



Burwood Inc.1874
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Ordinary Meeting

Notice is hereby given that a meeting of Burwood Council will be held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 28 November 2023 at 6:00pm to consider the matters contained in the attached Agenda.

The public gallery will be open for those wishing to observe the meeting. In addition, an opportunity to observe the meeting via audio visual link will also be made available.

Public Forum

A public forum will be held at 6:00pm, prior to the commencement of the meeting, to allow members of the public to make oral submissions about an item on the Agenda for the meeting. The opportunity will also be provided to speak via audio visual link.

Anyone wishing to address Council during the public forum will need to register by 2:00pm on the day of the meeting. A person wishing to speak must indicate the item of business on the Agenda they wish to speak on and whether they wish to speak 'for' or 'against' the item. Registrations to speak can be lodged on [Council's website](#).

The Council Meeting will commence immediately after the conclusion of the Public Forum. In the event there are no speakers registered, the Public Forum will not be held and the Council Meeting will commence promptly at 6:00pm.

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General Manager

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Council meeting room

General
Manager

Mayor
Faker

Cr
Mannah

Cr Esber

Cr
Cutcher

Cr
Crichton

Cr
Robinson

Cr Hull

Public gallery

Agenda

For an Ordinary Meeting of Burwood Council to be held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 28 November 2023 immediately after the Public Forum commencing at 6.00pm.

1. Prayer

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

2. Acknowledgement of Country

3. Statement of Ethical Obligations

4. Apologies

5. Declarations of Interest

6. Declaration of Political Donations

7. Confirmation of Minutes

8. Mayoral Minutes

9. General Business

Mayoral Minutes

(Item MM7/23) Maximising rooftop potential for a greener and more active Burwood.....5

General Business

(Item 82/23) Planning Proposal - Group Heritage Listing of 23, 25 and 27 Woodside Avenue, Burwood 9

(Item 83/23) Adoption - Amendment to Burwood DCP - Setbacks for 121-125 Burwood Road & 168 Burwood Road, Burwood..... 17

(Item 84/23) Draft Customer Experience Strategy 2024 - 2027 - Endorsement for Public Exhibition..... 20

(Item 85/23) Draft Youth Action Plan 2024 - 2027 - Endorsement for Public Exhibition 23

(Item 86/23) Burwood Council Annual Report 2022 - 2023..... 26

(Item 87/23) Council meetings, briefings and workshop schedule for 2024 27

(Item 88/23) Draft Public Interest Disclosures Policy - Adoption..... 29

(Item 89/23) Mandatory Notification of Data Breach Scheme - Endorsement of draft policies for public exhibition..... 31

(Item 90/23) Budget Review for Quarter Ending 30 September 2023 34

(Item 91/23)	Fees and Charges 2023-2024 - Proposed Fee for Roads and Footpaths and Traffic Management - Results of Public Exhibition	45
(Item 92/23)	Investment Report as at 31 October 2023	47
(Item 93/23)	Letter from Minister for Planning and Public Spaces - Low and Medium Density Housing Zones.....	51

Reports of Committees

(Item RC20/23)	Burwood Local Traffic Committee - November 2023	52
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Confidential Items

(Item 94/23)	Burwood Urban Park, Arts & Cultural Centre - Revised Funding Strategy	
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That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d) of the Local Government Act, 1993, as the matter involves 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.

Mayoral Minute

(Item MM7/23) Maximising Rooftop Potential for a Greener and More Active Burwood

File No: 23/45077

MAYORAL MINUTE BY CR JOHN FAKER (MAYOR)

Summary

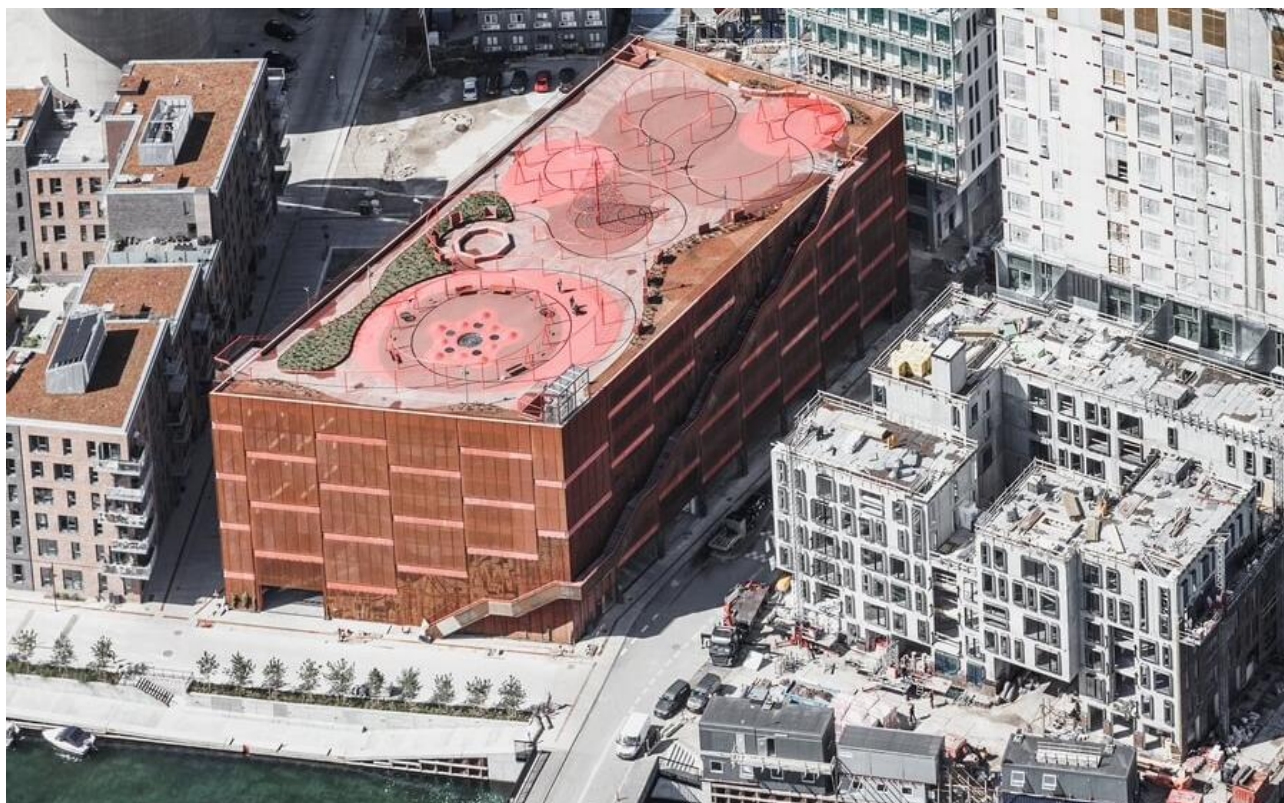
As space on the ground level of buildings in our town centre is increasingly at a premium, transforming the otherwise vacant space on our rooftops into places where we can promote biodiversity, play, relax, exercise and just live stands out as a compelling and necessary solution.

The potential of these previously overlooked spaces has largely gone untapped in NSW, but I am committed to seeing no rooftop go unused in Burwood.

As a Council we have already endorsed the use of rooftops as a priority as part of the draft Burwood North Masterplan, from greening of roofs, to the installation of solar power as well as promoting biodiversity through innovative initiatives such as Urban Beehives.

But we can't stop here. As we continue to create high quality, activated and liveable places, we as a Council must make the necessary policy changes to support and incentivise developers to fully utilise their existing and new roof spaces.

Internationally, several countries have successfully embraced the concept of utilising rooftops for recreational and community purposes, establishing exemplary best practices for urban development. In cities like Denmark and New York, rooftop areas have been transformed into vibrant communal spaces, hosting amenities such as basketball courts, playgrounds and observation decks.



Park 'n' Play – Denmark

Similarly, in Singapore, rooftop gardens and social spaces have become integral components of high-rise developments, fostering community engagement and well-being. The city's commitment to sustainable urban planning includes guidelines encouraging green roofs and recreational installations.



Park Royal – Marina Bay – Singapore

Additionally, cities like Copenhagen and London, have embraced the trend with rooftop bars and social areas offering panoramic views of the city.



John Lewis Rooftop, 300 Oxford St, London

These international examples showcase the diverse possibilities and benefits of activating rooftop spaces, providing valuable insights for Burwood to enhance its own urban landscape and community experience.

With this in mind, as we embark on a comprehensive review of the Burwood Development Control Plan (DCP) I urge that as a Council we investigate the following:

1. Advocacy to the State Government to include actions in the District Plan that facilitate and incentivise the active use of rooftops.
2. A review of Council's Planning Framework to include innovative provisions that ensure the delivery of well-designed and well utilised rooftops.
3. Explore opportunities to incentivise a greater take-up of the active use of rooftops for existing and new developments.

Operational Plan Objective

C.3 An urban environment that maintains and enhances our sense of identity and place
P.13 Develop and implement planning policies to enhance and promote design excellence

I therefore move that:

The General Manager:

1. Include as part of any submission on the Draft District Plan a request for the State Government to better facilitate and incentivise the active use of rooftops.

2. Review Council's Planning Framework to include innovative provisions that ensure the delivery of well-designed and well utilised rooftops.
3. Explore opportunities to incentivise a greater take-up of the active use of rooftops for existing and new developments.

Attachments

There are no attachments for this report.

(Item 82/23) Planning Proposal - Group Heritage Listing of 23, 25 and 27 Woodside Avenue, Burwood

File No: 23/45558

Report By General Manager

Summary

A Planning Proposal has been prepared to facilitate the group heritage listing of the properties at Nos. 23, 25 and 27 Woodside Avenue, Burwood under Schedule 5 of the Burwood Local Environmental Plan (BLEP) 2012.

The subject properties have been assessed against the NSW Heritage Criteria and meet the threshold of local significance for the relevant heritage assessment criteria. The Planning Proposal has been presented to the Burwood Local Planning Panel who support the proposed heritage listing. It is recommended that Council now endorse the Planning Proposal for submission to the Department of Planning & Environment for a Gateway Determination.

Operational Plan Objective

C.3 An urban environment that maintains and enhances our sense of identity and place

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

P.14 Identify and plan for built heritage and local character

A.38 Undertake a heritage assessment of existing building stock to identify and update the register of contributory or heritage items

Background

Council, at its meeting on 23 May 2023, considered a Mayoral Minute relating to a heritage investigation of Woodside Avenue, Burwood and resolved the following:

- 1. The General Manager initiates a preliminary in-house heritage review of the properties in Woodside Avenue, Burwood and if deemed appropriate, a further report be brought back to Council seeking authorisation to proceed with heritage listing if considered appropriate.*
- 2. The General Manager be authorised to obtain an Interim Heritage Order (IHO) if it becomes apparent that there is an imminent threat to the property located at 23 Woodside Avenue.*
- 3. It is also requested that the General Manager write to the current owners of 23 Woodside Avenue and other properties being considered for heritage listing, to inform them of the preliminary heritage investigation and this mayoral minute.*

In response to item 1 of Council's resolution, a preliminary heritage assessment of the properties in Woodside Avenue, Burwood was undertaken by Council's Heritage Advisor. Based on the preliminary heritage assessment, it was concluded that the three Federation properties, Nos. 23, 25 and 27 Woodside Avenue, Burwood were highly likely to meet the threshold of heritage significance criteria.

In this regard, a report on the preliminary heritage significance investigation of Nos. 23, 25 and 27 Woodside Avenue, Burwood was considered by Council, at its meeting on 27 June 2023.

Subsequently, Council resolved (34/23) the following:

- 1. That Council engage an independent consultant to undertake a heritage assessment of the properties at 23, 25 and 27 Woodside Avenue to determine the local heritage significance of the properties.*

2. *That the General Manager initiate a detailed heritage assessment, to be undertaken by Council's Heritage Advisor, of the potential new Woodside Avenue West Heritage Conservation Area.*
3. *That the findings of the independent heritage investigation of No 23, 25 & 27 Woodside Avenue, Burwood as a heritage item (or group heritage item) and the detailed heritage assessment of the potential new Woodside Avenue West Heritage Conservation Area, undertaken by Council's Heritage Advisor be reported back to Council.*

In accordance with Council's resolution, Council appointed independent heritage consultant, Lisa Trueman Heritage Advisor, to undertake a heritage assessment of the properties at Nos. 23, 25 and 27 Woodside Avenue, Burwood. The independent heritage assessment concluded that all three properties demonstrate heritage significance at the local level and progression to a group heritage listing is recommended. A copy of the independent Heritage Assessment is included at **Attachment 1**.

The findings of the independent heritage assessment were reported to Council, at its meeting on 24 October 2023, where it resolved (74/23) the following:

1. *That Council endorse the preparation of a Planning Proposal to amend Schedule 5 of the Burwood LEP 2012 to group heritage list the properties at Nos 23, 25 and 27 Woodside Avenue, Burwood.*
2. *That the Planning Proposal be submitted to the Burwood Local Planning Panel (BLPP) for their advice and then following the BLPP meeting, the Planning Proposal be reported to Council.*

The Planning Proposal has been prepared in response to Council's resolution. A copy of the Planning Proposal is included at **Attachment 2**.

Burwood Local Planning Panel Consideration

The Planning Proposal was considered by the Burwood Local Planning Panel (BLPP) at its meeting on 14 November 2023. The BLPP resolved to:

- (a) *support the Planning Proposal to amend Schedule 5 of the Burwood LEP 2012 to group list the properties at Nos. 23, 25 and 27 Woodside Avenue, Burwood which as part of an independent assessment demonstrate heritage significance and meet the threshold of local significance for the relevant criteria, as outlined in the Planning Proposal.*
- (b) *provides advice to Council to proceed with the Planning Proposal at Attachment 2 to group list the properties at Nos. 23, 25 and 27 Woodside Avenue, Burwood as a local heritage item in the Burwood LEP 2012.*

Heritage Assessment

The Heritage Assessment prepared by Lisa Trueman Heritage Advisor concludes that all three Federation style houses at 23, 25 and 27 Woodside Avenue, Burwood demonstrate historic, aesthetic, rarity and representative significance at the local level and No. 23 Woodside Avenue Burwood also has associative significance for the following reasons:

NSW Heritage Criteria	Assessment
Historical <ul style="list-style-type: none"> ▪ important in the course, or pattern, of Burwood's cultural or natural history 	<p>The land on which the houses at 23, 25 and 27 Woodside Street is located originally formed part of Thomas Rowley's grant, named Burwood Farm.</p> <p>The land was subdivided in 1893, forming lots 7,8 and 9 of</p>

	<p>Section H of the Cheltenham Estate.</p> <p>The land at No. 23 Woodside Avenue was purchased by John Ogilvie Henry Wrenford Mathews in December 1909 and the Federation style dwelling was erected by Mathews in 1910. Originally called Amsterdam, it was renamed 'Wandook' in 1924. The Mathews family was a prominent and active family in Burwood society and retained ownership of the property until 1953.</p> <p>The land at 25 Woodside Avenue was purchased by Bertha Newton Ward in 1910 and the house was constructed in 1912, and named 'Landstein', and later 'Toxteth'. The property was retained by the Ward family until 1926.</p> <p>The land at 27 Woodside Avenue was purchased by Sara Susan Nolan, in 1912 and the house on the site was constructed by Nolan in 1912 and named 'Finmount'. The property was retained by the Nolan family until 1948.</p> <p>The properties have historical significance at the local level as being part of an early subdivision and the houses, built 1910-1912 formed part of the Federation period of development that was historically important in the Burwood area.</p>
<p>Associative</p> <ul style="list-style-type: none"> ▪ has strong or special association with the life or works of a person, or group of persons, of importance in Burwood's cultural or natural history 	<p>The property at 23 Woodside Avenue is associated with John Ogilvie Wrenford Mathews and his family. The Mathews family was a prominent and active family in Burwood society, hosting many events at the house. Mathews was a prominent sheep classed and wool expert who worked in the NSW Department of Agriculture and contributed to Australia's agricultural development and wool industry.</p> <p>The properties at 25 and 27 Woodside Avenue do not have any known associations with any persons of importance to the history of the local area.</p> <p>No. 23 Woodside Avenue has significance at the local level under this criterion.</p>
<p>Aesthetic or Technical</p> <ul style="list-style-type: none"> ▪ important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in Burwood 	<p>The dwellings at Nos 23, 25 and 27 Woodside Avenue demonstrate the typology of the Federation Bungalow with Queen Anne details. They demonstrate a very high degree of integrity and intactness and incorporate many key architectural features typical of the style and period. The setting and curtilage of the dwellings is highly intact, their original lot boundaries have not been altered since the construction of the dwellings and they retain their small open gardens to the street and larger levels gardens to the rear.</p> <p>The houses at 25 and 27 Woodside Avenue display a very high level of integrity with little alteration.</p> <p>No 23 Woodside Avenue has minor additions thought to have been constructed in the 1990s. These modifications have been designed to reflect the original style of the dwelling and do not</p>

	<p>diminish its aesthetic appeal when viewed from the street. This property retains a lawn tennis court at the rear of the house that has existed since at least the 1930s and likely earlier.</p> <p>Significant elements of the houses include the steep pitched roofs with projecting gables, face brick facades, deep verandahs and entry porches with tessellated tiles and decorative timber posts and brackets or brick piers, prominent brick and rendered chimneys, timber framed windows with slender proportions and colours or lead light features, and gardens with planter beds and lawns.</p> <p>The interiors have a very high level of integrity, retaining their original configurations and internal walls, timber flooring, decorative timber and plaster mouldings, decorative plaster ceilings, original internal doors, marble and timber fireplaces and fretwork.</p> <p>The dwellings are notable and highly intact examples of their typology and provide a strong contribution to the historic character of Woodside Avenue, the suburb of Burwood and the wider Burwood local government area.</p>
<p>Social</p> <ul style="list-style-type: none"> ▪ strong or special association with a particular community or cultural group in Burwood (social, cultural or spiritual reasons) 	<p>Although a detailed social values study has not been undertaken, there is no evidence to suggest that the properties hold any strong or significant associations with any local community of cultural groups.</p> <p>Nos. 23, 25 and 27 Woodside Avenue do not meet the threshold for heritage listing under this criterion.</p>
<p>Research Potential</p> <ul style="list-style-type: none"> ▪ potential to yield information that will contribute to an understanding of Burwood's cultural or natural history 	<p>An assessments of the properties archaeological potential is beyond the scope of this assessment.</p>
<p>Rarity</p> <ul style="list-style-type: none"> ▪ possesses uncommon, rare or endangered aspects of Burwood's cultural or natural history 	<p>The high level of integrity and intactness of the lot boundary curtilage, setting and fabric of the three Federation dwellings, including interior layout and details, is rare within the Burwood area, where development and subdivision of larger properties is common.</p> <p>The retention of the early lawn tennis court at the rear of No. 23 Woodside Avenue is very rare within the local area.</p> <p>Nos. 23, 25 and 27 Woodside Avenue have significance at the local level under this criterion.</p>
<p>Representative</p> <ul style="list-style-type: none"> ▪ important in demonstrating the principal characteristics of a class of Burwood's cultural or natural places, or cultural or natural environments 	<p>The dwellings at 23, 25 and 27 Woodside Avenue are fine representative examples of Federation Bungalows with Queen Anne details. They exhibit typical features of the style, including the steep pitched roofs with projecting gables, face brick facades, deep verandahs and entry porches with tessellated tiles and decorative timber posts and brackets or brick piers, prominent brick and rendered chimneys, timber framed windows with slender proportions and colours or lead light features,</p>

	<p>gardens with planter beds and lawns, original configurations and internal walls, timber flooring, decorative timber and plaster mouldings, decorative plaster ceilings, original internal doors, marble and timber fireplaces and fretwork. The very high and unusual degree of integrity and intactness of the houses and their settings make them particularly fine representations of the type.</p> <p>Nos. 23, 25 and 27 Woodside Avenue have cultural significance at the local level under this criterion.</p>
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In conclusion, Nos 23, 25 and 27 Woodside Avenue, Burwood, demonstrate heritage significance at the local level for the following reasons:

- The dwellings date from the early twentieth century, a key period in the development of Burwood.
- No. 23 Woodside Street has a longstanding association with the Mathews family, who were a prominent local family in Burwood in the early twentieth century.
- The houses are Federation Bungalows with Queen Anne details, a typology that is historically important in the development of Burwood.
- The original lot sizes have not been modified since the construction of the houses and the original curtilage of the three houses, separately and together, has been retained.
- The dwellings demonstrate key architectural features of the Federation Bungalow style and are a fine representation of the typology in the Burwood area. The houses have a very high degree of integrity, both internal and external, that is rare in the locality.
- The lawn tennis court at No 23 Woodside Avenue, which originates from the early era of development of the site, is rare in the locality.
- The houses contribute to the historical and visual character of the Burwood LGA.
- The scale, setting, form, architectural features, materials and very high degree of intactness of the houses is comparable to other heritage listed houses and groups of houses in the Burwood LGA.

Planning Proposal

The Planning Proposal seeks to list the properties at Nos. 23, 25 and 27 Woodside Avenue, Burwood as a group item of local heritage significance.

The Planning Proposal has strategic and site specific merit. It is consistent with the relevant objectives of the Greater Sydney Regional Plan: A Metropolis of Three cities and the actions identified under the Eastern City District Plan.

The Planning Proposal is consistent with Council's Community Strategic Plan Burwood 2036 as well as the Burwood Local Strategic Planning Statement (LSPS) which was endorsed by the former Greater Sydney Commission in March 2020. The vision for Burwood makes reference to '*cherished heritage conservation areas, ...well designed buildings and... neighbourhoods filled with distinct character*'. One of the LSPS's objectives include:

Preserve local character by preventing extensive redevelopment in those parts of the LGA which have heritage significance or a significant local character.

The Planning Proposal is consistent with the Standard Instrument – Principal Local Environmental Plan and all other applicable State Environmental Planning Policies and applicable section 9.1 Ministerial Directions.

Consultation

Affected property owners of Nos. 23, 25 and 27 Woodside Avenue, Burwood have been notified by letter on three occasions prior to the preparation of the Planning Proposal.

- A letter was sent to abovementioned property owners on 16 August 2023 advising that Council resolved (27 June 2023) to undertake a heritage assessment of properties located at Nos. 23, 25 and 27 Woodside Avenue, Burwood to determine whether the properties should be listed as local heritage item, and the site inspection of each property undertaken by Council's independent external heritage consultant.
- A letter was sent to abovementioned property owners on 19 October 2023 advising of the findings of the heritage assessment prepared by Council's independent heritage consultant where it is concluded properties at Nos. 23, 25 and 27 Woodside Avenue, Burwood demonstrate historic, aesthetic, rarity and representative significance at the local level and No. 23 Woodside Avenue Burwood also has associative significance.
- A letter was sent to abovementioned property owners on 26 October 2023 advising that Council resolved at its meeting 24 October 2023 to prepare a Planning Proposal to amend Schedule 5 of the Burwood Local Environmental Plan 2012 to group heritage list the properties at Nos. 23, 25 and 27 Woodside Avenue, Burwood.

It is proposed that the owners of Nos. 23, 25 and 27 Woodside Avenue, Burwood, will be further consulted during the exhibition of the Planning Proposal. The specific timeframes for this consultation will be outlined in the Gateway Determination. The public exhibition will encompass the following:

- Electronic copy of all relevant information on Council's Participate Burwood website, as well as the DPE Planning Proposal tracker.
- Letters to the owners of Nos. 23, 25 and 27 Woodside Avenue, Burwood and owners of adjoining properties in the vicinity of the subject site.
- Letters to relevant State agencies and other authorities/agencies nominated by the DPE as part of the Gateway Determination.

The public exhibition will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the Act) and the *Environmental Planning and Assessment Regulation 2021* (the Regulation), also having regard to other relevant plans and guidelines including the *Burwood Community Engagement Strategy* and *Local Environmental Plan Making Guideline* (August 2023) and any conditions of the Gateway Determination.

Planning or Policy Implications

Heritage listing of properties is undertaken through a Planning Proposal. Should Council resolve to progress the Planning Proposal, the general steps would be as follows:

- The Planning Proposal is submitted to the Department of Planning and Environment (DPE) for a Gateway Determination. This step will determine whether the proposal can proceed and outline the community and agency consultation required.
- Public exhibition of the planning proposal and consultation with relevant State government agencies.

- The outcomes of community consultation are reported back to Council for consideration. The Council is asked whether it wishes to adopt the Planning Proposal and proceed to plan-making.
- If adopted, Council staff will liaise with the DPE and Parliamentary Counsel to amend the BLEP 2012.
- The properties are group listed in Schedule 5 of the BLEP 2012.

It is anticipated that the process would take approximately seven (7) months to complete, taking into account the December/January period.

Prior to the finalisation of the amendment, the identified properties will be afforded greater heritage protection, by way of being deemed as a draft heritage item, as soon as the Planning Proposal is placed on public exhibition. A notation has already been included for the subject properties in Part 5 of the Planning Certificates. Should Council endorse the progression of the Planning Proposal, the Planning Certificates will be updated to include a notation in Part 2. This ensures that the information is available to current and future land owners.

Financial Implications

It is expected that there are no other financial implications with respect to the Planning Proposal other than staff allocation and resources.

Conclusion

A Planning Proposal has been prepared to facilitate the group heritage listing of the properties at Nos. 23, 25 and 27 Woodside Avenue, Burwood, under Schedule 5 of the Burwood LEP 2012.

An independent heritage assessment of the subject properties has been undertaken by Lisa Trueman Heritage Advisor. This report concludes that Nos 23,25 & 27 Woodside Avenue, Burwood demonstrate historic, aesthetic, rarity and representative significance at the local level and meet the threshold for listing as a group item of local significance under the Burwood LEP 2012.

In view of the Burwood Local Planning Panel's support of the Planning Proposal, Council's endorsement is sought to progress the Planning Proposal to the Department of Planning & Environment for a Gateway Determination.

Recommendation(s)

1. That Council support the group listing of the properties at Nos. 23, 25 and 27 Woodside Avenue, Burwood as a group item of local heritage significance under Schedule 5 of the Burwood Local Environmental Plan 2012 as outlined in the Planning Proposal
2. That Council endorse the forwarding of the Planning Proposal to the NSW Department of Planning and Environment (DPE) to request a Gateway Determination under Section 3.33 of the Environmental Planning and Assessment Act 1979 for an amendment to the Burwood Local Environmental Plan 2012 to:
 - i. List the properties at Nos. 23, 25 and 27 Woodside Avenue, Burwood as a group heritage item under Schedule 5 Environmental heritage; and
 - ii. Include Nos. 23, 25 and 27 Woodside Avenue, Burwood as an "Item – General" on the Heritage Map
3. That subject to the Gateway Determination, affected property owners be notified in writing of the exhibition of the Planning Proposal.
4. That following the conclusion of the exhibition of the Planning Proposal, a report be presented back to Council.

Attachments

- 1⇒ 23, 25 and 27 Woodside Avenue Burwood - Heritage Assessment
- 2⇒ Planning Proposal - Group Heritage Listing of 23, 25 & 27 Woodside Avenue, Burwood

(Item 83/23) Adoption - Amendment to Burwood DCP - Setbacks for 121-125 Burwood Road & 168 Burwood Road, Burwood

File No: 23/45350

Report by General Manager

Summary

This report provides an overview of the public exhibition of the proposed amendments to the Burwood Development Control Plan (DCP) with respect to setback requirements under Section 3.3.2 Burwood Town Centre Areas, specifically relating to the front setback requirements for Nos. 121-125 Burwood and 168 Burwood Road, Burwood. Three (3) submissions were received during the exhibition period.

It is recommended that the amended controls for front setback requirements for Nos. 121-125 and 168 Burwood Road, Burwood be adopted, as exhibited.

Operational Plan Objective

A.33 Undertake a comprehensive review of the Development Control Plan (DCP) 2013 and prepare a user friendly and interactive DCP

C.11.2 Provide opportunity for engagement with the community to inform Council's decision-making

P.49 Ensure transparency and accountability in decision making

Background

Council, at its meeting on 22 August 2023, considered a report on proposed amendments to Section 3.3.2 Burwood Town Centre Areas of the Burwood DCP, specifically relating to the front setback requirements for land at Nos. 121-125 Burwood and 168 Burwood Road, Burwood, where it resolved the following:

- 1. That the proposed amendment to the primary street front setback requirements for Nos 121-125 & 168 Burwood Road, Burwood under Section 3.3.2 Burwood Town Centre Areas of the Burwood Development Control Plan (DCP), as outlined in the body of the report, be endorsed for the purposes of public exhibition and that they be exhibited in accordance with relevant Legislation and Council's Community Engagement Strategy.*
- 2. That the owners of the affected properties be notified in writing of the proposed amendment to the DCP.*
- 3. That following the exhibition of the DCP amendments, a report be brought to Council advising of any submissions and making recommendations on the finalisation of the draft DCP provision.*

Amendments to Burwood DCP – 3.3.2 Burwood Town Centre Areas

The amendment to Section 3.3.2 Burwood Town Centre Areas of Burwood DCP proposes to increase the street front setback requirements from 0m to 8m for Nos 121-125 Burwood Road (current Burwood Hotel) and 168 Burwood Road (current Westpac Bank) to ensure that any future redevelopment of the subject sites provides an increased ground floor building setback to assist in opening up the heritage view towards the former Burwood Post Office and also to facilitate an increased building setback to establish a public plaza fronting Burwood Road.

The setback requirements for the sites, as exhibited are outlined in Table 1 and Figure 1 below:

Table 1: Increased street front setback requirements for 121-125 & 168 Burwood Road, Burwood

	Burwood Road	Railway Parade
Primary Setback	8m	3m
Secondary Setback	8m	6m



Figure 1. Increased street front setback requirements for 121-125 & 168 Burwood Road, Burwood – 8m setback to Burwood Road and 3m setback to Railway Parade

It is proposed that an additional clause be inserted under the Street Front Setback provisions for Burwood Road under Section 3.3.2 Burwood Town Centre Areas, as follows:

P5 Notwithstanding P4 above, for Nos 121-125 Burwood Road and 168 Burwood Road, Burwood, the street front setback on Burwood Road must be a minimum of 8m to:

- (i) Open up the heritage view to the former Burwood Post Office; and*
- (ii) Facilitate and establish the creation of a public plaza along the Burwood Road frontage*

This will facilitate the outcome, as proposed in Figure 1 above.

Public Exhibition & Consultation

The amendments to Section 3.3.2 of the Burwood DCP were placed on public exhibition for 30 days from 13 September to 13 October 2023. The exhibition notice included a link to Participate Burwood where the proposed amendment was available for review.

A letter advising of the proposed amendments and the exhibition was also sent to the property owners of Nos. 121, 123, 125 and 168 Burwood Road, Burwood.

During the exhibition three (3) submissions were received. A summary of the submissions and the Council officer's response is provided at **Attachment 1**.

Planning or Policy Implications

The amendments to Burwood DCP were exhibited for 30 days in accordance with the *Environmental Planning and Assessment Regulation 2021* and Council's *Community Engagement Strategy 2023-2026*.

Financial Implications

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

Conclusion

The proposed amendment to increase the street front setback requirements from 0m to 8m for Nos 121-125 Burwood Road (current Burwood Hotel) and 168 Burwood Road (current Westpac Bank) will assist, upon redevelopment of the sites, in opening up the heritage view towards the former Burwood Post Office and facilitating a large enough building setback to establish a public plaza fronting Burwood Road.

The proposed amendments were on public exhibition for 30 days and three (3) submissions were received. The matters raised in the submissions were considered and responded to.

It is recommended that the amendments to the Burwood DCP in relation to the increased front setback requirements for land at Nos. 121-125 Burwood Road and 168 Burwood Road, Burwood be adopted, as exhibited.

Recommendation(s)

1. That Council, pursuant to Section 3.43 of the *Environmental Planning & Assessment Act 1979* and in accordance with clause 14 of the *Environmental Planning & Assessment Regulation 2021*, adopt the amendments to Section 3.3.2 of the Burwood DCP, as exhibited and outlined in this report.
2. That the General Manager be endorsed to make minor modifications to any numerical, typographical, interpretation and formatting errors, if required, prior to the finalisation of the amendment to the abovementioned sections of the Burwood DCP.
3. That Council give public notice of the decision to approve the amendments to Burwood DCP, on its website within 28 days in accordance with Clause 14(2) of the *Environmental Planning and Assessment Regulation 2021*.

Attachments

- 1 ➡ Summary of Submissions and Council officer's response - Front Setback Requirements for Nos 121-125 & 168 Burwood Road, Burwood

(Item 84/23) Draft Customer Experience Strategy 2024 – 2027 – Endorsement for Public Exhibition

File No: 23/46889

Report by Director Community Life

Summary

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

This report seeks Council's endorsement to place the *Draft Customer Experience Strategy 2024 – 2027* on public exhibition for consultation with the community. Public exhibition will provide an opportunity for the community and other key stakeholders to review and respond to the Draft Strategy, and in particular, the identified focus areas and actions.

Operational Plan Objective

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

A.128: Conduct Mystery Shopping Program across Council.

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

Background

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

Preceding the development of the Draft Strategy, work has been undertaken over the past two years to improve customer experience through a range of operational initiatives to make it easier for people to interact with Council.

Some examples of operational initiatives include:

- A review and reallocation of Park Bookings, the Companion Animal Register, Promotion and Charitable Collections Permits and 2P Parking Permit functions to Customer Service to improve service level timeframes.
- The review and streamlining of the Works On Council Property Permit and Road Closure Permit processes to enable customers to access additional prepaid permits at short notice.
- Electronic Visitor sign in software implemented for visitors attending Council.
- Centralised online Events booking software implemented featuring customer registration, online payments, ticketing and mobile functionality.
- Cloud-based contact centre platform implemented in the customer service call centre. The software manages customer interactions across multiple communication channels including features such as omnichannel routing, webchat, automatic call distribution and interactive voice response system.
- An organisation wide Mystery Shopping program conducted annually.
- Real-time customer feedback program including six feedback devices at key service points and feedback surveys integrated within staff email signatures. The customer feedback surveys are tailored to each specific service area to provide immediate ratings and track real time satisfaction with Council services.
- Increased payment options and online application forms resulting in a 40% increase in electronic transactions.

Proposal

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

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

The Draft Strategy articulates the following Customer Experience Vision:

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

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

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

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

The Draft Strategy is presented for Council’s endorsement for public exhibition to ensure the community and other stakeholders have an opportunity to provide further feedback prior to its adoption.

Consultation

Community and Stakeholder Engagement Undertaken

Community and stakeholder input and feedback was gathered via multiple methods from July 2022 to October 2023 to inform the development of the Draft Strategy, including:

- Community Satisfaction Survey, 2023 (301 residents)
- Customer Experience Survey, 2023 (300 customers)
- Customer Feedback Ratings and Comments, 2022/23 (12,200 ratings and 1,500 comments respectively)
- Mystery Shopping Reviews, 2022 (85 reviews)
- Workshop with Council’s Leadership Team (18 Council staff)
- Burwood Vision and Values Staff Survey (107 Council staff)
- Focus Group involving Committee and Advisory Group Members (9 community representatives).

Participants came from diverse cultural and linguistic backgrounds, across all age groups, abilities and parts of the Burwood LGA.

Public Exhibition Process

This report recommends that the *Draft Customer Experience Strategy 2024-2027* be placed on public exhibition for an extended period of 56 days (from 29 November 2023 to 23 January 2024) to accommodate the Christmas closure period and maximise feedback from the community.

During the public exhibition period feedback will be sought via Council's online engagement platform - Participate Burwood. Council will also utilise its social media and e-news channels to promote the public exhibition period.

Feedback and public comments arising from the public exhibition period will be reported back to Council for consideration prior to adoption.

Planning or Policy Implications

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

Financial Implications

All operational initiatives planned for the current financial year will be delivered within the adopted operational budget. The *Draft Customer Experience Strategy 2024 – 2027* will be used to inform decision making and develop future budgets aligned with Council's annual operational plans.

Conclusion

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

This report seeks Council's endorsement to place the *Draft Customer Experience Strategy 2024 – 2027* on public exhibition for a period of 56 days commencing from 29 November 2023. Council welcomes feedback from the community on the draft document and will actively seek community and stakeholder input during the public exhibition period. Any submissions received and amendments made to the Draft Strategy as a result of the public exhibition period will be reported to Council along with the final document for adoption in February 2024.

Recommendation(s)

That Council:

1. Endorse the *Draft Customer Experience Strategy 2024 – 2027* and place the document on public exhibition for a period of 56 days.
2. Receive a report following the conclusion of the public exhibition period in February 2024, outlining submissions received on the *Draft Customer Experience Strategy 2024 – 2027* and detailing any changes to the final document recommended to Council for adoption.

Attachments

1 ➡ Draft Customer Experience Strategy 2024 - 2027

(Item 85/23) Draft Youth Action Plan 2024 – 2027 – Endorsement for Public Exhibition

File No: 23/47281

Report by Director Community Life

Summary

The *Draft Youth Action Plan 2024 - 2027* focuses on young people aged 12 to 24 years who live, visit, learn and work in the Burwood Local Government Area (LGA). The Draft Plan has been co-created by young people working with Council. It defines their key priorities and outlines actions for Council to take, working together with young people, families, schools, services and other partners, to deliver on these priorities over the next four years.

This report seeks Council's endorsement to place the *Draft Youth Action Plan 2024 – 2027* on public exhibition for consultation with the community. Public exhibition will provide an opportunity for the community and other key stakeholders to review and respond to the Draft Plan, and in particular, the identified priorities and actions.

Operational Plan Objectives

A.7 Develop and implement the Youth Action Plan.

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

Background

Young people are an important part of the Burwood community and play a vital role in its development. Young people aspire for a community that supports them in their transition through youth to adulthood, where they can become full and active members of future Burwood as employees, business owners, residents, and raise their families in a vibrant, diverse and inclusive place and community.

The *Draft Youth Action Plan 2024 - 2027* has been developed through youth led community engagement, desktop research and data analysis. Council employed four young people as Youth Engagement Officers to undertake research, community engagement with local young people and contribute to the development of the Draft Plan. This involved supporting the Youth Engagement Officers to complete International Association of Public Participation (IAP2) accredited training along with mentoring and coaching from Council's Community and Culture Team.

These positions and the development of the *Draft Youth Action Plan 2024 - 2027* were funded by the NSW Government through the COVID-19 Community Connection and Wellbeing Program.

Proposal

The *Draft Youth Action Plan 2024 – 2027* highlights that young people in Burwood “want to feel supported, seen and heard.” It focuses on supporting young people in their learning and during the transition from school to work, building better connections and supports, encouraging healthy and safe relationships as well as providing opportunities for young people to contribute and participate in community life in a way that matters to them.

Following an extensive research and youth led engagement process, young people have identified the following four areas for focus over the next four years:

1. Health and wellbeing
2. Information, connection and support
3. Places and spaces

4. Pathways to employment.

The accompanying Action Plan outlines a total of 39 actions that Council will implement over the next four years (from February 2024 to December 2027) by working together with young people, families, schools, services and other partners.

The Draft Plan is presented for Council's endorsement for public exhibition to ensure the community and other stakeholders have an opportunity to provide further feedback prior to its adoption.

Consultation

Community Engagement Undertaken

The design and implementation of the community engagement process for the *Draft Plan* was undertaken by the Youth Engagement Officers, who were trained and employed by Council through funding received from Resilience NSW under the COVID-19 Community Connection and Wellbeing Program.

The Youth Engagement Officers were engaged to design the youth engagement process, undertake desktop research and analysis of national, state and local data, and carry out community and stakeholder engagement utilising a variety of methods. This included the 'speak up' youth survey, interviews with schools and youth services, and focus groups involving local young people. Responses and findings were utilised to identify the key focus areas and actions for the Draft Plan. The Burwood Youth Advisory Group (BYAG) was also actively involved throughout the project process and provided further input into the development of actions.

Public Exhibition Process

This report recommends that the *Draft Youth Action Plan 2024-2027* be placed on public exhibition for an extended period of 56 days (from 29 November 2023 to 23 January 2024) to accommodate the Christmas closure period and maximise feedback from the community.

During the public exhibition period feedback will be sought via Council's online engagement platform - Participate Burwood. Feedback will also be actively sought from BYAG and local community networks. Council will utilise its social media and e-news channels to promote the public exhibition period.

Feedback and public comments arising from the public exhibition period will be reported back to Council for consideration prior to adoption.

Planning or Policy Implications

The Draft Plan has been developed to address action 'A.7: Develop and implement the Youth Action Plan', which is outlined in the adopted *Operational Plan 2023 – 2024*. An implementation plan will be developed for each year of the four-year life of the Plan and key actions will be incorporated annually into Council's Operational Plan to ensure their delivery. Council will monitor implementation, regularly review and measure the outcomes of activities through Council's Integrated Planning and Reporting framework.

Financial Implications

All actions planned for the current financial year will be delivered within the adopted operational budget. The *Draft Youth Action Plan 2024 - 2027* will be used to inform decision making and develop future budgets aligned with Council's annual operational plans. Council will also continue to seek external funding and collaboration opportunities to support the implementation of key projects.

Conclusion

The *Draft Youth Action Plan 2024 – 2027* identifies and responds to the changing needs and aspirations of young people in the Burwood LGA. Importantly, the Draft Plan has been co-created by young people working alongside Council, enabling young people to drive and shape what Council does in response to their needs.

This report seeks Council's endorsement to place the *Draft Youth Action Plan 2024 - 2027* on public exhibition for a period of 56 days from 29 November 2023 to 23 January 2024. Council welcomes feedback from the community on the draft document and will actively seek community and stakeholder input during the public exhibition period. Any submissions received and amendments made to the Draft Plan as a result of the public exhibition period will be reported to Council along with the final document for adoption in February 2024.

Recommendation(s)

That Council:

1. Endorse the *Draft Youth Action Plan 2024 - 2027* and place the document on public exhibition for a period of 56 days.
2. Receive a report following the conclusion of the public exhibition period in February 2024, outlining submissions received on the *Draft Youth Action Plan 2024 - 2027* and detailing any changes to the final document recommended to Council for adoption.

Attachments

1⇒ Draft Youth Action Plan 2024 - 2027

(Item 86/23) Burwood Council Annual Report 2022 – 2023

File No: 23/46951

Report by Director People & Performance

Summary

Burwood Council's Annual Report for the financial year 2022 – 2023 has been prepared in accordance with the *Local Government Act 1993* (the Act) and the Office of Local Government's Annual Report requirements.

Operational Plan Objective

P.43 – Plan, monitor and report on the delivery of services and initiatives in accordance with the Integrated Planning and Reporting Framework under the Local Government Act
A.104 - Undertake corporate planning and reporting

Background

The report is prepared annually to comply with Sections 428 and 406 of the Act and Clause 217 of the *Local Government (General) Regulation 2021* and must be provided to the Minister for Local Government by 30 November each year.

The focus of the Annual Report is Council's progress in implementing its Delivery Program and Operational Plan. The report addresses each of the strategic directions outlined in the Community Strategic Plan and has been prepared as a key reporting mechanism in accordance with the requirements of the State Government Integrated Planning and Reporting Framework.

This report is the first Annual Report of the Delivery Program 2022 – 2026 and details the highlights and milestones achieved during 2022/2023 towards the implementation the Community Strategic Plan, Burwood2036.

Consultation

As per Section 428 of the Local Government Act 1993, the Annual Report will be posted on Council's website and provided to the Minister.

Planning or Policy Implications

No Planning or Policy implications.

Financial Implications

No Financial implications.

Recommendation(s)

That Council endorse the Burwood Council Annual Report 2022 – 2023.

Attachments

1 ➡ FINAL - Burwood Council - Annual Report 2023

(Item 87/23) Council Meetings, Briefings and Workshop Schedule for 2024

File No: 23/44682

Report by Director Corporate Services

Summary

The proposed 2024 schedule for Ordinary Meetings of Council, together with the proposed schedule of councillor briefings and workshops, is presented for consideration and adoption by Council.

Operational Plan Objective

A.110 Deliver a progressive and accountable framework to support Councillors and Burwood Local Planning Panel

Background

Elected Council is required under Section 365 of the *Local Government Act 1993* to meet at least 10 times in a given year, each time in a different month, to conduct the business of Council. A schedule of minimum meeting requirements to effectively handle the anticipated levels of business in 2024 has been drafted for consideration by Council.

Proposal

The proposed schedule for meetings, briefings and workshops appears as Attachment 1 to this report. The proposed schedule takes into account the following:

- Burwood Council normally convenes one ordinary meeting of Council in every month of the year, with the exception of January. The *Code of Meeting Practice* provides that meetings will typically be convened on the fourth Tuesday of the month. Traditionally, the meetings set down for February and December have been convened earlier in the month to accommodate a Christmas / New Year recess period.
- As 2024 marks the 150 Year Anniversary of Burwood Council, it is proposed to hold one of the meetings of Council on the date that is exactly 150 years after the first meeting of Council was held. This date falls on Wednesday 24 July 2024, which would replace the regular meeting for that month that would normally have been scheduled for Tuesday 23 July 2024.
- No major shifts in the volume of business to be considered by Council are anticipated in the coming year, therefore the established pattern of meetings should continue to serve the Council relatively well.
- Nomination of dates for the Council meeting schedule has taken account of the following key factors:
 - Public holidays
 - Australian Local Government Association National General Assembly, which is usually in mid-June but the exact dates have not yet been confirmed.
 - Local Government NSW 2023 Annual Conference, which is scheduled for 17 to 19 November 2024
- As provided for under the *Councillor Briefings and Workshops Policy*, Councillor briefings that proceed on the same days as ordinary meetings of Council will tend to focus on matters set down in the agenda for the Council meeting to immediately follow.
- One standalone briefing or workshop per month (other than January) has been scheduled to allow for those topics that require more time for discussion than is available on a Council meeting night, or that are for general information or professional development purposes. These are generally scheduled for Thursday evenings.

Planning or Policy Implications

The proposal follows long-standing practices for the scheduling of Council meetings and includes an advanced planning approach to the annual briefing and workshop schedule.

Financial Implications

No financial implications.

Conclusion

Council is obliged to determine scheduling arrangements for ordinary meetings of Council and ancillary briefings and workshops. Timely determination of these commitments is important for ensuring that stakeholders can effectively plan their commitments.

Recommendation(s)

That Council endorses the schedule for ordinary meetings of Council and councillor briefing and workshop sessions in 2024 as proposed in Attachment 1 to this report.

Attachments

1⇒ Proposed 2024 Council Meeting and Briefing Schedule

(Item 88/23) Draft Public Interest Disclosures Policy - Adoption

File No: 23/41740

Report by Director Corporate Services

Summary

Under the new *Public Interest Disclosures Act 2022* (PID Act), Council is required to have in place a Public Interest Disclosures Policy that reflects the requirements of section 43 of the PID Act. Following a period of public consultation, the draft *Public Interest Disclosures Policy* is now presented to Council for formal adoption.

Operational Plan Objective

C.11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making

Background

The new PID Act commenced on 1 October 2023. The PID Act is designed to develop a 'speak up' culture by encouraging public officials to report serious wrongdoing and to protect them when they do, often referred to as 'whistle-blower protections'.

Part 4 of the PID Act outlines the requirements for agencies, including local councils, to have in place policies, procedures and awareness programs. Although public exhibition is not required under the PID Act, at its meeting of 26 September 2023, Council endorsed a draft *Public Interest Disclosures Policy* for public exhibition. That draft policy was based on the Model Policy released by the NSW Ombudsman's Office.

Consultation

The draft policy was exhibited on Council's website via Participate Burwood for a period of 28 days. Public submissions closed on 25 October 2023. The policy was viewed by 14 visitors to the site and one written submission was received.

That submission outlined the following:

- **Suggested the policy reference the inclusion of PID training in induction programs, which was implied in the draft policy but not specifically stated.** In response, the proposed policy now includes specific reference the inclusion of the PID Act in induction programs and other periodic training programs to make this clear.
- **Commented on the various opportunities for anonymous reporting and the protection of anonymous reporters.** In light of the requirements of the Act in relation to anonymous reporters and advice from the Ombudsman's Office, no changes to the policy have been proposed in response to these comments.
- **Suggested it be made clear that anonymous reports are specifically excluded from the right to request an internal review or dispute resolution process and that this would discourage anonymous reports.** Under the PID Act, an anonymous PID does not just mean that the name or identity of the person is not known. Rather, a PID is an anonymous PID only if, after considering the circumstances of the PID and any material which relates to it, it is determined that there is no reasonable or practical way of communicating with the maker of the disclosure. Under those circumstances, Council is not required to provide information about the progress or outcome of the PID investigation to the maker of the anonymous PID. In practice, that would also make it difficult for the maker of anonymous PID to lodge a request for an internal review or dispute relocation.

However, the PID Act does not specify any exception to the internal review and dispute resolution provisions in relation to anonymous reporters. The Ombudsman's Office has confirmed that those sections apply to anonymous reports, but did acknowledge the practical difficulties in doing so. As the PID Act allows for the reporting of PIDs anonymously, it would be inappropriate for Council to be seen to be actively discouraging anonymous reports. Council could, however, call out the practical difficulty it would face in facilitating internal reviews or dispute resolution of anonymous PIDs. Wording has been added to the draft policy to point this out.

Proposal

It is proposed the revised draft *Public Interest Disclosures Policy* containing the minor changes referred to above be approved. The proposed policy appears as Attachment 1 to this report, with track changes used to indicate the changes made since public exhibition.

It is also proposed that the *Procedure for Assessing Public Interest Disclosures and Investigations* adopted by Council under the now repealed *Public Interest Disclosures Act 1994* be formally revoked. As the 1994 Act is no longer in force, there is no practical need for the procedures. Under the new PID Act, any internal procedures that are required will be developed and endorsed by the General Manager as an operational matter.

Planning or Policy Implications

The draft policy meets the requirements of Part 4 of the PID Act and is based on the Model Policy provided by the NSW Ombudsman's Office.

Financial Implications

There are no financial implications for the adoption of this policy.

Conclusion

Council is required under the PID Act to have a *Public Disclosures Policy* in place covering the matters outlined in section 43 of that Act. Having taken into account the results of the public consultation, it is proposed Council formally adopt the draft policy at Attachment 1.

Recommendation(s)

That Council:

1. Adopts the draft *Public Interest Disclosures Policy* appearing as Attachment 1 to this report.
2. Revokes the *Procedure for Assessing Public Interest Disclosures and Investigations* that was adopted by Council on 27 August 2019 under the former *Public Interest Disclosures Act 1994*, which has now been repealed.

Attachments

1⇒ Draft - Public Interest Disclosures Policy - Post exhibition

(Item 89/23) Mandatory Notification of Data Breach Scheme – Endorsement of Draft Policies for Public Exhibition

File No: 23/47596

Report by Director Corporate Services

Summary

This report outlines the response to the new Mandatory Notification Data Breach Scheme that will come into effect following amendments to the *Privacy and Personal Information Protection Act 1998*. While many elements of that response are internal operational matters, the new requirements impact two public-facing policies, as well as the creation of a new publicly available register. It is proposed those two policies — the *Data Breach Policy* and the *Privacy Management Plan* — be publicly exhibited for comment prior to formal adoption by Council.

Operational Plan Objective

C.11 Effective, innovative and collaborative leadership is underpinned by open, transparent and responsible governance

P.50 Advance Council's Cyber Security capabilities to safeguard customer information and access to services

Background

Amendments to the *Privacy and Personal Information Protection Act 1998* (PIIP Act) will come into effect on 28 November 2023. The amendments impact the responsibilities of agencies, including local councils, under the PIIP Act, and require agencies to provide notifications to affected individuals in the event of an eligible data breach of their personal or health information by an agency that is subject to the PIIP Act.

The amendments create a Mandatory Notification of Data Breach (MNDB) Scheme, which will require those agencies to notify the Privacy Commissioner and affected individuals of data breaches involving personal or health information likely to result in serious harm. Agencies must make consequential amendments to their Privacy Management Plans to reflect the MNDB Scheme requirements.

Proposal

This proposal addresses the public-facing requirements under the MNDB Scheme, which include:

- **Data Breach Policy** – agencies must prepare and publish a data breach policy in compliance with section 59ZD of the PIPP Act. The Data Breach Policy should set out how the agency will respond to a data breach. It should establish the roles and responsibilities of agency staff in relation to managing a breach and the steps the agency will follow if a breach occurs.

A draft Data Breach Policy for Burwood Council has been prepared based on guidance provided by the Information and Privacy Commission – see [Attachment 1](#). Given the mix of privacy management and cyber security expertise needed to implement this policy, it is being jointly sponsored by the Information Technology and Governance & Risk teams. It is proposed that policy be publicly exhibited to allow public comment before being formally adopted by Council.

- **Privacy Management Plan** – agencies must review and update their plan in compliance with new section 33(2)(c1) of the PIIP Act, which requires the plan to include provisions relating to *“the procedures and practices used by the agency to ensure compliance with the obligations and responsibilities set out in Part 6A for the mandatory notification of data*

breach scheme.” Agencies will be required to include in their plan reference to their data breach policy.

Burwood Council has had a *Privacy Management Plan* in place for many years. That Plan has now been reviewed to take in the MNDB Scheme requirements and other appropriate changes since its last review. The plan provides information to members of the public about what information Council collects and how that information is managed. It is therefore proposed to publicly exhibit the revised plan to enable public comment before the plan is formally adopted by Council.

- **Public notification register** – agencies are required to maintain a public notification register of any notifications made under section 59N(2). The information recorded in the register must be publicly available for at least 12 months after the date of publication and include the information specified under section 59O.

A commitment to maintaining and publishing this register is included in the draft *Data Breach Policy*.

It is confirmed that operational requirements impacted by the MNDB Scheme are also being adequately addressed as follows:

- **Roles and responsibilities** – agencies must establish clear roles and responsibilities for managing a data breach or suspected data breach. This may include establishment of a data breach response team or the appointment of a specific staff member to lead the agencies data breach response.

Burwood Council already has in place internal operational policies and procedures that establish a Cyber Security Incident Response Team (CSIRT) and the responsibilities of CSIRT members are clearly laid out in those policies. The CSIRT membership includes appropriate technical and privacy management specialists to ensure MNDB requirements are met.

- **Policies and Procedures** – agencies must review and update any other relevant policies and procedures to comply with obligations under the MNDB Scheme.

Burwood Council has in place a suite of cyber security and systems-related policies and procedures. Due to the sensitive nature of those policies and procedures, they will remain internal operational documents that are not available to the public. Council is currently working with third-party specialist to review and enhance that suite of policies and procedures to ensure the highest standards are in place. References to the MNDB Scheme will be included as part of that review.

- **Incident register** – an agency is required under section 59ZE to establish and maintain an internal register of eligible data breaches. This register should record the information specified under section 59ZE(2).

Burwood Council has incident management procedures in place under its internal cyber security policies. The Security Incident Register established under those cybersecurity policies will now incorporate the requirements of the PPIP Act in the one register.

Consultation

It is proposed the draft *Data Breach Policy* and *Privacy Management Plan* be placed on public exhibition for a period of 28 days to enable consideration and comment by members of the public. Those documents will then be brought back to Council for formal adoption.

In the meantime, the draft policies will be published on Council's website so that Council's approach to the MNDB Scheme is clear.

Planning or Policy Implications

The proposed policies meet the requirements of the PPIP Act and consequential amendments are being made to related documents to ensure appropriate alignment.

Financial Implications

No financial implications.

Conclusion



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

Recommendation(s)

That:

1. Council endorses the draft *Data Breach Policy* at Attachment 1 for public exhibition for a period of 28 days.
2. Council endorses the draft *Privacy Management Plan* at Attachment 2 for public exhibition for a period of 28 days.
3. The General Manager bring a report back to Council for the formal adoption of the *Data Breach Policy* and *Privacy Management Plan* following consideration of the outcome of the public exhibition period.

Attachments

- 1  Draft Data Breach Policy
- 2  Draft Privacy Management Plan - 2023

(Item 90/23) Budget Review for Quarter Ending 30 September 2023

File No: 23/44623

Report by Director Corporate Services

Summary

The 2023-2024 Budget was adopted at the Council Meeting held on 27 June 2023 with a surplus of \$12,718. The adopted budget was prepared on the basis of the organisational structure which includes five Directorates and the Office of the General Manager, (City Assets, City Strategy, Community Life, Corporate Services and People & Performance).

This report provides Council with the financial results for the period ending 30 September 2023, in the 2023-2024 Financial Year. In accordance with Clause 203(1) of the *Local Government (General) Regulation 2005* (the Regulation) the Responsible Accounting Officer is required to prepare and submit to Council a budget review statement no later than two months after the end of each quarter (except the June Quarter).

The following Statement of Budget Income and Expenditure identifies a forecast funding surplus of \$12,718 as at 30 September 2023 which is the same as the adopted forecast surplus of \$12,718.

Operational Plan Objective

2.3.1 Identify and maintain additional revenue sources to ensure financial sustainability

Background

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

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

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

This requires Council to:

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

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

BURWOOD COUNCIL					
Statement of Budget Income & Expenditure					
as at 30 September 2023					
Income					
Type	Budget	Recommended Amendments	Forecasted Year End	Reference	Actuals
Rates & Annual Charges	(38,581,652)	-	(38,581,652)	1	(38,416,504)
User Charges & Fees	(10,299,164)	-	(10,299,164)	2	(2,944,178)
Interest & Investment Revenue	(1,425,000)	(400,000)	(1,825,000)	3	(688,373)
Other Revenue	(4,948,177)	-	(4,948,177)	4	(991,666)
Rental Income	(2,304,911)	-	(2,304,911)	5	(495,630)
Operating Grants & Contributions	(2,660,700)	(1,315,814)	(3,976,514)	6	(25,182)
Capital Grants & Contributions	(42,548,475)	(1,726,339)	(44,274,814)	7	(1,344,024)
Total Income	(102,768,079)	(3,442,153)	(106,210,232)		(44,905,557)
Expenditure					
Type	Budget	Recommended Amendments	Forecasted Year End	Reference	Actuals
Employment Costs	23,970,388	223,260	24,193,648	8	5,078,783
Borrowing Costs	335,151	-	335,151	9	56,739
Materials & Services	26,651,003	2,088,901	28,739,904	10	6,105,322
Depreciation	10,940,886	-	10,940,886	11	2,735,222
Other Expenses	1,133,050	-	1,133,050	12	1,173,471
Total Expenditure	63,030,478	2,312,161	65,342,639		15,149,537
Net Operating Result	(39,737,601)	(1,129,992)	(40,867,593)		(29,756,020)
Net Operating Result before Capital Items	2,810,874	596,347	3,407,221		(28,411,996)
Funding Statement					
Net Operating Result	(39,737,601)	(1,129,992)	(40,867,593)		(29,756,020)
Add Back Non Cash Items					
Depreciation	(10,940,886)	-	(10,940,886)	13	(2,735,222)
Movement in ELE	-	-	-		-
Adjusted Net Operating Result	(50,678,487)	(1,129,992)	(51,808,479)		(32,491,241)
Source of Capital Funds					
Sale of Assets	(825,000)	-	(825,000)	14	(99,584)
Loan Funding	(1,000,000)	-	(1,000,000)	15	-
Transferred From S7.12 Reserves	(775,000)	(2,219,800)	(2,994,800)	16	-
Transferred From Reserves	(1,705,000)	(4,585,355)	(6,290,355)	17	-
Add Back Non Cash Property	-	-	-		-
Funds Available	(54,983,487)	(7,935,147)	(62,918,634)		(32,590,826)
Funds Utilised:					
Acquisition of Assets	43,227,605	7,935,147	51,162,752	18	4,365,717
Loan Principal Repayment	731,019	-	731,019	19	185,856
Lease Liability Principal Repayment	217,145	-	217,145	19	-
Transfer to S7.12 Reserves	10,030,000	-	10,030,000	20	-
Transfer to Reserves	765,000	-	765,000	21	-
Budget Result	(12,718)	-	(12,718)		(28,039,253)

The material variations greater than \$20,000 are detailed in the following section which are cross referenced to the Income and Expenditure type on the face of the above report.

Total Income from continuing operations

Income from continuing operations was originally forecast at \$102,768,079. This has now been revised up by \$3,442,153 to \$106,210,232. The major items resulting in this forecast income adjustment include:

Reference 3 – Interest and Investment - An overall increase of \$400,000 attributed to increase interest rates received on investments.

Reference 6 – Operating Grants and Contributions – An increase in Operating Grants and Contributions of \$1,315,814, associated with the following;

- Unspent grant monies of \$348,612 from 2022-23 financial year carried over for Burwood North LEP.
- Unspent grant monies of \$970,352 from 2022-23 financial year carried over for Regional and Local Roads Repair Program.

Reference 7 – Capital Grants and Contributions – An increase of \$1,726,339 to the budget due to the following:

- Unspent grant monies of \$1,726,339 from 2022-23 financial year carried over for Burwood Park nature play, pond and sensory garden.

Total Expenditure from continuing operations

Expenditure from continuing operations was originally forecast at \$63,030,478. This has now been revised up by \$2,312,161 to \$65,342,639. The major items resulting in this forecast expenditure adjustment include:

Reference 8 – Employment Costs - An overall increase in Employee costs of \$223,260 is attributed to, but not limited to:

- Increase in temporary staff costs of \$81,731 for the Burwood North Precinct LEP funded from Grant and LEP Reserve
- Increase in temporary staff costs of \$141,529 for the WH&S project manager funded from WH&S Reserve

There were other budget movements within the classification of Employee Costs which resulted in little or no change to the actual overall budget.

Reference 10 – Materials and Services - Additional expenditure amount of \$2,088,901 was attributed to various movements within Business Units throughout the budget. Significant movements and additional funding requests were:

- Consultancy expenses of approximately \$625,199 to support the following functions:
 - Burwood North LEP \$573,199 – Carryover Funding from 2022-23 from Reserves
 - Community Strategic Plan \$15,000 – Carryover Funding from 2022-23 from Reserves
 - Place Management \$37,000 - Carryover Funding from 2022-23 from Reserves
- Increase of \$400,000 in Legal Costs, funded through the increase of interest revenue.
- \$970,352 increase due to carryover grant for Regional and Local Roads Repair Program.
- Other expenses of approximately \$93,350 to support the following functions;
 - Training expense \$40,000 funded from Reserves

- WH&S Expenses \$46,985 funded from OH&S Reserve
- Reduction in IT subscription for \$32,000 transferred to capital works
- Carryover for Byer Street Car Park for \$25,500 funded from s7.4 reserve
- \$12,865 increase relating to small minor adjustments

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

Capital Expenditure

Reference 18 – Acquisition of Assets - Council's original adopted 2023-2024 Capital Budget, per Delivery Plan, was \$43,227,605. This figure after the first quarter of the year increased to \$51,162,752.

Capital Plant and Equipment:

Actual Expenditure to 30 September 2023 is represents in the table below.

Property Acquisitions/Disposals:

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

Capital Works Program:

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

Projects carried over from 2022-23, \$6,006,047 funded through reserves and grants

- Information Technology projects \$1,166,000. Reference 17 – Transfer from Reserve.
- Infrastructure Roads, Footpaths, Kerb & Gutter and Drainage works of \$914,000. Reference 17 – Transfer from Reserve.
- Burwood Park pond, nature play and sensory garden of \$2,022,823. Reference 7 – Capital Grants and Contributions.
- Drainage works of \$1,595,830 funded from the SRV. Reference 17 – Transfer from Reserve.
- Operations Centre upgrade of \$307,394. Reference 17 – Transfer from Reserve.

Further Capital project movements during September quarter totalling \$1,929,100 consisted of:

- \$385,000 additional funding for Burwood Park Sensory Garden transferred from s7.12 reserve.
- \$320,000 additional funding for Burwood Park Pond transferred from s7.12 reserve.
- \$150,000 additional funding for Burwood Park Nature Play transferred from s7.12 reserve.
- \$742,100 additional funding for roads, foothpath, kerb and gutter capital works program funded from s7.12 reserve.
- \$332,000 additional funding for IT projects including the ERP and Pulse from IT Reserve.

BURWOOD COUNCIL					
Statement of Capital Income & Expenditure					
Budget Review as at 30 September 2023					
<u>Income</u>					
	Adopted Variations				
Capital Expenditure	<u>Budget</u>	<u>September</u>	<u>Amended Budget</u>	<u>Reference</u>	<u>Actuals</u>
Renewal Assets (Replacement):					
Fleet Capital Acquisitions Sales	1,650,000	-	1,650,000	18	573,424
Grant Funded Capital Works	169,168	-	169,168	18	186,885
Roads	1,950,000	1,011,950	2,961,950	18	35,026
Traffic Facilities	230,000	-	230,000	18	-
Footpaths	525,000	129,900	654,900	18	38,276
Kerb & Gutter	450,000	40,250	490,250	18	-
Drainage	2,278,796	1,595,830	3,874,626	18	1,374,782
Park Improvements	275,000	2,947,823	3,222,823	18	504,751
Playground Equip	275,000	-	275,000	18	1,759
Street Furniture	420,000	404,000	824,000	18	325,408
Public Domain Chargeable Works	750,000	-	750,000	18	194,349
Library Collection	145,000	-	145,000	18	12,231
Lib Resources	40,000	-	40,000	18	1,676
IT Projects	945,000	1,498,000	2,443,000	18	173,886
Corporate Projects	100,000	-	100,000	18	-
Town Centre Beautification	500,000	-	500,000	18	28,214
Council Buildings	1,000,000	307,394	1,307,394	18	501,293
Enfield Pool	-	-	-	18	-
WestInvest - Stage1	20,809,641	-	20,809,641	18	24,649
Westinvest - Stage 2	10,600,000	-	10,600,000	18	371,091
Domestic Waste Collection	115,000	-	115,000	18	18,018
Total Capital Expenditure	43,227,605	7,935,147	51,162,752		4,365,717
Capital Funding					
Rates & other Charges	3,740,870	596,347	4,337,217		
Capital Grants & Contributions	(42,548,475)	(1,726,339)	(44,274,814)	7	
Loan Funding	(1,000,000)	-	(1,000,000)		
Domestic Waste Charge	(115,000)		(115,000)		
Sale of Assets	(825,000)	-	(825,000)		
Reserves:					
Section 7.12 Funding	(775,000)	(2,219,800)	(2,994,800)		
Reserve Funding	(1,705,000)	(4,585,355)	(6,290,355)		
Total Capital Funding	(43,227,605)	(7,935,147)	(51,162,752)		

Transfers to and From Reserves:

Reference 16 – Transferred from Section 7.12 – An increase of \$2,219,800 relating to the following projects:

- Road Capital works program – \$1,071,600
- Burwood Park pond, nature play and sensory garden - \$1,148,200

Reference 17 – Transferred from Reserves – An increase of \$4,585,355 relating to the following projects:

- Infrastructure (Roads, Footpaths, Kerb & Gutter and Drainage works) - \$613,284
- Information Technology projects including ERP implementation – \$1,466,000
- Burwood North LEP - \$306,318
- People & Culture - Training - \$40,000
- WH&S Training and project manager – \$188,514
- Community Strategic Plan - \$15,000
- Place Management - \$44,000
- Operation Centre - \$316,409
- Drainage SRV capital works - \$1,595,830

Budget Review for quarter ended 30 September 2023					
Cash & Investments					
	Opening Balance as at 1 July 2023 000s	Original Budget 2023-24 000s	Budget Review September 2023-24 000s	Projected Year End Result 000s	Actual YTD figures 000s
Total Cash, Cash Equivalents and Investment Securities	52,606	59,921	53,116	53,116	54,491
Restrictions					
External Restrictions					
Developers Contributions	15,296	9,255	-2,220	22,331	22,331
Specific Purpose Unexpended Grants	69			69	69
Loans	1,000	1,000		-	-
Stormwater Management	426			426	426
Domestic Waste Management	2,029			2,029	2,029
Total External Restrictions	18,820	8,255	-2,220	24,855	24,855
Internal Restrictions					
Plant & Vehicle Replacement	3,699	-600		3,099	3,099
Employees Leave Entitlements	1,171			1,171	1,171
Carry Over Works	1,141		-963	178	178
Deposits, Retentions & Bonds	5,252			5,252	5,252
Financial Assistance Grant (advance)	1,405			1,405	1,405
Information Technology	2,101	-520	-1,116	465	465
WHS	410	40	-198	172	172
Parking Meters Replacement	566	100		666	666
Property Sales	500	32		532	532
Future Property Investment	3,548	70		3,618	3,618
LATMs	294			294	294
Woodstock Community Building	287			287	287
Election	281	120		401	401
Property Maintenance	1,271			1,271	1,271
Park Upgrades	265		-100	165	165
Enfield Aquatic Centre Maintenance/Upgrade	263			263	263
Local Environmental Plan	556		-306	250	250
Insurances	50	50		100	100
CCTV	130			130	130
Infrastructure - SRV	2,085		-1,596	489	489
Operations Centre	222		207	15	15
Business Continuity (operational reimbursement)	600			600	600
Contract Liabilities	5,219			5,219	5,219
Town Centre festive decorations	150			150	150
Other	473	152	-99	222	222
Total Internal Restrictions	31,939	-940	-4,585	26,414	26,414
Total Restrictions	50,759	7,315	-6,805	51,269	51,269
Unrestricted Cash	1,847	1,847	1,847	1,847	3,222

Council's Current Unrestricted Cash is distorted as Council has received a high volume of rate revenue as at 30 September 2023. The Unrestricted Cash figure will fluctuate during the year as it will be used to fund planned expenditure.

Investments:

Council's investments have been made in accordance with its Investment Policy and the Investment Guidelines issued by the Minister for Local Government at the time of their placement. As at 30 September 2023, Council's cash and investment portfolio stood at \$54,490,635. Council's Investments are tabled on a monthly basis as a separate report.

Cash:

Council's Finance Officers undertake a monthly bank reconciliation, which reconciles funds held in Council's General Fund Bank Account with those within its ledger. The most recent reconciliation was undertaken on 3 October 2023 for the month ending 30 September 2023. The reconciliation was approved by the Financial Operations Accountant and the balance in Council's General Fund Bank Account totalled \$516,987.

Key Performance Indicators Statement

In assessing an organisation's financial position, there are a number of performance indicators that can assist to easily identify whether or not an organisation is financially sound. These indicators and their associated benchmarks, as stipulated by the Local Government Association of NSW and Shires Association of NSW are set out below.

	Performance Indicator	2023-24 Original Budget	2023-24 Budget Sept Review	Local Government or NSW Treasury Corp Bench Mark	September quarter Comments
1	Operating Performance Ratio	-4.67%	-5.50%	Greater or equal to break-even	Tracking as per budget.
2	Consolidated Budget Result	\$12,718 Surplus	\$12,718 Surplus	N/A	Current budget tracking to revised result.
3	Unrestricted Current Ratio	1.93:1	3.72:1	Greater or equal to 1.5:1	Currently trending above the benchmark.
4	Debt Service Result	7.94%	7.38%	Greater than Zero	Tracking as per Budget.
5	Rates and Annual Charges Outstanding %	5.67%	60.93%	Less than or equal to 5%	For the year to 30 Septmeber 2023 Council has received \$15,572,046 in payment of Rates, Annual Charges and Interest levied which equates to 39% paid.
6	Building and Infrastructure Renewals Ratio	462%	504%	>100% or 1:1	Ratio increased due due to capital works projectscarried over from 2022-23 financial year.

- Operating Performance Ratio** - The Operating Performance Ratio measures the ability of Council to contain operating expenditure within operating revenue excluding capital amounts. An indicator of "equal to or greater than zero percent".
- Consolidated (Budget) Result** - The Consolidated (Budget) Result is the increase or call on Council funds which shows the source and application of both Operating and Capital Income and Expenditure along with transfers to and from Reserves applicable to those activities. A Surplus is a positive financial indicator.

3. **Unrestricted Current Ratio** - The Unrestricted Current Ratio is an industry based liquidity ratio which measures the serviceability of debt. Over time the preferred level of adherence has shifted from 2:1 (or \$2 in cash for every \$1 of debt) to 1.5:1. Some local government practitioners (including independent auditors) consider 1:1 is satisfactory. Council currently projects to have a ratio of 3.72:1 at years end. A ratio greater than 1.5 is a positive financial indicator.
4. **Debt Service Result** - This ratio measures annual debt service costs (Principal and Interest) against operating result before capital excluding interest and depreciation. NSW Treasury Corporation benchmark suggests an indicator at 2% minimum. A ratio of 2.1 or more is a positive financial indicator.
5. **Rates and Annual Charges Outstanding Percentage** - This indicator measures the collectability of Council's rates and annual charges revenue and highlights the strengths of collection policies and strategies. A ratio of 5% or less is a positive financial indicator. Currently Council has collected 39.07% of the Rates and Annual Charges raised, based on these figures a collection rate for the year is estimated to be below the OLG recommended 5% level.
6. **Building and Infrastructure Renewal Ratio** - This ratio indicates the rate of renewal/replacement of existing assets as against the depreciation of the same category of Assets. A ratio greater than one is a positive financial indicator.

Budget Review Contracts and Other Expenses

Part A – Contracts Listing

There were four contracts entered into by Council during the quarter ending 30 September 2023 which is reportable.

Contractors	Contract Details and purpose	Contract Value GST excl	Commencement Date	Duration of contract	Budget ed (Y/N)
CITYWIDE SERVICE SOLUTIONS PTY LTD	Burwood in Bloom FY24 - Hanging Basket display	\$132,022.35	July-23	Jun-24	Y
TTW (NSW) PTY LTD	Structural/ Civil design and Construction Quality and performance report - BUPACC	\$371,800.00	July-23	Oct-27	Y
PHILP CHUN BC NSW PTY LTD	BCA/DDA compliance consultant- BUPACC	\$99,803.00	July-23	Oct-27	Y
SURFACE DESIGN GROUP PTY LTD	Façade design and Construction quality and performance report - BUPACC	\$57,200.00	July-23	Oct-27	Y
CHRISTMAS CONCEPTS AUSTRALIA PTY LIMITED	Burwood LGA Christmas Tree Program	\$65,857.00	July-23	Feb-23	Y
THE TRUSTEES FOR PACESETTER SERVICES TRU	Data Extraction for ERP Project - Authority	\$52,580.00	July-23	Sep-24	Y
GALAXY 42 PTY LTD TA ATTURRA	Data Extraction for ERP Project - Tech One	\$66,880.00	July-23	Jun-24	Y

Contractors	Contract Details and purpose	Contract Value GST excl	Commencement Date	Duration of contract	Budget ed (Y/N)
BING TECHNOLOGIES PTY LIMITED	Mail printing and postage charges for Council correspondence	\$213,950.00	July-23	Jun-24	Y
Open Office Holdings Pty Ltd	Single ERP Solution (Ready Community)	\$1,749,301.00	July-23	Aug-28	Y
DSS Facilities Pty Ltd	Cleaning Services (Council buildings)	\$722,153.30	July-23	Jul-27	Y
LG Software Solutions Pty Ltd trading as Pulse Software	HRIS Solution	\$304,500.00	July-23	Jul-28	Y

Part B – Legal Expenses

Type	Individual Matter	Expenditure Year to Date	Cost Recovery / Fines Year to Date
Advice	Victoria Street Burwood	10,429	
Advice	Contract negotiations Visy Recycling	1,653	
Advice	Lease - Elsie Street Burwood	-1,991	
Land and Environment Court	28-34 Victoria Street Burwood	8,534	
Land and Environment Court	33 Beresford Avenue Croydon Park	607	
Land and Environment Court	72 Liverpool Road Burwood Heights	3,166	
Land and Environment Court	98-100 Wentworth Street & 9-11 Oxford Street Burwood	7,361	
Local Court	20A Angelo Street Burwood		60
Local Court	70-72 Arthur Street Burwood Heights	3,679	
Local Court	Dangerous dog matter - 19A Cheltenham Road Croydon	4,001	
Supreme Court	4 Mitchell Street, Enfield	29,345	
		66,785	60
Annual Adopted Budget		525,500	

Conclusion

The current forecast budget result and the variations identified as part of the 30 September 2023 Quarter review have been undertaken by the Executive Team and the Finance Manager. During this quarter carryover Capital Works and Operational projects were brought to account with the corresponding expenditure and funding sources. There were also minor income and expenditure changes made throughout the budget which had minimal effect on the revised projected surplus.

With the increased Capital Works programme forecasted this financial year, close monitoring and reporting will be essential in maintaining integrity and accountability for those Officers responsible for their respective projects enabling the delivery on budget and on time.

Regulatory Compliance

In compliance with the requirements of Clause 203(2) of the Regulation, the Responsible Accounting Officer must prepare and submit to Council a budget review statement and form an opinion as to whether the statements indicate that the financial position of the Council is satisfactory. The Finance Manager has been appointed as the Responsible Accounting Officer by the General Manager.

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

“It is my opinion that the Quarterly Budget Review Statement for Burwood Council for the quarter ended 30 September 2023 indicated in the above report, takes into account and reflects the changing economic and other conditions that are currently impacting on Council. Council is in a satisfactory position, however, it will be essential for the forecasted Surplus to be continually monitored by Management during the remainder of the financial year and wherever possible endeavour to minimise excessive and nonessential expenditure, with particular attention being placed on maintaining revenue streams where possible and delivering Council’s Capital Works programme.”

Recommendation(s)

1. That the Budget Review Statement of the 2023-2024 Budget as at 30 September 2023, including the statement by the Responsible Accounting Officer, Finance Manager, be received and noted.
2. That in accordance with Clauses 203 and 211 of the *Local Government (General) Regulation 2005*, the revised estimates of income and expenditure for 2023-2024 surplus of \$12,718, as shown in the report be approved and that Council’s adopted budget be adjusted accordingly and that the expenditure and income variations projected in the report and the transfers to and from External and Internal Restricted Reserves be approved.

Attachments

There are no attachments for this report.

(Item 91/23) Fees and Charges 2023-2024 - Proposed Fee for Roads and Footpaths and Traffic Management - Results of Public Exhibition

Trim Folder: 23/46568

Report by Director City Assets

Summary

Council resolved at its Meeting of 26 September 2023, to place the draft fees and charges for Roads, Footpaths and Traffic Management on public exhibition for a period of 28 days in accordance with Sections 610F and 705 of the *Local Government Act 1993 (the Act)*. No submissions were received within the exhibition period and the proposed fees are now put to Council for approval. This report seeks Council's adoption of the revised draft fees and charges for Roads, Footpaths and Traffic Management. The approval of these Fees and Charges will enable Council to continue providing quality public domain works for new developments and ensure the Fees are in line with recent cost escalations.

Operational Plan Objectives

- 2.1 Community confidence in Council's decision making.
- 2.3 Ensure financial sustainability and organisational effectiveness

Background

On the 26 September 2023, Council considered a report on the proposed amended fees and charges for Roads, Footpaths and Traffic Management and resolved for it to be placed on public exhibition and provide a report back to Council following the conclusion of the public exhibition period. This was advertised for a period of 28 days between 12 October to 9 November 2023 and no submissions were received within the exhibition period.

Proposal

The draft fees and charges for Roads, footpaths and Traffic Management were publically exhibited for a minimum of 28 days and approval is now being sought for the amended fees and charges.

It is recommended that Council's Fees and Charges 2023-2024 for Roads, Footpaths and Traffic Management be increased by 20% due to the recent increases in the cost of construction and to align with neighbouring Councils. As Council offers the service of constructing public domain works on behalf of developers, adopting a 20% increase to Council's Fees and Charges 2023-2024 in relation to Roads, Footpaths and Traffic Management will ensure the community receives high quality infrastructure and consistent public domain works across the LGA. The increase will also ensure Council are able to cover the cost of undertaking these works, the cost of staff supervision, whilst generating a return for Council. Council will then be in a stronger financial position to facilitate the construction of public domain works paid by developers. The new proposed fees and charges are shown in Attachment 1.

Consultation

In accordance with Sections 610F and 705 of *the Act*, the proposed fees and charges were advertised through public exhibition for submissions for 28 days from 12 October to 9 November 2023. An attachment detailing the proposed increased fees and charges was made available to the public as well as the Council report from 26 September 2023.

Planning or Policy Implications

As per section 405 of the *Local Government Act 1993*, a council must not determine the amount of a fee until it has given public notice of the fee and has considered any submission duly made to it during the period of public notice.

Council has now given public notice for 28 days of the fees and charges proposed for Roads, Footpaths and Traffic Management and received no responses.

Financial Implications

If the increase in Fees and Charges for Roads, Footpaths and Traffic Management are not adopted, Council may not be recovering the costs of constructing public domain works paid by developers as the financial climate changes.

Conclusion

It is recommended for Council to adopt the proposed amended fees and charges for Roads, Footpaths and Traffic Management and that the new fees and charges be incorporated into Council Schedule of Fees and Charges for the 2023-2024 financial year.

Recommendation

That Council adopt the amended Fees and Charges for Roads, Footpaths and Traffic Management and that the fees and charges be incorporated into Council Schedule of Fees and Charges for the 2023-2024 financial year.

Attachments

1 [↔](#) Fees and Charges 2023-2024 Roads and Footpaths - with rate increases

(Item 92/23) Investment Report as at 31 October 2023

File No: 23/10131

Report by Director Corporate Services

Summary

In accordance with Clause 212 of the *Local Government (General) Regulation 2005*, this report details all money that Council has invested under Section 625 of the *Local Government Act 1993*.

Operational Plan Objective

A.103 Implement and monitor appropriate investment strategies and prepare monthly investment reports

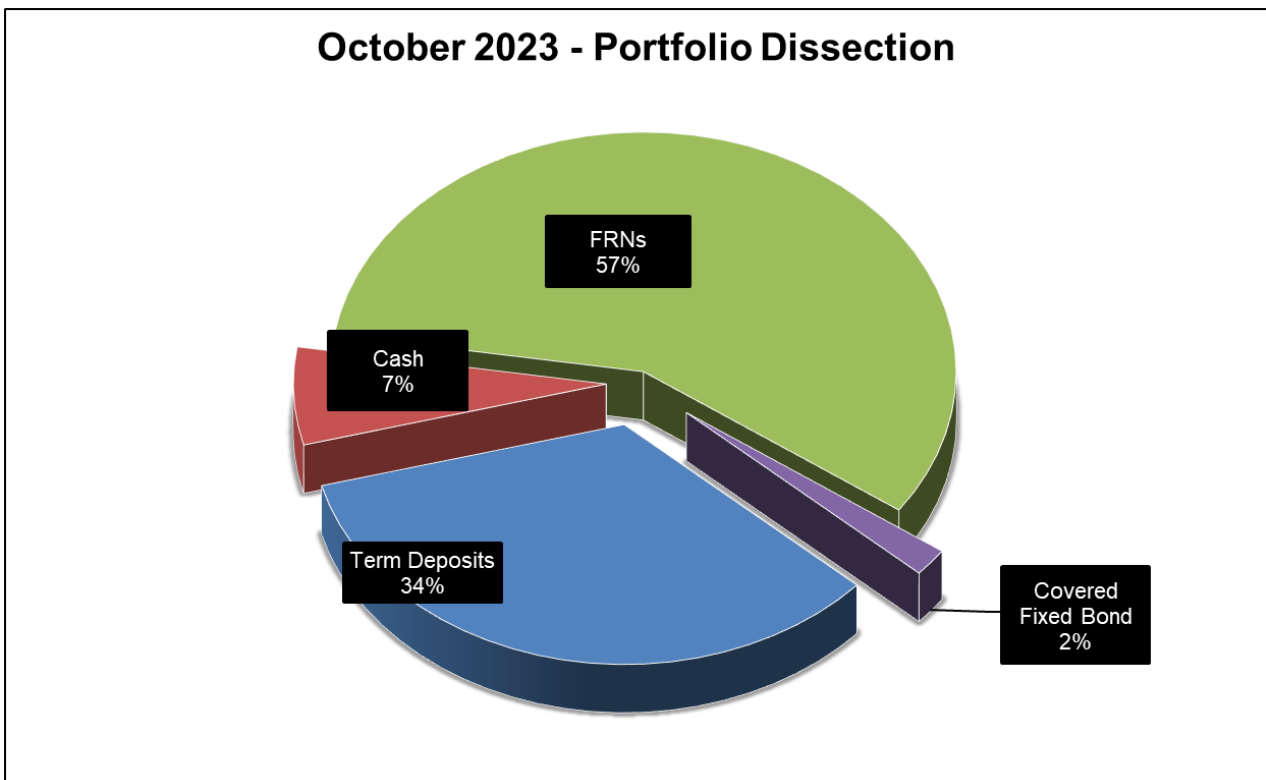
Background

As provided for in Clause 212 of the *Local Government (General) Regulation 2005*, a report listing Council's investments must be presented to Council.

Council's investments are made up of a number of direct investments some of which are managed or advised by external agencies.

Investment Portfolio

Council has a diversified investment portfolio and has a number of direct investments in term deposits. Its investment portfolio as at 31 October 2023 is:



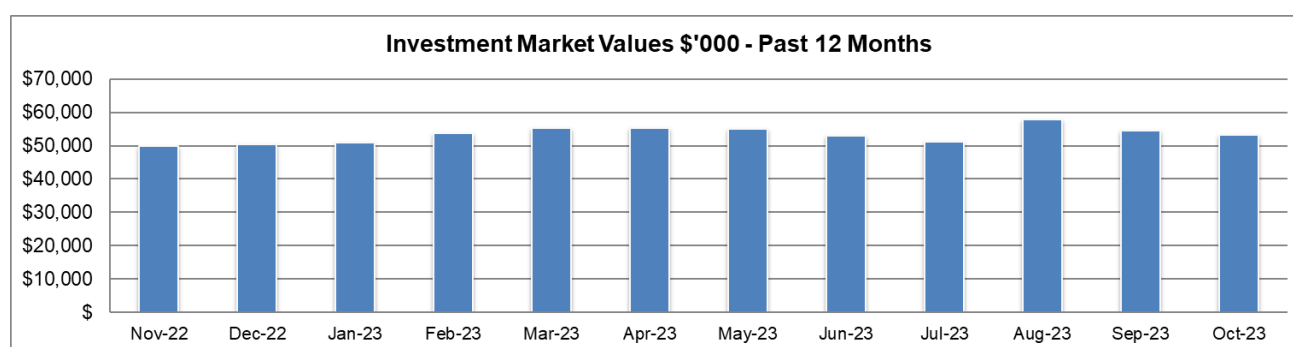
As at 31 October 2023 Council held the following term deposits:

Purchase Date	Financial Institution	Principal Amount	Interest Rate	Investment Days	Maturity Date
03 May 23	AMP	3,000,000	5.00%	184	03 Nov 23
27 Jun 23	AMP	3,000,000	5.60%	175	19 Dec 23
14 Aug 23	CBA	4,000,000	5.50%	270	10 May 24
09 Oct 23	SunCorp	4,000,000	5.15%	274	09 Jul 24
10 Oct 23	NAB	4,000,000	5.17%	365	09 Oct 24
	Total	18,000,000			

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

Purchase Date	Financial Institution	Principal Amount	Current Coupon Rate	Investment Days	Maturity Date
11 Jan 19	Commonwealth Bank of Australia	4,000,000	5.2696%	1,826	11 Jan 24
16 Jun 21	MyState Bank Ltd	2,500,000	4.7694%	1,461	16 Jun 25
24 Aug 21	National Australia Bank	1,500,000	4.5472%	1,826	24 Aug 26
11 Aug 22	Westpac	1,800,000	4.9679%	1,096	11 Aug 25
18 Aug 22	Commonwealth Bank of Australia	2,400,000	5.1699%	1,826	18 Aug 27
13 Oct 22	MyState Bank Ltd	1,500,000	5.4541%	1,096	13 Oct 25
17 Oct 22	Suncorp-Metway Limited	800,000	5.0342%	1,096	17 Oct 25
07 Nov 22	Sumitomo Mitsui Banking Sydney	2,000,000	5.2777%	1,096	07 Nov 25
13 Jan 23	Commonwealth Bank of Australia	3,000,000	5.3041%	1,826	13 Jan 28
19 Jan 23	Rabobank U.A Australia Branch	1,500,000	5.3967%	1,826	19 Jan 28
10 Feb 23	Newcastle Permanent Building Society	1,000,000	5.1663%	1,461	10 Feb 27
03 Mar 23	HSBC Sydney Branch	2,000,000	5.1750%	1,827	03 Mar 28
16 Mar 23	United Overseas Bank Sydney	2,000,000	4.8494%	1,096	16 Mar 26
18 May 23	Suncorp-Metway Limited	1,500,000	5.1999%	1,096	18 May 26
16 Jun 23	QPCU Limited T/A QBANK	2,750,000	5.8194%	1,096	16 Jun 26
	Total	30,250,000			

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



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

Council's investment balances as at reporting date and for the previous two months are detailed in Attachment 1. Definitions on the types of investments are detailed in Attachment 2.

Investment Performance and Market Commentary

At the Reserve Bank of Australia (RBA) meeting on the 7 November 2023, the Board decided to raise the cash rate target by 25 basis points to 4.35 per cent.

Statement by Michelle Bullock, Governor: Monetary Policy Decision

“Inflation in Australia has passed its peak but is still too high and is proving more persistent than expected a few months ago. The latest reading on CPI inflation indicates that while goods price inflation has eased further, the prices of many services are continuing to rise briskly. While the central forecast is for CPI inflation to continue to decline, progress looks to be slower than earlier expected. CPI inflation is now expected to be around 3½ per cent by the end of 2024 and at the top of the target range of 2 to 3 per cent by the end of 2025. The Board judged an increase in interest rates was warranted today to be more assured that inflation would return to target in a reasonable timeframe.

The Board had held interest rates steady since June following an increase of 4 percentage points since May last year. It had judged that higher interest rates were working to establish a more sustainable balance between supply and demand in the economy. Furthermore, it had noted that the impact of the more recent rate rises would continue to flow through the economy. It had therefore decided that it was appropriate to hold rates steady to provide time to assess the impact of the increase in interest rates so far. In particular, the Board had indicated that it would be paying close attention to developments in the global economy, trends in household spending, and the outlook for inflation and the labour market.

Since its August meeting, the Board has received updated information on inflation, the labour market, economic activity and the revised set of forecasts. The weight of this information suggests that the risk of inflation remaining higher for longer has increased. While the economy is experiencing a period of below-trend growth, it has been stronger than expected over the first half of the year. Underlying inflation was higher than expected at the time of the August forecasts, including across a broad range of services. Conditions in the labour market have eased but they remain tight. Housing prices are continuing to rise across the country.

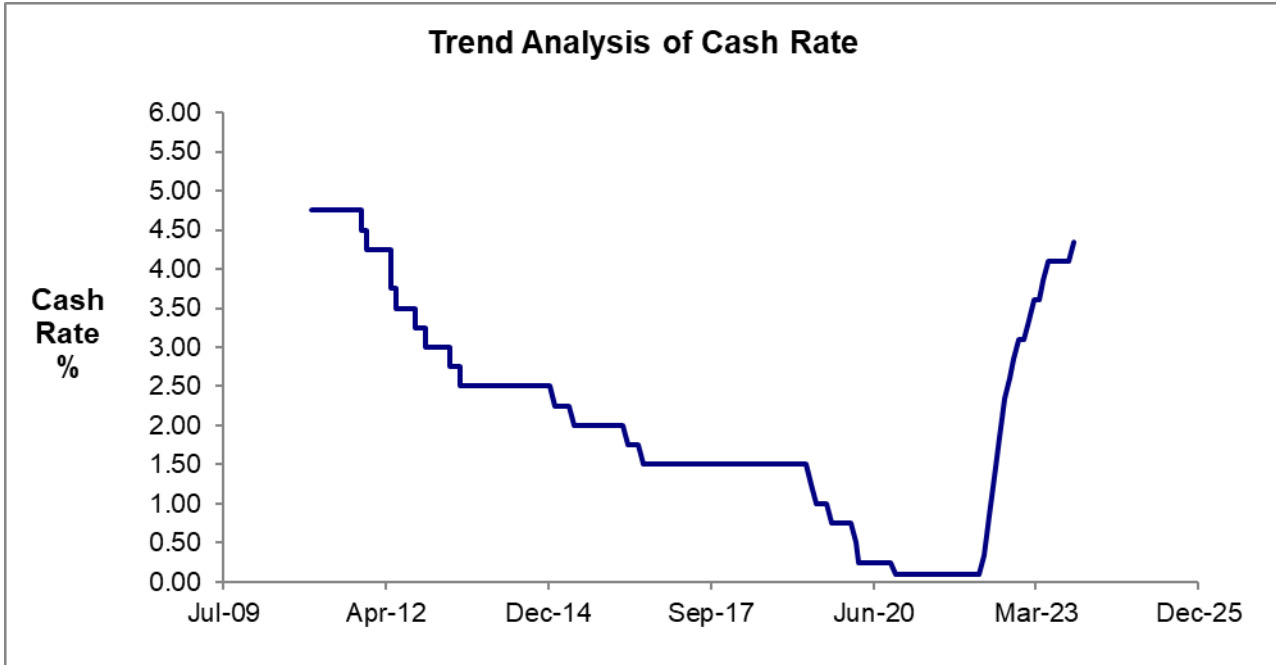
At the same time, high inflation is weighing on people’s real incomes and household consumption growth is weak, as is dwelling investment. Given that the economy is forecast to grow below trend, employment is expected to grow slower than the labour force and the unemployment rate is expected to rise gradually to around 4¼ per cent. This is a more moderate increase than previously forecast. Wages growth has picked up over the past year but is still consistent with the inflation target, provided that productivity growth picks up.

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

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

Whether further tightening of monetary policy is required to ensure that inflation returns to target in a reasonable timeframe will depend upon the data and the evolving assessment of risks. In making its decisions, the Board will continue to pay close attention to developments in the global economy, trends in domestic demand, and the outlook for inflation and the labour market. The Board remains resolute in its determination to return inflation to target and will do what is necessary to achieve that outcome.”

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



Recommendation(s)

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

Attachments

- 1 ➡ Investment Register October 2023
- 2 ➡ Types of Investments

(Item 93/23) Letter from Minister for Planning and Public Spaces - Low and Medium Density Housing Zones

File No: 23/48579

Report by General Manager

Summary

This report seeks to table a letter received by the Mayor on 30 October 2023 from the NSW Minister for Planning and Public Spaces the Hon. Paul Scully MP on housing in low and medium density zones across NSW.

Please note, Council staff are currently in the process of arranging a meeting with the Minister for Planning and Public Spaces and his team to obtain further information on the recent announcement. Additionally, Council aims to share with the Minister the vision for the Burwood North Precinct and the contents of the draft Burwood North Masterplan, which is currently on exhibition.

Operational Plan Objective

C.11 Effective, innovative and collaborative leadership is underpinned by open, transparent and responsible governance

Recommendation(s)

That Council receive and note this report and the attached letter from the Minister for Planning and Public Spaces, The Hon. Paul Scully MP on housing in low and medium density zones across NSW.

Attachments

1⇒ Letter from Minister Scully about low and medium density housing zones

(Item RC20/23) Burwood Local Traffic Committee – November 2023

File No: 23/46806

Report by Director City Assets

Summary

Attached are the Minutes of the Burwood Local Traffic Committee from its meeting of November 2023. The Minutes are hereby submitted to the Ordinary Council Meeting for consideration and adoption by Council.

Operational Plan Objective

C.4.1 Plan and manage transport infrastructure to meet current and future community needs
A.40 Investigate traffic hot spots and implement solutions such as pedestrian refuges, roundabouts or traffic calming devices

Recommendations

That the minutes of the Burwood Local Traffic Committee of November 2023 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.


(ITEM LTC27/23) WONGA STREET, STRATHFIELD - PROPOSED STOP CONTROLS***Recommendation***

That Council approve the introduction of 'Stop' control signage and associated linemarking at the T-intersection of Wonga Street and The Boulevarde, Strathfield

(ITEM TIN1/23) DATES FOR 2024 BURWOOD LOCAL TRAFFIC COMMITTEE MEETINGS

No Decision – Information Item Only

Attachments

- 1  Burwood Local Traffic Committee Agenda - October 2023
- 2 Burwood Local Traffic Committee Minutes - October 2023