The outcome of the applications is expected to be available in the second quarter of the 2022/23 financial year.

- Applications have been lodged to Transport for NSW (TfNSW) in February 2022 for nine (9) projects under the 2022/23 State Government's Active Transport Program (listed in the report). The outcome of the applications is expected to be available in the second quarter of the 2022/23 financial year.

Internal Funding

- Council's Draft Delivery Program and Operational Plan generally allocates funding of $1.5 million per year for the Active Transport Program over four financial years (2020/21 – 2023/24) for the delivery of traffic projects using Development Contributions Funds. Six (6) projects have been selected for design in 2021/22.

- New traffic signals have been constructed at the intersection of North Rocks Road and Alkira Road, Carlingford. This project had an approved budget of $3,850,000, which is funded from Development Contributions Funds,

- New traffic signals are currently being designed at the intersection of Hill Road and Bennelong Parkway, Wentworth Point. This project has an approved budget of $225,000, which is funded from Development Contributions Funds.

[redacted]

Saniya Sharmeen
Traffic and Transport Team Leader
6/07/2022

Attachments - Project Lists

Projects for completion in 2021/22

Location	Treatment Type	Estimated Cost	Comments
Ward: Dundas; SED: Parramatta			
Parramatta East Public School	Brabyn Street, North Parramatta - Replace the existing children's crossing with a raised pedestrian crossing	$220,000	**COMPLETE** This project is 100% funded by Federal Government under its Stimulus Commitments on Road Safety Program (School Zone Infrastructure).
Ward: Epping; SED: Epping			
Alamein Avenue west of Bardia Road, Carlingford	Design and cost estimate for a new raised pedestrian crossing	Design: $18,000 (Construction: $222,000)	This project is approved by Council on 14 March 2022. Civil design has commenced. The design is 100% funded by Council through its Active Transport Program (from City of Parramatta (outside CBD) Development Contributions Plan 2021). There is currently no funding available for construction of this project. However, funding application has been lodged to TfNSW under Federal Government's Stimulus Program and State Government's Active Transport Program for construction in 2022/23.
Carlingford Road at Hepburn Avenue, Carlingford	Design and cost estimate for new traffic signals.	$70,000	Traffic Control Signal (TCS) plan has been submitted to TfNSW for review and approval. This is 2019/20 project and 100% funded by Council. Funding application has been lodged to TfNSW under Federal Government's Stimulus Program for construction in 2022/23.
Orchard Road north of North Rocks Road and Plympton Road, Beecroft However, funding application has been lodged to TfNSW under Federal Government's Stimulus Program and State Government's Active Transport Program for construction in 2022/23	Design and cost estimate for a new raised pedestrian crossing	Design: $18,750 (Construction: $231,250)	This project is approved by Council on 14 March 2022. Civil design will commence soon. The design is 100% funded by Council through its Active Transport Program (from City of Parramatta (outside CBD) Development Contributions Plan 2021). There is currently no funding available for construction of this project. However, funding application has been lodged to TfNSW under Federal Government's Stimulus Program and State Government's Active Transport Program for construction in 2022/23.
Rembrandt Street south of Milton Street, Carlingford	Design and cost estimate to replace the existing non-compliant pedestrian island with a new raised pedestrian crossing	Design: $21,000 Construction: $259,000	Community consultation is complete. This report was initially referred to the Parramatta Traffic Committee on 9 February 2022. However, the report was deferred for on-site meeting. On-site meeting has been taken place and this project was then referred to the 25 May 2022 PTC meeting for consideration

Location	Treatment Type	Estimated Cost	Comments
			and approval. However, Council at its meeting deferred the report for further consultation with TfNSW. At this stage, it is intended to refer this report to the September 2022 meeting for consideration. The design is 100% funded by Council through its Active Transport Program (from City of Parramatta (outside CBD) Development Contributions Plan 2021). There is currently no funding available for construction of this project. However, funding application has been lodged to TfNSW under Federal Government's Stimulus Program and State Government's Active Transport Program for construction in 2022/23.
Ward Street, Epping (outside Epping West Public School)	Install raised pedestrian crossing	$240,000	Construction has commenced and expected to be completed during the July 2022 school holiday period. This project is 100% funded by Federal Government under its Stimulus Commitments on Road Safety Program (School Zone Infrastructure).
Ward: North Rocks; SED: Baulkham Hills			
North Rocks Road at Alkira Road, North Rocks	Construct traffic signals	$3,850,000	**COMPLETE** This project is 100% funded by Council from its Development Contributions Fund.
Murray Farm Public School	Murray Farm Road (east of Tracey Avenue), North Rocks - Raise existing pedestrian crossing	$220,000	**COMPLETE** This project is 100% funded by Federal Government under its Stimulus Commitments on Road Safety Program (School Zone Infrastructure).
Intersection of Oakes Road and Murray Farm Road, Carlingford	Install speed cushions at all approaches to the roundabout	$16,000	**COMPLETE** This project is 100% funded by Federal Government under its Black Spot Program.
Ward: North Rocks; SED: Parramatta			
Felton Road (east of Baker Street), Carlingford (outside James Ruse High School)	Raise existing pedestrian crossing	$240,000	**COMPLETE.** This project is 100% funded by Federal Government under its Stimulus Commitments on Road Safety Program (School Zone Infrastructure).
Karingal Avenue at Felton Road, Carlingford (near Carlingford West Public School)	Install raised pedestrian crossing and upgrade street lighting	$220,000	**COMPLETE** This project is 100% funded by Federal Government under its Stimulus Commitments on Road Safety Program (School Zone Infrastructure).

Location	Treatment Type	Estimated Cost	Comments
Ward: Parramatta; SED: Seven Hills			
Ballandella Road, Toongabbie (outside Toongabbie West Public School)	Upgrade existing pedestrian crossing	$150,000	**COMPLETE** This project is 100% funded by Federal Government under its Stimulus Commitments on Road Safety Program (School Zone Infrastructure).
Binalong Road, Pendle Hill (outside Pendle Hill High School)	Raise existing pedestrian crossing (zebra)	$260,000	**COMPLETE** This project is 100% funded by Federal Government under its Stimulus Commitments on Road Safety Program (School Zone Infrastructure).
Fitzwilliam Road at Binalong Road and Reynolds Street, Old Toongabbie (Toongabbie Public School)	Install missing kerb ramps on the west leg and upgrade existing kerb ramps to current standards and install of channelised right turn treatment for motorists exiting Reynolds Street	$1,000,000	The traffic signal plan was approved by TfNSW on the 9 June 2022. Construction works started on the 20 June 2022. The work is anticipated to take 14 weeks with an approximate completion date of October 2022 This project is 100% funded by Federal Government under its Stimulus Commitments on Road Safety Program (School Zone Infrastructure).
Westbound bus stop on Darcy Road, Westmead (east of Bridge Road) -	Expand concrete pad and install a bus seat	$5,000	**COMPLETE** This project is 100% funded by Council under 2020/21 Active Transport Program.
Wentworth Avenue, Barangaroo Road and Cooyong Crescent, Toongabbie (near Toongabbie railway station)	Install a pedestrian refuge island in Barangaroo Road at Wentworth Avenue; Continuous footpaths in Wentworth Avenue at the laneways on the north and south sides of 485 Wentworth Avenue; and Footpath and kerb ramps on Cooyong Crescent	$635,000	**COMPLETE** This project is 100% funded by NSW Government's under Active Transport Program.
Wentworth Avenue, Short Street and Water Street, Wentworthville	Install on-street commuter car parking	$94,000	**COMPLETE** This project is 100% funded by NSW Government. Note that commuter car parking on Short Street and Water Street have been **CANCELLED** due to objections received from residents living in these streets.
Ward: Parramatta; SED: Parramatta			
Villiers Street south of Ross Street, Parramatta (outside Our Lady of Mercy College)	Raise existing pedestrian crossing (zebra)	$240,000	**COMPLETE** This project is 100% funded by Federal Government under its Stimulus Commitments on Road Safety Program (School Zone Infrastructure).

Location	Treatment Type	Estimated Cost	Comments
Villiers Street south of Grose Street, Parramatta (outside St Patrick's Primary School)	Raise existing pedestrian crossing (zebra)	$240,000	**COMPLETE** This project is 100% funded by Federal Government under its Stimulus Commitments on Road Safety Program (School Zone Infrastructure).
Ward: Rosehill; SED: Parramatta			
Alfred Street south of Alice Street, Harris Park	Install a raised pedestrian crossing	$440,000	**COMPLETE** This project is 100% funded by Federal Government under its Stimulus Commitments on Road Safety Program (School Zone Infrastructure) and to be completed by December 2021.
Hope St west of Waratah St, Melrose Park (near Melrose Park Public School)	Replace existing pedestrian refuge island with a raised pedestrian crossing	$280,000	**COMPLETE** This project is 100% funded by Federal Government under its Stimulus Commitments on Road Safety Program (School Zone Infrastructure).
Parkes Street at Wigram Street and at Harris Street, Parramatta	Concept design for the installation of dedicated eastbound left turn lane at Harris Street; eastbound right turn bay at Wigram Street; and a dual right turn from Harris Street (southbound) into Parkes Street	$200,000 (2019/20 & 2020/21)	**COMPLETE** This is a 2-year project and 100% funded by Council under Civic Improvement Plan.
Waratah Street, Melrose Park (outside Melrose Park Public School)	Install raised pedestrian crossing	$240,000	**COMPLETE** This project is 100% funded by Federal Government under its Stimulus Commitments on Road Safety Program (School Zone Infrastructure).
Ward: Rosehill; SED: Granville			
Good Street at Great Western Highway, Parramatta	Install a raised pedestrian crossing (Design Only)	Design: $21,000 (Construction: $259,000)	**ON HOLD** TfNSW advised that it intends to construct traffic signals at this intersection. The design received 100% funding from Council through its Active Transport Program (from Parramatta Section 94A Contributions Plan 2011 (Outside CBD) Funds).
Parramatta Road at Marsh Street, Clyde	Construction of pedestrian/cyclist legs on existing signals at Parramatta Road-Marsh Street along with connecting shared paths along Parramatta Road between M4 Cycleway/Duck River/Parkline	$1,039,222	Contractor selected through tender process. This project is 100% funding by NSW Government's Active Transport Program for its construction in 2020/21.

Location	Treatment Type	Estimated Cost	Comments
Ward: Rosehill; SED: Parramatta			
Virginia Street, Rosehill (outside Rosehill Public School)	Install two speed humps	$28,200	**COMPLETE** This project is 100% funded by Council though Ward Initiative Funds.
Park Parade south side of railway line at pedestrian underpass to Parramatta Park, Westmead	(Design Only) Installation of a pedestrian refuge with kerb extension and pedestrian fencing	$37,500	Civil design commenced The design is 100% funded by Council through its Active Transport Program (from Parramatta CBD Development Contributions Plan 2007). There is currently no funding available for construction of this project. However, funding application has been lodged to TfNSW under Federal Government's Stimulus Program and State Government's Active Transport Program for construction in 2022/23.
Ward: Rosehill; SED: Auburn			
Avenue of Oceania at Louise Sauvage Pathway, Newington	Design and cost estimate for a combined raised pedestrian and cyclist crossing	Design: $18,000 (Construction: $240,000)	This project is approved by Council on 14 March 2022. Detail design will commence soon. The design is 100% funded by Council through its Active Transport Program (from City of Parramatta (outside CBD) Development Contributions Plan 2021). There is currently no funding available for construction of this project. However, funding application has been lodged to TfNSW under Federal Government's Stimulus Program and State Government's Active Transport Program for construction in 2022/23.
Hill Road at Bennelong Parkway, Wentworth Point (subject to advice from PLR regarding Stage 2 alignment)	Design and cost estimate for new traffic signals.	$250,000	On 22 June 2022, Transport for NSW (TfNSW) provided advice from its 7 internal referrals regarding Council's most recent version of the design plans. The comments are for minor changes and drafting issues. Council Officers are now reviewing the advice received and will respond to TfNSW. An update on this will be provided within the next Traffic Engineering Advisory Group Report. Note that the change of TfNSW approval date from June to July 2022 has not impacted Council's ability to commence the preparation of the tender, which is scheduled to commence in July 2022. Funding application has been lodged to TfNSW under Federal Government's Stimulus Program for construction in 2022/23.
Newington Retail Precinct	Install a 40 km/h High Pedestrian Activity Area restrictions with traffic calming	$100,00	Installation of speed cushions is **COMPLETE** It is to be noted that TfNSW will install signs and pavement markings for the installation of 40km/ph HPAA restriction.

Location	Treatment Type	Estimated Cost	Comments
			This project is funded by Federal Government's Black Spot Program.

Parramatta City Centre Traffic Projects List

Location	Treatment Type	Estimated Cost	Comments
Argyle Street at Church Street, Parramatta	Upgrade Kerb Ramps at existing Traffic Control Signals (TCS) to current standards	$750,000	
Argyle Street at Marsden Street, Parramatta	Upgrade Kerb Ramps at existing Traffic Control Signals (TCS) to current standards	$750,000	
Barrack Lane, Parramatta	Shared Zone for entire length	$1,250,000	
Charles Street at Union Street, Parramatta	Install a pedestrian refuge island	$250,000	
Church Street at Aird Street, Parramatta	Install continuous footpath	$400,000	Subject to meeting TfNSW Technical Directions
City Ring Road	All other proposals that are part of the City Ring Road and not listed in this list.	TBA	Implementation of various projects along the route are currently being investigated.
George Street at Horwood Place, Parramatta	Improve pedestrian safety.	TBA	Treatment is subject to proposal for Horwood Place precinct redevelopment and Sydney Metro.
George Street at Freemason Arms Lane and Phillip Street at Andrew Nash Lane, Parramatta	Install continuous footpath	$1,000,000	Application has been lodged for NSW Government funding under its Active Transport Program
Macquarie Street at Marsden Street, Parramatta	TCS upgrades - Upgrade Kerb Ramps at existing traffic signals to current standards	N/A	To be reviewed following Parramatta Light Rail works.
O'Connell Street at Hunter Street, Parramatta	Upgrade Kerb Ramps at the existing Traffic Control Signals (TCS)	$950,000	
Parkes Street at Wigram Street and at Harris Street, Parramatta	Installation of dedicated eastbound left turn lane at Harris Street; eastbound right turn bay at Wigram Street; and a dual right turn from Harris Street (southbound) into Parkes Street	$200,000 2019/20 & 2020/21	Design to determine concept plan and land reservation details has been completed.

Location	Treatment Type	Estimated Cost	Comments
Smith Street, north of Macquarie Lane, Parramatta	Extension of the median island at Macquarie Lane to the north to restrict right turn entry into the car park of 75 George Street, Parramatta	$50,000	Subject to a development proposal
Union Street at Charles Street, Parramatta	Install a Pedestrian Refuge Island	$250,000	
Park Parade, Parramatta at Pedestrian tunnel near Domain creek)	Install a Pedestrian refuge with kerb extension and pedestrian fence (drainage works are needed at the tunnel as part of this project)	$500,000	The design is 100% funded by Council through its Active Transport Program (from Parramatta CBD Development Contributions Plan 2007). There is currently no funding available for construction of this project. However, funding application has been lodged to TfNSW under Federal Government's Stimulus Program and State Government's Active Transport Program for construction in 2022/23. A report proposing the installation of a pedestrian refuge with kerb extension and pedestrian fencing was considered in the 25 May 2022 PTC meeting and adopted by Council on 27 June 2022.

Black Spot Projects List

BCR	Location	Treatment Type	Estimated Cost	Injury Accidents (over 5-year Period) that can be treated by the treatment	Funding Status	Comments
20.3	Intersection of Caroline Chisholm Drive and Hillcrest Avenue, Winston Hills	Install speed cushions at all approaches to the roundabout	$16,000	4	Not yet funded	Applied for funding under Federal and State Governments' Black Spot Programs in 2022/23
8.03	Intersection of Bulli Road and Binalong Road, Toongabbie	Install speed cushions at all approaches to the roundabout	$16,000	2	Not yet funded	Applied for funding under Federal and State Governments' Black Spot and Stimulus Programs in 2022/23
6.18	Derby St at Wetherill Street North, Silverwater	Install speed cushions in Derby Street at both approaches to Wetherill St North	$16,000	1	Not yet funded	Applied for funding under Federal and State Governments' Black Spot Programs in 2022/23
5.87	Asquith Street, Stubbs Street and Beaconsfield Street, Silverwater	• Install speed cushions, median islands and kerb blister islands in Asquith Street at Stubbs Street and at Melton Street N and • Install speed cushions at all approaches to the roundabout at the intersection of Stubbs Street and Beaconsfield Street	$159,600	5	Not yet funded	Applied for funding under Federal and State Governments' Black Spot Programs in 2022/23
5.52	Redbank Road at Balmoral Road, Northmead	Install 4 speed cushions (concrete) at north and southbound approaches to the intersection	$68,000	8	Not yet funded	Applied for funding under Federal Stimulus Program in 2022/23
3.37	Intersection of High Street at Raymond Street, Parramatta	Option 1: Install a raised pedestrian crossing in High St (north leg) and speed cushions at other 3 legs.	$262,000	4	Not yet funded	Applied for funding under Federal and State Governments' Black Spot Programs in 2022/23

BCR	Location	Treatment Type	Estimated Cost	Injury Accidents (over 5-year Period) that can be treated by the treatment	Funding Status	Comments
2.38		Option 2: Install a raised pedestrian crossing at the northern leg, speed cushion at the southern leg and raised thresholds at the eastern and western legs of the intersection.	$375,000			
3.10	Silverwater Industrial Precinct (west of Silverwater Road)	Installation of median islands, kerb blister islands and speed cushions in Asquith Street, Beaconsfield Street at Stubbs Street	$160,000	4	Not yet funded	Applied for funding under Federal Stimulus Program, and under Federal and State Governments' Black Spot Programs in 2022/23
2.31	Carnarvon St at Melton St North, Silverwater	Install a chicane	$215,000	3	Not yet funded	Applied for funding under Federal and State Governme nts' Black Spot Programs in 2022/23
1.82	Intersection of Ballandella Road and Burrabogee Road, Toongabbie	Install a roundabout	$469,000	2	Not yet funded	Applied for funding under Federal Stimulus Program in 2022/23
1.58	Intersection of Melton Street North and Beaconsfield Road, Silverwater	Install a roundabout	$539,760	2	Not yet funded	Applied for funding under Federal Stimulus Program in 2022/23
1.32	Intersection of Bulli Road at Bungaree Road, Toongabbie	Install a roundabout	$645,000	2	Not yet funded	Applied for funding under Federal Stimulus Program in 2022/23
0.96	Loyalty Road and North Rocks Road, North Rocks	Install a roundabout	$790,840	3	Not yet funded	Applied for funding under Federal Stimulus Program in 2022/23
0.63	Gladstone Street at Brickfield Street and at Buller Street, North Parramatta	Install two roundabouts	$900,000	3	Not yet funded	Applied for funding under Federal Stimulus Program in 2022/23

BCR	Location	Treatment Type	Estimated Cost	Injury Accidents (over 5-year Period) that can be treated by the treatment	Funding Status	Comments
Supported by Road Safety Audit	Intersection of Wentworth Street and Martha Street, Clyde	Install street lighting under the M4 bridge and raised thresholds in Marta St on both approaches to Wentworth Street	Design: $20,000 Construction: $544,000	N/A	Not yet funded	Applied for funding under Federal Stimulus Program for design in 2021/22 and construction in 2022/23.
--	Bold Street south of Cowper Street, Granville Ward: Rosehill SED: Granville	Install a raised threshold	$180,000	4	Not yet funded	Liaising with TfNSW to determine the appropriate treat ment options for this location. Reviewed the crash history and noted that the appropri ate treatments cannot be installed at the intersection due to following reasons: • Close proximity to two traffic signals (at Parramatta Road and at Railway Parade) • Required to maintain 3 travel lanes (including a bus lane) in the northbound and 2 travel lanes in the so uthbound directions. • Required to maintain right turn access between Bold Street and Cowper Street (west leg)

Traffic Projects supported by Community Petition

Location	SED	Proposed Treatment	Year Included on List	Estimated Cost
Ward: Epping;				
Lexington Avenue at Raimonde Road, Eastwood	Epping	Concrete median islands	2014	$20,000
George Street, Epping	Epping	Chicanes (2)	2020	$90,000
Ward: Parramatta				
Ballandella Road between Fitzwilliam Road and Barangaroo Road, Toongabbie	Seven Hills	Raised Thresholds or Chicanes (2)	2015	$150,000
Frances Street, Northmead	Seven Hills	Speed humps (3) or chicanes (2)	2021	$90,000
Harris Street, Constitution Hill	Seven Hills	Speed Humps (3)	2015	$20,000
Ward: North Rocks				
Barnetts Road, Winston Hills	Seven Hills	Chicanes	2011	$900,000
Ward: Rosehill				
Alice Street between Alfred and Arthur Streets	Parramatta	Speed Humps (2)	2020	$17,500
Deakin Street, Silverwater (between Stubbs Street and the cul-de-sac)	Auburn	Speed Humps	2018	$20,000

Attachment 3

Traffic Engineering Advisory Group meeting held on 20 July 2022

Consultation & Timing: Items B1 to B4

ITEM 2207 B1 - INTERSECTION OF CHURCH STREET, ALBERT STREET AND PENNANT HILLS ROAD, NORTH PARRAMATTA – PETITION TO REVIEW AND EXTEND THE 40KM/H SCHOOL ZONE AT PARRAMATTA NORTH PUBLIC SCHOOL

Stakeholder Consultation

A record of all submissions and responses is provided in the attachments to the Traffic Engineering Advisory Group report and Council report on the matter.

The Traffic Engineering Advisory Group agenda was emailed to the PTC/TEAG mailing list on 14 July 2022 and the meeting was held on 20 July 2022. The comments below were received.

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
20 July 2022	PTC	Support recommendation	Mr Richard Searle	Manager Traffic & Transport

Councillor Consultation

The Traffic Engineering Advisory Group agenda was emailed to the PTC/TEAG mailing list on 14 July 2022 and the meeting was held on 20 July 2022. The below Councillor comments were received.

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
20 July 2022	All Councillors	No comment except Chairperson support for recommendation	Mr Richard Searle	Manager Traffic & Transport

ITEM 2207 B2 - HILL ROAD, WENTWORTH POINT – UPDATE ON THE PROPOSED IMPROVEMENTS ON HILL ROAD, WENTWORTH POINT

Stakeholder Consultation

A record of all submissions and responses is provided in the attachments to the Traffic Engineering Advisory Group report and Council report on the matter.

The Traffic Engineering Advisory Group agenda was emailed to the PTC/TEAG

mailing list on 14 July 2022 and the meeting was held on 20 July 2022. The comments below were received.

Stakeholder Consultation

A record of all submissions and responses is provided in the attachments to the Traffic Engineering Advisory Group report and Council report on the matter.

The Traffic Engineering Advisory Group agenda was emailed to the PTC/TEAG mailing list on 14 July 2022 and the meeting was held on 20 July 2022. The comments below were received.

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
20 July 2022	PTC	Support recommendation	Mr Richard Searle	Manager Traffic & Transport

Councillor Consultation

The Traffic Engineering Advisory Group agenda was emailed to the PTC/TEAG mailing list on 14 July 2022 and the meeting was held on 20 July 2022. The below Councillor comments were received.

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
20 July 2022	Councillor Noack (Chairperson)	Councillor Noack requested that the following question be taken on notice: whether it was possible for the construction of the traffic signals at the intersection of Hill Road and Bennelong Parkway to commence by November 2022. If it was not possible to commence construction at that time, can an explanation be provided as to	Mr Richard Searle advised that a confirmation in writing from the Federal Government is required before Council can act on that. The question to be taken on notice was included the recommendation.	Richard Searle, Manager Traffic & Transport

		why that is. Councillor Noack further stated that $8.5 million from the Federal Government will be available for the construction of the signals and other works in Hill Road.		

ITEM 2207 B3 - PROJECTS RECENTLY COMPLETED, PROJECTS CURRENTLY FUNDED AND PROJECTS LIST FOR CONSIDERATION OF FUTURE FUNDING

Stakeholder Consultation

A record of all submissions and responses is provided in the attachments to the Traffic Engineering Advisory Group report and Council report on the matter.

The Traffic Engineering Advisory Group agenda was emailed to the PTC/TEAG mailing list on 14 July 2022 and the meeting was held on 20 July 2022. The comments below were received.

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
20 July 2022	PTC	Support recommendation	Mr Richard Searle	Manager Traffic & Transport

Councillor Consultation

The Traffic Engineering Advisory Group agenda was emailed to the PTC/TEAG mailing list on 14 July 2022 and the meeting was held on 20 July 2022. The below Councillor comments were received.

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
20 July 2022	All Councillors	Support recommendation	Mr Richard Searle	Manager Traffic & Transport

BUSINESS ITEM

ITEM 2207 B4 - ON STREET PARKING IN THE PARRAMATTA CBD

Stakeholder Consultation

A record of all submissions and responses is provided in the attachments to the Traffic Engineering Advisory Group report and Council report on the matter.

The Traffic Engineering Advisory Group agenda was emailed to the PTC/TEAG mailing list on 14 July 2022 and the meeting was held on 20 July 2022. The comments below were received.

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
20 July 2022	PTC	Support recommendation	Mr Richard Searle	Manager Traffic & Transport

Councillor Consultation

The Traffic Engineering Advisory Group agenda was emailed to the PTC/TEAG mailing list on 14 July 2022 and the meeting was held on 20 July 2022. The below Councillor comments were received.

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
20 July 2022	Councillor Green	Councillor Green asked about a previous item he had raised regarding on-street parking in Macquarie Street, Parramatta outside the Jessie Centre where the possibility of additional on-street parking spaces was to be investigated.	Ms Saniya Sharmeen (CoP) advised that an item had been included for approval by the Parramatta Traffic Committee items considered under Delegated Authority at the end of June 2022 (ref. DI 310 06). This item seeks to install additional on-street parking on the north side of Macquarie Street between O'Connell Street and Marsden Street and it is anticipated that the signs will be installed within 4 weeks subject to approval.	Saniya Sharmeen, Traffic & Transport Team Leader

20 July 2022	Councillor Green	Councillor Green further enquired about the possibility of installing 1/2P across the CBD due to the misuse of the existing parking spaces by vehicles displaying the Mobility Parking Scheme (MPS) Permits.	Richard Searle noted that there was a report by Council's Regulatory Services which was considered by Council at its meeting on 14 June 2022 where Council resolved in part: b) That Council provide in principal support for the conversion of current signposted one hour timed parking to 30 minute timed parking in Parramatta CBD. c) That Council note the proposed changes to timed parking in the CBD will be reviewed by Council's Traffic Committee and come back to Council for approval. For this item, community consultation will need to be undertaken prior to the matter being referred to the Parramatta Traffic Committee for	Manager Traffic & Transport

			approval as it represents significant changes to on-street parking.	

REPORTS TO COUNCIL - FOR COUNCIL DECISION

ITEM NUMBER 13.3
SUBJECT Code of Conduct Review 2022
REFERENCE F2022/00105 - D08421473
REPORT OF Governance Projects Officer

CSP THEME: **FAIR**

WORKSHOP/BRIEFING DATE: Policy Review Committee – 26 July 2022.

PURPOSE:

The purpose of this report is to present to Council a Draft Code of Conduct (the Code) for adoption.

RECOMMENDATION

That Council adopt the Draft Code of Conduct, inclusive of the Model Procedures for Administering the Model Code of Conduct, as per **Attachment 2** to this report.

BACKGROUND

1. Council's current Code of Conduct was adopted on 22 February 2021.

2. Under s440(7) of the *Local Government Act 1993* (the Act), within 12 months after each ordinary election, Council must review its adopted Code of Conduct and make such adjustments as it considers appropriate and as are consistent within s440 of the Act.

ISSUES/OPTIONS/CONSEQUENCES

3. The Code has been reviewed in alignment with s440 of the Act.

4. The last Model Code of Conduct and Model Procedures for Administering the Model Code of Conduct were prescribed under s180(1) and s181 of the *Local Government (General) Regulation 2021* on 7 August 2020. As Council adopted a revised Code in response to this prescription in 2021, there are no significant changes proposed to the Code in this review. However, there are some proposed minor changes. None of these proposed changes affect the obligations of Councillors under the Code of Conduct.

5. A marked-up copy of the draft Code is provided at **Attachment 1**, and a clean copy of the draft Code is provided at **Attachment 2**.

Members of Wholly Advisory Committees & Volunteers

6. The current Code of Conduct does not provide coverage to Council's Advisory Committee members or volunteers of Council.

7. It is a requirement of Council for members of Advisory Committees and volunteers to undertake induction training, which includes a Code of Conduct component. This is reflective of best practice processes for induction, and

ensuring compliance of persons working in a volunteer capacity or member of a wholly advisory committee capacity for the City of Parramatta Council with principles of good conduct.

8. Therefore, the Code has been updated to provide wholistic coverage by:

- Including a definition of "volunteer" within the definitions section (refer page 4); and

- Including a "Part 10" to apply specifically to members of wholly advisory committees, delegates of Council, Council advisers and volunteers (refer pages 2 and 39-60). This Part covers:

  - General compliance obligations;
  - Pecuniary interests;
  - Non-pecuniary interests;
  - Personal benefit;
  - Access to information and Council resources;
  - Maintaining the integrity of the Code

Secondary Employment

9. Council's current practice is to require staff to disclose all secondary employment for remuneration. This practice was inconsistent with the Code of Conduct, which required disclosure of secondary employment where this employment relates to the business of the Council or might conflict with the staff member's Council duties. The Code has therefore been updated to reflect current practice, as well as a requirement for staff to disclose other volunteer work that relates to the business of the Council or might conflict with the staff member's Council duties. This change is reflected in clause 5.24 on page 22 of the attached draft documents.

CONSULTATION & TIMING

Stakeholder Consultation

10. The following stakeholder consultation has been undertaken in relation to this matter:

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
February – May 2022	Internal Ombudsman Shared Service (IOSS)	Approved of proposed changes.	Not required.	Governance
May 2022	Legal Services (Internal)	Approved of proposed changes.	Not required.	Governance
June 2022	Internal Council-Wide Consultation	One (1) submission received. Overall	Part 10 is intended to duplicate parts of the Code, and will	Governance

		comment – confusion with Part 10.	apply only to certain groupings. Council Officials are to refer to all parts of the Code other than Part 10.	
July 2022	Executive Team	Approved of proposed changes.	Not required.	Governance

Councillor Consultation

11. The following Councillor consultation has been undertaken in relation to this matter:

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
26 July 2022	Policy Review Committee. Councillors present: DLM Pandey, Crs Garrard, Humphries, Prociv, Valjak, Wearne	Support for the changes.	Not required.	Governance

LEGAL IMPLICATIONS FOR COUNCIL

12. Under s440(7) of the *Local Government Act 1993* (the Act), within 12 months after each ordinary election, Council must review its adopted Code of Conduct and make such adjustments as it considers appropriate and as are consistent within s440 of the Act.

FINANCIAL IMPLICATIONS FOR COUNCIL

13. If Council resolves to approve this report in accordance with the proposed resolution, there are no unbudgeted financial implications for Council's budget.

	FY 21/22	FY 22/23	FY 23/24	FY 24/25
Revenue				
Internal Revenue				
External Revenue				
Total Revenue	NIL			
Funding Source	N/A			
Operating Result				
External Costs				
Internal Costs				
Depreciation				
Other				
Total Operating Result	NIL			
Funding Source	N/A			

CAPEX				
CAPEX				
External				
Internal				
Other				
Total CAPEX	NIL			

Rebecca Srbinovska
Governance Manager

John Angilley
Chief Financial and Information Officer

Brett Newman
Chief Executive Officer

ATTACHMENTS:

1 FINAL DRAFT Code of Conduct - Marked Up 120 Pages
2 FINAL DRAFT Code of Conduct - Clean 120 Pages

REFERENCE MATERIAL

CITY OF PARRAMATTA

Code of Conduct

Incorporating the Procedures for the Administration of the Code of Conduct for Local Councils in NSW

XXX 2022

cityofparramatta.nsw.gov.au

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ANNEXURE 1 – PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

Code of Conduct		
Owner: Governance Manager	Area: Corporate Services	POL No: 218
Date of Commencement: 2022	Approval Authority: Council	Date Approved: XXX
Amendment 6	Date of Next Review: 2026	Review: Every 4 years

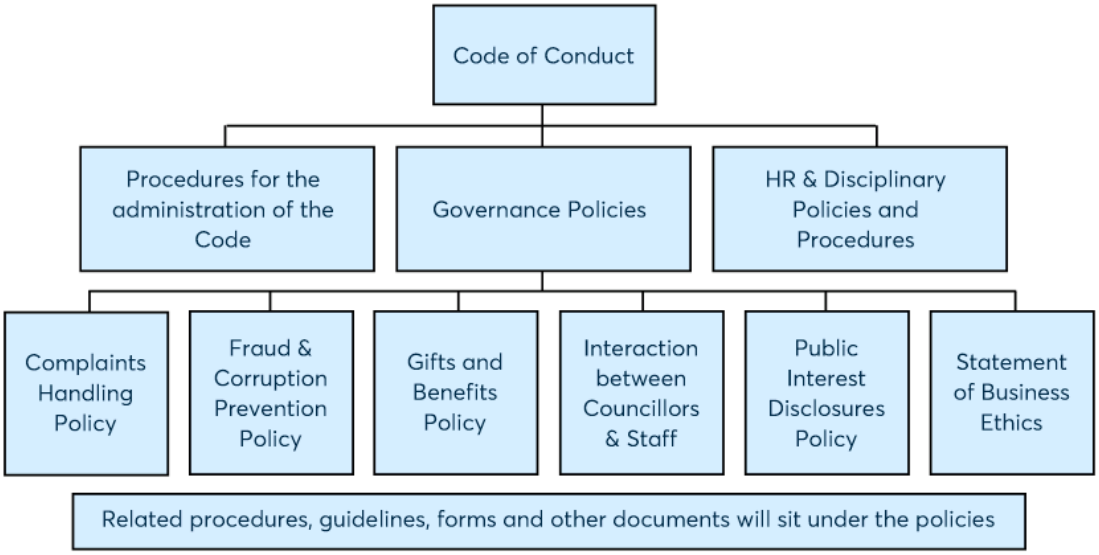
PART 1 INTRODUCTION

The practice of good governance is critical for ensuring that Council meets legal and ethical compliance and that decisions are made in the best interests of the community.

The City of Parramatta demonstrates good governance through its rigorous and transparent decision making processes, supplemented by the various Codes and policies that have been developed to guide Council's operations.

The Code of Conduct is Council's principal governance policy and is an important foundation for a strong ethical culture. This Code of Conduct is modelled on the Office of Local Government's Model Code of Conduct for Local Councils in NSW.

The Code of Conduct is underpinned by the Office of Local Government's *Procedures for the Administration of the Code of Conduct for Local Councils in NSW*, and a series of policies as outlined below. Failure to comply with the provisions of these policies could be considered a breach of the Code of Conduct. Where the standard in a policy and the Code of Conduct differ, the more onerous or stringent standard shall apply.



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

- understand and comply with the standards of conduct that are expected of them;
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439 of the Local Government Act 1993 (LGA));
- act in a way that enhances public confidence in Local Government.

Code of Conduct		
Owner: Governance Manager	Area: Corporate Services	POL No: 218
Date of Commencement: 2022	Approval Authority: Council	Date Approved: XXX
Amendment 6	Date of Next Review: 2026	Review: Every 4 years

Section 440 of the LGA requires every Council and joint organisation to adopt a Code of Conduct that incorporates the provisions of the Model Code of Conduct. A Council's or joint organisation's adopted Code of Conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "Council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

Part 10 supplements the City of Parramatta Code of Conduct with a Code of Conduct specifically for Council Committee Members (including Members of Wholly Advisory Committees), delegates of Council, Council Advisers and volunteers.

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

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

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

Failure by a member of staff to comply with a Council's Code of Conduct may give rise to disciplinary action.

Code of Conduct		
Owner: Governance Manager	Area: Corporate Services	POL No: 218
Date of Commencement: 2022	Approval Authority: Council	Date Approved: XXX
Amendment 6	Date of Next Review: 2026	Review: Every 4 years

PART 2 DEFINITIONS

In this Code the following terms have the following meanings:

administrator	an administrator of a Council appointed under the LG Act other than an administrator appointed under section 66
committee	see the definition of "Council committee"
complaint	a Code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures
Conduct	includes acts and omissions
Council	includes county Councils and joint organisations
Council committee	a committee established by a Council comprising of Councillors, staff or other persons that the Council has delegated functions to and the Council's audit, risk and improvement committee
Council committee member	a person other than a Councillor or member of staff of a Council who is a member of a Council committee other than a wholly advisory committee, and a person other than a Councillor who is a member of the Council's audit, risk and improvement committee
Council official	includes Councillors, members of staff of a Council, administrators, Council committee members, delegates of Council and, for the purposes of clause 4.16, Council advisers
Councillor	any person elected or appointed to civic office, including the Lord Mayor and includes members and chairpersons of county Councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of Council	a person (other than a Councillor or member of staff of a Council) or body, and the individual members of that body, to whom a function of the Council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes Council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*
Chief Executive Officer	the General Manager appointed under s334 of the *Local Government Act* and includes executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LG Act
LG Act	*Local Government Act 1993*
local planning panel	a local planning panel constituted under the *Environmental Planning and Assessment Act 1979*
Lord Mayor	includes chairperson of a county Council or a joint organisation
members of staff of a Council	includes members of staff of county Councils and joint organisations

the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	*the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation*
the Regulation	the *Local Government (General) Regulation 2021*
volunteer	A person who undertakes an endorsed Council activity without payment or reward for the benefit of the community.
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a Council committee that the Council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

3.1 You must not conduct yourself in a manner that:

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

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

Fairness and equity

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

3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

3.7 For the purposes of this Code, "harassment" is any form of behaviour towards a person that:

a) is not wanted by the person;
b) offends, humiliates or intimidates the person, and
c) creates a hostile environment.

Bullying

3.8 You must not engage in bullying behaviour towards others.

3.9 For the purposes of this Code, "bullying behaviour" is any behaviour in which:

a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
b) the behaviour creates a risk to health and safety.

3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

a) aggressive, threatening or intimidating conduct;
b) belittling or humiliating comments;
c) spreading malicious rumours;
d) teasing, practical jokes or 'initiation ceremonies';
e) exclusion from work-related events;
f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level;
g) displaying offensive material;
h) pressure to behave in an inappropriate manner.

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this Code. Examples of reasonable management action may include, but are not limited to:

a) performance management processes;
b) disciplinary action for misconduct;
c) informing a worker about unsatisfactory work performance or inappropriate work behaviour;
d) directing a worker to perform duties in keeping with their job;
e) maintaining reasonable workplace goals and standards;
f) legitimately exercising a regulatory function;
g) legitimately implementing a Council policy or administrative processes.

Work health and safety

3.12 All Council officials, including Councillors, owe statutory duties under the Work Health and Safety Act 2011 (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety. Specifically, you must:

a) take reasonable care for your own health and safety;
b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons;
c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the Council to ensure workplace health and safety;
d) cooperate with any reasonable policy or procedure of the Council relating to workplace health or safety that has been notified to Council staff;
e) report accidents, incidents, near misses, to the Chief Executive Officer or such other staff member nominated by the Chief Executive Officer, and take part in any incident investigations;
f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

3.15 You must not participate in binding caucus votes in relation to matters to be considered at a Council or committee meeting.

3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of Councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the Council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the Council or committee.

3.17 Clause 3.15 does not prohibit Councillors from discussing a matter before the Council or committee prior to considering the matter in question at a Council or committee meeting, or from voluntarily holding a shared view with other Councillors on the merits of a matter.

3.18 Clause 3.15 does not apply to a decision to elect the Lord Mayor or deputy Lord Mayor, or to nominate a person to be a member of a Council committee or a representative of the Council on an external body.

Obligations in relation to meetings

3.19 You must comply with rulings by the chair at Council and committee meetings or other proceedings of the Council unless a motion dissenting from the ruling is passed.

3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other Council officials or any members of the public present during Council or committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions).

3.21 You must not engage in conduct that disrupts Council or committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

3.22 If you are a Councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the Council, or of a committee of the Council. Without limiting this clause, you must not:

a) leave a meeting of the Council or a committee for the purposes of depriving the meeting of a quorum, or
b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another Councillor from submitting a rescission motion with respect to the same decision, or
c) deliberately seek to impede the consideration of business at a meeting.

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.

4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.

4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:

(a) your interest, or

(b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or

(c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.

4.4 For the purposes of clause 4.3:

(a) Your "relative" is any of the following:

i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child;

ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child;

iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).

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

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

(a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or

(b) just because the person is a member of, or is employed by, a Council or a statutory body, or is employed by the Crown, or

(c) just because the person is a member of, or a delegate of a Council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

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

(a) your interest as an elector;

(b) your interest as a ratepayer or person liable to pay a charge;

(c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Code;

(d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Code;

(e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not);

(f) if you are a Council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the Council committee;

(g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company;

(h) an interest you have arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership;

(i) an interest you have arising from the making by the Council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:

  i) the performance by the Council at the expense of your relative of any work or service in connection with roads or sanitation

  ii) security for damage to footpaths or roads

  iii) any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council, or by or under any contract

(j) an interest relating to the payment of fees to Councillors (including the Lord Mayor and deputy Lord Mayor);

(k) an interest relating to the payment of expenses and the provision of facilities to Councillors (including the Lord Mayor and deputy Lord Mayor) in accordance with a policy under section 252 of the LGA;

(l) an interest relating to an election to the office of Lord Mayor arising from the fact that a fee for the following 12 months has been determined for the office

of Lord Mayor;

(m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person;

(n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor or a Council committee member;

(o) an interest arising from the appointment of a Councillor to a body as a representative or delegate of the Council, whether or not a fee or other recompense is payable to the representative or delegate.

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

What disclosures must be made by a designated person?

4.8 Designated persons include:

(a) the Chief Executive Officer;

(b) other senior staff of the Council for the purposes of section 332 of the LGA;

(c) a person (other than a member of the senior staff of the Council) who is a member of staff of the Council or a delegate of the Council and who holds a position identified by the Council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest;

(d) a person (other than a member of the senior staff of the Council) who is a member of a committee of the Council identified by the Council as a committee whose members are designated persons because the functions of the committee involve the exercise of the Council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

4.9 A designated person:

(a) must prepare and submit written returns of interests in accordance with clauses 4.21, and

(b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the Chief Executive Officer (or if the person is the Chief Executive Officer, to the Council) the nature of any pecuniary interest the person has in any Council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11 Clause 4.10 does not require a designated person who is a member of staff of the Council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.

4.12 The Chief Executive Officer must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

4.13 A disclosure by the Chief Executive Officer must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the Council and the Council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by Council staff other than designated persons?

4.14 A member of staff of Council, other than a designated person, must disclose in writing to their manager or the Chief Executive Officer the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.

4.15 The staff member's manager or the Chief Executive Officer must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by Council advisers?

4.16 A person who, at the request or with the consent of the Council or a Council committee, gives advice on any matter at any meeting of the Council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.

4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a Council committee member?

4.18 A Council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.

4.19 For the purposes of clause 4.18, a "Council committee member" includes a member of staff of Council who is a member of the committee.

What disclosures must be made by a Councillor?

4.20 A Councillor:

(a) must prepare and submit written returns of interests in accordance with clause 4.21, and

(b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

Disclosure of interests in written returns

4.21 A Councillor or designated person must make and lodge with the Chief Executive Officer a return in the form set out in schedule 2 to this Code, disclosing the Councillor's or designated person's interests as specified in schedule 1 to this Code within 3 months after:

(a) becoming a Councillor or designated person, and
(b) 30 June of each year, and
(c) the Councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:

(a) they made and lodged a return under that clause in the preceding 3 months, or
(b) they have ceased to be a Councillor or designated person in the preceding 3 months.

4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

4.24 The Chief Executive Officer must keep a register of returns required to be made and lodged with the Chief Executive Officer.

4.25 Returns required to be lodged with the Chief Executive Officer under clause 4.21(a) and (b) must be tabled at the first meeting of the Council after the last day the return is required to be lodged.

4.26 Returns required to be lodged with the Chief Executive Officer under clause 4.21(c) must be tabled at the next Council meeting after the return is lodged.

4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

4.28 A Councillor or a Council committee member who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

4.29 The Councillor or Council committee member must not be present at, or in sight of, the meeting of the Council or committee:

(a) at any time during which the matter is being considered or discussed by the Council or committee, or
(b) at any time during which the Council or committee is voting on any question in relation to the matter.

4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.

4.31 A disclosure made at a meeting of a Council or Council committee must be recorded in the minutes of the meeting.

4.32 A general notice may be given to the Chief Executive Officer in writing by a Councillor or a Council committee member to the effect that the Councillor or Council committee member, or the Councillor's or Council committee member's spouse, de facto partner or relative, is:

(a) a member of, or in the employment of, a specified company or other body, or
(b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the Council in which it is given (whichever is the sooner), sufficient disclosure of the Councillor's or Council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council or Council committee after the date of the notice.

4.33 A Councillor or a Council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Councillor or Council committee member has an interest in the matter of a kind referred to in clause 4.6.

4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

4.35 Despite clause 4.29, a Councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.

4.36 Clause 4.29 does not apply to a Councillor who has a pecuniary interest in a matter that is being considered at a meeting if:

(a) the matter is a proposal relating to:
  (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the Council's area, or
  (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the Council's area, and
(b) the pecuniary interest arises only because of an interest of the Councillor in the Councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
(c) the Councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.

4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:

(a) be in the form set out in schedule 3 of this Code and contain the information required by that form, and
(b) be laid on the table at a meeting of the Council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

4.38 The Minister for Local Government may, conditionally or unconditionally, allow a Councillor or a Council committee member who has a pecuniary interest in a matter with which the Council is concerned to be present at a meeting of the Council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

(a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
(b) that it is in the interests of the electors for the area to do so.

4.39 A Councillor or a Council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the Council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

5.1 Non-pecuniary interests are private or personal interests a Council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this Code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.

5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.

5.3 The personal or political views of a Council official do not constitute a private interest for the purposes of clause 5.2.

5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of Council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this Code.

5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of Council staff other than the Chief Executive Officer, such a disclosure is to be made to the staff member's manager. In the case of the Chief Executive Officer, such a disclosure is to be made to the Lord Mayor.

5.7 If a disclosure is made at a Council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.

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5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:

a) a relationship between a Council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the Council official's extended family that the Council official has a close personal relationship with, or another person living in the same household;
b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship;
c) an affiliation between the Council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a Council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation;
d) membership, as the Council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the Council and the organisation are potentially in conflict in relation to the particular matter;
e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1;
f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a Council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you

must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12 If you are a member of staff of Council other than the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the Lord Mayor.

5.13 Despite clause 5.10(b), a Councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the Council committee.

Political donations

5.15 Councillors should be aware that matters before Council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.

5.16 Where you are a Councillor and have received or knowingly benefitted from a reportable political donation:

a) made by a major political donor in the previous four years, and
b) the major political donor has a matter before Council,

you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.

5.17 For the purposes of this Part:

a) a "reportable political donation" has the same meaning as it has in section 6 of the Electoral Funding Act 2018
b) "major political donor" has the same meaning as it has in the Electoral Funding Act 2018.

5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a Councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

5.19 Despite clause 5.16, a Councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

5.20 A Councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:

a) the matter is a proposal relating to:
   i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the Council's area, or
   ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the Council's area, and
b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
c) the Councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a Councillor or a Council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the Council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
b) that it is in the interests of the electors for the area to do so.

5.22 Where the Minister exempts a Councillor or committee member from complying with a requirement under this Part under clause 5.21, the Councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

5.23 The Chief Executive Officer must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council without the approval of the Council.

~~5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.~~

5.24 A member of staff must not engage in:

a) private employment for remuneration; or
b) contract work for remuneration; or
c) other business for remuneration or volunteer work outside the service of the Council that relates to the business of the Council or that might conflict with the staff member's Council duties,

unless they have notified the Chief Executive Officer in writing of the employment, work or business and the Chief Executive Officer has given their written approval of the staff member to engage in the employment, work or business.

5.25 The Chief Executive Officer may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the Council that relates to the business of the Council, or that might conflict with the staff member's Council duties.

5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council if prohibited from doing so.

5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:

a) conflict with their official duties
b) involve using confidential information or Council resources obtained through their work with the Council including where private use is permitted
c) require them to work while on Council duty
d) discredit or disadvantage the Council
e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with Council

5.28 You may have reason to deal with your Council in your personal capacity (for example, as a ratepayer, recipient of a Council service or applicant for a development consent granted by Council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

5.29 You must undertake any personal dealings you have with the Council in a manner that is consistent with the way other members of the community deal with the Council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this Code.

PART 6 PERSONAL BENEFIT

6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a Council official or someone personally associated with them for their personal use and enjoyment.

6.2 A reference to a gift or benefit in this Part does not include:

a) items with a value of $10 or less;
b) a political donation for the purposes of the Electoral Funding Act 2018
c) a gift provided to the Council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual Council official or someone personally associated with them;
d) a benefit or facility provided by the Council to an employee or Councillor;
e) attendance by a Council official at a work-related event or function for the purposes of performing their official duties, or
f) free or subsidised meals, beverages or refreshments provided to Council officials in conjunction with the performance of their official duties such as, but not limited to:
   i) the discussion of official business
   ii) work-related events such as Council-sponsored or community events, training, education sessions or workshops
   iii) conferences
   iv) Council functions or events
   v) social functions organised by groups, such as Council committees and community organisations.

Gifts and benefits

6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.

6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

6.5 You must not:

a) seek or accept a bribe or other improper inducement;
b) seek gifts or benefits of any kind;
c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out

your public duty;

d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9;
e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount;
f) participate in competitions for prizes where eligibility is based on the Council being in or entering into a customer–supplier relationship with the competition organiser;
g) personally benefit from reward points programs when purchasing on behalf of the Council.

6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the Chief Executive Officer in writing. The recipient, manager, or Chief Executive Officer must ensure that, at a minimum, the following details are recorded in the Council's gift register:

a) the nature of the gift or benefit;
b) the estimated monetary value of the gift or benefit;
c) the name of the person who provided the gift or benefit, and
d) the date on which the gift or benefit was received.

6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the Council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of $100. They include, but are not limited to:

a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed $100;
b) gifts of alcohol that do not exceed a value of $100;
c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like;
d) prizes or awards that do not exceed $100 in value.

Gifts and benefits of more than token value

6.9 Gifts or benefits that exceed $100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting Codes) with a ticket value that exceeds $100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed $100 in value.

6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

"Cash-like gifts"

6.13 For the purposes of clause 6.5(e), "cash-like gifts" include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

6.14 You must not use your position to influence other Council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A Councillor will not be in breach of this clause where they seek to influence other Council officials through the proper exercise of their role as prescribed under the LGA.

6.15 You must not take advantage (or seek to take advantage) of your status or position with Council, or of functions you perform for Council, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of Councillors and administrators

7.1 Each Council is a body politic. The Councillors or administrator/s are the governing body of the Council. Under section 223 of the LGA, the role of the governing body of the Council includes the development and endorsement of the strategic plans, programs, strategies and policies of the Council, including those relating to workforce policy, and to keep the performance of the Council under review.

7.2 Councillors or administrators must not:

a) direct Council staff other than by giving appropriate direction to the Chief Executive Officer by way of Council or committee resolution, or by the Lord Mayor or administrator exercising their functions under section 226 of the LGA;
b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the staff member or delegate;
c) contact a member of the staff of the Council on Council-related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council staff that have been authorised by the Council and the Chief Executive Officer;
d) contact or issue instructions to any of the Council's contractors, including the Council's legal advisers, unless by the Lord Mayor or administrator exercising their functions under section 226 of the LGA.

7.3 Despite clause 7.2, Councillors may contact the Council's external auditor or the chair of the Council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

7.4 Under section 335 of the LGA, the role of the Chief Executive Officer includes conducting the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council, implementing without undue delay, lawful decisions of the Council and ensuring that the Lord Mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

7.5 Members of staff of Council must:

a) give their attention to the business of the Council while on duty;
b) ensure that their work is carried out ethically, efficiently, economically and effectively;
c) carry out reasonable and lawful directions given by any person having authority to give such directions;
d) give effect to the lawful decisions, policies and procedures of the Council, whether or not the staff member agrees with or approves of them;
e) ensure that any participation in political activities outside the service of the Council does not interfere with the performance of their official duties.

Inappropriate interactions

7.6 You must not engage in any of the following inappropriate interactions:

a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters;
b) Council staff approaching Councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters;
c) subject to clause 8.6, Council staff refusing to give information that is available to other Councillors to a particular Councillor;
d) Councillors and administrators who have lodged an application with the Council, discussing the matter with Council staff in staff-only areas of the Council;
e) Councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the Councillor or administrator has a right to be heard by the panel at the meeting;
f) Councillors and administrators being overbearing or threatening to Council staff;
g) Council staff being overbearing or threatening to Councillors or administrators;
h) Councillors and administrators making personal attacks on Council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this Code in public forums including social media ;
i) Councillors and administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make;
j) Council staff providing ad hoc advice to Councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community;

k) Council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals;

l) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the Council associated with current or proposed legal proceedings unless permitted to do so by the Council's Chief Executive Officer or, in the case of the Lord Mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

8.1 The Chief Executive Officer is responsible for ensuring that Councillors and administrators can access information necessary for the performance of their official functions. The Chief Executive Officer and public officer are also responsible for ensuring that members of the public can access publicly available Council information under the Government Information (Public Access) Act 2009 (the GIPA Act).

8.2 The Chief Executive Officer must provide Councillors and administrators with the information necessary to effectively discharge their official functions.

8.3 Members of staff of Council must provide full and timely information to Councillors and administrators sufficient to enable them to exercise their official functions and in accordance with Council procedures.

8.4 Members of staff of Council who provide any information to a particular Councillor in the performance of their official functions must also make it available to any other Councillor who requests it and in accordance with Council procedures.

8.5 Councillors and administrators who have a private interest only in Council information have the same rights of access as any member of the public.

8.6 Despite clause 8.4, Councillors and administrators who are precluded from participating in the consideration of a matter under this Code because they have a conflict of interest in the matter, are not entitled to request access to Council information in relation to the matter unless the information is otherwise available to members of the public, or the Council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

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Refusal of access to information

8.8 Where the Chief Executive Officer or public officer determine to refuse access to information requested by a Councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the Councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The Chief Executive Officer or public officer must state the reasons for the decision if access is refused.

Use of certain Council information

8.9 In regard to information obtained in your capacity as a Council official, you must:

a) subject to clause 8.14, only access Council information needed for Council business;
b) not use that Council information for private purposes;
c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with Council;
d) only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

8.11 In addition to your general obligations relating to the use of Council information, you must:

a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions;
b) protect confidential information;
c) only release confidential information if you have authority to do so;
d) only use confidential information for the purpose for which it is intended to be used;
e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person;
f) not use confidential information with the intention to cause harm or detriment to the Council or any other person or body;
g) not disclose any confidential information discussed during a confidential session of a Council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

8.12 When dealing with personal information you must comply with:

a) the Privacy and Personal Information Protection Act 1998;
b) the Health Records and Information Privacy Act 2002;
c) the Information Protection Principles and Health Privacy Principles;
d) the Council's privacy management plan;
e) the Privacy Code of Practice for Local Government.

Use of Council resources

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

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

a) the representation of members with respect to disciplinary matters;
b) the representation of employees with respect to grievances and disputes;
c) functions associated with the role of the local consultative committee.

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

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

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

8.18 You must not use the Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:

a) for the purpose of assisting your election campaign or the election campaign of others, or
b) for other non-official purposes.

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

Internet access

8.20 You must not use Council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the Council's reputation.

Council record keeping

8.21 You must comply with the requirements of the State Records Act 1998 and the Council's records management policy.

8.22 All information created, sent and received in your official capacity is a Council record and must be managed in accordance with the requirements of the State Records Act 1998 and the Council's approved records management policies and practices.

8.23 All information stored in either soft or hard copy on Council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the Council and will be treated as Council records, regardless of whether the original intention was to create the information for personal purposes.

8.24 You must not destroy, alter, or dispose of Council information or records, unless authorised to do so. If you need to alter or dispose of Council information or records, you must do so in consultation with the Council's records manager and comply with the requirements of the State Records Act 1998.

Councillor access to Council buildings

8.25 Councillors and administrators are entitled to have access to the Council chamber, committee room, Lord Mayor's office (subject to availability), Councillors' rooms, and public areas of Council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the Chief Executive Officer.

8.26 Councillors and administrators must not enter staff-only areas of Council buildings without the approval of the Chief Executive Officer (or their delegate) or as provided for in the procedures governing the interaction of Councillors and Council staff.

8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence Council staff decisions.

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this Code for an improper purpose.

9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

a) to bully, intimidate or harass another Council official;
b) to damage another Council official's reputation;
c) to obtain a political advantage;
d) to influence a Council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions;
e) to influence the Council in the exercise of its functions or to prevent or disrupt the exercise of those functions;
f) to avoid disciplinary action under the Procedures;
g) to take reprisal action against a person for making a complaint alleging a breach of this Code;
h) to take reprisal action against a person for exercising a function prescribed under the Procedures;
i) to prevent or disrupt the effective administration of this Code under the Procedures.

Detrimental action

9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this Code.

9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.

9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:

a) injury, damage or loss;
b) intimidation or harassment;
c) discrimination, disadvantage or adverse treatment in relation to employment;
d) dismissal from, or prejudice in, employment;

e) disciplinary proceedings.

Compliance with requirements under the Procedures

9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.

9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.

9.8 You must comply with a practice ruling made by the Office under the Procedures.

Disclosure of information about the consideration of a matter under the Procedures

9.9 All allegations of breaches of this Code must be dealt with under and in accordance with the Procedures.

9.10 You must not allege breaches of this Code other than by way of a complaint made or initiated under the Procedures.

9.11 You must not make allegations about, or disclose information about, suspected breaches of this Code at Council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

9.12 You must not disclose information about a complaint you have made alleging a breach of this Code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the Public Interest Disclosures Act 1994.

Complaints alleging a breach of this Part

9.14 Complaints alleging a breach of this Part by a Councillor, the Chief Executive Officer or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the Council for consideration in accordance with the Procedures.

9.15 Complaints alleging a breach of this Part by other Council officials are to be managed by the Chief Executive Officer in accordance with the Procedures.

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PART 10 – CODE OF CONDUCT FOR COUNCIL COMMITTEE MEMBERS (INCLUDING MEMBERS OF WHOLLY ADVISORY COMMITTEES), DELEGATES OF COUNCIL, COUNCIL ADVISERS AND VOLUNTEERS

GENERAL CONDUCT OBLIGATIONS

General conduct

10.1 You must not conduct yourself in a manner that:

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

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

Fairness and equity

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

10.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when

making decisions.

10.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 10.3 or 10.4.

Harassment and discrimination

10.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

10.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:

a) is not wanted by the person;
b) offends, humiliates or intimidates the person, and
c) creates a hostile environment.

Bullying

10.8 You must not engage in bullying behaviour towards others.

10.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:

a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
b) the behaviour creates a risk to health and safety.

10.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

a) aggressive, threatening or intimidating conduct;
b) belittling or humiliating comments;
c) spreading malicious rumours;
d) teasing, practical jokes or 'initiation ceremonies';
e) exclusion from work-related events;
f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level;
g) displaying offensive material;
h) pressure to behave in an inappropriate manner.

10.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:

a) performance management processes;
b) disciplinary action for misconduct;
c) informing a worker about unsatisfactory work performance or inappropriate work behaviour;
d) directing a worker to perform duties in keeping with their job;
e) maintaining reasonable workplace goals and standards;
f) legitimately exercising a regulatory function;
g) legitimately implementing a council policy or administrative processes.

Work health and safety

10.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:

a) take reasonable care for your own health and safety;
b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons;
c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety;
d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff;
e) report accidents, incidents, near misses, to the Chief Executive Officer or such other staff member nominated by the Chief Executive Officer, and take part in any incident investigations;
f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

10.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

10.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Obligations in relation to meetings

10.15 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.

10.16 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).

10.17 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

PECUNIARY INTERESTS

What is a pecuniary interest?

10.18 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 10.20.

10.19 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 10.23.

10.20 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:

(a) your interest, or
(b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
(c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.

10.21 For the purposes of clause 10.20:

(a) Your "relative" is any of the following:
  i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child;
  ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child;
  iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
(b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

10.22 You will not have a pecuniary interest in relation to a person referred to in subclauses 10.20(b) or (c):

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

What interests do not have to be disclosed?

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

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

contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:

i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation

ii) security for damage to footpaths or roads

iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract

(j) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person;

(k) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a council committee member.

10.24 For the purposes of clause 10.23, "relative" has the same meaning as in clause 10.21, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

10.25 Designated persons include:

(a) a person who is a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a delegate and the person's private interest;

(b) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

10.26 A designated person:

(a) must prepare and submit written returns of interests in accordance with clause 10.32, and

(b) must disclose pecuniary interests in accordance with clause 10.27.

10.27 A designated person must disclose in writing to the Chief Executive Officer the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

10.28 The Chief Executive Officer must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

10.29 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.

10.30 A person does not breach clause 10.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

10.31 A council committee member must disclose pecuniary interests in accordance with clause 10.39 and comply with clause 10.40.

Note: A council committee member identified by council as a "designated person" for the purposes of clause 10.25(b) must also prepare and submit written returns of interests in accordance with clause 10.32.

Disclosure of interests in written returns

10.32 A designated person must make and lodge with the Chief Executive Officer a return in the form set out in schedule 2 to this code, disclosing the designated person's interests as specified in schedule 1 to this code within 3 months after:

(a) becoming a designated person, and
(b) 30 June of each year, and
(c) the designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

10.33 A person need not make and lodge a return under clause 10.32, paragraphs (a) and (b) if:

(a) they made and lodged a return under that clause in the preceding 3 months, or
(b) they have ceased to be a designated person in the preceding 3 months.

10.34 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

10.35 The Chief Executive Officer must keep a register of returns required to be made and lodged with the Chief Executive Officer.

10.36 Returns required to be lodged with the Chief Executive Officer under clause 10.32(a)

and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.

10.37 Returns required to be lodged with the Chief Executive Officer under clause 10.32(c) must be tabled at the next council meeting after the return is lodged.

10.38 Information contained in returns made and lodged under clause 10.32 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

10.39 A council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

10.40 The council committee member must not be present at, or in sight of, the meeting of the committee:

(a) at any time during which the matter is being considered or discussed by the committee, or
(b) at any time during which the committee is voting on any question in relation to the matter.

10.41 A disclosure made at a meeting of a council committee must be recorded in the minutes of the meeting.

10.42 A general notice may be given to the Chief Executive Officer in writing by a council committee member to the effect that the council committee member, or the council committee member's spouse, de facto partner or relative, is:

(a) a member of, or in the employment of, a specified company or other body, or
(b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council committee after the date of the notice.

10.43 A council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter,

merely because the council committee member has an interest in the matter of a kind referred to in clause 10.32.

10.44 A person does not breach clauses 10.39 or 10.40 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

10.45 The Minister for Local Government may, conditionally or unconditionally, allow a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.

10.46 A council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 10.45, must still disclose the interest they have in the matter in accordance with clause 10.39.

NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

10.47 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 10.18 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.

10.48 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.

10.49 The personal or political views of a council official do not constitute a private interest for the purposes of clause 10.48.

10.50 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.

10.51 When considering whether or not you have a non-pecuniary conflict of interest in a

matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

10.52 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 10.48, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.

10.53 If a disclosure is made at a committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 10.52.

10.54 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

10.55 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 10.18, but it involves:

a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 10.21 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household;

b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship;

c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation;

d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter;

e) a financial interest (other than an interest of a type referred to in clause 10.23) that is not a pecuniary interest for the purposes of clause 10.18;
f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

10.56 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 10.39 and 10.40.

10.57 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

10.58 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Loss of quorum as a result of compliance with this Part

10.59 The Minister for Local Government may, conditionally or unconditionally, allow a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.

10.60 Where the Minister exempts a committee member from complying with a requirement under this Part under clause 10.59, the committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 10.52.

Personal dealings with council

10.61 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development

consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

10.62 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

PERSONAL BENEFIT

10.63 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.

10.64 A reference to a gift or benefit in this Part does not include:

a) items with a value of $10 or less;
b) a political donation for the purposes of the *Electoral Funding Act 2018*;
c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them;
d) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or;
e) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
i) the discussion of official business;
ii) work-related events such as council-sponsored or community events, training, education sessions or workshops;
iii) conferences;
iv) council functions or events;
v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

10.65 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.

10.66 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

10.67 You must not:

a) seek or accept a bribe or other improper inducement;
b) seek gifts or benefits of any kind;
c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty;
d) subject to clause 10.69, accept any gift or benefit of more than token value as defined by clause 10.71;
e) accept an offer of cash or a cash-like gift as defined by clause 10.75, regardless of the amount;
f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser;
g) personally benefit from reward points programs when purchasing on behalf of the council.

10.68 Where you receive a gift or benefit of any value other than one referred to in clause 10.64, you must disclose this promptly to the Chief Executive Officer in writing. The Chief Executive Officer must ensure that, at a minimum, the following details are recorded in the council's gift register:

a) the nature of the gift or benefit;
b) the estimated monetary value of the gift or benefit;
c) the name of the person who provided the gift or benefit, and;
d) the date on which the gift or benefit was received.

10.69 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

10.70 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of $100. They include, but are not limited to:

a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed $100;
b) gifts of alcohol that do not exceed a value of $100;
c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like;
d) prizes or awards that do not exceed $100 in value.

Gifts and benefits of more than token value

10.71 Gifts or benefits that exceed $100 in value are gifts or benefits of more than token value for the purposes of clause 10.67(d) and, subject to clause 10.69, must not be accepted.

10.72 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds $100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

10.73 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed $100 in value.

10.74 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

"Cash-like gifts"

10.75 For the purposes of clause 10.67(e), "cash-like gifts" include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

10.76 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else.

10.77 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

ACCESS TO INFORMATION AND COUNCIL RESOURCES

Use of certain council information

10.78 In regard to information obtained in your capacity as a council official, you must:

a) only access council information needed for council business;
b) not use that council information for private purposes;
c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your position with council;
d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

10.79 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

10.80 In addition to your general obligations relating to the use of council information, you must:

a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions;
b) protect confidential information;
c) only release confidential information if you have authority to do so;
d) only use confidential information for the purpose for which it is intended to be used;
e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person;
f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body;
g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

10.81 When dealing with personal information you must comply with:

a) the *Privacy and Personal Information Protection Act 1998;*
b) the *Health Records and Information Privacy Act 2002;*
c) the Information Protection Principles and Health Privacy Principles;
d) the council's privacy management plan;
e) the Privacy Code of Practice for Local Government.

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Amendment 6	Date of Next Review: 2026	Review: Every 4 years

Use of council resources

10.82 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes unless this use is lawfully authorised and proper payment is made where appropriate.

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

10.84 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.

10.85 You must not use council resources (including council staff), property or facilities for the purpose of assisting the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

10.86 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:

a) for the purpose of assisting your election campaign or the election campaign of others, or
b) for other non-official purposes.

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

Internet access

10.88 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

Council record keeping

10.89 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.

10.90 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.

Code of Conduct		
Owner: Governance Manager	Area: Corporate Services	POL No: 218
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10.91 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.

10.92 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

10.93 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.

10.94 For the purposes of clause 10.93, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

a) to bully, intimidate or harass another council official;
b) to damage another council official's reputation;
c) to obtain a political advantage;
d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions;
e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions;
f) to avoid disciplinary action under the Procedures;
g) to take reprisal action against a person for making a complaint alleging a breach of this code;
h) to take reprisal action against a person for exercising a function prescribed under the Procedures;
i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

10.95 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.

10.96 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.

10.97 For the purposes of clauses 10.96 and 10.97, a detrimental action is an action causing, comprising or involving any of the following:

a) injury, damage or loss;
b) intimidation or harassment;
c) discrimination, disadvantage or adverse treatment in relation to employment;
d) dismissal from, or prejudice in, employment;
e) disciplinary proceedings.

Compliance with requirements under the Procedures

10.98 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.

10.99 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.

10.100 You must comply with a practice ruling made by the Office under the Procedures.

Disclosure of information about the consideration of a matter under the Procedures

10.101 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.

10.102 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.

10.103 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

10.104 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

10.105 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

10.106 Complaints alleging a breach of this Part by a council committee member or delegate of council are to be managed by the Chief Executive Officer in accordance with the Procedures.

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this Code, the following definitions apply:

address means:

a) in relation to a person other than a corporation, the last residential or business address of the person known to the Councillor or designated person disclosing the address, or

b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or

c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the Interpretation Act 1987.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

a) the allotment of shares in a company

b) the creation of a trust in respect of property

c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property

d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property

e) the exercise by a person of a general power of appointment over property in favour of another person

f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the

person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

a) in the case of a return made under clause 4.21(a), the date on which a person became a Councillor or designated person
b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
c) in the case of a return made under clause 4.21(c), the date on which the Councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

a) a person's spouse or de facto partner
b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
d) the spouse or de factor partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. Interests etc. outside New South Wales: A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.

3. References to interests in real property: A reference in this schedule or in schedule 2 to real property in which a Councillor or designated person has an interest includes a reference to any real property situated in Australia in which the Councillor or designated person has an interest.

4. Gifts, loans etc. from related corporations: For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a Councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the Corporations Act 2001 of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.21 of this Code must disclose:
   a) the street address of each parcel of real property in which they had an interest on the return date, and
   b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
   c) the nature of the interest.

6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
   a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
   b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.

7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a Councillor or designated person.

8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this Code must disclose:
   a) a description of each gift received in the period since 30 June of the previous financial year, and
   b) the name and address of the donor of each of the gifts.

10. A gift need not be included in a return if:
    a) it did not exceed $500, unless it was among gifts totalling more than $500 made by the same person during a period of 12 months or less, or

b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the Electoral Funding Act 2018, or
c) the donor was a relative of the donee, or
d) subject to paragraph (a), it was received prior to the person becoming a Councillor or designated person.

11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this Code must disclose:
    a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
    b) the dates on which the travel was undertaken, and
    c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

13. A financial or other contribution to any travel need not be disclosed under this clause if it:
    a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or Council vehicles), or
    b) was made by a relative of the traveller, or
    c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
    d) did not exceed $250, unless it was among gifts totalling more than $250 made by the same person during a 12-month period or less, or
    e) was a political donation disclosed, or required to be disclosed, under Part 3 of the Electoral Funding Act 2018, or
    f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
    g) subject to paragraph (d) it was received prior to the person becoming a Councillor or designated person.

14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this Code must disclose:
    a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and

b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
c) the nature of the interest, or the position held, in each of the corporations, and
d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.

16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
    a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
    b) required to apply its profits or other income in promoting its objects, and
    c) prohibited from paying any dividend to its members.

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.

18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a Councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this Code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

    close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the Electoral Funding Act 2018.

    property developer has the same meaning as it has in Division 7 of Part 3 of the Electoral Funding Act 2018.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the Code must disclose:
    a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
    b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
    c) a description of the position held in each of the unions and associations.

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22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a Councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this Code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24. A person making a return under clause 4.21 of this Code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

25. A disposition of real property need not be disclosed if it was made prior to a person becoming a Councillor or designated person.

Sources of income

26. A person making a return under clause 4.21 of this Code must disclose:
    a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
    b) each source of income received by the person in the period since 30 June of the previous financial year.

27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
    a) in relation to income from an occupation of the person:
        (i) a description of the occupation, and
        (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
        (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
    b) in relation to income from a trust, the name and address of the settlor and the trustee, or
    c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed $500, or is not reasonably expected to exceed $500, as the case may be.

29. The source of any income received by the person that they ceased to receive prior to becoming a Councillor or designated person need not be disclosed.

30. A fee paid to a Councillor or to the Lord Mayor or deputy Lord Mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this Code must disclose the name and address of each person to whom the person was liable to pay any debt:
    a) on the return date, and
    b) at any time in the period since 30 June of the previous financial year.

32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.

33. A liability to pay a debt need not be disclosed by a person in a return if:
    a) the amount to be paid did not exceed $500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
        (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
        (ii) the amounts to be paid exceeded, in the aggregate, $500, or
    b) the person was liable to pay the debt to a relative, or
    c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
    d) in the case of a debt arising from the supply of goods or services:
        (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
        (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
    e) subject to paragraph (a), the debt was discharged prior to the person becoming a Councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21

'Disclosures by Councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

2. If this is the first return you have been required to lodge with the Chief Executive Officer after becoming a Councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a Councillor or designated person.

3. If you have previously lodged a return with the Chief Executive Officer and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the Chief Executive Officer, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a Councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.

4. If you have previously lodged a return with the Chief Executive Officer and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.

5. This form must be completed using block letters or typed.

6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model

Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the Chief Executive Officer in a register of returns. The Chief Executive Officer is required to table all returns at a Council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by _____
[Full name of Councillor or Designated Person]

as at _____ [Return date]

in respect of the period from _____ to _____

_____ _____
[Councillor's or Designated Person's signature] [date]

A. Real Property	
Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	*Nature of interest*

B. Sources of income

1. Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	*Name and address of employer or description of office held (if applicable)*	*Name under which partnership conducted (if applicable)*

2. Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	*Name and address of trustee*

3. Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts	
Description of each gift I received at any time since 30 June	Name and address of donor

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D. Contributions to travel		
Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken

E. Interests and positions in corporations			
Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations	
Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position

H. Debts
Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property
1. Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
2. Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

Code of Conduct		
Owner: Governance Manager	Area: Corporate Services	POL No: 218
Date of Commencement: 2022	Approval Authority: Council	Date Approved: XXX
Amendment 6	Date of Next Review: 2026	Review: Every 4 years

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Code of Conduct.

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"*Relative*" is defined by clause 4.4 of the Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special Disclosure of pecuniary interests by [full name of councillor]

In the matter of [insert name of environmental planning instrument]

which is to be considered at a meeting of the [name of council of council committee (as the case requires)]

to be held on the day of 20 .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to councillor [Tick or cross one box.]	☐ The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). ☐ An associated person of the councillor has an interest in the land. ☐ An associated company or body of the councillor has an interest in the land.

Matter giving rise to pecuniary interest[1]	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land)[2] [Tick or cross one box] Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	☐ The identified land. ☐ Land that adjoins or is adjacent to or is in proximity to the identified land.

1 **Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.**

2 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Code of Conduct has a proprietary interest.

Proposed change of zone/planning control

[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]

Effect of proposed change of zone/planning control on councillor or associated person

[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature _____

Date _____

[This form is to be retained by the council's CEO and included in full in the minutes of the meeting]

Procedures for the Administration of

The Model Code of Conduct

for Local Councils in NSW

2020

NSW GOVERNMENT

PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW
2020

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Part 1:
Introduction

These procedures ("the Model Code Procedures") are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct").

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* ("the LGA") and the *Local Government (General) Regulation 2005* ("the Regulation"). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: References in these procedures to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code Procedures, joint organisations should adapt them to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting the Model Code Procedures, county councils should adapt them to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.

Part 2:
Definitions

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation

ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 400O of the LGA
LGA	the *Local Government Act 1993*
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the *Local Government (General) Regulation 2005*
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

Part 3: Administrative Framework

The establishment of a panel of conduct reviewers

3.1 The council must establish a panel of conduct reviewers.

3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.

3.3 The panel of conduct reviewers is to be established following a public expression of interest process.

3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.

3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:

a) an understanding of local government, and

b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and

c) knowledge and experience of one or more of the following:

i) investigations

ii) law

iii) public administration

iv) public sector ethics

v) alternative dispute resolution, and

d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.

3.6 A person is not eligible to be a conduct reviewer if they are:

a) a councillor, or

b) a nominee for election as a councillor, or

c) an administrator, or

d) an employee of a council, or

e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or

f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or

g) a person who has a conviction for an indictable offence that is not an expired conviction.

3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.

3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.

3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.

3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.

3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.

3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.

3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.

3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.

3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.

3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.

3.19 The general manager must not undertake the role of complaints coordinator.

3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.

3.21 The role of the complaints coordinator is to:

a) coordinate the management of complaints made under the council's code of conduct

b) liaise with and provide administrative support to a conduct reviewer

c) liaise with the Office, and

d) arrange the annual reporting of code of conduct complaints statistics.

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Part 4:
How May Code of Conduct Complaints be Made?

What is a code of conduct complaint?

4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.

4.2 The following are not "code of conduct complaints" for the purposes of these procedures:

a) complaints about the standard or level of service provided by the council or a council official

b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official

c) complaints about the policies or procedures of the council

d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.

4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within 3 months of the complainant becoming aware of the alleged conduct.

4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint about the general manager, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the general manager be made?

4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.

4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.

4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.

4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.

4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.

4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.

4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

Part 5:
How are Code of Conduct Complaints to be Managed?

Delegation by general managers and mayors of their functions under this Part

5.1 A general manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the general manager or mayor are also to be taken to be references to their delegates.

Consideration of complaints by general managers and mayors

5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:

a) is not a code of conduct complaint, or

b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or

c) is trivial, frivolous, vexatious or not made in good faith, or

d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or

e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

How are code of conduct complaints about staff (other than the general manager) to be dealt with?

5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.

5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.

5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.

5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.

5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.

5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.

5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.

5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:

a) censure

b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager

c) prosecution for any breach of the law

d) removing or restricting the person's delegation

e) removing the person from membership of the relevant council committee.

5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:

a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and

b) the person must be given an opportunity to respond to the allegation, and

c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are code of conduct complaints about administrators to be dealt with?

5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.

5.19 The general manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:

a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct

b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)

c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct

d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.

5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.

5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:

a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct

b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct

c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.

5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.

5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the general manager and the mayor to be dealt with?

5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:

a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or

b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.

5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.

5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:

a) the complainant consents in writing to the disclosure, or

b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or

c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or

d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or

e) it is otherwise in the public interest to do so.

5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.

5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.

5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.

5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.

5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:

a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or

b) impeded or disrupted the effective administration by the council of its code of conduct, or

c) impeded or disrupted the effective functioning of the council.

5.50 A special complaints management arrangement must be in writing and must specify the following:

a) the code of conduct complaints the arrangement relates to, and

b) the period that the arrangement will be in force.

5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.

5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.

5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.

5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

Part 6: Preliminary Assessment of Code of Conduct Complaints About Councillors or the General Manager by Conduct Reviewers

Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.

6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:

a) a panel of conduct reviewers established by the council, or

b) a panel of conduct reviewers established by an organisation approved by the Office.

6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.

6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:

a) they have a conflict of interest in relation to the matter referred to them, or

b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or

c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds $100,000, or

d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.

6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).

6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.

6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.

6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.

6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.

6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:

a) comply with these procedures in their consideration of the matter, or

b) comply with a lawful and reasonable request by the complaints coordinator, or

c) exercise their functions in a timely or satisfactory manner.

6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer

6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.

6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:

a) to take no action

b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour

c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour

d) to refer the matter to an external agency

e) to investigate the matter.

6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.

6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.

6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.

6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.

6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.

6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.

6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.

6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:

a) that the complaint is a code of conduct complaint for the purposes of these procedures, and

b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and

c) that the matter is one that could not or should not be resolved by alternative means.

6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:

a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council

b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it

c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence

d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.

6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.

6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the general manager or mayor for resolution

6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.

6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).

6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.

6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.

6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:

a) whether the complaint is a code of conduct complaint for the purpose of these procedures

b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct

c) whether the complaint is trivial, frivolous, vexatious or not made in good faith

d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct

e) whether the complaint raises issues that would be more appropriately dealt with by an external agency

f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of

g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour

h) whether the issue/s giving rise to the complaint have previously been addressed or resolved

i) any previous proven breaches of the council's code of conduct

j) whether the conduct complained of forms part of an ongoing pattern of behaviour

k) whether there were mitigating circumstances giving rise to the conduct complained of

l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)

m) the significance of the conduct or the impact of the conduct for the council

n) how much time has passed since the alleged conduct occurred

o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

Part 7: Investigations of Code of Conduct Complaints About Councillors or the General Manager

What matters may a conduct reviewer investigate?

7.1 A conduct reviewer (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.

7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.

7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:

a) disclose the substance of the allegations against the respondent, and

b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and

c) advise of the process to be followed in investigating the matter, and

d) advise the respondent of the requirement to maintain confidentiality, and

e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and

f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.

7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.

7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.

7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.

7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:

a) advise them of the matter the investigator is investigating, and

b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and

c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

Written and oral submissions

7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.

7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.

7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.

7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.

7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.

7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

7.15 Investigations are to be undertaken without undue delay.

7.16 Investigations are to be undertaken in the absence of the public and in confidence.

7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.

7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.

7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:

a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or

b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or

c) refer the matter to an external agency.

7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.

7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.

7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.

7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.

7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.

7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.

7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.

7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.

7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.

7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.

7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

7.35 The investigator's final report must:

a) make findings of fact in relation to the matter investigated, and,

b) make a determination that the conduct investigated either,

i) constitutes a breach of the code of conduct, or

ii) does not constitute a breach of the code of conduct, and

c) provide reasons for the determination.

7.36 At a minimum, the investigator's final report must contain the following information:

a) a description of the allegations against the respondent

b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated

c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)

d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means

e) a description of any attempts made to resolve the matter by use of alternative means

f) the steps taken to investigate the matter

g) the facts of the matter

h) the investigator's findings in relation to the facts of the matter and the reasons for those findings

i) the investigator's determination and the reasons for that determination

j) any recommendations.

7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:

a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or

b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or

c) in the case of a breach by a councillor, that the council resolves as follows:

i) that the councillor be formally censured for the breach under section 440G of the LGA, and

ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.

7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:

a) that the council revise any of its policies, practices or procedures

b) that a person or persons undertake any training or other education.

7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.

7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:

a) the investigator's findings in relation to the facts of the matter and the reasons for those findings

b) the investigator's determination and the reasons for that determination

c) any recommendations, and

d) such other additional information that the investigator considers may be relevant.

7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.

7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

Consideration of the final investigation report by council

7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.

7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.

7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.

7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.

7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.

7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.

7.52 Prior to imposing a sanction, the council may by resolution:

a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or

b) seek an opinion from the Office in relation to the report.

7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.

7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.

7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.

7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.

7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.

7.58 A council may by resolution impose one of the following sanctions on a respondent:

a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or

b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or

c) in the case of a breach by a councillor:

i) that the councillor be formally censured for the breach under section 440G of the LGA, and

ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.

7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.

7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

Part 8:
Oversight and Rights of Review

The Office's powers of review

8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.

8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.

8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.

8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.

8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).

8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.

8.9 Where the Office makes a practice ruling, all parties must comply with it.

8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.

8.12 A review under clause 8.11 may be sought on the following grounds:

a) that the investigator has failed to comply with a requirement under these procedures, or

b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or

c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.

8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.

8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.

8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.

8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.

8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.

8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.

8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:

a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and

b) the council must:

i) review its decision to impose the sanction, and

ii) consider the Office's recommendation in doing so, and

iii) resolve to either rescind or reaffirm its previous resolution in relation to the matter.

8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

Part 9:
Procedural Irregularities

9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.

9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:

a) the non-compliance is isolated and/or minor in nature, or

b) reasonable steps are taken to correct the non-compliance, or

c) reasonable steps are taken to address the consequences of the non-compliance.

Part 10:
Practice Directions

10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.

10.2 The Office will issue practice directions in writing, by circular to all councils.

10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

Part 11: Reporting Statistics on Code of Conduct Complaints About Councillors and the General Manager

11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)

b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period

c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints

d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period

e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period

f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and

g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.

11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

Part 12:
Confidentiality

12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.

12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the general manager or their delegate, and consider any submission made by them.

12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.

12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:

a) the complainant

b) the complaints coordinator

c) the Office, and

d) any other person the general manager or their delegate considers should be notified of the determination.

12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.

12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

NSW GOVERNMENT

CITY OF PARRAMATTA

Code of Conduct

Incorporating the Procedures for the Administration of the Code of Conduct for Local Councils in NSW

XXX 2022

cityofparramatta.nsw.gov.au

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ANNEXURE 1 – PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

Code of Conduct		
Owner: Governance Manager	Area: Corporate Services	POL No: 218
Date of Commencement: 2022	Approval Authority: Council	Date Approved: XXX
Amendment 6	Date of Next Review: 2026	Review: Every 4 years

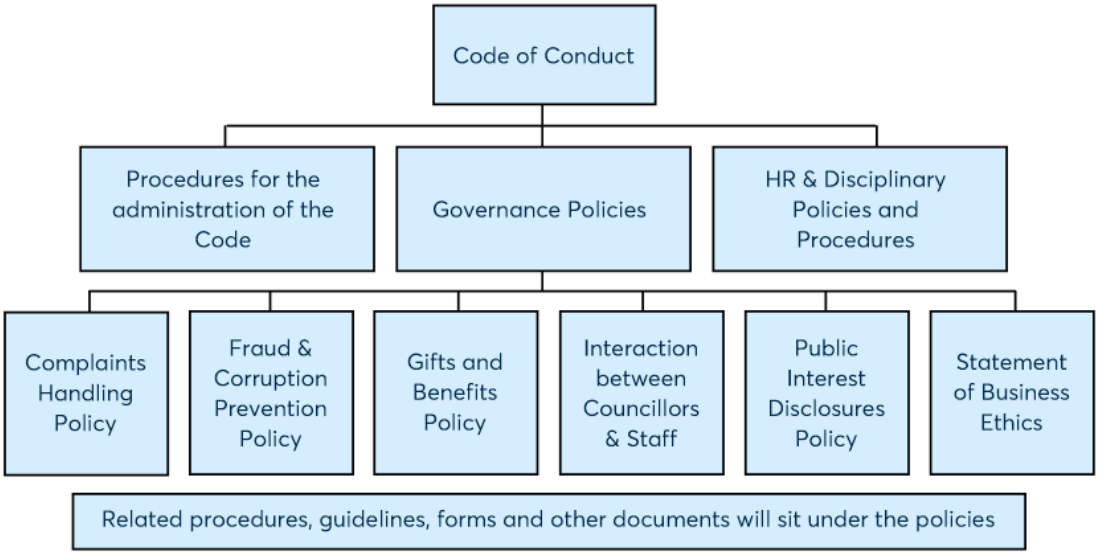
PART 1 INTRODUCTION

The practice of good governance is critical for ensuring that Council meets legal and ethical compliance and that decisions are made in the best interests of the community.

The City of Parramatta demonstrates good governance through its rigorous and transparent decision making processes, supplemented by the various Codes and policies that have been developed to guide Council's operations.

The Code of Conduct is Council's principal governance policy and is an important foundation for a strong ethical culture. This Code of Conduct is modelled on the Office of Local Government's Model Code of Conduct for Local Councils in NSW.

The Code of Conduct is underpinned by the Office of Local Government's *Procedures for the Administration of the Code of Conduct for Local Councils in NSW*, and a series of policies as outlined below. Failure to comply with the provisions of these policies could be considered a breach of the Code of Conduct. Where the standard in a policy and the Code of Conduct differ, the more onerous or stringent standard shall apply.



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

- understand and comply with the standards of conduct that are expected of them;
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439 of the Local Government Act 1993 (LGA));

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- act in a way that enhances public confidence in Local Government.

Section 440 of the LGA requires every Council and joint organisation to adopt a Code of Conduct that incorporates the provisions of the Model Code of Conduct. A Council's or joint organisation's adopted Code of Conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "Council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

Part 10 supplements the City of Parramatta Code of Conduct with a Code of Conduct specifically for Council Committee Members (including Members of Wholly Advisory Committees), delegates of Council, Council Advisers and volunteers.

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

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

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

Failure by a member of staff to comply with a Council's Code of Conduct may give rise to disciplinary action.

PART 2 DEFINITIONS

In this Code the following terms have the following meanings:

administrator	an administrator of a Council appointed under the LG Act other than an administrator appointed under section 66
committee	see the definition of "Council committee"
complaint	a Code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures
Conduct	includes acts and omissions
Council	includes county Councils and joint organisations
Council committee	a committee established by a Council comprising of Councillors, staff or other persons that the Council has delegated functions to and the Council's audit, risk and improvement committee
Council committee member	a person other than a Councillor or member of staff of a Council who is a member of a Council committee other than a wholly advisory committee, and a person other than a Councillor who is a member of the Council's audit, risk and improvement committee
Council official	includes Councillors, members of staff of a Council, administrators, Council committee members, delegates of Council and, for the purposes of clause 4.16, Council advisers
Councillor	any person elected or appointed to civic office, including the Lord Mayor and includes members and chairpersons of county Councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of Council	a person (other than a Councillor or member of staff of a Council) or body, and the individual members of that body, to whom a function of the Council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes Council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*
Chief Executive Officer	the General Manager appointed under s334 of the *Local Government Act* and includes executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LG Act
LG Act	*Local Government Act 1993*
local planning panel	a local planning panel constituted under the *Environmental Planning and Assessment Act 1979*
Lord Mayor	includes chairperson of a county Council or a joint organisation
members of staff of a Council	includes members of staff of county Councils and joint organisations

the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	*the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation*
the Regulation	the *Local Government (General) Regulation 2021*
volunteer	A person who undertakes an endorsed Council activity without payment or reward for the benefit of the community.
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a Council committee that the Council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

3.1 You must not conduct yourself in a manner that:

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

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

Fairness and equity

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

3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

3.7 For the purposes of this Code, "harassment" is any form of behaviour towards a person that:

a) is not wanted by the person;
b) offends, humiliates or intimidates the person, and
c) creates a hostile environment.

Bullying

3.8 You must not engage in bullying behaviour towards others.

3.9 For the purposes of this Code, "bullying behaviour" is any behaviour in which:

a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
b) the behaviour creates a risk to health and safety.

3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

a) aggressive, threatening or intimidating conduct;
b) belittling or humiliating comments;
c) spreading malicious rumours;
d) teasing, practical jokes or 'initiation ceremonies';
e) exclusion from work-related events;
f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level;
g) displaying offensive material;
h) pressure to behave in an inappropriate manner.

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this Code. Examples of reasonable management action may include, but are not limited to:

a) performance management processes;
b) disciplinary action for misconduct;
c) informing a worker about unsatisfactory work performance or inappropriate work behaviour;
d) directing a worker to perform duties in keeping with their job;
e) maintaining reasonable workplace goals and standards;
f) legitimately exercising a regulatory function;
g) legitimately implementing a Council policy or administrative processes.

Work health and safety

3.12 All Council officials, including Councillors, owe statutory duties under the Work Health and Safety Act 2011 (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety. Specifically, you must:

a) take reasonable care for your own health and safety;
b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons;
c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the Council to ensure workplace health and safety;
d) cooperate with any reasonable policy or procedure of the Council relating to workplace health or safety that has been notified to Council staff;
e) report accidents, incidents, near misses, to the Chief Executive Officer or such other staff member nominated by the Chief Executive Officer, and take part in any incident investigations;
f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

3.15 You must not participate in binding caucus votes in relation to matters to be considered at a Council or committee meeting.

3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of Councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the Council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the Council or committee.

3.17 Clause 3.15 does not prohibit Councillors from discussing a matter before the Council or committee prior to considering the matter in question at a Council or committee meeting, or from voluntarily holding a shared view with other Councillors on the merits of a matter.

3.18 Clause 3.15 does not apply to a decision to elect the Lord Mayor or deputy Lord Mayor, or to nominate a person to be a member of a Council committee or a representative of the Council on an external body.

Obligations in relation to meetings

3.19 You must comply with rulings by the chair at Council and committee meetings or other proceedings of the Council unless a motion dissenting from the ruling is passed.

3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other Council officials or any members of the public present during Council or committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions).

3.21 You must not engage in conduct that disrupts Council or committee meetings or other proceedings of the Council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

3.22 If you are a Councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the Council, or of a committee of the Council. Without limiting this clause, you must not:

a) leave a meeting of the Council or a committee for the purposes of depriving the meeting of a quorum, or
b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another Councillor from submitting a rescission motion with respect to the same decision, or
c) deliberately seek to impede the consideration of business at a meeting.

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.

4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.

4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:

(a) your interest, or

(b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or

(c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.

4.4 For the purposes of clause 4.3:

(a) Your "relative" is any of the following:

i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child;

ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child;

iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).

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

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

(a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or

(b) just because the person is a member of, or is employed by, a Council or a statutory body, or is employed by the Crown, or

(c) just because the person is a member of, or a delegate of a Council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

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

(a) your interest as an elector;

(b) your interest as a ratepayer or person liable to pay a charge;

(c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Code;

(d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Code;

(e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not);

(f) if you are a Council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the Council committee;

(g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company;

(h) an interest you have arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership;

(i) an interest you have arising from the making by the Council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:

  i) the performance by the Council at the expense of your relative of any work or service in connection with roads or sanitation

  ii) security for damage to footpaths or roads

  iii) any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council, or by or under any contract

(j) an interest relating to the payment of fees to Councillors (including the Lord Mayor and deputy Lord Mayor);

(k) an interest relating to the payment of expenses and the provision of facilities to Councillors (including the Lord Mayor and deputy Lord Mayor) in accordance with a policy under section 252 of the LGA;

(l) an interest relating to an election to the office of Lord Mayor arising from the fact that a fee for the following 12 months has been determined for the office

of Lord Mayor;

(m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person;

(n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor or a Council committee member;

(o) an interest arising from the appointment of a Councillor to a body as a representative or delegate of the Council, whether or not a fee or other recompense is payable to the representative or delegate.

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

What disclosures must be made by a designated person?

4.8 Designated persons include:

(a) the Chief Executive Officer;

(b) other senior staff of the Council for the purposes of section 332 of the LGA;

(c) a person (other than a member of the senior staff of the Council) who is a member of staff of the Council or a delegate of the Council and who holds a position identified by the Council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest;

(d) a person (other than a member of the senior staff of the Council) who is a member of a committee of the Council identified by the Council as a committee whose members are designated persons because the functions of the committee involve the exercise of the Council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

4.9 A designated person:

(a) must prepare and submit written returns of interests in accordance with clauses 4.21, and

(b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the Chief Executive Officer (or if the person is the Chief Executive Officer, to the Council) the nature of any pecuniary interest the person has in any Council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11 Clause 4.10 does not require a designated person who is a member of staff of the Council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.

4.12 The Chief Executive Officer must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

4.13 A disclosure by the Chief Executive Officer must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the Council and the Council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by Council staff other than designated persons?

4.14 A member of staff of Council, other than a designated person, must disclose in writing to their manager or the Chief Executive Officer the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.

4.15 The staff member's manager or the Chief Executive Officer must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by Council advisers?

4.16 A person who, at the request or with the consent of the Council or a Council committee, gives advice on any matter at any meeting of the Council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.

4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a Council committee member?

4.18 A Council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.

4.19 For the purposes of clause 4.18, a "Council committee member" includes a member of staff of Council who is a member of the committee.

What disclosures must be made by a Councillor?

4.20 A Councillor:

(a) must prepare and submit written returns of interests in accordance with clause 4.21, and

(b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

Disclosure of interests in written returns

4.21 A Councillor or designated person must make and lodge with the Chief Executive Officer a return in the form set out in schedule 2 to this Code, disclosing the Councillor's or designated person's interests as specified in schedule 1 to this Code within 3 months after:

(a) becoming a Councillor or designated person, and
(b) 30 June of each year, and
(c) the Councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:

(a) they made and lodged a return under that clause in the preceding 3 months, or
(b) they have ceased to be a Councillor or designated person in the preceding 3 months.

4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

4.24 The Chief Executive Officer must keep a register of returns required to be made and lodged with the Chief Executive Officer.

4.25 Returns required to be lodged with the Chief Executive Officer under clause 4.21(a) and (b) must be tabled at the first meeting of the Council after the last day the return is required to be lodged.

4.26 Returns required to be lodged with the Chief Executive Officer under clause 4.21(c) must be tabled at the next Council meeting after the return is lodged.

4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

4.28 A Councillor or a Council committee member who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

4.29 The Councillor or Council committee member must not be present at, or in sight of, the meeting of the Council or committee:

(a) at any time during which the matter is being considered or discussed by the Council or committee, or
(b) at any time during which the Council or committee is voting on any question in relation to the matter.

4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.

4.31 A disclosure made at a meeting of a Council or Council committee must be recorded in the minutes of the meeting.

4.32 A general notice may be given to the Chief Executive Officer in writing by a Councillor or a Council committee member to the effect that the Councillor or Council committee member, or the Councillor's or Council committee member's spouse, de facto partner or relative, is:

(a) a member of, or in the employment of, a specified company or other body, or
(b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the Council in which it is given (whichever is the sooner), sufficient disclosure of the Councillor's or Council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council or Council committee after the date of the notice.

4.33 A Councillor or a Council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Councillor or Council committee member has an interest in the matter of a kind referred to in clause 4.6.

4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

4.35 Despite clause 4.29, a Councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.

4.36 Clause 4.29 does not apply to a Councillor who has a pecuniary interest in a matter that is being considered at a meeting if:

(a) the matter is a proposal relating to:
  (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the Council's area, or
  (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the Council's area, and
(b) the pecuniary interest arises only because of an interest of the Councillor in the Councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
(c) the Councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.

4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:

(a) be in the form set out in schedule 3 of this Code and contain the information required by that form, and
(b) be laid on the table at a meeting of the Council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

4.38 The Minister for Local Government may, conditionally or unconditionally, allow a Councillor or a Council committee member who has a pecuniary interest in a matter with which the Council is concerned to be present at a meeting of the Council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

(a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
(b) that it is in the interests of the electors for the area to do so.

4.39 A Councillor or a Council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the Council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

5.1 Non-pecuniary interests are private or personal interests a Council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this Code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.

5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.

5.3 The personal or political views of a Council official do not constitute a private interest for the purposes of clause 5.2.

5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of Council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this Code.

5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of Council staff other than the Chief Executive Officer, such a disclosure is to be made to the staff member's manager. In the case of the Chief Executive Officer, such a disclosure is to be made to the Lord Mayor.

5.7 If a disclosure is made at a Council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.

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5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:

a) a relationship between a Council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the Council official's extended family that the Council official has a close personal relationship with, or another person living in the same household;
b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship;
c) an affiliation between the Council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a Council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation;
d) membership, as the Council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the Council and the organisation are potentially in conflict in relation to the particular matter;
e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1;
f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a Council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you

must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12 If you are a member of staff of Council other than the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the Lord Mayor.

5.13 Despite clause 5.10(b), a Councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the Council committee.

Political donations

5.15 Councillors should be aware that matters before Council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.

5.16 Where you are a Councillor and have received or knowingly benefitted from a reportable political donation:

a) made by a major political donor in the previous four years, and
b) the major political donor has a matter before Council,

you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.

5.17 For the purposes of this Part:

a) a "reportable political donation" has the same meaning as it has in section 6 of the Electoral Funding Act 2018
b) "major political donor" has the same meaning as it has in the Electoral Funding Act 2018.

5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a Councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

5.19 Despite clause 5.16, a Councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

5.20 A Councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:

a) the matter is a proposal relating to:
   i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the Council's area, or
   ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the Council's area, and
b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
c) the Councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a Councillor or a Council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the Council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
b) that it is in the interests of the electors for the area to do so.

5.22 Where the Minister exempts a Councillor or committee member from complying with a requirement under this Part under clause 5.21, the Councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

5.23 The Chief Executive Officer must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council without the approval of the Council.

5.24 A member of staff must not engage in:

a) private employment for remuneration; or
b) contract work for remuneration; or
c) other business for remuneration or volunteer work outside the service of the Council that relates to the business of the Council or that might conflict with the staff member's Council duties,

unless they have notified the Chief Executive Officer in writing of the employment, work or business and the Chief Executive Officer has given their written approval of the staff member to engage in the employment, work or business.

5.25 The Chief Executive Officer may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the Council that relates to the business of the Council, or that might conflict with the staff member's Council duties.

5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council if prohibited from doing so.

5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:

a) conflict with their official duties
b) involve using confidential information or Council resources obtained through their work with the Council including where private use is permitted
c) require them to work while on Council duty
d) discredit or disadvantage the Council
e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with Council

5.28 You may have reason to deal with your Council in your personal capacity (for example, as a ratepayer, recipient of a Council service or applicant for a development consent granted by Council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

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5.29 You must undertake any personal dealings you have with the Council in a manner that is consistent with the way other members of the community deal with the Council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this Code.

PART 6 PERSONAL BENEFIT

6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a Council official or someone personally associated with them for their personal use and enjoyment.

6.2 A reference to a gift or benefit in this Part does not include:

a) items with a value of $10 or less;
b) a political donation for the purposes of the Electoral Funding Act 2018
c) a gift provided to the Council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual Council official or someone personally associated with them;
d) a benefit or facility provided by the Council to an employee or Councillor;
e) attendance by a Council official at a work-related event or function for the purposes of performing their official duties, or
f) free or subsidised meals, beverages or refreshments provided to Council officials in conjunction with the performance of their official duties such as, but not limited to:
   i) the discussion of official business
   ii) work-related events such as Council-sponsored or community events, training, education sessions or workshops
   iii) conferences
   iv) Council functions or events
   v) social functions organised by groups, such as Council committees and community organisations.

Gifts and benefits

6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.

6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

6.5 You must not:

a) seek or accept a bribe or other improper inducement;
b) seek gifts or benefits of any kind;
c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out

your public duty;

d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9;
e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount;
f) participate in competitions for prizes where eligibility is based on the Council being in or entering into a customer–supplier relationship with the competition organiser;
g) personally benefit from reward points programs when purchasing on behalf of the Council.

6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the Chief Executive Officer in writing. The recipient, manager, or Chief Executive Officer must ensure that, at a minimum, the following details are recorded in the Council's gift register:

a) the nature of the gift or benefit;
b) the estimated monetary value of the gift or benefit;
c) the name of the person who provided the gift or benefit, and
d) the date on which the gift or benefit was received.

6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the Council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of $100. They include, but are not limited to:

a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed $100;
b) gifts of alcohol that do not exceed a value of $100;
c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like;
d) prizes or awards that do not exceed $100 in value.

Gifts and benefits of more than token value

6.9 Gifts or benefits that exceed $100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting Codes) with a ticket value that exceeds $100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed $100 in value.

6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

"Cash-like gifts"

6.13 For the purposes of clause 6.5(e), "cash-like gifts" include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

6.14 You must not use your position to influence other Council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A Councillor will not be in breach of this clause where they seek to influence other Council officials through the proper exercise of their role as prescribed under the LGA.

6.15 You must not take advantage (or seek to take advantage) of your status or position with Council, or of functions you perform for Council, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of Councillors and administrators

7.1 Each Council is a body politic. The Councillors or administrator/s are the governing body of the Council. Under section 223 of the LGA, the role of the governing body of the Council includes the development and endorsement of the strategic plans, programs, strategies and policies of the Council, including those relating to workforce policy, and to keep the performance of the Council under review.

7.2 Councillors or administrators must not:

a) direct Council staff other than by giving appropriate direction to the Chief Executive Officer by way of Council or committee resolution, or by the Lord Mayor or administrator exercising their functions under section 226 of the LGA;
b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the staff member or delegate;
c) contact a member of the staff of the Council on Council-related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council staff that have been authorised by the Council and the Chief Executive Officer;
d) contact or issue instructions to any of the Council's contractors, including the Council's legal advisers, unless by the Lord Mayor or administrator exercising their functions under section 226 of the LGA.

7.3 Despite clause 7.2, Councillors may contact the Council's external auditor or the chair of the Council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

7.4 Under section 335 of the LGA, the role of the Chief Executive Officer includes conducting the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council, implementing without undue delay, lawful decisions of the Council and ensuring that the Lord Mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

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7.5 Members of staff of Council must:

a) give their attention to the business of the Council while on duty;
b) ensure that their work is carried out ethically, efficiently, economically and effectively;
c) carry out reasonable and lawful directions given by any person having authority to give such directions;
d) give effect to the lawful decisions, policies and procedures of the Council, whether or not the staff member agrees with or approves of them;
e) ensure that any participation in political activities outside the service of the Council does not interfere with the performance of their official duties.

Inappropriate interactions

7.6 You must not engage in any of the following inappropriate interactions:

a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters;
b) Council staff approaching Councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters;
c) subject to clause 8.6, Council staff refusing to give information that is available to other Councillors to a particular Councillor;
d) Councillors and administrators who have lodged an application with the Council, discussing the matter with Council staff in staff-only areas of the Council;
e) Councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the Councillor or administrator has a right to be heard by the panel at the meeting;
f) Councillors and administrators being overbearing or threatening to Council staff;
g) Council staff being overbearing or threatening to Councillors or administrators;
h) Councillors and administrators making personal attacks on Council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this Code in public forums including social media ;
i) Councillors and administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make;
j) Council staff providing ad hoc advice to Councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community;

k) Council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals;

l) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the Council associated with current or proposed legal proceedings unless permitted to do so by the Council's Chief Executive Officer or, in the case of the Lord Mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

8.1 The Chief Executive Officer is responsible for ensuring that Councillors and administrators can access information necessary for the performance of their official functions. The Chief Executive Officer and public officer are also responsible for ensuring that members of the public can access publicly available Council information under the Government Information (Public Access) Act 2009 (the GIPA Act).

8.2 The Chief Executive Officer must provide Councillors and administrators with the information necessary to effectively discharge their official functions.

8.3 Members of staff of Council must provide full and timely information to Councillors and administrators sufficient to enable them to exercise their official functions and in accordance with Council procedures.

8.4 Members of staff of Council who provide any information to a particular Councillor in the performance of their official functions must also make it available to any other Councillor who requests it and in accordance with Council procedures.

8.5 Councillors and administrators who have a private interest only in Council information have the same rights of access as any member of the public.

8.6 Despite clause 8.4, Councillors and administrators who are precluded from participating in the consideration of a matter under this Code because they have a conflict of interest in the matter, are not entitled to request access to Council information in relation to the matter unless the information is otherwise available to members of the public, or the Council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

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Refusal of access to information

8.8 Where the Chief Executive Officer or public officer determine to refuse access to information requested by a Councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the Councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The Chief Executive Officer or public officer must state the reasons for the decision if access is refused.

Use of certain Council information

8.9 In regard to information obtained in your capacity as a Council official, you must:

a) subject to clause 8.14, only access Council information needed for Council business;
b) not use that Council information for private purposes;
c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with Council;
d) only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

8.11 In addition to your general obligations relating to the use of Council information, you must:

a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions;
b) protect confidential information;
c) only release confidential information if you have authority to do so;
d) only use confidential information for the purpose for which it is intended to be used;
e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person;
f) not use confidential information with the intention to cause harm or detriment to the Council or any other person or body;
g) not disclose any confidential information discussed during a confidential session of a Council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

8.12 When dealing with personal information you must comply with:

a) the Privacy and Personal Information Protection Act 1998;
b) the Health Records and Information Privacy Act 2002;
c) the Information Protection Principles and Health Privacy Principles;
d) the Council's privacy management plan;
e) the Privacy Code of Practice for Local Government.

Use of Council resources

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

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

a) the representation of members with respect to disciplinary matters;
b) the representation of employees with respect to grievances and disputes;
c) functions associated with the role of the local consultative committee.

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

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

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

8.18 You must not use the Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:

a) for the purpose of assisting your election campaign or the election campaign of others, or
b) for other non-official purposes.

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

Internet access

8.20 You must not use Council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the Council's reputation.

Council record keeping

8.21 You must comply with the requirements of the State Records Act 1998 and the Council's records management policy.

8.22 All information created, sent and received in your official capacity is a Council record and must be managed in accordance with the requirements of the State Records Act 1998 and the Council's approved records management policies and practices.

8.23 All information stored in either soft or hard copy on Council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the Council and will be treated as Council records, regardless of whether the original intention was to create the information for personal purposes.

8.24 You must not destroy, alter, or dispose of Council information or records, unless authorised to do so. If you need to alter or dispose of Council information or records, you must do so in consultation with the Council's records manager and comply with the requirements of the State Records Act 1998.

Councillor access to Council buildings

8.25 Councillors and administrators are entitled to have access to the Council chamber, committee room, Lord Mayor's office (subject to availability), Councillors' rooms, and public areas of Council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the Chief Executive Officer.

8.26 Councillors and administrators must not enter staff-only areas of Council buildings without the approval of the Chief Executive Officer (or their delegate) or as provided for in the procedures governing the interaction of Councillors and Council staff.

8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence Council staff decisions.

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this Code for an improper purpose.

9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

a) to bully, intimidate or harass another Council official;
b) to damage another Council official's reputation;
c) to obtain a political advantage;
d) to influence a Council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions;
e) to influence the Council in the exercise of its functions or to prevent or disrupt the exercise of those functions;
f) to avoid disciplinary action under the Procedures;
g) to take reprisal action against a person for making a complaint alleging a breach of this Code;
h) to take reprisal action against a person for exercising a function prescribed under the Procedures;
i) to prevent or disrupt the effective administration of this Code under the Procedures.

Detrimental action

9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this Code.

9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.

9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:

a) injury, damage or loss;
b) intimidation or harassment;
c) discrimination, disadvantage or adverse treatment in relation to employment;
d) dismissal from, or prejudice in, employment;

e) disciplinary proceedings.

Compliance with requirements under the Procedures

9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.

9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.

9.8 You must comply with a practice ruling made by the Office under the Procedures.

Disclosure of information about the consideration of a matter under the Procedures

9.9 All allegations of breaches of this Code must be dealt with under and in accordance with the Procedures.

9.10 You must not allege breaches of this Code other than by way of a complaint made or initiated under the Procedures.

9.11 You must not make allegations about, or disclose information about, suspected breaches of this Code at Council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

9.12 You must not disclose information about a complaint you have made alleging a breach of this Code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the Public Interest Disclosures Act 1994.

Complaints alleging a breach of this Part

9.14 Complaints alleging a breach of this Part by a Councillor, the Chief Executive Officer or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the Council for consideration in accordance with the Procedures.

9.15 Complaints alleging a breach of this Part by other Council officials are to be managed by the Chief Executive Officer in accordance with the Procedures.

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PART 10 – CODE OF CONDUCT FOR COUNCIL COMMITTEE MEMBERS (INCLUDING MEMBERS OF WHOLLY ADVISORY COMMITTEES), DELEGATES OF COUNCIL, COUNCIL ADVISERS AND VOLUNTEERS

GENERAL CONDUCT OBLIGATIONS

General conduct

10.1 You must not conduct yourself in a manner that:

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

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

Fairness and equity

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

10.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when

making decisions.

10.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 10.3 or 10.4.

Harassment and discrimination

10.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

10.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:

a) is not wanted by the person;
b) offends, humiliates or intimidates the person, and
c) creates a hostile environment.

Bullying

10.8 You must not engage in bullying behaviour towards others.

10.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:

a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
b) the behaviour creates a risk to health and safety.

10.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

a) aggressive, threatening or intimidating conduct;
b) belittling or humiliating comments;
c) spreading malicious rumours;
d) teasing, practical jokes or 'initiation ceremonies';
e) exclusion from work-related events;
f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level;
g) displaying offensive material;
h) pressure to behave in an inappropriate manner.

10.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:

a) performance management processes;
b) disciplinary action for misconduct;
c) informing a worker about unsatisfactory work performance or inappropriate work behaviour;
d) directing a worker to perform duties in keeping with their job;
e) maintaining reasonable workplace goals and standards;
f) legitimately exercising a regulatory function;
g) legitimately implementing a council policy or administrative processes.

Work health and safety

10.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:

a) take reasonable care for your own health and safety;
b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons;
c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety;
d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff;
e) report accidents, incidents, near misses, to the Chief Executive Officer or such other staff member nominated by the Chief Executive Officer, and take part in any incident investigations;
f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

10.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

10.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Obligations in relation to meetings

10.15 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.

10.16 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).

10.17 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

PECUNIARY INTERESTS

What is a pecuniary interest?

10.18 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 10.20.

10.19 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 10.23.

10.20 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:

(a) your interest, or
(b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
(c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.

10.21 For the purposes of clause 10.20:

(a) Your "relative" is any of the following:
  i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child;
  ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child;
  iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
(b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

10.22 You will not have a pecuniary interest in relation to a person referred to in subclauses 10.20(b) or (c):

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

What interests do not have to be disclosed?

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

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

contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:

i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation

ii) security for damage to footpaths or roads

iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract

(j) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person;

(k) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a council committee member.

10.24 For the purposes of clause 10.23, "relative" has the same meaning as in clause 10.21, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

10.25 Designated persons include:

(a) a person who is a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a delegate and the person's private interest;

(b) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

10.26 A designated person:

(a) must prepare and submit written returns of interests in accordance with clause 10.32, and

(b) must disclose pecuniary interests in accordance with clause 10.27.

10.27 A designated person must disclose in writing to the Chief Executive Officer the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

10.28 The Chief Executive Officer must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

10.29 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.

10.30 A person does not breach clause 10.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

10.31 A council committee member must disclose pecuniary interests in accordance with clause 10.39 and comply with clause 10.40.

Note: A council committee member identified by council as a "designated person" for the purposes of clause 10.25(b) must also prepare and submit written returns of interests in accordance with clause 10.32.

Disclosure of interests in written returns

10.32 A designated person must make and lodge with the Chief Executive Officer a return in the form set out in schedule 2 to this code, disclosing the designated person's interests as specified in schedule 1 to this code within 3 months after:

(a) becoming a designated person, and
(b) 30 June of each year, and
(c) the designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

10.33 A person need not make and lodge a return under clause 10.32, paragraphs (a) and (b) if:

(a) they made and lodged a return under that clause in the preceding 3 months, or
(b) they have ceased to be a designated person in the preceding 3 months.

10.34 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

10.35 The Chief Executive Officer must keep a register of returns required to be made and lodged with the Chief Executive Officer.

10.36 Returns required to be lodged with the Chief Executive Officer under clause 10.32(a)

and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.

10.37 Returns required to be lodged with the Chief Executive Officer under clause 10.32(c) must be tabled at the next council meeting after the return is lodged.

10.38 Information contained in returns made and lodged under clause 10.32 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

10.39 A council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

10.40 The council committee member must not be present at, or in sight of, the meeting of the committee:

(a) at any time during which the matter is being considered or discussed by the committee, or
(b) at any time during which the committee is voting on any question in relation to the matter.

10.41 A disclosure made at a meeting of a council committee must be recorded in the minutes of the meeting.

10.42 A general notice may be given to the Chief Executive Officer in writing by a council committee member to the effect that the council committee member, or the council committee member's spouse, de facto partner or relative, is:

(a) a member of, or in the employment of, a specified company or other body, or
(b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council committee after the date of the notice.

10.43 A council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter,

merely because the council committee member has an interest in the matter of a kind referred to in clause 10.32.

10.44 A person does not breach clauses 10.39 or 10.40 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

10.45 The Minister for Local Government may, conditionally or unconditionally, allow a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.

10.46 A council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 10.45, must still disclose the interest they have in the matter in accordance with clause 10.39.

NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

10.47 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 10.18 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.

10.48 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.

10.49 The personal or political views of a council official do not constitute a private interest for the purposes of clause 10.48.

10.50 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.

10.51 When considering whether or not you have a non-pecuniary conflict of interest in a

matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

10.52 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 10.48, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.

10.53 If a disclosure is made at a committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 10.52.

10.54 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

10.55 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 10.18, but it involves:

a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 10.21 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household;

b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship;

c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation;

d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter;

e) a financial interest (other than an interest of a type referred to in clause 10.23) that is not a pecuniary interest for the purposes of clause 10.18;
f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

10.56 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 10.39 and 10.40.

10.57 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

10.58 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Loss of quorum as a result of compliance with this Part

10.59 The Minister for Local Government may, conditionally or unconditionally, allow a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion that it is in the interests of the electors for the area to do so.

10.60 Where the Minister exempts a committee member from complying with a requirement under this Part under clause 10.59, the committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 10.52.

Personal dealings with council

10.61 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development

consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

10.62 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

PERSONAL BENEFIT

10.63 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.

10.64 A reference to a gift or benefit in this Part does not include:

a) items with a value of $10 or less;
b) a political donation for the purposes of the *Electoral Funding Act 2018*;
c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them;
d) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or;
e) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
i) the discussion of official business;
ii) work-related events such as council-sponsored or community events, training, education sessions or workshops;
iii) conferences;
iv) council functions or events;
v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

10.65 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.

10.66 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

10.67 You must not:

a) seek or accept a bribe or other improper inducement;
b) seek gifts or benefits of any kind;
c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty;
d) subject to clause 10.69, accept any gift or benefit of more than token value as defined by clause 10.71;
e) accept an offer of cash or a cash-like gift as defined by clause 10.75, regardless of the amount;
f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser;
g) personally benefit from reward points programs when purchasing on behalf of the council.

10.68 Where you receive a gift or benefit of any value other than one referred to in clause 10.64, you must disclose this promptly to the Chief Executive Officer in writing. The Chief Executive Officer must ensure that, at a minimum, the following details are recorded in the council's gift register:

a) the nature of the gift or benefit;
b) the estimated monetary value of the gift or benefit;
c) the name of the person who provided the gift or benefit, and;
d) the date on which the gift or benefit was received.

10.69 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

10.70 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of $100. They include, but are not limited to:

a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed $100;
b) gifts of alcohol that do not exceed a value of $100;
c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like;
d) prizes or awards that do not exceed $100 in value.

Gifts and benefits of more than token value

10.71 Gifts or benefits that exceed $100 in value are gifts or benefits of more than token value for the purposes of clause 10.67(d) and, subject to clause 10.69, must not be accepted.

10.72 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds $100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

10.73 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed $100 in value.

10.74 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

"Cash-like gifts"

10.75 For the purposes of clause 10.67(e), "cash-like gifts" include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

10.76 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else.

10.77 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

ACCESS TO INFORMATION AND COUNCIL RESOURCES

Use of certain council information

10.78 In regard to information obtained in your capacity as a council official, you must:

a) only access council information needed for council business;
b) not use that council information for private purposes;
c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your position with council;
d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

10.79 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

10.80 In addition to your general obligations relating to the use of council information, you must:

a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions;
b) protect confidential information;
c) only release confidential information if you have authority to do so;
d) only use confidential information for the purpose for which it is intended to be used;
e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person;
f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body;
g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

10.81 When dealing with personal information you must comply with:

a) the *Privacy and Personal Information Protection Act 1998;*
b) the *Health Records and Information Privacy Act 2002;*
c) the Information Protection Principles and Health Privacy Principles;
d) the council's privacy management plan;
e) the Privacy Code of Practice for Local Government.

Use of council resources

10.82 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes unless this use is lawfully authorised and proper payment is made where appropriate.

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

10.84 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.

10.85 You must not use council resources (including council staff), property or facilities for the purpose of assisting the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

10.86 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:

a) for the purpose of assisting your election campaign or the election campaign of others, or
b) for other non-official purposes.

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

Internet access

10.88 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

Council record keeping

10.89 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.

10.90 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.

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10.91 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.

10.92 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

10.93 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.

10.94 For the purposes of clause 10.93, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

a) to bully, intimidate or harass another council official;
b) to damage another council official's reputation;
c) to obtain a political advantage;
d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions;
e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions;
f) to avoid disciplinary action under the Procedures;
g) to take reprisal action against a person for making a complaint alleging a breach of this code;
h) to take reprisal action against a person for exercising a function prescribed under the Procedures;
i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

10.95 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.

10.96 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.

10.97 For the purposes of clauses 10.96 and 10.97, a detrimental action is an action causing, comprising or involving any of the following:

a) injury, damage or loss;
b) intimidation or harassment;
c) discrimination, disadvantage or adverse treatment in relation to employment;
d) dismissal from, or prejudice in, employment;
e) disciplinary proceedings.

Compliance with requirements under the Procedures

10.98 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.

10.99 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.

10.100 You must comply with a practice ruling made by the Office under the Procedures.

Disclosure of information about the consideration of a matter under the Procedures

10.101 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.

10.102 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.

10.103 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

10.104 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

10.105 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

10.106 Complaints alleging a breach of this Part by a council committee member or delegate of council are to be managed by the Chief Executive Officer in accordance with the Procedures.

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this Code, the following definitions apply:

address means:

a) in relation to a person other than a corporation, the last residential or business address of the person known to the Councillor or designated person disclosing the address, or
b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the Interpretation Act 1987.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

a) the allotment of shares in a company
b) the creation of a trust in respect of property
c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
e) the exercise by a person of a general power of appointment over property in favour of another person
f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the

person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

a) in the case of a return made under clause 4.21(a), the date on which a person became a Councillor or designated person
b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
c) in the case of a return made under clause 4.21(c), the date on which the Councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

a) a person's spouse or de facto partner
b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
d) the spouse or de factor partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. Interests etc. outside New South Wales: A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.

3. References to interests in real property: A reference in this schedule or in schedule 2 to real property in which a Councillor or designated person has an interest includes a reference to any real property situated in Australia in which the Councillor or designated person has an interest.

4. Gifts, loans etc. from related corporations: For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a Councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the Corporations Act 2001 of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.21 of this Code must disclose:
   a) the street address of each parcel of real property in which they had an interest on the return date, and
   b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
   c) the nature of the interest.

6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
   a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
   b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.

7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a Councillor or designated person.

8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this Code must disclose:
   a) a description of each gift received in the period since 30 June of the previous financial year, and
   b) the name and address of the donor of each of the gifts.

10. A gift need not be included in a return if:
    a) it did not exceed $500, unless it was among gifts totalling more than $500 made by the same person during a period of 12 months or less, or

b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the Electoral Funding Act 2018, or
c) the donor was a relative of the donee, or
d) subject to paragraph (a), it was received prior to the person becoming a Councillor or designated person.

11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this Code must disclose:
    a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
    b) the dates on which the travel was undertaken, and
    c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

13. A financial or other contribution to any travel need not be disclosed under this clause if it:
    a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or Council vehicles), or
    b) was made by a relative of the traveller, or
    c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
    d) did not exceed $250, unless it was among gifts totalling more than $250 made by the same person during a 12-month period or less, or
    e) was a political donation disclosed, or required to be disclosed, under Part 3 of the Electoral Funding Act 2018, or
    f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
    g) subject to paragraph (d) it was received prior to the person becoming a Councillor or designated person.

14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this Code must disclose:
    a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and

b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
c) the nature of the interest, or the position held, in each of the corporations, and
d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.

16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
    a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
    b) required to apply its profits or other income in promoting its objects, and
    c) prohibited from paying any dividend to its members.

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.

18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a Councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this Code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

    close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the Electoral Funding Act 2018.

    property developer has the same meaning as it has in Division 7 of Part 3 of the Electoral Funding Act 2018.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the Code must disclose:
    a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
    b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
    c) a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a Councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this Code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24. A person making a return under clause 4.21 of this Code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

25. A disposition of real property need not be disclosed if it was made prior to a person becoming a Councillor or designated person.

Sources of income

26. A person making a return under clause 4.21 of this Code must disclose:
    a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
    b) each source of income received by the person in the period since 30 June of the previous financial year.

27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
    a) in relation to income from an occupation of the person:
        (i) a description of the occupation, and
        (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
        (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
    b) in relation to income from a trust, the name and address of the settlor and the trustee, or
    c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed $500, or is not reasonably expected to exceed $500, as the case may be.

29. The source of any income received by the person that they ceased to receive prior to becoming a Councillor or designated person need not be disclosed.

30. A fee paid to a Councillor or to the Lord Mayor or deputy Lord Mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this Code must disclose the name and address of each person to whom the person was liable to pay any debt:
    a) on the return date, and
    b) at any time in the period since 30 June of the previous financial year.

32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.

33. A liability to pay a debt need not be disclosed by a person in a return if:
    a) the amount to be paid did not exceed $500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
        (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
        (ii) the amounts to be paid exceeded, in the aggregate, $500, or
    b) the person was liable to pay the debt to a relative, or
    c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
    d) in the case of a debt arising from the supply of goods or services:
        (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
        (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
    e) subject to paragraph (a), the debt was discharged prior to the person becoming a Councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21

'Disclosures by Councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

2. If this is the first return you have been required to lodge with the Chief Executive Officer after becoming a Councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a Councillor or designated person.

3. If you have previously lodged a return with the Chief Executive Officer and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the Chief Executive Officer, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a Councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.

4. If you have previously lodged a return with the Chief Executive Officer and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.

5. This form must be completed using block letters or typed.

6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model

Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the Chief Executive Officer in a register of returns. The Chief Executive Officer is required to table all returns at a Council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by _____
[Full name of Councillor or Designated Person]

as at _____ [Return date]

in respect of the period from _____ to _____

_____ _____
[Councillor's or Designated Person's signature] [date]

A. Real Property	
Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	*Nature of interest*

B. Sources of income

1. Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	*Name and address of employer or description of office held (if applicable)*	*Name under which partnership conducted (if applicable)*

2. Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	*Name and address of trustee*

3. Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts	
Description of each gift I received at any time since 30 June	Name and address of donor

Code of Conduct		
Owner: Governance Manager	Area: Corporate Services	POL No: 218
Date of Commencement: 2022	Approval Authority: Council	Date Approved: XXX
Amendment 6	Date of Next Review: 2026	Review: Every 4 years

D. Contributions to travel		
Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken

E. Interests and positions in corporations			
Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations	
Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position

H. Debts
Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property
1. Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
2. Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

Code of Conduct		
Owner: Governance Manager	Area: Corporate Services	POL No: 218
Date of Commencement: 2022	Approval Authority: Council	Date Approved: XXX
Amendment 6	Date of Next Review: 2026	Review: Every 4 years

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Code of Conduct.

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"*Relative*" is defined by clause 4.4 of the Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special Disclosure of pecuniary interests by [full name of councillor]

In the matter of [insert name of environmental planning instrument]

which is to be considered at a meeting of the [name of council of council committee (as the case requires)]

to be held on the day of 20 .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to councillor [Tick or cross one box.]	☐ The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). ☐ An associated person of the councillor has an interest in the land. ☐ An associated company or body of the councillor has an interest in the land.

Matter giving rise to pecuniary interest[1]	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land)[2] [Tick or cross one box] Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	☐ The identified land. ☐ Land that adjoins or is adjacent to or is in proximity to the identified land.

1 **Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.**

2 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Code of Conduct has a proprietary interest.

Proposed change of zone/planning control

[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]

Effect of proposed change of zone/planning control on councillor or associated person

[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature _____

Date _____

[This form is to be retained by the council's CEO and included in full in the minutes of the meeting]

Procedures for the Administration of

The Model Code of Conduct

for Local Councils in NSW

2020

NSW GOVERNMENT

PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW
2020

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Part 1:
Introduction

These procedures ("the Model Code Procedures") are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct").

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* ("the LGA") and the *Local Government (General) Regulation 2005* ("the Regulation"). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: References in these procedures to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code Procedures, joint organisations should adapt them to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting the Model Code Procedures, county councils should adapt them to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.

Part 2:
Definitions

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation

ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 400O of the LGA
LGA	the *Local Government Act 1993*
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the *Local Government (General) Regulation 2005*
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

Part 3: Administrative Framework

The establishment of a panel of conduct reviewers

3.1 The council must establish a panel of conduct reviewers.

3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.

3.3 The panel of conduct reviewers is to be established following a public expression of interest process.

3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.

3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:

a) an understanding of local government, and

b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and

c) knowledge and experience of one or more of the following:

i) investigations

ii) law

iii) public administration

iv) public sector ethics

v) alternative dispute resolution, and

d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.

3.6 A person is not eligible to be a conduct reviewer if they are:

a) a councillor, or

b) a nominee for election as a councillor, or

c) an administrator, or

d) an employee of a council, or

e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or

f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or

g) a person who has a conviction for an indictable offence that is not an expired conviction.

3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.

3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.

3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.

3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.

3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.

3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.

3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.

3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.

3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.

3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.

3.19 The general manager must not undertake the role of complaints coordinator.

3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.

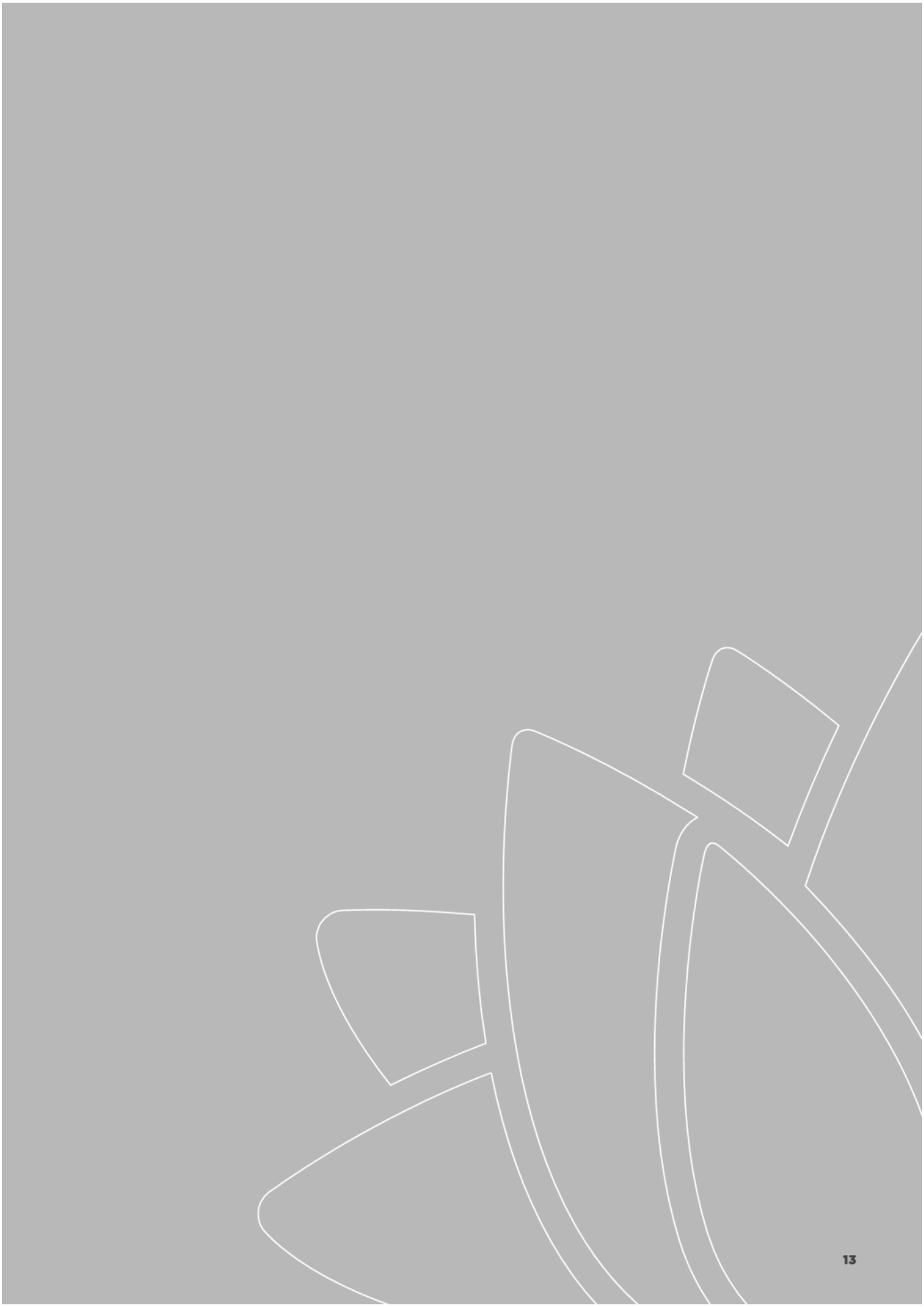
3.21 The role of the complaints coordinator is to:

a) coordinate the management of complaints made under the council's code of conduct

b) liaise with and provide administrative support to a conduct reviewer

c) liaise with the Office, and

d) arrange the annual reporting of code of conduct complaints statistics.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Part 4:
How May Code of Conduct Complaints be Made?

What is a code of conduct complaint?

4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.

4.2 The following are not "code of conduct complaints" for the purposes of these procedures:

a) complaints about the standard or level of service provided by the council or a council official

b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official

c) complaints about the policies or procedures of the council

d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.

4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within 3 months of the complainant becoming aware of the alleged conduct.

4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint about the general manager, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the general manager be made?

4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.

4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.

4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.

4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.

4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.

4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.

4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

Part 5:
How are Code of Conduct Complaints to be Managed?

Delegation by general managers and mayors of their functions under this Part

5.1 A general manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the general manager or mayor are also to be taken to be references to their delegates.

Consideration of complaints by general managers and mayors

5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:

a) is not a code of conduct complaint, or

b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or

c) is trivial, frivolous, vexatious or not made in good faith, or

d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or

e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

How are code of conduct complaints about staff (other than the general manager) to be dealt with?

5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.

5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.

5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.

5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.

5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.

5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.

5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.

5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:

a) censure

b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager

c) prosecution for any breach of the law

d) removing or restricting the person's delegation

e) removing the person from membership of the relevant council committee.

5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:

a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and

b) the person must be given an opportunity to respond to the allegation, and

c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are code of conduct complaints about administrators to be dealt with?

5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.

5.19 The general manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:

a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct

b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)

c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct

d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.

5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.

5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:

a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct

b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct

c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.

5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.

5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the general manager and the mayor to be dealt with?

5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:

a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or

b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.

5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.

5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:

a) the complainant consents in writing to the disclosure, or

b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or

c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or

d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or

e) it is otherwise in the public interest to do so.

5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.

5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.

5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.

5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.

5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:

a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or

b) impeded or disrupted the effective administration by the council of its code of conduct, or

c) impeded or disrupted the effective functioning of the council.

5.50 A special complaints management arrangement must be in writing and must specify the following:

a) the code of conduct complaints the arrangement relates to, and

b) the period that the arrangement will be in force.

5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.

5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.

5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.

5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

Part 6: Preliminary Assessment of Code of Conduct Complaints About Councillors or the General Manager by Conduct Reviewers

Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.

6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:

a) a panel of conduct reviewers established by the council, or

b) a panel of conduct reviewers established by an organisation approved by the Office.

6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.

6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:

a) they have a conflict of interest in relation to the matter referred to them, or

b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or

c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds $100,000, or

d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.

6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).

6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.

6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.

6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.

6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.

6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:

a) comply with these procedures in their consideration of the matter, or

b) comply with a lawful and reasonable request by the complaints coordinator, or

c) exercise their functions in a timely or satisfactory manner.

6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer

6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.

6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:

a) to take no action

b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour

c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour

d) to refer the matter to an external agency

e) to investigate the matter.

6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.

6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.

6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.

6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.

6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.

6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.

6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.

6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:

a) that the complaint is a code of conduct complaint for the purposes of these procedures, and

b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and

c) that the matter is one that could not or should not be resolved by alternative means.

6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:

a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council

b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it

c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence

d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.

6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.

6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the general manager or mayor for resolution

6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.

6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).

6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.

6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.

6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:

a) whether the complaint is a code of conduct complaint for the purpose of these procedures

b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct

c) whether the complaint is trivial, frivolous, vexatious or not made in good faith

d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct

e) whether the complaint raises issues that would be more appropriately dealt with by an external agency

f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of

g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour

h) whether the issue/s giving rise to the complaint have previously been addressed or resolved

i) any previous proven breaches of the council's code of conduct

j) whether the conduct complained of forms part of an ongoing pattern of behaviour

k) whether there were mitigating circumstances giving rise to the conduct complained of

l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)

m) the significance of the conduct or the impact of the conduct for the council

n) how much time has passed since the alleged conduct occurred

o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

Part 7: Investigations of Code of Conduct Complaints About Councillors or the General Manager

What matters may a conduct reviewer investigate?

7.1 A conduct reviewer (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.

7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.

7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:

a) disclose the substance of the allegations against the respondent, and

b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and

c) advise of the process to be followed in investigating the matter, and

d) advise the respondent of the requirement to maintain confidentiality, and

e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and

f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.

7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.

7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.

7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.

7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:

a) advise them of the matter the investigator is investigating, and

b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and

c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

Written and oral submissions

7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.

7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.

7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.

7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.

7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.

7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

7.15 Investigations are to be undertaken without undue delay.

7.16 Investigations are to be undertaken in the absence of the public and in confidence.

7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.

7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.

7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:

a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or

b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or

c) refer the matter to an external agency.

7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.

7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.

7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.

7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.

7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.

7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.

7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.

7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.

7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.

7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.

7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

7.35 The investigator's final report must:

a) make findings of fact in relation to the matter investigated, and,

b) make a determination that the conduct investigated either,

i) constitutes a breach of the code of conduct, or

ii) does not constitute a breach of the code of conduct, and

c) provide reasons for the determination.

7.36 At a minimum, the investigator's final report must contain the following information:

a) a description of the allegations against the respondent

b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated

c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)

d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means

e) a description of any attempts made to resolve the matter by use of alternative means

f) the steps taken to investigate the matter

g) the facts of the matter

h) the investigator's findings in relation to the facts of the matter and the reasons for those findings

i) the investigator's determination and the reasons for that determination

j) any recommendations.

7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:

a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or

b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or

c) in the case of a breach by a councillor, that the council resolves as follows:

i) that the councillor be formally censured for the breach under section 440G of the LGA, and

ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.

7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:

a) that the council revise any of its policies, practices or procedures

b) that a person or persons undertake any training or other education.

7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.

7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:

a) the investigator's findings in relation to the facts of the matter and the reasons for those findings

b) the investigator's determination and the reasons for that determination

c) any recommendations, and

d) such other additional information that the investigator considers may be relevant.

7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.

7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

Consideration of the final investigation report by council

7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.

7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.

7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.

7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.

7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.

7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.

7.52 Prior to imposing a sanction, the council may by resolution:

a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or

b) seek an opinion from the Office in relation to the report.

7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.

7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.

7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.

7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.

7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.

7.58 A council may by resolution impose one of the following sanctions on a respondent:

a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or

b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or

c) in the case of a breach by a councillor:

i) that the councillor be formally censured for the breach under section 440G of the LGA, and

ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.

7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.

7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

Part 8:
Oversight and Rights of Review

The Office's powers of review

8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.

8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.

8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.

8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.

8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).

8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.

8.9 Where the Office makes a practice ruling, all parties must comply with it.

8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.

8.12 A review under clause 8.11 may be sought on the following grounds:

a) that the investigator has failed to comply with a requirement under these procedures, or

b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or

c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.

8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.

8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.

8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.

8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.

8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.

8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.

8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:

a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and

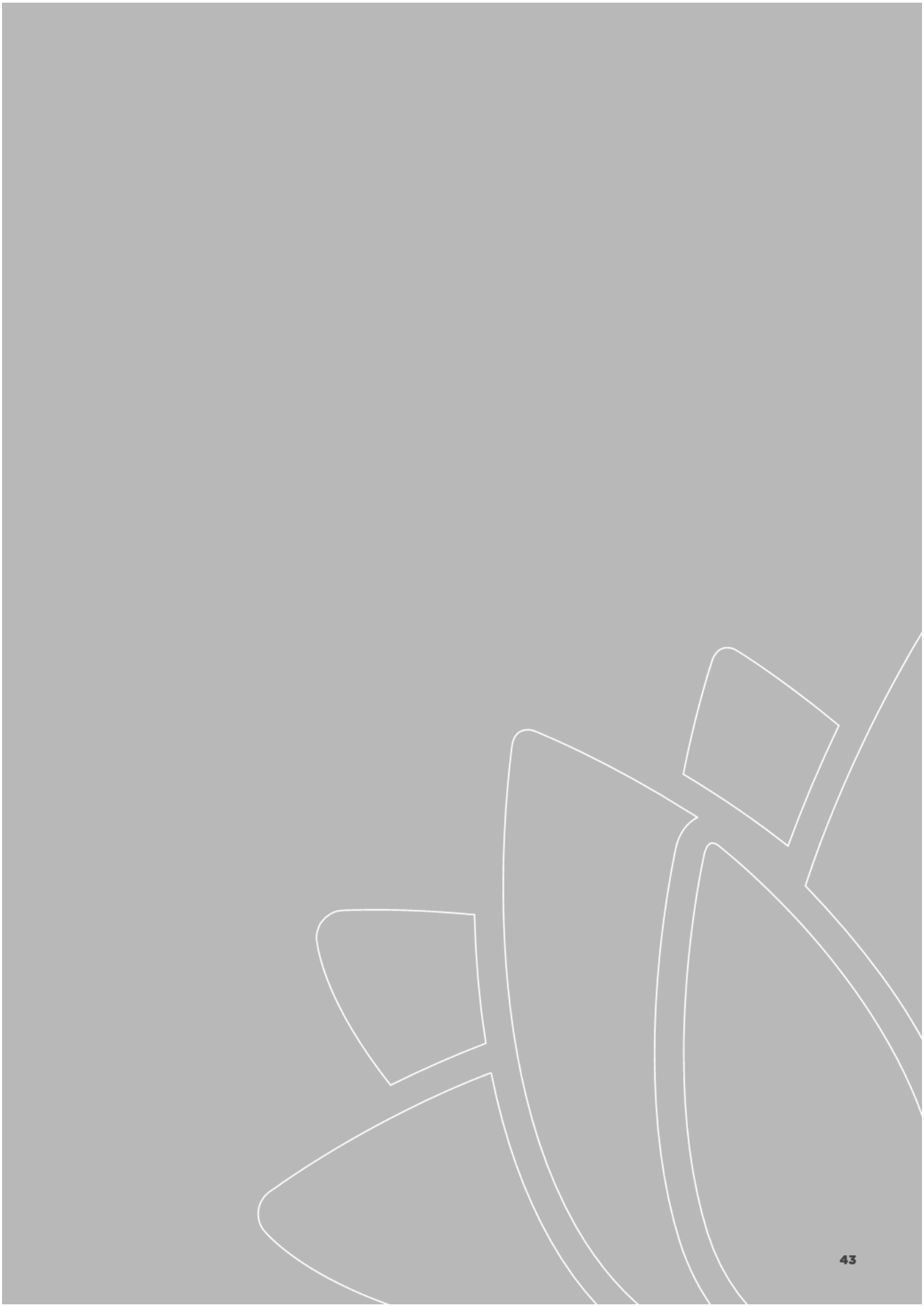
b) the council must:

i) review its decision to impose the sanction, and

ii) consider the Office's recommendation in doing so, and

iii) resolve to either rescind or reaffirm its previous resolution in relation to the matter.

8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.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Part 9:
Procedural Irregularities

9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.

9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:

a) the non-compliance is isolated and/or minor in nature, or

b) reasonable steps are taken to correct the non-compliance, or

c) reasonable steps are taken to address the consequences of the non-compliance.

Part 10:
Practice Directions

10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.

10.2 The Office will issue practice directions in writing, by circular to all councils.

10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

Part 11: Reporting Statistics on Code of Conduct Complaints About Councillors and the General Manager

Reporting Statistics on Code of Conduct Complaints About Councillors and the General Manager

11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)

b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period

c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints

d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period

e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period

f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and

g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.

11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

Part 12: Confidentiality

12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.

12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the general manager or their delegate, and consider any submission made by them.

12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.

12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:

a) the complainant

b) the complaints coordinator

c) the Office, and

d) any other person the general manager or their delegate considers should be notified of the determination.

12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.

12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

NSW GOVERNMENT

REPORTS TO COUNCIL - FOR COUNCIL DECISION

ITEM NUMBER	13.4
SUBJECT	Expression of Interest - Selection of Members to Parramatta Light Rail Stage 2 Advisory Committee
REFERENCE	F2017/01361 - D08561496
REPORT OF	Group Manager Infrastructure Planning & Design

CSP THEME: ACCESSIBLE

PURPOSE:

The purpose of this report is to report on the outcome of the Expressions of Interest (EOI) for membership of Council's Parramatta Light Rail Stage 2 Advisory Committee, and to make recommendations to Council for membership of the Committee.

RECOMMENDATION

(a) **That** Council appoint the following individuals to the Parramatta Light Rail Stage 2 Advisory Committee:

i. Dr Shima Taheri
ii. Gregory Willis
iii. Saif Islam
iv. David Marr
v. Shant Ohannessian
vi. Daniel Green
vii. VeeLyn Tan
viii. Alisa Huang
ix. Suntharalingham Senthilanantha

(b) **That** Council thank all unsuccessful applicants who expressed interest in joining the Parramatta Light Rail Stage 2 Advisory Committee.

(c) **Further, that** Council note the Terms of Reference for the Parramatta Light Rail Stage 2 Advisory Committee (adopted on 23 May 2022) provides the Lord Mayor of the day is the Chairperson of the Committee, and that the Lord Mayor may wish to delegate this role as appropriate.

BACKGROUND

1. On 23 May 2022, Council resolved to establish the Terms of Reference for the Parramatta Light Rail (PLR) Stage 2 Advisory Committee (Minute No 3790). This Committee is to contain up to ten (10) community representatives under the Terms of Reference.

2. The purpose of the PLR Stage 2 Advisory Committee is to provide advice, input, advocacy and feedback to Council on the design and construction of the Parramatta Light Rail Project Stage 2 and supporting infrastructure within the Parramatta Local Government Area (LGA).

3. The key responsibilities of the PLR Stage 2 Advisory Committee are:

   a. To represent the views, interests and/or identified issues that affect the communities within the Parramatta LGA within the scope of Council's authority; and

   b. To provide advice, input and feedback to Council on issues that fall within the parameters of its authority and relate to the particular communities / identified issues the Committee is concerned with.

4. The EOI was released for a four (4) week period, commencing 30 May 2022 and closed on 30 June 2022. An EOI advertisement appeared in the Parra News on 7 June 2022 and was noted in the Lord Mayor's Column of that edition. The EOI was placed on Council's website and was the subject of a Facebook and LinkedIn post.

5. Twenty-six (26) applications were received, predominantly from residents along the alignment. Applicants completed an Expression of Interest form which provided information about their location/residential address, their commitment to City of Parramatta LGA, their skills and capacity to contribute to the Committee, whether they have an interest or close connection through proximity to PLR Stage 2 and if they have an interest and/or knowledge about the design and construction of significant infrastructure/engineering projects such as Light Rail.

6. The Executive Director City Planning & Design determined the Selection Panel comprising three (3) senior Council Officers to assess the Expressions of Interest against the Terms of Reference and stated criteria of the PLR Stage 2 Advisory Committee.

7. In assessing the EOIs, the panel thoroughly considered the EOI criteria, and gave consideration to balancing genders, diversity in background and skills, and effort put into completing the EOI.

8. Of the twenty-six (26) applicants, nine (9) were chosen by the selection panel based on the matters discussed above.

9. The recommended applicants are as follows:

   Dr Shima Taheri
   A resident of Wentworth Point with a PhD in architecture. Her skills include Structural Health Monitoring, analytics and research. Dr Taheri has knowledge of large-scale infrastructure with work focused on development of approaches and methodologies to benefit people and the environment.

   Gregory Willis
   A retired resident of Wentworth Point for the past 5 years. He worked for the Australian Government (Border Force) for 38 years and has noted a proven record in problem solving and ability to interact and communicate at all levels of industry and Government. Greg is currently the Secretary of Jewel Apartment Strata Residents Committee at Wentworth Point.

Saif Islam
A resident of Wentworth Point and works in the supply chain procurement industry, connecting closely with transport. He has volunteered in multiple national and international organisations in Oceana, Southeast Asia and Europe and has a keen interest in better connectivity in his local area.

David Marr
A resident of Ermington and has experience in managing works teams on large projects (in an unrelated capacity), synthesising and delivering complex information, and managing internal and external stakeholders. He has a high level of appreciation of confidentiality and privacy within projects.

Shant Ohannessian
A resident of Ermington for over 30 years. His family have been long term residents and he has a strong community focus. He has a Business and Commerce and Community Welfare Degree and is currently a Master of Research candidate.

Daniel Green
A resident of Ermington since 2001 and works as a firefighter at Rydalmere Fire Station. He has a community focus and has coached local sports teams. He has a strong interest in infrastructure and closely follows projects that he and his family use e.g., CNSW Headquarters at Wilson Park, Stage 1 & 2 Parramatta Light Rail and the western Metro, Powerhouse and WestConnex.

VeeLyn Tan
A resident of Rydalmere and is passionate about Stage 2 and its connection and benefits to nearby areas. She works in a leadership role in the not-for-profit sector in the area of safety, health and well-being.

Feiran (Alisa) Huang
A resident of Rydalmere and works in the LGA. She has degrees in Architecture, specialising in urban design, and Planning. Alisa has experience in working on large scale master planning projects and has project management experience. She is practicing independent architect.

Suntharalingham Senthilananthan
A resident of Newington and has a strong connection to the LGA. He has skills in financial management and corporate governance and has an interest in the light rail.

10. Applicants that failed the selection panel recommendations were those who:

    a. had poorly written/prepared applications;

    b. advised they worked for Transport for NSW/Sydney Trains due to potential conflict of interest;

    c. live in the Ryde LGA given that PLR Stage 2 is not located in the Ryde LGA.

11. It is noted the Terms of Reference for this Committee, adopted at the 23 May 2022 Council Meeting, provide the Lord Mayor of the day is the Chairperson of the Committee. The Lord Mayor may wish to delegate this role for this Committee and any other Committee where Councillors are members, as appropriate.

CONSULTATION & TIMING

Stakeholder Consultation

12. The following stakeholder consultation was undertaken:

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
30 May 2022 – 30 June 2022	Community	EOIs released and 26 responses received (9 persons chosen)	Report to Council	Group Manager Infrastructure Planning and Design

Councillor Consultation

13. The following Councillor consultation was undertaken:

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
20.06.2022	All Councillors aware via prior Council reports for Advisory Committees	Group Manager Infrastructure Planning & Design contacted Advisory Committee Councillor Representatives to discuss progress of EOI's and noted the use of local contacts for EOI's	Report to Council	Group Manager Infrastructure Planning and Design

LEGAL IMPLICATIONS FOR COUNCIL

14. There are no legal implications associated with this report.

FINANCIAL IMPLICATIONS FOR COUNCIL

15. If Council resolves to approve this report in accordance with the recommendation, there are no unbudgeted financial implications for Council's budget.

16. The table below summarises the financial impacts on the budget arising from approval of this project.

	FY 21/22	FY 22/23	FY 23/24	FY 24/25
Revenue				
Internal Revenue				
External Revenue				
Total Revenue	N/A	N/A	N/A	N/A
Funding Source				
Operating Result				
External Costs				
Internal Costs				
Depreciation				
Other				
Total Operating Result	N/A	N/A	N/A	N/A
Funding Source				
CAPEX				
CAPEX				
External				
Internal				
Other				
Total CAPEX	N/A	N/A	N/A	N/A

Anthony Newland
Group Manager Infrastructure Planning & Design

Jennifer Concato
Executive Director City Planning and Design

John Angilley
Chief Financial and Information Officer

Brett Newman
Chief Executive Officer

ATTACHMENTS:
There are no attachments for this report.

REFERENCE MATERIAL

REPORTS TO COUNCIL - FOR COUNCIL DECISION

ITEM NUMBER	13.5
SUBJECT	Expression of Interest - Selection of Community Members - Riverside Theatres Advisory Committee
REFERENCE	F2022/00105 - D08594893
REPORT OF	Director - Riverside Theatres

CSP THEME: **THRIVING**

WORKSHOP/BRIEFING DATE: NIL

PURPOSE:

This report provides Council with recommendations for community membership to the Riverside Theatres Advisory Committee.

RECOMMENDATION

(a) **That** Council appoint the following persons to the Riverside Theatres Advisory Committees for the period of this Council term:

1. Dr Robert Lang
2. John Moore
3. Keiasha Naidoo
4. Cate Cunningham
5. Vyvienne Abla
6. Matthew Lazarus-Hall
7. Marwa Abouzeid
8. Jackie Emery

(b) **That** Council note those marked as being on an eligibility list for the Riverside Advisory Committee in Paragraph 1 of this report will fill any vacancies that arise in the first six months, as per the Terms of Reference.

(c) **Further, that** Council extend its appreciation to unsuccessful applicants, thanking them for their interest in supporting the work of Council through membership of the relevant Committee.

BACKGROUND

1. Council established several Advisory Committees to provide advice, input and feedback to Council on specific issues or needs of Council and the City of Parramatta community that fall within the parameters of its authority. All such Committees have an advisory role only and do not have decision-making delegations from Council. A Committee may make a recommendation for action, which is referred to Council for consideration.

2. Council's Advisory Committees were dissolved along with Council for the 2021 Local Government Elections, with Committee Members needing to submit new Expressions of Interest if wishing to rejoin a re-established Committee.

3. Terms of Reference for the reformed and new Committees were established by Council at its meeting on 23 May 2022. This enabled Council to call for Expressions of Interest (EOI) from the community for membership of the Committees.

4. A combined promotion of EOIs for all Committees was conducted via Council's webpages, Lord Mayor's Column and a paid ad in local papers. In addition, each Committee also rolled out separate processes for advertising their EOIs, which are detailed in this report.

5. Expressions of Interest are assessed by selection panels for eligibility and suitability according to each Committee's Terms of Reference, to determine the recommendations to Council, which are also detailed in this report.

6. This report addresses the Expressions of Interest received for the Riverside Theatres Advisory Committee.

ISSUES/OPTIONS/CONSEQUENCES

7. The purpose of the Riverside Theatres Advisory Committee is to:

    a. Strategically advise Council on Riverside Theatres contribution to the delivery of Council's cultural vision for Sydney's Central City.

    b. Strategically advise Riverside on its contribution to the community in providing venues and delivering cultural and performance programs.

    c. Advocate for Riverside as Western Sydney's premier performing arts centre.

    d. Provide advice to inform City of Parramatta's arts and development strategies for Riverside Theatres in the medium and longer term.

8. The Committee should have a minimum of eight (8) and a maximum of twelve (12) Members.

9. To be eligible for membership, people must live, work, study or have a strong commitment to the City of Parramatta LGA, and meet one or more of the following criteria:

    - An interest and/or knowledge and experience in arts/cultural program development and/or presentation;

    - An interest and/or knowledge and experience in the development and implementation of fundraising and/or philanthropy strategies for arts and cultural programs;

    - Experience of connections with community based artistic or cultural programs;

- Interest and/or knowledge and experience about the design and construction of significant arts or entertainment infrastructure projects;

- People with general sector experience or community/cultural background experience.

The Expressions of Interest submission period ran from 31 May to 30 June 2022. Promotion of the Expressions of Interest took place via:

a. direct communication with former Members and people who asked for Committee information over the past year, with a request to also share with their networks;

b. social media ads for three (3) weeks targeting people engaged with arts and cultural interest groups and Parramatta LGA residents;

c. communications to people who are subscribed to the Riverside Theatres membership and email databases; and

d. direct communications to local groups and services who may work within the cultural industry or make use of the venue.

10. To assess the applications received, a selection panel was formed with Council officers from the Community Services and City Engagement and Experience Directorates of Council, with knowledge and experience in the work of the Committee and the topics it addresses.

11. Thirty Eight (38) Expressions of Interest in membership for this Committee were received. The Selection Panel is recommending that eight (8) applicants for Advisory Committee membership. Two (2) of these applicants have previous experience as Members of the previous Riverside Theatres Advisory Committee.

12. The Selection Panel noted the high standard of the EOIs received and determined the following applicants as eligible for membership. The panel further advised that the mix of experience, backgrounds and skills would provide a substantial contribution to the work of the Committee, and recommends Council accepts as Members of the Committee:

- **Dr Robert Lang** – New member.
  Strong professional and arts knowledge and extensive Board & Chair experience. Former CEO of Parramatta City Council, 2008-2014, Chair of Urban Theatre Projects, 2014-2022, Former CEO of Sydney Harbour Foreshore Authority, Leader in a Community-based theatre company, the Cumberland Gang Show that has performed annually at Parramatta Riverside Theatre, 1988-2022, Currently Director on Sydney Festival Board, Fellow of the Australian Institute of Company Directors with both the AICD and Advanced AICD qualifications

- **John Moore** – New member.
  Contributes strategic insight with expertise in business development, marketing, branding, fundraising strategy and commercial negotiations. Graduate from the NSW Conservatorium of Music; Formerly Chief

Marketing role at Cultural Olympiad for Sydney 2000 Olympic Games; Currently, Board of the Australian Brandenburg Orchestra, Board of Sydney Philharmonia Choirs; Part of the delivery team for the $100 million Sydney Coliseum Theatre.

- **Keiasha Naidoo** – Returning Advisory Committee member.
  Currently Manager, Communications and Stakeholder Engagement at Aurecon Engineering and Design; Former Regional Editor - Fairfax Media for five Western Sydney papers. Originally from Africa of Indian Heritage, culturally connected to our local South Asian communities. Instigated the Indian cultural program in the Hills for the last 18 years; Previously Community Engagement and Partnerships Lead, Blacktown City Council.

- **Cate Cunningham** – New member.
  Past President of Drama NSW, Drama Australia Rep, Board of Circus Solaris for last 12 years, Taught Drama and Circus at Kellyville HS, Cherrybrook CTHS, Tara Anglican, Grantham HS. Over 20 years as Visual Arts teacher, Drama educator K-12, Tertiary Drama Educator at Macquarie Uni and ACU, co-ordinator National Multi-Arts project in Western Sydney. Experience in fund raising for Sydney Rock Eisteddfod.

- **Matthew Lazarus-Hall** – New member.
  Founder and CEO of Square Circles Creative Solutions, a company focused on providing consultancy in event strategy across touring, festivals, exhibitions and sport with significant industry operating experience in Western Sydney. Former Senior Vice President, AEG for Asia-Pacific at its live music arm, AEG Presents, overseeing all touring, festivals and sports across the Pan-Asian region. Formerly CEO at Chugg Entertainment for 12 years and previously held Operations Director roles in ticketing and major venues.

- **Vyvienne Abla** – Returning Advisory Committee member.
  Founder, Vyva Entertainment. Previous RAB member. Founder of launched 4ESydney. Significant experience integrating industry, education and community with artist development with a focus on Culturally Diverse and First Nations. Cultural Heritage – Lebanese.

- **Marwa Abouzeid** – New member.
  Western Sydney Resident and professional. Community manager Western Sydney Women, Visual Artist and trained Accountant. Originally from Egypt. Committee member of a number of Multicultural Communities with community, volunteer and arts and community experience in both Egypt and Australia.

- **Jackie Emery** – New member.
  Local resident, Experienced media/theatre Lawyer currently working as the head of legal for Australian Theatre producer, Global Creatures (producers of Moulin Rouge the Musical). Extensive industry and local experience with solid understanding of arts and intellectual property law, rights management and contracting.

13. The Selection panel also determined that five (5) applicants can form an eligibility list in the event that members resign or take a leave of absence from the Committee in the first six months, as per the Terms of Reference.

    These applicants are:

    1. Brandon McClelland
    2. Simon Meilak
    3. Derrin Brown
    4. Mia Patoulis
    5. Lucinda Amour

14. The Selection panel determined that fifteen (15) applicants, while eligible, were not to be recommended at this time. These applicants are:

    1. Mustafa Agha
    2. Andrew Reid
    3. Rebekah Robertson
    4. Ramana Karanam
    5. Bevan Rigato
    6. Jordan Vassallo
    7. Arthur Bridge
    8. David Russell
    9. Carla Moore
    10. Sadie Schieb
    11. Andrew Quah
    12. Jack Preston
    13. Shy Magsalin
    14. Kristina Scudds
    15. Max Holzner

15. The Selection panel determined that ten (10) applicants did not meet eligibility criteria. These applicants have been contacted and understand and support the reasons for their ineligibility. These applicants are:

    1. Cholok Mary Nuer Muorwel
    2. Annette Buterin
    3. Kathy Petrakis
    4. David Robson
    5. Julian Ramundi
    6. Patricia Cooney
    7. Geneva Valek
    8. Mathew Coombes
    9. Albert Santos
    10. Zuzana Fort

CONSULTATION & TIMING

<u>Stakeholder Consultation</u>

16. The following stakeholder consultation has been undertaken in relation to this matter:

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
31 May – 30 June)	Community	38 applications submitted over this period in response to call for EOIs.	Selection Panel reviewed in the period July 21-28. Meetings of Assessment panel took place Jul 29 – Aug 1 to discuss and form final recommendations to Council.	Riverside Theatres Leadership

Councillor Consultation

17. The following Councillor consultation has been undertaken in relation to this matter:

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
N/A	N/A	N/A	N/A	N/A

LEGAL IMPLICATIONS FOR COUNCIL

18. There are no legal implications for Council associated with this report. The call for Expressions of Interest and assessment of received applications followed the processes set out within the Terms of Reference of each Committee.

FINANCIAL IMPLICATIONS FOR COUNCIL

19. If Council resolves to approve this report in accordance with the proposed resolution, there are no unbudgeted financial implications for Council's budget.

20. The table below summarises the financial impacts on the budget arising from approval of this report.

	FY 21/22	FY 22/23	FY 23/24	FY 24/25
Revenue				
Internal Revenue				
External Revenue				
Total Revenue				
Funding Source	NIL	NIL	NIL	NIL
Operating Result				
External Costs				

Internal Costs				
Depreciation				
Other				
Total Operating Result	NIL	NIL	NIL	NIL
Funding Source				
CAPEX				
CAPEX				
External				
Internal				
Other				
Total CAPEX				

Craig McMaster
Riverside Theatre Director

Jon Greig
Executive Director Community Services

John Angilley
Chief Financial and Information Officer

Brett Newman
Chief Executive Officer

ATTACHMENTS:
There are no attachments for this report.

REFERENCE MATERIAL

REPORTS TO COUNCIL - FOR COUNCIL DECISION

ITEM NUMBER	13.6
SUBJECT	Planning Proposal for 168-176 Parramatta Road and 89-90 Cowper Street, Granville
REFERENCE	F2022/00105 - D08594128
APPLICANT/S	Planning Ingenuity
OWNERS	JFC Developments Pty Ltd
REPORT OF	Project Officer Land Use

CSP THEME: **INNOVATIVE**

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL Nil

PURPOSE

This report seeks Council's endorsement to not proceed with a Planning Proposal at 168-176 Parramatta Road and 89-90 Cowper Street, Granville, thereby formally ending the Planning Proposal process.

RECOMMENDATION

(a) **That** Council refuse the Parramatta Planning Proposal at 168-176 Parramatta Road and 89-90 Cowper Street, Granville for the following reasons:

1. The Planning Proposal is inconsistent with the height of development envisaged by the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS), which sets the strategic planning framework for the precinct.

2. The Planning Proposal is premature given that an implementation plan is required to be prepared and adopted by Council, now that the precinct-wide traffic study is complete, to ensure road network upgrades and other infrastructure requirements are agreed, funding sources secured and able to be delivered consistent with the PRCUTS.

(b) **That** the applicant be advised of Council's decision.

(c) **Further, that** Council note that Council officers are developing a project plan for a Council-led rezoning of the Granville precinct in-line with PRCUTS, and Councillors will be updated separately on this work.

PLANNING PROPOSAL TIMELINE

SUMMARY

1. This report seeks Council's endorsement to refuse a Planning Proposal at 168-176 Parramatta Road and 89-90 Cowper Street, Granville, thereby formally ending the Planning Proposal process. A detailed report provided to the Local Planning Panel on this matter is included at **Attachment 1**.

2. The Planning Proposal seeks to amend the Parramatta Local Environmental Plan 2011 (PLEP 2011) to enable a high-density residential development, open space, and retail/commercial uses at 168-176 Parramatta Road and 89-90 Cowper Street, Granville.

3. The Planning Proposal is considered by Council officers to be inconsistent with the NSW Government's Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) which sets the strategic planning framework for the Granville Parramatta Road precinct.

4. The Planning Proposal is considered premature by Council officers given that an implementation plan is yet to be prepared by Council for the PRCUTS Granville Precinct. This is required to ensure road network upgrades and other infrastructure requirements are agreed, funding sources secured, and the infrastructure is able to be delivered consistent with the PRCUTS.

5. Council officers consider the most timely and efficient way to implement the rezoning in accordance with PRCUTS, supported by the staged delivery of supporting infrastructure, is through a Council-led Planning Proposal, as opposed to a series of ad-hoc site specific, proponent-led Planning Proposals. Council officers are currently developing a project plan for this work, which will include working with the Applicant and other landowners on suitable planning controls, and Councillors will be updated on this work in the near future.

SITE DESCRIPTION

6. The subject site is located on the southern side of Parramatta Road, with the rear site boundary adjoining the western rail line. The site comprises five (5) allotments with a total site area of approximately 4,888m². The site contains buildings used for a variety of industrial and commercial uses. An aerial view of the subject site, outlined in yellow, is shown in **Figure 1**.

Figure 1: Aerial view of the subject site at 168-176 Parramatta Road and 89-90 Cowper Street, Granville

BACKGROUND

7. The subject Planning Proposal has been with Council for over seven years. Following lodgement on 16 March 2015, assessment of the Planning Proposal was paused in July 2015 pending the release of the PRCUTS by the NSW Government.

8. In June 2016 the applicant submitted its preferred scheme which did not comply with the recommended height in the draft PRCUTS (released in September 2015). The PRCUTS was finalised in November 2016 and required a precinct wide traffic study to be undertaken before any rezoning commenced.

9. The Planning Proposal remained inactive from September 2017 until 2022, primarily due to the preparation of precinct-wide traffic and transport studies. In February 2022 the NSW Department of Planning and Environment (DPE) provided Council officers with the completed traffic studies.

10. Following Council officer's review of the traffic studies, on 13 May 2022 Council officers advised the Applicant that they are not able to recommend that the land use changes proposed in PRCUTS commence for this site or the precinct until Council prepares an implementation plan, and subsequently invited the applicant to withdraw their Planning Proposal. Preliminary investigations by Council officers to support this work has begun and Council officers are currently developing a project plan that will enable Council to lead the preparation of an implementation plan and an associated Council-led Planning Proposal in discussions with interested precinct landowners, including the applicant.

DESCRIPTION OF PLANNING PROPOSAL

11. An overview of the existing and proposed controls for the Planning Proposal, as well as those proposed under the PRCUTS are detailed in **Table 1**.

	Parramatta Local Environment Plan 2011	**Applicant's preferred Planning Proposal (23 June 2016)**	**PRCUTS (no identified design excellence bonuses)**
Zoning	Part B6 Enterprise Corridor and part B4 Mixed Use	Rezone the entire site to comprise B4 Mixed Use	B4 Mixed Use
Maximum HOB	Part 21m (R1) (6 storeys) and part 52m (Y1 – Area 1) (16 storeys) – application of Clause 4.3 2A	125m (36 storeys) including a 15% bonus subject to Design Excellence	80m (25 storeys)
Maximum Floor Space Ratio (FSR)	Part 3:1 (V1) and part 6:1 (AA1 – Area 1) – application of Clause 4.4 2A	6:1 including a 15% bonus subject to Design Excellence	6:1

Table 1: Existing and proposed controls applying to the site at 168-176 Parramatta Road and 89-90 Cowper Street, Granville

12. The Applicant's preferred scheme submitted on 23 June 2016 (refer to **Figure 2** and **Figure 3**) proposes rezoning of the entire site to B4 Mixed Use with 6:1 FSR and height of 125m (36 storeys). The indicative built form illustrates a part 5 and part 2 storey podium fronting Parramatta Road to accommodate commercial, and retail uses on the ground and first floor, and residential development on top of the podium.

Figure 2: Applicant's preferred scheme (dated 23/6/2016) - Masterplan

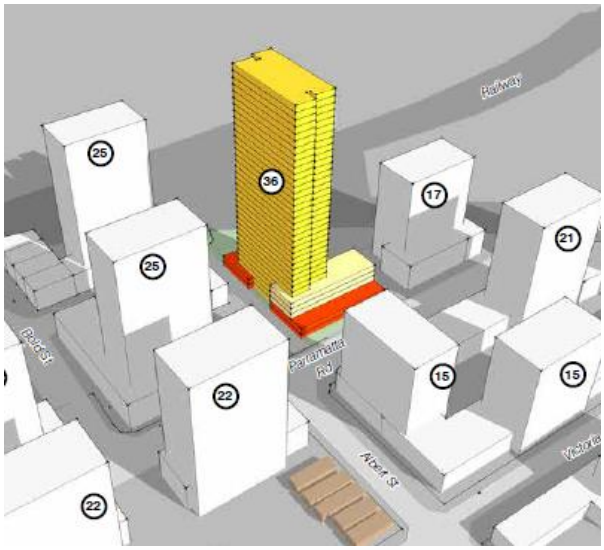


Figure 3: Applicant's preferred scheme (dated 23/6/2016)– 3D Massing

PLANNING PROPOSAL ASSESSMENT

13. The proposed building height at 125m represents a 64% variation to the recommended building height of 80m as identified in the PRCUTS.

14. As outlined in the Planning and Design Guidelines that accompany the PRCUTS, the recommended planning controls were developed having regard to the natural and built context, providing appropriate bulk, scale, and density relative to the street and surrounding buildings, and to enhance the public domain. Although the final controls will be determined by a future planning proposal, the recommended planning controls in the PRCUTS provide an important strategic direction that is the result of extensive research and analysis.

15. Council officers do not support this height as it would undermine the strategic planning framework now established under the PRCUTS. Further, noting the context of the site, which is adjacent to a local heritage item (refer to **Figure 2**), the proposed building height would result in adverse visual amenity impacts upon the item and public domain that is not in accordance with the objectives of the PRCUTS Planning and Design Guidelines.

PARRAMATTA LOCAL PLANNING PANEL

16. On 21 June 2022, Council officers reported the Planning Proposal to the Local Planning Panel for advice. The Panel unanimously agreed with the Council officer recommendation for refusal (**Attachment 1**).

FINANCIAL IMPLICATIONS FOR COUNCIL

17. There are no direct financial implications for Council as a result of the recommendations in this report.

18. As noted earlier, Council officers consider the most timely and efficient way to implement rezoning in Granville in accordance with PRCUTS, supported by the staged delivery of supporting infrastructure, is through a Council-led Planning Proposal, as opposed to a series of ad-hoc site specific, Proponent-led Planning Proposals. Council officers are currently developing a project plan for this work and are also exploring opportunities for funding support for this work from the NSW State Government under its Housing Delivery program. Councillors will be updated on this work in the near future.

CONCLUSION AND NEXT STEPS

19. The Planning Proposal is considered premature given that an implementation plan is yet to be prepared by Council for the PRCUTS Granville Precinct which is required to ensure road network upgrades and other infrastructure requirements are agreed, funding sources secured, and the supporting infrastructure is able to be delivered consistent with the PRCUTS.

20. Council officers consider the most timely and efficient way to implement the rezoning in accordance with PRCUTS, supported by the staged delivery of supporting infrastructure, is through a Council-led Planning Proposal, as opposed to a series of ad-hoc site specific, Proponent-led Planning Proposals.

21. The applicant has been advised of the approach being developed by Council officers and invited to withdraw their current Planning Proposal and participate in discussions on the development of the Council-led Planning Proposal.

22. In the meantime, based upon the Planning Proposal's substantial inconsistency with the PRCUTS with regards to recommended building height, and the need for an implementation plan to be undertaken to determine how the PRCUTS Strategy can be feasibly delivered, it is recommended that the Planning Proposal be refused.

23. Councillors will be updated on work on a project plan for a Council-led Planning Proposal and an associated implementation plan that will address supporting infrastructure delivery in the near future.

Simon Coleman
Project Officer Land Use

David Birds
Group Manager, Major Projects and Precincts

Jennifer Concato
Executive Director City Planning and Design

John Angilley
Chief Financial and Information Officer

Brett Newman
Chief Executive Officer

ATTACHMENTS:

1	21 June 2022 Local Planning Panel Report - Planning Proposal for 168-176 Parramatta Road and 89-90 Cowper Street, Granville	9 Pages
2	Planning Proposal as Originally Submitted on 16 March 2015	40 Pages
3	Updated Design Report Submitted 27 February 2017	47 Pages
4	Updated Reference Scheme Submitted 27 February 2022	13 Pages

REFERENCE MATERIAL

INNOVATIVE

ITEM NUMBER	6.1
SUBJECT	Refusal of the Planning Proposal for land at 168-176 Parramatta Road and 89-90 Cowper Street, Granville
REFERENCE	F2013/01409 -
APPLICANT/S	Planning Ingenuity
OWNERS	JFC Developments Pty Ltd
REPORT OF	Project Officer

DEVELOPMENT APPLICATIONS CONSIDERED BY SYDNEY CENTRAL CITY PLANNING PANEL - Nil

PURPOSE

The purpose of the report is to seek the Parramatta Local Planning Panel's advice to Council on a recommendation to refuse a Planning Proposal at 168-176 Parramatta Road and 89-90 Cowper Street, Granville.

RECOMMENDATION

That the Parramatta Local Planning Panel consider the following Council Officer recommendation in its advice to Council:

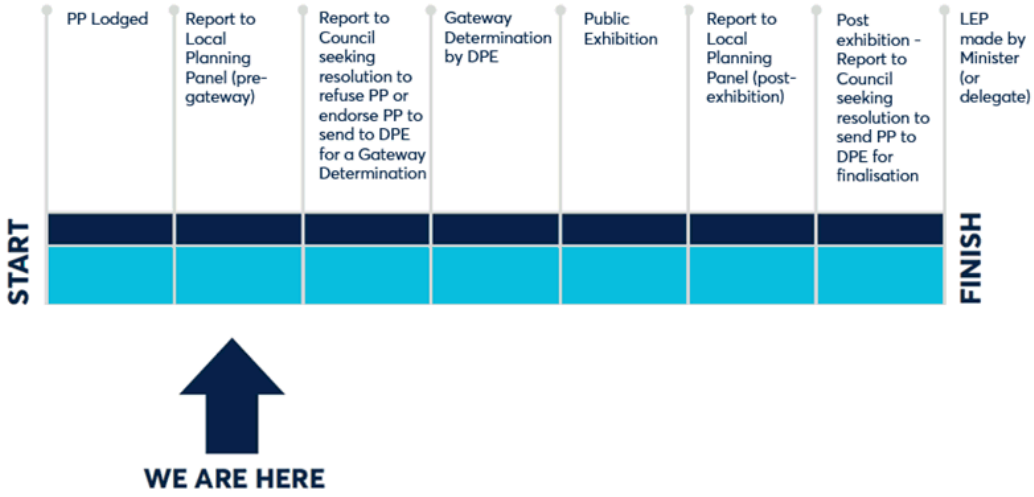
(a) **That** Council refuse the Parramatta Planning Proposal at 168-176 Parramatta Road and 89-90 Cowper Street, Granville for the following reasons:

i. The Planning Proposal is inconsistent with the height of development envisaged by the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS), which sets the strategic planning framework for the precinct.

ii. The Planning Proposal is premature given that an implementation plan is required to be prepared and adopted by Council, now that the precinct-wide traffic study is complete, to ensure road network upgrades and other infrastructure requirements are agreed, funding sources secured and able to be delivered consistent with the PRCUTS.

(b) **Further, that** the applicant be advised of Council's decision.

PLANNING PROPOSAL TIMELINE



OVERVIEW OF THE PLANNING PROPOSAL

1. On 16 March 2015, a Planning Proposal was lodged with Council by Planning Ingenuity to amend the planning controls applicable to 168-176 Parramatta Road and 89-90 Cowper Street, Granville, under the *Parramatta Local Environment Plan 2011*. An aerial view of the subject site, outlined in yellow, is shown in **Figure 1**. An overview of the existing and proposed controls for the Planning Proposal, as well as those proposed under the PRCUTS are detailed in **Table 1**. The Applicant's Planning Proposal as originally submitted is provided at **Attachment 1**.

2. The subject site is located on the southern side of Parramatta Road, with the rear site boundary adjoining the western rail line. The site comprises five (5) allotments with a total site area of approximately 4,888m². The site contains buildings used for a variety of industrial and commercial uses.

Figure 1: Aerial view of the subject site at 168-176 Parramatta Road and 89-90 Cowper Street, Granville

	Parramatta Local Environment Plan 2011	**Applicant's Planning Proposal dated 6 March 2015**	**Applicant's preferred Planning Proposal dated 23 June 2016**	**PRCUTS (no identified design excellence bonuses)**
Zoning	Part B6 Enterprise Corridor and part B4 Mixed Use	Rezone the entire site to comprise B4 Mixed Use	Rezone the entire site to comprise B4 Mixed Use	B4 Mixed Use
Maximum HOB	Part 21m (R1) (6 storeys) and part 52m (Y1 – Area 1) (16 storeys) – application of Clause 4.3 2A	110m (35 storeys) including a 15% bonus subject to Design Excellence	125m (36 storeys) including a 15% bonus subject to Design Excellence	80m (25 storeys)
Maximum Floor Space Ratio (FSR)	Part 3:1 (V1) and part 6:1 (AA1 – Area 1) – application of Clause 4.4 2A	6:1 including a 15% bonus subject to Design Excellence	6:1 including a 15% bonus subject to Design Excellence	6:1

Table 1: Existing and proposed controls applying to the site at 168-176 Parramatta Road and 89-90 Cowper Street, Granville

EXISTING PLANNING CONTROLS UNDER PARRAMATTA LOCAL ENVIRONMENT PLAN 2011

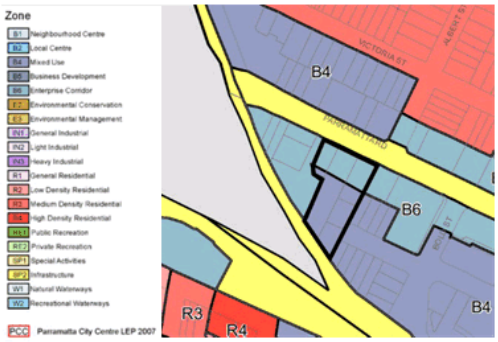


Figure 2: Existing Land Use Zoning **Figure 3:** Existing Height of Buildings

Figure 4: Existing FSR

3. The Planning Proposal would result in a consistent zoning, maximum building height, and FSR for the entire site on which the developer will seek to construct a mixed-use development under a future Development Application. The indicative built form submitted with the revised Planning Proposal in 2016 illustrates a part 5 and part 2 storey podium fronting Parramatta Road to accommodate commercial and retail uses on the ground and first floor, and residential development on the 3 upper levels of the podium. A 36 storey residential tower (with ground floor commercial uses) is illustrated towards the rear of the site (refer to **Figure 5** and **Figure 6**).

Figure 5 and 6: Applicant's preferred scheme dated 23 June 2016

COUNCIL OFFICER ASSESSMENT

4. The Applicant's preferred scheme submitted on 23 June 2016 proposes rezoning of the entire site to B4 Mixed Use with 6:1 FSR (zoning and FSR consistent with the PRCUTS) and height of 125m (36 storeys). The proposed height is inconsistent with the PRCUTS, which specifies a maximum height of 80m at 25 storeys.

5. As outlined in the Planning and Design Guidelines that accompanies the PRCUTS, the recommended planning controls were developed having regard to the natural and built context, providing appropriate bulk, scale and density relative to the street and surrounding buildings, and to enhance the public domain. Although the final controls will be determined by a future planning proposal (be it Council-led or Proponent-initiated), the recommended planning controls in the PRCUTS provide an important strategic direction that is the result of extensive research and analysis.

6. The proposed building height at 125m represents a 64% variation to the recommended building height of 80m as identified in the PRCUTS. Council officers do not support this height as it would undermine the strategic planning framework undertaken as part of the PRCUTS. Further, noting the context of the site, which is adjacent to a local heritage item (refer to **Figure 5**), the proposed building height will result in adverse visual amenity impacts upon the item and public domain that is not in accordance with the objectives of the accompanying Planning and Design Guidelines.

CHRONOLOGY

7. Following lodgment of the Planning Proposal in March 2015, the Planning Proposal was referred to the relevant sections of Council for comment (including Place Services, Urban Design, Traffic Management, Contamination Management, Transport and Heritage).

8. On 23 July 2015, Council officers advised the Applicant of options to be considered in progressing the Planning Proposal. These options were prompted by advice issued by the Department of Planning and Environment (DPE) in relation to another Planning Proposal active at the time in the vicinity of the subject site where DPE recommended the Applicant withdraw to await release of the Draft Parramatta Road Urban Renewal Strategy (draft Strategy).

   The three options provided to the Applicant are outlined below:

   i. That Council officers pause assessment of the Planning Proposal to await the release of the draft Strategy noting that it would provide recommended planning controls for the Granville North Precinct, including the subject site. Council officers presented this option to the proponent with the intention to understand how the Planning Proposal might align with the draft Strategy.

   ii. That Council officers report the Planning Proposal to the LPP that sought an FSR of 6:1 and height of 110m (approx. 35 storeys) (excluding the additional 15% bonus available under the proposed Design Excellence clause).

   iii. That the Applicant amend the Planning Proposal to seek a lower height and FSR. This was requested noting the draft Strategy was yet to be released and noting DPE's recommendation to withdraw an adjoining PP with a similar proposed FSR and height.

9. Further to the three options outlined above, the Applicant was informed that should they opt to progress assessment of either their existing scheme or an amended scheme with lower height and FSR, additional information would be required to address Council officer referral comments relating to Urban Design, Traffic Management and Public Benefit/infrastructure considerations.

10. On 24 July 2015, the Applicant advised they would pursue Option 1, requesting that Council officers pause assessment of the Planning Proposal to await the release of the draft Strategy.

11. Council officers subsequently paused the assessment and on 18 September 2015, the draft Strategy was made publicly available. Council officers acknowledged the differences between the draft Strategy and the Planning Proposal, and requested an update from the Applicant on 21 September 2015, regarding their intentions to proceed with the Planning Proposal.

12. On 9 November 2015, the Applicant advised Council that they wished to keep the Planning Proposal on hold, pending Council's submission on the draft Strategy.

13. On 16 February 2016, Council officers provided the Applicant with a copy of Council's submission on the draft Strategy and requested for the Applicant to provide an update on their intentions to proceed with the Planning Proposal.

14. On 23 June 2016, the Applicant provided a revised Urban Design Report containing additional information to progress assessment of the Planning Proposal. The revised Urban Design Report included three further scenarios for Council officer's consideration (scenario 3 preferred by the Applicant). The three options are outlined below:

	Scenario 1	**Scenario 2**	**Scenario 3 (Applicant Preferred)**
No. of Towers	2 towers	1 tower	1 tower
No. of storeys	25 storeys	31 storeys	36 storeys (approximately 125m)
Maximum Tower Footprint	959sqm	1438sqm	959sqm
FSR	6:1	6:1	6:1

Table 2: Overview of three Urban Design Scenarios as outlined in the revised Urban Design Report, received by Council officers on 23 June 2016

15. The revised Urban Design Report was referred internally to Council's Urban Design team for consideration. On 5 September 2016, Council officers issued formal comments to the Applicant, noting that the Applicant's preferred scenario (Scenario 3) did not comply with the recommended height within the draft Strategy. Notwithstanding, Council officers requested further information to assist with the assessment of Scenario 3 and its compliance with the Apartment Design Guide and other recommendations of the draft Strategy's Urban Design Guidelines.

16. The final Parramatta Road Corridor Urban Transformation Strategy (PRCUTS), prepared by UrbanGrowth NSW, was released in November 2016, including supporting documentation. The accompanying Parramatta Road Corridor Infrastructure Schedule recognises the infrastructure required to support population growth identified in the PRCUTS including transport, open space and community facilities. The PRCUTS stated the following: *Prior to any rezoning commencing, a precinct-wide traffic study and supporting modelling is required to be completed which considers the recommended land use and densities, as well as future Westconnex conditions, and identifies the necessary road improvements and upgrades required to be delivered as part of any proposed renewal in the Precinct.*

17. On 23 February 2017, Council officers notified the Applicant of the requirement for a precinct-wide traffic study and supporting modelling to be submitted prior to any rezoning commencing. Council officers noted that a precinct-wide traffic study in Granville with supporting modelling was required to manage the cumulative impact of the proposed growth envisaged under the PRCUTS. The study would identify any potential road and intersection improvements required to support this growth, and furthermore identify any land required to deliver these improvements.

18. On 27 February 2017, an updated Urban Design Report, in conjunction with updated reference scheme and a Planning Proposal Cover Letter outlining the Applicant's willingness to enter into a Voluntary Planning Agreement to support the Planning Proposal was received. The Applicant's most recent updated Urban Design Report is provided at **Attachment 2** and updated reference scheme at **Attachment 3** (note: the updated Urban Design Report contained additional information following finalisaiton of the PRCUTS and the Applicant's preferred scenario remained unchanged). The Applicant's preferred scenario outlined in the updated Urban Design Report remained inconsistent with the recommended height outlined within the draft Strategy.

19. The Planning Proposal remained inactive from September 2017 until April 2022, primarily due to the preparation of a precinct-wide traffic and transport study (prepared by consultants on behalf of DPE, City of Parramatta and Cumberland Councils) that was required to ensure the proposed land use changes contained within the Auburn-Granville section of the PRCUTS can be achieved.

20. On 17 February 2022, the DPE provided Council officers with the *Granville and Auburn Transport Study (2022)* prepared by GTA Consultants / Stantech (Stantech study), and on 8 April 2022 the *Phase 2 Rapid Intersection Assessment – Traffic Intervention Development Report (2022)* prepared by Turnbull Engineering (Turnbull study). The Stantech study focused primarily on public transport and active transport initiatives and the Turnbull study focused on four intersection interventions for Granville. Council officers are currently reviewing the studies in light of identified infrastructure requirements.

21. On 19 April 2022, Council officers notified the Applicant that the completed precinct-wide traffic study was in the process of being reviewed by officers. The Applicant was advised that progressing the Planning Proposal is not recommended until the implications of the precinct-wide traffic study are fully understood and Council's implementation plan is finalised to enable the feasible delivery of the required infrastructure to ensure the proposed land use changes contained within the PRCUTS can be achieved. As the Planning Proposal had remained inactive since September 2017, and due to the lack of an implementation plan, Council officers requested that the Applicant withdraw the Planning Proposal and advised that should it not be withdrawn it would be reported to the Local Planning Panel seeking refusal.

22. On 10 May 2022, the Applicant requested that Council officers defer reporting the Planning Proposal for at least one month to provide an opportunity for them to consider implications of the final precinct-wide traffic study. However, no further information has been submitted by the Applicant to this point nor have they indicated that they wish to withdraw the Planning Proposal.

23. On 13 May 2022, Council officers advised the Applicant that notwithstanding finalisation of the traffic study, Council officers are not in a position to recommend that the land use changes proposed in PRCUTS commence for this site or the precinct until Council prepares an implementation plan to ensure road network upgrades and other required infrastructure are agreed and are able to be delivered and funded. This work has yet to be undertaken and Council officers are in the process of determining the scope of this exercise.

CONCLUSION

24. Based upon the Planning Proposal's inconsistency with the PRCUTS with regards to recommended building height, and the need for an implementation plan to be undertaken to determine how the PRCUTS Strategy can be feasibly delivered, it is recommended that the Planning Proposal be refused. If a Planning Proposal is not capable of being finalised within a reasonable timeframe, it is appropriate that it be withdrawn, or the assessment process be concluded. In the case of this Planning Proposal, it is considered that a further delay of potentially up to 12 months is required for the completion of an implementation plan that would enable a proper assessment to the Planning Proposal to proceed. Therefore, it is appropriate that this current Planning Proposal be determined.

25. The implementation plan will also address whether identified changes to the planning controls in the PRCUTS can be delivered via a Council-led Precinct wide rezoning or via proponent initiated site-specific planning proposals. This will provide the Applicant and any other property owner in the Precinct more certainty as to how the PRCUTS will ultimately be realised.

FINANCIAL IMPLICATIONS FOR COUNCIL

26. There are no direct financial implications for Council as a result of the recommendations in this report.

Grace Haydon
Project Officer

Michael Rogers
Land Use Planning Manager

Jennifer Concato
Executive Director City Planning and Design

ATTACHMENTS:

1	Attachment 1 - The Applicant's Planning Proposal as originally submitted on 16 March 2015	40 Pages
2	Attachment 2 - The Applicant's updated Urban Design Report submitted on 27 February 2017	47 Pages
3	Attachment 3 - The Applicant's updated Reference Scheme submitted on 27 Feb 2017	13 Pages

REFERENCE MATERIAL

APPLICATION FOR A PLANNING PROPOSAL

AMEND PARRAMATTA LEP 2011 AND PARRAMATTA DCP 2011

168-176 PARRAMATTA ROAD AND 89-90 COWPER STREET I GRANVILLE

PLANNING

INGENUITY

APPLICATION FOR A PLANNING PROPOSAL

AMEND PARRAMATTA LEP 2011 AND PARRAMATTA DCP 2011

168-176 PARRAMATTA ROAD AND 89-90 COWPER STREET I GRANVILLE

CLIENT: BAI LI HOLDINGS P/L

PROJECT REF: 0006/12

DATE: 6 MARCH 2015

PLANNING INGENUITY

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A Voluntary Planning Agreement – Letter of Offer

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EXECUTIVE SUMMARY

This application for a Planning Proposal has been prepared for Bai Li Holdings P/L. It accompanies a request for a Gateway Determination under the provisions of Section 56 of the Environmental Planning and Assessment (EP&A) Act 1979. This application contains a draft Planning Proposal which seeks to amend the provisions of Parramatta Local Environmental Plan 2011 (PLEP 2011) as they apply to a site with the address of 168-176 Parramatta Road and 89-90 Cowper Street, Granville.

The capacity of the site has been reviewed. Significant potential exists to achieve the highest and best use of the site consistent with the strategic plans for the Parramatta Road Corridor, Westconnex Infrastructure initiatives and other strategies for urban renewal and mixed uses at higher densities on highly accessible sites. Redevelopment of the site with new planning controls will have flow on benefits through additional commercial and residential floor space, a new publicly accessible link for vehicles, pedestrians and cyclists and as a catalyst for urban renewal throughout the locality.

This application is supported by an Urban Design Analysis (UDA) prepared by Architectus Pty Limited and is submitted separately. The UDA demonstrates the suitability of the site to accommodate new development in a manner which distributes building mass and land uses to:

- Optimise efficient use of the site to accommodate new commercial floor space and high density mixed uses consistent with a mixed use zoning and the context of the site;
- Provide an appropriate separation between noise sources and residential apartments;
- Use of roof tops, podiums and the area of the site adjacent to the western railway corridor for open space and landscaping;
- Create a new route for vehicle movement which will make a positive change to local traffic circulation;
- Create new public links for cyclists and pedestrians to enhance the existing network;
- Provide active frontages to all publicly accessible spaces; and
- Achieve high density redevelopment which supports the role of the Parramatta Road Corridor and boosts the vibrancy and activity of Granville Town Centre.

In order to facilitate redevelopment of the site, this draft Planning Proposal seeks to change the planning provisions of PLEP 2011 specifically to:

- Change the zoning of part of the site from Zone B6 – Enterprise Zone to Zone B4 – Mixed Use;
- Increase the height of buildings control to 110m (35 storeys); and
- Increase the floor space ratio control to 6:1.

The UDA shows a possible future redevelopment concept for the site to deliver a high quality urban form which responds to the existing and likely future site setting. The UDA demonstrates a built form that could be anticipated from application of the proposed planning controls and objectives to create a development with high density residential and commercial floor space with a shared basement car park and roof top open space. The UDA also includes a two-way public road along the eastern boundary of the site linking Parramatta Road with Cowper Street. The concept plans for the site include opportunities for pedestrian movement paths, streetscape improvements and active frontages. The UDA provides sufficient detail for incorporation in site-specific provisions of a

Development Control Plan and is intended to become a reference document for a Design Excellence competition.

The draft Planning Proposal and revised UDA have incorporated outcomes from discussions with Council staff, an indicative site layout prepared by Council's Urban Design team and the comments contained in Council Agenda Item 9.8 of the Ordinary Meeting of 8 September 2014. This application is consistent with the Local and State Government Planning Strategies to invigorate Parramatta Road and redevelopment in the locality, deliver efficient use of established infrastructure and improve environmental, social and economic impacts through higher density redevelopment and improvements in the public domain. This draft Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act, 1979 as well as the NSW Department of Planning and Infrastructure publications "*A Guide to Preparing Planning Proposals*" and "*A Guide to Preparing Local Environmental Plans*". As outlined in "*A Guide to Preparing Planning Proposals*" this draft Planning Proposal will evolve throughout the course of its preparation and consideration as relevant sections will be updated and revised in response to the outcomes of further technical investigations and consultation.

1 BACKGROUND

This application for a Planning Proposal follows the directions and conclusions from Council's Agenda Item 9.8 from the Ordinary Meeting Agenda of 8 September 2014 and Council's Resolution 15038. This application has been prepared in response to the 'Conclusions and Next Steps' in the Agenda Item 9.8 which included:

- Support for the proposal to "*lead urban renewal along Parramatta Road*";
- A revised Urban Design Analysis (UDA) including draft DCP controls;
- Justification for residential uses in close proximity to the rail line and Parramatta Road in terms of strategic land use displacement, noise, vibration, air quality and social and community impacts;
- A Traffic and Parking Study;
- A preliminary Site Contamination Assessment;
- Exploration of public benefit opportunities through a Voluntary Planning Agreement.

This application to a Planning Proposal includes a revised UDA (submitted separately), an analysis of land use compatibility, a Traffic and Parking Study (submitted separately with the application) and a preliminary Site Contamination Assessment (submitted separately with the application). A letter of offer to enter into negotiations for a Voluntary Planning Agreement (VPA) has been submitted to Council for consideration and a copy of this letter is included in Annexure A.

2 LOCALITY AND SITE ANALYSIS

2.1 Site Identification and Description

The site is located on the southern side of Parramatta Road and the rear boundary adjoins the western rail line. The site consists of five (5) allotments being legally described as:

- Lots 1, 2 and 3 in Deposited Plan 229399;
- Lot 91 in Deposited Plan 128588; and
- Lot 1 in Deposited Plan 529674.

These properties are herein referred to as "the site" and are shown outlined in red in Figures 1 and 2.

The primary frontage to Parramatta Road is 60.91m in length. There is vehicle access to the site from Cowper Street near the south-east corner of the site. The site is irregular in shape with a total area of approximately 4,888m^2 (refer Figure 1). Located on the site's south-western boundary is the main western railway line.

The site contains numerous buildings used for a variety of industrial and commercial activities, which primarily related to automotive sales, repair and servicing. The site is covered entirely in hard surface with the exception of some small trees that are located between buildings or on property boundaries (refer Figure 2).

There is a water main through the site and close to the eastern boundary which is to be

accommodated within the proposed new public road reserve. There are easements for utilities close to the southern boundary running east-west through the site from Cowper Street. All standard utilities and services are connected to the site. Figures 3 and 4 are photographs of the site.

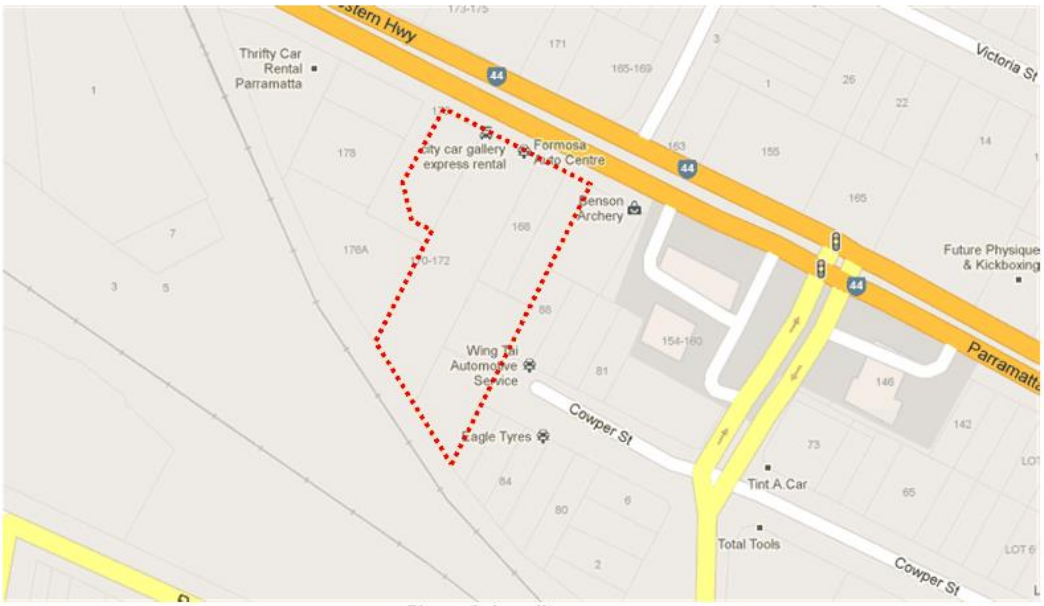

Figure 1: Locality map

Figure 2: Aerial photograph of the site and surrounds

Figure 3: Subject site viewed from Parramatta Road

Figure 4: Subject site viewed from Cowper Street

2.2 Surrounding Development, Context and Setting

To the north of the site is Parramatta Road which is a major transport route identified in the current Metropolitan Strategy as one of nine 'city shapers'. The road is six lanes wide fronting the site and carries Average Daily Traffic Volumes (ADTV) of 51,800 vehicles on weekdays and 43,900 on weekends (recorded in 2012 at Station ID 49025 between Alfred and Kemp Streets by NSW RMS).

No.171-189 Parramatta Road is located to the north of the site on the opposite side of Parramatta Road. This site was the subject of an application for a Planning Proposal reported as Item 9.1 to the Council's Ordinary Meeting Agenda of 9 February 2015. Council resolved at this meeting to endorse the draft Planning Proposal which seeks LEP provisions for a Height of Building control of 105m and a Floor Space Ratio (FSR) control of 6:1. Council resolved to forward the proposal to the Department of Planning and Environment for a Gateway determination. These controls are similar to those sought for the subject site.

The Western Sydney Rail Line adjoins the southern boundary. Granville Station is less than 500m walking distance south-east of the site and is fully accessible. Train services are provided at Granville Station every 5 minutes on weekdays and every 10 to 20 minutes on weekends. The station is connected to the North Shore Line, the Western Line, Inner West and South Line and the

Blue Mountains Line.

Adjoining the site to the west is Heritage Item I158 'Substation No.1'.

Other land uses in the locality are mostly light industries, warehouses and bulky goods showrooms.

Parramatta CBD is located approximately 1.2km north of the site. The existing and proposed cycle network for the locality includes a link shown along the Parramatta Road frontage of the site. There are bus stops in Parramatta Road which provide local and regional services seven days a week. The bus interchange adjacent to Granville Railway Station has services every 10 minutes during weekday peak periods and at least half-hourly outside peak times.

2.3 Matters Specific to Development Capacity of the Subject Site

2.3.1 Heritage and Archaeology

A Statement of Heritage Impact (SHI) with respect to the context and setting of Heritage Item I158 would be required as supporting document to a development application and a Design Excellence Competition. It is premature to prepare a detailed SHI at this stage of the Planning Proposal process. However, the UDA notes that a mixed use redevelopment of the site has the potential to improve the visual setting for the heritage item in comparison to the existing setting which comprises industrial and warehouse buildings.

2.3.2 Site Contamination

A Preliminary Site Contamination Assessment has been conducted and is provided separately with the application. The Assessment concludes that due to the history of use of the site a Phase 2 investigation is required to support any future development application and that it is likely the site can be made suitable for residential use.

2.3.3 Geotechnical

Additional geotechnical studies are not required to support the application for a Planning Proposal. The existing planning controls anticipate a multi-storey built form with the potential for excavation. The UDA demonstrates a multi-storey built form with basement excavation. Therefore no additional geotechnical investigations are warranted.

2.3.4 Traffic and Parking

A Traffic and Parking Review is provided separately with the application in accordance with Council's conclusions in Agenda Item 9.8 to the Ordinary Council Meeting of 8 September 2014. The study is based on a 22 storey residential tower with ground floor commercial uses sharing a multi-level basement car park. The Traffic and Parking Review notes that a basement can be designed with capacity for 234 resident parking spaces, 68 parking spaces ancillary to commercial uses and parking for 13 medium rigid vehicles.

Public consultation is to specifically include NSW Roads and Maritime Services (RMS).

The letter of offer for VPA negotiations identifies the potential dedication of land adjacent to the eastern side boundary for a public road and footpath reserve. This new link is consistent with the recommendations of the Traffic and Parking Review.

2.3.5 Pedestrian and Cyclist Movement

The site has potential to form an integral part of an enhanced pedestrian and cycling network for the Parramatta locality. Pedestrian and cyclist movement pathways have been identified in the UDA.

Ongoing consultation with Council as part of the offer of a VPA will continue to refine the location of a route for cyclists and pedestrians through the site.

The location of pedestrian movement routes will be selected for compatibility with existing and expected future patterns of movement to best link pedestrians with other modes of transport mainly buses and rail. Site-specific details will be developed as this application for a Planning Proposal progresses.

2.3.6 Solar Access and Views

The UDA demonstrates that a slender residential tower up to 35 storeys in the centre of the site and a four-storey building fronting Parramatta Road will cast a shadow mainly onto railway land to the south and land used for commercial purposes. The UDA also shows that the facades of the narrow residential tower will receive direct solar access compliant with the requirements of the Residential Flat Design Code due to the space created by the Parramatta Road corridor to the north and the four storey height limit for the part of the building fronting Parramatta Road.

There are no vistas and views of significance to be protected with the redevelopment of the site.

2.3.7 Acid Sulfate Soils

The site is identified as having Class 5 Acid Sulfate Soils and is within 100m of land in Class 4. This application for a Planning Proposal does not change the LEP provisions regarding Acid Sulfate Soils and excavation nor does it change the potential building form which could include excavation within the site. Therefore no investigations regarding acid sulphate soils and groundwater are required for this Planning Proposal. Such matters will be covered by any future DA.

2.3.8 Potential for Displacement or Loss of Commercial Floor Space

The market demand for a wider variety of commercial floor space within the site is potentially enhanced by the changes sought to the LEP. The proximity of the site to Granville Town Centre, high-visibility shop fronts on Parramatta Road and a highly accessible location are attractive incentives for commercial tenants. A mixed use redevelopment can also provide new commercial floor space with a modern and flexible internal fit-out suitable for a range of uses. Ancillary car parking in a basement arrangement is also an attractive feature for new business as on-site car parking arrangements are limited for many existing commercial premises in the neighbourhood.

New ground floor commercial floor space along the new public road will increase the perimeter of the site which is exposed to public space and facilitate additional active street frontages. This is a further incentive for a variety of commercial land uses.

The inclusion of high density residential apartments at upper levels within the site also creates the potential for on-site residents to patronise commercial premises within the site and provides another incentive for a variety of commercial uses.

The number of square metres of floor area is no longer the only appropriate measure of commercial activity in contemporary terms. The nature of commercial activity is changing with 'trade floor area' requirements being replaced by on-line display, transactions and customer interactions. Multi-

functional commercial space is therefore more important and this can be provided through mixed use redevelopment.

Urban renewal through mixed use redevelopment is consistently identified as the anticipated future highest and best use of land in this section and in nearby areas of the Parramatta Road corridor. This is reflected in the various strategies discussed in Section 4 to this application and is exemplified by the draft Planning Proposal for No.171-189 Parramatta Road. Mixed use urban renewal is anticipated to create a wider variety of opportunities for new commercial floor space.

The draft Planning Proposal for No.171-189 Parramatta Road, Granville included a site-specific clause requiring a minimum 5,500m2 of commercial floor space to be provided on the ground and first floor levels of any development fronting Parramatta Road on the subject site in the future. The clause also prohibits residential uses and serviced apartments on ground and first floor levels. The intention of this site-specific clause is to ensure that employment generating uses are retained on ground and first floor levels fronting Parramatta Road.

No.171-189 Parramatta Road is almost twice the site area of the subject site and the frontage to Parramatta Road is approximately three (3) times the length of the frontage of the subject site. If Council were to consider a similar site-specific clause for the subject site, the minimum commercial floor area would need to take account of the smaller site and lesser frontage accordingly.

2.3.9 Residential Amenity and Proximity to Road and Rail

Traffic on Parramatta Road generates noise and has impacts on air quality. The rail line is a source of noise and vibration. Therefore any new dwellings and communal and private open space areas must be designed and orientated to achieve satisfactory levels of amenity for future users.

Agenda Item 9.8 to the Council meeting of 8 September 2014 acknowledges that the current Zone B6 was applied to that part of the site fronting Parramatta Road based on the *Interim Guideline for Development Near Rail Corridors and Busy Roads (2008)* and based on an assumption that residential development is not suited to this part of the site. Agenda Item 9.8 also notes that "*six (6) out of the ten (10) local government areas that Parramatta Road traverses through allow residential development (adjacent to the road corridor) largely in the form of shop top housing*". Therefore it is not a standard practice to exclude residential development from sites along Parramatta Road.

The UDA proposes a large landscaped setback from the rail line to suitably separate new dwellings from this source of noise. Vibration impacts can be addressed through materials and construction methods. The UDA shows the majority of ground floor space will be available for commercial purposes. These features can be reinforced with site-specific objectives and controls for setbacks, use of floor space and active frontages in a Development Control Plan (DCP).

Apartments at upper levels can be protected from road and rail noise and by sources of air contamination by fine-grained design elements such as fin walls, balustrade and balcony designs, building materials, dual aspects, louvres and awnings, recesses and alcoves in the façade and the orientation of building openings. These elements can be incorporated in Design Excellence Competition Guidelines and development applications.

The Westconnex infrastructure project is expected to change the traffic environment of Parramatta Road by increasing capacity for public transport, reducing peak vehicle movements and provising opportunities for light rail and street beautification. These changes will also make the road corridor more compatible with the amenity of potential new dwellings.

It is sufficient at this stage of the application for a Planning Proposal to identify that specific building treatments and design solutions are required to protect new dwellings from road noise, vehicle emissions, rail noise and vibration.

2.3.10 Social Impacts of Main Road Setting

The setting of the site on a main road and close to a rail line has benefits in providing opportunities for use of a variety of transport modes. The site is also on the route of the Parramatta Regional cycleway network.

A variety of measures can be implemented to further enhance the amenity of the site including a large landscaped area adjacent to the rail line, a new public access road to improve the flow of local traffic and provide safe access and egress to the site and improvements to the streetscape of Parramatta Road with street trees, a wide, safe pavement and active frontages to improve vibrancy and an appropriate type of interface with the street.

2.3.11 Streetscape and Compatibility with Surrounding Land Uses

The UDR includes an aerial view analysis of the features of surrounding sites and the manner in which the proposed new built form can be compatible with the likely future built landscape anticipated from the themes and objectives of the new and draft strategies for urban renewal. The proposed building height and FSR controls for the site are compatible with the likely future building massing on surrounding and nearby sites including No.171-189 Parramatta Road.

2.3.12 Public and Broader Community Benefits

The development of the site to its highest and best use can create flow-on effects for public and community benefit including:

- New, multi-functional commercial floor space with shared basement parking and loading/unloading facilities;
- Local employment, live/work opportunities and new dwellings all in close proximity to a variety of transport options;
- Improved local economic activity and vibrancy;
- Higher density development with more efficient use of urban land and established infrastructure which has public cost savings and reduced environmental footprints;
- New active frontages improve pedestrian amenity, safety and convenience;
- Dedication of a new public road will improve local traffic movement and safe access and egress for the site;
- Redevelopment will include works to improve the public footpath reserve along Parramatta Road including new pavement, street trees and street furniture; and
- New apartments contribute to the overall supply of local housing and housing affordability.

The uplift requested by this draft Planning Proposal is intended to be translated to a VPA. A letter of offer has been submitted to Council seeking to commence negotiations for a VPA. A VPA is anticipated to include construction and dedication of a new public road reserve adjacent to the eastern site boundary, potential creation of a cycling and pedestrian link through the site and publicly accessible open space adjacent to the rail line.

3 EXISTING AND DRAFT PLANNING PROVISIONS

3.1 Parramatta Local Environmental Plan 2011

Parramatta Local Environmental Plan 2011 (PLEP 2011) came into effect on 7 October 2011. The provisions of the LEP that currently apply to the site are as follows:

North-eastern portion of the site (frontage to Parramatta Road):

- Area – 1,859m^2
- Zoned – B6 Enterprise Corridor
- Zone Objectives:
  - *To promote businesses along main roads and to encourage a mix of compatible uses.*
  - *To provide a range of employment uses (including business, office, retail and light industrial uses).*
  - *To maintain the economic strength of centres by limiting retailing activity.*
- Land Uses Permitted with Consent:
  Building identification signs; Bulky goods premises; Business identification signs; Business premises; Community facilities; Food and drink premises; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Passenger transport facilities; Plant nurseries; Roads; Self-storage units; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Water recycling facilities; Any other development not specified in item 2 or 4
- Maximum height 21m (Clause 4.3)
- Maximum FSR 3:1 (Clause 4.4)

South-western portion of the site (accessed from Cowper Street & adjacent to the railway corridor):

- Area - 3,029m^2
- Zoned – B4 Mixed Use
- Zone Objectives:
  - *To provide a mixture of compatible land uses.*
  - *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
  - *To encourage development that contributes to an active, vibrant and sustainable neighbourhood.*
- Land Uses Permitted with Consent:
  Boarding houses; Building identification signs; Business identification signs; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Water recycling facilities; Any other development not specified in item 2 or 4
- Maximum Height 39m (provided area is between 2,100 and 3,200m^2) (Clause 4.3(2a))
- Maximum FSR 4.5:1 (provided area is between 2,100 and 3,200m^2) (Clause 4.4(2a)).

Details of the current planning controls are also included in the UDA.

The fundamental differences in the land use character of the two parts of the site are the exclusion of residential development and limitations to retailing in Zone B6. As discussed in Section 2.3 there are no constraints on the potential redevelopment of the site for residential and retail purposes than cannot be addressed by design and layout solutions tailored to the site. Therefore there are no environmental planning grounds for excluding residential development or limiting retail land uses on the amalgamated site.

Furthermore, amalgamation of the five (5) allotments brings the total site area to more than 3,200m^2. Consistent with the existing provisions of Clause 4.3(2a) and Clause 4.4(2a) a greater building height and FSR are warranted.

The provisions of Clauses 5.10 Heritage, 6.1 Acid Sulfate Soils and 6.2 Earthworks will apply to any future redevelopment proposal. This application does not seek to change the manner in which these clauses apply to the subject site.

3.2 Draft Parramatta Local Environmental Plan 2011

A draft amendment to PLEP 2011 has been subject to public exhibition and was returned to the Minister for Planning and Environment on 10 April 2014 to amalgamate PLEP 2011 with Parramatta City Centre Local Environmental Plan 2007 (PCC LEP 2007). It is anticipated that the amalgamated LEP will include the following provisions in addition to those in Section 3.1.

3.2.1 Land Use Zone Objectives

Additional objectives are proposed for development of land in Zone B4 such that the full set of objectives will be as follows:

- *"To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage development that contributes to an active, vibrant and sustainable neighbourhood.*
- *To create opportunities to improve the public domain and pedestrian links within the Mixed Use Zone.*
- *To support the higher order Commercial Core Zone while providing for the daily commercial needs of the locality.*
- *To protect and enhance the unique qualities and character of special areas within the Parramatta city centre."*

All the proposed objectives are appropriate for the site and the built form concepts detailed in the UDA. This draft Planning Proposal is therefore consistent with the intended objectives for Zone B4.

3.2.2 Minimum Building Street Frontage

This clause aims to encourage larger buildings, to ensure buildings have appropriate horizontal and vertical proportions and to provide adequate spacing between vehicle entry/exit points. The clause requires buildings in Zone B4 to have a minimum street frontage of 20m. The site has a frontage to Parramatta Road of 60.91m and has sufficient dimensions to comply with this control.

3.2.3 Building Separation

This clause will require separation distances from neighbouring buildings that comply with the requirements of the relevant Development Control Plan. This draft Planning Proposal seeks to include site-specific provisions in the Parramatta Development Control Plan (PDCP) for building separation. Specific controls are to be developed in consultation with Council to determine separation distances which may be included in the DCP. The separation distances will take into account the dimensions of the amalgamated site, the neighbouring heritage item and railway line and the potential construction of new buildings on adjoining land.

3.2.4 Design Excellence

New Local Provisions are proposed to be included in PLEP 2011 for Design Excellence. The Planning Proposal for amalgamation of the LEPs states "*the current provisions in clause 22B be redrafted and incorporated into PLEP 2011 as specific provisions applying to the City Centre only*". However, this Planning Proposal was drafted prior to the preparation of the Draft Parramatta Draft

Parramatta City Centre Framework Review and Economic Analysis which recommends a wider area be included in the Parramatta City Centre (See Section 4.2.3). If the land area to which the design excellence clause is increased then this clause will apply to the subject site.

The outcomes of the new Clause are summarised in the following table extracted from the Planning Proposal which facilitated the amalgamation of the two instruments.

Proposed degree of variation	Proposed requirements	Development standard	Applicable zone in the City Centre (only)
<5%	Comply with 'exceptions to development standards' clause	Any development standard including height and FSR	All zones
<15%	Design competition Public benefit High level of energy and water efficiency	Height and FSR	B4, B5
<15%	Design competition High level energy and water efficiency	Height and FSR	B3 and 100% commercial floor space in B4 or B5
>15%	Design competition Significant public benefit High level energy and water efficiency	Height	B4
>15%	Design competition High level energy and water efficiency	Height	B3, B5
<25%	Design competition High level energy and water efficiency	Height and FSR	B4

The new clause to the amalgamated LEP will require a Design Competition for buildings exceeding 55m or 13 storeys or where an applicant has chosen to have a competition. The design competition must conform to the requirements of the *Director-General's Design Excellence Guidelines* and Parramatta City Council's *Design Excellence Competition Guidelines.* The Clause 22B subclauses (4) to (8) state as follows:

> *"(4) Consent must not be granted to the following development to which this Plan applies unless an architectural design competition, that is consistent with the City Centre Development Control Plan has been held in relation to the proposed development:*
> *(a) development for which an architectural design competition is required as part of a concept plan approved by the Minister under Division 3 of Part 3A of the Act,*
> *(b) development in respect of a building that is, or will be, greater than 55m or 13 storeys (or both) in height,*
> *(c) development having a capital value of more than $1,000,000 on a key site, being a site shown edged heavy black and distinctively coloured on the Key Sites Map,*
> *(d) development for which the applicant has chosen to have such a competition.*
>
> *(5) Subclause (4) does not apply if the Director-General certifies in writing that the development is one for which an architectural design competition is not required."*
>
> *(6) The consent authority may grant consent to the erection or alteration of a building to which this clause applies that has a floor space ratio of up to 10 per cent greater than that allowed by clause 22 or a height of up to 10 per cent greater than that allowed by clause 21, but only if:*
> *(a) the design of the building or alteration is the result of an architectural design competition, and*
> *(b) the concurrence of the Director-General has been obtained to the development application.*
>
> *(7) In determining whether to provide his or her concurrence to the development application, the Director-General is to take into account the result of the architectural design competition (if any).*

> *(8) In this clause:*
> ***architectural design competition** means a competitive process conducted in accordance with procedures approved by the Director-General from time to time."*

With respect to Clause 22B(4) the provisions of the City Centre Development Control Plan have been incorporated into the Parramatta Development Control Plan 2011. Council's requirements for architectural design competitions are now prescribed by Parramatta Council's *Design Excellence Competition Guidelines* and the Director-General's *Design Excellence Guidelines*. Subclause 22B(4)(b) will apply to likely development projects for the site.

The building height control of 110m and the FSR of 6:1 sought by this application do not include bonuses which may be achieved through the design excellence process. The site is to be included in the Key Sites Map related to the Design Excellence clause anticipated in the amalgamated LEP.

3.3 Parramatta Development Control Plan 2011

Figure 5 contains an extract from the Special Precincts controls of the DCP. The DCP identifies the potential for a new laneway extending in a general westerly direction and a new pedestrian link that connects the western end of Cowper Street in a northerly direction with Parramatta Road. However, the Parramatta LEP land acquisition maps do not include the aforementioned new public thoroughfares and it is also noted that Council's Section 94 Contributions Plan does not set monies aside for the cost of the anticipated land acquisitions. Furthermore, despite the road and pedestrian connections indicated in the DCP, Council have indicated a preference for the road and pedestrian link as shown in the attached concept design and UDA report.

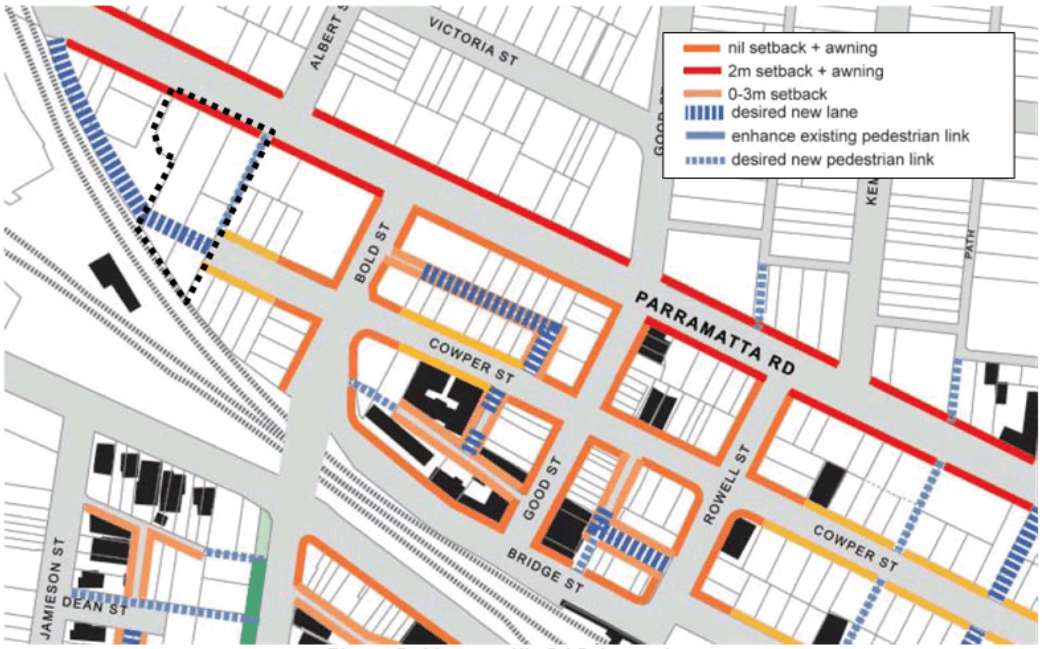

Figure 5: Site specific DCP Controls

4 DRAFT PLANNING PROPOSAL

4.1 Proposed Amendments to Current Planning Provisions

4.1.1 Summary

This draft Planning Proposal seeks to amend the provisions of PLEP 2011 to:

- Apply Zone B4 Mixed Use to the entire site;
- Change the height of buildings control to 110m; and
- Change the floor space ratio control to 6:1.

And to introduce concurrently site-specific controls to PDCP 2011 for:

- Floor plate sizes;
- Setbacks;
- Building separation;
- Active frontages; and
- Dimensions and location of publicly accessible spaces throughout the site.

This draft Planning Proposal is intended to evolve concurrently with site-specific DCP controls as well as a VPA related to the uplift potential created by changes to the height and FSR controls.

4.1.2 Zoning

It is proposed to amend the PLEP 2011 to apply Zone B4 – Mixed Use to the subject site. The proposed zoning map is included in Figure 6.

4.1.3 Height of Buildings

It is proposed to amend the PLEP 2011 to permit a building height of 110m. The proposed height of buildings map is included in Figure 7. This is exclusive of the potential bonus building height which may be achieved under a Design Excellence clause anticipated in the amalgamated LEP.

4.1.4 Floor Space Ratio

It is proposed to amend the PLEP 2011 to permit a FSR of 6:1. The proposed FSR map is included in Figure 8. This is exclusive of the potential bonus floor space which may be achieved under a Design Excellence clause anticipated in the amalgamated LEP.

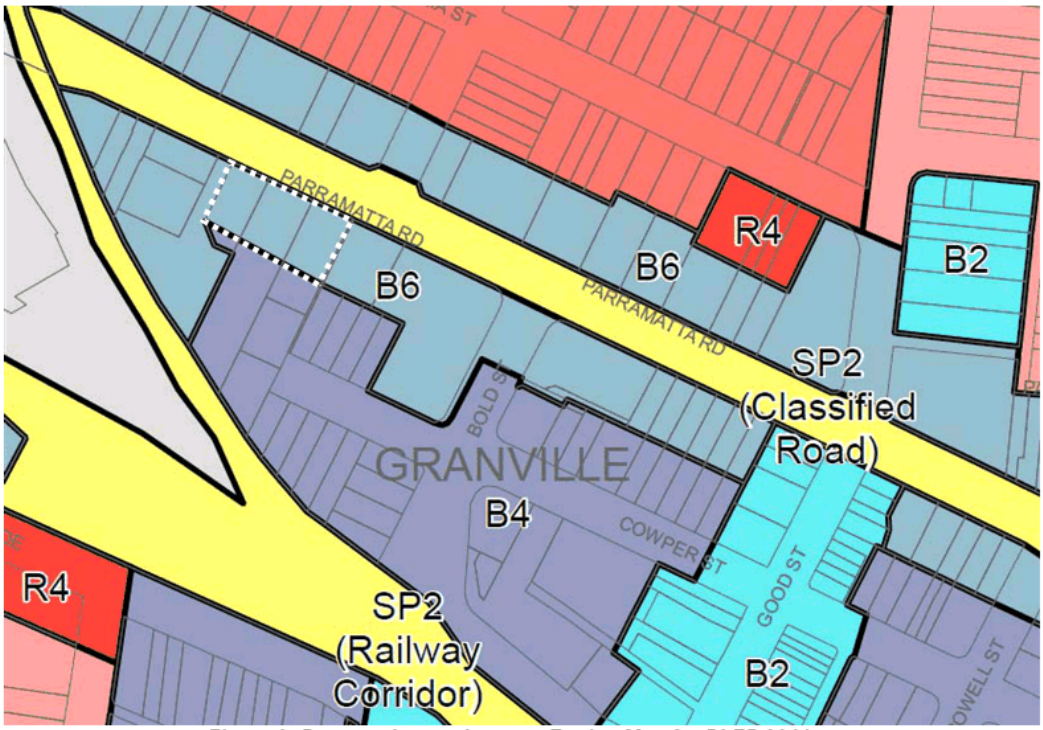

Figure 6: Proposed amendment to Zoning Map for PLEP 2011
(area of land to be rezoned to Zone B4 outlined white)

Figure 7: Proposed amendment to Height of Buildings Map PLEP 2011 (amended building height category of Z1 = 110m outlined in white)

Figure 8: Proposed amendment to Floor Space Ratio Map PLEP 2011 (Category AA 6:1 to apply to entire site. Area to be amended outlined in white)

4.1.5 Amendments to PDCP 2011

As indicated, the proposal requires a site-specific section in the DCP and the UDA contains preliminary details of setbacks and building floor plates. Specific provisions will be developed in consultation with Council and will be available for public exhibition as the Planning Proposal progresses.

The following sections summarise the principles and intentions for DCP amendments.

Site Connectivity and Through Links

The UDR includes a preliminary layout which identifies existing and desired links for vehicles, pedestrians and cyclists within and adjoining the site.

Vehicle entry and exit points will be via routes other than direct access to and from Parramatta Road and expect to be further developed as this Planning Proposal progresses.

Setbacks

Setbacks that are commensurate with the intent of the DCP to achieve a consistent street wall to Parramatta Road will be developed in collaboration with Parramatta City Council. Setbacks will also be sensitive to the built form required to improve the context and setting of the adjoining heritage item and for appropriate separation from the rail line.

Floor Plate Sizes
The UDA recommends floor plates for commercial floor areas to maximise active street frontages and the efficient use of the site. The UDA also includes floor plate dimensions for the residential components of new buildings to maximise solar access and natural ventilation opportunities and facilitate the provision of a tall slender tower element.

Active Frontages
New DCP controls are anticipated for active ground floor active frontages to all publicly accessible spaces.

4.2 Objectives or Intended Outcomes

4.2.1 Intended Outcomes

The purpose of this draft Planning Proposal is to:

- Permit residential land uses and a variety of commercial land uses throughout the site;
- Deliver a high density mixed use development which demonstrates design excellence and leads the redevelopment of this section of the Parramatta Road corridor as well as supports the vibrancy of the Granville town centre;
- Delivery new employment generating land uses and new housing to optimise the use of a site with excellent access to a variety of transport opportunities and serviced by established infrastructure and utilities; and
- Introduce site-specific DCP requirements which further enhance building separation, setbacks, floor plate sizes, active frontages to streets and the foreshore and other public routes through the site.

This draft Planning Proposal also includes an undertaking that a VPA is to be considered in consultation with Council based on development uplift and offset by the dedication of a new public road and pedestrian and cycle link through the site. The potential uplift is equivalent to the difference between the current standards of PLEP 2011 Clauses 4.3(2a) and 4.4(2a) for sites above 3,200m^2 (as the Planning Proposal facilitates the amalgamation of the site) and the proposed controls.

The scale and intensity of development and the nature of land uses and ancillary features (such as publicly accessible through links) will be consistent with the capacity of the site and the anticipated future character of high density commercial and residential development in the areas targeted for urban renewal along the Parramatta Road corridor.

4.2.2 Objectives

To achieve the intended outcomes for the site, the objectives of this draft Planning Proposal are as follows:

(i) Optimise planning provisions for the redevelopment of the site to its highest and best uses;
(ii) Achieve design excellence;
(iii) Incorporate through links for the safe, convenient and efficient movement of vehicles, pedestrians and cyclists;
(iv) Improve conditions for on-site parking, services and loading/unloading;
(v) Create multipurpose commercial floor space which adds to the vibrancy and economic activity along Parramatta Road;

(vi) Add to the variety of housing in a location with excellent access to public transport;
(vii) Contribute to the additional employment and housing targets set by local and regional planning strategies;
(viii) Create well integrated land uses that support the sustained and efficient use of the site;
(ix) Make a positive contribution to the quality of the living and working environment in the Parramatta Road Corridor.

4.2.3 Justification

This section sets out the justification for the proposed changes to the LEP and DCP.

Section A - Need for the Planning Proposal

1. Is the draft Planning Proposal the result of any strategic study or report?

The draft Planning Proposal is not the direct result of a strategic study or report. It is the outcome of a site investigation and redevelopment analysis informed by preliminary studies and the UDA.

It is consistent with the strategies adopted and draft strategies exhibited by Parramatta Council including:

- Parramatta 2038 Community Strategic Plan;
- Parramatta Council Corporate Plan 2013-14;
- Parramatta – Investing in Western Sydney; and
- Draft Parramatta City Centre Framework Review and Economic Analysis.

It is also consistent with the strategies and plans established and draft strategies exhibited by the Department of Planning and Environment including the draft Parramatta Road Urban Renewal Strategy and other strategic documents as discussed in Section B.

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

The draft Planning Proposal is the best method for facilitating a mixed use redevelopment of the site in a manner consistent with the recommendations of the UDA. Under the current planning provisions development capacity is limited in terms of permissible land uses, building height and FSR controls. The proposed changes to the PLEP 2011 will allow high density commercial and residential development compatible with the conditions of the site and suitable to the context and setting in an area targeted for high density urban renewal.

3. Is there a net community benefit?

Although this matter is not required to be addressed in the latest version of "*A Guide to Preparing Planning Proposals*", Agenda Item 9.8 to Council's Ordinary Meeting of 8 September 2014 recommended the community benefits of the proposal be examined in an application for a Planning Proposal.

It is intended that a VPA be negotiated in conjunction with this Planning Proposal process. A VPA is intended to be based on the uplift potential created by changes to the building height and FSR controls offset by the dedication of the new public road, pedestrian and cycle link. The VPA is

expected to itemise contributions to public facilities and services. Details are intended to be publicly exhibited concurrent with this draft Planning Proposal to demonstrate the nexus.

In addition to potential public benefits delivered through a VPA, the Planning Proposal process can:

- Deliver publicly accessible through-site links;
- Increase the supply of housing contributing to housing affordability and choice;
- Boost local and regional economic activity by creating new high density, multi-functional commercial floor space;
- Increase housing choice with potential for a mix of apartment sizes within new building(s);
- Improve casual and actual surveillance of the site and surroundings with the provision of new buildings with multiple active frontages at ground and upper levels; and
- Increase activity within and adjoining the site resulting from increased density and diversity of uses on the site by workers, residents and visitors.

Section B - Relationship to Strategic Planning Framework

4. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft Strategies)?

Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 (Metro Plan) contains nine strategies. Each strategy contains key objectives and actions. Of relevance to this draft Planning Proposal are strategies for growth in employment and housing, enhanced economic activity, more efficient and effective patronage of public transport, use of existing infrastructure, containment of the urban footprint and opportunities to live more sustainably. The Plan sets metropolitan-wide targets of 769,000 new dwellings and 760,000 additional jobs with 50% of new employment to be based in western Sydney.

The Metro Plan contains the following targets relevant to this draft Planning Proposal:

- Increase the percentage of residents living within 30 minutes travel time to a major centre;
- 80% of all new dwellings to be within the walking catchment of centres;

Parramatta is identified as Sydney's principle Regional City and the second CBD. Parramatta and its immediate surrounds is identified to provide higher density commercial and residential development for more jobs and dwellings with good access to a variety of transport, services and utilities. Parramatta is expected to accommodate more opportunities for cultural and recreational activities.

Increasing the density of development on the site will improve the capacity to deliver both short and long term employment opportunities and new dwellings which will contribute to the targets. The scale and design of the building will also contribute positively to the streetscape of Parramatta Road and lead urban renewal in the locality.

The Draft West Central Subregional Strategy
The West Central Subregion includes the Local Government Areas of Parramatta, Bankstown, Auburn, Fairfield and Holroyd. The Draft Strategy provides a more detailed layer of planning strategies and sets targets for new dwellings and new jobs within the Parramatta LGA by 2036.

NSW Long Term Transport master plan

This Plan identifies strategies for improving the capacity of roads and increasing connectivity and continuity in rail services through Parramatta to Campbelltown and Blacktown. The Transport master plan also indicates support for the Parramatta Light Rail system and the Shared Pathways network. A light rail route has been identified for the Parramatta Road corridor and a cycleway network includes the section of Parramatta Road fronting the site.

The site is well located for future occupants and workers to take advantage of existing and new transport options. Development of the site to accommodate a mixed use building to optimum density will also increase potential demand for transport services and improve overall viability.

Draft Metropolitan Strategy for Sydney 2031

The Draft Sydney Metropolitan Strategy for Sydney 2031 (Draft MetroStrategy 2031) recognises Parramatta as Sydney's 'Premier Regional City' and nominates it to be the fastest growing centre outside Global Sydney over the next 20 years. Parramatta City and the Global Economic Corridor (which links Parramatta and Global Sydney and includes Parramatta Road) have been identified as two of the nine 'city shapers' which are critical in guiding future changes in the Sydney Metropolitan area. The Parramatta Road Corridor in and around the subject site is identified for urban renewal.

Subregional Strategies are yet to be finalised to elaborate on the concepts developed in the Draft MetroStrategy 2031. However, at this time the draft subregional strategies propose targets for the Parramatta area for the largest proportion of new dwellings and new jobs within the subregion during the next five (5) years and 21,000 additional jobs in the Parramatta CBD by 2031.

This draft Planning Proposal intends to facilitate development consistent with the Draft Strategy by delivering both employment opportunities and a variety of new dwellings on an infill site.

Draft Parramatta Road Urban Renewal Strategy

Exhibited in November 2014 this Draft Strategy identifies Parramatta Road as the "urban spine" between the Sydney CBD and Western Sydney. The strategy sets targets of 50,000 new residents and 50,000 new jobs in the Parramatta Road Corridor by 2031. Granville is the centre of a specific urban renewal precinct. In conjunction with the Westconnex infrastructure project the traffic environment of Parramatta Road is anticipated to change with increased capacity for public transport, reduced peak vehicle movements and opportunities for light rail and street beautification. These changes will also make the road corridor more compatible with the amenity of potential new dwellings on the site and improve opportunities for future residents and visitors to the site to use a variety of transport options.

The Granville Precinct is identified to accommodate approximately 25% of the overall population growth in the corridor. The locality is targetted for high density redevelopment at an average building height of 14 storeys and maximum building heights of 25 storeys. Programs for improvements to the urban amenity of Granville include streetscape beautification, new footpaths and cycleways.

5. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Parramatta 2038 Community Strategic Plan

The Parramatta Community Strategic Plan (CSP) was adopted and effective from June 2013 and aims to guide the decisions of the Council towards strategic objectives and measureable goals. The Vision for the Parramatta Road Corridor and the Granville locality includes the following themes that are relevant to the subject site:

- Increase density of housing with urban renewal;
- Increase the number of people living and working in close proximity to public transport options; and
- Growth of the Parramatta CBD beyond its current boundaries to include areas along Parramatta Road and 'Auto Alley' (including the subject site).

This draft Planning Proposal is consistent with the themes of the CSP and a higher density of development will enhance the capacity of the site to deliver additional jobs and dwellings, potentially increase patronage of existing public transport and pathways and require development demonstrating design excellence.

Parramatta – Investing in Western Sydney

This publication identifies the most significant industry sectors within the Parramatta CBD as the commercial office market, cultural and recreational uses and accommodation and the retail industry. In light of the other strategies which aim to expand the spatial coverage of the Parramatta CBD this means that these industry sectors will be increasingly accommodated on sites forming part of the expanded city area.

Parramatta – Investing in Western Sydney acknowledges that higher density new development opportunities are required to attract and maintain the scale of growth required to accommodate an additional 30,000 new jobs and 3,350 new dwellings. This draft Planning Proposal is consistent with these strategic directions.

Draft Parramatta City Centre Framework Review and Economic Analysis

Council has exhibited the Draft Parramatta City Centre Framework Review and the accompanying Economic Analysis with the intention that it forms the basis for the preparation of a Planning Proposal to amend the LEP. The recommendations from these strategies that are relevant to this site include:

- Expansion of the Parramatta City Centre to include this site;
- Removing the building height control throughout the city centre;
- Applying a transition in FSR from 10:1 in the City Core to a FSR of 6:1 in the outer city area (including the subject site);
- Propose a value sharing mechanism for uplift associated with additional residential floor space; and
- Additional Section 94A contributions equivalent to 1.5% for recreational purposes for all development.

This application for a Planning Proposal is compatible with the recommendations of the draft Framework Review with respect to FSR. This application does not seek or rely on incentives for commercial floor space as ground floor commercial floor space and active frontages to all public places are intended to be provided with the redevelopment of the site and reflected in site-specific DCP controls.

The Draft Strategy proposes to remove the building height control and rely more upon a FSR of 6:1. This application for a Planning Proposal is more conservative than the Draft Strategy in this regard. It is seeking a building height which allows flexibility in the three-dimensional distribution of floor space to create a slender tower which is aesthetically appealing and optimises natural light and natural ventilation for apartments within the tower. Site-specific DCP controls for maximum floor plates, setbacks and separation will be coordinated to achieve an appropriate three-dimensional built form.

This application will not pursue a value sharing mechanism for additional residential floor space as the VPA is to be the mechanism for negotiating public benefits proportional to the increased scale and density of development sought by this application.

Additional Section 94A contributions for recreational purposes are unnecessary as the intention of the VPA is to implement works within the site for a new public movement links and new publicly accessible space.

6. Is the planning proposal consistent with applicable state environmental planning policies?
There are no State Environmental Planning Policies (SEPPs) or known Draft SEPPs that would prohibit or restrict the planning proposal. An assessment against relevant SEPPs is provided in Table 1 (note SEPPs that are not relevant to the proposal have not been included in the table):

TABLE 1: RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES

SEPP	Relevance	Consistency	Comments
SEPP 21 Caravan Parks	SEPP 21 applies to all land in the State. It aims to provide caravan parks for both short and long term stays for social and economic welfare and protection of the environment.	Yes	The draft Planning Proposal does not change the current provisions of PLEP 2011 applying to caravan parks.
SEPP 32 Urban Consolidation (Redevelopment of Urban Land)	The land is suitable for urban redevelopment and the proposal to apply Zone B4 Mixed Use to the entire site improves the potential for a variety of land uses. This Planning Proposal demonstrates that the development capacity of the land and the efficient use of the site can be facilitated through changes to the controls for land use objectives, permissible land uses,	Yes	The draft Planning Proposal is consistent with the Policy by facilitating additional commercial and residential floor space on an infill site which is currently underutilised and is readily serviced by utilities and accessible to transport, recreational and commercial land uses.

TABLE 1: RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES			
SEPP	**Relevance**	**Consistency**	**Comments**
	height and FSR.		
SEPP No 55- Remediation of Land	Introduces state-wide planning controls for the remediation of contaminated land.	Yes	A Phase 1 Contamination Investigation has been prepared for the subject site and concludes that the site can be made suitable for residential uses subject to a Phase 2 Investigation to support any future development application or to inform any future Design Excellence Competition.
SEPP (Building Sustainability Index: BASIX) 2004	This SEPP aims to achieve buildings which are energy and water efficient.	Yes	Compliance with BASIX would be achieved under future development applications. There are no site constraints that would preclude compliance with the SEPP.
State Environmental Planning Policy No.65 (Design of Residential Flat Buildings)	Residential flat buildings and shop-top housing are permissible with consent in Zone B4.	Yes	Compliance with SEPP 65 will need to be demonstrated with a future development application or Design Excellence competition. The draft Planning Proposal does not change the manner in which the SEPP applies to the site and future development.
SEPP (Affordable Rental Housing) 2009	The Policy seeks to retain and provide affordable housing in areas with good access to public transport and established utilities, services and facilities. The Planning Proposal will not reduce the availability of affordable rental housing or opportunities for new affordable housing.	Yes	The draft Planning Proposal is consistent with and does not change the manner in which the Policy applies.
SEPP (Exempt and Complying Development Codes) 2008	This SEPP defines types of development for which development consent is not required.	Yes	The draft Planning Proposal does not change the way in which the SEPP applies to any future development or use of the site.
SEPP (Housing for Seniors or People with a Disability) 2004	This SEPP facilitates the delivery of housing suitable for people with special needs and sets minimum design standards for that housing.	Yes	The draft Planning Proposal does not change the way in which this SEPP applies to the site.

TABLE 1: RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES			
SEPP	**Relevance**	**Consistency**	**Comments**
SEPP (Infrastructure) 2007	This Policy aims to facilitate the delivery of new infrastructure, protect the safe and efficient operation of existing infrastructure and ensure future development is compatible with the continued operation of infrastructure.	Yes	Consultation with Railcorp and RMS is recommended as part of the Community Engagement Strategy for this draft Planning Proposal. The SEPP will apply to redevelopment of the site due to the potential traffic generated and the proximity of new dwellings to road and rail noise and rail vibration. This draft Planning Proposal does not change the manner in which the Policy applies to the subject site and any future development assessment process.
SEPP (State and Regional Development) 2011	The Policy applies to the extent that the capital investment value of a redevelopment project may exceed $20 million in which case the redevelopment may fit the criteria for 'state significant' development.	Yes	Future development may meet the threshold limit of general development with a capital investment value of more than $20 million as defined in Schedule 4A to the Environmental Planning and Assessment Act, 1979. The Joint Regional Planning Panel is likely to be the consent authority. This draft Planning Proposal does not change the manner in which this Policy applies to the site.
SEPP (Urban Renewal) 2010	This Policy applies to locations targeted for urban renewal and investment in supporting infrastructure.	Yes	This application for a Planning Proposal will lead renewal of the Granville/Parramatta Road Urban Renewal Precinct and the densities proposed are consistent with the highest and best use of the site for commercial and residential development to meet target densities and goals for new jobs and dwellings.

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

The proposal is consistent with all applicable Ministerial Directions under Section 117 of the Environmental Planning & Assessment Act, 1979. An assessment against the applicable directions is provided in Table 2 as follows.

TABLE 2: S.117 MINISTERIAL DIRECTIONS

Ministerial Direction	Relevance	Consistency	Implications
1. Employment and Resources			
1.1 Business and Industrial Zones	The objectives of this direction are to: • encourage employment growth in suitable locations, • protect employment land in business and industrial zones, and • support the viability of identified strategic centres. A Planning Proposal must retain business and industrial zones and not reduce the floor space created for business and industrial uses.	Yes	This draft Planning Proposal seeks to apply Zone B4 Mixed Use to the entire site and increase height of buildings and FSR controls to accommodate new buildings on the site to a higher density than currently permissible. These changes will contribute to employment growth by increasing the density of commercial floor space permissible within the site and allowing redevelopment to provide a wider variety of multi-functional commercial spaces with more vibrant, accessible and active frontages to Parramatta Road and to the new public road along the eastern boundary of the site. New businesses will benefit from shared basement parking, loading and unloading facilities and waste management services. New commercial floor space will support renewed activity in Granville Town Centre. The draft Planning Proposal is consistent with this Direction.
2. Environment and Heritage			
2.3 Heritage Conservation	(1) A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area or object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act, 1979, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provide to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage	Yes	The current provisions of PLEP 2011 are appropriate for the protection and retention of the existing heritage item adjoining the site to the west. The existing LEP provisions require a Statement of Heritage Impact to be prepare in support of any future development application for the site. It is anticipated that a Statement of Heritage Impact would also be prepared to inform a Design Excellence Competition. Therefore the draft Planning Proposal is consistent with the objectives and intent of Direction 3.1 to the extent necessary to progress the Planning Proposal to the Gateway process.

	significance to Aboriginal culture or people. (2) A planning proposal may be inconsistent with the terms of this Direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that: (a) The environmental or indigenous heritage significant of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation or regulations that apply to the land, or (b) The provisions of the planning proposal that are inconsistent are of minor significance:		
3.Housing,Infrastructure and Urban Development			
3.1 Residential Zones	A planning proposal must include provisions that encourage the provision of housing that will: • broaden the choice of building types and locations available in the housing market, and • make more efficient use of existing infrastructure and services, and • reduce the consumption of land for housing and associated urban development on the urban fringe, and • be of good design. A planning proposal must: • contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and • not contain provisions which will reduce the permissible residential density of land.	Yes	The UDA indicates that redevelopment options can accommodate dwellings at high density with opportunities for adequate open space, solar access and natural ventilation. The site has capacity for high density residential accommodation being connected to existing infrastructure. Future residents will have access to a variety of public transport options. A requirement for housing variety and compliance with the requirements of SEPP 65 and the Residential Flat Design Code can be included in the design requirements in a brief for a Design Excellence Competition. The requested height and density controls optimise the efficient use of established, well-serviced land in a high amenity location. Accordingly the draft Planning Proposal is consistent with the objectives and intent of Direction 3.1.
3.2 Caravan Parks and Manufactured Home Estates	This Direction applies to all Planning Proposals and aims to ensure that LEP provisions facilitate: - a variety of housing types; and - permit caravan parks and manufactured home estates.	Yes	This draft Planning Proposal does not change provisions relating to caravan parks and manufactured home estates as they apply to the subject site.

	A planning proposal must: - retain provisions that permit caravan parks - identify and retain land suitable for caravan parks and manufactured home estates.		
3.3 Home Occupations	This Direction applies to all Planning Proposals and aims for home occupations conducted within dwelling houses to be permitted without Council consent.	Yes	This draft Planning Proposal does not change provisions relating to home occupations as they apply to the subject site. Home occupations are permitted without consent under the current controls and this is not proposed to change. The draft Planning Proposal is therefore consistent with Direction 3.3.
3.4 Integrating Land Use and Transport	A planning proposal must locate zones for urban purposes and include provisions that give effect to, and are consistent with the aims, objectives and principles of: (1) *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001), and (2) *The Right Place for Business and Services – Planning Policy* (DUAP 2001).	Yes	The subject site is within walking distance to bus and rail transport and is adjacent to cycleway and pathway networks. Therefore, the draft planning proposal is considered to be consistent with the aims and objectives of Direction 3.4.
4. Hazard and Risk			
4.1 Acid Sulfate Soils	A planning proposal must consider the environmental impacts of Acid Sulfate Soils.	Yes	This application for a Planning Proposal acknowledges that the site is affected by Acid Sulfate Soils. However, the proposed LEP amendments do not change the requirements for investigations and potential management of the site should excavations and changes to groundwater require a Management Plan. Therefore no additional investigations are required to support this application for a Planning Proposal. The potential impacts of Acid Sulfate Soils has been considered to the extent necessary for a Planning Proposal.
4.3 Flood Prone Land	A Planning Proposal must include provisions that give effect to and are consistent with the *NSW Flood Prone Land Policy* and the principles of the *Flood Development Manual*.	Yes	The site is not Flood Prone Land. The site currently has very little pervious surface. The UDA shows that large areas within the site can be made available for deep soil planting and landscaping which will significantly improve conditions for on-site management of water including capture and re-use of rainwater and infiltration of runoff to pervious surfaces. This application for a Planning Proposal is therefore consistent with the requirements of Direction 4.3.

6.Local Plan Making			
6.1 Approval and Referral Requirements	A planning proposal must: • minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, • not identify development as designated development unless the relevant planning authority has obtained the approval of the Director-General of the Department of Planning	Yes	This draft Planning Proposal does not introduce additional concurrence requirements or identify the development as designated development.
6.2 Reserving Land for Public Purposes	This Direction applies to all Planning Proposals and requires consideration of the need to reserve land for public purposes or remove reservations that are no longer required.	Yes	The dedication of a new public road is intended to be facilitated through a VPA and land within the site will not be required to be identified for future acquisition in the LEP. The application is therefore consistent with the requirements of Direction 6.2.
6.3 Site Specific Provisions	A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. A Planning Proposal must not contain or refer to drawings that show details of the development proposal.	Yes	This draft Planning Proposal does not seek to allow a specific development. The UDA included with this draft Planning Proposal is useful to demonstrate that there are redevelopment options for the site by implementing the proposed development controls. The UDA shows future buildings can be compatible with the features of the site and surrounding properties and the anticipated future character of the locality. The UDA is not intended to form part of the amended Planning Instrument. The UDA does identify design opportunities which are intended to be included in site-specific DCP provisions in consultation with Council as the Planning Proposal progresses. Therefore this application is consistent with the requirements of Direction 6.3.

7.Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	This Direction applies to all Planning Proposals in nominated Local Government Areas including Rockdale and seeks to give legal effect to the implementation of the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036. A Planning Proposal must be consistent with the Plan.	Yes	The draft Planning Proposal is consistent with the Metro Plan 2036 as detailed in Section B.

SECTION C – Environmental, Social and Economic Impact

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

The site does not contain critical habitat or habitat for threatened species, populations or endangered ecological communities. The potential future development of the site is not likely to have a negative impact on such habitats and the site does not have potential to contribute to links or support habitat of significance for threatened species, populations or endangered ecological communities.

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

The main potential environmental impacts to be examined in detail to guide any future development proposal for the site are:

- urban design;
- traffic and parking (submitted separately);
- impacts to the neighbouring heritage item;
- public domain works and design requirements for the future public road, pedestrian and cycling links.

All of these matters are subject to further directions which may result from Council's initial assessment and the Gateway process.

Air quality assessment and acoustic assessments are anticipated to be required to inform a future development application or a Design Excellence Competition. It is premature to require these studies as part of a Planning Proposal as they are dependent upon fine-grain architectural design which is beyond the scope of a Planning Proposal.

Investigations as reported in this application demonstrate that the site and its setting do not present any constraints which would prevent the redevelopment of the site in a manner facilitated by the proposed LEP controls.

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

The social and economic effects of the draft planning proposal have been considered in the context of net community benefit analysis in Section 4.2.3(3) and the potential social and community benefits for future occupants and users of the site are described in Section 2.3. The Community Engagement Strategy and direct consultation with public authorities to be conducted with this Planning Proposal process will identify any matters requiring further examination as the Planning Proposal evolves and progresses.

SECTION D – State and Commonwealth Interests

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

All essential services are available for connection to the subject site. Arrangements are to be made direct with the providers of each service in conjunction with any specific development application.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

State and Commonwealth authorities will be consulted in accordance with Section 57 of the EP&A Act, 1979, following the outcomes of the Gateway determination.

Consultation with RMS is necessary regarding traffic management and compatibility with the safe and efficient operation of Parramatta Road as a State road. The proposed new public road link and access and egress to the site via a road other than Parramatta Road is consistent with the requirements of the RMS and the SEPP (Infrastructure) 2007. The impacts of road noise and air quality generated from traffic using Parramatta Road can be accommodated for in fine grain architectural solutions which can be investigated with a future development application or Design Excellence Competition and details are not necessary for a Planning Proposal.

Consultation with CityRail regarding the potential for development adjoining the rail line is necessary as part of the public consultation process (See Section 4.3).

4.3 Part 4 - Community Consultation

In accordance with Section 57(2) of the EP&A Act, 1979, the Director-General of Planning must approve the form of the planning proposal, as revised to comply with the gateway determination, before community consultation is undertaken as part of this Planning Proposal process.

Public exhibition is likely to include a newspaper advertisement, display on the Council's web-site and written notification to adjoining and nearby landowners. The Gateway determination will specify the level of public consultation that must be undertaken in relation to the planning proposal process. It is recommended that direct consultation be undertaken with RMS, OEH and CityRail.

Pursuant to Section 57(8) of the EP&A Act, 1979 the Responsible Planning Authority must consider any submissions made concerning the proposed instrument. A public hearing is not required.

5 CONCLUSION

A preliminary assessment of the features of the site and its setting and the UDA demonstrate that the site is well capable of accommodating new mixed use development and a new public road and pedestrian and cyclist routes. The proposed changes to the LEP and DCP will facilitate a range of improvements to the capacity and use of the site commensurate with its context and setting as part of the Parramatta Road Corridor Urban Renewal Precinct. The UDA identifies options for new built form and site layout to deliver high quality, multi-functional commercial space with active frontages and upper level residential apartments with a high level of amenity and accessibility. A VPA is intended to deliver public benefits which are commensurate with the additional development potential facilitated by new FSR and Height of Building controls. DCP amendments specific to the site and anticipated future built form are to be developed in consultation with Council as this Planning Proposal evolves.

The proposal aims to deliver:

- A mixed use development demonstrating design excellence compatible with the site and setting;
- new high density land uses to optimize the efficient use of land;
- new publicly accessible spaces to improve the permeability and connectivity of the site and buildings as well as improve safety and convenience for vehicles, pedestrians and cyclists;
- appropriately respond to the noise, vibration and air quality impacts associated with the use of Parramatta Road and the adjoining rail line; and
- generate flow-on effects which have benefits for the local and regional economy, the local and regional housing market and the urban renewal of the local area.

Overall the changes facilitated by the Planning Proposal will enhance the site and its surroundings and contribute to overall employment growth and housing supply as well as improve safe movement of vehicles, pedestrians and cyclists.

This draft Planning Proposal demonstrates the orderly and economic development of the site is best facilitated by the proposed changes to building height and floor space controls in the LEP. Site-specific DCP provisions for setbacks, building separation, floor plate size, building articulation and active frontages are to be further developed in consultation with Council. The proposed FSR and height controls are appropriate for the site due to its high amenity created by its proximity to public transport and recreation facilities and Granville Town Centre. The scale of potential redevelopment shall be compatible with the anticipated future character of the Parramatta Road urban renewal areas as detailed in adopted and exhibited strategies.

ANNEXURE A

VPA – LETTER OF OFFER

PLANNING INGENUITY

PLANNING
INGENUITY

Our Ref: 0006/12lt1 24 February 2015

Ms Jennifer Concato
Parramatta City Council
PO Box 32
PARRAMATTA NSW 2124

Dear Jennifer,

LETTER OF OFFER – VOLUNTARY PLANNING AGREEMENT
IN ASSOCIATION WITH A DRAFT PLANNING PROPOSAL
168-176 PARRAMATTA ROAD AND 89-90 COWPER STREET, GRANVILLE

Further to ongoing correspondence and applications for a draft Planning Proposal for the abovementioned property, this letter proposes the negotiation of a Voluntary Planning Agreement (VPA). This letter provides preliminary information to enable Council to consider a resolution in principle to commence negotiations for a proposed VPA.

The VPA is to be in connection with No.168-176 Parramatta Road and No.89-90 Cowper Street, Granville as shown in the locality plan in Figure 1. The site is anticipated to receive uplift in development potential in conjunction with an application for a Planning Proposal which is currently being assessed by Council. This uplift is anticipated to be the difference between current gross floor area achievable under Parramatta Local Environmental Plan 2011 and the FSR achievable under the application for a Planning Proposal. The uplift is also to be discounted for the potential dedication of a public road, pedestrian and cycleway access through the site as proposed in the Urban Design Analysis by Architectus submitted with the application for a Planning Proposal. It is also anticipated that the VPA will encompass contributions otherwise sought in accordance with Council's Section 94A Contribution Plan.

The following sets out the key terms of the proposed VPA:

1.0 Parties to the Planning Agreement

- Parramatta City Council
- Bai Li Holdings Pty Ltd

2.0 Land to which the VPA relates

- No.168-176 Parramatta Road and No.89-90 Cowper Street, Granville being Lots 1, 2 and 3 in Deposited Plan 229399, Lot 91 in Deposited Plan 128588 and Lot 1 in Deposited Plan 529674.

3.0 Development to which the VPA relates

A mixed use building with basement car parking is intended to be constructed on the site with ground floor commercial uses and residential apartments above. Options for future development are presented in the Urban Design Analysis by Architectus submitted with the application for a Planning Proposal

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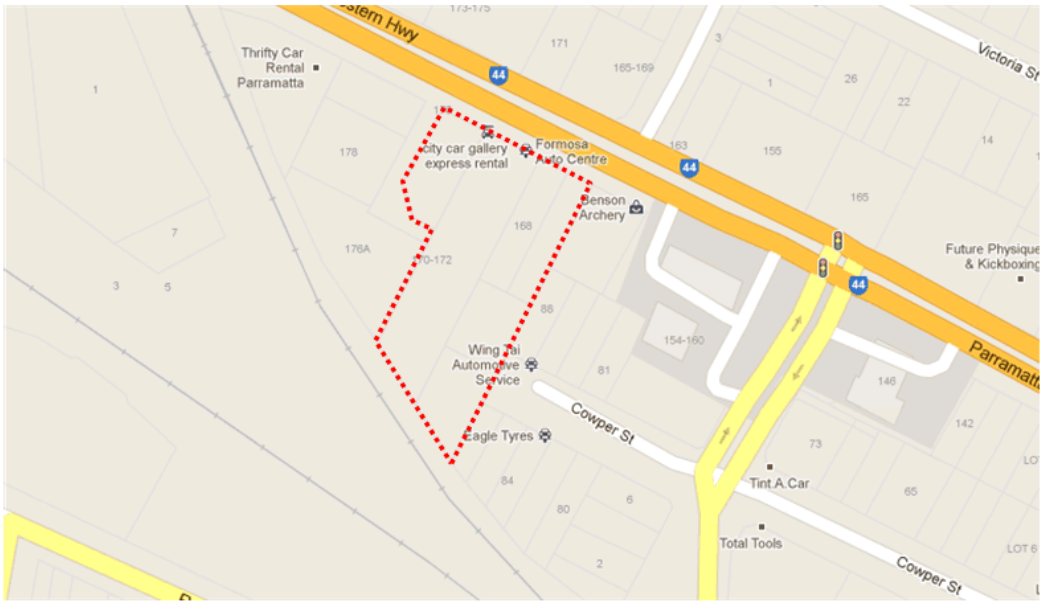

Figure 1: Land to which the VPA relates

4.0 Nature and extent of development contributions and timing of delivery

The monetary contributions and/or works-in-kind are to be informed by Parramatta Civic Improvement Plan (CIP) (Amendment No.2) effective from 11 December 2013 and any other Council policy relating to public works programs and specifications.

The potential works associated with a VPA and potential development of the site under requested planning controls which will have public and community benefit may include the following concepts:

- Through site links for vehicles, pedestrians and cyclists along the eastern side boundary; and
- Landscaping, paving, street lighting and street tree planting within the adjoining public road reserve including Parramatta Road.

5.0 Value of VPA

The estimated value of works and monetary contributions is to be subject to negotiation. The nature of contributions will be consistent with the principles of Parramatta Civic Improvement Plan (CIP) (Amendment No.2) and current Section 94A Contributions Plan as well as potential costings to be developed from site-specific land valuations.

6.0 Application of s94, s94A or s94EF

The cost of development is not yet known. However, it is anticipated that the VPA will, in accordance with Section 94F(3)(d), wholly exclude the application of Section 94 and Section 94A of the *Environmental Planning and Assessment Act 1979* to the development.

7.0 Additional Community Benefits

Additional community benefits are anticipated to be created from future redevelopment of the site and may include:

- Additional housing supply and choice contributing to improved housing affordability;
- Additional commercial floor space contributing to the vitality of the commercial core;
- Multi-use commercial premises for a wider variety of commercial premises and employment opportunities;
- Mixed uses and active street frontages which contribute to the vibrancy, safety and security of the site and surrounds; and
- Additional off-street parking, safe vehicle access and egress to improve the safe movement of traffic, pedestrians and cyclist to and from the site.

8.0 Costs

Each party should bear its own costs of preparing, negotiating, executing and stamping the VPA and any documents related to the VPA.

We would appreciate further liaison with Council staff to discuss this offer in order to facilitate the delivery of public benefits in association with the future development of No.168-176 Parramatta Road and No.89-90 Cowper Street, Granville.

Should you have any questions regarding this letter please contact me direct at our offices on Phone 9531 2555 or by email ben@planningingenuity.com.au.

Yours faithfully,
Planning Ingenuity Pty Ltd

Benjamin Black
ASSOCIATE DIRECTOR

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168-176 Parramatta Rd & 89-90 Cowper St Granville Urban Design Report

For: JFC Developments Pty Ltd
Date: 9 December 2016

Architectus Group Pty Ltd
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FORMOSA SMASH & MECHANICAL REPAIRS

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1.0 Introduction

1.1 Purpose of this report

Architectus has been engaged by JFC Developments Pty Ltd to provide an urban design and planning study to determine options for redevelopment of their site at 168 176 Parramatta Rd & 89-90 Cowper Street, Granville. This land area is 4,887.9sqm.

The site has been the subject of a Preliminary Concept Proposal (with urban design input provided by Architectus) which was considered by Parramatta Council on Monday 8 September 2014, who resolved that Council will consider a planning proposal for the site.

This document presents an urban design analysis of the site and context as well as design options for the site towards the submission of this planning proposal.

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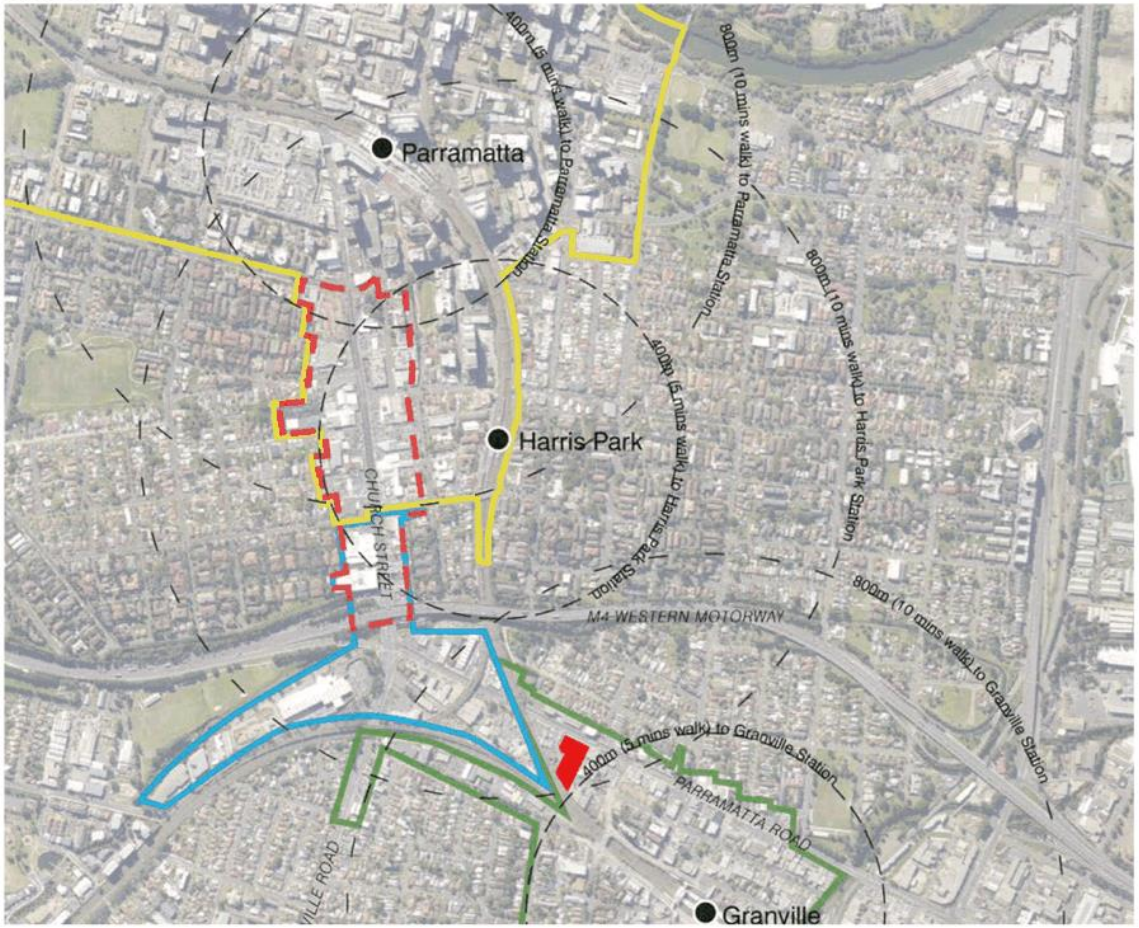
1.2 Site location

The site is located within the commercial corridor of Parramatta Road.

It is close to Granville railway station (approximately 5 minutes walk) and also to the Parramatta CBD (approximately 15-20 minutes walk).

The site lies along a loose 'corridor' of development including non-residential uses which extends from Granville Town Centre along Parramatta Road and Church Street ('Auto Alley') to Parramatta CBD.

Site location



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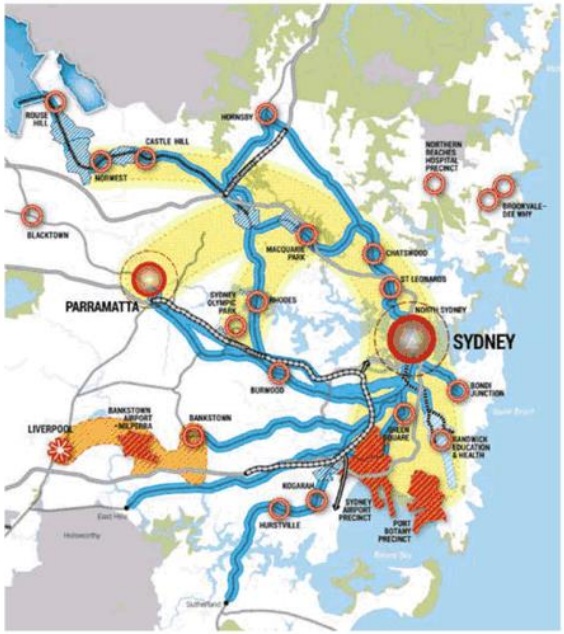
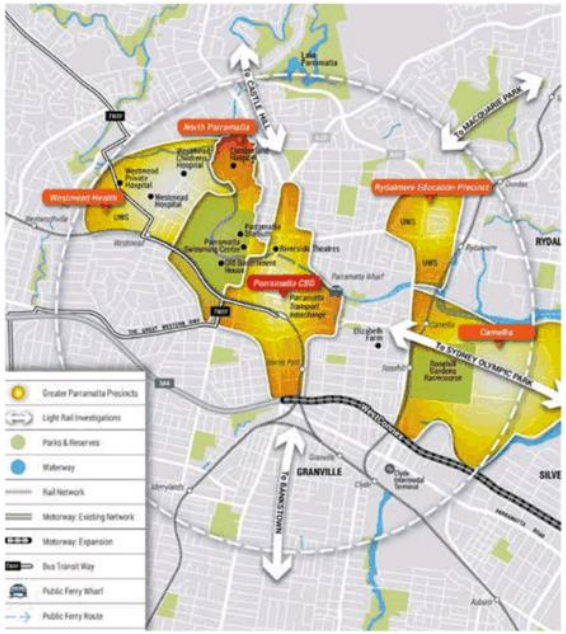
1.3 A Plan for Growing Sydney

- The site is located within the 'Greater Parramatta' as defined by 'A Plan for Growing Sydney'. This is the centre of two of the key goals of the Plan - "Grow Greater Parramatta - Sydney's second CBD" and "Establish a new Priority Growth Area - Greater Parramatta to the Olympic Peninsula".
- The Parramatta Road corridor is noted as a focus for urban renewal.
- The investigation of light rail routes near to the site is proposed including along the length of the Parramatta Road corridor and from Parramatta CBD to Bankstown.

Parramatta within the Plan for Sydney (extract)



'Greater Parramatta' (extract from Plan for Sydney)



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1.4 Draft West Central District Plan

The Draft West Central District Plan has been released by the Greater Sydney Commission on 21 November 2016.

It notes Granville as:

– Part of the Greater Parramatta and the Olympic Peninsular area (p3)

– Having potential for local targeted growth in housing capacity (p98) and mixed use as further described through the Parramatta Road Urban Transformation Strategy (p31,44).

– A culturally diverse area which may build on this to increase its attractiveness as a cultural destination (p75, 77, 125)

One of the key objectives for the district is '3.2 Driving the growth of the Central City' which is based on GPOP.

As well as productivity and growth, the draft Strategy also sets out a range of objectives and principles for 'A Liveable City' and 'A Sustainable City'. Livability priorities include:

– Improve housing choice.

– Improve housing diversity and affordability.

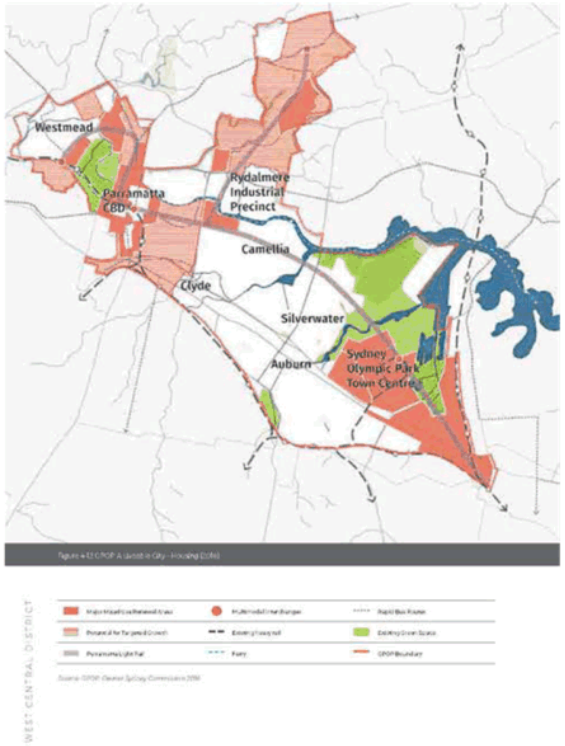
– Coordinate and monitor housing outcomes and demographic change.

– Create great places.

– Foster cohesive communities.

– Respond to people's need for services.

Draft West Central District Plan



GPOP A Liveable City - Housing (2016)
Source: Draft West Central District Plan

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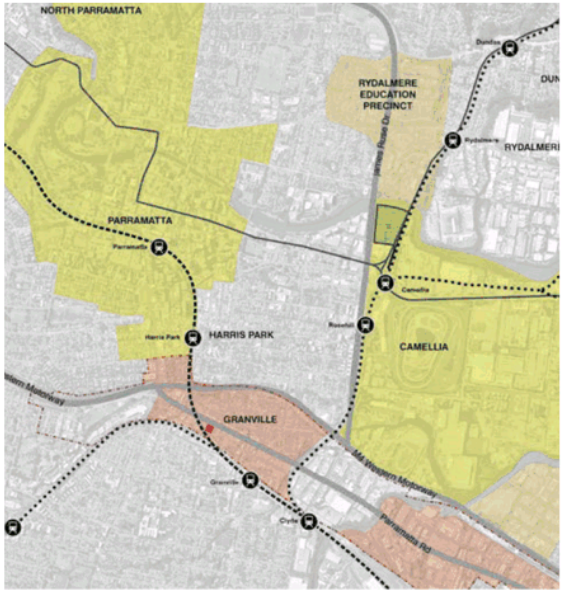
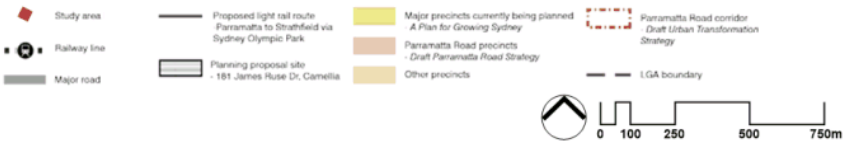
1.5 Changing Scale of Precincts within Parramatta

A number of projects are taking place which are shaping the scale and context of areas near to the site. These set a precedent for the appropriate height, scale and density which may be considered for this area.

These should be taken into consideration when considering the appropriate scale and character of the study area.



Key proposed changes to the site's context



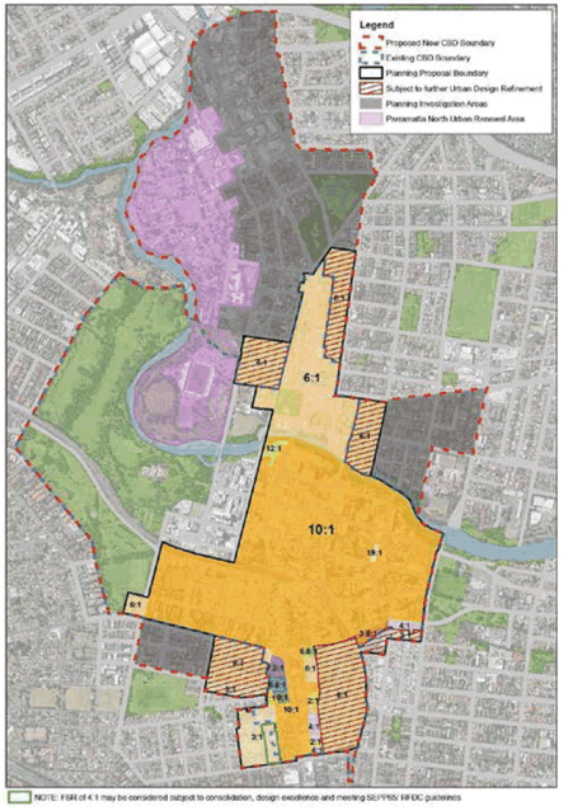
Parramatta CBD Planning Strategy and Planning Proposal

Parramatta City Council has adopted a new Planning Strategy for Parramatta CBD (27 April 2015), based on the Planning Framework Study for Parramatta City Centre developed by Architectus with SGS (2014), from which key recommendations were adopted by Council (8 September 2014).

This strategy includes significant increases in heights and densities including 10:1 Floor Space Ratios across a wide area of the City Centre and 6:1 Floor Space Ratios in outer areas.

A Planning Proposal has been prepared on this basis and adopted by Council (11 April 2016) for the purpose of seeking a Gateway Determination from the NSW Department of Planning and Environment.

Parramatta CBD Planning Strategy Implementation Plan
Source: Parramatta CBD Planning Strategy implementation plan (PCC, 2015)



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Parramatta North Urban Renewal

Urban Growth NSW is working in collaboration with NSW Government agencies, Parramatta City Council and other stakeholders to prepare a Framework Masterplan to guide the future of publicly owned sites in the area known as Parramatta North Urban Renewal.

The project aims to create a vibrant mixed-use precinct in Parramatta North, including housing and employment opportunities. A key objective will be to upgrade and restore heritage buildings and create a sustainable long-term source of funding for their management.

Draft concepts have been prepared which show high-rise residential development within this precinct which is significantly less accessible than Granville.

Parramatta North - Draft concept
Source: Parramatta North Urban Renewal New Planning Framework

Camellia Precinct

The announcement by Shell to cease refining activities in Camellia within five years presents a rare opportunity to develop and rehabilitate a large parcel of land into an eco-industrial precinct with significant environmental and employment benefits for Greater Sydney for the next 50-years.

The Department and Parramatta City Council have developed a Land Use and Infrastructure Strategy for the Camellia Precinct. It describes potential high rise buildings around Camellia station.

A separate planning proposal for part of this land has been lodged by Parramatta City Council, passed with conditions at gateway and sent to Parramatta Council for implementation. It described floor space ratios of 5.3:1 including roads (approximately 8:1 net at a ratio of 2:3) and building heights up to 126m (approximately 40 storeys).

Camellia Precinct - Indicative development scenario
Source: Camellia Land use and infrastructure strategy July 2015

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1.6 Parramatta Road Urban Transformation Strategy

Urban revitalisation of the Parramatta Road corridor is proposed as part of the WestConnex infrastructure project.

The Parramatta Road Urban Transformation Strategy has been released in November 2016.

Within the Parramatta Road Urban Transformation Strategy the Granville Precinct is one of the key precincts, forecast for 5,400 new homes by 2050.

Key plans for the precinct are shown over the following pages.

Key information relating to this site within the strategy includes:

- The site is proposed for B4 mixed use zone at 6:1 FSR and 80m height of buildings.
- A new local street is proposed along the eastern boundary of the site (note: this is shown off-site, as a continuation of Albert Street to the north rather than on this site).
- Along Parramatta Road a 6m setback is required to ground level, with a maximum 18m street wall here and further storeys set back a further 2-6m.

Parramatta Road Precinct (dark grey), frame (light grey)

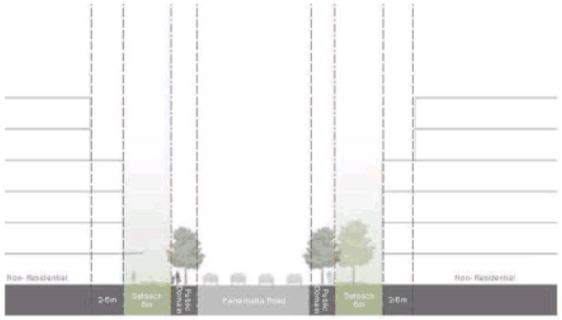
source: Implementation Tool Kit

Parramatta Road Corridor Granville

source: Parramatta Road Corridor Urban Transformation Strategy

Parramatta Road

source: Implementation Tool Kit



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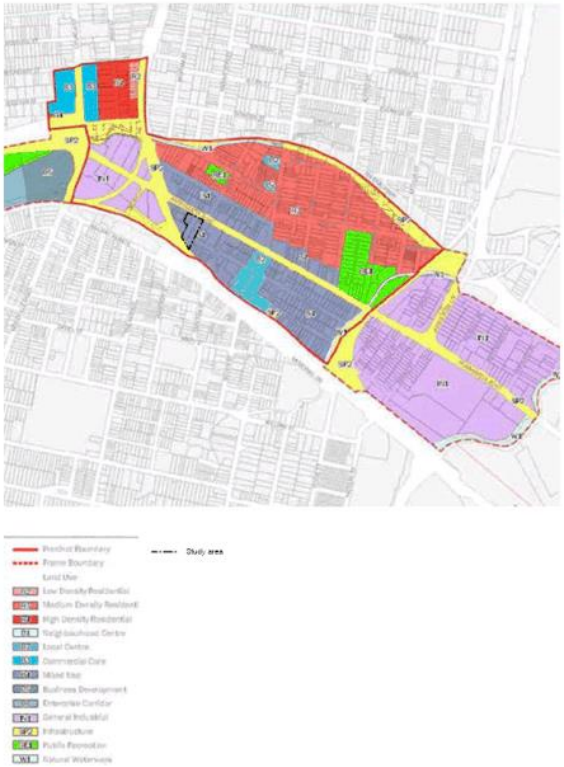
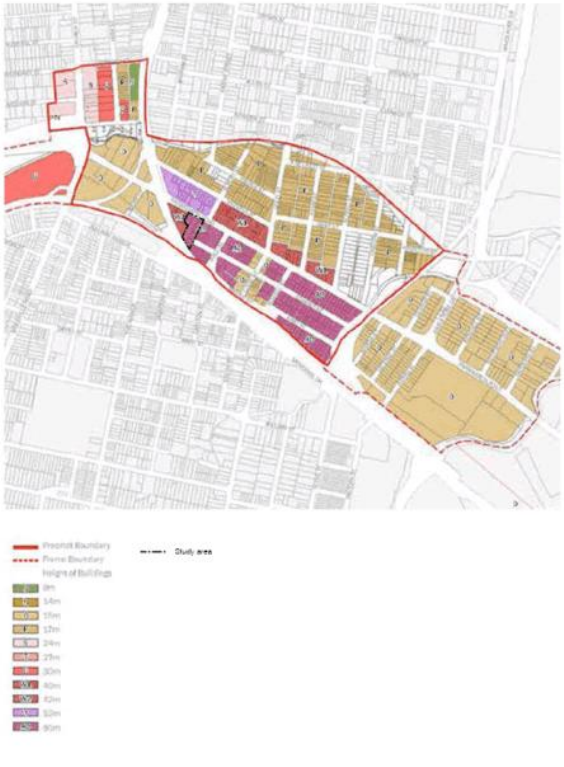
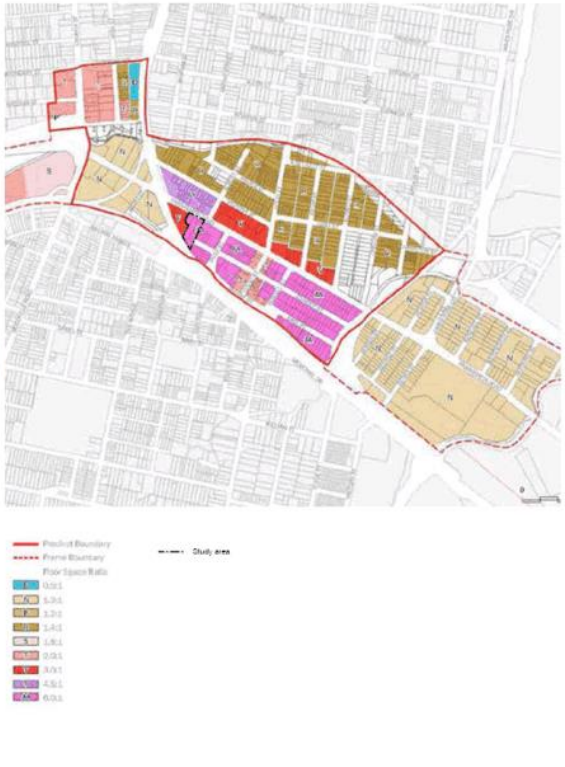
Granville Recommended Land Uses
(extract - site boundary added)



Granville Recommended Building Heights
(extract - site boundary added)



Granville Recommended Building Densities
(extract - site boundary added)



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Granville Open Space and Active Transport
(extract - site boundary added)

Granville Street Function
(extract - site boundary added)

Granville Green Edge, Transitions and Active and Commercial Frontages Plan (extract - site boundary added)

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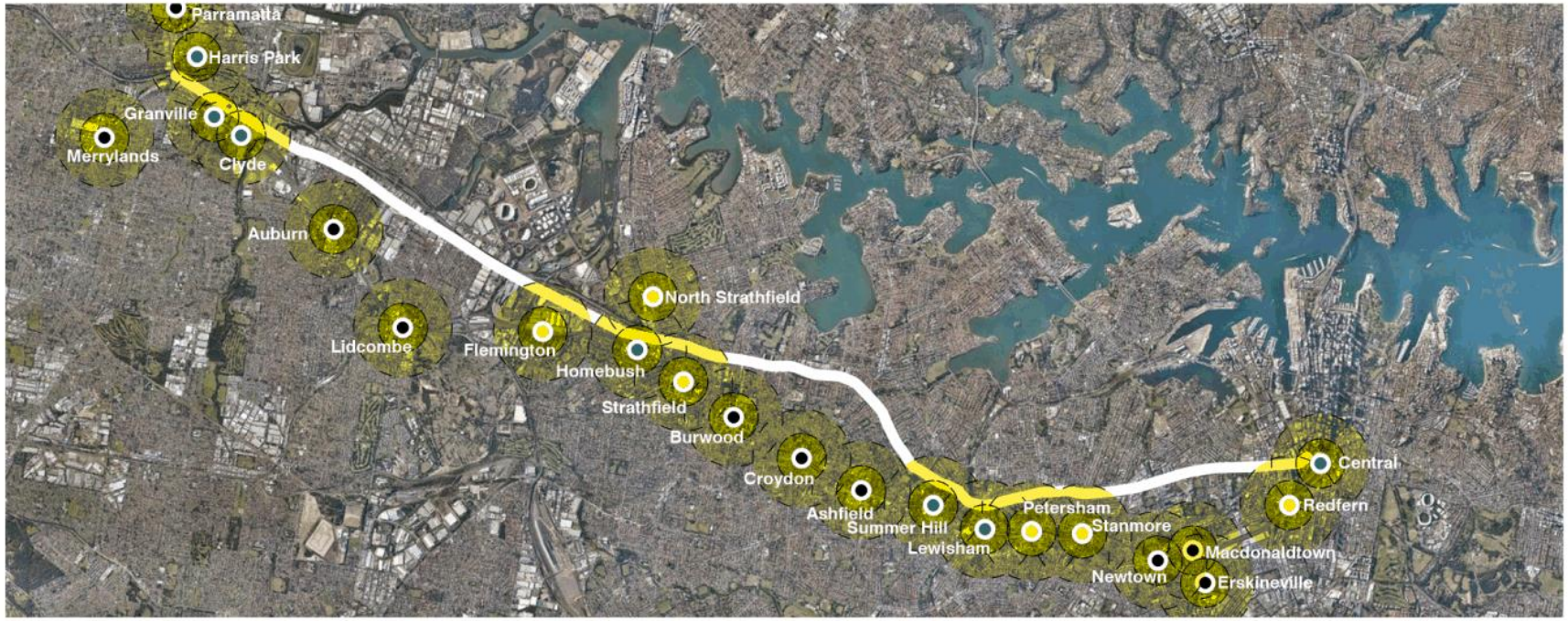
1.7 Railway stations in proximity to Parramatta Road

Parramatta Road and proximity to railway stations (Architectus)



The site is located in one of a few areas where Parramatta Road is close to railway stations (the others being around Homebush, Lewisham and Central).

Within the context of the WestConnex renewal of the Parramatta Road corridor, these areas will have particular importance.

Sited on one of Sydney's major transport infrastructure links connecting its two largest centres (Central Sydney and Parramatta). The site is suitable for transport oriented development, yield and density.

Key

0 0.4 1.0 2.0 5.0km

Distance from stations: 400m (5mins walk) and 800m (10mins walk)

Parramatta Road

Stations within 400m (5 mins walk) of Parramatta Road

Stations within 800m (10 mins walk) of Parramatta Road

Stations greater than 800m (10 mins walk) from Parramatta Road

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1.8 Hierarchy of urban centres

Centres and hierarchy

Parramatta's centres diagram (right) describes Granville as one of the three 'Town Centres' of Parramatta (with Westmead and Epping). These are the highest order of centre below Parramatta. This diagram also shows an enterprise corridor along Parramatta Road.

Since this diagram has been produced, several key changes have been made which should heighten the role of Granville:

- The release of the 'Plan for Sydney' which emphasises the role of 'Greater Parramatta' and the Parramatta to Olympic Park Corridor.
- Further development of the Parramatta Road Urban Transformation Strategy has emphasised development of Parramatta Road including a wider mix of uses.
- The future development of the Camellia Precinct (not shown in this previous hierarchy) places greater emphasis on the network of Granville, Parramatta and Camellia.

Parramatta Centres Diagram (Parramatta Council 2010)

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Within the draft Central West Subregional Strategy and in Parramatta's Centres Hierarchy, Granville is one of a number of 'Town Centres' based around the 'Regional City' of Parramatta.

The table adjacent presents a comparison of the maximum permitted heights and Floor Space Ratios for centres similar to Granville including one step higher in the hierarchy and one step below.

Compared to other 'Town Centres' nearby, there is currently a moderate amount of development Planned for Granville, comparable to other Town Centres in Parramatta, below that of Merrylands (Holroyd LGA) and above that of the Auburn LGA centres (Auburn and Lidcombe).

It is notable that one of the Village Centre (Carlingford) currently includes greater maximum Floor Space Ratios and heights than Granville, without Granville's accessibility by transport.

It should be noted within this comparison that Granville is perhaps the most advantageously connected of the town centres within this area due it its:

- Proximity to Parramatta
- Proximity to the major road connections of Parramatta Road and the M4
- Location at the junction of Railway lines (the Western Railway Line and the Old Main South Line)

Table of Centres by hierarchy and Maximum FSR/Height

	Local Government Area	Current Max. permitted FSR	Current Max. permitted Height
Regional City			
Parramatta	Parramatta	10:1	200m
Town Centres (and Specialised Centre)			
Merrylands	Holroyd	9:1	65m
Epping	Parramatta / Hornsby	6:1 (both LGAs)	72m (both LGAs)
Granville	Parramatta	6:1	52m
Westmead**	Parramatta	No maximum (4:1 where restricted)	No maximum (48m where restricted)
Auburn	Auburn	3.75:1	49m
Lidcombe	Auburn	3.6:1	36m
Village Centres (as defined under Subregional Strategy)			
Carlingford	Parramatta / Hornsby / Carlingford	5:1 (Carlingford LGA)	57m (Carlingford LGA)
South Wentworthville	Holroyd	3:1	32m
Guildford	Parramatta / Holroyd	2:1	20m

** Westmead is a 'Specialised Centre' in the Subregional Strategy and a Town Centre under the Parramatta Centres Diagram. It contains large areas of SP2 'Infrastructure' land with no designated maximum heights or Floor Space Ratios

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1.9 Key existing LEP controls

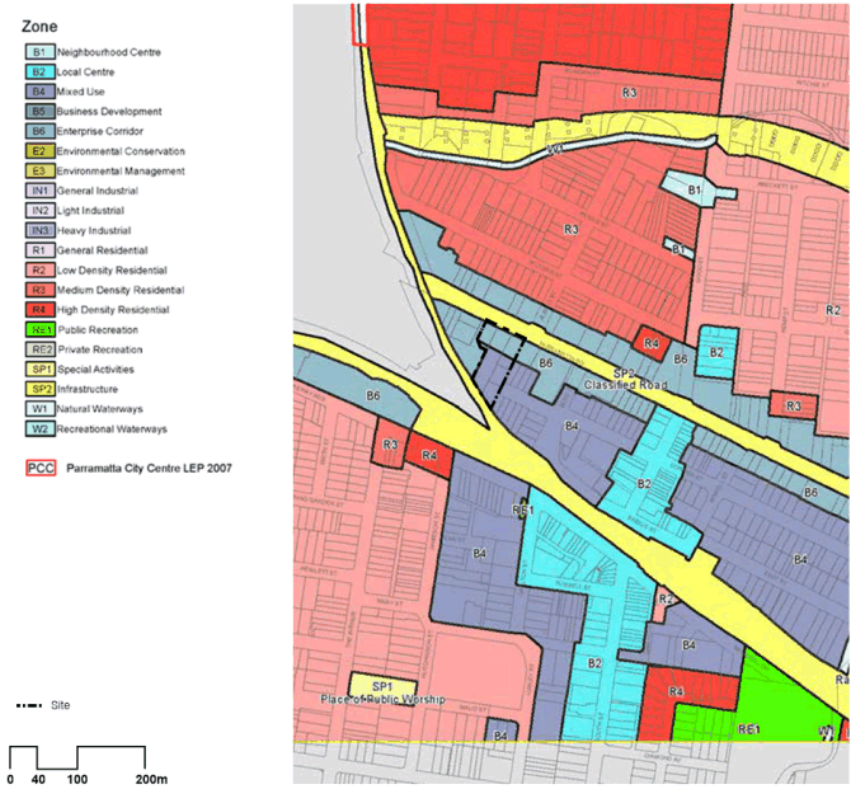
Key issues:

The site is split into two different areas:

- A B6 'Enterprise Corridor' zoning with 3.0:1 FSR and 21m maximum building heights facing Parramatta Road. This zoning prohibits residential accommodation.
- A B4 'Mixed Use' zoning with 6.0:1 FSR and 52m maximum building heights to its south around Cowper Street. This zoning permits residential development and commercial premises.

The LEP includes a significant 'step' in building heights and density down to sites facing Parramatta Road, and to a lesser extent, towards the medium density residential zone (0.6 FSR and 11m maximum building heights) between Parramatta Road and the M4 Flyover.

Land Use Zoning



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Floor Space Ratio

Maximum Floor Space Ratio (n:1)

- A 0.33
- D 0.5
- F 0.6
- J 0.8
- K 0.89
- N 1.0
- O 1.1
- P 1.2
- R 1.4
- S1 1.5
- S2 1.7
- S3 1.75
- T1 2.0
- T2 2.1
- V1 3.0
- V2 3.3
- V3 3.4
- W 3.5
- X 4.0
- AA 6.0

Site

0 40 100 200m

Height of Buildings

Maximum Building Height (RL)
Heights shown on map in RL (m)

- RL 11
- RL 14

Maximum Building Height (m)

- E 6
- J1 9
- J2 9.2
- J3 9.5
- K 10
- L 11
- M 12
- N1 13
- N2 14
- O1 15
- O2 16
- P1 17
- P2 18
- Q 20
- R 21
- T1 25
- T2 28
- U1 31
- U2 34
- V 37
- W 40
- Y 52
- Refer to table in Cl 4.3(2A)

Site

0 40 100 200m

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Key issues:

The site is not located near to or within a heritage conservation area.

Immediately adjacent to the site to the west is the heritage site of "Substation No 1" (item I158).

Many other areas which are located close to railway stations include a significant concentration of heritage items and conservation areas (including south of Granville Station and east of Harris Park Station) which are likely to constrain significant future development of parts of these areas.

Heritage

Heritage

- Conservation area - General
- Item - Archaeological
- Item - General

Cadastre

- Cadastre 22/01/2013 © Parramatta City

Site

0 40 100 200m

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1.10 DCP controls

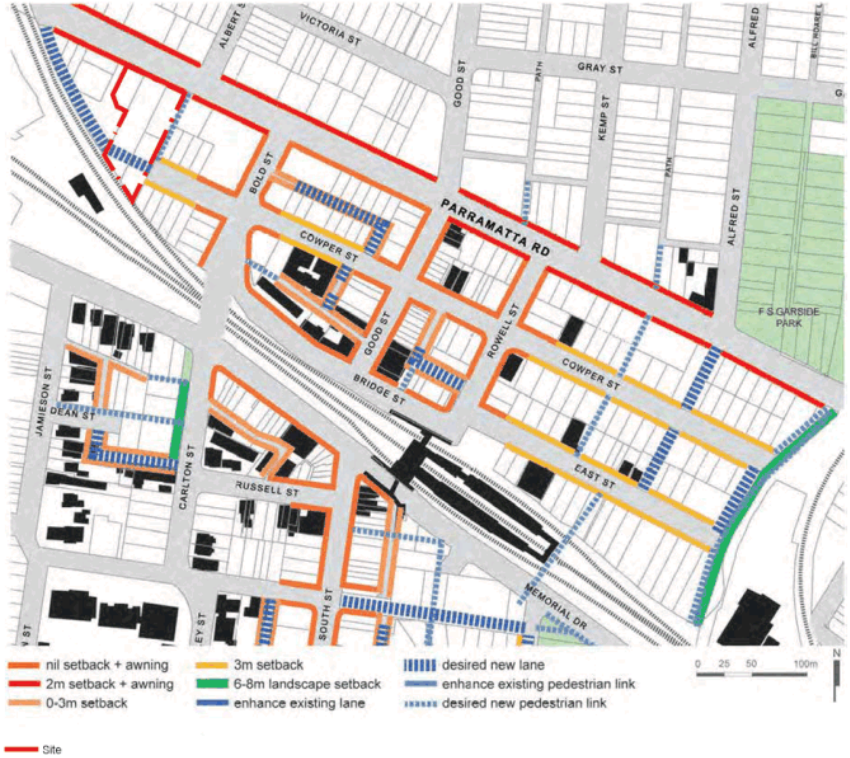
Key issues:

The current DCP notes an east-west 'new lane' through the site extending on alignment with Cowper Street and a north-south 'desired new pedestrian link' along the site's eastern boundary.

The record of the pre-lodgment meeting notes that Council are satisfied with or willing to consider:

- A lane which runs through the site directly to Parramatta Road rather than the lane and pedestrian link indicated.
- A zero-lot line to Parramatta Road.
- A design which avoids the 'wedding cake appearance' of multiple setbacks.

Extract from DCP showing desired linkages for site



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1.11 Parramatta Cycleways

Key issues:

- Bold Street, to the east of the site, provides the only at-grade access across the railway around Granville (a bridged connection is available across the railway station to the east) however is a heavy-traffic road.
- A cycle link through the site would provide an alternative connection to the northern section of Bold Street.

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1.12 Tower slenderness

As part of Architectus' work for Parramatta City Centre, principles have been developed for tower slenderness, designed to encourage an attractive skyline with elegant and well separated towers for the City Centre. Although these do not form part of any formal planning document relating to Granville, similar issues will apply and Architectus consider the principles for Parramatta City Centre to be good practice which should be applied in Granville similarly where possible.

These slenderness recommendations are as follows:

"The floorplate Gross Building Area (measured to the external facade of the building, including balconies) of residential towers should be limited to a maximum of:

- *800sqm for residential buildings up to 75m in height (approx. 25 storeys).*
- *950sqm for residential buildings which are 75-105m in height (approx. 25-35 storeys).*
- *1100sqm for residential buildings greater than 105m in height (approx. 35 storeys)."*

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2.0 Analysis summary

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2.1 Quadrants of Granville Centre

Northwest quadrant:

- Close to Parramatta and Church Street (Auto Alley) regeneration.
- On Parramatta Road, within the context of the Westconnex Urban Renewal.
- Fewer heritage issues.

Southwest quadrant:

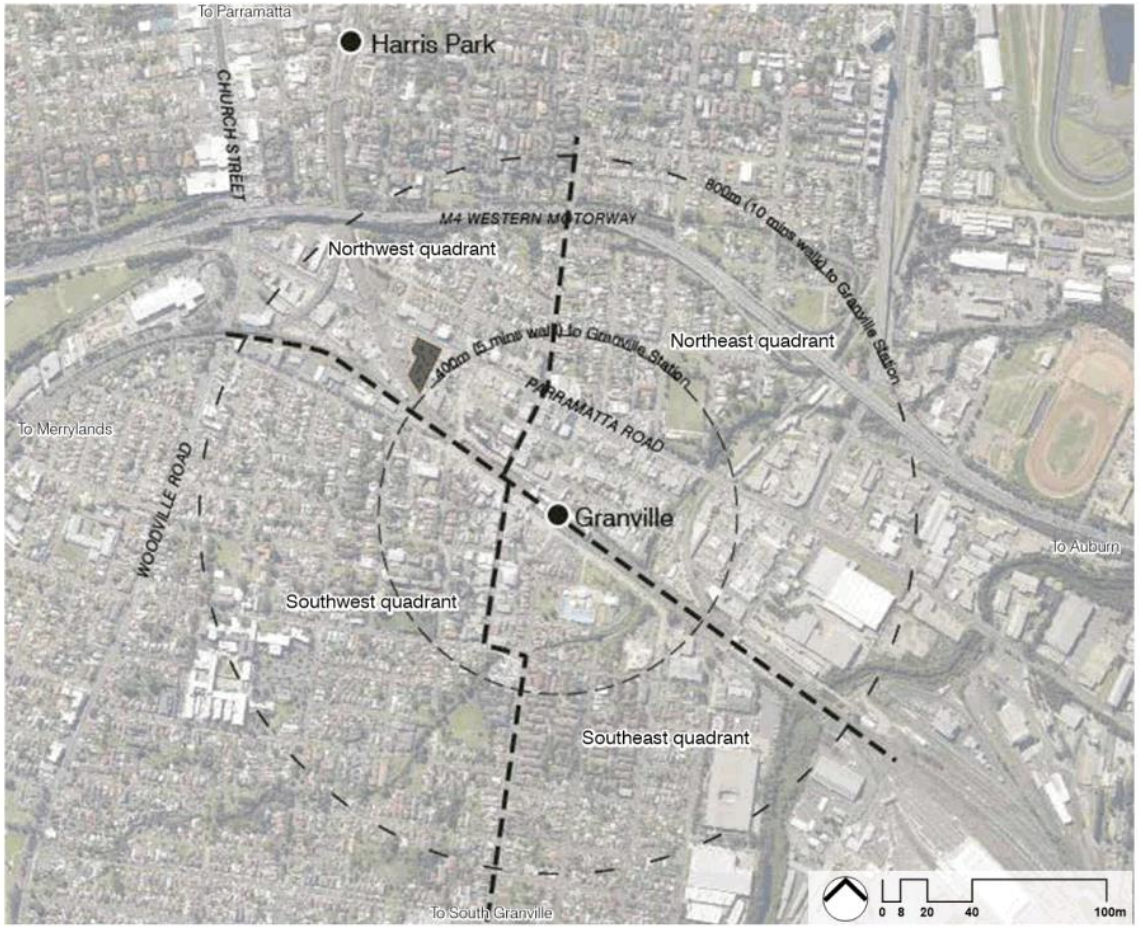
- Existing town centre.
- Significant heritage issues including a large number of heritage items and heritage conservation areas.

Southeast quadrant:

- Significant heritage items near the centre
- Existing zoning for high-density residential
- Some industrial uses

Northeast quadrant:

- On Parramatta Road, within the context of the Westconnex Urban Renewal.
- Much of this area lies behind the barrier of the Carlingford railway line
- Significant industrial uses connecting to a larger industrial precinct to the northeast.



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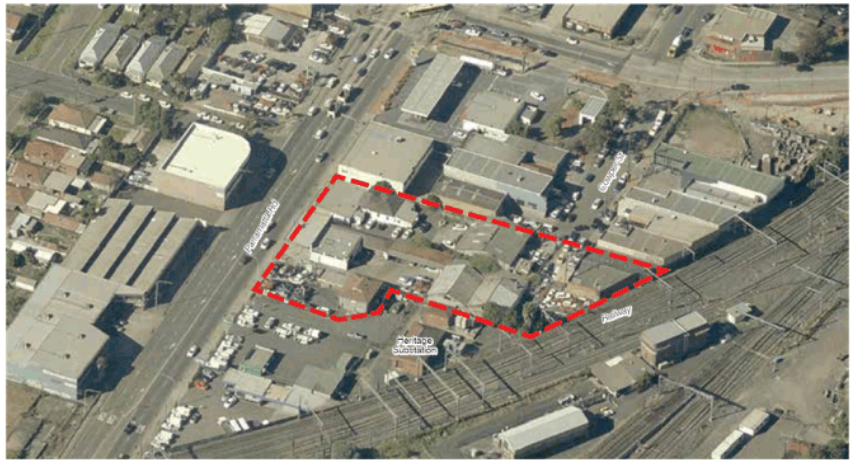
2.2 Adjacencies and near context

Key issues:

- The major noise and pollution sources of Parramatta Road and the Railway are a key design constraint of the site. Parramatta Road lies to the north of the site and the railway runs to the south.
- The site is also adjacent to a heritage substation building. The present aspect, character and setting of the substation is not highly attractive as it is within an industrial setting of automotive industry including large areas of hard-surfacing, functional industrial fencing and ad hoc parking. It is likely that a proposal will be able to improve the visual setting of this heritage building. Access to the heritage substation building separates the site from other potential future development sites to the west.
- Designs for the site should have careful consideration of the existing uses adjacent to the site - particularly to the east around Cowper Lane where the existing automotive servicing and repairs businesses may create some disturbance for nearby residential uses.



Aerial photograph of site from west (source: Bing Maps)

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Site as seen along Cowper Street

Heritage substation as seen from Parramatta Road

Panoramic view of Parramatta Road from north (approx. frontage of site marked)

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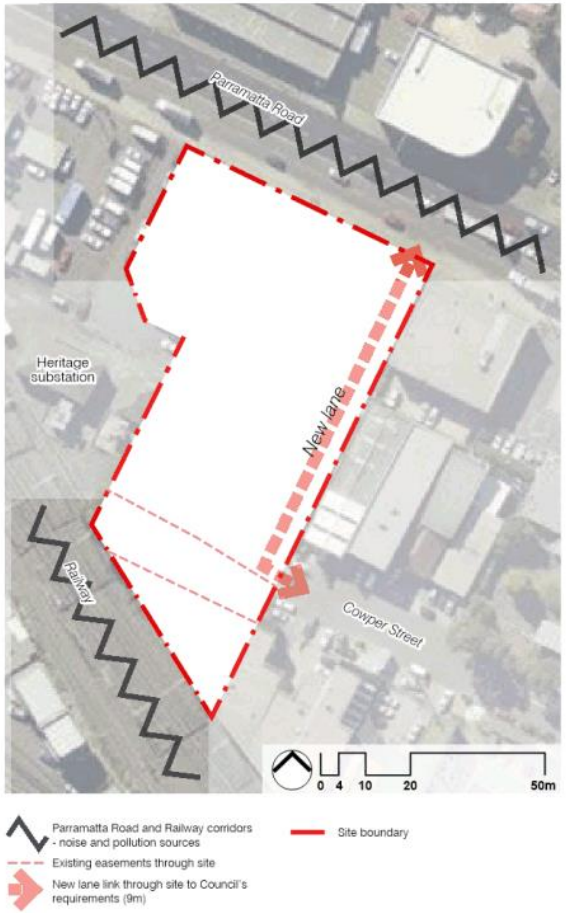
2.3 Site conditions

Key issues:

- There are a number of easements and accessways affecting the site including:
  - A number of easements run through the southern portion of the site, generally aligning with Cowper Street.
  - There is a small (approx. 1m wide) drainage reserve along the site's eastern boundary.
  - To the west of the site is a private vehicular access way used to access the substation site.
- The key constraints affecting the site include:
  - The effects of noise and pollution from the Parramatta Road and railway corridors
  - The existing easements through the site.
  - The new lane link to be provided through the eastern portion of the site at Council's request.

Easements and accessways

Key constraints



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2.4 Availability of sites and indicative amalgamation patterns

Introduction

The plans on the following pages describe how the context of the site may be developed in the future, assuming a development typology of towers for the Parramatta Road corridor and south of this with a smaller walk-up apartment blocks to the north.

The process undertaken in this testing is as follows:

- Identify the availability of sites for significant development based on features such as lot size, heritage status and typology of existing development.
- Identify an indicative development form based on amalgamating sites to provide the appropriate development form where possible.
- Identify amalgamation patterns based on this indicative development form, noting where sites are likely to be constrained from delivering significant development.

Key issues raised by the each of these steps have been raised over the following pages.

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Availability of sites for significant development

Key issues

- Relatively few sites located south of Parramatta Road, which are currently zoned to allow for higher density and taller development, are easy to develop. This is due to existing heritage items, strata titled sites and small Torrens titled lots. The site is one of few large-lot areas within this area which are easy to develop.
- Sites along Parramatta Road provide the easiest opportunity for development.

Unlikely to develop - Strata title or larger existing development
Medium/Difficult to develop - Heritage sites
Medium/Difficult to develop - Small lots
Easy to develop - large lots
Study site boundary
Context boundary

0 10 20 50 100 150m

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Indicative development form

Key issues

- The site is one of few amalgamated sites with the potential to deliver public open space for the area which is away from Parramatta Road, in addition to a tower.

Likely amalgamation patterns

Tower above perimeter block (indicative 800sqm block shown. Appropriate forms will vary on a site by site basis)

Indicative development form - Perimeter block or medium density detached

Indicative development form - Existing built form (approximate) where future development may be difficult (due to heritage, existing strata title, isolation, etc.)

Areas where public open space could be potentially be delivered as part of an amalgamated site with tower development.

Study site boundary

Context boundary

0 10 20 50 100 150m

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Indicative amalgamation patterns

Key issues

- The local context of the site includes the potential for amalgamation to allow for larger development forms however few sites can provide this without an amalgamation of lots.
- Under the existing LEP a significant portion of land south of Parramatta Road is zoned for 52m heights and a 6:1 FSR. However, there are only around three sites within this area which, when amalgamated, are capable of providing tower forms. This site is one of these.
- This sketch demonstrates that the required amalgamated lot size for a tower development in this area is approximately 2500sqm.

- Likely sites for tower development with perimeter block development
- Likely sites for perimeter block development with lesser potential for tower development above.
- Likely sites for medium density detached development
- Existing heritage sites - Development may be difficult
- Existing strata title sites
- Isolated site
- Areas zoned for taller development (52m/6:1 FSR under current LEP)
- Study site boundary
- Context boundary

0 10 20 50 100 150m

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3.0 Revised options (2016)

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3.1 Previous preferred option

The 2015 preferred building form is described in the plans and views adjacent and opposite. This was developed prior to the release of the Draft Parramatta Road Urban Transformation Strategy and subsequent Parramatta Road Urban Transformation Strategy, which updated the expected context for the site and its anticipated development form.

This building form achieves the following:

- A 6.0:1 FSR, matching expectations (as of 2015) for the future of the local context.
- Significant open space and good open space amenity for future residents.
- A marker building within the local context at an appropriate location (near the entrance to Granville from the west along Parramatta Road).
- A well activated new public laneway.
- Minimises the amenity impacts of Parramatta Road and the railway.
- Pushes the tower form away from Parramatta Road in line with Council's advice.
- The public open space continues the line of Cowper Street, encouraging the potential for future east/west links.

A public laneway and significant open space on-site constrains the site's development potential and provides justification for increased height.

A setback of 6m (half of the RFDC separation distance for buildings of 4-storeys) rather than 12m (half of the RFDC separation distance for buildings over 8 storeys) is shown to the western boundary. This allows the proposal to fit within a form similar to that recommended by Council's urban designers and is considered reasonable as the geometry of the adjacent site and its heritage asset mean that it is unlikely that buildings of significant height are likely to be located immediately adjacent on this heritage substation site.

Indicative plan within future context

Onsite development - residential podium
Onsite development - residential tower
Onsite development - commercial podium
Offsite development (potential future context, see Section 3)
Existing buildings likely to be retained
Current proposal - 161-189 Parramatta Road Granville

35st Storeys from ground floor

n.b. all dimensions approximate

Approximate floorspace calculations:

Building Element	Tower	Commercial podium	Upper podium (residential)
Gross External Area (envelope / footprint)	1011sqm	1065sqm	840sqm
Storeys (and use)	35 (34.5 residential / 0.5 commercial)	2 (commercial)	2 (residential)

At 75% average efficiency (GEA to GFA) and based on the site area of 4887.9sqm this provides:

Residential GFA: 27,418sqm (5.6:1 FSR)
Commercial GFA: 1,977sqm (0.4:1 FSR)
Total GFA: 29,395sqm (6.0:1 FSR)

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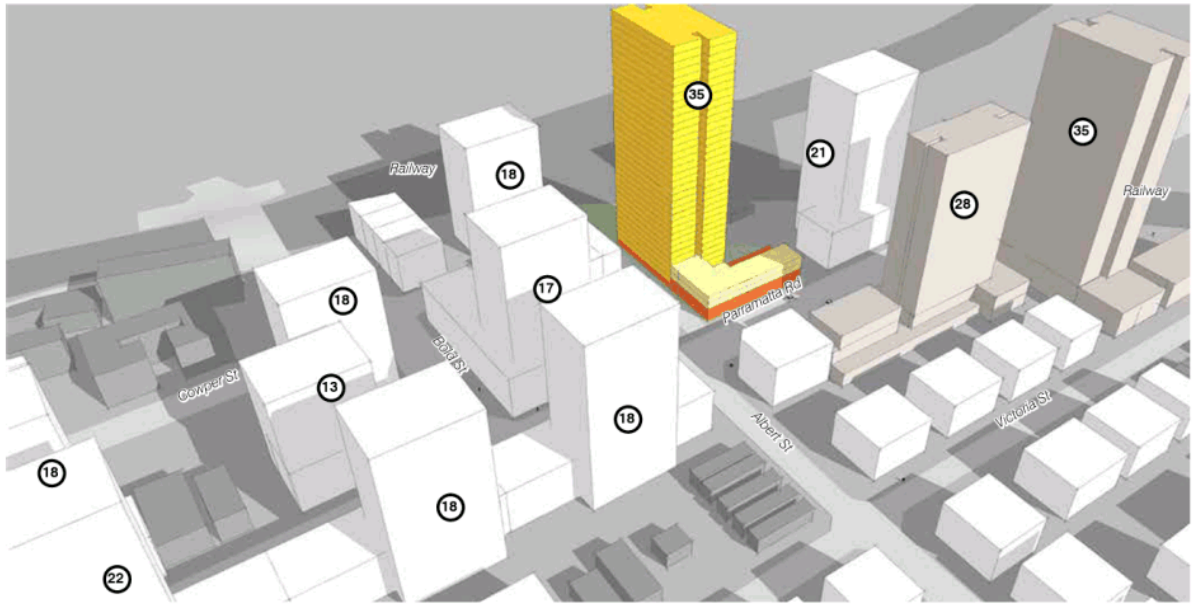
View from northeast



View west along Parramatta Road

Aerial view from east along Cowper St

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3.2 Updated scenarios (2016)

5.2.1. Introduction

Following further discussions with Council consideration of the Parramatta Road Urban Transformation Strategy, a range of further options for the site have been developed. These are further described over the following pages.

All options include:

- 6:1 FSR at 75% efficiency from footprint shown
- Council's requested setbacks from Parramatta Rd; (6m to ground floor commercial, with a further 8m to residential above - note these are greater than those required under the Parramatta Road Urban Transformation Strategy)
- 12m setbacks from residential towers to the eastern site boundary.
- The context for the sites is shown as per the Draft Parramatta Road Urban Transformation Strategy with an indicative amalgamation pattern (updated from the assumptions used in the previous 2015 report).

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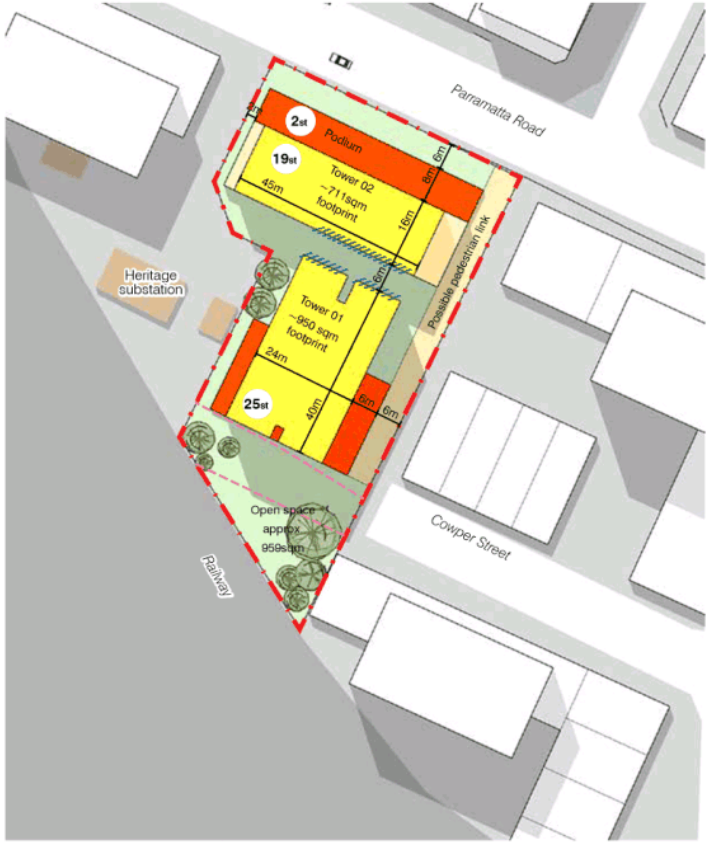
Scenario 01- No lane, 25 storeys

No. of towers	2
Towers are well separated	✗
No. of storeys (height)	25
Maximum tower footprint	959
Meets slenderness recommendations (see 1.11)	✓
Lane is provided	✗
Open space alignment with Cowper street	✗
FSR	6:1

Indicative plan

Site layout within future context



Key

- Site boundary - 161-189 Parramatta Road Granville
- High level or secondary windows
- On-site development - commercial podium
- On-site development - residential podium
- On-site development - residential tower
- Existing heritage buildings, likely to be retained
- Off-site development (potential future context, see Section 3)
- #st Storeys from ground floor

N.B. All dimensions approximate

0 4 10 20 50m

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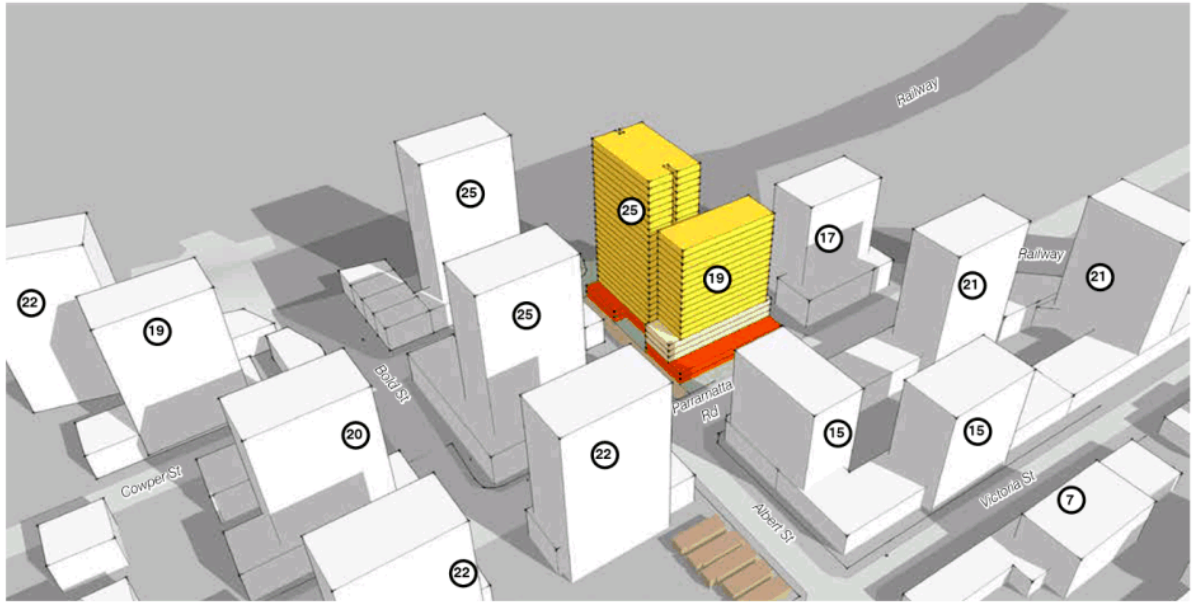
View from northeast



View west along Parramatta Road

Aerial view from east along Cowper St

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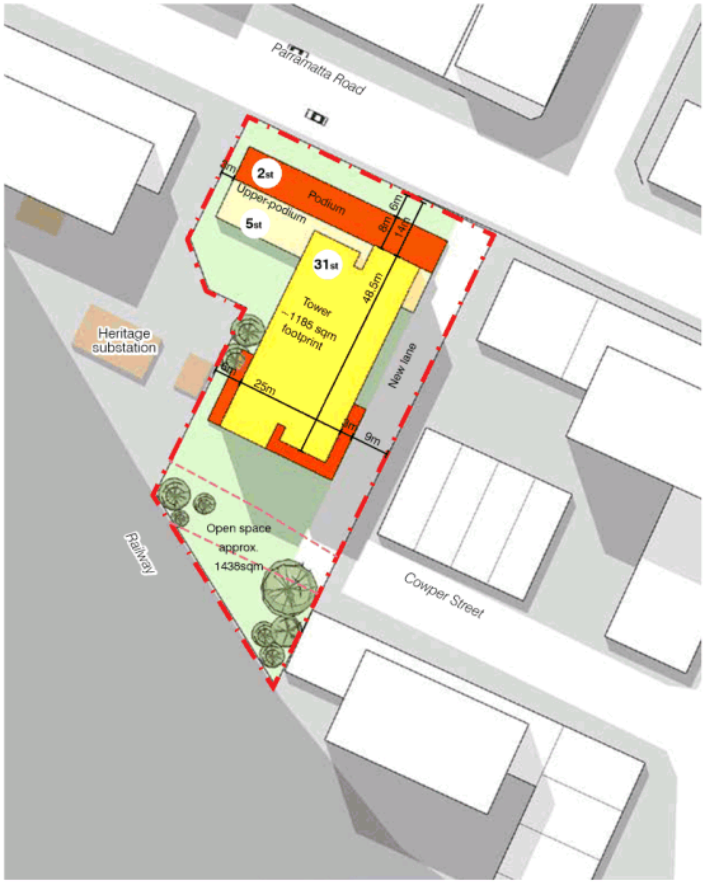
Scenario 02 - Single large floorplate, lane

No. of towers	1
Towers are well separated	✓
No. of storeys (height)	31
Maximum tower footprint	1438
Meets slenderness recommendations (see 1.11)	✗
Lane is provided	✓
Open space alignment with Cowper street	✓
FSR	6:1

Indicative plan

Indicative plan within future context



Key

- Site boundary - 161-189 Parramatta Road Granville
- High level or secondary windows
- On-site development - commercial podium
- On-site development - residential podium
- On-site development - residential tower
- Existing heritage buildings, likely to be retained
- Off-site development (potential future context, see Section 3)
- #st Storeys from ground floor

N.B. All dimensions approximate

0 4 10 20 50m

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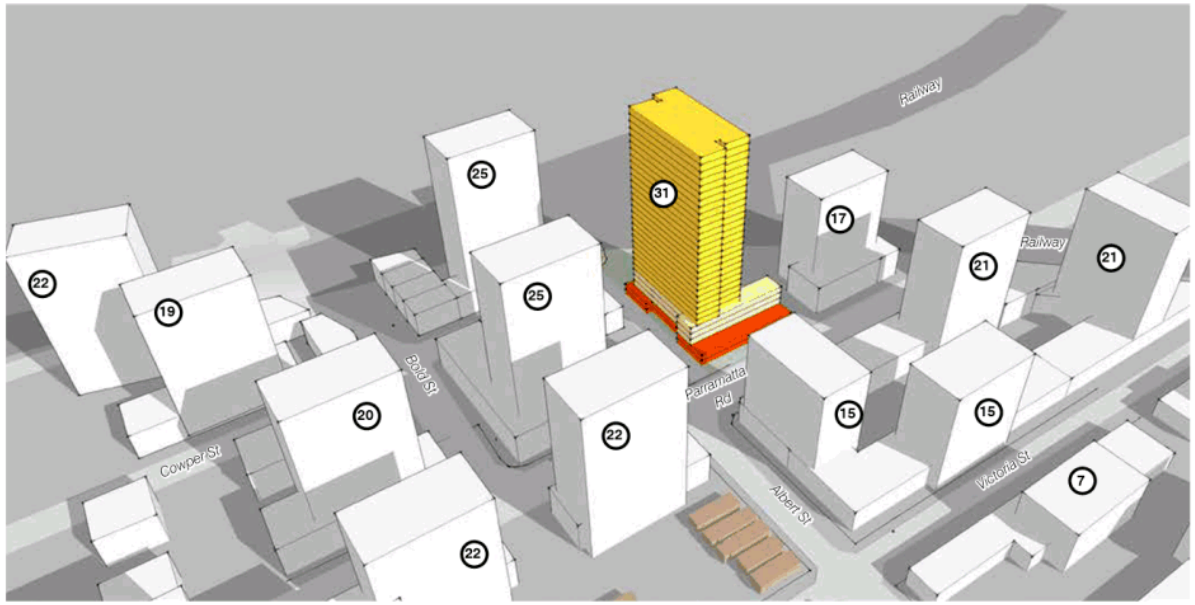
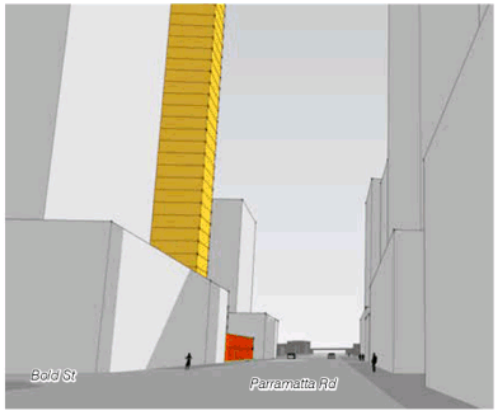
View from northeast



View west along Parramatta Road



Aerial view from east along Cowper St

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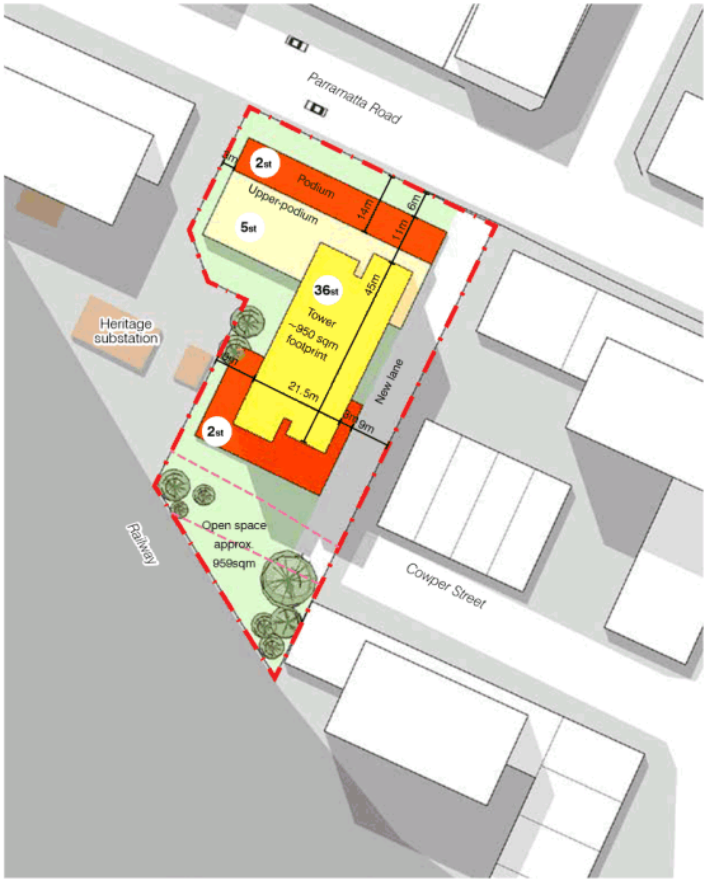
Scenario 03 - Taller thinner tower

No. of towers	1
Towers are well separated	✓
No. of storeys (height)	36
Maximum tower footprint	959
Meets slenderness recommendations (see 1.11)	✓
Lane is provided	✓
Open space alignment with Cowper street	✓
FSR	6:1

Indicative plan

Indicative plan within future context



Key

- Site boundary - 161-189 Parramatta Road Granville
- High level or secondary windows
- On-site development - commercial podium
- On-site development - residential podium
- On-site development - residential tower
- Existing heritage buildings, likely to be retained
- Off-site development (potential future context, see Section 3)
- #st Storeys from ground floor

N.B. All dimensions approximate

0 4 10 20 50m

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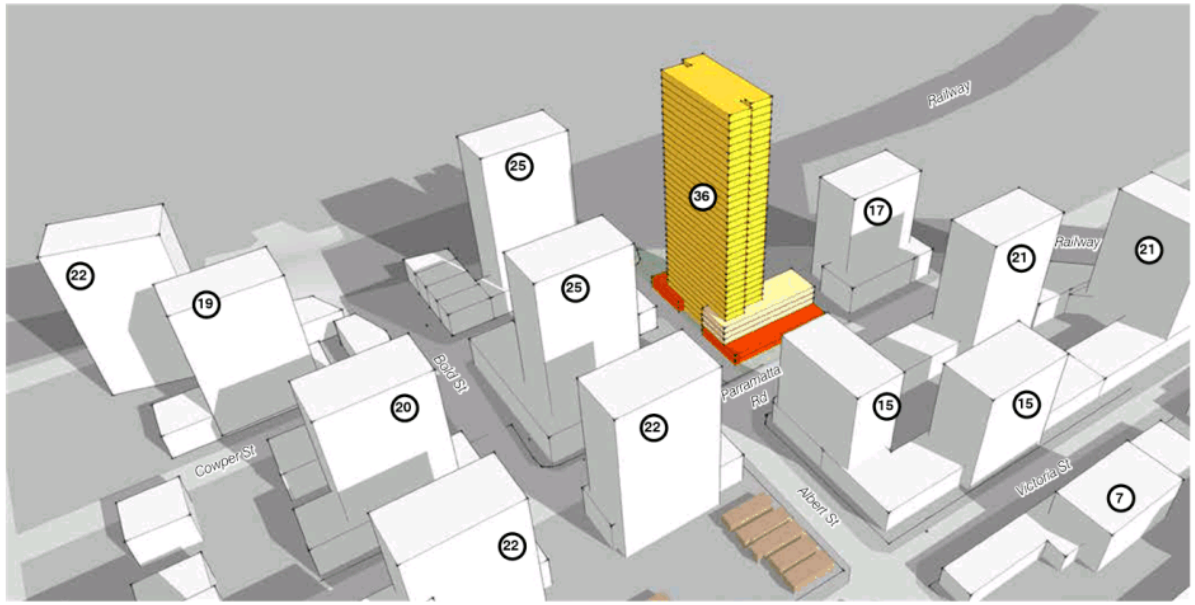
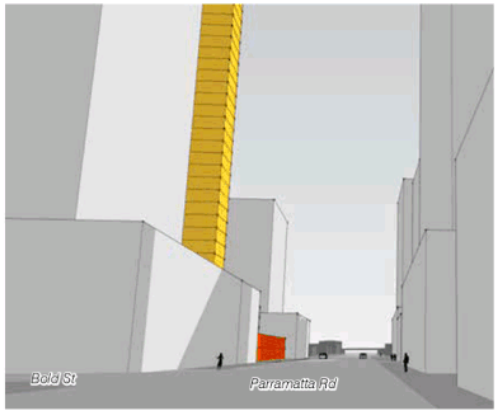
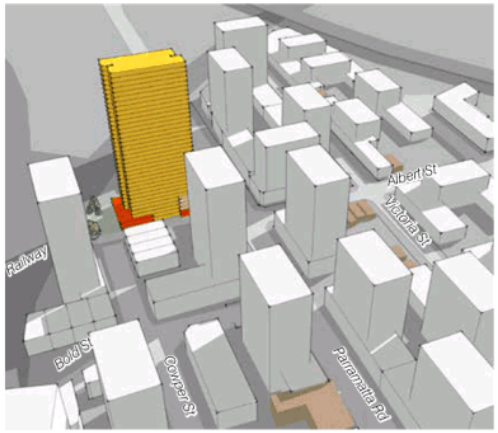
View from northeast



View west along Parramatta Road



Aerial view from east along Cowper St



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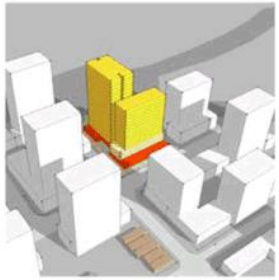
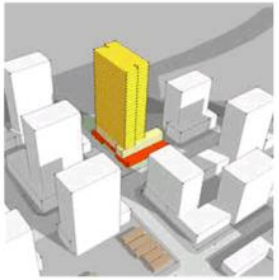
3.3 Summary of scenarios

Scenarios

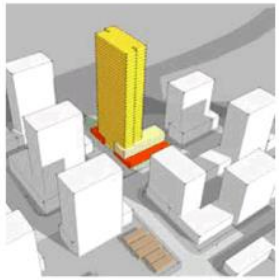
01: No lane, 25 storeys



02: Single large floor plate



03: Taller, thinner tower



	01: No lane, 25 storeys	02: Single large floor plate	03: Taller, thinner tower
No. of towers	2	1	1
Towers are well separated	✗	✓	✓
No. of storeys (height)	25	31	36
Maximum tower footprint	959	1438	959
Meets slenderness recommendations	✓	✗	✓
Lane is provided	✗	✓	✓
Open space alignment with Cowper street	✗	✓	✓
FSR	6:1	6:1	6:1

3.4 Recommendations

Architectus recommends a single slimmer tower approach as shown in Scenario-03 as this is able to achieve the following:

- Good tower separation
- Provision of a lane to east
- Open space which aligns with Cowper Street to the south
- Meets Architectus tower slenderness recommendations (developed for Parramatta City Centre)

The preferred scenario is in accordance with the Parramatta Road Urban Transformation Strategy on the following issues:

– Land use

– Density

– Relationship to Parramatta Road

The preferred scenario differs from strict application of the strategy with its height (36 storeys or approximately 125m) being significantly above the heights envisioned (25 storeys or 80 metres). This is considered by Architectus appropriate for the following reasons:

– There are a range of site-specific reasons which result in the need for generally greater heights on this site to reach the same FSR as compared to other sites including:

  – The provision of a new road link

  – The provision of a new publicly accessible open space to the south (which provides an important local space, as well as through pedestrian connection)

  – Site-specific geometry

– The preferred scenario is also providing a greater setback to residential from Parramatta Road than required under the Strategy.

– Parramatta Council's written response to the Draft Parramatta Road Urban Transformation Strategy stated a need for heights in excess of 25 storeys in order to achieve a good built form outcome at 6:1 densities.

– Although 6:1 density could be provided at lower heights (as shown in Scenarios 1 and 2), these are considered worse urban design outcomes for the reasons described above.

Architectus understands that a more detailed proposal including indicative floor plans and schedule based on this preferred scenario will be developed by Design & Building Group (DABG) towards a Planning Proposal for this site.

168 - 176 PARRAMATTA ROAD, & 89-90 COWPER STREET . GRANVILLE

Planning Proposal

PROJECT TEAM

client
JFC Developments Pty Ltd
177 Parramatta Rd
AUBURN NSW 2144

architect
Design & Building Group
Level 1, Suite F, The Octagon
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surveyor
RGM Property Surveys
Suite 4.09, 33 Lexington Dr BELLA VISTA NSW 2153
Ph: +61 414 691 671
E: rmansour@rgmps.com.au

DRAWING SCHEDULE

SK-00 Coversheet
SK-01 Basement Level B4
SK-02 Basement Levels B2 & B3
SK-03 Basement Level B1
SK-04 Ground Floor Plan
SK-05 Floor Plan - Level 2
SK-06 Floor Plan - Level 3
SK-07 Floor Plan - Level 4
SK-08 Floor Plan - Level 5
SK-09 Floor Plan - Level 6
SK-10 Floor Plan - Typical Tower Level
SK-11 Longitudinal Section
SK-12 Cross Section

PROPOSED . MIXED . USED . DEVELOPMENT

DBG
DESIGN&BUILDINGGROUP

LEVEL 1 SUITE F
THE OCTAGON
110 GEORGE STREET
PARRAMATTA NSW 2150

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F: +61 2 9899 2634

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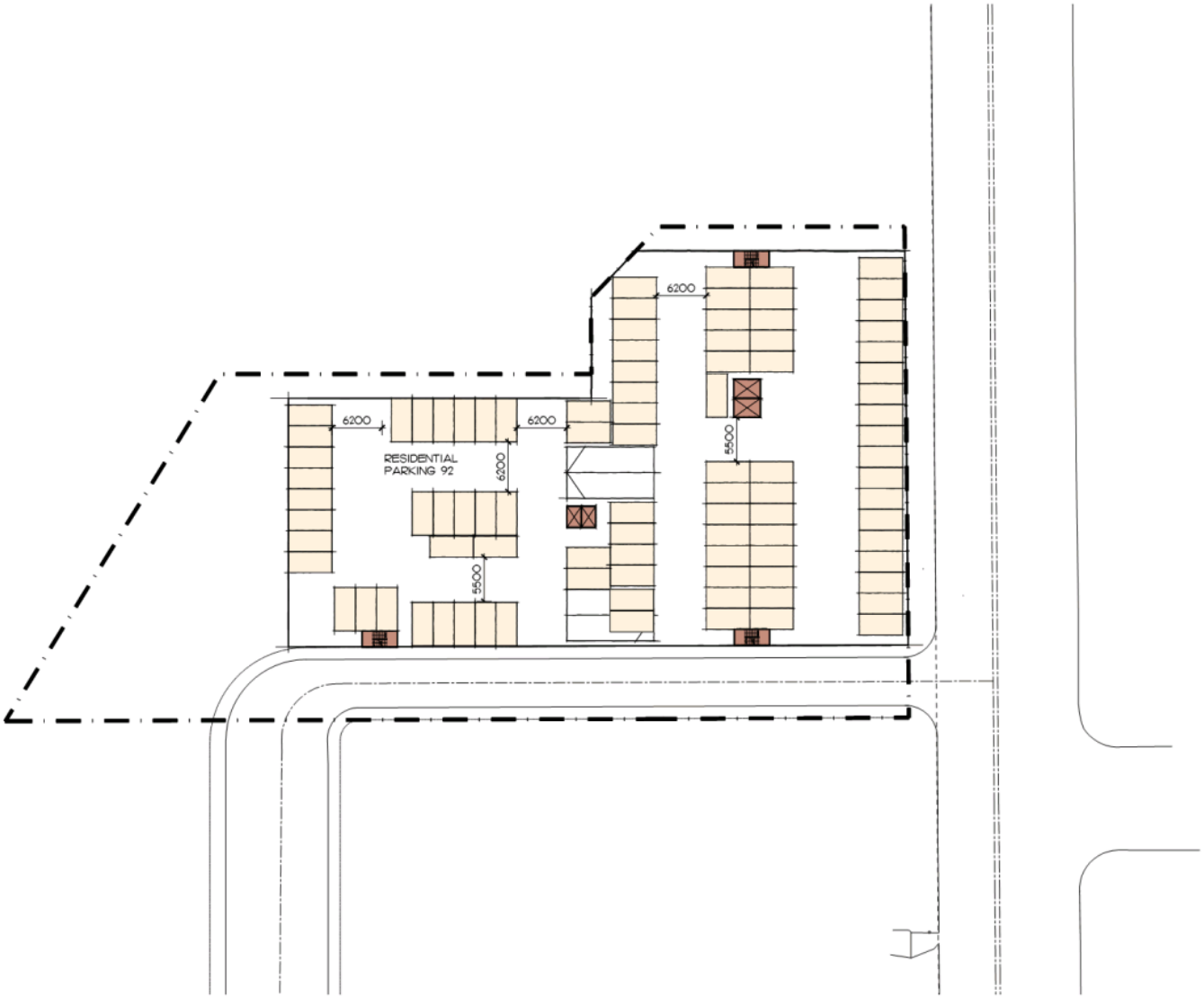

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BASEMENT LEVEL B4

NEW MIXED USE DEVELOPMENT

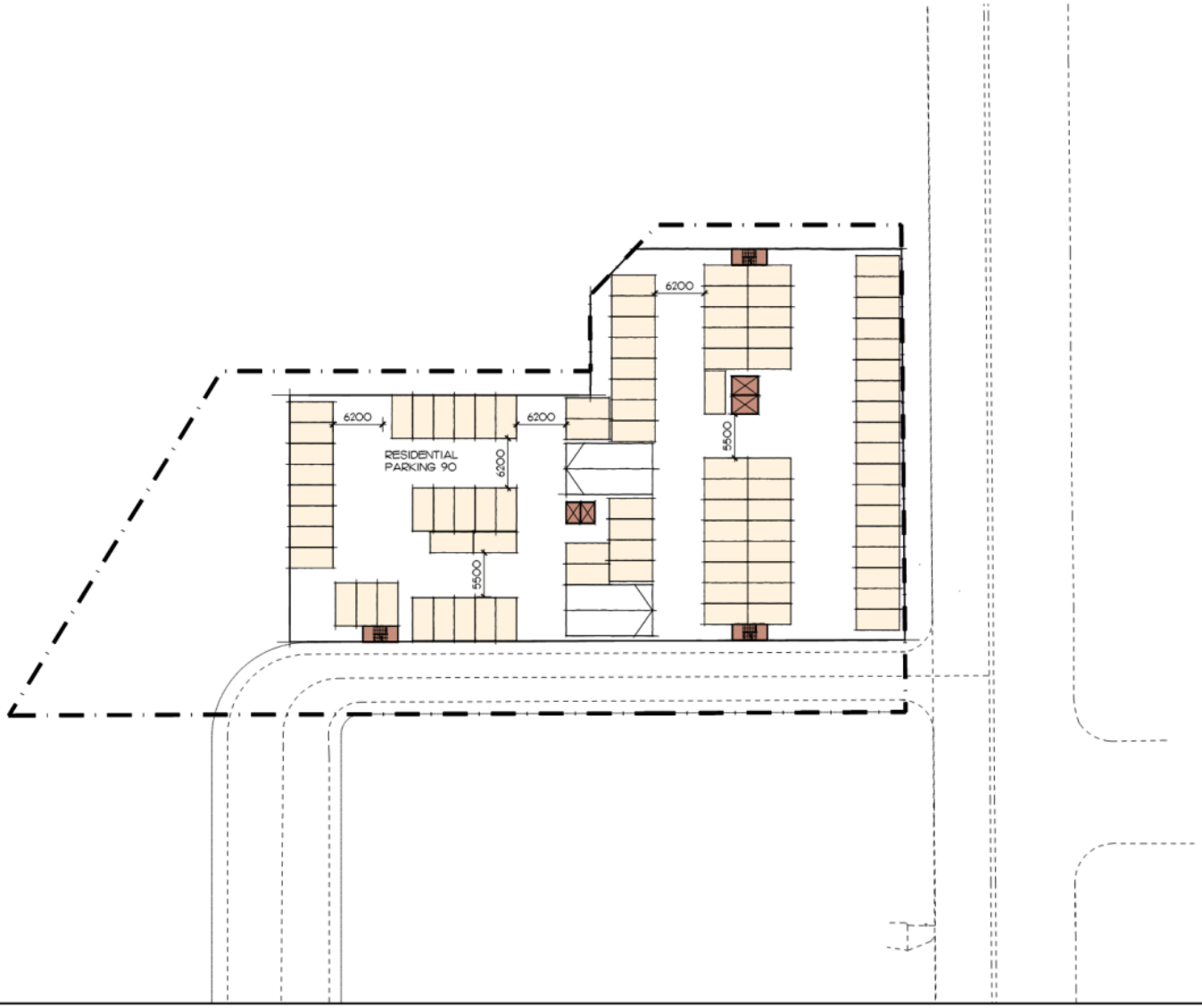
168-176 PARRAMATTA RD, & 89-90 COWPER ST
GRANVILLE NSW 2142

LOT 1, 2 & 3 IN DP 229399, LOT 91 IN DP 128558 & LOT 1 IN DP 529674

PRELIMINARY DESIGN STAGE

SK-01

4 OCTOBER 2016 - REV. H
SCALE 1:500 @ A3 UNO.



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BASEMENT LEVELS B2 & B3

NEW MIXED USE DEVELOPMENT

168-176 PARRAMATTA RD, & 89-90 COWPER ST
GRANVILLE NSW 2142

LOT 1, 2 & 3 IN DP 229399, LOT 91 IN DP 128558 & LOT 1 IN DP 529674

PRELIMINARY DESIGN STAGE

SK-02

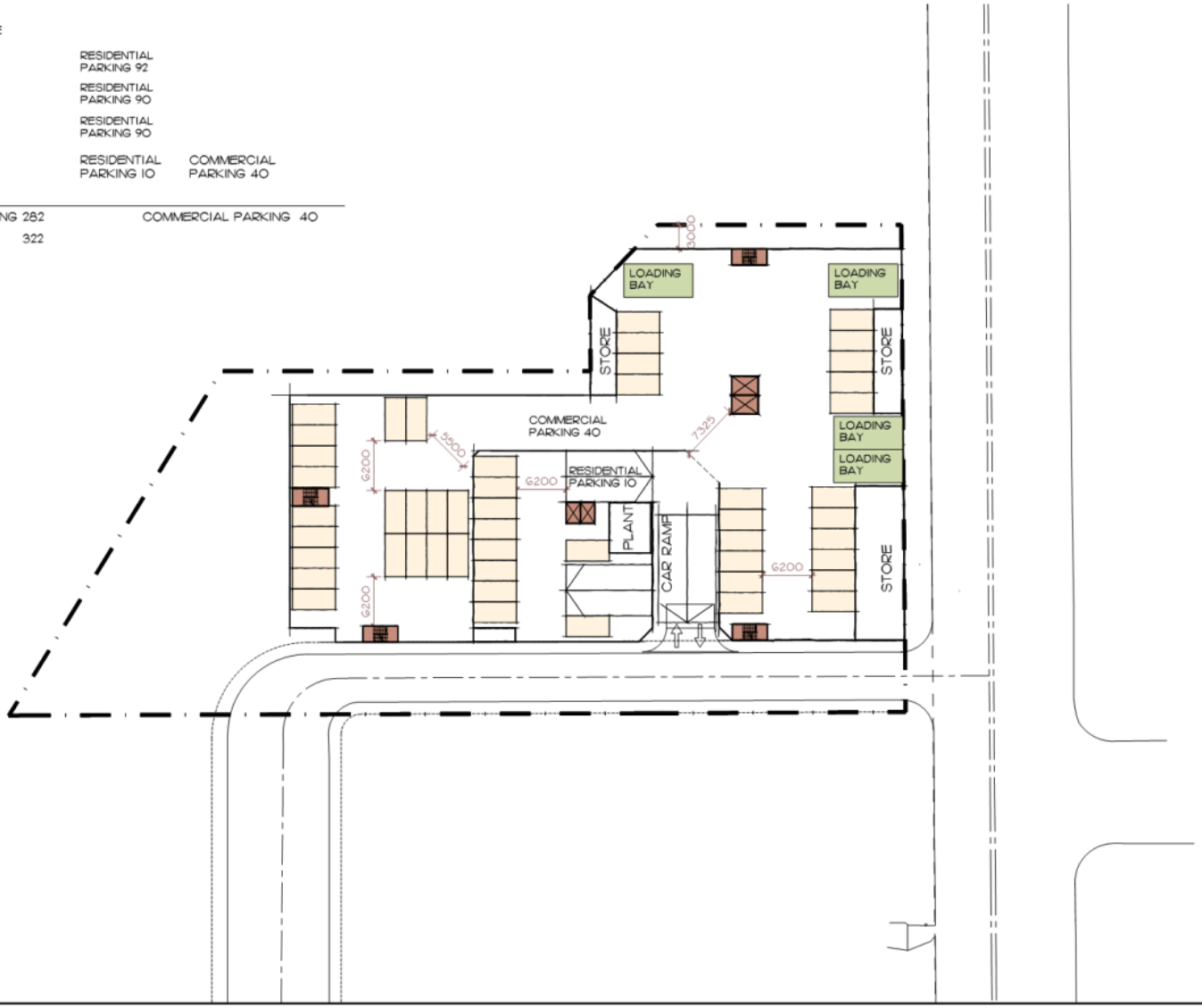
4 OCTOBER 2016 - REV. H
SCALE 1:500 @ A3 UNO.

PARKING SCHEDULE

LEVEL B4	RESIDENTIAL PARKING 92	
LEVEL B3	RESIDENTIAL PARKING 90	
LEVEL B2	RESIDENTIAL PARKING 90	
LEVEL B1	RESIDENTIAL PARKING 10	COMMERCIAL PARKING 40

RESIDENTIAL PARKING 282 COMMERCIAL PARKING 40

TOTAL PARKING 322



LEVEL 1 SUITE F
THE OCTAGON
110 GEORGE STREET
PARRAMATTA NSW 2150

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F: +61 2 9899 2634

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BASEMENT LEVEL B1

NEW MIXED USE DEVELOPMENT

168-176 PARRAMATTA RD, & 89-90 COWPER ST
GRANVILLE NSW 2142

LOT 1, 2 & 3 IN DP 229399, LOT 91 IN DP 128558 & LOT 1 IN DP 529674

PRELIMINARY DESIGN STAGE

SK-03

4 OCTOBER 2016 - REV. H
SCALE 1:500 @ A3 UNO.

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PARRAMATTA NSW 2150

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GROUND FLOOR PLAN

NEW MIXED USE DEVELOPMENT

168-176 PARRAMATTA RD, & 89-90 COWPER ST
GRANVILLE NSW 2142

LOT 1, 2 & 3 IN DP 229399, LOT 91 IN DP 128558 & LOT 1 IN DP 529674

PRELIMINARY DESIGN STAGE

SK-04

4 OCTOBER 2016 - REV. H
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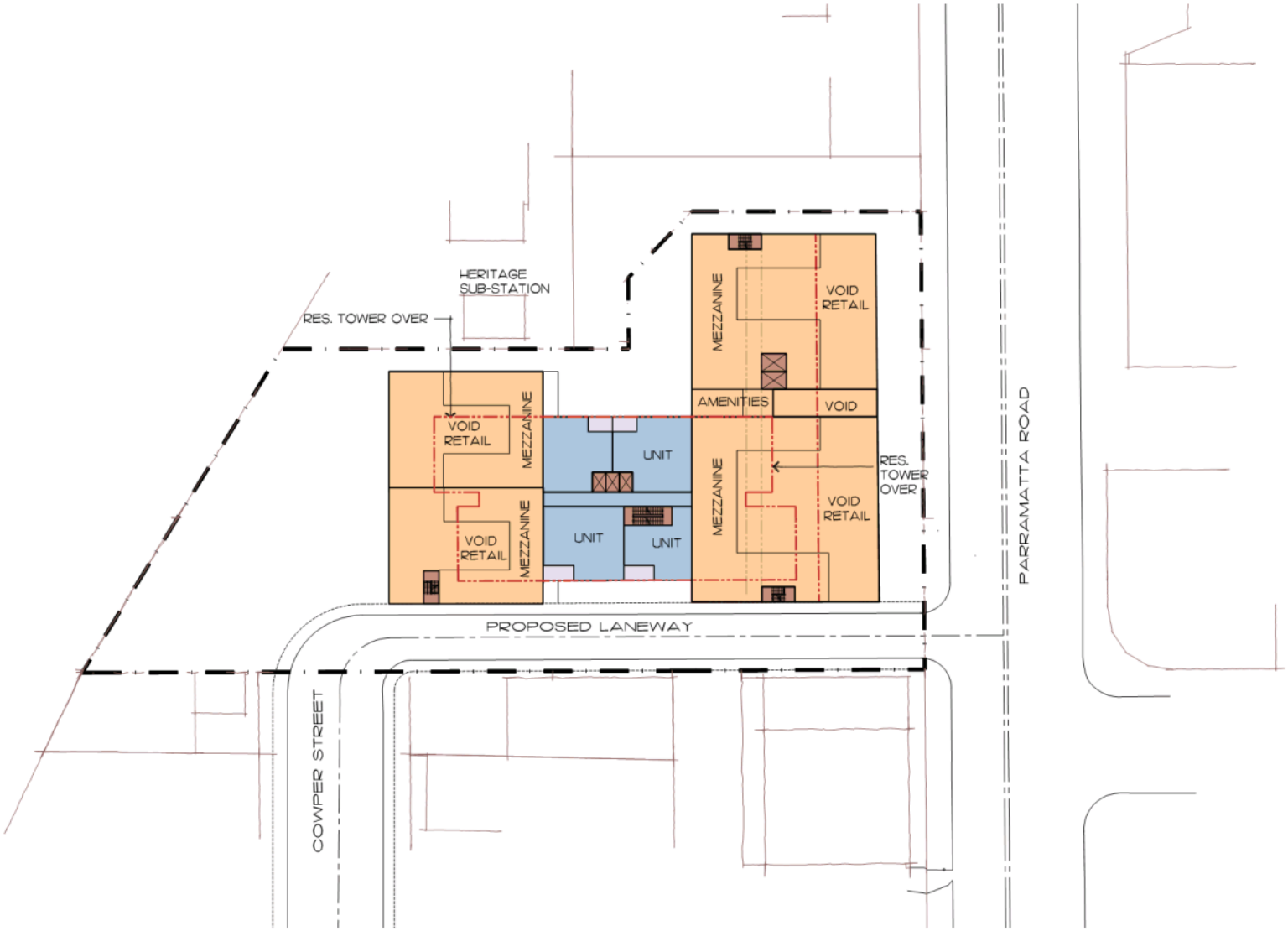

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FLOOR PLAN - LEVEL 2

NEW MIXED USE DEVELOPMENT

168-176 PARRAMATTA RD, & 89-90 COWPER ST
GRANVILLE NSW 2142

LOT 1, 2 & 3 IN DP 229399, LOT 91 IN DP 128558 & LOT 1 IN DP 529674

PRELIMINARY DESIGN STAGE

SK-05

4 OCTOBER 2016 - REV. H
SCALE 1:500 @ A3 UNO.

LEVEL 1 SUITE F
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FLOOR PLAN - LEVEL 3

NEW MIXED USE DEVELOPMENT

168-176 PARRAMATTA RD, & 89-90 COWPER ST
GRANVILLE NSW 2142

LOT 1, 2 & 3 IN DP 229399, LOT 91 IN DP 128558 & LOT 1 IN DP 529674

PRELIMINARY DESIGN STAGE

SK-06

4 OCTOBER 2016 - REV. H
SCALE 1:500 @ A3 UNO.

LEVEL 1 SUITE F
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FLOOR PLAN - LEVEL 4

NEW MIXED USE DEVELOPMENT

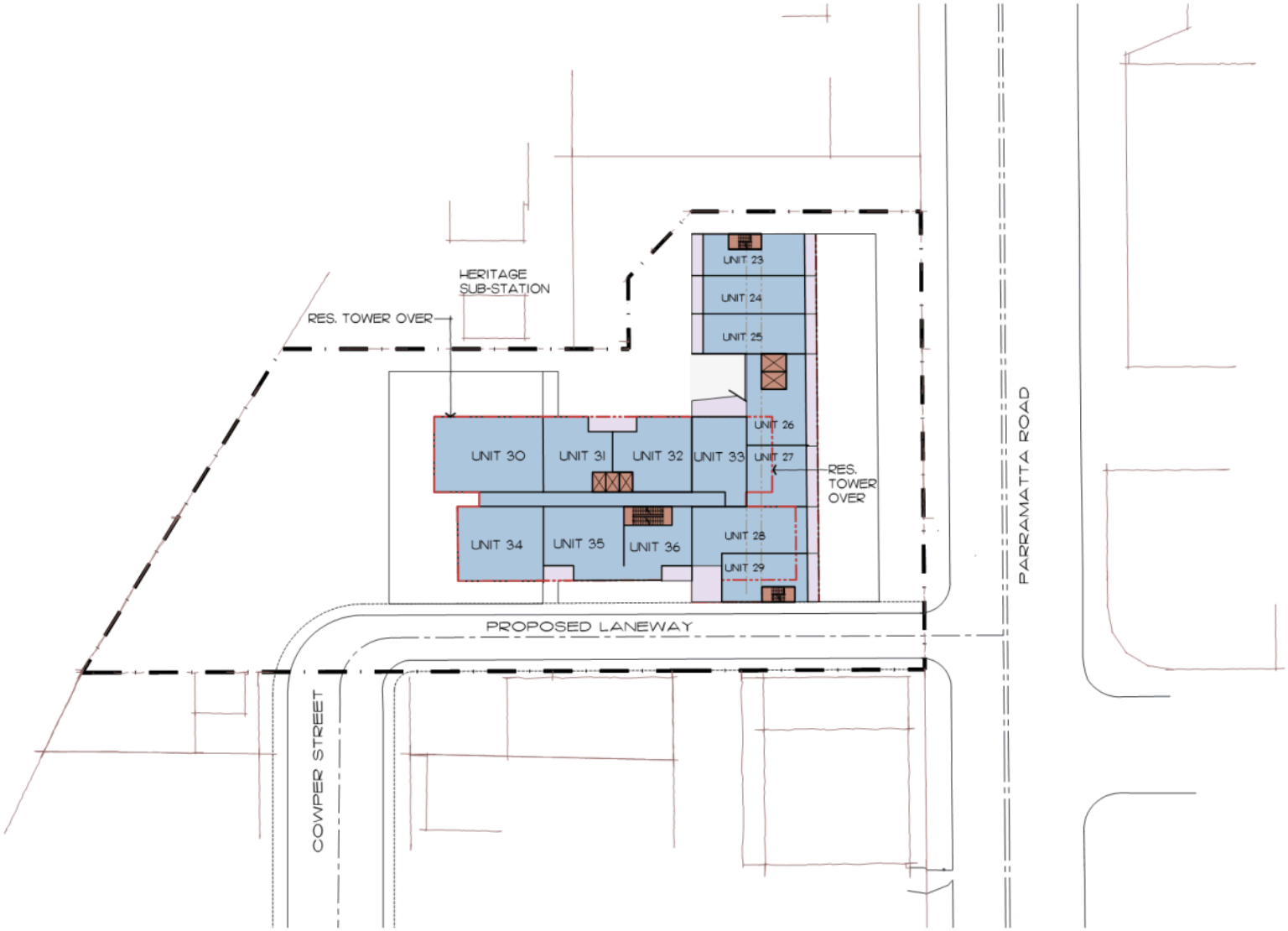
168-176 PARRAMATTA RD, & 89-90 COWPER ST
GRANVILLE NSW 2142

LOT 1, 2 & 3 IN DP 229399, LOT 91 IN DP 128558 & LOT 1 IN DP 529674

PRELIMINARY DESIGN STAGE

SK-07

4 OCTOBER 2016 - REV. H
SCALE 1:500 • A3 UNO.



DBG
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110 GEORGE STREET
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FLOOR PLAN - LEVEL 5

NEW MIXED USE DEVELOPMENT

168-176 PARRAMATTA RD, & 89-90 COWPER ST
GRANVILLE NSW 2142

LOT 1, 2 & 3 IN DP 229399, LOT 91 IN DP 128558 & LOT 1 IN DP 529674

PRELIMINARY DESIGN STAGE

SK-08

4 OCTOBER 2016 - REV. H
SCALE 1:500 @ A3 UNO.

DBG
LEVEL 1 SUITE F
THE OCTAGON
110 GEORGE STREET
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FLOOR PLAN - LEVEL 6

NEW MIXED USE DEVELOPMENT

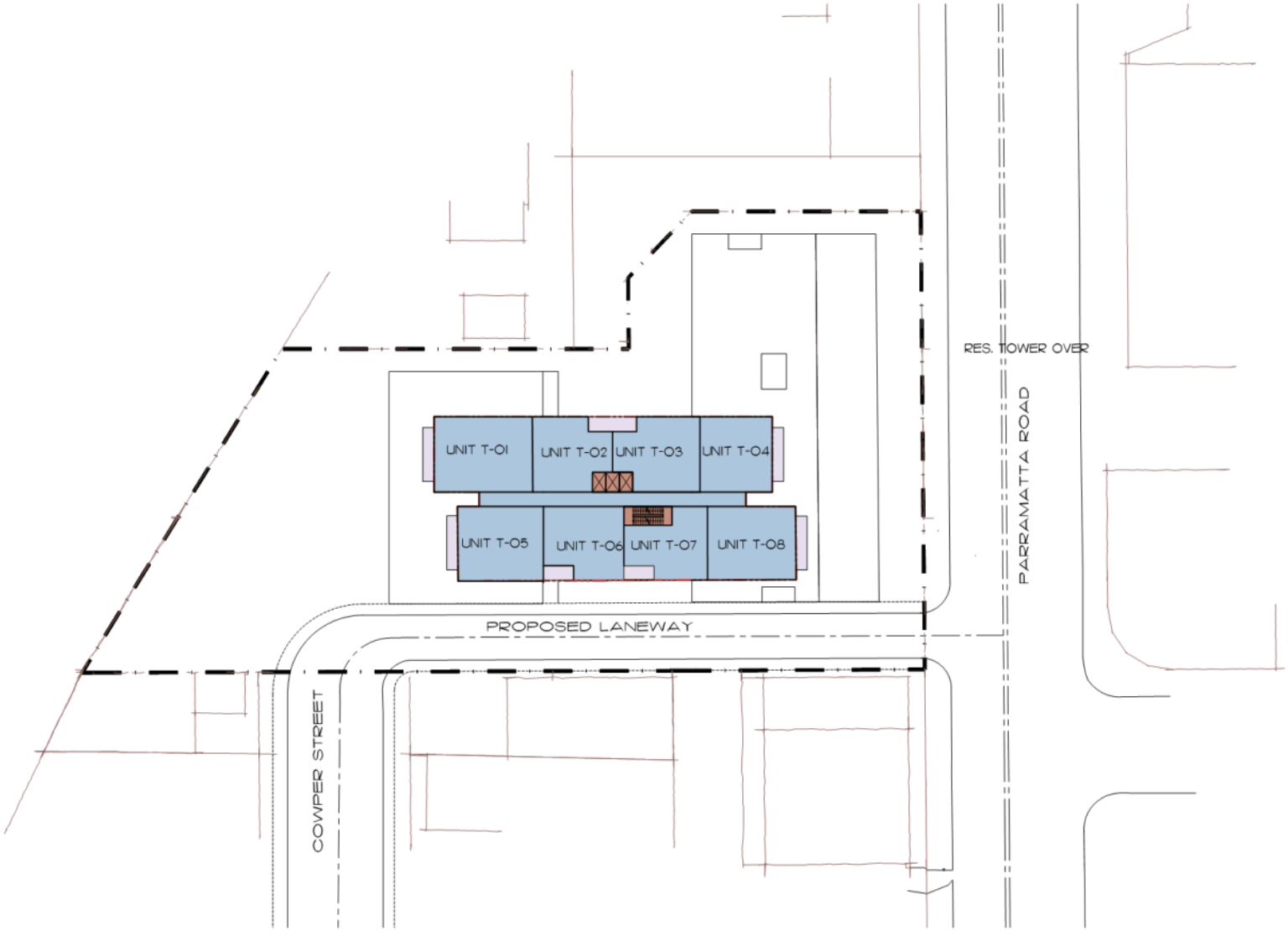
168-176 PARRAMATTA RD, & 89-90 COWPER ST
GRANVILLE NSW 2142

LOT 1, 2 & 3 IN DP 229399, LOT 91 IN DP 128558 & LOT 1 IN DP 529674

PRELIMINARY DESIGN STAGE

SK-09

4 OCTOBER 2016 - REV. H
SCALE 1:500 @ A3 UNO.



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FLOOR PLAN - TYPICAL TOWER LEVEL

NEW MIXED USE DEVELOPMENT

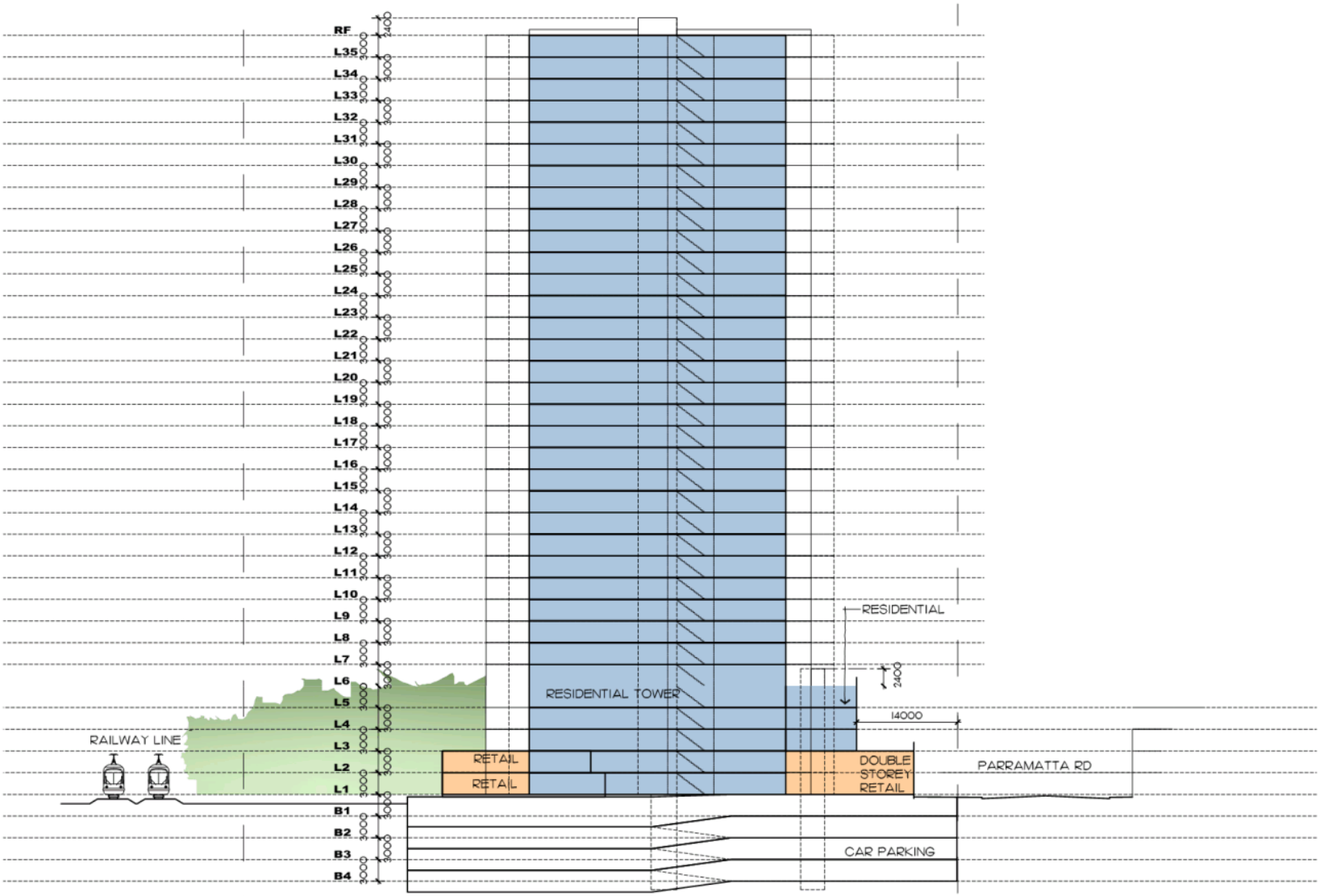
168-176 PARRAMATTA RD, & 89-90 COWPER ST
GRANVILLE NSW 2142

LOT 1, 2 & 3 IN DP 229399, LOT 91 IN DP 128558 & LOT 1 IN DP 529674

PRELIMINARY DESIGN STAGE

SK-10

4 OCTOBER 2016 - REV. H
SCALE 1:500 @ A3 UNO.



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LONGITUDINAL SECTION

NEW MIXED USE DEVELOPMENT

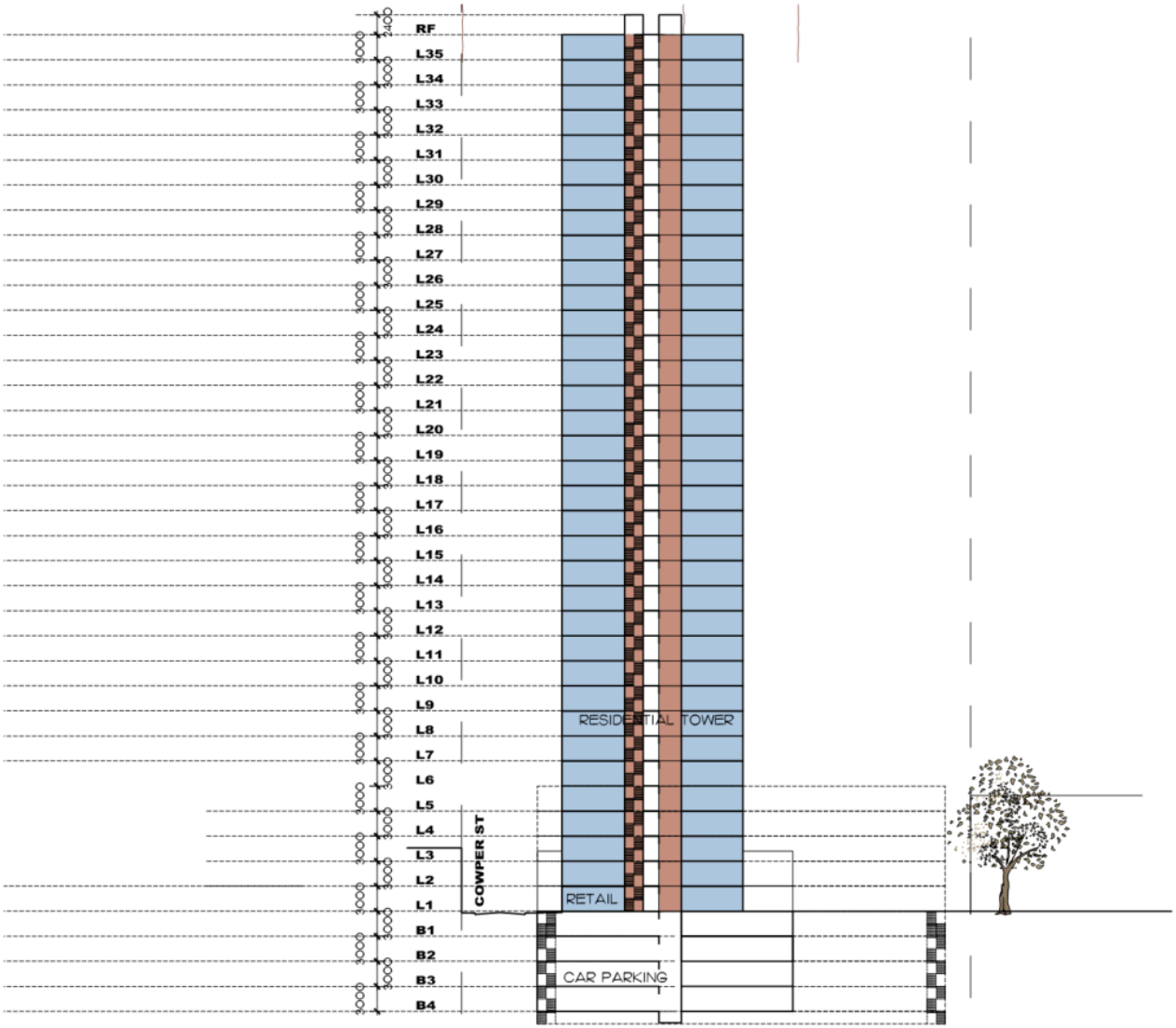
168-176 PARRAMATTA RD, & 89-90 COWPER ST
GRANVILLE NSW 2142

LOT 1, 2 & 3 IN DP 229399, LOT 91 IN DP 128558 & LOT 1 IN DP 529674

PRELIMINARY DESIGN STAGE

SK-11

4 OCTOBER 2016 - REV. H
SCALE 1:500 • A3 UNO.



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F: +61 2 9899 2634
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CROSS SECTION

NEW MIXED USE DEVELOPMENT

168-176 PARRAMATTA RD, & 89-90 COWPER ST
GRANVILLE NSW 2142

LOT 1, 2 & 3 IN DP 229399, LOT 91 IN DP 128558 & LOT 1 IN DP 529674

PRELIMINARY DESIGN STAGE

SK-12

4 OCTOBER 2016 - REV. H
SCALE 1:500 + A3 UNO.

REPORTS TO COUNCIL - FOR COUNCIL DECISION

ITEM NUMBER	13.7
SUBJECT	Naming Proposal for Three Unnamed Bushland Reserves along Plympton Road in Carlingford and Beecroft
REFERENCE	F2022/00105 - D08615676
REPORT OF	Senior Project Officer Place Services

CSP THEME: **THRIVING**

WORKSHOP/BRIEFING DATE: Ward Briefing 26 May 2022

PURPOSE:

The purpose of this report is to name three (3) unnamed bushland reserves located in Carlingford in close proximity to each other. The report seeks Council endorsement for a preferred set of Dharug names for two unnamed bushland reserves (known informally as Plympton Road Central Bushland Reserve and Plympton Road East Bushland Reserve) and for commencing further research and community consultation for a third unnamed bushland reserve (known informally as Plympton Road West Bushland Reserve).

RECOMMENDATION

(a) **That** Council endorse the name of 'Yiribana Reserve' for the Central Parcel of Bushland Reserve (Lot 134, DP 203054, known informally as Plympton Road Central Bushland Reserve) which runs between Calool and Orchard Roads Beecroft, as illustrated in the Site Map (see **Attachment 1**).

(b) **That,** in the event that the NSW Geographic Names Board rejects the name of 'Yiribana Reserve' for the Central Parcel of Bushland Reserve, Council endorse the other four identified Dharug names for that reserve in the following order: 'Yanung Reserve', 'Burawa Reserve', 'Ngarra Reserve', and 'Ngurang Reserve'.

(c) **That** Council endorse the remaining Dharug names for the Eastern parcel of Bushland Reserve (Lot 133 DP 203054, Lot 10 DP 232552, Lot 78 DP 205869, known informally as Plympton Road East Bushland Reserve) which runs between Midson and Calool Roads, Carlingford/Beecroft, as illustrated in the Site Map (see **Attachment 1**) in the following order: 'Yanung Reserve', 'Burawa Reserve', 'Ngarra Reserve', and 'Ngurang Reserve.

(d) **That** Council commence further research and community consultation for the West Parcel of Bushland Reserve (Lot 2 DP 215840, Lot 6 DP 207548, Lot 43, DP 31392, Lot 5 DP 234158, known informally as Plympton Road West Bushland Reserve) which runs between Orchard Road and Carlingford High School, Beecroft, as illustrated in the Site Map (see **Attachment 1**).

(e) **Further, that** the preferred names for the Central and Eastern parcels of Bushland Reserves be referred to the Geographical Names Board (GNB) of NSW for formal assignment and Gazettal under the Geographical Names Act 1996.

BACKGROUND

1. A reserve naming request was received from the 1st Roselea Scouts for the site of their Scout Hall located on the Central parcel of unnamed bushland reserve on Plympton Road, Beecroft. The Scout Group has a 55-year history in the area with the hall being located on the 'central' reserve amongst the three unnamed reserves.

2. The process for proposing place names is not the same process as for road naming as there is **no pre-approval of names by GNB** prior to community consultation. At the time Council's consultation commenced for the bushland reserve naming, the GNB advised that there were no direct duplications with any of the Dharug names provided.

3. The Dharug names were provided by Leanne Watson from Darug Custodian Aboriginal Corporation to the 1st Roselea Scout Leader and were confirmed by Council that they are still relevant for the three sites.

4. The recommendations of this report seek to address any potential GNB name rejections by providing a community-validated priortised list of Dharug names. Given the geographical proximity of each of the unnamed bushland reserves, the proposed names are suitable for use, regardless of whether the names are applied to the Central parcel, East parcel or West parcel of unnamed bushland reserve.

5. The three (3) unnamed bushland reserves run along the northern side of Plympton Road in Carlingford & Beecroft and contain:

   i. Plympton Road East (between Midson and Calool Roads)
      - Approx. 2.5 hectares
      - <u>Blue Gum High Forest</u> and <u>Sydney Turpentine Ironbark Forest</u> Critically Endangered Ecological Communities

   ii. *Plympton Road Central (between Calool and Orchard Roads)
      - Approx. 2 hectares
      - <u>Blue Gum High Forest</u> Critically Endangered Ecological Community
      - Scout Hall

   iii. Plympton Road West (between Orchard Road and Carlingford High School)
      - Approx. 1.85 hectares
      - <u>Blue Gum High Forest</u> Critically Endangered Ecological Community
      - Playground

6. These three (3) reserves were inherited from Hornsby Shire Council (HSC). HSC created the 'Pioneers Track' in partnership with local volunteers during which significant heritage research was undertaken to inform interpretive signage. This track traverses the three reserves and links them to Ray Park and Hazlewood Rose Park on the southern side of Plympton Road.

7. The Scout Hall is also used by various community organisations. The naming of the bushland reserves would assist with wayfinding, emergency response, and general bookings of the hall.

8. The scope of this naming project was expanded to include all three (3) unnamed bushland reserves in the context of engagement requirements and limited resources, and to leverage the opportunity to create an individual identity for each reserve to reflect the ongoing involvement of different volunteer Bushcare groups.

9. Five (5) names identified by the Darug Custodian Aboriginal Corporation were placed on public exhibition for community feedback. All impacted properties and businesses near the bushland reserves were notified during consultation.

10. Yiribana is the preferred name for the Central parcel of bushland reserve and is the preferred name put forward by the members of 1st Roselea Scout Group and West Epping Girl Guides, who submitted 27 formal submissions. This Dharug word means ‘journey’ or ‘this way’. The Scouting and Girl Guide submissions all broadly noted that this name acknowledges that we are all on a journey individually and together.

Plympton Road West Reserve

11. There was no clear community preference for the naming of the West parcel of Bushland Reserve.

12. During consultation, family and friends of the Finch Family provided alternative name suggestions for the Plympton Road West Reserve. These suggestions referenced the pioneering history of the area. Parts of this area carry the names of a few of these pioneers, being reflected in both road and park names. The Finch family were pioneers in the area and worked to produce crops for the Sydney market in the early 1920’s and have lived in Carlingford since that time.

13. Desmond Cyril Finch and his brother Bruce Alfred Finch first rented the 10-acre property named "Norwood" at 557 North Rocks Road, Carlingford in 1937 and then purchased the property in the 1940’s. The original home on the property which is named “Norwood” built in 1890 remains on North Rocks Road today. This property adjoined the Overseas Telegraph Station which is now Roselea Public School and ran down to the creek and up into part of the Plympton West parkland. This area of Plympton West parkland was dedicated to Hornsby Council for public reserve as part of the subdivision that progressed in 1964/1965.

14. A precedent has been set by Hornsby Council and the City of Parramatta Council by naming two reserves in the local area being "Ray Park" and "Hazlewood Rose Park" both on Plympton Road, Carlingford. These parks are in recognition of the Ray and Hazlewood families who contributed significantly to the local area. The alternative name suggestions put forward for the western reserve are "Finch Brothers Reserve", "Finch Reserve" or “Norwood Reserve".

15. The Ray Park Heritage group refers to a number of families that have association with the western reserve (Refer 14 above) but lacks reference to the Finch family. Whilst the Finch family dedicated a significant portion of the

reserve, it comprises 4 lots and these would all have likely been dedicated by different landowners.

16. It is suggested further research be undertaken regarding the Finch family and their contribution in the Carlingford and Beecroft area prior to undertaking further community consultation for naming of the Western Bushland Reserve.

17. The NSW Geographical Names Board of NSW (GNB) Guidelines require that place names reflect the relationship between people and place and create a link that forms the basis for communication, location and addressing. Clear and unambiguous place names are essential for emergency services, postal and service delivery as well as professional and personal navigation.

18. Preferred sources for names include themes relating to the physical, historical, or cultural character of the area, as outlined in the GNB NSW 'Place Naming' Policy (GNB Guidelines). The GNB Guidelines naming framework principles include:

    - Consideration of names associated with the physical, historical, or cultural character of the area
    - Consideration of Aboriginal names, gender diverse, and Commemorative names
    - Avoiding duplication of names (within the LGA or an adjoining LGA).

19. Council's role is to seek community feedback prior to endorsement and referral to the GNB for approval under the Geographical Names Act 1966. This Act requires the GNB to conduct its own public consultation process where the GNB Secretariat opens the proposed names to members of the public for comment, with an advertising period of one month.

ISSUES/OPTIONS/CONSEQUENCES

20. Council's Research & Engagement team developed and arranged public consultation on the proposed names via Council's engagement portal, Participate Parramatta. Public consultation ran for approximately four weeks (24 days) from Tuesday 14 June to Friday 8 July 2022. A letter was sent via Australia Post to 1,943 impacted residents and businesses, and targeted social media was also utilised to alert residents and nearby businesses of the opportunity to provide feedback.

21. The exhibited names are listed with their description in the table below.

Proposed Name	Context
Yanung	**Watch.** This is the Dharug word to watch. Observation and watching what is around us is one of the first things taught to Dharug children and is an important way we learn from and appreciate Dharug country.

Ngarra	**Listen/hear.** Listening plays a big role in Dharug culture, children are taught that they need to listen to learn. Listening is also an important way we learn from and appreciate Dharug country.
Burawa	**Above/Upwards.** This is the Dharug word to look up or move upwards. It encourages us to look up and also move upwards as we learn.
Ngurang	**Place.** Places are significant in Dharug culture. It goes beyond the physical place. The connection to place are connections to family.
Yiribana	**This way.** This Dharug word means journey or this way. It acknowledges that we are all on a journey individually and together.

22. Overall, the opportunity to provide feedback for this project was presented to an estimated 131,959 persons culminating in 122 formal contributions. Of those that made formal contributions, the community sentiment was positive, with Yiribana the preferred of the five exhibited names for the Central parcel of bushland reserve, with 65.7% of survey respondents expressing support for this name for the reserve.

CONSULTATION & TIMING

Stakeholder Consultation

23. The following stakeholder consultation was undertaken in relation to this matter:

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility

14.06.22 – 08.07.22	The community, via Council's Participate Parramatta Engagement Portal	Feedback was captured through a survey hosted on the project page. Verbatim responses provided by community members is provided in **Attachment 2**.	The project page saw 583 unique visitors and 882 views. This resulted in a conversion of submissions. Responses received from the community were reviewed against the Geographical Names Board of NSW 'NSW Address Policy and User Manual' (May 2021) guidelines for naming roads and places. No feedback identified the proposed names to be offensive, racist, derogatory or demeaning.	Senior Project Officer, Place Services Community Engagement Officer, Research & Engagement
10.06.22	1,943 impacted residents and business' via direct mail out	Verbatim responses that may have been generated by accessing the survey from the poster's QR code are provided in **Attachment 2**.	Letters detailing the exhibition and how to submit formal feedback were sent to residents and businesses near the unnamed laneways.	Senior Project Officer, Place Services Printing Officer, Corporate Services
14.06.22	The community, via 8 corflute signs placed at the three reserves and two placed at North Carlingford Shops	Responses that may have been generated by accessing the survey from the poster's QR code are not provided, due to a switch in engagement accounts and are no longer accessible.	A poster was designed to support and promote the exhibition.	Senior Project Officer, Place Services

14.06.22 – 28.06.22	The community, via Social Media	Feedback was captured through a survey hosted on the project page. Verbatim responses provided by community members is provided in **Attachment 2.**	A paid campaign across Facebook and Instagram. Overall, the social media combined campaign garnered a reach of 57,348 people across Council's main social media accounts.	Community Engagement Officer, Research & Engagement
23.06.22	The community, via Participate Parramatta Newsletter	Verbatim responses provided by community members and a summary of engagement findings is provided in **Attachment 2.**	Electronic direct notification was issued via the Participate Parramatta Newsletter (10,752 subscribers), which was viewed 882 times by 583 unique visitors over the public exhibition period.	Community Engagement Officer, Research & Engagement

Councillor Consultation

24. The following Councillor consultation has been undertaken in relation to this matter:

Date	**Councillor**	**Councillor Comment**	**Council Officer Response**	**Responsibility**
26.05.22	A briefing was provided to the Epping Ward Councillors	Request to install two corflutes at North Carlingford Shops	Two corflutes were printed and installed at North Carlingford Shops	Senior Project Officer, Place Services
10.06.22	All - via a Councillor Briefing Note distributed through the Councillor Portal and the Councillor Weekly Newsletter.	No comments provided	NA	Senior Project Officer, Place Services

LEGAL IMPLICATIONS FOR COUNCIL

25. There are no legal implications for Council associated with this report.

FINANCIAL IMPLICATIONS FOR COUNCIL

26. If Council resolves to approve this report in accordance with the proposed resolution, the financial impact on the budget is set out in the table below. Council should note:

    a. External operating costs associated with this project are $200 for paid advertisements to support engagement as part of the community consultation component of this project and are budgeted within Service Code 420097 - Road Naming and funded from General Revenue.

    b. Once the naming proposal is approved, including gazettal by the GNB, Council is the responsible authority for the fabrication and installation of signs (including the subject street poles and sign blades).

    c. The notification to relevant government authorities and publishing in the Government Gazette is currently provided without charge by the GNB.

27. The table below summarises the financial impacts on the budget arising from approval of this report.

	FY 22/23	FY 23/24	FY 24/25
Revenue			
Internal Revenue			
External Revenue			
Total Revenue	Nil		
Funding Source			
Operating Result			
External Costs			
Internal Costs			
Depreciation			
Other			
Total Operating Result	Nil		
Funding Source			
CAPEX			
CAPEX			
External			
Internal			
Other			
Total CAPEX	Nil		

Kim Marsh
Senior Project Officer Place Services

Bruce Mills
Group Manager Place Services

Bryan Hynes
Executive Director Property & Place

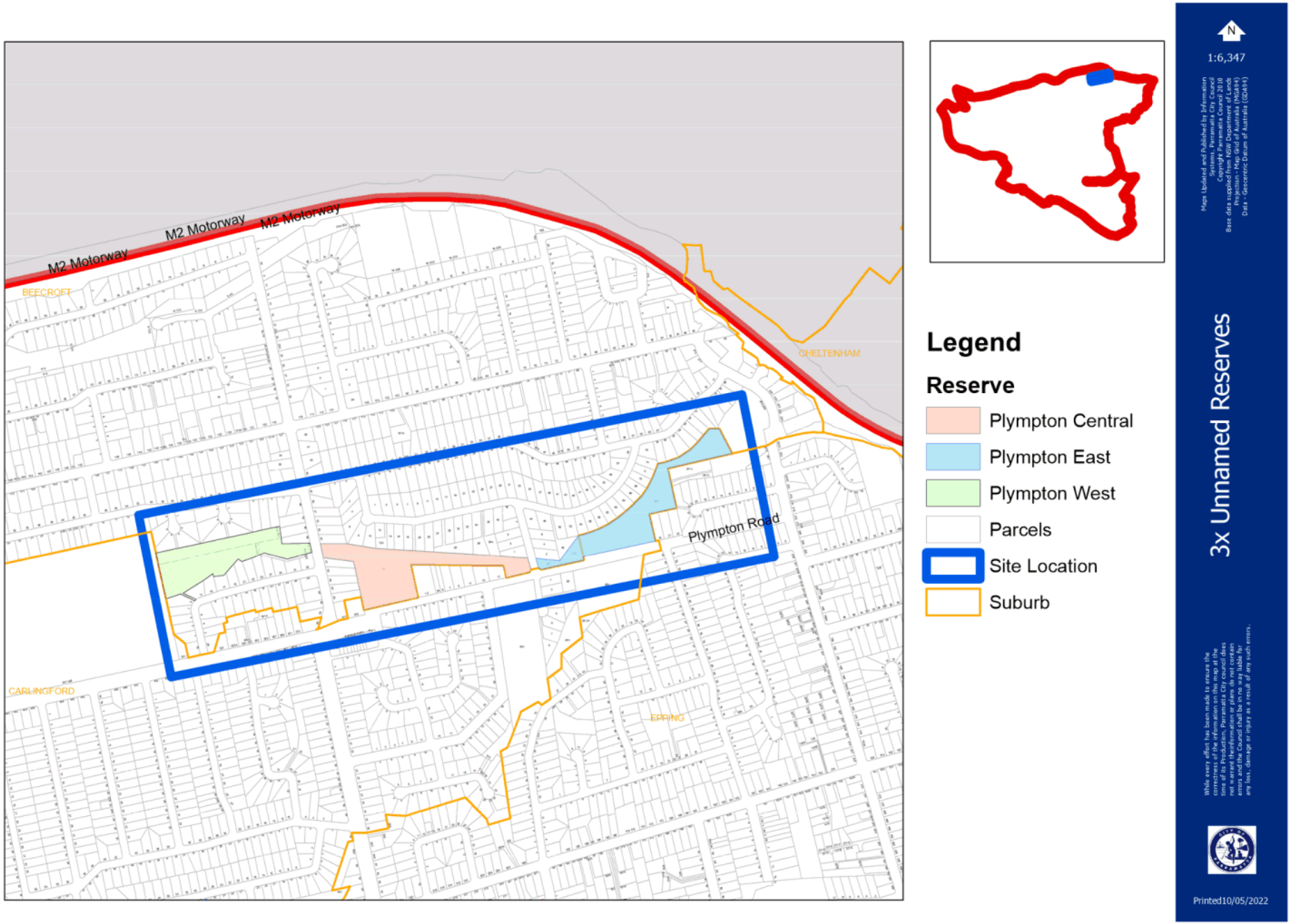
John Angilley
Chief Financial and Information Officer

Brett Newman
Chief Executive Officer

ATTACHMENTS:

1	Attachment 1 - Site Plan	1 Page
2	Attachment 2 - Plympton Road Bushland Naming - Engagement Evaluation Report	26 Pages

REFERENCE MATERIAL


M2 Motorway
M2 Motorway
M2 Motorway
BEECROFT
CHELTENHAM
Plympton Road
CARLINGFORD
EPPING
Legend
Reserve
Plympton Central
Plympton East
Plympton West
Parcels
Site Location
Suburb
N
1:6,347
3x Unnamed Reserves
Printed10/05/2022

CITY OF PARRAMATTA

Plympton Road Bushland Naming

Engagement Evaluation and Key Findings Report

July 2022

cityofparramatta.nsw.gov.au

CONTENTS

1. Introduction 3
2. Engagement Evaluation 4
3. Key Findings 7

1. Introduction

Public exhibition of the Plympton Road Bushland Reserve Naming formally commenced on Tuesday 14 June 2022 and concluded at 5pm on Friday 8 July 2022. The project was exhibited for a total of 24 days.

Council sought community feedback from to help name the three bushland reserves. Our role is to seek pre approval from the NSW Geographical Names Board (GNB) and gather public feedback prior to the GNB running a public consultation process

The proposed names acknowledge and celebrate the continued Dharug culture of the local area. The names have been inspired by the concept of a 'Teaching Place' and have been developed in consultation with the Darug Custodian Aboriginal Corporation.

The community were given the opportunity to make submissions through the following methods via:

- An online submission form on Participate Parramatta, Council's online engagement portal
- Email, audio upload or post, or
- Contacting Council directly via phone

To assist with the accessibility of the engagement, the community were provided with a the following:

- A visual representation of the sites to be named
- A selection of First Nations names for the sites and their meanings
- A PDF of the NSW Geographical Names Board Naming a Place Guide
- Links to Environment NSW for further information on the endangered ecological communities at the sites
- Answers to several frequently asked questions

2. Engagement Evaluation

This section provides a summary of the communications and engagement channels undertaken between Tuesday 14 June 2022 and Friday 8 July 2022 to encourage community feedback.

Numerous channels were engaged to reach as many community members as possible, and direct them to the project page on the 'Participate Parramatta' webpage to provide feedback.

Overall, **approximately 131,959 people** saw the opportunity to share feedback based on the data captured from the following communications and engagement channels.

2.1. Participate Parramatta

The Plympton Road Bushland Reserve Naming project page on Participate Parramatta viewed 882 times by 583 unique visitors over the public exhibition period. This resulted in the page being viewed a total of 21 hours and 41 minutes during the exhibition period.

The top three sources of referral traffic through which visitors found the site were:

- directly via a link (48%)
- social media (42%)
- search engine (6%)

This resulted in a total of **122 submissions** were received at the time this report was written:

- 102 submissions were received via the online submission form on the Participate Parramatta project page; and
- 20 submissions were received directly by the project team via email or mail

2.2. Social Media

The project was promoted across Council's social media channels through both paid advertisements campaigns and organic posts.

An approximate 57,348 people were reached across Council's main social media accounts and the Participate Parramatta social media account.

- City of Parramatta Facebook – 41,516 followers
- City of Parramatta Twitter 8,867 followers
- Participate Parramatta Facebook – 6,965 followers

The following results were achieved via Council's main social media channels.

Paid advertisements		
Metric	Campaign Result	Benchmark
Spend	$199.10	n/a
Reach	8,859	n/a
Impressions	23,818	n/a
Frequency (no. times ad seen p/p)	2.69	2 3
Link clicks	313	n/a
CPC (cost per click)	$0.64	$0.50 $1
CTR (click through rate)	1.31%	More than 1%
Post engagements	360	n/a
Engagement rate (ER)	4.1%	More than 2%

The paid social media campaign on Council's main channel ran from Tuesday 14 June 2022 to Tuesday 28 June 2022. Overall, the social media campaign for the Plympton Road Bushland Reserve Naming project aligned almost exactly with CoP benchmarks with the CTR, CPC and Frequency all in line with the benchmark.

All three images provided for this campaign were relatively similar with no real variance between them. A positive ER could indicate that this imagery was effective at engaging the community. Looking at the demographics, 62% of results came from women, 35% from men, 27% came from people aged 65+, 23% from people aged 55 64, 18% from 45 54, and 15% from 35 44.

The following results were achieved via Participate Parramatta's social media channels.

Organic posts	
Reach	302
Engagement	2
Link clicks	0

2.3. EDMs

The feedback opportunity and the broader project was promoted through the following EDMs:

- The June edition of ePulse which went out to approximately 55,000 people.
- The June edition of the Participate Parramatta Community newsletter which went out to 10,752 subscribers on Thursday 23 June. The email was opened by 43% of recipients.

3. Key Findings

3.1. Online Feedback Form

102 submissions were received via the online submission form on the Participate Parramatta project page. The online submission form was made up of two sections demographics and feedback.

The demographic section asked for the following:

- First name
- Last name
- Email
- Telephone

The feedback section asked the following:

- Drag the names from the left hand side to the right and rank them in order of your preference
- Do you have any other comments for Council to consider?

For the demographic data, please refer to the excel attached with the reporting package. The key findings section of this report will focus on the responses received in the feedback section.

Drag the names from the left-hand side to the right and rank them in order of your preference

This was answered by 102 participants.

The top three choices according to this question were Yiribana, Yanung, and Burawa. See the table below for greater detail on rankings.

Name	Ranked 1	Ranked 2	Ranked 3	Ranked 4	Ranked 5	Total:	Average Rank*
Yiribana (this way)	67 (65.7%)	10 (9.8%)	11 (10.8%)	7 (6.9%)	7 (6.9%)	102	1.79
Yanung (watch)	11 (10.8%)	43 (42.2%)	16 (15.7%)	14 (13.7%)	18 (17.7%)	102	2.85
Burawa (above/upwards)	10 (9.8%)	20 (19.6%)	45 (44.1%)	12 (11.8%)	15 (14.7%)	102	3.02
Ngara (listen/hear)	12 (11.8%)	18 (17.7%)	19 (18.6%)	44 (43.1%)	9 (8.8%)	102	3.20
Ngurang (place)	2 (2%)	11 (10.8%)	11 (10.8%)	25 (24.5%)	53 (52%)	102	4.14

*Note: Rank was worked out by taking the sum of the ranked position of the choice, multiplied by the response count for the position choice, divided by the total count of choice.

Do you have any other comments for Council to consider?

This was answered by 46 participants. The following was noted:

- There was a strong preference for Plympton Central to be named Yiribana, with 27 of the 46 comments making this specific request
- There was no strong preference for Plympton West or Plympton East. An alternate name was suggestion was provided for Plympton West to be named after Desmond and Bruce Finch
- 5 comments of stated the participants had no further comments.

Other interesting comments include:

- I think it would be great to involve local elders to help create signage with aboriginal image/s that explain the name and its meaning Thanks
- I would like to suggest that the western end of the park could be named after my father and his brother who had a farm which included part of the park. Desmond and Bruce Finch worked their farm from 1939 til 1964 65 and then moved their farm to Galston. I would be very appreciative if my family was recognised in the area.
- I'm wondering if you are neglecting the connection to the Turpentine Ironbark and Blue Gum Trees in the area. So would prefer to have Indigenous names that are more specific to the place. Especially if the area has critically endangered ecological species. I can understand the concept of being a teaching place and value this insight but will this concept replace the existing historical markers along the track about the early pioneers? Can both be integrated in telling a history of the place.I think Burawa captures more of this in the fact that it refers to the trees and needing to look up at them. However, Burawa makes me think immediately of other townships with a similar pronunciation ie Boorawa.
- On the signage please add some information about indigenous activity, history and culture in the reserves.
- Having three names for such a small area of continuous, connected land seems a bit of overkill and increases chance of lack of acceptance and understanding by non Dharug speaking people. I may be wrong but I'd also doubt the Dharug people had different names for each area along the creek as our modern day differentiation is based simply on the placement of two roads which I believe had more to do with European farming than traditional land use.

- My preference is that all would be named as a collective "Yiribana" as this seems to best fit to honour the First Nation peoples as well as ably describe the way this land creates a corridor through suburbia. It is also a word with relatively simple English translation for those of us not fluent in the Dharug language and keeps the other descriptive words available for naming alternate areas in the greater Dharug nation.

3.2. Direct Submissions

20 submissions were received directly by the project team via email and email. The following was noted:

- There was a preference to name Plympton Central Ngarra with it having been nominated by four participants. However, it should be noted that Yiribana was a stronger preference in the survey.
- There was a preference for Plympton West to be named after Bruce and Desmond Finch as opposed to the supplied names.
- There was a preference for Plympton East to be named Burawa.

	Yiribana (this way)	Yanung (watch)	Burawa (above/upwards)	Ngarra (listen/hear)	Ngurang (place)	Other
Plympton Central		2		4	2	
Plympton West	2	1	2	1		4
Plympton East	2	2	3	1		

Other suggestions include:

- It was suggested that Plympton West be named after pioneers or individuals with strong ties to the area. Bruce and Desmond Finch were identified by four participants.

See the table on the following page for greater detail on the submissions:

Name	Contact details	Submission
1. [redacted]	[redacted]	RECEIVED 07 JUL 2022 SCANNED 18 JUL 2022 PCC [redacted] 1-7-2022 Plympton Road Bushland Reserve Naming Project Place Services City of Parramatta Council P.O. Box 32 Parramatta N.S.W. 2510 To Whom It May Concern I would like to respond to your request for suggestions to name those of the reserves located within my living area. I feel that in naming the reserves there should be definite reference to the history and early nature of the development which began early in the nineteenth century, more than 200 years ago. The pioneers who purchased their land broke to create what became known as the "Fruit Bowl of the Sydney Metropolitan Area" Parts of this area carry the names of a few of these pioneers. Names such as Ray Park, Ray Road, Murray Farm Road Keeler St, Midson Road etc. I believe this tradition should continue and be perpetuated to maintain the recognition of those pioneers. In particular, the reserve nearest to me on the "Norwood" estate should have special attention. The estate was owned by Bruce and Des Finch. I knew Bruce and Lena Finch personally (and Des). In fact Bruce sold, to my wife and I, the land which we own today. We became friends until they moved to Yalstar. To subdivide their acreage Bruce and Des had to donate part of their estate as a reserve to be used as public space. That land is now the reserve in question to be named. Incidentally, the Brick house, which is still standing and occupied called "Norwood" was built in 1893. It would be very worthy if the reserve was named after the Finch family to honour their pioneering spirit as members of the great families who worked and toiled to produce the crops which fed early Sydney. Please consider my proposal Yours faithfully [redacted]

2. [redacted]

Figure 1: Map of the unnamed bushland reserves along Plympton Road in Carlingford & Beecroft

Plympton EAST – Yiribana
Plympton Central Ngarra
Plympton West – Gaiung.

RECEIVED
04 JUL 2022
BY: .....

For non-English speakers, phone interpretation services are available via TIS National on 131 450.

KOREAN

본 소식지와 관련해 통역 지원이 필요하신 경우, TIS (131 450)에 전화하여 Parramatta Customer Service (9806 5050)를 연결해 달라고 요청하시면 됩니다. 업무시간은 월요일에서 금요일, 오전 8시 30분부터 오후 5시까지입니다.

ARABIC

إذا كنت بحاجة للمساعدة في ترجمة هذه النشرة اتصل بـ TIS على الرقم 131 450 واطلب منهم الاتصال نيابة عنك بخدمة ريتاس بارامانا على الرقم 9806 5050 من الاثنين إلى الجمعة بين الساعة 8:30 صباحاً و 5:00 مساءً

CHINESE

如果你需要翻译协助阅读这份新闻简报，请联系 TIS，电话131 450，要求他们代表你接通巴拉玛打市议会顾客服务处，电话 9806 5050。顾客服务处的工作时间是每星期一至星期五，上午8:30至下午5:00。

HINDI

यदि आपको यह सूचना पत्र समझने में सहायता चाहिए तो कृपया TIS को 131 450 पर फोन करें और उनसे कहें कि आपकी तरफ से पैरामाटा कस्टमर सर्विस को 9806 5050 पर फोन करें। यह सेवा सोमवार से शुक्रवार, सुबह 8.30 बजे से शाम 5.00 तक उपलब्ध है।

3. [redacted]

[redacted]

SCANNED 24 JUN 2022 PCC

Dear Sir/Madam,

Have your say on your preferred names for three unnamed bushland reserves in Carlingford & Beecroft.

City of Parramatta Council is undertaking community consultation on **five (5) proposed names** for three unnamed bushland reserves along Plympton Road in Carlingford & Beecroft. Council would like to ensure that the names reflect current community values.

Council has worked with the NSW Geographical Names Board (GNB), ensuring the proposed names adhere to guidelines set out in the NSW Address Policy and User Manual (May 2021). The GNB encourages the creation of place names that reflect the character and heritage of the area and are memorable for residents and the wider community, but must also not be similar in spelling or pronunciation to other place names within a 10km radius of the site.

The proposed names include:

Proposed Name	Context
Yanung Plympton centre	Watch – This is the Dharug word to watch. Observation and watching what is around us is one of the first things taught to Dharug children and is an important way we learn from and appreciate Dharug country.
Ngarra	Listen/hear – Listening plays a big role in Dharug culture, children are taught that they need to listen to learn. Listening is also an important way we learn from and appreciate Dharug country.
Burawa Plympton East	Above/upwards – This is the Dharug word to look up or move upwards. It encourages us to look up and also move upwards as we learn
Ngurang	Place – Places are significant in Dharug culture. It goes beyond the physical place. The connection to place are connections to family.
Yiribana Plympton West	This way – This Dharug word means journey or this way. It acknowledges that we are all on a journey individually and together.

The location of the bushland reserves is shown in **Figure 1** on page 3 of this letter.

Have your say by 5pm Friday 8 July 2022.

Contact us:
council@cityofparramatta.nsw.gov.au | 02 9806 5050
@cityofparramatta | PO Box 32, Parramatta, NSW 2124
ABN 49 907 174 773 | **cityofparramatta.nsw.gov.au**

4. [redacted]		Good Afternoon Kim, I would like to submit a name for the Plympton West Reserve at Plympton Road/Orchard Road, Beecroft. I would like to suggest the following names "Finch Brothers Reserve" or "Finch Reserve". I am fully aware that Parramatta Council has already chosen 5 proposed indigenous names for the three unnamed bushland reserves, however I feel that my suggestion would be in keeping with the two local reserves that have been named "Ray Park and "Hazlewood Rose Park" both on Plympton Road Carlingford. Please see the following history of the Finch family that have lived in the Carlingford / Epping area since the 1920's. My father [redacted] and his brother [redacted] first rented the 10 acre property named "Norwood" at 557 North Rocks Road, Carlingford in 1937 and then purchased the property in the 1940's. The original home on the property which is named "Norwood" built in 1890 remains on North Rocks Road today.. This property adjoined the Overseas Telegraph Station which is now Roselea Public School and ran down to the creek and up into part of the Plympton West parkland. This area of Plympton West parkland was donated / sold to Hornsby Council as part of the subdivision that progressed in 1964/1965. [redacted] gradually cleared the orchard and planted vegetables for the Sydney market. In 1939 [redacted] enlisted in the Army and served overseas in the Middle East, Greece, Crete and Syria. [redacted] and family

		continued to work on the property until my father [redacted] returned from the War. [redacted] returned to civilian life in 1944 /1945 and worked the property with his brother [redacted] where they then grew flowers focusing on roses which were sold at the Sydney Markets at Haymarket. As the flower farm thrived a tractor surpassed the horse and plough, though one or two horses remained to live out their lives in sunny paddocks. In the 1960's Carlingford was in the green belt and the many surrounding farms in Carlingford and Epping sold and housing subdivisions changed the aspect of Carlingford and Epping. [redacted] subdivided the remaining acres south of the creek and relocated their business to Galston. [redacted] replanted the rose bushes and over the years they changed their flowers to various other exotics which were sold at the Sydney Markets and then relocated to Flemington Markets until my father passed away. [redacted] originally lived in Wingrove Avenue Epping with their three siblings and their parents [redacted] from the 1920's and the children attended Beecroft Public School. [redacted] passed away in 1990 and [redacted] passed in 2002. My brother, sister and I still live Carlingford today. I went to Roselea public School and Carlingford High School, as well as my 2 cousins. The [redacted] family are also members of the Ray Park Heritage Group Incorporated, and

		the [redacted] Family have been included in the book "From Fruit Bowl Farms to Housing Boom" which was published in 2018. A precedent has been set by Hornsby Council and the City of Parramatta Council by naming two reserves in the local area being "Ray Park" and "Hazlewood Rose Park" both on Plympton Road Carlingford. These parks are in recognition of the Ray and Hazlewood families. It would be greatly appreciative if the Plympton West Reserve could be named after my father and uncle being "Finch Brothers Reserve", or "Finch Reserve" in recognition of the [redacted] family. Thank you for the opportunity to submit my naming proposed of Plympton West Reserve.
5. [redacted]		TWIMC, My suggestions for place names are as follows: YANUNG, BURAWA and YIRIBANA Thank you for having the opportunity to contribute, [redacted]

6. [redacted]		Good morning Kim, I would like to submit a name for the Plympton West Reserve at Plympton Road/Orchard Road, Beecroft. My suggestions are "Finch Brothers Reserve", "Finch Reserve" and "Norwood Reserve". My father [redacted] and his brother [redacted] first rented the 10 acre property named "Norwood" at 557 North Rocks Road, Carlingford in 1937 and then purchased the property in the 40's. This property adjoined the Overseas Telegraph Station which is now Roselea Public School and ran down to the creek and up into part of the Plympton West parkland. This area of Plympton West parkland was donated / sold to Hornsby Council as part of the subdivision that progressed in 1964/1965. [redacted] gradually cleared the orchard and planted vegetables for the Sydney market. In 1939 [redacted] enlisted in the Army and served overseas in the Middle East, Greece, Crete and Syria. [redacted] returned to civilian life in 1944 /1945 and worked the property where they then grew flowers focusing on roses which were sold at the Sydney Markets at Haymarket. As the flower farm thrived a tractor surpassed the horse and plough, though one or two horses remained to live out their lives in sunny paddocks. In the 1960's Carlingford was in the green belt and the many surrounding farms in Carlingford and Epping sold and housing subdivisions changed the aspect of Carlingford and Epping. [redacted] subdivided the

		remaining 10 acres south of the creek and relocated their business to Galston. [redacted] replanted the rose bushes and over the years they changed their flowers to various other exotics which were sold at the relocated Sydney Markets to Flemington Markets. [redacted] originally lived in Wingrove Avenue Epping with their three siblings and their parents [redacted] from the 1920's and the children attended Beecroft Public School. [redacted] passed away in 1990 and [redacted] passed in 2002. A precedent has been set by Hornsby Council and the City of Parramatta Council by naming two reserves in the local area being "Ray Park" and "Hazlewood Rose Park" both on Plympton Road Carlingford. These parks are in recognition of the Ray and Hazlewood families. I would be greatly appreciative if the reserve could be named after my father and uncle being "Finch Brothers Reserve", "Finch Reserve" or "Norwood Reserve" after the property. Norwood Avenue Carlingford does run through the original property. Thank you for the opportunity of naming one of the reserves. Regards [redacted]

7. [redacted]	Our preference is NGARRA
8. [redacted]	I would like to propose the following names: Yanung (watch) Plympton East Ngurang (place) Plympton Central Ngarra (listen/hear) Plympton West
9. [redacted]	Hi, The three names that have good meaning to me are; Yanung Burawa Yiribana
10. [redacted]	Dear Manager, Regarding Plympton Road East bushland area suggest Dharug name Burawa (meaning above/upwards) as when you visit this bushland area your eyes are attracted upwards to view the grandeur of the tall native trees. Our local Indigenous Wallumattagal (or Wallumedegal) people would have looked up to such trees as well, in the past. Since the Wallumattagal dispossession by our settlement and diseases, we have significantly damaged the natural environment (e.g. the fish, shellfish

		and fauna) that would have been prevalent in their time. However the trees still stand tall in their remembrance. So we can look upward (ie Burawa) and still appreciate the flora remnant from their time. Fortunately, this Plympton Road East bushland could not be over developed as per the surrounding suburban area and has survived to this day. Thank you for considering our local Indigenous people. It would be good to acknowledge the actual Wallumattagal people in a more prominent way in our community as well. Maybe we could change the name Paramatta City Council to better reflect the whole region by renaming our council region after the Wallumattagal people. Thank you for the opportunity to participate in this project. Kind regards, [redacted]

11. [redacted]		My selection is BURAWA NGARRA YIRIBANA [redacted]
12. [redacted]		[redacted] Yiribana Please note: I created an account on your web site in order to complete the online form, but there was no link to enable this.
13 [redacted]		In response to your letter dated 10 June 2022 'Have Your Say' my suggestion for the naming of the three bushland reserves along Plympton Road Carlingford/Beecroft are: Plympton Central Ngarra Plympton East. Yiribana Plympton West. Yiribana

		I have worked bushcare along all of these sites since 1998 and currently do bushcare in the Plympton Road East site. The bushland in Plympton East is very dear to our team. Thank you [redacted]
14. [redacted]		Hi , [redacted] in Parramatta LGA and I'm voting for Ngurang for the new Plympton road reserve name. Cheers, [redacted]
15. [redacted]		My choice is: Ngarra [redacted]

16. [redacted]	Dear organiser of the Initiative, I am a Bush care worker in the 'Bambara/Plympton site. I like all 5 of the proposed names for the 3 sites but prefer Burawa for the site on which I work (the blue coloured area) as it moves upwards from the creek near Midst to the areas nearer Plympton as it approaches the creek near Calool Rd For the orange brown coloured area I think Ngarra would be suitable as there are often ducks, owls & frogs in this area. Hence, it is a good place to listen & hear nature. For the green coloured section Ngurang is appropriate as it is near the school my children attended & the ovals on which they played soccer, cricket & practiced their Cross Country for many years. Yours sincerely [redacted]
17. [redacted]	My preference for the proposed names for the three bushland reserves adjacent Plympton Rd are: 1. Yiribana (this way) 2. Ngarra (Listen/hear) 3. Yanang (Watch)

		With the proximity of Carlingford High School and two primary schools along the same creek as these reserves, these names fit with the learning theme of aboriginal culture and the education provided by these schools. PS: The online submission form did not work for me. Question 5 click and drag was not functional. kind regards [redacted]
18. [redacted]		plympton East Ngarra "" West Burawa " Central Yanung [redacted]
19. [redacted]		From: [redacted] Proposed names: Yanung, Ngarra, Burawa East to West

20. [redacted]		1. Yanung (watch) 2. Burawa (above/upwards) 3. Ngurang (place) 4. Ngara (listen/hear) 5. Yiribana (this way) **Do you have any other comments for Council to consider?** I would like to suggest that the western end of the park could be named after my father and his brother who had a farm which included part of the park. [redacted] worked their farm from 1939 till 1964 65 and then moved their farm to Galston. I would be very appreciative if my family was recognised in the area. [redacted]

REPORTS TO COUNCIL - FOR COUNCIL DECISION

ITEM NUMBER 13.8
SUBJECT Future waste services
REFERENCE F2022/00105 - D08601963
REPORT OF Acting Group Manager Waste & Cleansing; Sustainability Officer Resource Recovery

CSP THEME: **GREEN**

WORKSHOP/BRIEFING DATE: 6 July 2022

PURPOSE:

This report seeks Council's approval to specify a fortnightly collection of general waste in a 140L bin, a fortnightly collection of recycling in a 240L bin and a weekly collection of food organics and garden organics in a 240L bin in the future waste services tender.

RECOMMENDATION

(a) **That** Council approve 'Service Option 2' as outlined in Paragraph 13 of this report to be specified in the future waste services tender. Service Option 2 is as follows:

1. Fortnightly collection of general waste in a 140L bin
2. Fortnightly collection of recycling in a 240L bin
3. Weekly collection of food organics and garden organics in a 240L bin.

(b) **Further, that** Council notes Council staff will be commencing the tendering of the domestic and commercial waste services.

BACKGROUND

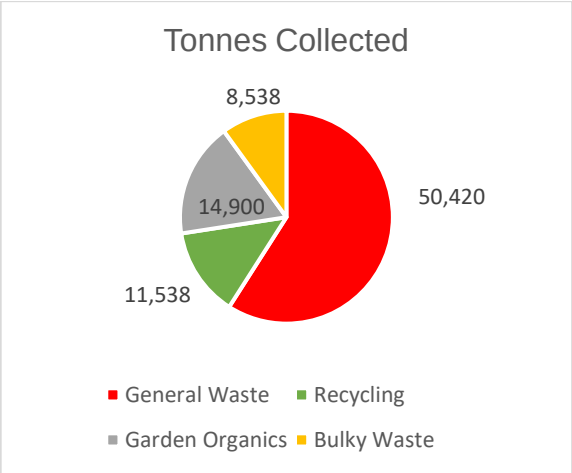
1. Council provides a domestic waste service to approximately 89,000 households and 285,000 residents. Council also collects commercial waste from approximately 1,300 businesses. The current collection, processing and disposal contracts for these services are outlined below:

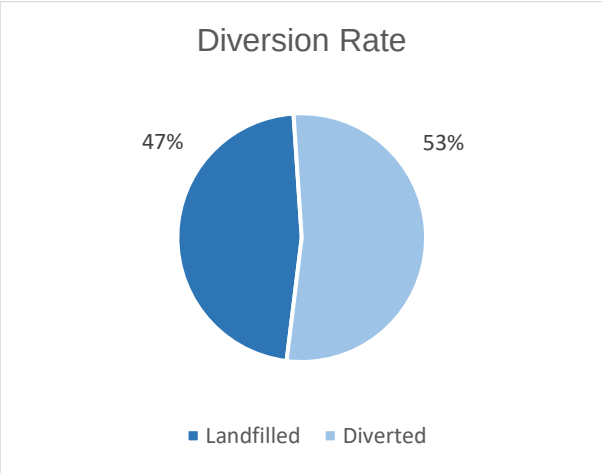
Contract/Services	Contractor	Expiry
Waste Collection • Garbage (140L weekly) • Recycling (240L fortnightly) • Garden Waste (240L fortnightly) • Household Bulk Waste (4 x 2m^3 / year)	SUEZ (now Veolia)	5 November 2024
Receipt, Processing and Disposal • Garbage (approx. 50,000 tonnes per year) • Recycling (approx. 8,500 tonnes per year)	SUEZ (now Cleanaway) Visy	19 November 2022* 5 November 2024

• Garden Waste (approx. 11,500 tonnes per year) • Household Bulk Waste (approx. 15,000 tonnes per year)	SUEZ (now Veolia) Bingo	5 November 2024 18 November 2024

*Separate report to Council seeking a 2-year extension of this contract under extenuating circumstances is provided to Council tonight under closed session.

2. In the 2020-21 financial year, a total of 85,396 tonnes of waste was collected through the domestic waste service, with 53% of this diverted from landfill as a result of our processing contracts. A summary of this is outlined below.





3. Industry has indicated it is taking upwards of 18 months to procure garbage trucks. It is anticipated the awarding of the contracts in early 2023 will assist in the smooth transition to new contractual arrangements in November 2024. As such, commencing the tendering process by end of September 2022 is recommended.

4. It should be noted whilst the tender will go out as a single package, the contracts/services are separatable and will be assessed independently and in accordance with Council's Procurement guidelines.

5. On 12 April 2021, Council resolved under minute 3170 to investigate the cost-benefits and feasibility of transitioning to a Food Organics and Garden Organics (FOGO) service for residents under the next waste collection and processing tender/contract, and that a report be brought back to Council in the new financial year with the outcomes of the Food Organics (FO) collection trial for multi-unit dwellings. This report brings the results of these undertakings back to Council for their consideration in proceeding with the next round of waste contracts.

THE FOOD ORGANICS TRIAL IN MULTI UNIT DWELLINGS

6. Council's Waste staff were successful in receiving $225,000 from the NSW EPA Household Organics Collection Grants Program to deliver a food waste collection service for 1,006 households in low rise units.

7. Low rise units were selected as the trial sample as this made up a significant portion of Parramatta's housing type. Further, little research and food waste trials have been conducted on low rise units.

8. The trial ran from July 2021 to April 2022 and resulted in the diversion of 36 tonnes of food waste from landfill. Delivered across 4 suburbs (Westmead, North Parramatta, Harris Park, and Eastwood), uptake for the service was mixed. With audits of the kerbside bins showing that the service was able to divert 58% of the food waste generated from participating households in Eastwood, but only 13% from participating households in Harris Park.

9. Overall the trial was a success and demonstrated the separate collection of food waste in units was possible. However, contamination was an issue but improved following education and bin tagging. The trial highlighted the need for detailed and repeated education to combat contamination and ensure a smooth transition to a food organics service. Education and contamination management will be extensively covered as part of the tender specifications. Council staff will also review existing education capacity and resourcing within the waste team in preparing, delivering and maintaining the future waste services.

INTRODUCTION OF A FOOD AND GARDEN ORGANICS SERVICE

10. In June 2021 the NSW Department of Planning, Industry and Environment announced the NSW Waste and Sustainable Materials Strategy. This strategy introduced a mandate requiring the separate collection of food and garden organics from all NSW households by 2030.

11. Waste contract terms generally average between 7 and 10 years to ensure economies of scales and allowance for capital expenditure such as garbage trucks to be amortised over a reasonable period. The inclusion of a FOGO collection and disposal and processing in the next contract is the only opportunity Council has to meet the time requirements of the mandate.

MODELLING THE NEXT WASTE CONTRACTS

12. To help inform the specifications of Council's next waste contracts, Council's Waste staff engaged WSP to provide an 'Options Analysis for Future Waste Collections and Processing'.

13. The modelling for this analysis considered factors such as our waste profile, development types, collection requirements, material destinations, operational requirements, environmental performance, drivers for behaviour change, community acceptance, and associated costings.

    WSP recommended the 4 options below.

	General Waste	**Food & Garden**	**Recycling**	**Total Capacity**	**Cost* (hh/yr)**	**Diversion Potential**
1	140L Weekly	240L Weekly	240L Fortnightly	1,000L/fn	$379.72	68%
2	140L Fortnightly	240L Weekly	240L Fortnightly	860L/fn	$313.76	75%
3	80L Weekly	240L Weekly	240L Fortnightly	880L/fn	$336.59	75%

4	80L Fortnightly**	240L Weekly	240L Fortnightly	800L/fn	$290.64	79%

* Average cost of collection and processing per annum over the period of the contract, with inclusion of caddies and liners. Note this does not include all other overheads included in the DWM rate charged to residents.
** Commencing as a weekly service for 2 years then transitioning to fortnightly.

14. Business as usual was initially an option for consideration but was removed following the NSW Government mandate. The business as usual option would have delivered a maximum diversion rate of 58%, with a fortnightly capacity of 760L per fortnight and an average cost per annum over the period of the contract of $349.49.

15. As food waste accounts for 46% of the red lidded general waste bin by weight. Removal of this material from the red lidded general waste bin can provide opportunity to reduce its capacity and/or frequency of collection.

16. Reducing the frequency of collection of the red lidded bin to a fortnightly collection (as proposed in options 2 and 4) provides a more efficient service and eliminates the need to present 3 bins, which is a concern in narrow streets and cul-de-sacs with limited street frontage. A fortnightly collection of the red lidded general waste bin also provides a driver for behaviour change, nudging residents to place their food wastes in the FOGO bin for a weekly collection.

17. The cost per household per year is a direct correlation to the frequency of collection and capacity of the red lidded general waste bin, with the cost being higher for a more frequent service, or larger waste bin.

OUTCOMES OF COMMUNITY ENGAGEMENT

18. Residents were invited to have their say on the 4 service options as outlined above through a community consultation program that ran from November 2021 to January 2022.

19. Option 1: 140L red bin collected weekly was the most preferred option (preferred by 34% of respondents), followed by Option 4: Phased introduction of an 80L red bin on a fortnightly collection (preferred by 29% of respondents).

20. Option 1 presents the least change from the current service in terms of the red bin with no efficiency improvements or driver to utilise the FOGO bin. In contrast, Option 4 presents the greatest change with the introduction of both a smaller bin and a fortnightly collection.

21. Option 3: 80L red bin collected weekly and Option 2: 140L red bin collected fortnightly were also supported, but did not receive as strong of a result in terms of preferences (preferred by 22% and 14% of respondents respectively).

22. Respondents were invited to participate in focused workshops to better understand their responses to the proposed service options, and any perceived challenges to rolling out a FOGO service.

23. Common themes and concerns that were discussed and addressed at the workshops included

    a. odour if the garbage bin was collected fortnightly. This concern resulted from the misconception that meat products were not allowed in the FOGO

bin. Respondents were more receptive to a fortnightly garbage service after they were informed meat products could be placed in the FOGO bin.

b. the challenge of presenting 3 bins for collection in the street, particularly where the streets are narrow, a cul-de-sac and have units. A fortnightly garbage collection would reduce the need to present another bin.

c. the need for sustained education to tackle contamination and misuse of the bins. The majority of the respondents acknowledged they had a strong environmental interest and expressed concerns other members of the community may not be as motivated and the change in collection frequency or size of the garbage bin will increase contamination.

24. At the end of the workshop, respondents were invited to vote their preferred option. Option 4 received the highest vote at 52%, but there was consensus an 80L bin collected fortnightly may not be adequate for many households in the community.

25. A summary of the options and their key considerations is provided in the table below.

Option	**Considerations**
Option 1 140L Weekly 68% Diversion $379.72	• Most expensive option with lowest environmental benefit • No driver for behaviour change • Increased truck movements and challenges to amenity with the presentation of three bins • Most preferred option by survey participants
Option 2 140L Fortnightly 75% Diversion $313.76	• Good value option (lower cost for good diversion) • Strong driver for behaviour change through reduced frequency • Mid-range option between the two most preferred options from survey respondents which are at opposing ends of the spectrum • Similar to service offering from Penrith • Industry recommendation (MRA Benchmark Study) • Potential for complaints due to decreased collection frequency of the general waste bin
Option 3 80L Weekly 75% Diversion $336.59	• Driver for behaviour change is in reduced capacity rather than frequency • Higher cost of diversion due to increased frequency of bin lifts and increased truck movements • Challenges to amenity with the presentation of three bins • Potential for complaints due to decreased bin size

Option 4 80L weekly, phased to fortnightly after 2 years 79% Diversion $290.64	• Strongest drivers for behaviour change with both reduced capacity and frequency of collection • Potential concern around contamination / illegal dumping due to garbage bin size • Risk that phasing may not eventuate based on community experience • Potential for complaints due to decreased service frequency of the general waste bin • Second most preferred option from survey respondents

BENCHMARKING OF FOGO SERVICES IN NSW

26. Examples of comparative services across the Greater Sydney area have been provided as a reference below. The majority of these services offer a fortnightly collection of the red lidded general waste bin, with sizes varying between 140L and 240L.

Council	**Service Arrangement**
Blacktown	Standard Service (from 2025) will be: • 240L FOGO weekly • 240L Recycling fortnightly • 140L Waste weekly
Kiama	Standard Service is: • 240L FOGO weekly • 240L Recycling weekly • 140L Waste fortnightly
Lake Macquarie	Standard Service is: • 240L FOGO weekly • 240L Recycling fortnightly • 240L Waste fortnightly
Penrith	Standard Service Options include: • 240L FOGO weekly • 240L Recycling fortnightly • 140L / 240L Waste fortnightly* *Weekly collections can be requested at additional cost
Randwick	Standard Service is: • 240L FOGO weekly • 240L Recycling fortnightly • 240L Waste fortnightly
Shellharbour	Service Options include: • 240L FOGO weekly • 240L / 140L Recycling fortnightly • 80L / 140L / 240L Waste fortnightly
Wollongong	Service Options include: • 240L FOGO weekly • 240L Recycling fortnightly • 80L / 120L / 240L Waste weekly

Woollahra	Service Options include: • 240L FOGO weekly • 120L / 240L Recycling weekly • 120L Waste weekly

RATIONALE FOR OPTION 2

27. Council staff recommend Option 2 for the following reasons:

    a. This option is the balance between Option 1 and 4 that were preferred by the community. The community through consultation had indicated they were supportive of a fortnightly garbage collection. Although the respondents at the workshop had indicated they could manage with an 80L bin they had also acknowledged other members of the community may require the 140L, which was the preferred capacity in the community wide survey.

    b. The waste industry through the benchmarking conducted by MRA (waste consultancy firm) has recommended a fortnightly garbage collection in a minimum 140L bin (best practice).

    c. There is a risk Option 4 may never phase to fortnightly garbage collection. This will result in a lower diversion target and more costly service than Option 2.

    d. Council has adopted an 85% diversion target by 2038. Option 2 provides the best value towards reaching this goal.

    e. Option 2 is comparable in frequency and capacity to what the other Sydney Councils are offering their residents. This will assist with consistency in messaging across the different Councils and drive sustained education towards behaviour change.

    f. Option 2 would eliminate the issues associated with presenting 3 different type of bins for collection, and these included the additional truck movements into the street, space to present bins in narrow streets, cul-de-sacs and streets with units. Further, the associated safety issues and visual aesthetics of the area during collection day.

NEXT STEPS

28. If Council approves this report, Council staff will proceed with the following steps

    a. Call for tenders by September 2022

    b. Evaluate tenders and report to Council by February 2023

    c. Appoint contractor/s by March 2023

    d. Contracts in place by November 2024

CONSULTATION & TIMING

Stakeholder Consultation

29. The following stakeholder consultation has been undertaken in relation to this matter:

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
August 2020	Community	Community supportive of FOGO[1]	Proceed with modelling	Manager, Sustainability and Waste
April 2021	Community	Community supportive of FOGO[2] with preference for weekly collection of general waste bin	Noted	Manager, Sustainability and Waste
November 2021 – January 2022	Community	Preferred options for general waste were split between no change (140L collected weekly) and major change (80L phased to fortnightly collection)	Noted	Manager, Sustainability and Waste

1. 74% phone respondents (n=504) and 78% of online respondents (n=835) were supportive of FOGO
2. 76% of respondents (n=502) were supportive of FOGO, with 53% showing preference for weekly general waste collection

Councillor Consultation

30. The following Councillor consultation has been undertaken in relation to this matter:

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
Oct 13 2021	Councillor Workshop	Support for Community Engagement around modelled options.	Engagement Program delivered November 2021 through January 2022.	Manager, Sustainability and Waste
Jul 6 2022	Councillor Workshop	Support for transition to FOGO and report to Council seeking approval to go to tender.	Report to Council	Group Manager Waste and Cleansing

LEGAL IMPLICATIONS FOR COUNCIL

31. Council is required to appoint suppliers for works that are estimated to be above $250,000 through a tender process. The tendering process will be done

in conjunction with the Finance and Information directorate which encompasses Legal Services, Governance and Procurement.

FINANCIAL IMPLICATIONS FOR COUNCIL

32. If Council resolves to approve this report in accordance with the proposed resolution, there are no unbudgeted financial implications for Council's budget.

33. The table below summarises the financial impacts on the budget arising from approval of this report.

	FY 22/23	FY 23/24	FY 24/25	FY 25/26
Revenue				
Internal Revenue				
External Revenue				
Total Revenue	Nil	Nil	Nil	Nil
Funding Source				
Operating Result				
External Costs				
Internal Costs				
Depreciation				
Other				
Total Operating Result	Nil	Nil	Nil	Nil
Funding Source				
CAPEX				
CAPEX				
External				
Internal				
Other				
Total CAPEX				

Andrew Ho
Acting Group Manager Waste & Cleansing

Ian Woodward
Group Manager Legal Services

John Warburton
Executive Director, City Assets & Operations

John Angilley
Chief Financial and Information Officer

Brett Newman
Chief Executive Officer

ATTACHMENTS:
There are no attachments for this report.

REFERENCE MATERIAL

NOTICES OF MOTION

22 AUGUST 2022

14.1 CBD Footpaths Audit and Pavement Replacement Program 558

14.2 Name Change at Wentworth Point - Jewel and Sanctuary Buildings ... 559

14.3 Long Serving Staff Recognition 561

NOTICE OF MOTION

ITEM NUMBER	14.1
SUBJECT	CBD Footpaths Audit and Pavement Replacement Program
REFERENCE	F2022/00105 - D08642696
FROM	Deputy Lord Mayor

MOTION

That a report be provided to Council, based on Council's current footpath asset audit for the CBD, on the CBD pavement replacement program, including costs, in consultation with Councillors.

BACKGROUND

1. No background was provided.

STAFF RESPONSE

2. Council is currently conducting an audit on all the footpaths within the Local Government Area (LGA), which also incorporates the CBD through a third party. It is estimated to be finalized by January 2023.

FINANCIAL AND RESOURCE IMPLICATIONS

3. Reporting back to Councillors with the result of the audit can be done within existing resources, early in 2023 after the completion of the audit.

Sameer Pandey
Deputy Lord Mayor

John Warburton
Executive Director, City Assets & Operations

John Angilley
Chief Financial and Information Officer

Brett Newman
Chief Executive Officer

ATTACHMENTS:
There are no attachments for this report.

NOTICE OF MOTION

ITEM NUMBER	14.2
SUBJECT	Name Change at Wentworth Point - Jewel and Sanctuary Buildings
REFERENCE	F2022/00105 - D08618672
FROM	Councillor

MOTION

(a) **That** Council commence the NSW Geographic Names Board process, including community consultation, for a proposal to amend the suburb boundary of Wentworth Point to include the addresses of the Jewel and Sanctuary Buildings precinct which is currently located in the suburb of Sydney Olympic Park, as noted in the hatched area on the attached map.

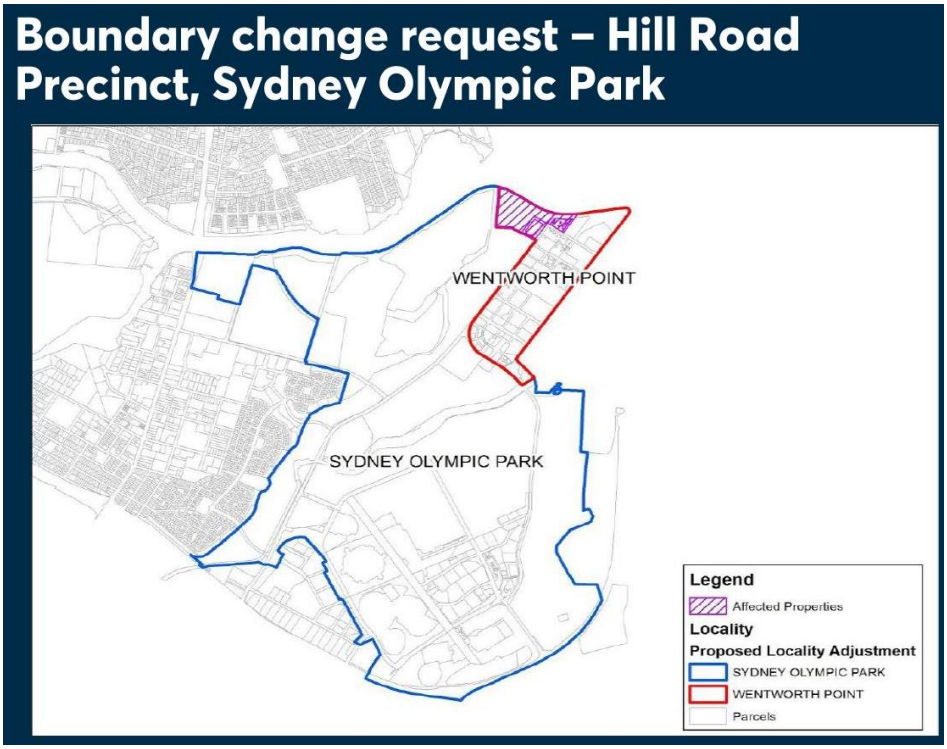
(b) **Further that** Council receive a report on the outcome of this process and community consultation to inform a determination for formal referral of the boundary change request to the NSW Geographic Names Board.

BACKGROUND

1. No background has been provided.

STAFF RESPONSE

2. Council has received a boundary change request from Sekisui House in alignment with the proposed Notice of Motion. The boundary change map is provided below.



3. Officers are also supportive of this request and progressing this boundary change request is in the Place Services work plan for this financial year.

4. If endorsed by Council, the proposed Notice of Motion would be helpful in commencing the boundary change request as it would be pursuant to an endorsed Council resolution.

FINANCIAL AND RESOURCE IMPLICATIONS

5. The boundary change request is within the Place Services work plan for the current financial year.

	FY 22/23	FY 23/24	FY 24/25	FY 25/26
Revenue				
Internal Revenue				
External Revenue				
Total Revenue	NIL			
Funding Source	N/A			
Operating Result				
External Costs				
Internal Costs				
Depreciation				
Other				
Total Operating Result	NIL			
Funding Source	N/A			
CAPEX				
CAPEX				
External				
Internal				
Other				
Total CAPEX	NIL			

Paul Noack
Councillor

Bryan Hynes
Executive Director Property & Place

John Angilley
Chief Financial and Information Officer

Brett Newman
Chief Executive Officer

ATTACHMENTS:
There are no attachments for this report.

NOTICE OF MOTION

ITEM NUMBER	14.3
SUBJECT	Long Serving Staff Recognition
REFERENCE	F2022/00105 - D08642688
FROM	Deputy Lord Mayor

MOTION

(a) **That** Council provide an update on recognition programs in place for long serving staff and high performing individuals and teams.

(b) **Further**, **that** the update include advice on the opportunity for Council to include in the recognition program an acknowledgement from Councillors as part of the overall approach, including provision for a meet and greet and a certificate of acknowledgement signed by all Councillors.

BACKGROUND

1. No background was provided.

STAFF RESPONSE

2. Council has an established 'Above and Beyond' Awards recognition program that recognises employee effort and achievement.

3. The Above and Beyond Awards program provides for individual staff and teams to be nominated by their peers, line managers or senior leaders for demonstrating at least one of Council's values (being Customer Focus, Innovation, Integrity, Teamwork) by demonstrating how they have gone above and beyond their normal role that positively impacts Council and our community. Awards are held bi-monthly and all winners receive a certificate of appreciation and a gift card and go in the running for the 'Employee of the Year' or 'Team of the Year' annual award.

4. Council also recognises our long serving staff members who have been with Council for 15+ years. Long serving staff members are formally acknowledged during the Council's annual staff Christmas Party with their names and service recognised. Each long serving staff member receives a certificate of service and a gift card.

5. Council's Above and Beyond Awards Program is currently being reviewed to align with the commitment to People First. Community First. and Council's ASPIRE behaviours. This refresh provides the opportunity for staff and teams to be formally recognised demonstrating these behaviours, to encourage others to follow and to create organisational culture change.

6. Provision can be made to continue to include the Lord Mayor and Councillors at annual award events to meet with long serving staff to present certificates of appreciation and service.

FINANCIAL AND RESOURCE IMPLICATIONS

7. There are no unbudgeted financial implications associated with this Notice of Motion. The cost for the recognition of Above and Beyond winners and long serving staff members is provided for within Council's 2022/23 budget. In addition, the review being undertaken of Council's Above and Beyond Awards Program is also provided for within existing staff resources.

	FY 22/23	FY 23/24	FY 24/25	FY 25/26
Revenue				
Internal Revenue				
External Revenue				
Total Revenue	NIL	NIL	NIL	NIL
Funding Source	N/A	N/A	N/A	N/A
Operating Result				
External Costs				
Internal Costs				
Depreciation				
Other				
Total Operating Result	NIL	NIL	NIL	NIL
Funding Source	N/A	N/A	N/A	N/A
CAPEX				
CAPEX				
External				
Internal				
Other				
Total CAPEX	NIL	NIL	NIL	NIL

Sameer Pandey
Deputy Lord Mayor

Bernadette Cavanagh
Executive Director, People Culture & Workplace

John Angilley
Chief Financial and Information Officer

Brett Newman
Chief Executive Officer

ATTACHMENTS:
There are no attachments for this report.

QUESTIONS WITH NOTICE

22 AUGUST 2022

15.1 Questions Taken on Notice - 8 August 2022 Council Meeting 564

QUESTIONS WITH NOTICE

ITEM NUMBER 15.1
SUBJECT Questions Taken on Notice - 8 August 2022 Council Meeting
REFERENCE F2022/00105 - D08640963
REPORT OF Governance Manager

QUESTIONS TAKEN ON NOTICE FROM THE COUNCIL MEETING OF 8 AUGUST 2022

Item	Subject	Councillor	Question
13.10	Arthur Phillip Commemorative Public Art Project – Charles Street Square	Wearne	The Oars Foot bridge is never lit, or very rarely lit. Why is this the case?
13.10	Arthur Phillip Commemorative Public Art Project – Charles Street Square	Davis	When consultation was undertaken as part of the Masterplan for the Charles Street Wharf, did this include a public art component?
13.10	Arthur Phillip Commemorative Public Art Project – Charles Street Square	Garrard	In relation to the Charles Street Wharf, what work is occurring down there at the moment? Can a briefing be held on this.
13.10	Arthur Phillip Commemorative Public Art Project – Charles Street Square	Wearne	How many residences would this Artwork be visible to? i.e. how many residential units would be able to see this piece of artwork, and how many could it impact?

BACKGROUND

1. Paragraph 9.23 of Council's Code of Meeting Practice states:

> *"Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council*."

STAFF RESPONSE

<u>Item 13.10 – Arthur Phillip Commemorative Public Art Project – Charles Street Square</u>

During discussion on the Motion moved by Councillor Pandey, Councillor Wearne asked the following question:

> *The Oars Foot bridge is never lit, or very rarely lit. Why is this the case?*

Executive Director City Assets and Operations Response

It is understood that there are technical issues with the operation of these lights, the staff responsible is on unexpected sick leave and will be back in early September. We will provide a more detailed response at a Council meeting in September.

Item 13.10 – Arthur Phillip Commemorative Public Art Project – Charles Street Square

During discussion on the Motion moved by Councillor Pandey, Lord Mayor Davis asked the following question:

When consultation was undertaken as part of the Masterplan for the Charles Street Wharf, did this include a public art component?

Executive Director City Planning & Design Response

In late 2019, Council endorsed for exhibition the Draft Concept Design for upgrades to the public domain at Charles Street Square. Information presented to the community throughout the public exhibition acknowledged the planned public artwork, stating: *A major new public artwork featuring sculpture and projections on to the escarpment across the river, will tell the stories of the Parramatta and its people* (Community information brochure, Feb 2020). Views on the potential content for the work (the broad story it should tell) were also canvassed via the engagement program.

The consultation summary report that accompanied the refined design for Council endorsement after exhibition, described the extent of the engagement program which provided information about the draft concept design to over 800,000 people (using letterbox drops, web visits, staffed displays, media, social media, document downloads), resulting in 115 formal submissions. Positive feedback on the project included support for the public art and interpretation opportunities – particularly in relation to Dharug stories, the river and natural environment, and key events over time. 63% of respondents were local residents, 4% were local businesses and 63% of participants wanted the public art and interpretation in the space to represent “the stories of the Dharug people and their connection to the land”; followed by local native plants and animals 58%, key events in Parramatta over time 53% and the dynamic river environment 52%.

In the public exhibition of the Review of Environmental Factors (REF) in September/October 2020, which included the detailed design for the public domain, the setting for a sculpture (proposed at the time), the housing of the artwork projectors and the projected light onto the escarpment was detailed. While the REF recognised content for the artwork itself was to be further developed (REF Community Summary page 01, Sept 2020) information on the ecological and lighting impacts (a technical assessment), and the proposed relevant lighting and biodiversity mitigations were included. These have been incorporated into the technical brief for the projection design. The REF

exhibition reached some 160,000 people (using letterbox drops, web visits, social media, document downloads) and resulted in four formal submissions.

To further the development of the site interpretation plan for the project, a requirement of approvals under the Heritage Act for the public domain project, and to explore the incorporation of Dharug content into the artwork, a series of workshops were held with Dharug representatives late 2020 and early 2021 to advise and guide an approach to this content.

As part of ongoing engagement with local stakeholders (residents and business) regular updates are provided with the invitation to contact the project team. The lighting trial held on 9 May 2022, included signage and letterbox drops explaining the trial and the public art with a repeated invitation to contact the project team. No enquiries were received.

Item 13.10 – Arthur Phillip Commemorative Public Art Project – Charles Street Square

During discussion on the Motion moved by Councillor Pandey, Councillor Garrard asked the following question:

In relation to the Charles Street Wharf, what work is occurring down there at the moment? Can a briefing be held on this.

Executive Director Community Services Response

Council is currently doing a major project to upgrade the public domain adjacent to the Ferry Wharf at Charles Street Square. It follows the completion of the new Escarpment Boardwalk on the opposite side of the river.

The project is a key part of Council's plans to revitalise the Parramatta River foreshore and is valued at approximately $12m. Work began in early 2022 and is programmed to finish in March 2023.

The upgraded Square will feature new ramps and stairs, a wide riverfront walk, paved terraces, an amphitheatre and new public shelter, set amongst extensive trees and gardens.

The Charles Street Square project is also being co-funded by Council and the NSW Government, which is contributing $4.65m to the $12.1m upgrade.

A briefing can be arranged for interested Councillors

Item 13.10 – Arthur Phillip Commemorative Public Art Project – Charles Street Square

During discussion on the Motion moved by Councillor Pandey, Councillor Wearne asked the following question:

How many residences would this Artwork be visible to?
i.e. how many residential units would be able to see this piece of artwork, and how many could it impact?

Executive Director Community Services Response

On the 9th of May 2022, projection tests were undertaken at Charles St Square to determine if there is any visual impact of the proposed Artwork on neighbouring areas. The scope of the test included the following:

- Projection coverage area
- Ambient light levels in the surrounding areas
- Ability to view projection from various locations
- Impact of the projection on surrounding community
- Suitability of the projection equipment suggested in the options report
- Location of projection equipment

The projection tests concluded that the projection will not impact neighbouring areas as it is contained to the rock wall of the embankment. The projector is located on the opposite side of the ferry wharf to the embankment, projecting across the water to the embankment. This projection throw is direct and mapped to the embankment. The projection does not spill outside of or beyond the embankment. This was confirmed via the projection test. Further, the optimal viewing location of the projection work is the ferry wharf and surrounding Charles St Wharf areas. Viewing from any other location is compromised by distance and angle of viewing, including height.

A staff review has identified three main residential apartment premises within the neighbouring area. This includes apartment premises on the corner of Charles and George Streets, Stewart Street and Queens Avenue. Further, there are also four main commercial premises on Charles and Phillip Streets in the neighbouring area. Light spill will not impact any of these premises, as they are outside of the projection area. Further, due to the distance from the projection and angle of viewing, these premises will have significantly reduced visibility of the projection work. One commercial premise at the ferry wharf will have a less-compromised view of the projection work, providing a point of interest for visitors, whilst not impacting their activity.

ATTACHMENTS:

REFERENCE MATERIAL