

AGENDA



INNER WEST COUNCIL

COUNCIL MEETING

TUESDAY 13 NOVEMBER 2018

6.30pm

Live Streaming of Council Meeting

In the spirit of open, accessible and transparent government, this meeting of the Inner West Council is being streamed live on Council's website. By speaking at a Council meeting, members of the public agree to being recorded and must ensure their speech to the Council is respectful and use appropriate language. A person who uses defamatory, discriminatory or offensive language may be exposed to liability for which Council takes no responsibility. Any part of this meeting that is held in closed session will not be recorded

Pre-Registration to Speak at Council Meetings

Members of the public must register by 2pm of the day of the Meeting to speak at Council Meetings. If you wish to register to speak please fill in a [Register to Speak Form](#), available from the Inner West Council website, including:

- your name;
- contact details;
- item on the Agenda you wish to speak to; and
- whether you are for or against the recommendation in the agenda.

Are there any rules for speaking at a Council Meeting?

The following rules apply when addressing a Council meeting:

- keep your address to the point, the time allowed for each speaker is limited to three minutes. This time limit applies, no matter how many items are addressed by the speaker;
- when addressing the Meeting you must speak to the Chairperson;
- the Chairperson may curtail public participation where the information being presented is considered repetitive or irrelevant; and
- only 3 speakers for and against an Agenda Item are allowed.

What happens after I submit the form?

Your request will then be added to a list that is shown to the Chairperson on the night of the meeting.

Where Items are deferred, Council reserves the right to defer speakers until that Item is heard on the next occasion.

Accessibility

Inner West Council is committed to ensuring people with a disability have equal opportunity to take part in Council and Committee Meetings. At the Ashfield Council Chambers there is a hearing loop service available to assist persons with a hearing impairment. If you have any other access or disability related participation needs and wish to know more, call 9392 5657.

Persons in the public gallery are advised that under the Local Government Act 1993, a person may NOT tape record a Council meeting without the permission of Council.

Any persons found recording without authority will be expelled from the meeting.

"Record" includes the use of any form of audio, video and still camera equipment or mobile phone capable of recording speech.

An audio recording of this meeting will be taken for the purpose of verifying the accuracy of the minutes.

PRECIS

- 1 Acknowledgement of Country**
- 2 Apologies**
- 3 Notice of Webcasting**
- 4 Disclosures of Interest (Section 451 of the Local Government Act and Council's Code of Conduct)**
- 5 Moment of Quiet Contemplation**

6 Mayoral Minutes

Nil at the time of printing.

7 Condolence Motions

Nil at the time of printing.

8 Staff Reports

ITEM	Page
C1118(1) Item 1 Banners, Flags and Temporary Signage Policy	5
C1118(1) Item 2 Sponsorship policy	27
C1118(1) Item 3 Multicultural Policy	83
C1118(1) Item 4 Lilyfield Road Cycleway	127
C1118(1) Item 5 Proposed Amendments to the NSW Planning System - Short Term Rental Accommodation	132
C1118(1) Item 6 Sydney Airport Preliminary Draft Master Plan 2039 - Council Submission	179
C1118(1) Item 7 Future of White Bay Cruise Ship Terminal Bus Service	196
C1118(1) Item 8 Enterprise Bargaining Agreement	199
C1118(1) Item 9 Council Meeting Schedule for 2019	201
C1118(1) Item 10 Quarterly update on Tenders awarded	203

9 Notices of Motion

ITEM	Page
C1118(1) Item 11 Notice of Motion: Lilyfield Road trailer parking	204
C1118(1) Item 12 Notice of Motion: International Campaign to Abolish Nuclear Weapons Cities Appeal	206

10 Reports with Confidential Information

Reports appearing in this section of the Business Paper are confidential in their entirety or contain confidential information in attachments.

The confidential information has been circulated separately.

ITEM	Page
C1118(1) Item 13 Panel Member Appointment - Sydney Eastern City Planning Panel (SECPP)	208
C1118(1) Item 14 Ashfield Aquatic Centre Construction Tender Recommendation	215
C1118(1) Item 15 Compulsory Acquisition for Construction Lease - Part Burrows Ave Sydenham	218

Item No: C1118(1) Item 1

Subject: **BANNERS, FLAGS AND TEMPORARY SIGNAGE POLICY**

Prepared By: Laura Stevens - Group Manager Communications, Engagement and Events

Authorised By: John Warburton - Deputy General Manager Community and Engagement

SUMMARY

Banner, flags and temporary signage are valuable tools to achieve Inner West Council's objectives of communicating and celebrating with our community.

It is essential that Council has a policy in place outlining the management of banners, flags and temporary signage in the Inner West local government area to ensure their appropriate use.

This policy provides appropriate guidelines for the effective management of banners, street flags and temporary signage across the local government area.

RECOMMENDATION

THAT Council:

- 1. Adopt the Banners, Flags and Temporary Signage Policy subject to an appropriate budgetary source being identified to fund the required \$166,000; and**
 - 2. Rescind the legacy Flag Flying Policy of the former Leichhardt Council as this new policy replaces it.**
-

BACKGROUND

A Council resolution, *Better use of banners*, on 27 February, called for a policy for the new Inner West Council to be developed:

THAT Council prepare a banner policy or guidelines to better use banners in order to communicate with our community, to inform our community and to celebrate with our community. A short report should be prepared by Council to consider policy change and/or more efficient use of banner space.

At the Extraordinary Council Meeting on 3 July, Council resolved to endorse the draft banners, flags and temporary signage policy for public exhibition, with outcomes reported back to Council.

Council also resolved that prior to public exhibition, the policy be amended:

- 1. To emphasise that one of the purposes of the policy is to support community organisations to have access to banners, flags and temporary signage, for communication and promotion of their activities;*
- 2. Redraft section 7 to include the following intended effect:*
 - a. The banner, flags and signs are a service of council to the community and are appropriately used by local not-for-profit and community organisations.*
 - b. The Communications team will allocate sites as per calendar availability.*
 - c. Fees for placing the banners, signs, flags are waived for local NFP community groups, with consideration of covering all or part of the cost of banner production.*

d. Council should receive a quarterly report identifying which organisations accessed the service and the cost of same in terms of fees waived and banner production costs paid by Council.

e. Business use of the banner, sign, or flag service will be by Council resolution only.

3. To alter the requirement in section 3 for approval for placing banners/signs at sites not listed in the policy. Suggested wording:

a. Delete: "Banners and signs may not be placed sites that are not listed above without prior written approval from the Group Manager Communications, Engagement and Events."

b. Insert: "Council officers placing banners or signs at sites not listed above should obtain approval to do so from their Service Unit Group Manager. The Group Manager Communication, Engagement and Events should be notified, and advice should be sought if there is a risk of visual pollution or conflicting banners/signage in a locality."

4. To alter the requirement in section 4 for approval for banner design. Suggested wording:

a. Delete: "Banner design must be approved by Inner West Council Communications team prior to production to ensure it meets Council's brand guidelines. Approval is required for all designs, even if banners and temporary signage have been used previously."

b. Insert: "Prior to submitting banner design to the Communications team, Council staff should consider relevant guidelines as issued by the Communications team and seek advice and assistance as required."

5. To clarify the OHS requirement in section 6, in relation to banners/signs at sites where no height equipment is required. Suggested wording:

a. After: "To minimise risks to staff and the general public, only approved Council staff may hang banners, flags and temporary signage." Insert: "Group Managers should communicate with their staff regarding approval to place banners or signs, in which locations, and the OHS requirements to be followed. This approval may be general in nature, mindful of the level of OHS risk."

Please refer to Attachment 2: Banners, Flags and Temporary Signage Policy for the updated policy including the above amendments.

It should be noted that Section 7, Part d has been further amended from 'Council should receive a quarterly report identifying which organisations accessed the service and the cost of same in terms of fees waived and banner production costs paid by Council' to 'Council should receive a quarterly update via the local democracy report identifying which organisations accessed the service and the cost of same in terms of fees waived and banner production costs paid by Council' to enable more efficient use of time at Council meetings.

FINANCIAL IMPLICATIONS

It should be noted that the amendment resolved by Council at its 3 July meeting – *fees for placing the banners, signs, flags are waived for local NFP community groups, with consideration of covering all or part of the cost of banner production* – is unfunded and has significant cost implications for Council.

It is estimated that if Council's banner and flag sites were fully booked throughout the year (based on banners/flags changed once a month at every available location), the cost to Council would be up to \$166,560 annually. This does not include the cost of banner production, which can be up to several hundred dollars per banner.

A significant proportion of this work is due to out of hours labour and height access requirements. For example, banner labour rates range from \$65.65 per hour on a weekday to \$131.30 on weekends and \$164.13 on public holidays. Street level banners are provided at business hours rates, while flags and height access banners allow for after-hours installation. Any banner bookings requiring the hire of height access equipment would require a budget bid or the reduction of service levels elsewhere in order to fund these.

Therefore in order to implement this policy with the 3 July amendments council would have to identify a funding source. It would be prudent in the first year to allocate a budget of \$166k in the first year and then revise down if demand is less.

OTHER STAFF COMMENTS

Include comments from other staff here.

PUBLIC CONSULTATION

PUBLIC EXHIBITION: COMMUNITY COMMENTS AND OFFICER RESPONSE

Following a one month public exhibition period, the policy has been further updated to reflect community feedback prior to being considered and adopted by Council.

Community comments	Council officer response
No banner locations in Annandale or Camperdown	Council has added an additional banner site, Moore Street Bridge on the border of Annandale and Lilyfield
Six weeks' lead time is unreasonable given the nature of some quick community responses required – 10 days much better	Six weeks has been identified by Council officers as the required timeframe for design, approval, production, booking and installation
Some community organisations will already have banners to reuse and should not be restricted to standard sizes or colours	Colours are not restricted, however standard sizes are required to ensure they fit the space and enable safe installation at the site
Importantly – does this apply to election material, e.g. posters placed in dangerous pedestrian intersections by aspiring mayors in March 2018, and who will justly and evenly enforce?	Electoral material, including posters, is governed by the <i>NSW Electoral Act 2017</i> . Further information is provided by the NSW Electoral Commission: http://www.elections.nsw.gov.au/candidates_and_parties/electoral_material/posters This information has been added to Section 6 of the policy.
I am responding on behalf of the Inner West Council LGBTIQA+ Working Group. We reviewed the draft policy and appreciate the acknowledgement of the importance of flying the Rainbow flag during Sydney Gay and Lesbian Mardi Gras season. We thank Council for the opportunity to give feedback on the policy and provide structure for the protocols around flying flags. We would like to thank council for support to the LGBTIQA+ community through flying the Rainbow flag, and look forward to this ongoing collaboration and celebration into the future	Noted – in line with Council's values and strategic priorities, we value all members of our diverse community including the LGBTIQA+ community
I work along Darling Street Balmain and I am glad to read that there will be in place a mechanism for old banners to be removed within 2 days of the event happening. May I also suggest that there may be local artists or creative types that might be able to convert the banners into	Wording in Section 5 of the policy has been amended to encourage reuse in the first instance rather than listing it as an option. "Other organisations which can reuse" banners has also been included to encapsulate local organisations and artists

Item 1

tote bags, library bags, pencil cases, make up bags etc. I have seen this successfully done with banner material at Northern Beaches Council and the products sold or given away at Council events. Especially handy when single use plastic bags have been recalled	
There should be mention of a policy of removing non council banners, etc. placed on council property	This is addressed in Section 7 of the policy
Also, there should be some documentation regarding the development of more flagpoles, etc.	This feedback has been passed on to the relevant Council officers for consideration in future
Page 2 – IWC doesn't have a current "graffiti policy", it is currently under review. Reference in this policy should refer to that, i.e. "Unconsolidated Legacy Graffiti Management Policy as at July 2018"	References to Council's 'graffiti policy' have been amended to 'draft graffiti policy'
Page 8 – change all references to "Occupational Health and Safety" to "Work Health and Safety", and "OHS" to "WHS" in accordance with NSW legislative changes from 2011	These references have been changed accordingly in the policy and relevant legislation included
Page 9 – IWC doesn't have a current "graffiti policy", which "also outlines Council's authority to potentially prosecute companies or individuals under the Graffiti Control Act 2008." - Council Enforcement Officers are not authorised to prosecute companies or individuals under that Act. NSW Police are authorised for the purposes of that Act. Consult with Legal for confirmation	As above, references to Council's 'graffiti policy' have been amended to 'draft graffiti policy'. Reference to potential prosecution has been removed from the policy
<p>This looks great and very clear for those who actually apply for permission to put up temporary signage. What about those who put up signage and then do not remove it after the event? For example, there was a sign put near the Leichhardt Bus Depot a few months ago calling for a public gathering to oppose the sale of the government bus service in Sydney that existed for over 100 years. It deserved to be put there and called attention to something local residents care about. Someone put up the sign and then it stayed there rotting on the railings for months afterwards. Is there a protocol for removing this debris as it becomes very unsightly and is another form of littering once the purpose for the communication is no longer necessary.</p> <p>Please address this responsibility for cleaning up after wards in your policy when people do not formally apply for permission in the first place so the council</p>	<p>An additional paragraph has been added to Section 7 of the policy:</p> <p>As per internal banner, flag and signage bookings, community signage should be taken down promptly, within two days of an event being held. Council reserves the right to remove community banners, flags and signage that are have been left up for longer than approved.</p>

cannot enforce them to do it or serve them a penalty when they leave it there.	
--	--

Please refer to Attachment 1: Engagement outcomes report for further information on promotion, results, key themes/changes/concerns and responses in full.

CONCLUSION

Nil.

ATTACHMENTS

1. [↓](#) Engagement outcomes report - draft Banners, Flags and Temporary Signage Policy
2. [↓](#) Banners, Flags and Temporary Signage Policy
3. [↓](#) Former Leichhardt Council Flag Flying Policy



INNER WEST COUNCIL

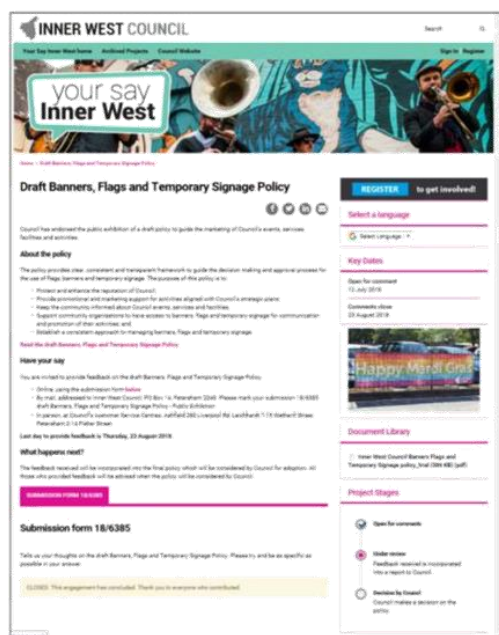
Engagement outcomes report Draft Banners, Flags and Temporary Signage Policy

The draft Banners, Flags and Temporary Signage Policy was publicly exhibited from 12 July to 23 August 2018.

Promotion

The exhibition was promoted by:

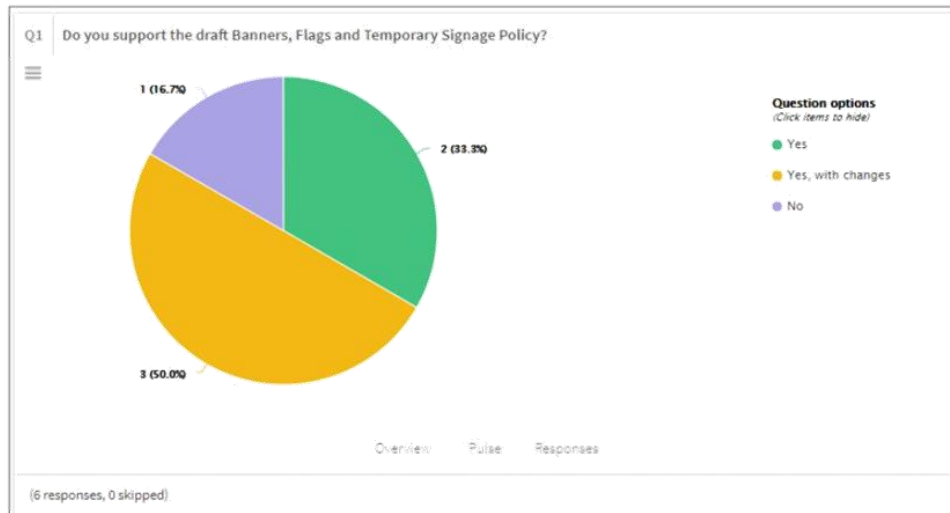
- Your Say Inner West project page
- Council column – Your Say feature project, Inner West Courier, 31 July 2018
- Social media post – Facebook, 16 July 2018
- Direct emails to community groups that previously received fee waivers either through Council resolution or assessment – 11 July 2018
- Inner West Council Enews – 19 July and 2 August 2018



Engagement Outcomes Report – Draft Banners, Flags and Temporary Signage Policy - August 2018
Engagement team

Results

During the exhibition period, 139 people visited the project page on Your Say Inner West, 63 people downloaded the policy and six made submissions.



Of the six who responded, five people supported the policy, three of whom suggested changes and one person did not support the policy.

The key themes from those who supported the policy were:

- Support for procedures to remove old banners
- Suggestions for reuse of old banners
- Support for display of the rainbow flag during Mardi Gras

The key changes requested were:

- Procedures for removal of non-Council signage on Council property, outside the approvals process
- Development of more flagpoles
- Minor corrections to language and authority to prosecute

The key concerns from the person who did not support the policy were:

- No banner locations in Annandale or Camperdown
- Lead time too short
- Standard sizes/colours restriction not suitable for some groups
- Query whether policy applies to election material

Responses in full:

No	No banner locations in Annandale or Camperdown , 6 week's lead time is unreasonable given the nature of some quick community responses required - 10 days much better, some community organisations will already have banners to reuse and should not be restricted to standard sizes or colours; Importantly - does this apply to election material eg posters placed in dangerous pedestrian intersections by aspiring mayors in March 2018, and who
----	--

	will justly and evenly enforce?
Yes	I am responding on behalf of the Inner West Council LGBTIQA+ Working Group. We reviewed the draft policy and appreciate the acknowledgement of the importance of flying the Rainbow flag during Sydney Gay and Lesbian Mardi Gras season. We thank Council for the opportunity to give feedback on the policy and provide structure for the protocols around flying flags. We would like to thank council for support to the LGBTIQA+ community through flying the Rainbow flag, and look forward to this ongoing collaboration and celebration into the future.
Yes	I work along Darling Street Balmain and I am glad to read that there will be in place a mechanism for old banners to be removed within 2 days of the event happening. May I also suggest that there may be local artists or creative types that might be able to convert the banners into tote bags, library bags, pencil cases, make up bags etc. I have seen this successfully done with banner material at Northern Beaches Council and the products sold or given away at Council events. Especially handy when single use plastic bags have been recalled.
Yes, with changes	There should be mention of a policy of removing non council banners, etc. placed on council property. Also, there should be some documentation regarding the development of more flagpoles, etc.
Yes, with changes	<p>Page 2 - IWC doesn't have a current "graffiti policy", it is currently under review. Reference in this policy should refer to that. i.e "Unconsolidated Legacy Graffiti Management Policy as at July 2018"</p> <p>Page 8 - change all references to "Occupational Health and Safety" to "Work Health and Safety", and "OHS" to "WHS" in accordance with NSW legislative changes from 2011.</p> <p>Page 9 - IWC doesn't have a current "graffiti policy", which "also outlines Council's authority to potentially prosecute companies or individuals under the Graffiti Control Act 2008." - Council Enforcement Officers are not authorised to prosecute companies or individuals under that Act. NSW Police are authorised for the purposes of that Act. Consult with Legal for confirmation.</p> <p>This looks great and very clear for those who actually apply for permission to put up temporary signage. What about those who put up signage and then do not remove it after the event? For example, there was a sign put near the Leichhardt Bus Depot a few months ago calling for a public gathering to oppose the sale of the government bus service in Sydney that existed for over 100 years. It deserved to be put there and called attention to something local residents care about.</p>
Yes, with changes	<p>Someone put up the sign and then it stayed there rotting on the railings for months afterwards. Is there a protocol for removing this debris as it becomes very unsightly and is another form of littering once the purpose for the communication is no longer necessary.</p> <p>Please address this responsibility for cleaning up after wards in your policy when people do not formally apply for permission in the first place so the council cannot enforce them to do it or serve them a penalty when they leave it there.</p>



Banners, flags and temporary signage policy

Summary

This policy informs Council officials – including Councillors, Council staff, administrators, Council committee members and delegates of Council – of processes related to the booking, approval, installation and removal of banners, flags and temporary signage on Council assets.

Policy background

Inner West Council strives to maintain a positive image in the community, including through the marketing of Council's events, services, facilities and activities.

It is essential that Council has a simple, clear, consistent and transparent framework to guide the decision making and approval process for the use of flags, banners and temporary signage to ensure their appropriate use across the Inner West local government area.

Policy purpose

The purpose of this policy is to:

- Protect and enhance the reputation of Council;
- Provide promotional and marketing support for activities aligned with Council's strategic plans;
- Keep the community informed about Council events, services and facilities;
- Support community organisations to have access to banners, flags and temporary signage for communication and promotion of their activities; and
- Establish a consistent approach to managing banners, flags and temporary signage.

Who this policy applies to

This policy applies to all Inner West Council officials including Councillors, staff, contractors and volunteers.

It also guides the management of external requests for banners, flags and temporary signage by local organisations and community groups.

Related legislation, policies and procedures

Related policies:

- Public Access to Information Policy;
- Draft Graffiti Policy; and
- Council's Code of Conduct.

Related legislation:

- *State Environmental Planning Policy (Infrastructure) 2007*;
- *Division 2 Advertising and Signage Exempt Development Code of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*;
- *Heritage Act*;
- *Work Health and Safety Act 2011*;
- *NSW Electoral Act 2017*;
- *Work Cover NSW 'Work Near Overhead Power lines' Code of Practice 2006*;



Last reviewed: 10 July 2018

- *Graffiti Control Act 2008*;
- *Government Information (Public Access) Act 2009 (GIPA Act)*; and
- *Local Government Act 1993*.

Policy

1 Responsibility

The Communications team in Council's Communications, Engagement and Events group is responsible for managing Council's banners, flags and temporary signage booking and approvals system.

Council's Trades/Maintenance team install and remove banners, flags and temporary signage as directed and approved by the Communications team.

Other teams across Council are responsible for the production and booking of their own banners, flags and temporary signage, including providing the appropriate budget to do so.

2 Appropriate use

Council has a range of marketing channels to communicate events, facilities and services to the community, including:

- Physical collateral including banners, flags and temporary signage;
- Digital collateral including website, social media and e-newsletters;
- Print collateral including letters, newsletters, brochures and posters.

Consideration should be given to which of the above channels are the most appropriate and cost effective, depending on the nature of the activity.

Banners, flags and temporary signage are considered an appropriate promotional tool for a limited number of Council initiatives including:

- Major Council events and events running for more than one day;
- Important Council resolutions, policy decisions or positions;
- Council approved messaging (e.g. safety, seasonal, economic development); and
- Improvement activities (e.g. development, construction, new facilities).

3 Sites

Council has sites across the local government area which have been identified as high profile and suitable for the hanging of banners, flags and temporary signage. These include six town halls, five parks, one depot, five main streets and one footbridge:

Banners and temporary signage

- Ashfield Park, Parramatta Road, Ashfield;
- Crystal Street, Petersham – fence;
- Darling Street, Rozelle – near Sackville Hotel;
- Enmore Park, Enmore;
- Leichhardt Town Hall, Leichhardt;
- Marrickville Town Hall, Marrickville;
- Moore Street Bridge, on the border of Annandale and Lilyfield;

3



Last reviewed: 10 July 2018

Item 1

- Newington footbridge, Stanmore;
- Newtown Town Hall, Newtown;
- Norton Street, Leichhardt – near Norton Plaza;
- Petersham Town Hall, Petersham;
- Robson Park, City West Link, Haberfield;
- St Peters Depot, St Peters;
- St Peters Town Hall, St Peters;
- Steel Park, Marrickville; and
- Victoria Road, Rozelle (amenities block).

Flags

- Marrickville Road, Marrickville (33 flags); and
- Norton Street, Leichhardt (27 flags).

Further information about these sites – including exact locations, installation details, access, equipment and other requirements – is available on Council's internal banner and flag site booking form on the intranet, and the Communications or Trades/Maintenance teams.

Council officers placing banners or signs at sites not listed above should obtain approval to do so from their service unit Group Manager. The Group Manager Communications, Engagement and Events should be notified, and advice should be sought if there is a risk of visual pollution or conflicting banners/signage in a locality.

This does not apply to hoarding on building sites or print collateral on Council noticeboards.

It is considered best practice for only one banner or sign to be placed in one location at any time.

Limiting banners at any one site also meets legislative requirements as per the *Division 2 Advertising and Signage Exempt Development Code of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*: "not ... more than one banner and one other type of temporary sign facing any road frontage".

Therefore a maximum of two banners/signs should be placed in these locations to meet legislative requirements, minimise visual clutter and support the safety of passing motorists by reducing distractions.

Council also has access to free bus shelter advertising (city light and timetable panels) within the former Leichhardt local government area (Leichhardt, Balmain, Rozelle, Lilyfield, Annandale). Access is provided for one week per site, with a minimum lead time of two weeks. Council is responsible for the cost and the supply of the posters. Posters are also subject to advertising standards approval. For further information, including specifications and a full list of locations, contact Council's Communications team.

4 Booking system

Council has a centralised, internal banner/flag booking system, including a request form and availability calendar.

Calendar

A live bookings calendar is available for viewing by all Council staff on Council's intranet.

Attachment 2



Last reviewed: 10 July 2018

The calendar ensures that:

- Council's core events and initiatives are promoted;
- Banner spaces are not 'double booked' by ensuring that teams across Council can clearly identify which site has been booked at any of Council's banner locations and for how long;
- Efficient use of banner space; and
- Council's Trades/Maintenance team can forecast labour requirements.

The calendar is 'read only' for staff to check availability and accessible for editing the by Communications and Trades/Maintenance teams, as the key teams involved in planning within this area. It can also be filtered by location for ease of use.

Booking form

The internal banner and flag site booking form, available on the intranet, includes:

- Banner/flag details to ensure the correct banner/flag is hung;
- Banner/flag specifications;
- Banner/flag location and associated costs;
- An installation and removal date to ensure banners/flags are taken down promptly (within two days of an event being held);
- Where to collect/drop-off banners/flags; and
- Work order number for payment.

Council staff should email banners@innerwest.nsw.gov.au with a completed form to book banner and flag space. This email address is managed by two nominated Council officials from the Communications team, who are authorised to manage banner approvals, schedule and prioritise bookings, and pass on works requests for action by the Maintenance team.

Prioritisation

Internal banner/flag/temporary signage bookings are prioritised in the following order:

- a) Inner West Council run events and activities; and
- b) Inner West Council sponsored/partnered events and activities.

5 Design guidelines, specifications, production and approvals process

Prior to submitting banner design to the Communications team, Council staff should consider relevant guidelines as issued by the Communications team and seek advice and assistance as required.

Production specifications have been put in place for consistent sizing and materials, to ensure a coherent visual identity for Council. Specifications are available on the banners booking form and by emailing banners@innerwest.nsw.gov.au

Designs must be submitted for approval a minimum of six weeks prior to the proposed installation date. Artwork can be submitted as a low-res PDF or jpeg file via email to banners@innerwest.nsw.gov.au

Banners and posters used in previous years are permitted to be reused if they are clean and free of fading, rips or tears. For recurring events and engagements, stickers should be used

5



Last reviewed: 10 July 2018

as a cost effective alternative to update dates to ensure banners can be reused. Banners should be replaced if they become faded or tattered.

Old and out-of-date banners and flags should be disposed of sustainably where possible – for example, by donating them to Reverse Garbage or other organisations which can reuse them where appropriate. Reverse Garbage can be contacted on 9569 3132 to confirm their capacity for banners or flags prior to dropping off.

6 Additional requirements

Legislative requirements

Division 2 Advertising and Signage Exempt Development Code of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 contains exempt provisions relating to the erection of various types of signage.

The following provisions are applicable to Council's use of banners and temporary signage:

Subdivision 11 Temporary event signs

2.102 Specified development

The construction or installation of a sign or banner that advertises a commercial, community or retail event or a private function (including sponsorship of the event or function) is development specified for the purposes of this code.

2.103 Development standards

The standards specified for that development are that the development must:

- (a) not result in more than one banner and one other type of temporary sign facing any road frontage, and
- (b) not have a surface area of more than 6m², and
- (c) be located wholly within the boundaries of the property or, if attached to a building, fence or wall, not project more than 100mm from the building, fence or wall, and
- (d) not be higher than 5m above ground level (existing), and
- (e) not be permanently fixed to a building, fence or wall, and
- (f) if advertising a commercial or retail event—not be constructed or installed in a residential zone, and
- (g) not be illuminated, and
- (h) not be displayed earlier than 14 days before the event, and
- (i) be removed within 2 days after the event.

The *State Environmental Planning Policy (Infrastructure) 2007* has exempt provisions for signs erected by a public authority as detailed below:

Existing signs—maintenance, replacement or change in display if existing sign is exempt under this Policy	<ul style="list-style-type: none"> • Must not involve a change in area, form or shape.
---	---

6

Identification, directional, community information or safety signs but not including roof-top signs or commercial advertising or signs associated with the use of road infrastructure (including signs associated with level crossings)	<ul style="list-style-type: none"> • Surface area must not exceed 3.5m². • Must be located wholly within property boundary or be attached to existing boundary fence and not projecting more than 100mm from fence. • Obtrusive effects of outdoor lighting must be controlled in accordance with AS 4282–1997, Control of the obtrusive effects of outdoor lighting.
Identification, directional, community information or safety signs associated with the use of road infrastructure	<ul style="list-style-type: none"> • Must be consistent with road safety policies and guidelines on outdoor advertising approved by the Secretary for the purpose of this provision and published in the Gazette.
Temporary signs advertising an event and associated relevant details including sponsorship of the event	<ul style="list-style-type: none"> • Surface area must not exceed 3.5m². • Must be located wholly within property boundary. • Must not be displayed earlier than 28 days before event and must be removed within 14 days after event. • Obtrusive effects of outdoor lighting must be controlled in accordance with AS 4282–1997 Control of the obtrusive effects of outdoor lighting

Heritage requirements

There is no limitation for banners and temporary signage on local or state heritage items, provided there is 'minimal impact' on the item.

The exempt provisions listed in the section above do not apply to state heritage items unless exemption is granted under Section 57 of the *Heritage Act*.

Electoral materials

Electoral material, including posters, is governed by the *NSW Electoral Act 2017*. For further information provided by the NSW Electoral Commission see:
http://www.elections.nsw.gov.au/candidates_and_parties/electoral_material/posters

Flag protocols

Promotional flags do not need to adhere to the flag protocols which apply to the flying of the Australian national flag on Council flag poles:

<https://www.pmc.gov.au/government/australian-national-flag/australian-national-flag-protocols>

The above protocols outline how our national flag should be raised and lowered, and the order of precedence. The flying of the national flag takes precedence over any other flag. It should be flown at half-mast on days of national commemoration including Anzac Day (to noon) and Remembrance Day (10:30-11:03am), and for mourning when directed by the state or federal governments, the Mayor or the General Manager.



Last reviewed: 10 July 2018

Council is also committed to recognising our diverse community, including Indigenous, Lesbian Gay Bisexual Transgender Intersex Queer (LGBTIQ), and culturally and linguistically diverse communities.

As part of this recognition, Council flies the Australian Aboriginal flag alongside the Australian national and NSW flags at locations – such as town halls and flag poles – where there is capacity to do so.

Other flags may be flown during the year to mark special events and celebrations, such as the Rainbow flag during the Sydney Gay and Lesbian Mardi Gras Festival and the Torres Strait Islander flag during NAIDOC Week, Sorry Day and Reconciliation Week.

Requests to fly international flags for festivals and celebrations will be considered on their merit and resolved by Council. Approval to fly such flags must not override standing protocols to fly the Aboriginal flag at all times and the Torres Strait Islander flags on specific dates. In these cases, the NSW state flag is to be lowered to allow for the flying of approved additional flags. The request must be submitted at least two months prior to the proposed date and the flag is to be provided by the organisation making the request.

Upon receiving any requests from supporters of nations not recognised by Australia to fly a flag, Council must write to the Department of Foreign Affairs and Trade seeking advice on the context of the request.

Work health and safety (WHS)

To minimise risks to staff and the general public, only approved Council staff may hang banners, flags and temporary signage. This is to ensure safe manual handling for staff and that banners, flags and temporary signage are safely secured for the public. Group Managers should communicate with their staff regarding approval to place banners or signs, in which locations, and the WHS requirements to be followed. This approval may be general in nature, mindful of the level of WHS risk.

Only licensed Trades/Maintenance staff can hang and remove banners, flags and temporary signage in locations where height equipment is required, giving consideration to potential hazards such as power lines – see below relevant section from the Work Cover Code of Practice.

Work Cover New South Wales 'Work Near Overhead Power Lines' Code of Practice 2006 – summary of key points.

WHAT IS WORK NEAR OVERHEAD POWER LINES?

There are legislative obligations on employers, or other persons conducting a business or undertaking in regard to undertaking work in close proximity, or at an unsafe distance, to overhead power lines. Employers and persons conducting a business or undertaking must make sure that no person, plant or thing comes within an unsafe distance of any overhead or underground electric line so far as reasonably practicable. The term 'near' is utilised as a reference point for persons planning and undertaking this work. Work 'near' overhead power lines means a situation where there is a reasonable possibility of a person, either directly or through any conducting medium, coming closer than the approach distances specified in the Code. For the purposes of the Code the term 'near' can be interchanged with other legislative or commonly used industry terms i.e. 'close proximity', 'unsafe distance' or 'in the vicinity of'.

PERSONNEL WORKING NEAR OVERHEAD POWER LINES

The Code of practice is based on the assumption that without appropriate technical knowledge and experience of electricity distribution networks and associated electrical apparatus, untrained personnel working or operating cranes or plant near overhead power lines will not be able to identify the operating voltage concerned, and will therefore not be able to recognise and avoid the inherent dangers of live overhead power lines. These personnel are termed ordinary persons. The approach distances specified in this code of practice take account of differing levels of technical knowledge, and are substantially greater for ordinary persons than for personnel who have been trained and assessed as having the necessary technical knowledge. These personnel are termed accredited persons.



Last reviewed: 10 July 2018

Council's Events staff can secure banners and temporary signage to ground-level fences and from footbridges. A minimum of two staff members must be present when putting up banners for safety reasons. Consideration should also be given as to whether any additional safety measures are required, such as additional equipment, traffic control, safe zones, notifications and completing works at particular times.

Staff moving or storing banners should adhere to safe manual handling practices at all times.

Storage

High rotation banners and former Leichhardt/Marrickville council banners are stored at the basement level of Petersham Town Hall.

Former Ashfield Council banners are stored in the basement level storage area of the Ashfield Service Centre and in the storeroom of the Ashfield Town Hall.

Council teams are required to source safe and suitable storage options for their own banners.

7 External use of Council space and facilities

Banners, flags and temporary signage are a service of Council to the community and may be appropriately used by local not-for-profit and community organisations.

A number of banner locations are available to be booked by community organisations. Given the limited availability of banner space, Council's Communications team will allocate sites as per calendar availability. The space should be booked by contacting banners@innerwest.nsw.gov.au.

Preference will be given where:

- The promotion is for a major hallmark Inner West event or a not-for-profit event held in the Inner West that is open to the public; and/or
- The promotion supports another activity or message that is aligned with Council's strategic plans.

Business use of Council's banners, flags and temporary signage service will be by Council resolution only.

As per internal banner, flag and signage bookings, community signage should be taken down promptly, within two days of an event being held. Council reserves the right to remove community banners, flags and signage that have been left up for longer than approved.

General community signage should not be placed on any additional Council assets not outlined in this policy. Council reserves the right to remove unauthorised banners or signs installed without approval, as per Council's draft graffiti policy.

8 Cost recovery, fees and charges

It costs Council up to several thousand dollars to hang banners, flags and temporary signage (depending on location) due to resourcing requirements, including staff time, labour costs, safety requirements, traffic management and hiring equipment such as cherry pickers.

It is therefore appropriate that fees and charges are levied both internally and externally to recover these costs and reflect the true cost of the service to Council.

9



Last reviewed: 10 July 2018

Internal bookings

The cost of banner/flag works is outlined in Council's internal banner and flag site booking form.

Staff should incorporate these fees into their budgets and should only book banner or flag space if they can afford to pay Trades/Maintenance to install and remove.

A work order number is also required on the form in order for works to proceed, to ensure that Council teams work fees for banners and flags into their budgets.

It should also be noted that the banners themselves cost a minimum of several hundred dollars to produce.

External bookings

The current charges for banner and flag works are listed in the Inner West Fees and Charges document on Council's website:

<https://www.innerwest.nsw.gov.au/council/policies-and-publications/fees-and-charges>

Fees for placement of banners and flags at sites outlined in the fees and charges document on Council's website are waived for local not-for-profit community groups, with consideration given to covering all or part of the cost of banner production. All other external parties are responsible for the production and costs of their own banners, flags and temporary signage.

Council should receive a quarterly update via the local democracy report identifying which organisations accessed the service and the cost in terms of fees waived and banner production costs paid by Council.

9 Policy review

This policy will be reviewed regularly as required and may change at any time subject to Council approval.



FLAG FLYING POLICY

Date Adopted:	14 April 2015
Council or Corporate Policy	Council Procedure
Responsible Division:	General Manager's Division
Supporting documents, procedures & forms of this policy:	NA
References & Legislation:	Federal Government Flag Flying Policy

Contents

1	Purpose of Policy.....	2
2	Definitions	2
3	Policy Statement.....	2
4	Roles & Responsibilities	4
5	Policy Implementation.....	4
6	Policy Review	4
7	Version Control and Change History	4

1 Purpose of Policy

To provide guidance to Council officers with regards to flying flags from Leichhardt Municipal flag poles.

To provide guidance to Councillors when resolving to respond to requests to raise additional flags at Leichhardt Municipal flag poles.

2 Definitions

Word/Term	Definition (with examples if required)
NAIDOC	National Aborigines and Islanders Day Observance Committee

3 Guidelines for raising flags on Municipal flag poles

1. The Australian National flag is to be flown at mast head at all times from the Leichhardt and Balmain Town Halls and the Flag poles located at Pioneer's Park and Loyalty Square.
2. The flying of the national flag takes precedence over any other flag.
3. The NSW State Flag is to be flown at all times from the Leichhardt Town Hall except on the following occasions:
 - 3.1. NAIDOC Week, Sorry Day and Reconciliation Week, to allow the flying of the Torres Strait Islander flag; the order being Australian Flag, Aboriginal Flag, Torres Strait Islander Flag.
 - 3.2. Council may also determine, on a one off or annual ongoing basis, to fly non- sovereign and other such flags from time to time e.g. the Rainbow Flag, the Western Saharan Flag, and the West Papuan Flag.
 - 3.3. Approval to fly such flags must not override standing protocols to fly the Aboriginal flag at all times and the Torres Strait Islander flags on specific dates such as NAIDOC week;
 - 3.4. Where Council may decide to fly a non-sovereign or other such flag, in these cases the NSW State Flag is to be lowered to allow for the flying of approved additional flags ;
 - 3.5. In order for Council to properly consider each request, staff will provide some background research as appropriate when reporting the matter to council.
 - 3.6. A request to fly a flag should be received at least two months prior to the proposed date in order to allow sufficient time for the request to be researched and formally considered by council;
 - 3.7. The flag is to be provided by the organisation making the request;
 - 3.8. Flag raising requests can take place at Leichhardt and/or Balmain Town Halls
 - 3.9. That upon receiving any requests from supporters of nations not recognised by Australia to fly a flag that Council write to the Department of Foreign Affairs and Trade seeking advice on the context of the request.
4. The Australian Aboriginal Flag is to be flown at all times from the Leichhardt Town Hall.
5. The Australian National flag shall be flown at half-mast in accordance with national flag protocol.
6. The national flag protocol requires that the Australian National flag be flown at half mast on the following days of national commemoration:
 - 6.1. on Anzac Day the national flag is to be flown at half-mast until noon, then to mast head;
 - 6.2. on Remembrance Day the national flag is to be flown at half-mast between 10.30am - 11.03am;
7. The national flag is also required to be flown at half-mast for mourning as and when directed by the State or Federal Government, the Mayor or the General Manager.

4 Roles & Responsibilities

General flag raising and lowering is to be completed by the Town Hall caretakers.

Additional flag raising to be completed by the Mayor or designated elected representative.

Reports regarding flag raising to be submitted by Manager of Governance and Administration.

Council's Media and Communications Coordinator responsible for seeking advice from Department of Foreign Affairs and Trade on receipt of request from non-sovereign nations.

5 Policy Review

Within six months of election of new term of Council to allow for pre-approved list of flags.

6 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	14/04/2015	Kate Walsh Media and Communications Coordinator	Original policy. No pre-existing.
2			<Briefly summarise major amendments>

Item No: C1118(1) Item 2

Subject: SPONSORSHIP POLICY

Prepared By: Laura Stevens - Group Manager Communications, Engagement and Events

Authorised By: John Warburton - Deputy General Manager Community and Engagement

SUMMARY

It is essential that Council has a policy in place informing Council officials of principles, guidelines, processes and issues relating to sponsorship, to ensure that all sponsorship arrangements are transparent, comply with Council's Code of Conduct and other policies, and do not limit Council's ability to carry out its functions fully or impartially.

RECOMMENDATION

THAT:

- 1. Council adopt the Sponsorship policy; and**
- 2. Council rescind the below legacy policies of the former Ashfield, Leichhardt and Marrickville councils as this new Inner West Council policy replaces them:**
 - **Sponsorship and small donations policy (Ashfield);**
 - **Sponsorship policy (Leichhardt); and**
 - **Sponsorship policy (Marrickville).**

BACKGROUND

Prior to amalgamation on 12 May 2016, the former Ashfield, Leichhardt and Marrickville councils had sponsorship policies to support the appropriate provision and receipt of sponsorship by these councils.

This new Inner West Council sponsorship policy seeks to align these former policies, while also adding in additional provisions and processes to manage risk and ensure the policy adheres to the Independent Commission Against Corruption's (ICAC) guide to *Sponsorship in the public sector 2006*.

At the Council Meeting on 28 August, Council resolved to endorse the sponsorship policy for public exhibition, with outcomes reported back to Council.

Council also resolved that prior to public exhibition, the policy be amended:

- 1. To include: "where there are other sponsoring organisations alongside Council, these other organisations should not be inconsistent with Council's values and policies, adversely affect Council's public image or reputation or otherwise present a conflict of interest"; and*
- 2. Under restrictions, add the following: "Involved in gambling products or services, unless the business is based in Council's Local Government Area and can demonstrate a considerable contribution to the community".*

Please refer to Attachment 2: Sponsorship policy for the updated policy including the above amendments.

FINANCIAL IMPLICATIONS

Inner West Council provides a wide range of services, activities and events to the community, some of which may be suitable for sponsorship in order to reduce the cost of these activities.

Sponsorship may therefore assist Council in enhancing and expanding its services to the community at minimal cost to ratepayers.

The provision of sponsorship by Council to not-for-profit and community groups is not expected to have a material impact on Council's budget, as this is likely to be in the form of in kind support.

OTHER STAFF COMMENTS

Include comments from other staff here.

PUBLIC CONSULTATION

The policy was placed on public exhibition for a period of one month.

There was one submission in support of the draft policy, with no comments made.

Please refer to Attachment 1: Engagement outcomes report for further information on promotion and results.

CONCLUSION

Nil.

ATTACHMENTS

1. [↓](#) Engagement outcomes report - Draft Sponsorship Policy
2. [↓](#) Inner West Council Sponsorship Policy
3. [↓](#) Sponsorship Policy - Former Leichhardt
4. [↓](#) Sponsorship Policy - Former Marrickville
5. [↓](#) Sponsorship Policy - Former Ashfield



INNER WEST COUNCIL

Engagement outcomes report Draft Sponsorship Policy

The draft Sponsorship Policy was publicly exhibited from 30 August to 27 September 2018.

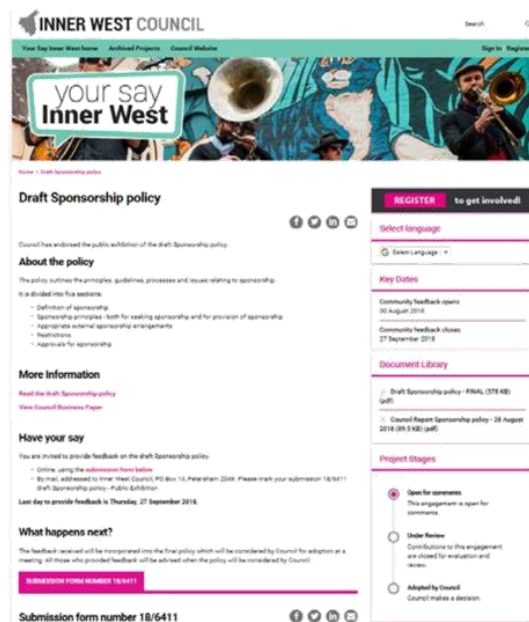
Promotion

The exhibition was promoted by:

- Your Say Inner West project page
- Social media post – Facebook, 2 September 2018
- Your Say e-news – September edition

Results

During the exhibition period, 26 people visited the project page on Your Say Inner West, 14 people downloaded the policy and one made a submission supporting the draft policy.



Your Say Inner West project page



Facebook post

Engagement Outcomes Report – Draft Sponsorship Policy - September 2018



Sponsorship policy



Last reviewed: 29 August 2018

Summary

This policy informs Council officials – including Councillors, staff, contractors and volunteers – of principles, guidelines, processes and issues relating to sponsorship.

Policy background

Inner West Council provides a wide range of services, activities and events to the community, some of which may be suitable for sponsorship in order to enhance or reduce the cost of these activities.

This policy sets out principles and guidelines for both seeking and providing sponsorship of Inner West Council activities by individuals, organisations and corporations external to Council, including clubs and community groups. It also covers the provision of sponsorship by Council to external parties.

This policy is linked to Council's Risk Management Framework.

Sponsorship can be mutually beneficial to both Council and the sponsor. Council's sponsorship arrangements should benefit the community, and assist Council in providing services and programs to its community.

However, Council must ensure that all sponsorship arrangements are transparent, comply with Council's Code of Conduct and other policies, and do not limit Council's ability to carry out its functions fully or impartially.

This policy recognises that sponsorship may be beneficial in some cases and not in others. The benefits of sponsorship should be balanced against potential risks, including:

- The perception that Council may expose itself to improper influence from private individuals, organisations or companies; and
- Potential sponsors assuming that they have an entitlement to exercise influence over Council's operations for their own advantage.

Policy purpose

The purpose of this policy is to:

- Inform Council officials of probity issues relating to sponsorship;
- Ensure sponsorship is sought, received and carried out ethically;
- Reduce the risk of corrupt conduct, or the appearance of corrupt conduct, in relation to sponsorship;
- Ensure a consistent and transparent approach is taken to sponsorship across the organisation; and
- Protect and enhance the reputation of Council.

Who this policy applies to

This sponsorship policy applies to Inner West Council officials and provides the steps they must follow when seeking to obtain or provide sponsorship.

2

Related legislation, policies and procedures

Related documents and policies:

- Public Access to Information Policy;
- Public Interest Disclosures Policy;
- Independent Commission Against Corruption's (ICAC) guide to *Sponsorship in the public sector 2006*;
- Risk Management Framework; and
- Council's Code of Conduct.

Related legislation:

- *Government Information (Public Access) Act 2009 (GIPA Act)*;
- *Local Government Act 1993*;
- *Independent Commission Against Corruption Act*;
- *Anti-Discrimination Act 1977 NSW*; and
- *State Records Act 1998*.

Policy

1 Definition of sponsorship

Sponsorship is a commercial arrangement in which a sponsor provides a contribution of money or in kind support for an activity in return for certain specified benefits to the sponsor.

Sponsorship can be provided by the corporate sector, the public sector or private individuals.

For the purpose of this policy, sponsorship comprises:

- Sponsorship of Inner West Council activities by individuals, organisations and companies external to Council, including clubs and community groups; and
- Council sponsorship of organisations, activities and events external to Council.

Sponsorship does not include grants received by Council or donations made to Council; the selling of advertising space; joint ventures; consultancies; or unconditional gifts, donations, bequests or endowments.

2 Sponsorship principles

Consideration and assessment by Council of sponsorship proposals should have regard to the following principles, which have been informed by ICAC's guiding principles for sponsorship arrangements.

These principles aim to ensure sponsorship is sought, received and carried out ethically, lawfully and transparently to reduce the risk of corrupt conduct, or the appearance of corrupt conduct.

Principles for seeking sponsorship

- a) A sponsorship agreement will not impose or imply conditions that would limit, or appear to limit, Council's ability to carry out its functions legally, fully and impartially.



Last reviewed: 29 August 2018

- b) Council (as a regulatory authority) will not seek or accept sponsorship from people or organisations whose involvement in a sponsorship arrangement could compromise or be seen or perceived to compromise Council's ability to exercise its regulatory and planning functions.
- c) Council will ensure that officials involved in the negotiation of the sponsorship have no involvement in the regulation or inspection of the relevant party. All regulations and inspections will be conducted in an open, fair, accountable and impartial manner.
- d) Council will not seek or accept sponsorship from people or organisations who are, or are perceived to be, of a nature that is inconsistent with Council's values or policies, may adversely affect Council's public image or reputation, or otherwise present a conflict of interest.
- e) In making a decision either to accept or not accept sponsorship, Council will weigh up the best interests of the public, public accountability, public perceptions and the potential risks against any potential benefits. Council's Risk Management Framework provides a mechanism by which risks may be assessed and managed, through being captured and rated in a risk register, and identifying controls.
- f) It is preferable that there be compatibility between the sponsored activity and the sponsor, such as a sporting event being sponsored by an organisation related to sport.
- g) Council officials are not permitted to derive a personal benefit from a sponsorship arrangement.
- h) Council will advertise and promote sponsorship opportunities in a way that does not confer or imply an unfair advantage to some potential sponsors.
- i) Sponsorships are only to be pursued if the time and resources used to obtain it do not exceed the value of the sponsorship.
- j) Sponsorship benefits for the sponsor must not outweigh the benefits to Council, and the level of recognition and benefits available to sponsors must be commensurate to the scale of the sponsorship.
- k) Where sponsorship involves the provision of a sponsor's product, Council will evaluate the product for its fitness for the stated purpose against relevant and objective operational criteria through a risk assessment process. Council should not support exclusive use of the sponsors' product.
- l) All sponsorship arrangements entered into by Council must be formalised in a written agreement. A template is provided in *Attachment One* of this policy.
- m) All sponsorship arrangements must be approved in writing by the relevant Group Manager, General Manager and/or Council, as set out in this policy. There is a two person approvals process to foster transparency. An outlined approvals process is provided as an attachment to this policy.
- n) Each sponsorship proposal will be assessed on an individual basis and no ongoing sponsorship beyond the terms set out in the arrangement should be implied or assumed.

4



Last reviewed: 29 August 2018

Principles for the provision of sponsorship by Council

- a) There must be no real or apparent conflict between the objectives and mission of the sponsorship recipient and Council.
- b) The opportunity for provision of sponsorship by Council should be made as widely known as possible, with any costs of advertising or promoting sponsorship to be balanced against the potential benefits.
- c) Council officials are not permitted to derive a personal benefit from a sponsorship arrangement.
- d) The level of recognition and benefits available to Council as a sponsor must be commensurate to the scale of the sponsorship.
- e) Council officials must be made aware of all other sponsors involved in the project to ensure they align with Council's involvement and objectives. The relevant Council official will seek a list of sponsors prior to formalising any sponsorship agreement.
- f) All sponsorship arrangements entered into by Council must be formalised in a written agreement. A template is provided in Attachment One of this policy.
- g) Council officials must monitor sponsorship arrangements to ensure the promised sponsor benefits are delivered. Sufficient and timely information must be provided by the sponsored organisation to enable Council to evaluate the sponsorship.
- h) Each sponsorship proposal will be assessed on an individual basis and no ongoing sponsorship beyond the terms set out in the arrangement should be implied or assumed.

3 Appropriate external sponsorship arrangements

Council will generally only accept sponsorship for short term activities or programs such as:

- Events and festivals;
- Community development and cultural activities and programs of a limited time period;
- Public conferences, seminars and workshops;
- Community or industry awards;
- Environmental projects;
- Community awareness campaigns; and
- Education or recreation programs.

The following types of activities are generally not suitable to receive sponsorship:

- Ongoing services and activities of Council, whether undertaken by Council officers, volunteers, committees or other groups;
- Buildings, facilities, parks or other assets; and
- Regular publications such as newsletters.

The following types of sponsorship are considered acceptable:

- Provision of funding;
- Provision of goods, services or vouchers (in kind support); and/or
- Provision of discounts.



Last reviewed: 29 August 2018

4 Restrictions

Council will not accept sponsorship from organisations or related parties that are:

- Involved in any current planning, regulatory or legal matter involving Council, or if it is reasonably known that such matters are likely to arise in the foreseeable future (e.g. developers with a Development Application before Council);
- Involved in political fields (e.g. political parties);
- Involved in or associated with products or services related to tobacco, pornography or firearms;
- Involved in commercial alcohol products or services, unless the business is based in Council's Local Government Area and can demonstrate a considerable contribution to the community;
- Involved in gambling products or services, unless the business is based in Council's Local Government Area and can demonstrate a considerable contribution to the community; and/or
- Otherwise perceived to be of a nature that is inconsistent with Council's values and policies or may adversely affect Council's public image or reputation.

Every sponsorship proposal will be assessed against the possibility of a conflict of interest and, in particular, may be refused or terminated in any case where, during the life of the sponsorship, the sponsor or related party:

- Has a current development application or planning matter before Council, or Council is aware of the possibility of an application or matter coming before the Council in the near future;
- Is, or is likely to be, subject to regulation or inspection by the Council which may impose conditions; or
- Where the sponsorship may limit Council's ability to carry out its functions fully and impartially or may be perceived to do so.

Related parties may include, but are not limited to, management, board or committee members of organisations.

5 Approvals for sponsorship

The below approval amounts relate to the financial delegations Council has in place.

Sponsorship requiring Group Manager approval

Sponsorships where the value of funding or in kind support to/from Council is up to \$150,000, and is for a sponsorship period of one month or less, may be approved by the relevant Group Manager.

Sponsorship requiring Deputy General Manager approval

Sponsorships where the value of funding or in kind support to/from Council is between \$150,000 and \$250,000, and is for a sponsorship period of one month or less, may be approved by the relevant Deputy General Manager.



Last reviewed: 29 August 2018

Sponsorship requiring General Manager approval

Sponsorships where the value of funding or in kind support to/from Council is more than \$250,000, and is for a sponsorship period of one month or less, may be approved by the General Manager.

Sponsorship requiring Council approval

Sponsorships for a period of one month or more must be approved by Council. Council must also approve any sponsorship proposals involving naming rights.

Sign off process

A two person sign off process is required, whereby the relevant Council official will make a recommendation and the appropriate Group Manager, Deputy General Manager, General Manager or Council will approve. The responsible Council official/s should make the authoriser aware of any potential issues when seeking authorisation, referring to the principles outlined in Section 2 of this policy. A template is provided in *Attachment One* of this policy.

6 Process for seeking external sponsorship

Inner West Council may seek financial and/or in kind sponsorship from organisations, companies or individuals to support specific projects or events.

Sponsorship opportunities should be promoted widely and not limited to invited sponsors. However, it is recognised that it may not always be reasonable or practical to expect extensive processes to be undertaken for lower value sponsorships, or if the potential pool of sponsors is small or specialised. If wide promotion is not undertaken, the reasons for this should be clearly documented and approved by the relevant Group Manager prior to promotion.

Individual sponsorship opportunities shall be promoted in a way commensurate to the scope and value of the sponsorship.

For sponsorships where the value of funding or in kind support to Council is \$10,000 or less, it should be noted that advertising is preferable but Council may seek or accept sponsorship by dealing directly with potential sponsors should the alternative not be cost effective. Council's sponsorship register may be referred to in the process of identifying potential sponsors.

Sponsorships for amounts between \$10,000 and \$20,000 must be sought via advertising in the public domain.

Sponsorships for amounts greater than \$20,000 must be sought via an advertised or tender process.

Any requests from organisations or individuals seeking sponsorship made directly to Councillors should be directed to the relevant Council official.

7 Process for assessing external sponsorship

Existing sponsorship relationships or ongoing sponsorship support that was already in place prior to the development of this policy should be reviewed annually by at least two people for transparency purposes: the relevant Group Manager and Deputy General Manager.

7



Last reviewed: 29 August 2018

Sponsorship proposals must be assessed against the below predetermined and publicly available criteria:

- The sponsoring organisation must be compatible with Council's values and strategic objectives;
- The sponsoring organisation must agree to the sponsorship benefits offered;
- The sponsoring organisation must not be involved in conflict or conflict of interest with Council;
- The sponsoring organisation must be seen to have the capacity to fulfil its sponsorship obligations;
- The sponsorship arrangement must benefit both parties; and
- The sponsorship agreement must adhere to Council's sponsorship policy.

A sponsorship proposal template is included as an attachment to this policy.

Council must ensure that sufficient resources are available to enable the promised sponsor benefits to be delivered. Sufficient and timely information must also be provided to the sponsor to enable them to evaluate the sponsorship.

8 Process for providing sponsorship

Council also has the facility to sponsor other organisations and/or their associated activities either financially and/or in kind, including, but not limited to:

- Events;
- Environmental projects;
- Community development and cultural programs and activities;
- Publications; and
- Fundraisers (e.g. raffles and auctions).

Sponsorship proposals received by Council must be assessed against Council's strategic objectives and Council's policies. Council's sponsorship of the project must align with Council's objectives as set out in the Community Strategic Plan and Delivery Program.

Sponsorship proposals must be assessed against the below predetermined and publicly available criteria:

- The organisation seeking sponsorship must be a charity or community based;
- The organisation seeking sponsorship must be compatible with Council's values;
- The project or activity being sponsored must have local impact in the Inner West local government area;
- The organisation seeking sponsorship must offer tangible benefits to Council in return for sponsorship;
- The organisation seeking sponsorship must not be actively involved in conflict or conflict of interest with Council;
- The organisation seeking sponsorship must be seen to have the capacity to fulfil its sponsorship obligations;
- The sponsorship arrangement must benefit both parties; and
- The sponsorship agreement must adhere to Council's sponsorship policy.

Where there are other sponsoring organisations alongside Inner West Council, these other organisations should not be inconsistent with Council's values and policies, adversely affect Council's public image or reputation, or otherwise present a conflict of interest.



Last reviewed: 29 August 2018

A sponsorship proposal template is provided in *Attachment One* of this policy.

9 Acknowledgement and benefits

Acknowledgement and sponsorship benefits should be commensurate with the sponsorship contribution made and the scope of the event, activity or project. For example, a sponsorship arrangement valued at \$500 may entitle the sponsorship organisation to recognition on a promotional flyer, whereas a sponsorship arrangement valued at \$5,000 may entitle the sponsorship organisation to have their logo included on all promotional material, advertising and signage.

The following benefits are considered acceptable, subject to a written agreement:

- Use of event facilities which may include hospitality, preferential seats, opportunity to speak or participate at an event; and
- Display or merchandising of goods or other material.

The following forms of recognition/acknowledgment are considered acceptable, subject to a written agreement:

- Inclusion of sponsor's branding/name/logo on collateral such as signage, banners, posters, brochures, advertisements and website;
- Defined, limited use of Council's branding/name/logo by the sponsor, subject to approval by a Council official as part of the sponsorship agreement;
- Media or promotional opportunities, such as acknowledgement in Council media releases relating to the event or project;
- Verbal acknowledgement at an event or activity by master of ceremonies or other speakers;
- Formal letter from Council acknowledging the sponsor's valuable contribution; and
- Naming rights in exceptional circumstances and if approved by Council.

As with all signage and other communications and marketing material, approval must be sought from the Communications team where appropriate.

10 Reporting requirements: sponsorship proposals, agreements and register

All sponsorship arrangements need to be appropriately documented, through sponsorship proposals, sponsorship agreements and a sponsorship register.

Sponsorship proposal

The sponsorship proposal must outline:

- Type of event or project;
- Target audience;
- Promotion which will be undertaken;
- Potential benefits to sponsors and alignment to Council's strategic objectives through the Community Strategic Plan and/or Delivery Plan;
- An outline of the general benefits of sponsorship, including promotion;
- Expected sponsorship contribution and the form in which this will take (cash or in-kind), including explanation of GST and its implication for sponsorship;
- Conditions of sponsorship;
- Period/timeframe of sponsorship; and



Last reviewed: 29 August 2018

- Payment strategy.

Sponsorship agreement

A sponsorship agreement must be documented in a signed written contract confirming the benefits for both parties. The form this takes will depend on the value of and complexity of the sponsorship arrangement. A template is provided is *Attachment One* of this policy.

For sponsorships with a value of more than \$5,000, arrangements will be documented in a formal written agreement.

For sponsorships with a value of \$5,000 or less, the agreement may be by an exchange of letters or written agreement.

All sponsorships must be monitored by the relevant Council official throughout the term of the sponsorship to ensure that the expectations of Council and the sponsor are met. If the conditions of the sponsorship agreement are not met, it may be terminated as per Section 4 of this policy. Sponsors should be given timely and appropriate information in writing on the results of the event or project in order to evaluate their association with Council.

Sponsorship register

Council will keep a register of all sponsorship agreements on the Reports and Registers page of its website, outlining sponsorship opportunities and agreements, the event or project which the sponsorship covers, the sponsor/organisation's details and contribution to or from Council. It is the responsibility of Council officials to keep this up to date as required.

Information about the full nature and extent of sponsorship agreements may be made available to the public upon request.

11 Breaches of this policy

Breaches of this policy may result in disciplinary action and/or revocation of the sponsorship. If a crime is alleged it will be referred to the police, and if corruption is alleged it will be referred to ICAC.

12 Policy review

This policy will be reviewed regularly as required and may change at any time, subject to a Council resolution.

ATTACHMENT ONE**Sponsorship templates:**

- a) Sponsorship proposal
- b) Sponsorship agreement
- c) Approvals process checklist including conflict of interest declaration and statement of business ethics
- d) Sponsorship register



Last reviewed: 29 August 2018

A. Sponsorship proposal

[recipient name and address]

[date]

Dear [name],

I write regarding any interest [business/organisation name] may have in supporting Inner West Council's [event/program/activity] on [date].

[Provide details of Inner West Council event/program/activity including target audience.]

E.g.

Introduction to Inner West Council's Major Events Program

The Inner West local government area is distinctive. It is known for its colour, character and community, all of which are showcased in a comprehensive calendar of community events each year. Every year, Inner West Council presents a variety of community focused festivals and events that feature a wide variety of cultures, performers, artists and businesses from the area and surrounds.

Council's event program is recognised as one of the most comprehensive and effective cultural animation programs in Sydney, serving to foster and promote the Inner West's unique cultural identity while providing important opportunities for belonging and celebration.

Inner West Council is proud to present a series of major events each financial year for local business sponsorship consideration.

Sponsorship proposal

This proposal for the [event/program/activity] contains:

- An outline of the benefits of sponsorship, including promotion
- Expected sponsorship contribution and the form in which this will take (cash or in-kind), including explanation of GST and its implication for sponsorship;
- Conditions of sponsorship;
- Period/timeframe of sponsorship; and
- Payment strategy.

Benefits of sponsorship

11



Last reviewed: 29 August 2018

E.g.

Sponsoring a community event is not only a financial decision, but an opportunity to enhance your business reputation by:

- *Raising your business profile at a lesser cost than own advertising*
- *Increasing awareness of your brand among a diverse range of event attendees*
- *Establishing goodwill within the community by being identified as a good corporate citizen*
- *Engage with existing customers and potential new customers through direct access to thousands of participants at every event*
- *Building trust in your brand beyond advertising and traditional marketing*
- *Differentiating your company from competitors*
- *Providing an opportunity to present or demonstrate your products and/ or services at the event*

Sponsorship features and value comparisons

[Sponsorship values and associated benefits are listed here, with any required caveats]

E.g.

Event	Principal Sponsor	Major Sponsor	Sponsor	Supporter
<i>Dulwich Hill Village Fair</i>	\$5,000 ex GST	\$3,000 ex GST	\$2,000 ex GST	\$1,000 ex GST

Benefit	Sponsor	Supporter
Company logo on all promotional material – 10,000 flyers, 300 posters	✓	✓
Business name acknowledgement on any other promotional material (excluding above)	✓	✓
Acknowledgement in radio advertising (where possible)	✓	
Acknowledgement in all media releases	✓	✓
Logo on Council website with link	✓	✓
Business name acknowledgement/link on Council website	✓	
Logo acknowledgement on social network pages	✓	✓
Business name acknowledgement on social network pages		
Opportunity to work with the Events team on innovative ideas to maximise business exposure	✓	✓

12



Last reviewed: 29 August 2018

Covered 6m x 3m marquee or equivalent space	✓	
Covered 2.4m x 2.4m fete stall or equivalent space		✓
Banner placement on Main Stage or Kids' Play Park*	✓	✓
Branded shade cover in the Kids' Play Park	✓	
Acknowledgement at the Official Welcome	✓	✓
Scripted acknowledgements on stage by MC	✓	✓
Mentions of support by MC		
Logo acknowledgement on program display boards	✓	✓
Name acknowledgement on program display boards		
Official Certificate of Appreciation	✓	
Thanks and acknowledgement on social network pages	✓	✓
Acknowledgement in Council newsletter **	✓	✓

* Number of banners and positioning is dependent on number of stages and level of sponsorship

** May occur either pre or post event dependant on newsletter deadlines

Suggested support from your organisation

E.g.

Understanding the [organisation] already supports other valuable projects within the community, we would suggest the following support:

Principal Sponsor – \$5000.00 excl. GST or Major Sponsor – \$3000.00 excl. GST

This sponsorship will assist us in covering the costs associated with providing a main stage entertainment program reflective of the cultural diversity of the area or the program in the Kids Play Park which includes an entertainment program, jumping castle, outdoor games and face painting within the Dulwich Hill Village Fair precinct.

Conditions of sponsorship

[List relevant conditions here]

Timeframe

[List timeframe here]

Payment details

[List payment details here]



Last reviewed: 29 August 2018

Please don't hesitate to contact me should you require any further information.

Yours sincerely,

[Council official name, title and contact details]

Item 2

Attachment 2



Last reviewed: 29 August 2018

B. Sponsorship agreement

[document reference number]

[recipient name and address]

[date]

Dear [name],

[event/program/activity name]

Thank you for agreeing to be a Sponsor for the [event/program/activity]. Inner West Council values the ongoing relationship with local businesses and community organisations and we are delighted to have the support of [business/organisation name] for this [event/program/activity].

As the Sponsor, Inner West Council offers [business/organisation name] the following sponsorship benefits:

E.g.

- **Company logo** on all promotional material including
 - Flyers promoting [event/program/activity] (quantity of 10,000)
 - Posters promoting [event/program/activity] (quantity of 300)
- **Business name** on Inner West Council website (link to program);
- Acknowledgement on media releases
- **Company logo acknowledged** as sponsor on [event/program/activity] promotional material;
- One, 2.4m x 2.4m fete stall or equivalent space for your promotional use with the opportunity to distribute promotional material;
- Scripted acknowledgements by MCs on all entertainment stages throughout the event;
- Logo acknowledgment on the Festival's program display boards listing running orders on the day;
- Acknowledgment at the Official Welcome;
- Business name acknowledgement and thank you on Council's digital and social media,

15



Last reviewed: 29 August 2018

including Facebook and e-newsletters; and

- Opportunity to work with Council to develop innovative ideas to maximise business exposure.

In return for these benefits, [business/organisation name] agrees to provide cash sponsorship of \$[amount] + GST.

Please sign a copy of this letter signalling your agreement, and return at your convenience.

Once again, thank you for your support of the [event/program/activity].

Should you have any queries, please don't hesitate to contact me on [phone/email].

Yours sincerely,

.....

[Council official name and title]

Signed in agreement:

[recipient name]

Date

on behalf of [business/organisation name]



Last reviewed: 29 August 2018

C. Approvals process checklist including conflict of interest declaration and statement of business ethics

- Compatible with Council's values and strategic objectives
- Sponsor agrees to benefits offered
- Sponsor or related parties not involved in conflict or conflict of interest with Council
- Sponsor or related parties do not have current or proposed planning, regulatory or legal matter (including development applications) before Council
- Sponsor not involved in political fields
- Sponsor not involved in or associated with products or services related to tobacco, pornography or firearms
- Sponsor not involved in commercial alcohol products or services, unless the business is based in Council's Local Government Area and makes a considerable contribution to the community
- Sponsor has capacity to fulfil its sponsorship obligations
- Sponsorship arrangement benefits both parties
- Sponsorship agreement adheres to Council's sponsorship policy
- List of other sponsors provided

CONFLICT OF INTEREST DECLARATION

(Insert name) and the company I represent (Company name) and the company's directors, shareholders, officers and employees:

1. Have not offered, or given and will not offer or give, any financial reward or other inducement of any kind to any Council officers and/or Councillors, with respect to any of my dealings in relation to this Sponsorship.
2. Are not in any way connected with and do not have any actual or potential conflict of interest with any Council staff member or Councillor (whether employed on a permanent, casual or contractual basis).
3. Have not fixed or adjusted the amount of the Sponsorship by or under or in accordance with any agreement or arrangement with any other person.
4. I have read and understand the concept of conflict of interest and collusive Sponsorship as set out on the following page of this form.

I understand and accept that the Council reserves the right to terminate any contract, transaction or agreement that Council may enter into with me or the above mentioned company as a result of this Sponsorship, should it subsequently be shown that I have failed to disclose herein any matter or contravene any statement relevant to this declaration. I also accept Inner West Council's right to reject any future Sponsorships from the above mentioned company, or me if I am shown to have made any false declaration herein or otherwise.

17



Last reviewed: 29 August 2018

(name of person making
declaration)

(name of witness)

(signature)

(signature of witness)

(date)

(date)



Last reviewed: 29 August 2018

STATEMENT OF BUSINESS ETHICS

Council's Statement of Business Ethics provides an outline of the ethical framework within which Council operates. It reinforces Council's values for conducting business as well as stating what Council expects from its business partners.

As a prospective business partner, it is a requirement that you have reviewed Council's statement of business ethics and understand the need to abide by it when conducting business with, or on behalf of, Council.

DECLARATION

I.....of.....

(name and position of person making declaration) (name of firm, company, partnership, corporation, association, or other organisation or entity)

have reviewed Council's Statement of Business Ethics and declare that

.....

(name of firm, company, partnership, corporation, association, or other organisation or entity)

and any parent, subsidiary or franchisee of

.....

(name of firm, company, partnership, corporation, association, or other organisation or entity)

agree to abide by the principles contained therein.

Sponsor organisation:

Name of signatory:

Position:

Signature:

Date:

19



Last reviewed: 29 August 2018

D. Sponsorship register

Sponsorship opportunities

Event/program/activity	Type of sponsorship	Value	Closing date	Contact
E.g. Marrickville Festival	E.g. Funding, in kind support	E.g. \$5,000	E.g. 30 June 2018	E.g. Relevant Council official email address/phone number

Sponsorship agreements – external sponsorship

Event/program/activity	Type of sponsorship	Value	Date of agreement
E.g. Marrickville Festival	E.g. Funding, in kind support	E.g. \$5,000	E.g. 1-21 October 2018

Sponsorship agreements – provision of sponsorship

Organisation	Type of sponsorship	Value	Date of agreement
E.g. Newtown Neighbourhood Centre	E.g. In kind support – aquatic centre membership for raffle	E.g. \$500	E.g. 30 June 2018

* The above will be listed on the Reports and Registers page of Council's website



Leichhardt Council

**Sponsorship Policy
(Incoming Sponsorship)**

2012

Adopted 24 July 2012



CONTENTS

	PAGE
1. TITLE	2
2. SUMMARY STATEMENT	2
3. PURPOSE	2
3.1 Background	2
3.2 What is Sponsorship?	2
4. POLICY	3
4.1 Principles	3
4.2 Types of activities suitable to receive sponsorship	4
4.3 Types of activities NOT suitable to receive sponsorship	4
4.4 Length of sponsorship arrangements	4
4.5 Acceptable types of sponsorship	4
4.6 Acceptable recognition of sponsorship (ie benefits to sponsor)	4
4.7 Commercial material at Council facilities and on community noticeboards	5
4.8 Restrictions on the type of sponsor organisations	5
4.9 Value for money	6
4.10 How sponsors are identified	6
4.11 Form of agreement	6
4.12 Reporting	6
4.13 Approval of sponsorships	7
5. RELATED INFORMATION	7
5.1 Legislation	7
5.2 Acknowledgement of other documents	7
6. CONTACT DETAILS	8
Version Control	8

Leichhardt Council Sponsorship Policy (Incoming Sponsorship)

1. TITLE

This Policy is the Sponsorship Policy (Incoming Sponsorship).

2. SUMMARY STATEMENT

This policy establishes the principles, circumstances and mechanisms for sponsorship of Leichhardt Council activities by individuals and corporations external to Council.

This policy was adopted by Council on 24 July 2012 (C358/12) and replaces the Sponsorship Policy adopted by Council on 24 August 2004 (C293/04).

3. PURPOSE

3.1 Background

Leichhardt Council provides a wide range of services to the community, some of which may be suitable for sponsorship in order to enhance, or reduce the cost of, appropriate activities. However sponsorship carries risks as well as benefits. In seeking sponsorship, the public could perceive that Council may expose itself to improper influence from private individuals or corporations. Alternatively potential sponsors could assume that they had an entitlement to exercise influence over Council's operations for their own advantage.

Therefore, it is appropriate for Council to prepare and adopt a policy to establish the principles, circumstances and mechanisms for sponsorship of Council activities.

3.2 What is sponsorship?

Sponsorship is a contribution of money or in-kind value to support an activity in return for certain specified benefits to the sponsor, usually being a commercial return beyond the level of mere acknowledgement. Sponsorship does not include grants received by Council or donations made to Council. Sponsorship is not philanthropic; a sponsor expects to receive a reciprocal benefit beyond a modest acknowledgement.

4. POLICY

4.1 Principles

Consideration and assessment by Council of sponsorship proposals shall have regard to the following principles:

- A sponsorship agreement will not impose or imply conditions that would limit, or appear to limit, Council's ability to carry out its functions fully and impartially.
- Council (as a regulatory authority) will not seek, or accept sponsorship from people or organisations whose involvement in a sponsorship arrangement could compromise or be seen or perceived to compromise Council's ability to exercise its regulatory and planning functions.
- All parties must understand clearly that the acceptance of a sponsorship, grant or donation by Council has no bearing on Council's exercise of its regulatory functions. This is to be clearly stated and acknowledged in all documentation.
- Council will ensure that officers involved in the negotiation of the sponsorship have no involvement in the regulation or inspection of the relevant party. All regulations and inspections will be conducted in an open, fair, accountable and impartial manner.
- Council will not seek or accept sponsorship from people or organisations who are, or are perceived to be, of a nature that is inconsistent with Council's values or policies, may adversely affect Council's public image or reputation, or otherwise present a conflict of interest.
- In making a decision either to accept or not accept sponsorship, Council will weigh up the best interests of the public, public accountability, public perceptions and the potential risks against any potential benefits. If there is doubt about a proposed sponsorship agreement, Council will err on the side of caution and not proceed.
- Sponsorship arrangements entered into by Council will not involve the explicit or implicit endorsement of a sponsor or a sponsor's products or services.
- It is preferable that there be compatibility between the sponsored activity and the sponsor, such as a sporting event being sponsored by an organisation related to sport.
- Councillors, committee or working party members, Council volunteers, Council employees or any other Council representative should not derive a personal benefit from a sponsorship arrangement.
- Council will endeavour to advertise and promote sponsorship opportunities in a way that does not confer an unfair advantage to some potential sponsors.
- Sponsorships are only to be pursued if the time and resources used to obtain it do not exceed the value of the sponsorship.
- Sponsorship benefits for the sponsor must not outweigh the benefits to the Council.
- All sponsorship arrangements entered into by Council must be formalised in a written agreement.

- All sponsorship arrangements must be approved by the General Manager or Council, as set out in this policy.

4.2 Types of activities suitable to receive sponsorship

Council will generally only accept sponsorship for short term activities or programs such as:

- events
- festivals
- cultural activities
- public conferences, seminars and workshops
- community or industry awards
- author talks
- public education and community awareness campaigns
- education or recreation programs

4.3 Types of activities NOT suitable to receive sponsorship

Council will not accept sponsorship for the following types of activities:

- ongoing services and activities of Council, whether undertaken by Council officers, volunteers, committees or other groups;
- buildings, facilities, parks or other assets;
- publications (eg a newsletter to residents should not be sponsored).

4.4 Length of sponsorship arrangements

Council will generally only accept sponsorship of a short term nature such as for events or programs of a limited time period. It is considered that the risks associated with sponsorships are higher for longer term arrangements, as:

- an assessment of a sponsor and associated risks can be made at a point in time but circumstances may change
- short term sponsorships provide more opportunities for different sponsors over time
- there may be less perception that the sponsor is able to exert influence over Council for sponsorships of a shorter time period
- there is less chance of being locked into an unsatisfactory arrangement

4.5 Acceptable types of sponsorship

Sponsorship is acceptable by:

- provision of funding (cash payments)
- provision of goods or services (or vouchers for same)
- provision of discounts

4.6 Acceptable recognition of sponsorship (ie benefits to sponsor)

Forms of recognition are to be agreed in advance and form part of the sponsorship agreement, and may include:

- signage

- media or promotional opportunities
- inclusion of sponsor's name/logo or other information on banners, leaflets, brochures, advertisements, newsletters
- use of event facilities which may include hospitality, preferential seats, opportunity to speak or otherwise participate at an event
- acknowledgement at events by master of ceremonies or other speakers
- merchandising of goods at selected points of sale
- photography or film of event for use by the sponsor
- display of goods or other material
- reference to sponsor and presence of sponsor's logo on council website
- temporary reciprocal website links between Council and sponsor
- defined limited use of Council's name or logo by the sponsor
- naming rights in exceptional circumstances and if approved by Council

4.7 Commercial material at Council facilities and on community noticeboards

Commercial/private promotional materials are not permitted to be displayed or distributed at Council facilities or on noticeboards etc unless:

- it is part of a sponsorship agreement with Council; or
- it is part of a project principally for the benefit of a community group and has been approved by Council

4.8 Restrictions on the type of sponsor organisations

Council will not accept sponsorship from organisations that:

- are involved in any current planning, regulatory or legal matter involving Council, or if it is reasonably known that such matters are likely to arise in the foreseeable future;
- are involved in political fields (eg political parties);
- are involved in or associated with products or services related to tobacco, pornography or armaments, or the exploitation of labour;
- are involved in alcohol products or services when the sponsorship is related to children, youth or sport; or
- are otherwise perceived to be of a nature that is inconsistent with Council's values and policies or may adversely affect Council's public image or reputation

Every sponsorship proposal will be assessed against the possibility of a conflict of interest and, in particular, may be refused or terminated in any case where, during the life of the sponsorship, the sponsor:

- has a current development application or planning matter before the Council, or the Council is aware of the possibility of an application or matter coming before the Council in the near future; or
- is, or is likely to be, subject to regulation or inspection by the Council which may impose conditions; and where the sponsorship may limit the Council's ability to carry out its functions fully and impartially or may be perceived to do so.

4.9 Value for money

Council must ensure that the sponsorship benefits for the sponsor do not outweigh the benefits to the Council. It is recognised that it is often difficult to place a specific value on sponsorship arrangements, particularly the benefit obtained by the sponsor. However due regard will be had to the nature of the activity being sponsored, size of potential audience and the recognition provided to the sponsor, to ensure the benefits to each party are in proportion. Reference should be made to prior sponsorships as a guide, and independent advice may be sought for higher value sponsorships.

4.10 How sponsors are identified

Council will endeavour to seek sponsorship opportunities in a way that does not confer an unfair advantage on some potential sponsors over others. However it is recognised that it may not always be reasonable or practical to expect extensive processes to be undertaken for lower value sponsorships or if the potential pool of sponsors is small or specialised.

For sponsorships where the value of funding or in kind support to Council is \$2,000 or less, Council may seek or accept sponsorship by dealing directly with potential sponsors.

Sponsorships for amounts greater than \$2,000 must be sought either via an advertised process or by approaching multiple potential sponsors.

Sponsorships for amounts greater than \$5,000 must be sought via an advertised process.

4.11 Form of agreement

All sponsorships will be documented in a relevant form of written agreement.

- for sponsorships to a value of more than \$5,000, arrangements will be documented in a formal written agreement.
- for sponsorships to the value of \$5,000 or less, the agreement may be by exchange of letters.

4.12 Reporting

All sponsorships for amounts of more than \$2,000 will be recorded in Council's annual report.

4.13 Approval of sponsorships

Sponsorships where the value of funding or in kind support to Council is \$2,000 or less, and is for a sponsorship period of 1 month or less, may be approved by the General Manager. Sponsorships for amounts of more than \$2,000 or for a sponsorship period greater than one month or involving naming rights must be approved by Council.

5. RELATED INFORMATION**5.1 Legislation**

Council's activities are regulated by the Local Government Act, 1993 and its regulations. Relevant provisions for this Policy include the following.

Council's charter is set out in section 8 of the Act and includes:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively.
- to have regard to the long term and cumulative effects of its decision.
- to bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible.
- to exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights.
- to facilitate the involvement of councillors, members of the public, users of the facilities and services and council staff in the development, improvement and co-ordination of local government.
- to ensure that in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the Council is affected.

Section 24 of the Act states that a council may provide goods, services and facilities, and carry out activities, appropriate to the current and future needs within its local community and of the wider public, subject to this Act, the regulations and any other law. Section 23 of the Act states that a council may do all such things as are supplemental or incidental to, or consequential on, the exercise of its functions.

5.2 Acknowledgement of other documents

In the preparation of this Policy, Council has had regard to the Independent Commission Against Corruption's guide for *Sponsorship in the public sector* dated May 2006.

6. CONTACT DETAILS

Enquiries about this Policy are to be directed to:

David Marshall
Director Corporate and Information Services
Leichhardt Council
Telephone: 9367 9154
Email: davidm@lmc.nsw.gov.au

Document Control

David Marshall
Director Corporate and Information Services
Leichhardt Council.

This version is dated 24 July 2012.

The Policy is due for review in 2022.



SPONSORSHIP POLICY

Division:	community services	Date Adopted:	July 2004
Section:	communication and cultural services	Date Last Changed:	
File Ref:	1884.03	Last Review Date:	July 2004

POLICY STATEMENT

Marrickville Council's Sponsorship Policy aims to:

- Inform staff and Councillors of probity issues relating to sponsorship;
- Ensure sponsorship is sought, received and carried out ethically;
- Reduce the risk of corrupt conduct, or the appearance of corrupt conduct, in relation to sponsorship; and
- Ensure a consistent approach is taken to sponsorship across the organisation.

RELATED LEGISLATION, POLICIES AND PROCEDURES

The following documents guided the development of this policy and must be taken into account when implementing this policy: The ICAC Practical Guide to Corruption Prevention chapter on sponsorship, 1993; And Now a Word from Our Sponsors - Review of the ICAC Sponsorship Principles, 1995; and Council's Selective Purchasing Policy – Restrictions Relating to Persons Doing or Willing to Do, Business in, or with, Burma.

POLICY STATEMENT

Introduction

Marrickville Council seeks financial and/or in-kind sponsorship from organisations, companies or individuals to support specific projects or events. Council also has the facility to sponsor other organisations and/or their associated activities either financially and/or in-kind.

Sponsorship may be sought for a range of Council activities including, but not limited to, events; childcare; environmental projects; community development and cultural programs; service provision; publications; and facilities.

Sponsorship may be provided by Council to a range of government and community organisations for a range of activities including, but not limited to, events; environmental projects; community development and cultural programs; service provision; publications; and facilities.

Sponsorship can be mutually beneficial to both Council and the second party. However, as a public sector agency, Council must ensure that all sponsorship arrangements are transparent and do not limit Council's ability to carry out its functions fully or impartially.

This Sponsorship Policy sets out principles and implementation guidelines for both seeking and providing sponsorship which will ensure Council's sponsorship arrangements are transparent and effective. The policy's principles have been informed by the ICAC's guiding principles for sponsorship arrangements. The principles aim to ensure sponsorship is sought, received and

carried out ethically and reduce the risk of corrupt conduct, or the appearance of corrupt conduct, in relation to sponsorship.

The policy guidelines provide the steps Council staff must follow when seeking to obtain or provide sponsorship.

This Policy is intended for use by Council staff seeking sponsorship for a Council activity or involved in evaluating a request for Council sponsorship of another organisation's activities in preparation for a report to Council. Following this introduction this policy includes the following:

- Statement of the Policy Objectives;
- Criteria Associated with the Policy;
- Definitions;
- The Policy Statement;
- Part A of the policy which covers principles and guidelines for seeking sponsorship;
- Part B which covers principles and guidelines for the provision of sponsorship by Council;
- A Statement of Accessibility of Information;
- A Statement regarding Breaches of the Policy;
- Guidelines for Policy Review; and
- Where to find further information.

Policy Statement Overview

Marrickville Council is committed to ensuring that any sponsorship arrangements to which the Council is party, whether by accepting or providing sponsorship either financially and/or in-kind are transparent and conducted in an ethical and lawful manner. Council's sponsorship arrangements should benefit the community and assist Council in providing services and programs to its community.

Part A - Seeking Sponsorship

1.0 Principles for Seeking Sponsorship

The principles listed here are based on the ICAC's review of sponsorship principles as published in 'And Now A Word From Our Sponsors', 1995. These principles must be followed by Council staff when seeking sponsorship and carrying out sponsorship arrangements.

- 1.1 Sponsorship arrangements which could limit, or be seen to limit, Council's ability to carry out its functions fully and impartially shall not be entered into. All sponsorship proposals must clearly state this principle and explain the procedures that will be followed if the sponsorship relationship does affect Council's public responsibilities.
- 1.2 There must be no real or apparent conflict between the objectives and mission of the sponsor and Council.
- 1.3 It must be made clear in all sponsorship negotiations that a sponsorship relationship will not impact on how Council exercises its regulatory and inspection functions.
- 1.4 Sponsorship of Council activities will not involve explicit endorsement of the sponsor or the sponsor's products.
- 1.5 Where sponsorship involves the provision of a sponsor's product, Council will still evaluate the product for its fitness for the stated purpose against relevant and objective operational criteria.
- 1.6 Councillors or staff are not permitted to receive a personal benefit from sponsorship arrangements.

- 1.7 Sponsorship opportunities must be made as widely known as possible and Council should not limit itself to invited sponsors. Where a decision is made not to offer sponsorship opportunities widely, the reasons for doing so must be clearly documented.
- 1.8 Sponsorship proposals must be assessed against predetermined and publicly available criteria. The criteria is set out below:
 - The sponsoring organisation must be compatible with Council's values;
 - The sponsoring organisation must agree to the sponsorship benefits offered;
 - The sponsoring organisation must not be involved in conflict with Council;
 - The sponsoring organisation must be seen to have the capacity to fulfil its sponsorship obligations;
 - The sponsorship arrangement must benefit both parties; and
 - The sponsorship agreement must adhere to Council's Sponsorship Policy.
- 1.9 A sponsorship arrangement is a contract and must be described in a written agreement and authorised by the relevant Manager, Director or the General Manager depending on the scope of the sponsorship and the relevant delegation.
- 1.10 The appropriate Director or the General Manager must be notified of all sponsorship arrangements and appropriate details of all sponsorship agreements must be included in the Annual Report.
- 1.11 Council must ensure that sufficient resources are available to enable the promised sponsor benefits to be delivered. Sufficient and timely information must be provided to the sponsor to enable them to evaluate the sponsorship.
- 1.12 Sponsorship must not be accepted if the sponsoring organisation requires benefits beyond the standard benefits recognised by Council as being commensurate to the level of sponsorship. This could include, but is not limited to, undue access to information or exclusive use of the sponsors' product by Council.
- 1.13 The level of recognition and benefits available to sponsors must be commensurate to the scale of the sponsorship.
- 1.14 Each sponsorship proposal will be assessed on an individual basis and no on-going sponsorship beyond the terms set out in the arrangement should be implied or assumed.
- 1.15 Sponsorship must not be sought or accepted from the Sydney Airport Corporation for community events organised by or held under the auspices of Council.

2.0 Guidelines for Seeking Sponsorship

2.1 Targeting Sponsorship

Sponsorship opportunities should be promoted widely and not limited to invited sponsors. At the beginning of each financial year (before 31 July) Council's intention to seek sponsorship for a range of programs should be advertised in the local community. Individual sponsorship opportunities should be promoted in a way commensurate to the scope and value of the sponsorship. This is at the discretion of the relevant Manager. Avenues for promotion could include advertising in local media, direct mail and via Council's website.

Sponsorship should not be pursued with companies or organisations where there is a conflict between the objectives and mission of the sponsor and Council. Council's Selective Purchasing Policy – Restrictions Relating to Persons Doing or Willing to Do, Business in, or with, Burma, should also be taken into consideration when seeking sponsorship. In cases

where Council may be put at risk, the proposal must be referred to the Manager who will refer it to the Director or the General Manager for final approval.

2.2 Sponsorship Proposals

All sponsorship arrangements need to be appropriately documented. The sponsorship proposal must outline:

- Type of event or project;
- Target audience;
- Promotion which will be undertaken;
- Potential benefits to sponsors;
- Expected sponsorship contribution and the form in which this will take (cash or in-kind);
- Conditions of sponsorship;
- Period/timeframe of sponsorship;
- Payment strategy; and
- Explanation of GST and its implication for sponsorship

All sponsorship proposals must be approved by the relevant Manager or Director.

Notification that Council is seeking sponsorship for a specific event or project must be given to the Director or General Manager in writing.

Communication and Cultural Services staff are available to provide advice on sponsorship proposals.

2.3 Acknowledgement and Benefits

Acknowledgement and sponsorship benefits should be commensurate with the sponsorship contribution made and the scope of the event or project. For example, a sponsorship arrangement valued at \$500 might entitle the sponsorship organisation to recognition on a promotional flier whereas a sponsorship arrangement valued at \$5,000 would entitle the sponsorship organisation to have their logo included on all promotional material, advertising and signage.

Acknowledgement could include one or a combination of the following:

- Inclusion of sponsors' logo on promotional material and advertising;
- Acknowledgement in Council media releases relating to the event or project;
- Acknowledgement on a Council asset as appropriate (eg: signage on a car or bus);
- Signage at the site of the event or project;
- Verbal acknowledgement at an appropriate function; and/or
- Formal letter from Council acknowledging the sponsor's valuable contribution

Alternative forms of acknowledgment should be approved by the Director and the General Manager notified.

All wording for signage and other communication material must be referred to the Communication and Cultural Services Unit for approval.

2.4 Confirmation of Sponsorship

The confirmation of sponsorship must be in writing and confirm the benefits with delegated authority to both parties. The form this takes will depend upon the complexity of the sponsorship arrangement.

Records must be kept of all sponsorship agreements. A copy of the confirmation document outlining the event or project which the sponsorship covers, the sponsor's details, benefits and contribution to Council would suffice.

2.5 Monitoring Sponsorship Relationships

All sponsorships must be monitored throughout the term of the sponsorship to ensure that the expectations of Council and the sponsor are met.

2.6 Communication

Open communication will be maintained with sponsors at all times.

Sponsors should receive timely and appropriate information in writing on the results of the event or project.

2.7 Evaluation

All sponsorships should be fully evaluated assessing the outcomes for both Council and the sponsor.

Sponsors should be given timely and appropriate information in order to evaluate their association with Council.

Part B - Provision of Sponsorship**3.0 Principles for the Provision of Sponsorship**

The following principles are specific to the provision of sponsorship by Marrickville Council. These principles must be followed by Council staff when assessing and approving sponsorship requests and administering sponsorship arrangements.

- 3.1 There must be no real or apparent conflict between the objectives and mission of the sponsor and Council.
- 3.2 The opportunity for provision of sponsorship by Council must be made as widely known as possible. Where a decision is made not to offer sponsorship widely, the reasons for doing so must be clearly documented.
- 3.3 Recommendations and approvals for sponsorship should be on the basis of established criteria, consistently applied by persons with no personal interest in the outcome.
- 3.4 Sponsorship proposals must be presented to Council for a decision.
- 3.5 Sponsorship proposals must be assessed against predetermined and publicly available criteria. The criteria is as follows:
 - The organisation seeking sponsorship must be community based;
 - The organisation seeking sponsorship must be compatible with Council's values;
 - The project or activity being sponsored must have local impact in the Marrickville local government area;
 - The organisation seeking sponsorship must offer tangible benefits to Council in return for sponsorship;
 - The organisation seeking sponsorship must not be actively involved in conflict with Council;
 - The organisation seeking sponsorship must be seen to have the capacity to fulfil its sponsorship obligations;
 - The sponsorship arrangement must benefit both parties; and
 - The sponsorship agreement must adhere to Council's Sponsorship Policy.
- 3.6 The level of recognition and benefits available to Council as a sponsor must be commensurate to the scale of the sponsorship.
- 3.7 Each sponsorship proposal will be assessed on an individual basis and no on-going sponsorship beyond the terms set out in the arrangement should be implied or assumed.
- 3.8 A sponsorship arrangement is a contract and must be described in a written agreement with delegated authority.
- 3.9 Council must be made aware of all other sponsors involved in the project.

- 3.10** Councillors or staff are not permitted to receive a personal benefit from sponsorship arrangements.
- 3.11** Council must monitor sponsorship arrangements to ensure the promised sponsor benefits are delivered. Sufficient and timely information must be provided by the sponsored organisation to enable Council to evaluate the sponsorship.

4.0 Guidelines for Providing Sponsorship

4.1 Arranging Provision

Sponsorship proposals received by Council must be assessed against Council's strategic objectives and Council's policies. Council's sponsorship of the project must align with Council's objectives as set out in the Management Plan.

The assessing officer must assess the proposal and make a recommendation based on set criteria. In doing so, the proposed benefits and recognition associated with any sponsorship must be determined.

The assessing officer must email details of the proposed sponsorship to the General Manager and all Directors who will then assess the proposal for possible conflicts. Areas for potential conflicts include, but are not limited to, current litigation with the other organisation and the organisation's policies and objectives.

If a potential conflict is identified, this must be identified in the authorisation document. Each sponsorship proposal will be assessed on an individual basis and no on-going sponsorship beyond the terms set out in the arrangement will be assumed.

4.2 Types of Sponsorship

Council has the facility to sponsor organisations either financially and/or in-kind.

5. Accessibility of Information

All sponsorship arrangements will be detailed in Council's Annual Report.

Information about the full nature and extent of sponsorship agreements will be available to the public upon request.

BREACHES OF THIS POLICY

Breaches of this policy may result in disciplinary action and, if a crime is alleged, referred to the police and the ICAC.

POLICY REVIEW

This policy will be reviewed every five years or earlier if a substantial issue arises in its implementation or external influences demand it, for example, new ICAC Guidelines are issued.



Sponsorship and Small Donations Policy

April 2014

This policy will be reviewed biennially by: Communications
Next review date: April 2015



Ashfield Council

Sponsorship and Small Donations Policy

Title:	Sponsorship and Small Donations Policy
Summary:	This policy defines sponsorship and (i) outlines the criteria for incoming sponsorships from external corporate sources or private individuals for Council events and activities (ii) provides guidance on the provision of small donations from Council to individuals, schools and community groups.
TRIM Record Number:	13/262
Date of Issue:	April 2014
Approval:	Council CM 06/08/96, 18/03/97 and 08/04/14
Version Control:	V2
Contact Officer:	Communications Coordinator [sponsorships], Group Manager Community Services [small donations]
Relevant References:	<i>Sponsorship in the Public Sector</i> , Independent Commission Against Corruption, May 2006 <i>Sponsorship Management</i> , Crime and Misconduct Commission, Queensland, Building Capacity Series No 9, September 2009.
Main Legislative or Regulatory References:	Local Government Act 1993
Applicable Delegation of Authority:	Council for all sponsorships over \$5,000 General Manager for sponsorships up to \$5,000 value General Manager for donations up to \$250 value
Related Ashfield Council Policy:	Sustainable Ashfield policy Code of Conduct Risk Management policy
Related Ashfield Council Procedure:	Incoming Sponsorship Agreement Community & Environmental Grants Policy & Application Guidelines



Ashfield Council

Sponsorship and Small Donations Policy

Policy Background

In principle, sponsorship is a mutually beneficial contract which provides a strategic tool to establish or enhance relationships by generating tangible benefits for all parties cost-effectively. Corporate and individual sponsorship of special events, community functions and other activities is welcomed at Ashfield Council.

“Sponsorship” means a commercial arrangement whereby a contribution of money or kind, is provided generally by the corporate sector or a private individual, in support of a public sector activity. It does not include the selling of advertising space, grants, joint ventures, consultancies and gifts of donations where the reciprocal benefit provided by the government agency does not extend beyond some modest acknowledgement. Sponsorship is not philanthropic. The public interest requires that public sector organisations strive to obtain the best value for money, act transparently, encourage open and effective competition and make efficient use of public funds at all times.

Policy Purpose

This policy has two purposes:

- (1) It is intended to set out the requirements under which incoming sponsorships proposals are approved for Council.
- (2) It addresses a related promotional activity being requests for small ad hoc donations to Council from individuals, schools and other groups who undertake fundraising in the Ashfield LGA and for whom Council's larger community grants scheme is not appropriate. Council may derive a promotional benefit from such donations.

The relevant attachments to this document include (i) an incoming sponsor agreement contract and (ii) an application for a donation from Council.

Policy Objectives

This sponsorship and small donations policy has been adopted to:

- Protect Council by clearly stating the conditions for any sponsorship arrangement with Council;
- Provide for small ad hoc donations to be made by Council
- Ensure there is less risk of corruption, conflict of interest or damage to the reputation and standing of Council;
- Enable probity and integrity to be part of the decision-making process at all times.

Implementation and access

Suitability of sponsorship

1. A sponsorship arrangement shall not impose or imply conditions that would limit, or appear to limit, Council's ability to carry out its functions fully and impartially. The sponsorship agreement will state positively that the agency's functions will continue to be carried out fully and impartially, notwithstanding the existence of a sponsorship arrangement. The agreement will include a statement to the effect that any attempted



Ashfield Council

Sponsorship and Small Donations Policy

Item 2

influence of Council's regulatory function will result in an automatic review and/or termination of the sponsorship arrangement.

2. There is to be no real or apparent conflict between the objectives and mission of Council and those of the sponsor.
3. Without prior approval by Council staff (Manager or Team Leader) within the Council's regulatory and inspectorial section (Planning and Environment and Works and Infrastructure) Council should neither seek nor accept sponsorship from persons or organisations which have been the subject of current enforcement proceedings.
4. Council will endeavour to seek sponsorship opportunities in a way that does not confer an unfair advantage on some potential sponsors over others. However it is recognised that it may not always be reasonable or practical to expect extensive processes to be undertaken for lower value sponsorships or if the potential pool of sponsors is small or specialised. The public interest is also best served by making sponsorship opportunities widely known. To this end, sponsorship can also be sought by calling for expressions of interest or using other broadly based mechanisms not limited solely to invited sponsors where this is a practical step to take.
5. It is preferable that there be compatibility between the sponsored activity and the sponsor, such as a sporting event being sponsored by an organisation related to sport.
6. Councillors, committee or working party members, Council volunteers, Council employees or any other Council representative should not derive a personal benefit from a sponsorship arrangement. Depending on condition of engagement, contractors and consultants are regarded as employees of Council and will be considered when assessing the status of personal benefits in a sponsorship agreement.
7. Council will endeavour to advertise and promote sponsorship opportunities in a way that does not confer an unfair advantage to some potential sponsors.
8. Sponsorships are only to be pursued if the time and resources used to obtain it do not exceed the value of the sponsorship.
9. Sponsorship benefits for the sponsor must not outweigh the benefits to the Council.
10. Council will not accept sponsorship from persons or bodies which are, or are likely to be, subject to significant regulation or inspection by the Council during the life of the sponsorship.
11. Sponsorship will not involve explicit endorsement of the sponsor or the sponsor's products and/or services. Care should be taken to avoid strong implicit endorsement of a sponsor's products and/or services. The sponsorship agreement should set out the range of issues to which the sponsor can put the relationship (for example in advertising copy) and may require that Council be given an opportunity to review specific uses prior to release.

Attachment 5



Ashfield Council

Sponsorship and Small Donations Policy

12. Where sponsorship takes the form of provision of a sponsor's product, the product will be evaluated for its fitness and purpose against objective operational criteria which are relevant to needs of Council.
13. Council will not accept sponsorship for activities that are subject to specific regulatory responsibilities of Council such as inspection services etc.

Accountability

14. In making a decision either to accept or not accept sponsorship, Council will weigh up the best interests of the public, public accountability, public perceptions and the potential risks against any potential benefits. If there is doubt about a proposed sponsorship agreement, Council will err on the side of caution and not proceed.
15. Sponsorship proposals will be assessed against pre-determined criteria which have been published in advance or which are circulated to organisations which submit an expression of interest.
16. For sponsorships where the value of funding or in kind support to Council is \$5,000 or less, Council may seek or accept sponsorship by dealing directly with potential sponsors. Sponsorships for amounts greater than \$5,000 must be sought either via an advertised process or by approaching multiple potential sponsors or via an Expression of Interest.

Incoming Sponsorship Agreement

17. A sponsorship arrangement is a contract and will be described in an incoming sponsorship agreement. The written agreement will set out:
 - The economic benefits available to Council and to the sponsor;
 - The form or forms of sponsorship acknowledgment which will be available;
 - The scope of uses which the sponsor can make of the sponsorship arrangement;
 - The date or term of the sponsorship;
 - Financial accountability measures;
 - Provisions for termination or suspension of the agreement;
 - Any special conditions which apply.
18. All sponsorship arrangements will be approved by Council or the General Manager and described in the annual report, in a form commensurate with the significance of the sponsorship.

5



Ashfield Council

Sponsorship and Small Donations Policy

Item 2

19. Council will ensure that sufficient resources are available to enable the promised sponsor benefits to be delivered. Council will provide sufficient information for the sponsor to evaluate the outcomes of the sponsorship.
20. All cash sponsorships shall be treated as funds held in trust until the activity has been completed subject to the provisions of the Incoming Sponsorship Agreement and any special circumstances whereby Council agrees to refund part of a cash sponsorship.
21. Council's Incoming Sponsorship Agreement template is attached and must be completed prior to acceptance of a sponsorship.

Delegation of Approval for Sponsorships under \$5,000

22. Sponsorships where the value of funding or in kind support to Council is \$5,000 or less, and is for a defined sponsorship period, may be approved by the General Manager. Sponsorships for amounts of more than \$5,000 or for an ongoing sponsorship period or involving naming rights must be approved by Council.

Small Donation Requests to Council

23. Council will consider making a small one-off ad hoc donation in appropriate situations and outside of the normal annual grants process. Such a donation could be to local charities, community or sports organisations, local schools or for extraordinary events. Community events that display a strong and relevant benefit to the Ashfield Community or a registered community or charitable organisation operating in the Ashfield LGA seeking support for a fund-raising activity within the LGA are preferred.
24. Specifically, Council will consider requests for donations from -
 - a) *Individual residents living in the Ashfield Council area. Residents must provide proof of residency with their application.*
 - b) *Locally based groups, teams and organisations, requiring assistance for projects and activities for the benefit of residents of Ashfield Local Government Area. Such organisations must be located in the Ashfield Local Government Area or provide benefits for a significant proportion of the residents; and established as not-for-profit, community based and/or charitable organisations (i.e. not commercial or profit-driven entities, including registered clubs).*
 - c) *Other groups and organisations requiring assistance for humanitarian or community concerns consistent with Council's social and/or other policies. Preference for funding will generally be given to groups/organisations with limited sources of funding or fund-raising. In cases where individuals and teams apply for assistance they should provide support documentation from their club or association and peak body.*

6

Attachment 5



Ashfield Council

Sponsorship and Small Donations Policy

25. Small donations are not a substitution for the community and environmental grants program or a sponsorship as covered elsewhere in this policy. Events and activities which are eligible for the grants program are ineligible for a donation.
26. Applications for donations will be assessed against four criteria and the appropriateness of such a donation from Council will be considered in the same manner as the suitability for sponsorship and Council's budget capacity. The criteria for a donation are: a) to provide assistance and support for local service, cultural, sporting charitable or not-for-profit organisations in the Ashfield LGA; b) to consider assistance to Ashfield organisations or individuals to conduct or participate in quality cultural, sporting and community events which cannot attract sufficient funds from other sources; c) to support the objectives set out in Ashfield's Community Plan; d) to encourage and enable broad community participation and capacity in cultural, sporting and cultural activities.
27. Donations may be considered for activities such as:
 - ☐ *A special event servicing the local community, which is not provided for in Council's events programs.*
 - ☐ *State or national representation in chosen field, including academic, cultural, artistic and sporting endeavours, where people require financial assistance to attend or compete.*
 - ☐ *A team or individual from a disadvantaged background in pursuit of a unique cultural, academic or sporting experience and which will produce considerable social capital for those involved.*
 - ☐ *Requests for use of Council facilities, which involve either waiving of charges or reduction of fees and charges at a level below the scheduled amounts in Council's Annual Management Plan Fees and Charges.*
 - ☐ *Donations of goods or services-in-kind for small fund raising events from local schools or community groups (for example, these would be for items such as swimming pool passes for the Aquatic Centre or trees from parks section).*
28. Applications for a donation must be submitted on the *Application for a Donation From Council* Form and submitted to Council at least 4 weeks prior to the event/activity for which the assistance from Council is sought. The maximum value for a donation per applicant is \$250 per year and donations are subject to approval by the General Manager.
29. Successful applicants are expected to acknowledge Ashfield Council in any promotional material produced for the activity which receives Council support.



Ashfield Council

Sponsorship and Small Donations Policy

Table 1: Types of Council Assistance

Community Grants

Criteria	Purpose	Funds available	Application to:
Community Initiatives: Acknowledge Ashfield's Aboriginal community; Support multicultural communities; Support all abilities; Improve individual and collective wellbeing; Encourage lifelong learning; Enhance creative arts and culture; Enable social equality; Support local partnerships.	Local non-profit organisations and groups can apply for grant funding of up to \$2,000 for services or programs that address major community needs. Applications from legally incorporated, not for profit and community based organisations and groups. Unincorporated groups must seek to become auspiced by an incorporated organisation.	Total annual budget of approximately \$40,000.	Community Programs and Services section of Council

Environmental Grants

Criteria	Purpose	Funds available	Application to:
Environmental Initiatives: Educate the community on the impact of human activity on the environment; Demonstrate & promote sustainable behaviour; Demonstrate and promote resource efficiency in energy, waste and water.	Environmental Initiatives: Local non-profit organisations and groups can apply for the funding of environmental and sustainability projects.	Total annual budget of \$5,000.	Community Programs and Services Section of Council.

Small Donations

Criteria	Purpose	Funds available	Application to:
Local individuals community groups and schools may apply. Small donations available up to a maximum of \$250 per applicant per year.	To assist individuals, schools and community groups in the Ashfield LGA with Council support for local activities fetes, fund-raising. sporting activities and donations of goods-in-kind for local activities.	Total annual budget of \$2,000.	General Manager

8

Item 2

Attachment 5



Ashfield Council

Sponsorship and Small Donations Policy

INCOMING SPONSORSHIP AGREEMENT

THIS AGREEMENT is made on the date set out in Item 1 of the Schedule.
BETWEEN

- (1) Ashfield Council
- (2) THE PARTY set out in Item 2 of Schedule 1 ("You/Your/Sponsor")

BACKGROUND

Ashfield Council intends to conduct and manage the Event.

You have offered to sponsor the Event and are one of a number of sponsors who have agreed to sponsor the Event.

Ashfield Council has agreed to accept your sponsorship on the terms of this Agreement.

OPERATIVE PART

1 DEFINITIONS & INTERPRETATION

- 1.1 In this Agreement, unless a contrary intention appears:
 - Agreement means this document and any schedule or annexure to it.
 - Event means the event described in Item 3(a) of the Schedule.
 - Event Date means the date of the Event specified in Item 3(b) of the Schedule.
 - Sponsorship Fee means the cash contribution, if any, specified in Item 4(a) of the Schedule.
 - Sponsor's Benefits means the benefits specified in Item 5(b) of the Schedule.
 - Value in Kind means the goods and services, if any, described in Item 4(b) of the Schedule.
- 1.2 The Interpretation Act, 1987 (NSW) will apply in the interpretation of this Agreement.
- 1.3 Nothing in this Agreement restricts or otherwise limits our exercise of our statutory powers as a public authority. If there is any conflict between the exercise of our statutory powers as a public authority and our performance of our obligations under this Agreement, the former prevails.

2 SPONSORSHIP FEE & VALUE IN KIND

- 2.1 You agree to:
 - (a) pay to us the Sponsorship Fee by 30 days prior to event date;



Ashfield Council

Sponsorship and Small Donations Policy

Item 2

and /or

- (b) supply to us the Value In Kind by 30 days prior to event date, unless agreed otherwise by both parties.

- 2.2 The Value In Kind is to be delivered to the Event venue or such other location as agreed by the parties before the Event Date and will be valued by reference to the commercial rate of the services or goods provided as reasonably determined by the parties.
- 2.3 The overall economic benefits to Council will be defined, as far as possible in the attached Schedule (item 7).

3 GST

- 3.1 Both parties acknowledge that GST will be applicable to any Sponsorship Fee.
- 3.2 Ashfield Council will provide the sponsor with a tax invoice for any Sponsorship Fees.
- 3.3 Should GST be deemed to apply to any Value in Kind transaction then the sponsor must pay the applicable GST and Ashfield Council will provide an appropriate tax invoice.

4 SPONSOR'S BENEFITS AND ACKNOWLEDGEMENT

- 4.1 You are entitled to the Sponsor's Benefits, subject to receipt by us of the Sponsor Fee and/or the Value In Kind.
- 4.2 You are entitled to knowledge from Council as a sponsor, the form of which will be specified in the Schedule.

5 YOUR RESPONSIBILITIES

- 5.1 You must:
 - (a) promptly advise us of any change of circumstances relating to your reputation;
 - (b) promptly advise us of any association or parent company directly or indirectly involved in the sponsorship of the Event; and
 - (c) promptly disclose the existence of this Agreement when dealing with us in any other capacity including but not limited to us as a local government authority or as purchaser of goods and services.
- 5.2 You acknowledge and agree that:
 - (a) we will not be liable for any delay or failure or for the consequences of any delay or failure to provide any of the entitlements under this Agreement where the delay or failure is caused by matters beyond our reasonable control; and

10

Attachment 5



Ashfield Council

Sponsorship and Small Donations Policy

- (b) we have a responsibility to ensure that the Event proceeds in a manner consistent with the public interest. Accordingly, we have the sole discretion regarding the preparation and production of the Event; and
- (c) you may not assign this Agreement or any of its rights or obligations under this Agreement without our prior written consent.
- (d) should any or all of the events be cancelled or delayed through no fault of Ashfield Council, then the sponsor shall not be entitled to any refund or claim for any loss or damage
- (e) should a sponsor need to cancel, this must be done in writing, and 50% of the cost of the sponsor fee will be retained by Council. If a cancellation is made less than one month prior to the event, 100% will be retained.

6 TERMINATION OR SUSPENSION

- 6.1 We may by written notice to you terminate this Agreement if you:
 - (a) fail to deliver the Value In Kind in accordance with this Agreement;
 - (b) fail to pay the Sponsorship Fee in accordance with this Agreement;
 - (c) are involved in any conduct or activity that is in our reasonable opinion detrimental to our image and reputation or the success of the Event; or
 - (d) are in breach of any other clause of this Agreement.
- 6.2 We may by written notice to you suspend this Agreement where circumstances of a temporary nature occur and the parties otherwise wish to retain this Agreement in principle.

7 CANCELLATION OF THE EVENT

- (a) where the cancellation of the Event is caused by our fraudulent or grossly negligent act or omission, we will repay to you on a pro-rata basis such proportion of the Sponsorship Fee which has been received and expended by us for the cancelled Event.
- (b) where the cancellation of the Event is caused by the weather there will be no refund of a sponsorship fee.

8 RISK & INSURANCE

- 8.1 You exercise all of the rights which are granted to under this Agreement at your own risk.
- 8.2 You must comply with all laws applicable to the performance of its obligations under this Agreement.
- 8.3 You must:
 - (a) effect public liability insurance (on an occurrence basis) for not less than the amount specified in Item 8 of the Schedule for each occurrence of bodily injury and property damage including the following coverage endorsements:
 - (i) advertising liability; and
 - (ii) product liability.

**Ashfield Council**

Sponsorship and Small Donations Policy

Item 2

- (b) provide to us a certificate of currency verifying the placement and maintenance of the required insurance on request.

9 INDEMNITY

9.1 Subject to clause 9.2, you must indemnify us against all damage, expense, loss or liability suffered or incurred by us arising out of any breach of this Agreement by you including:

- (a) loss of or damage to our property and any other property; and
- (b) damage, expense, loss or liability for personal injury.

9.2 Your liability to indemnify us under clause 9.1 will be reduced proportionally to the extent only that our negligent act or omission or our officers, employees, consultants or agents has contributed to the loss, damage, injury, death or other liability.

10. GENERAL

10.1 Any special conditions which apply to the sponsorship should be defined and listed in the Schedule (Item 9 of the Schedule 1).

10.2 A notice or demand under this Agreement must be in writing and faxed, emailed posted or delivered to the address of the last known address of the other party. A notice is taken to be received:

- (a) if hand delivered, on delivery;
- (b) if sent by pre-paid post, three Business Days after the date of posting;
- (c) if sent by facsimile, when the sender's facsimile generates a message confirming successful transmission of the total number of pages of the notice.

10.3 This Agreement is governed by New South Wales law. The parties submit to the jurisdiction of the courts of New South Wales and to any courts which have the jurisdiction to hear appeals from any of those courts.

Attachment 5



Ashfield Council

Sponsorship and Small Donations Policy

REFERENCE SCHEDULE 1

Item	Title of Provision	Description
Item 1	Date of Agreement:	
Item 2	Sponsor's Name	Insert name of sponsor
	Sponsor's ABN	Insert sponsor's ABN
	Sponsor's Address	Insert sponsor's Address
	Sponsor's Contact Details	Insert sponsor's contact details
Item 3(a)	Event	Insert details of event including name and location
Item 3(b)	Event Date or term	Insert the date of the event or term
Item 4 (a)	Sponsorship Fee paid to Council	Insert amount of cash sponsorship in dollars and words
Item 4 (b)	Value in Kind provided to Council	Specify any value in kind to provided by the sponsor including type and value
Item 5 (a)	Form of acknowledgment for sponsor	Insert in words, the form of acknowledgement available
Item 5 (b)	Sponsor's Benefits	Specify the benefits the sponsor is to receive in return for sponsoring the event
Item 6	Scope of promotion of the Sponsorship Agreement	Specify the scope of uses which the sponsor can make of the sponsorship agreement
Item 7	Economic benefits to Council & Sponsor	Specify the economic benefits to both Council and the Sponsor
Item 8	Risk & Insurance	Specify the amount of public liability insurance cover (\$20 million).
Item 9	Special Conditions	Any special conditions for the sponsorship should be defined and inserted here.



Ashfield Council

Sponsorship and Small Donations Policy

DECLARATION

I acknowledge that I have read the Sponsorship and Small Donations policy and the Incoming Sponsorship Agreement; and
I agree with the provisions of the Incoming Sponsorship Agreement and certify that the details recorded in the Reference Schedule 1 are correct.

On behalf of the Sponsor

Name:
(Please print)

Signature:

Date: / /

Office Use Only:

Date received:	/ /
Staff member's name:	
Registered:	
Approval [Yes/No]:	
Name (please print) :	
Signature:	



Ashfield Council

Sponsorship and Small Donations Policy

APPLICATION FOR A DONATION FROM COUNCIL

1. Applicant/Organisation Details:

Name of Applicant/Organisation: _____

Address: _____

Contact person: _____

Position (if an organisation): _____

Telephone number: _____

E-mail address: _____

2. Type of Donation requested (all donations are to a maximum value of \$250):

☐

Financial Assistance

☐

Donation of goods-in-kind

☐

Reimbursement of Council fees/charges or venue hire costs

3. What is the total cost of this activity: \$

4. Details of how funds will be expended

5. Why are you seeking assistance from Ashfield Council ?

6. Any additional information which you consider important for this application:

15



Ashfield Council

Sponsorship and Small Donations Policy

Item 2

7. How will you/your organisation acknowledge Council's donation ?

8. Have you/your organisation received support from Council, through any of Council's programs in the past ? (Please indicate with a X)

Yes ☐

No ☐

If Yes please provide

details: _____

Declaration

I have read Ashfield Council's Sponsorship and Donation Policy and understand the requirements and obligations of this policy. (Please indicate with a X) . I acknowledge that Council has the right to require the repayment of any donation should the event or activity not take place or the supported person does not participate in the activity for which this application is submitted.

Yes ☐

No ☐

Please sign and date this form below:

Signature

Date

Attachment 5



Ashfield Council

Sponsorship and Small Donations Policy

SUBMISSION OF THE APPLICATION FOR A DONATION FORM

Please submit this form via one of the ways below:

Customer Service Centre
260 Liverpool Road
ASHFIELD NSW 2131

Customer Service Centre Hours
8.30am – 5pm, Monday to Friday

By mail
Ashfield Council
PO Box 1145
ASHFIELD NSW 1800

By email
info@ashfield.nsw.gov.au

Office Use Only:

Date received:	/ /
Staff member's name:	
Registered:	
Approval [Yes/No]:	
Signature:	

Item No: C1118(1) Item 3

Subject: MULTICULTURAL POLICY

Prepared By: Simon Watts - Social and Cultural Planning Manager

Authorised By: Erla Ronan - Group Manager Community Services and Culture

SUMMARY

On 21 August 2018 Inner West Council endorsed the draft Multicultural Policy and Action Plan 2018-2020 for public exhibition. A revised Multicultural Policy and Multicultural program priorities are proposed for adoption (Attachments One and Two). This policy is to ensure equity of access to Council services, to ensure the voices of people from multicultural backgrounds are heard in Council's decision-making and that Council advocates for the needs of people from multicultural communities. Council aspires to create social inclusion for people from diverse backgrounds: particularly for children and young people, older people and people with disability, and particularly in employment, health care, and aged care.

RECOMMENDATION

THAT Council:

- 1. Endorse the Multicultural Policy;**
- 2. Reallocate \$113,000 in 2018/19 and subsequent financial years within the Community Services and Culture Group to deliver the Multicultural program priorities:**
 - a. Employing a part time Multicultural Policy Project Officer (\$84,000 per annum);**
 - b. Developing and delivering a multicultural small grants program enabling community-lead celebrations of culture \$29,000**
 - c. Initiating the Multicultural Advisory Committee commencing 29 November 2018;**
 - d. Initiating the Inter-Faith Reference Group commencing first quarter 2019**
 - e. Continuing translation of key Council documents into community languages as required;**
 - f. Developing the framework and protocols supporting community to community relationships;**
 - g. Identifying a prospective Chinese city with which to form a community to community relationship; and**
- 3. Note that the following Multicultural program priorities are not recommended to proceed in 2018/19 and are unfunded:**
 - a. Additional investment in expanding Lunar New Year celebrations**
 - b. Investment in an anti-racism film competition and festival.**

BACKGROUND

Notice of Motion (C0818 Item 1) Multicultural Policy

THAT Council:

- 1. Receive and note the stocktake of activities across Inner West Council which support cultural groups in our multicultural community;*
- 2. Receive and note a report back on potential additional multicultural initiatives;*
- 3. Endorse the draft Multicultural Policy for public exhibition;*
- 4. Endorse the community engagement plan and the action plan 2018-2020 contained in the report;*

5. *Amend the draft action plan 2018 - 2020 to include the following:*
 - a. *Council will re-establish the community to community relationships listed in point 6 with the inclusion of Maliana in East Timor. These relationship will be initiated after an assessment of the willingness of the other parties to recommence the previous agreements and the capacity for the community links to be reactivated;*
 - b. *New criteria for the establishment of new community to community relationships, with a requirement for demonstrated, existing cultural, social links between overseas communities and communities within the Inner West; and*
 - c. *Council seek advice from Chinese community organisations about a Chinese city that a relationship can be established with.*
6. *Write to Multicultural NSW seeking advice about best practice for local government support for ageing culturally and linguistically diverse communities;*
7. *Assist in establishing a quarterly ethnic community organisations interagency to encourage information sharing and cooperation; and*
8. *Work with the economic development unit on this policy to harness the multiculturalism within our business communities.*

More than one third of the population of the Inner West is from multicultural backgrounds, 66,228 people were born overseas, and 51,597 speak a language other than English at home. Council recognises that the engagement with multicultural communities and their expressions of culture and faith enrich our whole community and build inclusion across the city.

This policy seeks to ensure that people from diverse backgrounds participate in local decision making, including in design of Council's services and policies; access and are supported by Council services and policies; and that people from diverse backgrounds are celebrated and acknowledged across our communities in the Inner West. Overall, this policy seeks to ensure that residents of the Inner West from diverse backgrounds achieve equitable social and economic participation.

Council is deeply engaged in service provision to people from multicultural backgrounds, through specifically designed and tailored services, and through service provision provided for the whole community.

New initiatives for people from multicultural backgrounds are supported by community engagement on the Policy. These initiatives include new celebrations for Lunar New Year, creation of an anti-racism film festival, a new inter-faith reference group, new approaches to translation and interpretation for residents who use community languages, and expanded community to community relationships for specific groups.

Council officers discussed the needs of older people from multicultural backgrounds with Multicultural NSW. Following their advice, Council has engaged with the seniors policy area of the Department of Family and Community Services, and these officers, along with Council of the Ageing NSW will support Council in development of a Well-being Strategy for the city in 2018/19.

Council has an existing multicultural forum with more than 50 organisational participants. This forum will be reviewed to ensure that all ethnic community organisations in the city have the opportunity to participate. As Council's new Economic Development Strategy is developed through 2019, the opportunities for economic participation by multicultural businesses will be included.

The Policy supersedes earlier Council plans and policies of the former Ashfield Council: *Local Ethnic Affairs Policy* 1998 and *Culturally Diverse Society Principles Policy* 1997.

FINANCIAL IMPLICATIONS

Finance confirms the \$113,000 required for the implementation of the Multicultural Policy for current (2018/19) and for future financial years is available from reallocating resources within the Community Services and Culture Group.

A dedicated Multicultural Policy project officer would be required. The cost for a four day per week position would be \$84,000 per annum.

OTHER STAFF COMMENTS

Council officers provided input on the draft policy and action plan. These are summarized in the table below:

Issue	Response
Further demographic analysis required for policy implementation	To be undertaken within the Community Services and Culture division in 2018
Deeper engagement across the city with existing organisations and services working with multicultural communities	Through 2018/19 to support the development of a Well-being Strategy for the city
Deeper exploration of the role Council needs to play in multicultural policy	Options to be explored through 2018/19 to support the development of a Well-being Strategy for the city
More comprehensive stock take of council policies and services for multicultural community	To be undertaken within the Community Services and Culture division in 2018

PUBLIC CONSULTATION

Public engagement on the draft policy and action plan was promoted through:

- Media release and social media on Facebook
- Council's column in the Inner West Courier
- Council's enews and Your Say Inner West enews
- Multicultural NSW email newsletter (8,000 recipients).

The engagement was open from 24 August – 21 September 2018. Council also held two public forums on 12 and 18 September 2018, attended by 15 people. A detailed report on the engagement is at Attachment Three.

The following table summarises key policy issues raised in the engagement, and provides brief responses:

Issue	Response
Love the idea!! Film Festival is a great idea! Please include Hindi language	This initiative is unfunded, and costs of expanding the programs are detailed in Attachment 2.
More commitment to newly arrived communities and services	Council provides extensive support for Refugees and Asylum Seekers, and has specific programs for newly arrived communities. Additional support will be explored during the pilot period.
Expand the Lunar New Year celebrations in Marrickville	This initiative is unfunded, and costs of expanding the programs are detailed in Attachment 2.

Item 3

Indian civic reception	Applications from community organisations will be sought via a multicultural small grants program enabling community-lead celebrations of culture
Re the interfaith committee. Why are you linking faith to multiculturalism and politics? Culture based on religion is concerning as religion can be used to preference views which exclude people	There was significant support for diverse representation on the interfaith reference group, including for the participation of women and secular leaders.
Diwali function	Applications from community organisations will be sought via a multicultural small grants program enabling community-lead celebrations of culture
Recreation and sporting clubs can assist in bring community groups together to improve social cohesion and celebrate diversity	Options to be explored through 2018/19 in the development of a Well-being Strategy for the city
Needs measurable outcomes and funding for multicultural NGOs and groups to express and celebrate their cultures	The Council grant programs utilise a funding agreement that defines outcomes, and grant recipients report on their results at the end of the project. In addition to the existing Grants program, this can be achieved via a multicultural small grants program enabling community-lead celebrations of culture
The policy needs a lot of work, in my view	The policy has been redrafted, following feedback in the engagement
Council's community to community relationship need clearer policy guidelines	Council resolved on 21 August 2018 to proceed with the community to community initiative, and the guidelines for these relationships will be finalised following the appointment of the proposed Multicultural Policy Project Officer
I don't believe the policy captures a community development aspect	Implementation of the Policy and program by the proposed Multicultural Policy Project Officer position will be aligned with Council's strengths-based community development methodology
I am concerned that new expenditure is being proposed while the council has not and is not adequately providing services and performing essential maintenance, particularly on the proposed film festival	The proposed policy and action plan have received overwhelming support in the engagement, and the Officer's recommendations propose reallocation of existing funds.
The purpose is too narrow. Multicultural Policy must be expansive into the future to be inclusive of more than 'needs' and 'aspirations'	Comment is noted, and it is recognised this policy sits within Council's established policy commitment to equity, access, participation and rights, in the Community Strategic Plan. Council's role is distinct from that of Commonwealth and State governments.
I would also suggest that faith be added to "Council recognises that the engagement with multicultural communities and their expressions of culture and faith enrich our whole community and build inclusion across the city."	Noted, and included in the policy at point 7.
Why are you wasting our money on this divisive nonsense?	Noted.

Input must be invited in making the draft itself, not after it is developed.	Noted, and as detailed in this report, extensive community engagement has occurred.
Don't put council money into supporting religion of any type	Noted, and the proposal is to facilitate interfaith dialogue.
We also need to focus on supporting the community in their endeavours to learn/improve English	Noted. Options for better promotion of existing programs will be explored.
I am strongly opposed to expanding C2C relationships	Noted. Council resolved on 21 August 2018 to proceed with the community to community initiative, and the guidelines for these relationships will be finalised following the appointment of the proposed Multicultural Policy Project Officer
The policy document should strongly state the positive relational values of multiculturalism	The policy has been redrafted
We strongly recommend consultations be held with community, and with this multicultural interagency	Engagement will continue through 2018/19 through Council's Multicultural Advisory Committee and the wider local democracy initiatives.
An ageing population	With the Department of Family and Community Services (NSW) and the Department of Social Services (Commonwealth), options for improving policy and services for older people in multicultural communities will be explored through 2018/19
Isolation and the elderly Isolation and families	Council is currently undertaking well-being research across the city, recognising the critical importance of social participation and connectedness in building and maintaining well-being. This research will bring leading practice to the design of Council's forthcoming Wellbeing Strategy for the city
Cultural engagement	Council maintains an extensive investment in events and arts and cultural activities throughout the year, and across the city.
Council must be inclusive of all diversity and it must value the diversity of its own workforce	Council has developed an employment strategy which has a focus on building diversity in its workforce
Participants were very pleased with the proposed expansion of community celebrations for local community groups, they argued that community harmony and understanding is built from shared celebration and understanding	Noted. The Officer Recommendations propose the development and delivery of community-lead celebrations of culture.

CONCLUSION

Responding to the needs of people from diverse backgrounds includes improving the manner in which Council services and programs are designed to meet specific needs along with timely and effective advocacy. The proposed Multicultural Policy and Multicultural program priorities formalises a new approach for Council in meeting this requirement.



ATTACHMENTS

1. [↓](#) Multicultural Policy
2. [↓](#) Multicultural program priorities
3. [↓](#) Engagement Outcomes Report
4. [↓](#) Social Media Outcomes Report
5. [↓](#) Local Ethnic Affairs Policy Ashfield
6. [↓](#) Culturally Diverse Society Principles Ashfield



INNER WEST COUNCIL

Title	Multicultural policy
Summary	To provide policy guidance on supporting people from multicultural backgrounds and celebrating cultural diversity in the Inner West of Sydney
Background	At the time of the 2016 Census, the Inner West Council area had a population of 182,037. Of these 62,228 or 34% were born overseas and 51,597 (28%) spoke a language other than English at home. Inner West Council resolved to develop new initiatives in Multicultural policy on 24 April 2018. This policy is to ensure equity of access to council services and to ensure the voices of people from non-English speaking backgrounds are heard in Council's decision-making. It seeks to promote Council celebration of its unique and diverse communities. In recognising diversity, Council embraces all ethnic/racial/cultural, ancestral, religious and linguistic differences.
Policy Type	Council
Relevant Strategic Plan Objective	Links to Community Strategic Plan, Strategic Direction 4: Caring, healthy communities. Particularly 4.1 Everyone feels welcome and connected to the community. The Community Strategic Plan indicator for the outcome is: Satisfaction with programs and support for newly arrived and migrant communities.
Relevant Council References	This policy is informed by the draft Social and Cultural Planning Framework. The policy intersects with Council's <i>Banner Policy 2018</i> , in relation to display of national flags. The policy supersedes policies of the former Ashfield Council: <i>Local Ethnic Affairs Policy 1998</i> and <i>Culturally Diverse Society Principles Policy 1997</i> . Citizen and stakeholder engagement is delivered through the <i>Community Engagement Framework 2017</i> .
Main Legislative Or Regulatory Reference	<i>Multicultural NSW Act 2000</i> and its principles
Applicable Delegation Of Authority	As per delegations register
Other External References	Multicultural Policies and Services Program (Multicultural NSW) and the statutory framework <i>Multicultural Planning of NSW Government Agencies</i>
Attachments	NA
Record Notes	External
Version Control	See last page


1. PURPOSE

The purpose of this policy is to ensure Council engages with and plans effectively for the needs and well-being of people from culturally and linguistically diverse backgrounds.

2. OBJECTIVE

The objectives of policy are to ensure that people from multicultural backgrounds participate in local decision making, including in design of Council's services and policies; access and are supported by Council services and policies; and that people from diverse backgrounds are celebrated and acknowledged across our communities in the Inner West. Through working across these domains, Council aspires to create social inclusion for people from diverse backgrounds: particularly for children and young people, older people and people with disability, and particularly in education, employment, health care, and aged care and disability service provision.

Multicultural policy encompasses projects and programs that respond to cultural diversity in the Inner West; as well as broader approaches for building equitable participation including community relations, access and equity, social justice, equal opportunity and anti-racism and participation.

3. SCOPE

The policy seeks to ensure that residents of the Inner West from a diversity of backgrounds achieve equitable social and economic participation. Council recognises that the engagement with multicultural communities and their expressions of culture and faith enrich our whole community and build inclusion across the city.

3.1. In scope

All advocacy, policy development, service design and delivery of the Inner West Council.

3.2. Out of scope

Not applicable

4. DEFINITIONS

People from multicultural backgrounds include those who were not born in Australia, including those who speak a language other than English at home. Many of the second generation family members in multicultural communities will also identify as having heritage formed by their diverse background. Newly arriving communities are recognised as having specific support needs as they settle in a new cultural context.

5. LINKS TO COMMUNITY STRATEGIC PLAN

The Community Strategic Plan is structured around a guiding principle: to work together in a way that is creative, caring and just. Five strategic directions give effect to this principle: an ecologically sustainable Inner West; unique, liveable, networked neighbourhoods; creative communities and a strong economy; caring, happy, healthy communities; and progressive local leadership.

6. POLICY STATEMENT

Council affirms the principles of the *Multicultural NSW Act 2000* including that people of different linguistic, religious and ancestral backgrounds are free to profess, practise and maintain their own linguistic, religious and ancestral heritage. Further, that all people should be able to contribute to, and participate in, all aspects of public life and make use of, and participate in, relevant activities and programs provided or administered by Council.

Council is committed to listening and responding to the specific needs of people from diverse backgrounds. This response may be improvements to Council services and programs, or it may be more focussed advocacy with the NSW and Commonwealth governments.



INNER WEST COUNCIL

7. POLICY

That Council service delivery is effective for people from diverse backgrounds, and is supported inclusive and responsive planning. Council values diversity and equitable access to opportunity in Council policy and decision making. Effective engagement with diverse communities in communicating Council actions and services is supported by authentic input into policy development, service design and advocacy. Council recognises that the engagement with multicultural communities and their expressions of culture enrich our whole community and build inclusion across the city.

8. RESPONSIBILITIES

That the principles of the *Multicultural NSW Act 2000* guide inclusion of people from diverse backgrounds, and of their needs, in Council policy development and decision making, advocacy and in service delivery.

9. ASSOCIATED PROCEDURES

Availability of key Council information in community languages and access to appropriate and specific support services relevant to the needs of diverse communities supports social and economic participation.

Inner West Council**Multicultural program priorities****1. MULTICULTURAL PROJECT OFFICER**

A part time Multicultural Policy Project Officer at four days per week is proposed at a total ongoing cost of \$84,000 per annum.

2. MULTICULTURAL SMALL GRANTS PROGRAM

Current situation: Celebration of national cultures or national days of cultural significance occurs in local communities across the Inner West. Formats vary but may include an official component, music, dancing and entertainment activities, recognition of community / individual achievements and culturally significant refreshments.

Proposal: Feedback strongly supported expanding Council funding and in kind support. It is proposed to engage the Multicultural Advisory Committee from its first meeting in November 2018 to identify the best methods to commence or strengthen celebrations. It is proposed to initially focus in 2019 on the 10 largest groups in our multicultural community: Chinese, Cypriot, Greek, Indian, Italian, Lebanese, Maltese, Nepalese, Portuguese and Vietnamese communities.

It is proposed that Council seek expressions of interest to plan and deliver these celebrations in 2019. The program would be resourced from a multicultural small grants program.

Financial impact: To be funded through a small grants program, through reallocation of existing funds. Nil additional cost to Council.

- It is proposed that funding of \$29,000 be offered via a small grant program to support these ten events in 2019.

Up to \$3,000 in value for each grant, including any subsidies sought for venue and parks fees and charges.

3. MULTICULTURAL ADVISORY COMMITTEE AND INTER-FAITH REFERENCE GROUP

Current situation: The Multicultural Advisory Committee has been approved by Council and it meets this need. The Multicultural Advisory Committee will meet for the first time on 29 November 2018.

Proposal: Nominations will be sought for the Inter-Faith Reference Group which will commence meeting in March 2019.

Financial impact: It is proposed that the Multicultural Policy Project Officer be responsible for resourcing and supporting these initiatives.

4. TRANSLATION AND LANGUAGE SERVICES

Multicultural NSW has undertaken extensive policy work on accessibility to language services including telephone interpreting and document translation. Service NSW is the

NSW Government shopfront for translation services, and a sliding scale of accessibility and cost applies.

Proposal: It is proposed that new business processes be identified within Council to ensure that simple information is available in translation in key community languages, and that effective referral pathways are created for other translation and interpretation needs.

Financial impact: This work will be supported from within existing resources.

5. COMMUNITY TO COMMUNITY RELATIONSHIPS

Current situation: Council has traditionally engaged in community to community relationships to develop economic, trade, cultural, educational and other beneficial exchanges with international cities. These relationships serve to mobilise local communities from countries with which the exchanges occur, and to build understanding between those who may have emigrated from that country and those communities who remained in place.

Council has existing community relationships with:

- 6th October City, Egypt
- Bethlehem, Palestine
- Funchal, Madeira, Portugal
- Giovinazzo, Italy
- Keelung, Taiwan
- Kos, Greece
- Larnaca, Cyprus
- Maliana, East Timor
- Palestinian villages in the South Hebron Hills
- Safita, Syria.

Proposal: According to the Council resolution (C0818 Item 1) the policy framework supporting these relationships will be redeveloped in 2018/19, and the future of the relationships will be explored with the relevant governments, along with identifying a prospective Chinese city with which to form a community to community relationship. Council has also resolved to create a collaboration agreement with the government of Portugal.

Financial impact: This work will be supported by an existing funding allocation of \$25,054 in 2018/19.

6. LUNAR NEW YEAR

Current situation: Chinese New Year is one of the world's most prominent and celebrated festivals. The first day of the Chinese New Year in 2019 is Tuesday 5 February.

Marrickville: The Marrickville Chamber of Commerce organises celebrations with lion dancers in Alex Trevallian Plaza. An expanded event in Marrickville could celebrate Tet Vietnamese New Year.

Ashfield: At Ashfield Civic Centre, the focus of the celebration includes lion dancers and a concert in the Town Hall. An expanded event could celebrate Chinese New Year with lion dancers or traditional performance, including opera.

Proposal: It is proposed to defer this initiative as funding is not available in 2018/19.

If Council decides to proceed, it is proposed that Council seek expressions of interest be sought from community organisations and business to bolster these celebrations. Any Council financial support would be expected to cover all operational and logistics expenses by the organiser including where applicable: statutory fees and charges, work health and safety requirements, traffic and road closure fees, waste management fees, and/or venue or park hire fees.

Financial impact: Should Council wish to proceed with this, \$40,000 would need to be diverted from existing Council programs from 2019/20.

7. ANTI-RACISM FILM COMPETITION AND FESTIVAL

An anti-racism film competition and festival was proposed during the engagement. While there was some support for this proposal, there was also very significant opposition, particularly on social media.

Proposal: It is proposed to defer this initiative for further consideration in 2019/20, once other initiatives in this program are well advanced.

Financial impact: Should Council wish to proceed with this, \$20,000 would need to be diverted from existing Council programs from 2019/20.

AVAILABLE FINANCIAL RESOURCES

In 2018/19 Council has the following existing or reallocated resources available to support delivery of this program:

Existing funding	
Maliana, East Timor	\$8,103
Community to community relationships	\$16,951
Funding available for reallocation within the Community Services and Culture budget	\$113,000
Total in 2018/19	\$138,054

PROPOSED ALLOCATION IN 2018/19

Maliana, East Timor	\$8,103
Community to community relationships	\$16,951
Part time Multicultural Policy Project Officer	\$84,000
Community Celebrations of Culture and Heritage	\$29,000
Total in 2018/19	\$138,054



Engagement Outcomes Report: Multicultural Policy and Action Plan

Summary

Council engaged the local community on the Multicultural Policy and Action Plan 2018-2020. A majority supported adoption of the policy, although concern was also expressed about investment in the Anti-Racism Film Festival and the Community to Community relationships.

Background

On 21 August 2018 Council endorsed the draft Multicultural Policy and Action Plan 2018-2020 for public exhibition.

Council also resolved amendments to the draft Action Plan 2018-2020:

- Reestablish the community to community relationships identified, including those with Maliana East Timor, after an assessment of the willingness of other parties to recommence the previous agreements and the capacity for the community links to be activated
- Create new criteria for the establishment of community to community relationships, with a requirement for demonstrated, existing cultural, social links between overseas communities and communities within the Inner West
- Council seek advice from Chinese community organisations about a Chinese city that a relationship can be established with.

Promotion

The engagement was promoted through:

- Media release and social media on Facebook
- Council's column in the Inner West Courier
- Council's enews and Your Say Inner West enews
- Multicultural NSW email newsletter.

The engagement was open from 24 August – 21 September 2018.

Council also held two public forums on 12 and 18 September 2018, attended by 15 people.

Engagement outcomes

117 people visited the Your Say Inner West project page *Draft Multicultural Policy and Action Plan 2018-20* and 36 surveys were completed at that location. Of this 117 people, 63 were referrals from Facebook and 24 were from the Multicultural NSW email newsletter.

In addition, 32,160 people were reached through Facebook on social media with 253 responses in that format.

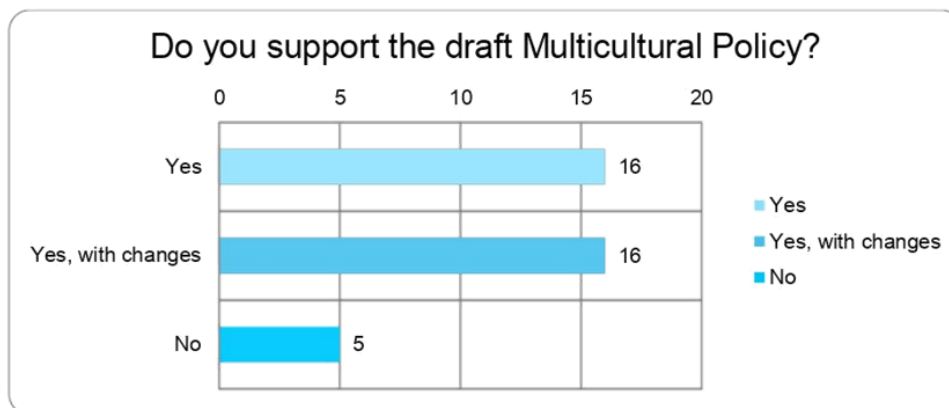


Figure 1: Do you support the draft Multicultural Policy?

Those who supported the draft policy were particularly supportive of:

- New or expanded Vietnamese community events
- More support for newly arrived communities
- More events for people from an Indian background, particularly in Hindi
- Specific new investment by Council, including for the part time Multicultural Policy Project Officer.

Those who supported the draft policy but wanted changes including:

- Support for art and culture as a vehicle for multicultural policy, but more engagement with recreation and sport to bring diverse groups together
- Concern about Council engaging with religion through the proposed inter-faith reference group
- Terminate all community to community relationships, if not reform how the area operates, with various proposals for this reform
- Greater focus on community development, of working with multicultural communities
- The policy should adopt a rights based approach
- The policy should promote improved intercultural communication.

Those who opposed the policy cited concerns about wasting money, and about not consulting widely before adopting the policy.

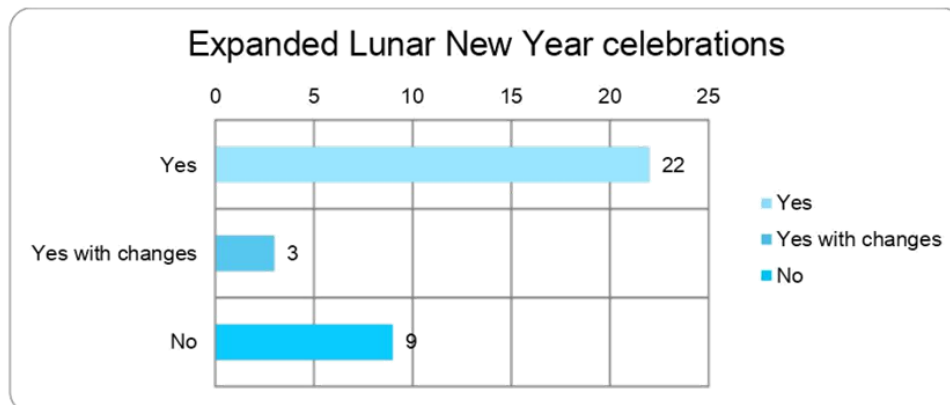


Figure 2: Do you support proposed expanded Lunar New Year celebrations?

Support was notable for more investment in Lunar New Year celebrations on *Your Say Inner West* (reflected in Figure 2). Those who opposed this investment sought to see increased opportunities to learn English, and others thought there were already enough Lunar New Year celebrations in Sydney.

Sentiment on social media was highly supportive of Vietnamese Lunar New Year celebrations, where 100% of the comment was positive.

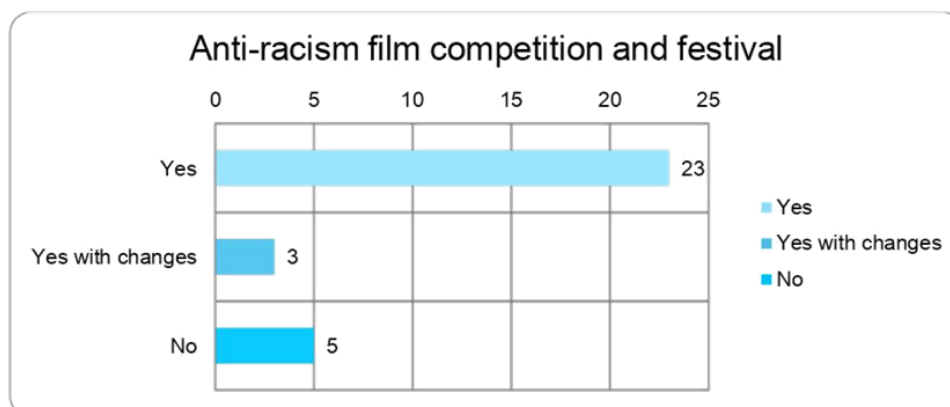


Figure 3: Do you support the proposed anti-racism film competition and festival?

There was significant support for this competition and festival on *Your Say Inner West* (reflected in Figure 3). For others there were concerns about the potential quality of the films that might be produced, the proposal that this should be left to ABC or SBS instead of Council, or in one case, that young people should be enlisted directly in the fight against racism by working with schools.

However, sentiment on social media was polarised on this issue with 60% of respondents opposing the proposal, 24% supportive and 24% neutral. This is overwhelmingly negative feedback, particularly among males aged 35-50 years with typical comment calling for

Council to “empty the bins” and complaining the proposed initiative was a “waste of rate payer’s money.”

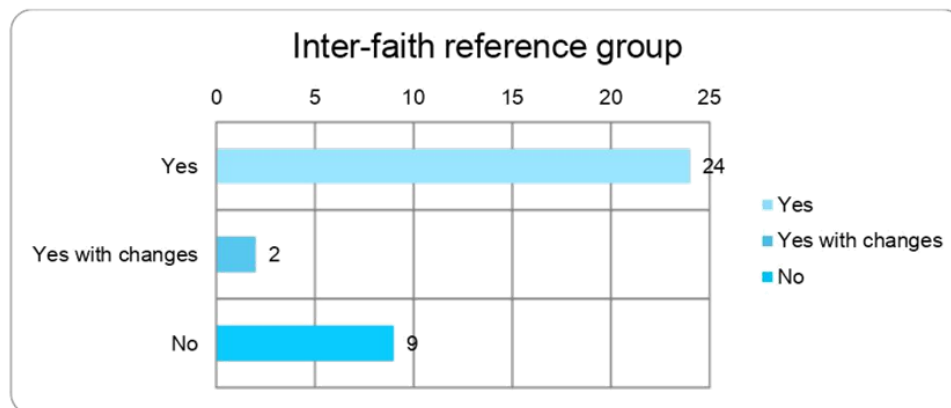


Figure 4: Do you support the proposed inter-faith reference group?

There was significant support for the inter-faith reference group on *Your Say Inner West* (reflected in Figure 4). There was also limited opposition. Those who were opposed were concerned about Council becoming involved in religious events, arguing that as a secular organisation this work should be left to those with a religious purpose.

Sentiment on social media was mostly negative (52%) compared to 24% neutral and 24% positive. The negative comments came from people of non-religious backgrounds calling for Council to “fix the roads” instead. Some of these comments were made from the same social users who left negative comments on the ‘Anti-racism Film Competition and Festival’ post.

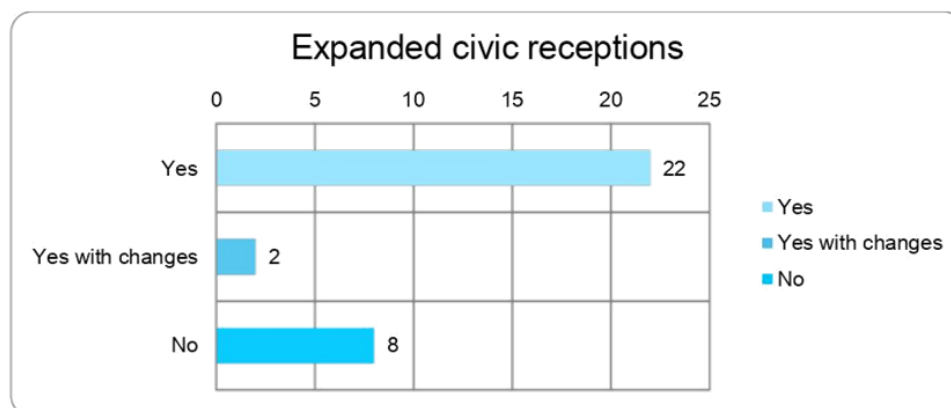


Figure 5: Do you support the proposed expansion of civic receptions?

There was significant support for this proposal on *Your Say Inner West* (reflected in Figure 5). There was also limited opposition. Among those opposed, there was generally the view that celebrations should involve the whole community to build inter-community dialogue and understanding. Others simply saw this initiative as a waste of money.

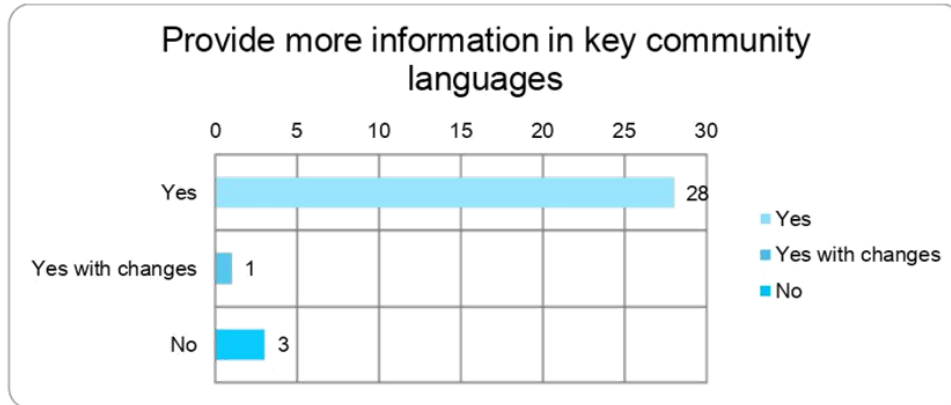


Figure 6: Do you support providing more information in key community languages?

There was significant support for this initiative on *Your Say Inner West* (reflected in Figure 6).

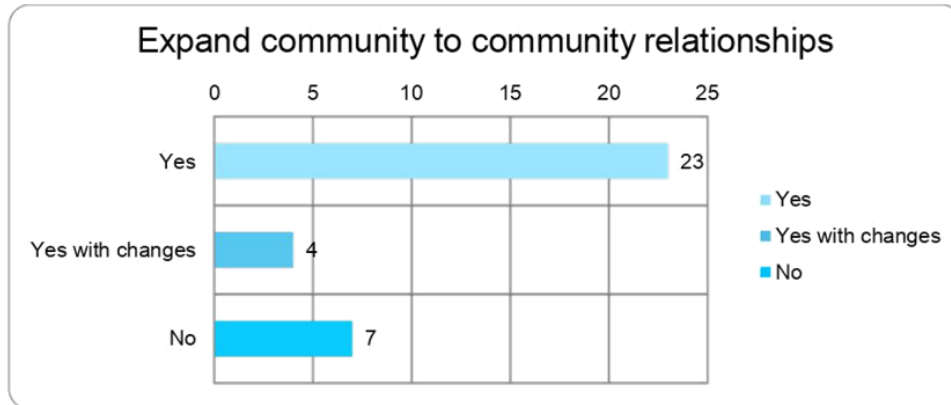


Figure 7: Do you support expansion of community to community relationships?

There was significant support for this initiative on *Your Say Inner West* (reflected in Figure 7). There was also limited opposition. People referred to junkets, and one respondent provided a link to negative press reporting of previous community to community visits by a former Council.

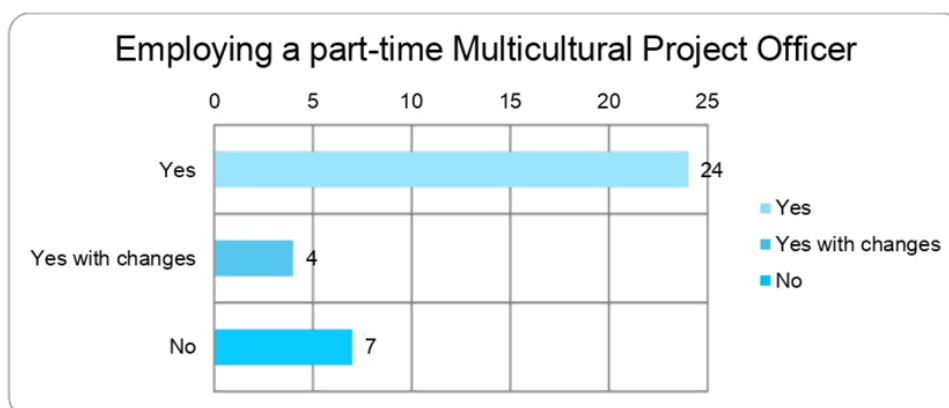


Figure 8: Do you support employing a part-time Multicultural Project Officer?

There was significant support for this initiative on *Your Say Inner West* (reflected in Figure 8). Those who opposed the proposal often argued that recognising and responding to multicultural community should be a core part of the role of all Council staff.

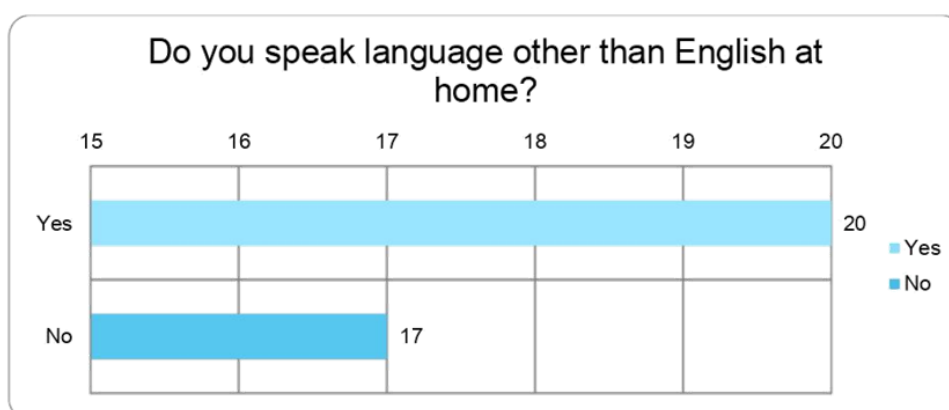



Figure 9: Do you speak a language other than English at home?

Your Say Inner West project page



Home » Draft Multicultural policy and Action Plan 2018-20

Draft Multicultural policy and Action Plan 2018-20

[f](#) [t](#) [in](#) [m](#)

The Inner West Council area has a population of 182,037, out of those 62,228 or 34% were born overseas and 51,507 or 28% speak a language other than English at home. In a meeting on 24 April Council resolved to develop a Multicultural Policy. Council has now endorsed the public exhibition of a draft Multicultural Policy and Action Plan 2018-20.

About the policy

The purpose of the Multicultural Policy and the Action plan is to support and celebrate the Inner West as a multicultural community. The policy affirms Council's commitment to the principles of the Multicultural NSW Act 2000.

The Actions in the plan include:

1. Lunar New Year - expanded events
2. Anti-racism film competition and festival
3. Inter-Faith reference group
4. Expanded Civic receptions including: Chinese, Cypriot, Greek, Indian, Italian, Lebanese, Maltese, Nepalese, Portuguese and Vietnamese
5. Language Services - provide more information in key community languages
6. Community to Community Relationships including: 6th October - City - Egypt, Bethlehem - Palestine, Giovinazzo - Italy, Funchal - Portugal, Keelung, Taiwan, Koo - Greece, Lamaca - Cyprus, Maliana - East Timor, Safita - Syria
7. Employment of Multicultural Project Officer

More Information

[Read the Multicultural Policy](#)

[View the Action Plan 2018-20](#)

Attend one of two forums on:

- Wednesday, 12 September 2018, 6:00-7:30pm, Petersham Customer Service Centre, Level 3, 2-14 Fisher Street, Petersham
- Tuesday, 18 September 2018, 12:30-2:00pm, Ashfield Customer Service Centre, Level 6, 260 Liverpool Road, Ashfield

Please RSVP here by Tuesday 11 September for Wednesday 12 September forum, or Monday 17 September for Tuesday 18 September forum.

REGISTER to get involved!

Select language

[Select Language](#)

Key Dates

Community Feedback Opens
24 August 2018

Community Forum - Petersham Service Centre,
6:00-7:30pm
12 September 2018

Community Forum - Ashfield Service Centre, 12:30-2:00pm
18 September 2018

Community Feedback Closes
21 September 2018

[more...](#)

Document Library

- [Multicultural Policy - Draft \(132 KB\) \(pdf\)](#)
- [Action Plan 2018_20_Draft \(169 KB\) \(pdf\)](#)

Project Stages

All comments

Comments from those who support the draft Multicultural Policy?

Love the idea!! Film Festival is a great idea! Please include Hindi language (one of world's largest spoken languages). Please include more cross section multicultural awareness in the programs with opportunities to get involved by interest groups including Arts, Bollywood, Yoga, Ayurveda, and Slow Fashion.
I would like to see more commitment to newly arrived communities and services provided to them rather than all energy going to celebrations.
Nowadays, there are a lot of Vietnamese people migrating to Australia via skill migration program and they are living in Marrickville or close to that area. We want to have the support from local government to celebrate Vietnamese New Year in the local area than go to others areas like Bankstown, Fairfield or Cabramatta which I believe it is too far for people to come. If the council can expand the Lunar New Year celebrations in Marrickville, it would attract a lot of people who are living in the CBD, Inner West, and North Shore to Marrickville area.
I think the plan is a great initiative however there could be attention to events with new and emerging communities rather than simply focusing on existing relationships
Because living in a nation that welcomes diversity, it is important to know your neighbours and their culture. Being so caught up with 9-5, we don't even know our neighbours or anyone outside family or same friends.
More services please
Indian civic reception
But more funds should be allocated

Comments from those who support the draft Multicultural Policy but with changes?

Re the interfaith committee. Why are you linking faith to multiculturalism and politics? Religion is separate to government. Many in the inner west see Religion at the basis of discrimination, oppression and abuse of the rights of others. Why should religious groups have influence above others? It's a good idea for groups to meet together but why is it's councils role to facilitate this? How is this representative of those of us in the community who see religion as the cause of suffering and oppression as evident through our history and occurring still today. I would prefer to see an ethics committee where people can offer an expression of interest against the values of inclusion, equity and social justice principles.
Culture based on religion is concerning as religion can be used to preference views which exclude people. We are a secular society so culture based on I am Italian (not I am catholic) or I support Lebanese culture (not the Lebanese Muslim association which doesn't include LGBTI people)
As there is a sizeable number of Indian community members in the region, Diwali function which is celebrated grandly in the neighbourhood Parramatta can be included to be celebrated in the Inner West.
It would be great to see not only an integration of art and culture, however an involvement of sport too. Local recreation and sporting clubs can assist in bring community groups together to improve social cohesion and celebrate diversity.

Needs measurable outcomes and funding for multicultural NGOs and groups to express and celebrate their cultures. Services should be provided to elderly CALD groups and bi cultural programs and education for the entire community to enjoy and participate. Multiculturalism is in the creative, LGBTQI community across all ages.
<p>The policy needs a lot of work, in my view. It seems to lack understanding of the context and meaning of multiculturalism, e.g. in use of bizarre term "multicultural person". (An Other but nicer than a wog?) It is focused on individuals, where really culture is more usually expressed in groups.</p> <p>There should be a commitment of Council to facilitate equality of opportunity for all individuals and groups in the Council area.</p> <p>There needs to be strong upfront commitment to fostering respect, peace, understanding and reciprocity between the diverse groups and individuals that make up IWC--through all of its policies, services and initiatives.</p> <p>The policy should take into consideration relevant impact of intercultural and international conflicts--overseas and locally. It should include a commitment from Council to act sensitively where such conflicts are concerned, always consulting all local stakeholders.</p> <p>The policy should include a commitment to consult relevant cultural, language, national and religious groups whenever they may be particularly impacted by a Council initiative of any kind.</p>
<p>We are celebrating Diwali at the Inner West Council and we are doing our little bit. Would like to see this major celebration of Indian Community be celebrated in a grand way. Council financial support is necessary but expenses could be curtailed by having volunteers and non profit organisations participating and taking responsibility to support the council's efforts.</p>
<p>Submission to Draft Multicultural Policy 18/SF436 Focus: Handling inter-cultural conflict I am very much in favour of the Inner West Council's desire to implement a policy to improve community harmony amongst our various ethnic, religious, and cultural groups. However I was surprised to discover that there was no discussion in the Draft Multicultural Policy of the potential conflicts that Council may have to deal with given the states of tension and warfare in the original homelands of these groups. .e.g. between Chinese/ Falun Gong/ Tibetans, Greeks/Turks, Middle Eastern Christians/ Muslims, Israelis/Palestinians. As the most obvious recent example, both Leichhardt and Marrickville Council unwittingly created conflict in the Inner West by endorsing twinning requests with towns in the Palestinian Territories without attempting to seek the opinion of Israeli and Jewish residents. Their partisan action created animosity between local residents from opposing camps, affected the state elections in the region, brought far left and far right extremists, including racists and anti-Semites into the municipality from all over Sydney and even interstate. And finally it brought multiculturalism itself into ridicule and disrepute. On language matters, I prefer the term Twin or Sister Cities to the nebulous term "Community to Community" which obscures the international nature of the relationship. I will therefore use the term Twin Cities throughout. My proposals are: Proposal 1: Revise the Draft Multicultural Policy to include a process for handling twinning requests. Especially when they concern overseas conflict zones likely to recreate the same conflicts in the Inner West Proposal 2: Ensure that there is full transparency about existing twin relationships The website should list all Twin Cities, and include the aims of the relationship, who requested it, what has been achieved, and the costs incurred by ratepayers. If such</p>

information already exists, it needs to be indexed so that it can be easily found by a search engine.

Proposal 2: If possible, terminate all twin cities projects

There are strong arguments against twinning, including:

- Perceptions that councillors use these relationships for pork-barrelling, junketing, courting ethnic votes and dollars, and ideological posturing. See <https://www.smh.com.au/national/nsw/snouts-in-trough-or-friendly-gesture-sister-city-program-under-fire-20140308-34e22.html>

Too much scope for special interest groups pushing political agendas outside the scope and expertise of local councils. There are too many ethnic groups still fighting nostalgic political battles from their lands of origin and trying to import them into Australia. We have enough political division and conflict here already.

- Multiculturalism itself is undermined by the slightest hint of local political conflict over overseas engagements, since such conflicts invariably heighten the resentment of residents who believe that Councils should restrict themselves to garbage, roads and gutters.

Proposal 3: If Council cannot terminate the existing relationships, at least it should not enter into any further relationships.

Proposal 4: If Council wants to persist with adding further "twins", it should develop a fair and transparent process for doing so

Council has a responsibility to:

- stay abreast of the potential conflicts between disparate stakeholders in overseas conflicts
- always consult with all stakeholders, and be able to demonstrate that they have made every effort to find them
- take a non-partisan stance
- ensure at the very least that the initiators of a twinning request are genuine stakeholders with ethnic or cultural ties to the areas, and not local fringe groups who have no such ties

Proposal 5: Adopt the model of Leichhardt Council's "Community to Community" Committee as a means of reducing conflict between different ethnic etc. groups in our area

If council is still determined to involve itself in overseas issues, the most proven option is to replace "Twinning with individual cities" to "Twinning with positive peace-building projects" between moderates overseas.

A good model of this was Leichhardt Council's C2C Committee, which was instituted while Darcy Byrne was Mayor. This measure reduced conflict between supporters of Israel and supporters of Palestine by bringing together equal numbers of Councillors from all parties, plus local contenders - the Inner West Chavurah and Friends of Hebron, plus representatives of the Palestinian and Jewish peak organisations. This committee was tasked with working together to find and support a constructive project between Israelis and Palestinians that all parties could agree on. Ex Leichhardt Councillors will be able to supply the details.

The result was that Leichhardt Council and its residents were spared the dramas that played out later in Marrickville

I am a member of the Inner West Chavurah. However this submission is my opinion only and I do not speak for the Chavurah. We are a largely secular, progressive social group who get together for life-cycle events and festivals from the Jewish Calendar. We never expected to be a political group, though some of the well-intentioned but not well thought-out actions of our local councils forced us to take a political stance. In reality we hold a diversity of opinions on these matters. But we are all agreed, that in future, Inner West Jewish communities, of which there are a number, should be consulted before Council takes any actions that affect us.

<p>We strongly support the Draft Multicultural Policy. However, it needs further work. For example, to meaningfully engage multicultural communities into all policy process.</p>
<p>I don't believe the policy captures a community development aspect which has long been a feature of the Inner west. There needs to be an active network of government, non-government and faith based agencies who are working with multicultural communities to assist them as well as support and respond to gaps in services and programs. Council are also well placed to advocate to state and federal policies and programs that would contribute to the equity and cultural appropriateness of future programs. I also believe this position should also be responsible for the welcome centre as well as working with refugee communities and asylum seekers.</p>
<p>Suggest revisions to minimise costs to ratepayers.</p>
<p>I am concerned that new expenditure is being proposed while the council has not and is not adequately providing services and performing essential maintenance. Once essential services and maintenance has reached an acceptable level these matters should be reconsidered. Additionally there has been inadequate number of public forums given the increased size of the area since amalgamation at least 4 would be preferable.</p>
<p>1. The purpose is too narrow. Multicultural Policy must be expansive into the future to be inclusive of more than 'needs' and 'aspirations'. I would like to see the policy adopt a rights-based approach as this can then be tied to responsibilities, ensuring the rights of all are protected and promoted through all activities, programs and business of council, and partners.</p> <p>2. *access and equity* underpin all Council services and policies; and that people from diverse social and cultural backgrounds are acknowledged, included and consulted across all communities in the Inner West.</p> <p>This following definition needs to be reworked. I would like to see more inclusive and affirming language around ancestry, mother tongue, and intersectional identities ** People from multicultural backgrounds include those who were not born in Australia, including those who speak a language other than English at home. Many of the second generation of multicultural people will also identify as having heritage formed by their diverse background. Newly arriving communities are recognised as having additional support needs as they settle in a new cultural context.**</p>
<p>I would like to begin by thanking the Council for developing a policy "To provide policy guidance on supporting people from multicultural backgrounds and celebrating cultural diversity in the Inner West of Sydney" and further that the policy: "Links to Community Strategic Plan, Strategic Direction 4: Caring, healthy communities. Particularly 4.1 Everyone feels welcome and connected to the community".</p> <p>It is extremely pleasing to see a recognition of the fact that the 34% of the Council's population is made up of people born overseas and 28% speak other languages.</p> <p>The resolution to develop new initiatives in Multicultural policy are certainly welcome as is the aim to ensure equity of access to council services and voice for the people from non-English speaking backgrounds. Promotion of difference is crucial to broader acceptance and therefore also social inclusion. While I appreciate that the Council seeks to promote celebration of its unique and diverse communities and to improve access to services for their members, I am of the view that a multicultural policy needs to recognise that that social inclusion requires more than celebration and access to services.</p> <p>The development of a policy provides a unique opportunity to acknowledge and promote social inclusion more broadly and to ensure that it encompasses all Council operations, policies and practices, including those relating to its own employees.</p> <p>The policy could for instance make a commitment to promotion of improved intercultural</p>

understanding and relations and social inclusion in childcare, education, employment, housing, health and care for older and disabled people from Culturally and linguistically diverse (CALD) non-English speaking backgrounds (NESB).

For this reason, I would like to suggest that the indicator for the outcome should be broader than simply: "Satisfaction with programs and support for newly arrived and migrant communities".

I would guess that a large proportion of the diverse population of our Council (and Council staff) is made up of people who arrived in Australia over many decades. In short, many are not 'newly arrived'.

I therefore request that the Council consider the Indicator to include members of all residents from migrant, culturally diverse and faith backgrounds.

In this regard, I express serious concern about use of terms such as "people from multicultural backgrounds" and "multicultural people" in the Definition.

I have conducted research in the field of diversity and multicultural policy for many years and I must say the term "multicultural person" is new to me and extremely problematic. Implicitly it homogenises all differences and suggests that only people from non-Anglo-Celtic backgrounds are culturally diverse. Diversity in a multicultural policy should encompass all ethnic/cultural/racial, ancestral, religious and linguistic differences.

In relation to stakeholder "authentic input" into policy development, service design and advocacy, I would suggest that the policy include individuals as well as groups and that the Council ensure particular attention is given to promoting inter-cultural and inter-faith dialogue. This is of particular importance in handling international matters that are affected by the affiliations of different groups and vested interests in regard to overseas conflicts.

In terms of the Purpose of the policy, I am concerned about the notion of 'aspiration' in relation to people from CALD backgrounds.

In my view, this is far too broad. Perhaps well-being would be more appropriate? This would be far better aligned to the Policy Scope which refers to the achievement of "high degrees of social and economic participation".

However, "High degrees" is also problematic. Given some effort will be made to measure outcomes, I would propose that the focus be on equitable participation' and to ensure a recognition of diversity, the focus should be on all those from culturally diverse heritage, religious and linguistic backgrounds.

I would also suggest that faith be added to "Council recognises that the engagement with multicultural communities and their expressions of culture and faith enrich our whole community and build inclusion across the city."

Finally, in relation to LINKS TO COMMUNITY STRATEGIC PLAN and the "Five strategic directions", I would request the addition of "decent work and fair and equitable workplaces".

Thank you for the opportunity to provide this feedback.
Resident of Leichhardt since 1984.

Comments from those who do not support the draft Multicultural Policy

Why are you wasting our money on this divisive nonsense?
No. Use the spare money to help single mums who could do with a little more. We are already multicultural and immigration is Federal Government policy. Also you are supposed to be a secular government. Why are you funding inter faith marriages? STOP WASTING OUR MONEY
Input must be invited in making the draft itself, not after it is developed. There are communities within multicultural community; I'm perplexed with the lack of recognition.

Comments on the broader issue

Please Include Indian community civic reception and Hindi language as this will help integration for new migrants and people to people AUSTRALIAN connection with the fastest growing large economy of the world, India!
Again, full support if based on culture not religion related culture (there is more that brings us together than religion). But of course acknowledge religious days, just don't put council money into supporting religion of any type. 'Anti racism' events sound like so much fun (Not). What about positively framed events that bring people together (again, religion can exclude, particularly GLBTI people, or religions that aren't friends). Remember Rohingya's are here because they were persecuted, in part b/c of their religion, same for some Christians.
I work in the area
There is enough City of Sydney Lunar celebrations with Downtown Sydney. Council specific is just overkill. Free English language classes. Encourage greater community participation as one rather than isolated cultural festivals
This action plan is great - but we also need to focus on supporting the community in their endeavours to learn/improve English. While providing information in community languages is important, there are so many daily scenarios in which that is not possible. The key to happy settlement in a different country is the means to learn the local language. This is how people fulfil their potential, contribute to their community and truly reap the benefits of their new home. Even after receiving 510 hours of English, there is so much scope to offer continued English support as you cannot learn a language in a matter of hours.
Changes can effectively be made to control expenses and provide quality functions for communities that are not mentioned in the plan.
No need for a dedicated multicultural officer as this should be part of every roles in Council.
It would be great to see not only an integration of art and culture, however an involvement of sport too. Local recreation and sporting clubs can assist in bring community groups together to improve social cohesion and celebrate diversity.
I love the idea of the film festival and competition however I don't like the name - it makes it sound like homework and hard work. We can come up with a sexier name than that, that still fulfils the brief/aim, can't we? And maybe a 'positive' rather than an 'anti' word that immediately makes it feel negative. There are plenty of filmmakers living in the Inner West - myself including. Plus just within Marrickville are producers Liz Watts and Kylie du Fresne. And writer/directors Cate Shortland and Tony Krawitz. DP Justin Brickle and editor Peter Crombie. That's just off the top of my head. So many talents to draw from.
The worker should be full time if any plan should be achieved and a meaningful impact is desirable. Funding should be made available and multiculturalism is everywhere including the environment. Inner West was founded on Multiculturalism and it's important to maintain.

<p>There is not enough information for me to indicate support or otherwise for these initiatives. The last three might be worthwhile or might be unnecessary and tokenistic. No way to know from information provided.</p> <p>Please proofread documents and forms for correct English expression before publication. These docs are full of errors that are insulting to readers, whether or not English is their first language. For example, please see wording in the last two questions under "Your contact details".</p>
<p>I would rather pull my own fingernails out with pliers than sit through a bunch of Handicam-shot short films about how racist Australia is.</p> <p>I presume "community to community relationships" is code for junkets?</p> <p>The whole point of amalgamating councils was to sweep out this sort of Marrickvillian dross.</p> <p>Rates, roads, rubbish please.</p>
<p>It is a good idea to have a multicultural policy in place and endeavouring to see that various community members coming from different parts of the world get together and try and understand different cultural traditions and faiths. This will also help to increase general knowledge of the members living in the local council.</p>
<p>I am not sure about what the Council means by events for specific ethnic groups. If this is about an ethnic group holding their own events and applying for some funding from Council then it seems reasonable, but not if Council is going to host and fully fund these events. I don't know about how much information exists in community languages to have an opinion, but I am strongly opposed to expanding C2C relationships, as outlined in my earlier comments.</p>
<p>The concept 'Lunar New Year' is written inconsistently, bearing in mind the sensitiveness of cultural and historical issues among the communities who celebrate THEIR Lunar New Year.</p> <p>The following sentence is not culturally and politically appropriate, "It is a major holiday in Greater China and has strongly influenced the lunar New Year celebrations of China's neighbouring cultures, including the Korean New Year (seol), the Tết of Vietnam, and the Losar of Tibet."</p> <p>For inclusion, the Council should seek expression of interest from ALL STAKEHOLDERS, include community, business, agency, community organisation, local residents</p>
<p>Some of the current programs don't really require expansion. Unsure about how much resources are currently allocated and how much funding is required for the Multicultural officer to implement new programs.</p>
<p>Unclear benefit of these initiatives but significant costs for ratepayers. Unclear what is the need for interfaith activities? As a secular organisation, council should leave this to religious organisations to finance and execute. Unclear why there is need for antiracism films. Why can't this be provided by SBS or ABC instead of council. Unclear rationale for sister city relationships.</p>
<p>Providing access in language understandable to rate payers as well as non rate payers who come into contact with council. Inter fair dialogue is fine so long as there is no expenditure of rate payers money.</p>
<p>Stop wasting our money virtue signalling.</p>
<p>There should be more engagement of young people in fighting racism. Consider a partnership with local schools to initiate events</p>

Multiculturalism should be as the Galbally Report mentioned decades ago about assistance for members of our "polyethnic" residents to integrate into Australian society. These initiatives are good but to ensure sustainable and liveable city life, there could be some attention given to providing opportunities for exchange between younger and older members of our council. Inter-generational cross-cultural initiatives would be welcome in this regard. An interfaith reference group is important and welcome but I would also recommend a reference group on culturally diverse support policies and initiatives.

Individual submissions

The Inner West Chavurah submission

About Us

The Inner West Chavurah is a 30-year-old Jewish cultural community group made up of around 50 households. We are a completely voluntary, independent and self-managed organisation. We want Council to know that Jews are united by a shared cultural origin and history but are a diaspora people, diverse in ethnicity and degree of religious observance. Representatives of our group will be pleased to consult with Council further on the policy and related actions.

Our submission

We congratulate Council on their efforts to foster and promote the Inner West as an active and harmonious multicultural community, and to meet the needs of the diverse groups that reside here.

Part 1 Multicultural Policy document

Points to be added or given greater emphasis in the final document:

A commitment to full consultation with relevant groups needs to be articulated.

All stakeholder groups should be sought out for authentic input into policy development, service design and advocacy. Where a proposed policy or service may especially affect one or more ethnic, ancestral, linguistic or religious groups, adequate consultation with representatives of the group or groups must be given high priority. This identification of, and consultation with, particular stakeholder groups is necessary to maximise success and minimise unintended adverse consequences. Carefully facilitated community-to-community processes need to be undertaken where appropriate, e.g. regarding Council dealings with international matters and overseas conflicts.

The policy document should strongly state the positive relational values of multiculturalism.

For example, it should state that Council is committed to fostering and maintaining respectful, harmonious and peaceful relationships between its diverse communities and individuals. It needs to articulate a commitment to fostering inclusion in all aspects of life, including education, employment, housing, health and eldercare. The policy should aim to improve intercultural understanding and relations.

It should be stated that the multicultural policy applies to all Council policies and practices.

Points of concern in the draft policy:

Definition and references to “people from multicultural backgrounds” and “multicultural people”. We live in a multicultural society, and maybe therefore we could all be called multicultural people, but this is not a valid or helpful designation in the context of a Multicultural Policy. Naming someone a “multicultural person” is awkward, overgeneralised and it implies they are “other”. The policy should be about our community and what we want it to be—inclusive of the various ethnic, ancestral, religious and linguistic groups in the municipality.

“Scope: The policy seeks to ensure that residents of the Inner West from a diversity of backgrounds, and their organisations achieve high degrees of social and economic participation.”

“High degrees” is vague. The policy should seek to enable equal participation from members of all ethnic, ancestral, religious and linguistic groups.

Part 2 Multicultural Action Plan 2018 - 2020

We are broadly supportive of the draft action plan, including employment of a Multicultural Project Officer. We emphasise the importance of full consultation with stakeholder groups for the various initiatives.

Regarding community to community relationships, we support the approach adopted by Leichhardt Council with the establishment of a Community-to-Community Committee. This committee recognised that where Council addresses overseas affairs and areas of conflict, that all stakeholders need to be included in the deliberative processes. Council’s role should be non-partisan and should encourage support for positive initiatives.

Part 3 Our involvement

The local Jewish community wishes to participate on the Multicultural Strategic Reference Group and the Interfaith Reference Group. Please also include us in the Council register of ethnic and faith groups.

We expect that Council consults the calendars of all faiths when setting events?

Leichhardt Council adopted the establishment of a Community-to Community Committee as part of its Tier One committee structure (Sept 2014). The Committee was formed to develop activities that ensured appropriate stakeholder involvement in matters relating to Council participation in overseas aid, interchange or advocacy. Of note were involvements in Timor Leste and the Middle East. The Inner West Chavurah was very active in creating and participating in this committee, and we would be happy to discuss it with Council officers or representatives.

Marrickville Multicultural Interagency submission

I am writing on behalf of Marrickville Multicultural Interagency (MMIA) in response to the *Draft Multicultural Policy and Action Plan*.

The Marrickville Multicultural Interagency represents a large number of NGO's and ethno specific community groups, with a combined membership of 56 agencies, that work with culturally and linguistically diverse members of the community, which represents a third of the population in the Inner West LGA.

We commend the Inner West Council for starting the process of developing a Multicultural Policy, and strongly support the creation of Multicultural Officer position to work with the local community.

We thank you for the opportunity to comment on this policy and make the following recommendations:

Policy

- That an overarching statement about Multiculturalism be included. This statement would be inclusive of the broad diversity that exists within the inner West community and includes people of all cultures and all walks of life, from young people to LGBTIQ+, seniors; people with a disability, refugees and asylum seekers and more. (An example could be "multiculturalism means policies and practices that recognise and respond to the ethnic diversity of the inner west local community.
- That Aboriginal and Torres Strait Islander peoples be acknowledged within the Multicultural context as they too are part of the Australian multicultural landscape.
- That the Multicultural policy encompasses measures and principles designed to responds to cultural diversity in the inner west as well as policies and programs such as community relations, access and equity, social justice, equal opportunity and anti-racism and participation.
- There's reference to Multicultural NSW but none to Federal policy or the Human Rights Commission.
- There is reference to Multicultural, then CALD and then people from diverse backgrounds. Perhaps these need to have definitions, as not sure they mean the same thing.
- Keen to see this Policy link with other polices of Council so it's a whole of council strategic approach across all sections.
- We note there is the new MSP framework which is outcome focused and consists of four focus areas: Service delivery, Planning, leadership and Engagement.

Action Plan

- We strongly recommend consultations be held with community, and with this multicultural interagency. We would welcome the opportunity to work with Council to develop the action plan.
- We also recommend including working with community members and groups, and community development and capacity building initiatives, including working with emerging communities.
- Use and design of public space the urban and built environment is important to include to reflect the diverse cultures of the community. Note often the ageing CALD population is referred to but there are many children growing up in a diverse community.

This letter represents the comments received by the attendees of the Multicultural interagency meeting held on Wednesday 19 September 2018. Twenty six people were in attendance representing the following 12 organisations:

- Arab Council of Australia
- University of Sydney
- FACS
- Ethnic Community Services Coop
- TAFE NSW
- Newtown Neighbourhood Centre
- Sydney Local Health District
- Addison Road Community Centre
- Community and Cultural Connections Inc.
- Settlement Services International
- Ability links
- Radio Skid Row

We would welcome the opportunity for this interagency and community groups/services to meet with Council staff. Thank you for the opportunity to comment. We are very supportive and want to congratulate council on bringing this policy work and multicultural matters on the agenda and prioritising this work as part of the overall council direction.

Yours sincerely,

Rosanna Barbero

Convenor of MMIA

MetroAssist Submission

Thank you for this opportunity to provide comments on the draft Multicultural Policy and Action Plan. There are a number of areas which I believe should be highlighted or strengthened. I believe that Council has a broader role in advocating and perhaps including more support activities targeting vulnerable groups.

An aging population

The age profile of some ethnic communities in the Inner West is skewed towards older age; as we see in the Chinese, Italian and Greek communities. We are also seeing a growing need for aged care and support among more recently arrived groups from the Indian sub-continent. This brings significant challenges in terms of aged care services for those communities where there is limited social infrastructure and capacity to develop such services. Recent years have seen a trend towards mainstreaming aged care services rather than supporting communities to establish their own ethnic specific support. There is also an extensive waiting list for Commonwealth aged care packages to help people remain in the community and considerable confusion in how to access support services under My Aged Care.

Isolation and the elderly

Older people in CALD communities are playing a bigger role in childcare for their grandchildren to the point where they are brought here from overseas specifically for that purpose. The drivers are generally the high cost of childcare and lack of local childcare places; thereby making it cost-effective to have a grandparent live in the home and provide childcare, as well as other domestic duties. This can have a detrimental effect on both the grandparent who is isolated, and the child/ren who has limited engagement and no access to quality childcare.

Of course there is also the broader issue of the elderly being isolated in their own homes because of aging and poor health. More could be done here in encouraging community volunteers to support the elderly.

Isolation

The rapid residential development in the Inner West has seen a tendency towards medium and high-rise development, sometimes with limited common green space, for mothers with children which limits the potential to interact, particularly for newly-arrived families.

Cultural engagement

It would be great to see greater engagement across different cultures. The 'anglo', 'celtic' and Aboriginal heritage of the Inner West is sometimes ignored or discounted and new migrants are generally not exposed to these cultures. It would be great to give the whole of the community that they possess a heritage from somewhere.

In the spirit of reconciliation and keeping the culture of Australia's first people alive, it would be advantageous to incorporate the learning of local Aboriginal languages in playgroups, primary school and also among seniors groups. Council could seek funding to support such

an initiative with the guidance of the Metropolitan Land Council. This would go a long way to developing a healthy respect and recognition of the country's first people.

We would be happy to collaborate with Council in the implementation of the Action Plan.

Kind regards

Lou Bacchiella

MetroAssist

Input from Council forums on the draft Multicultural Policy

Participants were overwhelmingly supportive of the policy, and some participants had suggestions for improvement or a more specific policy focus. Participants unanimously supported the appointment of a Multicultural project officer.

Key ideas include:

Supportive

- It's important to keep a focus on both individuals and groups, the needs of individuals can differ or be more specific than for an overall group. This is particularly the case with seniors, people with disability and LGBTI people.
- It is important that Council models collaboration on aged care
- Language is important, Council must be inclusive of all diversity and it must value the diversity of its own workforce
- Participants said it was essential that Council maintain an ongoing engagement with diverse groups
- Participants were pleased to see Council grant program advertised in community languages
- Participants were very pleased with the proposed expansion of community celebrations for local community groups, they argued that community harmony and understanding is built from shared celebration and understanding
- Participants strongly supported the proposed film festival; they liked the open access and the capacity of local people to create great messages. Ideas for promotion included the YouTube premium service and a closer relationship with Google.
- The inter-faith reference group was supported; however, participants wanted a recognition that those who identified as religious were a broader group than just clerics or priests and that particularly women and secular leaders must have equal participation opportunities
- Provision of opportunities to learn and practice English needed to be expanded
- The idea of people training to providing translation or interpreting services was very strongly supported
- Community to community relationships were supported by some, and not supported by others

Supportive, with changes

- The policy might more explicitly state the positive values of multiculturalism
- A question was raised as to whether Shamanism religions would be welcome to participate in the inter-faith reference group

Input from Council staff following in person meetings

I would like to offer the following suggestions for consideration of inclusion with respect to the Draft Multicultural Policy and Action Plan

- **Demographics:** analysis of the CALD groups in the Inner West community, including amongst other things the extent/nature of/changing character of the various communities; new and emerging cultural groups; what other demographic characteristics are of note for CALD groups (e.g. income, employment, disability, age). Policy and action plan would then incorporate content and strategies that reflect this. It is suggested this content could be incorporated in the policy (section 7)
- **Context:** the local Inner West context including analysis of what existing community groups, NGOs and government agencies in Inner West are providing, and what potential gaps/duplications emerge from that analysis to be included in Policy. This would in turn inform the action plan and the priorities for implementation (could be part of section 7 of the Policy). The Policy should be embedded as an all of Council Policy and to be embedded in practice and planning considerations, eg design of open space, new facilities
- **Role:** given the rich fabric of groups and agencies involved with multicultural communities in the Inner West, the policy should describe the nature of Council's role in this space. Could be either included in section 8 of Policy (Responsibilities) or section 7.
- **Multicultural Stocktake:** there are a number of other projects and activities that we suggest to be included such as:
 - the work of the Refugee Welcome Centre
 - community development work undertaken by staff in the Wellbeing and Arts team for example working with diversity of CALD groups to implement EDGE and with young people through Multicultural Youth Affairs Network
 - work with groups such as RAIN and others
 - noting the substantial financial allocations provided to CALD groups through Council's grant program and Clubgrants (eg CALD groups largest recipients of last year's Clubgrants)
 - Council's resourcing of various interagencies that support multicultural communities and the advocacy work being undertaken in this space
 - Council's role in providing social support through My Aged Care
 - Council's Healthy Ageing programs include annual multicultural and aboriginal dementia forums and various partnerships with various multicultural workers to deliver a range of health and wellbeing programs (not just exercise- but creative, social, intellectual fitness, passive and active recreation)

Action Plan: Draft Action Plan (essentially the original Council Notice of Motion) has been used as the focus for Forum discussions (online and public meetings). Input and ideas of

possible actions are therefore shaped by this, which in turn constrains the exploration of what other needs may need to be addressed, or discussion of innovative strategies for responding to the Inner West community.

Given the number and nature of proposed actions perhaps consideration could be given to how these could be prioritised

Funding: at some point the cost and funding of items in action plan will need to be addressed – perhaps this is likely to be presented in the Council report?

Responsibility for Implementation: draft action plans contain initiatives which are the responsibility of other groups within Council and extend beyond responsibility of Community Wellbeing. Suggest worthy for relevant sections to be consulted about ability to incorporate these actions within available resources (or alternatively identify what additional resources would be required).

Multicultural Project Officer: draft action plan identifies this as a part-time position, however the position would more realistically need to be full-time to address the elements of the actions that would be the responsibility of Community Wellbeing.

Council developing this draft policy is strongly supported however the implementation of the Policy and any action plan should not fall to any one individual or department, it will work best if embedded in organisational practice.

I see the role of any Multicultural Officer to be the conduit and point of contact for the local community, building a positive relationship between Council and the significant CALD community of the inner west.

Draft Multicultural policy and Action Plan 2018-20
Social Report





Organic Facebook Creative

your say Facebook post
Tuesday, 28 August

Inner West Council
28 August · ·

The Inner West Council area has a population of 182,037, out of those 34% were born overseas and 28% speak a language other than English at home.

Council resolved to develop a Multicultural Policy and Action Plan to support and celebrate the Inner West as a multicultural community – awesome, right?

We invite you to read the Multicultural Policy and view the Action Plan 2018-20 and have #yoursay on these docs via the link.



Draft Multicultural policy and Action Plan 2018-20

The Inner West Council area has a population of 182,037, out of those...

<https://www.facebook.com/innerwestcouncil/posts/2384914148200355>

Reach: 1,001
Reactions: 3
Comments: 0
Shares: 0
Link Clicks: 8
Engagement Rate: 1.09%

Organic generic Facebook post
Thursday, 6 September


Inner West Council
6 September at 19:45 · ·

Let's celebrate a #multicultural Inner West!

We've developed a Draft Multicultural Policy and Action Plan which includes adding #LunarNewYear celebrations to the Inner West calendar.

We propose a Tet Vietnamese New Year celebration in Marrickville and a Chinese New Year event in Ashfield. Both featuring lion dancers and cultural performances including opera and a New Year parade on Tuesday, 5 February 2019.

What do you think? Have #yoursay here <http://ht.ly/Hb9T30IH0G>



<https://www.facebook.com/innerwestcouncil/posts/2400259049999178>

Reach: 896
Reactions: 9
Comments: 0
Shares: 1
Link Clicks: 4
Engagement Rate: 1.5%



Boosted Facebook Creative

Dark Facebook post
Thursday, 6 September

Inner West Council
6 September at 14:30 · 🌐

Let's celebrate a multicultural Inner West! We've developed a Draft Multicultural Policy and Action Plan which includes adding Lunar New Year celebrations to the Inner West calendar. We propose a whole day event in Ashfield featuring lion dancers and cultural performances that would celebrate Chinese New Year on Tuesday 5 February 2019. What do you think? Have #yoursay via the link.



<https://fb.me/bcsIERywpd2slM>

Most engaged: M 25-34 (20%) and F 25-34 (20%)
Least engaged: F 45-54 (2.5%)
Majority accessed on iPhone (45%) and Android (27%)

[Learn More](#)

Draft Multicultural policy and Action Plan 2018-20

<https://fb.me/bcsIERywpd2slM>

Dark Facebook post
Thursday, 6 September

Inner West Council
6 September at 14:13 · 🌐

Let's celebrate a multicultural Inner West! We've developed a Draft Multicultural Policy & Action Plan which includes adding Lunar New Year celebrations to the Inner West calendar. One of these is a full day event in Marrickville that would celebrate Tet Vietnamese New Year on Tuesday, 5 February 2019. What do you think? Have #yoursay via the link.



<https://fb.me/27kpQqgNnnDyblYh>

Most engaged: F 18-24 (16%)
Least engaged: F 65+ (2%)
Majority accessed on Android (27%) and Desktop (20%)

[Learn More](#)

Draft Multicultural policy and Action Plan 2018-20

<https://fb.me/27kpQqgNnnDyblYh>

Dark Facebook post
Tuesday, 11 September

Inner West Council
11 September at 14:15 · 🌐

We've developed a Draft Multicultural Policy and Action Plan which includes adding an Anti-racism Film Competition and Festival, in collaboration with ABC Australia to our calendar. We propose to offer coaching opportunities for promising film makers AND have the winning films broadcast on ABC iView and feature on the Virgin Australia in-flight entertainment system. What do you think...do you like to idea? Have #yoursay via the link.



<https://fb.me/2Tzg6VUkxdIG2>

Most engaged: F 25-34 (13%) and M 35-44 (10%)
Least engaged: M 65+ (4%)
Majority accessed on Android (49%) and iPhone (38%)

[Learn More](#)

Draft Multicultural policy and Action Plan 2018-20

<https://fb.me/2Tzg6VUkxdIG2>



Boosted Facebook Creative

Dark Facebook post
Friday, 14 September



Inner West Council
14 September at 16:01 · 🌐

Let's celebrate a multicultural Inner West!

We've developed a Draft Multicultural Policy and Action Plan which includes creating an Inter-Faith Reference group that would draw together the leaders of faith communities in the Inner West to provide Council with advice on issues of interest and concern to #religious communities and on support for community harmony.

What do you think....do you like the idea?
Have #yoursay via the link.



YOURSAYINNERWEST.COM.AU

Draft Multicultural policy and Action Plan 2018-20

Learn More

<https://fb.me/28govBUJFS3eMv>

Most engaged: F 55-65 (8%)
Least engaged: F 18-24 (6%)
Majority accessed on Android (42%) and iPhone (40%)

Dark Facebook post
Friday, 14 September



Inner West Council
14 September at 16:36 · 🌐

Let's celebrate a multicultural Inner West!

We've developed a Draft Multicultural Policy and Action Plan which includes adding Civic Receptions to our calendar. These events will celebrate the diversity of local communities and will include an official component, music and cultural entertainment activities.

What do you think....do you like the idea?
Have #yoursay via the link.



YOURSAYINNERWEST.COM.AU

Draft Multicultural policy and Action Plan 2018-20

Learn More

<https://fb.me/2kNUItcDpTtpD3>

Most engaged: F 25-34 (18%)
Least engaged: M 45-54 (4%)
Majority accessed on iPhone (51%) and Android (44%)



Facebook results

Post Metrics	Lunar New Year Vietnamese	Lunar New Year Chinese	Anti-racism Film Comp & Festival	Civic Reception	Interfaith Ref Group	Total
Spend	\$180 paid only	\$199.99 paid only	\$249.95 & organic	\$200 paid only	\$200 paid only	\$1029.89
Live dates	15 days 6-20 Sept	15 days 6-20 Sept	15 days 11-25 Sept	6 days 15-21 Sept	8 days 14-21 Sept	Live 6-25 Sept
Impressions	24,360	22,078	Paid: 31,735	18,264	22,027	118,464
Reach	2,496	3,489	Paid: 14,986 Org: 538	7,842	11,072	32,160
Link clicks	95	66	Paid: 164 Org: 0	96	151	572
Click thru rate	0.39%	0.30%	0.52%	0.53%	0.69%	0.48% average
Cost per click	\$1.89	\$3.03	\$1.52	\$2.08	\$1.32	\$1.80 average
Reactions	41	17	Paid: 86 Org: 5	40	64	253
Comments	4	0	Paid: 22 Org: 5	0	14	45
Shares	6	3	Paid: 8 Org: 0	2	4	23
Engagement rate*	5.84%	2.46%	Total: 1.86%	1.75%	2.10%	2.80% average

Engagement rate = reactions + comments + shares + link clicks divided by total reach.



Sentiment

Sentiment on the 'Vietnamese Lunar New Year' post was 100% positive. One user even suggested that "the Inner West Vietnamese Language School love to be part of the Event".

There were no comments on the 'Chinese Lunar New Year' post. This suggests the post may have had too much text or that the CTA was not engaging enough for the audience.

Sentiment on the 'Anti-racism Film Competition and Festival' post was mostly negative (60%). These comments were made by M 35-50 calling for Council to empty the bins and complaining the initiative was a "waste of rate payer's money". 32% of comments were positive, and 8% were neutral.

Sentiment on the 'Multi-faith Reference Group' post was mostly negative. 52% of negative comments from people of non-religious backgrounds calling for Council to fix the roads. Some of these comments were made from the same social users who left negative comments on the 'Anti-racism Film Competition and Festival' post. The remaining 48% were neutral (24%) and positive (24%). This suggests the majority of Council's followers do not find religious-related content relevant.

There were no comments on the 'Civic Reception' post. This suggests the post required a more engaging CTA.

Engagement results

42 people completed the survey.

173 people engaged with the landing page.

474 people visited the page.

The Draft Multicultural policy and Action Plan 2018-20 paid social media campaign is considered a success. The campaign reached over 32k users and created conversation amongst social media users.

Thank you

TITLE:	Local Ethnic Affairs	FILE: C08/02
SECTION:	Community Services	
DOCUMENT:	Policy	PAGE: 1 of 2
COUNCIL ADOPTION:	CM 03/06/97 MN 266/97	
DATES AMENDED:	CM 19/05/98 MN 176/98	DATE: 10/11/98

LOCAL ETHNIC AFFAIRS

Preamble

Ashfield Municipal Councils LEAPS embraces the NSW Charter of Principles for a Culturally Diverse Society as a guide to its activities. This Charter of Principles states:

"All individuals in NSW should have the greatest possible opportunity to contribute to , and participate in, all levels of public life.

All individuals and public institutions should respect and accommodate the culture, language and religion of others within an Australian legal and institutional framework where English is the primary language.

All individuals and should have the greatest possible opportunity to make use of and participate in relevant activities and programs provided and/or administered by NSW government institutions.

All NSW public institutions should recognise the linguistic and cultural assets in the NSW population as a valuable resource and utilise and promote this resource to maximise the development of the state."

Aims

Ashfield Municipal Council's Local Ethnic Affairs Policy Statement (LEAPS) embraces principles for a culturally diverse society as a guide to its activities with the following aims:

- To recognise the richness of resources in a multicultural community and to encourage the full participation in Local Government;
- To enable equitable provision of services to all residents/ratepayers;
- To maintain and improve communication between Council and residents/ratepayers;
- To encourage creativity and lateral thinking amongst Council staff so that they may devise further initiatives to provide services to people of other cultures;
- To encourage people of all language backgrounds to voice their needs to Council;

TITLE:	Local Ethnic Affairs	FILE: C08/02
SECTION:	Community Services	
DOCUMENT:	Policy	PAGE: 2 of 2
COUNCIL ADOPTION:	CM 03/06/97 MN 266/97	
DATES AMENDED:	CM 19/05/98 MN 176/98	DATE: 10/11/98

- To provide a document which will be constantly updated, changed and challenged so that the provision of equitable services to all members of the community will be seen as a priority amongst staff.

In accord with these aims and objectives the initiatives adopted by Council and for the next 12 months include:

- Continue the process of incorporating the provision of multilingual languages into all Council's publications and promotion campaigns;
- Promoting the use of the Haberfield Centre to the Italian community of Haberfield;
- Continue to provide free use of available facilities within Ashfield Civic Centre to the Chinese and Italian communities and to other ethno-specific groups on request;
- Continue to make use of the ethnic press when promoting Council projects.
- Investigate a joint venture demonstration model, with a community housing provider for ethnic older people comprising self-contained units with support services;
- Advertise Library Services in the Chinese and Italian Press;
- Improve Italian signage at Haberfield Library;
- Increase the number of ethnic CDs available;
- Continue to provide free meeting accommodation for the Ethnic Community Council of NSW;
- Display posters in community languages advertising the telephone interpreter service;
- Organise and widely promote the Carnival of Cultures.

TITLE:	NSW Charters of Principles for a Culturally Diverse Society	FILE: C08/04
SECTION:	Community Services	
DOCUMENT:	Policy	PAGE: 1 of 1
COUNCIL ADOPTION:	CM 04/02/97 MN 15/97	
DATES AMENDED:		DATE: 10/11/98

NSW CHARTER OF PRINCIPLES FOR A CULTURALLY DIVERSE SOCIETY

1. All individuals in NSW should have the greatest possible opportunity to contribute to, and participate in, all levels of public life.
2. All individuals and public institutions should respect and accommodate the culture, language and religion of others within an Australian legal and institutional framework where English is the primary language.
3. All individuals should have the greatest possible opportunity to make use of and participate in relevant activities and programs provided and/or administered by NSW government institutions.
4. All NSW public institutions should recognise the linguistic and cultural assets in the NSW population as a valuable resource and utilise and promote this resource to maximise the development of the state.

Item No: C1118(1) Item 4

Subject: LILYFIELD ROAD CYCLEWAY

Prepared By: Predrag Gudelj - Project Manager

Authorised By: Wal Petschler - Group Manager Footpaths, Roads, Traffic and Stormwater

SUMMARY

At its meeting of 9th October 2018 Council requested a report concerning the Lilyfield Road Cycleway project providing *“an update on the outcomes of the initial public meetings at which alternate proposals were initially presented to the community and a summary of expenditure to date on the project.”*

Public engagement was undertaken over three phases for the project, between May 2016 and February 2018, to inform the community and key stakeholders about the project and gather feedback on the concept designs. Feedback through these engagements informed the next stage of design development.

The project has been funded by Roads and Maritime Services (RMS).

RECOMMENDATION

THAT Council receive and note the report.

BACKGROUND

Lilyfield Road was identified in the Inner Sydney Regional Bike Plan and former Leichhardt Council's Bike Plan as a route to be upgraded to a separated, two way cycleway. The identified route extended approximately 2.7 km between Canal Road and Victoria Road.

In May 2015 Leichhardt Council received a funding offer from RMS of up to \$500,000, under its 2015/16 Active Transport Program, for the design of Lilyfield Road (Iron Cove to Anzac Bridge) Cycleway.

Council invited tenders via the Local Government Procurement - Professional Consultancy Services vendor panel in November 2015. The brief called for the design of a separated cycleway along the entire length of Lilyfield Road from Hawthorn Canal to Victoria Rd.

The submission from GHDWoodhead was accepted in December 2015.

FINANCIAL IMPLICATIONS

Expenditure to date for the project totals \$528,162 (gst excl) covering predominately consultancy expenses to GHD as well as other project related costs. Variations to the original contract price occurred as a result of changes and additions to the original project scope as the project development progressed. These included additional public engagement activities, project redesigns, parking analyses, traffic study and modelling and preparation of Traffic Management Plan for RMS approval.

Ongoing funding of the project since its inception has been provided by RMS through annual grants under its Active Transport Program. RMS funding up to \$300,000 has been allocated for the 2018/19 financial year to progress design review and development.

Subject to detail design, estimated construction costs, are likely to be in excess of \$4 million.

PUBLIC CONSULTATION

Council undertook community engagement through three phases of project development, between May 2016 and February 2018, to inform the community about the project and gather feedback on proposals. Feedback during each phase of engagement informed the next stage of design development with revisions being made to the designs where possible to accommodate feedback received.

Phase One: May – October 2016

- Objective: To determine preferred route from two design options and gain feedback to inform the development of the draft concept plan.
- Design options:
 - Option 1 – *A two-way, separated cycleway on the northern side of Lilyfield Road between Victoria Road and the Hawthorne Canal.*
 - Option 2a – *A two-way, separated cycleway on the southern side of Lilyfield Road between Victoria Road and Hawthorne Canal.*
 - Option 2b – *A two-way, separated cycleway on the southern side of Lilyfield Road between Victoria Road and Hawthorne Canal with some kerb indentation near Lilyfield Light Rail Stop.*
- Promotion:
 - 1500 Flyers distributed to local residents and business and bicycle groups
 - Project page on www.yoursayinnerwest.com.au
- Engagement activities:
 - Community workshop was held at Leichhardt Town Hall on 7 June 2016,
 - Intercept surveys on Lilyfield Road were held on two occasions (25th and 29th June 2016).
 - Online feedback on www.yoursayinnerwest.com.au and via an interactive map
 - Email, telephone and website forwarded to GHD.
- Outcomes

272 comments were received throughout the Phase One engagement. The comments were received predominantly via the community email, 'social pinpoint' engagement tool and the information sessions. Feedback received covered:

- Potential parking loss
- Southern side of road preferred by majority of respondents
- Safety on bi-directional cycleway, especially on hills
- Reduction in speed limit to 40 km/h to improve safety for all
- Consideration of different routes including the railway corridor, City West Link
- Support for the project – more families taking up cycling, safer for current bike riders and contribute to a better connected network.

Phase Two: November 2016 – June 2017

- Objective: To Gain stakeholder and community feedback on the draft concept plan.

- Draft Concept Plan

Based on feedback received in Phase One, a preferred concept design was developed as a hybrid of option 1 and 2b. Elements included:

- cycleway proposed on the northern side of Lilyfield Road from Canal Road to just west of Balmain Road,
- Crossing Lilyfield Road and continue to Victoria Road on the southern side of the street.
- Section between Gordon Street and Victoria Road proposed to be one way eastbound to retain parking.
- Kerb indentation proposed on the southern side of Lilyfield Road between Balmain Road and Justin street to retain commuter parking near the Light Rail;

- Engagement activities:

- Community information session was held at Leichhardt Town Hall on 29 November 2016.
- Feedback via email, telephone and website forwarded to GHD.

- Promotion:

- 1500 Flyers distributed to local residents and business and bicycle groups
- Project page on www.yoursayinnerwest.com.au
- Emails sent to persons registered on project contact database.

- Outcomes

318 comments were received throughout the Phase Two engagement predominantly from the community email and the information session. Feedback received covered:

- Potential parking loss:
- Safety concerns
- Re-route buses off Lilyfield Road
- Change Norton Street to Balmain Road to one way to accommodate cycle path and on-street parking
- Increase travel time from proposed one way section between Gordon Street and Victoria Road.
- The community needs to be engaged more widely
- Support for the project – will be well used, facilitate more environmentally friendly ways of commuting, increase safety.

Phase Three: November 2017 – February 2018

- Objective: Gain community and stakeholder feedback on the revised concept plan.
- Revised concept plan:

Based on the feedback from Phase Two, a revised concept plan was developed which provided an additional eastbound one-way section in Lilyfield Road between Norton Street and Balmain Road. This retained parking in this section which was the primary concern during Phase Two of the consultation. In addition, the bicycle crossing point was moved from west of Balmain Road to east of Balmain Road and the removal of the slip lane from Mary Street into Lilyfield Road was proposed as an option to increase parking supply. Prior to exhibiting revised plans traffic modelling was undertaken and “in principle” support for the one-way options on Lilyfield Rd was sought from RMS.

- Promotion:
 - Flyer distributed to a local residents and business and bicycle groups.
 - Project page on www.yoursayinnerwest.com.au
 - Three editions of Council's e-news
 - Two editions of Your Say Inner West e-news
 - Council's page in the Inner West Courier
 - Council's Facebook page
 - Press release
 - Emails sent to persons registered on project contact database.
 - Information signage placed along the route.
- Engagement activities:
 - Two community sessions were held at Orange Grove Public School (9 and 12 December 2017)
 - Online feedback through www.yoursayinnerwest.com.au and an interactive map.
 - Email, telephone and website to GHD.
- Outcomes

1583 comments were received throughout the Phase Three engagement predominantly from 'Have Your Say' feedback, 'Social Pinpoint' engagement tool and community email.

The main themes raised by residents during the latest exhibition period related to:

- Safety impacts of cycleway
- Traffic and potential for creation of 'rat-runs'.
- One way sections potentially affecting travel time and congestion.
- Loss of parking issues
- Consideration of alternative routes

Subsequently Council adopted March 2018 Traffic Committee recommendation:

THAT:

1. *In recognition of the level of objection to the project in its current form, the project not proceed to detailed design at this time;*
2. *A revised concept plan be developed for the Lilyfield Road Separated Cycleway (Route EW09) following investigation into the following options:*
 - a. *Investigation of an amendment to the proposed one-way restriction on Lilyfield Road between Gordon Street to Victoria Road from eastbound to westbound traffic.*
 - b. *Investigation of further treatments to discourage 'rat-running'.*
 - c. *Investigation of opportunities to relocate bicycle crossing to the signalised crossing of Balmain Road and Lilyfield Road.*
 - d. *Investigation of opportunities to increase parking supply.*
 - e. *Investigation of opportunities to retain left turn slip lane from Mary Street into Lilyfield Road.*
 - f. *Investigation of options to allow cyclists to enter mixed traffic treatment in the westbound direction from Mary Street to Canal Road whilst retaining the bidirectional bicycle treatment in this section.*
 - g. *Investigation of increasing width of cycle path where possible to 3.0m.*

3. Alternative routes which address the issues raised during consultation be considered.

In addition Council required a public meeting to inform changes that should be incorporated in the redesign and to look at possibility of using the Rozelle goods yards for the cycleway.

The public meeting was held on 29 May 2018 at Sydney Secondary College - Leichhardt Campus and 60 residents attended. A presentation was given of the strategic overview of the project to date and alternate route options were presented by the Inner West Bicycle Coalition. Attendees participated in public forum for questions and comments.

Current Status

The project was re-nominated for RMS grant funding as part of the 2018/19 NSW Government's Active Transport Program. Confirmation of a grant offer of up to \$300,000 was received in October to progress design development this financial year. A tender process will be undertaken to engage a consultant to undertake design development and implement Council's resolution.

ATTACHMENTS

Nil.

Item No: C1118(1) Item 5

Subject: **PROPOSED AMENDMENTS TO THE NSW PLANNING SYSTEM - SHORT TERM RENTAL ACCOMMODATION**

Prepared By: Peter Wotton - Strategic Planning Projects Coordinator

Authorised By: David Birds - Group Manager Strategic Planning

SUMMARY

The NSW Department of Planning and Environment has released an *Explanation of Intended Effect - Short-term Rental Accommodation Planning Framework* (EIE). The EIE is on exhibition until 16 November 2018 and outlines proposed amendments to planning rules for short term rental accommodation.

The Department *"is calling for feedback on proposed amendments to planning rules in order to provide for short-term rental accommodation (STRA) in NSW. STRA was formerly known as short-term holiday letting.*

The proposed amendments will introduce state-wide planning rules, including a new land use definition, exempt and complying development pathways and building safety standards. The state-wide planning rules are part of a recently announced NSW Government framework for STRA, which also includes an industry-wide mandatory Code of Conduct and changes to strata legislation."

The material on the Department's website states (in part) *"The Department of Planning and Environment welcomes feedback, but notes that the state-wide permissibility of STRA and number of days in which it can take place are a policy position which has been endorsed by Government."*

The proposed amendments include *"The introduction of exempt and complying development criteria for STRA which will include a maximum number of days that a STRA can operate in a calendar year"* which for the Inner West LGA, and all other Councils in Greater Sydney, the maximum number of days set under the proposed amendments is 365 days per year with the *"Host present on site overnight"* and 180 days per year with the *"Host not present"*.

Council officers have prepared a submission for Council's consideration that supports changes to clarify planning regulations for STRA but raises a number of concerns in relation to the proposed changes detailed in the EIE as follows:

- i. While Council supports the introduction of a new land use definition in the *Standard Instrument* for this form of accommodation, it raises concerns with the proposed definition of the term contained in the EIE,
- ii. The EIE does not clarify the permissibility of short term rental accommodation (STRA),
- iii. The EIE is not clear what the proposed changes to the Standard Instrument Order are to *"make it clear that STRA will be permissible in zones in which dwellings are permissible"*,
- iv. The proposed new term STRA and the proposed amendment of the term *"tourist and visitor accommodation"* do not make it clear whether or not certain types of *"tourist and visitor accommodation"*, in particular *"serviced apartments"*, are a form of *"short-term rental accommodation"*,
- v. The proposed definition of STRA in the EIE needs to be amended and renamed,
- vi. While Council agrees that certain types of existing dwellings should be excluded from the new term, it recommends that additional types of existing dwellings, than those identified in the EIE, need to be *"excluded from STRA use to ensure they continue to meet their intended purpose"*,
- vii. The proposed changes to the planning system do not *"strike"* an appropriate

- “balance between the availability of properties for long-term and short-term rental market in metropolitan areas”,*
- viii. Changes to the planning system that permit STRA for up to 180 days per year (with the *“Host not present”*) have the potential to detrimentally impact on the supply of dwellings available for long term rental by removing many of those dwellings from the long-term rental market and driving up residential rents and impacting on housing affordability in areas of Greater Sydney, particularly in areas where *“there is a need for affordable housing”* and the demand for *“short-term rental accommodation”* is high. The Inner West LGA is one of those areas,
 - ix. The *“number of days”* policy position endorsed by Government in relation to STRA conflicts with other policy positions endorsed by the Government, in particular affordable housing. It is strongly recommended that the *“number of days”* in which STRA can take place under the proposed amendments be given further consideration, especially in areas where the Government’s own policies *“identify that there is a need for affordable housing”* in that local government area,
 - x. The development approval pathways detailed in the EIE need to be amended to address the issues identified in the attached submission, and
 - xi. There is a need for the State Government to provide alternative dispute resolutions and mediation options to manage tensions and civil matters between residents, visitors and short-term rental accommodation owners. If such pathways are not clearly defined by the State Government councils will be overburdened by compliance and enforcement issues arising from complaints that are more appropriately interpreted as civil matters than planning and development issues.

The submission includes a number of suggested changes to help address some of the issues identified including a revised definition of the new term, a suggested change to the definition of *“serviced apartment”* and a Standard Instrument draft model clause for the new term.

The submission prepared for Council’s consideration is **ATTACHED** as **ATTACHMENT 1**.

RECOMMENDATION

THAT:

1. **The report be noted; and**
 2. **Council endorse the draft submission in ATTACHMENT 1 to this report to be forwarded to the Department of Planning and Environment.**
-

BACKGROUND

Council considered a report on *Options Paper: Short-term Holiday Letting in NSW* (July 2017) at its meeting on 24 October 2017 (Item 17 C1017). In dealing with the matter Council resolved:

“THAT Council:

1. *Receive and note this report and attachments;*
2. *Forward a submission to the Department of Planning and Environment requesting that a framework be drafted detailing how the regulation of short-term holiday letting is to be administered including:*
 - a. *the Standard Instrument Local Environmental Plan (LEP) legislation be amended to include a new land use definition for ‘short term rental accommodation’ with set parameters concerning the potential adverse impacts of activities connected with*

- that use allowing for compliance certification and enforcement action where required;
- b. the requirement for either a complying development certificate or development application to allow for compliance to be assessed and conditions of approval enforced depending on the parameters set by the Department of Planning in future legislation;
 - c. a registration/licencing system should be developed and implemented by a government agency for all properties which fall within the parameters of the new legislation to allow for ongoing monitoring;
 - d. amendments to NSW strata laws be drafted giving owners corporation's powers to manage and respond where there is no compliance with certification, consent or registration requirements allowing strata corporations to take a greater role and see less recurrence of adverse impacts."

EXPLANATION OF INTENDED EFFECT – SHORT TERM RENTAL ACCOMMODATION PLANNING FRAMEWORK

The Department of Planning and Environment has released an *Explanation of Intended Effect - Short-term Rental Accommodation Planning Framework* (EIE). The EIE outlines proposed amendments to planning rules for short term rental accommodation.

The Executive Summary contained within the EIE notes that:

"The submissions, received in response to the Options Paper, have helped inform a whole of Government policy for the regulation of STRA in NSW. On 5 June 2018, the NSW Government announced a framework that strikes a balance between supporting the economic value of the industry and managing impacts on the community. The framework includes state-wide planning controls and a mandatory Code of Conduct for online accommodation platforms, letting agents, hosts and guests, which will address impacts like noise levels, disruptive guests and effects on shared neighbourhood amenities. The framework will be implemented through amendments to planning instruments, and strata and Fair Trading legislation."

The EIE provides the following summary of the amendments proposed:

"The Department of Planning and Environment is proposing amendments to introduce the state-wide planning framework for STRA. Proposed amendments include:

- *The introduction of a land use definition and permissibility for 'short-term rental accommodation' (STRA);*
- *The introduction of exempt and complying development criteria for STRA which will include a maximum number of days that a STRA can operate in a calendar year;*
- *Allowing councils outside Greater Sydney to set the number of days that a dwelling can be used for STRA without development consent or with a complying development certificate, to no lower than 180 days per year, to meet the demands of their communities; and*
- *The introduction of minimum fire safety and evacuation requirements for premises used for STRA."* (page 5)

The proposed changes seek to:

- *"clarify the permissibility of STRA*
- *provide consistency and certainty for the industry and community*
- *enable STRA to occur in appropriate locations*
- *provide for the safety of those using STRA*
- *strike a balance between the availability of properties for long-term and the short-term rental market in metropolitan areas*

- *enable councils in regional areas to respond to local needs and*
- *mitigate impacts of STRA on communities.” (page 9)*

A copy of the Department’s Explanation of Intended Effect is **ATTACHMENT 2**.

DISCUSSION

The proposed amendments include the introduction of a new land use definition in the Standard Instrument of the term “*Short-term rental accommodation*” (STRA).

Under the EIE “*It is proposed to define STRA as:*

“The commercial use of an existing dwelling, either wholly or partially, for the purposes of short-term accommodation, but does not include tourist and visitor accommodation.”
(page 9)

Whilst the introduction of a new land use definition in the *Standard Instrument* for this form of accommodation is supported, it is contended that the definition proposed in the EIE has a number of fundamental flaws in that it does not clearly differentiate the proposed new land use type from other existing defined terms in the Standard Instrument. As a consequence the proposed new land use definition term is likely to cause confusion and create interpretation issues for the Standard Instrument defined terms. Issues associated with the proposed new term and a suggested revised definition of the term are detailed in the submission prepared for Council’s consideration as **ATTACHMENT 1**.

The EIE states “*It is proposed that some forms of residential accommodation, such as boarding houses, seniors housing and group homes, will be excluded from STRA use to ensure they continue to meet their intended purpose. STRA will also be excluded from ‘affordable rental housing’ approved under State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) and State Environmental Planning Policy No. 70 Affordable Housing (SEPP 70), as these policies are aimed at increasing affordable rental housing for long term residential use.*” (page 10)

It is agreed that certain types of existing dwellings should be excluded from the new term but it is considered that additional types of existing dwellings, than those identified in the EIE, need to be “*excluded from STRA use to ensure they continue to meet their intended purpose*”. For example, a dwelling that is an ancillary use, subordinate or subservient to the dominant purpose, including a dwelling that is a caretaker’s residence or temporary worker’s accommodation. Other existing dwellings are also recommended to be excluded. The additional existing dwelling types recommended to be “*excluded from STRA use*” and the reasons for those additional exclusions are detailed in **ATTACHMENT 1**.

Table 2: Summary of proposed changes on page 15 of the EIE details the following proposed changes to the Standard Instrument Order:

Table 2: Summary of proposed changes

Topic	EPI	Proposed change	Intention
Definition	SI Order	Add a definition for 'short-term rental accommodation'. Add a note under the tourist and visitor accommodation definition that it does not include 'short-term rental accommodation'.	To provide greater certainty and clarity for councils, industry and community and to distinguish between STRA and traditional accommodation uses.
Permissibility	SI Order	Make it clear that STRA will be permissible in zones in which dwellings are permissible.	To provide land use permissibility for STRA.

Whilst the proposed changes to the definitions are detailed in the EIE, it does not provide a clear understanding as to what the proposed changes to the Standard Instrument Order are to "make it clear that STRA will be permissible in zones in which dwellings are permissible". For example:

- Are changes proposed to Land Use Tables to permit "short-term rental accommodation" in those zones where dwellings are permissible under the environmental planning instrument applying to the land, or
- Are existing provisions contained within the Land Use Tables of environmental planning instruments proposed to be overridden by the inclusion of a clause (or subzone) inserted into environmental planning instruments that permits "short term rental accommodation" in existing dwellings.

The concerns relating to the permissibility issue are detailed in **ATTACHMENT 1**.

The EIE sets exempt and complying development criteria for short term rental accommodation which will include a maximum number of days that accommodation can operate in a calendar year. The maximum number of days proposed are detailed in *Table 1 Development pathways available to STRA in state planning framework*. A copy of that table is reproduced here:

Table 1: Development pathways available to STRA in state planning framework

Development Pathway	Criteria	Period
Exempt development	<ul style="list-style-type: none"> Host present on site overnight 	Year round
	<ul style="list-style-type: none"> Host not present, and Property is not in Greater Sydney¹ Property is not on bushfire prone land 	365 days per year Councils will be able to set the number of days from 180 days to 365 days.
	<ul style="list-style-type: none"> Host not present, and Property is in Greater Sydney Property is not on bushfire prone land 	180 days per year
Complying development	<ul style="list-style-type: none"> Property is on bushfire prone land Host not present, and Property is not in Greater Sydney 	365 days per year Councils will be able to set the number of days, from 180 to 365 days.
	<ul style="list-style-type: none"> Property is on bushfire prone land Host not present, and Property is in Greater Sydney 	180 days per year

As the Inner West LGA does not contain any properties identified as being “*bushfire prone land*” the approval pathway for all development for STRA in the Inner West LGA would be as “*Exempt development*” under the development pathways detailed in Table 1 of the EIE.

Under the Exempt development provisions, with the “*Host present on site overnight*” the period for STRA use would be all year round, and with the “*Host not present*” the period for STRA use as exempt development would be limited to a total of 180 days per year. It is understood that the intention of the EIE is to not permit STRA for more than 180 days per year where a host is not present in Greater Sydney. This is confirmed by the statement in the EIE that “*As this is an endorsed state-wide policy, it is proposed that no variations or development application pathways will be available to undertake STRA above these number of day limits*”. Therefore for a dwelling in the IWC area to be used for STRA for more than 180 days a year under the proposed scheme it would appear that this would need to be considered as a proposal for tourist and visitor accommodation and could only be carried out where that use is permissible. Tourist and visitor accommodation is not currently permissible in the Residential zones in the IWC area.

A key criteria for the proposed exempt and complying development approval pathways for short term rental accommodation is based on whether a “*host*” is present or not present when the accommodation is being rented out.

Concern is raised with the use of the word “*host*” in the “*Criteria*” section of the above table. The use of that word, an undefined word/term in the Standard Instrument, has potential adverse implications/interpretation issues for the application of the proposed amendments.

The Macquarie Dictionary defines the word “*host*” to mean “*someone who entertains guests in his or her home or elsewhere*”. The words “*or elsewhere*” in the definition would mean that a person who entertains guests in short term rental accommodation would be a “*host*” regardless as to whether the dwelling used to provide that accommodation on a commercial basis was “*his or her home*”. That person could be interpreted under the definition as a short-term resident themselves and could therefore undermine the whole understood intention of the host being a long term resident of the dwelling.

As a result it is considered that it is important that the EIE scheme confirms that the “*host*” is the principal resident of the dwelling under the development pathways detailed in Table 1. This issue is considered in more detail in **ATTACHMENT 1**.

Council’s previous submission on the Department’s *Options Paper: Short-term Holiday Letting in NSW* (July 2017) raised a number of issues including a “*Limit on the length of stay*” and “*Limit the number of days per year*”. In relation to limiting the number of days per year the report noted that:

“Placing a limit on the total days per year that a dwelling can be made available attempts to limit the adverse impacts of the short-term holiday letting land use to a defined period and therefore retain the primary use as a long-term residential dwelling.”

There are risks with this approach. If the number of days allowed per year is set too high, the income generated through holiday letting may compromise the need for long-term residential use the rest of the year, potentially resulting in lower occupancy for long periods with ongoing effects upon social cohesion and social services including schooling and health facilities. Conversely a restrictive limit on allowable letting days could stifle demand for short-term holiday letting dwellings.

The increasing number of nights spent in short-term holiday rentals has the potential to significantly impact upon the business of traditional accommodation operators such as hotels including job provision and ongoing investment / operation. This would occur to

an even higher degree during busy periods for operators such as Airbnb, for example during the approximately 90 days of school holidays each year in NSW."

Item 5

The proposed amendments detailed in the EIE do not specifically set a limit on the length of each stay. The proposed amendments do limit the total number of days that certain dwellings can be used for short term rental accommodation. The number of days set under the proposed amendments is a one size fits all limit of a maximum of 180 days when "*Host not present*" where the property is located in *Greater Sydney*. A maximum limit of 180 days for the Inner West LGA has the potential to detrimentally impact on the supply of dwellings available for long term rental.

The following comments are provided in relation to the periods specified in Table 1 above.

No concerns are raised in principle to the use of certain existing dwellings for the purposes of "*short-term rental accommodation*" when the permanent resident(s) of that dwelling is present when the dwelling is used for such purposes. Such usage is in accordance with the statement made in the EIE that "*the indicative definition is intended to enable the use of a dwelling for STRA short term rental accommodation as a part of its residential use*". Owner occupied dwellings do not form part of the long-term rental market and as such their usage for short-term rental accommodation would not impact on the availability of long-term rental market.

The situation is not the same in the case where the dwelling used for short-term rental accommodation is not the principal place of residence of the owner. The usage of such dwellings for short-term rental accommodation, if not appropriately restricted, has the potential to detrimentally impact on the supply of dwellings available for long term rental. It is contended that "*short-term rental accommodation*" of existing dwellings may remove many of those dwellings from the long-term rental market and drive up residential rents and impact on housing affordability in areas of Greater Sydney particularly where the demand for "*short-term rental accommodation*" is high.

The impacts of "*short-term rental accommodation*" on the long-term rental market are going to impact the most in areas where the demand for "*short-term rental accommodation*" is high. To have a one size fits all standard is considered inappropriate and an ill-advised housing strategy not in the best long term planning interests for many local government areas.

A number of Council areas have been identified, under *State Environmental Planning Policy No. 70 – Affordable Housing (Revised Schemes)*, as a local government area within the Greater Metropolitan Region where "*there is a need for affordable housing*". It is considered that the local government areas identified in the SEPP are also areas where the demand for "*short-term rental accommodation*" is high. The Inner West LGA is one of those areas identified.

An article titled "*When Tourists Move In: How Should Urban Planners Respond to Airbnb?*", by Nicole Gurrán and Peter Phipps, was published early last year in *The Journal of the American Planning Association* (5 January 2017). The article focused on Sydney "*which has experienced both rapidly rising housing costs and exponential growth in Airbnb listings since 2011.*" The analysis contained within the article applied to greater Sydney overall and a subset of five municipalities in the Sydney metropolitan area including Leichhardt and Marrickville.

One of the issues presented in the article was "*Do Airbnb Rentals Reduce the Supply of Permanent Rental Accommodations?*" The article's response to that question included the following comments:

"Sydney's equilibrium rental vacancy rate is approximately 3%, while the metropolitan-wide rental vacancy rate at the time of this analysis was 1.9% as a result of strong population growth. We calculate that the number of dwellings removed from the permanent rental market in the region amounts to about half of Sydney's current rental vacancy rate based on the Inside Airbnb data on frequently available listings. We find

that Airbnb listings do concentrate in popular tourist areas such as Waverley and the city of Sydney. In Waverley, the number of whole dwellings frequently available on Airbnb is more than three times the vacancy rate in the locality. This suggests that Airbnb rentals have a sizeable impact on the availability of permanent rental housing in the Waverley local government area with consequent pressure on rents. In the city of Sydney, a total of 1,268 properties, equivalent to 144% of the city's vacant rental stock, are available for holiday rental via Airbnb, a figure we would also expect to substantially affect rental availability and costs. In Leichardt and Marrickville, the percentages are lower but not inconsiderable at 69% and 44% of the vacant rental stock, respectively. However, the number of Airbnb listings in Parramatta is much smaller, likely reflecting the area's distance from visitor attractions. Airbnb does not now affect Parramatta's local housing market, even though Parramatta's frequently available homes are controlled by landlords with multiple listings."

A period of 180 days per year sets a balance strongly on the side of the "short-term rental accommodation" market and not the long term rental market. The housing market in Greater Sydney is recognised as one of one of the least affordable in the world. At a time when housing affordability has been identified as a key challenge in Greater Sydney the proposed changes to the planning system should strike a balance firmly in favour of the long-term rental market, not the "short-term rental accommodation" market.

In relation to the number of days per year that STRA can take place the material on the Department's website states (in part) that the "*number of days in which it can take place are a policy position which has been endorsed by Government.*"

It is considered that the "*number of days*" policy position endorsed by Government in relation to STRA has potential to conflict with other policy positions endorsed by the Government, in particular affordable housing. It is recommended that the "*number of days*" in which STRA can take place under the proposed amendments be given further consideration, especially in areas where the Government's own policies "*identify that there is a need for affordable housing*" in that local government area, such as the IWC area.

Further discussion concerning this issue is detailed in **ATTACHMENT 1**.

The EIE details additional elements of the Government Policy including details of a Mandatory Code of Conduct and changes to strata legislation. The EIE Details those elements as follows:

"4.4.1 Mandatory Code of Conduct

A new mandatory Code of Conduct for online platforms, managing agents, hosts and guests will be developed by DFSI (Department of Finance, Services and Innovation) in consultation with industry and relevant stakeholders. This Code will include provisions to resolve complaints about STRA, including anti-social behaviour, that is readily accessible to hosts, guests and impacted third parties, such as neighbours. DFSI oversight of the Code, as well as enforcement powers in relation to implementation by industry and platforms, will provide direct levers to ensure that the proposed measures are implemented effectively."

Comment:

The EIE states that the Mandatory Code of Conduct "*will be developed*". It is considered imperative that the Mandatory Code of Conduct be adopted before any proposed changes to the planning system relating to "short-term rental accommodation" come into effect. As relevant stakeholders Councils should be consulted in the preparation of the Mandatory Code of Conduct. It is also considered imperative that the operation of the "*short-term rental accommodation*" must comply at all times with the Mandatory Code of Conduct be made a development criteria for such accommodation.

Additional elements of the Government policy include an amendment, *Fair Trading Amendment (Short-term Rental Accommodation) Act 2018 No 41*, to the *Fair Trading Act 1987*

No. 68. Section 54B (1) of that amendment includes a provision setting the legal framework for codes of conduct which reads as follows:

“54B Declaration of code of conduct applying to short-term rental accommodation industry participants

- (1) The regulations may declare that a code of conduct specified or referred to in the regulations is a code of conduct applying to short-term rental accommodation industry participants.*
- (2) Without limiting the matters for or in respect of which a code of conduct may make provision, a code of conduct may:*
 - (a) set out the rights and obligations of short-term rental accommodation industry participants, and*
 - (b) provide for the administration of the code by a specified person or body, and*
 - (c) provide for the registration of residential premises used for the purposes of short-term rental accommodation arrangements and for the registration system to include details about when residential premises are used for those purposes, and*
 - (d) provide for warnings to be given to short-term rental accommodation industry participants who contravene the code, and*
 - (e) require the provision of information or reports to the Secretary relating to the short-term rental accommodation industry and the operation of the code, and*
 - (f) provide for the resolution of disputes and complaints concerning the conduct of short-term rental accommodation industry participants, and*
 - (g) authorise the keeping of a register (the exclusion register) containing the details of short-term rental accommodation industry participants who have failed to comply with the code, and*
 - (h) regulate or restrict access to the exclusion register, and*
 - (i) prohibit or restrict persons whose details are listed on the exclusion register from entering into, or participating in, short-term rental accommodation arrangements.”*

STRA in strata buildings

“4.4.2 STRA in strata settings

As part of whole of Government framework, the Strata Schemes Management Act 2015 will be amended to allow owners’ corporations (by a 75% majority vote) to make a by-law that prohibits the use of a lot for STRA where the lot is not the principal place of residence of the owner or tenant. However, if the lot is the principal place of residence for the owner or tenant, a by-law cannot prevent the lot being used for STRA. If the host does not own the property, they will be required to obtain owner permission to undertake STRA. A Bill enabling this change to be made was passed by NSW Parliament on 14 August 2018.”

The amendment to the Strata Schemes Management Act 2015 No 50 reads as follows:

“137A Short-term rental accommodation

- (1) A by-law made by a special resolution of an owners corporation may prohibit a lot being used for the purposes of a short-term rental accommodation arrangement if the lot is not the principal place of residence of the person who, pursuant to the arrangement, is giving another person the right to occupy the lot.*
- (2) A by-law has no force or effect to the extent to which it purports to prevent a lot being used for the purposes of a short-term rental accommodation arrangement if the lot is the principal place of residence of the person who, pursuant to the arrangement, is giving another person the right to occupy the lot.*
- (3) In this section, short-term rental accommodation arrangement has the same meaning as in section 54A of the Fair Trading Act 1987.”*

Comment:

To make it clear and avoid misunderstanding it is recommended that a development criteria be included for “*short-term rental accommodation*” that in Strata Schemes, the development must comply with the requirements of Section 137A of the Strata Schemes Management Act 2015.

Other matter/issues

A number of concerns are raised in relation to other aspects of the changes to the planning system for “short-term rental accommodation” proposed in the EIE. Those concerns are detailed in **ATTACHMENT 1**.

FINANCIAL IMPLICATIONS

Nil at this stage, but additional enforcement and compliance resourcing burdens may well arise as a result of the implementation of the proposed new STRA land use arising from public complaints being made to Council. This may result in the need for additional resources for complaint handling and enforcement action/monitoring in relation to STRA business operations.

OTHER STAFF COMMENTS

Other members from Council’s Strategic Planning Group and Council’s Affordable Housing Policy Leader were consulted in the preparation of this report.

PUBLIC CONSULTATION

Nil.

CONCLUSION

While supportive of the need for change to the way the planning system addresses “*short-term rental accommodation*”, the report (and attached submission), outline concerns about the proposed changes to the planning system detailed in the Explanation of Intended Effect Short-term Rental Accommodation Planning Framework released by the Department of Planning and Environment.

Making changes to the planning system to enable the use of the existing dwellings for “*short-term rental accommodation*” is complex and challenging particularly in the introduction of a new land use definition in the *Standard Instrument* for this form of accommodation which differentiates the new term from existing defined terms in the Standard Instrument.

For the reasons detailed in the attached submission, it is considered that the proposed new land use definition of the accommodation type term does not follow well practiced legal drafting practices and principles or clearly differentiate the new land use type from other existing defined terms in the Standard Instrument. As a consequence the proposed new land use definition term is likely to cause confusion and create interpretation issues for the Standard Instrument defined terms as detailed in the attached submission and make implementation and monitoring of the use very difficult.

One of the fundamental concerns raised in relation to the proposed amendments to the planning system is the number of days per year that STRA can take place. Changes to the planning system that permit STRA for up to 180 days per year (with the “*Host not present*”) have the potential to detrimentally impact on the supply of dwellings available for long term rental by removing many of those dwellings from the long-term rental market and driving up residential rents and impacting on housing affordability in areas of Greater Sydney, particularly in areas where “*there is a need for affordable housing*” and the demand for “*short-term rental accommodation*” is high. The Inner West LGA is one of those areas.

Item 5

It is recommended that the “*number of days*” in which STRA can take place under the proposed amendments be given further consideration, especially in areas where the Government’s own policies “*identify that there is a need for affordable housing*” in that local government area.

A number of other concerns are raised in relation to some of the proposed amendments to planning rules for short term rental accommodation outlined in the EIE.

The attached submission includes a number of suggested changes to help address some of the issues identified including a revised definition of the new term, a suggested change to the definition of “*serviced apartment*” and a Standard Instrument draft model clause for the new term.

ATTACHMENTS

1. [!\[\]\(13dd0e1ab3baa23f7c1ed52b3eec2756_img.jpg\)](#) Draft Submission for Council's consideration - Short-term Rental Accommodation Planning Framework
2. [!\[\]\(5ed985c65f50e5350eeeb77f03c2e095_img.jpg\)](#) Explanation of Intended Effect - Short Term Rental Accommodation Framework



2663

14 November 2018

Director, Housing Policy
NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Sir,

**EXPLANATION OF INTENDED EFFECT-
SHORT-TERM RENTAL ACCOMMODATION PLANNING FRAMEWORK**

Thank you for the opportunity to comment on the Explanation of Intended Effect- Short-term Rental Accommodation Framework (EIE).

The Council's comments in relation to the proposed changes to the planning system detailed in EIE are attached to this letter.

In summary Council supports changes to clarify planning regulations for STRA but raises a number of concerns in relation to the proposed changes detailed in the EIE as follows:

- i. While Council supports the introduction of a new land use definition in the *Standard Instrument* for this form of accommodation, it raises concerns with the proposed definition of the term contained in the EIE,
- ii. The EIE does not clarify the permissibility of short term rental accommodation (STRA),
- iii. The EIE is not clear what the proposed changes to the Standard Instrument Order are to "*make it clear that STRA will be permissible in zones in which dwellings are permissible*",
- iv. The proposed new term STRA and the proposed amendment of the term "*tourist and visitor accommodation*" do not make it clear whether or not certain types of "*tourist and visitor accommodation*", in particular "*serviced apartments*", are a form of "*short-term rental accommodation*",
- v. The proposed definition of STRA in the EIE needs to be amended and renamed,
- vi. While Council agrees that certain types of existing dwellings should be excluded from the new term, it recommends that additional types of existing dwellings, than those identified in the EIE, need to be "*excluded from STRA use to ensure they continue to meet their intended purpose*",
- vii. The proposed changes to the planning system do not "*strike*" an appropriate "*balance between the availability of properties for long-term and short-term rental market in metropolitan areas*",
- viii. Changes to the planning system that permit STRA for up to 180 days per year (when the "*Host not present*") have the potential to detrimentally impact on the supply of

Item 5

dwellings available for long term rental by removing many of those dwellings from the long-term rental market and driving up residential rents and impacting on housing affordability in areas of Greater Sydney, particularly in areas where *"there is a need for affordable housing"* and the demand for *"short-term rental accommodation"* is high. The Inner West LGA is one of those areas.

- ix. The *"number of days"* policy position endorsed by Government in relation to STRA conflicts with other policy positions endorsed by the Government, in particular affordable housing. It is strongly recommended that the *"number of days"* in which STRA can take place under the proposed amendments be given further consideration, especially in areas where the Government's own policies *"identify that there is a need for affordable housing"* in that local government area.
- x. The development approval pathways detailed in the EIE need to be amended to address the issues identified in the attached submission, and
- xi. There is a need for the State Government to provide alternative dispute resolutions and mediation options to manage tensions and civil matters between residents, visitors and short-term rental accommodation owners. If such pathways are not clearly defined by the State Government councils will be overburdened by compliance and enforcement issues arising from complaints that are more appropriately interpreted as civil matters than planning and development issues.

The submission raises a number of issues with the proposed changes and includes a number of suggested changes to help address some of the issues identified including a revised definition of the new term, a suggested change to the definition of *"serviced apartment"* and a Standard Instrument draft model clause for the new term has been prepared for the Department's consideration.

Council trusts the submission assists the Department in its deliberations and requests ongoing consultation to resolve these issues for the Inner West Council.

Should you have any enquiries please contact Peter Wotton, Council's Strategic Planning Projects Coordinator on 9335 2260.

Yours sincerely

David Birds
Group Manager Strategic Planning
Trim:

SHORT-TERM RENTAL ACCOMMODATION PLANNING FRAMEWORK- PROPOSED CHANGES TO THE PLANNING SYSTEM

SUMMARY

Council supports changes to clarify planning regulations for STRA but raises a number of concerns in relation to the proposed changes detailed in the EIE as follows:

- i. While Council supports the introduction of a new land use definition in the *Standard Instrument* for this form of accommodation, it raises concerns with the proposed definition of the term contained in the EIE,
- ii. The EIE does not clarify the permissibility of short term rental accommodation (STRA),
- iii. The EIE is not clear what the proposed changes to the Standard Instrument Order are to *"make it clear that STRA will be permissible in zones in which dwellings are permissible"*,
- iv. The proposed new term STRA and the proposed amendment of the term *"tourist and visitor accommodation"* do not make it clear whether or not certain types of *"tourist and visitor accommodation"*, in particular *"serviced apartments"*, are a form of *"short-term rental accommodation"*,
- v. The proposed definition of STRA in the EIE needs to be amended and renamed,
- vi. While Council agrees that certain types of existing dwellings should be excluded from the new term, it recommends that additional types of existing dwellings, than those identified in the EIE, need to be *"excluded from STRA use to ensure they continue to meet their intended purpose"*,
- vii. The proposed changes to the planning system do not *"strike"* an appropriate *"balance between the availability of properties for long-term and short-term rental market in metropolitan areas"*,
- viii. Changes to the planning system that permit STRA for up to 180 days per year (when the *"Host not present"*) have the potential to detrimentally impact on the supply of dwellings available for long term rental by removing many of those dwellings from the long-term rental market and driving up residential rents and impacting on housing affordability in areas of Greater Sydney, particularly in areas where *"there is a need for affordable housing"* and the demand for *"short-term rental accommodation"* is high. The Inner West LGA is one of those areas.
- ix. The *"number of days"* policy position endorsed by Government in relation to STRA conflicts with other policy positions endorsed by the Government, in particular affordable housing. It is strongly recommended that the *"number of days"* in which STRA can take place under the proposed amendments be given further consideration, especially in areas where the Government's own policies *"Identify that there is a need for affordable housing"* in that local government area.
- x. The development approval pathways detailed in the EIE need to be amended to address the issues identified in the attached submission, and
- xi. There is a need for the State Government to provide alternative dispute resolutions and mediation options to manage tensions and civil matters between residents, visitors and short-term rental accommodation owners. If such pathways are not clearly defined by the State Government councils will be overburdened by compliance and enforcement issues arising from complaints that are more appropriately interpreted as civil matters than planning and development issues.

The submission raises a number of issues with the proposed changes and includes a number of suggested changes to help address some of the issues identified including a revised definition of the new term, a suggested change to the definition of *"serviced apartment"* and a Standard Instrument draft model clause for the new term has been prepared for the Department's consideration.

PROPOSED AMENDMENTS TO THE STANDARD INSTRUMENT LEP – BETTER PLANNING FOR THE NSW RETAIL SECTOR

i. Land use definition (Section 4.1.1 of EIE)

The EIE states that “At present there is no state-wide planning definition for STRA...”

A STRA is unmistakably “a building or place that provides short-term accommodation on a commercial basis”. This is clearly reflected in the wording in the proposed definition “the commercial use of an existing dwelling.....for the purposes of short-term accommodation”. A STRA is not one of the development types listed in (f) to (h) of the definition of “tourist and visitor accommodation” and as such under the current definitions in the Standard Instrument a STRA would clearly constitute “tourist and visitor accommodation”.

Council supports the introduction of a new land use definition in the *Standard Instrument* for this form of accommodation.

Under the EIE “It is proposed to define STRA as:

“The commercial use of an existing dwelling, either wholly or partially, for the purposes of short-term accommodation, but does not include tourist and visitor accommodation.” (page 9)

The EIE states “It is proposed that some forms of residential accommodation, such as boarding houses, seniors housing and group homes, will be excluded from STRA use to ensure they continue to meet their intended purpose. STRA will also be excluded from ‘affordable rental housing’ approved under State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) and State Environmental Planning Policy No. 70 Affordable Housing (SEPP 70), as these policies are aimed at increasing affordable rental housing for long term residential use.” (page 10)

Council agrees that certain types of existing dwellings should be excluded from the new term but recommends that additional types of existing dwellings, than those identified in the EIE, need to be “excluded from STRA use to ensure they continue to meet their intended purpose”. The additional existing dwelling types recommended to be “excluded from STRA use” and the reasons for those additional exclusions are detailed later in this submission.

The proposed definition does not follow well practiced legal drafting principles and is likely to create interpretation issues and does not assist understanding of the planning system.

A change that needs to be made to the definition proposed in the EIE is the deletion of “, but does not include tourist and visitor accommodation” from the definition. A STRA is clearly “a building or place that provides temporary or short-term accommodation on a commercial basis”. The Standard Instrument should have a consistent practice for defining terms. The new term should adopt the approach taken for other defined terms of short-term accommodation in the Standard Instrument that are not a type of “tourist and visitor accommodation” like “eco-tourist facility”. In other words just add the new term after (h) in the definition of “tourist and visitor accommodation” as an additional development type that the “tourist and visitor accommodation” definition “does not include”.

What the new definition is essentially attempting to do is to differentiate the proposed new term “short-term rental accommodation” from being a type of “tourist and visitor accommodation”. It is contended that there is no material difference between “temporary or short term accommodation” and “short term rental accommodation” when both forms of accommodation are provided on a commercial basis. It is also considered illogical to name the proposed new term “short-term rental accommodation” when “short-term accommodation” is the definitive determining criteria for “tourist and visitor accommodation” under the *Standard Instrument*. The inclusion of the word “rental” in the term is also unfortunate in that it has connotations with the wording used in the Affordable

Rental Housing SEPP. It should also be noted that the proposed changes to the planning system detailed in the EIE do not specifically restrict the maximum period for which any person is accommodated in such accommodation. Without such restrictions the *“short term rental accommodation”* is not necessarily *“short term”*.

From a planning perspective and to avoid community confusion it would make sense to adopt a different name for the term other than *“short-term rental accommodation”*. One option may be to refer to the term as *“guest accommodation”*.

Note: A change in the name of the term would also necessitate a change the heading of the clause in those existing local environmental plans which include provisions on short-term rental accommodation.

Putting aside the name of the new land use definition proposed in the EIE and the deletion of *“, but does not include tourist and visitor accommodation”* from the definition, and turning to the remainder of the definition, the following points are made:

The use of the word *“dwelling”* in the proposed definition of STRA has a number of inherent issues. The word *“dwelling”* is a defined term in the *Standard Instrument*. The term is defined as follows:

“dwelling means a room or suite of rooms occupied or used or so constructed or adapted to be capable of being occupied or used as a separate domicile.”

The term *“dwelling”* is specifically included in the definition of a number of other defined terms in the *Standard Instrument* including *“bed and breakfast accommodation”*, *“exhibition home”*, *“group home”*, *“home-based child care”*, *“home occupation (sex services)”*, *“rural worker’s dwelling”*, *“secondary dwelling”* and *“seniors housing”*.

A number of other defined terms in the *Standard Instrument*, whilst not specifically including the term *“dwelling”* in their respective definition, specify certain ancillary facilities, including accommodation in their definition. In some cases that ancillary accommodation may include *“a room or suite of rooms occupied or used or so constructed or adapted to be capable of being occupied or used as a separate domicile”* and as such would contain a *“dwelling”*. For example, the ancillary facilities in the *Standard Instrument* definition of *“hospital”* include:

- “(b) accommodation for nurses or other health care workers,*
- (c) accommodation for persons receiving health care or for their visitors”*

The accommodation referred to in subclauses (b) and (c) above may be provided in a *dwelling*.

In a number of cases whilst dwellings are prohibited under the Land Use Table applying to the zone a dwelling(s) may be permitted with consent on the land where that dwelling is an ancillary use, subordinate or subservient to the dominant purpose, for example a dwelling that is a caretaker’s residence or temporary worker’s accommodation. It is considered that the definition of the new term should specifically exclude an existing dwelling(s), where that dwelling is an ancillary use, subordinate or subservient to the dominant purpose, including a dwelling that is a caretaker’s residence or temporary worker’s accommodation.

A number of other defined terms in the *Standard Instrument*, whilst not specifically including the term *“dwelling”* in their respective definition, do not necessarily preclude the accommodation in those developments from being provided as *“a room or suite of rooms occupied or used or so constructed or adapted to be capable of being occupied or used as a separate domicile”*. For example the *Standard Instrument* definition of *“boarding house”* permits *“rooms which may have private kitchen and bathroom”*. Many of those rooms would *“capable of being occupied or used as a separate domicile”*. Clause 30 (1) (e) of the Affordable Rental Housing SEPP requires a boarding room or on site **dwelling** to be provided *“if the boarding house has a capacity to accommodate 20 or more lodgers”*. In light of the issues identified in relation to boarding houses it is considered that the new definition should specifically exclude such accommodation from being carried out from boarding houses.

A number of State Environmental Planning Policies, including State Environmental Planning Policy No. 70 – Affordable Housing (Revised Schemes) and State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) include provisions relating to affordable housing. Dwellings provided under those policies and/or to which Part 3 of the ARHSEPP applies should be excluded from being permitted to be used for the purposes of short term rental accommodation. In this regard it is considered that the new definition should exclude the following dwellings:

- a dwelling required to be used for the purposes of affordable housing under State Environmental Planning Policy (Affordable Rental Housing) 2009, and
- a *low rental dwelling*, as defined under State Environmental Planning Policy (Affordable Rental Housing) 2009, and
- a dwelling provided as affordable housing under State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes).

As discussed previously, the proposed definition of STRA in the EIE contains the wording “*but does not include tourist and visitor accommodation.*” On the basis of that wording it is presumed that one of the intentions of the proposed changes is to exclude STRA from being permitted in all types of “*tourist and visitor accommodation*”. If that is the case, the new term should exclude a dwelling that is a “*serviced apartment*”. (This issue is discussed in more detail later in this submission).

The EIE states that the indicative STRA “*definition is intended to enable the use of a dwelling for STRA as a part of its residential use where:*

- *the dwelling is permissible with consent in the zone,*
- *no physical alterations or additions would be made to accommodate the STRA use, and*
- *the dwelling has a current development consent or existing use rights for its use as a dwelling.*”

The first dot point above should be further refined to address issues in some environmental planning instruments which list certain uses in the LEP land use tables as “*Permitted with consent*” when those uses are only permitted in specific circumstances via separate clauses in the LEP. To address that issue the new term should only apply to those dwellings where the dwelling is “*permissible, with consent, under an environmental planning instrument applying to the land on which the development is carried out*” (like Clause (1) (b) of *Clause 1.18 General requirement for complying development under this Policy of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*).

In relation to the third dot point it is considered that the policy should not apply to dwellings that have existing use rights for use as a dwelling. Permitting those dwellings to be used on a commercial basis would potentially compromise the future development of the land containing those dwellings and prejudice the subsequent carrying out of development on that land in accordance with the environmental planning instrument applying to the land. It is also problematic where the STRA is permitted as *complying development* because such development would not satisfy one of the general requirements for complying development under the Codes SEPP that the development must “*be permissible, with consent, under an environmental planning instrument applying to the land on which the development is carried out*” (Clause 1.18 (1) (b)). It should also be noted that the existing use rights provisions of the Act permit the change of use of an existing use to another use, from a residential use to a commercial use “*but only if that other use (the commercial use) is a use that may be carried out with or without development consent under the Act*”.

In light of the issues raised above, and subject to the determination of an appropriate term name, it is recommended that the new term be defined as follows:

XXXXX means an existing dwelling, or part of an existing dwelling, used to provide short term accommodation on a commercial basis, but only if the existing dwelling is not:

- (a) a dwelling that does not have a current development consent for its use as a dwelling, or
- (b) a dwelling erected on land on which development for the purpose of a dwelling is prohibited under this Plan, or
- (c) a group home, or
- (d) a dwelling in a seniors housing development, or
- (e) a dwelling required to be used for the purposes of affordable housing under State Environmental Planning Policy (Affordable Rental Housing) 2009, or
- (f) a *low rental dwelling*, as defined under State Environmental Planning Policy (Affordable Rental Housing) 2009, or
- (g) a dwelling provided as affordable housing under State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes), or
- (h) a dwelling provided in a boarding house development, or
- (i) an exhibition home, or
- (j) a dwelling provided in a farm stay accommodation, or
- (k) a rural worker's dwelling, or
- (l) a dwelling that is an ancillary use, subordinate or subservient to the dominant purpose, including a dwelling that is a caretaker's residence or temporary worker's accommodation, or
- (m) a dwelling that is a "serviced apartment".

ii. **Permissibility issues**

The EIE does not provide a clear understanding of how the planning system is proposed to be changed to enable the use of dwellings for "*short-term rental accommodation*" in relation to the Standard Instrument.

Table 2: Summary of proposed changes on page 15 of the EIE details the following proposed changes to the Standard Instrument Order:

Table 2: Summary of proposed changes

Topic	EPI	Proposed change	Intention
Definition	SI Order	Add a definition for 'short-term rental accommodation'. Add a note under the tourist and visitor accommodation definition that it does not include 'short-term rental accommodation'.	To provide greater certainty and clarity for councils, industry and community and to distinguish between STRA and traditional accommodation uses.
Permissibility	SI Order	Make it clear that STRA will be permissible in zones in which dwellings are permissible.	To provide land use permissibility for STRA.

Whilst the proposed changes to the definitions are detailed in the EIE, it is not clear what the proposed changes to be Standard Instrument Order are to "*make it clear that STRA will be permissible in zones in which dwellings are permissible*". For example:

- i. Are changes proposed to Land Use Tables to permit "*short-term rental accommodation*" in those zones where dwellings are permissible under the environmental planning instrument applying to the land (Option 1)? or
- ii. Are existing provisions contained within the Land Use Tables of environmental planning instruments proposed to be overridden by the inclusion of a clause (or subzone) inserted into environmental planning instruments that permits "*short term rental accommodation*" in existing dwellings (Option 2)? or
- iii. If not point i. or ii. above, what changes are proposed to the Standard Instrument to enable the use of a dwelling for "*short-term rental accommodation*" (Option 3)?

For the purpose of this submission, it is presumed that Option 2 is approach proposed to be used.

Before discussing that option, the following comments are provided in relation to the proposed change to the existing definition of “*tourist and visitor accommodation*”. It is understood that the proposed change would amend that definition to read as follows:

“*tourist and visitor accommodation* means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) *backpackers’ accommodation,*
 - (b) *bed and breakfast accommodation,*
 - (c) *farm stay accommodation,*
 - (d) *hotel or motel accommodation,*
 - (e) *serviced apartments,*
- but does not include:**
- (f) *camping grounds, or*
 - (g) *caravan parks, or*
 - (h) *eco-tourist facilities-, or*
 - (i) *short term rental accommodation.”*

It is considered incongruous that a definition relating to “*a building or place that provides temporary or short term accommodation on a commercial basis*” does not include “***short term rental accommodation***”. As detailed earlier in this submission, and as highlighted above, the proposed new term should be named differently.

The amended definition of “*tourist and visitor accommodation*” detailed above creates separate fundamental interpretation issues for environmental planning instruments made under the *Standard Instrument*, particularly if the words “*but does not include tourist and visitor accommodation*” remain in the definition of the new term.

It is presumed that the objective of the proposed definition of “*short-term rental accommodation*” is essentially aimed to differentiate the new term from being a type of “*tourist and visitor accommodation*” to enable such accommodation to be provided in existing dwellings and avoid permissibility issues in zones where *tourist and visitor accommodation* is prohibited under the zoning provisions in the environmental planning instrument applying to the land.

In the case of *serviced apartments* an approach to differentiate that term from the proposed new term is particularly problematic, if STRA is to be permitted in such apartments. It is unclear from the information contained the EIE whether the proposed amendments seek to exclude “*short term rental accommodation*” from being able to be carried out from “*serviced apartments*”. However for the reasons detailed earlier in this submission it is presumed that to be the case.

If that is the case, sub clause (m) of the recommended revised definition of the new term detailed earlier in this submission addresses the issue by specifically excluding an existing dwelling that is a *serviced apartment* from the new term.

Part 4.1 Proposed amendments to the *Standard Instrument Order 2006* of the EIE identifies one of the Key changes as “*Making it clear that ‘short-term rental accommodation’ is not a form of ‘tourist and visitor accommodation’*”. (page 9)

By virtue of “*serviced apartment*” being a type of “*tourist and visitor accommodation*” under the *Standard Instrument*, the above Key change implies that the proposed amendments will exclude “*short-term rental accommodation*” from being permitted to be carried out from an existing dwelling that is a “*serviced apartment*”.

Under the *Standard Instrument* “*serviced apartment*” is defined as follows:

“*serviced apartment* means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or

cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents."

It is contended that a "serviced apartment" would fall within the "short-term rental accommodation" definition proposed in the EIE. The obvious question (and interpretation/permissibility issue) that arises is whether a "serviced apartment" is a type of "tourist and visitor accommodation", or being a type of "short term rental accommodation" does that mean it is not included as a type of "tourist and visitor accommodation"?

The word "apartment", whilst appearing in the title of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* and the *Apartment Design Guide*, is not a term separately defined in the Environmental Planning and Assessment Act or a term separately defined in the Standard Instrument Dictionary. In cases where terms are not separately defined in environmental planning instruments, the ordinary meaning of the word is used, which can usually be ascertained by referring to the Macquarie Dictionary.

The Macquarie Dictionary defines the word "apartment" to mean "a flat or unit", and the plural of the word "apartment" to mean "a suite of furnished rooms, among others in a building".

A dwelling within a residential flat building or shop top housing development is commonly referred to as an apartment. It is contended that "a building ... providing self-contained accommodation" included in the definition of "serviced apartment" would comprise "a room or suite of rooms occupied or used or so constructed or adapted to be capable of being occupied or used as a separate domicile" and therefore be a "dwelling" under the definition of that term under the Standard Instrument.

It is not so clear whether other types of dwellings would be an "apartment" under the Standard Instrument. A "dwelling house" could not be regarded as an apartment, but it is not so clear cut in the case of buildings that contain 2 or more dwellings such as "dual occupancy (attached)", "multi dwelling housing" and "secondary dwelling" where the secondary dwelling is attached to the principal dwelling.

Section 4.2.1 Development approval pathways of the EIE sets criteria for exempt development and complying development. That criteria includes provisions based on whether the host is present or not present. (Issues in relation to the use of the word "host" are discussed in more detail later in this submission). The EIE infers that the "host" is the owner of the dwelling's principal place of residence, or the tenant of that dwelling's principal place of residence.

In the case where the "short-term rental accommodation" is provided in a dwelling in a residential flat building or shop top housing development where the owner of the dwelling is present overnight it is considered likely that the accommodation would be "regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents" and as such would constitute a "serviced apartment" under the definitions contained within the Standard Instrument.

It is also contended there will be circumstances where the "short-term rental accommodation" is provided in a dwelling in a residential flat building or shop top housing development where the host is not present, where the use could also be construed as a "serviced apartment".

In the examples detailed above the question that arises is whether such usage falls under the Standard Instrument definition of "serviced apartment" or the new definition of "short-term rental accommodation" proposed in the EIE. It is contended that the definition of the new land use term "short-term rental accommodation" proposed in the EIE does not clearly differentiate the term from existing defined terms in the Standard Instrument. The lack of a clear distinction between the terms is likely to lead to interpretation and permissibility issues and create implementation and monitoring the use very difficult.

To avoid interpretation issues as to whether a “serviced apartment” is a type of “tourist and visitor accommodation” or a type of “short term rental accommodation”, the proposed changes to the planning system need to make this distinction clear.

This is particularly the case if changes are proposed to Land Use Tables to permit “short-term rental accommodation” in those zones where dwellings are permissible under the environmental planning instrument applying to the land (Referred to as Option 1 in this submission) because under Clause 2.4 (3) (b) of the Standard Instrument “a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.”

As detailed later in this submission no issues are raised in principle to the use of certain existing dwellings for the purposes of “short-term rental accommodation” when the permanent resident(s) of that dwelling is present when the dwelling is used for such purposes. To enable such activity to be carried out from apartments (and to avoid interpretation issues embodied in the proposed changes detailed in the EIE) it is suggested that the definition of “serviced apartment” under the Standard Instrument be amended to read as follows:

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner’s or manager’s agents, but does not include a dwelling providing self-contained accommodation to tourists or visitors on a commercial basis where the dwelling is the owner’s principal place of residence and the owner is in residence when the accommodation is provided to tourists or visitors.

iii. Development approval pathways (Section 4.2.1 of EIE)

a. “Host”

The proposed exempt and complying development approval pathways for STRA are based on different levels of risk associated with whether a host is present, whether the property is on bushfire prone land and days of operation in a calendar year.

A key criteria for the proposed exempt and complying development approval pathways for short term rental accommodation is based on whether a “host” is present or not present when the accommodation is being rented out.

Who is a “host”? The EIE does not provide any detail/guidance/direction to answer that question. The word “host” is not a term separately defined in the Environmental Planning and Assessment Act or a term separately defined in the Standard Instrument Dictionary. In cases where terms are not separately defined in environmental planning instruments, the ordinary meaning of the word is used, which can usually be ascertained by referring to the Macquarie Dictionary.

The Macquarie Dictionary defines the word “host” to mean “someone who entertains guests in his or her home or elsewhere”. The words “or elsewhere” in the definition would mean that a person who entertains guests in short term rental accommodation would be a “host” regardless as to whether the dwelling used to provide that accommodation on a commercial basis was “his or her home”. That person could be interpreted under the definition as a short-term resident themselves and could therefore undermine the whole understood intention of the host being a long term resident of the dwelling.

It is contended that a different level of risk would be associated with a “host” who entertains guests in short term rental accommodation where that dwelling is **NOT** his or her home, than a “host” who entertains guests in his or her home. The above contention is acknowledged in the Department’s Short Term Holiday Letting in NSW Options Paper July 2017, which states (in part) “*anecdotal evidence suggests there are lower potential impacts associated with STHL where the principal resident (owner or tenant) is present during STHL, because it’s in the best interests of the host to monitor and respond to guest behaviour or neighbour complaints.*” (page 20).

The EIE sets different criteria for short term rental accommodation based on whether or not the property providing the short term rental accommodation is located on *"bush fire prone land"*. The EIE's development approval pathway excludes *short term rental accommodation* from being able to be carried out as exempt development on bush fire prone land where the *"host"* is not present overnight, and provisions that would enable those Councils outside Greater Sydney to set a different maximum number of days criteria (not less than 180 days) that a dwelling, on bush fire prone land, can be used for such accommodation as complying development, when the *"host"* is not present. The EIE notes that the different criteria are *"in recognition that additional safety measures are required to provide for the safety of guests who are unfamiliar with the location."* (page 11)

In view of the additional safety measures that are required for the safety of guests for accommodation in dwellings on properties in *bush fire prone land* it is considered crucial that the *"host"* is the principal resident of the dwelling.

As a result it is considered that it is important that the EIE scheme confirms that the *"host"* is the principal resident of the dwelling under the development pathways detailed in Table 1.

To ensure that the criteria is clear and avoids interpretation issues, to address the issue raised above, and to be consistent with another type of temporary and short-term accommodation, it is suggested an approach similar to the one embodied in the definition of *"bed and breakfast accommodation"* under the *Standard Instrument* be used. In this regard it is recommended that the word *"host"* be replaced by *"the permanent residents of the dwelling"*.

b. *"Short-term rental accommodation" on bushfire prone land*

Whilst the EIE acknowledges that additional safety measures are required for *"short term rental accommodation"* on bush fire prone land when the *"host"* is not present, the periods specified for *"short-term rental accommodation"* for properties not in Greater Sydney for complying development in *Table 1 Development pathways available to STRA in state planning framework* (page 10) of the EIE enable a Council not in Greater Sydney to specify the same maximum period (365 days a year) for the usage of a dwelling in their LGA for short term rental accommodation. It is incomprehensible how it could reasonably be contended that such a development standard recognises the *"additional safety measures are required to provide for the safety of guests who are unfamiliar with the location"*.

c. *Striking "a balance between the availability of properties for long-term and the short-term rental market in metropolitan areas"*

The EIE States that the proposed changes seek to (inter alia) *"strike a balance between the availability of properties for long-term and the short-term rental market in metropolitan areas"*. The above statement includes the words *"short-term rental market"*. Before discussing this issue the above wording highlights a point raised earlier in this submission that the new term should not be named *"short-term rental accommodation"*.

No issues are raised in principle to the use of certain existing dwellings for the purposes of *"short-term rental accommodation"* when the permanent resident(s) of that dwelling is present when the dwelling is used for such purposes. Such usage is in accordance with the statement made in the EIE that *"the indicative definition is intended to enable the use of a dwelling for STRA short term rental accommodation as a part of its residential use"*. Owner occupied dwellings do not form part of the long-term rental market and as such their usage for short-term rental accommodation would not impact on the availability of long-term rental market.

The situation is not the same in the case where the dwelling used for short-term rental accommodation is not the principal place of residence of the owner. In those scenarios it is contended that the usage of the dwelling would not be a *"part of its residential use"*. In such scenarios, as detailed in the proposed land use definition in the EIE, such usage would constitute *"the commercial use of an existing dwelling"*.

The usage of such dwellings for short-term rental accommodation, if not appropriately restricted, has the potential to detrimentally impact on the supply of dwellings available for long term rental.

Whilst it is acknowledged that the EIE strikes a balance between the availability of properties for long-term and the short-term rental market in the metropolitan area the real question is whether the balance struck under the proposed changes detailed in the EIE is the right balance. The EIE strikes a balance of 180 days per year that a dwelling in Greater Sydney can be used for “short-term rental accommodation” (when the host is not present overnight). It is considered that enabling such dwellings to be used for “short-term rental accommodation” for essentially 6 months of the year appears to be too high and has the potential to detrimentally impact on the supply of dwellings available for long term rental. It is contended that “short-term rental accommodation” of existing dwellings may remove many of those dwellings from the long-term rental market and drive up residential rents and impact on housing affordability in areas of Greater Sydney particularly where the demand for “short-term rental accommodation” is high.

The impacts of “short-term rental accommodation” on the long-term rental market are going to impact the most in areas where the demand for “short-term rental accommodation” is high. To have a one size fits all standard is considered inappropriate and an ill-advised housing strategy not in the best long term planning interests for many local government areas.

A number of Council areas have been identified, under *State Environmental Planning Policy No. 70 – Affordable Housing (Revised Schemes)*, as a local government area within the Greater Metropolitan Region where “there is a need for affordable housing”. It is contended that the local government areas identified in the SEPP are also areas where the demand for “short-term rental accommodation” is high. The Inner West LGA is one of those areas identified.

An article titled “*When Tourists Move In: How Should Urban Planners Respond to Airbnb?*”, by Nicole Gurrin and Peter Phipps, was published early last year in *The Journal of the American Planning Association* (5 January 2017). The article focused on Sydney “which has experienced both rapidly rising housing costs and exponential growth in Airbnb listings since 2011.” The analysis contained within the article applied to greater Sydney overall and a subset of five municipalities in the Sydney metropolitan area including Leichhardt and Marrickville.

One of the issues presented in the article was “Do Airbnb Rentals Reduce the Supply of Permanent Rental Accommodations?” The article’s response to that question included the following comments:

“Sydney’s equilibrium rental vacancy rate is approximately 3%, while the metropolitan-wide rental vacancy rate at the time of this analysis was 1.9% as a result of strong population growth. We calculate that the number of dwellings removed from the permanent rental market in the region amounts to about half of Sydney’s current rental vacancy rate based on the Inside Airbnb data on frequently available listings. We find that Airbnb listings do concentrate in popular tourist areas such as Waverley and the city of Sydney. In Waverley, the number of whole dwellings frequently available on Airbnb is more than three times the vacancy rate in the locality. This suggests that Airbnb rentals have a sizeable impact on the availability of permanent rental housing in the Waverley local government area with consequent pressure on rents. In the city of Sydney, a total of 1,268 properties, equivalent to 144% of the city’s vacant rental stock, are available for holiday rental via Airbnb, a figure we would also expect to substantially affect rental availability and costs. In Leichhardt and Marrickville, the percentages are lower but not inconsiderable at 69% and 44% of the vacant rental stock, respectively. However, the number of Airbnb listings in Parramatta is much smaller, likely reflecting the area’s distance from visitor attractions. Airbnb does not now affect Parramatta’s local housing market, even though Parramatta’s frequently available homes are controlled by landlords with multiple listings.”

A period of 180 days per year sets a balance strongly on the side of the “short-term rental accommodation” market and not the long term rental market. The housing market in Greater Sydney is recognised as one of one of the least affordable in the world. At a time when housing

affordability has been identified as a key challenge in Greater Sydney the proposed changes to the planning system should strike a balance in favour of the long-term rental market, not the “short-term rental accommodation” market.

In relation to the number of days per year that STRA can take place the material on the Department’s website states (in part) that the “*number of days in which it can take place are a policy position which has been endorsed by Government.*”

It is considered that the “*number of days*” policy position endorsed by Government in relation to STRA has the potential to conflict with other policy positions endorsed by the Government, in particular affordable housing. It is recommended that the “*number of days*” in which STRA can take place under the proposed amendments be given further consideration, especially in areas where the Government’s own policies “*identify that there is a need for affordable housing*” in that local government area.

d. Periods specified for “short-term rental accommodation

The EIE sets exempt and complying development criteria for short term rental accommodation which will include a maximum number of days that accommodation can operate in a calendar year. The maximum number of days proposed are detailed in *Table 1 Development pathways available to STRA in state planning framework*. A copy of that table is reproduced below:

Table 1: Development pathways available to STRA in state planning framework

Development Pathway	Criteria	Period
Exempt development	<ul style="list-style-type: none"> Host present on site overnight 	Year round
	<ul style="list-style-type: none"> Host not present, and Property is not in Greater Sydney¹ Property is not on bushfire prone land 	365 days per year Councils will be able to set the number of days from 180 days to 365 days.
	<ul style="list-style-type: none"> Host not present, and Property is in Greater Sydney Property is not on bushfire prone land 	180 days per year
Complying development	<ul style="list-style-type: none"> Property is on bushfire prone land Host not present, and Property is not in Greater Sydney 	365 days per year Councils will be able to set the number of days, from 180 to 365 days.
	<ul style="list-style-type: none"> Property is on bushfire prone land Host not present, and Property is in Greater Sydney 	180 days per year

Some existing local environmental planning instruments quantify what is meant by “short term” by specifying a maximum period of the number of consecutive days in any 12 month period that an existing dwelling can be used for the purposes of short term rental accommodation. For example under *Clause 7.13 Short-term rental accommodation* of *Shoalhaven Local Environmental Plan 2014* “short-term means for a maximum period of 45 consecutive days in any 12 month period.”

Unlike the Shoalhaven LEP clause referred to above, the criteria in the EIE does not set a maximum period for the length of time that persons can stay in an existing dwelling that is used for “short term rental accommodation”. Under the criteria proposed in the EIE, a person could potentially stay 365 days a year in an existing dwelling used for “short term rental accommodation” where the property is not located within Greater Sydney.

A stay of such length is clearly not “short term”. In such a scenario, based on other terms in the Standard Instrument, it is contended that the *short term rental accommodation* that the person is residing in would be regarded as their principle place of residence. For example under the *Standard Instrument* definition of a *boarding house* a principal place of residence means “for 3 months or more”.

Some council's environmental planning instruments limit the activity by setting a maximum number of consecutive days or a maximum number of bedrooms.

Placing a limit on the total days per year that certain existing dwellings can be made available attempts to limit the adverse impacts of the short-term rental accommodation lettings to a defined period and therefore retain that dwelling's primary use as a long-term residential dwelling.

It is considered that any proposed changes to the planning system for "*short-term rental accommodation*" should limit the maximum number of days in a calendar year (whether or not the days are consecutive) that an existing dwelling can be used for such accommodation when the permanent resident(s) of the dwelling are not present, and a maximum number of days for any letting period to ensure that any letting is only for a "short-term" period.

A number of existing local environmental plans which include provisions on *short-term rental accommodation* set a maximum period that a dwelling house or dwelling can be used for *short term rental accommodation* of either 45 days or 60 days. In the *Transitional arrangements* in Section 4.5 of the EIE states "*That the Department of Planning and Environment will work with those council's with existing provisions to amend their LEPs to be consistent with the state-wide framework, including appropriate transitional periods.*"

As detailed in the EIE *short term rental accommodation* "*increases tourist accommodation options, contributes to household income and brings wider tourism benefits. However, some communities report impacts on amenity, parking and housing availability.*" (page 5) A limited number of Councils have provisions in their respective local environmental planning instruments relating to "*short-term rental accommodation*". In preparing their provisions those Councils determined the appropriate "balance" for their respective areas, including the balance between the availability of properties for long-term and short-term rental market for their respective areas. Those local planning controls for "short-term rental accommodation" went through extensive community consultation. Apart from amendments to clarify that the use of certain existing dwellings for the purposes of "*short-term rental accommodation*" when the permanent resident(s) of that dwelling is present when the dwelling is used for such purposes is exempt development and amendments to ensure consistency in the wording of the clause, it is considered that the existing provisions relating to the maximum duration that dwellings can be used for such accommodation in those local government areas should be retained.

In relation to setting a maximum number of days that certain existing dwellings can be used for "*short-term rental accommodation*" when the permanent resident(s) of that dwelling is present when the dwelling is used for such purposes, as the use should be of a temporary nature it is suggested the approach used in Clause 2.8 Temporary use of land of the Standard Instrument could be used. The number of days specified in Clause 2.8 of the local environmental planning instrument could be the default number of days that such dwellings could be used for short-term rental accommodation. It should be noted that a similar type approach was recently taken in the amendments to the Standard Instrument relating to retailing restrictions relating to "*artisan food and drink industries*" which adopted the provisions applying to the percentage of gross floor area and maximum gross floor area industrial retail outlets under that instrument for such industries in Clause 5.4 of the instrument.

It is also noted that the *Clause 5.4 Controls relating to miscellaneous permissible uses* of the Standard Instrument relate to some types of short-term accommodation types i.e. "*bed and breakfast accommodation*" and "*farm stay accommodation*". Another option would be to include a standard relating to the maximum number of days in a calendar year, that an existing dwelling to which the new term applies, can be used for "*short-term rental accommodation*" when the host is not present, and adopt the number of days permitted for temporary uses in the respective instrument as the default number of days and give individual council's an opportunity to increase the number of days where they consider an increased number of days is the right "balance" for their respective area.

The EIE states that “As this is an endorsed state-wide policy, it is proposed that no variations or development application pathways will be available to undertake STRA above these number of day limits”.(page 11). That statement implies that the number of day limit is in effect a non-variable development standard. As such it would make sense for the standard to be incorporated into *Clause 5.4 Controls relating to miscellaneous permissible uses* of the Standard Instrument.

iv. Additional elements of the Government policy (Section 4.4 of the EIE)

a. Mandatory Code of Conduct (Section 4.4.1 of the EIE)

The EIE states that a new Mandatory Code of Conduct for on-line platforms, managing agents, hosts and guests will be developed by DFSI in consultation with industry and relevant stakeholders. Council welcomes that initiative and as a stakeholder would like to be included in that consultation. It is considered imperative that the Mandatory Code of Conduct be adopted before any proposed changes to the planning system relating to “*short-term rental accommodation*” come into effect. It is also considered imperative that the operation of the “*short-term rental accommodation*” must comply at all times with the Mandatory Code of Conduct be made a development criteria for such accommodation.

v. Transitional arrangements (Section 4.5 of the EIE)

Refer to earlier comments concerning the amendment of existing short-term rental accommodation contained in existing local environmental planning instruments.

vi. Other comments and matters

a. Enforcement and Compliance impacts of the short-term rental accommodation SI Order Amendment

The detailed nature of the proposed amendment will impose significant compliance and enforcement regulatory responsibilities on councils to ensure the provisioned are not breached and to respond to complaints. The EIE does not make it clear what dispute pathways will be available for conflicts arising between the host, visitor and/or neighbours. This is considered a major omission that will result in councils becoming laden with complaints. Council will also bear the costs of establishing ‘burden of proof’ when taking further enforcement actions. In addition, there are also unresolved questions regarding the regulation of fire safety, security, repairs to services, and other contractual issues between host and visitor.

The NSW Government should consider the following additional requirements:

- The mandatory imposition of a requirement to notify the relevant council that a dwelling will be used for short term rental accommodation. This will allow councils to establish and maintain a ‘short term accommodation registry’ to ensure regulatory oversight of planning and development matters;
- Establishment of a ‘Short Term Rental Accommodation Act and Regulations’ that would operate in a similar fashion to the existing Residential Tenancies Act 2010 and Residential Tenancies Regulations 2010. It is envisioned that such an Act would outline the Host’s roles and responsibilities, requirements for dwelling maintenance, fire safety and security, and most importantly, provide for appeal and dispute pathways to the existing NSW Civil and Administrative Tribunal (NCAT) (or such similar civil court pathways – other than council); and
- Expanding the scope of NCAT to deal with civil matters arising from short term rental accommodation disputes.

Those additional requirements suggested above are to ensure that neither Council nor the Land and Environment Court become laden with civil matters relating to the Standard Instrument Amendment for “*short-term rental accommodation*”.

There is a need for the State Government to provide alternative dispute resolutions and mediation options to manage tensions and civil matters between residents, visitors and short-term rental accommodation owners. If such pathways are not clearly defined by the State Government councils will be overburdened by compliance and enforcement issues arising from complaints that are more appropriately interpreted as civil matters and rather than planning and development issues.

b. Suggested Standard Instrument Draft Model Clause

The following Standard Instrument Draft Model Clause for the new term has been prepared for the Department's consideration:

6.X XXXX

- (1) The objective of this clause is to enable the temporary use of existing dwellings as (guest accommodation/or alternate name other than short-term rental accommodation).
- (2) This clause applies to existing dwellings other than a dwelling listed in parts (a) to (m) inclusive in the definition of (guest accommodation/or alternate name other than short-term rental accommodation) under this Plan.
- (3) Despite any other provision of this Plan, development consent is required for the temporary use of a dwelling to which this clause applies for (guest accommodation/or alternate name other than short-term rental accommodation).
- (4) Despite subclause (3), development consent is not required for the temporary use of a dwelling to which this clause applies for (guest accommodation/or alternate name other than short-term rental accommodation) that complies with the following requirements:
 - (i) When the permanent resident(s) of the dwelling are not present, the maximum number of days in a calendar year that the dwelling is used for (guest accommodation/or alternate name other than short-term rental accommodation) must not exceed [Default: the maximum period of days specified in *Clause 2.8 Temporary use of land* of the Plan] days (whether or not consecutive days), and
 Note: If the permanent resident(s) of the dwelling are present when the dwelling is being used for (guest accommodation/or alternate name other than short-term rental accommodation), the maximum number of days in a calendar year that the dwelling is used for such accommodation is not limited.
 - (ii) The maximum period of any short-term accommodation letting is 30 days, and
 - (iii) The use of the dwelling for (guest accommodation/or alternate name other than short-term rental accommodation) does not interfere with the amenity of the neighbourhood in any way, including by noise or traffic generation, and
 - (iv) The maximum number of guests must not exceed 2 persons/bedroom or 12 persons, whichever is the lesser, and
 - (v) The dwelling not being used to accommodate more than one short term accommodation letting at any one time, and
 - (vi) In Strata Schemes, the (guest accommodation/or alternate name other than short term rental accommodation) complies with the requirements of Section 137A of the Strata Schemes Management Act 2015, and
 - (vii) Where the property is located on land identified as "Bush fire prone land" on the Bush Fire Prone Land Map, the use of the dwelling for (guest accommodation/or alternate name other than short-term rental accommodation) must only be carried out when the permanent resident(s) of the dwelling is present, and
 - (viii) The (guest accommodation/or alternate name other than short-term rental accommodation) must comply at all times with all relevant planning, building, strata, fire safety and health regulations, and
 - (ix) No alterations or additions are carried out to the dwelling unless otherwise exempt, and
 - (x) The operation of the (guest accommodation/or alternate name other than short-term rental accommodation) must comply at all times with the Mandatory Code of Conduct; and

- (xi) The use of the dwelling for the purposes of (guest accommodation/or alternate name other than short-term rental accommodation) must be registered with Fair Trading NSW.

Conclusion

While supportive of the need for change to the way the planning system addresses “*short-term rental accommodation*”, a number of concerns are raised about the proposed changes to the planning system detailed in the Explanation of Intended Effect Short-term Rental Accommodation Planning Framework released by the Department of Planning and Environment, as detailed in this submission.

Making changes to the planning system to enable the use of the existing dwellings for “*short-term rental accommodation*” is complex and challenging particularly in the introduction of a new land use definition in the *Standard Instrument* for this form of accommodation which differentiates the new term from existing defined terms in the Standard Instrument.

For the reasons detailed in the attached submission, it is considered that the proposed new land use definition of the accommodation type term does not follow well practiced legal drafting practices and principles or clearly differentiate the new land use type from other existing defined terms in the Standard Instrument. As a consequence the proposed new land use definition term is likely to cause confusion and create interpretation issues for the Standard Instrument defined terms as detailed in the attached submission and make implementation and monitoring of the use very difficult.

One of the fundamental concerns raised in relation to the proposed amendments to the planning system is the number of days per year that STRA can take place. Changes to the planning system that permit STRA for up to 180 days per year (when the “*Host not present*”) have the potential to detrimentally impact on the supply of dwellings available for long term rental by removing many of those dwellings from the long-term rental market and driving up residential rents and impacting on housing affordability in areas of Greater Sydney, particularly in areas where “*there is a need for affordable housing*” and the demand for “*short-term rental accommodation*” is high. The Inner West LGA is one of those areas.

It is recommended that the “*number of days*” in which STRA can take place under the proposed amendments be given further consideration, especially in areas where the Government’s own policies “*identify that there is a need for affordable housing*” in that local government area.



Explanation of Intended Effect

*Short-term Rental
Accommodation
Planning Framework*

*October / November
2018*

© Crown Copyright, State of New South Wales through its Department of Planning and Environment [2018]

Disclaimer

While every reasonable effort has been made to ensure that this document is correct at the time of printing, the State of NSW, its agents and employees, disclaim all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance or upon the whole or any part of this document.

Copyright notice

In keeping with the NSW Government's commitment to encourage the availability of information, you are welcome to reproduce the material that appears in 'STRA Planning Framework Explanation of Intended Effect' for personal, in-house or non-commercial use without formal permission or charge. All other rights are reserved.

This material is licensed under the Creative Commons Attribution 4.0 International (CC BY 4.0). You are required to comply with the terms of CC BY 4.0 and the requirements of the Department of Planning and Environment. More information can be found at: <http://www.planning.nsw.gov.au/Copyright-and-Disclaimer>.

Contents

Explanation of Intended Effect	4
Part 1 – Executive summary	5
1.1. Background	5
1.2. This document	5
1.3. What is proposed?	5
Part 2 – Context	6
2.1. Short-term Rental Accommodation in NSW	6
2.2. Policy history	6
2.3. Whole of Government Framework	7
Part 3 – Planning Context	8
3.1. Current planning system	8
Part 4 – Proposed changes to the planning system	9
4.1. Proposed amendments to the Standard Instrument Order 2006	9
4.2. Proposed amendments to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	10
4.3. Noise and amenity impacts	13
4.4. Additional elements of the Government policy	13
4.5. Transitional arrangements	13
Part 5 – Have your say	14
5.1. How to make a submission	14
5.2. Privacy policy	14
Part 6 – Appendices	15
6.1. Summary of proposed amendments	15
6.2. Relevant planning legislation	17
6.3. Abbreviations	18
6.4. Local Government Areas comprising Greater Sydney Region	19

Explanation of Intended Effect

This Explanation of Intended Effect (EIE) has been prepared according to Section 3.30 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

It is presented in six parts:

- Part 1 – Executive Summary
- Part 2 – Context
- Part 3 – Planning Context
- Part 4 – Proposed Changes to The Planning System
- Part 5 – Have Your Say
- Part 6 – Appendices

Part 1 – Executive summary

1.1. Background

Short-term rental accommodation (STRA) has been carried out in New South Wales (NSW) for many years and has grown rapidly with the development of online platforms and the sharing economy. The activity increases tourist accommodation options, contributes to household income and brings wider tourism benefits. However, some communities report impacts on amenity, parking and housing availability.

In 2015, the NSW Legislative Assembly Committee on Environment and Planning conducted an inquiry into the Adequacy of the Regulation of Short-Term Holiday Letting in NSW. The Committee published its report and recommendations in 2016. The recommendations were mostly supported by the NSW Government and an Options Paper was released in 2017. The Options Paper, publicly exhibited between 21 July and 31 October 2017, sought feedback on regulatory approaches to STRA and attracted almost 8,000 submissions.

The submissions, received in response to the Options Paper, have helped inform a whole of Government policy for the regulation of STRA in NSW. On 5 June 2018, the NSW Government announced a framework that strikes a balance between supporting the economic value of the industry and managing impacts on the community. The framework includes state-wide planning controls and a mandatory Code of Conduct for online accommodation platforms, letting agents, hosts and guests, which will address impacts like noise levels, disruptive guests and effects on shared neighbourhood amenities. The framework will be implemented through amendments to planning instruments, and strata and Fair Trading legislation.

1.2. This document

This Explanation of Intended Effect (EIE) relates to proposed amendments to the NSW planning system, as part of the whole of Government framework for STRA. It outlines proposed amendments to the *Standard Instrument (Local Environmental Plans) Order 2006* (SI Order) and *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP), and their intended effects. Other elements of the whole of Government framework will be progressed by the Department of Finance, Services and Innovation (DFSI).

1.3. What is proposed?

The Department of Planning and Environment is proposing amendments to introduce the state-wide planning framework for STRA. Proposed amendments include:

- the introduction of a land use definition and permissibility for 'short-term rental accommodation'
- the introduction of exempt and complying development criteria for STRA which will include a maximum number of days that STRA can operate in a calendar year
- allowing councils outside Greater Sydney to set the number of days that a dwelling can be used for STRA without development consent or with a complying development certificate, to no lower than 180 days per year, to meet the needs of their communities, and
- the introduction of minimum fire safety and evacuation requirements for premises used for STRA.

Have your say.

The Department of Planning and Environment is seeking feedback on the details of the planning framework for regulation of STRA in NSW. To make a submission, visit www.planning.nsw.gov.au/STHL

Part 2 – Context

2.1. Short-term Rental Accommodation in NSW

The STRA industry has undergone rapid growth since 2012, supported by the emergence of online booking services and the sharing economy. Internet platforms have generated new marketplaces for STRA, benefitting consumers and providers by increasing accommodation options; providing opportunities to earn income from property assets; and broadening the economic benefits of tourism.

Existing regulation of STRA

The existing regulatory system for STRA in NSW comprises a voluntary Code of Conduct for industry, some scope for owners' corporations to use strata laws to manage STRA impacts and locally derived planning controls.

This has caused uncertainty for industry navigating the permissibility of the use. In addition, some communities and businesses have raised concerns regarding impacts on amenity, noise, parking, safety, 'quasi hotels' and housing availability.

2.2 Policy history

- 2012 & 2015** The Holiday Rental Code of Conduct was originally adopted in NSW in 2012. Revised as a national code in 2015, with the key objective of encouraging acceptable standards of behaviour for STRA guests. This is a voluntary Code of Conduct.
- 2015-2016** The NSW Legislative Assembly Committee on Environment and Planning conducted an inquiry into the adequacy of the regulation of short-term holiday letting in New South Wales. In its investigation, the Committee recognised that STRA is a complex and multi-faceted issue requiring a whole of Government response. The Committee recommended that the NSW Government amend planning laws to regulate STRA; allow home sharing and short-term letting of a principal place of residence as exempt development; empty houses be let as exempt and complying development; and the existing Code of Conduct be strengthened.
- The NSW Government released a response to the Committee's recommendations in 2016, providing in-principle support for the key recommendations.
- 2017** During 2017, further consultation was undertaken with the community through a NSW Government Options Paper, which presented regulatory options for responding to STRA. The Options Paper was exhibited for 14 weeks.
- During the public consultation there was broad support for a comprehensive, whole of Government solution considering planning, strata regulations, the industry code of conduct and a registration system.
- From a planning perspective, feedback included support for a state-wide definition and a standard approach to planning controls, but with provision to respond effectively to the specific local context.
 - From an industry management perspective, the vast majority of stakeholders supported

strengthening the existing Code of Conduct through updating standards, mandating compliance and introducing a robust complaints management scheme.

- From a strata perspective, owners' corporations supported additional powers, through by-laws, to be able to prohibit or restrict STRA on strata schemes.

2.3. Whole of Government Framework

On 5 June 2018, the NSW Government announced a policy framework for STRA in NSW, to be implemented by amending planning instruments and strata and Fair Trading legislation. This approach supports STRA occurring in NSW and manages potential impacts by providing appropriate controls for the land use and a new Code of Conduct that will apply to STRA booking services, letting agents that facilitate STRA, hosts and guests. It enhances the use of existing mechanisms and introduces new mechanisms to deliver a cohesive and effective framework that, once implemented, will provide a more consistent and accessible approach to managing STRA in NSW to the benefit of communities and industry.

The proposed whole of Government framework

- A State-wide planning framework developed by the Department of Planning and Environment to achieve consistency and certainty across local planning controls.
- A new co-regulatory Code of Conduct developed by DFSI with industry and other relevant stakeholders. The Code will apply to online accommodation platforms, letting agents, hosts and guests and address impacts like noise levels, disruptive guests and effects on shared neighbourhood amenities. The Code will also include a new dispute resolution process to resolve complaints, and NSW Fair Trading will have powers to police online platforms and letting agents.
- Changes to strata legislation, which will allow owners' corporations to adopt a by-law, with a 75 per cent majority vote, preventing STRA in their block for lots that are not the principal place of residence of the host.

The Department of Planning and Environment is proposing planning amendments to give effect to the Government's position on STRA in NSW. This EIE outlines the proposed amendments.

Part 3 – Planning Context

3.1. Current planning system

3.1.1. Defining STRA

At present, there is no state-wide planning definition for STRA and the SI Order does not expressly provide for the permissibility of this use. Currently, individual councils can determine where and when planning consent is required for STRA. Most councils do not specifically legislate for STRA and the use is commonly treated as an ancillary activity to the residential use of a dwelling.

STRA is regulated in a small number of some local government areas through the planning system. Eleven councils have defined the activity and circumstances when consent is required in their Local Environmental Plans (LEPs). Definitions, permissibility and controls vary between these councils. For instance, some councils allow the use without the need for any approval, while others consider STRA as 'tourist and visitor accommodation' or 'residential accommodation' and require approval. Some councils limit the activity by setting a maximum number of consecutive days or a maximum number of bedrooms.

3.1.2. Compliance and STRA

The existing planning system has strong compliance measures to address land use permissibility and compliance with planning legislation. Division 9.2 of the EP&A Act provides investigative powers which councils may apply where property owners are in breach of their consent. These powers cover investigation and authorisation, entry and search, obtaining information, and recording evidence.

There are also other regulatory powers available to the NSW Environment Protection Authority or Police to address amenity issues under the *Protection of the Environment Operations Act 1997* (POEO Act). Residents can make complaints to these authorities which can issue a warning or a noise abatement direction under the POEO Act, issue an on the spot fine, or direct a person who is the occupier of a premise to stop making the offensive noise.

Feedback on the Options Paper suggested it can be difficult for councils to effectively use the existing enforcement and compliance powers when there are complaints about STRA due to the transient nature of the use; a lack of information regarding STRA activities; and the resourcing burden associated with proving non-compliances.

Part 4 – Proposed changes to the planning system

The proposed changes will simplify and clarify the planning regulation of STRA in NSW, by providing a single definition for the use and circumstances where approval is required for this activity. These changes seek to:

- clarify the permissibility of STRA
- provide consistency and certainty for the industry and community
- enable STRA to occur in appropriate locations
- provide for the safety of those using STRA
- strike a balance between the availability of properties for long-term and the short-term rental market in metropolitan areas
- enable councils in regional areas to respond to local needs and
- mitigate impacts of STRA on communities.

The planning framework for STRA will be given effect through amendments to the SI Order and the Codes SEPP.

4.1. Proposed amendments to the Standard Instrument Order 2006

Key changes

- Providing a definition for this activity – to be known as ‘short-term rental accommodation’.
- Making it clear that ‘short-term rental accommodation’ is not a form of ‘tourist and visitor accommodation’.
- Making it clear that STRA will be permissible in all zones in which dwellings are permissible.

4.1.1. Land use definition

Definitions for land uses in the planning system are generally located in the SI Order and it is proposed to include a land use definition for STRA in the SI Order Dictionary. This will allow the definition to be incorporated into all Standard Instrument LEPs.

It is proposed to define STRA as:

“the commercial use of an existing dwelling, either wholly or partially, for the purposes of short-term accommodation, but does not include tourist and visitor accommodation.”

This indicative definition is intended to enable the use of a dwelling for STRA as a part of its residential use where:

- the dwelling is permissible with consent in the zone
- no physical alterations or additions would be made to accommodate the STRA use, and
- the dwelling has a current development consent or existing use rights for its use as a dwelling.

STRA is intended to be permissible in secondary dwellings. It is proposed that some forms of residential accommodation, such as boarding houses, seniors housing and group homes, will be excluded from STRA use to ensure they continue to meet their intended purpose. STRA will also be excluded from 'affordable rental housing' approved under *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP) and *State Environmental Planning Policy No. 70 Affordable Housing* (SEPP 70), as these policies are aimed at increasing affordable rental housing for long term residential use.

4.1.2. Land use permissibility

The newly defined STRA land use will be permitted in all zones where dwellings are permissible.

4.2. Proposed amendments to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Key changes

- Include specific provisions and required development standards so that STRA is permitted as exempt and complying development.
- Include minimum fire safety and evacuation requirements for individual premises used for STRA.

4.2.1. Development approval pathways

The proposed exempt and complying development approval pathways for STRA are based on different levels of risk associated with whether a host is present, whether the property is on bushfire prone land and days of operation in a calendar year. The pathways recognise that in certain circumstances, STRA has minimal impact and therefore, a lower level of regulation is appropriate.

The table below identifies approval pathways available to STRA activity, under the Government position.

Table 1: Development pathways available to STRA in state planning framework

Development Pathway	Criteria	Period
Exempt development	<ul style="list-style-type: none"> • Host present on site overnight 	Year round
	<ul style="list-style-type: none"> • Host not present, and • Property is not in Greater Sydney¹ • Property is not on bushfire prone land 	365 days per year Councils will be able to set the number of days from 180 days to 365 days.
	<ul style="list-style-type: none"> • Host not present, and • Property is in Greater Sydney • Property is not on bushfire prone land 	180 days per year
	<ul style="list-style-type: none"> • Property is on bushfire prone land • Host not present, and • Property is not in Greater Sydney 	365 days per year Councils will be able to set the number of days, from 180 to 365 days.
Complying development	<ul style="list-style-type: none"> • Property is on bushfire prone land • Host not present, and • Property is in Greater Sydney 	180 days per year
	<ul style="list-style-type: none"> • Property is on bushfire prone land • Host not present, and • Property is in Greater Sydney 	180 days per year
	<ul style="list-style-type: none"> • Property is on bushfire prone land • Host not present, and • Property is in Greater Sydney 	180 days per year

¹ Please see Appendix 6.4.

In summary, the Government position is that:

- When the host is present on site overnight: STRA can proceed as exempt development for 365 days per year, noting the hosts' ability to manage behaviour and impacts.
- When the host is not present and the property is not on 'bushfire prone land': The state-wide provisions will stipulate the number of days per calendar year that a property can host STRA as exempt development, as follows:
 - If the property is in Greater Sydney, a property may be used for STRA for no more than 180 days per year.
 - If the property is not in Greater Sydney, a property may be used for STRA up to 365 days per year. However, Councils in these areas will be able to reduce the number of days STRA is permissible to no less than 180 days.
- When the host is not present and the property is on 'bushfire prone land': complying development approval will be required for STRA. This is in recognition that additional safety measures are required to provide for the safety of guests who are unfamiliar with the location. A landowner will obtain a Complying Development Certificate and to do so would be required to address issues specific to bushfire prone areas, outlined at 4.2.3 below.

As this is an endorsed state-wide policy, it is proposed that no variations or development application pathways will be available to undertake STRA above these number of day limits.

4.2.2. Ability of regional councils to determine the permissibility of STRA

Under the policy, STRA will be permissible in areas outside Greater Sydney for 365 days per year. However, councils outside of Greater Sydney will have the option to reduce the number of days STRA can occur from 365 days, when the host is not present to no lower than 180 days, based on local needs.

Councils seeking to reduce the number of days are invited to provide an expression of interest to the Department of Planning and Environment within 8 weeks of the exhibition commencing.

If a council LEP does not amend the day threshold, the per annum state-wide policy will apply.

4.2.3. Exempt and complying development standards

The Codes SEPP contains core criteria that must be met for all the uses identified as exempt or complying development in the SEPP and criteria specific to different land uses and development types. This approach will be applied to STRA.

The general requirements set out in the Codes SEPP for exempt and complying development will apply to STRA progressing through these respective pathways. The following additional criteria are proposed to apply to STRA as both exempt and complying development approval pathways:

- The current use must be a lawful use, permissible under an environmental planning instrument (EPI) applying to the land and in a building approved for residential accommodation.
- The building in which STRA is proposed must comply at all times with all relevant planning, building, strata, fire safety and health regulations.
- No alterations or additions will be permitted to the building unless otherwise exempt. Other than safety standards below, the STRA activity does not authorise any building works. Any building works would be required to follow existing approval pathways.

- STRA must not cause contravention of any existing condition of the most recent development consent that applies to the building.
- STRA must comply with relevant requirements under the strata scheme.
- The dwelling must comply with the safety standards outlined at 4.2.4. below.

STRA on Bushfire Prone Land when the host is not present

Development on mapped bushfire prone land must meet relevant bushfire safety requirements to minimise risk. In addition to the criteria above, the following specific criteria will apply to STRA as complying development on bushfire prone land:

- The land on which STRA can occur must be certified as being no more than Bush Fire Attack Level (BAL) 29 risk rating.
- Where a property exceeds BAL29 bushfire risk, it is proposed that a development application would be required to undertake STRA.

4.2.4. Safety

One of the considerations in developing the policy framework has been the safety of guests using STRA, who may be less familiar with the location where the host is not present. The Building Code of Australia does not provide any specific requirements for STRA. However, given safety in existing dwellings remains important, there is a need to consider how existing buildings used for STRA can meet acceptable safety standards. The intent is to manage risks for users of STRA, while still enabling the activity to occur.

In this regard, the following minimum fire safety and evacuation requirements for individual premises used for STRA are proposed:

Table 2: Proposed safety requirements applying to dwellings used for STRA

Dwelling type	Recommended standard
All dwellings	<ul style="list-style-type: none"> • No more than 2 persons/bedroom or 12 persons, whichever is the lesser • Installation of smoke alarms in each bedroom, and the smoke alarms are interconnected where there is more than one alarm. • Installation of a lighting system in hallways that is activated by the smoke alarm system.
Dwellings in multi-unit buildings only (Dwellings in Class 2 and 4 buildings)	<ul style="list-style-type: none"> • Entry doors should be openable from inside the dwelling without a key • Installation of a self-closing device and smoke seals to all edges of the door, if the door opens onto a shared corridor and entrance doorway. • Installation of a fire extinguisher and fire blanket in the kitchen. • Making an Evacuation Plan, displaying 'evacuation signage' and familiarising guests with exit system.
Standalone dwellings only (Class 1a buildings)	<ul style="list-style-type: none"> • Installation of heat alarms in single dwellings which are located above a garage. This would be required only where the garage is not accessible to the guest/s.

It is also proposed that dwellings will not be able to be let for STRA to unrelated parties at one time. Related parties would include families, partners, friends and/or colleagues.

4.3. Noise and amenity impacts

Local councils and NSW Police have powers, under the POEO Act and other legislation, to respond to complaints about disturbances from activities in a dwelling. The Department of Planning and Environment will provide information to councils, industry and the local community on the application of these powers. As noted earlier, Division 9.2 of the EP&A Act provides investigative powers which councils may apply to exercise their functions under this Act. These powers cover investigation and authorisation, entry and search, obtaining information and recording evidence. No changes are proposed to these powers under these Acts.

4.4. Additional elements of the Government policy

In addition to the state-wide planning framework exhibited in this EIE, the Government policy also includes a new mandatory Code of Conduct and changes to strata legislation. All elements of the policy will work together to enable STRA, while managing potential impacts.

For more information about the mandatory Code of Conduct or STRA in strata settings, please contact the NSW Department of Finance, Services and Innovation or visit fairtrading.nsw.gov.au/news-and-updates/news/new-short-term-holiday-letting-regulations.

4.4.1 Mandatory Code of Conduct

A new mandatory Code of Conduct for online platforms, managing agents, hosts and guests will be developed by DFSI in consultation with industry and relevant stakeholders. This Code will include provisions to resolve complaints about STRA, including anti-social behaviour, that is readily accessible to hosts, guests and impacted third parties, such as neighbours. DFSI oversight of the Code, as well as enforcement powers in relation to implementation by industry and platforms, will provide direct levers to ensure that the proposed measures are implemented effectively.

4.4.2 STRA in strata settings

As part of whole of Government framework, the *Strata Schemes Management Act 2015* will be amended to allow owners' corporations (by a 75% majority vote) to make a by-law that prohibits the use of a lot for STRA where the lot is not the principal place of residence of the owner or tenant. However, if the lot is the principal place of residence for the owner or tenant, a by-law cannot prevent the lot being used for STRA. If the host does not own the property, they will be required to obtain owner permission to undertake STRA. A Bill enabling this change to be made was passed by NSW Parliament on 14 August 2018.

4.5. Transitional arrangements

Once made, the proposed amendments to the SI Order and Codes SEPP will mean the state-wide planning framework for STRA will automatically apply to all councils in NSW, including those with existing provisions. The Department of Planning and Environment will work with councils with existing provisions to amend their LEPs to be consistent with the state-wide framework, including appropriate transitional periods.

Part 5 – Have your say

This EIE outlines proposed changes to the NSW planning system to enact the planning framework announced in the NSW Government policy on STRA. The Department of Planning and Environment welcomes feedback, but notes that the state-wide permissibility of STRA and number of days in which it can take place are a policy position which has been endorsed by Government.

5.1. How to make a submission

This EIE is available on the Department of Planning and Environment's website at www.planning.nsw.gov.au/STHL.

You can make a submission online at the website or you can write to:

Director, Housing Policy
NSW Department of Planning and Environment
GPO Box 39, Sydney NSW 2001

5.2. Privacy policy

Your personal information is protected under the Privacy and Personal Information Protection Act 1998 (PPIP Act). The Department collects personal information in submissions for the purposes set out in the Department's Privacy Statement.

We respect your right to privacy. Before lodging your submission, you will be asked to confirm that you have read the terms of the Privacy Statement, which sets out:

- how personal information is defined under the PPIP Act - it includes but is not limited to your name, address and email address,
- the purposes for which the Department collects personal information, and
- how personal information collected by the department will be used.

When you make a submission, we will publish:

- the content of your submission – including any personal information about you which you have chosen to include in those documents, and
- a list of submitters', which may include your name and your suburb or town.

We will not publish offensive, threatening, defamatory or other inappropriate material. If you do not want your personal information published, please do not include any personal information in your submission. If you do not want your submission published at all, please note this in your submission.

Part 6 – Appendices

6.1. Summary of proposed amendments

Amendments to the planning system intend to:

- provide a single definition to be applied across NSW; and
- set criteria for exempt and complying development approval pathways where the use either meets the minimal environmental impact criteria for exempt development, or has been found to be generally of low environmental impact and can meet complying development criteria.

Changes are summarised in Table 2, and discussed further below.

Table 2: Summary of proposed changes

Topic	EPI	Proposed change	Intention
Definition	SI Order	Add a definition for 'short-term rental accommodation'. Add a note under the tourist and visitor accommodation definition that it does not include 'short-term rental accommodation'.	To provide greater certainty and clarity for councils, industry and community and to distinguish between STRA and traditional accommodation uses.
Permissibility	SI Order	Make it clear that STRA will be permissible in zones in which dwellings are permissible.	To provide land use permissibility for STRA.
Exempt Development	Codes SEPP	Add 'short-term rental accommodation' including development standards required.	To enable the temporary use of dwellings as STRA for visitors based on certain criteria.
		Include a provision that STRA is permitted as exempt development year round (365 days) where the host is present on-site overnight.	To enable STRA in this circumstance, recognising the lower impact of activity.
		Include a provision that, if the host is not present, STRA is permitted in a dwelling on land that is not bushfire prone as exempt development: <ul style="list-style-type: none"> - year round (365 days), if the property is outside Greater Sydney - for no more than 180 days per 	To define the maximum period for dwellings to be used for STRA in a calendar year, when the host is not present.

Topic	EPI	Proposed change	Intention
		year, if the property is in Greater Sydney	
		Include a provision that allows councils outside Greater Sydney to decrease the number of days STRA is permissible as exempt development per year from 365 days to no lower than 180 days, if they wish.	To recognise local differences and communities' needs in regional NSW.
		Include minimum fire safety and evacuation requirements for individual premises used for STRA.	To ensure the safety of visitors using STRA.
Complying Development	Codes SEPP	Include a provision that, if the host is not present and the property is on bushfire prone land (<BAL29), STRA is permitted in a dwelling as complying development: <ul style="list-style-type: none"> - year round (365 days), if the property is outside Greater Sydney - for no more than 180 days per year, if the property is in Greater Sydney. 	<p>To recognise local differences and communities' needs in regional and metropolitan NSW.</p> <p>To ensure safety on bushfire prone land.</p>
		Include a provision that allows councils outside Greater Sydney to decrease the number of days STRA is permissible as exempt development per year from 365 days down to no less than 180 days, if they wish.	To recognise local differences and communities' needs in regional NSW.
		Include minimum fire safety and evacuation requirements for individual premises used for STRA.	To ensure the safety of visitors using STRA.

6.2. Relevant planning legislation

6.2.1. Environmental Planning and Assessment Act 1979

The EP&A Act is the principal legislative instrument for land use planning in NSW. It provides for amending planning instruments such as LEPs and state planning policies; enables the inclusion of a land use definition in the SI Order and provides for additions to exempt and complying development types.

The Act also provides for the determination of development applications and ensures that the assessment of proposed development considers appropriate matters. This includes consideration of environmental, economic and social impacts including noise, parking and amenity.

As noted above, the EP&A Act also contains compliance and enforcement powers for use when development does not comply with the approval process.

No amendments are proposed to the EP&A Act as part of the whole of Government policy or this EIE.

6.2.2. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) simplifies the approval process for standard types of development.

The proposed amendments to the Codes SEPP will specify standard pathways for planning approval of STRA as exempt development and complying development.

6.2.3. Standard Instrument Order 2006

The SI Order prescribes the form and content of a principal LEP for a local government area for the purposes of section 3.20 of the EP&A Act in accordance with relevant state policies. It is a standard format LEP that applies to all local government areas in NSW. The SI Order establishes the land use planning framework and includes a range of definitions and appropriate land use zones for inclusion in each council's LEP.

The inclusion of a definition for STRA in the SI Order and the identification of where it will be permissible will mean there is a consistent approach to the regulation of the activity across NSW.

6.2.4. Local Environmental Plans

LEPs are a local planning instrument applying to local government areas that specify where land uses are permissible and can set standards for types of development.

The state-wide policy will amend existing LEPs according to the SI Order.

6.3. Abbreviations

Table 3: Abbreviations

Topic	Intention
Codes SEPP	State Environmental Planning Policy (Exempt and Complying Development) Codes 2008
DFSI	Department of Finance, Services and Innovation
EIE	Explanation of Intended Effect
EP&A Act	The Environmental Planning and Assessment Act 1979
LGA	Local Government Area
LEP	Local Environmental Plan
NSW	New South Wales
SEPP	State Environmental Planning Policy
SI Order	Standard Instrument (Local Environmental Plans) Order 2006
STRA	Short-Term Rental Accommodation

6.4. Local Government Areas comprising Greater Sydney Region

Bayside	Cumberland	Northern Beaches
Blacktown	Fairfield	North Sydney
Blue Mountains	Georges River	Penrith
Burwood	Hawkesbury	Randwick
Camden	Inner West	Strathfield
Campbelltown	Hornsby	Sutherland
Canterbury-Bankstown	Hunter's Hill	The Hills
City of Sydney	Ku-ring-gai	Waverley
City of Parramatta	Lane Cove	Willoughby
City of Ryde	Liverpool	Woollahra
City of Canada Bay	Mosman	Wollondilly

Item No: C1118(1) Item 6

Subject: SYDNEY AIRPORT PRELIMINARY DRAFT MASTER PLAN 2039 - COUNCIL SUBMISSION

Prepared By: Gunika Singh - Strategic Planner and Ken Welsh - Transport Planner

Authorised By: David Birds - Group Manager Strategic Planning

SUMMARY

This report has been prepared to provide Council with an overview of the Sydney Airport Preliminary Draft Master Plan 2039 and to outline Council's proposed submission on the Plan.

RECOMMENDATION

THAT Council:

1. Forward the attached submission to Sydney Airport Corporation in response its exhibition of the Preliminary Draft Master Plan 2039 for Sydney Airport;
2. Endorse that the attached submission that:
 - supports the Preliminary Draft Master Plan's objectives relating to safety, security, environmental protection and enhanced sustainability;
 - requests that the existing curfews and caps continued to be maintained and that any future pressure to modify these should result in such flights being accommodated at Western Sydney Airport;
 - proposes increased emphasis on sustainable transport; and
 - requests clarification on aspects of aircraft noise projections.
3. Write to the NSW Minister for Transport requesting that station access fees be removed from both of the airports heavy rail stations and that new bus routes be established to connect Sydney Airport with key areas, such as Sutherland Shire, Bayside and Georges River Council areas (key home locations of airport employees), Newtown, St Peters and Marrickville centres (nearby nodes and residential centres).

BACKGROUND

Sydney Airport Corporation Limited (SACL), under the direction of the Federal Minister for Infrastructure, Transport and Regional Development has prepared a Preliminary Draft Master Plan 2039 (PDMP) for Sydney Airport. This master plan is a 20-year strategic land use plan, which includes an airport environment strategy, a five-year ground transport plan, and a series of development concepts for the Airport over the next 20 years.

The PDMP has been prepared subsequent to a community consultation process which included:

- Discussions and briefings with community and government stakeholders;
- Community updates in local newspapers circulating across the Sydney metropolitan area;
- A series of community open days in suburbs near the Airport;
- Information brochures letter box drops to households in the vicinity of the Airport;
- Establishment of a digital engagement program including social media and interactive mapping.

The plan has been placed on exhibition for public comment until Friday 20 November 2018.

Additionally, in recognition of concerns raised previously and during consultation, the PDMP has been based on:

- No change to the airport operational curfew;
- No change to the aircraft movement caps;
- No change to existing noise sharing arrangements;
- No change to flight paths or runways.

This PDMP is the first to consider the relationship between Sydney Airport and the Western Sydney Airport (which will open in 2026). While the detailed interrelationship between the two airports is not clearly annunciated in the PDMP, it is likely that:

- Sydney Airport will function as the dominant international airport, also catering for domestic travel, some regional travel and limited dedicated freight (noting that approx.. 80% of freight is currently carried in the hold of passenger aircraft rather than on dedicated freight aircraft);
- Sydney Airport curfews and caps will remain;
- Western Sydney Airport will attract some domestic, regional flights and international flights;
- As Western Sydney Airport will not have a curfew it will also attract a large proportion of dedicated freight traffic, as well as flights with desired operating times that conflict with Sydney Airport's curfew period.

Overview of Preliminary Draft Master Plan 2039

Master planning for Sydney Airport is an ongoing process with each 20 year master plan being reviewed every five years. The current PDMP is designed to replace the existing Master Plan 2033.

This PDMP predicts that, by 2039, Sydney Airport will cater for:

- 65.6 million passengers (52% international/48% domestic);
- 408,260 aircraft movements; and
- 1,000,000 tonnes of freight.

In summary, to cater for the predicted growth, the PDMP proposes:

- Retention of the existing T1 as a solely international precinct;
- Integrated (international/domestic) operations in T2 and T3;
- Construction of several "satellite pier" areas (boarding/disembarkation areas remote from the existing terminal buildings);
- Reconfiguration of existing general aviation facilities;
- Reconfiguration of existing airport ancillary facilities;
- Further improvement to surface road access;
- Measures to reduce the Airport's carbon footprint (including increased use of solar power);
- Increased recycling;
- Continued implementation of the wetlands enhancement program.

The PDMP also includes reference to the proposed Sydney Gateway Project (SGP), to improve surface road access to, from and around the Airport. The SGP comprises:

- a surface motorway connection between the WestConnex St Peter's Interchange and Sydney Airport;
- Duplication of the freight rail line between Mascot and Port Botany.

This project is currently in its preliminary design phase and will not be the subject of a comprehensive community consultation program until a draft reference design is available (anticipated in early 2019).

Objectives

The PDMP has 11 Objectives:

- Enhance safety and security for all users of the Airport;
- Consider the community impact in all planning, development and operational activities;
- Enhanced experience of all passengers and airport users;
- Continue to improve ground access to, from and past the Airport;
- Continue to improve environmental performance at the Airport;
- Further embed sustainability into airport decision-making;
- Improve efficiency of the Airport;
- Provide adaptable and flexible plans to accommodate aviation growth;
- Maximise the capacity of the Airport to meet demand within existing operational constraints;
- Stimulate leisure and business travel to generate benefits and value for the economy;
- Create an airport that is able to compete internationally to capture aviation demand.

Air traffic forecasts

Total air passenger numbers are forecast to increase by 51%, from 43.3 million in 2017 to 65.6 million in 2039 and it is envisaged that Sydney Airport will remain the predominant airport for international flights. Consequently, international passengers are forecast to be the main driver of growth at Sydney Airport, being forecast to nearly double (from 16 million in 2017 to 31.5 million in 2039). The implication of this is a likely increase in the proportion of mid-sized international aircraft using the Airport. In relation to this the PDMP envisages:

- a reduction in the proportion of small-medium sized domestic aircraft (eg 737s);
- a greater proportion of 777, A340 and 787 aircraft (mid-sized international aircraft);
- a reduced proportion of A380 (very large aircraft).

Further, Sydney Airport's international travel will grow faster than its domestic travel, increases in the total number of aircraft movements are expected to be significantly lower than growth in passenger numbers (17% growth in aircraft movements compared to a 51% increase in passenger numbers).

Total freight at Sydney Airport is forecast to grow by 58 percent to one million tonnes in 2039, noting that even if the Western Sydney Airport caters for the majority of dedicated freight aircraft approximately 80% of all air freight is carried in the hold of passenger aircraft. Consequently,

freight handling will continue to be a major function at Sydney Airport (with implications for the surrounding road network).

While Council recognises the importance of a viable airport, particularly in terms of its economic contribution to Sydney, NSW and Australia as a whole, it is also considered essential that a balance be achieved between operational efficiency and impact on the local community. The recently adopted ANEF 2039 included in the PDMP shows pockets of increased noise in several areas. This expansion of the Airport's noise footprint is of concern to Council, as is the inability of the Airport to meet the prescribed noise sharing targets.

While the theoretical capacity of Sydney Airport is 100 aircraft movements/hour, a "cap" of 80 movements per hour is prescribed in legislation and adhered to by various flight scheduling/slot management processes.

Under existing conditions the Airport generally operates at around 60 movements/hour (excluding "super peak" occasions such as school vacations and public holidays). The PDMP predicts a total of 408,260 aircraft movements/year; equating to an average of 68 movements per hour. The likely implication of this is that, by 2039, peak periods will be at or near capacity (80 movements per hour) with off-peak times operating at rates approaching the current peak rates. Consequently concern is expressed regarding:

- Increased frequency of flights and the possible consequence that the Airport's Long Term Operating Plan (LTOP) noise sharing targets may not be able to be met;
- The increased noise footprint shown in ANEF 2039;
- Potential for various lobby groups to use the increased frequency of flights to argue for increases in the existing movement caps and/or a reduction in the curfew hours.

The noise footprint (ANEF 2039) included in the PDMP predicts that some areas will experience increased aircraft noise (see latter section of this report). These noise increased are predicted to occur with the Airport continuing to operate within its prescribed curfew and caps. Should the curfew and/or caps be altered it is likely that local communities would experience increased aircraft noise.

Consequently, Council should insist that the curfews and caps continued to be maintained (as per the current PDMP) and that any future pressure to modify these should result in such flights being accommodated at Western Sydney Airport.

Airport Development Plan

Sydney Airport has traditionally been divided into 6 operational sectors (shown in Figure 1). The PDMP provides a 20 year Airport Development Plan to guide future land use and operational patterns within the airport perimeter.

The Airport Development Plan operational strategies include:

- Continued development of capacity in the T1;
- Expanded capacity in the North-East Sector to create a T2/T3 Integrated Operations Precinct to provide for combined international, domestic and regional passenger services;
- Apron and stand infrastructure;
- Satellite pier development;
- Airside terminal and satellite pier connections;

- General aviation facilities relocation;
- Aircraft maintenance facilities;
- Aviation support infrastructure;
- Air traffic control tower;
- Ground transport and utilities improvements;
- Air freight facilities.

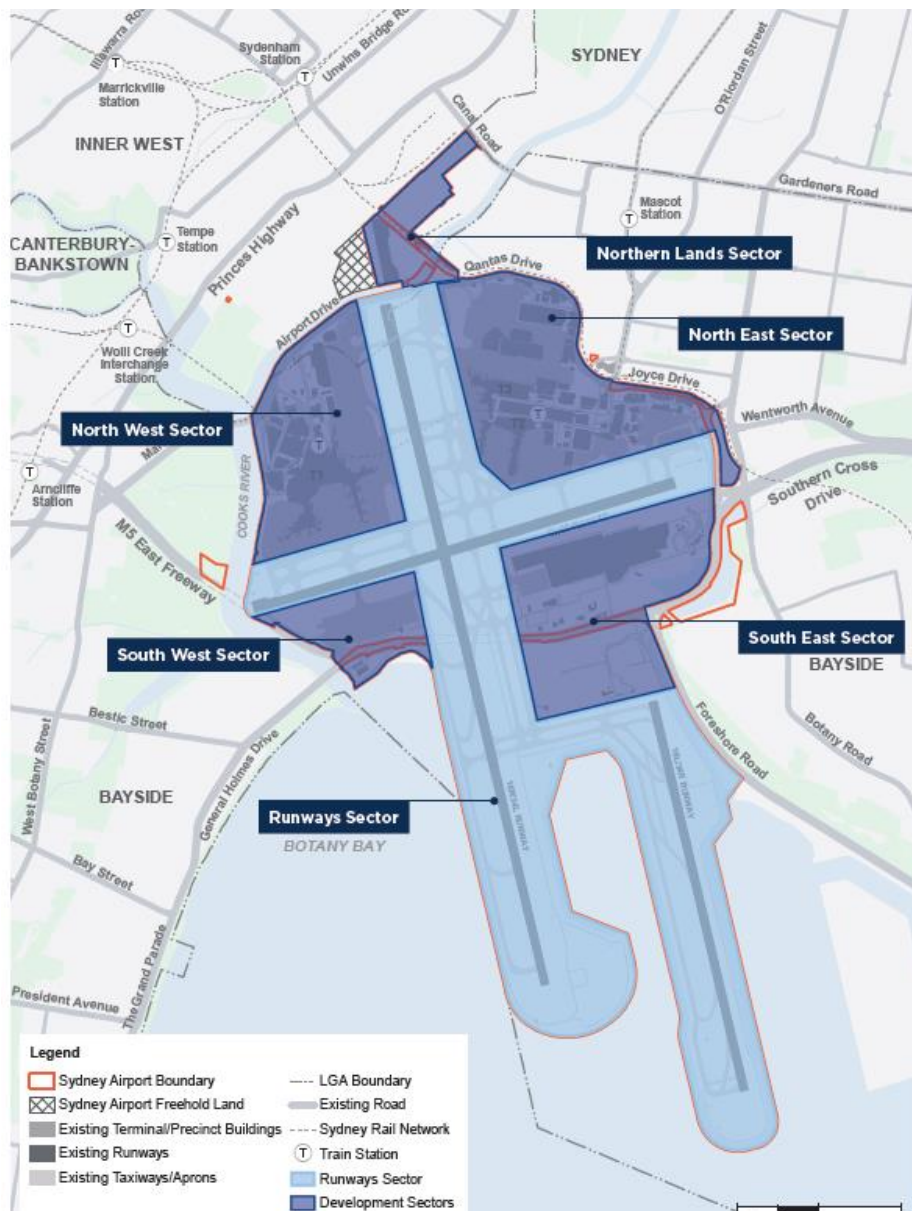


Figure 1 – Airport Sectors

Commercial Development Plan

While the Airport Development Plan largely focusses on activities directly associated with aviation, several pockets of land remain available for business activity, short-term land uses, essential utilities and environmental conservation. Business activities and short-term land uses generally fall within the remit of a commercial development plan.

In summary, the plan includes potential for:

- The North West Sector to accommodate demand for up to 120,000m² of floor space for hotel and office commercial development;
- A 430 room hotel (already approved) at Ninth Street to be developed together with a multi-storey Ground Transport Interchange in the North East Sector;
- Additional hotels ranging between 200 and 900 rooms within the North-West and North-East Sectors;
- Up to 70,000m² of freight, logistics and industrial developments in the South-East Sector;
- Up to 150,000m² of freight, logistics and industrial developments in the Northern Lands Sector;
- Employment levels at Sydney Airport to increase by approximately 6,000 jobs (to a total of nearly of 36,000 jobs by 2023).

Ground transport

The PDMP provides a 5 Year Ground Transport Plan and a 20 Year Ground Transport Strategy. The Strategy looks further into the future and includes consideration of adjacent future motorway projects (such as the F6 Extension and Sydney Gateway) as well as the need for improved public and active transport.

This plan builds on key elements of the Airport's previous Ground Transport Plan by proposing the following:

- Terminal 1:
 - Construction of a new integrated multi-storey car park/pick-up-drop-off facility;
 - Improved pedestrian and vehicle access to the terminals from the car parks;
 - Site specific intersection upgrades;
 - Roadway reconfiguration for improved network performance.
- Terminal 2/3:
 - Construction of the (already approved) Ground Transport Interchange;
 - Improved pedestrian access from carparks to passenger terminals;
 - Improvements to the entry and exit routes of the precinct.
 - Public transport - Sydney Airport proposes to continue to advocate for additional train and bus services to and from the Airport including increased capacity on the airport rail line;
- Active transport:
 - Providing and improving active transport infrastructure in the Airport's passenger terminal precincts;
 - Creating efficient pedestrian and bicycle linkages internally and connections to surrounding urban development;
 - Reducing the physical barriers for pedestrians within the landside areas of the Airport;
 - Improving active transport connections to public transport;
 - Reducing dependence on single occupant transport for travel, by promoting active travel within the community and the use of public transport.

Environment and sustainability

Sydney Airport has been pursuing the following high level objectives for many years:

- Reduction of carbon footprint;
- Resilience to climate change;

- Conservation of items of natural, indigenous and heritage value;
- Protection of environmentally significant areas.

As an addendum to the PDMP the Airport has produced a 5 Year Environmental Strategy (2019-2024).

Key environmental and sustainability aspects being pursued by the Airport include:

- Use of electric vehicles (six electric buses have already been introduced running between the Blu Emu Car Park and terminals);
- Upgrading of terminal and apron lighting systems (to more energy efficient systems);
- Investment in on-site solar power;
- Encouragement of quieter a more fuel-efficient next-generation aircraft;
- Enhanced background noise and air quality monitoring systems;
- Expansion of its recycled water treatment plant and other water-saving initiatives;
- Encouragement of active and sustainable transport connections to and from the Airport;
- Achievement of a four-star communities rating;
- Protection of buffer zones between aviation activity and environmentally sensitive areas
- Enhancement of existing management plans for storm water quality, biodiversity and wetlands.

Noise

The scope of the PDMP does not include aircraft noise outside the airport perimeter; however the PDMP does include reference to the new Australian Noise Exposure Forecast (ANEF) for Sydney Airport. ANEF 2039 was finalised prior to publication of the PDMP.

Similar to the PDMP 2039, ANEF 2039 is the first to include consideration of the opening of Western Sydney Airport (Badgery's Creek). A comparison of new and previous ANEFs (2033 and 2039) is shown in Figure 2 of this report.

In summary, the new ANEF footprint indicates:

- several small pockets of slightly reduced noise impact in Sutherland Shire and Bayside Council's areas;
- slightly increased noise impacts in several parts of the Inner West, Bayside, Randwick and Lane Cove LGAs;
- the largest areas of change noted, over land, are extensions of the ANEF 20 (noise level) footprint over Lilyfield/Rozelle, Roseberry and Botany.

It should be noted that the majority of extended noise footprint areas relate to the ANEF 20 and ANEF 25 categories (lower level noise impacts), however it is considered that any increased footprint requires explanation.

In a briefing of Councilors, presented by SACL on 16 October 2018, it was indicated that the projected changes in the ANEF were largely the result of:

- anticipated increased growth in the proportion of international flights using Sydney Airport (resulting in a corresponding increase in the proportion of mid-sized international aircraft being used);
- an increased number of aircraft movements; as airline fleet mixes adapt to changing travel demands;
- rebalancing of the use of the two parallel runways to better accommodate growth in air traffic.

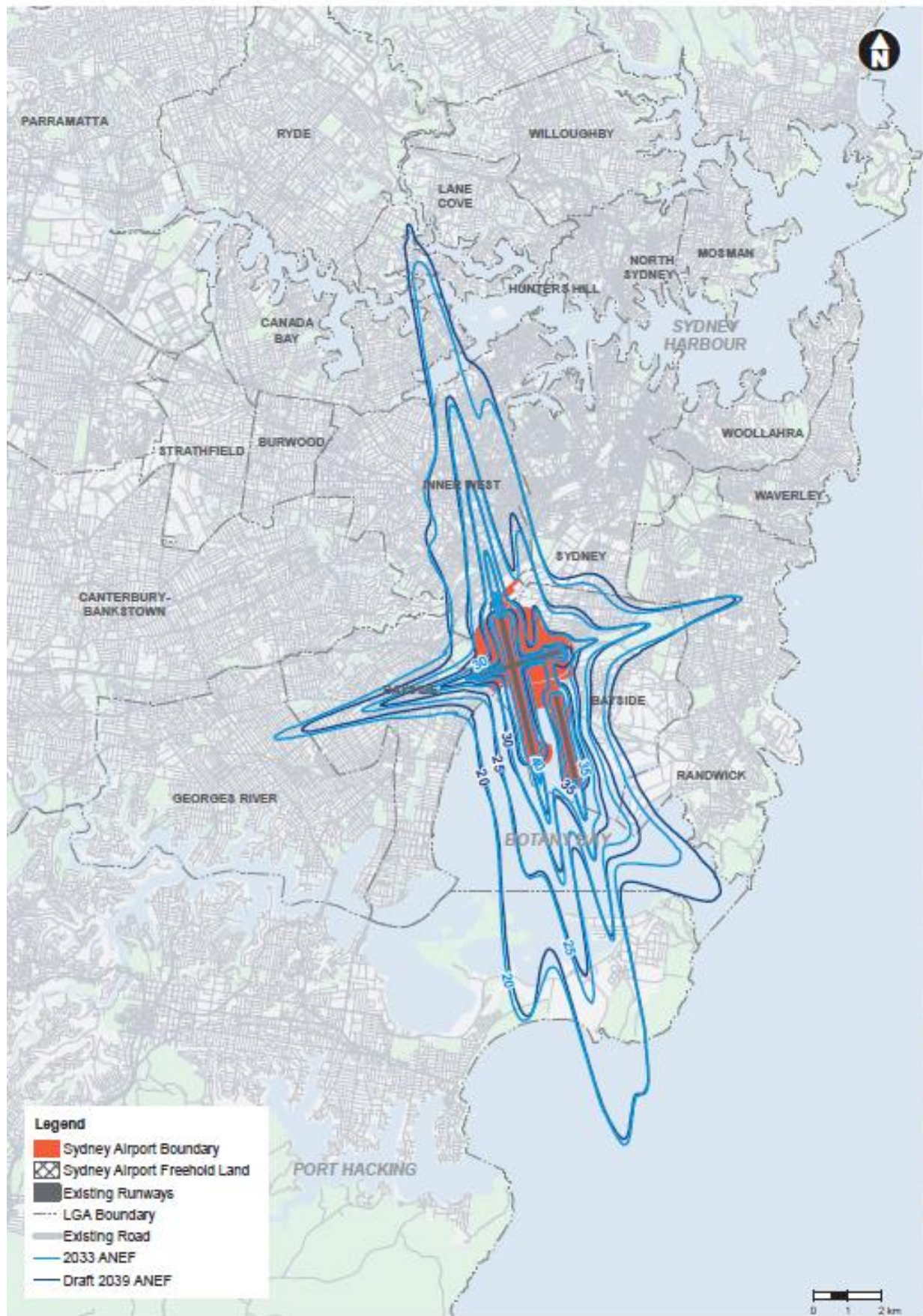


Figure 2 – Comparison of 2033 ANEF& 2039 ANEF

FINANCIAL IMPLICATIONS

Nil.

OTHER STAFF COMMENT

The attached submission was compiled based on feedback from the following teams:

- Strategic Planning:
 - Strategy & Policy Planning;
 - Planning Operations;
 - Urban & Corporate Strategy;
 - Infrastructure Planning;
 - Strategic Transport Planning;
- Footpaths, Roads, Traffic & Stormwater:
 - Road Access;
 - Traffic & Transport Services;
- Environment & Sustainability:
 - Urban Ecology;
 - Urban Sustainability.

PUBLIC CONSULTATION

SACL has carried out its own community consultation process during the preparation and exhibition of the PDMP.

CONCLUSION

The PDMP provides the basis for a world-class airport with on-going enhancement of its accessibility, sustainability and operational efficiency; however this operational efficiency is largely focused on the Airport's ability to cater for increased travel demand.

In response to the PDMP Council requests:

- that the existing curfews and caps continued to be maintained and that any future pressure to modify these should result in such flights being accommodated at Western Sydney Airport;
- further consideration of the Master Plan's ability to accommodate existing noise sharing targets;
- provision of an explanation regarding variations between ANEF 2033 and ANEF 2039;
- an overall transport strategy (more detailed than the plans currently provided), which contains:
 - a detailed active transport plan;
 - initiatives to enhance public transport mode share, including:
 - commitment to pursuing negotiations with the State Government to remove the current station access fees for both of the Airport's heavy rail stations;
 - commitment to pursue negotiations with the State Government to secure new bus services to the Airport, particularly aimed at encouraging airport employees to travel by public transport;
 - provision of bus priority measures in and around the Airport;
 - improved interoperability between Sydney Airport and (the future) Western Sydney Airport to reduce impacts on the Inner Sydney community;
 - improved methods to handle predicted increased freight demand, with only limited reliance on use of the adjacent road network;

Item 6

- augmentation of existing initiatives to ensure increased sustainability and environmental protection of environmentally sensitive areas in and around the airport;
- opportunities to use technological solutions, such as Ground-Based Augmentation (navigation) Systems (GBAS) to manage aircraft movements in a manner which reduces noise impacts on the community of Inner Sydney suburbs;
- a proposal that the Sydney Airport Corporation Limited (and other Australian airport operators), Federal Government, airlines, aircraft manufacturers and relevant interest groups work together to establish a new, more relevant criteria for the assessment of future aircraft noise and that this process includes extensive community consultation;
- a proposal to encourage legislative reform that would provide the Sydney Airport Corporation Limited with the ability to apply and enforce conditions on tenants which will assist in supporting the PDMP's sustainability goals. Such conditions should include, but not be limited to, workplace travel plans, renewable energy usage, waste water re-use and sustainability targets.

While the PDMP provides many valuable initiatives, and builds on the work already commenced by the Airport, Council's submission (Attachment 1) provides requests for greater detail on several aspects of the PDMP prior to its finalisation.

ATTACHMENTS

1. [Download](#) Sydney Airport PDMP 2039 Submission

Attachment A

**Inner West Council Submission to
Sydney Airport Corporation Limited
on the Sydney Airport
Preliminary Draft Master Plan 2019-2039**

Prepared 30 October 2018

1.0 Introduction

Council welcomes Sydney Airport Corporation Limited's invitation to comment on the Sydney Airport Preliminary Draft Master Plan 2039 and recognises the importance of the Airport in ensuring the vitality of Sydney, New South Wales and Australia.

The following submission has been prepared cognisant of:

- The need to maintain a state-of-the-art major air international airport within the Sydney Region;
- The need to ensure the safe and efficient operation of Sydney Airport (Kingsford-Smith Airport) in combination with the future Western Sydney Airport (Badgery's Creek Airport due to open in 2026);
- Commitment by Sydney Airport Corporation Limited to maintaining existing curfews, aircraft movement caps and flight paths, while continuing to pursue noise sharing opportunities as described in the Airport's Long Term Operating Plan (LTOP);
- That the Preliminary Draft Master Plan (PDMP) for Sydney relates solely to activities within the precinct.

2.0 Consideration of Sydney Airport Preliminary Draft Master Plan 2019-2039

Council commends Sydney Airport Corporation Limited and the Federal Department of Infrastructure, Transport and Regional Development in preparing the new PDMP for Sydney Airport. Council considers that many of the proposed initiatives are appropriate and worthwhile, particularly:

- The pursuit of the numerous environmental and sustainability goals;
- The development of improved internal traffic circulation;
- A general focus on improving the comfort and convenience of passengers and guests;
- Ensuring that the Airport can accommodate quieter, new generation, aircraft.

Council wishes, however, to express concern over the following aspects of the PDMP:

2.1 Expansion of Sydney Airport – increased aircraft movements and noise management

It is considered that a balance must be achieved between enhanced competitiveness of the Airport and impacts on adjacent communities. The PDMP envisages that increasing aviation demand will result in increased flights and consequently increased aircraft noise, over adjacent suburbs (as reflected the new noise forecasts - ANEF 2039). All steps possible should be taken to minimise the impact of aircraft noise on residential, and other sensitive, areas.

2.1.1 Increased aircraft movements (Caps, Curfew and Noise Sharing)

While the theoretical capacity of Sydney Airport is 100 aircraft movements/hour, a "cap" of 80 movements per hour is legislatively mandated and adhered to by the various flight scheduling/slot managements processes.

Under existing conditions the Airport generally operates at around 60 movements/hour (excluding "super peak" occasions such as school vacations and public holidays). The PDMP predicts a total of 408,260 aircraft movements/year;

equating to an average of 68 movements per hour. The likely implication of this will be that, by 2039, peak periods will be at or near capacity (80 movements per hour) with off-peak times approaching peak rates of movement.

Concern is expressed regarding:

- Increased frequency of flights and the potential inability of the Airport to enforce its Long Term Operating Plan (LTOP) to ensure noise sharing targets are met;
- The resultant increased noise footprint (Australian Noise Exposure Forecast - ANEF 2039);
- Potential for the increased frequency of flights to be used to argue for increases in the existing movement caps and/or a reduction in the curfew hours.

Such measures should be strongly resisted and the Western Sydney Airport should be used to accommodate unforeseen demand. It is, consequently, requested that Sydney Airport continue to;

- Retain existing movement caps;
- Retain the existing curfew;
- Pursue the existing noise sharing targets;
- Examine opportunities to reduce the Airport's aircraft noise footprint (ANEF).

Further, SACL is requested to provide details regarding the PDMP's ability to accommodate existing noise sharing targets and an explanation regarding variation between the previous noise exposure forecasts and the new ANEF 2039.

2.1.2 Increased freight movements and access limitations

The PDMP's predicted 100% increase in freight is likely to result in significantly increased heavy vehicle movement in and around the Airport. This increased traffic is likely impact on both the adjacent road network and access to the Airport. In order to ameliorate these impacts the PDMP relies on the Sydney Gateway Project and duplication of the heavy rail line to Port Botany.

Inner West Council is opposed to inner urban motorways and consequently expresses concern regarding the Airport's reliance on the Sydney Gateway to solve its access and freight challenges. While the duplication of the Port Botany Freight Line will significantly improve freight transfer between the two locations it is considered to only address part of the problem, as no details are apparent regarding the interface between the heavy rail line and the Airport (eg how freight will be moved between the heavy rail line and the Airport).

Consequently, Council requests that the PDMP examines opportunities for:

- increased use of Western Sydney Airport to cater for Sydney's freight demand;
- a direct freight rail connection to key locations within the airport precinct to facilitate seamless transfer of freight;
- enhanced public transport (also referred to in Section 2.4 of this submission) to reduce car traffic in and around the Airport, and so reducing the need for major road improvements to cater for increased freight.

2.1.3 Enhanced technology to reduce noise impacts

As mentioned above, under Sydney Airport's current operating regime it appears inevitable that its noise footprint will increase. This, however, has not been a consistent paradigm with many overseas airports. Numerous examples exist, worldwide, where airport growth has been matched with technological advances which have been employed to minimise aircraft noise.

It is requested that SACL and the Federal Department of Infrastructure, Transport and Regional Development examine contemporary technological solutions to reduce, aircraft noise including:

- Improved glideslope to require lower power settings on approach;
- Revised departure management to encourage lower power settings on take-off. (Noting that reduced climb angels may have implications for the Airport's Obstacle Limitation Surface – OLS - and land use implications under flight paths);
- Consideration of the benefits of precision flight path management (such as Ground-Based Augmentation Systems - GBAS - to reduce aircraft noise over sensitive areas);
- Encouraging aircraft manufacturers to examine opportunities to provide design responses to further reduce aircraft noise (eg landing gear cavity treatments, flexible wing flap edging/gap elimination).

2.2 Need for improved noise assessment techniques

While the use of the ANEF, developed in the 1980s, is currently the generally accepted standard for the assessment of future aircraft noise, Council is concerned that this technique can be confusing and may provide residents with a misconception of the realities of noise associated with aircraft overflight. Further, it is considered that this technique, developed in the 1980s, does not adequately reflect contemporary community opinion.

Consequently, it is suggested that SACL (and other Australian airport operators), Federal Government, airlines, aircraft manufacturers and interest groups work together to establish either a new, more relevant, criteria for the assessment of future aircraft noise.

It is essential that this assessment process be developed urgently to permit it's inclusion in the next airport master plan.

2.3 Sustainability and environmental considerations

While the PDMP proposes to build on existing sustainability measures Council also requests that the Airport expand on and/or supplement the following:

- Water Retention Strategies/ Water Quality treatment - ensure that existing Water Quality Management Programs continue to adapt to use World's Best Practice, particularly ensuring that on-site water retention facilities are performing to their optimum to treat water before it discharges to the Cooks River.

- Increase Water Re-use - ensure that all new buildings are self-sustaining, in terms of water reuse, through collectively or independently reusing water. It is also requested that the Airport publish its water reuse targets and achievements;
- Waste – it is requested that the Airport publish its waste reuse and recycling targets and achievements. Further, opportunities should be examined regarding the ability of the Airport to work closer with adjacent Councils regarding reuse and recycling;
- Heat Island Impact – the Airport represents a major heat island in the Sydney Region, and has both local and sub-regional implications. With this in mind, it is requested that the PDMP identify opportunities to use climate adaptation strategies to reduce the heat island impacts, including:
 - reductions in the surface area of hard stand wherever possible;
 - use of hard stand materials that dissipate, rather than store heat;
 - provision of additional green space wherever possible.
- Water Sensitive Urban Design (WSUD) for new roads and road widenings – opportunities should be explored to maximise provision of WSUD elements in the design of any new roads and/or the widening of existing roads;
- Opportunities to collaborate with adjacent Councils on sustainable energy sources - it is recognised that Sydney Airport is already moving toward the use of sustainable energy, but that the reflectivity of solar panels presents a significant challenge to finding suitable locations within the Airport perimeter. With this in mind, opportunities may exist for the Airport and adjacent Councils to collaborate on bulk purchasing of sustainable energy;
- Extension of lighting into Botany Bay – concern is expressed over potential environmental implications of High Intensity Approach Lighting (HIAL) in Botany Bay. While it is recognized that the HIAL system is essential to safe airport operation it is requested that analysis of any potential implications of the system's extension, on fauna and flora, be examined and made publicly available.

2.4 The need to improve public transport to the airport

The PDMP indicates that the Airport will be experiencing continued growth of passenger numbers and employees, consequently it is considered essential that significant improvements be made to public transport servicing the Airport.

Council commends SACL for proposing that the government enhance its public transport network to better serve the Airport and wishes to add its voice to the need for:

- increased heavy rail frequency;
- removal of station access fees;
- provision of additional bus services to key areas.

Council also requests that SACL approach the NSW State Government with a view to providing a comprehensive, network-wide, multi-modal, solution to the Airports transport needs including:

- Bus services connecting the Airport to Sutherland Shire, Bayside and Georges River Council Areas (the three key home locations of airport employees), Newtown, St Peters and Marrickville Centres (three key nearby nodes and residential centres). These services should include “out-of-hours” services which recognise the varying shift-work demands associated with the Airport;
- Opportunities for Sydney Airport to provide employee bus services, possibly running shuttle buses from key points (perhaps rail nodes or commercial centres) in the Sutherland Shire and St George areas;
- Branded and purpose-built rolling stock for the Airport Rail Line. Such rolling stock should be designed in a manner which better caters for airline passengers who need readily available and visible luggage space, convenient (gapless) roll-on-roll-off capability at platforms and “friendly, inviting” branding of a highly legible service;
- Examination of opportunities to provide high speed transfers/shuttles between Sydenham Station and the Airport Terminals. This would provide enhanced access to the Liverpool (T3) and Southern (T8) heavy rail lines, as well as the future South-West Metro Line;
- Opportunities for single trip Opal Cards (or equivalent) to be provided as part of airline ticketing;
- Upgrading of, the now 18 year old, airport platforms and access to them;
- Removal of station access fees at airport stations (also referred to in the PDMP);
- Provision of bus priority measures (for new bus services mentioned above) on the adjacent road network and possibly including exclusive bus access to each terminal and/or between terminals.

Consideration should also be given to methods of incentivising carpooling by airport employees.

2.5 Improved active transport to and around the airport

It is recognised that SACL have commenced the development of active transport links in and around the Airport, however, Council suggests that a comprehensive active transport plan, prepared in consultation with adjacent Councils, would greatly benefit Sydney Airport.

Such a plan should include, but not be limited to:

- Key infrastructure improvements including completion of various missing links (between the Airport and adjacent areas);
- Introduction of Work-based Travel Plans (for individual organisations and/or precinct-wide);
- General improvements to bicycle and pedestrian links to, and through, the Airport;
- Continued improvements to end-of-trip facilities at the Airport;

- Caps on the provision of on-site parking (particularly in relation to employee parking);
- Pursuit of the proposed cycleway along Alexandria Canal, with the immediate opportunity to connect it to Burrows Road South and the Princess Highway. In the longer term a connection to Canal Road could be created;
- Other behavioural change incentives.

2.6 Ability of Sydney Airport Corporation Limited to apply and enforce development conditions

Under the existing legislative framework SACL has only minimal power to apply and enforce specific development conditions on the tenants of new buildings; this significantly hampers the Corporation's ability to insist on tenants enforcing conditions such as workplace travel plans.

Consequently, it is suggested that legislative framework should be established which provides the SACL with the ability to apply and enforce conditions on tenants which will assist in supporting the PDMP's environmental goals. Such conditions could include, but not be limited to, workplace travel plans, energy usage, water reuses and sustainability targets.

DRAFT

Item No: C1118(1) Item 7

Subject: FUTURE OF WHITE BAY CRUISE SHIP TERMINAL BUS SERVICE

Prepared By: Bernadette Selfe - Business Relations Coordinator

Authorised By: David Birds - Group Manager Strategic Planning

SUMMARY

The purpose of this report is to respond to Council Resolution C1018(1) Item 10 Notice of Motion - Future of White Bay Cruise Ship Terminal Bus dated 9 October 2018 which required staff to:

1. Provide an update on the status and effectiveness of the minibus service to the White Bay Cruise Ship Terminal
2. Detail the costs to Council of the minibus service since it commenced
3. Widely consult with the Chamber and businesses in Balmain and Rozelle about any future use of the funds used for the bus.

In 2016, Council entered into a two year funding agreement with the Port Authority NSW that aimed to capture the economic potential of the White Bay Cruise Terminal as a tourism asset for Balmain Peninsula by providing a free bus service for passengers from the cruise terminal to Balmain and Rozelle villages. This agreement ended in March 2018. The program evaluation showed that the project was tracking very short of the anticipated \$1.4m per year return and showed no sign of achieving that return. Based on the evaluation Council declined an offer to extend the new agreement with the Port Authority. The total cost to Council to deliver the program over two years was \$75,000. Council provided one off funding for this initiative which ceased in the 2017-18 financial year.

Representatives from the Balmain Rozelle Chamber were consulted about the project and where made aware that the funds associated with the bus service were only for a two year period. As a result there are no funds available in the 2018-19 budget for related initiatives. However staff from the Economic Development Unit are in discussions with the Balmain Rozelle Chamber to examine other possible promotional initiatives for the area.

RECOMMENDATION

THAT Council notes the information outlined in this report.

BACKGROUND

In 2015, the former Leichhardt Council and the Port Authority NSW entered into a two year agreement to develop, promote and capture the economic potential of the White Bay Cruise Terminal as a tourism asset for Balmain and Rozelle villages. This project provided a free bus service for passengers from the cruise terminal to Balmain and Rozelle. This agreement ended in March 2018.

MATTERS FOR CONSIDERATION RAISED IN THE NOTICE OF MOTION

1. **Provide an update on the status and effectiveness of the minibus service to the White Bay Cruise Ship Terminal**

Council undertook an evaluation that showed the initiative did not justify Council's continued financial investment in this project. It was estimated by a consultant when the project was developed that the initiative would generate around a \$1.4m per year return into the local economy over a four year period. This figure was based on an average passenger spend of \$120 for a self-guided tour and \$45 for crew arriving at the White Bay Terminal.

Based on the figures for 2016/17 and in Table 1 below, it is estimated that in the two years that the program operated the Balmain and Rozelle economy received the following passenger spend:

- 2016/17 (21 ships) - \$70,560 (5.04% of the anticipated target \$1.4m return)
- 2017/18 (34 ships) - \$117,600 (8.4% of the anticipated target \$1.4m return).

Table 1. Number of passengers using the bus service 2017/18

Date	30 Nov	5 Dec	20 Dec	21 Dec	23 Dec	3 Jan	17 Jan	20 Jan	23 Jan
No.	0	10	31	146	49	6	35	75	7
Date	25 Jan	5 Feb	6 Feb	8 Feb	10 Feb	11 Feb	12 Feb	13 Feb	14 Feb
No.	41	32	23	0	16	27	14	20	3
Date	15 Feb	16 Feb	17 Feb	18 Feb	19 Feb	20 Feb	21 Feb	22 Feb	23 Feb
No.	3	5	16	4	2	10	130	26	74
Date	24 Feb	27 Feb	4 March	6 March	11 March	17 March	28 March		
No.	8	0	11	17	13	16	5		

The estimated amount of income received by the local businesses that can be attributed to cruise ship visitors (figures obtained from talking to the businesses in Balmain/Rozelle) represents in 2016/17 only 5.04% of the anticipated final \$1.4m return and in 2017/18 around 8.4% of the anticipated final \$1.4m return.

These figures are much lower than the staged growth targets for those years of \$650,940 for 2016/17 (only 10.8% achieved) and \$928,500 for 2017/18 (only 12.6% achieved). Furthermore the increase from 2016/17 to 2017/18 does not relate to a greater take up by the passengers on each ship but rather an increase in the number of ships from 21 to 34. The evidence appears to indicate that iconic attractions such as the Opera House, Harbor Bridge, Darling Harbour, Kings Wharf and the retail shopping opportunities in Sydney City appear to be more attractive to passengers.

Feedback from businesses has been mixed. In 2016/17 businesses reported good sales from cruise ship customers and noticed an increase in foot traffic. In 2017/18 businesses reported that they were very busy but not sure why, and had not noticed an increase in sales from cruise passengers. Some businesses were not aware of the service, despite Council staff hand delivering information about the program. Shops where business owners are present were aware of the service while shops managed by staff were less likely to be aware of the service.

Representatives from the Balmain and Rozelle Chamber have advised that they believe numbers were down on the previous year. They attribute this to passengers bypassing the villages to go to Balmain East Wharf to get to Circular Quay. The Port Authority NSW disputes this, as the Captain Cook Ferry service is located next to the terminal and is a quicker option for passengers to get into Sydney city.

Council staff have reviewed the shuttle service and confirm that approximately 50% of the morning passengers were using the service to go the wharf to make their way into Sydney. However, in the afternoon passengers and crew were using the service to go shopping in Balmain - Rozelle. This was a concern as the aim of the shuttle is to transfer passengers from the terminal to the Darling Street precincts of Rozelle and Balmain and not as an alternative means of transport into Sydney City.

2. Detail the costs to Council of the minibus service since it commenced

Council provided one off funding for this initiative for two years ending in 2017-18. The cost to deliver the program was \$75,000 a year which was shared equally between the Port Authority NSW and Council at \$37,500 each per year. Funds were used to run two shuttle buses from 8.30am to 5.30pm from White Bay to Balmain/Rozelle. There was also the cost to Council of one staff member attending quarterly meetings, and around 4 hours a week during cruise season (approximately \$3,100).

3. Widely consult with the Chamber and businesses in Balmain and Rozelle about any future use of the funds used for the bus

As noted earlier in this report, Council provided one off funding for this initiative which has now ceased. There are no funds allocated for this project in 2018-19 and therefore no funds available to use on related initiatives in the area. Representatives from the Balmain Rozelle Chamber were consulted about this project and were made aware that the funds associated with the bus service were only for a two year period. However staff from the Economic Development Unit are in discussions with the Balmain Rozelle Chamber to examine other possible promotional initiatives for the area for consideration.

Council's Economic Development Unit continues to promote and market the local economy to drive awareness, visitation and local spend to businesses, including in Balmain and Rozelle. The Economic Development Unit, as part of its strategic planning, is developing an Economic Development Strategy which will help to optimise the economic potential of the key sectors and locations across the Inner West LGA and is also liaising with the local chamber on the Strategy.

FINANCIAL IMPLICATIONS

Nil.

OTHER STAFF COMMENTS

Nil.

PUBLIC CONSULTATION

Staff contacted the local business chamber for their feedback on the project to help inform this report.

CONCLUSION

The program evaluation showed that the project was tracking very short of the anticipated \$1.4m per year return. The two year funding agreement between Council and the Port Authority NSW ended in March 2018. Based on the evaluation Council declined to enter into a new agreement with the Port Authority and there are no remaining funds that were allocated to the project that are available for use on other projects.

ATTACHMENTS

Nil.

Item No: C1118(1) Item 8

Subject: ENTERPRISE BARGAINING AGREEMENT

Prepared By: Melodie Whiting - Group Manager Human Resources

Authorised By: Rik Hart - Interim General Manager

SUMMARY

To respond to the Council Resolution of 25 September 2018, requesting a report on the status of the current Enterprise Bargaining Agreement and any recent action in this area.

RECOMMENDATION

THAT Council receive and note this report.

BACKGROUND

At the 25 September 2018 Council Meeting Council resolved:

THAT:

4. *A report be brought to Councillors about current Councils Enterprise Bargaining Agreement and any recent action in this area.*

Council has given a commitment to staff, Unions and the Consultative Committee to harmonise conditions of employment for all staff.

One of the impediments to achieving this is the former Council Agreements which are specific to small groups of staff from the former Councils and do not apply to all of our current staff in like jobs. The conditions contained therein are in many cases irrelevant, have been superseded by the Award provisions or Council Policy or Protocols.

There is also some disparity and discord between the conditions of these old agreements and they are preventing harmonisation. Although Council is making good progress we need to take further action to advance the harmonisation process and to provide staff with one set of conditions for all staff or like groups. The Eba's include:

- Marrickville Industrial Agreement No. 7340 from 1984
- Marrickville Industrial Agreement No. 8627 from 1991
- Marrickville Industrial Agreement IRC 7340 from 1992,
- Leichhardt Council Waste Collection Enterprise Agreement 2006-2009 (IRC6/581)
- Leichhardt Municipal Council Enterprise Agreement 2006-2008 (IRC6/580)
- Leichhardt Council Parks and Streetscapes Team Enterprise Agreement 2004-2006 (IRC4/5240)

Also following the co-location, consultation and negotiations with unions and staff representatives on the Council a number of improvements have also been identified they include:

- harmonisation of service standards,
- better "fit for purpose" plant and equipment
- team configurations,

- tasks undertaken
- conditions of employment and
- the review and in some cases replacement of the old Council agreements

The Unions, staff representatives and Council are now preparing to commence meetings. The outcomes will be the subject of consultation with the Unions, Staff and the Joint Consultative Committee.

FINANCIAL IMPLICATIONS

It is hoped that there will be some financial savings but they are subject to the consultation and negotiations with Staff and unions.

OTHER STAFF COMMENTS

The Joint Consultative Committee has received and noted a report on this and looks forward to the consultation to begin.

PUBLIC CONSULTATION

Nil.

ATTACHMENTS

Nil.

Item No: C1118(1) Item 9

Subject: COUNCIL MEETING SCHEDULE FOR 2019

Prepared By: Ian Naylor - Manager Civic and Executive Support

Authorised By: Nellette Kettle - Group Manager Integration Customer Service & Business Excellence

SUMMARY

To adopt the Council Meeting Schedule for 2019.

RECOMMENDATION

THAT Council:

1. Adopt the Council Meeting Schedule for 2019 as detailed in the report; and
2. Publicise the Schedule on Council's website, at Council's Service Centres and on the Inner West Council page in the Inner West Courier.

BACKGROUND

Council has previously adopted a Meeting schedule of 2nd and 4th Tuesdays from February through to November and on 2nd Tuesday of December. Council also resolved in 26 June 2018 to schedule a 2 week meeting and briefing recess in July each year. The below schedule takes into account these previous Council resolutions and provides the meeting dates for 2019 for Council's endorsement. It is anticipated that Councillor Briefings will commence on 5 February.

2019 Council Meeting Schedule

Tuesday 12 February
Tuesday 26 February
Tuesday 12 March
Tuesday 26 March
Tuesday 9 April
Tuesday 23 April
Tuesday 14 May
Tuesday 28 May
Tuesday 11 June
Tuesday 25 June
Tuesday 23 July
Tuesday 13 August
Tuesday 27 August
Tuesday 10 September (Mayor and Deputy Mayor Election)
Tuesday 24 September
Tuesday 8 October
Tuesday 22 October
Tuesday 12 November
Tuesday 26 November
Tuesday 10 December

Item 9**FINANCIAL IMPLICATIONS**

Nil.

OTHER STAFF COMMENTS

Nil.

PUBLIC CONSULTATION

Nil.

CONCLUSION

Nil.

ATTACHMENTS

Nil.

Item No: C1118(1) Item 10**Subject:** QUARTERLY UPDATE ON TENDERS AWARDED**Prepared By:** Joe Cavagnino - A/Group Manager Procurement and Fleet**Authorised By:** Elizabeth Richardson - Deputy General Manager Assets and Environment**SUMMARY**

Following resolution by Council at its meeting on 3rd July 2018, a list of tenders awarded under delegation by the General Manager is reported to Council for its information.

RECOMMENDATION

THAT information on tenders awarded by the General Manager be received and noted.

BACKGROUND

On 3rd July 2018, Council resolved that the General Manager be given the delegated authority to enter into Council contracts up to the value of \$1,500,000.

Council further resolved:

2. Information on tenders issued and awarded under delegation by the General Manager be reported to Council for information only at the next possible council meeting.

Accordingly, this report provides advice to Council on tender contracts awarded by the General Manager that are below the \$1,500,000 delegated amount.

For the quarter 1 July 2018 to 30 September 2018, the following tender and subsequent contracts were awarded:

<i>Tender No</i>	<i>Description of Goods & or Services</i>	<i>Awarded Tenderer</i>	<i>Amount Inc GST</i>
T08-16	Replacement of the Chester Street Footbridge across Johnston Street Annandale	Fleetwood Urban Pty Ltd	\$495,002.00
T11-17	Replacement of AKAC Fitness Equipment	Technogym	\$189,971.10

FINANCIAL IMPLICATIONS

Nil.

OTHER STAFF COMMENTS

Nil.

PUBLIC CONSULTATION

Nil.

ATTACHMENTS

Nil.

Item No: C1118(1) Item 11
Subject: NOTICE OF MOTION: LILYFIELD ROAD TRAILER PARKING
From: The Mayor, Councillor Darcy Byrne

MOTION:

THAT Council install ‘No Parking 7AM-7PM – Motor Vehicles under 4.5t GVM Excepted’ restrictions (replacing unrestricted parking spaces only) on the southern side of Lilyfield Road between Denison Street and the Unnamed Laneway running parallel between Justin Street and Lamb Street, Lilyfield as soon as is practicable.

Background

On 8 May 2017 Council considered a report on the regulation and enforcement of long term trailer parking in the Inner West. At that meeting it was resolved:

C0518 Item 5 Regulation and Enforcement of Long Term Trailer Parking Report
 THAT Council:

1. Note that the amendments to the State Environmental Planning Policy No. 64 – Advertising and Signage ([SEPP 64](#)), in respect of advertising trailers, is suitable and has been successful in its application to date;
2. Note that the Inner West LGA becoming a ‘declared area’ for the purposes of Section 15A(1) of the Impounding Act 1993, will not bring relief from the issue of long term boat trailer parking and regulation can occur via specific parking signage;
3. Note that the long term parking of a registered trailer is not an offence and regulation can only occur via specific parking signage;
4. Officers develop a signage strategy aimed at implementing ‘No Parking 7AM-7PM – Motor Vehicles under 4.5t GVM Excepted’ signage in Darley Road, Lilyfield Road and Railway Avenue, and that this strategy be reported to the Local Traffic Committee within two months;
5. Investigate the feasibility of implementing a dry dock area for residents and ratepayers, being a secure facility with 24 hour access; and
6. Investigate the feasibility of a signage strategy being implemented in Frederick Street Ashfield in an addition to Darley Road, Lilyfield Road and Railway Avenue.

The subsequent Traffic Committee recommendation that was adopted by Council 24 July 2018:

1. ‘No Parking 7AM-7PM – Motor Vehicles under 4.5t GVM Excepted’ restrictions be installed (replacing unrestricted parking spaces only) on the southern side of Railway Avenue between Liberty Street and approx. 50m west of Surrey Street, Stanmore;
2. **‘No Parking 7AM-7PM – Motor Vehicles under 4.5t GVM Excepted’ restrictions be installed (replacing unrestricted parking spaces only) on the southern side of Lilyfield Road between Denison Street and the Unnamed Laneway running parallel between Justin Street and Lamb Street, Lilyfield, subject to the outcome of the Lilyfield Road Separated Cycleway investigation;**
3. A request for the implementation of ‘No Parking 7AM-7PM – Motor Vehicles under 4.5t GVM Excepted’ restrictions on the northern/western side of Darley Road, Leichhardt between Allen Street and Hubert Street (replacing unrestricted parking spaces only) be forwarded to RMS for approval;

4. It be noted that trailer parking on Frederick Street, Ashfield has ceased following enforcement of advertising trailers and no action is currently proposed; and
5. Parking in the surrounding streets be reviewed for any overflow trailer parking six months after the 'No Parking' signage is installed and be reported back to the Committee.

Given the delay in resolving the Lilyfield Road separated cycleway, I consider it important to provide relief to residents in the interim period from the ongoing concerns of long term boat and trailer parking in area.

Accordingly, I propose that the necessary parking restrictions be implemented as soon as possible.

ATTACHMENTS

Nil.

Item No: C1118(1) Item 12
Subject: NOTICE OF MOTION: INTERNATIONAL CAMPAIGN TO ABOLISH
NUCLEAR WEAPONS CITIES APPEAL
From: Councillor Louise Steer

MOTION:

THAT:

1. Council congratulates ICAN on its historic achievement of winning the Nobel Peace Prize and its valuable contribution toward global nuclear disarmament;
 2. Council endorses the ICAN Cities Appeal which states that: "Our city is deeply concerned about the grave threat that nuclear weapons pose to communities throughout the world. We firmly believe that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long-lasting consequences for people and the environment. Therefore, we warmly welcome the adoption of the Treaty on the Prohibition of Nuclear Weapons by the United Nations in 2018, and we call on our national government to sign and ratify it without delay.";
 3. The Mayor writes on behalf of Inner West Council to the Foreign Affairs Minister calling for the Australian government to sign and ratify the Treaty on the Prohibition of Nuclear Weapons on behalf of the Australian people; and
 4. Council:
 - a) Review its investment policy to ascertain whether it invests in any financial institution that support the production of nuclear weapons with a view to divesting any such investments; and
 - b) Report to councillors on the outcome of the review within 2 months of this motion.
-

Background

Nuclear weapons cause massive environmental destruction and their effects on human and animal health, by causing genetic mutations, lasts for generations. These effects include cancer and severe birth defects. There is ample scientific research that confirms the ongoing detriment caused by nuclear weapons.

Before amalgamation, the former councils of Marrickville, Leichhardt and Ashfield declared their council areas to be nuclear free zones and that policy continues for Inner West Council.

The International Campaign to Abolish Nuclear Weapons (ICAN), established in Australia in 2007, was awarded the 2017 Nobel Peace Prize for its ground-breaking efforts to achieve a global treaty for the prohibition of nuclear weapons.

On 7 July 2017, 122 nations voted to adopt the Treaty on the Prohibition of Nuclear Weapons ("the Treaty").

At this time the Treaty has been signed by 69 nations and ratified by 19 nations. Once ratified by 50 nations, it will enter into force.

While the Australian Government supports the goal of a world free of nuclear weapons, it has not yet signed or ratified the Treaty.

ICAN has launched the Cities Appeal, a campaign for towns and cities to voice their concern for the consequences of nuclear weapons and endorse the Treaty.

www.ican.org

APPENDIX

ICAN CITIES APPEAL

About the Appeal

Nuclear weapons pose an unacceptable threat to people everywhere. This is why, on 7 July 2017, 122 nations voted to adopt the Treaty on the Prohibition of Nuclear Weapons. All national governments are now invited to sign and ratify this crucial global agreement, which prohibits the use, production and stockpiling of nuclear weapons and lays the foundations for their total elimination. Cities and towns can help build support for the treaty by endorsing the ICAN Cities Appeal.

Text of the Appeal

"Our city/town is deeply concerned about the grave threat that nuclear weapons pose to communities throughout the world. We firmly believe that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long-lasting consequences for people and the environment. Therefore, we warmly welcome the adoption of the Treaty on the Prohibition of Nuclear Weapons by the United Nations in 2017, and we call on our national government to sign and ratify it without delay."

How to endorse the Appeal

The mayor or administrator of the local government should send an email to info@icanw.org indicating that the city/ town has agreed to endorse the ICAN Cities Appeal. This appeal is for local governments of cities/towns in nations that have not yet ratified the Treaty on the Prohibition of Nuclear Weapons.

Suggestions for further action

1. Write to the national government:

Inform the foreign minister or other relevant official that your city/town has endorsed the ICAN Cities Appeal.

2. Inform the media: Issue a press release announcing that your city/town has joined the call for the national government to sign and ratify the UN Treaty on the Prohibition of Nuclear Weapons.

3. Inform your residents: Distribute information or hold a public exhibition about the threat of nuclear weapons and global efforts to eliminate this threat.

4. Divest public funds: Take steps to ensure that funds administered by your city/town are not invested in companies that produce nuclear weapons. See www.dontbankonthebomb.com

Officer's Comments:

Comment from Group Manager Finance:

To implement point four of the resolution, Council will require four months. Consultants who review Council's investments portfolio will cost \$2000 to review the investment policy.

ATTACHMENTS

Nil.

Item No: C1118(1) Item 13**Subject:** **PANEL MEMBER APPOINTMENT - SYDNEY EASTERN CITY PLANNING
PANEL (SECPP)****Prepared By:** Harjeet Atwal - Group Manager Development Assessment & Regulatory
Services**Authorised By:** Elizabeth Richardson - Deputy General Manager Assets and Environment**SUMMARY**

Sydney Planning Panels were established in November 2016, to replace the Joint Regional Planning Panels (JRPPs) which operated throughout NSW since July 2009. The relevant Sydney Planning Panel for Inner West Council is the Sydney Eastern City Planning Panel (SECPP). In November 2016, Council re-appointed the representatives of the former 3 Councils. In February 2018 Council resolved to go review its representatives and go through an expression of interest (EOI) process to nominate its representatives for an expanded panel. The purpose of this report is to advise Council of the outcomes of the EOI to appoint representatives for SECPP.

RECOMMENDATION

THAT Council appoint the nominated candidates from the EOI process as Council representatives on the SECPP for an expanded panel.

BACKGROUND

Sydney Planning Panels (SPPs) were established in November 2016, to replace the JRPPs which operated throughout NSW since July 2009.

The Inner West lies within the SECPP area, together with Bayside, Burwood, Canada Bay, Randwick, Strathfield, Waverley and Woollahra Councils.

The Sydney Planning Panels comprise of five members:

- The Chair (Currently Carl Scully)
- 2 state appointed representatives (Currently Dr John Roseth and Sue Francis)
- 2 council appointed representatives

In November 2016, Council re-appointed the representatives of the former 3 Councils:

Ashfield (former LGA)	Leichhardt (former LGA)	Marrickville (Former LGA)
Monica Wangmann Edward Cassidy	Brian McDonald Deborah Laidlaw Jacinta Reid (Alternate)	Sam Iskandar Victor Macri Rosana Tyler (Alternate)

The former Ashfield and Marrickville Councils chose to have Councillors as the representatives to the then JRPP's. Leichhardt Council has previously used staff and Councillors on the Panel, however changed to the use of expert planning, architecture and legal consultants when amendments were made to the Panel's Code of Conduct in 2013.

It is noted that there is no limit on the amount of representative in the pool for Council appointed representatives on the SECPP. It is a matter for Council to nominate who it wishes to act its representatives on the SECPP.

At the 27 February 2018 Council Meeting Council considered a report (see **ATTACHMENT 1**) seeking the review of the existing Council representatives on the SECPP. Council resolved the following:

“THAT:

- 1. Council re-nominate its existing representatives for the Sydney Eastern City Planning Panel with existing rates of remuneration;*
- 2. Council seek expression of interest from Councillors, former councillors, community representatives and persons with relevant expertise and local knowledge; and*
- 3. Following the EOI process a report be brought back to council for Council to nominate its representatives for an expanded panel.”*

The purpose of this report is to advise Council of the outcomes of the EOI to appoint representatives for SECPP.

EXPRESSION OF INTEREST SELECTION PROCESS

The EOI process seeking nominees for SECPP Council representatives was advertised between 12 April 2018 to 27 April 2018. Council received 24 applicants from the following fields planning, architecture, heritage, the environment, urban design, traffic and transport, and engineering.

The EOI selection process and preferred candidates are outlines in the confidential report in **ATTACHMENT 2**.

FINANCIAL IMPLICATIONS

Councils determine the fees they pay their panel members. The Minister has provided guidance to all councils on appropriate rates of remuneration for travel and subsistence allowances for their members.

Each council is responsible for making payments to its panel members when they attend planning panel meetings.

It is proposed that payment for expert members be at the rate of \$2200 per application considered. This is the current remuneration rate that Council provide to the panel experts attendance at the Inner West Local Planning Panel. It is proposed that fees for current and former Councillors remain as existing.

These fees for service can be accommodated within Council's existing budget.

OTHER STAFF COMMENTS

Nil

PUBLIC CONSULTATION

Nil

CONCLUSION

There is no limit on the amount of representative in the pool for Council appointed representatives on the SECPP. It is a matter for Council to nominate who it wishes to act its representatives on the SECPP.

The purpose of this report is to advise Council of the outcomes of the EOI to appoint representatives for SECPP.

ATTACHMENTS

1. [!\[\]\(48a7667d09d5a06397e047ee4537bb6f_img.jpg\)](#) Council Report - 27 February 2018 - SECPP Panel Member Appointment
2. Confidential Report - Expression Of Interest For Panel Member Appointment For SECPP
- *Confidential*

Item No: C0218 Item 8
Subject: **PANEL MEMBER APPOINTMENT - SYDNEY EASTERN CITY PLANNING PANEL ('SECPP')**
Prepared By: Ryan Cole - A/ Group Manager Development Assessment and Regulatory Services
Authorised By: Elizabeth Richardson - A/ Deputy General Manager Assets and Environment

SUMMARY

Sydney Planning Panels were established in November 2016, to replace the Joint Regional Planning Panels (JRPPs) which operated throughout NSW since July 2009. The relevant SPP for Inner West Council is the Sydney Eastern City Planning Panel (SECPP). In November 2016, Council re-appointed the representatives of the former three (3) Councils. The former Ashfield and Marrickville Councils chose to have Councillors as the representatives to the then JRPP's, while Leichhardt Council engaged expert planning, architecture and legal consultants when amendments were made to the Panel's Code of Conduct in 2013. It is now appropriate and timely that Council review its current representatives on the SECPP. The Inner West Council now has a pool of independent experts appointed to the Inner West Planning Panel and a short, closed EOI could be conducted from within that pool to appoint representative(s) if Council desires.

RECOMMENDATION

THAT:

1. Council nominate its representatives on the Sydney Eastern City Planning Panel and specify whether these representatives act on behalf of the entire Inner West LGA, or one of the former LGAs;
2. For any remaining vacancies, seek expressions of interest from current members of the Inner West Planning Panel (Local Planning Panel) to act as Councils appointed representatives on the Sydney Eastern City Planning Panel; and
3. A report be brought back to Council on the outcomes of the EOI, and appointment of its representatives.

BACKGROUND

What is the Sydney Eastern City Planning Panel?

Sydney Planning Panels (SPPs) were established in November 2016, to replace the Joint Regional Planning Panels (JRPPs) which operated throughout NSW since July 2009.

The Inner West lies within the Sydney Eastern City Planning Panel (SECPP) area, together with Bayside, Burwood, Canada Bay, Randwick, Strathfield, Waverley and Woollahra Councils.

Responsibility

The Sydney Eastern City Planning Panel (SECPP) has responsibility for:

- determining 'regionally significant' development applications (DAs) and certain other DAs and modification applications. These are typically developments with a capital

investment value in excess of \$20 million, which is expected to soon increase to \$30 million;

- acting as the relevant planning authority (RPA) when directed;
- undertaking rezoning reviews; and
- providing advice on other planning and development matters when requested.

Membership and composition

The Sydney Planning Panels comprise of five members:

- The Chair
(Currently Carl Scully)
- Two (2) state appointed representatives
(Currently Dr John Roseth and Sue Francis)
- Two (2) council appointed representatives

Council's current representatives

In November 2016, Council re-appointed the representatives of the former three (3) Councils:

Ashfield (former LGA)	Leichhardt (former LGA)	Marrickville (Former LGA)
Monica Wangmann Edward Cassidy	Brian McDonald Deborah Laidlaw Jacinta Reid (Alternate)	Sam Iskandar Victor Macri Rosana Tyler (Alternate)

The former Ashfield and Marrickville Councils chose to have Councillors as the representatives to the then JRPP's. Leichhardt Council has previously used staff and Councillors on the Panel, however changed to the use of expert planning, architecture and legal consultants when amendments were made to the Panel's Code of Conduct in 2013.

Selection of council members

It is now appropriate and timely that Council review its current representatives on the Sydney Eastern City Planning Panel (SECPP).

At least two (2) council members are required to be appointed by Council. At least one council member is required to have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism. It is also recommended that Council appoint alternate member, to address situations where a Panel member is unavailable or ineligible to consider the matter.

Options exist for Councillors to appoint:

- Councillors;
- Staff (not directly involved in Development Assessment);
- External experts; or
- A combination of the above.

It should be noted that the current former-LGA based arrangements can continue if Council wishes. For example, Councillors may be appointed as Panel representatives in one former LGA, and experts appointed in others.

Code of Conduct

In selecting members, councils should have regard to the conflict of duties that would be created for a person nominated to the planning panel if they were in any way responsible or involved in the assessment and recommendation of a DA or a rezoning review to be determined by the panel.

All panelists are bound by a Code of Conduct, which is attached for information.

The key provisions for Councillors to consider are:

3.19 *The following situations are considered to represent a conflict of duties for panel members (however this list is not exhaustive):*

a) involvement in a specific project that is subject of a DA for regional development, or a planning proposal that is subsequently reviewed by a planning panel, for example as a consultant,

b) councillors where they have deliberated or voted on a matter (including a planning proposal, voluntary planning agreement or to make a submission to the panel on a DA for regional development) in their role at council and that matter, or a related matter, subsequently comes before the panel,

c) council staff that have been directly or indirectly involved in the preparation of the assessment report for the planning panel.

3.22 *Councillors who have deliberated or voted on a matter (including a planning proposal, voluntary planning agreement or to make a submission to the panel on a DA for regional development) in their role at council and that matter, or a related matter, subsequently comes before the panel, are to stand aside from their place on the panel, and allow council's nominated alternative member to take their place, to avoid any perceptions of bias or pre-judgement.*

6.5 *If a planning panel member is approached by any person about a development application that is to be determined by the planning panel, the planning panel member must not discuss the development.*

These clauses effectively mean that as a representative on the Sydney Eastern City Planning Panel (SECPP), a Councillor:

- Could not deliberate or vote on a planning proposal or rezoning matter that would later go before the Sydney Eastern City Planning Panel (SECPP); and
- Discuss with any person or advocate for community on a matter to go before the Sydney Eastern City Planning Panel (SECPP).

Proposal

Council should nominate its representatives.

If expert members are preferred (noting at least one member is required to have expertise in a relevant discipline), it is noted that the Inner West Council now has a pool of independent experts appointed to the Inner West Planning Panel (Local Planning Panel). It is possible that a short, closed EOI could be conducted from within that pool to appoint representative(s) if Council desires.

The merits of the proposal include:

- Meeting the expertise obligations for panel member selection
- Increase consistency in decision making between Inner West Planning Panel for Local Development and the Sydney Eastern City Planning Panel (SECPP) for Regionally Significant Development
- Reduce opportunities for conflicts of interest that can arise for both staff and Councillor representation.

FINANCIAL IMPLICATIONS

Councils determine the fees they pay their panel members. The Minister has provided guidance to all councils on appropriate rates of remuneration for travel and subsistence allowances for their members.

Each council is responsible for making payments to its panel members when they attend planning panel meetings.

It is proposed that payment be at the rate of:

- For external experts: the equivalent daily remuneration rate for their attendance at the Inner West Planning Panel (currently \$2200), per application considered;
- For Councillors: \$600.00, per meeting attended. This is consistent with the rate of the former Marrickville Council.

Fees for service can be accommodated within Council's existing budget.

OTHER STAFF COMMENTS

Nil.

PUBLIC CONSULTATION

Nil.

CONCLUSION

It is matter for Council to nominate who it wishes to act its representatives on the SCPP. Councillors or staff (not involved in development assessment) may act as the representatives, having regard to the provisions of the Code of Conduct.

In the event experts are preferred, it is recommended Council seek expressions of interest from current members of the Inner West Planning Panel (Local Planning Panel) to act as Councils appointed representatives on the Sydney Eastern City Planning Panel. Following the EOI process a further report will be brought back to Council on the outcomes of the EOI, and appointment of its representatives.

ATTACHMENTS

1. Code of Conduct

Item No: C1118(1) Item 14**Subject:** **ASHFIELD AQUATIC CENTRE CONSTRUCTION TENDER
RECOMMENDATION****Prepared By:** Brooke Martin - Group Manager Properties, Major Building Projects and Facilities**Authorised By:** Elizabeth Richardson - Deputy General Manager Assets and Environment**SUMMARY**

Inner West Council is undertaking a much needed major redevelopment of the Ashfield Aquatic Centre. The community was asked to help create a vision for the redevelopment, engaging centre users, clubs and the wider community during May and June 2017. These outcomes informed the redevelopment design. A comprehensive two stage tender process has been undertaken including an Expression of Interest (EOI) and Select Request For Tender (RFT). The Tender Assessment Panel has reviewed the tender proposals and this report provides a recommendation to Council for endorsement.

RECOMMENDATION**THAT:**

1. Council moves into closed session to deal with this matter as the information contained in CONFIDENTIAL ATTACHMENTS 1,2, 3 and 4 of this report are classified as confidential under the provisions of Section 10A (2) d (ii) of the Local Government Act 1993 for the following reasons:
 - a) d (ii) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council;

And in accordance with Sections 10A (4) of the Local Government Act 1993, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed.

2. The recommendation provided in Confidential Attachment No.1 be adopted.

BACKGROUND

Inner West Council is undertaking a much needed major redevelopment of the Ashfield Aquatic Centre. After 55 years in operation and over 11.5 million visitors passing through its gates, the much loved facility closed its doors earlier this year.

The pool was closed in order to undertake the necessary investigations and preparatory work required as part of the redevelopment. Ongoing occupational health and safety issues as a result of ageing infrastructure including broken tiles, sewerage blockages, lack of ventilation in the indoor pool area and plant room and structural issues also meant that the ageing facility was no longer safe to use.

Since the pool closed, an enormous amount of work has been undertaken to prepare the site for redevelopment. The pools have been emptied to allow for additional geotechnical and other investigative work which couldn't be undertaken whilst the facility operated was a crucial part of the tender process.

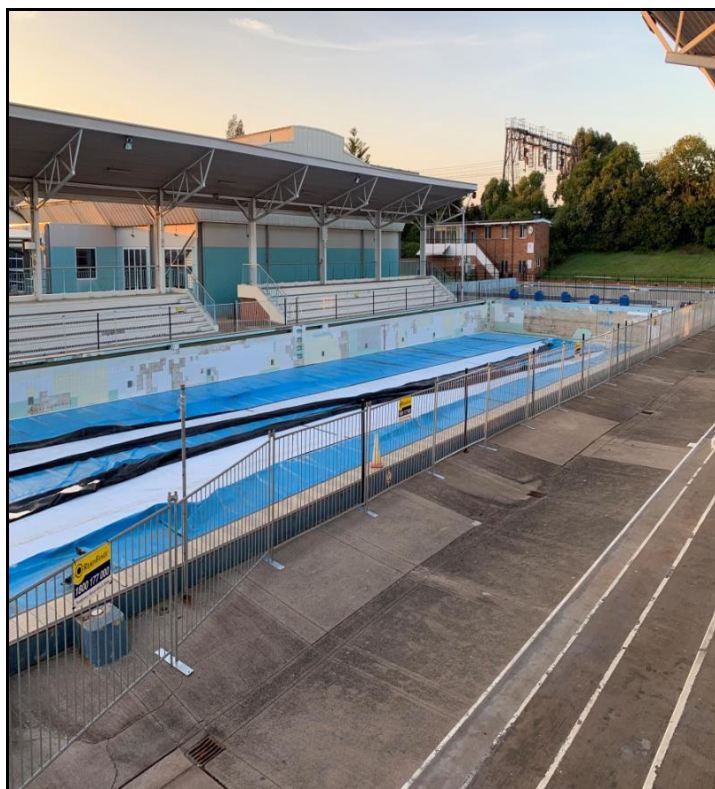


Photo of 50m pool after water drained

The community was asked to help create a vision for the redevelopment, engaging centre users, clubs and the wider community during May and June 2017. These outcomes informed the redevelopment design.

Council endorsed the scope, design, capital budget, funding proposal and operating model for the Centre earlier this year: [meeting minutes about Ashfield Aquatic Centre redevelopment](#)

A comprehensive two stage tender process has been undertaken including an Expression of Interest (EOI) and Select Request For Tender (RFT). The pre-qualified contractors were invited to provide a proposal to undertake the head construction contract for the redevelopment of Ashfield Aquatic Centre. The Tender Assessment Panel has reviewed the tender proposals and provides a recommendation to Council for endorsement.

The attached report provides a recommendation on the tender, budget and timeline for the redevelopment of the site into a new state-of-the-art mix of contemporary facilities.

The redevelopment of the Ashfield Aquatic Centre (AAC) includes the following works:

- Demolition of existing 50m pool, water polo pool, existing change facilities, grandstand and plant areas;
- Rebuilding a new 50m pool with accessible ramp and split boom;
- Rebuilding a new water polo pool;
- Building a new children leisure pool;
- The design of a new two story entry building to accommodate new entry, cafe, change areas, crèche, staff facilities and retail space;
- New 1000m2 gym on level 2 of the new entry building;
- Upgrade and connection of new entry building to the existing pool hall and indoor pools
- New sauna, steam and spa attached to the existing pool hall building;
- New plant room to service the new pools and new building;
- Alterations to the existing western grandstand to create community green space and covered seating;
- New landscaping and green wall to the children leisure pool;

- New landscaped areas and terraces to the external pools;
- Amendments to the Frederick Street car park and extension of the Bastable Street car park to increase the parking spaces required for the new development;
- Upgrade of the pool hall roof to connect with one single roof over the existing Pool Hall;
- All new services associated with the new pool, and upgrade services to the existing pool hall; and
- Replacement of fencing between Pool Site and Bastable Street carpark, and Frederick Street carpark.
- Movable floor to the outdoor program pool.

FINANCIAL IMPLICATIONS

An assessment of financial implications is provided with the attachments to this report.

OTHER STAFF COMMENTS

Nil

PUBLIC CONSULTATION

Nil

ATTACHMENTS

1. Tender Evaluation - Report to Council - *Confidential*
2. Tender Assessment Panel Report - *Confidential*
3. Quantity Surveyor Tender Assessment Report - *Confidential*
4. Independent Probity Advisor Tender Assessment Report - *Confidential*

Item No: C1118(1) Item 15

Subject: **COMPULSORY ACQUISITION FOR CONSTRUCTION LEASE - PART
BURROWS AVE SYDENHAM**

Prepared By: Helen Langford - Property & Assets Manager

Authorised By: Brooke Martin - Group Manager Properties, Major Building Projects and
Facilities

SUMMARY

Transport for NSW (TfNSW) on behalf of Sydney Metro has offered Inner West Council (Council) compensation for acquisition of a parcel of land as opposed to acting on the compulsory acquisition process. This report recommends that the General Manager (or delegate) sign a Deed of Compensation & Acquisition and Construction Lease once lease terms are finalised.

RECOMMENDATION

THAT:

1. Council moves into closed session to deal with this matter as the information contained in **CONFIDENTIAL ATTACHMENTS 1 and 2** of this report are classified as confidential under the provisions of Section 10A (2) d (i) and (ii) of the Local Government Act 1993 for the following reasons:
 - a. d (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it;
 - b. d (ii) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council;

And in accordance with Sections 10A (4) of the Local Government Act 1993, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed.

BACKGROUND

In a letter dated 24th August 2018, Transport for NSW (TfNSW) on behalf of Sydney Metro issued a Proposed Acquisition Notice (PAN). This provides Council with ninety (90) days' notice before Gazettal of a Compulsory Acquisition by way of a construction lease of Part Burrows Avenue Sydenham (known as Lot 5 in PPN 1245223), Sydenham (the Property). The purpose of the PAN is for the delivery of the Sydney Metro City & Southwest Project. Council has until 23rd November 2018 to confirm a Deed by Agreement. Refer to Annexure 1.

ATTACHMENTS

1. Sydney Metro PAN Construction Lease Sydenham Part Burrows Lot 5 - *Confidential*
2. Attachment 1 Confidential Council Report - *Confidential*